

Stephanie Calderaro

From: Elena [REDACTED]
Sent: Monday, 26 January 2015 11:20 PM
To: pac
Subject: Submission objecting to MP 09_0013
Attachments: no political donations 1 001.jpg; no political donations2 001.jpg; no political donations 3 001.jpg

Naomi Cleaves
NSW Planning Assessment Commission
GPO Box 3415 Sydney NSW 2001

26/01/2015

Objections to proposed Russell Vale Colliery Underground Expansion Project MP 09_0013

I object to the proposed expansion on a number of levels:

The water supply of present and future generations should not be negotiable. There is a substantial risk that long-wall mining under the catchment area will cause subsidence and cracking of river beds. This is impossible to assess accurately but has been predicted to cause the loss of 834 megalitres of water/ year. This is not acceptable.

The world cannot afford to be burning more coal due to the warming effect of increasing CO2 in the atmosphere. We already have 5 times more fossil fuel in known reserves than we can burn without passing 2 degrees of global warming. (and even 2 degrees is not acceptable).

The world cannot afford to be burning more coal because of the levels of mercury emitted, which ends up concentrated in the fish we eat (among other places).

The increased number of trucks along Bellambi Lane and the Northern distributor is not acceptable. These trucks will cause unacceptable noise levels, increases particulate matter in the air and increased road safety issues. Trucks also cause enormous damage to roads. Damage to roads is proportionate to the weight of the vehicle to the power of 4.

This means that a vehicle which is 10 times heavier causes 10,000 times more damage. Local council will most likely bear the brunt of repairing these roads which will lead to rate increases or reduced spending by council in other areas.

Continuing to invest in coal does not make sense financially as coal prices are falling and other countries are transitioning to renewables.

It is likely that we will end up with a damaged water catchment area and Wollongong Coal going bankrupt anyway.

There are far fewer jobs in the coal industry than are created by transitioning to renewables. So, if this hearing listens to the employees of Wollongong Coal, who obviously don't want to lose their jobs, it should also take into consideration the loss of jobs in alternative industries.

The proposal seeks approval for longwall mining operations to extract 4.7 million tonnes of coal over a period of five years. However, it also seeks approval for processing and transport of 3 million tonnes of coal per year, or 15 million over 5 years. It does this without providing an extraction plan for the unaccounted for 10.3 million tonnes, nor giving any hint or clue as to why Wollongong Coal needs approval for processing and transport of 3 times as much coal as it applies to extract. I would like this anomaly to be explained by Wollongong Coal.

I have not made any relevant political donations. I have attached the completed Disclosure Statement.

I thank you for considering this submission.

Yours Sincerely

Elena Martinez



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 and 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
 Name of person making this disclosure
 ELENA CRISTINA MARTINEZ

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)

Your interest in the planning application (circle relevant option below)

YES / **NO**

OR

You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION

YES / NO

Reportable political donations made by person making this declaration or by other relevant persons

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).

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

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.

Name of donor (or ABN if an entity)	Donor's residential 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
N/A	N/A	N/A	N/A N/A	N/A

Please list all reportable political donations—additional space is provided overleaf if required.

I/We hereby declare that all information contained within this statement is accurate at the time of signing.

Signature(s) and Date

26/1/2015

Name(s)

ELENA CRISTINA MARTINEZ