



muswellbrook  
shire council

Muswellbrook Shire Council

# STATE SIGNIFICANT DEVELOPMENT COMMITTEE

BUSINESS PAPER

11 MARCH 2025



## Terms of Reference

### 1. Objective

The objective of the State Significant Development Committee (the Committee) is to enable submissions and responses relating to state significant development in the Muswellbrook Shire to be considered in a timely manner to meet timeframes set by the NSW Government.

### 2. Scope

The scope of activities to be overseen by the Committee include:

- Assess State Significant Development and prepare submissions and responses relating to state significant development.
- Consider changes in Government legislation and guidelines on planning matters.
- Receive updates on proposed State Significant Development projects, and existing quarry operations.
- Authorise submissions and responses to the Independent Planning Commission (IPC) on state significant development.

### 3. Authority

Muswellbrook Shire Council authorises the Committee, within the scope of its role and responsibilities, to:

- Use delegated authority to authorise submissions and responses to the Department of Planning, Housing and Infrastructure and the Independent Planning Commission (IPC).
- Assess State Significant Development and prepare submissions and responses relating to state significant development in the Muswellbrook Shire.
- Request information required to inform decision making (subject to their legal obligations to protect information and with prior consultation with the General Manager).
- Request information from employees (with approval of the General Manager) or Councillors.
- The Committee may request these persons to present information at Committee meetings to assist in understanding any matter under consideration.
- Obtain external legal or other professional advice, as considered necessary, to meet its responsibilities (in accordance with Council Budget and procurement arrangements and subject to prior consultation with the General Manager).

### 4. Composition and Tenure

The members of the Committee shall be 9 Councillors elected by Council.

#### Members (voting)

All members of the Committee (Councillors) are entitled to one vote with the Chair having a casting vote in the event of a tied vote.

**Attendees (non-voting)**

The following Council officers will act as liaison officers to the Committee:

Department	Role
Director – Planning & Environment	Liaison Officer
General Manager	Attendee
Director – Community & Economy	Attendee
Environmental Planning Officer	Attendee
Legal Counsel	Attendee

**Invitees (non-voting) for specific Agenda items**

Other officers may attend by invitation as requested by the Committee or the General Manager.

**5. Responsibilities of Members**

Members of the Committee are expected to:

- Agree that they are bound by Council's Code of Conduct.
- Understand the relevant legislative and regulatory requirements appropriate to Muswellbrook Shire Council.
- Contribute the time needed to study and understand the papers provided.
- Apply sound analytical skills, objectivity and judgement.
- Express opinions frankly, ask questions that go to the fundamental core of the issues, and pursue independent lines of enquiry.
- Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of Council's Code of Conduct.
- Act in good faith and fidelity in the interests of Council and the community.

**6. Reporting**

Following each meeting, the minutes will be reported to the next Council Meeting and the Chair will be required to provide a brief summary.

**7. Meetings**

- The Committee will meet at 4pm on the second Tuesday of each month except for January.
- The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.
- The Committee shall comply with Council's adopted Code of Meeting Practice and Code of Conduct.
- Councillors may attend and participate in meetings of the committee by audio-visual link with the approval of the committee.



## **8. Attendance at Meetings and Quorums**

A quorum will consist of six (6) Committee members. Meetings can be held in person or by video conference.

### **Voting**

The Committee is expected to make decisions by consensus, however if voting becomes necessary, then the details of the vote are to be recorded in the minutes. Each member of the Committee shall be entitled to one vote only. In the event of a tied vote, the Chair will have a casting vote.

## **9. Secretariat**

The General Manager will ensure that appropriate secretariat support is provided to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting and ensure minutes of the meeting are prepared and maintained.

Minutes shall be approved by the Chair and circulated to all Committee members within one week of the meeting and filed in accordance with Council's Records Management Policy.

## **10. Conflicts of Interest**

Members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflict of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

## **11. Induction**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## **12. Review of Committee Terms of Reference**

At least once every two years the Committee will review this Committee's Terms of Reference and make recommendations on any changes to Council for its determination.

