

6 October 2017

To the Secretary of Planning and Planning Commission of New South Wales,  
NSW Department of Planning and Environment  
GPO Box 39, Sydney NSW 2001

Re: Modification 4 of the Maules Creek coal mine approval, PA 11\_0138, Condition 12(a)  
**I reject this modification.**

To all concerned,

I am a resident of Maules Creek and I live in the property known as \_\_\_\_\_, as a result my home is one of the most closest to the Maules Creek and most affected of all residences. I am strongly against this modification, and I do not believe the claims of the mine that it will not cause any increases in noise.

Whitehaven has not provided any information at all to support this claim, even though for the past 3+ years they have been collecting noise data from my property 24/7 and they have all of this information but refused to share it with anyone.

When the mine commenced, in a spirit of good faith I agreed with Whitehaven coal to have a full set of monitoring equipment installed on my property. Some years later, I can report that I have been fighting a losing battle to obtain even the slightest bit of information that they are gathering on my property. Despite all of my attempts, Whitehaven coal refuses to share any of this information and now they are using the said information to support a change in their noise conditions which will be severely to my and my family's disadvantage, as well as to the entire community of Maules Creek who are affected by noise from this mine.

Not only this, I have challenged the results of their compliance monitoring which I do not believe to be accurate and I have my own evidence that this mine has been exceeding its noise limits on many occasions.

I would like to provide the following comments on this application.

**"Internal analysis":**

Since when does a mine get approval on the basis of secret information? Whitehaven can't go to the government and ask them to remove conditions that were designed for the safety of

the community, without providing evidence. It seems like a contempt towards the community, in particular myself as I have co-operated with Whitehaven to enable them to collect this information, that they expect this modification to be approved without any supporting information.

They have not justified their claims that removing condition 12(a) will result in no worse impact on the community. It also means that the community is unable to make any comment on the “internal analysis”.

**“Strong compliance record”:**

This statement is false. Whitehaven Coal’s compliance is so poor that the New South Wales EPA has now put them in the sin bin of level III licence, which is restricted to the worst performing coalmines in New South Wales.

This should speak for itself, as the EPA does not take any action against Whitehaven coal without extreme provocation. I should know this, as I have tried to report noise exceedances on many occasions and my complaints – just like everyone else in the community’s - are ignored.

I purchased for myself a noise meter which I have used on occasions when the noise was too bad. I met with staff from Global Acoustics, when they were doing their compliance monitoring and they stop outside my property. They tested my instrument and told me that it was accurate within half a decibel and that was compared with their own \$40,000 kit. Therefore, this tells me that my instrument should not be ignored.

I have also sent copies of my noise data to Whitehaven coal and the EPA. I’ve never had decency of a proper response from either.

Also, the EPA conducted a mandatory noise audit which is never done without extreme provocation and I know for a fact that Whitehaven coal battled hard against the EPA to stop this mandatory noise audit from going ahead.

**“best available technology economically achievable”:**

On 2<sup>nd</sup> August 2017, The chairman of Whitehaven coal, Mark Vaile, was quoted in the Mining News magazine speaking about how innovative the coal mining industry is, and by association no doubt he would like the world to think that Maules Creek mine is innovative. This is what the Mining News paper wrote:

“The former Deputy Prime Minister told a recent Austmine conference that the mining industry was at the heart of Australia’s innovation nation...” “I believe all of us involved in the mining industry here today should be proud of the fact that we operate in one of the most innovative industries in Australia.”

<http://www.miningmonthly.com/insight/on-site/innovative-aussie-coal/>

However this is not the case at Maules Creek. A number of noise reducing innovations have been promised over the years, but not delivered. For example, Whitehaven said that they would consider the rubber lined trays for the dump trucks – not delivered. They said that they will introduce silent horns, a claim that they are still making years later, but horns tooting can still be heard. As for the coal handling and processing plant, the mandatory noise audit revealed that it has been designed in such a way that the structure is too weak to support any cladding or screens that might help reduce the noise impact.

Is this what Whitehaven calls innovative?

Is this what Whitehaven considers best available technology economically achievable?

If it is not economically achievable to keep the noise down, this means that Whitehaven has made false promises to the community and the Dept of Planning which it can't deliver.

