

12 October 2017

Carolyn McNally
Secretary
Department of Planning and Environment
Via <https://tinyurl.com/MaulesMod4>

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;”

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

This is a disappointment that WHC who it is reported in the media as the gold standard industry best- Award winning Mineral's Council Top Miner in NSW for 2016 <http://www.northerndailyleader.com.au/story/4139462/whitehavens-top-employment-gong/> is applying to put even more noise into this amazing local community and environment effectively because they have never and can't meet the very approval condition that requires them to demonstrate that they are a top class miner. Therefore it follows that if in NSW we have the most stringent mining conditions in the world than it can't get any better than Maules Creek mining. I recommend that this Modification be rejected.

Therefore this Mod 4 application must be rejected because to be a top class miner – a corporation must have in place – and be held to account by strong regulation and boundaries. They need this to allow focus and consciousness of their environmental footprint- in this case noise and willing to take responsibility for it by legally requiring to carry out continuous environmental improvement - in a fair, transparent and professional manner. “Trust” and “working generally in accordance with the EA” is not going to produce a top class NSW miner.

I have been a regular visitor at Maules Creek for years. I have spent many peaceful nights sleeping in and around the Leard Forest and in the residential areas of Maules Creek. But since the MCCM began making noise using heavy machinery, trains, lights 24/7, coal handling and processing plant during the stages of destroying the forest, and then making a mess of the landscape and now blasting, crushing, washing and removing coal- those sweet, quiet air night's of sleep are mainly in the past.

It is more fitful sleep now- like a wall of noise with toots and dumps. It is a feeling in my chest and head. I wake in exhaustion. And the air is a thick fug.

I recommend that a top class miner – who only cites “internal analysis” – be put under more strict supervision. Clearly being at an EPL Level 3 Risk is not actually encouraging greater emphasis on continuous environmental improvement- as this Mod. 4 is seeking to reduce the requirement to focus on continuous environmental improvement at the source using the best available technology.

I recommend that this MCCM must walk the line and fix their sound power issue by meeting their benchmark targets in the EA. And indeed when they are met, set the new figures as the benchmarks and go harder for a personal best the next year.

In fact, by announcing publicly that MCCM will do this as an outcome from this Modification Process it is good role modelling for children. The Condition wording- being kept the same will allow for this.

If anything MCCM must be forced to focus more on fixing sound power levels. Oliver Holm on a visit to Maules Creek let the community know that everything is under control. He has informed the community in March 2016 that new compliance fines were brought in. Is this the reason the company is seeking to drop this condition?

Tormenting the community for the life of the mine with noise and a mining company that seeks to get the rules changed when they can't meet their commitments– will be the outcome from this change- not – as a professional miner strives for- “continuous improvement and use of best available technology”. I recommend that an independent assessment of the sound power level of fixed plant and equipment be conducted by a government and community appointed auditor.

I recommend the government reject this application and support this company in refocusing their efforts and stop looking for others to blame.

We know that the mine is expanding to the west next year and in the north by exploring A346, Wollondilly and this brings the mine closer.

The community need an increase in the precautionary approach and greater, not less protection from noise impacts the mine.

It is a time consuming process for the community- with time, and health impacts associated with so many modification to an Approval.

I recommend the government formally question whether this Company are fit and proper to hold a licence at all and ask what is the process required for this assessment?

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 apparently provided a written response and action plan, but where is this? What was found and why has it been kept secret and not revealed at the CCC or to the community in the media?

Was it worse than their annual sound power level results for the crushers and CHPP conducted for the Annual Environmental Review? Or were there even more than the 32 pieces of equipment above sound power level as modeled by Bridge's Acoustic to gain approval?

I suggest that the mine noise management plan and their funds needs to focus on the need for continual investment and research into best available technology to beat their noise problem. I wonder what evidence the Department could ask for to demonstrate that this is occurring?

I believe that the Director of Compliance Dr. Holm, hosted by our Country Women's Association visited Maules Creek in March 2016 to hear of our concerns about environmental compliance.

Dr. Holm's, in this meeting told our community of a presentation he had made to NSW Mining- of which WHC are undoubtedly a part of. The Department of Planning – Update on Assessment Reforms powerpoint presentation makes it very clear what DoPE expects of Mining companies- "Accepting the benefits of the approval with the responsibilities of the conditions."

I recommend that the DoPE needs to reawaken this Company to their responsibilities and ensure by independent review that all the management plans contain the approval statements as key parts of the Environmental Management Plans.

Complaining about the long standing Industrial Noise Policy and seeking to have it changed so it won't measure this kind of sound power noise is very unprofessional and surely is not consistent with top class miners running their businesses elsewhere. Sound power creates low frequency noise. I am surprised WHC were so naïve when they entered our valley as to think they would not have to account for this.

This is a company with a poor noise record. And I was surprised to read of Whitehaven claiming a "strong record of compliance" on pg 6 of the Modification 4 application. Didn't the EPA record over 100 exceedence at our neighbour's property- Ellerslie?

These long-term valued community members were forced to leave the home they built by their own hands- because the noise was unbearable. This was a very cruel episode. Claiming strong compliance is surely a false claim.

The Maules Creek Mine Mandatory Noise Audit was conducted because of poor performance. This document is asking a lot of suspension of reality for people to believe it.

What is "internal analysis," this is not acceptable to the public. Where is the data? This appears missing. This is enough to reject this Modification Application.

In the recent Mandatory Noise Audit, where community members spent much time documenting with the auditor personal experiences of sleep deprivation, it appears that what he also revealed was that the mining company did not know it had to apply a noise penalty to its reportable, attended monitoring.

Some of the information in the Mod 4 EA is unclear- whether penalties have been applied or not for breaches/exceedances. Shouldn't everything over 30 db – because of the C and A differential in this region on most occasions attract a 5db penalty?

I am also unclear about the filters used by the MCCM consultant. What low frequency noises if any are being filtered. This again is unclear.

This is a deceptive application. What about the unstated – but now known EPL licence variation to remove the noise criteria from “g class inversions”? Only that the Community GIPA'd the EMM Mandatory Noise Audit could we be aware.

I recommend an increased focus on transparency with the community- from the Company.

What are the implications? If this Modification 4 approval would other in the Leard Forest and indeed NSW want to follow suit? What about Werris Creek? Vickery? Rocglen? Tarrawonga, Sunnyside? Is the miner that leads the way in NSW really the miner at the bottom of the Risk Rating pack?

Even the Planning Assessment Commission issued this warning about its “concerns” about *“the Department’s approach to noise impacts at rural residences”*:

"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."

Land ownership and property values are affected by noise impacts generated by of State Significant projects. DoPE must reject this modification and enforce consent condition. I am keen to see that as is fair that fines accrue for everyday the breach has occurred.

I recommend that this Modification should be refused. Thanks for the opportunity to object.

Yours faithfully