

Meryan McRobert
The Hunted Gourmet
501 Rouchel Road
Aberdeen
NSW 2336

December 19th 2012

The Director General
The Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir / Madam,

Re: Objection to the Anglo American Drayton South Open Cut Mine Proposal

I am writing to object to the Drayton South open-cut coal mine project. I am the owner and operator of The Hunted Gourmet, we have provided catering services in the Upper Hunter for nearly 25 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 corporate catering in both Jerry's Plains and Sydney) and Darley Stud (for whom we operate staff canteens at both their Woodlands and Kelvinside studs and whose clients we have catered for since Darley started operations in NSW at Collingrove in 2001. I employ 3 full time and 2 part time staff to service Darley's canteens. Other clients include Scone Race Club, Vinery Stud, Segenhoe Stud, Yarraman Park Stud

As a long term resident of the Upper Hunter (I came here over 30 years ago to work at Segenhoe Stud) I have seen the changing nature of the valley and witnessed the detrimental impacts of the mining boom creep ever northwards. Air quality is of particular concern, only yesterday I drove back from Coolmore and came over Mount Arthur along the Edderton Road to see the thick dust blowing off the Mount Arthur and Bengalla mines. The air quality monitoring network masks these spikes with their rolling 24 hour averages but we residents feel their impacts. The Minerals Council talks up their members' best practice and "dialogues with the community" about how they're cleaning up their act yet they still blast when they want to and there is a net increase in un-rehabilitated land and overburden areas across our region, all of which leads to further deterioration in air quality.

Many local residents were encouraged by the coalition's election promises to redress the balance and consider the cumulative impacts of mining developments, yet the SRLUP is a severe disappointment and offers little if any protection to our best land and the industries that work it, the Gateway has had the gate removed so it is little more than a rubber stamp and access ramp. There is no mechanism to address cumulative impacts, projects are still being assessed on a case by case basis as they come before the Department of Planning. The opportunity to address these issues has been squandered pathetically and the great plan watered down into irrelevance by the Minerals Council.

Coolmore have Drayton South across the road and Nucoal attempting to mine beneath them, Darley have Drayton South and Spur Hill on their doorstep. These projects will render their land holdings untenable. Mitigation and management measures fail everywhere else so why would they work here? Where do these farms move their operations to? Darley could retreat to Kelvinside but face the same proponent with another open cut project in close proximity (4 kilometres) and that same land holding is deemed an area for underground coal exploration. Coolmore have looked at every

available property in the Upper Hunter but none has the land acreage and water that they need for their operation, nor the security that the same thing will not happen to them again in the future.

Co-existence between mines and rural industries in the Upper Hunter is a misleading furphy. The impacts on roads, labour, health, services, amenity, air quality, water quality and availability and the direct competition for land just aren't being considered. The case study of Edinglassie Stud is frequently pushed by the Minerals Council and features on their website and that of BHP Billiton.

Mick and Michelle Talty who lease Edinglassie from BHP Billiton are popular and highly regarded members of our community yet it is also widely understood that their Lease contains a 'no nuisance' clause which specifically precludes the Taltys from providing any adverse on the record commentary or complaints regarding the impacts of their landlord's and neighbour's business activities. The 'no nuisance' clause is a standard insertion to lease agreements with mining companies.

However, it is possible by collating information from a number of sources including the National Pollutant Inventory and the Mt Arthur Annual Environmental Management Reports [AEMR] of 2011, 2010 and 2009 and the Bengalla AEMR of 2010 and 2009 (which are available on the websites of the parent companies) to gain an insight into the very tangible and at times alarming impacts the two mines have on the property.

Dust. The NSW Government stated in a 2010 Environmental Report that ***"Managing dust from coal mines is important as it can impact local and regional air quality and adversely affect local amenity and pose a risk to public health"***¹ Although a colour photograph of a High Volume Air Sampler at Edinglassie is reproduced in the 2009 Mt Arthur AEMR, results and readings from this monitor have never been released publicly.

Dust is monitored via dust deposition gauges at Edinglassie by both Mt Arthur (gauge DD16) and Bengalla (gauges D12A and D12B) with samples recorded and weighed monthly. The Air Quality Standards and Criteria for Particulate Matter Concentration Standard for insoluble solids in deposited dust is 4 grams per square metre per month. The Table below lists the results for the three gauges at Edinglassie from 2009, 2010 and 2011 and gives the average, total and highest monthly reading for each year compared to the Air Quality Standard Criteria.

