

Ashton Coal Mine-South East open Cut Project
MP 08_0182 Modification 1

We object the modification on these grounds:

1. This is a legal argument which should have been resolved in the LEC apart of the merit appeal process.
2. Ashton had ample opportunity to provide submission related to the consent conditions
3. Ashton and the department of planning had ample opportunity to ask for clarification on the consent conditions and the approval in the court proceedings
4. Ashton should not be given the opportunity to present a new legal argument to the IPCN especially when the Ashton never questioned the conditions in the appeal process
5. Ashton failed to consult with key landholders which have acquisition rights in the village and then the assume that we didn't understand the ruling of the court

In relation to the acquisition component of the consent conditions it is clear that:

" Upon receiving a written request from acquisition from an owner in table 1 or table 2 the proponent shall acquire the land"

"Land listed in table 1 of schedule 3 that they have the right to require the proponent to acquire the land at any stage during the project"

6. Our Acquisition rights can be exercised at any stage of the project
7. The consultation process related to the modification is inadequate and to term of non-existent from Ashton coal
8. The concern of the department of planning that the objector which have the right for acquisitions have not acted upon this right is irrelevant, as the right is clear on anytime of the project
9. Now it is very clear the project is approved and that the proponent must not carry out any development work until conditions of 10A is met.
10. Also the conditions of consent are explicit on the time frame of the approval of 5 years and a condition of extended 2 years

So therefore the modification should be rejected by the IPCN as presenting a legal argument two years later is unfair and unjust to the landholders in the village.

V. Lane .

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