MALABAR

MAXWELL UNDERGROUND MINE

LAND MANAGEMENT PLAN

WHYNOT SEAM PANELS 2 - 5

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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**.

Construction of the site commenced in May 2022 and first workings in the Whynot Seam commenced in March 2023.

The site consists of the following areas:

- Underground area comprising the 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 MEA and Maxwell Infrastructure comprising the site access road, covered overland conveyor (to be constructed), 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 1940's, with exploration intensifying during the 1960's and 1970's. 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 to the Maxwell UG Mine East Void, and tailings and coarse rejects from the Maxwell CHPP to the North Void.

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 site (i.e. until 2047).

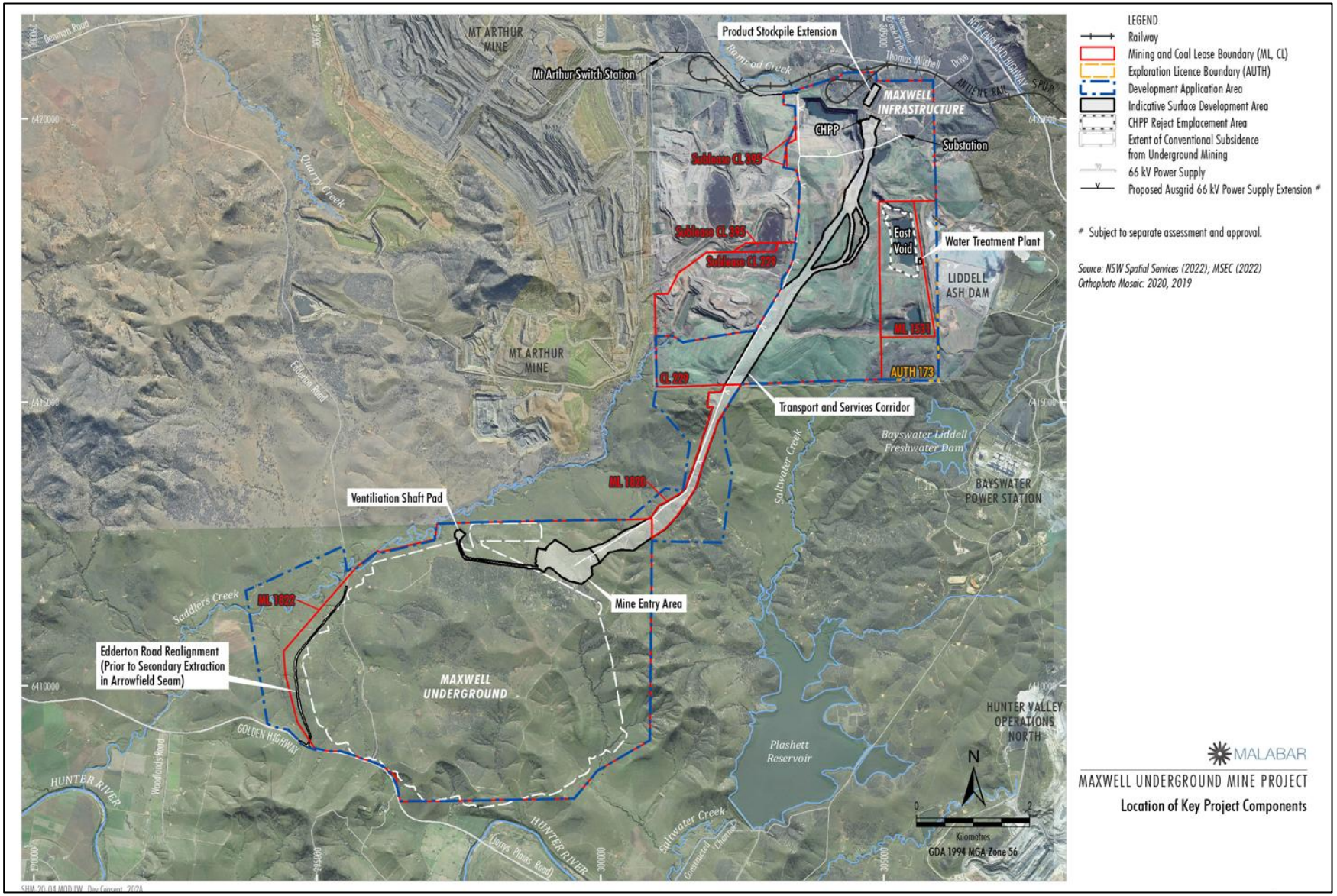

Figure 1. Maxwell Underground Mine

1.2 Purpose and Scope

The purpose of this Land Management Plan (LMP) is to detail the statutory requirements and to outline the controls to be implemented to manage land in general (with a specific focus on steep slopes) resulting from potential subsidence impacts from secondary extraction in Whynot Seam Panels 2 to 5. This LMP is one of a series of Environmental Management Plans that together form the Environmental Management System for the site.

In accordance with Schedule 2, Part C, Condition C9 of SSD 9526, Maxwell will not undertake second workings in the Whynot Seam until the relevant Extraction Plan is approved by the Planning Secretary. Maxwell will implement the Extraction Plan as approved by the Planning Secretary and further extraction plans will be prepared to the satisfaction of the Planning Secretary prior to any second workings in the Woodlands, Arrowfield and Bowfield Seams.