Gauge	2011 Av	2011 Highest	2011 Total	2010 Av	2010 Highest	2010 Total	2009 Av	2009 Highest	2009 Total
DD16	5.25g*	7.6g	63g*	4.1g*	8.2g	49.3g*	5.0g	11.3g	59.6g
D12A	N/A	N/A	N/A	6.0g	28.8g	71.6g	3.9g	5.6g	47.2g
D12B	N/A	N/A	N/A	6.5g	12.0g	78.1g	5.7g	8.9g	68.6g
criteria	4.0g	4.0g	48.0g	4.0g	4.0g	48.0g	4.0g	4.0g	48.0g

* Where samples have been reported as contaminated with insects and droppings and no result listed in the Mining company returns, I have used the Ash residue weight recorded for that given monitor in that month to provide a more representative figure. The true weight of the sample would have been higher (ash forming only one component of the insoluble solids collected).

In the AEMR, BHP Billiton explain away the 'elevated dust depositional dust results' for gauge DD16 by stating ***"This monitor is located on land owned by Mt. Arthur Coal and is used for management purposes only; it is not indicative of nearby privately owned residences"*** and that the monitor is ***"3.5ks from the nearest sensitive receptor"*** which will be a great comfort to their tenants at Edinglassie. By such means are BHPB able to claim that they have ***"achieved 100%***

¹ 'Management of dust from coal mines' NSW Government 2010

compliance with air quality criteria", even though the criteria for depositional dust was exceeded at Edinglassie in every month of 2011 except May and July, and the annual criteria was exceeded by 31%. In both 2009 and 2010 the criteria was exceeded in 7 individual months at this gauge.

Bengalla's two gauges have both produced some alarming results. The October 2010 reading for gauge D12A of 28.8grams is 620% above the concentration standard. Gauge D12A exceeded the annual criteria in 2010 by 63% and gauge D12B by 49%.

The table below shows pm10 and pm2.5 emissions from both mines. Figures from the National Pollutant Inventory available at www.npi.gov.au

Report Year pm type kg	2010 / 2011 pm10 kg	2010 / 2011 pm 2.5 kg	2009 / 2010 pm10 kg	2009 / 2010 Pm 2.5 kg	2008 / 2009 pm10 kg	2008 / 2009 pm 2.5 kg
Mt. Arthur	4,200,000	110,000	2,600,000	270,000	7,100,000	300,000
Bengalla	1,900,000	26,000	1,600,000	23,000	1,700,000	25,000
Total	6,100,000	136,000	4,200,000	293,000	8,800,000	325,000

Noise is not measured at Edinglassie by BHP Billiton, but is measured by Bengalla via monitor NO3. Bengalla state **"Monitoring at this location for BMC internal use only"**. Bengalla monitor noise at 5 other locations each of which has a differing set of specified decibel limits as set out in the 2008 Bengalla Mine Modification Approval.

The table below compares the noise levels measured in 3 categories quarterly at Bengalla in 2009 and 2010 against the *highest* specified limit in each category from the other 5 locations. Noise measurement units are decibels (dB). The 'A' weighting scale describes human response to noise.

The table illustrates how noise levels at Edinglassie are routinely higher than the mandated highest limits for privately owned land, occasionally much higher.

The 2010 3rd quarter *average* measurement of 68 dBA exceeds the highest limit set by the 2008 Bengalla Modification by 79%. 68 dB is the equivalent of a commercial petrol-engined generator at 7 meters.

Category	Day LAeq (dB A)	Night LAeq (dB A)	Night LA1 (dB A)
Edinglassie 2010 quarterly	44 50 68 47	39 40 46 41	46 46 52 46
Edinglassie 2009 quarterly	45 38 40 47	44 46 40 42	48 52 46 48
Highest limit	38	38	46

Blasting

Both Bengalla and Mt Arthur blasts are recorded on geophone monitors at Edinglassie. Although the 2010 Annual Environment Management Report for Mt Arthur features the same colour photograph used in the Edinglassie Case Study of their geophone (BP08) together with a thoroughbred mare and foal on the lawn near the homestead, results for this monitor were not included in that report and only partially in the previous year's. This means that blasting results information for 2011, 2010 and 2009 at Edinglassie from both mines cannot be accurately collated.

However, from the information that is available it is apparent that Edinglassie is regularly rocked by blasts, with in excess of 100 blasts a year that exceed 100 dBL. In 2009 Mt Arthur initiated 15 blasts which resulted in ground vibration of more than 5 millimeters per second and 13 such blasts in 2011. In both those years there were 4 blasts exceeding overpressure of 115 (dBL) emanating from Mt Arthur. In 2010 there were 3 Bengalla blasts in excess of 115 (dBL) one of which exceeded 120 (dBL) and was reported.

Nor are these the only issues of living next to open-cut coal mines as the photograph below demonstrates. The picture was taken in May 2010 from the Denman Road and shows Edinglassie Stud in the foreground and an orange plume drifting towards it from the Bengalla coal mine. A witness Robert Reid told the ABC that ***"You'd swear to God it was a sunset coming out of the mine, that's how orange it was"***.



