



Attachment 1

Our reference: : DOC15/368201-01
Contact: : Khari Turnbull – 02 6773 7000 – armidale@epa.nsw.gov.au
Date : 29 September 2015

Mr & Mrs Laurie & Sandra Compton
329 Ellerslie Road
MAULES CREEK NSW 2382

Dear Mr & Mrs Compton

Re: EPA Noise Monitoring Results - May 2015

The Environment Protection Authority (EPA) refers to our previous correspondence to you dated 17 September 2015, providing the EPA noise monitoring results for the period April 2015. The EPA has now reviewed the EPA noise monitoring data for the period of May 2015. Further details are provided below:

The environment protection licence (EPL no. 20221) for the Maules Creek Coal Mine premises includes the following conditions:

L3.1 Noise generated at the premises must not exceed the noise limits in the table below.

Locality and Location	Day- LAeq (15 minute)	Evening- LAeq (15 minute)	Night- LAeq (15 minute)	Night- LA1 (1 minute)
All privately owned residences	35	35	35	45

L3.2 The noise limits identified in the above table do not apply at privately owned residences that are:
a) identified as residences subject to acquisition or noise mitigation on request within the Project Approval Conditions (PA 10_0138); or
b) subject to a private agreement, relating to the noise levels, between the licensee and the land owner.

The EPA measured mine noise greater than the $L_{eq(15min)}$ 35 dBA licence limit in 4 measurements of fifteen minutes duration during May 2015. All identified exceedances included a low frequency modifying factor adjustment.

In summary, mine noise exceeded the licence limit of $L_{eq(15min)}$ 35 dBA with:

- two measurements of 37 dBA
- two measurements of 36 dBA.


Further details concerning the specific dates and times are enclosed in Attachment 1.

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The EPA considers that the above exceedances contravene condition L3.1 of EPL no. 20221. Consequently, the EPA has written to Maules Creek Coal Pty Ltd about this matter and asked it to explain, in writing, why the EPA should not take regulatory action in response to this matter.

Please contact Khari Turnbull on (02) 6773 7000 or by email to armidale@epa.nsw.gov.au if you wish to discuss this matter.

Yours sincerely



LINDSAY FULLOON
A/ Manager Armidale Region
Environment Protection Authority

Encl: Attachment 1 – Summarised results for May 2015 – mine noise above licence limit

Attachment 1 – Summarised results for May 2015 – mine noise above licence limit

End time ^a	Mine noise $L_{eq(15min)}$ (dBA) ^b
3/05/2015 3:15	37
6/05/2015 1:00	37
6/05/2015 1:15	36
6/05/2015 2:15	36

Notes:

- Noise loggers were set up to use Australian Eastern Daylight Time. Times after 5 April 2015 have been adjusted to Australian Eastern Standard Time.
- Including a low frequency modifying factor adjustment of +5 dB.

qA338547
14/17288

Secretary Correspondence

DEPARTMENT OF PLANNING AND ENVIRONMENT
Planning Services (DP&E)

**SUBJECT: SECRETARY BRIEFING NOTE - MEETING WITH LANDOWNERS NEAR
MAULES CREEK COAL MINE - 16 OCT 2014**

PURPOSE

- To brief the Secretary for her meeting with Mr Pat Murphy and Mr Lochie Leitch, adjacent landowners, concerning the Maules Creek Coal Mine on 16 October 2014.

RECOMMENDATION

- That the Secretary **notes** the information below.

BACKGROUND

- The Maules Creek Coal Mine was approved by the Planning Assessment Commission (PAC) on 23 October 2012, following a comprehensive assessment process (see Tag A).
- Construction of the mine started in December 2013, and coal mining operations commenced in mid-August 2014.
- Mr Murphy owns two separate landholdings – 'Blue Range' and 'Ellin Vannin' – to the north of the mine (see Tag A and B). Mr Murphy currently resides at 'Blue Range', which is approximately 4 km from the mine. 'Ellin Vannin' is a vacant landholding with dwelling entitlements.
- Mr Leitch's property is approximately 6 km from the mine. Mr Leitch's mother resides on a property located approximately 4 km to the north-west of the mine (see Tag A and B).
- Mr Murphy and Mr Leitch met with the Parliamentary Secretary, a Departmental representative (David Kitto) and Mr Kevin Anderson on 6 August 2014 to discuss their concerns.
- Representatives of the Department's compliance unit and senior members of the Resource Assessments branch visited Mr Murphy and Mr Leitch at their residences in recent months, including a meeting with Mr Kevin Anderson on 15 September 2014.
- The Department also replied to an earlier letter from Mr Murphy on 26 September 2014 (see Tag C).

