

Department of Planning & Infrastructure
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Mr. Jason Kolatchew
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Dear Sir / Madam

RE: WARKWORTH CONTINUATION PROJECT 2014 / Application Number SSD 6464

The application numbered SSD 6464 proposes to mine an area that has previously been denied by two courts; the Land and Environment Court and the Supreme Court. The mining company, Rio Tinto declares that the previous application and this application are different. The following submission outlines the key areas where the applications are the same and that reapplying for the Warkworth Continuation Project is an abuse of process and illustrates contempt of this country's justice system.

Firstly, the previously mentioned court cases were as follows: the NSW Land and Environment Court examined the proposal to mine the area in the application in very great detail and rejected it as without merit; subsequently, the Government of NSW lodged an appeal with the NSW Supreme Court claiming a lack of fairness and a number of other procedural errors. In a unanimous decision, the three most senior judges in the Supreme Court found against them and dismissed the appeal.

After the dismissal, the Warkworth continuation project SSD64 64 was applied for and an Environmental Impact Statement (EIS) submitted in support of the application. It is 14 volumes. This is written in response to a document called "the Secretary's Requirements" (previously known as DGR requirements). This document, issued by the NSW Dept. of Planning, was published on 22 May 2014. The 14 volumes of the EIS, purporting to answer the Secretary's Requirements were published on or before 13 June 2014. Within a 35 day period the EIS was compiled, and said to be as per the Secretary's Requirements. The document does not properly address these requirements.

In the EIS, Rio Tinto has included huge volumes of data and statistics from far and wide in the Hunter Valley as well as some from the proposed development site. Some of the statistics may not be correct and should be questioned. For example, in Table 4.4 in Appendix P, Rio Tinto states that 23.8% of privately owned properties in Bulga are unoccupied that is 37 houses. Of the 156 houses in the Bulga area, the community know of 3 that are unoccupied, two are mine owned, one being fire damaged and uninhabitable for years, the other having been found to contain asbestos. The third house is not occupied full time as it is a deceased estate, however the family do spend weekends there. Another statistic shows the demographic of miners employed at the site. It shows 30 odd percent live in the Singleton Shire and 17 odd percent live in Maitland. This figure must have been taken from a very limited survey of

employees as other statistics show 25% live in Singleton Shire and 32% live in Maitland. The skewing of these statistics would then heavily influence subsequent figures showing the economic impact of the mine closing, etc. There are many other questionable facts found on a close reading of the 14 volumes. Rio Tinto has said that that it would provide employment for 1300 people (SMH online April 7, 2014) However, in the Executive Summary of the EIS it shows 1187 jobs. There would have to be employment for maintenance and rehabilitation should the application be refused. This disparity of a simple fact could be construed as misleading and an injustice to the application process. Again, MTW does not employ 1300 workers, as indicated by parts of the EIS and statements by Managing Director Rio Tinto Coal Australia. At various stages in the EIS it talks of 1300 employees, a table 5.1 in Appendix P shows a total of 1300, but in the Executive Summary is a reference to 1187 employees. Also with the current climate for job losses from the mining sector, how secure will these jobs be should the expansion be approved.

The current mine site of MTW is so far behind in rehabilitation and remedial work, that current employment could stay and fix the mess that is there already.

The loss of these 1300 (or is it 1187) jobs needs to be considered with the fact that 380 residents of Bulga and the other locals living in Warkworth, Long Point, Gouldsvillie, Broke, Fordwich and Milbrodale will have their lives made intolerable by the presence of the mine with the additional dust, noise, blast effects etc. The property values have greatly declined more than 11% (by Valuer General Figures) and will continue to decline, leaving the people of Bulga and surrounds with property that will be worthless and therefore unable to be sold. We have invested a great deal of money and time into ensure our property is a special place to live. In fact, I spent much of my spare time single handedly building my house and landscaping my property.

Interestingly, the Census illustrates that the population of Bulga has grown by almost twice the National average between the 2006 and 2011 Census. This demonstrates that people did consider this a good place to live, and raise a family and this was true in my situation. My wife and I escaped the city life to raise our children in a village. Bulga was an easy choice as my wife and I had been visiting Bulga since we were teenagers, and before purchasing we investigated the fact that the mines were unable to breach a hill north of Wallaby Scrub Road, giving us the protection we needed from the existing mining consents and in part due to a sense of security the 2003 approval, when the Government required Rio Tinto to sign a Deed which was to preserve Saddle Ridge and other areas in perpetuity – but Rio Tinto, in an incredible display of disdain for rules, never executed the requirements of the Deed and subsequently induced Minister Hazzard to amend it so it has no effect. Unfortunately, we made our decision to continue to live here in Bulga because of this Deed.

