

MAXWELL & MT ARTHUR COAL**Joint Community Consultative Committee (JCCC)**

DRAFT Minutes of the Extra-Ordinary Meeting held on 15 March 2023

Via Zoom* & in attendance at the Maxwell Boardroom No.2

Attendance**Chairperson**

Lisa Andrews (LA) Independent Chairperson; Maxwell CCC

Maxwell

Donna McLaughlin (DM) Health, Safety, Environment & Community Manager
Alex Newton (AN) Environment & Approvals Coordinator
Theresa Folpp (TF) Muswellbrook Shire Council
Kemer Edwards (KE) On behalf of De-Anne Douglas; CEO Wanaruah LALC
Michael White (MW) Coolmore/Godolphin Representative
Mark Bowditch (MB) Community Representative
Susan Pickersgill (SP) Community Representative
Stephen Ward (SW) * Community Representative
Sarah Purser Independent Minute Taker

Mt Arthur Coal (MAC)

Dr. W.E.J. Paradise AM (WP) * Independent Chairperson; MAC CCC
Jonathan Deacon (JD) * Principal Environment
Claire Killeen (CK) * Specialist Community

Apologies

James Johnson General Manager Development & Operations
Amanda Walker MAC Manager Corporate Affairs NSWEC
John Hobden MAC Community Representative
Lavinia Hutchinson MAC Community Representative
Di Gee Mt Arthur Community Representative

1. Welcome & Introductions

LA opened the meeting at 10.32 am welcoming all and introducing Kemer Edwards as the alternate representative of Wanaruah LALC, Stephen Ward as a new Community Representative and Sarah Purser as Independent Minute Taker. LA explained this Extra-Ordinary Meeting was called to provide a brief to the JCCC on the proposed modification to extend the operating life of the Antiene Rail Spur Development Consent. DM ran through housekeeping and emergency procedures.

Acknowledgement of Country

MB acknowledged the traditional owners of the land where we all meet and work, and pay respect to Elders, past, present and emerging.

2. Apologies

Advised and recorded.

3. Declaration of Pecuniary Interest

Standing Declarations

LA is an Independent Chairperson, approved by the Department of Planning & Environment (DPE), and engaged by Malabar Resources to Chair the Maxwell CCC and Co Independent Chairperson for alternate meetings of the Joint CCC with Maxwell & Mt Arthur. WP is Co Independent Chair for the JCCC and Independent Chairperson for the Mt Arthur Coal CCC engaged by BHP. MW is a consultant and representative for Coolmore and Godolphin. SP provides secretarial services as an external contractor to BHP and Malabar Resources.

4. Business Arising / Action Items from the JCCC Meeting held 7 December 2022

Clarification was provided on the two action items recorded as arising from the JCCC Meeting held 7 December 2022, it was agreed that:

Action 1: AN to provide further detail on the extended downtime for the TEOM and any actions put in place. To be carried over to today's Maxwell CCC Meeting.

Action 2: AW to advise of any implications for this Joint Community Consultative Committee in relation to Mt Arthur's projected closure date. To be carried forward by WP into Business Arising at the next JCCC Meeting.

5. Correspondence Report

16/12/22	Email to members with the draft minutes for review as well as the sod turning invitation.
27/12/22	Email to members with the finalised minutes.
3/2/23	Email to members advising of an extra-ordinary meeting on 15/3/23 to discuss the proposed modification to the Antiene Rail Spur Development Consent.
13/2/23	Email to Stephen Ward, inviting him to be a community representative on this CCC.
23/2/23	Email to Mt Arthur CCC members regarding the meeting on 15/3/23.
8/3/23	Email to Maxwell & Joint CCC members with agenda for 15/3/23.
3/2/23	Email to members advising of an extra-ordinary meeting on 15/3/23 to discuss the proposed modification to the Antiene Rail Spur Development Consent.
13/3/23	Email to both CCC members with the reminder for this meeting.

