

State Significant Development Committee

Business Paper

10 JUNE 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

5 June 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 **10 June 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

Nil

3 Confirmation of Minutes of Previous Meeting

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 13 MAY 2025 COMMENCING AT 4:17PM.

PRESENT: Cr J. Drayton (Chair), Cr D. Hartley, Cr D. Douglas, Cr R. Scholes and Cr S. Ward.

IN ATTENDANCE: Cr A. Barry, Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Richards (Director - Community & Economy), Mr M. Lysaught (Director - Infrastructure & Property), Ms T. Folpp (Environmental Planning Officer), Ms A. Hathway (Legal Counsel), Ms M. Bull (Energy Co), Mr J. Manning (Energy Co), Ms L. Ward (EA to Mayor & GM) and Mrs M. Sandell-Hay (Governance Officer).

1 Acknowledgement of Country

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

2 Apologies

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

The apology for inability to attend the meeting submitted by Cr G. McNeill, Cr L. Dunn and Cr C Bailey be ACCEPTED.

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

Against: Nil

3 Confirmation of Minutes of Previous Meeting

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

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.



In Favour Cr J. Drayton, Cr D. Hartley, Cr D. Douglas, Cr D. Marshall, Cr S. Ward and Cr R. Scholes

Against: Nil

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

David Hartley - Declared an insignificant non- pecuniary interest in Item 6.2. Cr Hartley advised Council that his son is an apprentice at Bengalla.

5 Business Arising

Nil



6 Business

6.1 Hunter Transmission Project Briefing

Ms Bull and Mr Manning provided the Committee with a brief update on the Hunter Transmission Project including an overview of projects throughout the region, early findings on the Environmental Impact Statement, changes since scoping the project and accommodation and construction support.

Concerns were raised regarding traffic impact and temporary accommodation.

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

The information contained in this report be noted.

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

Against: Nil

Ms Bull and Mr Jennings left the meeting at 4.31pm

6.2 Bengalla Mine MOD7 - Council comments on Modification Report

RESOLVED on the motion of Cr R. Scholes and Cr S. Ward that:

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

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

Against: Nil

6.3 Activities Summary for State Significant Development and Energy Generation Projects

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

The information contained in this report be noted.

In Favour: Cr J. Drayton, Cr D. Hartley, Cr D. Douglas, Cr D. Marshall, 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

10 June 2025

11 Closure

The meeting was declared closed at 4:58pm.

.....
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 Draft Temporary Workforce Accommodation Policy for SSD Committee, Council and Public Exhibition

Responsible Officer: Director - Planning & Environment

Author: Environmental Planning Officer

Community Strategic Plan: 2 - *Social Equity and Inclusion*

An inclusive and interconnected community where everyone enjoys full participation

Delivery Program Goal: 2.1.4 - Advocate for affordable housing.

Operational Plan Action: 2.1.4.2 - Advocate with the State Government including EnergyCo and TfNSW for temporary accommodation including options for the development of a Council site.

Attachments: 1. DRAFT Temporary Workforce Accommodation Policy MSCXXX [6.1.1 - 6 pages]

PURPOSE

To seek input into the development of the *Muswellbrook Shire Temporary Workforce Accommodation Policy* and to request authorisation to publicly exhibit the Draft *Muswellbrook Shire Temporary Workforce Accommodation Policy*.

OFFICER'S RECOMMENDATION

The State Significant Development Committee:

- A. Provides feedback on the draft *Muswellbrook Shire Temporary Workforce Accommodation Policy* in Attachment A;
- B. Authorises public exhibition of the *Draft Muswellbrook Shire Temporary Workforce Accommodation Policy* for a minimum of 28 days; and
- C. Delegates authority to the General Manager to finalise the draft Policy following consideration of any public submissions, provided amendments do not result in any material changes to the draft Policy as exhibited.

Moved: _____ **Seconded:** _____

REPORT

Council has communicated in submissions and discussions with project proponents in the past, that Council 'does not support the use of temporary, out-of-town camps to mitigate cumulative impacts to housing and accommodation'. Resolving how to provide short-term accommodation for construction workers will be important to enable projects to proceed, and to not disadvantage low-income households in the Shire who will face increased competition for affordable housing.

