

This submission opposing Maules Creek(Mod 4) Sound Power Levels is submitted by New England Greens Armidale Tamworth (NEGAT), which includes members and supporters in the immediate vicinity of the Maules Creek Coal Mine.

NEGAT is aware that Whitehaven's Maules Creek Coal Mine is now one of only three mines in NSW to hold the Environmental Protection Agency's highest environmental risk level (level 3), following a review of incidents in the past 12 months to May 2017. The company has a record of noise non-compliance and incurred an official warning by the Department of Planning in August 2017.

The Department of Planning's failure to take account of community concerns prior to approval must not be exacerbated by approval of this modification. Mandatory Noise Audits in 2015 and 2016 revealed that many of the fixed plant at MCCM were unable to operate within the noise levels Whitehaven provided to the Department to gain approval.

The lack of transparency of process causes concern: in May 2016, the Department of Planning issued Maules Creek Coal Mine with an advisory letter and show cause letters regarding 2015 Sound Power Levels of mobile and fixed plant equipment. Maules Creek Coal Mine reportedly provided a written response and action plan, but this has not been made public. Similarly noise filters, which filter out certain sound frequency levels, are being incorrectly or inappropriately applied during monthly compliance monitoring, and Whitehaven refuses to disclose the filters being used to the community.

There has been no public consultation for this proposed modification and no explanation as to why it should be granted. This is a standard "sound power" clause; all other mines in the region have this clause and manage to abide by it. A consistent, regulatory framework across the region is desirable. Communities have the right to expect compliance and consistent improvement in environmental performance from mining companies as technologies improve. The mine is expanding to the west and north; as more communities are impacted the requirement should surely be for more stringent commitment to the regulations.

The practice of gaining modifications rather than implementing regulations has occurred to the detriment of the community and local environment previously in Whitehaven's operations- it is unconscionable that Maules Creek Coal Mine should once again be rewarded for failure to conform to the regulations by having sound regulations modified.