

NSW Department of Planning & Environment

via Major Project Assessments website EIS submission facility.

CC by email: Premier Mike Baird, Minister Rob Stokes, John Roberston Leader of the Opposition, David Shoebridge MLC.

Submission as an Objection: Warkworth Coal Mine Continuation Project SSD 6464

To Whom It May Concern.

I am resident of the Blue Mountains in NSW. My interests include Community cohesion and bird conservation. I have read the submission lodged yesterday by Hunter Bird Observer Club and wish to add my support to the contents of that excellent & well-informed document.

I am appalled at the behaviour of both Rio Tinto and the NSW State Government in their refusal to hold to the agreement with the residents of Bulga to keep the Saddle Ridge area as a conservation buffer zone between the original mine site and the village itself.

Secondly, I am equally confused as to why a responsible entity of any sort, whether private company or government department, would wish to prostitute the common good of the people for a short-term gain - coal extraction - which will inevitably result in medium to long term detriment not only to the local area but the whole of NSW and the rest of the world.

Specifically in this case:

- The NSW Land and Environment Court examined the proposal to mine this area in very great detail and rejected it as without merit. In its examination the Court allowed very great leniency to Rio Tinto in daily adducing 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 the company and 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.
- The EIS submitted in support of the application is a massive 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 was published on or before 13 June 2014. One would question how such a document could have been prepared in this time, properly addressing the matters in the Secretary's Requirements. In fact, 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 and some local and relevant matters. Some of these statistics are quite demonstrably wrong and would lead one to assume that the writers were being very loose with the truth. One example can be found in Table 4.4 in Appendix P. The Company states that 23.8% of privately owned properties in Bulga are unoccupied. That is 37 houses. Of the 156 houses in the Bulga area, we 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% live in the Singleton Shire and 17% 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 errors found on a close reading of the 14 volumes.
- The Managing Director of Rio Tinto Coal argues that 1,300 jobs are at risk. In the Executive Summary of the EIS it shows 1,187 jobs. Other information puts the figure at somewhat less than that. However, were the mining to cease in 2015 as claimed by the EIS (if current approval continues until 2012) some hundreds of jobs would still exist in care and maintenance and rehabilitation. It could be argued that Mr. Salisbury is trying to pressure the government by continuously repeating the 1,300 figure.
- In any event, one must ask what price a number of mining jobs over the 380 residents of Bulga and the other locals living in Warkworth, Long Point, Gouldsville, Broke, Fordwich and Milbrodale. These folk will have their lives made intolerable by the presence of the mine with the additional dust, noise, blast effects etc. These communities have seen their property values decline and, in some cases are unable to sell at any price.
- The population of Bulga grew by almost twice the National average between the 2006 and 2011 Census. Clearly people did consider the area a good place to live. It clearly was not the case, as is argued, that people are wanting to move to larger towns or cities. Very importantly – the growth was in no small part due to a sense of security felt by locals after the 2003 approval, when the Government required Rio Tinto to sign a Deed guaranteeing they preserve Saddle Ridge and other areas in perpetuity. However, Rio Tinto, in an incredible display of disdain for rules, never executed the requirements of the Deed and subsequently Minister Hazzard amended it, making it ineffectual.
- Many residents made life decisions based on the existence of the Deed, bought homes, built homes, induced families to move to the area or stay, or did not move when they could. Those families now feel particularly cheated. More so when Rio Tinto says they cannot be held responsible for the life decisions of others!
- In the Secretary's Requirements, specific mention is made of the concerns of Bulga residents and certain criteria are to be addressed. There are vague statements in the EIS about measures to address increased noise and dust. However, social impacts are not addressed at all. A Social Impact Management Plan is necessary under the terms of the Secretary's requirements to address the likely impacts.
- Considerable work was done by the consultants to the Mine, EMM, in interviewing local residents and assessing their 'perceived', 'subjective' views – none of this material is included in the EIS.
- The EIS claims there is no measurable impact on water. This is clearly untrue. 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. This would make 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. There is also the issue of the polluted water, mainly saline, which collects in unfilled pits of open cut mines. Clearly this problem will increase should approval be given to this project.

