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Submission – Drayton South Coal Project – Response to Submissions

The Hunter Thoroughbred Breeders Association (HTBA) in conjunction with Coolmore Australia and Darley Australia makes this supplementary submission to the Department of Planning and Environment on Anglo American's Response to Submissions.

This submission does not intend to repeat the pertinent points and objections made in the submissions lodged by the HTBA, Coolmore Australia and Darley Australia on 19 June 2015.

The purpose of this submission is to highlight:

- a number of key issues which we trust the Department of Planning and Environment ("the Department") will be taking into account; and
- key matters which in our view are either inaccurate or misrepresentative or incomplete.

As such we expect the Department to have thoroughly reviewed all submissions lodged by the HTBA, Coolmore and Darley hitherto on this Project a complete list of which is appended to this submission.

1. Onus – with the Proponent

At the outset we submit that the onus of establishing the impacts of this project is on the Proponent, not stakeholders and the community who will be significantly impacted by Anglo American's proposed open cut coal project. This is Anglo American's second application to establish a new mine on a site that has previously been either recommended against or rejected by 15 Independent Government experts. That rejection was based on an appropriate precautionary approach due to the impacts on the equine, wine and tourism sectors and the fact that this proposal for an open cut coal mine is not in the public interest.

2. Department - Independent Arbiter

It is the expectation of all potentially affected landholders, stakeholders and the Upper Hunter community that Anglo American's second Drayton South application will be subjected to the highest level of rigorous, scientific and socio-economic scrutiny and that a triple bottom line assessment will be applied in line with the public comments made by Minister Stokes following his visit to the Upper Hunter in April of this year.

We expect the Department to be an impartial arbiter, basing its critical triple bottom line analysis on sound, independent scientific and expert advice at arms length from the Proponent.

3. Insufficient Evidence – Grounds for Refusal

The proposal for an open cut coal mine has been the subject of Government consideration and deliberation for over 4 years. The Proponent has had sufficient opportunity to present appropriate and

up-to-date information to enable a transparent assessment of the socio-economic and environmental impacts of this project. It consistently and continuously fails to do so.

Given the previous evaluation and rejection of this proposal by the Planning Assessment Commission and the highly sensitive nature of the Project - in terms of its potential impacts on sustainable iconic agricultural industries, tourism, local community, the environment, sensitive water courses, the historic nature of the surrounding topography (including both Indigenous and non-Indigenous heritage evaluation) – we consider it would be unacceptable for these matters to evade scrutiny by being relegated to future management plans.

Further it is our strongly held view that:

- should sufficient evidence **NOT** be presented by the Proponent now to enable the assessment of key environmental, strategic agricultural, socio-economic and rehabilitation matters;
- should sufficient evidence **NOT** exist to adequately respond to the concerns raised by both the Independent Expert Scientific Committee (IESC) and the Independent Gateway Panel; and
- given this proposed Drayton South project has already been the subject of a previous application process (at significant cost to landholders, stakeholder, the community, NSW Government and NSW taxpayers) and scrutinised by 15 Independent Government experts and their advisers

this project should be refused.

4. Application of Precautionary Principle Should Result in Refusal

At time of writing this submission, the IESC had lodged its assessment of the Drayton South Coal Project (IESC 2015 – 069).

The IESC report reinforced the need for its current advice to be taken in conjunction with previous advice provided to the NSW Government (both IESC 2012 – 010 and IESC 2015 – 064).

In response to the question *“Does the current EIS contain sufficient information to inform a sound assessment of potential cumulative impacts to significant water –related assets?”* the IESC stated *“No, the cumulative impacts to Saddlers Creek, the Hunter River, the associated alluvium and the underlying Permian groundwater system cannot be assessed from the information provided.”*

Appendix 1 contains a more comprehensive list of issues raised by the IESC and the Gateway Panel which reveals that significant and pertinent information is outstanding to enable a fulsome assessment of the environmental impacts of this Project to stressed water systems, surrounding landholders, water users and agricultural producers and agricultural productivity.

Given the significant potential impact of this Project on stressed water systems, critically endangered species, biophysical strategic agricultural land AND the equine and wine critical industry clusters, we are strongly of the view that the precautionary principle should be applied and the project should be refused.