The plume takes its colouring from the presence of Nitrogen Dioxide (NO₂). The acceptable level of nitrogen dioxide in a plume is five parts per million and it turns orange-red when the concentration is between 50 and 250 parts per million and a deep red from 250 parts per million up. Nitrogen Dioxide is toxic by inhalation and a large scale pollutant. Researchers at the University of San Diego have suggested a link between levels of NO₂ and Sudden Infant Death Syndrome. It can also irritate the lungs and lower resistance to respiratory infection. Sensitivity increases for people with asthma and bronchitis.

The National Pollutant Inventory lists combined Oxides of Nitrogen emissions from Bengalla and Mt. Arthur in reporting year 2010 / 2011 in excess of 2,300 tonnes.

A spokesman for Bengalla said the amount of fumes from the blast was an unusual event and is thought to have resulted from an interaction of water with the explosives.

The Edinglassie Case study does not present a sustainable blue-print for the future of the Hunter Valley wherein coal mines and horse studs live side by side happily ever after. Indeed, careful consideration of the facts reveals the case study to be quite the opposite - it is a telling reminder of how vitally important the Strategic Regional Land Use Plan was to the ongoing commercial viability of the thoroughbred breeding industry in the Upper Hunter. Furthermore, subjecting tenants to quite shocking levels of pollution, blasting and noise whilst effectively gagging them and limiting their rights to freedom of speech is behavior few should be proud to brag about in a widely disseminated 'case study'. It is therefore hardly surprising that these tenants are actively looking to get out.

Anglo American's SRLUP submission

In their SRLUP submission, Anglo American focused on their two NSW projects Dartbrook and Drayton South. This submission contains multiple errors and factually inaccurate information.

The section titled '***PART C Submissions on Anglo American Projects AND the extent of the proposed Critical Industry Cluster***'.

7.1 The extension of the equine cluster into the area of Drayton South is not appropriate.

The equine CIC reflected the situation of Coolmore Australia and Darley Australia Woodlands. These two stud companies are the largest in terms of both land holding and importance to the industry and represent significant investment in the Australian and NSW thoroughbred industry by the two largest entities in the global racing industry. To place these two entities at risk effectively places the entire NSW thoroughbred industry at threat as Darley and Coolmore are the two largest of the four major stallion standing farms (the other two being Arrowfield and Vinery), although the Darley stallions are based at the Aberdeen property Darley Kelvinside.

7.2 There is no "unique combination of factors" which sets this area apart for the equine industry. This area has been a mining precinct since well before the horse studs commenced there and investment decisions have been taken on that basis.

7.8 As is detailed in the Preliminary Environmental Assessment for the Drayton South Project, the area of Drayton South has been a mining precinct for many years. The area was originally approved for open cut mining with a development consent and mining lease granted to Pacific Power in the 1980s. This occurred before there were any material horse studs located in the vicinity. The development of the horse studs has post dated the establishment of the area of Drayton South (and its approval) as a coal mine.

7.9 Investment in tenements and lands comprising the Drayton South project was made on the basis of this history.

7.10 Any development of horse studs in the vicinity was (or should have been) done with full knowledge of the pre-existing mining approvals and resource.

This is demonstrably untrue. Earlier in the submission (Points 2.6 - 2.10) Anglo trace the history of Drayton South back to "the **1940s**" and detail that prospecting for coal began in the "late 1940s". Exploration allegedly "intensified during the **1960s** and **1970s**" before authority to prospect (Authority 169) was granted to the Electricity Commission of NSW in **1979**. in **1982** Mount Arthur South submitted an application approval for coal mining with development consent not granted until **September 1986**. A mining lease was not granted until **1989**, a lease which lapsed through proponent inactivity in **1994**, 3 years after the development consent had also lapsed for the same reason.

Anglo American assert that this shows that the *“area has been a mining precinct since well before the horse studs commenced there”*, however this ignores the facts of both the early and more recent history of both the Coolmore and Woodlands properties which pre-dates any coal mining precinct.

Coolmore

The Coolmore property was named ‘Arrowfield’ by its first settler / owner George Bowman who was living there from **1824**, although it would be a decade until he got around to actually buying the land. His son George Pearce Bowman was a noted racehorse owner and breeder, however it is not clear whether the Arrowfield property or another close by was used for their production.

What is very well established is that the property was bought for the purpose of thoroughbred breeding on **April 1st 1912** by William and Frederick Moses. The brothers were

“pioneers bloodstock breeders . . . They left an outstanding thoroughbred legacy, achieved primarily through the importation of British stallions St Alwyne and Valais. The progeny from these two horses alone won every major race in Australia and included Nightwatch, Heroic, Poitrel, Manfred and Valicare. Arrowfield was also home to Alwina, dam of the legendary Peter Pan”²

The more recent history of the property traces to **July 1986** when the first of the properties that form the stud was purchased by John Messara and was transformed with a major capital improvement program. The new Arrowfield Stud land was sold to global giant Coolmore and leased back to Arrowfield. This arrangement ended in **1996** when the lease was not renewed and the property was renamed Coolmore Australia.

