



SUBMISSION ON HUNTER VALLEY OPERATIONS – AMENDMENT REPORT

HVO NORTH OPEN CUT COAL CONTINUATION PROJECT SSD – 11826681

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HVO SOUTH OPEN CUT COAL CONTINUATION PROJECT SSD – 11826621

SEPTEMBER 2025

EXECUTIVE SUMMARY

The Hunter Thoroughbred Breeders' Association objects to the Hunter Valley Operations Open Cut Coal Continuation (North and South) Amendment Project.

The Hunter Thoroughbred Breeders' Association (HTBA) represents Australia's multi-billion dollar thoroughbred breeding industry which comprises over 200 thoroughbred breeding operations and support industries; and which is centered and concentrated in the Hunter Valley; and recognised as Australia's Horse Capital.

Jerrys Plains is the gateway to Australia's Horse Capital and Equine Critical Industry Cluster. It is the home of Coolmore Australia and its neighbour Godolphin (Woodlands) - Australia's and the world's largest equine operations and market leaders. They are the recognised "epicentre" of the Hunter's Equine Critical Industry Cluster (Equine CIC), which previous independent Planning Assessment Commissions (and Gateway Panels) recommended be provided total protection from open cut coal mining in close proximity.

Our industry is recognised by the NSW Government as an industry of national, state and international significance which the NSW Government has committed to provide the highest level of protection from incompatible land uses – particularly mining.

The HTBA is opposed to mining in close proximity to our studs which:

- impacts the operations of our studs;
- threatens our industry's future;
- tarnishes our reputation;
- discourages investment; and
- damages the environment, social cohesion and economic resilience of the region in which we and our community live and work.

In our 2023 submission on HVO's Environmental Impact Statement (EIS) we opposed the HVO Open Cut Coal Continuation Project (North and South) because the proposal and/or Proponent:

1. breached air quality standards;
2. breached the aquifer interference policy;
3. breached noise policy standards;
4. resulted in significant greenhouse gas emissions, the calculations of which have been significantly underestimated;
5. impacted the Hunter River and its alluvials, with consequent surface and ground water impacts which have not been adequately assessed;
6. made no assessment of noise, blasting, vibration and air quality impacts on our industry's operations and product;
7. made no serious attempt to assess the agricultural impact of the Project on either Coolmore, or the Equine CIC (there is only one reference to Coolmore in the Agriculture Assessment (Appendix Q);
8. made no assessment, in its social impact assessment, of the impact of the Project on our industry;
9. inflated the benefits and underestimates the costs of the Project – thereby presenting a biased net economic benefit analysis in favour of the Project;
10. failed to present transparent and contemporary data upon which the Project could be properly assessed;
11. assumed away the Project's impacts on our industry by stating the Project will have "no impact", or "negligible impact". This comprehensive failure to seriously assess the potential impacts of the

Project on its neighbours and the Equine CIC was a breach of policy; a breach of SEARs; and a breach of due diligence if it was not rectified. Coolmore is only some 3km from this project. It will be directly impacted (at a minimum) as a result of the Project's noise and blasting, air quality, dust; water and visual impacts;

12. made no serious attempt to properly assess the cumulative air quality, water and noise and blasting impacts the Project would create;
13. made no attempt to properly assess the Visual Impacts of the Project on nearby studs, clients, tourists and staff that will be impacted;
14. did not properly assess impacts on heritage sites;
15. presented policy information which was skewed in favour of the mining industry and omitted references in those policies to the need for "balance" and the "protection of agricultural industries, specifically the Equine CIC".

Regrettably this Amended Project proposal neither addresses nor rectifies any of the concerns we expressed in our submission to the original Continuation Project EIS in 2023.

At a time when Australia and the world is assiduously working toward a Net Zero Emissions future, transitioning away from fossil fuels and seeking to sustain or build viable alternative industries, the HTBA considers that it is not in the State of NSW's interests to approve risky, large scale, large emitting mining projects that cannot be mitigated.

The HTBA respectfully requests that the Department recommends against this Amended Project application:

- due to the unacceptable potential impacts on sustainable thoroughbred operations in close proximity;
- due to the unacceptable harm to the environment (particularly air quality, greenhouse gas emissions, and the Hunter's vulnerable ground and surface water systems);
- as it is contrary to Governments' (both national and state) net zero emissions policy, targets, legislation and/or international agreements;
- it is not in the interests of inter-generational equity; and
- it is not in the public interest.

