



F.J. & N. MUXLOW
388 QUORROBOLONG RD
QUORROBOLONG NSW 2325

6th of February 2012

The Director- General
Department of Planning & infrastructure
GPO Box 39
Sydney 2001.



For attention, Howard Reed.

RE: Proposed modification of (DA29/95 – MOD 5) for longwall Panel A5a and your invitation to make a written submission as per your correspondence of the 30th of January 2012.

Dear Mr Reed,

As with all previous assessments pertaining to China Austar undermining our property and the water catchment area that flows into our property, we are objecting resolutely. This is because of the undeniable and indisputable huge financial losses this mine is imposing on us. **This submission indubitably has to be read and evaluated with other previous submissions we forwarded to your office on the exact same topic, that being DA29/95 and various modifications from time to time. Those earlier submissions and this current one are virtually dealing with the same issues effecting our property, and are only a carry on of each other. The issues being, the undermining of our property by China Austar and the enormous financial losses we are incurring because of this. We presume both our portfolio, and that of China Austar's will be at hand with all these various past modifications etc.**

The issues within this currant China Austar proposal have not changed, only intensified in the suffering and destruction to our lives.

As revealed back in our very first submissions we forwarded to your department about China Austar's agenda for undermining our property, we clearly stated we are not against mining. We are however against having to shoulder, and carry the burden of **propping** up the profits of a coalmine at immense financial loss to us.

You would comprehend from the various early DA's and modifications involving undermining of our property our problems and inequities have not changed, just intensified and compounded with each mine request. You certainly should interpret from the previous submissions, that we are still dealing with the same underground longwall mining plan (with some modifications) that has devastated our life.

One gets a sense of surrealism when you witness a government virtually obeying every wish of this mine without a systematic investigation as to the peripheral devastation surrounding the mines operations. The ramifications to our property that is situated exactly above the

mine workings are enormous both psychologically and financially. It would have been evident to your department that this monocratic and odious action taken by the mine is destroying our property for the uses that have taken decades to build up. The fact this is destroying both us as owners and the property is completely ignored and goes unheeded.

The value of the property as a poultry farm has all but gone because of complete inaction at the approval stages of various mine applications and modifications etc. You will also note from our previous submissions that we stated we do have to sell the property because of ill health associated with asbestos. However indolence and inappropriate inaction in these various approvals have left us without any form of compensation for our immense losses and a poultry enterprise that is unsaleable. We do have potential buyers who enquire, but as soon as they comprehend the potential surreptitious and insidious effects the undermining could cause to their investment they soon lose interest. The result is no buyer will risk investing capital in the property under these conditions.

In previous submissions for stages 2 & 3 and several other modification applications, we **clearly** set out foreseeable and **obvious** problems that would occur. These problems would afflict and beset on our property if no preventive measures were not incorporated within the approvals to China Austar. It would effectively be indisputable for your department not to have noted these perceivable complications. At this point there could and should have been inserted corrective measures within these applications from China Austar. Unfortunately these predictions have come to actualization, causing ruinous consequences for us. At no point have we wanted to stop, or even hinder the mining operations. At no stage we wanted to acquire or realize excessively from Austar's undermining of our property. **BUT** likewise, we expected a little respect, and certainly not to be placed in the horrendous situation, that this mine is forced upon us now. Potential property buyers openly state undermining is the only obstacle stopping any purchase.

In this present assessment (DA29/95 – MOD5) January 2012 we are asking for our land devaluation to be taken into account, and not just merely trivialized as has been the example of past. Even a property of this calibre with excellent production records and unlimited expansion opportunities, we find that buyers just, will not entertain investment capital once they are aware of undermining. This despite we have reduced and sacrificed our asking price from the true value of a poultry enterprise of this standing. At this very point in time within the last few weeks we had another two potential buyers enquire. One from the Sydney basin area again, who wants to expand his operations found our property had all his many requirements for expansion. But on gaining knowledge and comprehending the facts of what area will be undermined he soon lost interest even at a substantial reduction in price. The other we understand is having problems with finance following his bank requesting China Austar to forward full information as to the undermining operations of the property and the catchment area. This is actually happening now.

It is obvious from a bankers point of view and, opinion this could be an unpredictable and uncertain investment. As mentioned many times before we are certainly not anti mining **BUT** we certainly are anti-deception and seek only to be rightfully compensated for our extraordinary unreasonable loss in property values, **DUE** only to undermining. There is not the slightest reason why this problem cannot be accounted for within this (DA29/95 – MOD5) consent application. Our farm property certainly should not be impoverished or

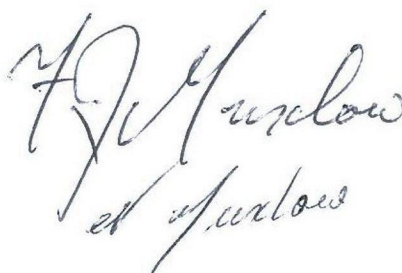
made a scapegoat only to top up the reserves and coffers of a mining company especially a **FOREGIN** owned one. As far back as fifteen – sixteen years ago the then mine owners, Newcastle-Wallsend Coal Company recognised the fact our property would suffer land devaluation should they proceed with undermining, and would have to be compensated for in some way.

This extra new area proposed in (DA29/95 MOD5) to be mined under our property will certainly stop even the slightest chance of ever a poultry farmer entertaining the idea of purchasing the property. Even selling for hobby farming uses at greatly reduced value will certainly be a very hard proposition. It is obvious to all, decades of very hard work and toil to build up an asset to be proud of can so easily be taken away because of the inaction of others. Whether property sales are stopped by rural financiers not prepared to gamble with financing a property being undermined or it is the psychological effect on a buyer, the outcome is immaterial and irrelevant. The fact is there is no sale because of undermining. Page three of China Austar's application for DA29/95 longwall A5a variation dated 13th January 2012 which was forwarded to your office states, 175000 tonnes of coal could be sterilised if your department did not approve this modification for the extra mining under our property. However nowhere within this application document they presented to your department does it allude to, or think noteworthy to mention the fact their undermining has sterilised any prospect of our property being sold at its proper former value. That being the value of a poultry farm with all the same equality and size etc. Certainly they do not bring reference to any form of compensation for their acquisitive and predatory manner that is destroying our lives.

To reiterate and close this submission, as stated with earlier submissions and in relation to this one in particular (DA29/95-MOD5)2012 we ask for impartiality and complete fair-mindedness to be high on the agenda when making a determination. We feel it should be morally correct, not only financially suited to a mining company. The consent should echo the reality of **our situation also**, and not be the impetus of forces used to catapult both ourselves and our property into a unacceptable crippling situation. We should not knowingly be destroyed so a foreign owned coalmine can profit at our destruction. One certainly hopes this assessment is carried out with a little thought and moral integrity and in a just manner.

Yours faithfully

F.J. & N. MUXLOW (property owners)

A handwritten signature in cursive script, appearing to read 'F.J. & N. Muxlow', written in dark ink.