This LMP has been prepared in accordance with Schedule 2, Part C, Condition C8(g)(v) of SSD 9526 as a component of the Whynot Seam Panels 2 to 5 Extraction Plan. In addition to the SSD 9526 requirements, this LMP has been prepared in accordance with the Department of Planning and Environment (DPE; now known as the Department of Planning, Housing and Infrastructure [DPHI]) (2022) *Extraction Plan Guideline*.

1.3 Objectives

The objectives of this LMP are to:

- Detail all relevant statutory requirements to be met;
- Describe the potential impacts and/or environmental consequences of the underground workings from the Whynot Seam Panels 2 to 5 on land in general, with a specific focus on steep slopes;
- Describe the performance measures and detail the controls and monitoring to be implemented;
- Detail the procedure for reporting exceedances and incidents to relevant stakeholders;
- Detail reporting and auditing requirements; and
- Manage complaints in a timely and effective manner.

2 PLANNING

2.1 Regulatory Requirements

This LMP describes the management of land to meet relevant statutory requirements within SSD 9526. The various conditions that relate to land and where they are addressed in this document are detailed in **Appendix 1**.

Schedule 2, Part C, Condition C8(g)(v) of SSD 9526, requires that the LMP includes a detailed slope stability assessment prepared by a suitably qualified and experienced person/s. There are no wide-spread areas identified as steep slopes within the Whynot Seam Panels 2 to 5 26.5 degree angle of draw (MSEC 2024). As such, a detailed slope stability assessment is not warranted and has not been prepared as part of this Extraction Plan.

LMP which has been prepared in consultation with any affected public authorities, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on steep slopes, informed by a detailed slope stability assessment prepared by a suitably qualified and experienced person/s.

2.2 Maxwell EIS and Supporting Document Commitments

A subsidence assessment was undertaken for the Maxwell Underground Project Environmental Impact Statement (Maxwell EIS) (published on 14 August 2019) and included subsidence predictions for proposed underground mining operations including the maximum predicted surface effects for mining in the Whynot Seam. Commitments in the Maxwell EIS and supporting documents that relate to land, and where they are addressed in this document, are detailed in **Appendix 2**.

A further subsidence assessment was undertaken for Maxwell MOD2 (published 23 June 2022). Since MOD2 was approved, the indicative arrangement of the Whynot Seam panels has undergone some minor changes following further mine planning investigations. These changes were assessed and presented as part of the Whynot Seam Panels 2 to 5 Extraction Plan.

2.3 Preparation and Consultation

Schedule 2, Part C, Condition C8(a) of SSD 9526 requires that the Extraction Plan be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary.

Maxwell has engaged the specialists listed in **Table 1** and Maxwell personnel listed in **Table 2** to assist with the preparation of the Whynot Seam Panels 2 to 5 Extraction Plan and associated management plans. A copy of the endorsement by the Planning Secretary is included in **Appendix 3**.

In accordance with Schedule 2, Part C, Condition C13 of SSD 9526, Maxwell will pay all reasonable costs incurred by the DPHI to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.

Table 1. Specialist engaged to prepare the Whynot Seam Panels 2 to 5 Extraction Plan.

Specialist	Role
James Barbato - Mine Subsidence Engineering Consultants Pty Ltd (MSEC)	Preparation and/or review of relevant subsidence components, including predictions of subsidence effects and assessment of subsidence impacts, Subsidence Monitoring Program, Built Features Management Plan and Land Management Plan
Greg Roads - WRM Water & Environment Pty Ltd	Preparation and/or review of surface water components of the Water Management Plan
Noel Merrick - HydroAlgorithmics Pty Ltd	Preparation and/or review of groundwater components of the Water Management Plan
Dr Colin Driscoll - Hunter ECO	Preparation and/or review of relevant flora and fauna components of the Biodiversity Management Plan
Geordie Oakes - AECOM Australia Pty Ltd	Preparation and/or review of Aboriginal cultural heritage components of the Heritage Management Plan
Josh Peters - Resource Strategies Pty Ltd	Preparation and/or review of overall Extraction Plan documentation including management plans

Table 2. Maxwell Team Members preparing the Whynot Seam Panels 2 to 5 Extraction Plan.

Maxwell Team Member	Role
Peter Sergeant - Registered Mine Surveyor	Preparation and sign-off of graphical plans required in accordance with the *Extraction Plan Guideline*

Maxwell Team Member	Role
	(DPE, 2022).
Tim Britten - Technical Services Superintendent	Preparation of Coal Resource Recovery Plan and Subsidence Monitoring Program. Responsible for review, sign-off and implementation of the Extraction Plan.
Donna McLaughlin - Health, Safety, Environment & Community Manager	Preparation of the Biodiversity Management Plan, Heritage Management Plan, Land Management Plan, Water Management Plan, Built Features Management Plan, Public Safety Management Plan, Coal Resource Recovery Plan and Subsidence Monitoring Program. Responsible for review, sign-off and implementation of the Extraction Plan.
James Johnson - General Manager	Review of the Biodiversity Management Plan, Heritage Management Plan, Land Management Plan, Water Management Plan, Built Features Management Plan, Public Safety Management Plan, Coal Resource Recovery Plan and Subsidence Monitoring Program. Responsible for review, sign-off and implementation of the Extraction Plan.

