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Director-General

5 December, 2013

The Director, Project Assessments,
Department of Planning & Infrastructure,
23-33 Bridge Street, GPO Box 39,
Sydney 2001

Dear Sir,

Re: Warkworth Mining Modification No DA-300-9-2002-I Mod 6

I refer to my holding submission dated 27 November, 2013 and now enclose my complete submission.

As this development application covers portion of the 2012 mining approval currently under Supreme Court determination I wish to object to the extension on the same grounds as previously submitted.

In addition, I object to the development for the following reasons:-

Deed of Agreement

This parcel of land lies within the Non-Disturbance Area 1 (NDA1) as defined by the ten year old 2003 Ministerial Deed of Agreement (DoA) and must be set aside for permanent protection. The Mount Thorley Warkworth (MTW) 2010 AEMR states on page 115 that work planned for 2011 included "submit application to Singleton Council to rezone land containing WSW".

In the 2012 Annual Review (Environmental Management now deleted from title) on page 94, Section 5.9.1 "the offset strategy includes the protection and management of land in NDA's.....". There is clearly no intention on the part of the mining company to initiate this very important condition of consent. The above commitments have not been upheld.

The Director General of Planning has erred by not pursuing this requirement set down by his Minister and enforceable before work commenced in the 2003 approval area.

Non-Disturbance Area

The eastern boundary of the parcel of land subject to this DA does not coincide with either the eastern boundary of NDA1 as shown in the Warkworth mine 2002 EIS or the identical eastern boundary of Environmental Protection Licence No 1376 as shown on the monitoring location plans in the October 2013 MTW Community Consultative Committee (CCC) Business Paper. The CCC has not been made aware of any modification to this boundary. An area of approximately ten hectares has been excised from the NDA and has now been disturbed as shown on the maps.

This is a serious breach of consent.

Green Offsets

The proposed offset area lies within the Mount Thorley mining lease and this EA makes no mention of special lease agreements between both mines.

A mining company representative conceded that the offset area is not "like for like" with some EEC species not present in the offset.

The mining company has offered no permanent protection for this site as no doubt it will be required for mining in the future. This approach does nothing to restore the Community's trust in the mining company.

Employment

MTW arranged full page advertisements in local newspapers and newsletter warning of the risk of 1300 employee retrenchments if extensions at Warkworth mine are not approved. These claims are dishonest and misleading and designed to attract community support.

The 2010 AEMR indicated a total workforce of 859 which by 2013 has increased by approx. 450 to 1300. The increase coincided with a restart of mining in Loders pit at Mount Thorley Operations. This increase in employees together with the purchase of additional larger earth-moving equipment enabled the operation to increase saleable coal production to 12 million tonnes per annum. Mount Thorley mine operates under a separate 1996 approval and will not cease production in their open-cut until 2017, with the likelihood of future underground mining. Warkworth mine planned for a reduced strike length when approval was granted in 2003, without consent to mine a conservation area. The mine has until 2021 to complete mining in that approval area.

A claimed reduction of one million tonnes (8.5%) of a total twelve million tonnes annual production over the next two years equates to the reduction in total workforce of approx. 110 persons (8.5%), certainly not the entire workforce.

The anticipation of unfettered approval of these mine extensions may have prompted greater expenditure by the mining company however the cost of that mistake should not be borne by the Community.

Approximately 900 (70%) of employees live outside of the Singleton Local Government Area (refer 2012 Annual Review) presumably in a pristine, unpolluted haven and could be expected to support their future employment, without consideration for the environment or local communities.

Rehabilitation

The rehabilitation within the MTW mine site falls well below Dept. of Planning and community expectations. Over the four year period 2007 to 2010 the AEMR continually overestimated predicted annual rehabilitation and underestimated predicted disturbance area to the extent that the actual rehabilitation was 21.5% below the commitment and actual ground disturbance was 42% greater than that predicted. The total rehabilitated area was 200.7ha against 546.7ha of disturbance.

