

Major Planning Assessments  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney 2001

29 November, 2013

Dear Sir/Madam,

**Submission of Objection – Warkworth Modification 6 (DA-300-9-2002-i)**

The Nature Conservation Council of NSW (NCC) welcomes the opportunity to comment on the Warkworth Modification 6. NCC is the peak environment body for New South Wales, representing over 100 organizations across the state. We have long-standing experience in state environmental assessment and planning and are very concerned with this proposal to further develop the Warkworth Coal Mine, within the Singleton local government area (LGA) in the Hunter Valley.

The proposed modification is to develop a 350-metre extension of Warkworth Mine's West Pit; and disturb an area of up to 50 metres west of the mining area for infrastructure. These modifications will require clearing of about 16 hectares of endangered ecological communities (EECs) under the Threatened Species Conservation Act 1995 (NSW), including Warkworth Sands Woodland, Central Hunter Grey Box-Ironbark Woodland and Central Hunter Ironbark-Spotted Gum-Grey Box forest. To compensate for the loss, Warkworth Mining Limited (WML) proposes providing 32 hectares of EEC vegetation as an offset.

NCC objects to the proposal on the following grounds:

- Loss to biodiversity.
- Loss of important drought refuge for species listed for protection under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- Impacts upon the ecology of the Warkworth Sands Woodlands ECC.
- Increased noise from mine operations.
- Air-quality impacts from coal dust.
- Impacts on ground and surface waters.
- Greenhouse gas emissions.
- Impact on Aboriginal cultural heritage.
- Cumulative environmental impacts.
- Long-term health and socio-economic impacts for the community (environmental damage, health and greenhouse gas production).

### Biodiversity and Threatened Species

Eastern Australia has seen extensive reductions in native vegetation. The Warkworth mine threatens to add to this loss and will have impact on threatened species of the Hunter bio-region. Extending the open-cut mining footprint will have an adverse impact on native animals and threatened species (listed in Table 1) and will destroy an EEC containing Central Hunter Grey Box-Ironbark Woodland and Central Hunter Ironbark-Spotted Gum-Grey Box forest vegetation.

*Table 1. Threatened species found in the Warkworth Sands Woodland.*

Birds	Speckled Warbler ( <i>Pyrrholaemus sagittatus</i> ) Brown Treecreeper ( <i>Climacteris picumnus</i> ) Grey- crowned Babbler ( <i>Pomatostomus temporalis</i> ) Torquoise Parrot ( <i>Neophema pulchella</i> ) Glossy Black Cockatoo ( <i>Calyptorhynchus lathami</i> ) Swift Parrot ( <i>Lathamus discolor</i> ) Regent Honey eater ( <i>Anthochaera phrygia</i> )
Possum	Squirell Glider ( <i>Petaurus norfolcensis</i> )
Bats	Large-eared Pied Bat ( <i>Chalinolobus dwyeri</i> ) Squirell Glider ( <i>Petaurus norfolcensis</i> )

The key threats to these species include land clearing, destruction of wildlife corridors that link ecological communities, loss of habitat trees, isolation, habitat fragmentation, changes in habitat due to subsidence, alteration of water flow and contamination of land and water. All of these threats are possible effects of this project.

This proposed Warkworth Modification is in direct contravention of the State Plan Biodiversity Targets:

1. By 2015 there is an increase in native vegetation extent and an improvement in native vegetation condition.
2. By 2015 there is an increase in the number of sustainable populations of a range of native fauna species.
3. By 2015 there is an increase in the recovery of threatened species, populations and ecological communities.

The State Plan Annual Performance Report 2010 has identifies that NSW is unlikely to meet the 2015 target for the number of sustainable native fauna populations and for the recovery of threatened species and endangered ecological communities.

### Aboriginal cultural 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.

#### Cumulative environmental and social impacts

Warkworth Mine is close to several other mines, including Mount Thorley Operations (MTO), Bulga and Wambo mines and Hunter Valley Operations. The impacts of these mines and the ongoing expansion of the coal mining industry in the Hunter Valley is having a devastating effect on the environment and communities, causing irreparable environmental damage and irreplaceable loss of biodiversity.

Further, the cumulative effects of these mines are likely to cause serious environmental and social problems now and into the future. Whilst the mines are in operation, traffic and traffic noise will be an ongoing problem. Mine leachate leaking into water supplies from cracks in the strata caused by mining activities is a serious long-term issue. Extensive surface disturbance, open cut pits and overburden emplacements represent a significant threat to water quality from sediment and salinity partially after heavy rain.

There is a concern that the modification of Warkworth will not benefit local communities. Also the proponents have not adequately considered the Hunter valley community, which has resulted in the ongoing loss of neighbours and social support systems, stranded assets (unable to sell properties), ongoing noise, dust and pollution.

#### Noise

The increase in the noise levels adds to the excessive noise being received by residents surrounding this mine. Rio Tinto has been fined for exceeding noise limits. Last year the mine received 800 noise complaints. No increase in noise levels is acceptable and more stringent actions must be taken to reduce existing noise levels from the Warkworth Mine.

#### Public Health impacts from coal dust

The rapidly expanding coal industry in the Hunter Valley is significantly affecting air quality, which has increased residents' exposure to dangerous particle pollution (PM2.5 and PM10). For this reason the government should urgently consider how to reduce particle pollution in Singleton LGA, as air quality already causes health problems such as asthma and other short- and long-term respiratory and cardiovascular diseases. Any further expansion of the Warkworth mine will add to harmful air pollution in the Hunter Valley. A cumulative health impacts study of the Hunter coal industry is needed.

#### Visual Impact

The overburden removal and the ever-increasing overburden dumps will be evident to the residents of Bulga who live on the more elevated properties. The massive excavation into the eastern side of Saddle Ridge will have a major visual impact when viewing the Ridge from the east. The reinstatement and rehabilitation of the devastated Saddle Ridge will be impossible.

#### Greenhouse gas emissions

The mine will cause long-term environmental impacts due to the large emission of greenhouse gases from the mining and use of the coal from the mine contributing to anthropogenic climate change.

#### The new State Environmental Planning Policy (SEPP) amendment

It could be concluded the recent SEPP amendments placing the economic significance of the resource as the principle consideration for mining proposals was the result of the Warkworth 2013 Land and Environment Court judgement to overcome the problems the decision caused for the mining industry. The timing of this application suggests collusion between the government and Rio Tinto to the detriment of the Village of Bulga. The SEPP amendment was gazetted 8 November and a few days later this new Warkworth development application is submitted. The NSW Government is not protecting the people living near coal mines and is favouring the interests of the foreign mining companies.

#### Legal proceedings

It is inappropriate to consider any further expansion of the Warkworth mine while legal proceedings are pending. Rio Tinto has lodged an application with the NSW Supreme Court to expedite the company's appeal against a Land and Environment Court decision that overturned a 2012 approval to expand Warkworth mine. This application shows blatant disregard and disrespect for the court process.

#### Conclusion

This proposal has the potential to create long-term damage to threatened species, water and human health in the region. It does not benefit the Singleton local government area, and will contribute to global climate change by feeding dirty coal-fired power stations here and overseas. The proposed modifications will add to environmental impacts from the mine and other mines in the area which create cumulative effects well beyond the effects of a single mine approval.

After assessing the EA, NCC is not satisfied that the impacts of the proposal can be managed and mitigated to ensure an acceptable level of environmental performance. Due to threats to water, threatened species and the community it is irresponsible to further develop the Warkworth Coal Mine and we urge the NSW government to reject the proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Smolski', with a stylized flourish at the end.

Katherine Smolski  
Campaigns Director