

This is a submission **against** the proposed expansion of the Warkworth coal mine (DA 300-9-2002-i MOD 6).

I **object** to this mine expansion project, and it should be **refused** for the following reasons:

- **Enormous expansions of coal mines** such as the one proposed should **not** be made through modifications of original consent – this is a **massive loophole** shamelessly exploited by the mine operator to suit their own profit-driven purposes. This was recently highlighted to me via speeches made in NSW Upper House by Mr David Shoebridge (MLC), when the debate on the government's Planning Bills 2013 was in progress. He outlined to the parliament how this practice has become entrenched, and should be stopped. He moved an amendment to this effect which was unfortunately not passed.
- The government should **not** allow such enormous expansions at the cost of the wishes of the local people, who have fought against this long and hard, and have even won a court case to stop this particular expansion. It is nothing less than **legalised corruption** in favour of Rio Tinto. The outcome of the Court case should be respected and accepted by the government and Rio Tinto. It reflects very badly on both Rio Tinto and the government.
- **Saddle Ridge** protects the town of Bulga from the worst impacts of the Warkworth mine, and Rio Tinto promised to leave it intact back in 2003, when they signed a **"Deed of Agreement"** with the people of Bulga;
- Added to which there is a community of **endangered woodland** on Saddle Ridge, which Rio Tinto promised to have rezoned for environmental protection through the local Council. To break such promises is at the very least deeply **unethical**, and in view of the Court case outcome, actually **illegal**. Rio Tinto cannot be trusted, and this further push to mine the area of Saddle Ridge shows Rio Tinto's absolute contempt for every opinion except their own.
- **Rio Tinto have been deliberately deceitful** in their dealings with the people of Bulga by deliberately not informing them of their intended actions with regard to this latest DA modification, even though they met with the residents shortly before it was lodged. Where is the genuine consultation and communication to which the local people have a right? Anyone would think we are living in Papua New Guinea in the 1970s, and that the people of Bulga were ignorant tribespeople to be treated like children and shoved aside. Rio Tinto shows no respect to the people of Bulga, and deserve absolutely none themselves.
- It is utterly reprehensible that the government tried to nullify the court case win by bringing in new rules via a **SEPP amendment** which gave priority to the **economic significance** of a coal resource. Some people are calling this law **"the Rio Tinto SEPP"** – all they had to do apparently was to get into the ear of the Planning Minister, Brad Hazzard, and "Hey! Presto!" the government magically writes a new law in favour of their mates. And they called Obeid and Macdonald corrupt! This is utterly disgusting behaviour by the mining company and the Planning Minister which is tantamount to legalised corruption.
- With regard to the last point, I note that in the debate on the Planning Bills this week in the Upper House of NSW parliament, one of the amendments to which **all the other parties agreed was to strike down this Mining SEPP, as one of their first actions**. The Planning Bills as amended by the MLC have not yet passed the Lower House, which is now in recess; but in view of the fact that this is only one step away, and the SEPP is what Rio Tinto are relying on, there should be at the very least a **moratorium** on passing this DA modification until the outcome of the Planning Bills is known – that is, **until the end of February 2014** when parliament resumes.
- The **very short public exhibition** (2 weeks) of this significant coal mine expansion under a DA modification is also reprehensible, and smacks of favours being done to "mates", of which we have had enough in this state. Have the Coalition learned *nothing* from the Obeid and Macdonald debacle? What on earth are they thinking? Just because they have tweaked a law here and there doesn't mean that this is not corruption on a grand scale as bad as it was under Labor. Do they think that ordinary people like me won't notice? This is not the kind of behaviour I expect from elected representatives who are there to do the will of the people, **not** to represent big mining interests. How much more loudly do you want us to shout? The people of Bulga have suffered long and hard under Rio Tinto; the courts have been asked to adjudicate and have said this

must not happen; every reasonable person has voiced objections. THIS DA MODIFICATION **MUST NOT GO THROUGH!!**

