



25 October 2012

Ms C. Chapman  
Planner  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

Dear Ms Chapman

**Re: 10\_0139 - Awaba Landfill Extension Submission**

This submission is being made by Centennial Coal Company Limited (Centennial) in relation to the *Additions to the Awaba Waste Management Facility Environmental Assessment* prepared by Cardno Pty Limited (Cardno) on behalf of Lake Macquarie City Council (LMCC) dated 29 August 2012 (Environmental Assessment). Centennial objects to the use of the land identified for BioBanking purposes, on the basis that Centennial has had prior tenure for coal mining which BioBanking could potentially prevent, therefore significantly eroding the economic viability of that future mining.

**LMCC BioBanking Proposal**

As detailed within the Environmental Assessment, LMCC is proposing to expand the capacity of the Awaba Waste Management Facility (AWMF) located off Wilton Road, Awaba within the Lake Macquarie Local Government Area. The majority of the proposed works are situated within Lot 372 DP 723259 (Lot 372) where a total area of 8.55ha will be impacted as part of the expansion works.

The development proposal is subject to the 'improve or maintain' principle in respect to impacts on threatened biodiversity as listed under the Threatened Species Conservation Act. This means an action should not result in a net loss of a species and its habitat. The Environmental Assessment identifies the intention of LMCC to formalise a BioBanking agreement for the proposed works to allow LMCC to uphold the "improve or maintain" principle and facilitate the approval of the development.

It is proposed in the Environmental Assessment to utilise the remainder of Lot 372, a portion of Lot 373 DP 753259 (Lot 373) and an additional suitable area of land (yet to be determined) as the proposed BioBank site, to provide the suitable biodiversity credits to offset the impacts on threatened species and habitat proposed by the development. We note that in LMCC's referrals under the Environmental Protection and Biodiversity Conservation Act (EPBC Act) for the additions to the AWMF and the proposed construction of an Alternative Waste Treatment Facility (AWTF), Lot 463 DP 1138964 (Lot 463) was proposed as an additional suitable area of land.

**Mining Background**

All of the land identified as being impacted by the Environmental Assessment is located within the West Lake Mine Subsidence District (WLMSD), which was proclaimed in July 1979. The WLMSD was created to protect State owned coal resources in this area and minimise conflict between mining and other land uses.

A mining lease being Special Lease No. 14 (which included the surface land over the existing AWMF site on Lot 372 and also Lot 373, the site of the proposed AWTF) was granted in 1973. In the mid 1980's, with the agreement of the mining lease holder, Lot 372 was cancelled out of Special Lease No. 14 to allow the construction of the AWMF. It was indicated at the time that the AWMF would have an

operational life of approximately 20 years, thus avoiding conflict with proposed mining in the area. In May 1990 Special Lease No. 14 was included into Consolidated Coal Lease No. 746 that is held by Centennial Newstan Pty Limited (Centennial Newstan). In addition, in July 1999 Centennial Newstan was granted Mining Lease ML1452 over Lot 372, 373 and 463. Both ML1452 and CCL764 give the lease holder certain rights, with the consent of the landholder, under the Mining Act. Attached is a plan showing the Centennial Newstan mining leases and the overlap with the AWMF.

Centennial Newstan was granted development consent DA 73-11-98 for the Newstan Colliery on 14 May 1999, for the range of activities detailed within the Newstan Colliery Life Extension Project Environmental Impact Statement (Umwelt 1998) including, subject to the conditions of consent, the extraction of coal utilising longwall mining methods from under the AWMF. Subsequent to the granting of development consent DA 73-11-98, a Subsidence Management Plan (SMP), required by the conditions of relevant Mining Leases, was submitted by Centennial Newstan in August 2012. The SMP seeks approval for the development and extraction of longwall panels LW101, LW102 and LW103, which are located wholly within the boundaries of DA 73-11-98 and extend under the AWMF (including planned additions), the proposed AWTF and the proposed LMCC BioBank site.

In addition to the currently approved mining operations of the Newstan Colliery (Approved Operations), Centennial Newstan submitted a Project Briefing Paper to the NSW Department of Planning and Infrastructure in January 2012 to continue to operate and to expand the underground mining operations of the Newstan Colliery. The project, referred to as the Newstan Colliery Extension of Mining Project (Extension of Mining Project), was issued Director General's Requirements in March 2012. The Approved Operations proposes the installation of surface infrastructure to facilitate gas drainage, potential gas abatement from the underground operations (subject to further investigation), subsidence monitoring and repair of subsidence damage (where required) over the proposed longwall mining areas, which encompass the AWMF, the proposed AWTF and the proposed LMCC BioBank site.