3 IMPLEMENTATION

3.1 Geological Details

The site is located in the Hunter Coalfield in the northern part of the Permo-Triassic Sydney Basin, which forms the southern portion of the Sydney-Gunnedah-Bowen Basin (DMR, 1988). The Wittingham Coal Measures occur widely within the Hunter Coalfield and contain many recoverable seams. The site targets mining of the Whynot, Woodlands Hill, Arrowfield and Bowfield Seams. The target seams are within the Jerrys Plains Subgroup, forming part of the upper and middle units of the Wittingham Coal Measures. Above the target seams, the stratigraphy of the area consists of a sequence of sandstone, siltstone and laminate units within the Wittingham Coal Measures.

3.2 Land Use

The land above Whynot Seam Panels 2 to 5 is wholly owned by Maxwell and it is primarily used for cattle grazing, with portions of the land within the Maxwell Biodiversity Stewardship Area. Features in the vicinity of Whynot Seam Panels 2 to 5 include vehicular tracks, fences, farm dams and groundwater boreholes. There are no occupied building structures located within 600 metres (m) of Whynot Seam Panels 2 to 5. However, a disused farming shed is located adjacent to Panel 2 however this is outside of the 26.5 degree angle of draw.

3.3 Soils and Land Capability

The surface soils are predominately derived from the Jerrys Plains Subgroup of the Wittingham Coal Measures. There are small areas outside Panels 2 to 5 that are derived from the Newcastle Coal Measures (formerly known as the Wollombi Coal Measures) and basalt. Quaternary material is mapped along the alignments of the Hunter River and Saddlers Creek.

The Land and Soil Capability (LSC) Assessment Scheme uses the biophysical features of the land and soil including landform position, slope gradient, drainage, climate, soil type and soil characteristics to

derive detailed rating tables for a range of land and soil hazards (OEH 2012). The LSC Class gives an indication of the land management practices that can be applied to a parcel of land.

The LSC Class has been mapped across the majority of the site and surrounds. Within the site, LSC Classes 4 and 6 are dominant. LSC Class 4 is considered to be moderately capable land and Class 6 is considered low capability land. In general, the land is capable of supporting grazing land use with small areas capable of opportunistic cropping and a smaller area capable of supporting a more frequent cropping regime.

3.4 Surface Water

3.4.1 Hunter River

The Hunter River and associated alluvium are located more than 2 kilometres (km) south of the Whynot Seam Panels 2 to 5. At this distance, the river is not expected to experience measurable conventional or far-field effects due to the extraction of the panels (MSEC 2024). It is unlikely that the river would experience adverse physical impacts such as fracturing of the bedrock beneath the river channel. Fracturing has not been observed at this distance outside of mining in the NSW coalfields, including in large and more deeply incised river valleys.

3.4.2 Saddlers Creek

Saddlers Creek and associated alluvium are located more than 1.2 km north of the Whynot Seam Panels 2 to 5. At this distance, the creek is not expected to experience measurable conventional or far-field effects due to the extraction of the panels (MSEC 2024).

3.4.3 Drainage Lines

There are two un-named drainage lines above Whynot Seam Panels 2 to 5 which are tributaries of Saddlers Creek. The upper reaches have been identified as first and second order streams, with some parts of the lower reaches being identified as third order streams. The drainage lines are ephemeral although some isolated natural ponding is evident along the flatter lower reaches. These two drainage lines are expected to experience the range of predicted subsidence effects (MSEC). The predictions for the individual drainage lines vary depending on their locations relative to the panels.

3.4.4 Swamps or Wetlands

There are no swamps or wetlands located within 600 m of Whynot Seam Panels 2 to 5 (MSEC 2024).

3.5 Steep Slopes

The definition of a steep slope provided in the *Standard and Model Conditions for Underground Mining* (DPIE, 2012) is: "*An area of land having a gradient between 1 in 3 (33% or 18.3º) and 2 in 1 (200% or 63.4º)*". The locations of the steep slopes were identified from the 1 m surface level contours that were generated from the Light Detection and Ranging (LiDAR) survey of the area (MSEC 2024).

There are no wide-spread areas identified as steep slopes within the Whynot Seam Panels 2 to 5 26.5 degree angle of draw (MSEC 2024). The natural grades of the hills in the vicinity of Panels 2 to 5 are typically less than those used to define steep slopes. However, there are isolated areas of steep slopes near the bases of the hills associated with the banks of the drainage lines (MSEC 2024).

3.6 Performance Measures

This LMP has been developed to manage the potential impacts to land from secondary workings in the Whynot Seam Panels 2 to 5. In accordance with Schedule 2, Part C, Condition C5 of SSD 9526, Maxwell must ensure that the development meets the performance measures in Table 10 of SSD 9526. The performance measure specified in SSD 9526 relevant to land are listed below in **Table 3**.

Table 3. Performance measures for Land

Feature	Performance Measure
• All land within the Subsidence Area	• No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c).
• All land outside the Subsidence Area	• Negligible subsidence impacts or environmental consequences.

Notes:
These performance measures apply to all mining taking place after the date of this consent.
The Applicant is required to define more detailed performance measures in the Land Management Plan (see condition C8).

3.7 Predicted Subsidence Impacts

The subsidence predictions have been determined by MSEC using the Incremental Profile Method. This method has been calibrated using the available monitoring data from the NSW coalfields. The maximum predicted total subsidence effects due to mining of Whynot Seam Panels 2 to 5 in the Whynot Seam are:

- 250 millimetres (mm) vertical subsidence;
- 5 millimetres per metre (mm/m) tilt (i.e. 0.5 percent [%] or 1 in 200);
- 0.3 $(km)^{-1}$ hogging and 0.5 km^{-1} sagging curvature (i.e. minimum radius of curvature of 2 km); and
- strains typically between 3 mm/m and 5 mm/m (however, localised and elevated strains can also occur due to non-conventional subsidence movements).