- At the very least, such a **DA modification should be publicly exhibited for 6 weeks**, to give people time to respond. I only just heard of it myself, having been distracted by the passage of the Planning Bills through NSW parliament. Apparently, a formal appeal by the residents of Bulga to the Planning Department to extend the exhibition period was rejected, *with no reason given!* What a disgusting way to treat people! It shows the utter contempt that the Planning Dept has for anyone except themselves and their mining “mates”. How the people who work in the Planning Dept and Riot Tinto can sleep at night beats me.
- One could almost think that the Planning Department were colluding with Rio Tinto against ordinary people, which is at best totally immoral and unethical, and is probably more like *actual* corruption. It certainly looks like it from here. Having said all of the above about the law, the process, possible corruption, etc., there are many more good reasons to reject this DA modification, see below:
- **Noise impacts:** This proposed expansion in the direction of Bulga would remove parts of Saddle Ridge, which would exacerbate the amount of noise already impacting the health of the residents. The Warkworth mine has breached the NSW Industrial Noise Policy many times; it has breached its approval conditions many times; the government has done nothing in the face of 800 noise complaints this year alone. On this basis alone, the DA expansion should be disallowed.
- **Particulate emissions:** Particulates of PM10 size from coal mines cause Cancer; that is a fact. All coal mines in the Upper Hunter emit PM10 particulates, therefore a mine expanding closer to a community is a grave health risk to those residents. The coal mine is already far too close to Bulga. On this basis alone, the DA expansion should be disallowed.
- **Biodiversity impacts:** There are 16ha of endangered woodland on Saddle Ridge (supposedly protected under the EPBC Act 1999) which Rio Tinto proposes to “offset”; that is they are happy to pay to preserve a similar area of endangered woodland elsewhere in return for being allowed to destroy this one. To me this is **TOTALLY UNACCEPTABLE** and shows a total disregard for the unique qualities of such places that lead them to be protected by law in the first place. Habitat and biodiversity loss CANNOT be replaced or recreated: once it has gone - that’s it – gone forever. Offsetting is a particularly vile law that was made with the interests of developers and miners in mind, and should only ever be used except as an absolute necessity in my opinion. In this case there is no necessity whatsoever, as the mine should not be expanded in this area – the residents don’t want it, the courts have prohibited it, the laws that protect biodiversity absolutely forbid it, and Rio Tinto should respect these things. The fact that they are pushing ahead with this DA modification shows utter contempt for everyone and everything. If the government passes this DA modification it is tantamount to corruption, as they will be shoving aside their own laws, the people’s wishes, and the ruling of the courts. That would be totally undemocratic, in my opinion.
- **Social Impacts:** “Divide and rule” is a very well-known tactic of every powerful dominating entity, and Rio Tinto has used this tool to great effect in the Upper Hunter. The community has been divided by deliberate lies and omissions spread about by Rio Tinto and the government. This is shameful, immoral and unethical conduct, but what can you expect from a large multinational company whose only “*raison d’être*” is to make continual profit? Many communities have been utterly destroyed in this area, and the historical significance recklessly shoved aside in the name of profit. **It is time for that to stop: It should stop at Bulga and Saddle Ridge.** (Note: If anyone reading this wants to check this out, read Sharyn Munro’s eye-opening book on mining in NSW and Qld, “*Rich Land, Waste Land*”). The current push to dig up as much coal as possible and ship it overseas, while depriving the people of their land and environment smacks of another “invasion” – now we can say that we know how the Aboriginal people felt when the British first arrived and took everything from them.
- **Aboriginal cultural/historical impacts:** Leading on from my last point, there are four known Aboriginal artefacts in the area under threat due to the proposed DA modification. Under the “Deed of Agreement” made by Rio Tinto with the people of Bulga in 2003, these artefacts were acknowledged and a promise was made to protect them. Did they promise to protect them for 10 years only? I assume, as does everyone else, that protected historical artefacts means **protected forever - not just for 10 years**. Really, there is no

point in protecting something for 10 years only – why bother in the first place? Does Rio Tinto agree to protect things one day, and go back on the promise the next? It smacks of insincerity, contempt and convenience for when it suits them. How can we believe anything they say – they have a track record of deceitfulness, dishonesty, broken promises and utterly unethical behaviour, and in my opinion are not a fit and proper company, and the people that work for them are not fit and proper people. So then why should we give them any concessions at all? They should be barred from any economic activity in this country.

- **Economic impact:** Such companies always cry “jobs”. Open-cut mining provides very few jobs, and those are of a dirty, largely unskilled and dangerous nature. Rio Tinto has not even bothered to provide any economic assessments in support of their proposed Warkworth expansion, just vague public statements about jobs. In any case, they have proved themselves to be utterly untrustworthy about many things, so we cannot believe them on this. Indeed, the Land and Environment Court rejected Rio Tinto’s estimates of employment and economic benefits in the recent court case. Besides, what good is a job that lasts a few years at most, and then you are left with a huge hole in the ground, no resource left for your own use, a totally destroyed environment, and the profits gone overseas to foreign owners and shareholders? Looks like a loss all round to me, except for the Rio Tinto executives of course, and perhaps their “mates” in the government who allow this to happen in the face of almost universal opposition – why would they do this except for some massive payoff? I smell corruption, and it stinks.

**Conclusion:**

**This DA 300-9-2002-i MOD 6 must NOT be allowed on any basis whatsoever, for all the reasons above. It is as simple as that.**

Thank you for the opportunity to comment,  
Yours sincerely,  
(Name & address supplied)