

Objection to the Warkworth and Mount Thorley Continuation Project 2014

By John Lamb – Bulga – 4 August 2014

I am very annoyed to have to make this objection to another project as the application for Warkworth Mine is for exactly the same footprint as their 2010 application which was comprehensively examined in the NSW Land and Environment Court, and found to be “WITHOUT MERIT”. This verdict then appealed in the NSW Supreme Court and the appeal dismissed.

Meaning that two courts have forensically examined the proposal, and the reasons for its rejection, and have agreed that it is not in the public interest on a number of grounds, environmental impact, social impact with noise, dust etc, the impact on the village of Bulga and surrounds and it did not stack up economically.

In submitting this application, Rio Tinto Coal Australia has LIED in saying this is a different project!

Whilst there are additional matters applied for, specifically on the Mount Thorley site, the Warkworth application is so similar as to be regarded as the same as previously.

My contention is that the application should be rejected, for the following reasons:-

1. SOCIAL IMPACT.

The Secretary's Requirements are quite clear in requiring the Mine to make a full assessment of the social impact of the project, particularly on the village of Bulga.

In Appendix P to the Warkworth Project, it purports to look at the social impact, and I have to say that the result is almost laughable – what is published is not a Social Impact Statement by any measure. If the Project were to stand on meeting the Secretary's Requirements, it would fail on any test in this document.

First, the Statement does not show any rigorous methodology in its construction, it quotes statistics from a wide area, including Scone, Muswellbrook Maitland and Cessnock, but shows very little on the local area. Say in Table 5.4 on page 82 there is a statement that residents perceive that there will be unacceptable noise levels if the project were to proceed, followed by a Motherhood statement that the mine will put in place 'real time monitoring' and 'best practice' to ensure the impacts are not great.

Well – let's look at their record to date – in 2010 they said the same thing – a table in the EIS shows the number of complaints by month in 2013 and the total number for that year was over 600 – mostly about noise. They say that we are being subjective when we complain – I can assure you that we are sick of complaining, we get little result and some local folk just say – why bother – it achieves nothing.

In any event, the mine may be able to attenuate the exhaust stacks of haul trucks, but they cannot attenuate tyre noise, mechanical rumble, dozer track clanks, rocks dropping into trucks from height etc.,

These are the noises that wake us now, and then the low frequency roar keeps us awake!!

Were the mine required to measure their noise in accord with the NSW Industrial Noise Policy, which is a condition of their current Consent, then they would have compliance breaches on a continuous basis!

Also in their current conditions of consent it stipulates, "Noise at any residence" but their Community Officers will not come to a residence to measure reported exceedences, just use previously chosen places designed to give a low reading, and then take their measurement there.

In the EIS the mine shows noise modeling for the area as being all fine – however these computer models are only as good as the data entered. Unfortunately the data entered is not truthful in a number of ways.

First, it takes account only of the Project Specific Noise Levels (PSNL) forecast by the consultants – it takes no account of reality, neither does it take account of the cumulative noise generated by the four major mines surrounding our district. Bulga Coal, both underground and Open Cut generate noise, Mount Thorley generates noise, Warkworth generates noise, Hunter Valley Operations generates noise, and Wambo Mine generates noise. If noise levels are ever found to be excessive, each blames the other, however no account is ever taken of the cumulative effects of this noise.

Second, consultants for the mines tell us that only direct noise affects us – but this is patently not true, living as we do with a mountain behind us we suffer severe reflected noise as well. Because the mountain is comprised of a wooded rise, followed by a rocky escarpment and then another wooded rise, the 'experts' say the bush absorbs the noise. That is as may be, but the rocky escarpment provided a perfect noise reflector, ensuring that low generated noise in the pits is reflected back to our homes. We hear the delay, notwithstanding the 'experts' opinions

Then we have the stupid anomaly that Mount Thorley Mine is allowed to make double the noise of the Warkworth Mine, even though they are run by one management and as one enterprise. The respective limits are Warkworth 35db and Mount Thorley 38db, just double the noise pressure.