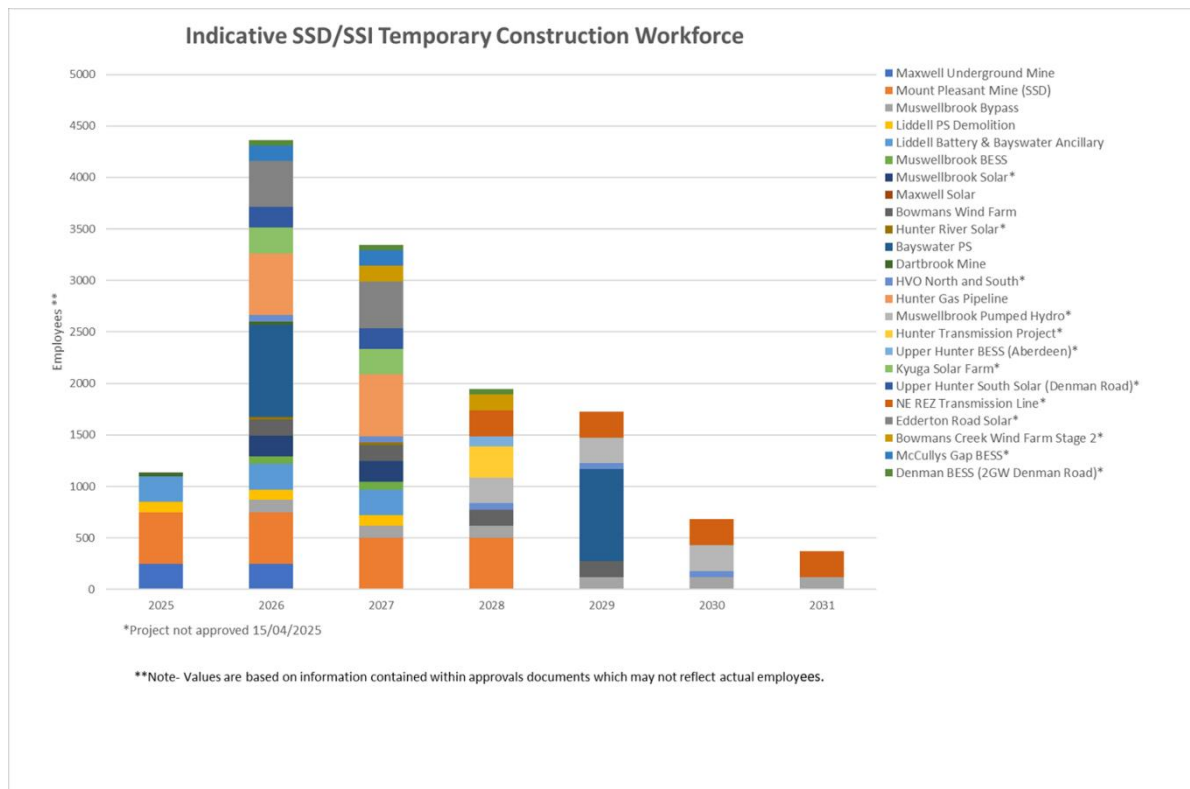
There are multiple projects proposed within the Muswellbrook Local Government Area over the



next five to ten years, with potential overlapping construction periods, as shown in the figure below. These include solar farms, battery installations, a wind farm, pumped hydro, as well as a bypass, coal mine expansions, and power station closures.

Council staff have estimated that Temporary Worker Accommodation (TWA) will be required for 1,250 individuals in Muswellbrook at the cumulative peak construction period, with the peak occurring between 2027 and 2029.

It is noted that there is a level of uncertainty about all these projects progressing post-approval or in the timeframes indicated in the various development application documents.



The *Community Strategic Plan 2025-2035* identified housing as a key issue and challenge, as follows:

demand for short term accommodation driven by the mining industry and construction projects will continue to put pressure on our housing availability, our infrastructure (such as roads, public transport, and utilities) and community services.

The Shire is planning for a significant increase in our population... Council faces the challenge of ensuring that there is enough housing available...

Short term accommodation has been raised as a critical issue in the 2024 and 2025 Advocacy Agendas.