This position aligns with the Gateway Panel’s conclusion (both in its current and previous reports) that the precautionary principle should be applied given the significant potential impacts and uncertainties of this project on the Hunter Valley’s equine industry.

5. Failure to Adequately Address the PAC Recommendations - Grounds for Refusal

Anglo American base much of the rationale for its second application for the Drayton South open cut coal mine on responding to the Planning Assessment Commission’s recommendations.

In doing so, Anglo American conveniently disregard the fundamental premise of the PAC’s recommendations and inappropriately reinterpret the PAC’s findings.



Anglo American entirely fails to address, and apply worst case scenarios, to the impact this mine will have on the viability of the operations of Coolmore and Darley and the viability of the thoroughbred, viticulture and tourism industries.

A “buffer” distance of less than 1km **IS NOT** in any reasonable person’s view a sufficient buffer distance which could protect the horse studs from the impacts of mining.

In our previous submissions we noted that Anglo had publicly and strenuously protested that a smaller mine plan, particularly the removal of the Redbank Pit would have a “*material impact on project economics*”; would render the project “*financially and economically unviable*”; and in the event the Redbank Pit was removed “*it is likely that the project would not proceed.*”

In the context of:

- the global mining downturn;
- reports the thermal coal market is in structural decline;
- cautionary remarks from business, financial and commodity analysts regarding stranded thermal coal assets;
- reservations expressed by the Determination PAC;
- public announcements made by Anglo American regarding planned efficiency and productivity reductions (including divestment of coal resources in Australia); and
- international commodity markets placing more stringent environmental controls on coal exports (resulting in China’s return of 70,000 tonnes of Anglo American coal from the Hunter Valley)

the public interest case of Anglo American’s second proposal is, in our view, weaker than that presented for the first proposal which was rejected by the Determination PAC.

Further we repeat the findings of the Review PAC outlined in the HTBA submission of 19 June 2015, that “... it will be essential that any mine operator responsible for the site is willing and capable of acknowledging, understanding and responding to the importance of the critically sensitive operations of the two studs” (PAC Review, 2013, p 28).

Anglo American’s failure to address even the most fundamental concerns expressed by the Review PAC, its determination to ignore any impacts on the equine, wine and tourism industries in the Hunter Valley, and its wilful disinterest in meaningfully consulting with key stakeholders, reinforces our view that this project remains against the public interest.

Given the above we respectfully submit that the second application for a mine on this site should be rejected and that stakeholders, the community and the NSW taxpayers should not be put through a further costly process.

6. Failure to address the SEARs – Grounds for Refusal

All mining proposals should comply with the Secretary’s Environmental Assessment Requirements.

On the advice of our experts we submit that Anglo American has failed to adequately and appropriately address key SEARs relating to the agriculture, air quality, noise, blasting, water, visual, heritage, social and economic impacts of this application.

Given the significant risks posed by this second application for a mine on a site that has previously been rejected, it is expected that the Department will impose the highest standards of scrutiny and compliance with respect to all SEARs and failure to do so should result in the refusal of the mining application.



7. Inaccurate, Misleading or Incomplete Information - Grounds for Refusal

We submit that Anglo American cannot on the one hand protest against the application of information submitted as part of their previous applications and the findings and recommendations of previous PAC Review and Determination reports and then on the other hand use these same processes and information to support their current application.

Information in the next part of this submission outlines inaccurate, misleading or incomplete information which has been submitted in support of this application.

This information relates to:

- lack of consultation;
- impacts on the operations of the studs;
- misleading information on proximity and co-existence;
- conflicting information on the viability of the mine and disputed economic benefits to the state of NSW;
- disputed information on visual amenity;
- inaccurate and incomplete information on ground and surface water impacts of the mine, final void and final closure plans;
- dated information on soil and agriculture;
- lack of transparency with respect to Biodiversity claims;
- non-compliance with the SEARs on non-aboriginal heritage and disputed claims on Aboriginal heritage;
- disputed claims relating to equine livestock and health; and
- non-adherence to the SEARs on key environmental impact assessments.

