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**Nature Conservation Saves for Tomorrow**

3 October 2014

Mr Paul Forward  
Chairman  
Planning Assessment Commission for Airly Mine Modification 3  
GPO Box 3415  
SYDNEY NSW 2001

**D323/14 – Centennial Coal Airly Mine Mod 3**

**Further Comments following the Planning Assessment Commission Meeting 30 September 2014**

Dear Mr Forward,

**Recognition of Mugii Murum-ban State Conservation Area in the consideration of this proposal**

Further to the comments the Blue Mountains Conservation Society have made relating to the omission of references to Mugii Murum-ban State Conservation Area in (MMSCA) both the Department of Planning and Environment (DPE) Assessment Report and the proposed Conditions of Consent (our letter to the PAC meeting held on 30 September 2014) we make the following comments.

Although the Mugii Murum-ban SCA does not yet have a plan of management, the Office of Environment and Heritage (National Parks and Wildlife Service) have issued a *Statement of Management Intent* for MMSCA. The purpose of a Statement of Intent is to guide the management of the SCA until there is a management plan in place. (copy attached) This Statement of intent should be taken into account in relation to considering the current modification.

Most importantly, the Statement of Intent says that “parks and reserves without a plan of management are to be managed in a manner consistent with the National Parks and Wildlife (NPW) Act 1974 and the ‘precautionary principle’” (para 1) *Under NPW Act s. 5, principles of ecologically sustainable development* are defined by section 6 (2) of the [Protection of the Environment Administration Act 1991](#). At Section 6 (2) (a), this acts says that “ the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”

The Statement of Intent also sets out in summary form the Values of MMSCA. These are a great diversity of ecosystems, supporting several threatened plants and animals and two threatened ecological communities”, areas of” particular significance to Wiradjuri Aboriginal people and ... numerous significant historic heritage sites” (pp.2-3) The first two Issues listed in the Statement of

Intent are “Significant geological features of the park (notable Pagodas) are susceptible to physical damage from a range of human activities.” and “Past and future mining activities in the park have the potential to affect park values” (at p3)

The Statement of Intent provides statutory support to the contention in submissions from BMCS, Colo Committee and Colong Foundation for Wilderness that the precautionary principle needs to be applied to the proposed conditions to protect the specific and special conservation and visual values of MMSCA. For the reasons set out in these three organisations’ submissions on Airly Mine Modification 3, the proposed conditions do not go far enough to achieve this.

Yours sincerely

A handwritten signature in black ink, appearing to read "Madi Maclean", followed by a period. The signature is written in a cursive, flowing style.

Madi Maclean  
For the Management Committee