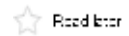


# Rio Tinto's biodiversity plan for Warkworth mine approved despite internal concerns

December 19, 2014



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Rio Tinto's Warkworth mine in the Hunter Valley of NSW. Photo: Dean Osland

The Office of Environment and Heritage approved the biodiversity plans submitted by mining giant Rio Tinto despite internal concerns that the proposals fell short of requirements.

Fairfax Media understands OEH officials were also not given the opportunity to comment on key Conditions of Approval, reading them first only when they were published online by the Planning Department.

In analysis seen by Fairfax, concerns include the adequacy of existing and proposed biodiversity offsets linked to the mine and the absence of references to the open-cut mine's impact on aquifers in the region.

Opponents of the mine's expansion are raising issues about the rapid approval of the mine expansion - despite its rejection in twice in the courts - at the only public hearing of the Planning Assessment Commission on Thursday and Friday in Singleton, about eight kilometres from the mine.

"I'm asking the PAC to look at what has been going on behind the scenes," John Krey, president of the Bulga Milbrodale Progress Association, said. "It's only one example of how the whole process has been corrupted."

OEH, though, said it had reviewed Rio Tinto's proposal and found that further biodiversity offsets were required.

"Subsequently Rio Tinto provided additional offsets to meet the requirements," a spokesman for OEH said. "Given the additional offsets, the Chief Executive [Terry Bailey] deemed that the revised offset package was adequate and approved it in the final decision report."

Rio Tinto's 2003 mine consent included a pledge to protect nearby woodland that now stands in the way of the project's expansion. It has been blocked twice in the courts, and separate documents reported this week by Fairfax Media show how closely the giant miner worked with the state government to press ahead with plans it says will secure 1300 jobs.

"Someone is pushing this very hard," Mr Krey said. "It's all happening at lightning speed."

Concerns within OEH include uncertainty about how 2013 amendments to the State Environmental Planning Policy, aimed at accelerating the approval process for major mines, should be interpreted, potentially leaving the government wide discretion to determine the adequacy of biodiversity plans.

Other issues include whether there had been any attempt by Rio Tinto to locate and offset vegetation of similar types to the Warkworth Sands Woodland, which will be partly destroyed by the expansion.

Rio has claimed the expansion will destroy 72 hectares, or 15.5 per cent, of the endangered ecological community. However, one view is that marshy land had been included in the estimates so that the actual proportion of planned clearing of endangered ecosystems is higher than that 15.5 per cent.

"There can be no confidence that the community or environment is getting a fair hearing given they've slanted the process in favour of approving the mine," Jeremy Buckingham, Greens' mining spokesman, said.

"Mining the remainder of the Warkworth Sands is an environmental disaster that cannot be 'offset' and the Greens are concerned this is being ignored in the rush to approve the mine," he said.

One example cited internally was Rio Tinto's "inadequate effort" to identify the presence of threatened species, such as the [Ancistrachne maidenii](#) – a scrambling perennial plant – in contravention of required environmental impact assessments.

OEH officials are understood to have been surprised to see elements of the mine's approval posted online by Planning even though they had been asked for advice. Instead, they were not given any time at all to review the conditions.

In contrast, Rio was given more time to get its offsets for the existing mine up to speed. This included being given an extra six months "to work out rehabilitation performance criteria" for clearing any Warkworth Sands Woodland to the west of Wallaby Scrub Road.

OEH said the Conditions of Approval were a matter for the Department of Planning and "had nothing to do with the current proposal".

Rio Tinto defended its offset plans.

"Our commitment to positive environmental outcomes as part of this application sets a new standard," a spokesman for the miner said.

"Our finalised Biodiversity Offset Strategy sufficiently offsets the impact of the proposal on biodiversity and has been certified by the Office of Environment and Heritage," the spokesman said.

"We have provided an 1800-hectare offset property that provides provision for addition to a national park as part of our extensive offsets package. This is on top of offsets of more than 1000 hectares and undertaking rehabilitation to 2100 hectares of disturbed land."

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