Any changes to the Committee Terms of Reference must be approved by Council.



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
6 March, 2025

Cr J. Drayton (Chair)  
Cr D. Hartley (Deputy Chair)  
Cr C. Bailey  
Cr D. Douglas  
Cr L. Dunn  
Cr G. McNeill  
Cr D. Marshall  
Cr R. Scholes  
Cr S. Ward  
Mr D. Finnigan (General Manager)  
Ms S. Pope (Director – Planning & Environment)  
Ms. S Welchman (Director - Community & Economy)  
Ms T. Folpp (Environmental Planning Officer)  
Ms A. Hathway (Legal Counsel)

You are hereby requested to attend the State Significant Development Committee to be held in the Meeting Room / Teams, Muswellbrook Library, 126 Bridge Street, Muswellbrook on **11 March 2025** commencing at **4:00pm**.

Sharon Pope  
**DIRECTOR – PLANNING & ENVIRONMENT**



## Order of Business

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## **1 Acknowledgement of Country**

### **Acknowledgement of Country**

Council would like to respectfully acknowledge the local Aboriginal people who are the Traditional Owners and custodians of the land on which this meeting takes place

## **2 Apologies**

## **3 Confirmation of Minutes of Previous Meeting**

### **RECOMMENDATION**

The Minutes of the State Significant Development Committee Meeting held on **18 February, 2025**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

**Moved:** \_\_\_\_\_

**Seconded:** \_\_\_\_\_

**MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE SEMINAR ROOMS MUSWELLBROOK LIBRARY, 136 BRIDGE STREET, MUSWELLBROOK ON 19 FEBRUARY 2025 COMMENCING AT 4:00PM.**

**PRESENT:** Cr J. Drayton (Chair), Cr C. Bailey, Cr D. Douglas, Cr L. Dunn, Cr D. Marshall, Cr R. Scholes and Cr S. Ward.

**IN ATTENDANCE:** Cr R. Mahajan, Cr M. Morris, Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms T. Folpp (Environmental Planning Officer), Ms A. Hathway (Legal Counsel), Mr. N Mowbray (Policy Officer), Mr. J Hogan (Chief Financial Officer), Mr. M Lysaught (Director - Property & Place), Ms. C. Evans (OX2 - Senior Development Manager), Ms. H Kennedy (OX2 - Community & Stakeholder Manager), Ms. C. Wayne (OX2 - Director of Development) and Mr. D Denton (OX2 - Senior PV Engineer).

## **1 Acknowledgement of Country**

The Acknowledgement of Country was read by Cr. D Douglas.

## **2 Apologies**

RESOLVED on the motion of Cr D. Marshall and Cr C. Bailey that:

The apology for inability to attend the meeting submitted by Cr D. Hartley, and Cr G. McNeill be ACCEPTED.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

## **3 Confirmation of Minutes of Previous Meeting**

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The Minutes of the State Significant Development Committee Meeting held on **13 August, 2024**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

In Favour Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Nil

## **5 Business Arising**

Nil



## 6 Business

### 6.1 SSD Committee Terms of Reference

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The State Significant Development Committee endorses the Draft terms of reference.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

### 6.2 Muswellbrook Solar Farm - Project Update

The Proponent of the project provided the Committee with a brief update on the Muswellbrook Solar Farm (Project).

Concerns were raised regarding the significantly low percentage of recycled panels compared to figures provided and the impact of waste going into landfill.

Ms Evans advised the Committee that discussions to reduce plastic waster were already in place with suppliers.

The Committee also sought clarification of onsite storage and management processes of damaged/unusable panels.

Mr Denton advised the Committee in further details of management plan to be put in place and Councillors will be notified once finalised.