- This project cannot be considered in isolation. In this area of the Hunter Valley there are the Bulga underground and open cut mines 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 dust, which has a major immediate impact on residents. If a dust exceedance is recorded, it is very difficult to identify the culprit mine and no mine will take responsibility.
- The EIS Executive Summary states that the mine has very few issues of non-compliance with consent conditions. This does not equate with the call logs of complaints. Whilst numbers aren't available, residents own experience has allowed them to estimate that hundreds of complaints are made each year to the Mine and to Compliance Officers. These complaints are not trivial and very often noise exceedances are three and more times the consent limit.
- Dust presents other problems. On windy days thousands of hectares of exposed ground from SE to NW produce huge volumes of dust, much of it PM10 fine particulates. The millions of litres of diesel burned each year in the mines produce PM2.5 very fine particles. There are no safe levels of exposure to PM2.5 and PM 10 particles. Even the Dept of Planning's arbitrary limit is constantly exceeded and this limit allows for greater dust pollution than the NSW Dept of Health and the World Health Organisation guidelines. Consequently a high incidence of respiratory disease is reported neighbouring communities.
- Warkworth Sands Woodlands is a unique landform and its ecology is unique to this area. No amount of offsets can replace or replicate it. If mined these Woodlands and their inhabitants 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.
- Offsets - Again in the Land and Environment Court hearing, much was made of the fact that the mine was offering large offsets to the mined area. However, some of them are hundreds of kilometres away, near Ulan and Putty. Justice Preston found this very unsatisfactory as the offsets were not "like for like", ie 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. Further, there is nothing in law that says these offsets will remain. Should a coal reserve be found below these areas there is nothing to prevent them from being mined. This demonstrates that the offset policy is little more than farcical.
- In the Warkworth Sands Woodlands and on Saddle Ridge are significant Aboriginal heritage sites, grinding grooves, middens, burial and bora grounds. These must be preserved to protect and preserve 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 Wonnoruah people who live locally recognise and respect them.
- There are access issues relating to the closure of Wallaby Scrub Road. If this 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. 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 do not have to be spelled out in detail: 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' left 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. Any of the residences in Bulga located higher than the creek bank will be looking directly into the mine and will be 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. Saddle Ridge MUST remain as a noise and visual protection for the village and surrounds.
- Since the Land & Environment Court found the project had no economic merit in 2012, the only thing that has changed is the price of coal which has since reduced. The natural consequence of this is: if the project was not economically sound then, it is even less so now!
- The economic benefit to Australia must also be questioned. Today 82% of mining profits are directed overseas and recently it has been demonstrated that companies have many ways of reducing their profits through international measures. Rio Tinto is a multinational and sends its profits overseas. It also is actively working to reduce its workforce through automation, with driverless trains, driverless trucks, huge investments into automated mining processes and the recent moves to reduce its contractor workforce.
- The social impact on residents of Bulga and surrounding districts is immense, as noted by Professor Albrecht in his evidence to the Land & Environment Court. Residents feel constant solastalgia, loss of sense of place and see that this project will substantially reduce their, quality of life, their property values, their ability to have their expected quiet enjoyment of their homes and the relaxed rural lifestyle that seemed guaranteed by the 2003 Deed.
- This lack of trust is exacerbated by the NSW Government's recent amendment to the Mining SEPP which makes the value of the resource 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. Residents say they have no faith that noise, dust and blasting limits will not be exceeded as the mine currently demonstrates it cannot (or will not) keep within imposed limits. If it is too noisy and too dusty when it is 7 kms away, how could one expect it to be less noisy and less dusty at a 2.6 km distance?

I expect the usual non-committal form letter in response.

Please surprise me and reject this application in total.

Thank you for the opportunity to comment.

(name & contact details provided via web page)