

# **Bulga Milbrodale Progress Association Inc.**



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## **RE: SUBMISSION ON WARKWORTH MINE AMENDMENT 6. DA300-9-2002-IMOD6**

### **Statement**

This is a holding submission for the proposed Mine Extension of Warkworth Mining Ltd. We confirm the 10 day extension granted by the Department of Planning to allow the BMPA complete its report. A full submission will be delivered to the Department of Planning on or before the extended date of 9 December 2013.

The Bulga Milbrodale Progress Association Inc. (BMPA) representing residents of Bulga objects to the project for the reasons set out below.

### **2003 Approval and Deed of Agreement**

Rio Tinto states that it must get approval to mine into Saddle Ridge to “preserve the viability of the Warkworth Mine and maintain current employment as close as possible to current levels”. Rio Tinto signed a Deed of Agreement in 2003 promising that it would never open cut mine Saddle Ridge and that it would apply to Singleton Council to have the Saddle Ridge and the balance of the NDA1 that was to protect Bulga, rezoned as a permanent conservation area. After 10 years, Rio Tinto has still not made this application to Council. Rio Tinto is breaking its promise with both of these important undertakings and thus cannot be trusted to honour any of the promises it is making with this amendment application.

In 2013 the NSW Land & Environment Court rejected the mining of Saddle Ridge as part of the previous application. This new application to mine into Saddle Ridge must be refused.

### **NSW Supreme Court of Appeal**

No further application should be made on land that was the subject of the previous 2010 application (NDA1) and which was rejected by the Land and Environment Court and is now in the Supreme Court. This application shows blatant disregard and disrespect for the Court process.

### **State environmental planning policy (mining, petroleum production and extractive industries) amendment (resource significance) 2013. Aims of Policy**

We do see any matter raised in the EA that would satisfy the aim of 'to promote the development of significant mineral resources'. The DA is simply a holding approach which does nothing to promote development of significant mineral resources.

There is no statement contained in the EA which quantifies the mineral resource contained in the area applied to be mined. The removal of overburden is not sufficient to satisfy the Aims of Policy. With no coal being extracted there is no economic benefit to the State and Commonwealth in the form of taxes or royalties

### **Economics**

There is no economic justification or work methodology presented to justify the statements made that the mine must have this incursion into a Non Disturbance Area to "maintain the viability of the operation" and "maintain current employment as close as possible to current level". The threat of job losses and Mine viability appears to be scare tactics to allow the Mine to make a start on the larger expansion that was rejected by the Community and the Courts.

We request the Department reject this application as it is not in the economic interests of NSW.

### **Project Justification**

No economics support for the project has been provided and no evidence is available to justify statements that Rio Tinto must to expand the mine to maintain its viability and the maintenance of jobs.

### **Inter-generational and Intra-generational equity**

This amendment application does not address the equity or fairness in either the distribution of the benefits and burdens.

### **Distributive justice.**

Some of the entities to whom a distribution of benefits would be made if the Project were to be approved, would be Warkworth and its shareholders the NSW Government the Commonwealth Government, local councils and employees and contractors; however, the EA does not have adequate regard to the people of Bulga who would suffer the burdens of significant adverse noise, dust, visual and social impacts, as well as degradation of the natural environment of the local area.

### **Mining**

There is no mine plan submitted showing the method proposed for extraction. In addition there has been conflicting statement issued by Rio Tinto as to the intentions of the Application including that in the two years for this expansion only overburden will be moved

There nothing in the current 2003 approval which allows overburden to be dumped onto Mount Thorley site. Current dumping activities are, in our opinion, in breach of the 1996 Mount Thorley Approval.

### **Air quality**

The Air Quality Assessment for this EA does not adequately addresses the health implications of the mining extension proposal.

There are clear indications from the international health research literature and from recent research in the Upper Hunter that there are serious health and social harms associated with coal mining for people living in surrounding communities. Continued expansion of open cut coal mines is detrimental to the health of our children and the NSW State Government must show a duty of care to prevent further health damage occurring.

For health reasons alone, any expansion of Warkworth Mine must be rejected.

### **Noise**

The anticipated increase in the noise levels already 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.

Rio Tinto is not applying the requirement of the NSW Industrial Noise Policy with regards to Low Frequency Noise. This is a serious breach of the current approvals and will continue with the new expansion if granted. This continuing breach is being ignored by the Government and is unacceptable.

### **Blasting**

The blasting processes that will be associated with this extension are unacceptable. Even blasting within the guidelines provided by Government cause severe disruption and interference with everyday life in Bulga and surrounds. The fumes produced by blasting add to the already polluted air around open cut mines

### **Surface and groundwater**

The Wollombi Brook is a stressed river fully allocated in the relevant Water Sharing Plan. Because open cut mining has been shown to have major impacts on streams, alluvial aquifers and alluvial soils, all impacts to watercourses or groundwater systems should be avoided and this application must be rejected.

### **Ecology**

The proposed mining extension intends to destroy part of an Endangered Ecological Community. The proposed offset for this does not even approach "like for like" and must be rejected.

### **Rehabilitation**

We reject mine rehabilitation as an offset for the loss of high conservation status, endangered ecological communities. Mines are required to rehabilitate their disturbed landscapes whether there is an offset required or not. Mine rehabilitation creates landscapes that are artificial and environmentally unacceptable.

### **Impact on Endangered and Vulnerable Fauna**

The BMPA argues that this development is likely to have an adverse effect directly and indirectly on a number of threatened and vulnerable species under both the TSC Act and EPBC Act, so that the viable local populations are likely to be placed at significant risk of extinction. Woodland bird species are in serious decline in NSW and the Hunter Region evidenced by the number of species on the TSC list.

### **Aboriginal Heritage**

The BMPA has serious concerns concerning the removal or destruction of culturally significant aboriginal treasures within the mining area. The ongoing culturally important concerns of the various groups appear to have been ignored by the mining company. The whole locality should be protected in perpetuity as a unique sacred cultural place of national Aboriginal and Non-Aboriginal significance.

### **Social impacts**

The social impact on the people of Bulga has not been sufficiently assessed in the Mining EA. People form strong bonds with their Community, and they suffer grief when those bonds are broken by the activities of mining companies, with people having to move away, facilities being downgraded, and whole Communities destroyed, such as has happened with Ravensworth, Warkworth and Camberwell.

### **Property Values**

Property values are also affected. As soon as a mine expands toward a village and the future is uncertain, the property values become depressed.

### **Agricultural Suitability of the area to be mined**

The EA states that the effected land has low to very low productivity for grazing. This is not correct. Before Warkworth mine bought this property from Mr. McGregor it was a large and very successful sheep station.

### **Visual Impact**

Warkworth mine states in their application that topography will screen most of the impact of the development, but this is the same topography they wish to remove in their previous application and if this amendment is approved, then the next application will be to mine through Saddle Ridge.

### **Performance and consent breaches**

The BMPA considers the MTW has failed to act responsibly under its current approval. The BMPA is concerned that the mining company will not honour its agreements or intentions stated in this amendment.

### **Full Submission**

The full submission from Bulga Milbrodale Progress Association Inc. which will include the above main points as well as other matters will be sent to you before the 9 December 2013 as nominated by Mike Young of DoPI in his email to this Association.

### **Bulga Milbrodale Progress Association Inc.**



Pauline Rayner  
Secretary