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Department of Planning & Infrastructure
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**Modifications to the Warkworth Mine Development Consent Application Number
DA 300-9-2002-i MOD 6**

My submission to the DoPI is to strongly object to this application. There has been no prior consultation with the people of Bulga who are the most affected. Rio Tinto have been deceitful with the community when having met with the Warkworth Mine Community Consultative Committee representatives on 14th October 2013 no advice was given on this proposed application, which shows arrogance and a complete disregard for the people of Bulga.

This application is for the mining of land, part of the same land that application 09-0202 which the Land and Environment Court rejected on 15th April 2013. It is clear that the changes to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Resource Significance) 2013 gazetted 8th November one week before this new application, was the result of the Land and Environment court's decision after the miners lobbied the Premier. The State Government is not protecting the people living near coal mines and is favouring the interests of the foreign mining companies.

The amendment to the SEPP states: *In determining whether to grant consent to the proposed development, the **significance of the resource** is to be the consent authority's **principal consideration*** and one of the other points was the payment of royalties to the State. This does not say much for the government's consideration for the human element or Duty of Care to the community when they make decisions and changes that are quite blatantly allowing large overseas companies to destroy the environment and people's lives all for the sake of money.

Noise

Warkworth Mine extension proposal states *under the proposed modification are expected to remain relatively unchanged from existing and can be readily management under existing development consent conditions and noise limits.*

Also showing a table:

Table 6.10 Yearly breakdown of noise measurements at Bulga village for Warkworth Mine

Total number of	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Exceedances	1	0	0	0	0	2	0	1	2	3

Note: 1. Exceedance refers to a measured result greater than the relevant consent limit, but within the 2 dB allowable

The evidence heard by the Land and Environment Court on the previous application stated: *The Court heard evidence that on the evening of 20 August and in the early hours of 21 August 2012 there were noise events that woke them up and kept them awake for significant periods. That evidence was confirmed by monitoring data provided by Warkworth for the period Sunday 19 to Wednesday 22 August 2012 for the Putty Road and Scout Hall Barnowls (Exhibit W4). That data shows for the "selected source" (red), levels at Putty Road rising from 2.00am to a spike just before 8.00am of approximately 55 dB(A) on Monday 20 August, and a similar pattern, starting from higher levels above 30 dB(A) to a peak of just under 55 dB(A) on Tuesday 21 August. The data for the Scout Hall monitor shows a similar rise in levels from 2.00am on Monday 20 August to a peak at just above 40 dB(A) at approximately 7.00am; levels between 35/40 dB(A) between 4.00am-8.00am and a peak of 45 dB(A) at 10.00pm*

The noise levels Rio Tinto are saying in their proposal will be relatively unchanged; the people ask from what, is this from their fudged tables or from what we are experiencing now affecting our sleep and life.

Dust and Air Quality

While the mine has plans for dust mitigation it will be difficult to monitor and enforce compliance and so "no confident conclusion can be reached that the air quality impacts of the project will be acceptable in practice. Quote from Judge Preston, Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited

It is undesirable for governments to inflict a proposal on a community that has a high apprehension of health, injury or other serious environmental dangers. The government has a Duty of Care. This Duty of Care is compounding as each new mine opens or expands as the life of coal mining in the Hunter Valley lengthens.

A study by Macquarie University and CSIRO found that PM2.5 particles in the Hunter Valley are enriched with carbon, sulphur and chromium (Nelson, Morrison, Halliburton, Rowland and Carras, 2007). Robinson (2009) states that PM2.5 particles are not suppressed by spraying with water. Moreover, being so fine, they remain in suspension in the air much longer than larger ones and are carried further by the wind. An approval for an extension to the Warkworth open cut mine will further pollute the air in the Hunter Valley and Bulga in particular.

Jobs

Government must weigh up the benefit of jobs versus the cost to the community of intrusive industries like mining. People have the right to live in quiet enjoyment without the noise, dust and visual impacts of mining.

Mines may provide jobs but if this is at the expense of the community's health associated with living near an open cut mine then it is too big a price to pay.

The mine is currently working under the 2003 approval which allows mining for another 8 years to 2021. To state that the mine must expand to maintain jobs is an argument that could be used at any time. This reason must not be the basis of mining into an agreed Non-disturbance area and destroying EECs. This mine must not be allowed to expand into an area that was required to be a permanent conservation area as agreed with the Mining Company in 2003 and which open cut mining was rejected by the Land and Environment Court in 2013.

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