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5<sup>th</sup> July 2014



Mining and Industry Projects  
NSW Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001  
Dear Sir/Madam,

**Objection to Airly Colliery modification 3 – (extending the 162/91 consent for a year)  
due to inappropriate consent conditions**

**Mitigation of impacts associated with the proposed Mining Methods**

I wish to record my total opposition to any variations to the existing coal mining lease that covers the Mugii Murum-ban SCA and surrounding areas. The Capertee Valley and the cliff line profile of the perimeter rim of this entire valley are of world heritage significance as are the rare and endangered flora known to exist on Genowlan Point.

The complex network of pagodas and other sensitive geomorphological sandstone formations within the Airly Genowlan complex are far too valuable as a long term tourist attraction to be damaged by irresponsible sub surface mining. The current lease, that I understand has been temporarily suspended, was regarded as the least worst option at the time of its adoption, but it was as environmentally responsible as is possible for coal mining and conservation to coexist. The existing conditions of the lease should not in any be reduced or diluted and the mining operation should not be allowed to rape the Capertee Valley.

To this extent I agree with the Colong Foundation for Wildernes and the with the Greater Blue Mountains World Heritage Advisory Committee that the Mugii Murum-ban SCA should be added to the Greater Blue Mountains World Heritage Area once mining has been completed. This is of course subject to the proviso that any further mining is undertaken as per the existing lease provisions.

Any modification 3 consent must require maximum tilts and strains specified as specified on page "I" of the executive summary and on page 29 in section 6.1. There must be no exceptions to vertical subsidence being a maximum of 125mm, a maximum tilt of 2.5 mm/m; and a maximum strain of 2.0 mm/m.

On page 11 if the June 2014 environmental assessment states that modification 3 would extend the life of the existing consent to 31 October 2015, implying not modification of inappropriate consent conditions. The proposed modification would include a mine method and design that allows 'Full extraction in areas outside Environmental Protection Zones with supercritical void widths' and 'maximum subsidence of 1.8 m' (page 11, Section 3.1 mining

under the proposed modification). **Subsidence of 1.8m is totally unacceptable must be overturned by any extension of development consent under Modification 3.**

The proposed extension of consent by one year for mining operations must specify subsidence criteria that are in the executive summary and page 29, with no exceptions.

The December 2013 EPBC referral, for example, documents an inappropriate proposal for a total subsidence of 0.5 metres under the historic oil shale ruins. Such variations are unacceptable. The subsidence criteria proposed in the executive summary of the June 2014 environmental assessment for Modification 3 must be the criteria used in the modification consent, not those in 162/91 consent.

### **Consent 162/91 is no longer appropriate**

The 162/91 consent is out of date and any modification of consent for continued mining operations at Airly must ensure minimal surface subsidence.

The Colong Foundation does not accept that it is appropriate to continue mining for a one year under the old regulatory framework that permits subsidence of 1.8 metres.

The development consent for this mine must lapse and so a new development application is required for the entire operation.

In this interim period, there should be no further consideration of 1.8 metres of vertical subsidence and this criterion must not be migrated into the modification 3 consent.

Further, the proposed new major project assessment, called the Airly Mine Extension Project (SSD 12\_5581), must consider environmental management within the existing mining lease.

Airly Mine Extension Project environmental assessment must not be constrained to the new lease area, as has been proposed by Centennial Coal. **The regulatory framework for development control regarding the expiry of old consents must require an environmental review and issue of a new consent for the entire mining operation.**

The existence of mining lease 1331 is irrelevant to the development control of activities under NSW planning legislation.

### **Oil Shale Ruins should be treated as an area of special significance**

In the July 2014 environmental assessment, Centennial Coal ignores the oil shale heritage in its mining operation area. Centennial Coal has not indicated these important ruins on Figure 6 on page 31 of the June 2014 environmental assessment. These ruins are indeed sensitive cultural features and should have been indicated on Figure 6.

Centennial does not propose in its June 2014 environmental assessment to protect the oil shale ruins from pillar splitting or quartering, such as proposed in relation to the 'stone cottage'.

