

Maules Creek Country Women's Association of NSW

11 October 2017

Carolyn McNally

Secretary

Department of Planning and Environment

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Dear Ms McNally,

Re: Maules Creek coal mine Project Application Number: 10_0138 Mod 4

The proponent Whitehaven Coal, are seeking to remove a section from Condition 12a, Schedule 3 from Planning Approval 10_0138 regarding the Maules Creek coal mine. That is the deletion of the wording and requirement to-

“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;”

We object to the Mod 4 and Whitehaven Coal removing a specific requirement for continuous environmental noise improvement by maintaining or reducing mining equipment sound power.

Firstly, the *EMM Mandatory Noise Audit* found 17 noise receivers not identified in the EA - 15 to the North of the mine- where most people live. This is no basis to allow further sleep disturbance.

1. Some properties to the north have less interrupted views to the site than others and therefore topography affects audibility.” Page 48.

This is the second Modification this year. A fear the community expressed at the outset of this mine commencing- a process and strategy known in the industry as “Approval Creep.” It takes our group considerable time to review these Modifications

Modification application is not transparent and on occasions appears misleading and designed to deceive by downplaying, excluding data and providing apparently unnecessary commentary for those making responses and decisions. We recommend that this must be acknowledged and treated seriously by the government.

It is an affront to the community to learn that Whitehaven Coal, being unable to fulfil its conditions, has applied to delete one of the most important and controversial conditions that it has been unable to fulfil – to maintain the sound power levels of the mine that were submitted in Bridges Acoustics (2011) *Acoustics Impact Assessment*. Appendix G of the Maules Creek Coal Mine Environmental Assessment.

Following is our objection to Modification 4 – Sound Power Levels with recommendation for this Modification Application. We thank the Department for this opportunity to provide input into this process and to provide recommendations.

Yours Sincerely

Libby Laird

Agriculture and Environment Officer

Maules Creek Country Women's Association of NSW

1 Introduction

Maules Creek residents are surrounded by hills and mountains. These, we are aware mean that when the wind is blowing from the South/South East, the noise generated at the open end- i.e. Where the mines are- travels into the catcher mit topography- where many residents live.

Sick of the tiredness and aware this is slated to go on for 30 years, our community decided we need to check what sub 20dB sounded like and what an exceedance sounds like on a professional acoustic noise monitor. We clubbed together and took training and advice from noise experts to find out for ourselves.

The mining company – although we did not alert them to our study- and we do not know how they found out- did not like us measuring the noise. Our community members were chased from property to property on a nightly basis during the noise study period. It was frightening as at the same time a rumour was circulated that the person employed for community relations came with a very scary reputation. True or not we do not know. But it was not a good feeling for our community.

In light of the many issues, we know there is a noise problem and we have come to view this Mod 4 document as an appeal for help. We are not sure how else to take it – so we will offer recommendations because we do not want to bear the brunt of the noise and sleep deprivation that will occur.

Firstly, we would have preferred other options to be explored in consultation.

We recommend that other options be taken in the future for solving problems and be transparently explored before seeking Approval Modification.

It appears that by Whitehaven's own admission, that Bridges Acoustics got the modelling wrong and, for example, in 2015 sound power levels from 32 items of plant exceeded the Environmental Assessment adopted levels, and therefore were non-compliant with Condition 12. Furthermore in 2016 retesting showed there remained 12 items above the Environmental Assessment values.

Further, according to the *EMM Mandatory Noise Audit*, the Coal Handling and Processing Plant is not enclosed and is essentially open on all sides with a partial roof cover. No physical noise control mitigation was evident. **We recommend that this be fixed- as a starting point.**

When the MCCM was approved the company made the commitment to the DPE and the community in their Statement of Commitments that they will “**implement necessary noise control and management measures**” using “**the best available technology that is economy achievable**” in order to comply with their Environmental Assessment conditions.

Furthermore, the auditor reported that the building structure could not support an enclosure retrospectively. **We recommended that this claim be investigated and the structure be enclosed- as a possible first step solution to the noise problem.**

Instead we are left to believe that the proponent has attempted “implementing necessary noise control and management measures”, and that the Coal Handling and Processing Plant is a crude piece of engineering and after nearly 4 years of operation isn’t properly enclosed and cannot be because it was poorly designed.

