



DURALIE  
COAL

DURALIE COAL MINE  
NOISE MONITORING PROGRAM

**DISTRIBUTION/ISSUE DESCRIPTION SUMMARY**

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## 1 INTRODUCTION

This report establishes a noise-monitoring program, which covers the Duralie Coal Mine (DCM), including the Duralie Coal Mine Extension approved on 30<sup>th</sup> July 2006 for the management of mining noise by Duralie Coal Pty Ltd (DCPL) and for approval by the Department of Planning. The Director General of the Department of Planning has requested the program to include a noise monitoring protocol for evaluating compliance with the noise limits and acquisition criteria detailed in the Duralie Coal Consent Development modification.

The main objectives of this report are to:

- Review the noise criteria of the modified Duralie Consent provided by Duralie Coal for inclusion in the noise monitoring program; and
- Produce a noise-monitoring plan, which incorporates a noise monitoring procedure to determine noise compliance of the Duralie Coal Mine operations.

## 2 OVERVIEW

DCPL owns and operates the Duralie Coal Mine, which is located between the villages of Stroud Road and Wards River, NSW.

The main components of the mine (refer to **Figure 1 – General Site Layout**) include:

- Duralie Open Cut Pit;
- Waste emplacement;
- Infrastructure area including workshops and administration buildings;
- Coal handling including ROM dump hopper, rotary breaker and conveyor system; and
- Rail siding and loading infrastructure.

DCPL have recently obtained approval for the proposed Duralie Extended modification. There will be no significant changes to the existing mining methods or operational procedures. Due to the additional waste material to be mined, a larger excavator, some additional haul trucks and an additional dozer are required.

No significant changes to the method of coal loading or coal transport are required in support of the Duralie Extended modification.

The maximum number of train movements per day that would be used to haul Duralie coal to Stratford Coal mine (SCM) would remain at four. The average number of train trips would increase from approximately 2 to approximately 2.5 per day when averaged over the year.

The ROM coal train haulage hours from Duralie to SCM would remain restricted to between 7.00 am and 10.00 pm.

Currently noise monitoring is conducted at the locations shown in **Figure 2 – Proposed Monitoring Locations**. Due to the changes in proposed mining operations, there is a need to introduce new and/or additional monitoring locations. These proposed locations are detailed in **Section 3.2**.

### 3 REPORT OBJECTIVES

#### 3.1 NOISE CRITERIA

Noise criteria for the Project have been established by the Duralie Coal Development Consent modification and the Environment Protection Licence. The relevant conditions are provided below:

##### Development Consent Modification

##### 3.1.1.1 Acquisition Upon Request

Upon receiving a written request for acquisition from the landowner of the land listed in **Table 1**, the Applicant shall acquire the land in accordance with the procedures in conditions 8-10 of schedule 4.

**Table 1: Land Subject to Acquisition Upon Request**

22 – Holmes	59 – Hattam
36 – Doherty	60 – Gibson
53 – Lyall	106 – Mudford

##### 3.1.1.2 Noise Impact Assessment Criteria

The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria in **Table 2**.

**Table 2: Noise Impact Assessment Criteria dB(A)**

Day $L_{Aeq(15\text{ minute})}$	Evening $L_{Aeq(15\text{ minute})}$	Night $L_{Aeq(15\text{ minute})}$	Land Number
35	37	37	51 - Woodley
35	39	39	52 - Trigg
35	35	36	129N – Relton (old)
35	35	38	129S – Relton (new)
35	35	40	133 – Guidice 124 – Zulomovski 135 – Hare-Scott
35	35	35	All other privately owned land excluding the land listed in Table 1

Notes:

- Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the  $L_{Aeq(15\text{ minute})}$  noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department and the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the  $L_{A1(1\text{ minute})}$  noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the Department and the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).<sup>1</sup>
- The emission limits identified in the above table apply under meteorological conditions of:

- Wind speeds of up to 3 m/s at 10 metres above ground level: or
- Temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

Note: <sup>1</sup> This note is deemed to be a drafting oversight per Department of Planning correspondence dated 24<sup>th</sup> November 2006.

Where monitoring shows the noise generated by the DCM is greater than, or equal to,  $L_{Aeq(15\text{ minute})}$  38dB(A) at night then additional noise mitigation measures may be required in the form of architectural improvements to Landowner's dwellings.