The maximum predicted subsidence based on the Extraction Plan Layout are less than the maximum predicted values based on the Maxwell EIS Layout. The surface area located within the limit of predicted vertical subsidence (i.e. 20 mm subsidence contour) for Panels 2 to 5 is 161.3 hectares and it is less than the surface area based on based on the Maxwell EIS Layout. Predicted total subsidence contours are shown in **Figure 2**.

The surface area located within the limit of predicted vertical subsidence (i.e. 20 mm subsidence contour) for Whynot Seam Panels 2 to 5 is considerably less than the surface area for the panels within the Whynot Seam based on the Maxwell EIS Layout. The surface cracking due to the mining of Whynot Seam Panels 2 to 5 is expected to be typically between 10 mm and 30 mm but with localised and isolated cracking in the order of 50 mm or greater. The largest impacts are expected to occur above the panels and where the depths of cover are shallowest.

The maximum predicted total tilt, curvatures and strains for Whynot Seam Panels 2 to 5 based on the Extraction Plan Layout are less than the maximum predicted values based on the Maxwell EIS Layout.

In addition to the conventional subsidence effects that have been predicted above and adjacent to Panels 2 to 5, it is also likely that far-field horizontal movements will be experienced outside Whynot Seam Panels 2 to 5. The predicted far-field horizontal movements based on the Extraction Plan Layout are the same as the predicted movements based on the Maxwell EIS Layout (MSEC 2024).

The predicted far-field horizontal movements for Whynot Seam Panels 2 to 5 are very small and could only be detected by precise surveys (MSEC 2024). Such movements tend to be bodily movements towards the panels and are accompanied by very low levels of strain, which are generally less than the order of survey tolerance (i.e. less than 0.3 mm/m) (MSEC 2024). The impacts of far-field horizontal movements on the natural and built features within the vicinity of Whynot Seam Panels 2 to 5 are not expected to be substantial (MSEC 2024).

The land above Whynot Seam Panels 2 to 5 is wholly owned by Maxwell and it is primarily used for cattle grazing, with portions of the land within the Maxwell Biodiversity Stewardship Area. Agricultural improvements include fences and farm dams. The main risk is the potential for mining induced surface

cracking and deformations to injure cattle, lessees, workers (land management or environmental contractors) or unauthorised people accessing the area (for firewood or hunting).

3.8 Risk Assessment

In accordance with DPE (2022) *Extraction Plan Guideline,* a risk assessment was undertaken to consider the environmental risks relevant to the Whynot Seam Panels 2 to 5 and predicted subsidence parameters and impact assessments for land within 600 m of Panels 2 to 5.

The suitably qualified and experienced experts endorsed by the Secretary of DPHI for the preparation of the Whynot Seam Panels 2 to 5 Extraction Plan participated in the risk assessment.

The risk assessment was held on 23 August 2023 and identified potential safety hazards to land as part of the Extraction Plan processes for Panels 2 to 5.

A number of risk control and management measures were identified during the risk assessment. Monitoring of potential risks to land is described in **Section 4.1**. The management of risks to land is described in **Section 4.3**.

Maxwell considers all risk control measures and procedures to be feasible to manage all identified risks.

