



Hunter Environment Lobby Inc.

PO Box 188
East Maitland NSW 2323
11th October 2017

Matthew Riley
Assessment Planner
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

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Submission of Objection
Maules Creek Coal Mine Modification 4
Sound Power Levels
<https://tinyurl.com/MaulesMod4>

Hunter Environment Lobby Inc.(HEL) is a regional community-based environmental organization that has been active for over 20 years on the issues of environmental degradation, species and habitat loss, and climate change, and we are pleased to be able to enter an objection on the Modification 4 for Maules Creek Mine.

HEL is concerned that the physical impacts on the local population around the Maules Creek coal mine are causing distress and sickness. Its blast fumes, dust plumes and grinding and banging noise have changed Maules Creek forever.

We believe that the mine has breached its conditions of consent on numerous occasions and have been given many extra chances and by Government agencies. Because of its compliance problems, it's now one of three mines in NSW given the highest environmental risk rating. We also believe that, unable to comply, Maules Creek coal mine has applied to the Department of Planning to remove one of the conditions imposed on it when it was granted approval.

This condition (Condition 12a of Schedule 3) stipulates that the Sound Power Levels (SWLs) of fixed and mobile machinery at the mine must be "equal to, or better than, the indicative SWLs adopted for modelling purposes in the Maules Creek Coal Project Environmental Assessment"

In other words, the Environmental Impact Statement that assessed the impact the mine was likely to have on the environment back in 2011 assumed certain noise levels coming out of the trucks, plants and other equipment at the mine and modelled the effect on surrounding residents based on those "sound power levels."

The community at Maules Creek has long argued that false and misleading noise modelling was provided by Whitehaven Coal in its original Environmental Assessment in order to gain approval and are now experiencing noise impacts that are ruining their lives.

HEL would like to add that noise pollution from mines is a major environmental health issue that is not being adequately managed by the NSW Government. The Hunter Region is particularly affected by the cumulative impact of mine noise. This has hollowed out rural communities across the valley.

The Planning Assessment Commission that granted approval to the mine was particularly critical of the Department for adopting an “artificially high” background level against which to measure change in noise caused by mining projects. In some cases, this meant doubling of noise experienced by mine neighbours.

Whitehaven’s most recent annual environmental review in 2016 admitted that the company was not compliant with this “sound power level” condition. That report also details non-compliance with blast level criteria and blast monitoring requirements.

The mine has also reported non-compliance with the relevant noise criteria for some nearby properties, but disregards non-compliant reading that are 2 decibels above the noise limit specified in its conditions. This effectively means that Maules Creek coal mine considers itself to be operating on a 37dbA limit, not 35dbA, as specified in its approval.

Whitehaven has committed to reviewing its plant and equipment to reduce noise, so it appears strange that are they seeking a change that would remove specific requirements to do this?

In May 2016, the Department of Planning issued Maules Creek mine with an advisory letter and show cause letters regarding 2015 Sound Power Levels of mobile and fixed plant equipment. Maules Creek reportedly provided a written response and action plan, but this is not publicly available. HEL believes this is not adequate.

The EPA recently conducted an audit of noise at Maules Creek mine because of the high level of complaints about it. That audit recommended that “A detailed assessment should be completed of plant with sound power levels remaining above EA levels” including assessment of each item’s off-site noise contribution “to determine whether rectification work would result in a reduction of total site noise at privately owned residences.”

Despite this, the Environmental Assessment provided by Whitehaven for this modification claims there is a “strong record of compliance with mine noise limits at private receivers”

The Environmental Assessment provided refers to modelling conducted to assess the impact of the proposed modification, but does not supply that modelling for public scrutiny.

Maules Creek mine is expected in the next twelve months to reach the peak of its noise impact on the surrounding community. This is not a time to be watering down

requirements for the mine to take any and all actions to reduce the noise burden it is inflicting on the Maules Creek community.

The Rejection of this modification must demand compliance with the Approval Conditions and a stop on the depopulating of the local community as a way to achieve noise compliance. Populations throughout the Hunter are suffering multiple impacts of noise and dust pollution, impacts on water quality and quantity and effects of loss and solastalgia – a recipe for depression and depopulation of intact areas of thriving communities.

The argument that money would be better spent on other mitigation measures is false. Money must be spent on achieving the sound power level condition *as well as* the other mitigation strategies – as long as these strategies don't involve the lowering of health outcomes or the removal of farming and community members.

This company must be held to their commitments and promises they made to the local community and the wider community of NSW when it obtained its approval, not be given a free pass by government because they can't achieve the conditions of that approval.

HEL would appreciate your due consideration of these issues which mirror real concerns of communities in the path of multi-national overseas owned coal companies.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Jan Davis', is positioned above the typed name.

Jan Davis
President Hunter Environment Lobby Inc.