### 3.1.1.3 Additional Noise Mitigation Measures

Upon receiving a written request from:

- A landowner of the land listed in **Table 1** (unless the landowner has requested acquisition); or
- The owner of any residence where subsequent noise monitoring shows the noise generated by the development is greater than, or equal to,  $L_{Aeq(15\text{ minute})}$  38 dB(A) (except where a negotiated noise agreement is in place),

the Applicant shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible. If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on these measures, then either party may refer the matter to the Director-General for resolution.

### 3.1.1.4 Land Acquisition For Other Than Nominated Properties

If noise generated by the DCM exceeds 40 dB(A)  $L_{Aeq(15\text{ minute})}$  (refer notes provided with **Table 2**) at any privately owned land other than those nominated properties within **Table 1**, DCPL shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in Conditions 8-10 of Schedule 4 of the Notice of Modification for DCM granted by the Minister for Planning on 30 July 2006 (refer Appendix 1).

### Environment Protection Licence

The Duralie Coal Mine's Environment Protection Licence (EPL 11701) issued by the Department of Environment and Conservation (DEC) requires that operational noise from the premises must not exceed:

**Table 3: EPA Licence Criteria**

Location	Period	Noise Limits
		Intrusive Criteria $L_{eq(15\text{ minute})}$ dB(A)
Southern Site (N1) – boundary of Duralie Coal Mine controlled land adjacent to Johnsons Creek Road or Alternative Site 1 (AS1) Gibson	Day, Evening & Night	35
S Doherty (N2)	Day, Evening & Night	35
AJ and DM Harrison (N3) or Alternative Site (AS3) Jensen	Day, Evening & Night	35

### 3.2 NOISE MONITORING PLAN

This section of the report establishes a monitoring procedure to determine noise compliance of the criteria stated in Section 3.1 from the noise emissions produced by Duralie Coal Mine operations. The plan sets out a procedure for statutory noise monitoring requirements and a process for addressing noise complaints outside of planned monitoring periods.

#### Statutory Noise Monitoring Program

The following program has been developed to cover the requirements of statutory noise surveys and assessments required by the Department of Planning. The proposed quarterly noise assessments will cover noise survey locations, analysis of monitored and recorded data and reporting to determine noise compliance. The noise monitoring focuses on the total operations of Duralie Coal mentioned in Section 2 of this report.

The monitoring programme will be conducted in general accordance with the NSW Industrial Noise Policy and Australian Standard (AS) 1055-1997: Acoustics – Description and Measurement of Environmental Noise. Monitoring will consist of attended noise monitoring at the nearest affected residences outlined below in **Table 4**. Additionally a noise reference site will be established to monitor the actual noise levels from mining operations.

**Table 4: Table of Nominated Noise Monitoring Locations**

Land Owner	Consented Noise Limits			EPL Noise Limits			Monitoring Time and Frequency		
	Day	Evening	Night	Day	Evening	Night	Day	Evening	Night
60 - Gibson	n.a.	n.a.	n.a.	35	35	35	1	1	2
36 - Doherty	n.a.	n.a.	n.a.	35	35	35	1	1	2
14 – Jensen	35	35	35	35	35	35	1	1	2

Notes: n.a. = not applicable

Land owner numbers refer to Appendix 2 of the Development Consent Modification

#### Quarterly Noise Surveys

- Attended noise monitoring will be conducted on a quarterly basis, commencing July 2007, at nominated sites given above in **Table 4**. The nominated locations are shown in **Figure 2**. These monitoring locations are considered to provide a representative measure of noise emissions from DCM.
- Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary to determine compliance with the  $L_{Aeq(15\text{ minute})}$  noise limits given in Section 3.1. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the Department of Environment and Conservation - DEC, (formerly Environmental Protection Agency -EPA) may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.
- At each nominated monitoring location the attended noise measurements will be conducted using a Type 1 integrating sound level meter over a 15 minute period on at least one occasion during the daytime (7 am to 6 pm) and the evening (6 pm to 10 pm) and on at least two occasions during night time (10pm to 7am). During the survey, the operator will identify the character and duration of acoustically significant noise sources. When relevant, the operator will also quantify local traffic flow supported by a quantitative assessment of the prevailing weather conditions.
- On-site meteorological data is to be collected from the DCM meteorological station and also during operator attended surveys using a hand held meter. Atmospheric conditions

including wind speed, wind direction and air temperature will be measured prior to each attended noise monitoring session.

- Reporting of noise results from each monitoring period will include the following:
  - Summary of appropriate noise descriptors;
  - Evaluation of results, including analysis and correlation of data from attended monitoring and weather stations together with comparison with noise limits; and
  - Reports will include statement of compliance.