Could there be an issue with the fixed plant not being the appropriate choice?

We are not experts, however, we know that in 2014 Boggabri Coal CHPP spent \$186 million dollars on design and construction,
<https://www.thiess.com/news/2013/thiess-sedgman-jv-wins-186m-chpp-contract>

and Maules Creek Coal spent \$18 million on design in 2011

[https://www.whitehavencoal.com.au/investors/documents_astonasx/2011%20ASX%20ANNOUNCE_PDF/MAR2011/SDM_Sedgman%20wins%20\\$18.5%20million%20contract%20for%20Maules%20Creek.pdf](https://www.whitehavencoal.com.au/investors/documents_astonasx/2011%20ASX%20ANNOUNCE_PDF/MAR2011/SDM_Sedgman%20wins%20$18.5%20million%20contract%20for%20Maules%20Creek.pdf)

and \$100 million on construction

<https://www.australianmining.com.au/news/downer-wins-whitehaven-coal-maules-creek-chpp-construction-contract-2/>.

We recommend that Mod 4 be rejected and an investigation be conducted into where the failure for six pieces of equipment to meet their sound power levels lies.

The Modification 4 document

Ensure annual testing of all equipment

In their submission Whitehaven claim they are seeking to change a single condition in their approval which ensures that all equipment and noise control measures deliver sound power level that match or better that in their original approval and ensure best practice in noise control is being achieved.

The document claims that removing this doesn’t matter because it is covered elsewhere in their Conditions. This is false.

However, this is the only place in their Approval Conditions that Sound Power Levels is explicitly stated as the method of testing and noise control.

Condition 12a point 1 only required that all mining trucks and water carts are attenuated (noise suppressed), while condition 13 refers only to a vague ‘annual testing program’ and only of attenuated equipment.

Thus by removal of this condition there would be no reference to Sound Power Levels or to any requirement to measure all equipment, but rather only equipment that is ‘attenuated plant’.

For instance in assessing noise levels in the recent mandatory noise audit the 'coal processing plant' was found to be operating in exceedance of the required sound power level in 2015 and 2016.

It is described in the community – GIPA'd *EMM Mandatory Auditor's* report as having

'No physical noise control mitigation evident' and further that EMM was told by company representatives that

'...the building structure could not support an enclosure retrospectively'.

This is just one example of the many pieces of equipment that could slip through noise testing requirements if the current condition is removed. The current condition ensures that **ALL equipment** is tested for sound power on an annual basis.

This particular Condition 12a, Schedule 3 from Planning Approval 10_0138 is THE legally binding Approval Condition designed to protect the noise-impacted community.

We therefore object to this Project Modification 4, the Condition is crucial and we recommend that it should NOT be removed. And that no Approval be given to a company at the lowest EPL risk rating possible.

Proposal to change a single condition

The proponent propose that this application is to change a single condition, however during this time it has been revealed that the company are also seeking to modify condition 17 (and ultimately their Environmental Protection Licence 20221) to exclude noise criteria in three weather scenarios. This is despite them having information from the *EMM Mandatory Noise Audit* (page 48) telling them that

2. "There have been complaints in all seasons, however it is clear that adverse meteorology such as southerly winds and temperature inversions at night (found in all seasons according to the site weather station) result in higher received noise levels."

This campaign of attempting to have the government allow them to dump more noise in the local community is cruel. This company must reorientate itself back to reducing sound power levels and other noise issues.

We can confirm that the community have not been informed of this other change that is to follow- e.g. advised through the CCC- or by other means. The impact of this change will be to increase the number of days where there are exemptions to the current noise criteria. Keeping in mind the multiplicative impacts changing more than one noise condition can have, this proposed modification should not be approved as it will remove a layer of protection for the local community from noise impacts.