If one complains about an exceedence then the louder mine is always the source!!!

Background noise levels in the Bulga area, as shown in the EIS produced for the Bulga Optimisation Project are 29db, Mr. Justice Preston was happy to accept from data supplied that other areas of Bulga were 30db. To allow 38db in a rural area is against the NSW INP and is an affront to those who believed that had a peaceful rural lifestyle.

The same comments apply to dust, and blasting, never does the mine take any responsibility for exceedences now, so why should we have any confidence that they will in the future?

When considering the social impacts, one also has to consider the loss of value of our properties. Yes, property values generally over the Hunter Valley have declined because of the mining downturn.

However it cannot be denied that properties likely to be effected by this mine have almost NO value. Valuer General Valuations issued recently show an average 11.5% downturn in value, but the truth is that properties here are almost impossible to sell at any price, much less a reasonable value. Speaking to an Estate Agent, I was told that there is no interest in buying in the Bulga/Milbrodale District as most buyers are aware of the likely catastrophic consequences on the district should the project be approved.

This then leads to a general feeling of being cheated by Rio Tinto as previously we were protected by the Deed and residents and buyers could feel comfortable that they would not suffer any greater effects than those allowed in the 2003 approval. The failure of the Dept of Planning to ensure that the requirements of the Deed were met by having the land protected "in Perpetuity" and the failure of Rio to actually execute the Deed, have led to this feeling. Some of this is manifested by the feelings of Solastalgia described by Professor Glen Albrecht in the Land and Environment Court hearings, and others feel a sense of depression, loss of control and enmity to the mine. In effect because the Deed was never properly executed, most residents believe that Rio can never be trusted again.

This feeling of mistrust extends also to those responsible for compliance in the Department of Planning, as they must have been complicit in the non execution!

If one looks at the now almost derelict communities of Camberwell, Ravenworth, Warkworth, Hebden, etc., one can see that same happening to us, degraded land, enclosing a few run down houses, where once we had a wonderful community and beautiful homes. My own house, built in around 1905, is in good condition, standing in beautiful gardens and has provided a loving home for families for more than 100 years. I would hate to see the state it would be in should it eventually be taken over by the Mine/or mines, or worse, if we have to move away for health or other reasons, if it has to remain vacant because no tenant would want to suffer the same noise, dust, blast effects.

To restate, properties in this district have no value because of the abrogation of the Deed and the threat of mines.

In one of the myriad tables in Appendix P, the Mine states that 23.8% of privately owned properties in Bulga are unoccupied. This is a blatant LIE. Of the 156 homes in the district, ONE only that is privately owned is vacant as a Deceased Estate, two other houses that are mine owned are vacant, one is fire damaged and has been vacant for years and the other has been found to contain Asbestos and the mine has chosen to leave it vacant.. Even 3 out of 156 are not 23.8%!!

With this error, or lie, one then looks askance at some of the other statistics – the Residential status of mine employees is a distinctly suspect figure. We understand that about 25% live in the Singleton LGA, not the 32% quoted that about 30 something % live in the Maitland LGA, not the 17% quoted – and so on. It almost seems that someone was writing the report on a weekend and just made numbers up to fill the expected tables!

Winston Churchill once said, “If you have nothing to say to advance your argument – then say lots” and this is the case with these 18 volumes.

If Rio were to truthfully address the key issues effecting the residents of Bulga, as required by the Secretary, it could be done in many fewer pages, with much less ‘flim flam’ and much more objectivity.

In closing on social issues, I would have to remark that the Community of Bulga is standing almost as one against this project. That in itself is an interesting social phenomenon, almost without pause the community was mobilized as soon as the EIS was available on the net, meetings have been held, reports written, consultations held and help given, all in the cause of protecting our Community and the Warkworth Sands Woodland from extinction in the chasing of a short term profit.