### **Instrumentation and Measurement Parameters**

All acoustic instrumentation employed for the monitoring plan will comply with the requirements of AS 1259.2-1990 *Sound Level Meters* and carry current National Association of Testing Authorities (NATA) or manufacturer calibration certificates. Monitoring instrumentation can be programmed to continuously record statistical noise level indices in 15-minute intervals (which would include the  $L_{Aeq}$ ,  $L_{A1}$ ,  $L_{A10}$  and  $L_{A90}$ , and may also include the  $L_{Amax}$ ,  $L_{A5}$ ,  $L_{A50}$ ,  $L_{A99}$  and  $L_{Amin}$ ). Instrument calibration will be conducted before and after each survey, with the variation in calibrated levels not to exceed  $\pm 0.5$  dBA.

All noise measurements will be accompanied by both qualitative description (including cloud cover) and quantitative measurements of prevailing local weather conditions throughout the survey period.

Meteorological measurements will be guided by the requirements of AS 2923-1987 “Ambient Air Guide for Measurements of Horizontal Wind for Air Quality Applications” and the DEC.

### **Plant and Equipment Schedule**

The operator will obtain copies of the relevant fixed plant and mobile equipment operating shift logs and include the information in the report. The information will also include train loading and unloading times at DCM.

### **Evaluating Compliance**

The measured noise contribution at the nominated monitoring locations shown in **Table 4** would be used to determine compliance with the Consent Condition limits shown in **Table 2** and the EPL limits shown in **Tables 3** and **4**. Where compliance measurements are not conducted, calculations would be performed to determine compliance.

### **Plant Noise Surveys**

An acoustic survey of plant and equipment will be conducted bi-annually.

The purpose of the survey is to ascertain sound power levels for individual items of plant and equipment in order to subsequently determine the acceptability or otherwise of such sound power levels. Sound power levels would then be correlated with any non-compliance to assist in identifying specific areas for further investigation. Such evaluation will take into account engineering, safety, economic, regulatory and other considerations. Furthermore, plant sound power levels will be compared with those utilised within the “Duralie Extended Modification” Statement of Environmental Effects.

### **Presentation of Information and Reporting**

The following information will be presented for each monitoring survey:

- operator’s name;

- location of attended noise instruments;
- recording intervals;
- atmospheric conditions for each measurement location and also a combination of graphs and tables presenting the weather conditions for the entire survey period;
- statistical noise level descriptors together with notes identifying the principal noise sources;
- the measured  $L_{Aeq(15\text{minute})}$  noise level contributions from DCM;
- overall ambient noise levels;
- project operating conditions including train loading times together with mobile and ancillary equipment operation and predominant location; and
- instrument calibration details.

## 4 NOISE PROTOCOLS

The noise protocols given below have been provided to facilitate compliance with the noise criteria presented in Section 3.1.

### 4.1 NOISE MONITORING PROTOCOL

Noise monitoring will be carried out as described in Section 3.2.1. The results of the noise monitoring will be assessed against the noise criteria presented in **Tables 2, 3 & 4**.

### 4.2 COMMUNITY CONSULTATION

The following is an excerpt (shown in italics) from the Statement of Environmental Effects – Duralie Extended Modification dated March 2006.

*DCPL has developed and implemented a consultation programme for Duralie. The key objectives of the programme are to:*

- *inform government and public stakeholders about the progress and nature of its mining operations;*
- *recognise local concerns or interests; and*
- *continue dialogue between DCPL and stakeholders that commenced during the development of the Project EIS.*

*Consultation with the community has been conducted by DCPL since the mid 1990's.*

#### **Community Consultative Committee**

A Community Consultative Committee (CCC) is in place and meets quarterly to discuss environmental management of the Project. The CCC includes representatives from the following organisations:

- Great Lakes Council (GLC);
- DCPL; and
- four community representatives.