We recommend that this cruel and deceptive behaviour be reprimanded by the Department and the PAC. Operating for the next 26 years on the notion of "what ever we can get away with" is not in keeping with using "the best available technology that is economy achievable" in order to comply with their Environmental Assessment conditions. Further, it is not transparent and is unprofessional- and unacceptable to our community.

As we are all very aware, the DoPE Secretary, nor the affected community will be in a position to request that Condition 12(a) be put back in- or in fact insert any other protections if it is changed.

We recommend a rejection of this Mod 4 in favour of an ongoing precautionary approach.

Condition 12 (a) was put there because DoPE and the PAC are aware that communities are impacted by noise and this is a protection for communities for 30 years the mine will operate. Further the condition, refers to continuous improvement and “best available technology economically achievable” because that the mine will change and the Company is expected to continue to perform to its benchmark standard during those changes and maintain and improve their protections towards us.

The Planning Assessment Commission in the Maules Creek coal mine Determination Report in 2012. It said:

“The Department has also acknowledged informally that the differential between the real background level and the acquisition criterion will have significant impacts on rural residences and that complaint patterns in mining precincts appear to bear this out.

The Commission remains concerned at the Department’s approach to noise impacts at rural residences.”

The inability for community to change Approval Conditions as the mine gets even closer, our local topography, the fact that our community through Vipac engineering advice alerted us, the company and the Government to the heroic sound power numbers provided in the EA before the mine was approved and the sleep disturbance we already experience are evidence enough for us to recommend that this Modification 4 be rejected and the sound power issue be resolved at the source.

Internal analysis is not published and is deliberately misleading

This proposed modification cites an “internal analysis” as justification for the change. Citing noise levels at nearby private receivers below specified noise limits during sound power level testing and a history of compliance for attended monitoring.

Further it states that compliance is not **solely** dependent upon delivery of sound power levels set out in the Bridge’s Acoustic Modelling for the Noise Environmental Impact Assessment.

Firstly, this internal analysis is not provided as evidence to be scrutinized, we are just expected to believe and trust them on their say so. This is not satisfactory for a proposal to modify a consent condition that is designed to protect a noise-impacted community, evidence needs to be provided to those impacted- those with the most to

loose from this proposed change – so that can be scrutinized and peer reviewed. There are serious implications for our physical and mental health.

We recommend this Modification 4 be refused as it misleading the public.

Further, to cite noise levels at nearby receivers as below specified noise limits during testing **is evidence of the effectiveness of this condition.**

This Condition, designed to protect the local community ensures that **every piece** of equipment is considered, tested and efforts are made to minimise the impacts of each and every piece of equipment.

When the 2015 audit found 32 of 82 pieces of equipment had sound power levels in exceedance they were required to rectify this and as a result by the next audit 20 pieces of equipment were rectified leaving 12 piece of equipment in exceedance.

Having this condition is critical because it sets a standard of noise compliance for every piece of equipment used at the mine in order to ensure impacts on the community are reduced. It has resulted over time in some equipment being significantly under their sound power levels- which is great news.

If this requirement were removed it would open the door to allowing sub-standard equipment being used, or cutting corners to try to save a few dollars further reducing the bare minimum requirements, and not requiring 'best practice' in noise reduction for each and every piece of equipment.

This condition is effective in ensuring that every piece of equipment is appropriate for the purpose of minimizing noise impacts on the community.

We recommend that this condition should be managed in such a way to review sound power levels annually to reflect improvements in technology. This will keep putting downward pressure on sound power levels of all equipment.

For example the Maules Creek Coal Mine 2016 Annual Review showed that all Graders with sound power level criteria of 112dBA averaged between 104 to 107 dBA (5-8 dBA lower) thus in keeping with a commitment for best practice.

As the Administrative Condition Schedule 2- Terms of Approval has been updated in January 2017- the door is open for this to occur.

We might even have cause to be a little bit proud of the company that bought up much of our community and took our name if they demonstrated in reality that they were able to achieve and better their benchmarks for their fixed plant sound power.

Ideally, the Condition change should thus be written to modify the criteria for this equipment from 112dBA to 107dBA and celebrate their achievement of not just meeting their conditions but improving on them.

