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**DARKINJUNG OPPOSES MINING ‘LAND GRAB’ AT PLANNING ASSESSMENT COMMISSION PUBLIC HEARINGS IN WYONG**

Darkinjung Local Aboriginal Land Council (DLALC) strongly opposed the Wallarah 2 coalmine proposal at public hearings of the Planning Assessment Commission (PAC), held in Wyong today.

In formal submissions, Darkinjung has urged the PAC that it should either defer consideration of the mine proposal, pending resolution of a legal dispute, or alternatively recommend to the Department of Planning and Infrastructure that consent be refused.

The Darkinjung chair, Mr. Josh Toomey, said today that the PAC had been told that both the Wallarah 2 Coal Venture group and the planning department had ‘failed to address in any material way’ the impacts of the mine plan on Darkinjung’s privately-owned land.

Mr. Toomey said that in the circumstances, any consent for the mine and subsequent effective compulsory acquisition of Darkinjung’s land would ‘offend the principles set out in the NSW Aboriginal Land Rights Act and in international human rights law.’

Last week Darkinjung filed proceedings in the Land and Environment Court of NSW challenging the validity of a development application for Wallarah 2, which plans to use an industrial-zoned site owned by the land council for its rail spur to allow coal transport for export.

This case has been listed for an initial directions hearing tomorrow (Thursday).

Darkinjung CEO Sean Gordon was one of 37 people registered to speak at the daylong PAC hearings, and the land council also lodged a written submission (see attachment) that lays out reasons for its strong opposition to development consent for Wallarah 2.

Outside of the PAC, Mr. Gordon today likened the Korean Government-controlled mining consortium’s development application to a ‘land grab’ that ignored the rights of Aboriginal landholders under NSW planning laws.



'Darkinjung has been vilified repeatedly by Wallarah 2 spokespeople who are accusing us of "extortion", "blackmail" and of making a "cash grab", simply because we are standing up for our legal rights.

'Well we see this development application as a kind of modern-day land grab that is invalid, and that if approved would effectively amount to the compulsory acquisition of an interest in our land without Aboriginal consent or appropriate agreement on compensation,' said Mr. Gordon.

Commenting further on Darkinjung's submissions to the PAC, Mr. Toomey said that the Environmental Impact Statement (EIS) for Wallarah 2 made no mention of the impact of the proposal on Darkinjung's land 'other than to say that the rail spur would cross the land'.

'The land is of critical importance to Darkinjung and its ability to achieve the objectives of the Aboriginal Lands Rights Act in relation to economic and social development for the 12000+ Aboriginal people who live on the Central Coast.

'Darkinjung is the only private landholder whose surface land will be severely impacted by the proposal. As the proposal cuts through the heart of Darkinjung's land, it will severely impact on the use of the land for employment generating alternative purposes, including the CASAR proposal for a motor racing circuit.

'The EIS makes no mention of consultations with Darkinjung in its capacity as the key private landholder affected by the proposal, contrary to the Director General of Planning's requirements. The department's assessment of the proposal completely fails to address the impact of the proposal on Darkinjung's land.'

The Terms of Reference for the PAC require it to conduct the public hearing and report back to the Department of Planning and Infrastructure with its recommendations within six weeks.

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