MALABAR

MAXWELL UNDERGROUND MINE

EXPLORATION ACTIVITIES AND MINOR SURFACE INFRASTRUCTURE MANAGEMENT PLAN

Exploration Activities and Minor Surface Infrastructure Management Plan

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1 INTRODUCTION

1.1 Background

Maxwell Ventures (Management) Pty Ltd (Maxwell), a wholly owned subsidiary of Malabar Resources Limited (Malabar) owns and operates the Maxwell Underground Mine (the site). The site is located in the Upper Hunter Valley of New South Wales (NSW), east-southeast of Denman and south-southwest of Muswellbrook. The site is approved to extract a maximum of 8 million tonnes of run-of-mine coal per year over a period of 26 years. The site boundary is shown in **Figure 1**.

The site consists of the following areas:

- Underground area comprising the proposed area of underground mining operations and the mine entry area (MEA) to support underground mining and coal handling activities and provide for personnel and materials access;
- Maxwell Infrastructure (formerly Drayton mine) comprising previous open cut mining areas, existing coal handling and preparation plant (CHPP), train load-out facilities and rail loop, Antiene rail spur and other infrastructure and services; and
- Transport and services corridor between the underground area and Maxwell Infrastructure comprising the proposed site access road, covered overland conveyor, power supply and other ancillary infrastructure and services.

The area within and surrounding the site, which has previously been known as Mt Arthur South, Saddlers Creek and Drayton South, has long been identified as having a significant in-situ coal resource. Prospecting for coal commenced in the late 1940s, with exploration intensifying during the 1960s and 1970s. Open cut coal extraction and mining activities commenced at Maxwell Infrastructure in 1983 and ceased in October 2016. The previous open cut mining area is currently in the rehabilitation phase of the mine operations.

The development consent for State Significant Development 9526 (SSD 9526) was granted on 22 December 2020 under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The development consent was modified on 19 November 2021 (Maxwell MOD1) to allow for the repositioning of infrastructure primarily at the MEA and realignment of a section of the site access road.

The development consent was further modified (Maxwell MOD2) on 19 October 2022 to allow for the following:

- Re-orientation of the longwall panels in the Woodlands Hill, Arrowfield and Bowfield Seams resulting in a minor increase in the approved underground mining extent.
- Reduction in the width of some of the longwall panels in the Woodlands Hill Seam.
- Repositioning of the upcast ventilation shaft site and associated infrastructure.
- Other minor works and ancillary infrastructure components (e.g. access road and ancillary water management infrastructure for the repositioned ventilation shaft site).

Another modification was made to the development consent (Maxwell MOD3) on 22 September 2025 to allow for the transfer of tailings from Mt Arthur Coal (MAC) to the Maxwell UG Mine East Void, and tailings and coarse rejects from the Maxwell CHPP to the North Void.

The site also incorporates the development formerly authorised under the Maxwell Infrastructure Project Approval (PA) 06_0202. Development Consent DA 106-04-00 for the existing rail loop and Antiene Rail Spur was granted on 2 November 2000 under Section 76(A)9 and 80 of the EP&A Act and is still current. DA 106-04-00 was modified on 18 September 2023 (Antiene MOD1) to align with the approved operating life of the Maxwell Underground Mine (i.e. until 2047).

1.2 Purpose and Scope

The purpose of this Exploration Activities and Minor Surface Infrastructure Management Plan (EAMSIMP) is to detail the statutory requirements and outline the controls to be implemented to manage disturbance associated with exploration activities and construction of minor surface infrastructure. This EAMSIMP is one of a series of Environmental Management Plans that together form the Environmental Management System for the site. This EAMSIMP applies to all exploration activities (excludes drilling for geotechnical purposes) and minor surface infrastructure activities within the SSD 9526 Development Application area that are outside of the "approved disturbance areas" (as per Schedule 2, Part A, Condition A12). The "approved disturbance areas" include the currently disturbed areas at Maxwell Infrastructure, the Transport and Services Corridor and the MEA (refer to **Figure 1**).

In accordance with Schedule 2, Part A, Condition A12 of Development Consent SSD 9526, within three months of commencement of development under Development Consent SSD 9526, or other timeframe agreed by the Planning Secretary, Maxwell will provide to the Department a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas. Disturbance may occur outside of the approved disturbance areas, provided those activities are authorised under this plan, once approved by the Planning Secretary under condition B74.

In accordance with Schedule 2, Condition B74 of Development Consent SSD 9526 Maxwell will not carry out exploration activities associated with the underground mining operations under Development Consent SSD 9526 that cause temporary surface disturbance, or construct and/or upgrade minor surface infrastructure on the site, until the Exploration Activities and Minor Surface Infrastructure Management Plan is approved by the Planning Secretary.

In accordance with Schedule 2, Condition B75 of Development Consent SSD 9526 Maxwell will implement this EAMSIMP as approved by the Planning Secretary.

1.3 Objectives

The objectives of this EAMSIMP are to:

- identify all relevant statutory requirements;
- describe controls to be implemented to manage impacts of disturbance associated with exploration activities and construction of minor surface infrastructure including relevant monitoring and evaluation;
- describe the process for managing incidents and non-compliances, adaptive management, and contingency; and
- manage complaints related to exploration activities and construction of minor surface infrastructure in a timely and effective manner.

The objectives for exploration activities and construction of minor surface infrastructure are to:

- minimise clearance and disturbance of native vegetation;
- minimise erosion and sedimentation;
- rehabilitate disturbed areas;
- minimise noise, air quality, traffic, biodiversity, heritage and public safety impacts.

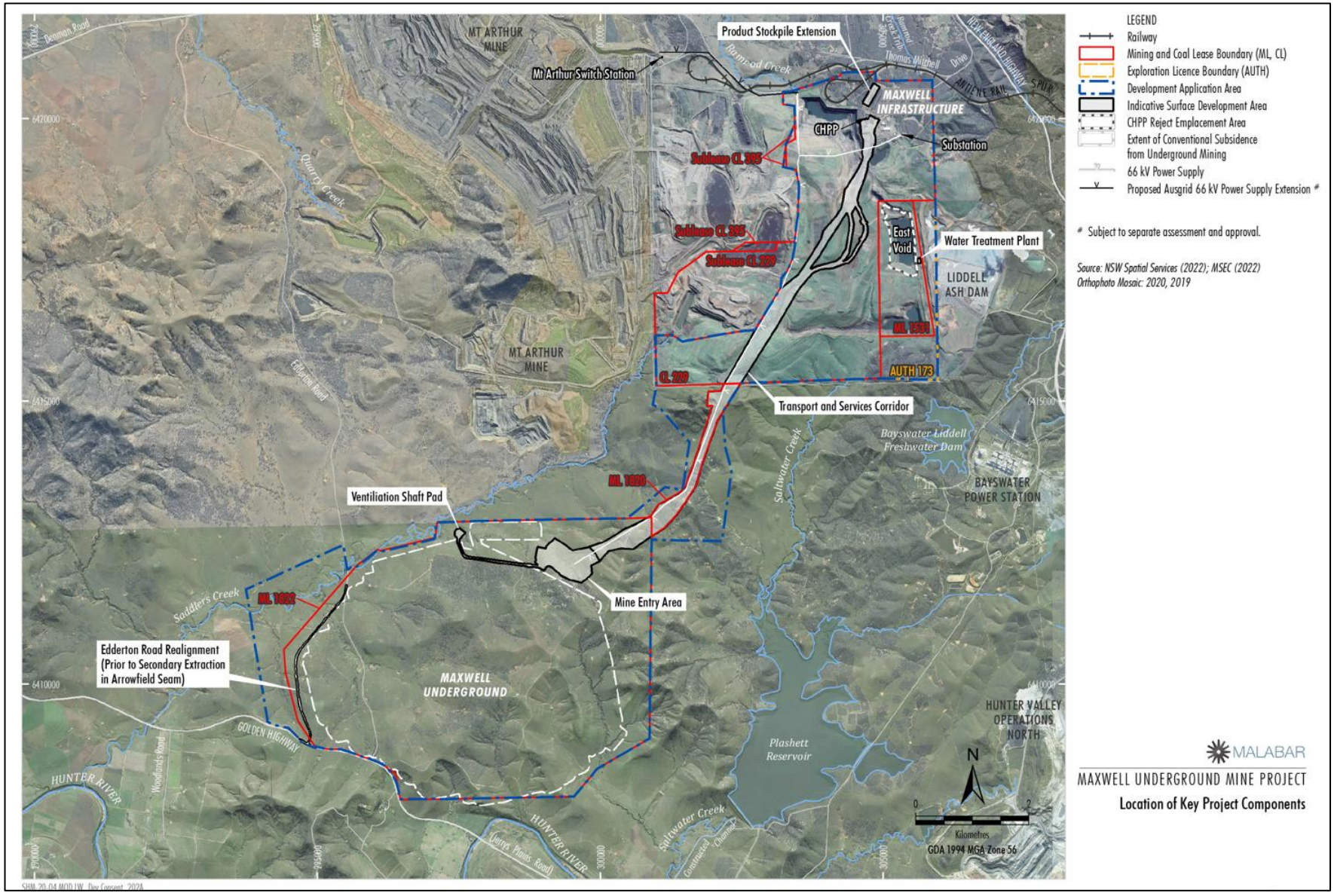

Figure 1. Maxwell Underground Mine

2 PLANNING

2.1 Regulatory Requirements

This EAMSIMP describes the management of exploration activities and construction of minor surface infrastructure, to meet relevant statutory requirements within Development Consent SSD 9526. The various conditions that relate to exploration activities and construction of minor surface infrastructure and where they are addressed in this document are detailed in **Appendix 1**.

2.2 Preparation and Consultation

Schedule 2, Part B, Condition B73(a) of Development Consent SSD 9526, requires that this plan be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary. Robert Hayes, then Infrastructure Manager, now General Manager, at Malabar Resources, and Robyn Skinner, environmental consultant from Robyn Skinner Environmental Services Pty Ltd, prepared this plan. A copy of the endorsement by the Planning Secretary is included in **Appendix 2**.

In accordance with Schedule 2, Part B, Condition B73(b) of SSD 9526, this plan has been prepared in consultation with the Resources Regulator, Biodiversity Conservation Division (BCD) and Heritage NSW. Outcomes of the consultation with the Resources Regulator are presented in **Appendix 3**.

3 BASELINE INFORMATION

The Maxwell Underground Project Environmental Impact Statement (Maxwell EIS) identified nearby sensitive receivers that could be impacted by activities both within and outside of the “approved disturbance areas”. The Maxwell EIS also identified biodiversity features, Aboriginal archaeological sites, and non-Aboriginal cultural heritage places (historic heritage sites) on the site, including areas on the site outside of the “approved disturbance areas” that could be impacted by minor infrastructure and exploration.

Baseline information on sensitive receivers and environmental aspects that could be impacted by minor infrastructure and exploration are discussed in the following sub-sections.

3.1 Land Use, Land Ownership and Sensitive Receivers

Land use within the site primarily consists of previous open cut mining areas and land used for cattle grazing. The site is bordered by Mt Arthur Coal to the west and AGL Macquarie’s Bayswater and Liddell Power Stations to the east. The Antiene rural residential area exists to the north of the site, with Coolmore Stud and Godolphin Woodlands Stud located to the south and south-west.

All land within the site is primarily owned by Maxwell, with the exception of Edderton Road and a small parcel of land within the transport and services corridor which is owned by AGL Macquarie.

The site is adjacent to two groups of receivers that could potentially be impacted by activities outside of the “approved disturbance areas”:

- the northern receivers located within the Antiene and East Antiene residential areas near Thomas Mitchell Drive and New England Highway, north and north-east of the Maxwell Infrastructure area; and
- the southern receivers located near the Golden Highway and Hunter River, south and west of the proposed underground mining area.