Anglo American has had more than 4 years to comprehensively address all environmental and socio-economic matters relating to this mine but has consistently failed to do so.

We submit that these omissions, inaccuracies and misinformation – in addition to the findings and determination of previous PACs and Gateway Panel - are grounds upon which any critical independent evaluation of this application by the Department and the application of the precautionary principle should result in a refusal of this mining application.

Yours sincerely



Dr Cameron Collins
President HTBA



Mr Paddy Power
Coolmore Australia



Mr Ross Cole
Darley Australia



GROUNDS FOR REFUSAL: INACCURATE, MISLEADING AND INCOMPLETE INFORMATION

1. All things to all people

Anglo American argues on the one hand that this is a materially different project which should be considered on its merits and that no consideration or weight should be given to the previous process or findings. On the other hand Anglo American liberally relies on the research and consultations it undertook as part of the previous process, and its reinterpretation of the previous PAC Review findings, to support its current application.

Anglo American cannot have it both ways.

We submit that this application is not materially different from that submitted and refused by the previous Determination PAC. The main concession, of moving the mine plan 500m further away from the studs (to a total distance of less than 1km from the studs) is, in our view, not material to justify this project application, not to meet the valid objections to it.

Accordingly, based on critical and independent evaluation, we submit that this application should be refused.

2. Lack of Consultation

The purpose of stakeholder consultation is to engage in meaningful dialogue and exchange of information to enable stakeholders to assess the impacts of the proposed mine on their operations and interests. Anglo American has not done this in respect of its current application.

Anglo American states that it has held over 30 meetings with Coolmore and Darley and communicated regularly to keep the Horse Studs informed and up to date. This statement purposely conflates Anglo American's communications as part of the previous application to support its current application.

Anglo American has held one meeting each with Coolmore and Darley with respect to its current application. During those meetings Anglo provided only information it had submitted to the Department in December 2014 which was already publicly available. Requests for additional information to address stud stakeholder concerns and assist their evaluation of Anglo American's application has not been forthcoming (even under the offer by the studs to enter into confidentiality agreements).

Table 7 (Response to Submissions, p88) seeks to mislead the Department on the nature of consultation with key stakeholders and confuses (already known information) on process with requests for further information and clarification (which has not been provided).

It is pertinent to repeat the remarks made by the Review PAC ...*"it will be essential that any mine operator responsible for the site is willing and capable of acknowledging, understanding and responding to the importance and critically sensitive operations of the two studs"* (PAC Review, 2013, p28).

Despite its comments to the contrary, Anglo American continues to demonstrate that it has no intention of acknowledging the critically sensitive operations of the studs nor engaging with them in an open and understanding manner. Anglo American mining chief, Mark Cutifani, demonstrates this perfectly given his public view that "what we are taking about is the visual impact [of the mine] on horses" (Newcastle Herald, *Mine boss aghast at stud farm objections*, 26 June 2013).

Based on our experience on this application, we have serious concerns about the Proponent's intentions and claims for future consultation and the manner in which it will conduct itself in the future. In our view the Proponent has not demonstrated the basic communication principles required for a social licence to operate.



Given Anglo American's willful disregard to genuinely consult with, understand and address potential impacts to, key affected stakeholders on this sensitive application, contrary to the Secretary's Environmental Assessment Requirements, Anglo American's second application for a new mine on a site which is clearly an incompatible land use should be refused.

3. Impacts on Studs

In its Response to Submissions, Anglo American maintains that the proposed open cut coal mine at Drayton South will have "no impact on the viability of operations at Coolmore or Woodlands Horse Studs ..." yet Anglo American has systematically failed to present any pertinent evidence to support this claim.

The fundamental recommendation of the Review PAC was that "Coolmore and (Darley) Woodlands be recognised as essential to the broader Equine Critical Industry Cluster and given the highest level of protection from the impacts of mining." (Review PAC 2013, Recommendation 1). It recommended, "the mine plan for the site should not be approved". (Review PAC 2013, Recommendation 2).

Further the PAC recommended "Any open cut mining contemplated on the site should be required to demonstrate that its impacts will not affect the viability of the Coolmore and (Darley) Woodlands horse studs." (Review PAC 2013, Recommendation 3).

