

Objection to Mangoola Coal Project 06/0014 Modification 6

Summary of Objection

Wybong Action Group objects to approval being given by the Director-General of the NSW Department of Planning to the Mangoola Mine Modification Number Six in the terms of the Approval so sought by Xstrata Mangoola PL.

Wybong Action Group believes Mangoola Mine ought be restrained by the Director General from the enjoyment of any approval for an extraction increase under modification 6 until such time as all outstanding obligations and commitments under the existing consent, that Mangoola propose not be carried forward, are hitherto met.

Wybong Action Group 28 June 2013

OBJECTION.

Unacceptable Social Impact

Our objection is based on the unacceptable social impact of the experience of 100% of the residents of our small community, of some dozen homes and families, geographically centred at Wybong Fire Station near the Brogheda Homestead on the Hordern Subdivision, that Xstrata Mangoola P/L have and continue to fail by intent to make good on their obligations and commitments under the existing consent, have no intention of making good on those obligations and commitments and further, by means of this application are seeking to actively avoid making good on those obligations and commitments for all time.

This is at a time when the mine has only exposed some one quarter of the disturbance area, the OEA that should act to contain the noise and dusts is incomplete for greater than 50% of its extent, being absent in its entirety at the exposed north-eastern workings of the mine, and the community residing on the Hordern subdivision are being exposed to unmitigated and what we are claiming to be unlawful emissions of mine noise, lighting, fumes and dusts for extended night time periods such as from Jan-March 2013 and commencing again in June 2013 where in these instances residents of our community are held near sleepless continuously over several weeks with several being forced to leave their homes and reside elsewhere, destroying the few families and family properties that pre-date the mine.

Mangoola Mine has reduced the Wybong Community by more than 50% from some 700+ persons to less than 300.

Wybong Hall which once served the community with activities (Children's Mobile Toy box, Art & Craft lessons, Tai Chi, Computer Classes, and Community Dances etc.) now provides none of these activities.

Xstrata have capriciously engaged in a deliberate process to destroy the cohesiveness and thirty year plus friendships that typify our community by holding secretive individual negotiations with various home owners and making available noise and dust treatments and noise monitoring at varying levels and extents while failing to meet with other home owners at any time since the mine was approved, and offering other home owners sub-standard treatments that are not commensurate with noise treatments performed on their neighbours' homes or nearby lesser exposed Xstrata owned dwellings, all regardless of the noise ranking or location of the properties within or without the noise treatment contours, instead of respecting and treating our community as a whole. An example, having imposed the burden of air-conditioning for reason of dusts, noise and habitation, they now seek to avoid

providing select residents the cost of its necessary operation. These are not the behaviours of an ethical corporation seeking as it publicly states to want to work with, assist and benefit the community and seem to us to be more akin wilfully irresponsible in so far as residents of the Hordern subdivision are concerned.

Xstrata have refused, despite Consent Condition 3, numbers of requests since the mine commenced extraction and continual complaints of excess noise from **all of the residents of the subdivision**, to undertake compliance noise monitoring on the Hordern Subdivision or to verify or deny the accuracy of their noise models.

