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9 December 2013

Director, Mining Projects
Development Assessment Systems & Approvals
Department of Planning & Infrastructure
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Dear Sir

Further to my holding submission, please accept this as my final submission.

I object to the extension on the following grounds:

1. Lack of transparency. As a member of the Warkworth Mount Thorley consultative committee I object to the secrecy by the company and the DoPI in the period leading up to this application. Under the guidelines set by DoPI and I refer GUIDELINES FOR ESTABLISHING AND OPERATING COMMUNITY CONSULTATIVE COMMITTEES FOR MINING PROJECTS all parties are required to participate in an open and transparent manner. Clearly this has not been the case with this application. The mine is required to inform the committee well in advance of applications such as this to keep the community informed. The CCC was contacted the night before the Development Application was lodged. The DoPI then gave only two weeks for the community to prepare submissions, an insufficient period. The CCC had met only three weeks before and no mention was made of the company plans to mine into Saddle Ridge even though clearly the final DA documents had already been negotiated with the government and were ready to submit. This is unacceptable behaviour and a matter I will be taking up with the chairman Mr Col Gellatly.
2. Lack of information as to the coal reserves the company plans to extract and any financial benefit to the community. Statements made by Rio Tinto state that they are only moving overburden for the two years required under the Amendment. This is not a holding application to continue employment but simply the first stage of a push westward to mine through Saddle Ridge. Rio Tinto is being deceitful in its statements on the reason for the Amendment. The coal resource in this area is a small quantity and not a significant resource.
3. The matter of the expansion of Warkworth mine is currently before the Supreme Court and both Rio Tinto and the government should allow the court process to take its course before making further applications into the area which the Land and Environment court said was not to be mined.
4. This expansion into the non-disturbance area 1 is a breach of the undertaking given to the community in 2003 which was the execution of a Deed of Agreement that the mine would never open cut mine Non-Disturbance Area 1. Rio Tinto set out to break this agreement in the last application to expand and

the Land and Environment court rejected this. This application is a breach of trust both by the government and Rio Tinto.

5. Additional open cut mining in an area so close to a residential area is unacceptable. Bulga is already experiencing high levels of air pollution as are other areas of the upper Hunter Valley. There must not be any further expansion of open cut mines near Bulga and other villages.
6. Millions of litres of diesel are burned each month in the coal mines near Bulga and there is no state legislation controlling the offsite burning of diesel. Hence we are receiving pm2.5 particles in the form of diesel emissions which are carcinogenic. The State Government has a duty of care to protect us from health destroying pollution and at present they are not carrying out their responsibility. More open cut mines means more diesel pollution for the community.
7. The current noise levels are unacceptable. Rio Tinto has been fined for excessive noise levels and any expansion towards Bulga will mean an increase in noise levels no matter how small. This will be the case for mining into Saddle Ridge because of its elevation.
8. Currently the mine refuses to measure and apply the adjustments under the NSW Industrial Noise Policy required when there are excessive levels of low frequency noise. This breach of their conditions of consent is supported by the NSW Government DoPI. Again the government is not executing its duty of care and this to the detriment of the community throughout the Hunter Valley.
9. The stated loss of the endangered ecological communities is unacceptable. The continued destruction of the EECs by mining companies must stop. The Land and Environment Court ruled against the destruction of these EECs and the government must act to prevent this further vandalism.
10. Aboriginal heritage is slowly being destroyed throughout this area. It is my view that sections of the aboriginal community are allowing artefacts to be destroyed or removed and this ongoing destruction and desecration is not in the interest overall of the aboriginal people and in particular the Wonnarua people. The area outside of the 2003 approval must be preserved as a permanent conservation area as required under the original 2003 Deed of Agreement.
11. The impact of mine expansions and proposal is having a major impact on the social fabric of our village causing rifts between the various interests within the community. These rifts are being driven by Rio Tinto's current 'Robin Hood' community funding policies and their public relations campaigns ably supported by the NSW Minerals Council. This social impact was a major deciding factor in the Land and Environment Court's decisions to reject the previous approval for this mine.
12. The mining into Saddle Ridge cannot be allowed to happen. This is a prominent topographical feature of this area and provides protection from the noise and dust of the Warkworth mine. Because of its elevation and prominence any mining of this Ridge will have major noise, dust and visual impacts on residents in the surrounding areas.
13. The mine operated by Rio Tinto has been fined for dust and noise exceedences which does not endear the company to the community. Generally the Bulga residents do not trust Rio Tinto to carry out its obligations with its existing mine let alone an extension of this mine into Saddle Ridge. The

recent deceit and secrecy in the preparation and planning of the extension reinforces that view. This mine has lost its social licence to operate.

14. The handling by your Department of the Warkworth Modification 6 application has been, and continues to be, anything but fair and objective.
15. The Modification 6 application should not have been accepted by your Department in the first place, considering that it is a proposal to mine part of the Warkworth Extension site – a project which is awaiting a judgement from the NSW Court of Appeal, and which the NSW Land and Environment Court has previously ruled should not be mined.

I urge you to suspend the assessment process, pending the outcome of the Court of Appeal review of the Warkworth Extension project. Your Department must not allow Rio Tinto to have the Warkworth Extension approved piece by piece, thus avoiding proper assessment.

Finally on Friday 6 December 2013 I received a copy of the Further Amending Deed for the 2003 Deed of Agreement between the Minister of Planning and Warkworth Mining in relation to the Saddle Ridge area. As you will be aware, this agreement was amended on 25th September 2013, to remove all protection for Non Disturbance Areas 1 and 2, and allow mining throughout out these areas which were previously protected under the 2003 Agreement. It further removed the requirements to apply to Singleton Council for rezoning of the NDAs as permanent conservation areas.

I find it extraordinary that the Minister had signed this new agreement with Warkworth Mining Limited in secret, in the midst of the NSW Supreme Court of Appeal hearing of the Warkworth Extension appeal. I request that the agreement be amended back to its original form and intent.

Yours sincerely

John Krey.