Land ownership, nearby sensitive receivers, and location of key public infrastructure are shown on **Figure 2** and **Figure 3**.

3.2 Noise

A noise impact assessment was undertaken for the Maxwell EIS and included assessment of noise impacts associated with construction activities, operational activities and road and rail transportation. It also included assessment of potential blasting activities. Noise modelling was undertaken as part of the noise impact assessment for the daytime, evening and night operating scenarios, based on years 1, 3 and 4 of operations. These years were selected to represent operations with the greatest potential for noise impacts on both the southern and northern receivers. The noise model is compatible with the Noise Policy for Industry (NPfI) (EPA 2017). Modelling simulated the site activities using noise source information (i.e. sound power levels and locations) and predicted corresponding potential noise levels at relevant receiver locations. This included consideration of noise enhancing meteorological conditions.

Noise modelling indicated that noise contributions from the site at all privately-owned southern receivers including the Coolmore and Godolphin Woodlands Studs and Hollydene Estate Wines, were predicted to be indistinguishable from background noise.

Noise and construction blasting impacts and mitigation measures are detailed in Maxwell's approved Noise and Blasting Management Plan.

3.3 Air Quality

The main sources of particulate matter in the area surrounding the site include other mining operations, agriculture, commercial and industrial (including power generation) activities, urban activity and emissions from local anthropogenic activities such as motor vehicle exhaust and domestic wood heaters.

An air quality impact assessment was undertaken for the Maxwell EIS. The results of the air quality assessment indicated that the dust levels were predicted to be below the relevant criteria at the assessed privately-owned and mine-owned residences (shown on **Figure 2** and **Figure 3)**. Air quality impacts and mitigation measures are detailed in Maxwell's approved Air Quality and Greenhouse Gas Management Plan.

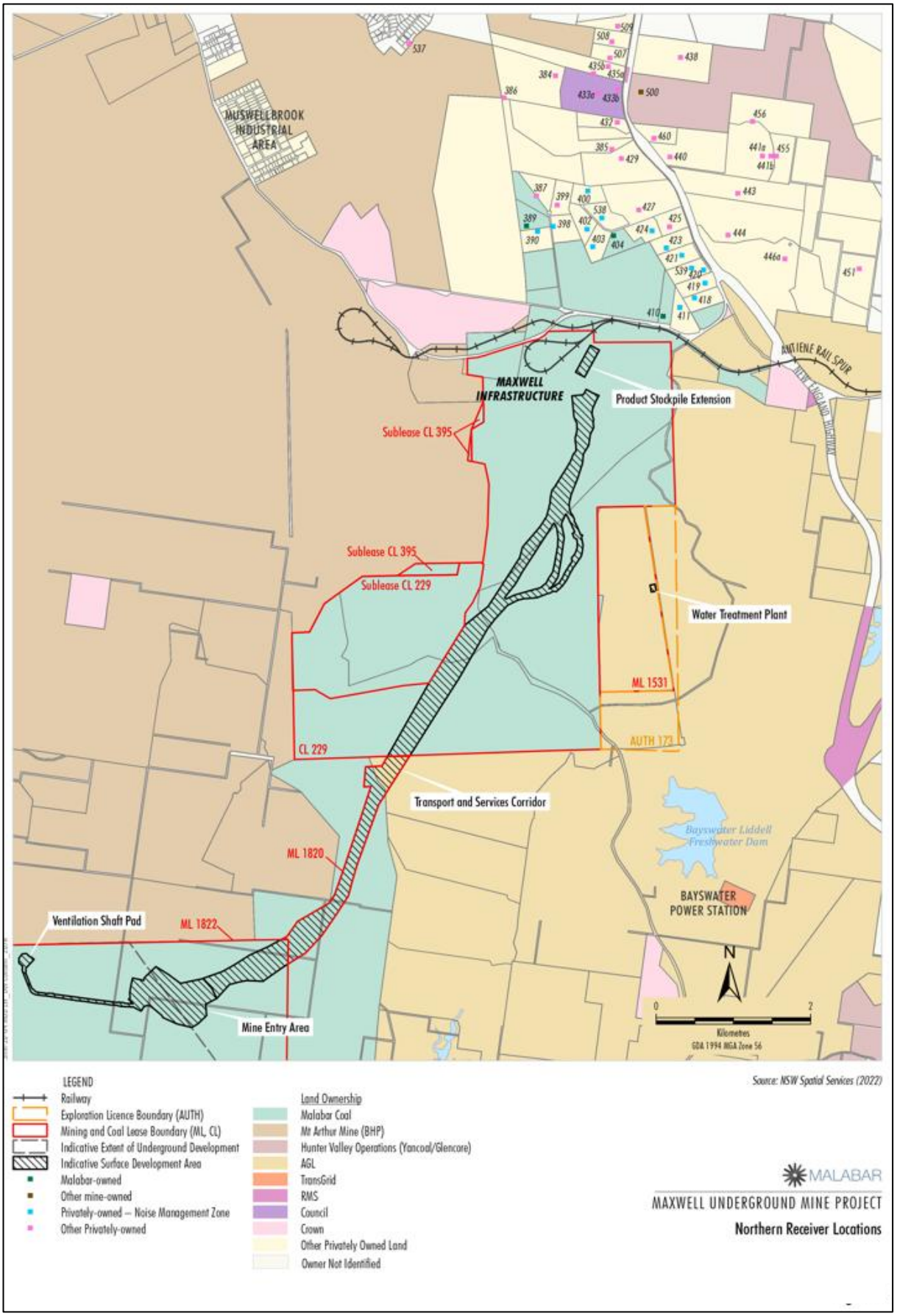

Figure 2. Land ownership and nearby receiver locations - Maxwell Infrastructure

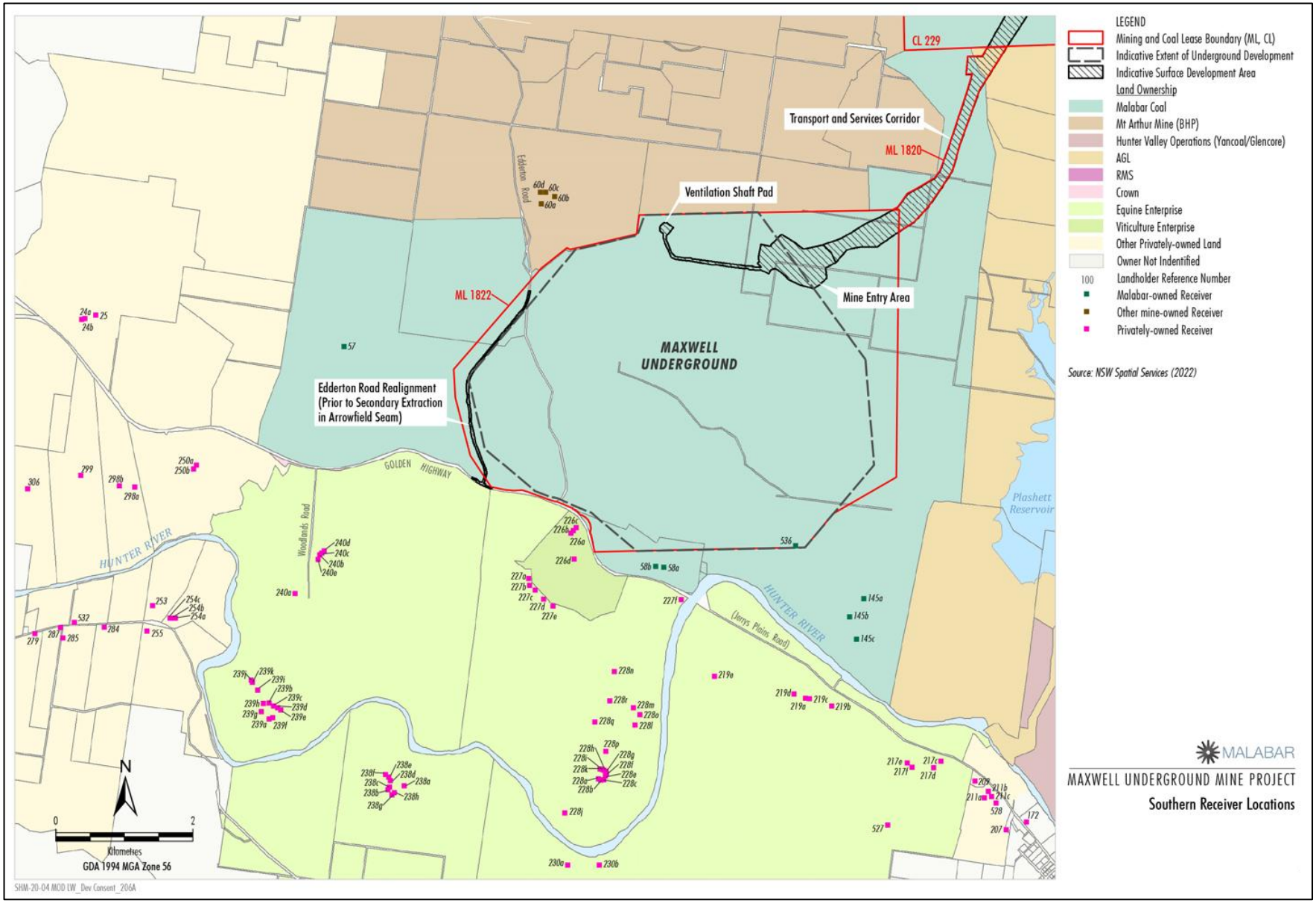

Figure 3. Land ownership and nearby receiver locations - Maxwell Underground

3.4 Water

The main waterways in the vicinity of the site are shown on **Figure 1**. The north-western part of the Maxwell Infrastructure area historically drained to upper parts of the Ramrod Creek catchment, however, that area is now a rehabilitated mining area and runoff from that area drains internally rather than to Ramrod Creek. The rail loop, product stockpile and Access Road dam and surrounding undisturbed areas in the north-eastern part of the infrastructure area are in the catchment of an upper tributary of Ramrod Creek. Ramrod Creek drains into the Hunter River 10 km to the north-west of the site, immediately downstream of Muswellbrook.

The eastern part of the Maxwell Infrastructure area drained to Bayswater Creek prior to mining operations, but now drains internally to the site. The lower reaches of Bayswater Creek drain into Lake Liddell and the headwater dams, located upstream of the ash dam on land owned by AGL Macquarie.

The southern part of the Maxwell Infrastructure area drained to Saltwater Creek and Saddlers Creek catchments prior to mining operations but now drains internally to the site. Saltwater Creek downstream of the Maxwell Infrastructure area drains into Plashett Reservoir on land owned by AGL Macquarie. Saddlers Creek downstream of Maxwell Infrastructure drains to the Hunter River.

The main drainage feature in the vicinity of the MEA is Saddlers Creek, located to the north and west of the MEA. The MEA and most of the temporary access road drains to Saddlers Creek. A small part of the temporary access road drains via first order (minor), second order (minor) and third order (non-minor) gullies to Saltwater Creek downstream of Plashett Reservoir. Plashett Reservoir is a 65,000 megalitre (ML) storage that receives pumped inflows from the Hunter River and serves as an off-river water storage for Bayswater Power Station, along with supplying water to the Jerrys Plains township.

Potential impacts on surface and groundwater, and mitigation measures, are detailed in Maxwell's Water Management Plan.

3.5 Biodiversity

The Maxwell Infrastructure Biodiversity Offsets Areas comprise the Drayton Wildlife Refuge, Northern Offset Area and Southern Offset Area, which are shown on **Figure 4**. The Northern Offset Area and Southern Offset Area were established as offsets for the former Drayton Mine.