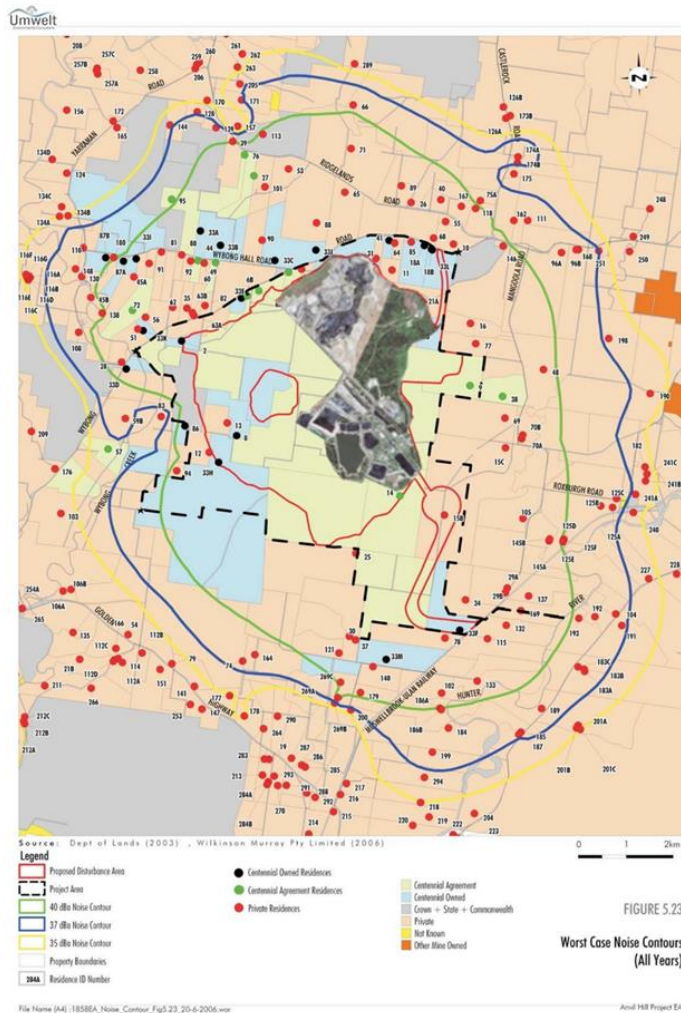
Xstrata now seek to avoid their obligations to noise treat a number of dwellings within our community per consent condition 3 by removing these dwellings from its noise treatment contours without verification of the noise levels experienced or proving of the model., despite having smattered our community with substandard and inadequate treatments recklessly regardless of their own modelling and lawful obligations.

Wybong Action Group believes Mangoola Mine ought be restrained by the Director General from the enjoyment of any approval for an extraction increase under modification 6 until such time as all outstanding obligations and commitments under the existing consent, that Mangoola propose not be carried forward, are hitherto met.

In particular actual noise experienced in the region of the Hordern Subdivision (1976), noise and dust amelioration to affected residences, diesel and dust fine particulate emissions and deposition, rain water filtration and treatment to potable standard, continuance of acquired rights to require acquisition by the proponent, property security and safety of the road network, in particular the poorly designed and GROSSLY UNSAFE intersection at Ridglands Road and Wybong Rd where the consequences of any accident will be fatal and the risk of fatality over and above that of serious injury is exacerbated by knowingly substandard configuration of the design and construction.

Having experienced the violent road death of Mr David Patten nearby this intersection our community is loath to experience a repetition involving a community member at the Ridglands Road intersection.

Further issues that need to be addressed by Mangoola, Muswellbrook Shire Council and the Department of Planning include the existence or otherwise of the Wybong Upland Management



Strategy, its deeds, funds, location of interest received, means of distribution, disbursements and transparency of audit, similarly with the Mangoola Coal Community Fund.

NOISE.

An analysis by the Director-General of the Department of Planning of EPA, Mangoola Complaint Line, Muswellbrook Shire Council and DOP noise complaint statistics would clearly identify the existence of excessive noise from Mangoola over and above all other receiver locations being experienced by residents of the Hordern subdivision – noise denied by Mangoola, which Mangoola have refused to measure

for compliance (per consent condition 3 & 8 of schedule 3) in the three years since they commenced operation.

The noise contours contained in the original Environmental Assessment conducted for Anvil Hill mine by PAE Holmes identified but understated the intrusion of significant noise into the subdivision delivered by Modification 4.

This noise is actual, fact and significant and exceeds that predicted by Holmes, however the contours derived by Holmes are representative of the direction of noise intrusion into our homes.

An analysis of all statistics regarding noise would verify that Modification 4 markedly exacerbated the noise problem to the North East, while ameliorating to some degree the noise issues to the North West.

The increase in the height and mass of the OEA facing Wybong Rd to the north (uniformly approaching 240mRL), the absence of any OEA or noise controls to the North East (180mRL), the modification 4 reorientation of haul roads (originally SE to NW) to NE-SW and the use ONLY at night of large drilling rigs, shovels and operations at 220mRL, clearly visible and audible at elevation to the NE and directing a concentrated, reinforced and intensified noise wave into the Hordern subdivision, without any mitigation and at an elevation clear of any monitoring station, via the agency of the concentrating parabolic reflector and amplifier of the igneous rock cliff face of Black Jack Mountain via Muswellbrook



Gap into the amphitheatre of Brogheda, where the sound reflects and repeats from the surrounding on all sides cliff faces of Manobalai, at 180-220mRL.