**Dept of Planning should require compliance with Condition 12 (a), not invite Whitehaven to apply for a Modification:**

Maules Creek mine has been breaching Condition 12 (a) and continuously since the beginning, and deleting that condition is no way to proceed. On the contrary, some form of enforcement by Department of Planning is called for to make the mine comply with the intended conditions of consent. The mandatory noise audit showed that:

“The measurement data shows the following:

- 74 mobile plant items have been tested;
- eight fixed plant items were tested, including the coal preparation plant (CPP);
- In 2015 sound power levels from 32 items of plant exceeded of the EA adopted levels, and therefore were **non-compliant with Condition 12**.
- In 2016 retesting showed ... **There remain 12 items above the EA values**
- The plant items that remain above the EA levels are two dozers, two dump trucks, two water carts, the primary sizer, two conveyors, train load out transfer station, CPP product transfer station and the CPP. The two items most in excess of EA levels are the rail load out transfer station (by 10 dBA) and the CPP (8 dBA and 7 dBL for the south-east facade and 3 dBA and 7 dBL for the north-west facade). **These are non-compliances with the EA and project approval Schedule 3 Condition 12.**”

In June 2016 MCCM received a Formal Caution over the non-compliance with the EA sound power levels of its train load out plant. Much to the dissatisfaction of concerned community members, that was the extent of compliance action taken by Dept of Planning so far.

The train load-out facility is one of the biggest problems, apparently running at over 120dB and they have only managed to reduce the noise by 4dB according to Peter Wilkinson the mine manager the MCCM Community Consultative Committee. This is a paltry improvement.

The Dept of Planning has failed to do its job, and now has apparently provided Whitehaven with false hope that MOD 4 is a “shoe-in” and that “no worries” just submit something, no need to provide any supporting information, and we will approve it.

### **Use of noise reducing filters:**

One of the problems that I have noticed, along with other community members, is the fact that Global Acoustics filters out certain noises before it publishes the monthly compliance report. Like many others, I have asked many times what are these filters and what noise are they removing?

The mandatory noise audit recommended that Whitehaven must disclose what filters it is using, and yet still the mine continues to refuse my requests to reveal what filters have been applied before the compliance report is published.

The EPA has told other community members that Whitehaven started to report on the filters last month, but this has not been revealed to the public.

The filters that are being used could make a huge difference to whether Whitehaven is seen to be complying with its noise limits, and the obvious presumption is that they are refusing to disclose the filters because without the filters they are non-compliant.

### **Maules Creek mine expansion plans:**

The EIS states that they have done their “internal analysis” and they are absolutely sure that there will be no increase in noise at residences. This is completely inadequate, because already there is excessive noise and the way that they refuse to disclose their filters, and they have also refused to report on the low-frequency noise penalty, gives rise to suspicions in my mind as well as the large majority of the community, that the true noise measurements are not being made known.

Whitehaven have conveniently omitted from the EIS today are planning a massive expansion this coming February, when they knock down the East – West travelling stock Route near the Leard state conservation area, which will bring the overburden and the active working area possibly up to a kilometre closer to my home. This is very unscrupulous of the company not to mention this relevant fact.

We would have to see this so-called internal analysis, how does it explain that the mine will get closer to people’s homes and properties and yet it will not be louder? It’s completely unacceptable for them to argue that they can be substantially closer to me and that will not be louder, especially if condition 12(a) is removed.

**Mine is audible in my home:**

On occasions, Maules Creek mine is so noisy at night that I can hear it inside my home, and that is even though I have less than perfect hearing. On some occasions, I have been trying to sleep and the racket has been so bad I've had to get up and gone to do some noise monitoring of my own.

Being a farmer, I can't afford to have sleep disturbance.

**Lack of confidence in monthly reporting:**

We also have problems with the way that Whitehaven coal knows exactly when the Global Acoustics is coming, so is well understood that they know how to stand down a piece of equipment so that it will not affect the compliance monitoring. Members of the community have complained long and hard about the fact that the compliance monitoring is not reliable because the company has notification of when the acoustic people are on the side and when they depart. They know exactly when to turn the switch on again, when Global Acoustics aren't there.

I also have lack of confidence in the monthly reporting, because of the way that they have not honestly reported the 5 dB low-frequency penalty. I do not blame the foot soldiers who come on a monthly basis and do the compliance monitoring. They are following orders.