LANDOWNER CONCERNS

- Mr Murphy and Mr Leitch have been raising concerns about the project for several years, and made submissions to the Department and the PAC during the assessment process.
- The Department understands that their key concerns relate to:
 - potential dust, noise and blasting impacts on the health and amenity of their families;
 - wildlife displaced from the Leard State Forest by the mine affecting their crops; and
 - that a greater level of compensation should be paid to landowners under the Department's land acquisition procedures.
- More recently, the landowners are particularly concerned about the potential health impacts from blast fumes. Both landowners have requested that no blasting be undertaken when the wind direction would be more likely to disperse blast fumes over their properties (i.e. from the south-east quadrant).

CONSIDERATION

Amenity Impacts

- The environmental assessment predicted that the Maules Creek Coal Mine would be able to comply with all the relevant environmental criteria at Murphy's and Leitch's residences, including:
 - project specific noise levels of 35dB(A); the lowest possible noise limit under the *NSW Industrial Noise Policy*;
 - short and long term air quality criteria; and
 - blasting criteria (overpressure and ground vibration).
- The assessment predicted exceedances of both the project specific noise levels and short term air quality criteria on the vacant 'Ellin Vannin' (owned by Mr Murphy). However, the total noise levels (the mine plus other sources) would still be below the recommended noise amenity criteria for rural areas under the *NSW Industrial Noise Policy* and the predicted short term dust exceedances could be avoided with real-time dust management.

Acquisition

- Due to these predicted exceedances, Mr Murphy was granted voluntary acquisition rights for all of his landholdings under the conditions of the Maules Creek approval. This means he can ask the mining company to buy both of his properties at any stage of the project.
- The terms of any acquisition would be consistent with the terms for acquisition in all other mining consents in NSW, as well as those in the *Just Terms Compensation (JTC) Act 1991*, and include:
 - the market valuation of the land and any improvements *as if it was unaffected by the project*;
 - reasonable costs for relocation;
 - legal and expert costs for the acquisition process; and
 - *reasonable compensation* for disturbance from the land acquisition process.
- Historically, these terms have generally resulted in land owners getting 1.5 to 2 times the market price for their properties.
- Mr Murphy has not yet triggered the acquisition process under the Maules Creek approval. However, Mr Murphy may have commenced negotiations with Whitehaven for the sale of his property outside the approval. Landowners are not restricted in this regard, but the Department has no role in the negotiation process.

Blasting

- The Department recently approved (4 August 2014) a revised Blast Management Plan for the mine that requires the mine to implement a range of measures to minimise the risk of blast fumes, including a specific blast fume management protocol.
- Under this protocol Whitehaven is proposing to implement a range of measures to minimise the risk of blast fume impacts, including:
 - an SMS notification system for local landowners;
 - avoiding blasting when adverse weather conditions are likely to increase the risk of blast fumes migrating off the site; and
 - specific blast design measures to minimise the risk of fumes being generated in the first place.
- Mr Murphy and Mr Leitch were both consulted in regard to the preparation of the management plan, and some of their suggestions were incorporated into the final Blast Management Plan.

- With the implementation of these measures, the Department is satisfied that the risk of any significant blast fume impacts beyond the site boundary is negligible, and that there is no evidence to suggest that further restrictions on blasting (such as prohibiting blasting when winds are from the south-east) are required to give an appropriate level of protection to nearby landholdings.
- Notwithstanding, Whitehaven will be required to carefully monitor the performance of its blasting operations under the project approval and associated management plans, and the Department will take appropriate enforcement action if there are any issues with blast fumes migrating off the site.

