



The Secretary
Department of Planning and Environment
Locked Bag 5022
Paramatta. NSW 2124

Attention: Mr Joe Fittell

22 August 2022

Dear Sir,

**Re: MAXWELL UNDERGROUND COAL MINE OPTIMISATION MODIFICATION APPLICATION –
SSD 9526 (Mod 2)**

This is a joint submission by Coolmore Australia and Godolphin Australia. We appreciate the opportunity of commenting on this modification application. While our studs are well known to you and the Department, background information on both is attached to our submission.

Exhibition Period

1. We acknowledge and thank the Department for the grant of an additional 7 days for response to the exhibited Modification 2 documentation.
2. We however wish to make the point as to the inadequacy of the period.
3. For whatever reason the Department accepts this application as a modification rather than a new application, despite the fact, amongst other changes, that the application essentially involves a complete realignment of the long wall panels. This in turn leads to mining encroaching significantly closer to both the Hunter River and Saddlers Creek.
4. In our letter requesting an extension of time to respond, we advised that since the original approval, we have attempted to meet with Malabar Coal and provide constructive input into environmental management plans being developed by Maxwell. We are also represented on the Community Consultative Committee.

5. Within days of release of the Mod 2 document we met with and raised 2 particular issues with Maxwell, being those relating to the significant reduction in the 'buffers' between the longwall shafts and the Hunter River and Saddlers Creek, and in respect to the inadequacy of the noise/blasting modelling.
6. The response of Maxwell, provided on 15 August (the last day of the original exhibition notice period) was to the effect that they relied upon the material already submitted, seeing no reason for any further action or investigation. This serves as an example of the complete inadequacy of this process. No doubt the Maxwell representatives did their best in terms of timings of our meetings, and their response to our stated issues, but this of itself took the whole of the advertised period. Self-evidently, we are not mining experts, and we are left to seek additional expert advice.
7. We have sought urgent expert assistance and shared material with the HTBA and have seen their submission.

Water Issues

8. Water expert advice, which we have jointly commissioned, is represented in detail in the HTBA submission.
9. This modification seeks to significantly reduce the "buffer" distance from the predicted zone of subsidence to the Hunter River and Saddlers Creek by 23 % and 65% respectively.
10. It is our view that this is not only a significant increase in the potential risk to those water sources, but an extremely important issue which is inadequately assessed. It is also our view that it represents a departure from one of the limiting determinations for the approval for the mine.
11. An extremely important point was made as part of the original assessment by the Independent Expert Scientific Committee ("IESC"). The background review undertaken in 2014 by the IESC (IESC, 2014¹) states:
*"Ren and Li (2008) report a range of values for AoD varying between 19 and 50 degrees based on limited data from the Newcastle coalfield. **A rule of thumb used in NSW is to adopt an AoD of 26.5, if no better information is available (MSEC 2007).**"* (emphasis added).
12. Clearly, if the actual AoD turns out to be greater than the 'rule of thumb' value adopted in the Maxwell's studies, the area of subsidence will be greater than that predicted and could extend into the key surface and groundwater resources of the Hunter River and Saddlers Creek - with the greatest potential for intersection with the Hunter River alluvial and consequent formation of a direct hydraulic connection between the mine workings, the Hunter Alluvial aquifer and therefore the Hunter River.
13. There are implications for the local and wider catchment water resources. The advice to us is that to date, no sensitivity assessment of this fundamental and uncertain assumption has been reported and this remains a material risk associated with the proposed Modification.
14. We submit that it is completely inappropriate to proceed to reduce the buffer, which was already based on a loosely based 'rule of thumb' AoD, without requiring a realistic and accurate assessment

¹ IESC (2014), Background Review on Subsidence from coal mining activities. Commissioned by the Department of the Environment. June 2014.

where clearly two significant water resources are impacted. In addition, the adoption of a single value for AoD in this case is effectively a simplifying assumption without any particular physical basis specific for this Modification. There should be no short cuts where, in particular, there are risks to the Hunter River and its associated aquifers. This is not appropriate robust assessment.