6. Briefing on proposed modification of the Antiene Rail Spur Presented by Alex Newton

1) Introduction

Malabar Resources commenced the planning of the Maxwell Underground Coal Mine Project (Maxwell UG Project) in early 2018 and submitted an Environmental Impact Statement (EIS) and Development Application (DA) in September 2019.

The EIS considered and assessed the continued use of the Maxwell Rail Loop and Antiene Rail Spur, which are regulated under a separate Development Consent (DA 106-04-00).

The Department of Planning & Environment's (DPE) Assessment Report for the Maxwell UG Project recognised that a modification would be required to DA 106-04-00 to extend its approved operating life of 2025 to align with the Maxwell UG Project to 2047.

Malabar commenced construction of the Maxwell UG Project in May 2022.

2) Land Ownership

Members were referred to Slide 4 of the presentation whereby AN identified land owned by Australian Rail Track Corporation (ARTC), Transport for NSW, AGL, Crown Land and Malabar that is associated with the Antiene Rail Spur, and the location of the rail loop itself.

3) Overview of the Antiene Rail Spur

Commissioned in 1983 to service the former Drayton Mine and extended to Mt Arthur Coal (MAC) in 2001. DM explained that from one Environmental Assessment, operations were originally governed by two separate Development Consents (MAC and Drayton).

The MAC Development Consent was incorporated into the Mt Arthur Consolidation Project (Project Approval 09_0062). The Drayton Development Consent (DA 106-04-00) was transferred to Malabar in February 2018, this includes operation of the Maxwell rail loop, load-out facility and Antiene Rail Spur.

4) Proposed Modification and Assessment Pathway

The Maxwell UG Project is approved to operate until 2047.

Condition A10 of the Maxwell UG Project (Development Consent SSD 9526) states:

- *Product coal may only be transported from the site by rail.*
- *Note: the loading and transportation of coal via the rail loop and Antiene Rail Spur is subject to a separate development consent (DA 106-04-00).*

The Modification would extend the operation of the Antiene Rail Spur Development Consent (DA106-04-00) to align with the approved operating life of the Maxwell UG Project to 2047.

The Modification will be sought under section 4.55(2) of the EP&A Act, on the basis that the continued operation of the Antiene Rail Spur is 'substantially the same'. DM confirmed that there are no changes to the boundary or transport limits proposed, the Modification is purely to extend the Consent life which currently runs to the back end of 2025, to match Maxwell UG.

5) Scope of Modification Report

AN advised that Maxwell is preparing a modification report to be submitted to the DPE, this includes a summary of existing studies already undertaken and extracting the key components of those.

The potential environmental impacts associated with use of the Antiene Rail Spur for the Maxwell UG Project were assessed in the Project EIS, including:

- Cumulative assessment of the Maxwell Infrastructure Rail Loop as part of all the other on-site noise in accordance with the requirements of the Noise Policy for Industry (NSW Environment Protection Authority, 2017);
- An assessment of rail noise impacts associated with Project-related train movements on the Antiene Rail Spur and Main Northern Railway in accordance with the Rail Infrastructure Noise Guideline;
- An assessment of cumulative impacts associated with the concurrent use of the Antiene Rail Spur by the Mt Arthur Coal Mine and the Project; and

- A review of potential for coal dust emissions from Project train wagons.

No new technical studies are considered to be required for the Modification Report. Instead, the Modification Report would summarise the relevant outcomes of the above technical studies. The Modification Report will be prepared in accordance with the *State Significant Development Guidelines* (DPIE, 2021), including *Appendix E –Preparing a Modification Report*.

DM noted that the technical studies for Maxwell UG had been conducted prior to MAC's closure announcement, therefore had assumed MAC would be operating at full capacity. WP queried if MAC's closure in 2030 would mean that cumulative limits would remain the same, allowing Maxwell to move up to that total Limit. DM responded that Maxwell's limits will not change, they are modelled for the Maxwell site, plus cumulative. In response to a query from WP, DM confirmed that when MAC close in 2030, at this point in time Maxwell has no intention to take on their capacity and any changes would be subject to further approvals.

