



NOTICE OF STATE SIGNIFICANT DEVELOPMENT DETERMINATION

Maxwell Underground Coal Mine Project

Application No	SSD 9526
Description	Development of a new underground coal mine to extract up to 148 million tonnes of run of mine coal over a period of 26 years, using bord and pillar and longwall mining techniques. The development includes the construction of a new underground mine entry area and transport and services corridor, upgrading of associated surface facilities at the former Drayton Coal Mine and the partial realignment of Edderton Road
Location	Thomas Mitchell Drive, approximately 9 kilometres south of Muswellbrook
Applicant	Maxwell Ventures (Management) Pty Ltd
Council Area	Muswellbrook Shire
Determination	Approved
Determination Date	22 December 2020
Registration Date	23 December 2020
Consent Authority	NSW Independent Planning Commission

On 22 December 2020 the NSW Independent Planning Commission (the Commission) approved the development application for the Maxwell Underground Coal Mine Project (SSD 9526), in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act).

The development consent is subject to conditions. The reasons for approval and the conditions are provided in the Department's Final Assessment Report and the Commission's Statement of Reasons for Decision. These documents, can be found on the Department's Major Projects website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10151>

The consent has effect on and from 23 December 2020. The consent lapses on 23 December 2025 unless the development has physically commenced before that date.

The development consent is subject to a condition under Division 7.1 of Part 7 of the Act which requires the Applicant to enter into a Planning Agreement with the Muswellbrook Shire Council within six months of the date of commencement of development, or other timeframe agreed by the Planning Secretary. If Council and the Applicant are unable to agree on the terms of a Planning Agreement, the Applicant must make annual payments in accordance with the *Muswellbrook Shire Council Section 94A Development Contributions Plan 2010*. This contributions plan may be inspected at:

<https://www.muswellbrook.nsw.gov.au/index.php/home/council/docman-meetings?task=document.viewdoc&id=845>

Reviews/Appeals

The Commission conducted a public hearing in respect of the application.

Certain appeal and review rights are available to applicants and objectors following determination of a development application. The Applicant does not have the right to request a review of the determination under section 8.3 of the Act. As the Commission held a public hearing in respect of the application, neither the Applicant nor the objectors have a right of appeal to the Land and Environment Court under section 8.6(3)(a) of the Act.