### **Impact of BioBanking on Mining**

If the Environmental Assessment is approved, the proposed BioBank site identified over parts of Lots 372 and 373 would, or could, have serious implications for the current Approved Operations and planned Extension of Mining Project. If a BioBank site was to be established over these areas and the additional suitable area of land (previously identified as Lot 463), Centennial's underground mining operations could potentially be prevented in these areas. This would not only prevent mining within the proposed BioBank site but, because of the nature of longwall mining, prevent the mining of longwall panels which at some point pass under the proposed BioBank site, therefore impacting the mining of coal in a much greater area. If mining was not prevented completely, it would certainly exclude surface activities such as the establishment of gas management and abatement infrastructure, subsidence monitoring and repairs, all of which would be essential for mining in these areas.

The Approved Operations and Extension of Mining Project represent a significant investment by Centennial to recover coal reserves within the boundaries of its mining leases and exploration licences. The estimated recoverable tonnes of coal from the mining areas possibly impacted by the Environmental Assessment, as currently proposed by LMCC, is between 13 million and 20 million tonnes. This represents a significant economic resource both to Centennial and the State of New South Wales. The inability to recover this coal would significantly impact on the economic viability of the Approved Operations, the Extension of Mining Project and the Northern Coal Services Coal Logistics Project (Northern Coal Services), putting at risk up to 570 jobs at both Newstan Colliery and Northern Coal Services. As such, Centennial cannot support the BioBank offset strategy as proposed by LMCC and detailed within the Environmental Assessment, due to the potential implications on the proposed future mining operations within the area.

### **Conclusion**

Centennial recognises the consultation undertaken between LMCC and Centennial to date, primarily regarding subsidence impacts on the proposed projects, the expansion of the AWMF and the construction of the AWTF. While objecting to aspects of the Environmental Assessment, Centennial

supports in principle these proposed projects. It is intended that further consultation be undertaken in an effort to ensure that, as far as reasonably practicable, both the proposed LMCC projects (AWMF and AWTF) and Centennial Newstan's mine expansion can co-exist.

Yours sincerely  
Centennial Coal Company

A handwritten signature in blue ink, appearing to read 'Burgess', is written above the printed name.

Steve Burgess  
General Manager Projects & Engineering

# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning application no. \_\_\_\_\_

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

## Explanatory information

### Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

### How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

### What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

**Warning:** A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

## Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

**gift** means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

**gift** means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

**local councillor** means a councillor (including the mayor) of the council of a local government area.

**relevant planning application** means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
  - f) an application for (or for the modification of) a complying development certificate, or
  - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
  - h) any other application or request that is excluded from this definition by the regulations.

**relevant period** is the period commencing 2 years before the application or submission is made and ending when the application is determined.

**relevant public submission** means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

**reportable political donation** means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

### 86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
  - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
  - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
    - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
    - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

**a person has a financial interest** in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

**persons are associated with each other** if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details		Planning application reference (e.g. DA number, planning application title or reference, property address or other description)		
Name of person making this disclosure Steve Burgess - General Manager Projects and Engineering		DA 10_0139 Awaba Landfill Extension		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT		YES / <input checked="" type="radio"/> NO		
OR		You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION		
YES / <input checked="" type="radio"/> NO		YES / <input checked="" type="radio"/> NO		
Reportable political donations made by person making this declaration or by other relevant persons				
<p>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).</p> <p>* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</p>				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	Australian Labour Party (NSW Branch)	14/10/10	\$500
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	Hunter FEC Campaign Account	25/11/10	\$300
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	NSW Nationals	13/12/10	\$750
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	John Tate Election Campaign	10/02/11	\$450
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date				
Name(s)				

Cont...

## Political Donations Disclosure Statement to Minister or the Director-General

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	NSW Nationals	30/06/11	\$75
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	Liberal Party of Australia	03/08/11	\$1000
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	Shortland FEC Campaign Fund	16/08/11	\$85
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	Monaro County Labour	27/10/11	\$500
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	NSW Labour Party	09/11/11	\$500
Centennial Coal Company ABN - 30003714538	Level 18, BT Tower 1 Market Street Sydney NSW 2000	NSW Nationals	19/04/12	\$1100