



F.J. & N. MUXLOW
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Hon Tony Kelly MLC
Minister for Planning

16th August 2010

Major Development Assessment, Dept of Planning,
GPO Box 39, Sydney 2001

Re: Austar Coal Mine –S75W modification
App No DA29/95 Mod 4



Dear Mr Kelly,

As previously with stages 2 & 3 assessments for China Austar Coal, we are objecting to the undermining of our property. We are not objecting to undermining or mining in general. But certainly we are objecting to how China Austar has used parasitic, unprincipled, unethical, principles of low morality to virtually gain something for nothing, all with no outlay to them, but with tremendous costs to us.

In the past two stages 2 & 3 we have offered submissions dealing with the same mine and also dealing with the same horrifying circumstances and conditions being forced and imposed upon us. However our input to these assessments has been completely ignored.

Thus, the outcome that emerged from these two previous assessments has completely devastated us financially and mentally. We clearly stated in these submissions this would happen if passed without some protection for us in the form of loss of property value compensation. But this was given no credence, and obviously ignored, intentionally! These two former assessments (stages 2 & 3) were full of bias and predilection against ourselves and our property.

We were invited to submit a presentation and proposal of our thoughts and idea's for the two former stages. However, this obviously was only a formality and was never taken seriously and we feel treated with contempt and scorn in a light and frivolous manner. This was only used to give the impression the process was open and transparent, but not really wanted. This is despite the fact that we spelt out how crucial and vital to our well being and existence this was for our peace of mind, amenity and lifestyle. What we submitted then certainly would not have blocked or slowed down the mine development in any way. But it would have been a little fairer in not destroying us financially to a point of devastation.

We certainly hope this currant assessment (DA29/95- MOD4) is conducted in a little more honourable and ethical manner.

To restate a few of the myriad of wrongs with (DA29/95 – MOD4) that we completely disagree with and believe should be corrected for the interest of all concerned.

1. The flood levels used in both assessments for Stage 1&2 and are the standard used for the area of land which this (DA29/95-MOD4) is placed. These levels and the one in a hundred year prediction are a complete distortion of fact. We have complained before and challenged these levels with the mine but naturally little was done as it was not in their interest to do so. This is wilful falsehood of information and should be exposed as such. We feel until these and other abnormalities are exposed nothing will be done, but this is a Chinese government owned project so what would one expect.
2. As also mentioned previously there has been no complete EIS of the area to be mined now. The EIS that is being used falsely at present was created in 1995 for a completely different mine plan and a completely different set of circumstances. This is a spurious attempt by China Austar to make a sham EIS fit a current mine plan. There has to be some correction of this blatant misrepresentation of facts. There was a foible flawed attempt at one point to try and explain to us there was an annexed section to the original 1995 EIS. But as with most rhetoric from the Chinese government this was an untruth. There was no evidence or official proof to follow this up. A completely new EIS that is relevant to what is actually being mined now, along with the current mine plan should be implemented. This should also address the environment, habitat, ecosystems etc but also the social milieu, of the humans involved above and within the areas to be mined, and of what financial difficulties will the mining impose on their properties and lifestyle.
3. One can ascertain and perceive by viewing the enclosed map that the new proposed LWA5a panel (DA29/95-MOD4) in conjunction with the other proposed panels (LWA6 & LWA5 plus the outer 30% angle of draw or the line of last 25mm subsidence will cover over 75% of our whole property. The centre section of LWA6 & LWA5 are the point of most subsidence. The deep subsidence of LWA6 is now going to be exasperated with the crushing effect of the proposed new LWA5a this is the orange area. Already one can comprehend from the map, all our main infrastructure is effected by LWA6. This includes our creek, all dams, all structures such as poultry sheds, workshop, storage sheds, plus most important of all, our home. It is little wonder when prospective buyers learn of this, they just disappear saying it is just too risky and uncertain to invest in. As one person stated, no bank with any intelligence would forward finance to him or indeed any farmer if they were to see all the inherent and potential problems that subsidence will create and keep creating for many years to come on this property. Some even mentioned when one recognises the immensity of the mining under the watercourses and creek upstream from our property, that alone would place a halt to them purchasing our property.
4. We are asking that the evaluation appraisal and assessment process to include along with all the essential required safeguards such as: environment, flood, air quality, aboriginal relics, vegetation, dust, etc etc to include our input also. This is the human side of the equation as this modification, if passed without some form of compensation

being inserted will grossly make our life a miserable and despondent existence. There has to be some thought given to our existence and the fact that our asset value has plummeted due only to the undermining and the construction of the new mine head in very close proximity. Our monetary investment value within this asset has virtually dropped by 75% with a negative and unfortunate dire outcome for both, our well being and our property. The psychological stress and pressure being placed on our health knowing full well our property value as a poultry farm has been completely decimated because of a foreign power such as the Chinese government. This is more than should be expected of us. It is akin to us having to suffer similar dire psychological strain and mental anguish that the folk are suffering on properties effected by drought or bush fires, as our financial losses are similar. We are asking that this Environmental Assessment (DA29/95-MOD4) not to act in a predetermined and predetermine manner but as stated before, should also include our human existence and a human side of the equation as well.

