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**Nature Conservation Saves for Tomorrow**

14 August 2014

Mining and Industry Projects

NSW Department of Planning & Environment

GPO Box 39

SYDNEY NSW 2001

**Airly Colliery Modification 3 for Time Extension of Development Consent 162/91**

**Comment on Proponent's Response to Submissions Report**

Dear Sir/Madam,

The Blue Mountains Conservation Society (BMCS) has reviewed the Proponent's Response to Submissions report. BMCS continues to oppose this proposed modification to the existing Development Consent and believes that the consent should be allowed to lapse on expiry for the following reasons:

- Lack of certainty that the MOD 3 proposal will not damage the significant cliff lines and pagoda rock formations of the Mugii Murrumbidgee State Conservation Area. The proponent's claims that these areas will not be damaged through subsidence are not based on a maximum subsidence limit of 125mm in a condition of consent and avoid any risk of sanctions or penalties if they are not met. Offering to meet a standard voluntarily (or following "self-imposed limits" as stated on page 43 of the RTS ) is not appropriate for a conservation reserve. Subsidence levels should not be at the discretion of the proponent;
- The proposed modification does not address all the changes that will result from the modification, if approved. For instance, mining and the impacts of mining (air, dust and noise) will continue for another year beyond the existing development consent;
- The justification for the modification is inadequate. The only reason offered is to allow mining to continue until the mine extension project is approved. This effectively pre-judges the outcome of the assessment process. The proponent was aware of the need for a new consent for over a decade so there should not be any need for a short term extension;

- Documents that form part of the EIS for the Airly Mine Extension Project are cited in support of modification (for instance at pages 49 and 61) and yet the EIS is not yet publicly available. It thereby constitutes an abuse of process in that there was insufficient time to fully evaluate the extent of the Modification's environmental impacts. The existing development consent should be allowed to lapse on expiry. The full assessment of any continuing mining operations should be part of the Mine Extension proposal so it receives adequate and comprehensive review and assessment. **This is the Society's preferred position;**
- The two studies on groundwater and surface water impacts have come very late in the assessment process. This timing makes it very difficult for community organisations and the public to assess them adequately. It also demonstrates that these should have come earlier in the process to deal with environmental impacts of mining from the modification;
- BMCS is aware of correspondence between Centennial (Mary-Anne Crawford) and the Colong and Colo organisations which was copied to the Department of Planning and Environment (DP&E). The thrust of that correspondence is that the Airly Mod 3 document has been misinterpreted in terms of the amount of subsidence permitted and that excessive subsidence is not in Centennial's interests.;
- Should this be so, then BMCS contends that it is up to Centennial to modify its Mod 3 document so that all such ambiguity is removed and the commitment to the 125 mm maximum limit of subsidence is unambiguously stated. There is time between now and the October deadline for this to be done. After all, such clarification is in Centennial's best interests and also the interests of the various environmental groups and the DP&E.
- In conclusion, BMCS notes that other matters were also raised in its previous submission relating to the Mod 3. These matters remain unresolved.

The existing development consent should be allowed to lapse on expiry. The full assessment of any continuing mining operations should be part of the Mine Extension proposal so it receives adequate and comprehensive review and assessment. **This is BMCS' preferred position.**

Yours faithfully,



Madi Maclean

**For the Management Committee**