A Biodiversity Development Assessment Report (BDAR) containing a terrestrial ecology assessment was undertaken for the Maxwell EIS and included an assessment of the potential impacts on terrestrial ecology, measures to mitigate impacts, and adaptive management.

Eleven vegetation communities were mapped across the site during surveys undertaken for the Maxwell EIS. Several of these communities were present in both remnant vegetation form and derived native grassland form. One threatened flora species, Pine Donkey Orchid (*Diuris tricolor*), listed under the Biodiversity Conservation Act 2016 (BC Act) had been previously recorded on site however was not found within the approved disturbance areas during the ecological surveys for the Maxwell EIS. Two other flora species, representatives of Endangered Populations under the BC Act were recorded, these included *Cymbidium canaliculatum* and *Acacia pendula* (refer to **Figure 4**).

The following four threatened fauna species were present in habitat located either within or adjoining the BDAR footprint during the ecological surveys for the Maxwell EIS:

- Pink-tailed Legless Lizard (*Aprasia parapulchella*) (listed as vulnerable under the BC Act and Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act)) (refer to **Figure 5** for locations);
- Striped Legless Lizard (*Delmar impar*) (listed as vulnerable under the BC Act and EPBC Act) (refer to **Figure 5** for locations);

- Squirrel Glider (*Petaurus norfolcensis*) (listed as vulnerable under the BC Act) (refer to **Figure 6** for locations); and
- Southern Myotis (*Myotis macropus*) (listed as vulnerable under the BC Act) (refer to **Figure 7** for locations).

Maxwell's Biodiversity Management Plan (BMP) details the short, medium and long-term management measures for vegetation and fauna habitat within:

- the Drayton Wildlife Refuge, Northern Offset Area and Southern Offset Area;
- the "approved disturbance areas"; and
- areas not likely to be impacted by the site.

In accordance with Maxwell's BMP, the following measures would be implemented to protect threatened flora not likely to be directly impacted by the site (refer to Figure 4):

- Maxwell have erected a livestock-proof fence around a 20 metre (m) buffer from the Hunter Valley Weeping Myall (*Acacia pendula*) Woodland/Acacia pendula population in the Hunter Catchment. The area has been signed "Environmental Protection Area".
- Maxwell have erected a livestock-proof fence around at least a 20 m buffer from the *Diuris tricolor* records. The area has been signed "Environmental Protection Area".

Maxwell notes that since the "Environmental Protection Area" has been established and fenced for the *Diuris tricolor*, further species have been found on land immediately to the west. As such, a 20-metre buffer has been applied to all known records of the species.