The act of being stood over and forced to sacrifice and surrender so much of our possession and estate value that was gained only through years of hard toil is just abhorrent. And only to appease a Chinese government owned coal mine. This has to be compensated for in a worthwhile and meaningful manner. It is unrealistic, oppressive, and draconian to actually acquiesce or agree to this vile act of defrauding. The indemnification for our property loss of value, has to be built in with and, be a part of the approval.

We certainly do not want to stop or stall the project, but the evaluation and assessment should conform to some decent acceptable standards. It should include some principals of morality and no hand down should be engineered or capable of being distorted to cause hardship, suffering, and misfortune to others while the Chinese government makes great wealth at our expense.

The two previous assessments (stage2 & stage3) were given the right to proceed knowing full well it would be fatal for our property and also knowing it was a act full of bias and one sided. There should have been corrections then, as it was transparently obvious to all without some vociferation and interjection we would be humiliated and stripped of dignity, financially, mentally and psychologically. So this is paramount and crucial that this will not happen again in the granting of this (China Austar DA29/95-MOD4) modification. As stated in various correspondence and especially that of 4th of March and 15th March 2010 where we referred to this very same modification (China Austar DA29/95-MOD4) we mentioned how serious the undermining was to our property. We mentioned exactly how the undermining had virtually stopped any hope or likelihood of possible sales of the property as a poultry producer. This, even though the property has excellent criteria for a quality producer, such as ample water, three phase power, steel framed poultry sheds, workshops, and an excellent large home etc. however as soon a buyer comprehends the immensity of the undermining they soon lose interest and actually do say they would rather seek a property with no potential problems.

Buyers have even pointed out the fact undermining up stream under the creek has the possibility of causing water complications in years to come, these people are intelligent and wise and certainly steer away from any potential or possible latent problems. These

potential problems were spelt out very clearly by us in the summing up for the last two assessments.

As also stated in the correspondence of 4/3/10 & 15/3/10 we mentioned how retirement was forced upon us because of an asbestos related health problem. But how can we gain any superannuation out of the equity of our property if these assessments allow our property to virtually drop and lose 75% of the value of our asset. This therefore forces us to effectively retire without some form of dignity but, allowing the Chinese government owned mine to dictate the terms while undermining our property. It is quite clear the offender should recompense their victim.

However, we do own the property and all upon the surface of it, so until there is some form of fair recompense for the destruction to our lives there certainly will be no damage whatsoever allowed to the topography of its surface. We will not accept or allow any structural damage or movement to the land surface, even to a diminutive minute amount, and certainly no activities or subsidence around creeks or dams. Lately we have heard utterances and remarks that China Austar mine management have stated that we have retired, therefore their undermining activity will not be hindered. We find that the management the Chinese have working for China Austar is quite reminiscent of the type of person the French Vichy was. The fact we are not working is because of ill health associated with asbestos. But all the necessary requirements needed are still in place. We certainly will be selling as a poultry farm. But if forced to, we can lease out immediately, and have been approached several times to do so. The reason for not taking this course of action is we would rather use our collateral within our property to gain a more substantial superannuation, but we are not compelled to do this. So if China Austar management thinks they will take advantage of our situation without them giving back in return, we assure them this is the wrong attitude. We certainly will not be subsidizing the Imperial coffers of the Chinese government.

The environmental assessment document which was forwarded to us for perusal was most comprehensive about a wide variety of facts it had a lot of bulk and filler which certainly gave it size physically if not substance. It even had a appendix devoted to our property this being APPENDIX 6. However there was not one sentence or paragraph about the destruction to us financially, or psychological stress, or our health problems that have been created because of this stress. There was certainly no mention of the plummeted property value we have experienced. Because prospective buyers see how the water catchment area both on our property and the wider upstream areas will be undermined. This cannot be disputed it is here in black and white. We certainly will not sit idly by and just watch the value of our investment and a life time of work be stolen by this despotic regime.