15. The appropriate step we suggest is for the mining plan to be amended so the shafts do not extend any closer to the Hunter River, and Saddlers Creek than as originally approved. The reduction in distance to the Hunter River and Saddlers Creek is a direct result of the mine plan change and would be entirely preventable by changing the extraction plan and reducing the length of some longwall panels.
16. Alternatively, the Department should not look towards approval without first requiring the Proponent to undertake a comprehensive and best practice subsidence assessment using a range of Angle of Draw (AoD) from 10 to 40+ degrees to more accurately reveal what the impacts surface and groundwater water (especially to the Hunter River and Saddlers Creek) would be and what avoidance, management or mitigation measures should be put in place to avoid damage to these water resources.
17. The use of a range of potential values, which will allow the assessment of best case and worst case scenarios should be applied as a minimum standard in seeking to, appropriately understand the realistic risks posed to the alluvial aquifers by this modification.

Noise & Blasting Assessment Inadequate

18. In both the Department's Assessment Report and the IPC's determination regarding the original consent, noise and blasting impacts on both Coolmore and Godolphin Woodlands stud farms were significant issues for both the Department and the Commission.
19. The Department's Assessment Report on the original consent acknowledged sensitive noise receivers to the south of the Maxwell underground project including residences on Coolmore, Godolphin Woodlands and Hollydene Estate. The Department noted that noise and blasting was expected to be "inaudible" above background noise and "virtually undetectable" from both studs.
21. We also understand that both the Department and the Commission considered the Proponent's commitment of "no impacts on the studs" and included strict noise and blasting conditions to avoid impacts on the studs. This consideration was reflected in the Commission's determination media release and statement of reasons.
22. It is unusual therefore that Maxwell in its Mod2 proposal has not undertaken any modelling on sensitive noise receivers on the Godolphin Woodlands property. This is not in keeping with the original consent considerations and conditions, or the Commission's determination.
23. Preliminary information we have obtained, in the time allowing, not only confirms that noise assessment from sensitive receivers at the Godolphin Woodlands farm has been omitted but that ventilation fan noise may be audible and at times, subject to meteorological conditions in contraventions of current consent conditions are now expected at nearby privately owned receivers.
 - a. For example, receiver 253 (NE Ray) which has been modelled. That property is situated across the river from Woodlands, further away from the Vent shaft site.

- b. The northern most residences on Woodlands are clearly closer than receiver 253 to the Vent shaft pad and have not been modelled (See Map showing modelled receivers is on page 3 of Appendix G Noise Assessment).
- 24. The table of results (Noise Assessment page 9 Table 5) show that distance is not the only factor and topography plays a big part in noise impacts.
 - a. For example, if one looks at receiver 58a (which is closer than receiver 228r) the table shows no impacts detected at 58a but there are some increased noise results at 228r which is further away.
- 25. Again we are of the view that these noise assessment issues are important matters, and to ignore them is against the import and scheme of consent provided by the Independent Planning Commission.

In our view Mod 2 should not proceed without an assessment being undertaken of the noise and blasting impacts of the proposed modification to Godolphin Woodlands using the same sensitive noise receivers assessed as part of the original application, and conditions imposed to manage, avoid and mitigate these impacts.

Our Submissions

- 26. We submit that:
 - a. revised noise/blasting modelling be completed to include the assessment of impacts at Godolphin Woodlands (using the same sensitive noise receivers assessed as part of the original Maxwell underground mine applications particularly sensitive receivers 240 a- e) .
 - b. Maxwell present options for its mine and extraction plan which reduce the length of relevant longwall panels to prevent increases of any subsidence risks to the Hunter River and Saddlers Creek, nearby roads and stud farms. Those longwall shafts should not go closer than those as originally approved as part of the mine plan originally proposed.
- 27. We also submit that Godolphin and Coolmore be provided the opportunity to comment on any new information provided to the consent authority, particularly with respect to issues raised in our submissions, and be given adequate time to obtain appropriate advice and respond.
- 28. Unless these matters are undertaken and adequately addressed, we object to the Mod 2 application.

Yours sincerely



Ross Cole
Director
Godolphin Australia



Paddy Power
Business Operations Manager
Coolmore Australi

BACKGROUND INFORMATION - COOLMORE AUSTRALIA AND GODOLPHIN AUSTRALIA

Coolmore and Godolphin are Australia's and the world's largest thoroughbred breeding studs. We are the global and Australian market leaders. As previous PACs have found, we are "pivotal" "central actors" the "epi-centre" of the Hunter's Equine Critical Industry Cluster (ECIC).