In the Secretary's Requirements, specific mention is made of the concerns of Bulga residents and certain criteria are to be addressed. In the EIS various vague statements like "local residents perceive that there will be increased noise/dust – but we will put in place measures to address that", this is not perceived, this is real and is able to be seen from our property on a daily basis. This statement is not addressing the social impacts, but making a general

motherhood statement which is not in the terms or spirit of what is required. In fact a “Social Impact Management Plan” is necessary under the terms of the Secretary’s requirements to address the likely impacts – this is totally missing from the EIS. This fact is unusual as our family was interviewed for an independent social impact statement (by EMM) funded by the mining company and that our responses would be included in the EIS for us to see.

EIS says there is no measureable impact on water. The present landform west of Saddle ridge slopes substantially to the west, towards the Wollombi Brook. Rain which falls on this slope would normally find its way, via creeks, seasonal streams and underground aquifers into the Brook. When the area is subject to Open Cut mining, all water will fall into the pit. At the simple equation of 25mm of rain on 1 hectare = 1 megalitre of water, then if the 768 Hectares is mined, at the average annual rainfall of 600mm per annum, the potential is to lose at least 18,432 megalitres of runoff water per annum. A total of over 313,000 megalitres over the projected life of the project. This number does not take account of the consequent loss of flows from unidentified underground aquifers that are in the area that will be impacted by these mines, neither does it take account of interrupted flows from the amended plan for Mount Thorley Mine. It is well known that exposed ground of Open Cut mines and the consequent unfilled pits create and collect polluted water, mainly saline; this will increase if the mine goes ahead and creates a huge new void.

This project cannot be considered in isolation. In this area of the Hunter Valley we have Bulga Underground and Open Cut mine to the South East, Mount Thorley and Warkworth Mine to the East, Hunter Valley Operations to the North East and Wambo mine continuing around from North to North West. All of these mines create noise and dust, which are the major immediate impact on residents. If a dust exceedence is recorded, it is very difficult to identify the culprit mine, leading to a lot of “don’t talk to us – it was them” statements when complaints are made. Similarly, all of these mines make noise and each blames the other for exceedences. Despite fairly sophisticated monitors being available, Warkworth mine, operating as Mount Thorley Warkworth does not have real time monitors in place in proper locations to measure noise and therefore adjust their operation to ensure compliance with limits. They seem to rely on complaints from residents, and then deny an exceedence because their measuring and monitors are in the wrong place.

In the EIS, Executive Summary it is stated that the mine has very few issues of non-compliance with consent conditions – this was obviously written by someone who does not read the call logs of complaints. Whilst we do not have numbers, it is clear from conversations with residents that hundreds of complaints are made each year to the Mine and to Compliance Officers.

Same with dust, if we have a windy day the thousands of hectares of exposed ground from SE to NW produce huge volumes of dust, much of it PM10 fine particulates. The Many millions of litres of diesel burned each year in the mines produce PM2.5 very fine particles. This can be seen as you drive up the valley towards Bulga as a constant brown band of haze.

There are NO safe levels of exposure to PM2.5 and PM 10 particles, someone in the Department of Planning has set an arbitrary number of so much per cubic metre per day – not in accord with NSW Dept. of Health or World Health Organisation guidelines – these are constantly exceeded, leading to a high incidence of respiratory disease, asthma in children and general illness in the community.

Warkworth Sands Woodlands is a unique landform and ecology only occurring in this area, no amount of offsets can replace or replicate it. If mined the Warkworth sands will disappear forever. As demonstrated during the Land & Environment Court hearing, the WS supports a plethora of endangered species of flora and substantial colonies of endangered fauna. Should the woodland be mined it is likely that the remnants of this flora and fauna would struggle to survive in new and different environments.

