New South Wales Government
Independent Planning Commission

MEDIA RELEASE

IPC CONCLUDES MAXWELL MINE IMPACTS CAN BE MITIGATED, MANAGED SUBJECT TO CONDITIONS

22 December 2020

The state's Independent Planning Commission has concluded the potential impacts of a new underground coal mine in the NSW Hunter Valley can be "reasonably and satisfactorily" identified, avoided, mitigated and managed, imposing 169 conditions on its development consent.

Maxwell Ventures (Management) Pty Ltd (the Applicant), a subsidiary of Malabar Coal Ltd, sought planning approval to develop the new mine to the north of Jerrys Plains, in the Muswellbrook Local Government Area, to produce approximately 148-million tonnes of Run of Mine coal over 26 years.

The site has undergone progressive rehabilitation since the previous owners ceased open-cut operations at the Drayton Mine in 2016. Two separate state significant development applications lodged to develop the Drayton South Coal Project, another open-cut mine, on the site were rejected by the former Planning Assessment Commission.

And in December 2017, the NSW Government amended the Mining SEPP to prohibit open-cut mining on certain land at Jerrys Plains, which includes the Project site.

The Department of Planning, Industry & Environment completed its whole-of-government assessment of the $509-million Maxwell Underground Coal Mine Project in September this year. The state significant development application for the Project came to the Commission for determination because more than 50 'unique' public objections were received.

Chair of the Commission, Professor Mary O'Kane (also Panel Chair), appointed herself and Deputy Commission Chair, John Hann, to determine the application. They met with the Applicant, Department, Muswellbrook Shire and Upper Hunter Shire Councils, and conducted an inspection of the site and surrounding areas.

A two-day public hearing was held – as formally requested by the Minister for Planning and Public Spaces – to listen to the community's views, which focused on several key issues: environmental, equine and agricultural, economic impacts and jobs, health and heritage.

After considering all the evidence and weighing the community's views, the Commission has today (Tuesday 22 December 2020) granted development consent to the Project, subject to rigorous conditions.

"The Commission finds that, on balance, and when weighed against the relevant climate change policy framework, objects of the [Environmental Planning & Assessment] Act, [Ecologically Sustainable Development] principles and socio-economic benefits, the potential impacts associated with the Project are manageable, and the risks of adverse impacts on the environment are low," its Statement of Reasons for Decision noted.

Issued by the Principal Public Affairs Officer
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"The likely benefits of the Project warrant the conclusion that an appropriately conditioned approval is in the public interest."

In handing down its decision, the Commission concluded:

- the Project is a legal and appropriate use of the land under the applicable Environmental Planning Instruments
- the Project Area is located in the Hunter coalfield in proximity to several mining operations and power stations and can therefore benefit from the use of shared infrastructure
- the underground nature of the Project minimises the impact of issues such as air quality, visual impact, noise and vibration and is therefore unlikely to result in significant impacts on sensitive receivers including the Coolmore and Godolphin Woodlands studs or the Equine [Critical Industry Cluster] more broadly.
- the Scope 1 and 2 [Greenhouse Gas] emissions can be minimised as far as practicable
- the Project includes appropriate remediation and biodiversity management and offsetting
- the conditions requiring the preparation of management plans to address impacts such as air quality and greenhouse gas emissions, water, subsidence, biodiversity, Aboriginal cultural heritage, waste, bushfire, and rehabilitation are appropriate mechanisms to provide a rigorous framework for monitoring, management, mitigation and reporting on the various impacts associated with the Project
- the conditions imposed provide an effective, enforceable framework for adaptive management of the various issues
- the conditions imposed will ensure the Applicant engages with the community, relevant Commonwealth and State government agencies and [Muswellbrook Shire Council] in preparing the management plans and the ongoing operations of the Project
- the conditions imposed require the Applicant to make all relevant information publicly available in an easily accessible form as soon as possible
- the Project will deliver significant economic benefits for the local area, region and State through employment opportunities, royalties and tax revenue for the NSW Government and direct funding for local infrastructure and community projects through the [Voluntary Planning Agreement].

The 169 conditions imposed by the Commission seek to "avoid serious or irreversible damage; and avoid, minimise and manage potential impacts on biodiversity and heritage", the Commission added.

The Commission's Statement of Reasons for Decision is available here:
https://www.ipcn.nsw.gov.au/projects/2020/09/maxwell-underground-coal-mine-project

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