INTRODUCTION

1. The Hunter is home to Australia's largest concentration of thoroughbred breeding operations (2nd largest in the world) and largest producer, supplier and exporter of premium thoroughbreds. The industry contributes in excess of \$5 billion, \$2.6 billion and over \$0.5 billion per annum to national, state and regional economies.
2. Our industry provides sustainable employment to over 5,000 people in the Hunter and supports a sophisticated network of equine support industries, including the Scone Equine Hospital, the largest in the Southern Hemisphere and a Centre of Equine Veterinary Excellence in its own right.
3. We have a proud history in the Upper Hunter starting from the late 1800's and spanning over 200 years.
4. There are some 200 stud and broodmare farms concentrated in the Upper Hunter. At the centre of the industry are stud farms such as Coolmore, which is a global and Australian market leader. Previous PACs have independently confirmed that Coolmore along with its neighbor Godolphin are "pivotal" "central actors" and "critical to the functioning of the Hunter's Equine Critical Industry Cluster (ECIC)".
5. Our industry is vertically integrated into the NSW Racing Industry and provides employment and business opportunities to over 200,000 people across its national network – upstream and down from fodder and saddlery through to racing, accommodation, fashion, tourism and hospitality.
6. It is a significant national, state and local employer and has been recognised by the NSW Government as a state significant industry. The industry has been mapped as an Equine Critical Industry Cluster, protected against coal seam gas development and promised heightened protection from coal mining.
7. The Hunter's Thoroughbred Breeding Industry is 1 of 3 Centres of Thoroughbred Breeding Excellence in the world, alongside Kentucky in the USA and Newmarket in the UK. It is the only thoroughbred breeding industry of such significant size, importance and global reputation that is not protected from incompatible development (such as mining) with buffers, protection zones or preservation orders.
8. Our internationally renowned industry has taken many decades to build. International breeding and racing experts and investors alike consider the Hunter Valley "a rare international gem" that has all the attributes (environmental, topographical, scenic and reputational) to continue to grow and take advantage of investment and further growth potential as our breeding and racing markets, and those throughout Asia, expand.
9. We do not intend to repeat in detail the points we made in our 2023 EIS submission, which remain valid and should be read in conjunction with this submission.
10. However, in addition to commenting on this HVO Amended Project proposal, there is a key point we would like to reiterate about investment, brand and reputation.
11. The global thoroughbred breeding industry is very competitive and investment is highly mobile. Reputation and brand are paramount to attracting investment and retaining clients. This is reflected in every aspect of a world scale stud's appearance and operation – from the approaches, surrounds, the front gate and throughout every acre of the stud's operation.
12. The production of elite equine athletes requires a unique operating environment combining scenic landscape, plentiful clean water, rich soils and a varied undulating terrain to produce and develop young equine athletes into champions of the future.
13. All of these characteristics are present at Coolmore's stud in the Upper Hunter Valley. Any threat to this environment (perceived or real) will threaten the fundamental basis of the industry's business model and the foundation of our Equine Critical Industry Cluster.
14. It is for these reasons that we take a strong stand on any mining proposals in close proximity to our members operations which our experts, based on their technical and scientific knowledge, advise is

risky, could be harmful to our operations, reputation and the “clean, green and serene environment” on which our industry is based.

WHY WE OPPOSE HVO’S AMENDED PROJECT

15. The HVO Amended Project is a continuation of the life of HVO North and South for a slightly shorter period than originally proposed:

- a further period of 20 years for HVO North as opposed to 25 originally proposed; and
- a further 13 years for HVO South rather than the 15 years originally proposed;
- a reduction to the additional 400 mt of ROM coal originally proposed to 180 mt
- a reduced mine plan to avoid extraction within gas Domain 1 at HVO North;
- expansion of the HVO North ROM stockpile;
- temporary truck haulage of coal from the Howick Coal Preparation Plant to the Liddell stockpile during upgrades of the Newdell Load Point;
- a levee for flood protection for the final void in the Mitchell Pit; and
- alterations to disturbance boundaries to accommodate additional infrastructure.

