

State Significant Development Committee

Business Paper

13 May 2025



State Significant Development Committee

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

9 May, 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. Richards (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 Loxton Room, Administration Centre, Campbell's Corner 60-82 Bridge St, Muswellbrook NSW 2333 on **13 May 2025** commencing at **4:00 pm**.

Sharon Pope
DIRECTOR – PLANNING & ENVIRONMENT



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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 **8 April, 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 TUESDAY 8 APRIL 2025 COMMENCING AT 4.25PM.

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

IN ATTENDANCE: Cr A. Barry, Cr R. Mahajan, Cr M. Morris, Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Richards (Director - Community & Economy), Ms T. Folpp (Environmental Planning Officer (VC)), Mrs T. Ward (Sustainability Officer), (Ms K. Hamm (Manager - Governance & Risk), Ms A. Hathway (Legal Counsel), Mrs M Sandell-Hay (Governance Officer) and Ms L. Ward (EA to the GM and Mayor)

1 Acknowledgement of Country

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

2 Apologies

RESOLVED on the motion of Cr A. Barry and Cr D. Hartley that:

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

In Favour: Cr J. Drayton, Cr D. Hartley, 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 D. Douglas and Cr D. Hartley that:

The Minutes of the State Significant Development Committee Meeting held on



11 March, 2025, 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 D. Hartley, 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 Dartbrook Mine MOD8 - Council Comments on Modification Report

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

The proposed submission in Attachment A be endorsed by the State Significant Development Committee.

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

Against: Nil

6.2 Activities Summary for State Significant Development and Energy Generation Projects

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

The information contained in this report be noted.

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

Against: Nil

7 Adjournment into Closed Committee



8 Closed Committee

Nil

9 Resumption of Open Committee

10 Date of Next Meeting

13 May, 2025

11 Closure

The meeting was declared closed at 4:33pm.

.....
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 Hunter Transmission Project Briefing

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:	6.1.1 - Engage with the community and other stakeholders to determine service level expectations and appropriate measures. Not applicable
Attachments:	Nil

PURPOSE

The purpose of this report is to provide a placeholder for representatives from the Hunter Transmission Project (HTP) to brief the SSD Committee.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

Representatives from the HTP will provide an update on the project, listen to feedback, and respond to questions (where able).

The HTP has been identified in EnergyCo's Network Infrastructure Strategy. See here <https://www.energyco.nsw.gov.au/sites/default/files/2023-05/network-infrastructure-strategy.pdf>

Stage 1 of the HTP is a 500kV double circuit line between Bayswater and Eraring power stations with delivery expected by 2027. The Project is intended to assist in securing NSW's Energy Security Target and to ensure both the Central West Orana and New England Renewable Energy Zones deliver renewable generation to the Hunter, Sydney & Wollongong urban areas.

The Project is designated Critical State Infrastructure. An Environmental Impact Statement is expected to be lodged with the Department of Planning, Housing and Infrastructure in mid-2025.



6.2 Bengalla Mine MOD7 - Council comments on Modification Report

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.
Operational Plan Action:	Not applicable
Attachments:	1. Attachment A - Bengalla Coal Mine SSD 5170 MOD7 MSC comments [6.2.1 - 3 pages]

PURPOSE

To consider Council's submission in relation to Bengalla Mine Modification 7 (MOD7).

The Bengalla Mine is considered State Significant Development (SSD-5170) and MOD7 will be determined by either the Minister for Planning or the Independent Planning Commission.

OFFICER'S RECOMMENDATION

The proposed submission in Attachment A be endorsed by the State Significant Development Committee.

Moved: _____ **Seconded:** _____

REPORT

Bengalla Coal Mine is an existing open cut coal mining operation located 4 km west of Muswellbrook. The operation is managed by Bengalla Mining Company Pty Ltd (Bengalla) (Proponent) in accordance with Development Consent SSD-5170 granted under the (then) Division 4.1 of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). SSD-5170 (as modified) grants the continuation of open cut coal mining and associated activities at Bengalla until 28 February 2039.

Modification (MOD7) to SSD-5170 seeks to construct a temporary overburden emplacement area (TOEA) to stockpile 11 million loose cubic metres (Mlcm) of waste overburden material within the existing overburden emplacement area (OEA) footprint. The interim landform will be approximately 25 m higher than the approved final landform within the TOEA footprint. However, it remains 20m lower than the maximum approved final landform height.