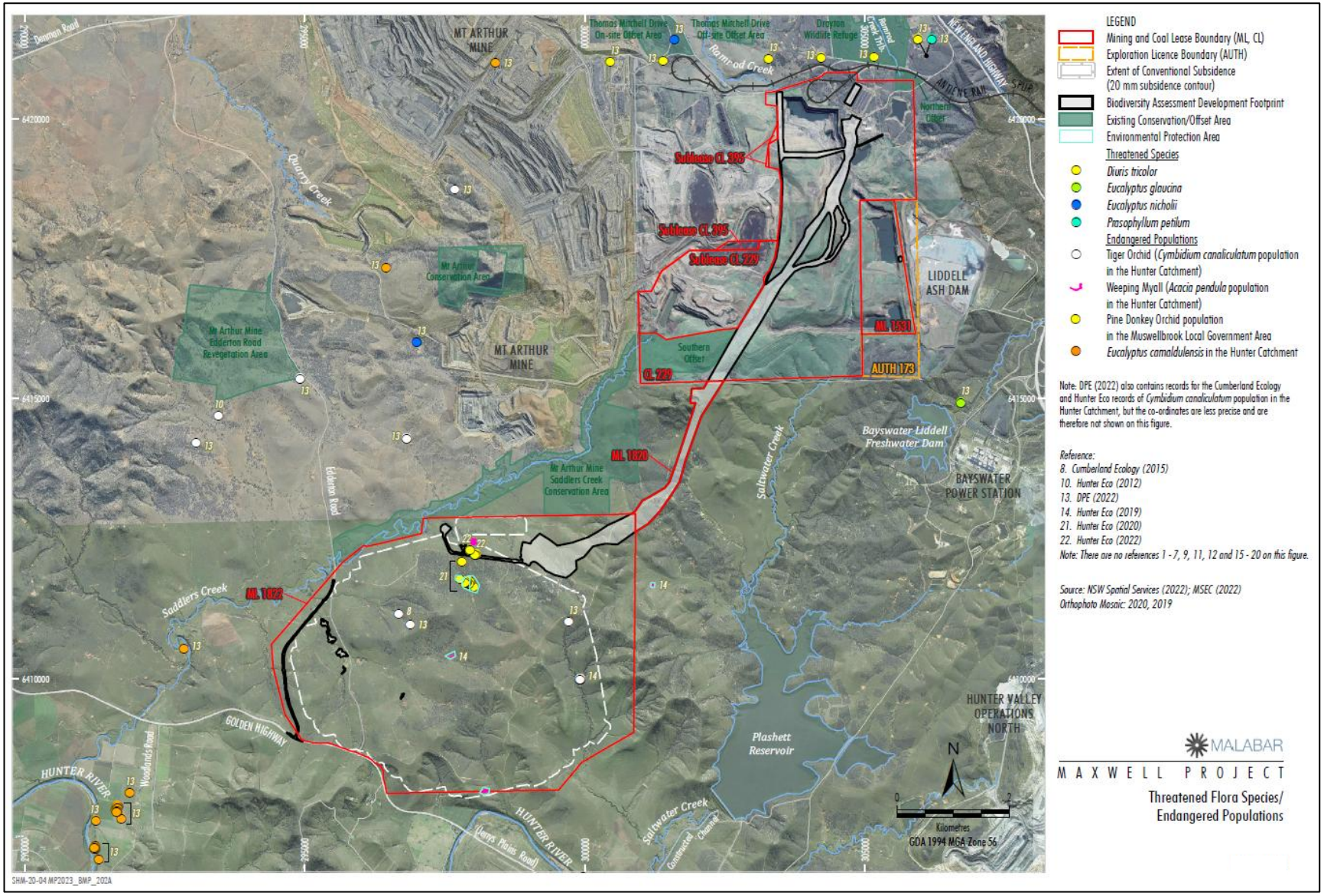

Figure 4. Threatened Flora Species/Endangered Population

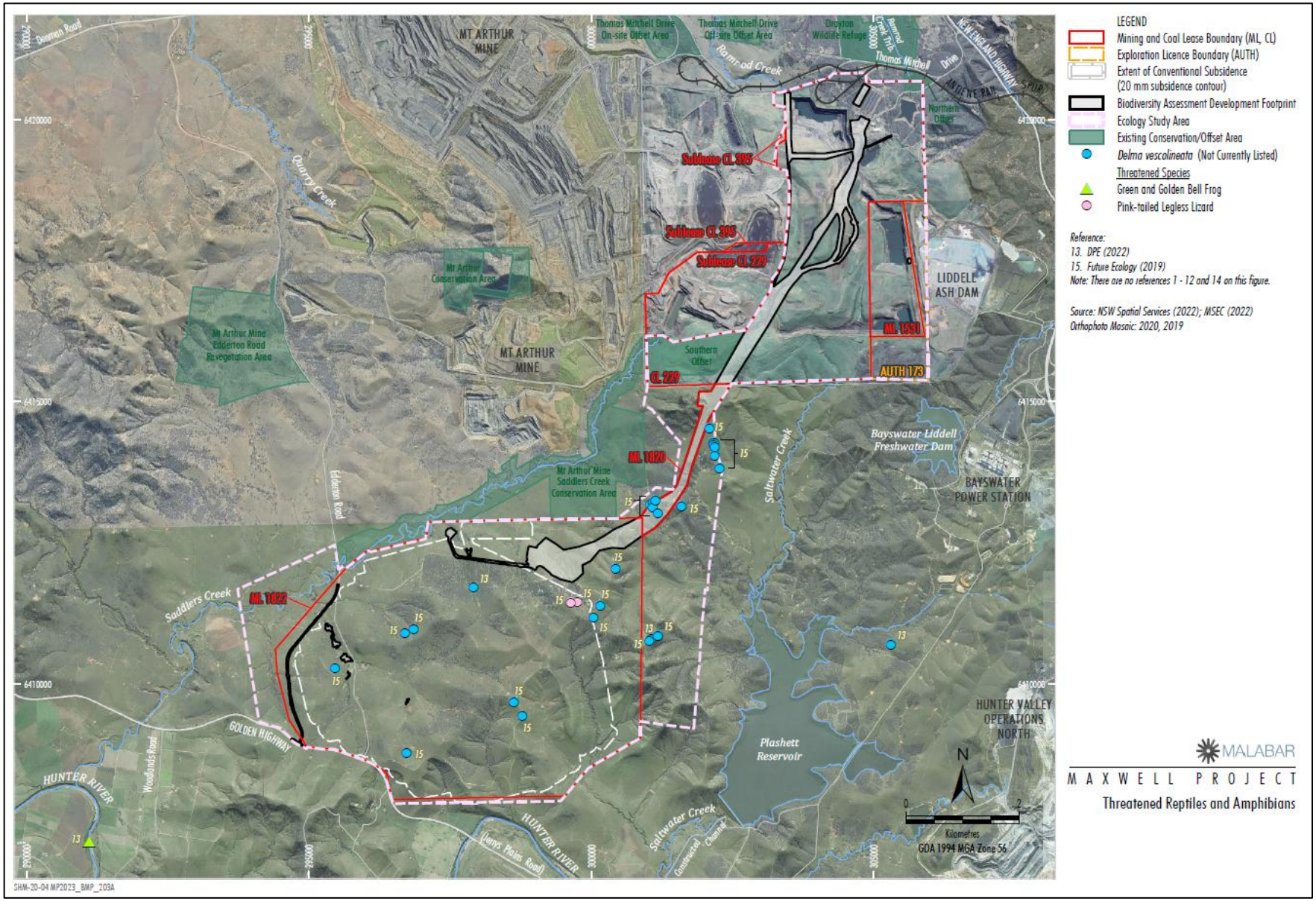

Figure 5. Threatened Reptiles and Amphibians

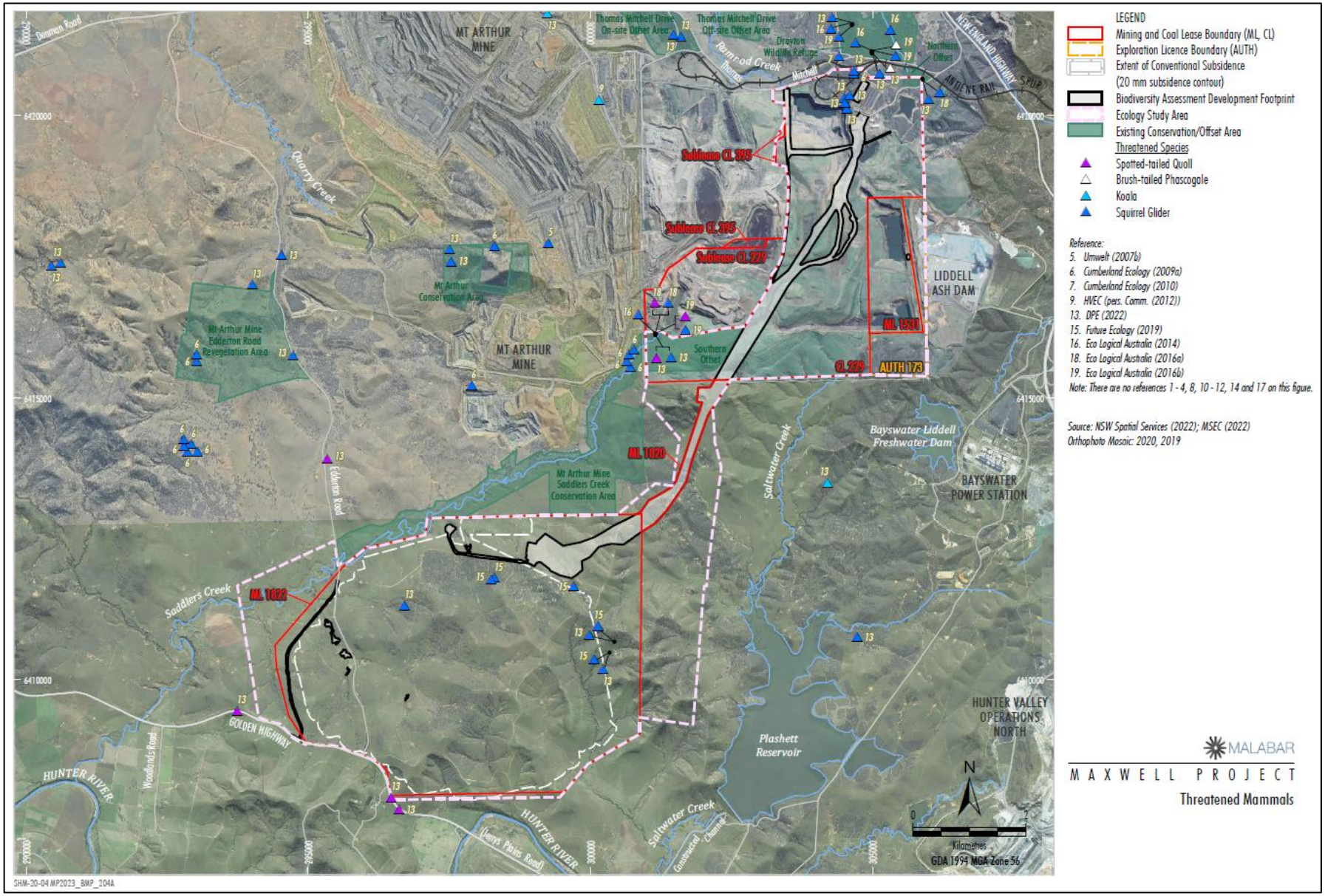

Figure 6. Threatened Mammals

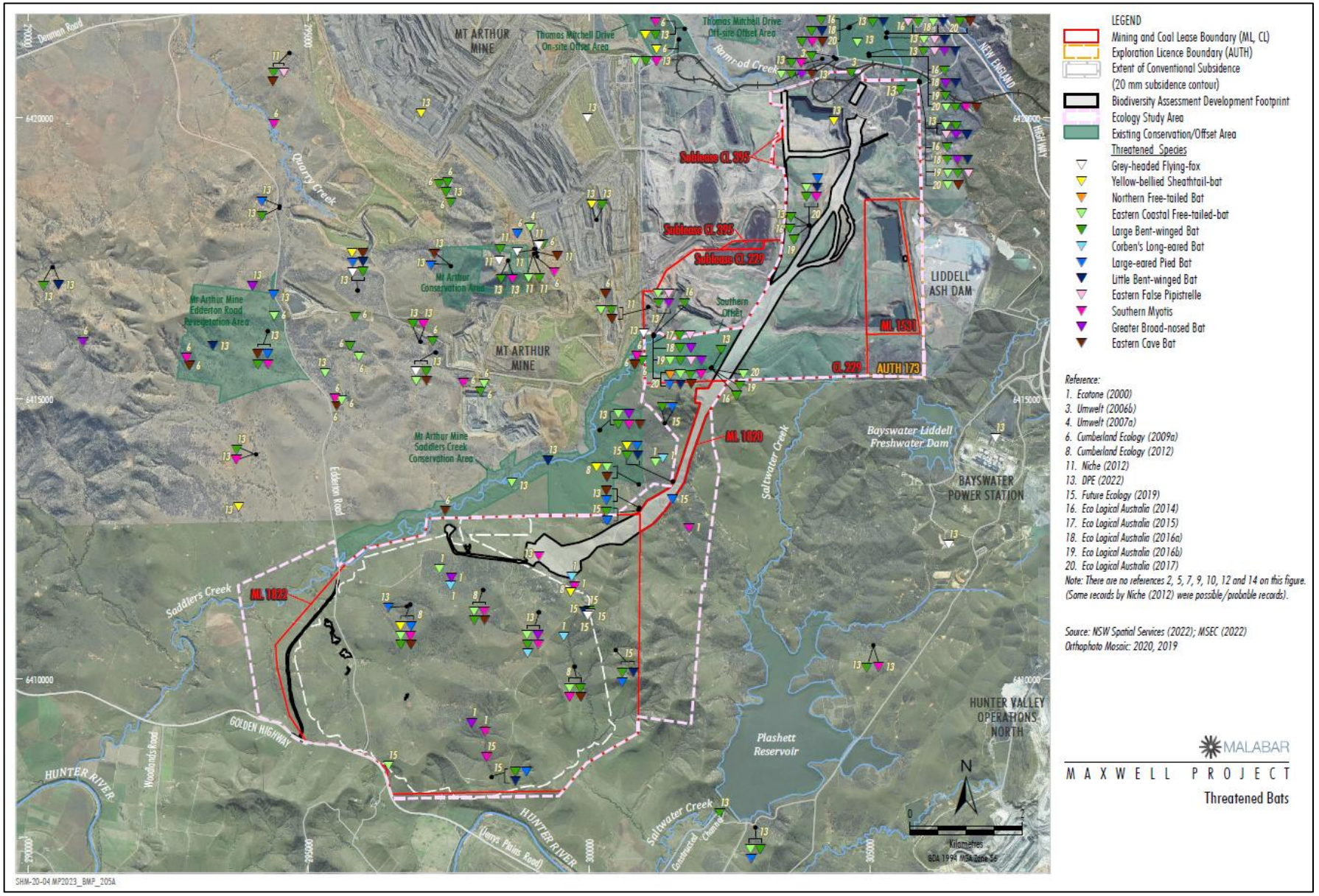

Figure 7. Threatened Bats

3.6 Aboriginal Cultural Heritage

In 2019, AECOM completed an Aboriginal Cultural Heritage Assessment (ACHA) for the Maxwell EIS. The ACHA indicated that although the site is situated within a broader landscape of high historical significance for contemporary Aboriginal people, the site itself is assessed as having a low historical significance, with no evidence of post-contact Aboriginal occupation identified within the area. The ACHA identified 39 open artefact sites that would be wholly or partially disturbed within the surface development area (shown in **Figure 1**). Following the completion of the ACHA, it was determined that two of these sites (AHIMS sites 37-2-2329 and 37-2-2330) were in fact located within the existing Maxwell Infrastructure Northern Offset area and will not be disturbed. However, two new sites (AHIMS sites 37-2-6042 and 37-2-6041) were identified during an Aboriginal due diligence assessment and will be disturbed by the proposed surface development works. Surface collection of these 39 open artefact sites was completed in July 2021.

In August 2021, following the surface collection described above, AECOM completed an ACHA for MOD1. Consideration of the location of Aboriginal sites in relation to the proposed Modification indicated a total loss of value for two additional open artefact sites (37-2-4359 and 37-2-0415) that were recommended for surface collection. Surface collection of these sites was completed in March 2022.

A further 232 sites comprising 231 open artefact sites and one stone quarry, are located directly above the underground area. All AHIMS sites within the SSD 9526 development application area are shown in **Figure 8**.

All Aboriginal archaeological sites within the development application area that will not be disturbed or impacted by SSD 9526 will be conserved in-situ. This includes stone quarry AHIMS site 3-37-2-1954 and the previously recorded location of stone quarry AHIMS site 37- 2-1955. All relevant employees and contractors will be made aware of the nature and location of sites as well as their legal obligations with respect to them. Protected sites will be identified on all relevant site plans. Furthermore, sites at Maxwell Infrastructure that were fenced for conservation under preceding PA 06_0202 will continue to remain fenced.

A comprehensive Aboriginal archaeological site database has been developed for the site. The database includes as a minimum the name, type, size (where applicable), status and coordinates of all known sites within and directly adjacent to the mine. The database will be reviewed on a regular basis and updated as required.

Maxwell's Aboriginal Cultural Heritage Management Plan (ACHMP) provides a framework for the management of Aboriginal cultural heritage associated with the site and accompanying offset areas.

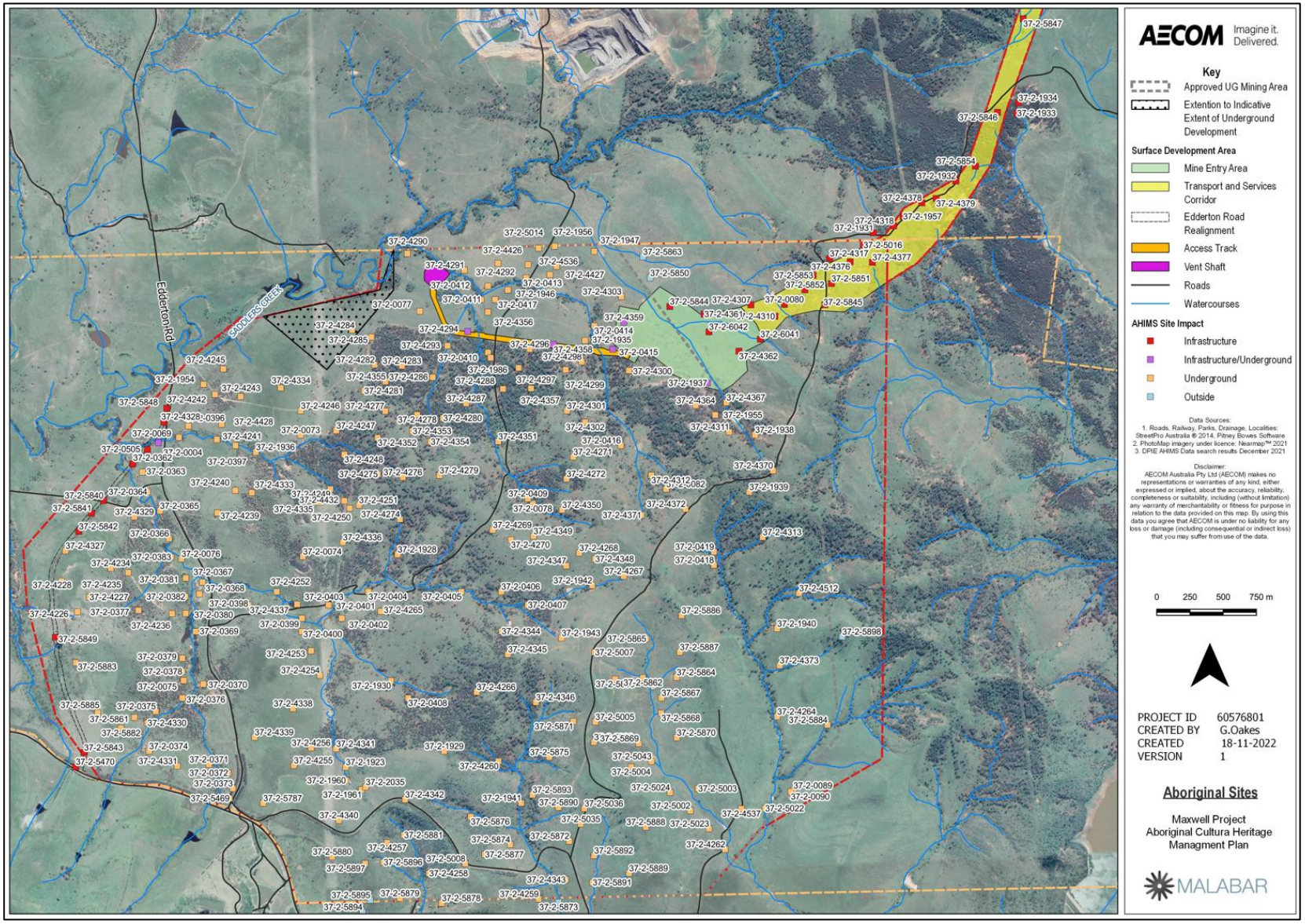

Figure 8. AHIMS sites by type

3.7 Historic Heritage

An Historic Heritage Assessment was undertaken as part of the Maxwell EIS. This describes the potential impacts on non-Aboriginal cultural heritage places (historic heritage sites) within the site area and surrounds, as well as the significance and management of such places that are located on land owned by Maxwell.