However, **we recommend leaving in the Condition and updating the management plan to include the Condition as is- would improve focus. This would ensure that the company would be focused on improvement using best**

available technology and best practice and be able to tell a positive environmental story based on their Approval Conditions.

The proponent in the Mod 4 document at page 1, is correct in stating that *'compliance is not **solely** dependent upon delivery of sound power levels set out in the EA Maules Creek Coal Project Environmental Assessment- Hansen and Bayley 2011),'* however it is a crucial component of the factors that together ensure compliance and it is critical this condition be retained.

A history of compliance for attended monitoring is cited as evidence of it being justification to remove this condition.

Anecdotally, our own experiences and that of other residents in the area is that the behaviour and noise output at the Maules Creek Mine changes during times of attended monitoring. Attended monitoring has become a charade because night after night of interrupted sleep and continual rumbling from the mine is followed by two nights of near silence indicating that Global Acoustics must be doing attended monitoring.

Sure enough someone will say they saw the Global Acoustics car. When the noise is switched back on - we know Global Acoustics have left.

Residents observe that there is a significant change in behaviour of mining activities when attended monitoring is carried out. We feel, it is designed to minimise the recording of noise impacts.

We recommend that Global Acoustics tell the Community when they are coming. For safety for one- with feral animals- pig shooters are around. Secondly so we can recorded observed changes – and determine for sure if they are occurring. We would also like to meet them and hear from them and see their results and a presentation at the CCC.

1.1 Consultation by Maules Creek Coal

Maules Creek Coal cites consultation with two government agencies regarding this modification, yet when enquiries were made to the local EPA office after this modification came out surprise was expressed. Although we do not know who was at this meeting and the contents, We suggest that the word “consultation” has been applied in an unusual manner. The EPA did not know it was coming.

On 16 August shortly before the public release of this modification proposal (dated July 2017) at the Maules Creek Coal Community Consultative Committee Meeting at the Boggabri Golf Club, no mention was made that a modification application was to be put on exhibition, despite specific discussions at this meeting about the CCC as a group writing to the EPA to initiate an independent Sound Power level analysis for fixed plant and equipment to try and isolate the offensive low frequency sources of noise resulting in sleep deprivation in the neighbouring community that have occurred since MCCM began mining operations.

The community are aware and alarmed that “consulting” with community was removed from the Approval Conditions in January 2017- without being put on exhibition during Mod 3.

Consultation in this instance is not demonstrating problem solving and best practice. The community are trying to work with this mine, in the spirit of the DoPE CCC guidelines.

We recommend the Government stipulate proper agency and community consultation in the future and proper research submitted for scrutiny. It may reduce the workload and stress on those regulating and living with this project.

2.1 Approvals History

Already this year in January 2017 a modification approval (Modification 3) was given to 'allow more flexibility' in road usage which allowed for a 400% increase in private vehicles being used to travel to the mine. This Mod 3 application was made when the DoPE found that MCCM were unable to meet their original approval conditions which were designed to minimise traffic impacts on quiet rural roads.

This Modification 4 application doesn't seek to merely water-down a Condition, but seeks to remove the condition altogether because it is proving to be a bit too difficult or inconvenient to fulfill.

We recommend that this condition needs to be retained because it is proving to be an effective measure in ensuring that the MCCM are required to attain a noise standard that protects the local community.

2.3 Operational Noise

A great deal of detail is provided about Noise Monitoring, Noise Management and Operational Performance. Most of this information is not relevant to the issue of Sound Power Level testing and is certainly no justification for removing the Sound Power level testing condition, and as such warrants only limited comment in most instances.

2.3.1 – Noise monitoring

Annual sound power test work is cited as one of four noise management initiatives undertaken in the noise management plan. This combined with the attenuation measures which are assessed using sound power testing make up 50% of their stated noise management strategy.

This **signals and supports the importance** of retaining sound power level testing.

Sound power testing is the company's proactive strategy

Sound power testing is a proactive strategy designed to anticipate and prevent noise problems before they occur.

The other management strategies are reactive, what to do when a problem occurs as registered by noise monitoring equipment.