The location of the proposed TOEA is shown by the brown hatched polygon in Figure 1.

BMC are seeking the construction of the TOEA to temporarily stockpile waste overburden material in a central location providing opportunities to develop an improved final landform or for the overburden to be later relocated into the void at the end of mine life.

Council Staff have reviewed the Modification Report, and a copy of the proposed submission is provided in Attachment A.

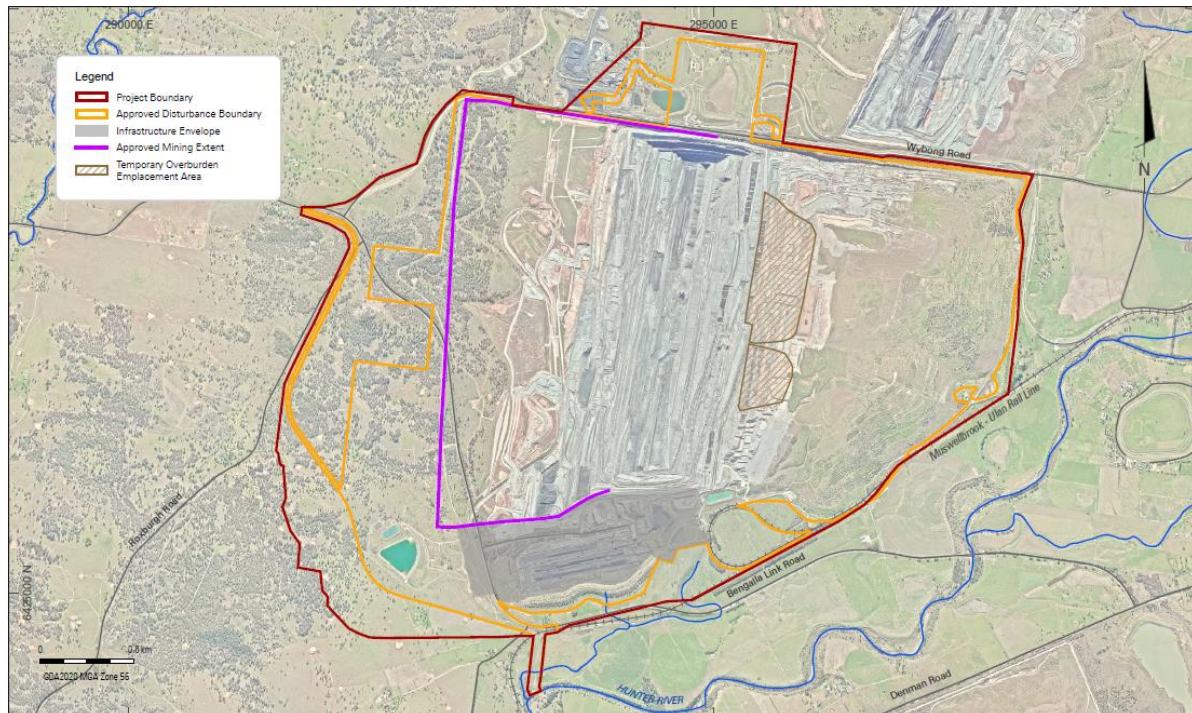


Figure 1 – Conceptual Modification Layout

As part of MOD5, Bengalla has committed to contributing \$50,000 toward research aimed at reducing the disposal of off-the-road (OTR) tyres in the pit. Council Staff have had ongoing discussions with BMC on the matter. Council staff had some promising discussions with a tyre recycling company, currently recycling OTR mining tyres in WA at the end of 2024. It was hoped that staff and Councillors could inspect their processing facility in Sydney. This is still being pursued. Council staff can also confirm that BMC are continuing liaising with Tyre Stewardship Australia on opportunities for a recycling pilot using BMC tyres.