The Muswellbrook Shire Local Housing Strategy included four Actions regarding TWA:

3.1 Undertake detailed assessment of priority sites to identify suitability for both temporary and permanent housing. Collaborate with key stakeholders to develop a plan to transition the site from its existing state to temporary and permanent housing, including infrastructure requirements and sequencing, and the delivery of associated amenities and services.

3.2 Investigate changes to Local Environmental Plan or Development Control Plan



controls to allow for temporary worker accommodation in alignment with the SEPP (Housing) 2021 and NSW Government's Temporary and seasonal workers' accommodation draft guideline, including:

- *Reviewing Section 2.8 Temporary use of land, to allow for temporary workers' accommodation*
- *Exploring potential changes to minimum lot size, floor space ratio and maximum height controls on relevant sites to facilitate the transition of temporary workers' accommodation into permanent residential development*
- *Investigating potential rezoning of 8637 New England Highway, Muswellbrook, to allow for temporary workers' accommodation*

3.3 Collaborate with modular, temporary and portable housing developers to identify and advocate for options that are aligned with Muswellbrook Shire's character to minimise impacts on the local community.

3.4 Explore shared accommodation options that can house the temporary workforce from multiple projects at different points in time to minimise impact on the community and environment. Collaborate with key infrastructure delivery stakeholders to understand delivery programs and workforce requirements to ensure efficient transitions.

Council staff have received enquiries from three separate proponents regarding the development of TWA, and it is anticipated that enquiries will be ongoing. To improve the guidance staff can give proponents, staff have developed a draft *Muswellbrook Shire Temporary Workforce Accommodation Policy* to outline the expectations of Council.

CONSULTATION

Director of Environment and Planning

Development Co-Ordinator

On 14 May 2025, the draft Policy was presented to the Management Leadership Group (MLG) for feedback. A summary of issues raised and how they will be addressed is provided in Table 1. Following discussion, MLG resolved as follows:

ENDORSES the attached Draft Temporary Workforce Accommodation Policy for submission to the SSD Committee for input.

**Table 1 - Summary of MLG Feedback and How Addressed**

No.	Issue / Feedback	How Addressed
1	Key provisions or design principles could be integrated into Council's Development Control Plan (DCP) in the long term.	This comment is supported. Integration of relevant TWA provisions into Council's Development Control Plan will be considered as part of future DCP amendments.
2	Should the Policy recommend specific sites for a TWA.	The Policy is not intended to identify or recommend specific sites. Instead, it provides guidance to ensure that any proposed sites are assessed consistently and in accordance with strategic planning objectives.
3	What types of building infrastructure will be required and how will emergency response be managed.	These planning design details are not addressed in the Policy as they are addressed in the <i>Guidelines for Construction Workers Accommodation</i> (DPHI, 2025) and Council's existing Development Control Plan (DCP), which provide standards and requirements for structural soundness, access, safety, and emergency management.
4	Access (including the use of shuttle buses) could result in impacts on local roads and traffic conditions.	Traffic impact and management considerations will be assessed in accordance with Council's existing DCP and <i>Section 138</i> of the LG ACT requirements. Site-specific traffic impacts will need to be addressed by proponents as part of the assessment process. The use of shuttle buses has been explicitly referenced in the draft Policy.

FINANCIAL CONSIDERATIONS

This Policy addresses capital and operational budget risks, particularly in relation to infrastructure planning, delivery, and long-term maintenance. Without appropriate guidance, TWA developments may lead to:

- Unplanned infrastructure extension;
- Stranded or underutilised infrastructure;
- Poor social outcomes;
- Poor capture of economic benefit to the Shire; and
- Operational strain on existing services.

POLICY IMPLICATIONS

This policy was reviewed in line with Council's *Policy on Policy Making MSC25E*.

COMMUNITY CONSULTATION / COMMUNICATIONS

Public exhibition of 28 days via Council's website will provide the Community with an opportunity to make submissions.

DRAFT Temporary Workforce Accommodation Policy

MSC082E

Authorised by:	Internal/External:	External
Date:	Minute No:	
Review timeframe:	4 years	
Review due date:		
Department:	Environment and Planning	
Document Owner:	Director Environment and Planning	

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1. Policy Objective and Scope

The objective of this Policy is to outline the expectations of Council for any proposed Temporary Workforce Accommodation (TWA) within the Muswellbrook Shire Local Government Area. This includes all developments, regardless of sector, that involve or require the use of TWA to house a temporary workforce.