These figures are unacceptable and it is unfortunate that the practice continues unquestioned.

The 2012 AR has removed tables of disturbance areas from the report.

The aerial maps of Warkworth mine, provided in the Annual Review clearly show the extensive area of devegetated land well in excess of the 50metre maximum established by DoPI and is the source of excessive dust generation.

Overburden dumps have reached maximum height at Warkworth mine and spoil is being transported and dumped at Mount Thorley Operations. MTO operate under their 1996 approval and Warkworth mine under their 2003 approval. Neither of these consents allow for the transfer of overburden from Warkworth to Mount Thorley. CCC members have not been advised of any modification permitting this practice, which must be considered in breach of consent.

A small area of welcomed rehabilitation at Mount Thorley Operations, as viewed from Bulga township has now been hidden by a barren pile of overburden which will remain until end of mining. Rehabilitation of spoil dumps is well below acceptable standards; the dumps at Warkworth mine are now clearly visible from Bulga township with the associated impacts of noise and night lighting causing concern to residents.

Many areas of grass and cover planting have been mostly unsuccessful for a variety of reasons and the introduction of noxious weeds and grasses used to stabilise ground slopes eg. Galenia and African love grass have created an eradication problem on the mine site. If the extension is approved a freshwater dam at Doctors Creek will be severely impacted and no longer able to discharge into the Hunter River.

The modern practice of dumping on previously rehabilitated land creates a negative nett result and should never be approved.

Non-Compliance

The Dept. of Planning publication 2007 "Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects" states on Page 5 that committee members (including mining representative) shall act properly, honestly and with an open and transparent process; and on Page 7 under Responsibilities of the company "the company shall consult with the committee if it intends to seek amendments to conditions of approval, to change operational requirements, or to expand the operations of the mine". The management of MTW has continued to ignore these requirements for many years, with great secrecy and disrespect for the CCC members; for example, at the CCC meeting in October, 2013 the Manager was asked to advise the situation regarding initiation of the Deed of Agreement. The response was to come back to the next CCC meeting in 2014, knowing at that time that the proposed extension would be made public within three weeks and that the DoA would be sidelined. Members of the CCC were advised on the evening before the proposed extension became public.

This lack of communication and divulgence makes it difficult to be part of a harmonious group. MTW has continued to disregard requirements clearly specified in the current Industrial Noise Policy with regard to inclusion of "C" scale noise levels in calculating "A" scale noise exceedences. The DoPI has not enforced these conditions.

This application should not be considered based on amendments to the SEPP until changes passed by the NSW Legislative Council have been finalized.

Social Impacts

The coalmining industry defines social responsibility as creation of jobs, welfare of employees and maintaining a high public profile such as over the years that Coal & Allied sponsored the Newcastle Knights football club. MTW continues to ignore the welfare of their near neighbours. This extension will be the first stage in the ongoing incursion into Saddle Ridge – the barrier protecting Bulga from severe mining impacts.

MTW has chosen to ignore the findings of the highly respected Chief Judge of the Land & Environment Court. The term “solastalgia” or loss of place figured prominently in the L & E Court case. The term describes the fears being experienced by Communities and includes uncertainty for the future, stress from ongoing impacts, property devaluation, loss of community, family and friends and in this case forced property purchase by deception.

At this time the determination of the L & E Court prevails.

Community complaints have risen dramatically. From MTW Annual Reports the total of 69 in 2010 has increased to 956 in 2012.

Singleton Shire Council is the only LGA in NSW where the NSW Government has allowed villages to be destroyed for the benefit of foreign owned coalmining projects.

Conclusion

The above information should reinforce rejection of the Development Application and clearly indicates the irresponsible manner in which the mining company continues to operate.

The haste with which this application is being processed casts suspicion of collusion between the mining company and Government Departments.

The overriding consideration of economics (profits) should not be at the expense of the Community and the Environment.

Approval of this small parcel of land for mining purposes has no benefit for the wider community and will produce greater impacts on the Community of Bulga.

yours faithfully



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