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The General Manager
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20 November 2006

Dear Sir/Madam,

**Re: Cluff Resources Pacific NL – Development Application No. 2006/1360
Modification to DA 2004/761 – Ruby and Sapphire Mine – Lot 1 DP753185, Parish Mili**

I am writing to express our extreme concern over the development application by Cluff Resources Pacific NL to expand their mining operations in the Barrington Tops region. Our objections are on the following grounds:

LEGAL CONSIDERATIONS

- The original Environmental Impact Statement was not made available while the SEE was on public exhibition. This DA is a modification of prior consent granted on the basis of the EIS. The SEE refers to the original EIS 36 times, consistently stating that matters do not need to be addressed or managed within the SEE as they have already been addressed in the EIS. However, because the EIS was unavailable to be examined, a thorough analysis of the impacts of the mining was unable to be completed. Council should require a re-exhibition of the DA modification, making available the EIS, as it is impossible to fully explore the social, economic and environmental impacts of the proposed mining expansion without it.
- The SEE fails to mention that the soil and ecology present are consistent with the makeup of Montane Peatland and Swamp, an Endangered Ecological Community. The presence of Montane Peatland and Swamp in the area, and its probable presence on the site itself, is not addressed in the SEE. An Endangered Ecological Community should have triggered the preparation of a Species Impact Statement under Section 5A of the *EP&A Act*. This is clearly missing, and an enormous oversight of the SEE that should make it legally invalid.

ENVIRONMENTAL CONSIDERATIONS

- The Statement of Environmental Effects is clearly inadequate. Section 2, describing the existing environment of the site, ignores obvious drainage features, incorrectly stating “There are no drainage features through the site.” It also frequently refers to a “lack of significant risk” from the mining, but no risk assessment appears to have been done, providing no basis whatsoever for such judgements.
- Justification for the project in Section 6.1 is cited as “lack of significant impacts on Threatened species, populations and ecological communities”, however, this is completely untrue. Montane Peatlands and Swamps are likely found on the site, and these would clearly be affected. Even if not present on the exact site, they are certainly present in the region, and reliant on unchanged groundwater, wetland and river systems to survive. In the absence of proof that these will not be affected, the Precautionary Principle should be followed to protect these irreplaceable endangered communities.
- Section 6.1 also states that there is a lack of significant risk to waterways and groundwater resources. With mining happening in and around wetlands, creeks and waterways, a reliance on river water being extracted for use in the processing plant during drought time, a tailings dam filled with plaster to aid settlement less than 50 metres from the Manning River, and approval granted for large diameter drilling in riverbeds, there is clearly huge potential for major impacts on the Barrington Tops waterways.
- Current water monitoring protocols are clearly inadequate for assessing the impacts on the Manning River. Downstream impacts on threatened species such as the Hastings River Mouse are not explored. Cluff Resources have not proven there are no adverse impacts on the Manning River from increased turbidity, based on their own water monitoring of the current ruby mine.
- Threatened species of the Stuttering Frog, Booroolong Frog and the Glandular Frog and the Endangered population of the Broad Toothed Rat which exist close to the mining areas may be impacted from mining in such a sensitive environment, plus the fragile flora that exist within the endangered wetland. Due to the fragile nature of the wetlands and surrounding flora, even exploratory mining activities such as road and track construction may lead to their destruction.

LACK OF PROJECT JUSTIFICATION

- Cluff Resources have only mined a little over a third of the previously approved mining areas. Expansion should not be approved while there is still a significant known resource on already approved land.
- Cluff Resources seem to have forgotten that they are operating under an Exploration Licence. Page 5 of the SEE states that the expansion is required so as to continue to produce rubies (rather than explore for

them) in order to “compensate for the lower than expected yield of ruby and sapphire realised from the mining of Area 4”. An Exploration Licence is issued to allow a company to explore the area to see if there are gems present, to determine if it is worth mining the area under the full licensing requirements, not to guarantee a certain yield. It seems Cluff Resources are operating under an Exploration License in order to avoid public consultation and the normal stringent environmental requirements, and yet expect to maintain a constant yield from their “explorations”.

- Section 3.2 discusses the advantages of the expansion. These are solely concerned with Cluff Resources profits, stating that “it is imperative that projected yields are met”. However, just *why* it is imperative is not explained. One can only assume it is imperative to the company maintaining their profit margin.
- Justification for the project in Section 6.1 states that the mining contributes to the local economy through the provision of wages and salaries. However, the mining only provides 6-8 jobs, none of which are filled by local people. Instead, the project places at risk the \$72 million/year sustainable tourism industry (*Gloucester Advocate 2 August 06*), which relies on promotion of the Barrington Tops as a Wilderness Area.

For these reasons, we strongly recommend that you reject the development application to expand mining operations in this irreplaceable natural area. If you have any queries regarding this submission, please feel free to contact Beck Rush at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cate', with a long horizontal flourish extending to the right.

Cate Faehrmann
Director