

Bulga Milbrodale Progress Association

Statement

After six and a half years and two successes in the courts the BMPA has discontinued its legal proceedings that were challenging the November 2015 decision by the Planning Assessment Commission to approve Rio Tinto's Warkworth mine expansion.

Our legal team EDO NSW has advised us that after inspecting all of the documents in the government offices provided as part of the proceedings our grounds of challenge to protect the uncertain future of the Warkworth Sands Woodlands would not be able to succeed in the court. EDO NSW advises that in their view the Planning Assessment Commission, following the advice of the NSW Department of Planning, did all that they were required to do under the law to protect the critically endangered Warkworth Sands Woodland, notwithstanding the strong evidence that this mine will push it to extinction.

The collusion between the Department of Planning, the Office of Environment and Heritage, the Planning Assessment Commission and Rio Tinto, and the inadequacy of the law in the face of such collusion, resulting in the destruction of the Warkworth Sands Woodland, the destruction of other endangered ecological communities, and the probable demise of the village of Bulga, shows a complete disregard for the environment, the health and amenity of the residents surrounding the mine.

It is a travesty of justice that today we have received advice that the Warkworth Sands Woodland is now listed as critically endangered and yet the State Government has ordered its destruction.

The BMPA will now consider the options available to it including direct peaceful action.

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