

27 June 2022

The Honourable Anthony John Roberts MP  
Minister for Planning

C/- Stephen O'Donoghue  
Director, Resource Assessments  
Department of Planning and Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

**Submitted via the Major Projects Website**

Dear Mr O'Donoghue

**Maxwell Underground Coal Mine Project | Surrender of development consent for the Drayton Mine Extension Project (MP 06\_0202)**

On 1 February 2008, the Minister for Planning approved the Drayton Mine Extension Project (application no. MP 06\_0202) under (now repealed) Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW). By order under clause 6 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, that approval is now taken to be a development consent for State significant development (the **Drayton Consent**).<sup>1</sup>

On 22 December 2020, the Independent Planning Commission granted development consent to the Maxwell Underground Coal Mine Project (SSD-9526) (**Maxwell Consent**). The Maxwell Consent relates to the same land as the Drayton Consent (among other land). Condition A15 of the Maxwell Consent requires Maxwell Ventures (Management) Pty Ltd (**Maxwell**) to surrender the Drayton Consent in accordance with the *Environmental Planning and Assessment Regulation 2021* (NSW) (**EP&A Regulation**). The Drayton Consent must be surrendered within 12 months of the date of commencement of development under the Maxwell Consent or other timeframe agreed by the Planning Secretary. Development under the Maxwell Consent commenced on 5 July 2021.

In accordance with condition A15 of the Maxwell Consent and clause 67(1) of the EP&A Regulation, Maxwell surrenders the Drayton Consent by this notice.

The following information is provided in accordance with clause 67(2) of the EP&A Regulation:

1. This notice is given by Maxwell Ventures (Management) Pty Ltd (ACN 002 028 257) of Level 26, 259 George Street, Sydney NSW 2000.

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<sup>1</sup> NSW Government Gazette No. 125 of 23 November 2018, pp 8864–8866.

2. The Drayton Consent relates to land at Thomas Mitchell Drive and New England Highway, Muswellbrook NSW 2333 as specified in Appendix 1 (Schedule of Land) of the Drayton Consent. That Schedule of Land contains the folio identifiers (as at February 2006) of the land to which the Drayton Consent relates. A copy of that Schedule of Land is **Annexure A** to this notice. The Schedule of Land refers to the "EA Boundary" which is shown in Figure 1 of the "EA" as defined in the Drayton Consent. That figure is **Annexure B** to this notice. The current folio identifiers of the land to which the Drayton Consent relates are in the following table.

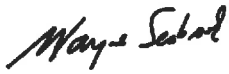
Folio identifier	Owner
65/850818	Maxwell Ventures (Management) Pty Ltd
64/850818	Maxwell Ventures (Management) Pty Ltd
13/701496	Maxwell Ventures (Management) Pty Ltd
12/701496	Maxwell Ventures (Management) Pty Ltd
1/247510	The State of New South Wales
21/545087	Maxwell Ventures (Management) Pty Ltd
10/701496	Maxwell Ventures (Management) Pty Ltd
9/701496	Maxwell Ventures (Management) Pty Ltd
14/701496	Maxwell Ventures (Management) Pty Ltd
4/701496	Maxwell Ventures (Management) Pty Ltd
6/701496	Maxwell Ventures (Management) Pty Ltd
1/790994	AGL Macquarie Pty Ltd
1/1095515	AGL Macquarie Pty Ltd
2/1095515	AGL Macquarie Pty Ltd
2/774681	AGL Macquarie Pty Ltd
2/1193252	AGL Macquarie Pty Ltd

3. The Drayton Consent authorised mining operations on the site until 31 December 2017. The Drayton Consent was modified by the Minister on 16 October 2009 and 17 February 2012.
4. The Drayton Consent is surrendered.
5. Maxwell Ventures (Management) Pty Ltd does not own the land to which the Drayton Consent relates but the consent of the owner of the land is not required to surrender the Drayton Consent because the consent of the owner of the land was not required to make the application for the Drayton Consent.

In accordance with clause 67(3) of the EP&A Regulation, please provide written notice that the Minister for Planning received this notice.

Please contact Donna McLaughlin, Health, Safety, Environment and Community Manager on 6542 0298 or at [dmclaughlin@malabarresources.com.au](mailto:dmclaughlin@malabarresources.com.au) if you have any questions.

Yours sincerely,



**Wayne Seabrook**  
**Director**  
**Malabar Resources**



**James Johnson**  
**General Manager**  
**Malabar Resources**

## ANNEXURE A: APPENDIX 1 OF THE DRAYTON CONSENT

### APPENDIX 1 SCHEDULE OF LAND

Ownership	Lot DP
Drayton Coal & Anglo Coal	Part 65 850818
Drayton Coal & Anglo Coal	Part 64 850818
Drayton Coal & Anglo Coal	13 701496
Drayton Coal & Anglo Coal	12 701496
Drayton Coal & Anglo Coal	1 247510
Drayton Coal & Anglo Coal	21 545087
Drayton Coal & Anglo Coal	10 701496
Drayton Coal & Anglo Coal	9 701496
Drayton Coal & Anglo Coal	14 701496
Drayton Coal & Anglo Coal	4 701496
Drayton Coal & Anglo Coal	Part 6 701496
Macquarie Generation	Part 1 790994
Macquarie Generation	Part 15 701496
Macquarie Generation	Part 11 701496
Macquarie Generation	16 701496
Macquarie Generation	Part 16 247944
Macquarie Generation	Part 162 1022834

**Notes:**

1. Schedule of Land applies to those areas within the EA Boundary.
2. The cadastral information for the lands to which the EA applies was sourced from the NSW LPI records database in February 2006.

## ANNEXURE B: EA BOUNDARY