These findings underpinned the decision of the Determination PAC (2014) to refuse this application on the grounds that, inter alia "The project has not demonstrated that it will not adversely impact on equine health and the operations of the Coolmore and Darley horse studs" (Determination PAC, 2014)

The onus of proof is on the Proponent to demonstrate that the Project will have no impact on the operations and viability of the Coolmore and Darley studs. Anglo American has made no effort to quantify the socio-economic impacts of the proposal on the studs and the viability of the equine critical industry cluster.

The marginally revised mine plan will not alter the impacts on the studs, the equine Critical industry cluster and the broader impacts on viticulture and tourism in the Upper Hunter. Together the wine and equine critical industry clusters contribute some \$5 billion annually to the NSW economy, create and support 100,000 sustainable jobs and attract potential investors and millions of visitors to the Hunter region. They are both recognised as state and nationally significant industries worthy of protection.

On this matter alone the Determination PAC's reasons for refusal of the previous mine plan should be heeded, any recommendation should adopt the precautionary principle and Anglo American's second application for an open cut coal mine at Drayton South should be refused.

4. Proximity and Co-Existence

Anglo American's mine plan remains less than 1km from studs which are key to the equine critical industry cluster and therefore the entire industry.

Anglo American asserts that its revised mine plan aims to promote co-existence of mining and thoroughbred breeding. In so doing Anglo American continues to completely disregard and misrepresent all independent expert findings and recommendations attesting to the fact that open cut coal mining and international scale thoroughbred breeding cannot coexist in close proximity; that the studs should be afforded total protection from the threat of mining and that the two industries located in close proximity are incompatible land uses.

While Anglo American promotes the new mine plan as "doubling the distance" from their previous application, this is intended to mislead and deflect attention from the fact that this proposed mine



remains too close to key studs that are the epicenter of the Hunter Valley's equine critical industry cluster.

No reasonable person would consider a mine plan move from 500m to less than 1km from key studs where people work, live and raise their children an acceptable "buffer" distance.

A mine plan, which includes blasting 6 days a week, so close to the studs, sensitive operationally and reputationally to the threats of mining, is not by any reasonable definition "*considerable buffering*" nor will it shield the studs from the day to day operations of the mine (visual, dust, noise, blasting, lighting). This proposal should be refused accordingly.

5. Viability of Mine and Net Economic Benefits to the State

In assessing this proposal for a mine plan the Department will need to critically assess Anglo American's economic analysis, the credibility of statements made with regard to the mine plan and the net economic benefits to accrue to the state.

We have previously questioned the credibility of previous statements made by Anglo American regarding the viability of its mine plan – including the removal of the project critical Redbank Pit – and the statements made in support of their current application.

In critically evaluating this application we expect that the Department will carefully consider the economic arguments, the lack of socio-economic analysis, the concerns raised by the Determination PAC regarding a potential stranded asset and deferred liabilities, and the economic impacts of this proposal on sustainable, iconic agricultural industries and jobs and regional economic diversity that will be placed at risk as a result of this proposed mine.

While we are not privy to the assertions regarding Anglo American's claims regarding financial viability of the mine plan, the seminal point relating to viability, or lack thereof, is the flow-on effects on the claimed benefit to the State.

Clearly a stranded asset will have no benefit to the State and will risk the demise of sustainable agricultural industries, jobs and communities. This will result in a significant net economic loss to the state.

6. Mine Closure Plan

We note that Anglo American's mine closure plan, due to be submitted by end 2014, continues to be the subject of negotiations with the Department of Resources and Energy. As such public scrutiny of this matter is constrained by the unavailability of pertinent information relevant to Anglo American's second Drayton South application.

7. Value of other sustainable industries

Anglo American misrepresents and seeks to diminish the economic and cultural importance and value of the thoroughbred breeding industry in NSW by quoting outdated (2011) and incomplete information (RTS p 181).

