

Department of Planning

Re: Mount Thorley/ Warkworth Mine Expansion

Submission:

From D.C.Maizey

E.M.Maizey

263 Wambo Road

Bulga, NSW, 2330

ID No: EIS 19

2010 & 2014

Submission against

Mt Thorley (SSD 6465)

Warkworth (SSD 6464)

## Introduction:

Before even putting pen to paper on this submission we are amazed at even having to take many hours of our time to respond to this application, whilst stated as different it proposes to mine an area that has previously been denied by two courts. We believe that to submit such an application is arrogant in the extreme, an abuse of process, contempt of the court system and shows a disdain for the residents of Bulga and the fragile ecology of the Warkworth Sands Woodland. It is breathtaking in its indication of the self-importance that Rio Tinto feels for itself and the arrogance this company exhibits in re-submitting this application. In both court decisions the time taken to reach their verdicts was exhaustive to say the least with the NSW Land and Environmental Court examining the proposal to mine this area in great detail and rejected it as without merit. In its examination the court allowed very great leniency to Rio Tinto in daily delivering more and more evidence in support of its application even though all matters to be raised should have been submitted to all parties in the "discovery" period before the case. Subsequently both Rio Tinto (after crying "foul") and the NSW Government lodged an appeal with the NSW Supreme Court claiming a lack of fairness and a number of other procedural errors but again after an exhaustive amount of time the three most senior judges in the supreme court in an unanimous decision found against them and dismissed the appeal. Also the E.I.S submitted in support of

the application is a massive 14 volumes which is written in response to a document called "The Secretary Requirements" was (DGR Requirements); this document issued by the NSW Department of Planning was published on the 22<sup>nd</sup> May 2014. The 14 volumes of the E.I.S, purporting to answer the "Secretary Requirements" were published on or before the 13<sup>th</sup> June 2014 and so beggars belief that such a document could have been prepared in time to properly address these matters, and we believe the fact is that it does not properly address these requirements. This is highlighted by the fact that a "Social Impact Management Plan" is required under the terms of the "Secretary Requirements" but is completely missing from the EIS. We believe it is not unreasonable to assume the EIS corrupt and not worth the paper it is written on because of these points and other questionable assertions in the document.

## Vibration:

Since October 1<sup>st</sup> 2002 with the first of many meetings with my family and nearby residents with Mount Thorley/Warkworth representatives over the violent shaking to the not acceptable shakings little progress has been made. The small progress made would only be to the advantage of MTW having a monitor on my property to prove their blasts are within consent limits and also within earlier years when MTW through expert blasting consultants did try to find the reason for the reaction we receive from some blasts at

minimal readings, but unfortunately I think this might have fallen into the too hard basket or possibly waste of money, we are not exceeding consent conditions basket. As with previous submissions I have stated that MTW have had their representatives and consultants sit in my home not to accept blame but to personally experience my concern. Both MTW and this family I believed were still respecting each other's opinions on the blasting scenario with my complaints limited to what I would call medium range effect and over and MTW apologizing for the effect but assuring that no consent limits were exceeded. This respect I believe was removed by MTW with a phone call to their Environmental Department of a medium range shaking of our home some months ago. As is normally the case in these phone calls we both were surprised at the low reading but to my amazement I was told that he believed what I had conveyed had happened wasn't consistent with the reading and the conversation becoming volatile as I believed he was calling me a "liar" in the nicest way possible. We have now been told by MTW in our opinion the only concern for them is to operate within consent conditions.

Fact: In 12 years all complaints from blasting were from MTW except 2 from Bulga Coal.

Noise:

Noise levels since approximately February 2010 have gone from a minor level to a high level of concern with MTW

treating these concerns and complaints with nothing but contempt to residents. This is highlighted by the example I presented to the PAC at its meeting at Singleton Heights RSL Club where I stated that being disgusted with the high level of noise I telephoned the MTW hotline and lodged my complaint. After some time (possibly 40/50 minutes) a MTW employee telephoned me to inform me my complaint had been addressed. I then asked how it that the noise level had not decreased was; he replied "it will as we are shutting down equipment as we speak". I then asked if it was his vehicle taking noise levels outside my property some three quarters of an hour ago and he replied "yes". Why then did it take so long to address the problem I then asked, his answer was that he had to collect levels from another location before returning to the mine site, to which I then asked how much monitoring and complaints are received before action is taken to which was possibly a non- compliance level.