2. Risks being assessed

- Missed opportunities for urban growth and service integration.
- Infrastructure in remote areas may burden Council with long-term costs.
- Poorly managed on-site systems may create environmental issues.
- Social, health and wellbeing of TWA residents
- Reduced chance of transitioning workers into permanent residents.
- Wet mess facilities increase safety and behaviour risks.
- Self-contained TWAs not benefiting the local economy via no local procurement.
- Poor design and landscaping can affect worker / community views and satisfaction.

3. Definitions

In this Policy

Term	Definition
Council	Muswellbrook Shire Council
Temporary Workforce Accommodation	As defined in the 'Guidelines for Construction Workers Accommodation' (DPHI, Dec 2024)

4. Policy Statements

Muswellbrook Shire Council supports TWA that delivers long-lasting benefits to the Shire. Through this Policy, Council will ensure TWAs integrate positively with existing communities and minimise adverse impacts on Council infrastructure and services

4.1 Location:

Council prefers TWA to be within or near existing urban areas and villages to ensure a positive and long-lasting legacy for these communities. This approach would:

- Allow infrastructure to be appropriately converted and used for future and permanent residential or visitor accommodation or employment generating activities;
- Allow for the natural expansion of urban areas and villages after decommissioning of accommodation;

- Ensure there are no unreasonable impacts to Council on extending infrastructure to service new development in non-serviced areas;
- allow workers to integrate into the community rather than being isolated in a rural area, which in turn may result in some of the temporary workforce becoming permanent residents;
- Allow a proportion of purchases to be made locally to benefit the community.

4.2 Infrastructure – Hard

sewer, water, power, digital:

4.2.1 The preferred option is that infrastructure is provided by extension from existing serviced sites/areas and the infrastructure will remain for longer term community benefit (e.g. to enable standard subdivision of land, industrial development or provision of tourist and visitor accommodation) after the TWA use ceases;

4.2.2 If the preferred option cannot be delivered, the proponent will need to demonstrate how on-site water supply systems (including impact on council potable water processing capacity) and on-site sewerage will be managed.

4.2.3 TWA are to be designed to capture stormwater from hard stand areas and roof areas for use for non-potable purposes.

4.2.4 TWA are to incorporate on-site waste management system that separates waste into individual streams (e.g. general waste, cardboard/paper, food/organics, recyclables), with all waste to be transported to the Council-owned and operated waste facility in accordance with Council requirements;

4.2.5 TWA are to be provided with reliable internet connectivity to ensure that the temporary workforce remains connected with their families and communities, and thereby support their overall well-being;

4.3 Infrastructure – social, health and wellbeing

4.3.1 'Dry mess' facilities are supported to improve safety and encourage use of local hospitality venues.

4.3.2 'Wet mess' will not be accepted by Council;

4.3.3 Kitchen supplies, equipment, materials, and food are to be procured from local suppliers;

4.3.4 Laundry services are to be procured from local suppliers

4.3.5 Agreements are to be made with local medical centres as preferred health care providers for TWA residents, to enable the medical centres to plan for increased staffing

4.3.6 Shuttle buses should be provided to transport workers between the TWA and work sites and between TWA and hospitality, recreation and health premises in nearby urban areas;

4.3.7 Partnerships are to be made with local recreation providers (e.g., tennis, basketball, and soccer facilities) and local businesses for access and memberships;

4.3.8 To encourage spending and integration into the local community, the following is not encouraged by Council as part of TWA unless the TWA is planned to become permanent residential or visitor accommodation:

- Recreation buildings; and
- Training rooms and gymnasiums.

4.4 Other matters

4.4.1 TWA should include opportunities for sharing, re-use and/or repurposing of TWAs between projects and/or for legacy uses;

4.4.2 TWA should be designed to create an attractive village atmosphere, particularly where the TWA is intended to become permanent residential or visitor accommodation; and

4.4.3 Landscaping to achieve an appealing outlook for workers and the Muswellbrook community with the use of native species, sourced from local suppliers.

4.4.4 TWA should be designed to include passive energy principles, stormwater capture and other sustainable building design approaches.