The Thoroughbred Breeding Industry has a proud heritage and history in the Hunter Valley – spanning nearly 200 years. The Coolmore and Darley stud farms have been a critically important part of our history, heritage and remain the "epicenter" of the industry's operations today. Appendix 3 outlines that proud history and heritage. Importantly, and contrary to the misinformation generated by Anglo American to date, the timeline in Appendix 3 demonstrates that:



- thoroughbred breeding in the Hunter Valley comfortably pre-dates any coal mining in the “precinct”;
- the Coolmore and Darley Woodland horse studs have been producing thoroughbreds for over 150 years – well before the Drayton Mine commenced; and
- investments in these studs, including by Coolmore Australia, pre-date Anglo American as investors in the Hunter Valley.

The NSW Government’s report on the Size and Scope of the NSW Racing Industry (prepared by IER and released in 2014) presents relevant contemporary information regarding the contribution of the thoroughbred breeding industry to NSW and the Hunter Valley including:

- generating over \$2.6 billion (to NSW) and \$560m (to the Hunter Valley) annually in value added to Gross State Product;
- sustaining the equivalent of nearly 5,000 full time equivalent jobs in the Hunter Valley region;
- supporting 6 racing clubs with 3,080 racing club members attracting over 100,000 attendances to local Hunter Valley racing club events; and
- supporting more than 5,700 individuals participating in breeding and racing in the Hunter Valley.

The Thoroughbred Breeding industry in the Hunter Valley remains the largest agricultural employer and provider of sustainable long term jobs. As outlined in the Marsden Jacob Associates 2013 report the Hunter Valley’s breeding industry income is nearly double the gross value of irrigated agricultural production, nearly 5 times the value of dairy and nearly 10 times the value of meat cattle in the Hunter region. (*Economic impact of the proposed Drayton South Open-cut Coal Mine development on the Hunter Valley Thoroughbred Industry, MJA Report October 2013*).

We remain of the view, consistent with the PAC’s determination, that this project will risk the future of the Hunter Valley’s wine, equine and tourism industries will diminish economic diversity of the region and is not in the public interest.

8. Adherence to the SEARs

In its Response to Submissions Anglo American continues to state that it has met the SEARs. Part of Anglo’s justification for this position is that the Department has “sanctioned” its submission. Nevertheless, several other Government Departments/Agencies responded to the effect that the SEARs had not been met, so the reliance on the Department’s “sanction” of the EIS is unfounded.

Our previous submissions clearly outlines that this is, and remains, NOT the case – particularly with respect to Anglo American’s agriculture, air quality, noise, blasting, water, visual, heritage, social and economic assessments.

Given the significant impacts of this proposal on the Hunter Valley’s critical industry clusters, the findings and determinations of previous PACs, and the integrity of the planning process, it is incumbent on the Department to enforce the highest and most stringent standards of critical evaluation on this proposal and not accept the Proponent’s claims on face value.

9. Visual

Anglo American claims to have undertaken over 60 visual assessment points identified by the Horse Studs and their visual expert Mr Michael Wright. (RTS p 130). This assertion is disputed. Neither Coolmore, Darley nor Mr Wright have a record of, or information on, over 60 visual assessment points for this project.

Anglo further claims that the visual assessment of their proposal is the result of five years of ongoing consultation and visual assessment and analysis with the Horse Studs. There has been no consultation



regarding the visual impact of the current application with the studs. Requests for information on visual impacts of this revised mine plan have not been forthcoming.

Anglo American claims that the proposed mine will not be visible from any of the operational areas of the horse studs or Hollydene and that the mine will remain completely shielded from the operations of the studs. This is incorrect. We contend that the operations of the mine will be visible from both studs and travellers along the Golden Highway (impacting visual and reputational concerns for stud operations, clients and tourists). These travellers include, importantly, clients, visitors, suppliers and stud employees and their families.

Further concerns relating to both direct and indirect visual impacts (including light, dust, blasting, noise) raised by HTBA, Coolmore, Darley, previous PACs and the Gateway Panel) continue to be ignored by Anglo American. Their position emphasizes that Anglo continues, consistently (and perhaps conveniently) to fail to acknowledge, and therefore fails to take into account, the business model of the studs.