### 4.3 INDEPENDENT NOISE INVESTIGATIONS

DCM will contract an independent review of noise impacts in accordance with the modified Duralie Consent Schedule 4, Conditions 4-10. Note, these conditions also refer to air quality impacts:

4. If a landowner considers the development to be exceeding the air quality and/or noise criteria in schedule 3, except where this is predicted in the documents listed in condition 2 of schedule 2, he/she may ask the Director-General in writing for an independent review of the air pollution and/or noise impacts of the development on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;

- (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct air quality and/or noise monitoring on the land, to determine whether the development is complying with the relevant air quality and/or noise criteria in schedule 3, and identify the source(s) and scale of any air quality and/or noise impact on the land, and the development's contribution to this impact;
  - (c) give the Director-General and landowner a copy of the independent review.
5. If the independent review determines that the development is complying with the relevant air quality and/or noise criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.
6. If the independent review determines that the development is not complying with the relevant air quality and/or noise criteria in schedule 3, and that the development is primarily responsible for this non-compliance, then the Applicant shall:
  - (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant air quality and/or noise criteria; and
  - (b) conduct further air quality and/or noise monitoring to determine whether these measures ensure compliance; or
  - (c) secure a written agreement with the landowner to allow exceedances of the air quality and/or noise criteria in schedule 3, to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the development is complying with the relevant air quality and/or noise criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the measures referred to in (a) do not achieve compliance with the air quality and/or noise land acquisition criteria in schedule 3, and the Applicant cannot secure a written agreement with the landowner to allow these exceedances within 3 months, then the Applicant shall, upon receiving a written request from the landowner, acquire the landowner's land in accordance with the procedures in conditions 8-10 below.

7. If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process.

#### **4.4 MITIGATION MEASURES TO LIMIT NOISE EMISSIONS**

##### **Proactive Measures:**

Proactive measures will include:

- developing an awareness and understanding of noise issues through site inductions for all staff and contractors at the DCM;

- avoiding the simultaneous use of significant noise generating equipment wherever possible;
- the noisiest activities being scheduled where practicable to the least sensitive times of the day;
- monitoring weather conditions and where adverse conditions are experienced or predicted operational changes will be made to avoid or reduce noise impacts; and
- maintaining all machinery and plant used on site and dedicated locomotives and rolling stock used off site will be maintained regularly to minimise noise generation.

In addition, the following measures have been undertaken or are currently being undertaken (responsible person provided within parentheses together with a comment on current item status):

- Placing waste materials to the east of the open pit in order to provide an acoustic barrier (Environmental Officer) [the eastern face of the out-of-pit dump has been completed];
- Not dumping on the outer face of the overburden emplacement area which faces Mammy Johnsons River at night (Environmental Officer, Open Cut Examiner – Mining Contractor);
- Having a contractual requirement with the mining contractor to maintain equipment at or below manufacturer's acoustic specifications (Manager Mining);
- Positioning the primary crushing station within an earthen cutting (already constructed within earthen cutting);
- Orientation of the bay opening of the heavy vehicle maintenance facility away from the nearest receivers (in place);
- Reducing the volume of reversing sirens on mobile plant and start-up alarms on coal handling conveyors to minimum levels consistent with coal mine safety regulations (Leading Hand Plant Fitter - Mining Contractor for mobile plant; Manager Mining for coal handling conveyors);
- Reversing sirens on significant equipment such as haul trucks and track dozers have been replaced with less intrusive type (in place);
- Minimising night shift coal haulage (Manager Mining);
- Directing trucks with tray body exhausts to lower their trays before moving off when tipping on the waste dump at night (Open Cut Examiner – Mining Contractor);
- Directing the ROM loader to reverse to the west from the bin and away from nearby residences along Johnsons Creek Road to minimise directional noise emissions (eg. Reversing alarm, engine noise) (Open Cut Examiner – Mining Contractor – in place);
- Undertaking of a noise survey of plant and equipment after the first 12 months of coal processing (and then as directed by the EPA) to assess the need for, and to determine the means to, reduce noise emissions (Environmental Officer – survey undertaken and ongoing);
- Conducting routine twice yearly noise surveys (Environmental Officer - ongoing);
- Operation of a meteorological station to aid noise mitigation measures and the identification of noise enhancing conditions (Environmental Officer - ongoing);
- Utilisation of low noise mobile equipment and fixed plant where practically and economically achievable (Manager Mining, Mine Manager – Mining Contractor);
- Maintaining an awareness of industry developments in relation to noise mitigation engineering for individual plant items in order to assess inherent cost and practicality (Environmental Officer, Mine Manager – Mining Contractor); and
- Operating locomotives in such a way as to have the locomotive generating the most noise, the furthest from noise affected receivers (where practical)

#### **4.4.1.1 Noise Affected Landholders and/or Tenants**

For noise affected receivers, it is recommended that management procedures be implemented including:

- noise monitoring on-site and within the community;
- prompt response to any community issues of concern;
- refinement of on-site noise mitigation measures and mine operating procedures where practicable;
- discussions with relevant land owners to assess concerns;
- consideration of acoustical mitigation at receivers where substantiated by monitoring results; and
- consideration of negotiated agreements with landowners.

