

**DARTBROOK MOD 7  
LEGAL SUBMISSIONS  
HUNTER THOROUGHBRED BREEDERS  
ASSOCIATION INC**

Ballanda Sack  
Special Counsel



PLANNING  
ENVIRONMENT  
VALUATION



# Preliminary Legal Issues

- This is a proposal for a different project than that contemplated by the current consent:
  - The proposal is constrained by the terms of the Application
  - The Application must be assessed in its current context not by reference to a past and unusable approval
- There is not sufficient credible information to assess its impacts



# Project Context

- “*the public interest is a mandatory consideration .. under s 75W ... and requires consideration of relevant ESD principles*”
- Project’s rural and scenic landscape context
  - Mining SEPP: existing, approved and preferred land uses in the vicinity and their compatibility with mining
  - Importance of community views in identifying landscape character and preferred land use

# Cumulative Impacts

*successive, incremental and combined impacts (both positive and negative) on society, the economy and the environment*

Mine	2014 Production (Mt)	2022 Permitted (Mtpa)
Muswellbrook Mine	1.39	2
Mangoola	11.26	13.5
Mt Arthur Open Cut	25.74	32
Bengalla	10.69	15
Mt Pleasant	-	10.5
<b>TOTAL</b>	<b>49.08</b>	<b>73</b>





# Social and Indirect Impacts

## ■ Social impacts:

- *Dust, particulate, noise and lighting impacts have the potential to affect people's wellbeing – even where impact criteria not exceeded*
- *Displacement impacts of acquisition & actual or perceived loss of value in land*
- *Value of “culture”, community and sense of place. Changes in “place” can trigger distress*

## ■ ESD, indirect impacts and relevance of climate change and GHG

# Benefits and Impacts

- Need for a qualitative assessment
- The asserted economic benefit is overstated and improbable (contingent on unproven and unreliable assumptions).
- The many adverse impacts to local community, region and NSW/Australia are real and significant (and underestimated and under valued by the proponent)
- Approval of the proposal is contrary to the public interest and the principles of ESD