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Department of Planning & Environment
23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001

MT THORLEY PROJECT 2014

Application Number SSD 6465

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.

Rio Tinto now resubmit their mining application, split in two, (SSD 6464 and SSD 6465) and are effectively the same project that has been rejected by two NSW courts. I believe that to submit such an application is arrogant, an abuse of process, contempt of the Court system and shows a disdain for the residents of Bulga and the fragile ecology of the Warkworth Sands Woodland.

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 this application.

M Rayner