

LOCK THE GATE ALLIANCE

AUSTRALIANS WORKING TOGETHER TO PROTECT OUR LAND, WATER, AND FUTURE 

Elle Donnelley
NSW Planning
via <http://majorprojects.planning.nsw.gov.au>

29th November 2013

Dear Ms Donnelley

Please accept this submission on the proposed Modification 6 expansion of the Warkworth coal mine (DA 300-9-2002-i MOD 6).

The submission is made on behalf of the Lock The Gate Alliance, a national grassroots organisation of over 160 community groups and thousands of individuals. Our Alliance works to protect Australia's natural, environmental, cultural, and agricultural resources from inappropriate mining developments.

Lock The Gate objects to the project, and submits that it should be refused on the following grounds.

Broken promises

The proponent, 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 existing Warkworth mine. Under that agreement, Rio Tinto committed to approach Singleton Council and have Saddle Ridge and the endangered woodland around it rezoned for environmental protection.

The company is breaking both of these promises, and cannot be trusted to keep any commitments it makes in the present application (Modification 6). The NSW Land and Environment Court has previously rejected Rio's application to mine Saddle Ridge, a third of which would be mined under Modification 6. 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 which time it is likely that the application, and Environmental Assessment, were completed and ready to lodge. However residents were not made aware that Rio Tinto had an plans to lodge a development application to modify the mine approval. This is deliberately deceitful and sneaky behaviour from Rio Tinto, who clearly have no commitment to genuine consultation with the Bulga community.

Unfair procedure

This application was lodged just two business days after the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Resource Significance) 2013* came into force. The amendment requires a determining authority to make the significance of coal resource the "principal consideration" when determining a coal mine application. This SEPP amendment is seen by many in the community as a direct response by the NSW Government to the rejection of the previous Warkworth Extension project in the Land and Environment Court, and the apparent collusion between the Government and Rio Tinto over the timing of the SEPP gazettal, and the Modification 6 application, do not help to dispel that perception. It was surely not a co-incidence, and erodes public trust in the objectivity of government in this process.

Ordinarily, a significant mine expansion such as this would go on public exhibition for longer than a fortnight. Yet this project was sprung on the public without any notice, with just two weeks for public submissions. Formal appeals by local residents and public interest groups for an extension to the public exhibition period were rejected by the Planning Department, with no adequate 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 6 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 is not a good look.

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 this, and despite 800 noise complaints against the mine from local residents last year alone, the NSW Government has not taken any action to enforce the mine's approval conditions.

How can the Government 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 Modification 6 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

Sadly, 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. This has led to conflict in the community.

Aboriginal heritage

The Modification 6 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 Modification 6 project, and their bland public statements to the effect that this project is needed to maintain jobs have not been supported by any 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 jobs 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.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Steve Phillips', with a stylized, cursive script.

Steve Phillips
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