A non-aboriginal heritage assessment undertaken in 2005 identified five potential sites of historic heritage significance located within the Maxwell Infrastructure area. Of the five sites, three sites were of local heritage significance (Sites 1, 2 and 3), one was of local significance with high value (Site 5) and one site of 1950s construction (Site 4) classified as an “item of interest” (refer to **Figure 9** for locations). None of the sites are statutorily listed. Since the 2005 assessment Site 2 (a stockyard) has been removed for mining operations.

A heritage assessment in 2019 considered ten potential sites of historic heritage significance within the underground mining area and surrounds. Of these, a fence (Site M01) and a Nissen hut and a sheep shower (Site M04) failed to meet the threshold for local significance (refer to **Figure 10** for locations). Of the eight identified heritage items of potential heritage significance, five were assessed as of being of local heritage significance, one of State heritage significance and two of potential State heritage significance.

No historic heritage sites identified in the 2005 and 2019 studies will be directly disturbed by surface development for the site. The Maxwell EIS concluded that the site would not result in material adverse indirect impacts (e.g. impacts to acoustic and visual amenity) on any historic heritage site.

3.8 Traffic

The Maxwell Traffic Management Plan (TMP) summarises forecasts of the traffic expected to be generated by the site during the peak of the initial construction stage, during the peak operational stage in the short term (Year 6), and during the peak operational stage in the longer term (Year 13). The TMP also outlines the controls to be implemented to manage site-generated traffic on the identified transport routes.

Site-generated vehicles will enter and exit the site via the existing Site Access Road from Thomas Mitchell Drive. In accordance with Schedule 2, Condition B87 of Development Consent SSD 9526, Edderton Road and Golden Highway will not be used to access the site except where required to ensure the safety of the mine, its workers or the general public, for land management purposes, environmental monitoring, works associated with the realignment of Edderton Road or where approved in writing by the Planning Secretary. This access would be via either the main entrance to the property “Plashett” on the corner of Edderton Road and Golden Highway or the double gates located just south of Saddlers Creek along Edderton Road.

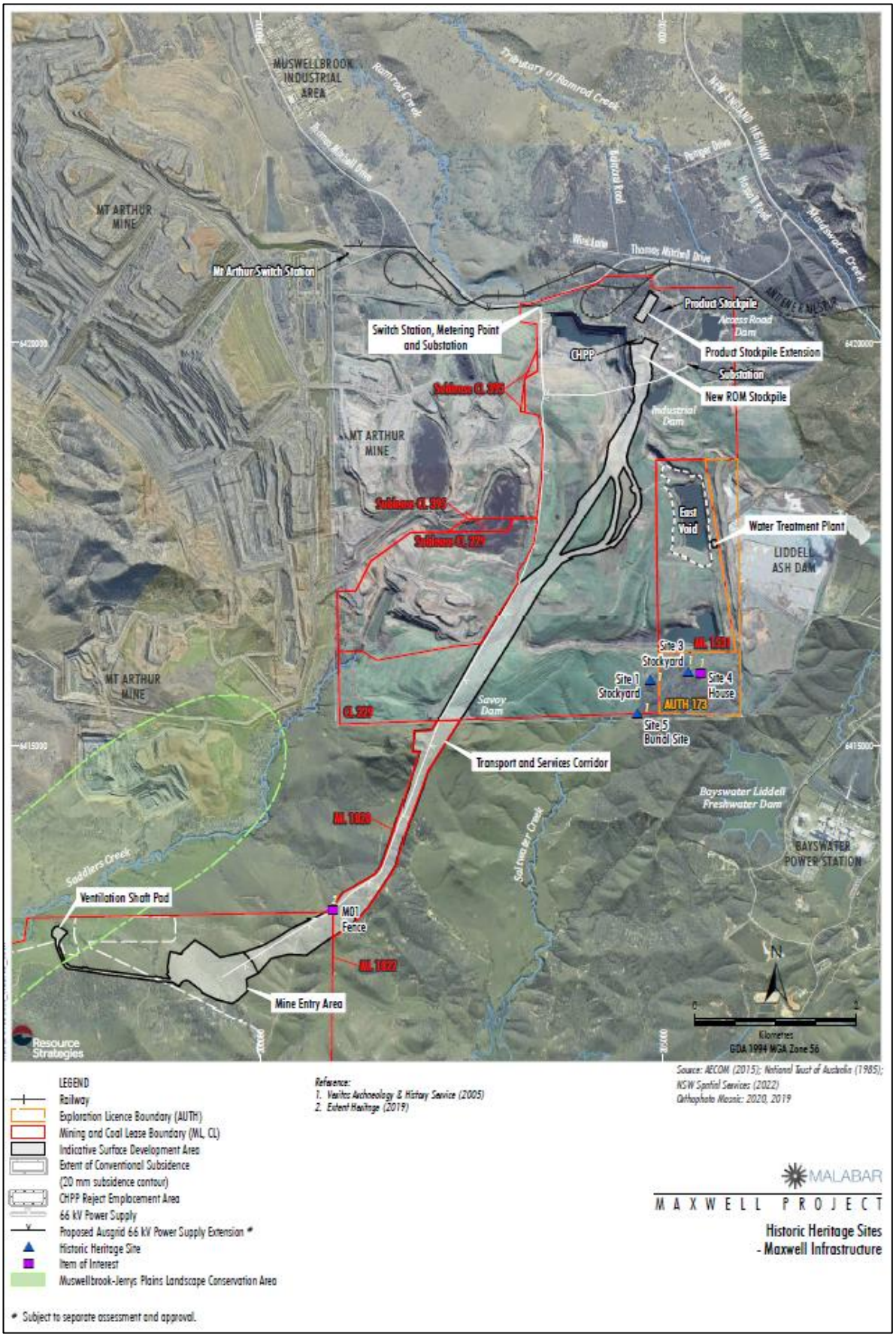

Figure 9. Historic Heritage Sites – Maxwell Infrastructure

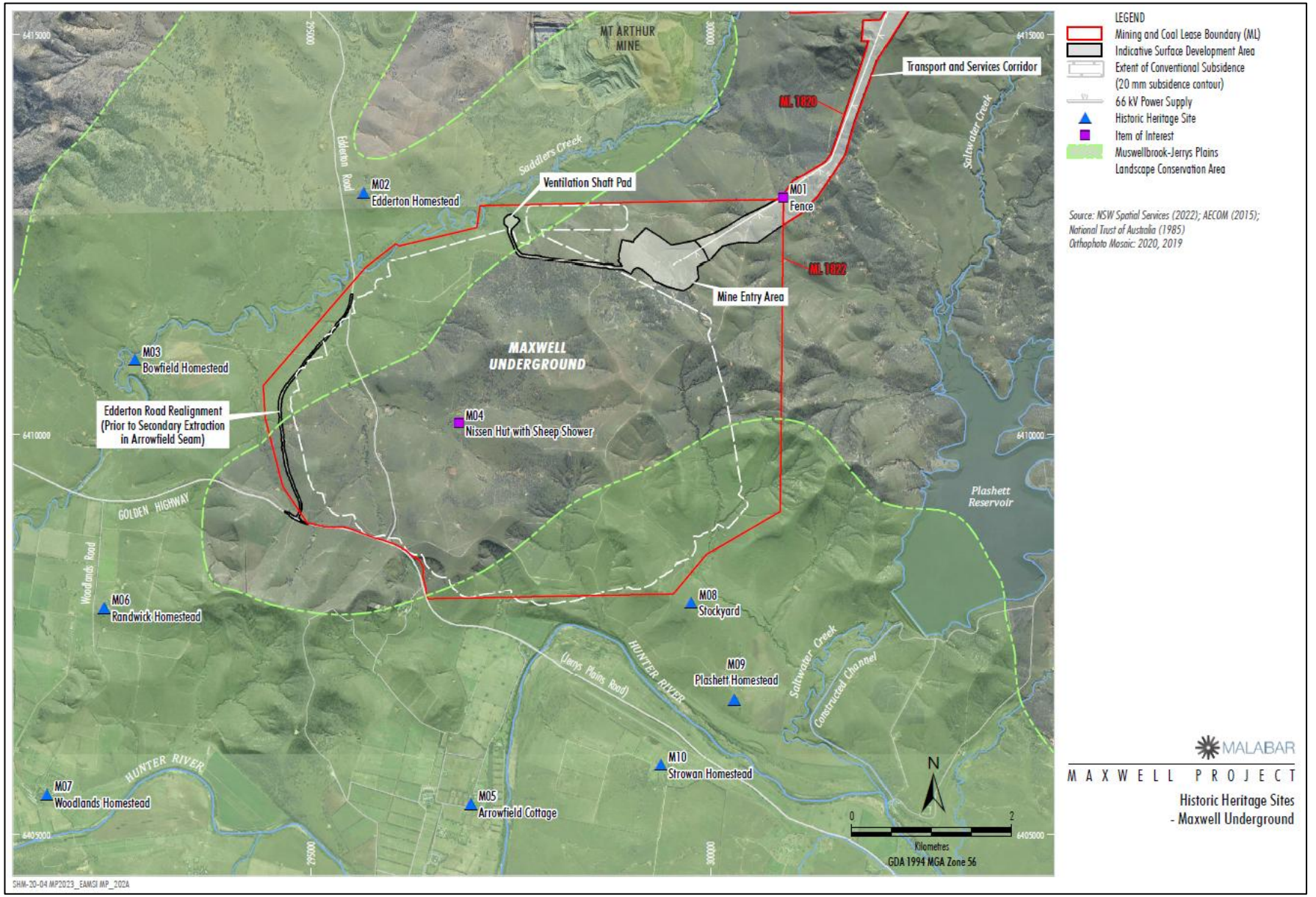

Figure 10. Historic Heritage Sites – Underground Area

3.9 Public safety

Most land within the site is owned by Maxwell (refer to **Figure 2** and **Figure 3**). Areas within the site not used for mining operations, and some rehabilitation areas, are used for cattle grazing. All land owned by Maxwell is fenced to a standard to contain cattle and also prevent public access. No areas where mining and related activities occur, or are proposed, are accessible to the public. Existing fences on land owned by Maxwell are regularly inspected and maintained.

Maxwell's Bushfire Management Plan describes controls to prevent the occurrence and/or propagation of uncontrolled fires on the site with the objective of protecting safety of workers on site, the public, and Maxwell's assets.