#### **Reactive Measures**

Reactive measures that will be followed include:

- all noise complaints will be responded to per provisions in this NMP;
- strategies and targets will be developed as part of the annual review of noise monitoring results and the review of valid noise complaints. These strategies and their effectiveness will be reported in the Annual Environmental Management Report (AEMR); and
- if complaints identify specific pieces of machinery or equipment, a maintenance inspection will be undertaken and, if required, corrective works will be undertaken.

#### **Long Term Strategies**

Longer term strategies directed towards maintaining compliance with stated noise limits in the Development Consent Conditions will draw upon application of best practice technologies where possible. This NMP incorporates good practise techniques of identifying potential noise related impacts and utilising appropriate management systems to minimise this potential. The NMP also includes a community liaison programme, complaints register, complaint response and regular monitoring which are all good practice procedures in the mining industry.

Regular noise monitoring program will be undertaken as described in this management plan to identify low frequency and tonal noise impacts. Noise monitoring will consist of an attended noise survey, which spans day, evening and night periods at each of the nominated monitoring sites and follows the protocol outlined previously in this document. If noise monitoring reveals intermittent, low frequency and/or tonal noise is impacting on landowners and occupiers, a noise investigation shall be conducted to explore measures and techniques to reduce impacts from this noise.

Measures to be used to reduce impacts of intermittent, low frequency and/or tonal noise (including truck reversing alarms) will include:

- train horns being not permitted as a means of communication by the drivers of the trains during coal loading activities;
- the mobile equipment fleet being regularly serviced to maintain the efficiency of the equipment and help prevent increases in emitted noise levels;
- regular maintenance of conveyor belt drives and rollers to minimize noise;

- reversing alarms on mobile equipment being regularly maintained to ensure that they are correctly operating;
- the possible construction of environmental bunds to reduce the propagation of noise; and
- instruction on the importance of minimising operational noise through site inductions and on-site training.

#### 4.5 NOISE COMPLAINT HANDLING

The process for the management of complaints relating to mine operational noise impacts will be shown on **Flow Diagram 1**. The Environmental Officer, in consultation with Department of Planning, GLC and the complainant, will manage this process.

The Environmental Officer is responsible for:

- maintaining a system for recording complaints with respect to mining activities on a dedicated and publicly advertised telephone line, 24 hours per day, 7 days per week;
- ensuring that all complaints are entered into a database;
- ensuring that an initial response is provided within 24 hours of receipt of complaint;
- providing a report of complaints to each CCC meeting; and
- ensuring that a summary of the complaints report is included in the AEMR.

The DCM complaints record must include the following details for noise complaints:

- the date and time of complaint;
- any personal details the complainant wishes to provide or if no such details are provided a note to that effect;
- the nature of the noise that led to the complaint, including the time of the noise and its duration;
- the action taken by the DCM in relation to the complaint, including any follow-up contact with the complainant; and,
- if no action was taken by the DCM, the reason why no action was taken.

If any complainant does not consider the initial response from DCM to adequately address their concerns, the following complaint handling procedure will be adopted:

- a meeting will be convened with the Environmental Officer to seek resolution of the matter. The complainant will be provided with a written response from DCM detailing the results of investigations to date and the actions proposed to be taken in respect to the complaint;

- if the complainant believes that the matter is not resolved to their satisfaction, it will be referred to an Independent Expert, who will assess the complaint in the context of the Development Consent and any relevant regulations and will provide a report detailing the results of investigations, complete with any appropriate recommendations. The Independent Noise Management Process is presented in **Flow Diagram 2**. Copies of this report, including DCM's response to any issues raised, will be provided to the complainant, the CCC and Department of Planning; and
- if the complainant still believes that the matter is not resolved to their satisfaction, it will be referred to the Director General of Department of Planning for resolution.

In the event that an independent noise investigation confirms that noise criteria are being exceeded, and the measures undertaken in the associated Noise Management Plan do not reduce the noise levels below the criteria or an acceptable agreement cannot be established between the relevant parties, DCM shall, at the written request of the landowner, acquire the relevant property. Acquisition shall be in accordance with the procedures set out in the relevant consent conditions.

