



Elle Donnelley
NSW Department of Planning and Environment
Submitted online

Wednesday 6th August 2014

Re: Submission against SSD 6464 and SSD 6465

Dear Ms Donnelley

This is a submission against both the Warkworth (SSD 6464) and Mt Thorley (SSD 6465) Continuation Projects.

The NSW Land and Environment Court ruled in April 2013 that expanding the Warkworth coal mine would do the NSW public more harm than good. Judge Preston found that the information used by Rio Tinto and NSW Planning in support of the project was wrong, and he overturned the approval.

When Rio Tinto and the NSW Government appealed that decision to the NSW Supreme Court (Court of Appeal), they lost. Two superior NSW courts have now ruled that Rio's plan to expand the Warkworth coal mine fails on merit.

The Bulga people and their many supporters justly assumed that this would be the end of the project. Instead, Rio Tinto have simply resubmitted their mining application. It has been split in two, and the name updated, but these two projects (SSD 6464 and SSD 6465) are effectively the same project that has been rejected by two NSW courts (MP 09_0202).

That the Planning Department has even accepted Rio Tinto's application is a failure of procedural fairness, and makes a farce of the very process you are now asking us, the public, to participate in. We are being asked to make submissions on a project that has already been through this very same assessment process and failed – only to be resubmitted. We are being asked to submit to a process overseen by a Department that is clearly working closely with the proponent to get the project approved, and which got the decision wrong the first time around. There can be no faith in this process.

The Department must respect the decisions of the NSW Land and Environment Court, and the NSW Supreme Court (Court of Appeal), and reject these applications.

Sincerely

A handwritten signature in black ink, appearing to read 'Steve Phillips', with a large, stylized flourish at the end.

Steve Phillips
Hunter Regional Coordinator
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