

**Planning Consent: 10\_0138**  
**Objection Submission to Maules Creek coal mine planning modification.**

I am writing to **formally object** to the planning modification proposed by Whitehaven Coal to remove sound power conditions from planning consent 10\_0138.

Our property "Middle Creek" neighbours mine owned land and has a direct line of sight to the mine. Our experience is that the mine is very noisy on calm, cool mornings when there is an inversion layer.



*View to the south from "Middle Creek" on a breezy, clear summer day around 2pm*

Inversion layers are very common in the Maules Creek valley which according to the proponent is 41%<sup>1</sup> of the time generally and 69%<sup>2</sup> of the time in winter.

The affect is to concerntrate dust and noise in the lower atmosphere against the Nandewar Range which traps cool morning air blowing from the south until a stronger breeze disrupts and lifts the cool air in the lower atmosphere.

My family and I objected to the original mine application in 2011 because of the significant impacts from noise and dust. Our community group spent several thousand dollars on scientific experts to peer review the proponents noise and dust modeling.

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1 PAE Holmes July 2011. Air Quality Impacts Assessment. Appendix F - Maules Creek Coal Environmental Assessment.

2 Bridges Acoustics July 2011. Acoustic Impact Assessment. Appendix G - Creek Coal Environmental Assessment.

The noise peer review<sup>3</sup> identified that there were no solutions to modelled exceedences of the noise guidelines and suggested that the mine was non-compliant with noise criteria. But the mine was approved anyway.

Since then, Whitehaven Coal have been criticised in the community for their operational noise and dust<sup>4</sup>, and have had that criticism vindicated in a formal warning from the Dept of Planning and with a increased compliance risk rating from the EPA to the maximum level of 3.

Now we think it is a bit rich that the company wants to change the rules. Rather than comply it seeks this modification.

The section that the company wants to remove is one of the better controls in the opencut mines planning conditions. I.e.

***“ensure that all equipment and noise control measures deliver sound power levels that are equal to or better than the sound power levels identified in the EA, and correspond to best practice or the application of the best available technology economically achievable;”***

All the other mines in the district have a similar requirement and the sound power clause was initially referred to by the Review PAC in its very first Review and Public Hearing Report regarding Boggabri Coal. The PAC has consistently implemented this condition in each and every mine approval in the region since.

This sound power provision provides consistency of noise controls across the region and also provides a basis for gradual improvement of sound powers over time to work towards “best practice” or “best available”.

Our family is strongly of the view that the sound power clause of 12a is critical to ensure the effectiveness of condition 12a to improve cumulative environmental noise over the life of all the mines in the region.

Since mining commenced in our community, we have been forced to do our own noise monitoring, political and departmental advocacy, and court action to enforce the conditions of a mine that was forced upon us – albeit by corrupt and dubious means.

The question we ask is when is an approval an approval? In 2017 alone we have witnessed campaigns from the company to reduce its approval conditions and/or externalise costs onto the community. These include:

1. Approval for changes to its traffic management (Mod 3) that has seen an increase in traffic
2. Seeking to clear the Travelling Stock Route outside the clearing window
3. Seeking to remove class G inversion layers from their noise control following Mandatory Noise Audit – a work in progress
4. Seeking to wind back noise controls on sound power levels (Mod 4)

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3 Vipac. Maules Creek Coal Mine, peer Review of NIA. <https://www.maulescreek.org/wp-content/uploads/2017/10/Appendix-15-Peer-Review-Noise-Assessment.pdf>

4 ABC 7.30. Limbo Land. <http://www.abc.net.au/austory/limbo-land/7545156>, June 2016

Believe it or not this is not how the community see's its future, responding to company cost imperitives and/or mitigation of operational compliance risks. The approval was provided in 2012 and we expect the company to operate within its conditions.

Mod 4 should have been rejected by the Department of Planning before it was put on exhibition. It is telling that there are no Secretaries Environmental Assessment Requirements (SEAR's) and no formal community consultation.

We will be very cranky if the next cab of the rank is a change to inversion layer conditions.