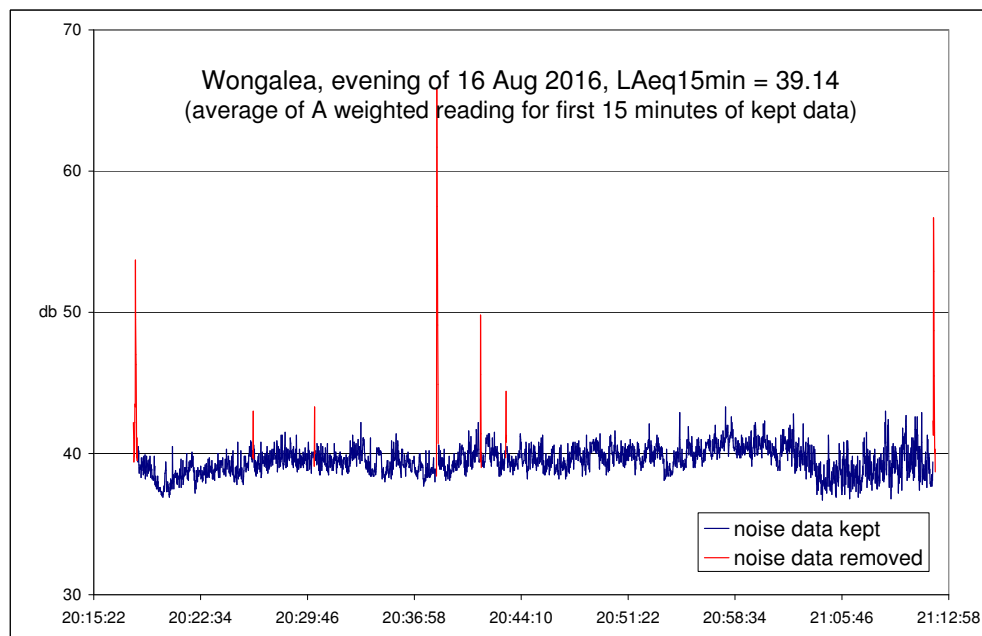
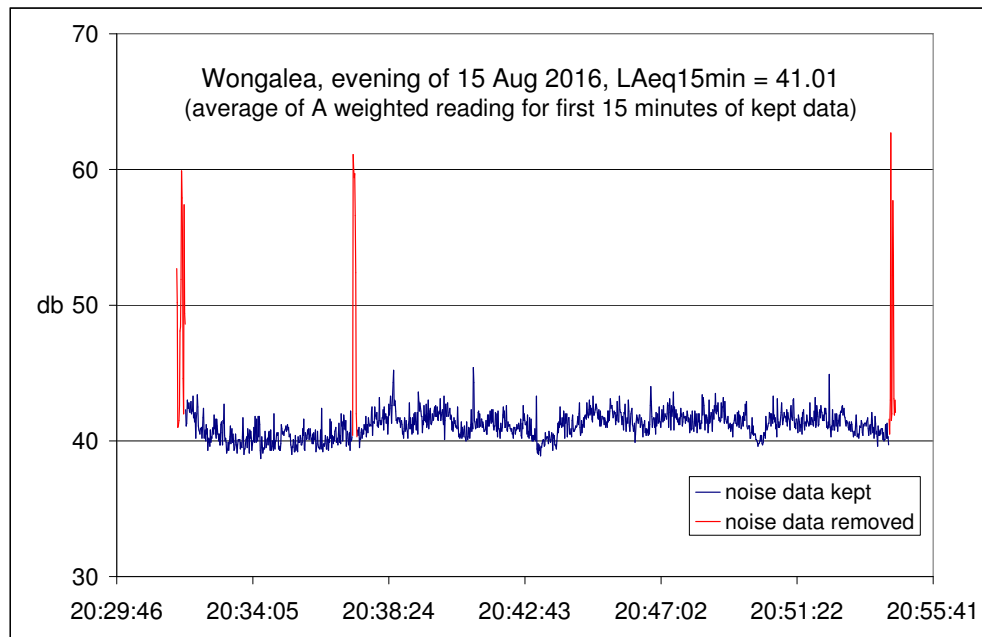
Okay's and now can close theHowever, it appears that there is some collusion between the senior levels of Global Acoustics, the EPA and Whitehaven Coal, to avoid reporting in the correct form required by the industrial noise policy.