**Enquiries**

Please ask for Tracy Ward
Direct 02 6549 3700
Our reference CM 25/18504

XX May 2025

Tegan Cole
Senior Environmental Assessment Officer
Department of Planning, Housing and Infrastructure

Dear Ms Cole

**Bengalla Open Cut Coal Mine (SSD-5170) Modification 7 – Muswellbrook Shire Council
comments on Modification Report**

Reference is made to the following:

- *'Bengalla Mine Temporary Emplacement Area Modification Report'* (James Bailey and Associates, 2025) (Modification Report); and
- Request to provide comment on the Modification Report via the Major Projects Portal.

Bengalla Coal Mine is an existing open cut coal mining operation located 4 km west of Muswellbrook. The operation is managed by Bengalla Mining Company Pty Ltd (Bengalla) (Proponent) in accordance with Development Consent SSD-5170 granted under the (then) Division 4.1 of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). SSD-5170 (as modified) grants the continuation of open cut coal mining and associated activities at Bengalla until 28 February 2039.

Modification (MOD7) to SSD-5170 seeks to construct a temporary overburden emplacement area (TOEA) to stockpile 11 million loose cubic metres of waste overburden material within the existing overburden emplacement area (OEA) footprint. The interim landform will be approximately 25 m higher than the approved final landform within the TOEA footprint. However, it remains 20m lower than the maximum approved final landform height.

The construction of the TOEA is intended to allow BMC to temporarily stockpile waste overburden material in a central location on site, providing opportunities to develop an improved final landform or for the overburden to be later relocated into the void.

Council has reviewed the Modification Report and has provided comments below. Council has taken the opportunity to comment on certain existing consent conditions that are outdated.

General

1. Council notes that a temporary stockpile exposes material to wind and water erosion and potentially increased dust levels in the locality.
2. Council considers that the 24-hour averaging period for air pollution monitoring has the unintended consequence of obscuring issues of elevated dust levels at night and early morning, particularly when a surface temperature inversion is present. A 12-hour average would better show air quality impacts on the community. Council requests that the NSW Government review their policy on allowing 12-hr averaging rather than 24-hour averaging.
3. In view of the overall size of the approved disturbance area, increased height of the final landform, and the distance to the Muswellbrook township, Council considers it appropriate that a contemporary air quality condition be applied to the Bengalla Mine, consistent with the Environment Protection Licence condition applied to the Mount Pleasant Coal Mine.

4. It should be noted that a substantial portion of land in the Muswellbrook Shire is mine owned or classified as 'mine buffer land'. The Hunter Regional Plan 2041 encourages the activation of alternative uses in these areas that aren't class 1,2 or 3 ag land, and Council seeks DPHI support for more formalised mechanisms through consent conditions to facilitate and secure long-term economic and environmental outcomes on these lands.

Planning Agreement

5. 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

6. SSD-5170 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 SSD-5170 (MOD7) upon determination, given the uncertainty around future opportunities to seek its inclusion.

The Applicant must prepare a Closure Social Impact Management Plan for the Mt Arthur mine complex to the satisfaction of the Secretary. This plan must:

- a) *be submitted to the Secretary for approval within six months of the approval of Mod 2, 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 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; (g) include a program to monitor, review and report on the effectiveness of these measures including:*
 - (i) *identifying performance indicators, incorporating trigger action response plan; and*
 - (ii) *having regard to the principles and monitoring framework recommended in the "Social Impact Assessment for the Mt Arthur Coal Mine Modification 2030 Project (1 September 2023)" MOD 2*

Visual

7. Section 4.3 of the Visual Impact Assessment states that properties located within 7.5 km of the active face of the OEA would be classified as having moderate to high visual sensitivity. Council requests that any such properties be offered appropriate visual screening, where such measures are not already in place.
8. Council appreciates the commitment to maintaining all existing screening measures, including the dense woody vegetation across the eastern face of the OEA that is visible from Muswellbrook and Denman Road. Additionally, Council recognises the early, progressive establishment and rehabilitation of some areas of the outer faces of the OEA and the maintenance of existing tree planting and existing visual screening measures.

Flood Prone Land

9. Council notes that the southern extent of the project boundary and the Bengalla rail loop are within the extent of the 1% flood level. Council requests erosion control measures be installed in these areas and a plan for revegetation if, due to flooding, vegetation is removed.