As such thoroughbred breeding and rearing on the property that was originally named Arrowfield quite clearly pre-dates the 1940s ‘mining precinct’ described by Anglo American. The re-birth of Arrowfield Stud in 1986 pre-dates both the development consent in September 1986 and the granting of the mining lease in 1988 and furthermore, when the current property owner Coolmore took control of the Farm in 1996 that Mining Lease had already lapsed in 1994.

Woodlands Stud

Has a similar history, first surveyed in 1822 the property was once in the portfolio of the White family and was owned by James White possibly the most successful owner breeder in Australian racing history, however it is unlikely that he bred thoroughbreds there. However, H.C. White was advertised selling colts “from the well known Woodlands Stud” in **November 1883**.

In **January 1893** The Morning Bulletin reported that “Robert Ross . . . now of Woodlands, Denman, New South Wales has made up his mind to retire from horse breeding and has placed his stud in the hands of T. S. Clibborn. Mr Ross has many high class mares, and a couple of good stallions - imported Clan Stuart, by Prince Charlie and the veteran Kingston sire, Speculation”.

By **1911** the property was in the hands of Edward Goddard Blume who raced under the nom de plume E.J. Craven. Blume was “one of the Australia’s best known pastoralists” and a “prominent patron of the Australian turf”. He was a significant investor in bloodstock. He stood many stallions at Woodlands including Shepherd King, Flying Machine, St. Savin, Viscount Alwyne, Marvel, Piastre “and many stallions of lesser note”. The then 1743 acre stud was sold to A. Grace, one of the retailing Grace brothers in **1926**.

² Di Buckley ‘Great Thoroughbred Studs of Australia’ 2008 p.10

In November **1946**, “for the purposes of thoroughbred breeding”, a syndicate headed by George Ryder and including Tom Street and David Chrystal bought Woodlands from former jockey Ted McNenamin (who had bought Woodlands from Grace and bred horses there on retiring from the saddle in 1944). Ryder was a very significant racing figure, Chairman of the Sydney Turf Club, initiator of the Golden Slipper race and a noted breeder of racehorses. Amongst his innovations was the first syndication of a stallion in Australia. The commercial production of racehorses from Woodlands reached its first peak in 1964 when the stud consigned 94 yearlings to the Sydney Easter Sale.

In **1970** another syndicate including Robert Kleberg of the noted Texan King Ranch and Lord Derby bought the property from Ryder. Lord Derby was also a prominent racehorse breeder, the owner of both the Lordship and Egerton studs in England and from the family that gave its name to the Blue Riband horserace, The Derby. Initially the syndicate bred quarter horses but thoroughbred were not gone for long and many high class winners were bred on the farm including the 1982 Golden Slipper winner and outstanding champion sire Marsday. The stud was sold to the Ingham brothers in **1985** and went on to become world famous under their stewardship producing a string of champions, most of which were home bred on the farm.

Woodlands Stud has been a well known farm since farm since the late 19th century and a major force continuously since 1911. Similarly to Arrowfield, the purchase and major developments that occurred at Woodlands in the mid 1980s still pre-date the 1986 granting of development consent to Mt. Arthur South and the 1989 mining lease. Similarly, the last ownership change - which saw Sheikh Mohammed bin Rashid Al Maktoum acquire the property and bloodstock in early 2008 - was made after the mining leased had lapsed.

Thoroughbred Breeding in the area therefore comfortably pre-dates the ‘coal precinct’ described and given such weight to by Anglo American. To suggest otherwise is false and misleading and to do so in a submission to the State Government is an affront to responsible corporate governance.

The Equine Health Impact Statement in the EIS is perhaps the most laughable, ludicrous, tenuous, spurious, pseudo-scientific bullshit I have ever read in my life. A cut and paste googleson that is perhaps best dissected by others with better placed qualifications than my own. Blasting may be beneficial for horses - an opinion Dr. Kannegeiter derives from the sales literature produced by the Swedish manufacturer of a vibrating floor pad! That’s a good one. The fact is that the impacts from mining on horses in terms of dust exposure, noise exposure and vibration exposure has not been adequately researched and should be independently carried out before any further assessment of this project.

If approved this project will irreparably damage the Thoroughbred Breeding industry in NSW by forcing the two largest breeding operations from their current historical locations. It will turn Edderton Road into the most dangerous road in country NSW and it will add further to the cumulative impacts of the mining industry in the Upper Hunter, all at a time when human induced climate change is rapidly approaching the tipping point.

Yours sincerely,

Meryan McRobert

