

Rix's Creek South Modification 10

Extension of time

Modify DA 49/94

To Department of Planning and Environment

I object to the modification on these grounds:

1. No identification map of the mine lease area for assessment
2. No reference in the modification 10 related to the area which was mined without consent as stated below as per Howard Reed statement at the IPCN meeting in June 2018

"The Department then lodged civil proceedings against Bloomfield in the Land and Environment Court in respect of its compliance investigation. In August 2017, the Land and Environment Court issued consent orders, declaring that there had been a breach of the mine's 1995 development consent. The orders specified a series of measures that Bloomfield had to undertake, including retiring 2716 ecosystem 25 credits. It also noted an enforceable undertaking that Bloomfield had agreed to, under powers resident in the Mining Act 1992, which were at that time not available under the Environmental Planning and Assessment Act 1979."

3. Since the proponent breached the consent conditions as stated by the Land and Environment Court but also the proponent broke consent conditions by not following correct procedure of applying for assessment of an application to the department.
  - Which denied the rights of the public to assess the EIS
  - Which denied the rights of the public for assessment of air quality
  - Which denied the rights of the public for assessment of health impacts
  - Which denied the rights of the public for assessment of flora and fauna
  - Which denied the right of the public for assessment for Biodiversity
  - Which also mislead the CCC related to the consent condition approvals
4. The modification 10 should be assessed under the new NEPM standard for air quality and under the EPA 2016 air quality guidelines
5. A modification is a change to the consent conditions and should be assessed under the new legislative requirements and changes in policies
6. If the mine had abided by the consent conditions granted, the mine closure plan and rehabilitation would be near completion.
7. The failure of the Environment audit system to report the non-compliance shows a clear problem in the assessment process of auditing