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Submission on “any related matter”

Wollar Progress Association represents a small rural community within the Mid-Western Regional local government area in central NSW. The community has been severely impacted by noise pollution from a large opencut coal mining operation approved in 2005.

While this submission is not about windfarm noise specifically, it addresses the issue of regulatory governance of industrial noise pollution in quiet rural environments under the Inquiry Terms of Reference, “any related matter”.

This submission is relevant in that it is about the systematic regulatory failure of state noise pollution, planning and health authorities to act to stop the harm to health from excessive industrial noise. This then has flow on effects to planning decisions because of the lack of transparency about the real levels of noise and the real adverse health impacts being experienced.

Wollar Progress Association requests that the Senate Inquiry on Wind Turbines be extended to consider the health impacts of noise pollution on remote rural communities from all sources of major industry, including mining operations.

Background:

The village of Wollar and surrounding rural properties have been impacted by the operation of a large opencut coal mine, Wilpinjong Mine, owned and operated by Peabody Energy. There have been six modifications approved for the mine since the original approval in 2005. These modifications have increased the extraction rate, the size of the mining fleet, the number of daily blasts and the number of daily train movements.

The mine now runs up to five fleets of mine machinery simultaneously in a number of pits. Fleet machinery includes bulldozers, diggers, graders, dump trucks, water trucks and ancillary vehicles. There is also the noise from the coal handling and preparation plant including conveyors, bulldozers, truck dumping and train loading. The mine has approval to conduct up to 2 blasts per day.

Wilpinjong Mine is a 24 hour per day, seven days a week operation extracting up to 16 million tonnes of coal per year, with up to 10 train movements per day.

This submission will concentrate on the problems caused by the application of the NSW Industrial Noise Policy (INP) on the health, well-being and social viability of the community of Wollar.

Background Noise Criteria:

The INP ignores the natural background noise levels of isolated rural regions and commences with a base noise criteria of 30dB(A). This is significantly higher than the background noise levels measured in the Wollar area before mining commenced. The amenity of the local environment is compromised by the INP. Because noise increases exponentially, the INP can allow a doubling or trebling of base background noise levels before the impact of industrial noise is added. The health impacts of a major increase in 24 hour noise levels on a remote rural community have not been taken into account in the planning and approvals process for major development in NSW.

With a starting base of 30dB(A) (a doubling or trebling of the natural background noise level) a mining operation can generate an additional 5dB(A) under the INP bringing the compliant noise criteria to 35dB(A). The planning system then allows for an additional 2dBA to be emitted (considered to be 'undetectable') before property owners are afforded any rights.

This can equate to a quadrupling (or greater increase) of background noise before neighbouring residents have any rights under planning laws in NSW.

If the noise emissions are modeled to be between 3dB(A) and 5dB(A) higher than 35dB(A), a property owner can request 'reasonable and feasible' mitigation of noise impacts. This can include air-conditioning, double glazing and insulation of a dwelling. There is no mitigation for the loss of outdoor amenity.

If the noise emissions are modeled to be greater than 5dB(A) above 35dB(A), a property owner is given acquisition rights. This then involves an often lengthy and stressful negotiation with a large multinational mining company to receive an acceptable purchase price. Property owners are forced off their land and their farming enterprises through no fault of their own and with no adequate compensation for disturbance, stress, loss of health and often loss of generational connection to the property. There is no requirement to consider replacement costs.

All planning and approval considerations of noise impacts are based on modeling developed by acoustic consultants commissioned by the mining company. If the modeling does not predict non-compliant noise impacts at particular properties, the onus is on the resident to prove there is a problem.

Because the INP allows for a large increase in background noise to be compliant, residents are often impacted by these large increases in background noise levels while the mining operation is not in breach of its consent conditions. The health problems in remote rural communities caused by the implementation of the INP are not recognised by the NSW Government.

Impacts on community health:

The noise impacts from the Wilpinjong Mine have caused much greater disturbance to the Wollar community than predicted in any of the assessments lodged with the Department of Planning and approved.

The issue of low frequency noise and infrasound is not clearly considered and the health impacts of this type of noise pollution are also ignored.

The onus is on the community and individual property owners or tenants to prove that noise impacts are causing health problems. The key issue is sleep disturbance from either audible noise or low frequency noise.