RESOLVED on the motion of Cr D. Douglas and Cr C. Bailey that:

The information contained in this report be noted. However, it was agreed by all Councillors that further discussion is to be had regarding the Storage and disposal of panels and further clarification to the definition of 'failure' of panels.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

**6.3****Denman Road Renewable Energy Hub Planning Agreement & General Terms for Solar and Battery Developments**

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

- A. The SSD Committee resolves the following standard Planning Agreement general terms for State Significant solar farm and battery energy storage system (BESS) development:
1. Solar farm development - A monetary contribution of \$850/MWac as per the 'Benefit-Sharing Guideline' (November 2024) and the planning agreement with the proponent of the Muswellbrook Solar Farm (SSD-46543209). The monetary contribution will be based on installed capacity, provided every year of operation, and adjusted for Consumer Price Index (CPI).
  2. Battery Energy Storage System (BESS) development – A monetary contribution of \$200/MWh consistent with the planning agreement with the proponent of the Muswellbrook BESS (SSD-29704663). The monetary contribution will be based on installed capacity, provided every year of operation and indexed annually to CPI.
  3. Allocation of annual contribution payments to Council will be spent in the following ratios:
    - 10% Specialist staff contribution to respond on behalf of Council for the Project's assessment and implementation; and
    - 90% to community, environment and economic benefits managed as part of the Muswellbrook Shire Community Benefit Fund.
  4. Neighbourhood Benefits – The preferred mechanism to 'deliver neighbourhood benefits' is as rate rebates to property owners in the direct vicinity of any development, capital projects on Council or Crown land require a business case that considers ongoing financial impact on Council.
  5. Socio-Economic Commitments
    - a. The Proponent is to employ a minimum of four (4) residents of Muswellbrook Shire, as apprentices/trainees on the site during the construction phase.
    - b. The Construction Company and Proponent to a drop-in site with project information and ability to record complaints, in the Muswellbrook Central Business District (CBD), from commencement of the project and for the period of construction.
    - c. The Proponent to provide a procurement plan to demonstrate how the project will benefit local business through local spend for Council's approval. The minimum target should be for 5% local procurement by project value. Any Procurement Plan should include details of any temporary construction workforce accommodation.



- B. Neighbourhood Benefits for Denman Rd Renewable Energy Hub – Delegate to the General Manager to continue negotiations with the Proponent/s, in accordance with the Planning Agreement general terms in Point A, to ensure the Neighbourhood Benefit proportion is equitable and reasonable. Neighbourhood Benefits should extend to within approximately 4km of the Project Boundary (to capture residences on the western side of the Hunter River who will experience a visual impact).

Councillors agreed of the concern raised in regard to Items 5a, and the employment after construction phase and that further discussions/negotiations to be held with the Proponents regarding a guarantee and longevity of employment.

In Favour: Cr J. Drayton, Cr C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward and Cr R. Scholes

Against: Nil

## 8 Date of Next Meeting

11 March 2025

## 9 Closure

The meeting was declared closed at 4:40pm.

.....  
Mr D. Finnigan  
**General Manager**

.....  
Cr J. Drayton  
**Chairperson**



## **4 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

## **5 Business Arising**

Nil



## 6 Business

### 6.1 Mayoral Representation on Hunter Central Coast Regional Reference Group

Responsible Officer:	Director - Planning & Environment
Author:	Environmental Planning Officer
Community Strategic Plan:	6 - <i>Community Leadership</i>  Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community
Delivery Program Goal:	6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures. 6.1.2 - Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.
Operational Plan Action:	Not applicable
Attachments:	Nil

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#### PURPOSE

Appointment of Councillor/s is required for the Hunter Regional Reference Group.

#### OFFICER'S RECOMMENDATION

The Committee approves the appointment of the Mayor to the position of Hunter Regional Reference Group to September, 2028.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### EXECUTIVE SUMMARY

This report provides details on the proposed Hunter Regional Reference Group.

#### PREVIOUS RESOLUTIONS

On 24 October 2025, EnergyCo provided a briefing to Councillors. During this session, Staff raised the topic of Council representation on the New England Renewable Energy Zone (NE REZ) Community Reference Group (CRG). As no Councillors expressed interest, Staff subsequently nominated the Mayor, who now serves as a member of the NE REZ CRG.