Again in the Land and Environment Court hearing, much was made of the fact that the mine was offering large volumes of offsets to the mined area, but some of them hundreds of Kilometres away, near Ulan and Putty. Mr. Justice Preston found this very unsatisfactory as the offsets were not “Like for Like”, that is the forests were different, both ecologically and in species of flora and fauna. In any event it was noted that these offsets already existed, so did nothing additional to improve ecological quality or diversity per se., but , the judge noted, like for like offsets should be just that, and close by so that, the local ecology could be somewhat maintained.

In the Warkworth Sands Woodlands and on Saddle Ridge are globally significant aboriginal heritage sites, grinding grooves, middens, Burial and Bora Grounds. These must be preserved to protect and preserve our indigenous heritage. No coal sold overseas is worth the destruction of these important sites. This is not a specious claim, these sites have been identified for many years and many of the Wonnarua people who live locally recognize and respect them.

In the 1820s and beyond, when Bulga was first found by our white ancestors, the Surveyor , General, Sir Thomas Mitchell, surveyed roads through the area, including what is now known as Wallaby Scrub Road. This road, running between the Putty Road and Bulga and the Golden Highway at Warkworth. This is a continuation of the Great North Road which began at Wisemans Ferry and allowed access to the Upper Hunter Valley. Now this road is still an important route, paralleling the wartime Wallaby Scrub Airstrip and cutting the corner between Mount Thorley and Warkworth and beyond. The Bulga Rural Fire brigade has responsibility for the area to the north, extending to a few Kilometres short of Jerrys Plains. If the Wallaby Scrub Road is closed, emergency vehicles will take a minimum of 8 minutes extra to travel the highways to these areas. In addition they will have to traverse considerable extra traffic which can lead to delays and its own emergency issues. In the last few years the area from Warkworth to Jerry Plains has been the site of a number of major vehicle crashes and fires, even an 8 minute delay in responding can mean that the situation becomes more critical. Bulga Rural Fire Service has members trained as “Community First Responders” that is they have had specialist trauma training and can render much more than emergency first aid to trauma victims and in cases of medical emergency.

While the mine has offered a fire trail within their western boundary this will only allow access to the mine site and not be a reasonable emergency vehicle route.

The visual impacts of an Open Cut mine consist of large piles of exposed rock, crushed by blasting and excavation, huge lights at night to facilitate night operations, dust clouds following blasting and on windy days and the general 'moonscape' presented by a huge earthmoving operation. In its 2003 EIS Mount Thorley Warkworth Mine conceded that Saddle Ridge was an important visual barrier between residents to the west, including Bulga and Warkworth, now they say it is of no consequence and removing Saddle ridge will have minimal visual impact.

As a resident of Bulga, my dwelling is located higher than the creek bank, from my property you can see the daily workings, lights, dust, truck movements already; where we once looked out on farmland and beyond to the Barrington Tops; the expansion will mean we are looking directly into the mine and will be grossly affected by the continuing workings. The mine proposes to plant screen trees – which would become effective as a visual barrier just about the time the mine finishes in 2031, however our property will be higher than any screen trees anyway. Saddle ridge should remain as a noise and visual protection for the village and surrounds.

The Land and Environment court found that there were no economic merits with the proposal in 2012 and since then the price of coal has fallen.

The social impact on residents of Bulga and surrounding districts is immense, as found by Professor Albrecht in his evidence to the Land & Environment Court. As a resident I feel a constant loss of sense of place and see that this project will substantially reduce my and my family's quality of life, my property value, my ability to have our expected quiet enjoyment at home and the relaxed rural lifestyle that seemed guaranteed by the 2003 Deed. In fact I feel cheated by the Mine and the Government, I feel marginalized as a small community fighting a multinational mining giant and I feel a distinct lack of trust in the planning process, as well as the government and the company.

This lack of trust is exacerbated by the NSW Governments recent amendment to the Mining SEPP that makes economics the key consideration in assessing such projects, the same Government changing the rules relating to offsets and the Government's failure to enforce consent conditions on the existing mine. I have no faith that noise dust and blasting limits will not be exceeded as the mine demonstrates today it cannot (or will not) keep within imposed limits. If it is too noisy and too dusty when it is 7kms away, how could one expect it to be less noisy and less dusty at 2.6km distance?

As a non-expert in this area, all I can do is look at this recent EIS and see much of the same as the last EIS and wonder how the rulings of our respected Judges in our Courts of Law don't seem to apply to multinational companies.

Regards

Jason Kolatchew