In closing then I reiterate, this project has NO MERIT, as found by two of the most senior Courts in NSW, it must be refused

2. ECOLOGY.

In the NSW Land and Environment Court, Mr. Justice Preston clearly found that the proposal by the mine to go through the Warkworth Sands Woodlands (WSW) to be unsustainable. with the associated destruction of endangered flora and fauna communities. Nothing has changed, and the Mine still proposes to destroy the vast bulk of this unique area.

Were the WSW able to be duplicated in any other area, it may be OK to mine, but they occur only here, cannot be replicated anywhere else and the flora and fauna supported will be permanently destroyed, then the project must be refused.

3. ECONOMICS.

With the current price of coal, the strip ratio required to access the deposits by open cast methods and the current cost of labour, the project is unviable. In the 2010 application it was found by Mr. Justice Preston that the economics submitted by the mine were faulty, to say the least. Almost no economic justification is included this time, but- on top of any costs shown, the opportunity cost of the land must be taken into account.

Previously the farm land enclosed in the projected footprint was very viable sheep and dairy country, latterly used by the Warkworth {Pastoral Company to raise prime beef cattle. In the EIS the mine dismisses the land ad degraded pastoral – It is only so because they have owned it for many years and allowed it to degrade. Were it returned to its previous productivity this land would produce food for time immemorial.

Once mined it is either a void, containing polluted water, or very degraded 'rehabilitation' with minimal topsoil cover, totally destroyed geology and will not support even marginal grazing for hundreds, if not thousands of years.

With Global Warming, the Global Financial Crisis and population growth, it is more important for Australia to have an ongoing viable food production industry than to have a one off cash injection from mined coal – then nothing.

On these grounds alone, the project must be refused.

4. WATER.

The water modeling in the EIS shows that there will be little or no effect on water by the Warkworth proposal – This is one of the greatest lies in the whole document!!

The area proposed for the pit west of Wallaby Scrub Road is 768 Ha. This land slopes gently to the West and North West, the runoff water going directly or indirectly via seasonal creeks to the Wollombi Brook. The Brook being a key tributary to the lower Hunter River.

I was taught that 25mm of rain on a hectare of soil produced the equivalent of 1 megalitre of water. Allowing for some rain to be absorbed in the soil and not flow off, allowing for some to be evaporated back to the atmosphere, let just say that up to 50% might flow to refresh the Brook. At our annual rainfall of 600mm, therefore 300mm could run off, or 9216 megalitres per annum. For the uninitiated, 1 megalitre is approximately 1 Olympic Swimming Pool of water.

Over the life of the mine this would equate to more than 160,000 megalitres of valuable water lost forever to the community – all in the chase for profit by a Multinational Mining Company

In addition this does not take account of the water lost that may flow via underground aquifers and springs. These resources would be destroyed by the mining process!

The loss of this water to the system would considerably effect the capacity of the Hunter to supply environmental flows to the system and provide Irrigation water for farmers and graziers downstream.

This is a conservative loss to the Brook/Hunter system; in a wet year run off could be up to 75% of annual rainfall.

Any deletion of water resources must be a good reason to refuse this project, particularly as the final landform in the area will be a void, which will fill with polluted water over time, should it ever overflow it would put super chlorinated water into the Hunter system, and introduce noxious chemicals such as Boron into stock, domestic and irrigation systems all the way to Newcastle.

CONCLUSION.

In a very few words I have tried to give you some of the reasons why this project must be refused.

Unlike the Mine which has produced 18 Volumes of information, much of it irrelevant to the mine and the district, in their attempt to justify the project(s). There is no justification, as found by the Land and Environment Court and reiterated by the three most senior judges of the Supreme Court.

If the Department of Planning recommends that the project should go ahead, despite the findings of the Court and the poor justification of the current application, it would show that there is no heed given to real concerns about this project. Should any Departmental Officer even consider recommending the project they should be directed to Mr. Justice Preston's judgment and to the transcript and judgment of the Supreme Court.

On reading these alone they should see sense in not approving the project, apart for the real and obvious community concerns expressed in opposition to the 2010 application and to this one as well.

Please refuse the application.

John Lamb

5 August 2014