#### CONSULTATION

None.

#### REPORT

Council has received an invitation for the Mayor, or a delegate of Muswellbrook Shire Council, to join as a member of EnergyCo's repurposed Hunter Central Coast Regional Reference Group (HCCRRG).



The HCCRRG has historically had a focus on the Hunter Transmission Project but is being repurposed to provide a forum to engage and seek feedback and ideas to optimise outcomes for all EnergyCo's projects that are being delivered or have interface with the region. Mayoral counterparts from Singleton, Cessnock and Lake Macquarie are current members of the HCCRRG.

Further information including a copy of group documents is provided at the following link <https://www.energyco.nsw.gov.au/projects/hunter-transmission-project/http-regional-reference-group>

**FINANCIAL CONSIDERATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**STATUTORY / LEGISLATIVE IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**COMMUNITY CONSULTATION / COMMUNICATIONS**

Not applicable.



## 6.2 Activities Summary for State Significant Development and Energy Generation Projects

**Responsible Officer:** Sharon Pope - Director - Planning & Environment

**Author:** Environmental Planning Officer

**Community Strategic Plan:** 6 - Community Leadership

**Delivery Program Goal:** Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

*Not Applicable*

**Operational Plan Action:** Not applicable

**Attachments:** Nil

### PURPOSE

To advise on current works being undertaken by Council Officers in relation to State Significant Development and Energy Generation projects.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

### REPORT

Project Name	Update
AGL	<ul style="list-style-type: none"><li>• Bowmans Creek Wind Farm - SEARs have been issued for Stage 2.</li><li>• Muswellbrook Pumped Hydro - ongoing environmental fieldwork. Drilling is finished in the upper reservoir. Drilling to commence in the lower reservoir.</li><li>• AGL has acquired Firm Power (Muswellbrook Battery Energy Storage System [BESS], Sandy Creek Road).</li><li>• Liddell BESS under construction (see Figure 1).</li><li>• Demolition of Liddell Power Station approved 31 January 2025 - A Rehabilitation Management Plan (for the entire site) and a Liddell Ash Dam Closure and Rehabilitation Plan (just for the LAD) must be prepared within 12 months, in consultation with Council.</li></ul>