4.4.5 Council may seek a Planning Agreement to offset the broader impacts from the development, including social programs, headworks (water and sewer), waste management, Rural Fire Service (RFS) support, and road maintenance or upgrades.

5. Roles, Responsibilities and Delegations

Role	Responsibility
Council	Endorses the Policy and considers any substantial variations from the Policy.
General Manager	Oversees implementation of the Policy and delegates responsibilities to relevant Staff as appropriate.
Director of Planning and Environment	Ensures TWA proposals are considered in accordance with the Policy and relevant planning instruments.
Development Coordinator	Undertake the assessment of TWA-related local Development Applications, ensuring consistency with the Policy and relevant legislation.
Environmental Planning Officer	Provides policy interpretation and updates the Policy as required. Prepare responses to State Significant Development TWA applications in line with the Policy.
Infrastructure Team	Reviews servicing requirements for TWAs including road access, water, sewer, and drainage.
Environmental Health Officer	Reviews and assesses on-site sewage and waste management proposals for compliance with environmental health standards.

6. Dispute Resolution

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of this Policy.

7. Related Documents

Legislation and Guidelines

- Guidelines for Construction Workers Accommodation (DPHI, Dec 2024)
- State Environmental Planning Policy (Housing) 2021
- NSW Work Health and Safety Act 2011

Policies and Procedures

- Nil.

Other Supporting Documents

- Muswellbrook Shire Council Community Strategic Plan
- Muswellbrook Shire Council Local Housing Strategy 2024
- On-Site Sewage Management Strategy

8. Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

V.	Date	Modified by	Amendments/Previous adoption details
1.	24/04/2025	Director of Environment and Planning	Draft Policy

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6.2 Muswellbrook Coal Mine - Closure Matters

Responsible Officer:	Director - Planning & Environment
Author:	Environmental Planning Officer
Community Strategic Plan:	<i>1 - Economic Prosperity</i> <i>A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Delivery Program Goal:	1.1.1 - Facilitate the expansion of and establishment of new industries and business.
Operational Plan Action:	1.1.1.1 - Work with Muswellbrook Coal, State Government and other parties to maximise the economic opportunities on the Muswellbrook Coal site.
Attachments:	1. Attachment A - Draft Mine Closure Plan - MCM [6.2.1 - 22 pages]

PURPOSE

To update the State Significant Development (SSD) Committee on the status of the Muswellbrook Coal Mine (MCM) CCC, the draft Mine Closure Plan for the mine, and to seek endorsement of the response provided in Attachment A.

OFFICER'S RECOMMENDATION

The State Significant Development Committee:

- A. In relation to the draft Mine Closure Plan, authorises the General Manager to write to Muswellbrook Coal Company seeking further changes to the draft Mine Closure Plan in line with this report; and
- B. Approve dissolution of the Muswellbrook Coal Mine Community Consultative Committee (CCC):
 - I. once all rehabilitation contractors have demobilised from the site; and
 - II. at least one final land use master planning workshop has been held involving CCC members.

Moved: _____

Seconded: _____

EXECUTIVE SUMMARY

Muswellbrook Coal Company (a subsidiary of Idemitsu Australia Resources Pty Limited (Idemitsu)) ceased mining operations at MCM in 2022 and is currently progressing through the closure and rehabilitation phase under DA 2002-205.

In August 2024, Muswellbrook Coal Company provided Council with a draft Mine Closure Plan for approval.

Staff are seeking changes to the Mine Closure Plan to include:

- A description of the socio-economic activities that were undertaken during closure; and



- A Final Land Use Strategy for the MCM.

The reasons for these changes are discussed throughout the report.

Muswellbrook Coal Company have also asked that since mining has now ceased, the CCC be disbanded. Council staff acknowledge that the CCC may no longer have an ongoing role once Thiess exits the site, however, consider that CCC members should have the opportunity to participate in at least one meeting focused on future land use and master planning prior to formal dissolution.

PREVIOUS RESOLUTIONS

Nil known.

REPORT

Muswellbrook Coal Company ceased mining operations at MCM in 2022, and the site is progressing through the closure and rehabilitation phase under DA 2002-205.

