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The Secretary  
Department of Planning, Environment and Industry  
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### **Objection to Maxwell Underground Coal Mine Project (SSD-9526)**

I am the owner and operator of The Hunted Gourmet, a Scone based catering business. We have provided catering services in the Upper Hunter for 31 years. Much of my business comes from the Thoroughbred Breeders of the region, many of whom I have served on a long-term basis.

We are proud to have long associations with both Coolmore Stud, for whom we provide all client and corporate catering in both Jerry's Plains and at the Sydney yearling sales, and Godolphin / Darley Stud, for whom we operate staff canteens at both their Woodlands and Kelvinside studs and whose Hunter Valley client and corporate catering we have provided since Darley began operations in NSW at Collingrove in 2001.

I employ 5 full time staff, around 10 part time staff and up to 80 casuals for larger jobs - such as the studs' annual Open Days and Stallion Parades and the Scone Race Club for whom I have catered the 1000 guest Emirates Marquee at the Scone Cup for 15 years. Other clients include Vinery Stud, Segenhoe Stud, Yarraman Park Stud, and the Scone Vet Hospital.

I therefore consider the wider health and sustainability of what has been designated and officially gazetted by the NSW State Government as the 'Equine Critical Industry Cluster' integral and essential to the ongoing viability of my own business and any threat to the integrity and viability of the ECIC a threat to my business.

For that reason I objected to all the different versions of the Drayton South project and spoke at more than one Planning Assessment Commission hearing, and for that same reason I am objecting to this one too, despite it being a far "cleverer" application. Cleverer in that it is underground, the mine entrance is hidden as is most of the accompanying infrastructure - so we won't see most of it, apart from some light spill and glimpses, and we probably won't hear it much either. However, much like the mine entry, a lot of the other detail is also hidden.

Who are are Malabar Coal? They say they are "an independent Australian-owned mining company based in the Hunter Valley. The Economic Report says that 48% of the shareholding of Malabar is NSW based. We can't independently verify this, as the company delisted from the ASX shortly after the investment of Hans Mende's AMCI Group and before the Drayton purchase. I note that Brian Beem non-executive Director of Malabar is a partner in AMCI.

Is it really a coking coal mine? Yes, some of the Permian resources of the Hunter Valley produce soft coking coal (although the premium hard coking coal is found in the Southern Coalfields of the Sydney Basin). However, each previous mine planned at this location: Mount Arthur South, Saddlers Creek and Drayton South was to be a thermal coal mine.

Malabar will target four coal seams: Whynot, Woodlands Hill, Arrowfield and Bowfield. Drayton South also targeted the Whynot Seam and made no mention of coking coal in their application. The approved Mt Arthur Underground, immediately adjacent to the Maxwell project, just the other side of Saddlers Creek was to target 5 seams including Woodlands Hill, Arrowfield and Bowfield, and again no mention of coking coal, instead BHP detailed, "The project will involve longwall mining operations in five coal seams, primarily producing thermal coal..." That neighbouring project, though approved in 2008, has been "on hold" since 2010. BHP couldn't make the economics stack up, even though their capital expenditure requirements for construction were estimated at A\$300M as opposed to Malabar's estimate of A\$509M.

Compounding this uncertainty regarding coking coal is the absence of a detailed JORC report, like the mine entrance and the ownership details, this has also been hidden. Without a JORC report how can the Economic case for the mine, Royalty Payments etc be properly interrogated and investigated?

Water is another key issue. Malabar has produced a Groundwater report of 500 pages and a Surface Water Report of 114 pages and a further report regarding Groundwater Dependent Ecosystems of another 34 pages. Amidst all of those pages have Malabar answered all the questions and issues raised by the IESC Advice to the Gateway Panel succinctly in under 13 pages? Not according to my clients at the two studs and their own water experts.

Air Quality is another important issue, although this project's impacts will be markedly less than the former Drayton project, air quality in the region is deteriorating with the town of Muswellbrook at or beyond the average annual depositional dust threshold for PM10. The Mount Pleasant mine has had a dramatic effect on the region's air quality, you can see the dust coming out of it from many parts of Muswellbrook. It is hard to justify any project that will add any additional dust to the overburdened air-shed. I believe the situation is even worse further down the valley, the air quality network data says so.

After months, years of doing nothing the (admittedly understaffed and under-resourced) EPA have finally got off their backsides to launch some bust the dust operation. It really is too little too late, the community is fed up with hearing about "world's best practice" and "stringent conditions" while breathing in crustal and coal dust from mining operations who have the gall to blame "wood smoke", "sea salt" and the latest specious excuse "continental dust". What we want to see are clear skies, the horizon and large meaningful fines for those who transgress, not the paltry chicken feed fines of \$15,000.

Yours sincerely

Meryan McRobert