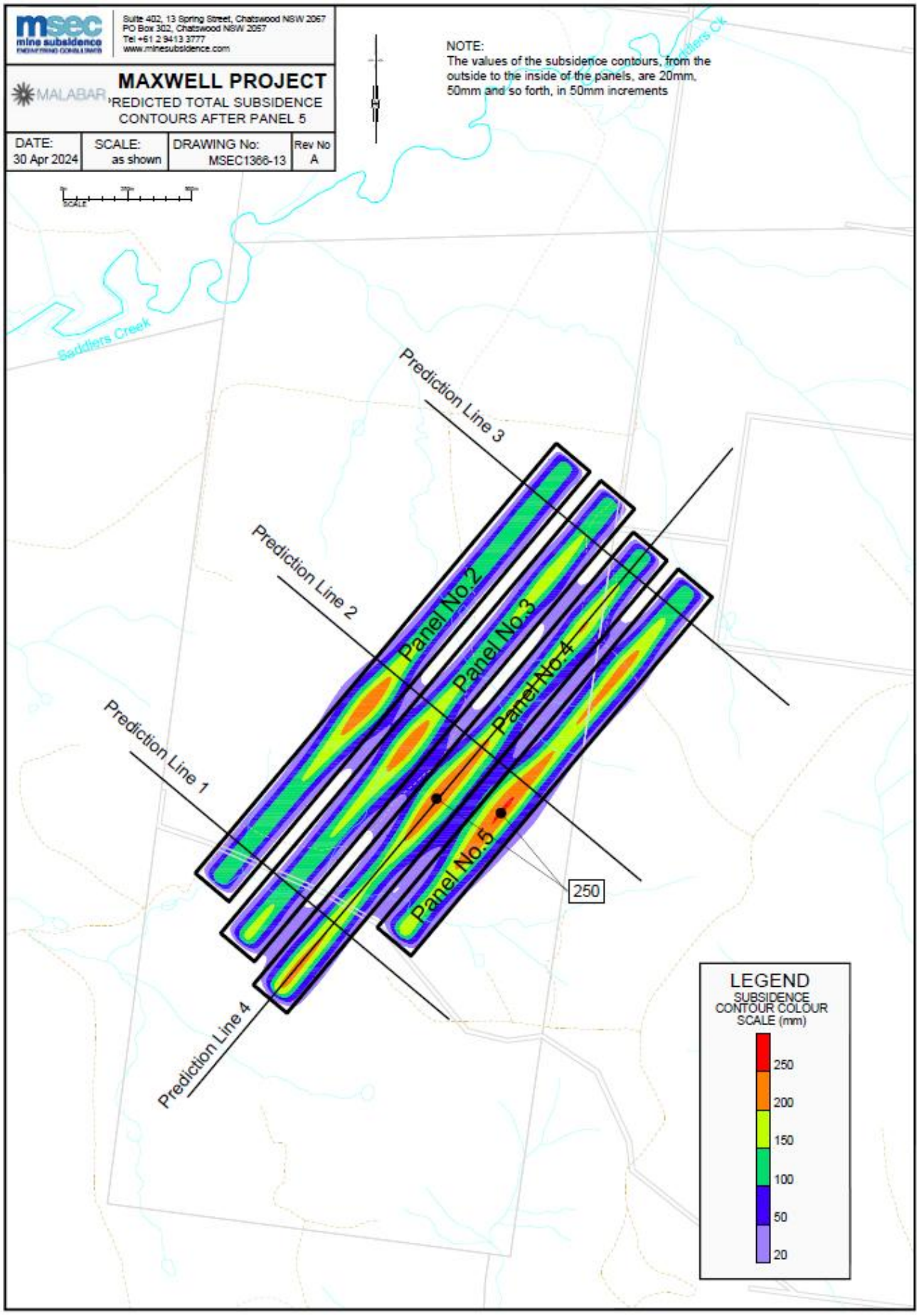

Figure 2. Predicted total subsidence for Whynot Seam Panels 2 to 5

4 MEASUREMENT AND EVALUATION

4.1 Monitoring

The below monitoring program in **Table 4** will be implemented to monitor potential subsidence impacts in relation to land within 600 m of Whynot Seam Panels 2 to 5.

Table 4. Land monitoring program

Component	Type	Frequency	Responsibility
Pre-Mining			
Visual inspection of fences within 600 m of Whynot Seam Panels 2 to 5.	Initial condition assessment	Prior to secondary extraction of Panels 2 to 5.	Mine Surveyor and/or Land and Property Coordinator
Visual inspection of the surface above Panels 2 to 5.	Initial condition assessment	Prior to secondary extraction of Panels 2 to 5.	Mine Surveyor and/or Land and Property Coordinator
Visual inspection of identified steep slopes.	Initial condition assessment	Prior to secondary extraction of Panels 2 to 5.	Mine Surveyor and/or Land and Property Coordinator
During Mining			
Subsidence monitoring as per the Subsidence Monitoring Program.	Monitoring includes centrelines and crosslines	During secondary extraction in accordance with the Subsidence Monitoring Program.	Mine Surveyor
Visual inspection of fences within 600 m of Whynot Seam Panels 2 to 5.	Condition assessment	Prior to secondary extraction within 100 m of any active fences (i.e. fences being used to hold stock or prevent public access) and undertaken at 50 m intervals until the active mining face is 100 m past the fence.	Mine Surveyor and/or Land and Property Coordinator
Visual inspection of the surface above Panels 2 to 5.	Condition assessment	Monthly inspections to review condition.	Mine Surveyor and/or Land and Property Coordinator
Visual inspection of identified steep slopes.	Condition assessment	During secondary extraction of Panels 2 to 5.	Mine Surveyor and/or Land and Property Coordinator

4.2 Subsidence Impact Register

Details of any subsidence impacts observed in relation to land will be recorded in the Subsidence Impact Register. The Subsidence Impact Register will be maintained as an electronic spreadsheet on the mine site.

4.3 Management Measures

A number of potential management measures are available to mitigate and/or remediate potential risks to land resulting secondary extraction of Whynot Seam Panels 2 to 5. These measures are detailed in **Table 5** below.

Table 5. Land management measures

Management Measure	Frequency	Responsibility
Pre-Mining		
Posting of warning signs at suitable locations on unsealed roads and site access tracks.	Prior to secondary extraction of Whynot Seam Panels 2 to 5.	Mine Engineer and/or Land and Property Coordinator
Notification to lessees of areas planned for mining.	Prior to secondary extraction	Environment, Community and Approvals (EC&A) Manager
During Mining		
Maintenance of signage to advise of restricted access to mining areas.	Ongoing	Mine Manager
Maintenance of unsealed roads using normal road maintenance techniques (e.g. grader, dozer, excavator or similar).	Ongoing	Mine Manager
Installation of temporary fencing to exclude stock (if required).	Ongoing	EC&A Manager
Ripping, tyning and infilling of surface cracks and/or regarding and recompacting the surface for grazing areas. This includes erosion and control measures and revegetation.	Ongoing	Mine Manager
Re-tensioning the fencing wire, straightening the fence posts, and if necessary, replacing the affected sections of fencing.	Ongoing	EC&A Manager
Notification to lessees of any areas where active subsidence is present.	As required	EC&A Manager
Exclusion of cattle from areas where surface cracking presents a reasonable risk to people and or livestock.	As required	EC&A Manager
Post-Mining		
Update warning signs if a change to the Maxwell asset is identified during monitoring described in Table 4.	If change detected. Full review following completion of active mining.	Mine Manager

4.4 Trigger Action Response Plan

A Trigger Action Response Plan (TARP) detailing performance criterion for land, based on response actions in the subsidence assessment, is presented in **Table 6**.