The potential visual impact of this project is a threat to not only the studs but also to adjacent wine operations and potential investment and tourism attraction of the area. This will have significant negative economic, cultural and landscape impacts for the Hunter region and viability and reputational impacts for the studs.

10. Ground and Surface Water

Serious issues continue to be raised by the Independent Expert Scientific Committee (IESC) – many of which remain unaddressed since the IESC's 2012 report.

It is clear from the IESC report that the project will contribute to regional mining-related and cumulative impacts to water resources within the Hunter Valley, including increased salt loads. Potential impacts include reduced stream flow in Saddlers Creek and a resulting decline in riparian vegetation, and increased salinity in the Saddlers Creek alluvium and Hunter River alluvium resulting from long-term groundwater seepage from the final landform.

Further the IESC was not able to assess the cumulative impacts to Saddlers Creek, the Hunter River, the associated alluvium and the underlying Permian groundwater system due to the lack of information provided by the Proponent. A summary of the concerns raised by the IESC is at Appendix 1.

Concerns relating to:

- the lack of baseline information;
- lack of transparency of modeling and underlying assumptions;
- insufficient information to inform a sound assessment of the potential cumulative impacts to significant water related assets and water users;
- inconsistency in reported Project water demand;
- impacts on drinking water catchments;
- information on final void options and rehabilitation

have been consistently raised by stakeholders, agencies and independent Government experts during this and the previous application process.

Anglo American has had more than 4 years to comprehensively address these matters but has consistently failed to do so.

Given the importance of these issues and Anglo American's systematic failure to provide pertinent information to address concerns, we respectfully submit that this is another reason why the Department



should not put at risk the Hunter Valley's stressed water systems and refuse the Drayton South mine proposal.

11. Soil, Agriculture & Biodiversity

In its response to submissions Anglo American points to the EIS assessment of potential impacts on soil resources. We note that the EIS assessment was conducted by Environmental Earth Sciences Pty Ltd in **October 2012**.

Further on Biodiversity matters, we note that Anglo's RTS refers to a number of studies, maps and other information and modeling (RTS pages 40 – 46 and tables contained therein) that seeks to address concerns raised by the Office of Environment and Heritage.

This information has not been uploaded onto the Department's website and therefore does not enable public scrutiny and examination. Extraordinarily, some of the material predates the EIS, but was not included in it, meaning that it was not able to be scrutinized as part of EIS exhibition process.

Further, despite the current listing of Box-Gum Woodland as critically endangered Anglo argues that it should not be required to consider this new listing as part of its EIS due to the timing of its EIS.

We submit that good governance should require contemporary information, should be transparent and able to be scrutinised by stakeholders and should seek to avoid further endangering critically endangered species. On the latter, once identified, particularly in the early stages of an assessment process, Governments should take every step to protect identified endangered species and all mining proposals should be required to address and avoid further endangering critically endangered listed species.

12. Indigenous and Non-Indigenous Heritage

Anglo American states that the non-Indigenous Heritage assessment has been undertaken "*with reference to the Burra Charter*" (RTS p136). The SEARs require compliance with the Burra Charter which in our view and our experts view has not been done.

Further Anglo American continues to disregard the dynamic and static impacts of this mine proposal to the surrounding landscape and the visual presentation and operations of the studs.

Anglo American claims that the Aboriginal Heritage Assessment is adequate. We contest this assertion.

11. Equine

Anglo American falsely asserts that the fundamental design of the mine plan presents no risk to equine livestock and equine health.

Anglo American has systematically failed to accept the serious risks this mine plan poses to valuable bloodstock residing at the studs.

For reasons we have outlined in previous submissions, and contained in previous PAC Review (2013) and PAC Determination (2014) reports, we submit that:

- the information presented by Anglo American and its experts is not accurate or representative of Hunter Valley stud operations;
- disregards scientific evidence and poses unacceptable risks to the operations, viability and valuable bloodstock which form the epicenter of the Hunter Valley's equine Critical Industry Cluster



and respectfully recommend that a critical, independent and thorough expert based assessment by the Department result in the refusal of this mining application.