We do not believe that the noise models represented by Mangoola with regard to modifications 4 and 6 are in any way representative of the

noise experienced in the Hordern subdivision, by design, or in any way consistent with the mine operating plans as also represented, or the topography, geology and acoustic characteristics of the natural cathedral in which we live.

In the modification 6 environmental assessment dealing with visual impact it states 'mine operations may be visible as mining in the Main Pit progresses' to the south. The picture below clearly discloses the jet stream chute which is created by the redesign of the Mangoola Mine in Modification 4 that carries the fine particulates and noise directly from Mangoola Mine into our homes and will continue to do so for the life of the mine whilst ever there remains a vent to the north east via the lowered topography at the end of this 'jet engine' – which the sound often resembles in magnitude.

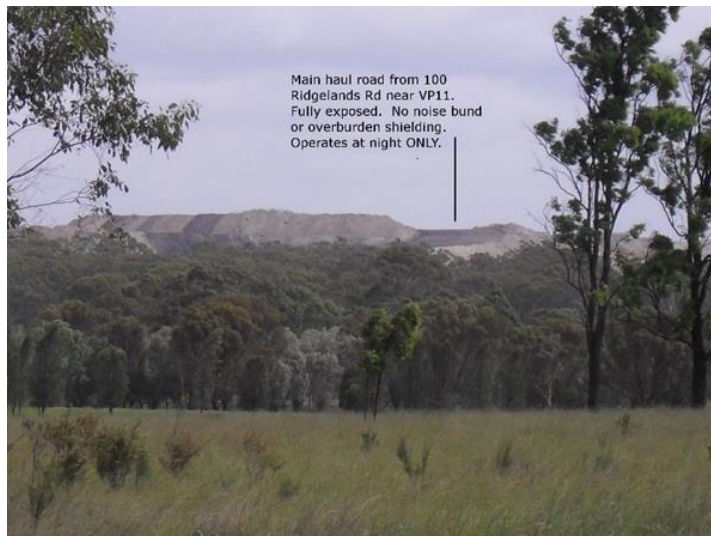


Pictures show the absence of any noise control features at the North East of the mine at the end of the pit shown above proceeding from the viewpoint.



Modification 4 has not created a greater area of rehabilitated land at 240 m RL, to the north-east but rather greater exposure to noise and dusts for residents of the Hordern subdivision, Castlerock and Roxburgh.

Working at High Elevations at Night



The picture clearly shows the exposed haul road used by Mangoola throughout Jan-March 2013 that exposed residents to the north east to levels of noise estimated at exceeding 50 db(A) for extended periods. The pictures from the same location below clearly show Mangoola working at this highest elevation at night despite condition 6.13.11 – At night, work will

restricted to lower levels on the overburden emplacements areas to reduce noise impacts..





Wybong Upland Management Strategy & Mangoola Coal Community Fund

Wybong Action Group believe that the Director-General need direct that the Wybong Upland Management Strategy and funds associated with it be utilised for the benefit of the environment on privately owned lands as per the Anvil Hill Project Consent (2006) and that the Mangoola Coal Community Fund be now directed solely to works in the immediate neighbourhood of the Mangoola Mine, excluding the townships and suburbs located in Muswellbrook or Denman, be publicly determined, publicly accountable, probity audited as no benefit, only detriment, has derived to the residents of the Hordern subdivision and Wybong from the Mangoola mine, and in the absence of direction that is guaranteed to continue.

Wybong Action Group does not believe that it is the intention of Glencore-Xstrata, the Director General of Planning, the Governments of NSW and Australia, and the communities of Muswellbrook and Denman and all others, that while they share in the material benefits of the existence of this Mine that those most heavily impacted upon physically, materially, socially and in terms of health and premature illness and death are further impoverished and shall derive compounded detriment.