Despite fairly sophisticated monitors being available MTW does not have real time monitors in place in proper locations to measure noise levels and therefore adjust their operations to ensure their compliance with consent conditions and then when compliance is not achieved say it is with monitor readings from the wrong locations possibly. 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 has not read the call logs of complaints or has spoken to residents as with the

community keeping in touch with what is occurring we know the complaints would be in the hundreds. These complaints to us residents are definitely not trivial and in some circumstances dramatically over the consent limit. In frustration of trying to have my concerns addressed in a serious manner and not just the usual "We are operating within condition limits" "crap", I emailed the MTW Operations Manager asking to have a 24hour/7 day noise monitor erected alongside the vibration monitor already on my property for the last 12 years. This would be cost effective you would expect with the infrastructure already in place and give both parties the same level at the same place all the time so as to improve relationships. "Guess What, NO Monitor". Also some time ago I asked MTW (R.Carter) for the log of noise monitoring outside and inside my property but have received nothing but excuses, such as "he is still waiting on the report" and many others. How long have I been waiting for this report 4 YEARS! With my wife and I discussing the noise section of our submission we both formed the same opinion, that all of these fore mentioned matters are links of a chain, a chain that MTW does not want put together.

### Property Values:

Property values were a major concern back in 2002 but residents were assured by MTW representatives at the Bulga Community Hall information day sessions that a buyout

although not very palatable would always be available as a safety net for residents. They also stated that property values would always be as if mining did not move closer and if approved this would definitely be the last expansion. Both these statements were blatant lies. Still being dubious of MTW's assurances I telephoned NSW Planning for clarification to which a David Kitto verified MTW's commitment and assured me that we should not be worried as there would always be conditions in an approval if granted to protect us.

Then in 2010 with the expansion we were not going to have forced upon us I raised our concerns with Coal and Allied, Mark Nolan at their shopfront in Singleton. At this meeting Mark informed me that there were in fact some properties having acquisition rights, my property did not however and in fact he said never would. He told me that I probably would not be happy about this but this is Coal and Allied's policy and it is not going to change.

We are now in July 2014 with four properties being in the acquisition zone at the end of Wambo Road and a second zone of acquisition being the start of Wambo Road and in fact the township area. With the property next door already purchased by MTW back in 2012 (exceptionally high price paid) to the real estate market know with property value's reduced by over 11% (Value General Figures) and in most cases hard to sell your property demonstrated by the local

market our lives are being made intolerable with it declining even more if this expansion proceeds. This family and I'm sure our neighbours also believe that after some 12 years we have progressed from "being assured you will be protected" to "you are not within our perimeters" by both MTW and NSW Planning.

### Air Quality:

Air quality always will depend on the strength and direction of prevailing winds, the type of mining equipment used and distance from the mining taking place from our properties. Precise monitoring equipment situated at correct locations that enable mine staff to operate this mine with levels that are without harm to our health whether inside or outside our homes or even driving along our roads. I have used the words "without harm" as there are NO safe levels of exposure to PM 2.5 and PM 10 particles but apparently someone in the Department of Planning has set an arbitrary number of so much per cubic metre per day which is not in accord with the NSW Department of Health or World Health Organisation guidelines, and with these levels constantly exceeded we are going to have a high incidence of respiratory diseases, asthma in children and general illness in our community. Until precise monitoring, the lowest possible levels agreed by the "Proper" health authorities and correct mine action plans are in place and have been implemented our health will be at



risk. As none of the fore mentioned are in place the only answer to protect our health is to reject MTW's application.

### Social Impact:

The social impact on residents of Bulga and surrounding areas are immense as found by professor Albrecht in his evidence to the Land and Environment Court. Residents see that this project will substantially reduce their quality of life, their property values and the ability to have their relaxed rural lifestyle that seemed guaranteed by the the 2003 Deed. In fact we feel cheated by MTW and the NSW Government as they have made us feel marginalised as a small community fighting a multinational mining giant with a distinct lack of trust in the planning process.

This lack of trust is multiplied even more with the NSW Governments recent amendment to the mining SEPP that makes economics the key consideration in accessing such projects and the same government changing "offset" rules and the failure to enforce consent conditions on MTW's existing mine. We have absolutely no faith that blasting noise or dust limits will not be exceeded as the mine moves from a 7klm distance to a 2.5klm distance, as they cannot or will not keep within limits imposed now at 7klm. It is unbelievable that the residents attended meetings conducted by MTW's consultant EMM to allow input on this subject for their EIS but as stated in my introduction section it was not in the EIS, WHY?

## Road Closure:

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 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 Jerry's 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's 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 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.

After speaking to many other Wallaby Scrub Road users I believe the condemnation of Rio Tinto closing it is going to be "mammoth" to say the least as I must admit there are a great number of people who are not against the mine expansion but are disgusted with the road closure. The absolute minimum is that if this road is in fact closed, then it MUST be re-routed.