4 IMPLEMENTATION

4.1 Minor Surface Infrastructure Construction Activities

The following minor surface infrastructure will be constructed within the SSD 9526 Development Consent area outside of the "approved disturbance areas":

- Electrical infrastructure including powerlines and communications equipment.
- Minor access tracks for accessing monitoring and inspection sites.
- Service boreholes in the underground mining area.

4.2 Exploration Activities

Surface trenching, magnetic surveys, test pits and the drilling of cored and non-cored holes will be undertaken within the site. These exploration activities will assist with further defining the geological model and will provide reservoir (gas testing) characterisation. Geochemistry assessment may also be undertaken.

4.3 Ground Disturbance Permit

The key process for assessing and managing potential impacts of exploration and minor surface infrastructure construction activities is the Ground Disturbance Permit (GDP) procedure. Ground disturbance is defined as any activity that will result in disturbance to land, including but not limited to vegetation removal, topsoil stripping, fencing relocation, change to drainage, impact to cultural heritage sites and disturbance to previously rehabilitated areas.

Maxwell has developed and implemented a *Ground Disturbance Permit Procedure*. The purpose of this procedure is to outline the GDP process used at the site to ensure all disturbance activities are undertaken in accordance with statutory requirements, site environmental management plans and internal standards. This procedure applies to all activities that will result in:

- disturbance to natural surface;
- disturbance to mine rehabilitation;
- vegetation removal;
- changes to existing landforms and drainage patterns; and
- any other activity where surface disturbance is to occur.

The GDP applicant will complete Section 1 of the GDP, providing applicant details and a description of the proposed disturbance including area of the disturbance, estimated start and end dates and the location of the disturbance. One application per disturbance location is required and must include all aspects of the works, including disturbance required for site access tracks and any required drainage structures. The GDP applicant must provide all relevant plans showing the proposed disturbance area, site access, drainage and any environmental controls.

The Environment and Approvals Coordinator will identify the risks associated with the proposed disturbance using the prompting questions described in Section 2 of the GDP.

The proposed disturbance area is initially checked to ensure it:

- is on Maxwell-owned land;
- is within the approved disturbance area, or is an activity approved by this plan;
- is within the Forward Program disturbance limit; and
- is not likely to impact threatened species or offset areas.

The location of the proposed disturbance with respect to the following features is also assessed so management measures can be implemented:

- An area requiring topsoil recovery or topsoil stockpile management.
- An area that requires erosion and sediment controls.
- An area of noxious weeds or large scale weed infestations.
- Aboriginal cultural heritage or heritage sites.
- Known contaminated land.

The locations of known biodiversity features, Aboriginal cultural heritage and Historic heritage sites shown in **Figures 4** to **10** will be used for the above checks and assessments. The proximity to sensitive receivers (shown in **Figure 2** and **Figure 3**) will be used to determine and additional noise and dust controls required, which may include notification of potentially affected receivers.

In accordance with the ACHMP, a check of the Maxwell Aboriginal Heritage Database and the AHIMS register will be undertaken prior to any disturbance outside of the “approved disturbance area”. If there are known Aboriginal objects or places within the area to be disturbed, an Aboriginal archaeological due diligence assessment will be undertaken. If impacts to a site in this area cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will be prepared and submitted to Heritage NSW. The GDP will assess any impacts to Aboriginal archaeological sites resulting from the proposed activity and specify any further works or controls required.

Controls to manage the identified risks shall be detailed by the Environment and Approvals Coordinator in Section 5 of the GDP or in an attached memo addressed to the GDP applicant. The controls will be consistent with the relevant approved management plans required by Development Consent SSD 9526 and will include implementation of erosion and sediment controls and rehabilitation requirements.

Once the controls have been implemented and validated, approval can be given by the Environment and Approvals Coordinator or their delegate for the proposed disturbance to commence.

Following completion of the disturbance, the GDP process is completed with a GDP close-out inspection to be completed by the Environment and Approvals Coordinator. The close-out inspection will confirm if all conditions of the GDP have been complied with or corrective actions are required.

4.4 Management of Ground Disturbance

Vegetation and topsoil clearing will be undertaken using dozers (or similar appropriate equipment available) and will kept to the minimum area required to safely undertake the activities as stated in the approved GDP. Topsoil will be pushed into windrows for later use in site rehabilitation.

All sediment controls will be designed, installed and maintained in accordance with the *Blue Book* requirements.

4.5 Site Rehabilitation

The following tasks will be undertaken at the completion of any exploration activity:

- Remove and lawfully dispose of all grid pegs, tags, sample bags, flagging tape, drill chips and other waste. Remove all drill cores.

- Remove and lawfully dispose of all plant and equipment and any imported fill material.
- Remove equipment and logging tools from the borehole prior to sealing or plugging.
- Backfilling of sumps and sealing of boreholes.
- Returning subsoil and topsoil in sequential order. Soil ameliorant will be used, if required.
- Ripping cross-slope once topsoil has been placed to capture water runoff and reduce surface compaction.
- Seeding with an appropriate seed mix. If revegetation is delayed due to unsuitable seasonal conditions, undertake temporary stabilisation measures.
- Re-establishing any ecological features that had been salvaged prior to the exploration activities.

4.6 Stakeholder Consultation

Maxwell is committed to proactive consultation with community and stakeholders to ensure the Maxwell Underground mine can co-exist with the local community, neighbours and other local industries. Since the announcement to acquire Maxwell in early 2017, Maxwell has hosted community information sessions, consulted local community groups, met regularly with the Community Consultative Committees (CCCs), engaged directly with representatives of the Aboriginal community, met with stakeholders onsite and distributed community newsletters.

A Social Impact Management Plan (SIMP) which describes the management of social impacts to meet relevant requirements in Development Consent SSD 9526 was submitted to the Planning Secretary within six months of commencing development under Development Consent SSD 9526. The SIMP includes a Stakeholder Engagement Plan which details engagement tools and activities to proactively engage stakeholders and the community. The objective of stakeholder engagement is to provide transparent, consistent and inclusive stakeholder engagement and access to current and sufficient information about the site, its activities, workforce and schedule to support impact management and monitoring. Stakeholder engagement activities include, but are not limited to:

- distributing construction notices to landholders within 2.5 km of site;
- liaison as agreed with landowners;
- conducting neighbours Community Information Sessions commencing prior to construction and continuing during at least the first three years of the mine's operation to provide an update and address potential issues or concerns.
- offering to meet regularly with representatives of the Coolmore Stud, Godolphin Woodlands Stud and Hollydene Estate Wines.

4.7 Affected landowners

Most land within the site is owned by Maxwell (refer to **Section 3.1**, **Figure 2** and **Figure 3**). No landowners will be directly affected by minor surface infrastructure construction and exploration activities therefore no compensation will be required.

5 MEASUREMENT AND EVALUATION

5.1 Performance Measures

Performance criteria and indicators, for activities to be undertaken to manage impacts of exploration and minor surface infrastructure construction are summarised in **Table 1**.

Table 1: Objectives and Performance Criteria

Objective	Performance Criteria	Indicators
No direct impacts of threatened flora and fauna outside "approved disturbance area"	Continue implementation of established ground disturbance permit procedure.	Unauthorised ground disturbance prevented through implementation of the ground disturbance permit procedure.

Objective	Performance Criteria	Indicators
	Maintain the livestock-proof fence around a 20 metre (m) buffer from the Hunter Valley Weeping Myall (*Acacia pendula*) Woodland/Acacia and the *Diuris tricolor* records.	Impacts to threatened flora prevented. Fence condition determined during annual assessment. Fences maintained.
Clearance and disturbance of native vegetation is minimised	Continue implementation of established ground disturbance permit procedure.	Clearance and disturbance minimised through implementation of ground disturbance permit procedure.
No direct disturbance of identified heritage items	Exploration and surface infrastructure located to avoid known heritage sites through implementation of established ground disturbance permit procedure. If known Aboriginal objects or places cannot be avoided, an Aboriginal archaeological due diligence assessment will be undertaken and an AHIP will be prepared and submitted to Heritage NSW. The GDP will assess any impacts to Aboriginal archaeological sites resulting from the proposed activity and specify any further works or controls required.	No unauthorised disturbance of heritage items.
Erosion and sedimentation is minimised.	Erosion and sedimentation from exploration and minor surface disturbance activities will be effectively controlled, with no significant erosion and offsite sedimentation impacts occurring.	Erosion and downstream sedimentation monitored during GDP close-out inspection.
Once works are complete, areas no longer required are effectively rehabilitated	Temporary disturbance areas are made safe, stable and non-polluting.	Status of rehabilitation determined during GDP close-out inspection.
Management of unauthorised access	Installation of fencing, gates and signage where required, to limit access by unauthorised personnel. Establish and commence annual fence maintenance program.	Unauthorised access prevented through adequate fencing, signage and inspections. Fences constructed and maintained. Fence condition assessed annually.
Proactive consultation with community and stakeholders	Notification to landholders potentially impacted by exploration and minor surface infrastructure construction.	Number of community complaints.

5.2 Incident and Non-Compliance Notification

An incident is defined in SSD 9526 and DA 106-04-00 as an occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance.

In accordance with Schedule 2, Part E, Condition E9 of SSD 9526 and Schedule 2, Part B, Condition C5 of DA 106-04-00, Maxwell must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

(a) date, time and location;
(b) a brief description of what occurred and why it has been classified as an incident;
(c) a description of what immediate steps were taken in relation to the incident; and
(d) identifying a contact person for further communication regarding the incident.

Maxwell shall provide the DPHI with a subsequent incident report in accordance with Appendix 7 of Development Consent SSD 9526.

A *Pollution and Incident Response Management Plan* (PIRMP) is maintained in accordance with the requirements of the Part 5.7A of the POEO Act and Chapter 7, Part 3A of the *Protection of the Environment Operations* (General) Regulation 2009. Any pollution incident that causes actual or potential material harm will be reported to the relevant agencies immediately after it is identified, as described in the PIRMP. A copy of the PIRMP is located on Malabar's website at https://malabarresources.com.au/corporate-governance/.

In accordance with Schedule 2, Part E, Condition E10 of SSD 9526 and Schedule 2, Part C, Condition C6 of DA 106-04-00, Maxwell shall notify DPHI within seven days of becoming aware of a non-compliance. The notification shall be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of SSD 9526 that the site is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken, and when, to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

5.3 Adaptive Management and Contingency Plan

In accordance with Schedule 2, Condition E4 of Development Consent SSD 9526 and Schedule 2, Part C, Condition C2 of DA 106-04-00, where any exceedance of performance measures has occurred, Maxwell shall, at the earliest opportunity:

- Take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- Consider all reasonable and feasible options for remediation (where relevant) and submit a report to DPHI describing those options and any preferred remediation measures or other course of action; and
- Implement reasonable remediation measures as directed by the Planning Secretary.

In accordance with Schedule 2, Condition E5 (f) of Development Consent SSD 9526, the following contingency plan is used to manage any unpredicted impacts and their consequences, and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible:

- Review the unpredicted impact with consideration of any relevant activities and monitoring data;
- Identify the most likely source of the unpredicted impact;
- Review the existing process and current noise controls; and
- Implement appropriate mitigation measures.

5.4 Complaints Handling

The Maxwell UG mine maintains a 24-hour community hotline (1800 653 960) for any issues or enquiries. In addition to the community hotline, the site can also be contacted by emailing info@malabarresources.com.au.