MCCM without sound power testing is setting itself up to be running a very unprofessional business model indeed. There is no verbal or written commitment the proponent could make to the community, people of NSW or the State

government - as the company representative continually state to CCC members that “they only work to their approval conditions.”

We recommend that the Department must retain the company’s proactive Sound power testing strategy and reject this Mod 4 and not let NSW mining standards slip.

2.3.2 - Noise Management measures

Noise Mitigation -

Relevant in this section is a brief discussion of noise mitigation measures including ongoing maintenance, implementing new technology and sound suppression. **These all show and demonstrate the importance of the current condition.** Requiring improvements in equipment and use of improved technology to deliver the required sound power levels in all equipment ensures compliance.

Additionally the acoustic panelling and screening of the CHPP and train load out bin –are strategies that were undertaken as a response to Sound Power level assessment.

However, well meaning attempts as they were, the Mandatory noise assessment found that this screening and paneling was not effective and that ‘*No physical noise control mitigation was...evident.*’

To complete this section in the Modification 4 document, at page 6; is a restating of the commitment in the *Annual Review 2016* to ‘*reduce Sound Power Levels for mobile plant.*’

This clearly signals MCCM intends to exclude fixed plant items from ongoing improvement and the benefits of new technology, continuous improvement and best practice. This omission of fixed plant, which includes 6 of the 12 remaining identified pieces of equipment required to meet the sound power level consent conditions also signals the fact that the company intends to save money by externalizing the costs of right to mine in NSW that come with this condition.

It makes one suspicious of the intent of the company in applying for Mod 4.

Sleep disturbance in the Maules Creek community caused by mining noises and the low frequencies emissions by the fixed equipment is a major issue. This company was aware that it would be an issue.

Research of other mines – is that mining companies deal with this themselves- not asking the government to force the neighbouring community to shoulder the impacts. This Mod 4 is an irresponsible and unfair ask by MCCM and must be rejected.

We recommend that the company must meet the Condition to equal or better sound power levels as in the EA for all fixed plant and equipment.

2.3.3 Operational Performance

This section tries to ignore what was stated in the mandatory noise audit report

‘..all exceedances above criteria must be treated as an exceedance (and)... noise trigger... of 30dB, to allow for the INP’s 5dB penalty for low frequency noise’ p33.

While it is inconvenient for Maules Creek Coal to have to include the 5dB penalty in reported exceedances this is mandated in their current approval conditions and discussions on the draft changes to this policy is not relevant to the current conditions which has recorded 11 exceedances during attended monitoring since April 2015.

Attended monitoring occurs for about 1% of the time the mine is operating (24 separate 15 minute measurements per month). If attended monitoring was a genuine representation of real noise experienced it could be extrapolated that this would equate to 100 times this number of actual exceedances or 1100 exceedances over this time period.

However as stated earlier it is the experience of locals that during attended monitoring the mine seems to ‘switch-off’ its noise so the lived experience is in reality much worse than this.

Attended monitoring has proven not to be an effective noise management strategy for the community.

We recommend that Attended monitoring should not be seen as a substitute for the annual sound power testing.

Annual Sound Power Testing

Here the exact figures are excluded and modifier words are inserted to down-play the facts.

However-the wording in the *EMM Mandatory Noise Audit* are more precise (p 39 – 40).

‘In 2015 sound power levels from 32 items of plant (of 82)...were non-compliant with condition 12...’

‘In 2016... 12 items (were) above EA values...’

(Half of these 12 items are fixed plant)

‘...exceedances are a combination of some low sound levels being adopted in the EA and the selection of site plant and equipment.’

This again demonstrates the importance of annual sound power testing to ensure that every piece of equipment is fit for purpose and gives the community the best outcomes in minimizing noise-impacts.

Further down in the document it is more worrying when the total site Sound Power Levels are shown to be 3.6 dBA lower than the year 5 worst case scenario.

To have not exceeded the worst case scenario (the lowest bar possible) should not be cited as evidence why a focus on Sound Power Level compliance is not relevant in noise performance.

