

**Submission
No 163**

**INQUIRY INTO PLANNING PROCESS IN NEWCASTLE
AND THE BROADER HUNTER REGION**

Name: Mrs Leslie Krey

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Leslie Krey

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The Director
Select Committee on the Planning Process in Newcastle and the Broader Hunter
Region
Parliament House
Macquarie St
Sydney NSW 2000

Re NSW Senate Inquiry into the planning process in Newcastle and the broader Hunter region

Dear Sir,

My name is Leslie Krey and I am a resident of Bulga.

As a member of this small but vibrant community we have spent the last four years fighting the might of Rio Tinto and the NSW Government. This is both time consuming and stressful. It seems that our life has been put on hold and the outcome, if this mine was allowed to further encroach on us, would be devastating.

I very naively though that the government and in particular the Department of Planning and Environment (DPE) were there to be both fair and independent and to put the rights of the community above the lobbying from a foreign owned company. We do not have the money and the consultants to ensure a fair and reasonable outcome so we look to you for your help.

I have attended meetings, court hearings etc for the last four years and in my opinion the collusion between the mines and the DPE is so blatant and arrogant. Rio Tinto did not have a Plan B when we won the case against them in the NSW Land and Environment Court. It sent shock waves through the Minerals Council so they looked to their "buddies" in the Department of Planning for help. Governments come and go but the department staff who advise the politicians stay on forever and they have formed, in my opinion, very close relationships with the Minerals Council and the mining companies and bend over backwards to help them.

The NSW State Government and the mighty resources of Rio Tinto are pushing this Warkworth expansion as hard as they can. Rio Tinto wants to get out of the Coal Industry in the Hunter Valley but without the approval of this additional area to mine who will buy a large quarry with no commercial value? Rio Tinto and the Government have a big vested interest in getting this application approved

Underground mining does not suit Rio's NSW coal mining strategies so Rio should drop the drive for this open cut expansion of the Warkworth mine and abide by the Land and Environment Court and the Supreme Court. The community message to Rio is abandon your plans to destroy the Village of Bulga, and go back to mining iron ore in the desert. Out there, you will not need a community relations team and your share value may continue to rise having got rid of a loss producing unpopular hole in the ground.

But what about all the work put in by the Department of Planning and Environment ICMAC (acronym for the Department of Planning's secret "Internal Coal Mine Approvals Committee") into helping Rio Tinto get the Amendment 6 application processed in rapid time? The "Interdepartmental Working Groups for Mount Thorley and Warkworth expansions" (ICMAC) was confirmed by the Director, Planning and Approvals Chris Wilson. Wilson said when questioned in Parliament: *"I am advised that the Department convened two working groups for the Warkworth Continuation Project. These working groups included the Environment Protection Authority and the Office of Environment and Heritage and included representatives from the Department of Planning and Environment, Rio Tinto, Cumberland Ecology and Minter Ellison Solicitors who were acting for Rio Tinto"*. Curious that Rio Tinto's Lawyers attended the ICMAC meetings.

This appears to be like an Arbitrator (DPE) who, to make sure the decision of the Arbitrator (DPE) will suit his favourite party (Rio Tinto) the Arbitrator forms a committee of one of the parties in the Arbitration (ICMAC), agrees how to overcome the other parties in the dispute, being the Land and Environment Court, the Supreme Court and the Community. (LECSCC); agrees how the evidence is to be produced, gives guidance on how to overcome the LECSCC arguments then waits for the documents for the arbitration to be presented. Of course the Arbitrator (DPE) knows what is going to be presented by ICMAC, so to save time the Arbitrator prepares his recommendation even before the case is presented. So when the final arbitration is considered by another Arbitrator, the Planning Assessment Commission (PAC), all questions from the PAC to the Authorities (ICMAC) to clarify the points made by LECSCC, then the answers are already agreed by ICMAC so each department being DPE, EPA, Office of Environment and Heritage all answer as agreed in the ICMAC meetings. All of this makes for a smooth assessment process and a guaranteed outcome and that is a recommendation for the project to be approved.

This ICMAC group would be the reason for the speed the previous Warkworth Amendment 6 application was recommended for approval. For this application, the public exhibition period closed on Friday night; by Monday morning Rio Tinto and its consultants had prepared a major response to the 1100 submissions received; by Tuesday night the DPE finalised its 35 page draft conditions and 29 page report recommending approval and by Wednesday morning the DPE, ably assisted we presume by the ICMAC issued their recommendation for approval and appointed the PAC. Breathtaking speed; It took just 4 working days for the assessment of 1100 submissions through to final reports. You could be forgiven for thinking it had all been approved and reports prepared in advance of the closing date thanks to the ICMAC.

We all applaud efficiency in the public service but this goes beyond transparent processes. Not surprisingly the outcry from the community was met by silence and still is. Hopefully the new Minister and DPE Secretary will add that one to their list of matters to investigate in the big job of cleaning up the Dept. of Planning & Environment.

The communities (and we hope the authorities) will pay close attention to the speed and the processes behind the resubmitted Warkworth expansion application and seek to peer in behind the wall at DPE which prevents open and transparent processes.

So far it is not looking good for DPE. The Secretary's Requirements were issued to Rio Tinto on the 17 June; two weeks later, Rio Tinto and its consultants had carried out the full EIS in response to the Secretary's requirements and the printers were printing off the massive volumes of the technical data. A further two weeks and the EIS was made available for public exhibition. More breathtaking speed by the consultants who, in two weeks researched and produced 4000 pages of highly technical reports and data in response to the DPE Secretary's Requirements. Sounds like the ICMAC has been working hard.

With the public response period over, the communities around the Hunter Valley will now witness the rapid assessment and response from Rio Tinto's consultant team to the 1900 submissions and the equally astounding speed from the DPE ICMAC to issue its recommendation.

Our watchdog authorities should be paying close attention to the processes surrounding the Government consideration of the Mount Thorley Warkworth applications. We will see.

Please consider my submission and I am willing to appear before the Select Committee if you require.

Yours sincerely

Leslie Krey.