If a complaint or enquiry is received exploration or minor surface infrastructure disturbance, it is investigated as soon as reasonably practicable and managed in accordance with Maxwell's *Community Complaints and Enquiries Procedure*. Details such as complainant name, contact details, nature of concern, date, time and method of receival are recorded. While details of the enquiry vary depending on the nature and source of the enquiry, the following actions may result:

- Confirmation of whether the complainant would like the matter raised as a complaint or an enquiry.
- Identify further details which may assist in determining the cause of the complaint.
- Carry out an inspection of the site or conduct an assessment of monitoring results to identify the source.
- Identify if there is an exceedance or non-compliance with any consent or licence condition.
- Identify, where necessary and practical, methods to manage the source of the complaint and minimise the chance of a recurrence or the potential to generate further complaints.

All enquiries and/or complaints are recorded in an enquiries database. A summary of complaints is presented to the CCC and included in the Annual Review and EPL Annual Return. In accordance with Schedule 2 Condition E17(a) (x) a complaints register, updated monthly will be publicly available on Malabar's website at https://malabarresources.com.au/corporate-governance/.

If a landowner considers the development to be exceeding any relevant air quality or noise criterion in Development Consent SSD 9526, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

If the Planning Secretary is satisfied that an independent review is warranted, within three months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, Maxwell shall:

- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to;
    - consult with the landowner to determine their concerns;
    - conduct monitoring to determine whether the development is complying with the relevant criteria in Part B or Part C of Development Consent SSD 9526; and
    - if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
- give the Planning Secretary and landowner a copy of the independent review; and
- comply with any written requests made by the Planning Secretary to implement any findings of the review.

6 AUDIT, REVIEW AND IMPROVEMENT

6.1 Review Schedule

The suitability of this plan will be reviewed in accordance with Schedule 2, Condition E7 of Development Consent SSD 9526 and Schedule 2, Part C, Condition C3 of DA 106-04-00, that is within three months of:

- the submission of an incident notification under condition E9/C5;
- the submission of an Annual Review under condition E11;
- the submission of an Independent Environmental Audit under condition E13/C7;

- the approval of any modification of the conditions of Development Consent SSD 9526 or DA 106-04-00; or
- notification of a change in development phase under condition A13.

In accordance with Schedule 2, Part E, Condition E8 of SSD 9526 and Schedule 2, Part C, Condition C4 of DA 106-04-00, if necessary, to improve the environmental performance of the site, cater for a modification or comply with a direction, this plan will be revised. The revised plan will be submitted to DPHI for approval within six weeks of the review.

6.2 Reporting

In accordance with Schedule 2, Condition E11 of Development Consent SSD 9526, by the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, an Annual Review report will be submitted to DPHI. The Annual Review will include the following:

- A description of the development that was carried out in the previous calendar year and the development proposed to be carried out over the current calendar year.
- A comprehensive review of the noise and blasting monitoring results and complaints over the previous calendar year.
- A description of non-compliances which occurred in the previous calendar year and actions that were (or are being) taken to rectify the non-compliance and avoid reoccurrence.
- Evaluation of the effectiveness of the noise and blasting management measures.
- Trends in monitoring data and any discrepancies between predicted and actual impacts.
- Measures to be implemented over the next calendar year to improve the environmental performance of the development.

In accordance with Schedule 2, Condition E12 of Development Consent SSD 9526 copies of the Annual Review shall be submitted to Muswellbrook Shire Council and the CCC, and made available to any interested person upon request.

In accordance with Schedule 2, Condition E17(a) of Development Consent SSD 9526, the Annual review will be publicly available on Malabar's website at https://malabarresources.com.au/corporate-governance/.

6.3 Auditing

In accordance with Schedule 2, Part E, Condition E13 of SSD 9526 and Schedule 2, Part C, Condition C7 of DA 106-04-00 within one year of commencement of development under SSD 9526 and within one year of approval of Antiene MOD1, and every three years after, unless the Planning Secretary directs otherwise, Maxwell will commission and pay the full cost of an Independent Environmental Audit of the development. The audit shall:

a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;

b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;

c) be carried out in consultation with the relevant agencies and the CCC;

d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);

e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;

f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and

g) be conducted and reported to the satisfaction of the Planning Secretary.

In accordance with Schedule 2, Part E, Condition E14 of SSD 9526 and Schedule 2, Part C, Condition C8 of DA 106-04-00, within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary. Maxwell shall submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations shall be implemented to the satisfaction of the Planning Secretary.

6.4 Access to Information

In accordance with Schedule 2, Part E, Condition E17 of SSD 9526 and Schedule 2, Part C, Condition C11 of DA 106-04-00, before the commencement of construction and within 3 months of the approval of Antiene MOD1 until the completion of all rehabilitation required under SSD 9526 and DA 106-04-00, Maxwell will make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of SSD 9526 and DA 106-04-00) that are relevant to this plan publicly available on Malabar's website (https://malabarresources.com.au/corporate-governance/):

- this EAMSIMP;
- the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
- minutes of CCC meetings;
- regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
- a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
- a summary of the current phase and progress of the development;
- contact details to enquire about the development or to make a complaint;
- a complaints register, updated monthly;
- the Annual Reviews of the development; and
- audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report.

This information shall be kept up to date, to the satisfaction of the Planning Secretary.

6.5 Records Management

All monitoring data relevant to this plan will be maintained in accordance with the Environmental Management Strategy and maintained on the premise for a period of at least five years.

6.6 Continuous Improvement

Feedback from the monitoring results and any complaints will be used to assess impacts and determine where improvements or mitigation measures are required. These measures will be reported on in the Annual Review.

6.7 Document Review History

A summary of the document history is outlined in **Table 2**.

Table 2. Document revision status

Issue	Issue Date	Review Team	Details of Change / Communication
1	May 2022	Robert Hayes Robyn Skinner Donna McLaughlin	Document prepared following approval of Development Consent SSD 9526 for the Maxwell UG Project.
1.1	July 2022	Robert Hayes Robyn Skinner Donna McLaughlin	Document updated following review by BCD.
2	February 2023	Robyn Skinner Donna McLaughlin	Document updated following approval of Modification 2 and to reflect amendments to the *Mining Act 1992*.
3	November 2023	Donna McLaughlin Alex Newton	Document updated following approval of Modification 1 of development consent DA 106-04-00 for the Drayton Rail Loop and Antiene Rail Spur.
4	January 2026	Donna Tiananga Trescinda Brown	Minor administrative changes post IEA report submission and post approval of modification 3.

7 INFORMATION, TRAINING AND INSTRUCTION

7.1 Competent Persons

Suitably qualified, competent and experienced persons shall be involved in the design, planning and implementation of this plan and related procedures.

7.2 Training

Environmental management training is provided to all employees and contractors through the Site Familiarisation process. From time to time, workforce communication and toolbox talks allow for discussion of the objectives and requirements of this and any other relevant Management Plans. To ensure the effective implementation of controls, all site personnel involved in supervisory roles will undertake a more detailed awareness training package.

8 RESPONSIBILITIES

Responsibilities associated with this management plan are outlined **Table 3**.

Table 3. Responsibilities

Position	Responsibilities
General Manager	• Provide adequate resources for the implementation of this Plan.
Environment, Community and Approvals Manager	• Oversee the implementation of this Plan • Notify regulatory authorities and affected stakeholders of incidents in accordance with this Plan. • Coordinate periodic reviews of this Plan. • Ensure all personnel are trained in accordance with this Plan.

Position	Responsibilities
Environment and Approvals Coordinator	• Assist the Environment, Community and Approvals Manager as required in the implementation of this Plan. • Coordinate investigations of incidents or complaints. • Coordinate the implementation of the GDP procedure in accordance with this Plan. • Coordinate the management of records and reporting of relevant data. • Manage complaints in accordance with the complaints management procedure. • Provide training to all relevant personnel.
Supervisors	• Notify the Environmental Coordinator of any incidents and exceedances involving exploration and construction of minor surface infrastructure. • Implement exploration and construction of minor surface infrastructure performance measures as defined in this Plan.
All Personnel	• Awareness of exploration and construction of minor surface infrastructure controls as part of site induction • Undertake works in accordance with the objectives and principles of this Plan • Report any incidents and exceedances involving exploration and construction of minor surface infrastructure.

9 DOCUMENT INFORMATION

9.1 References

Environment Protection Authority (2017) Noise Policy for Industry.

9.2 Definitions and Abbreviations

Term	Definition
ACHMP	Aboriginal Cultural Heritage Management Plan
Antiene MOD1	Drayton Rail Loop and Antiene Rail Spur (DA 106-04-00) Modification 1
BCD	Biodiversity and Conservation Division within DPIE
BDAR	Biodiversity Development Assessment Report
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
DA	Development Approval
DPHI	Department of Planning, Infrastructure and Housing
DPIE	NSW Department of Planning, Industry and Environment
EAMSIMP	Exploration Activities and Minor Surface Infrastructure Management Plan
EIS	Environmental Impact Statement
EPA	NSW Environmental Protection Authority

Term	Definition
EP&A	Environmental Planning and Assessment
EPL	Environment Protection Licence
GDP	Ground Disturbance Permit
MAC	Mt Arthur Coal
Maxwell MOD1	Maxwell Underground Project (SSD 9526) Modification 1
Maxwell MOD2	Maxwell Underground Project (SSD 9526) Modification 2
Maxwell MOD3	Maxwell Underground Project (SSD 9526) Modification 3
ML	Mining Lease
ML	Mega Litre
MSC	Muswellbrook Shire Council
NSW	New South Wales
Night	Defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am on Sundays and Public Holidays.
NBMP	Noise and Blasting Management Plan
NPfI	NSW Noise Policy for Industry
PA	Project Approval (Development Consent)
PIRMP	Pollution and Incident Response Management Plan
SSD	State Significant Development
SIMP	Social Impact Management Plan
TMP	Traffic Management Plan
Toolbox Talk	A forum where information is presented to the crews

10 APPENDIX 1 – REGULATORY REQUIREMENTS

State Significant Development Consent 9526

Clause	Requirement	Section of Plan
A12	**Identification of Approved Disturbance Area** Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas. **Note**: *Disturbance may occur outside of the approved disturbance areas, provided those activities are authorised under an Exploration Activities and Minor Surface Infrastructure Management Plan which has been approved by the Planning Secretary under condition B*74.	**1.2**
B73	Prior to carrying out exploration activities associated with the underground mining operations under this consent that would cause temporary surface disturbance or the construction and/or upgrade of minor surface infrastructure on the site, the Applicant must prepare an Exploration Activities and Minor Surface Infrastructure Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:	
	(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary	**2.2**
	(b) be prepared in consultation with Resources Regulator, BCD, Heritage NSW and owners of potentially affected built features;	**2.2**
	(c) include a description of the measures to be implemented for:	
	(i) managing exploration activities;	**4.3, 4.4, 4.5**
	(ii) managing construction and operation of minor surface infrastructure and associated access tracks;	**4.3, 4.4**
	(iii) consulting with and compensating affected landowners;	**4.6, 4.7**
	(iv) assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;	**4.3**
	(v) avoiding (where possible), or minimising environmental impacts and impacts on key infrastructure, including the Plashett Reservoir;	**4.3**
	(vi) avoiding (where possible), or minimising impacts on threatened species, populations or their habitats and EECs/CEECs;	**4.3**
	(vii) minimising clearance and disturbance of native vegetation;	**4.3, 4.4**
	(viii) minimising and managing erosion and sedimentation; and	**4.3, 4.4**
	(ix) rehabilitating disturbed areas.	**4.5**
B74	The Applicant must not carry out exploration activities associated with the underground mining operations under this consent that cause temporary surface disturbance, or construct and/or upgrade minor surface infrastructure on the site, until the Exploration Activities and Minor Surface Infrastructure Management Plan is approved by the Planning Secretary.	**1.2**
B75	The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.	**1.2**

