



Professor Mary O'Kane AC  
Chair  
Independent Planning Commission  
GPO Box 3415  
Sydney NSW 2001

**Maxwell Underground Coal Mine Project (SSD 9526)**

Dear Professor O'Kane

The Department has completed its merit assessment of the Maxwell Underground Coal Mine Project (SSD 9526) and refers the application to the Independent Planning Commission for determination.

Maxwell Ventures (Management) Pty Ltd (a subsidiary of Malabar Coal Ltd) is seeking approval to develop an underground coal mine approximately 9 kilometres south of Muswellbrook in the Upper Hunter Valley.

The underground mine would produce 148 million tonnes of run-of-mine coal using a combination of bord and pillar and longwall mining methods. The mine would operate over a period of 26 years and use existing and upgraded coal processing and rail loading facilities at the former Drayton Coal Mine.

The Department exhibited the application from 14 August 2019 until 24 September 2019 and received 231 public submissions on the project during the exhibition period. These submissions comprised 77 percent in support, 22 percent opposed and two submissions by way of comment.

The Department also received advice from 14 government agencies and infrastructure providers. All State Government agencies were satisfied that the Project could be appropriately managed and regulated in accordance with the Department's recommended conditions of consent and other applicable regulatory instruments. Muswellbrook Shire Council did not object to the project, however the neighbouring Upper Hunter Shire Council objected to the project due to the potential impacts on the thoroughbred horse breeding industry.

The Department has completed a rigorous and thorough assessment of the impacts of the project in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and applicable government policies and guidelines, having regard to the issues raised in submissions.

Under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* and clause 8A of the State and Regional Development SEPP, the Commission is the consent authority for the application as more than 50 unique public objections were made in respect of the project.

The Minister for Planning and Public Spaces has requested the Commission hold a public hearing into the carrying out of the project and determine the development application within 12 weeks of receiving the Department's assessment report, unless the Planning Secretary agrees otherwise.

On balance, the Department considers that the impacts of the Project are manageable and that the project is approvable, subject to the imposition of the recommended conditions.

I have enclosed a copy of the Department's Assessment Report and recommended conditions of consent for the Commission's consideration.

If you have any questions, please contact Mike Young, Executive Director - Energy, Resources and Compliance on 8217 2091 or by email at [mike.young@planning.nsw.gov.au](mailto:mike.young@planning.nsw.gov.au)

Yours sincerely

Marcus Ray  
Group Deputy Secretary  
Planning and Assessment

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