#### Visual Effects:

As I have written in previous submissions concerns of visual impact was highlighted about 12 years ago with Bulga Coals dragline although some 8 kilometres in distance away clearly visible by the naked eye. Thus our concern that as Warkworth Mine progressed closer the buffer zone being predominately MTW owned land with their mine lease boundary only some 600 metres from our front gate it certainly makes any success in acquiring the view we purchased this property for some thirty years previous of 2014 almost nil and now we believe if this expansion proceeds it will certainly will be nil.

It is almost unbelievable that in 2003 an EIS concedes that Saddle Ridge is an important part of both visual and also dust barrier between residents to the west, including Bulga and Warkworth, now in 2014 it will only have minimal visual

impact. How can we have any credibility to these EIS documents when their statements seem to be based on such matters as to whether an area is to be mined or is not needed to be mined for an application to be approved.

I have also stated in previous submissions and addresses to the PAC that the viewing points from the 2003 EIS should have been the main viewing points (others could be added) in any future EIS's until the mine stops expanding to give a correct assessment. In 2008 the photograph from the location alongside my home clearly shows the clear view of mining as stated in the attached dialogue. I have attached the following documents from 2008 that MTW provided to me via David Thornley of property receiver No.19 to this section of my submission to provide evidence to my concerns. Is this just another missing link to the truth that my family and others situated higher than road level are going to have a view of stockpiles of dirt, draglines, etc. more prominent as the years pass. At the last PAC this matter was included in my address telling the commission of seeing trucks driving up haul roads of a night from my verandah. To be quite honest I didn't expect any change and this is exactly what we received. Therefore for any change to this situation this application must be denied.

Conclusion:

Having lived at this address for more than 30 years and having worked solely in the mining industry for the last 40

years have had to take into account the serene rural lifestyle we had when purchasing the property and that same futuristic retirement lifestyle against the economic benefits to the people and companies involved in the expansion of MTW. In previous submissions and addresses to the PAC we never denied approval but begged to have our lifestyle and finances (property value etc.) protected by consent approvals. Without any such protection being granted and our situation deteriorating dramatically since 2012 and our future "cloudy and bleak" we have had to make this decision

“The proposal must "NOT" be approved.

Denis and Elaine Maizey



MOUNT THORLEY WARKWORTH  
OPERATIONS

MOUNT THORLEY WARKWORTH OPERATIONS  
ANNUAL VISUAL ASSESSMENT  
REPORT 2008

ANNUAL VISUAL  
ASSESSMENT 2008

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13 June 2008

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Dennis,

Pls find attached

annual visual assessment

kgd.

David Thornely

21/9/2003 To

Hansen Bailey  
ANNUAL VISUAL ASSESSMENT



Plate 3  
Location 2 -- View from elevated Property on Wambo Road -- 2002  
(source: WAAE EIS)



Plate 4  
Location 2 - View from elevated property on Wambo Road - 2008  
(source: Harrison Bailey)



Plate 5  
Location 3 - View from elevated property on Inlet Road - 2002  
(Source: WAEL EIS)



Plate 8  
Location 3 -- View from elevated property on Inlet Road -- 2002  
(source: Hanson Bailey)



## 22 LOCATION 1 - BULGA VILLAGE

### 2.2.1 Warkworth EIS

For Viewer Location 1, the Warkworth EIS Figure EIS-38 provides a representative north-westerly view-shed towards the mine. Plate 1 shows that the majority of Bulga Village is shielded from views of MTW by a combination of Saddleback Ridge and a secondary spur running parallel to Melaly Scrub Road. Riparian vegetation lining the banks of Wolomibi Brook and vegetation on either side of Melaly Scrub Road provide further shielding from this location throughout the life of the mine.

### 2.2.2 2008 Assessment

Views of MTW from Location 1 are fully screened by vegetation stands and natural topography between Bulga Village and MTW mining areas which is generally consistent with the impact predictions made in the Warkworth EIS. This screening includes Saddleback Ridge and the elevated spur which runs in a north-south direction approximately parallel to the alignment of Melaly Scrub Road. Scattered foreground vegetation established along the Putty Road and well developed stands of trees on the banks of Wolomibi Brook further provide visual shielding for the Bulga Village that preclude views of MTW (see Plate 2).

## 2.3 LOCATION 2 - WAMBO ROAD

### 2.3.1 Warkworth EIS

Figure EIS-39 provides a representative view-shed from an elevated property on Wambo Road. A photograph for Viewer Location 2 displaying the predicted visual impacts of mining operations through the life of Warkworth Mine is also provided in the EIS (Figure EIS-41). The photomontage predicted that a band of overburden would be visible above the pre-mining horizon at Year 5 of the mine and that this emplacement would increase in height through to Year 10.

