

Warkworth Consent 2003 Modification 6

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Please accept this letter as an objection to this Modification 6 application.

As long term residents, at this locality, (17 years, pre 2003 consent) our view is this is not a modification but an application to extend operations out past the 2003 area of disturbance. Our submission to the 2003 consent process was not an objection, as we believed the companies promise that it would leave the Saddle Ridge area as a 'Permanent Conservation Area' to maintain this area of native vegetation and to act as a noise and dust barrier for the residents of the Bulga region. We did comment that noise could be an issue, when the northern end of the cut advanced past the highest elevation and moved towards Wallaby Scrub Road, but we felt we may have been able to work with the mine on this issue.

Unfortunately the mine has gone down the path of breaking its agreement with the community and all its actions pre and post the 2009 consent have been centred on reneging on its promise to leave a buffer between the mine and the community. The whole process of the 2009 consent, PAC and then Land and Environment Court process has left those affected by this application with no surety on their family's future.

This modification application must be rejected and no disturbance allowed, past the 2003 non disturbance area. The community deserves to be given surety as it is unacceptable to have this process hanging over our homes and families since 2008.

Apart from the mine and the regulators doing the 'right thing' so the community members can plan their lives, this application should be refused because;

1) The mine cannot currently control the effects of its noise and dust on the community. In the last 3 years, since the northern end of the mine started working down towards Wallaby Scrub Road and operations at Mt Thorley were reactivated the noise levels have increased to beyond consent levels. This application states the noise has been predominantly within consent levels but the judgement of the Land and Environment Court clearly stated that the noise levels are impacting on the community, No 275 "Even if it can be accepted that the mines are operating within the noise limits required under the existing consents or proposed under the new conditions, I am satisfied, based on the evidence of residents which was supported by the available monitoring data, that the noise levels of the present operations of the mine are at a level sufficient to impact on amenity, including sleep disruption". There was sufficient doubt, reported by the Land and Environment Court Judgement, as to the competence of the noise assessment carried out, to state that this same organisations statement that this modification will still result in noise levels that comply with the consent conditions must be completely disbelieved. If this

modification is allowed the people of the Bulga region will be living in a noise environment above current consent levels.

2) The area of this 350m 'extension of disturbance' is with the area previously denied by the Land and Environment Court Judgement.

3) The proposed additional disturbance is within an area known as "Non Disturbance Area 1" in a deed signed by the mine in 2003 as a condition of an approval then given, but by some deceit, never executed by the mine. This was to be a permanent conservation area to offset the noise and dust impacts on the people of the Bulga region.

In summary the findings of the, Land and Environment Court Judgement, have placed sufficient doubt on the noise assessment, to say that this application would result in the mine continuing to work at noise levels beyond its consent conditions. More importantly this application should not be accepted as a modification as the additional area of disturbance will be outside of its consent area.