RESPONSE TO ABC UPPER HUNTER RE WARKWORTH DEED OF AGREEMENT

Tuesday, 10 December 2013

The amendment will ensure that the terms of the Warkworth deed and any future planning approval are aligned.

Planning approval will be required if the company seeks to mine in areas where this was not permitted under the 2004 deed.

The amendment to the deed has not been activated - to be activated, it requires valid planning approval.

The planning approval process is conducted publicly and transparently by the department and the Planning Assessment Commission.

To date, Rio Tinto has complied with the terms of the 2004 deed.

The company has not asked Singleton Council to rezone the Non Disturbance Area (NDA) for conservation and there was no timeframe in the Deed for that approach to be made.

This action was delayed with the agreement of the department in 2009 while the merits of the mine’s expansion application was being assessed - as this expansion sought to mine in parts of the NDA and replace the existing offsets with alternative offsets.

There is no legal requirement for public or stakeholder consultation on the amendment to the Deed. Nor was the original deed subject to public consultation.