

**Enquiries**

**Please ask for** Theresa Folpp  
**Direct** 02 6549 3700  
**Our reference** CM 25/36788

18 July 2025

**Jack Turner**  
**Team Leader**  
**Department of Planning, Housing and Infrastructure**

Dear Mr Turner

**Maxwell Underground Mine MOD3 – Muswellbrook Shire Council comments on the Modification Report**

Reference is made to the following:

- ‘*Maxwell Underground Mine Joint Tailings and Rejects Management Project Modification Report*’ (Malabar, 2025) (Modification Report); and
- Request to provide comment on the Modification Report via the Major Projects Portal.

The Maxwell Underground Mine (Maxwell) is an existing underground mine located approximately 8 km south-southwest of Muswellbrook. Maxwell is owned by Maxwell Ventures (Management) Pty Ltd, a wholly owned subsidiary of Malabar Resources Limited (Malabar).

Development Consent for the Maxwell Underground Mine was granted on 22 December 2020. Mining operations at the Maxwell Underground Mine site are currently approved to be carried out until 31 December 2047.

The requested modification to SSD 9526 proposes a Joint Tailings and Rejects Management Project (JTRMP) with Mount Arthur Coal (MAC). The JTRMP includes:

- Aboveground tailings transfer pipeline from Mount Arthur Coal to Maxwell East Void;
- Adjacent return water pipeline to return water from Maxwell East Void back to Mount Arthur Coal;
- Aboveground tailings and coarse rejects pipeline from Maxwell Coal Handling Processing Plant (CHPP) to Maxwell North Void to deposit tailings and coarse rejects into Maxwell North Void; and
- Receival and storage of up to 6.6 million tonnes of Mount Arthur Coal tailings in Maxwell East Void.

Council has reviewed the Modification Report and has provided [comments](#) below. Council has also taken the opportunity to comment on certain existing consent conditions that are outdated.

**Final landform**

Council notes the following in relation to the final landform:

- ‘*The revised final landform shows a far smaller final void pit lake for the East Void than for the currently approved Maxwell Underground Mine*’ (Section 6.4); and
- ‘*Reduced residual void size for Maxwell North Void*’ (Table 7).

The size and shape of the North Void, as shown in the Revised Final Landform, does not appear to be reduced compared to the currently approved final landform.

1. Any new final landforms should be designed to include the following principles:
  - i. Emplacement landforms across the site designed to look less “engineered” (i.e., incorporation of micro-relief to avoid simple *blocky* forms).
  - ii. Surface water drainage to incorporate micro-relief to increase drainage stability and avoid major engineered drop structures.
  - iii. Shaping in areas near road infrastructure should aim for flatter landforms that may enable more intensive employment land uses in the future when mining ceases.
  - iv. The final voids (and associated drainage network) should be shaped to reflect a less engineered profile that is more consistent with the surrounding natural environment, pose less risk of erosion and less hazard for humans who may access the site in the future.
2. Section 6.4 of the Modification Report states that *‘all reject materials above the predicted final void water levels would be capped with at least 2 m of inert material, although the typical capping thickness will be around 4 m’*. However, Section 3.2.5 states that at least 5 m is required. Please clarify.
3. As noted in Section 6.1.1 of the Modification Report, *‘WRM (2025) has assumed that a channel will be constructed to link the East and South Voids at 175 mAHD’*. An indicative location of the channel should be shown in the Final Landform and if it is required, it should be designed in a way that appears more natural and less engineered.

#### **Final voids / capped storage facilities**

4. Any contaminated areas proposed to be left in-situ should be documented in a Final Land Use Plan and registered as an 88B on title of the lot.

#### **Temporary construction workforce**

5. Section 3.3.2 of the Modification Report states that *‘Construction of pipelines and other infrastructure would require approximately 30 construction workers for approximately 3 to 6 months’*. Whilst Council acknowledges this is not many construction workers, there is currently limited capacity in Muswellbrook for any temporary worker accommodation, and this situation will worsen as other projects in the area commence construction.

#### **Use of recycled water**

6. Whilst Condition B37 of SSD 9526 permits the transfer of water to MAC, Council’s recycled water/wastewater treatment plant is also close to MAC and represents a reliable resource that supports circular economy principles and reduces demand on groundwater resources.