Table 6. Trigger action response plan

Status	Trigger	Action	Response
Normal	Subsidence impacts less than modelled predictions.	Implement monitoring program and assess impacts.	No response required.

Status	Trigger	Action	Response
Level 1	Subsidence impacts approaching modelled predictions and/or performance measure is likely to be exceeded.	Implement management measures in **Table 5** of the LMP. Engage specialist to review subsidence predictions and actual impacts.	Update relevant management plans and monitoring programs.
Level 2	Subsidence impacts greater than modelled predictions and/or performance measure has been exceeded.	Continue to implement management measures in **Table 5** of the LMP. Resurvey of subsidence monitoring lines. Engage specialist to conduct investigation: • review subsidence predictions and actual impacts; • identify contributing factors; and • identify recommendations to minimise impacts. Prepare remedial plan with contingency measures.	Report incident and/or exceedance of the performance measure to relevant authorities. Update relevant management plans and monitoring programs to include remedial plan. Revise mine plan (if required). Implement relevant management plans and monitoring programs. Review effectiveness post incident.

4.5 Incident and Non-Compliance Notification

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

In accordance with Schedule 2, Condition E9 of Development Consent SSD 9526, 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) 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.

In accordance with Schedule 2, Part E, Condition E10 of SSD 9526 and Schedule 2, Part B, 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.

4.6 Adaptive Management and Contingency Plan

In accordance with Schedule 2, Part E, Condition E4 of SSD 9526 and Schedule 2, Part B, 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 the Department 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, Part E, Condition E5 (f) of 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 controls; and
- Implement appropriate mitigation measures.

4.7 Complaints Handling

The site 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.

In accordance with Schedule 2 Condition B12(e)(iv) and Condition E5(h)(ii) of Development Consent SSD 9526, if a complaint or enquiry is received, 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 Community Consultive Committee (CCC) and included in the Annual Review and Environmental Protection Licence Annual Return. A community complaints register is also available on the Malabar website.

5 AUDIT, REVIEW AND IMPROVEMENT

5.1 Review Schedule

The suitability of this plan will be reviewed in accordance with Schedule 2, Part E, Condition E7 of 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 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.

5.2 Reporting

In accordance with Schedule 2, Part E, Condition E11 of 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 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 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, Part E, Condition E12 of SSD 9526 copies of the Annual Review shall be submitted to Muswellbrook Shire Council and made available to the CCC and any interested person upon request.

In accordance with Schedule 2, Part E, Condition E17(a) of SSD 9526, the Annual Review will be publicly available on the Malabar website.

5.3 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.

5.4 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) that are relevant to this plan publicly available on Malabar's website:

- this LMP;
- 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 the consent;
- a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of the 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.

5.5 Records Management

All data is maintained in accordance with the Environmental Management Strategy and maintained on the premises for a period of at least four years.

5.6 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.

5.7 Document Review History

A summary of the document history is outlined in **Table 7**.

Table 7. Document Revision Status

Issue	Issue Date	Review Team	Details of Change / Communication
1	June 2024	Donna McLaughlin James Johnson	Document prepared for the Whynot Seam Panels 2-5 Extraction Plan.
2	December	Donna Tiananaga	Document updated following approval

Issue	Issue Date	Review Team	Details of Change / Communication
	2025	Trescinda Brown	of modification 3 of SSD 9526.

6 INFORMATION, TRAINING AND INSTRUCTION

6.1 Competent Persons

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

6.2 Training

Training is provided to all employees and contractors through the general induction and 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.

7 RESPONSIBILITIES

Responsibilities associated with this management plan are outlined in **Table 8**.

Table 8. Responsibilities

Position	Responsibilities
General Manager	• Provide adequate resources for the implementation of this LMP.
Underground Mine Manager	• Ensure this LMP is implemented.
EC&A Manager	• Notify regulatory authorities and affected stakeholders of incidents in accordance with this LMP. • Maintain the Subsidence Impact Register. • Coordinate periodic reviews of this LMP. • Facilitate training in accordance with this LMP.
Mine Surveyor	• Undertake monitoring in accordance with this LMP and ensure data is adequately checked, processed and recorded.
Mine Engineer	• Undertake relevant monitoring and implementation of management measures. • Maintain the Subsidence Impact Register. • Take actions to rectify any land issues identified.
Land and Property Coordinator	• Undertake relevant monitoring and implementation of management measures.
Environment and Approvals Coordinator	• Coordinate investigations of incidents or complaints. • Coordinate the management of records and reporting of data • Undertake monitoring in accordance with this LMP and ensure data is adequately checked, processed and recorded.
Training Coordinator	• Facilitate training in accordance with this Plan. • Maintain training records.
All Personnel	• Undertake works in accordance with the objectives and principles of this LMP. • Report any incidents and exceedances.