The EIS assessment concluded that most residences along Wambo Road are screened by riparian vegetation and the raised spur running adjacent to Melaly Scrub Road. Those residences which are set back from the road at higher elevations have a greater potential for views of the mining area (see Plate 3).

## 2.3.2 2008 Assessment

Consistent with the previous visual assessments of 2006 and 2007, the representative photograph and visual assessment for this location was taken north of the site of Figure EIS-41 adjacent to one of the properties at an elevated location on the western side of Wambo Road. This Viewer Location provides a view-shed which presents an example of the characteristic visual impacts experienced from elevated receivers on Wambo Road as a result of the raised overburden emplacements.

The visual character of the landscape currently experienced by visual receivers at elevated residences on Wambo Road with easterly perspectives to Warkworth Mine at the time of this assessment are represented in Plate 4. For these more highly elevated receivers on Wambo Road, vegetation and raised spur lines reduce visual impacts to only the upper reaches of the overburden emplacements. These emplacement areas are apparent from this Viewer Location as a distinct band raised above the pre-mining horizon defined previously by distant vegetation stands. This has created a direct contrast with the rural skyline experienced in the pre-mining landscape.

The additional visual impacts created above the pre-mining horizon by the raised overburden emplacements are becoming more evident as their relative heights are increased as operations at Warkworth Mine progress. These additional visual amenity impacts are, generally consistent with those predicted in the Warkworth EIS for the period of mine development from Year 5 (Figure EIS-41).

It should also be noted that vegetation stands and intervening topography provide significant visual screening of the MTW elevated overburden emplacements for the majority of residences on Wambo Road, which are predominantly located on the level of the roadway.

## 2.4 LOCATION 3 - INLET ROAD

### 2.4.1 Warkworth EIS

The Warkworth EIS provides a photograph from an elevated property on Inlet Road which has a north-easterly view-shed of the mine (Figure EIS-40). This location represents the elevated properties in the area surrounding Inlet Road that may experience views of the mine.

Saddleback Ridge and the small spurs located on either side of Wolomibi Brook preclude views for a number of residences along Inlet Road with a lower elevation. Elevated properties have an increased potential for uninterrupted views of the mine site, which experience distant views over a central low point in the spur to the North Pit (see Plate 5).



### \* 3.0 DISCUSSION

The progression of operations continues to result in a number of visual impacts being experienced by receivers surrounding MTW. These visual impacts vary as a result of topography, screening measures and the viewshed perspectives of respective locations and include views of the site at a range of distances and levels of intrusiveness including exposed overburden emplacements and areas of rehabilitation and active mining operations.

Active mining operations remain visible to receivers to the east of Warkworth Mine in the areas immediately surrounding the CHPP and the South Pit. The visual impacts of these views are greatest at those locations in closest proximity to the mine at elevated properties at Mount Thorley, although locations at Goldsboro and Hambleton Hill also experience middle to long distance views of the site. Views of the active mining areas from these locations however, are generally intermittent and screened by topography and vegetation. Users of Jerrys Plains Road experience westerly views that are dominated by the CHPP and coal stockpile areas.

For those locations providing representative views of the mine from the west and south-west, the receivers in the vicinity of Bulga Village at higher elevations remain those with the greater visual amenity issues. Intervening topography provides significant screening of the operations of Warkworth Mine from western Viewer Locations, but the upper levels of the raised overburden emplacements remain visible in the middle to long distances above the natural vegetated horizon at Locations 2 and 3. Although contrast between the band of overburden and the distant horizon creates an intrusive visual feature at elevated locations to the west of the mine, the impacts are in accordance with those predicted in the EIS and the conceptual mine plan for Year 5. Furthermore, the impacts of these exposed overburden emplacements are consistent with those existing at other operations surrounding MTW that are clearly evident from these locations.

Impacts of the mine from other locations to the south and south-east of the MTW are restricted to roadside views characterised by overburden emplacements. The vegetation communities established to rehabilitate the eastern aspects of the emplacements have continued to develop in the east and south-east of the site in accordance with the conceptual Year 5 and Year 10 Mine Plan in the EIS, further limiting visual impacts and views of exposed overburden areas to the users of the Putty Road along the south and east of Warkworth Mine.

The continued progressive rehabilitation of the southern boundary of Warkworth Mine adjacent to the Putty Road, in accordance with the relevant CMA procedures and the processes described in the Warkworth EIS would further reduce visual amenity impacts to receivers in this area as the mine progresses to the west.

No additional visual management recommendations are suggested at this time.

It is recommended that for the 2009 assessment, a further 3-4 sites should be added which show representative views of Mt Thorley Mine to allow better comparisons for this part of MTW to be undertaken in the future and to meet the requirements of EP 10.1.

for  
HANSEN BAILEY



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