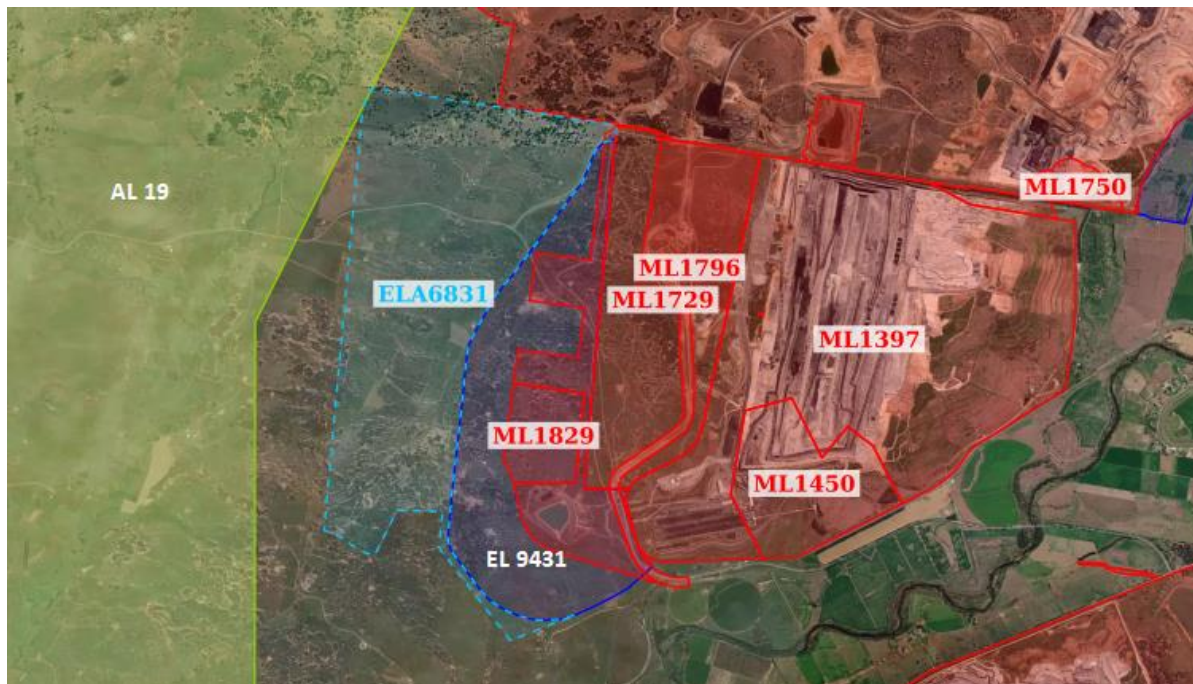
Project Name	Update
Bengalla	<ul style="list-style-type: none"> <li>• Exploration drilling in EL 9431 - positive results with low strip ratio.</li> <li>• Exploration application submitted for ELA 6831. EL 9431 and ELA tenements would allow mining until ~2080 (see Figure 2).</li> <li>• BMC reviewing previous Environmental Assessments in AL19.</li> <li>• Scoping Letters have been provided to Department of Planning, Housing and Infrastructure (DPHI) for MOD6 (water pipeline) and MOD7 (temporary overburden emplacement). MOD8 also planned to be submitted for the realignment of Bengalla Link Road, gas drainage and changes to the final landform.</li> </ul>
Dartbrook	<ul style="list-style-type: none"> <li>• Progressing with Freedom Development Group for workforce accommodation.</li> <li>• Two apprentices have commenced on site (Electrical and Fitter).</li> <li>• MOD8 expected to be on exhibition from DPHI shortly - six-year extension of mining operations until 5 December 2033.</li> </ul>
Muswellbrook Coal	<ul style="list-style-type: none"> <li>• Muswellbrook Bypass land sale progressing.</li> <li>• Work to remediate Old Pit Top on Coal Road planned to commence mid-March.</li> <li>• Rehabilitation in Open Cut 1 continuing, mine closure studies ongoing.</li> </ul>
Mount Arthur	<ul style="list-style-type: none"> <li>• MOD2 Draft Conditions still not received from DPHI.</li> </ul>
Mount Pleasant	<ul style="list-style-type: none"> <li>• DA 92/97 MOD7 withdrawn, currently operating under SSD-10418.</li> </ul>
Mangoola	<ul style="list-style-type: none"> <li>• Exploration drilling being undertaken to the west and southwest of the current mining area.</li> </ul>
Maxwell	<ul style="list-style-type: none"> <li>• James Johnson has stepped down as General Manager, it is assumed that Rob Hayes has replaced Mr Johnson.</li> <li>• Longwall shields starting to arrive onsite.</li> <li>• Bord and Pillar operations delivered high-quality coal throughout 2024.</li> </ul>
Liddell Coal	<ul style="list-style-type: none"> <li>• Rehabilitation ongoing.</li> <li>• Glencore has achieved rehabilitation certification of a 52ha parcel of grazing area rehabilitation.</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Denman Road Renewable Energy Hub - EIS for solar farm and BESS to be submitted March / April.</li> </ul>
Industry Updates	<ul style="list-style-type: none"> <li>• Rehabilitation security deposits for large mines updated January 2025 - <a href="https://www.resources.nsw.gov.au/resources-regulator/mine-rehabilitation/security-deposits">https://www.resources.nsw.gov.au/resources-regulator/mine-rehabilitation/security-deposits</a></li> </ul>



Figure 1 - Liddell battery delivery to site has commenced



Figure 2 - Bengalla Mine tenements showing areas of exploration drilling (EL 9431) and new exploration application (ELA 6831)





## **8 Date of Next Meeting**

8 April, 2025

## **9 Closure**