Progressive Rehabilitation

10. As stated in Section 3.1 of the Modification Report 'the surplus material would be rehandled into the final void to achieve the currently approved final landform by the end of mine life'. Council is concerned about how this approach may affect the Mine Plans outlined in Section 4.3 of the '*Continuation of Bengalla Mine Environmental Impact Statement*' (Hansen Bailey, 2013), particularly in relation to whether progressive rehabilitation will continue along Wybong Road and the southern face of the OEA, should the TOEA remain in place until the end of mine life.

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 Tracy Ward, Sustainability Officer, on 02 6549 3700 or email council@muswellbrook.nsw.gov.au

Yours faithfully

Sharon Pope
Director Environment and Planning



6.3 Activities Summary for State Significant Development and Energy Generation Projects

Responsible Officer: 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">Staff provided information to AGL in relation to the use of recycled water for the Muswellbrook Pumped Hydro project. Staff are encouraging the use of recycled water in all construction processes where potable water is not required.Construction of the Liddell battery is ongoing – Staff are in the process of organising a site inspection for Councillors.
Bengalla	<ul style="list-style-type: none">Staff received an update from New Hope Group in relation to Assessment Lease 19 (AL19). In the last 12 months, the following activities have occurred:<ul style="list-style-type: none">Review of existing geological information;Advancement of conceptual planning and asset evaluation;Establishment of a consultation and engagement program for landholders and other community stakeholders; andReinstatement of an environmental monitoring program, focusing on ground and surface water



Project Name	Update
	<ul style="list-style-type: none"> Bengalla Mining Company were issued a Penalty Notice in March 2025 by the Environment Protection Authority for a discharge from a sediment dam to a railway corridor, which made it to the Hunter River.
Dartbrook	<ul style="list-style-type: none"> Australian Pacific Coal (APC) has announced a finance increase. The company has amended its senior secured facility with Vitol Asia, increasing the commitment from \$US90 million (\$143 million) to \$US104 million (\$165 million) to support the Dartbrook joint venture's working capital needs. https://www.australianmining.com.au/australian-pacific-coal-secures-143m-for-dartbrook/ Staff advised the MOD8 Submissions Report should be available from the Department of Planning, Housing and Infrastructure (DPHI) soon.
Muswellbrook Coal	<ul style="list-style-type: none"> Staff met with representatives from Idemitsu and Muswellbrook Coal Company to discuss the potential reuse of the Muswellbrook Coal administration building, parking area and workshop, including possible Temporary Workforce Accommodation.
Mount Arthur	<ul style="list-style-type: none"> MOD2 determined by DPHI.
Mount Pleasant	<ul style="list-style-type: none"> No update.
Mangoola	<ul style="list-style-type: none"> At a recent meeting, Glencore indicated that Closure Planning would commence in 2025 and requested feedback from the CCC.
Maxwell	<ul style="list-style-type: none"> Staff and Councillors to attend the CCC meeting in May. The date of commencement of longwall mining needs to be confirmed.
Other	<ul style="list-style-type: none"> The determination of Muswellbrook Solar Farm has been paused pending provision of supplementary assessment material by the applicant to DPHI. Staff met with representatives of FPR Energy, a group proposing a 30MW Solar Thermal Storage facility in a former quarry site off Sandy Creek Road owned by Idemitsu. Further details were provided to Councillors in April 2025. The NSW Government awarded ACERZ the contract to deliver the Central-West Orana REZ transmission project. Early works on the project started in February, and construction is scheduled to start mid-year. Hunter Valley Operations (HVO) MOD8 approved - In its Assessment Report 'The Department notes Muswellbrook Shire Council's request for a planning agreement for the proposed modification..... The Department considers given the short timeframe for the proposed modification and that there is no change to existing coal mining operations that a planning agreement is not warranted at this time. The Department notes that HVO and Muswellbrook Shire Council are



Project Name	Update
	in negotiations regarding a planning agreement for the continuation projects if those projects were to be approved'.
Industry Updates	<ul style="list-style-type: none">The results of the Resources Regulator (RR) Targeted Assessment Programs are available on the RR website https://www.resources.nsw.gov.au/resources-regulator/mine-rehabilitation/rehabilitation-compliance



7 Adjournment into Closed Committee

8 Closed Committee

Nil

9 Resumption of Open Committee

10 Date of Next Meeting

10 June 2025

11 Closure