8 DOCUMENT INFORMATION

8.1 References

Department of Planning and Environment (2022) Extraction Plan Guideline

Mine Subsidence Engineering Consultants (2022) - Maxwell Underground Mine Project: Modification Application – Subsidence Assessment

Mine Subsidence Engineering Consultants (2024) - Maxwell Underground Mine Project: Extraction Plan Application – Subsidence Assessment

Maxwell - Community Complaints and Enquiries Procedure

Maxwell - Pollution Incident Response Plan

State Significant Development Consent 9526

8.2 Definitions and Abbreviations

Term	Definition
Antiene MOD1	Drayton Rail Loop and Antiene Rail Spur (DA 106-04-00) Modification 1
CCC	Community Consultative Committee
CHPP	Coal Handling and Preparation Plant
DA	Development Approval
DPE	NSW Department of Planning and Environment (now NSW Department of Planning, Housing and Infrastructure)
DPHI	NSW Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EP&A	Environmental Planning and Assessment
LMP	Land Management Plan
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
MEA	Mine Entry Area
NSW	New South Wales
PIRMP	Pollution Incident Response Management Plan
SSD	State Significant Development
Toolbox Talk	A forum where information is presented to the crews

9 APPENDIX 1 – REGULATORY REQUIREMENTS

State Significant Development Consent 9526

Clause	Requirement	Section of Plan
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;	**Section 3**
	(b) details of:	
	(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);	**Section 2.1**
	(ii) any relevant limits or performance measures and criteria; and	**Section 4**
	(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;	**Section 4**
	(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);	**Appendix 1**
	(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;	**Section 4**
	(e) a program to monitor and report on the:	
	(i) impacts and environmental performance of the development; and	**Section 4**
	(ii) effectiveness of the management measures set out pursuant to condition E5(d);	
	(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;	**Section 4**
	(g) a program to investigate and implement ways to improve the environmental performance of the development over time;	**Section 4**
	(h) a protocol for managing and reporting any:	
	(i) incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;	**Section 4.5 & 5.2**
	(ii) complaint; or	**Section 4.7 & 5.2**
	(iii) failure to comply with other statutory requirements;	**Section 4.5 & 5.2**
	(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and	**Section 5.4**
	(j) a protocol for periodic review of the plan.	**Section 5.1**
	Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*	
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.	**Appendix 1**
E7	**Revision of Strategies, Plans and Programs** Within three months of: (a) the submission of an incident report under condition E9; (b) the submission of an Annual Review under condition E11;	**Section 5.1**

Clause	Requirement	Section of Plan
	(c) the submission of an Independent Environmental Audit under condition E13; (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.	
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.	**Section 5**
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) 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.	**Section 4.5**
E9A	The Applicant shall provide the DPHI with a subsequent incident report in accordance with Appendix 7 of Development Consent SSD-9526.	**Section 4.5**
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 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, 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.	**Section 4.5**
E13	Within one year of commencement of development under this consent, 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 and the CCC; (d) assess the environmental performance of the development and whether	**Section 5.3**

Clause	Requirement	Section of Plan
	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.	
E14	Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, 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.	**Section 5.3**
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; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; (v) minutes of CCC meetings; (vi) 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; (vii) 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; (viii) a summary of the current phase and progress of the development; (ix) contact details to enquire about the development or to make a complaint; (x) a complaints register, updated monthly; (xi) the Annual Reviews of the development; (xii) 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; (xiii) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	**Section 5.4**
C1	The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 9.	**Section 4**

<table>
<tr><th>Clause</th><th>Requirement</th><th>Section of Plan</th></tr>
<tr><td></td><td>
Table 9: Subsidence impact performance measures – natural and heritage features etc
<table>
<tr><th>Feature</th><th>Performance Measures</th></tr>
<tr><td colspan="2">Water Resources</td></tr>
<tr><td>All watercourses within the Subsidence Area</td><td>• No greater subsidence impacts or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation), than predicted in the document/s listed in condition A2(c)</td></tr>
<tr><td>Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers</td><td>• Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:
– negligible change in groundwater levels;
– negligible change in groundwater quality; and
– negligible impact to other groundwater users
• Negligible impacts to GDEs as a result of the development, beyond those predicted in the document/s listed in condition A2(c)</td></tr>
<tr><td colspan="2">Land</td></tr>
<tr><td>All land within the Subsidence Area</td><td>• No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</td></tr>
<tr><td>All land outside the Subsidence Area</td><td>• Negligible subsidence impacts or environmental consequences</td></tr>
<tr><td colspan="2">Biodiversity</td></tr>
<tr><td>Threatened species, threatened populations, or endangered ecological communities</td><td>• No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)
• Negligible impacts on threatened species, populations or communities due to remediation of subsidence cracking</td></tr>
<tr><td colspan="2">Heritage sites</td></tr>
<tr><td>Aboriginal cultural heritage sites shown in Figure 8 in Appendix 4</td><td>• No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c)</td></tr>
<tr><td>Historic Homesteads identified as ‘Historic Heritage Sites’ in Figure 9 in Appendix 4</td><td>• Negligible subsidence impacts or environmental consequences</td></tr>
<tr><td colspan="2">Mine workings</td></tr>
<tr><td>First workings</td><td>• To remain long term stable and non-subsiding</td></tr>
<tr><td>Second workings</td><td>• To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</td></tr>
</table>
Notes:
• These performance measures apply to all mining taking place after the date of this consent.
• The Applicant is required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent (see condition C8).
</td><td></td></tr>
<tr><td>C2</td><td>Measurement and monitoring of compliance with performance measures and performance indicators in this consent is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans and monitoring programs. In the event of a dispute over the appropriateness of proposed methods, the Planning Secretary will be the final arbiter.</td><td>Section 4</td></tr>
<tr><td>C7</td><td>The Applicant may carry out first workings within the underground mining area of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings.

