

Local Aboriginal Land Council  
**DARKINJUNG**

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30 September 2016

The Director  
Mining Project's  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

#### **SUPPLEMENTARY SUBMISSION**

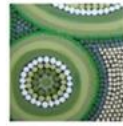
**Wallarah 2 Coal Mine - Amendment to Development Application SSD - 4974 (the amended DA) lodged for the Wyong Areas Coal Joint Venture (WACJV) on 7 July 2016**

I refer to the above proposal, to our earlier submission dated 31 August 2016 in relation to the Amended Development Application (SSD-4974) for the Wallarah 2 Coal Mine **(the amended DA)** and to subsequent discussions with the Department on the same.

As outlined in our earlier submission, the amended DA will have significant adverse impacts on Darkinjung's interests in the immediate locality. Darkinjung maintains the objections set out in its earlier submission and maintains that the amended DA should be refused for the reasons set out in that submission. We note that since the earlier submission Darkinjung still has not received basic documentation such as a copy of Road Closure Application W562973. This and the inadequacy of the other information in the Amended DA has prevented Darkinjung and other members of the public to properly comment on the proposal. The public notification and consultation process has been fundamentally flawed in this regard.

As noted at paras [103]-[114] of our earlier submission, the Director-Generals requirements, and the supplementary Director-General's requirements required consultation with affected land owners, and that did not occur. As a result options which might otherwise been considered and developed prior to lodging the amended DA have not been investigated. The failure of Wallarah 2 to effectively consult with Darkinjung has prevented the opportunity to explore all options - not only to the benefit of both parties, but also the broader community. Specifically the amended proposal;

- Has not given any consideration for potential impacts upon major residential rezoning proposals, lodged with Wyong Shire Council in 2014, to which a Gateway Determination was issued by the Department in May 2016;
- Will, as a result of the closure of the Nikko Road reserve, deny access to other Darkinjung land interests in the immediate area;
- Has not considered the potential future strategic need of the Nikko Road corridor, to link a growing Wyee to the growing Warnervale area.



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Since our letter of 31 of August, we have exchanged a number of communications with Wallarah 2, in an effort to find acceptable solutions to all parties. A further alternative scenario has been presented to Wallarah 2, which they have indicated a willingness to also investigate, but to date, no agreement/solution has been reached. Darkinjung maintains that to expedite a determination without full and proper consideration of not only Darkinjung's interests, but also viable alternatives, is tantamount to failure in the application of Government policy.

Should you wish to further discuss please do not hesitate to call on Ph: (w) 4351 2930, or (m) 0400 890 420.

Sean Gordon

CEO  
Darkinjung Local Aboriginal Land Council