The NSW Department of Health, Hunter New England Local Health District, recently submitted the following statement in relation to the proposed Mt Owen Mine expansion in the Hunter coalfields near Singelton:

'Environmental noise can have negative impacts on human health and well-being, and trigger ongoing community complaints about annoyance, sleep disturbance and stress. Evidence concerning the adverse health effects of environmental noise is detailed in a number of publications, for example, the *World Health Organisation (WHO) Night Noise Guidelines for Europe (2009)* and the *WHO Guidelines for Community Noise (1999)*. To protect public health, it is prudent to take all reasonable and feasible measures to minimise public exposure to mine-related noise, irrespective of compliance with relevant noise policies.'

The community of Wollar has been exposed to a high level of mine-related noise for 10 years.

Management of Mine noise levels:

The original approval for the Wilpinjong Mine and the six subsequent modification increasing production rates and machinery use was based on noise assessment modeling that predicted that noise levels in the village of Wollar and many surrounding properties would not be above 35dB(A).

However, the impact of noise on the community has been so severe that a large number of properties in the district have been purchased by Peabody Energy.

The mine has established an alert system whereby if the monitor in Wollar village measures that noise levels are nearing 35dB(A) operation of machinery is changed or turned off, until the noise level drops back.

Regular reports to the Wilpinjong Community Consultative Committee have indicated that the operation is regularly losing hours of production through the use of the alert system. While this enables the operation to remain compliant with noise emission conditions it is a clear demonstration that the modeling predictions accepted by the planning and approval process have been incorrect.

The fact that the mine cannot operate under its conditions of consent as extraction moves closer to the village indicates a major problem with the assessment process.

Temperature Inversions:

The other key problem with the INP is the assessment of noise emissions during winter air temperature inversions. Very quiet, clear frosty winter nights are the times when noise carries the furthest and causes major sleep disturbance across the district. The requirement for assessment of these impacts in noise modeling is highly inadequate.

For the most recent approval of the sixth modification of operations at the Wilpinjong Mine, the Environment Protection Agency (EPA) changed the conditions for to allow a greater noise impact on the community during temperature inversions.

Conditions were changed in Appendix 10 condition 1:

'The noise criteria in Table 2 of the conditions are to apply under all meteorological conditions except the following:

c) temperature inversions conditions greater than 5.5° C/100m

became:

c) temperature inversion conditions greater than 3° C/100m

This change allows the exemption from noise criteria to commence at a smaller temperature inversion thus inflicting greater noise levels on the community. Table 2 identifies evening and night-time noise criteria of 35 dB(A) in Wollar village and surrounding properties.

This change in consent conditions demonstrates that regulators favour the mining operation above community health considerations.

Social and Health Impacts on Wollar Community:

The ongoing problem with noise pollution from the Wilpinjong Mine has destroyed the social fabric of the Wollar district. Peabody Energy has purchased approximately 70% of all property including the general store.

The two churches no longer have a viable congregation and have been closed down. The voluntary bushfire brigade does not have enough members and has been amalgamated into a larger regional brigade. This has major implications on response time to fire and road accident emergencies in the district.

Wollar Public School has had a substantial drop in numbers with only a couple of families left in the area with primary school aged children.

Peabody is currently planning a further expansion of Wilpinjong Mine closer to the village and has employed a negotiator to purchase the remaining private properties within the village precinct. This is occurring while the company and acoustic consultants are predicting only a marginal increase in noise impacts from the expansion.

All other private landholders in the district now have stranded assets. The real estate market has been distorted to such an extent that Peabody Energy is now the only buyer in the market because of the ongoing impacts of the mine on the district amenity.

None of these impacts have been predicted in assessments submitted to the NSW Department of Planning. The high levels of stress and ongoing health impacts from noise pollution have not

been recognised. The ongoing loss of neighbours, friends and family through often very extended and painful negotiation periods has had an enormous toll on community health in the area.

There is a serious level of high blood pressure, heart attack, stroke and respiratory ailments in the community that were not evident prior to the commencement of mining operations.

The systematic loss of a close knit rural community, the stranding of assets, the toll on human health and the ongoing loss of environmental amenity from the Wilpinjong Mine has not been considered or identified and has not been adequately compensated through any fair process.

Conclusion:

This submission has outlined the regulatory failure of state noise pollution, planning and health authorities to act to stop the harm to health from excessive industrial noise in the Wollar district.

The only measure used has been the systematic removal of community members and emptying out the landscape of people. The loss of social function in the area and the stranding of assets of the remaining isolated landholders has not been recognised or compensated for.

The health impacts of noise pollution from Wilpinjong Mine have not been adequately assessed, nor has the impact of loss of community on remaining residents.

Yours faithfully

Bev Smiles
Secretary