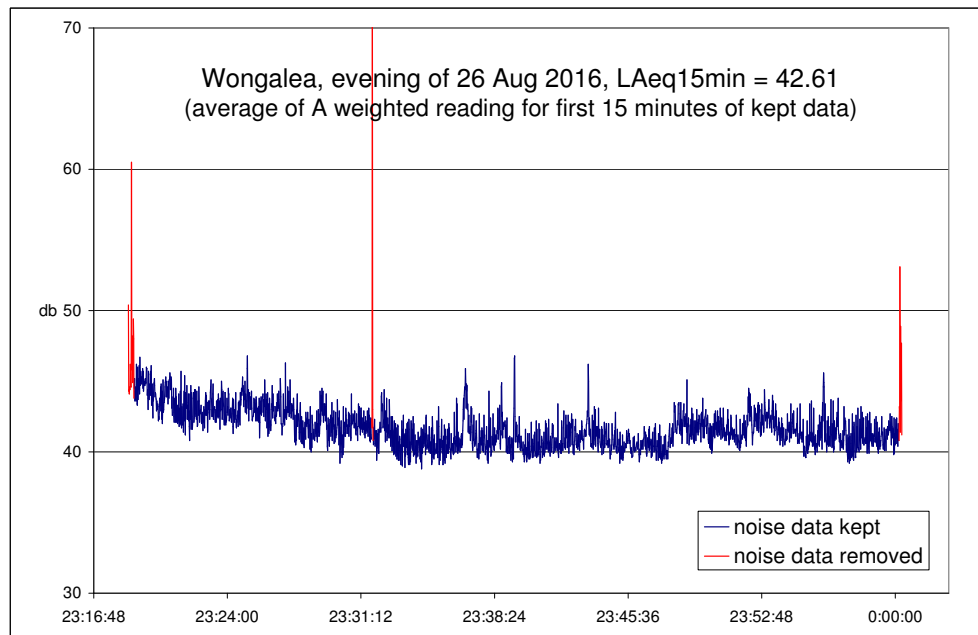
I have attached the graphs of my own noise monitoring below. As you can see, on the noisy nights when I did my noise monitoring they were well over the limit.

As you can see from the graphs, the 15 minute average for those three measurements is 41.01, 39.14 and 42.61 respectively and that is not including the 5 dB low frequency noise penalty.

It is all very well and good for Whitehaven and the EPA to say that my measurements are not valid, but I think there is now plenty of evidence that the reporting of noise by Whitehaven coal has less validity because it is not transparent and there is little or no trust left in the company to believe them on their word.

(The red lines are where we have removed any spikes, so the average would have been higher without the removed sections).





Below are raw data sheets that I recorded on 31<sup>st</sup> October 2016. The Mandatory Noise Audit stated that it was rare for C-level low frequency noise to be over 52dBC but my measurements dispute this. Of course the noise levels produced by the mine were artificially lower than usual because the mine knew the audit was being carried out.

SHOULD READ 1 HOUR LATER

RecNo	MeaValue	Weight	Time	Date
471	45.8	A	8:3:36	2016-10-24
472	58	A	8:3:38	2016-10-24
473	49.6	A	8:3:40	2016-10-24
474	41.2	A	8:3:42	2016-10-24
475	38.9	A	8:3:44	2016-10-24
476	39.3	A	8:3:46	2016-10-24
477	39.2	A	8:3:48	2016-10-24
478	40.8	A	8:3:50	2016-10-24
479	37.9	A	8:3:52	2016-10-24
480	38	A	8:3:54	2016-10-24
481	38.1	A	8:3:56	2016-10-24
482	42	A	8:3:58	2016-10-24
483	37.8	A	8:4:0	2016-10-24
484	37.9	A	8:4:2	2016-10-24
485	38.6	A	8:4:4	2016-10-24
486	40.4	A	8:4:6	2016-10-24
487	41.2	A	8:4:8	2016-10-24
488	38.1	A	8:4:10	2016-10-24
489	40.8	A	8:4:12	2016-10-24
490	41.2	A	8:4:14	2016-10-24
491	38.2	A	8:4:16	2016-10-24
492	38.8	A	8:4:18	2016-10-24
493	44.8	A	8:4:20	2016-10-24
494	38	A	8:4:22	2016-10-24
495	38.1	A	8:4:24	2016-10-24
496	37.9	A	8:4:26	2016-10-24
497	41.2	A	8:4:28	2016-10-24
498	37.6	A	8:4:30	2016-10-24
499	37.9	A	8:4:32	2016-10-24
500	44.7	A	8:4:34	2016-10-24
501	38	A	8:4:36	2016-10-24
502	38.2	A	8:4:38	2016-10-24
503	38.8	A	8:4:40	2016-10-24
504	38.4	A	8:4:42	2016-10-24
505	37.6	A	8:4:44	2016-10-24
506	37.7	A	8:4:46	2016-10-24
507	37.6	A	8:4:48	2016-10-24
508	37.7	A	8:4:50	2016-10-24
509	38.8	A	8:4:52	2016-10-24
510	39.2	A	8:4:54	2016-10-24
511	38.2	A	8:4:56	2016-10-24
512	39.1	A	8:4:58	2016-10-24
513	39.1	A	8:5:0	2016-10-24
514	38.3	A	8:5:2	2016-10-24
515	38.9	A	8:5:4	2016-10-24
516	38.1	A	8:5:6	2016-10-24
517	37.6	A	8:5:8	2016-10-24
518	37.8	A	8:5:10	2016-10-24
519	37.4	A	8:5:12	2016-10-24
520	37.5	A	8:5:14	2016-10-24
521	37.2	A	8:5:16	2016-10-24
522	37.2	A	8:5:18	2016-10-24
523	37.5	A	8:5:20	2016-10-24
524	37.3	A	8:5:22	2016-10-24
525	37.2	A	8:5:24	2016-10-24
526	37.2	A	8:5:26	2016-10-24
527	37.5	A	8:5:28	2016-10-24
528	37.5	A	8:5:30	2016-10-24
529	37.8	A	8:5:32	2016-10-24