6) Planned Stakeholder Engagement

Comprehensive consultation was undertaken as part of the Maxwell Underground Mine EIS.

Consultation for the Modification Report will include; Department of Planning and Environment (DPE), Muswellbrook Shire Council, Environment Protection Authority (EPA), Australian Rail Track Corporation (ARTC), Transport for NSW, Crown Lands, two Community Consultative Committees - Mt Arthur Coal (MAC) and Maxwell, BHP and AGL as land owners and neighbours.

7) Modification Timing

DM advised that Maxwell conducted a scoping meeting with the DPE in December 2022 receiving confirmation that the Modification can be sought under section 4.55(2) of the EP&A Act. DM and LA confirmed that the CCC had been provided with Malabar's correspondence to the DPE dated 9/12/22, regarding modification to the Antiene Rail Spur Development Consent DA 106-04-00.

DM advised Maxwell are looking to submit the Modification Report in Q2 2023 with hope to receive the DPE's determination on the Modification in Q4 of 2023, this would allow Maxwell time to have this in place by end 2025.

DM confirmed that today's Extra-Ordinary Meeting was to provide an opportunity for any feedback from members of the Joint CCC that Maxwell can take on board. MW confirmed that he would pass the information shared at today's meeting back to Coolmore and Godolphin, noting the only change is the proposed extension of date to 2047. MW queried if it was worth Maxwell contacting other key stakeholders such as Horse Studs like Coolmore and Godolphin, to engage with them directly.

Action 1: DM to offer dedicated meetings with neighbouring Horse Studs for Maxwell to provide an update on the proposed modification to extend the operating life of the Antiene Rail Spur Development Consent.

TF queried if the consent being modified relates to the Antiene Rail Spur and Maxwell Rail loop that was identified by a yellow line on Slide 5 of the company presentation. DM confirmed that is correct noting that there are some overlapping areas where MAC's Consent overlaps and continues onto their rail loop.

TF asked in relation to product coal being transported from site by rail, was there not a conveyor to the Power Station. It was confirmed that parts of the conveyor were no longer in place and MW added that a lot of infra-structure has been taken out. TF asked if coal goes to market via the Port of Newcastle and DM confirmed that is correct, Maxwell's Consent does not allow for coal to Power Stations. DM advised TF that she had reached out to Derek Finnigan, General Manager at Muswellbrook Council regarding a meeting to discuss this proposed modification and was yet to receive a response.

LA asked if there were any further questions from members and the CCC responded they were very satisfied with the information and correspondence that had been provided to the group via email.

8) Community Questions

TF queried if MAC's closure would result in Maxwell being the only user of the Antiene Rail Spur and if there are rehabilitation conditions in decommissioning that would fall under MAC's Consent. DM confirmed that rehabilitation of Maxwell's rail loop would fall under Maxwell's requirements.

DM confirmed that Stakeholder Consultation will continue for the next month or so and that she will reach out to the Horse Studs. DM encouraged the CCC to contact herself or LA if anything further comes to mind around this modification to enable DM to provide a response to members.

7. General Business

LA called for any general business and nil was put forward.

8. Next Meeting

21 June 2023 at the Maxwell Boardroom No.2

10.30 to 11.00 a.m.	Joint Maxwell & Mt Arthur JCCC
11.00 to 12.00 noon	Maxwell CCC

LA declared the meeting closed at 10.56 am thanking all for their attendance both in person and those on line.

Action Carried Forward from the JCCC Meeting held 7 December 2022

Action: AW to advise of any implications for this Joint Community Consultative Committee in relation to Mt Arthur's projected closure date.

Action Arising from the JCCC Meeting held 15 March 2023

Action 1: DM to offer dedicated meetings with neighbouring Horse Studs for Maxwell to provide an update on the proposed modification to extend the operating life of the Antiene Rail Spur Development Consent.