The assessment of DA29/95-MOD4 has to be or should be made with the facts that are presented independently, and certainly not predetermined by outside influences. We do understand that the psyche of the Chinese government operates on intimidation, authoritarian, and autocratic martinetish, but this behaviour certainly will only serve to engage more conflict. Certainly there will be no subsidy contributed to China by them trying to force us into insolvency. Although being aware of the fact China operates in a despotic, dictatorial manner in almost every way, we can visualize a better outcome can be

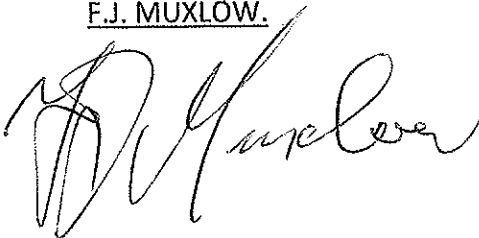
achieved for both parties with little input. As one can ascertain from various correspondences dating back to the mid nineties and we have had many, a stop/go and will purchase/will not purchase, propositions and overtures as to our property.

These never came to fruition or fulfilment as proposed. However, this was of little concern to us then, as health wise we were in good stead. Now the parameters have changed, owing to the fact that the Chinese government has purchased the mine and they will try to proceed to undermine our property. But as mentioned many times earlier we are certainly not going to donate out of our pockets to the mines profits. We are not going to be left with a property that is excellent in every way for poultry farming but, has now been rendered unsalable as a poultry operation. And solely only to the fact the property, plus all the water catchment area that feeds into the property, is to be undermined. This act is a crippling blow against our rights and completely devastating psychologically and health wise. It has shattered us financially both in the complete loss of land value and the potential superannuation tied to the resale value of the land. This autocratic and stand over attitude has to be exposed as to being the way the Chinese government comes to Australia and treats our citizens and local land owners where they decide to do business and mining.

In conjunction with this submission there has to also be read the two enclosed copies of correspondence forwarded to the minister on the 4th and 15th of March 2010, these also formed a part of our submissions. Also on your files there should be documentation of correspondence dealing with the same problem sent to Mr Sartor & Mrs Keneally. Copies are available.

Yours sincerely,

F.J. MUXLOW.

A handwritten signature in black ink, appearing to read 'F.J. Muxlow', written in a cursive style.

N. MUXLOW.

A handwritten signature in black ink, appearing to read 'N. Muxlow', written in a cursive style.



As one can ascertain from this map, it is obvious there will be damage to our property both physical and also to any possible sale. Clearly the new proposed modification application (DA29/95-MOD4) blue line with the angle of draw (last 25 mm drop off point) pink line can be seen to cover a huge part of our property and also encroaching close to the poultry shedding. A buyer only has to see this new proposal for mining plus knowing the catchment area for our registered dam on Coney creek upstream is going to be undermined for hundreds of acres, they certainly will shy from any sale.

But when one takes note and perceives when LWA6 and its angle of draw is added to this equation plus still facing all the proposed upstream undermining ,no purchaser with any intellect or practical nous would entertain purchasing our property. The value as a poultry producing property has virtually vanished and lost to sight, only due to and because of undermining.

It certainly would not be hard to imagine how these maps would effect a prospective purchaser. The normal psychology of a person would only perceive that there was potential trouble, so why purchase a property that could have even the slightest potential for trouble in the future. It would be by far, better to look for a farm with no such potential problems, and undermining does not exist.