#### **4.6 NOTIFICATION PROCEDURES**

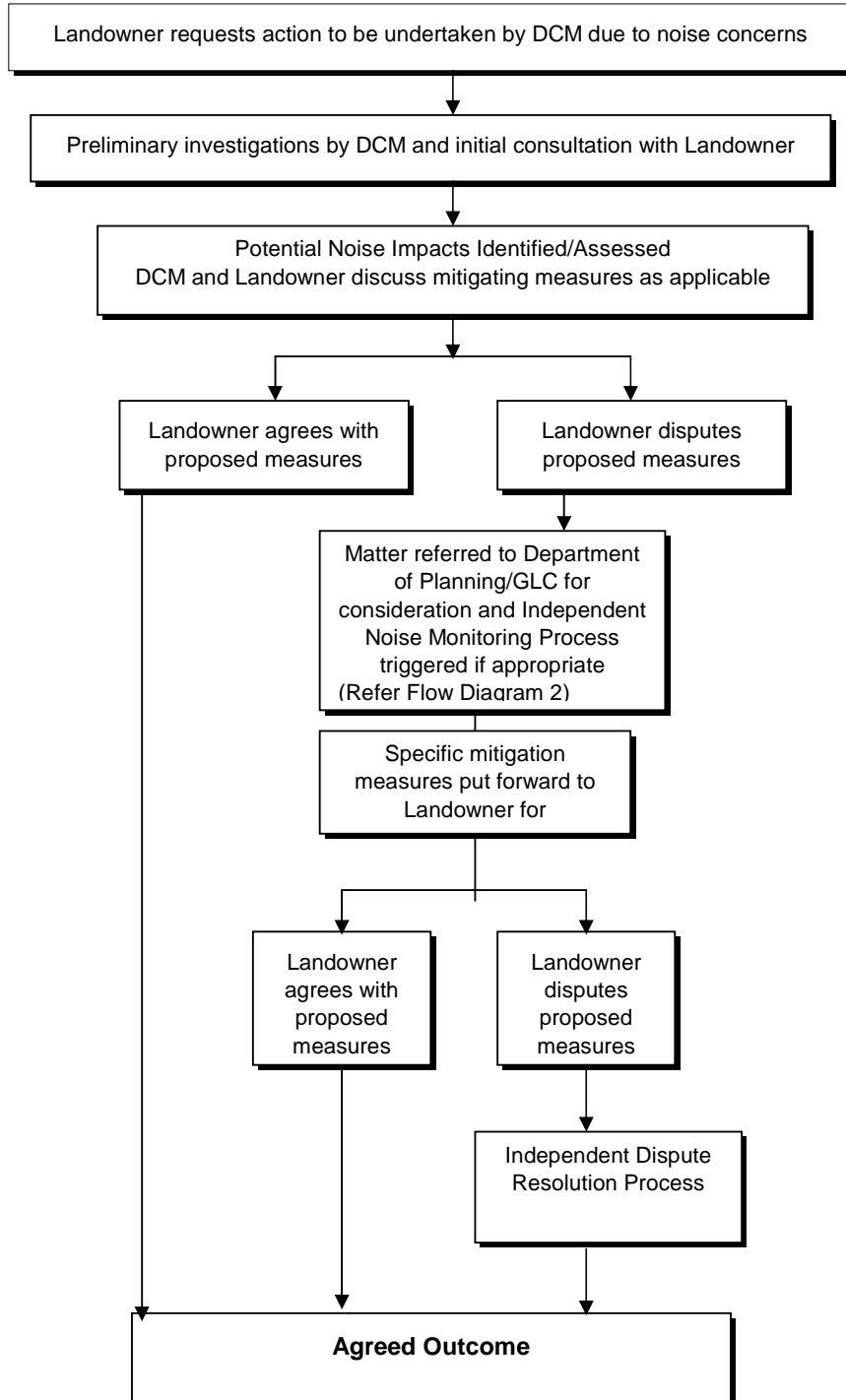
In the event that noise from the mine may affect property owners and occupiers, DCM will notify those likely to be affected.

DCM will establish a register containing the contact details of those property owners and occupants of properties where the noise levels defined in Section 3.1 may be exceeded. Those residents who do not wish to be notified will have their wishes noted on the list and will not be contacted.