16. The HTBA fully supports Coolmore Australia’s submission on the HVO Amended Project proposal and in addition we make the following comments.

Economics

17. We stand by our original view that the economic impact assessment of the Project suffers from “optimism bias”, in that:

- the benefits of the proposal are being overestimated;
- the externality impacts have been underestimated;
- the potential costs of greenhouse gas impacts are not fully reflected in the Amended Project;
- royalty benefit calculations will be sensitive to both coal price and production schedule assumptions and may not be accurate;
- company income tax may be over-stated;
- other externalities, such as property values and the impacts on the ECIC have not been adequately assessed and no impacts have been assumed, despite the fact that nearby residential properties, studs and the ECIC will be adversely affected by this proposal;
- there is no assessment of the legacy impacts of the mine on water, heritage or NSW’s ability to meet its greenhouse emission reduction targets.

18. Given the potential greenhouse gas emission costs alone, and the cost of potential infringements of Net Zero Emission commitments (both domestic and international) if properly calculated, this project could not produce “significant net benefits” or meet the public interest test.

Mining

19. The lack of detailed information on the mine prejudices our ability to assess the impacts of this Amended Project.

20. The Proponent has not provided key detailed information to enable proper scrutiny of the mine plan and flow-on impacts including but not limited to detailed mine production data.

21. Furthermore Inconsistent claims made with respect to equipment and fleet numbers versus no change in Full Time Equivalent employee numbers provides us with little confidence regarding the integrity of the Proponent's mine plan and renders any analysis implausible.

Air Quality

22. For all who live and work in the Upper Hunter, the state of the Upper Hunter's air quality is a critical issue that continues to be ignored along with the impacts this has and will have on the health and wellbeing of Hunter residents and future generations.
23. There is nothing in the Amended Project Report that alters the comments and position we outlined in our 2023 submission in response to the HVO Continuation Project EIS.
24. None of our issues have been addressed.
25. No proper cumulative air quality assessment has been undertaken.
26. No measures have been put forward to avoid or mitigate the impacts of Scope 2 emissions.
27. The notion of allowing HVO to review greenhouse gas management technologies throughout the life of the mine is completely contrary to the objectives of the precautionary principle and inter-generational equity.
28. The Proponent's project related Greenhouse gas emissions, Scope 1 and 2 (806.3 kt Co2-e); Scope 3 (41,777kt Co2-e) remain significant.
29. Based on the information provided it is difficult to comprehend how the HVO Amendment Project proposal can comply with the NSW or Federal Government's state policies and legislated Net Zero Emissions targets or recent case law and international law and treaty obligations under the Paris Agreement.

Water

30. In addition to our previously voiced concerns - about breaches of the Aquifer Interference Policy; water quality security; muddled and incomplete information or data sets, outdated baselines, and curious climatic and hydrological assumptions, - which made it difficult to understand and assess the water related impacts of the original Continuation project we understand that no appropriate water modeling for the Amended Project has been undertaken.
31. The HVO Continuation Project in any form presents unacceptable impacts and risks to the Hunter River, the Hunter River alluviums, to the water table, groundwater quality; groundwater levels at third party bores; and the interaction between ground and surface water and on groundwater dependent ecosystems. These all have significant potential to affect the operation of our studs, our industry and communities in the Upper Hunter reliant on this water system.
32. We seriously object to the unacceptable inter-generational legacy resulting from this mining operation whereby HVO North and South Voids will be hyper saline; take about 1,000 years to "reach equilibrium" and remain an environmental hazard in perpetuity.
33. We further note that a comprehensive cumulative impact assessment on surface and ground water continues to be absent and is a major shortcoming in the evaluation of this proposal.

Noise and Blasting

34. Noise, blasting and vibration remain a serious issue for those who live and work in close proximity to the Project.
35. The Project is located only some 3 km from Coolmore.
36. The clear impacts on Coolmore are indicated by the fact that HVO has identified new sensitive receptors near Jerrys Plains, currently not entitled to voluntary mitigation rights, which will be

directly affected by the Project's noise and blasting. Some of those receptors are on, close to or indicative of the impacts on Coolmore's property, farm residents and their families.