Ridgeland Road and Wybong Rd Intersection

The existing design has 2 closely spaced right entering roads on an obtuse outward curve with auxiliary turning lanes that are separated by a narrowing road width otherwise known as chicane. This is a negligently designed and constructed section of roadway that is



Pavement narrows markedly

unacceptable for public use at 100km/hr when turning vehicles, including a school bus and mine vehicles entertain the intersection simultaneously at speed.

The deceleration lane to Ridgeland Road is grossly UNSAFE being grossly under length for 100km/hr through traffic while demanding deceleration to a standstill at 80m or to negotiate a 20km/hr corner in the face of 100km/hr oncoming tankers and mine vehicles. Any accident at this corner with current, let alone 50% increased traffic flows represents an unacceptable risk to our community of a fatal incident.

Residents of Wybong and travellers from Bunnan and Manobalai have all encountered one if not several near misses with death at this intersection with mine vehicles in recent times.

Wybong Action Group implores the Director-General to direct the following inexpensive improvements to the safety of this intersection that have been denied by Xstrata Mangoola and ignored by Muswellbrook Shire Council and RMS.



There have been many accidents on Wybong Road (several in recent weeks and two in recent days not involving injury to persons but damage to vehicles such that towing is necessary) that are not recorded and there have regrettably been violent and untimely deaths, any repetition of which we seek to avoid.

For this reason Wybong Action Group requests the Director-General of Planning to have cause to have the speed limit on Wybong Road from Limvady Road westward, lowered to 80 km/hr for its entire length to Sandy Hollow, that safety barriers, culverts, edges, signage and line-marking be improved

and the prohibition of over-width and heavy haulage be retained as a pre-condition for the commencement of any approval granted to modification 6.

Community Security

Burglary and break-in together with fire and random discharge of firearms from vehicles travelling the roads surrounding Mangoola Mine at nights has become a commonplace menace to our community following the commencement of Mangoola Mine and the depopulation of the district. Wybong Action Group request that the Director-General of Planning inform the NSW Police and the NSW Rural Fire Brigade and NSW Fire Service of these growing issues of concern to our community and that Fire and Police be available to attend matters at Wybong promptly.

Potable Rain Water Tank Supply

The advent of Mangoola Mine and its emissions as directed by the venting of the mine into our homes has rendered the rain water supplies unfit for human consumption by virtue of residues washed into the tanks despite the rudimentary first flush systems retrofitted to some residents tanks. Many have no treatment whatsoever.

Wybong Action Group believe that ALL domestic rain water supplies on the Hordern subdivision require diversion, filtering and treatment to restore the supplies to potable standard and that this condition (treatment to potable standard) should be incorporated into the consent for all receptors on the Hordern subdivision.

Recommended Noise Management Plan

Recommended Conditions of Consent

Recommendation to vary EPA Licence for additional real time noise monitoring to NE

Xstrata Mangoola must be held to their word and the Recommendations contained within our submission go some way to enshrining the public commitments of Xstrata Mangoola within the consent.

Wybong Action Group Submits that the current Xstrata Mangoola noise monitoring network is demonstrably and on its own information (Xstrata community survey 2013) inadequate to:

- 1 enable the model upon which acquisition, noise amelioration etc. are determined to be evaluated,
- 2 enable compliance with consent conditions to be determined.

There are NO approved industrial developments that influence noise levels relating to this project, NO existing industrial noise at any affected residence or near the disturbance area. Noise modelling has utilised unproven, unverified, calculated noise levels as a measure for noise impacts on all residences.

The Mangoola Project and its surrounds however are often affected (> 84% of winter nights and > 42% summer nights) by strong night and early morning temperature inversions ($\geq 4^{\circ}\text{C}/100\text{m}$) which dramatically and **predictably** elevate night and early morning noise from the Xstrata Mangoola mine to obtrusive levels.

During these common combinations of non-linear vertical temperature inversion and calm or light winds operational mine and traffic noise is focussed, magnified and reflected randomly within the adjacent valleys, frequently with increases of 10-20 dB(A) in magnitude such that coal trains passing Mangoola, road traffic at Sandy Creek on shift changeover and bulldozers operating on the haul road and top surface of the overburden dump can be clearly heard - bulldozers from several kilometres distant as if one hundred metres away, akin to the noise when standing at Kyeemagh.

