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To: <elle.donnelley@planning.nsw.gov.au>
Date: 11/27/2013 4:34 pm
Subject: Submission objecting to proposed Warkworth coal mine modification

Dear Ms Donnelley

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

I strongly object to the project, and I submit that it should be refused because:

Rio Tinto signed a Deed of Agreement in 2003 promising not to mine Saddle Ridge, which protects the town of Bulga from the further impacts from the Warkworth mine, already bad enough. Rio committed to approach Singleton Council and have Saddle Ridge and the endangered woodland around it rezoned for environmental protection.

Because Rio is breaking both of these promises they cannot be trusted to keep any commitments being made in the present application.

The NSW Land and Environment Court rejected Rio's application to mine Saddle Ridge for good reason and that decision must be respected.

It is unfair that local residents only learned of the new application the day before it was lodged when Rio could have told them at the community consultation meeting three weeks before. This has to be seen as deliberately deceitful behaviour from Rio Tinto, who clearly have no commitment to genuine and transparent consultation with the Bulga community.

It can be no coincidence that this application was lodged just two business days after new mining regulations came into force, and these require the economic significance of a coal resource to be the primary factor influencing the government's determination of a mine application (the "Resource Significance" SEPP). The public cannot trust the objectivity of government in this process.

It is usual for a significant mine expansion such as this to go on public exhibition for up to 6 weeks yet this gets 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. This is clear bias towards the proponent.

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. Have the ICAC revelations taught government nothing?

It has already been shown that the noise and 'dust' impacts are bad for Bulga residents now.

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. 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.

Why?

Rio Tinto should not be allowed to expand since they do not operate responsibly.

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.

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. And Rio's so-called 'offsets' are not protected permanently 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 earlier in 2013.

The Hunter Valley must not lose any more villages to 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.

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 Wonnarua people must be protected.

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 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.

'Jobs at any cost' is simply wrong.

Yours sincerely,
Sharyn Munro