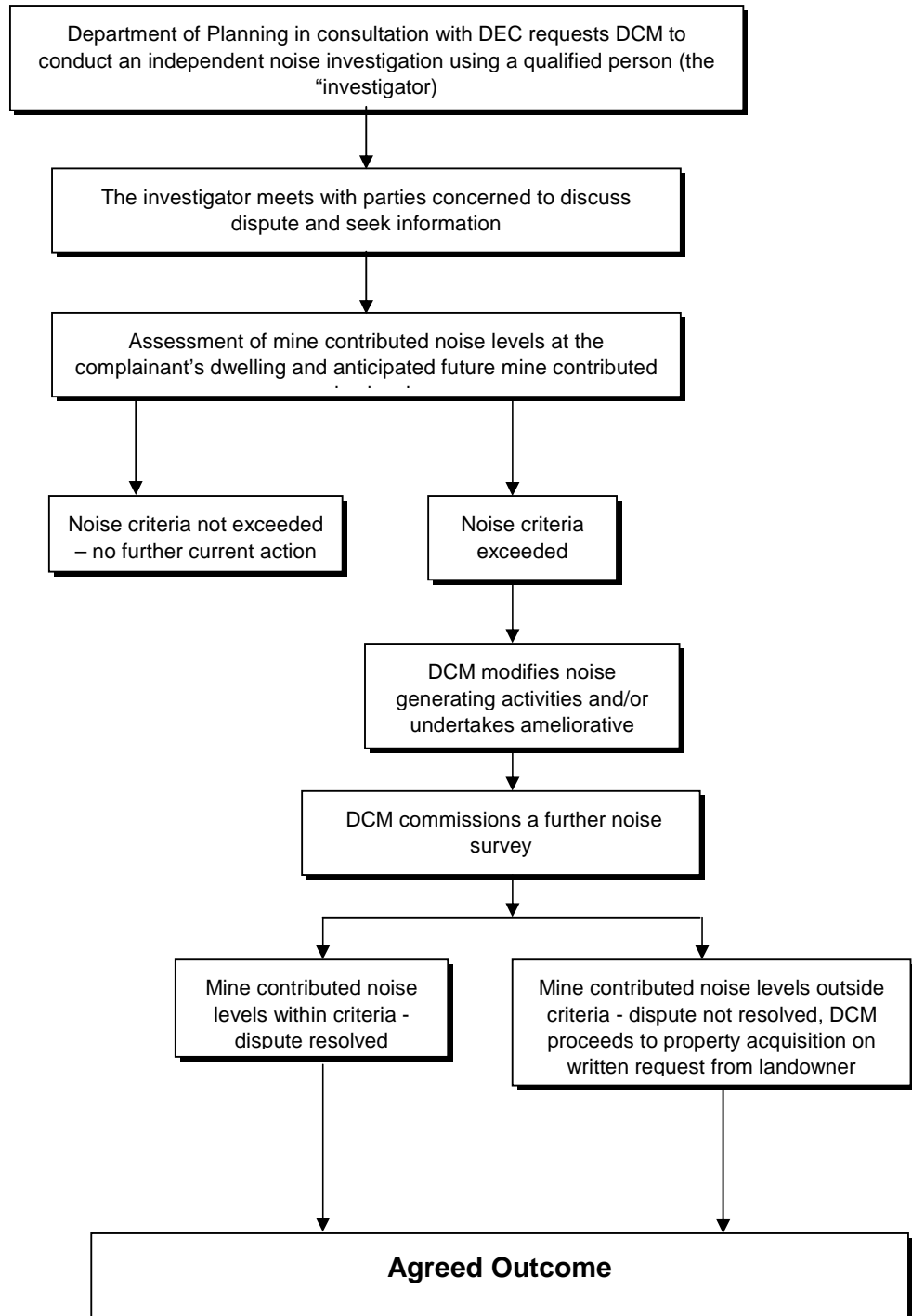
The notification procedure is to be initiated by the Environmental Officer for the DCM. In the absence of the Environmental Officer, the notification procedure is to be initiated by the person designated as fulfilling the responsibilities of the Environmental Officer. Notification of residents shall be within 7 days of it becoming known to mine personnel that property owners and occupiers are likely to be affected by noise from the mine. A record will be kept of all residents contacted and the Environmental Officer will retain these records.

**Flow Diagram 1**

**Process for Management of Complaints for Noise Impacts**



**Flow Diagram 2  
Independent Dispute Resolution Process**



## **5 References**

Department of Planning (2006), *Duralie Coal Mine Extension Section 96(2) Modification – Notice of Modification*.

Duralie Coal Pty Ltd (2003), *Noise Management Plan*.