This striking increase in noise can occur randomly over periods from several minutes to several hours. The frequency of these events, and the level of noise augmentation occurring, “cannot be accurately predicted using ENM or any other known model” other than to identify that noise WILL exceed modelling during inversions – a fact predictable with 100% accuracy.

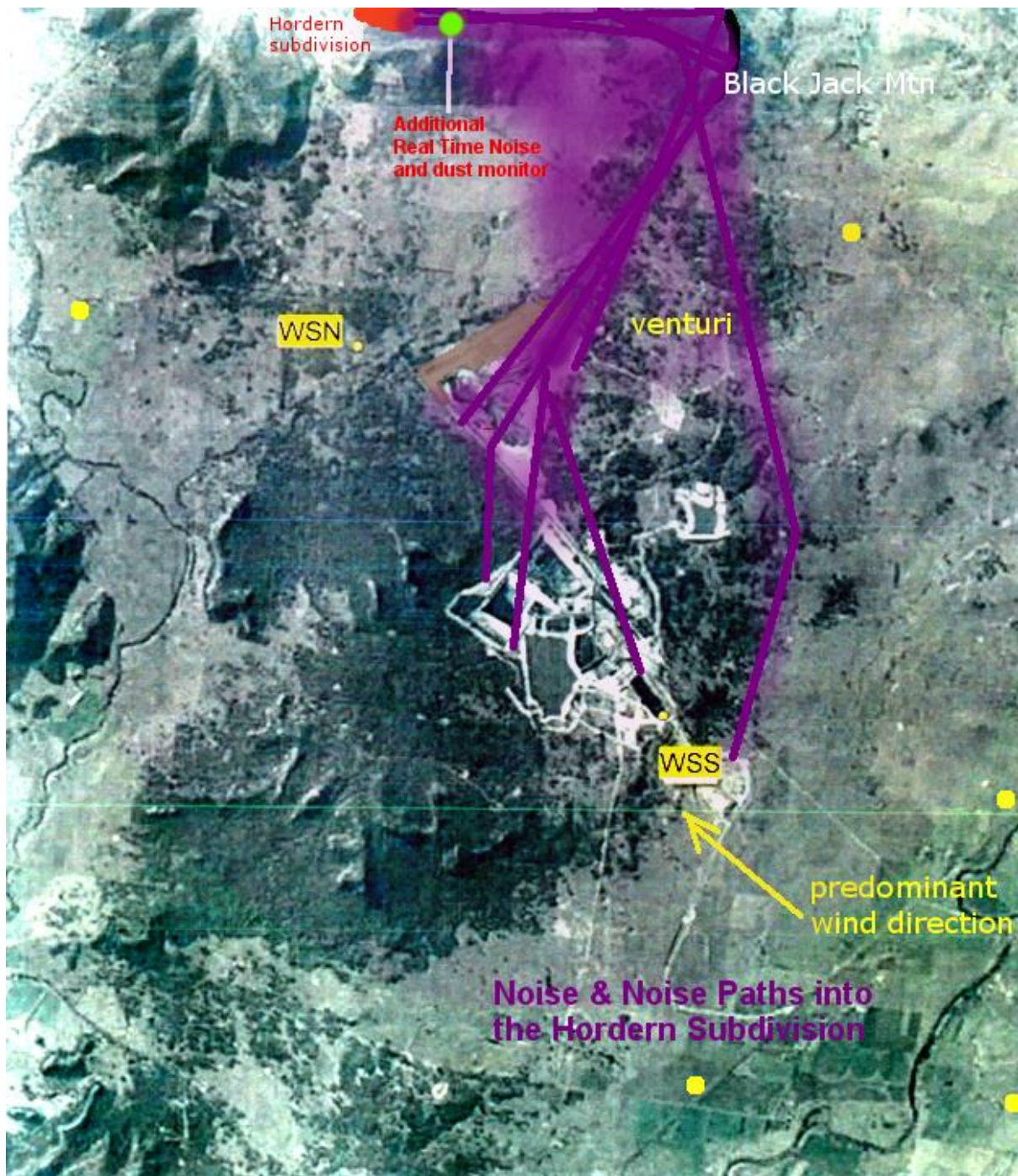
It MUST be noted also “that the (inversion and noise) calculations rely on predictions produced by the ENM model. This model is based on simple assumed vertical profiles of temperature and wind speed, and CANNOT accurately model more complex situations” (such as those that occur in the steeply rising foothill and partially enclosed valley topography surrounding the Project along the escarpment into the Hordern subdivision. The noise modelling software itself has an accuracy of $\pm 5\text{dB(A)}$ ’