The allegation made by RPS Australia East Pty Ltd (April 1998) that the Airly Shale Mining Complex is only of local heritage value is ludicrous. Those who have examined these ruins

are impressed at the level of preservation and unique character of the miner's dwellings on Mount Airly. I know of no better preserved site for such heritage in NSW, including Newnes and Glen Davis.

The Colong Foundation opposes the proposed mining operation that does not adequately identify or protect these historical oil shale ruins. The Foundation disappointed with the failure by Centennial to refer to and assess the heritage values of these ruins in the proposed Modification 3 environmental assessment.

The Foundation believes that the proposed mining operations could have environmental impacts on the oil shale heritage. **Centennial Coal must not be split or quartered under the Airly oil shale ruins.**

### **Water management and management of product and rock waste piles**

The Foundation understands that Centennial has a plan to separate fine and coarse mine wastes may subsequently lead to a proposal to market a by-product of coal fines to the local power plant market.

The plan may explain why large stockpiles of coal have accumulated at the mine.

The management plan needs to consider the landscaping of coal product and waste rock piles in relation to parks and popular tourist viewing points, such as Pearsons Lookout. Visually prominent waste and product heaps must be appropriately screened.

The mess created at the head of the Wollangambe River catchment by Centennial's Clarence Colliery should not be repeated here at Airly Colliery in the Capertee River catchment. *The 'killing' of the Wollangambe River by Centennial Coal is a matter that requires urgent legal prosecution and Centennial Coal should be made to pay the maximum fine allowed by law for this heinous offence against the integrity of the Blue Mountains and Wollemi National parks.*

The company must screen its operations and prevent visual blight in a popular tourist area, the Capertee Valley.

Airly Colliery should be subjected to continuous rehabilitation and landscaping. The company owns large tracts of cleared land at Airly. Centennial should remove cattle and revegetate its properties to manage its properties in a manner more consistent with the adjoining national parks and reserves.

The coal waste piles should be top sealed with clay as soon as possible to prevent contamination of groundwater resources through heap leaching. Such leaching leads to more or less permanent source of downstream pollution.

### **Impacts on the World Heritage Area**

Water impacts are critical as they affect the World Heritage Area downstream. Omission of these impacts and failure to consider downstream impacts on the World Heritage Area in the modification 3 proposal is of concern. There will be water quality impacts, they should be

part of the modification assessment process and the potential to pollute the World Heritage Area should be deemed to be a controlled action.

The proposed operations under Modification 3 are very likely to discharge into Airly Creek. Such discharges would impact on the Gardens of Stone National Park, and thus the Greater Blue Mountains Area.

Airly creek flows directly into the adjoining World Heritage Area.

Water treatment of the effluent from this colliery to remove salts or dissolved metals should be considered. Airly Creek is in a very good condition but has very small flows. Mine effluent discharges are likely to have a much greater effect on the previously pristine downstream ecology.

### **Impacts of potential changes in mining operations**

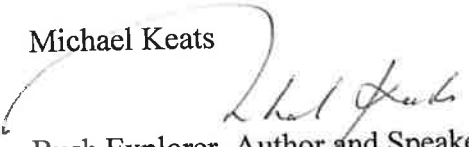
Along with the Colong Foundation I remain concerned that the proposed partial extraction of the coal pillars will see a greater risk of mine subsidence related damage in the Mugii Murum-ban State Conservation Area.

Careful wording of the June 2014 environmental assessment in relation to mine subsidence must not result in changes to mining methods that greatly increases impacts on the natural environment, particularly internal cliffclines and pagodas, as well as on oil shale heritage sites.

In the supposed democracy that passes for government in NSW Mine intensification by stealth is inappropriate and the ambiguities in the environmental assessment regarding subsidence must not be migrated into the development consent.

Thank you for the opportunity to comment on this referral.

Michael Keats



Bush Explorer, Author and Speaker

**Attachment.** A copy, "The Gardens of Stone National Park and beyond", Book 1, by Keats and Fox.