#### **Planning Agreement**

7. Council requests that the existing Planning Agreement (PA) condition be amended to a contemporary format with contributions to be paid into the Muswellbrook Shire Community Benefit Fund (MSCBF); which is supported by the recently adopted MSCBF Policy to guide the allocation of planning agreement contributions.

## Closure Planning

8. SSD 9526 includes outdated conditions relating to the management of social impacts during mine closure. Council considers that the condition recently included in MP 09\_0062 (MOD2) for the Mount Arthur Coal Mine provides a more contemporary and appropriate framework for managing these impacts. Council requests that a similar condition be applied to the Maxwell Underground Mine SSD 9526 (MOD3), given the uncertainty around future opportunities to seek inclusion of this condition.

*The Applicant must prepare a Closure Social Impact Management Plan for the Maxwell Underground Mine complex to the satisfaction of the Secretary. This plan must:*

- a) be submitted to the Secretary for approval within 5 years of the planned cessation of mining, unless otherwise agreed with the Secretary;*
- b) be prepared by suitably qualified and experienced person/s;*
- c) be developed in consultation with Council and the Maxwell Underground Mine CCC;*
- d) include a Stakeholder Engagement Framework including details about communications with relevant stakeholders, including local services providers, and particularly focussed on the Muswellbrook community, and incorporating risk communication techniques;*
- e) describe the measures that would be implemented to manage and mitigate negative (and cumulative) social impacts from mine closure,*
- f) describe the community benefits funding arrangements to support the transition to closure of the mine, having regard to local and NSW State Government initiatives to support workforce and community transition following closure including the relevant Future Jobs and Investment Authority;*
  - i. include a program to monitor, review and report on the effectiveness of these measures including identifying performance indicators, incorporating trigger action response plan.*

## Rehabilitation objectives

9. Council requests a condition of development consent in SSD 9526 for an appropriate rehabilitation objective that encourages retention of infrastructure (as opposed to implying the removal of infrastructure), as follows:

| Rehabilitation Feature      | Objectives                                                                                                                                                                                                                                                                                                            |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Retention of Infrastructure | <p>All infrastructure that is to remain as part of the final land use is safe, does not pose any hazard to the community.</p> <p>All infrastructure that is to remain as part of the final land use benefits from the relevant approvals (e.g development consent and / or licence/lease/binding agreement, etc).</p> |

## Final Void Management Plan

While Council is not an expert in void management, there are obvious long term management challenges including water quality monitoring, erosion control, management of human access and safety, and clarification of the long-term responsibilities and funding for ongoing management.

It is likely that the mining lease area covered by voids may not be able to be relinquished unless consent for a new use for the void areas is granted, passing on monitoring and maintenance responsibilities for the void to a new party.

10. Council also requests a condition of development consent to manage the void and highwall; example below:

*Within six months of the date of this modification, the Proponent must prepare a Voids and Highwall Management Plan for the development to the satisfaction of the Secretary and in consultation with Muswellbrook Shire Council and once approved, implement the plan. The Voids and Highwall Management Plan must address:*

- i. Safety measures to restrict public access including signage, fencing and other barriers;*
- ii. Strategies for managing groundwater levels and preventing water quality degradation in and around the final void areas;*
- iii. Protocols for ongoing engagement with local communities and stakeholders to address concerns, provide information, and gather feedback on void management practices;*
- iv. Monitoring and reporting protocols to track key indicators such as water level, water quality and stability;*
- v. Protocols for responding to emergencies or unexpected events, ensuring the safety of the surrounding community and environment;*
- vi. Mechanisms, such as bonding or financial assurance, to cover the cost of long-term void management, including maintenance, monitoring, and potential rehabilitation efforts;*
- vii. Incorporation of adaptive management principles to respond to changing conditions, emerging technologies, and new scientific understanding over time; and*
- viii. Long-term responsibilities, such as ongoing monitoring and maintenance, that may extend beyond the life of the mine.*

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Theresa Folpp, Environmental Planning Officer on 02 6549 3700 or email [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au).

Yours faithfully



Sharon Pope  
**Director Environment and Planning**