The predictions of noise effects for the Mangoola Project can only be regarded as a guide that the Independent Hearing and Assessment Panel experts determined required verification through an active and ongoing program of ‘noise monitoring at receiver locations’ including to the North and South of the Project ‘to determine the extent of impacted properties’ and which verification HAS NOT BEEN UNDERTAKEN.

The approved solution, ‘to restrict dump trucks and dozers involved in the distribution of overburden to operating below the maximum elevation of the overburden emplacement areas at night has limited success in that the noise bund of overburden emplacement is of uneven heights and mass and is non-existent to the NE and Xstrata routinely ignore the consent condition requiring them to work below the max elevation of the OEA at night as previously pictured.

Xstrata Mangoola deny residents of the Hordern subdivision every claim of exceedence, refuse to provide any noise readings from the monitor nearest the receiver and refuse to timetable positioning of either mobile monitor to verify their model or measure exceedences. The unchanged number, positioning and elevation of the noise monitors randomly around the site with no relation to altered mine plan, significant mine modification, local topical and meteorological conditions is woefully inadequate and incapable in design of detecting noise in

the Hordern subdivision or protecting that community from grievous injury through significant ongoing noise exposure in excess of the consent conditions.



Wybong Action Group Submits that the Xstrata Mangoola Noise Monitoring Program MUST include a real time monitor capable of determining noise within the Hordern subdivision, that is reported in real time on the Xstrata Mangoola web site and that the Environment Protection Licence be amended accordingly.

Our community expect Xstrata to ACT in accordance with their publicly given commitments and consent conditions to act as responsible corporate citizen and to desist from destroying our community.

Xstrata defends Mangoola mine

Posted Wed Feb 1, 2012 8:14am AEDT



Photo: Xstrata defends its Mangoola mine against complaints from residents about noise and dust (Rebecca Doble: user submitted)

Map: [Denman 2328](#)

Xstrata has hit back at comments by Muswellbrook Mayor Martin Rush regarding the Mangoola Coal Mine near Denman.

Councillor Rush has apologised to Wybong residents who've been complaining of constant dust and noise issues at the mine.

He says the previous council should never have supported the mine.

The Mayor has taken aim at Xstrata, saying the mine development has compromised the future of a whole community.

But Xstrata spokesman James Rickards says he hasn't heard from Councillor Rush.

"It's very disappointing to hear that attitude and those words expressed by the Mayor," he said.

"We're yet to have that formally received from the council itself but what we need to do is make sure that our mine can work efficiently with council in the best interests of the broader community, as we provide jobs, further investment."

"It's not only services but employment and infrastructure."

"But we need to have an open dialogue, we don't need to try and negotiate these things through the media."

Many residents say their concerns have been ignored by Xstrata but Mr Rickards says the company is trying to work with the community.

"I think we've got to keep working hard, every single day to improve any level of efficiency for managing our noise and dust impacts," he said.

"Open cut mining does result in dust, it does result in potential noise impacts."

"We've got neighbours surrounding our mine so lets work with them to find better ways on our sites to operate."