Coolmore and Godolphin are Australia's world and domestic market leaders in breeding and racing. We command some 50% of both the Australian and Hunter Valley stallion market. Together our operations are larger than all other thoroughbred breeding states in Australia combined.

We are as dominant in the sales ring as they are on the racecourse (representing 40-50% of the market in both). Coolmore and Godolphin stallions represent some 50% of the top ten stallions in Australia. The progeny of our stallions are highly successful, highly valuable and coveted by domestic and international breeding and racing interests.

Coolmore Australia

Coolmore Australia is the Australian division of the Coolmore thoroughbred horse-breeding and racing operation one of the world's largest commercial thoroughbred breeding enterprises with stud farms in Australia, Ireland and the USA.

Coolmore was established at Jerrys Plains in 1996 and directly employs up to 150 people of whom some 92 reside on the farm in 60 residences. These employees have made Coolmore a permanent home for their young families.

The Coolmore stud farm consists of approximately 9250 acres of strategic agricultural land – Equine Critical Industry Cluster – including over 5,000 acres of irrigated river flats, undulating paddocks and pastures that are amongst the highest quality in Australia

Some of Australia's greatest ever racehorses have been raised and grazed on the Coolmore stud farm including Fastnet Rock and Winx.

The farm is home to up to 1000 individual horses and up to 800 head of cattle at any given time.

Coolmore is an important contributor to the region and trades with over 160 suppliers in the Upper Hunter.

The Coolmore stud farm has a long history (since the early 1900s) of uninterrupted horse breeding on what was once known as the Arrowfield estate and it now the Coolmore stud farm.

Godolphin Australia

Godolphin is a global breeding business, founded by HH Sheikh Mohammed bin Rashid Al Maktoum.

It operates around the world, including Australia's Hunter Valley, Newmarket in the UK, County Kildare in Ireland, Kentucky USA, Hokkaido, Japan and the United Arab Emirates. HH Sheikh Mohammed is ruler of Dubai and Vice President of the United Arab Emirates.

It is the largest integrated breeding and racing operation in Australia and the world. In Australia, it has 6 main operational sites (3 stud farms and 3 training facilities):

- 2 stud farms in NSW located in the Hunter Valley – Woodlands located between Jerrys Plains and Denman and Kelvinside at Aberdeen; Kelvinside has been developed into a world-class facility with the capacity to stand 17 stallions, comprehensive mare, racehorse spelling and

rehabilitation, yearling facilities and education and training operations. These 2 properties alone span over 9,000 acres and operate as one integrated operation in the Hunter Valley

- 2 training facilities in the Sydney Basin, - one at Warwick Farm and another at Richmond; and
- 2 facilities in Victoria - 1 stud farm (Northwood Park) and 1 training facility (Flemington).

Godolphin employs some 300 people across Australia with about half of those located in the Hunter Valley across a broad range of occupations both direct horse related and in administrative functions. The farms are also home to many employees and their families. They are communities of people living and working on site.

Godolphin owns in excess of 700 horses with over 200 horses in training or racing. The properties in the Hunter also run some 1700 head of cattle.

The value of Godolphin's bloodstock is in the order of \$183 million with over \$113 million located in the Hunter Valley. This season their stallions service some 1800 mares.

Godolphin also hosts some 4,000 clients and visitors annually to our stud farms at Kelvinside and Woodlands.

Woodlands has a proud uninterrupted history of thoroughbred breeding dating back to the 1800's. The property was settled in 1824 and it is believed that the current homestead was built in 1833.

Woodlands' first recorded association with thoroughbreds dates back to the 1870's under the ownership of H.C. White, who bred and raced thoroughbreds, the most prominent of which was dual Caulfield Cup winner Paris in 1892 and 1893.

This history and the continuous association with thoroughbred breeding has been recognised by previous PACs and has resulted in their findings that Coolmore and Godolphin are "central" "pivotal" players in the Hunter Valley's ECIC and that they should be protected from the impacts of mining.

Together Coolmore and Godolphin represent the largest areas of prime agricultural land in the Hunter region. This quality of land is important to meet the needs of our businesses. Good soils grow good pasture, which in turn grows good horses.

There safe operation of this underground mine is of paramount importance to these two studs, the entire ECIC, and agricultural productivity in, surrounding and downstream of the mine site.