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Warkworth Continuation Project. Project Application number SSD6464.

Dear Sir

My name is Leslie Krey and I am a resident of Bulga.

I would like to strongly oppose any further expansion of Warkworth mine Project Application Number SSD6464.

We, the residents of Bulga are so disgusted that once again have to fight for the survival of our village which is nearly 200 years old. For over 4 years we have had to live with the stress and anxiety of this ongoing clash with the foreign owned Rio Tinto.

To win in the Land and Environment Court only to be hit with an appeal from both Rio Tinto and the government is hard for us to comprehend. I can understand Rio Tinto appealing as they are a business. But the government??? I had the misplaced belief that the Department of Planning and Environment are here to protect the community. This is obviously not the case with Warkworth Mt Thorley.

The Bulga Milbrodale Progress Association made legal history in April this year when the NSW Court of appeal upheld the earlier court court hearing and refused the open cut expansion. They agreed with Chief Judge Preston of the Land and Environment Court that the economic benefits of the mine did not outweigh the dust, noise, social impact and the destruction of endangered rare forests and the Warkworth Sands Woodlands which are unique in the world.

We are now once again spending our time and efforts to write submissions for the new DA submitted by Rio Tinto. Did I say a new development??? Well to us this is not a new DA but indeed the same as the previous application with a few changes which were initiated by our very own government. Encouraged (shall we say) by the very influential Minerals Council who must be spending enormous amounts of money to ensure this application goes through.

The government, in response to our win in the lands and Environment Court have done the following to ensure the success of this NEW application.

- Mr Hartcher produced a SEPP amendment making the resource the most significant matter which takes away the balance of assessing ecology, social impact etc.

- The Deed of Agreement which was in the original DA in 2003 has been set aside by Minister Hazzard. It was this Deed that protected the endangered woodlands and Warkworth Sands Woodlands and Saddle Ridge which protects us from noise and visual impact from the mine. This was done in secret with no consultation from the community and to add to the insult it was done whilst the Appeals Court was in session.
- Offsets. This is particularly disgraceful. Rio Tinto no longer has to replace like for like offsets. That means they can destroy the woodlands and Warkworth Sands Woodlands and replace them miles away from the area with a field of daisies!! Rio Tinto's answer to this is "but we are offering a larger offset area". Come on!!! When is common sense going to prevail?
- The type of legal challenge used in our case - known as objector or merits appeal has been removed by the government and has been replaced by The PAC to hold a public hearing into all mining applications before they are approved. A public hearing heard by the PAC and a merits hearing heard by the land and Environment court cannot be compared. In a public hearing we have only 5 mins to state our objections whereas a hearing based on merits will include expert witnesses whose opinions can be tested and challenged. All parties are afforded procedural fairness.

We are continually trespassed by Rio Tinto. Their dust, noise lights, vibrations are an everyday occurrence. Cam Halfpenny, the previous general manager acknowledged this in the Chamber of Commerce and Industry meeting. He stated *"the mine has been here for 33 years and historically we had 50 or 60 complaints, in 2012 we had a 1000 complaints, 80 percent were about noise"*. I would like to see the statistics for 2013 / 2014 and I would take a guess that these complaints have increased.

He also acknowledged the mine had a backlog of rehabilitation work and that they were working to reduce the deficit. We know this is not correct, rehabilitation does not make money it is a huge problem for Rio Tinto into with its mountains of overburden which produce dust. No amount of water carts can address the huge amounts of dust we are exposed to daily.

I cannot open the windows in our house at night because of the noise. During the day I am reluctant to open the doors and windows because of the dust. We are breathing this dust every day. The blasts shake the house and the compliance officers still state they are in compliance. I shudder to think of the impact if they are allowed to come any closer.

I ask you to recommend that this project application is rejected

Yours sincerely

Leslie Krey.