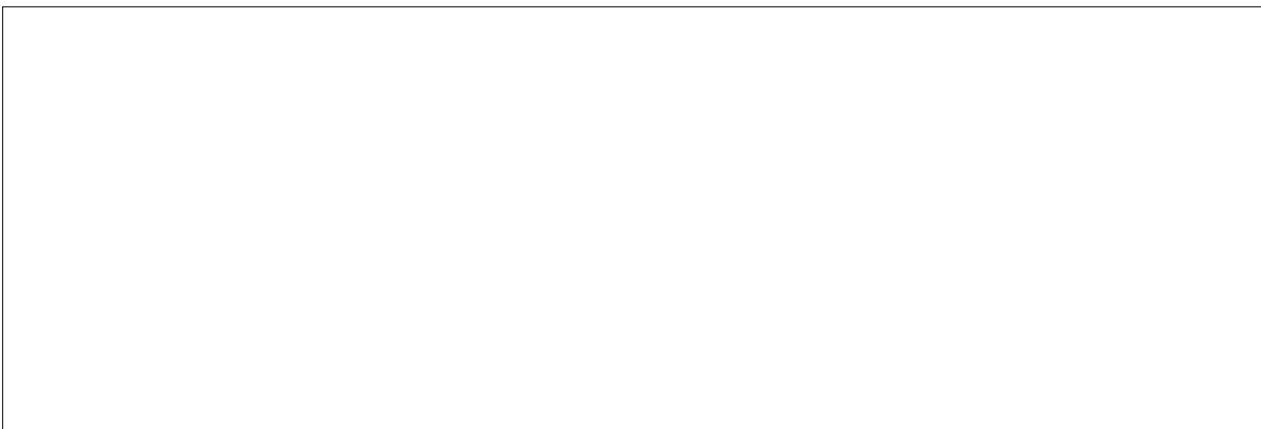
Wybong Action Group recommends that conditions 3 and 8 of schedule 3 be retained in full as per the Anvil Hill Consent and that all residences sought to be removed from the noise criteria table (Table 1) be retained and restored, that the night operating conditions be amended to read 'will operate below the lowest topographical point of the OEA and surrounding topography at night', that a real time dust and noise monitor be placed to manage noise entering the Hordern subdivision, that no discharge conditions be retained, that the Ridgeland Road intersection be rendered safe to use and Wybong Road West improved, and all noise treatments and amelioration be concluded by Xstrata Mangoola PRIOR to an commencement of Modification 6.

☒ News ☐ Business

Wybong residents' anger over fatal smash

BEN SMEE

12 Jan 2010, 11:11 a.m.



SPOT: Action group members John Shewan, front, and Edna Clay, Len Hamson and David Clay on Wybong Road yesterday.- Picture by Peter Stoop

ANGRY Wybong residents say that planning authorities ignored years of warnings that the narrow, winding Wybong Road would not support heavy vehicle traffic from the Mangoola mine at Anvil Hill.

Wybong Action Group spokesman John Shewan said yesterday it was "disgraceful" that Muswellbrook Shire Council had allowed mine construction work to begin before required roadworks had been completed.

Mayor Martin Rush dramatically withdrew approval for early construction work at Anvil Hill after contractor Dave Patten was killed on Wybong Road last week.

Mr Patten's ute collided with an oversized truck carrying machinery to the mine.

Mr Shewan said the action group warned the council and NSW Department of Planning two years ago that allowing large vehicles to use the narrow road was an accident waiting to happen.

Wybong residents were not aware that support for early construction had been given until The Herald reported yesterday that the council had withdrawn its approval.

"[Allowing work to begin] is a disgraceful thing to happen," Mr Shewan said.

"It's disgraceful that it did happen because the community put in so much effort to warn the council and the mining company and the [NSW] Department of Planning."

Mr Shewan said the stretch of road where Mr Patten was killed was not wide enough for oversized traffic.

"The road is so narrow that any wide load travelling would really require traffic [in the opposite direction] to be stopped," he said.

Cr Rush emphasised yesterday that the council still supported the establishment of the coalmine, despite moving to stop work at the site.

In a statement yesterday, Cr Rush said the council and Xstrata Coal were working through technical matters and hoped to resolve traffic issues by Monday.

Under a motion enacted by Cr Rush using executive powers, support would be reinstated should the council and Xstrata agree about a new traffic management plan for the coalmine.

The Department of Planning confirmed yesterday the mine's development approval would be unaffected by the council's recent action.

Greens MP Lee Rhiannon called on Planning Minister Tony Kelly to investigate the matter.