SHOULD READ 851.7  
(1 HOUR LATER)

# SoundLab Report

RecNo	MeaValue	Weight	Time	Date
1	57.3	C	7:51:7	2016-10-24
2	58.2	C	7:51:8	2016-10-24
3	58	C	7:51:9	2016-10-24
4	57.2	C	7:51:10	2016-10-24
5	57.3	C	7:51:11	2016-10-24
6	57.7	C	7:51:12	2016-10-24
7	58.1	C	7:51:13	2016-10-24
8	58.1	C	7:51:14	2016-10-24
9	57.2	C	7:51:15	2016-10-24
10	56.4	C	7:51:16	2016-10-24
11	56.6	C	7:51:17	2016-10-24
12	60.8	C	7:51:18	2016-10-24
13	57.2	C	7:51:19	2016-10-24
14	57.8	C	7:51:20	2016-10-24
15	57.5	C	7:51:21	2016-10-24
16	58.1	C	7:51:22	2016-10-24
17	57.6	C	7:51:23	2016-10-24
18	58.5	C	7:51:24	2016-10-24
19	57.8	C	7:51:25	2016-10-24
20	57.3	C	7:51:26	2016-10-24
21	58.4	C	7:51:27	2016-10-24
22	57.9	C	7:51:28	2016-10-24
23	58	C	7:51:29	2016-10-24
24	57.7	C	7:51:30	2016-10-24
25	58.1	C	7:51:31	2016-10-24
26	56.9	C	7:51:32	2016-10-24
27	57.6	C	7:51:33	2016-10-24
28	57.4	C	7:51:34	2016-10-24
29	58.3	C	7:51:35	2016-10-24
30	56.9	C	7:51:36	2016-10-24
31	57.6	C	7:51:37	2016-10-24
32	58.7	C	7:51:38	2016-10-24
33	57.4	C	7:51:39	2016-10-24
34	58.5	C	7:51:40	2016-10-24
35	58.5	C	7:51:41	2016-10-24
36	58.9	C	7:51:42	2016-10-24
37	58	C	7:51:43	2016-10-24
38	57.9	C	7:51:44	2016-10-24
39	58.9	C	7:51:45	2016-10-24
40	58.5	C	7:51:46	2016-10-24
41	58	C	7:51:47	2016-10-24
42	58.2	C	7:51:48	2016-10-24
43	58.4	C	7:51:49	2016-10-24
44	58.5	C	7:51:50	2016-10-24
45	58.8	C	7:51:51	2016-10-24
46	58.3	C	7:51:52	2016-10-24
47	58.2	C	7:51:53	2016-10-24
48	59	C	7:51:54	2016-10-24
49	59.1	C	7:51:55	2016-10-24
50	59	C	7:51:56	2016-10-24
51	58.9	C	7:51:57	2016-10-24
52	59	C	7:51:58	2016-10-24
53	59.3	C	7:51:59	2016-10-24
54	58.6	C	7:52:0	2016-10-24
55	58.6	C	7:52:1	2016-10-24
56	59.1	C	7:52:2	2016-10-24
57	59.2	C	7:52:3	2016-10-24

The EIS Should be rejected, as it omits a great deal of relevant information not least being the expansion plans of the mine and is misleading because it says that the company has a strong compliance record.

I recently visited Ellerslie Lane, and I noticed that the noise levels are very severe in that vicinity as well.

The application to let Whitehaven Coal off the hook so that they will not have to comply with Condition 12 (a) should be rejected outright.

Furthermore there should be an enquiry to find out why the Department of Planning has given Whitehaven the impression that it is okay to lodge an EIS that does not include any supporting data.