

11th October 2017

Ms Carolyn McNally
Secretary
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Dear Ms McNally

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

Whitehaven Coal are seeking to remove a section from Condition 12a, Schedule 3 from Planning Approval 10_0138 regarding their 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 removal of the specific requirement for the company to equal or better the noise levels identified in the Environmental Assessment. Were the noise levels identified in the Environmental Assessment to gain project approval incorrect?

We object to the removal of the specific requirement for the company to ensure all equipment and noise control measures correspond to best practice or application of the best available technology achievable.

It is very important that the company are applying best practice and the best technology achievable, maintaining or reducing sound power levels and minimising their impact on the surrounding area (which they have solely changed from a quiet rural area). Condition 12a as it currently is, allows for this to be enforced.

Removal of the above section of Condition 12a will have detrimental impacts on the community, the residents surrounding the mine (particularly as the mine expands) and the power the EPA has. We feel it would give less protection to the people, peoples livelihoods and the environment. Whilst opening the door for the company to self regulate.

Additionally, removal of part of a regulatory condition undermines the NSW planning and approval system.

We are potentially going to be next to a large coal mine and associated infrastructure; the Vickery Project. We are continually being told we can trust the government's planning and approval process, and additionally the company's modelling is extensively peer reviewed.

How can we have any confidence in the system and the EIS process if conditions set to make a project acceptable, based on the Environmental Assessment supplied by the mining company, are changed to suit the coal mine once it is in operation and

creating a bigger impact and footprint than expected? A bigger impact and footprint that is denied by the company and their modelling when applying for Planning Approval.

Also, the ability for a regulatory condition like this one to be altered, creates continuous uncertainty for the people impacted and their livelihoods. More protection is needed, not less. It is already a very taxing situation they are placed in.

It is imperative conditions set to protect people's wellbeing remain. We need confidence in the NSW planning and approval system and the company's modelling, to feel some security for our future.

The company claim a "strong record of compliance" in their application. The incidents of non compliance, the Audit and the recent change of the mine to a level 3 risk rating show that this is a very misleading statement.

Approvals are granted on the EA supplied by the company and conditions are set to protect the environment, people and people's livelihoods. The mine needs to operate within those conditions. Approval of this modification would be a dangerous precedent to set. It would undermine the NSW planning and approval system, and the company's modelling, which we are told we can trust and have faith in.

Yours sincerely



James & Nicole Barlow