NSW EPA (2000), *NSW Industrial Noise Policy*

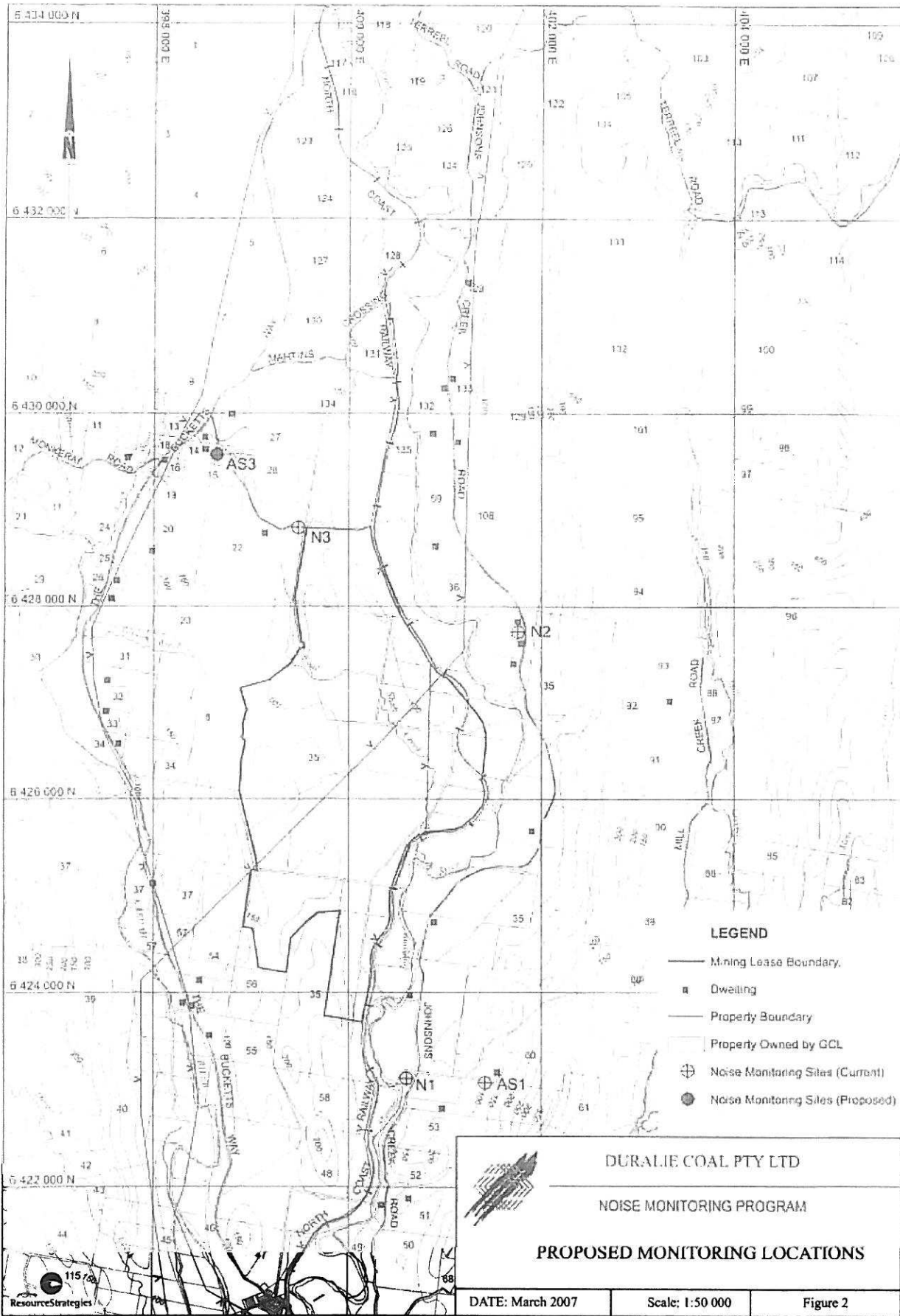
Resource Strategies (2006), *Statement of Environmental Effects – Duralie Extended Modification*

## Figures

Figure 1. Main Components of the Mine, including Approved Extension



**Figure 2. Mining Lease Boundary including Environmental Monitoring Sites**



## Appendix 1

### Extract from Schedule 4 “Additional Procedures for Air Quality & Noise Management” 2006 Modification to 1999 Duralie Coal Mine Development Consent

#### Land Acquisition

**8.** Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:

- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development the subject of the development application, having regard to the:
  - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
  - presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of condition 4 of schedule 3;
- (b) the reasonable costs associated with:
  - relocating within the Great Lakes, Gloucester and Dungog local government areas, or to any other local government area determined by the Director-General;
  - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the independent valuer's determination, the Applicant shall make a written offer to purchase the land at a price not less than the independent valuer's determination.

If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

**9.** The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General and the costs of determination referred above.

**10.** If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.