Note: The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.</td><td>Section 3.2</td></tr>
<tr><td>C8</td><td>The Applicant must prepare an Extraction Plan for all second workings on the site of the development to the satisfaction of the Planning Secretary. Each Extraction Plan must:

(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(b) be prepared in consultation with the Resources Regulator, DPE Water and SANSW;</td><td>Section 2.3

Section 2.3

Extraction Plan</td></tr>
</table>

Clause	Requirement	Section of Plan
	(c) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;	**Extraction Plan**
	(d) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator;	**Extraction Plan**
	(e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;	**Extraction Plan**
	(f) describe in detail the performance indicators to be implemented to ensure compliance with the performance measures in Table 9 and Table 10, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B76;	
	(g) include a: …(v) Land Management Plan which has been prepared in consultation with any affected public authorities, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on steep slopes, informed by a detailed slope stability assessment prepared by a suitably qualified and experienced person/s;	**This LMP**
C9	The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.	**Section 1.2**
C10	The Applicant must implement the Extraction Plan as approved by the Planning Secretary.	**Section 1.2**
C13	The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.	**Section 2.3**

10 APPENDIX 2 – MAXWELL EIS AND SUPPORTING DOCUMENT COMMITMENTS

Source	Details	Reference
EIS Section 6.3.5	Extraction Plans for the Project would include the following key component documents: • …Land Management Plan…	**This LMP**
	Temporary remedial actions to mitigate the potential subsidence impacts could include the following: • relocation of stock outside of the areas directly above active underground mining; • installation of fencing to limit access by livestock or unauthorised personnel to areas of active subsidence; • where necessary, ripping, tyning and/or infilling of surface cracks; and • erosion control measures and/or revegetation works. Remediation of grazing land affected by subsidence would be undertaken, as required, during Project operations to minimise hazard to persons, livestock and native fauna, and long-term potential environmental impacts. Subsidence remediation would generally be undertaken using conventional earthmoving equipment (such as a backhoe or grader), and would include: • in-fill of minor surface cracks by cultivation of the ground surface; • in-fill of larger surface cracks with suitable soil or other material; • localised regrading or reshaping to limit the potential for water ponding; and/or • stabilisation of disturbed areas with temporary erosion controls (e.g. silt fences) and long-term measures (e.g. vegetation planting). The above mitigation and remediation measures would be outlined in further detail in the Land Management Plan component of future Extraction Plans (Section 6.3.5). This would include a program to monitor the success of subsidence remediation supported by trigger action response plans to implement specific follow-up actions in the event that monitoring indicates additional measures are required.	**Section 4.3**

11 APPENDIX 3 – PLANNING SECRETARY ENDORSEMENT

Department of Planning and Environment

Our ref: SSD-9526-PA-104

Donna McLaughlin
HSEC Manager
Maxwell Ventures (Management) Pty Ltd
Thomas Mitchell Drive
Muswellbrook NSW 2333

10/08/2023

Subject: Appointment of Suitably Qualified and Experienced Persons

Dear Ms McLaughlin

I refer to your request dated 4 August 2023 seeking the Planning Secretary's endorsement of the following persons as suitably qualified and experienced under Condition C8 of Schedule 2 of SSD-9526:

- Dr James Barbato (subsidence expert);
- Mr Greg Roads (surface water expert);
- Dr Noel Merrick (groundwater expert);
- Dr Colin Driscoll (biodiversity expert);
- Mr Geordie Oakes (Aboriginal cultural heritage expert);
- Mr Josh Peters (overall preparation and review of the Extraction Plan); and
- Ms Donna McLaughlin, Mr James Johnson, Mr Shane Pegg, Mr Tim Britten and Mr Peter Sergeant, Maxwell Mine personnel, would also be involved in the preparation of the Extraction Plan.

The Department has reviewed the nominations and information you have provided and is satisfied that the above persons are suitably qualified and experienced. Accordingly, I can advise that the Planning Secretary endorses the appointment of these persons to prepare the Extraction Plan for the Whynot Seam Panels 1 to 4 of the Maxwell Underground Coal Mine Project.

If you wish to discuss the matter further, please contact Joe Fittell on (02) 4908 8696.

Yours sincerely

Stephen O'Donoghue
Director
Resource Assessments

As nominee of the Planning Secretary

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

12 APPENDIX 4 – PLANNING SECRETARY APPROVAL

Department of Planning, Housing and Infrastructure

Our ref: SSD-9526-PA-184

Alex Newton
Environmental Coordinator
Maxwell Ventures (Management) Pty Ltd
Via Major Projects Portal

25/02/2026

Subject: Update to Whynot Extraction Plan Panels 2 to 5 – Modification 3

Dear Mr Newton

I refer to the Whynot Extraction Plan which was updated following SSD-9526-Mod-3 as required by condition E7 of Schedule 2 of the consent for the Maxwell Underground Coal Mine Project (SSD-9526). The Department notes the updates are minor and administrative.

Accordingly, as nominee of the Planning Secretary, I approve the Whynot Panels 2 to 5 Extraction Plan (December 2025). The Department notes the Biodiversity Management Plan, Heritage Management Plan and Water Management Plan have been submitted separately to the Major Projects Portal for approval.

You are reminded that if there are any inconsistencies between the Plan and the conditions of approval, the conditions prevail.

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 Jack Turner on 9995 5387.

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