Condition 19 of DA 2002-205 requires the preparation of a Mine Closure Plan that outlines the measures implemented to manage site closure, including a Final Land Use Strategy (Strategy) that identifies potential post-mining beneficial land uses at MCM (emphasis added):

19. Within six months of the date of this modification, the Applicant must prepare a Mine Closure Plan for the for the development to the satisfaction of Council... The Mine Closure Plan must:

a) Outline measures that were used to:

- (i) Actively manage site closure to minimise adverse impacts for workers, contracting companies and the community; and*
- (ii) Assist workers where possible to maximise their future career options.*

.....

d) Include a final land use strategy to investigate and identify potential postmining beneficial land uses for the site, i.e. constraints and utility, including the final voids, that:

- (i) Contribute to a sustainable future for the local community;*
- (ii) Utilise existing mining infrastructure where applicable;*
- (iii) Avoid disturbing self-sustaining native ecosystems, where practicable;*
- (iv) Provides a discussion on alternative post-mining land uses (where applicable) including a discussion on opportunities and restrictions on land, having regard to the Resources Regulator's 'Practical Guide Post Mining Land Use' (2023).*

In August 2024, Muswellbrook Coal Company provided a copy of the draft Mine Closure Plan for approval. Staff have provided feedback on two occasions (October 2024 and March 2025).

At least one meeting was held with Idemitsu and representatives from Muswellbrook Coal Company in relation to future land uses of the site. The most recent copy of the draft Mine Closure Plan is provided in attachment A.

Council staff consider that further changes are required to this document , including the following:

Closure Measures

Council staff are seeking a stand-alone document to capture mine closure activities that have



already occurred given the Mine Closure Plan is now retrospective in nature.

In relation to closure measures (Table 2 of the draft Mine Closure Plan), Staff would like to see descriptions of actual measures that were undertaken, for example:

- The number of employees who:
 - Secured alternative employment in their chosen field, or retired;
 - Accessed support services such as financial counselling, career transition support, or resume writing assistance; and
 - Those who remained in the local government area following closure, and those who relocated to seek employment elsewhere.
- Details of the types of training programs made available to the workforce (e.g. accredited qualifications, short courses, industry certifications), including participation rates and any feedback or outcomes recorded;
- The number and type of local businesses directly or indirectly affected by the closure;
- A breakdown of local contractors and businesses engaged in closure-related activities, including rehabilitation, land management, and infrastructure removal, along with information on the scale and nature of their involvement;
- Information on how the community was given the opportunity to reflect on, commemorate, or celebrate the life and legacy of the MCC operation, including public events, storytelling, interpretive signage, or other forms of local engagement; and
- Results from any community sentiment or satisfaction surveys undertaken during or after closure to gauge public perception and social impact.

This information does not need to include the names of former staff or other confidential matters.

Final Land Use Strategy

In relation to the Final Land Use Strategy, Staff would like to see a Strategy that includes a site map clearly identifying, at a minimum:

- Areas suitable for heavy weight building types (e.g. industrial or residential buildings);
- Areas suitable for light weight construction types (e.g. solar panels);
- Areas designated for biodiversity conservation;
- Areas unsuitable for development due to land instability or unconsolidated fill;
- Any contaminated or otherwise constrained areas;
- Infrastructure provided to support post-mining farming activities; and
- Internal access roads, fire trails and infrastructure easements (e.g. power and water supply)

The Strategy is essential to support zoning decisions, long-term infrastructure planning, information for future investment decisions, and to ensure post-mining land use supports community wellbeing by allowing for new employment opportunities.

Muswellbrook Coal Company has indicated that this information is not available for inclusion in a public report, citing concerns that past conceptual material has been used to hold the company accountable. However, in recent discussions with Idemitsu, it is understood that a Final Land Use Strategy may be made available.



The absence of a Final Land Use Strategy presents significant challenges for Council in planning land use, infrastructure, and environmental outcomes post-closure.

Council staff would welcome the opportunity to work with Muswellbrook Coal Company and Idemitsu to better understand any constraints and identify a pathway for progressing this Strategy, recognising that this is the first of several mine closures to occur and will become a benchmark for closure plans for other sites.