The very fact that the Sound Power Level Condition *requires a focus* on improving the noise performance of each piece of equipment is one important factor that has resulted in successfully preventing further exceedance of noise levels to receivers.

EMM Mandatory Noise Audit

In relation to potential future noise impacts if noise mitigation measures are put in place it found that the 35dBA (A weighted) measure would not be exceeded.

However incredibly this again chooses to ignore the 5 dB penalty which would need to apply due to the low frequency noise impacts.

The *EMM Mandatory Noise Audit* at page 24 states in relation to low frequency noise states

‘...a 5 dB low frequency penalty is now applied to total received noise in attended and unattended real time noise monitoring.’

Thus when considering noise impacts at private receivers this 5 dB penalty needs to be applied.

The scenario modeled is- if pit dozers are restricted to 1st gear, only a single excavator is operating and there are associated plant shut down then noise levels will not exceed 35 dBA as required in condition 7.

However referring to *EMM Mandatory Noise Audit* page 147, Table 4 - and applying the low frequency noise penalty of 5 dB then 13 private receivers with A weighted noise ranging from 30.0-34.8 dB(A) would be subject exceedances during evening and night operations.

We note that this is a matter of significant concern and provides another reason to recommend and ensure that conditions are not being eased or deleted but rather ensure that this current condition remains in place.

Summary:

- **The Condition needs to be retained to ensure ALL EQUIPMENT is tested and monitored on annual basis not just attenuated equipment.**
- **The Condition needs to be retained due to potential for multiplying impacts due to separate application to modify condition 17 of consent conditions and possible multiplication of noise impacts.**
- **The Sound power testing of all equipment and attenuation measures is a proactive strategy designed to predict and prevent the occurrence of noise problems and needs to be retained as an approval condition.**
- **Addressing Sound Power Levels for all equipment has been a major factor in ensuring noise levels are not exceeded and it is crucial to retain this condition.**
- **2016 modelling predicts that even with significant mitigation 13 private residences would face noise impacts in exceedance when the low frequency penalty is applied.**

3 Modification Description

We recommend that the Mod 4 document be clearer. Again Maules Creek Coal use modifier words to try to down-play the facts or selectively quote.

For example, the original *Noise impacts Assessment* identified '*proposed operational equipment*' and derived Sound Power levels '*...from manufacturer's data where available, or from noise measurements on existing mine sites, and include(d) the noise mitigation measures.*'

These were real figures based on what was commercially available at the time of application not 'indicative (Sound Power Levels) adopted for modelling.

Further Maules Creek Coal try to cite compliance with Condition 7 & 10 (receiver noise) as indicated by attended monitoring despite **12 piece of equipment failing Sound Power Level testing** as a justification for removing Sound Power Level testing.

As stated earlier the community experience has not found attended monitoring to be an effective method of achieving noise reduction as it only changes behaviour during the 1% of the time when monitoring is being carried out.

This leaves 99% of time when noise impacts are worse.

Also Sound Power Level testing has a very real impact on ensuring all pieces of equipment are monitored, maintained and best outcomes continue to be achieved, it has been a very effective condition of compliance, it needs to remain unchanged.

Next in this section of the Mod 4 document, Maules Creek Coal contend that only one exceedance, not constituting non-compliance has occurred since August 2014. **We recommend the Government investigate if this is false or misleading.**

As discussed earlier despite the problems with attended monitoring, under the conditions of the Industrial Noise Policy there have **in fact been 11 instances of exceedances all of which constitute non-compliance.**

In the next paragraph we agree that the Sound Power Levels are one of several factors that determine received noise at private residents. We contend that as it is a condition that applies to all plant and equipment and requires continually improving the sound performance of all equipment it is a crucial condition to be maintained as one of the more effective noise management strategies.

The next paragraph suggests noise mitigation measures required to achieve compliance with condition 12a. *would not* be effective.

However as already stated above *this condition has been very effective* in ensuring the practices adopted for reducing noise are applied to each and every piece of equipment used on site.

We recommend that if 20 of 32 pieces of non-compliant equipment can be rectified in one year surely it is not too much to tackle the final 12 pieces of equipment.

