

# OFFICE OF THE MAYOR

Our Reference: OUT-7140/19



24 September 2019

Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/Madam,

## **Submission - Maxwell Underground Coal Mine Project - SSD-9526**

Although the Maxwell Underground project is wholly located within the neighbouring Muswellbrook Shire, the Upper Hunter Shire Council [UHSC] is submitting its concerns with the proposal in line with the UHSC's Position Statement on Coal and Coal Seam Gas which commits Council to -

*"Protecting the wider equine industry and therefore the gazetted Equine Critical Industry Cluster in our region by opposing coal mining developments that have the potential to adversely impact upon those major thoroughbred breeding farms located outside the Shire".*

Previously Council objected to each iteration of the former Drayton South proposal which was located within the same Exploration Licence 5460 boundary as the Maxwell Underground project, and adjacent to the two major thoroughbred studs Coolmore and Godolphin (Darley), which a previous Drayton South PAC described as *"the epicentre"* of the Equine CIC, and voiced those objections at each of the Planning Assessment Committee hearings. Council remains thoroughly committed to protecting the integrity of the Equine Critical Industry Cluster.

Our past experience with mining proposals, both State Significant Developments and Modification Applications, leaves us with little choice but to object to Maxwell in order that this seemingly less objectionable proposal is subjected to the rigorous assessment and interrogation an IPC hearing entails.

This is largely due to two factors. Firstly, the level of mistrust generated by the actions of Mining Companies - whose applications seemingly say anything to get a project approved and routinely overstate benefits and understate disbenefits, and secondly by the inadequate and flawed assessment of previous mining projects by the Department of Planning.

In particular, Council references the DPIE's recommendation to approve each iteration of the Drayton South Project as well as the more recent Dartbrook Modification 7 Application, all of which were subsequently refused by the PAC or IPC. As such, Council's objection perhaps says more about our level of confidence in DPIE's assessment process, confidence which has been weakened by those recommendations. We also note the recent Bylong IPC report which rejected another mining proposal the DPIE had recommended for approval.

### All correspondence to:

General Manager | Upper Hunter Shire Council | PO Box 208, Scone NSW 2337  
Phone: 02 6540 1100 | Email: [council@upperhunter.nsw.gov.au](mailto:council@upperhunter.nsw.gov.au)



[UPPERHUNTER.NSW.GOV.AU](http://UPPERHUNTER.NSW.GOV.AU)

The Dartbrook recommendation was ill-considered, did not bear close scrutiny and generated significant concern in our community and further cemented the perception that the Department's 'assessment' is largely a box-ticking exercise that routinely produces a recommendation to approve.

This state of affairs may be harsh on this proposal, however, that cannot obscure the fact that there are legitimate questions and reservations that need to be addressed - despite the voluminous documentation accompanying the application - particularly in regard to water. It hardly needs saying that the critical importance of the region's water resources, their sensitivity and their need to be fully protected and accounted for has been dramatically heightened by ongoing drought conditions.

In particular, we draw the Department's attention to the Independent Expert Scientific Committee's [IESC] advice to the Gateway Panel ( <http://www.iesc.environment.gov.au/system/files/iesc-advice-maxwell-2018-098.pdf> ). It is hard to see how the proponent has fully addressed all the issues that the IESC raised, despite lengthy Surface and Groundwater Reports. By way of example, we note that where the IESC called for -

*"An assessment that gives due consideration to the large inherent uncertainties in the potential impacts (e.g. through subsidence fracturing, ponding and/or erosion) on flow regimes, water quality and instream biota in surface water systems such as Saddlers Creek and its tributaries that drain the region of predicted subsidence. This should include long-term case studies for comparison".*

the proponent produced a two year study (two years that were in drought conditions) that hasn't given satisfactory consideration to those "large inherent uncertainties", to the extent that they remain fundamentally uncertain.

As such, we recommend that the Department -

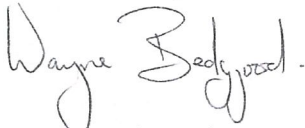
- 1). Consults with the IESC to ascertain whether that Committee is satisfied with the proponent's response to their advice, and
- 2). Commissions its own thorough and independent advice on the adequacy and veracity of the proponent's Groundwater and Surface Water reports to assist in their own assessment of the project.

The Department routinely attaches what it describes as "stringent and rigorous conditions" to mining approvals, however, the ongoing deterioration of air quality in the Hunter Valley, which is at a crisis point and totally unacceptable, makes a mockery of these. We see the palls of dust, we see the frequent Air Quality Alerts, we see the HVAQN data and we know the situation is getting worse and we know from ample scientific research that small particle air pollution is harming every organ in both our bodies and our children's.

Many times over many years Council has called for the release of the Cumulative Impact Assessment Methodology for mining proposals that has likewise been promised many times over many years by the Department and both Coalition and Labor State Governments. While the Maxwell Underground proposal will by nature be less impactful than various neighbouring Open Cut mines, each individual project adds to the whole and each individual project must be assessed accordingly. As must the whole. Therefore Council, once again, calls for the release and subsequent implementation of the oft and long promised Cumulative Impact Assessment Methodology.

Thank you for your consideration of this submission.

Yours sincerely



Wayne Bedggood  
MAYOR