Source: AAM Hatch, 2006
Base Source: Author Coal Mine

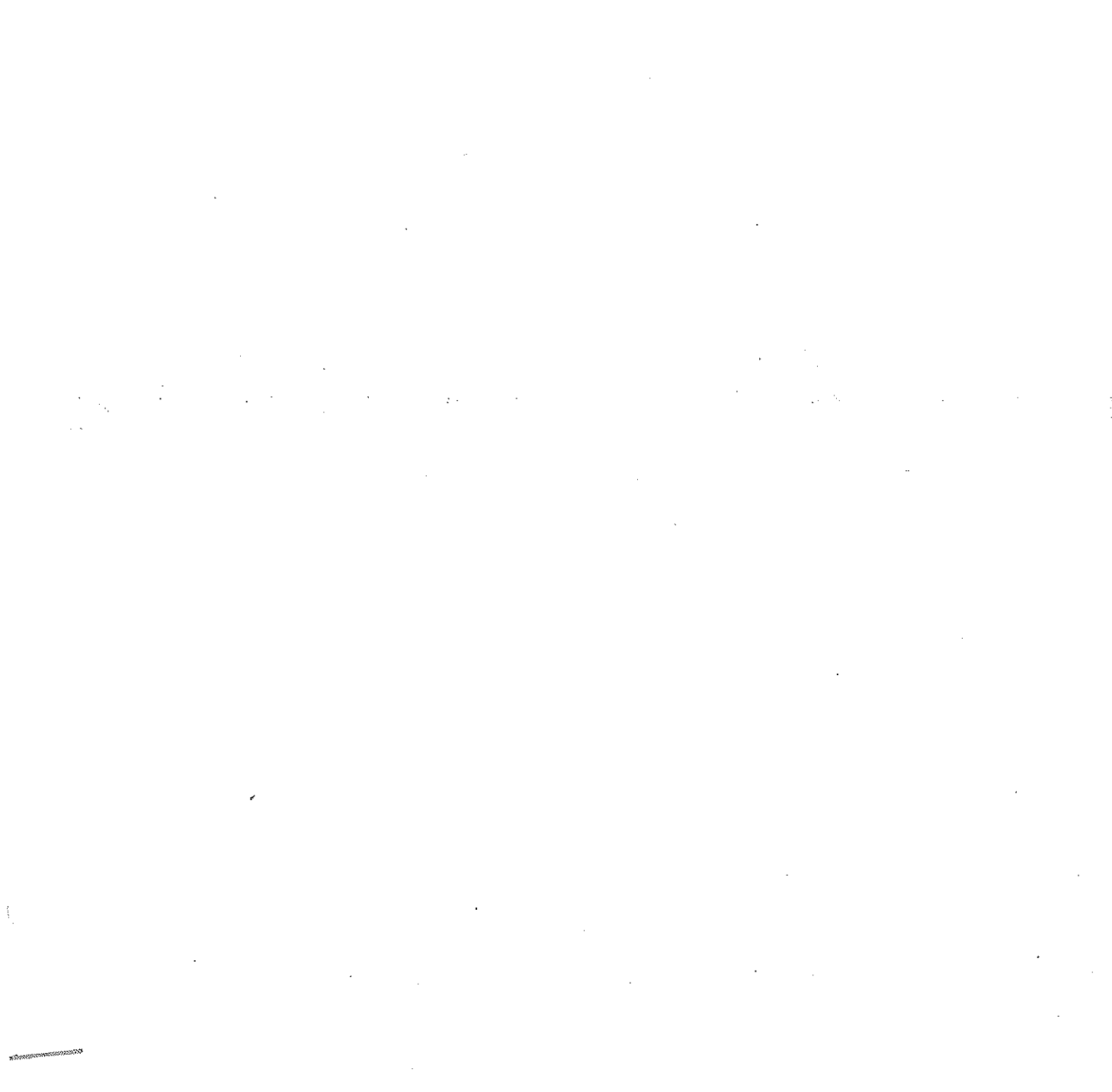
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Legend

- Layout for Stage 2 Longwall Panels
- Layout for Stage 2 Extension Longwall Panel
- LWAS 20mm (Incremental) Subsidence Contour (Stage 2 Extension Study Area)
- Coalfield Boundary

FIGURE 1.4

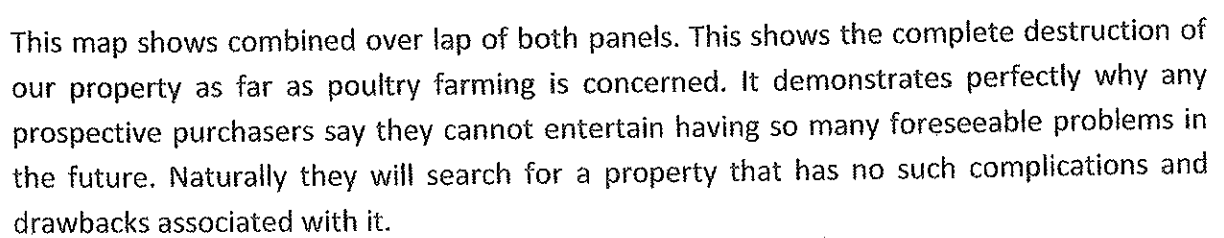
Stage 2 Extension Conceptual Longwall Layout



This map shows long wall panel A6 with predicted final 25mm drop off angle of draw around the panel.

arakata State
ervation Area





This map shows combined over lap of both panels. This shows the complete destruction of our property as far as poultry farming is concerned. It demonstrates perfectly why any prospective purchasers say they cannot entertain having so many foreseeable problems in the future. Naturally they will search for a property that has no such complications and drawbacks associated with it.