37. This is an unacceptable risk and impact to one of, if not the most important stud farms in Australia.
38. We understand that Coolmore has not been consulted on this Amended Project proposal.
39. No analysis has been conducted on the noise and blasting impact on horses.
40. Any reader of the many submissions to previous PAC's will know that applying "human comfort" levels to assess the impact of noise and blasting on thoroughbred horses (not to mention pet dogs or cats) is entirely inappropriate given their highly tuned instincts and sense of hearing.
41. A comprehensive cumulative impact assessment on noise is also missing.

Visual Impacts

42. As outlined in our 2023 EIS submission, the Hunter's thoroughbred breeding industry is highly vulnerable to the threats of open cut mining, particularly visual impacts which are direct or indirect, static or dynamic.
43. The 2023 HVO Visual Impact Assessment:
 - did not address these visual impacts to Coolmore, or to its staff and clients;
 - was deficient in its analysis; presented no photomontages to aide analysis; and chose view points that did not reveal the full extent of the visual impacts of the Project; and
 - completely ignored the sensitivity of the location to thoroughbred breeding activities.
44. At the time we called on the Proponent to provide further Visual Impact analysis to address these shortcomings.
45. This was not done in the intervening (over) 2 year period nor has the Proponent updated its Visual Impact Assessment as part of this Amended Project proposal.
46. This is a serious omission that hinders the proper assessment of the HVO Amended Project.

STATUTORY CONTEXT

47. We remain of the view that a more balanced representation of the current Statutory context in which approval for this Amendment Project is sought would yield a very different interpretation to that proffered by the Proponent in that:
 - **Strategic Statement on Coal Exploration and Mining in NSW:**
 - i. calls for a transition away from coal mining and recognises the key, and long term role, our industry has played in the development of the Hunter's economy; and
 - ii. should not be presented as unequivocal support for coal mining at all costs without heeding the Government's messages on transition, balance, investment certainty, diversity and community concerns.
 - **Strategic Regional Land Use & Upper Hunter and The Hunter Regional (2036) Plans:**
 - iii. outline strong commitments to transition away from mining and protect and grow the Hunter's Equine Industry Cluster and emphasise the importance of our industry to the future diversity and resilience of the region, to exports, jobs and growth potential; and
 - iv. places particular emphasis on protecting, expanding and growing agricultural industries, particularly the thoroughbred breeding industry, and to enabling the continued development of a world class Upper Hunter equine precinct.

- **NSW Government's Net Zero Emissions Plan**

- v. which commits to a 50% reduction in greenhouse gas emissions by 2030 and net zero by 2050 ; and
- vi. in turn brings into question how a project of this nature, with significant greenhouse gas emissions and no mitigation options, could possibly comply with the NSW Government's policy.

Environmental Planning & Assessment Act 1979

48. Respectfully, we contend that this proposal fails key objects of the EP&A Act including:

- promoting the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources - Object 1.3 (a);
- facilitating ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment – Object 1.3 (b);
- promoting the orderly and economic use and development of land – Object 1.3 (c);
- protecting the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats – Object 1.3 (e);
- promoting the sustainable management of built and cultural heritage (including Aboriginal cultural heritage) – Object 1.3 (f); and
- providing increased opportunity for community participation in environmental planning and assessment – Object 1.3 (j).

Ecologically Sustainable Development

49. In our 2023 submission we respectfully submitted that the Project does not conform with the principles of Ecologically Sustainable Development, particularly with respect to the precautionary principle and intra and inter-generational equity.

Recent Case Law in International Judicial Opinions

50. With respect to Scope 3 greenhouse gas emissions and sovereign State's obligations under the Paris Agreement (which Australia is a signatory) we note:

- the recent Court of Appeal decision –Denman Aberdeen Muswellbrook Scone Health Environment Group Inc v MACH Energy Australia [2025] NCA 163 regarding consideration and controls relating to Scope 3 greenhouse gas emissions and Australia's obligations under international law, such as the Paris Agreement; and
- the International Court of Justice's recent (July 2025) unanimous statement and advisory opinion on the obligations of States in respect of climate change, breaches of which could incur legal responsibility and may be required to cease wrongful conduct, offer guarantees of non-repetition and make full reparation

and question how the Amended Project could be considered, let alone approved, given its considerable contribution to and impact on greenhouse gas omissions (domestically and abroad).