

28 November, 2013

This Submission is made on behalf of over 400 members of Stop Coal Seam Gas Blue Mountains. It opposes the proposed expansion of the Warkworth coal mine (DA 300-9-2002-i MOD 6).

We submit that it should be refused on the following grounds.

### **THE COMPANY'S RECORD**

The company has a history of broken promises. Rio Tinto signed a Deed of Agreement in 2003 promising not to mine Saddle Ridge, which protects the town of Bulga from the worst impacts of the Warkworth mine. Rio committed to approach Singleton Council and have Saddle Ridge and the endangered woodland around it rezoned for environmental protection. These commitments have not been met and the company has proved it cannot be trusted to keep any commitments it makes in the present application.

### **DECISION OF THE LAND AND ENVIRONMENT COURT**

The NSW Land and Environment Court has previously rejected Rio's application to mine Saddle Ridge. That decision must be respected.

### **DECEITFUL BEHAVIOUR**

Local residents learned of the new application the day before it was lodged. Residents attended a community consultation meeting with Rio Tinto just three weeks before that. At that point in time, the Environmental Assessment for the project would have been ready to lodge, but residents were not told about it. This is deliberately deceitful and untrustful behaviour from Rio Tinto, who clearly have no commitment to genuine consultation with the Bulga community.

### **UNFAIR PROCEDURE**

A significant mine expansion such as this would normally go on public exhibition for up to 6 weeks. Yet this project was sprung on the public without any notice, with just two weeks for public submissions. A formal appeal by local residents for an extension to the public exhibition period was rejected by the Planning Department, with no reason given. For the government to accept this application from Rio Tinto in the first place shows a blatant disregard for the outcome of the previous Land and Environment Court ruling, and the current proceedings in the Supreme Court. It is difficult not to see the Modification application as the first step in a strategy to have the disallowed Warkworth Extension approved bit-by-bit to avoid full assessment. The government appears to be conspiring with Rio Tinto to push this project through the approval system without due process. In light of recent revelations from the ICAC inquiry into mining lease corruption in NSW, this casts the present NSW government also in a very bad light.

## **IMPACTS ON RESIDENTS**

### **Noise**

The proposed expansion would bring the mine closer to Bulga, and remove some of the landform which currently shields the town from the worst of the mine's impacts. Noise from the mine already has a major impact on the mental and physical health of the residents of Bulga. The mine has been in continual breach of the NSW Industrial Noise Policy, and its current approval conditions. Despite year alone, the NSW Government has not taken any action to enforce the mine's approval conditions. The Government cannot legitimately approve a project that would increase noise impacts on local residents, when the mine cannot even adhere to its existing approval conditions to control noise impacts.

### **Particulate emissions**

The World Health Organization now classifies particulate pollution as a Class 1 Carcinogen. According to the EPA, 87% of PM10 sized particle pollution in the Upper Hunter comes from coal mines. It is likely that the existing Warkworth coal mine has a significant impact on the health of local residents, and the proposed expansion would cause an unacceptable increase in these impacts. A cumulative health impacts study of the Hunter coal industry is needed.

## **BIODIVERSITY IMPACTS**

The proposed Warkworth modification project would destroy 16 hectares of Endangered Ecological Communities. The promised "offset" for this irreversible loss of endangered species and their habitat does not compensate for its loss, and would not protect equivalent habitat to that proposed to be bulldozed. In any event, Rio Tinto have shown that their so-called 'offsets' are not protected anyway, and may be subject to future mining applications. The Warkworth mine must not be allowed to expand into an area that Rio Tinto agreed in 2003 to protect in a permanent conservation area, and in which open cut mining was rejected by the Land and Environment Court in earlier this year..

## **SOCIAL IMPACTS**

Too many Hunter Valley villages have already been swallowed up by coal mining. Bulga, a close-knit community with deep historical significance for the Hunter, must be protected. It is disappointing to note that Rio Tinto has been misleading its employees about the reasons the Warkworth Extension was rejected in court, and has failed to publicly acknowledge the agreement it has broken - to protect this area from mining.

## **ABORIGINAL HERITAGE**

The proposed modification project would destroy four known Aboriginal artefacts that Rio Tinto has previously agreed to protect (under the Deed of

Agreement). This agreement must be kept, and these important cultural artefacts of the Wonnaruah people must be protected.

## **JOBS AND ECONOMIC IMPACTS**

Rio Tinto have provided no economic assessment in support of the project, and their bland public statements to the effect that this project is needed to maintain jobs have not been supported by the information provided. Rio Tinto's estimates of the employment and economic benefits of expanding the Warkworth mine have previously been rejected by the NSW Land and Environment Court, and they remain untrustworthy. Threats of job losses by the proponent should not be a factor for consideration when assessing the merits of this project, and they certainly should not take precedence over the protection of public health, adherence to the Deed of Agreement to protect Saddle Ridge from coal mining, and the right for the community of Bulga to persist.

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