

Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

6 August 2014

Submission of Objection:

Warkworth Continuation Project (SSD 6464) and Mt Thorley Continuation Project (SSD 6465)

Dear Sir/Madam,

The Nature Conservation Council of NSW (**NCC**) is the peak environment organisation for New South Wales, representing 130 member societies across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC objects to the proposed Warkworth Continuation Project (SSD 6464) and associated Mt Thorley Continuation Project (SSD 6465).

The Warkworth Extension Project proposes to mine the same area of land as the previous 2010 Warkworth Extension application. That 2010 application was dismissed by both the Land and Environment Court and Supreme Court of NSW due to significant and unacceptable impacts on biological diversity, including on endangered ecological communities, noise impacts and social impacts.

We are dismayed that the Department has allowed the proponent to lodge a new development application for what is essentially the same proposal. This shows clear contempt for the court decisions, and the residents of the Bulga community.

Although there are some differences in this new application, the broad scale impacts of the proposal remain the same. In our view the stated 'improvements and differences' set out in the Environmental Impact Statement for the proposal do not adequately address the significant environmental and social impacts of the project, including:

- Biodiversity loss
- Loss of important drought refuge for species listed for protection under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- Impacts upon the ecology of the Warkworth Sands Woodland Endangered Ecological Community.
- Increased noise from mine operations.
- Air-quality impacts from coal dust.
- Impacts on ground and surface waters.
- Greenhouse gas emissions.
- Impacts on Aboriginal cultural heritage.
- Cumulative environmental impacts.
- Long-term health and socio-economic impacts for the community (environmental damage, health and greenhouse gas production).

We are also concerned with the information relied on by the proponent to support its application:

- The proposal relies heavily on the Draft NSW Biodiversity Offsets Proposals for Major Projects. This draft document has not been finalised or adopted by Government and therefore should not be given substantial weight.
- The Department must commission an independent analysis of the information provided by the proponent in the Environmental Impact Statement, including the economic analysis, and not rely solely on the data and statistics provided. This is particularly important in light of the fact that the Land and Environment Court previously found Rio Tinto's economic modelling deficient in many ways, including its methodology that over-estimated the benefits of the mine and Minister Goward's announcement that the department would commission "separate expert economic analysis" for all future applications for major mining projects (www.smh.com.au/nsw/mining-assessments-to-be-beefed-up-after-scathing-review-20140616-zs9sd.html#ixzz39Q02vmxX)
- The Secretary's Requirements were issued on 22 May 2014, and a 14 volume Environmental Impact Statement was lodged on 15 June 2014. It is difficult to believe that the full scope of the Secretary's Requirements could have been adequately addressed in that short time frame.

We have previously raised our concerns that the 2013 amendments to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007, which placed the economic significance of the resource as the principle consideration for mining proposals, was a direct response to the 2013 Land and Environment decision on the 2010 Warkworth Extension application. In our view, the Government's policy is not in the public interest.

The proposed expansion of the Warkworth mine will have long-term damage on threatened species, water and human health in the region, and the potential environmental and social impacts have not been adequately addressed by this new application. The Government risks seriously breaching the community's trust in the planning assessment and approval process if it continues to change Government policy to overcome judicial decisions and facilitate the Warkworth mine project despite the courts finding that it will have significant and unacceptable impacts on biological diversity, including on endangered ecological communities, noise impacts and social impacts.

Yours Sincerely,



Kate Smolski
Chief Executive Officer