



# THE BULGA BUGLE

## The Bulga Community will appeal the PAC decision which approved the Warkworth Open Cut Mine

.After six years battling to save the township of Bulga and the unique endangered ecology that surrounds it, the residents of Bulga and Milbrodale through their local progress association have decided to chal-

lenge the recent PAC decision which approved the expansion of the Warkworth Open Cut Mine.

We believe the PAC in arriving at its decision to approve the Warkworth Continuation Project has fallen into

legal error. The laws that are designed to protect the environment have not been properly applied or have been misinterpreted by the PAC and so we are applying to the Courts to correctly apply the law and overturn this PAC decision on Warkworth.

## The Summons has been lodged

Last Friday 26 March, the Environmental Defenders Office NSW has, on our behalf, lodged a Summons in

the Land and Environment Court requesting the Court to declare the PAC decision of

26 November 2015 invalid.

## The basis of our appeal. First Ground

Broadly speaking, the group alleges that the PAC's approval is invalid on a number of bases.

Firstly, the group says that the PAC failed to consider what would happen if Warkworth Sands Woodlands actually became extinct as a result of the expansion.

The Group argues that the PAC did not fulfil its duty to consider the environmental impacts of the Project because of this.

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**Special points of interest:**

## Second Ground

.Secondly, the Group says that the Chief Executive of the Office of Environment and Heritage and the PAC misconstrued and failed to apply the NSW Biodiversity Offsets Policy for Major Projects. This project was the first project to be as-

essed in accordance with the NSW Biodiversity Offsets Policy, and we do not think that this was done correctly. Despite this both the PAC, in granting the approval, and the Chief Executive of the OEH, in certifying the Pro-

ject's proposed offsets package was adequate, relied on the Offsets Policy very heavily. We say this gave rise to a legal error.

## Third Ground

Thirdly, the Group says that the way in which the Chief Executive of the OEH granted certification under clause 14(3) of the State Environmental Planning Policy (Mining, Petro-

leum Production and Extractive Industry) 2007 was tainted by "apprehended bias" – that is, that a reasonable, fair minded observer would conclude that Chief Exec-

utive did not approach the job of certifying the project with an impartial mind.

## The Community must act to save the Village and the environment

The Bulga community must act to ensure that the Warkworth Mine and the Minister are held accountable to the laws that protect the environment.

We are particularly concerned about the way in which the Department and decision makers are applying current policies intended to protect the envi-

ronment and communities from open cut mining.

The community cannot allow to go unchallenged a decision which was not made in accordance with the law, and will destroy their village and destroy a world unique ecological community.

**The Bulga Milbrodale Progress Association will keep you informed on the progress of this action.**