The *EMM Mandatory Noise Audit* concurs with our view- the advice given was:

‘where plant remaining above EA levels (alter off site noise at private residences) rectification on some or all plant...should be completed until this offsite contribution can be satisfied’ (p.40)

Again the value of the annual Sound Power Level testing is highlighted in the effective management of noise.

In the next section Maules Creek Coal discusses the term ‘best practice’ as it relates to other sections of its approval. Other sections talk generally of best management practice’ or maintaining equipment in a ‘proper and efficient condition/manner.’

However only in condition 12a is the wording **-All Equipment, Sound Power Levels** explicitly used along with requiring equipment and noise control measures to correspond to **best practice or best available technology**.

We recommend the retention of this condition because this condition contains wording which explicitly states what is required to achieve effective noise management for now and into the future in order to have significant and ongoing positive impacts on the management and mitigation of noise on the community.

It is critical that this condition be retained in the current approval conditions.

Finally Maules Creek Coal state that condition 12a in conjunction with condition 13 would ensure annual sound power testing was continued.

However if this modification were to be removed 12a would only address commissioning of *trucks and water carts* and existing noise suppression equipment.

While condition 13 would only address the effectiveness and maintenance of attenuation on equipment.

The way would be open for decisions to be made to use sub-standard equipment, to exclude some pieces of equipment from their annual testing, and to come up with alternative methods of testing equipment, it opens up loopholes.

This is not satisfactory for a professional miner who must work to Conditions and focus on the application of the best available technology economically achievable the current condition needs to be retained.

4 Conclusions

In the Mod 4 document conclusion, it is important to again say that the Sound Power Levels used for modelling in the initial EA were not ‘indicative’ (as asserted here in the document) but represented proposed operational equipment with measurements

based on manufacturers figures or measurements of *real equipment* that was commercially available at the time of application.

We agree that achieving noise compliance at private receivers is not **solely** dependent upon Sound Power Levels complying to the EA **but** we contend that it is a significant and important factor that needs to be retained to ensure ongoing compliance.

We dispute the contention that Maules Creek Coal has a strong record of compliance with only a single breach, where their own attended modelling shows 11 breaches of the industrial Noise Policy. As highlighted earlier community concerns are that this is not representative of the community experience of significant noise impacts across the whole community.

Existing management to comply with conditions 7 & 10 includes annual sound power testing and noise suppression equipment and is a critical component of noise management and needs to be retained.

There is no guarantee that annual Sound Power Level testing (or any Sound Power Level testing) would be carried out on all equipment in the future if this modification was successful as it excludes explicit reference to Sound Power Levels from the document and it is likely that any future testing would only be to a limited range of equipment as the sentence in this document suggests by excluded reference to fixed plant.

*'...reduce (Sound Power Levels) for **mobile** plant where reasonable and feasible (MCC 2017)'*

Modification of this condition exposes loopholes and exclusions and opens the way to lowering the standard of noise management.

Finally it is stated the current modification does not include any other changes, however as stated earlier there is already a proposal before the EPA to modify condition 17 in relation to noise in certain weather conditions which could have a multiplicative effect on noise impacts.

With the predicted year of maximum impact and further expansion North slated now is not the time to relax noise conditions but rather the time to maintain and tighten conditions and ensure compliance to ensure that noise impacts on the community are minimized.

Through public meetings with Department staff, the CCC, discussions and letters back and forth with the EPA and DoPE, our community conducting our own noise monitoring. Our community has tried to provide strategies and opportunities for solving sleep disturbance. We have requested input into the placement of the monitoring, objective ground truthing – including of sound power levels to assist all parties in identifying the sleep disturbance sources. So the company can rectify its noise problem.

It appears the proponent don't want to work to their Project Approval - or have the conversation with those who researched, recommended, approved, made, supplied

or put the equipment in or those along the line who managed the project or who initially tested it.

It appears that the community and the government are seen as the soft targets to solve this issue. This is very unprofessional and we would suggest- cruel.

We recommend that this must stop with the rejection of the Mod 4 Application.

End.