

Garry and Fiona Bailey

218 Wambo Road

Bulga 2330

We take this opportunity to submit an additional submission to the Planning Assessment Commission for this application.

The NSW Planning and Infrastructure Addendum Report, 17th December 2013 highlights the Department of Planning's continued collusion with the proponent to break its promise to the Bulga Community for the retention of Saddle Ridge as part of the mitigation measures for the mine development. Page 3 of this Report states "The claim that the deed was designed to protect the community from amenity impacts is simply not correct. The Deed was a requirement of the 2003 development consent, and was directed solely towards dealing with the conservation and management of the biodiversity offsets for the 2003 extension". As Bulga residents pre 2003 this statement is completely false and highlights the department of Planning's continued bias against the residents of the Bulga area.

Warkworth Mines consent pre 2003 showed the area between the Mine, as it was, and Bulga would be developed by Underground means. The process of the 2003 consent changed this, but it was conducted in an open, and what the residents believed, honest manner. The honest engagement between the Proponent, Department of Planning and the Residents of the Bulga region has been destroyed by the continued false claims by the proponent and the Department.

As the Mines current consent (2003) is principally outlined by the "Extension of Warkworth Coal Mine Environmental Impact Statement, August 2002, Environmental Resources Management Australia Pty Ltd" even a short study of this document highlights the false statements being made by the Proponent and the Department of Planning. It also highlights the Proponents continued work to break its agreement with the community is the reason why there is no longer any trust between the Bulga Community and the Mine.

The Executive Summary page "v" explains how community consultation used to be carried out. "Community consultation was recognised to be an integral component of the proposed development and crucial to the issues identification process. A consultation strategy was developed to promote open and transparent communication with the local community, throughout the EA process. Elements of the consultation strategy include:

Early briefing of Warkworth Mine Employees

Personal interviews with the nearest neighbours

Distribution of newsletters

Community information days at the villages of Warkworth and Bulga

Briefing the Warkworth and Mount Thorley Operations Community Consultation committees

Consultation with the surrounding mines.

A number of key community issues were identified throughout the consultation process. Issues relating to the quality of life and local amenity including noise, vibration, air quality and visual amenity were generally of greatest concern, together with impacts upon property prices and local livelihoods.”

As Bulga region residents, for 17 years, we can attest to Warkworth Mine actually carrying out the process described. We attended the information sessions at Warkworth and Bulga Halls and on two occasions representatives of Warkworth Mine attended our home and outlined their plans.

At the representatives last meeting at our home they gave us a verbal assurance that Saddle Ridge would be left, in place, to help ameliorate the Mines impact. Additionally, they gave us a copy of the EIS document which plainly shows this on page “ iii” Executive Summary, “The elevated ridges conserve significant Aboriginal archaeological resources, retain habitat value, provide visual screening and act as buffers to assist in the amelioration of noise and dust impacts to surrounding residents. The preferred alternative was selected as it provides the greatest balance between the operational, environmental and socioeconomic objectives of the proposal”.

These points outline the Department of Planning’s assertion that, “The claim that the Deed was designed to protect the community from amenity impacts is simply not correct”, is in itself not correct and is a distortion of the intent of the 2003 consent. The 2003 consent does say Saddle Ridge will be left to ameliorate noise and dust impacts. The conserving of the biodiversity offsets, between Saddle Ridge and the Wollombi Brook was an additional advantage that was obtained, by the non mining of Saddle Ridge, not as the Addendum Report states “solely towards dealing with the conservation and management of the biodiversity offsets for the 2003 extension”.

Any changes to or negation of the 2003 Deed of Agreement are solely the work of the Proponent or the Department of Planning. There will always remain a moral obligation for Warkworth Mine to do as it promised and retain Saddle Ridge. This means a 350m extension into this area is not merely a modification but an extension outside of the agreement between Warkworth Mine and the people in the Bulga area and as such should not be approved by the Planning Assessment Commission.

All other arguments as to the Mine viability and its ability to continue employment are solely the responsibility of the proponent. Warkworth Mines planning processes have resulted in its current state. The Bulga community has done nothing to change any consequences for the Mine, what has happened is a continuation of the Mine trying to transfer its responsibilities, and consequences of breaking its word, onto the surrounding residents.

The Planning Assessment Commission needs to refuse this application and if possible attempt to have the Proponent and the Department of Planning recognise the moral and legal requirement to work with the surrounding residents. A good model for this is the 2003 consent. All subsequent actions by Warkworth Mine have been to the detriment of the community and the company’s reputation.

Fiona and Garry Bailey.