EXAMPLES OF INSUFFICIENT INFORMATION

Independent Expert Scientific Committee – Report of 24 July 2015		
P2	<i>... the proposed project will contribute to regional, mining-related and cumulative impacts to water resources within the Hunter Valley, including increased salt loads.</i>	Increased Salinity
P2	<i>Potential impacts include reduced stream flow in Saddlers Creek and a resulting decline in riparian vegetation, and increased salinity in the Saddlers Creek alluvium and Hunter River alluvium resulting from long-term groundwater seepage from the final landform.</i>	Saddlers Creek - Reduced Stream Flows
P2	<i>Inadequate baseline information for Saddlers Creek creates uncertainty in identifying the potential surface water quality and quantity impacts to Saddlers Creek, and to the Hunter River.</i>	Inadequate information to assess impacts on Saddlers Creek and Hunter River
P2	<i>The change to baseflow in Saddlers Creek has been predicted on an annual scale and does not consider the importance of baseflow during naturally occurring low-flow periods.</i>	
P3	<i>In response to the question “Does the current EIS contain sufficient information to inform a sound assessment of potential cumulative impacts to significant water-related assets? The IESC responded “No, the cumulative impacts to Saddlers Creek, the Hunter River, the associated alluvium and the underlying Permian groundwater system cannot be assessed from the information provided.”</i>	Insufficient Information to assess cumulative impacts
P3	<i>... the proposed project is still likely to result in significant impacts to ecological communities, including Box-Gum Woodland, by lowering the groundwater table, exacerbating the degree of fragmentation of communities, reducing connectivity and habitat for fauna, and placing remaining vegetation under additional stress.</i>	Significant impacts on Critically Endangered Box-Gum Woodland
P4	<i>As discussed in the previous advice (IESC 2015-064) the groundwater modeling does not include impacts to water resources from the adjacent Mt Arthur mine or other groundwater users. ... This limits the confidence in estimates of cumulative impacts.</i>	Insufficient Information to assess potential cumulative impacts
P4	<i>The cumulative reduction in flow in Saddlers Creek has not been quantified in the assessment documentation.</i>	Cumulative reduction in flow of Saddlers Creek not quantified
P4	<i>The degree of groundwater dependence and the impacts of cumulative groundwater drawdown on the Saddlers Creek riparian vegetation have not been assessed.</i>	Impacts on riparian vegetation have not been assessed
P5	<i>Some matters raised in the previous IESC advices (IESC 2013 – 010 and IESC 2015 – 064) particularly with respect to surface water resources, have not been addressed.</i>	Matters raised by IESC in 2013 and 2015 have not been addressed.
P6	<i>Most mitigation measures are proposed to be implemented through management plans which have not been included within the assessment documentation. Without these it is not possible to determine how effective the measures would be at mitigating or reducing impacts from the proposed project.</i>	Mitigation through Management Plans – cannot be assessed