Clause	Requirement	Section of Plan
E4	The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.	**5.2**
	Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) Take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) Consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) Implement reasonable remediation measures as directed by the Planning Secretary.	**5.2**
E5	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:	
	(a) a summary of relevant background or baseline data;	**3**
	(b) details of:	
	(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);	**2.1**
	(ii) any relevant limits or performance measures and criteria; and	**5.1**
	(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;	**5.1**
	(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);	**NA**
	(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;	**4**
	(e) a program to monitor and report on the:	**5.1, 6.2**
	(i) impacts and environmental performance of the development; and	
	(ii) effectiveness of the management measures set out pursuant to condition E5(c);	
	(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;	**5.3**
	(g) a program to investigate and implement ways to improve the environmental performance of the development over time;	**6.4**
	(h) a protocol for managing and reporting any:	
	(i) incident, non-compliance or exceedance of any impact assessment criterion or performance criterion);	**5.2**
	(ii) complaint; or	**5.4**
	(iii) failure to comply with other statutory requirements;	**5.2**
	(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and	**6.2**
	(j) a protocol for periodic review of the plan.	**6.1**
	Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*	

Clause	Requirement	Section of Plan
E6	The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	**NA**
E7	Within three months of: (a) the submission of an incident report under condition E9; (b) the submission of an Annual Review under condition E11; (c) the submission of an Independent Environmental Audit under condition E12; (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or (e) notification of a change in development phase under condition A13; The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.	**6.1**
E8	If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:	**6.1**
E9	The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including: (a) date, time and location; (b) a brief description of what occurred and why it has been classified as an incident; (c) a description of what immediate steps were taken in relation to the incident; and (d) identifying a contact person for further communication regarding the incident.	**5.2**
E9A	The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 7 (Incident Notification and Reporting Requirements).	**5.2**
E10	Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non- compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken, and when, to address the non-compliance. Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	**5.2**

Clause	Requirement	Section of Plan
E11	By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must: (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year; (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the: (i) relevant statutory requirements, limits or performance measures/criteria; (ii) requirements of any plan or program required under this consent; (iii) monitoring results of previous years; and (iv) relevant predictions in the document/s listed in condition A2©. (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence; (d) evaluate and report on: (i) the effectiveness of the noise and air quality management systems; and (ii) compliance with the performance measures, criteria and operating conditions of this consent; (e) identify any trends in the monitoring data over the life of the development; (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.	**6.2**
E12	Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.	**6.2**

Clause	Requirement	Section of Plan
E17	Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must: (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website: (i) the documents referred to in condition A2(c) of this consent; (ii) all current statutory approvals for the development; (iv) all approved strategies, plans and programs required under the conditions of this consent; (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; (vi) minutes of CCC meetings; (vii) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (viii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (ix) a summary of the current phase and progress of the development; (x) contact details to enquire about the development or to make a complaint; (xi) a complaints register, updated monthly; (xii) the Annual Reviews of the development; (xiii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; (xiv) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	**6.2**

Development Consent DA 106-04-00

Clause	Requirement	Section of Plan
C2	The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) Take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) Consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) Implement reasonable remediation measures as directed by the Planning Secretary.	**5.3**
C3	Within three months of:	**6.1**

Clause	Requirement	Section of Plan
	(a) the submission of an incident report under condition C5 or C6; (b) the submission of an Independent Environmental Audit under condition C7; (c) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.	
C4	If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. ***Note:*** *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*	**6.1**
C5	The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident	**5.2**
C6	Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non- compliance. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. ***Note:*** *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*	**5.2**
C7	Within one year of approval of Mod 1, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must: (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary; (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary; (c) be carried out in consultation with the relevant agencies; (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals); (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent; (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and	**6.3**

Clause	Requirement	Section of Plan
	be conducted and reported to the satisfaction of the Planning Secretary.	
C8	Within three months of commencing an Independent Environmental Audit the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.	**6.3**
C11	Within 3 months of the approval of Mod 1, until the completion of all rehabilitation required under this consent, the Applicant must: (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website: (i) the documents listed in condition A2(c) of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) a summary of the current phase and progress of the development; (v) contact details to enquire about the development or to make a complaint; (vi) a complaints register, updated monthly following the receipt of any complaints; (vii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; (viii) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary	**6.4**

11 APPENDIX 2 – PLANNING SECRETARY ENDORSEMENT

NSW GOVERNMENT | Planning, Industry & Environment

Donna McLaughlin
Health, Safety, Environment and Community Manager
Malabar Coal Ltd
Thomas Mitchell Drive
Muswellbrook, NSW 2333

12/08/2021

Dear Ms McLaughlin

Maxwell Underground (SSD 9526)
Exploration Activities and Minor Surface Infrastructure Management Plan

I refer to your letter dated 27 May 2021 requesting approval of suitably qualified persons to prepare the Exploration Activities and Minor Surface Infrastructure Management Plan for the Maxwell Underground in accordance with condition B73 (a) of schedule 2 of SSD 9526.

You have supplied nominations and information demonstrating that Mr Rob Hayes, Infrastructure Manager at Malabar Resources and Mr Robyn Skinner, Environmental Consultant from Robyn Skinner Environmental Services Pty Ltd are suitably qualified and experienced.

Consequently, I approve the appointment Mr Hayes, and Mr Skinner in accordance with condition of approval B73 (a).

If you have any further enquiries in relation to this matter, please contact Tegan Cole on 02 9895 6457 or at Tegan.Cole@planning.nsw.gov.au.

Yours sincerely

Carl Dumpleton
A/Director
Resource Assessments (Coal & Quarries)

12 APPENDIX 3 – CONSULTATION

Raised By	Consultation Feedback	Outcome
Biodiversity Conservation Division	BCD has reviewed the management plan in relation to biodiversity issues and recommends that potential impacts to all known Pine Donkey Orchid (Diuris tricolor) plants by exploration activities are avoided on the Maxwell Project land. Section 3.5 'Biodiversity' in the management plan refers to the fenced 'Environmental Protection Area' for Pine Donkey Orchids, which was established to avoid impacts to this species. However, since this enclosed area was established this orchid has subsequently been found on land immediately to its west – as discussed in the Report 'Maxwell Project: Targeted Orchid Surveys' by Hunter Eco (dated 29 January 2021). BCD therefore recommends that a 20 metres buffer is applied to all known records of the species on the project area in which exploration activities and minor surface infrastructure works do not take place.	Section 3.5 amended to say Maxwell notes that since the "Environmental Protection Area" has been established and fenced for the Diuris tricolor, further species have been found on land immediately to the west. As such, a 20-metre buffer will be applied to all known records of the species.

NSW GOVERNMENT | Heritage NSW

Our ref: HMS ID 1157

Donna McLaughlin
Health, Safety, Environment and Community Manager
Malabar Resources, 259 George St Sydney 2000

By email: dmclaughlin@malabarresouces.com.au

Dear Ms McLaughlin

Notice of Exhibition of application for Maxwell Underground (SSD-9526-PA-66)

Thank you for your referral dated 27 May 2022 inviting comments from the Heritage Council of NSW on the above State Significant Development proposal.

The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological relics. Therefore, no further heritage comments are required. The Department does not need to refer subsequent stages of this proposal to the Heritage Council of NSW.

If you have any questions regarding the above advice, please contact Sirena Larsson, Manager Customer Concierge at Heritage NSW via sirena.larsson@environment.nsw.gov.au.

Yours sincerely

Tim Smith OAM
Director Assessments
Heritage NSW
Department of Planning & Environment
As Delegate of the Heritage Council of NSW
16/6/22

Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

Department of Planning and Environment

Our ref: DOC22/418383-3
Your ref: SSD-9526

Ms Donna McLaughlin
Health, Safety, Environment and Community
Manager – Maxwell Underground Mine
Malabar Resources
PMB Box 9
MUSWELLBROOK NSW 2333
dmclaughlin@malabarresources.com.au

Dear Ms McLaughlin

Subject: Maxwell Underground Coal Mine Project – Exploration Activities and Minor Surface Infrastructure Management Plan

Thank you for your letter dated 27 May 2022 in which the Malabar Resources invited Biodiversity and Conservation Division (BCD) to provide feedback on the Exploration Activities and Surface Infrastructure Management Plan for the Maxwell Underground Coal Mine.

BCD has reviewed the management plan in relation to biodiversity issues and recommends that potential impacts to all known Pine Donkey Orchid (*Diuris tricolor*) plants by exploration activities are avoided on the Maxwell Project land. Section 3.5 'Biodiversity' in the management plan refers to the fenced 'Environmental Protection Area' for Pine Donkey Orchids, which was established to avoid impacts to this species. However, since this enclosed area was established this orchid has subsequently been found on land immediately to its west – as discussed in the Report 'Maxwell Project: Targeted Orchid Surveys' by Hunter Eco (dated 29 January 2021). BCD therefore recommends that a 20 metres buffer is applied to all known records of the species on the project area in which exploration activities and minor surface infrastructure works do not take place

If you have any questions about this advice, please contact Robert Gibson, Senior Regional Biodiversity Conservation Officer, via huntercentralcoast@environment.nsw.gov.au or 02 4927 3154.

Yours sincerely

STEVEN CRICK
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

23 June 2022

Regional NSW

DOC22/117890
MAAG00014231

Donna McLaughlin
Health, Safety, Environment and Community Manager
Malabar Resources

Dear Donna,

Re. Advice on the Maxwell Underground Project
Exploration Activities and Minor Surface Infrastructure Management Plan

I refer to your request of 27th May 2022 for advice regarding Maxwell Underground Project Exploration Activities and Minor Surface Infrastructure Management Plan.

Advice

The Resources Regulator has reviewed the Maxwell Underground Project Exploration Activities and Minor Surface Infrastructure Management Plan and has no specific comments. However, please note that any required rehabilitation associated with the proposed exploration activities under the plan will be regulated by the Resources Regulator under the conditions of the mining lease (once granted) and the *Mining Act 1992*.

Contact
Should you require any further information or clarification, please contact the Office of the Executive Director (ED.ResourcesRegulator@regional.nsw.gov.au)

Yours sincerely,

Matthew Newton
Principal Inspector Mining and Rehabilitation
Resources Regulator

4 July 2022

516 High Street MAITLAND NSW 2320 Australia | PO Box 344 HRMC NSW 2310 Australia |Tel: +612 4931 6666

13 APPENDIX 3 – REGULATORY APPROVAL

Department of Planning, Housing and Infrastructure

Our ref: SSD-9526-PA-194

Donna Tiananga
Environment, Community and Approvals Manager
Maxwell Ventures (Management) Pty Ltd
Thomas Mitchell Drive
Muswellbrook, NSW, 2333

29/01/2026

Subject: Maxwell Underground – Exploration and Other Surface Infrastructure Management Plan

Dear Ms. Tiananga

I refer to your submission requesting review and approval fo a revised Exploration and Other Surface Infrastructure Management Plan in accordance with Schedule 2, Condition B73 of the Development Consent for Maxwell Underground Mine (SSD-9526).

I note the Exploration and Other Surface Infrastructure Management Plan was revised following submission of an Independent Environmental Audit on 24 July 2025, the approval of Modification 3 of SSD-9526 and DPHI letter of 7/10/2025 (SSD-9526-PA-173).

Accordingly, as nominee of the Planning Secretary, I approve the revised Exploration and Other Surface Infrastructure Management Plan (Rev 4, dated January 2026).

Please ensure you make the document publicly available on the project website at the earliest convenience.

If you wish to discuss the matter further, please contact Wayne Jones on (02) 6575 3406

Yours sincerely

Stephen O'Donoghue
Director
Resource Assessments

As nominee of the Planning Secretary

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 www.dphi.nsw.gov.au 1
Locked Bag 5022, Parramatta NSW 2124