DK 14/10/14

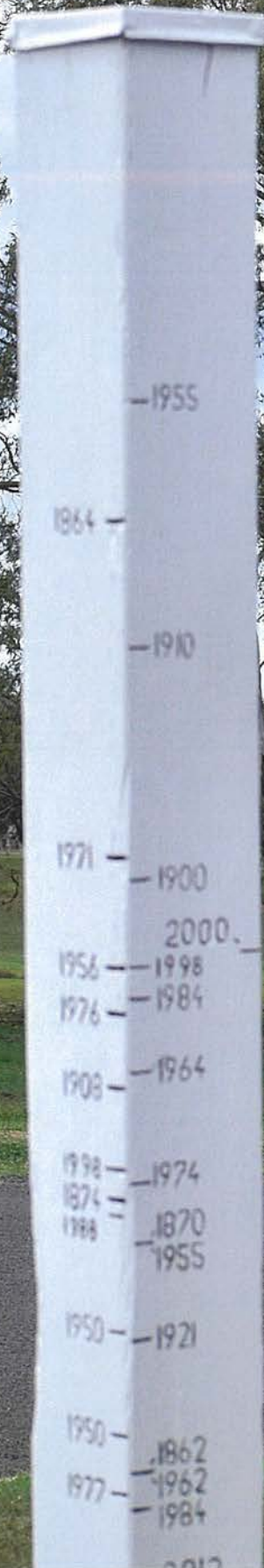
[Signature] 14/10
Contact Officer: Mike Young
Manager Mining Projects
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David Kitto
A/Executive Director
Resource Assessments

[Signature]
Marcus Ray
A/Deputy Secretary
Planning Services 15/10/14

[Signature]
Carolyn McNally
Secretary 23.10.14

Approved / Not Approved / Noted



FLOOD HEIGHT POST

Attachment 3b

Flood post at Cunnelsch.



Flood marker tree on
Cathlamet

1984
1955



Attachment 3d

Close up look at the flood marker tree at Eutawga. shows the 1984 flood was the highest on record.



- Disturbance footprint (additional to the Approved Mine) is 1,054 ha.

- Majority of additional disturbance is previously cleared land (25%) and derived native grassland (61%).
- Remainder (14%) is native woodland/forest vegetation (predominantly Eucalypt-dominant communities).
- Fauna surveys conducted to identify species records and habitat.
- Offset requirements identified in accordance with NSW and Commonwealth policies.



Now map shows smaller area
Weeping Myall Woodlands

EIS copy
Attachment 4b



LEGEND

- State Forest
- Study Area

Vegetation Communities

- Semi-arid Woodlands (Grassy Sub-formation)
 - 1 Weeping Myall Woodland (NA219)*
 - 2 Poplar Box Woodland on Alluvial Clay Soils (NA185)
 - 2a Poplar Box Woodland on Alluvial Clay Soils (Secondary/derived grassland) (NA185)
- Dry Sclerophyll Forests (Shrub/Grass Sub-formation)
 - 3 Pilliga Box — Poplar Box Shrubby Woodland (NA324)
 - 3a Pilliga Box — Poplar Box Shrubby Woodland (Secondary/derived grassland) (NA324)

- Dry Sclerophyll Forests (Shrub/Grass Sub-formation)
 - 4 White Box — Silver-leaved Ironbark Shrubby Open Forest (NA349)
 - 4a White Box — Silver-leaved Ironbark Shrubby Open Forest (Secondary/derived grassland) (NA349)
- Forested Wetlands
 - 8 River Red Gum Riparian Tall Woodland (NA193)
 - 8a River Red Gum Riparian Tall Woodland (Secondary/derived grassland) (NA193)
- Cleared Land
 - DL Disturbed Land

* Provisional vegetation mapping west of the Kamilaroi Highway based on airphoto interpretation

Note: Vegetation communities 1, 5, 6 and 7 are not present on this figure

Source: Orthophoto - Department of Land and Property Information, Aerial Photography (July 2011)

WHITEHAVEN COAL

VICKERY EXTENSION PROJECT
Vegetation Communities
Indicative Rail Spur Investigation Corridor

Figure 4b