Gateway Panel Report - April 2015		
P1	<i>The Gateway Panel finds that the verification of BSAL within the PDA is incomplete and has implications for assessing the full extent of the Project's impact on BSAL.</i>	Verification of BSAL incomplete
P1	<i>However, it is determined that the open cut mining operation will have significant direct impact on the agricultural productivity of any BSAL verified within the PDA through surface disturbance, reduction in soil fertility and structure, alteration to effective rooting depth, increased drainage and fragmentation of land use following the proposed landform rehabilitation.</i>	Mining will have significant direct impact on agricultural productivity
P1	<i>More definitive information on the rehabilitation program is required to determine the direct impact on the final land surface slope and rockiness, soil salinity and soil pH.</i>	More definitive information on rehabilitation required
	<p><i>The Gateway Panel recommends that the Proponent:</i></p> <ul style="list-style-type: none"> • <i>Reassess current site survey data, and undertake further site observation as necessary, for the accurate verification of BSAL within the PDA.</i> • <i>Update groundwater modeling to provide more accurate water flow and quality information.</i> • <i>Provide a clearer program for proposed reinstatement of BSAL and the final land use of the rehabilitated landform.</i> 	
P13	<i>Firstly, the justification for the re-classification of sites 11, 15 and 118 as non-BSAL ... based on failure to meet the salinity criteria ... is difficult to corroborate based on data supplied.</i>	Data supplied difficult to corroborate
P13	<i>Given the significance of potential impacts and uncertainties with regard to mitigation, and the dearth of scientific literature concerning the potential impacts of open cut coal mining on nearby equine breeding enterprises, particularly with respect to environmental stressors such as noise, dust and vibration, the Gateway Panel concluded that the Precautionary Principle should be applied (MPGP, 2013)</i>	Precautionary Principle should be applied to impacts on equine
P13	<i>Any impacts of the other potential stressors such as noise, dust and vibration appear to remain largely unknown.</i>	Impacts of stressors unknown
P18	<i>The Gateway application relies on groundwater modeling that was undertaken for a previous larger mine plan. ... A better understanding of water impacts will only occur when an updated groundwater flow model is available for review.</i>	
P19	<i>The Gateway Panel note that there are some explicit issues that have not been adequately addressed in the documentation provided.</i>	Explicit issues have not been adequately addressed
P19	<i>The first is the potential long term water quality changes (salinity) to the Hunter River and the second is impacts on Groundwater Dependent Ecosystems in Saddlers Creek.</i>	<ol style="list-style-type: none"> 1. Long term water quality to Hunter River 2. Groundwater Dependent Ecosystems in Saddlers Creek
P19	<i>The Gateway Panel agrees with the IESC comment that an updated assessment of the potential accumulation of salts in the final void and the assessment of potential travel time of seepage to the Hunter River and its tributaries is needed (IESC, 2015)</i>	
P20	<i>The removal of land from agricultural production following</i>	Fragmentation of



	<i>landform rehabilitation (SBA 2015) indicated significant fragmentation of agricultural land use will occur as a result of the Project.</i>	agricultural productivity
P20	<i>The Gateway Panel recommends that further investigation/clarification be undertaken to better determine the extent of BSAL within the PDA. Until this is completed, and more detail of the proposed processes for BSAL restoration and woodland establishment are provided, the potential for reduction in BSAL (and its significance) cannot be adequately assessed.</i>	BSAL impacts cannot be adequately assessed.



LIST OF PREVIOUS SUBMISSIONS AND EXPERT ADVICE

The following provides a list of submissions accompanied by supporting expert advice provided to the Department of Planning and the Planning Assessment Commission with respect to the Drayton South Coal Project.

We submit that these submissions remain pertinent to Anglo American's current application for an open cut coal mine at Drayton South and should be taken into account by the Department in the preparation of its report on Anglo American's second application for this project.

HTBA

1. HTBA Submission on Anglo American's Drayton South Environmental Assessment 18 January 2013
2. HTBA Drayton South Coal Project – Supplementary Submission 3 October 2013
3. HTBA Drayton South Coal Project – Presentations to the Planning Assessment Commission Hearing Submission 16 October 2013
4. HTBA Drayton South Coal Project - Submission to Director General 4 June 2014
5. HTBA Drayton South Coal Project - Submission to Planning Assessment Commission 5 September 2014
6. HTBA Submission on Anglo American Drayton South Coal Project Environmental Impact Statement 19 June 2015

Coolmore Australia

7. Coolmore Drayton South EA Submission 18 January 2013
8. Coolmore Australia – Submission to PAC re Drayton South 3 October 2013
9. Coolmore Australia Anglo American – Drayton South Project Response to Planning Assessment Commission Report 30 May 2014
10. Coolmore Australia Submission to PAC re Drayton South 2 September 2014
11. Coolmore Australia – Anglo American Drayton South Coal Project Response to Environmental Impact Statement 19 June 2015

Darley Australia

12. Darley Australia - Submission on Anglo American Drayton South Environmental Assessment 18 January 2013
13. Darley Australia – Submission to NSW Planning Assessment Commission on Anglo American's Drayton South Coal Project 3 October 2013
14. Darley Australia Drayton South Coal Project – Submission to Director General 3 June 2014
15. Darley Australia – Submission to NSW Planning Assessment Commission on Anglo American's Drayton South Coal Project 8 September 2014
16. Darley Australia – Submission on Anglo American's Drayton South Coal Project 19 June 2015