Community Consultative Committee

Muswellbrook Coal Company has also formally requested the dissolution of the Community Consultative Committee (CCC) following its final meeting in late 2025. The company has advised that by the end of 2025, the rehabilitation contractor (Thiess) will have completed all major rehabilitation works and all Muswellbrook Coal Company employees will have exited the site. From 2026 onwards, only minor maintenance activities will continue, managed remotely from Idemitsu's Brisbane office.

Muswellbrook Coal Company has indicated that with minimal site activity and limited updates available, ongoing CCC meetings would no longer provide value to the company or CCC members.

Council staff acknowledge that the CCC may no longer have an ongoing role once Thiess exits the site, however, consider that CCC members should have the opportunity to participate in at least one meeting focused on future land use and master planning prior to formal dissolution.

RISK MANAGEMENT IMPLICATIONS

Nil known.



Muswellbrook Coal

MP 39 Mine Closure Plan

Prepared by	Environmental Superintendent	Signature		Date:	
Reviewed by	Rehabilitation Operations Manager	Signature		Date:	
Approved by	Head of Muswellbrook Site	Signature		Date:	


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1.0 INTRODUCTION

Muswellbrook Coal Company (MCC) is a wholly owned subsidiary of the Idemitsu Kosan Company Ltd. Group. MCC has a long association with coal mining at Muswellbrook, with underground coal mining commencing in 1907 and open cut operations in 1944. The mine is located on Muscle Creek Road, approximately 3 kilometres to the north-east of Muswellbrook.

On September 1, 2003, Development Consent for DA 205/2002 was granted by Muswellbrook Shire Council (MSC) to extend the former MCC No.1 Open Cut. The No.1 Open Cut Extension commenced operations in March 2005 and has a capacity to produce up to 2,000,000 tonnes coal per annum. This approval has subsequently been modified on several occasions with the latest modification granted in 2016 to allow mining in an area known as the “Continuation Project” and to extend the life of the mining operations to 2022. Rehabilitation activities will continue past this date. A modification to the approval was granted on 20 December 2022 to allow the storage, handling and transport of coal to continue until the end of March 2023. An additional modification to the consent was granted on 27 February 2024 to align rehabilitation requirements with updated mining lease conditions and other administrative changes.

Mining activities ceased at MCC in December 2022 with the last coal hauled from site in March 2023. Rehabilitation of the site and completion of mine closure activities are ongoing.

1.1 SCOPE


The Development Consent requires the preparation, approval and implementation of an Environmental Management Strategy (EMS) and subordinate Environmental Management Plans (EMP). One of these EMPs is the Mine Closure Plan (MCP). Whilst this plan specifically addresses issues related to the management of mine closure, it should be read in conjunction with other EMPs.

This MCP has been prepared to the satisfaction of MSC (see **Appendix 1** for copies of correspondence).

1.2 OBJECTIVES

The objective for the post mining landuse following mine closure at MCC is to establish a stable, self-sustaining landform of pasture and native woodland that fulfils designated land uses including sustainable grazing (pasture) and nature conservation (native vegetation).

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2.0 LEGISLATION AND STATUTORY REQUIREMENTS

The relevant approval and licence conditions are shown in **Table 1** along with information on where they are addressed in this plan.

Table 1: Statutory Requirements

Approval/ Licence Condition No.	Condition	Section
Development Consent		
19	Within six months of the date of this modification, the Applicant must prepare a Mine Closure Plan for the development to the satisfaction of Council and once approved by Council, implement the plan. The Mine Closure Plan must:	This plan
19 (a)	Outline measures that were used to: (i) Actively manage site closure to minimise adverse impacts for workers, contracting companies and the community; and (ii) Assist workers where possible to maximise their future career options.	6.0
19 (b)	Consider the report 'Identifying measures of success for a global best-practice thermal coal mine and thermal coal-fired power station closure' (UniSA, 2018), specifically the objectives, targets, indicators and measures outlined in Appendix A of the same report.	7.0
19 (c)	Include a tabulated description of objectives, targets, indicators and measures in a similar format to those presented in Appendix A of UniSA (2020) but tailored to the MCM.	7.0
19 (d)	Include a final landuse strategy to investigate and identify potential postmining beneficial land uses for the site i.e constraints and utility, including the final voids, that: (i) Contribute to a sustainable future for the local community; (ii) Utilise existing mining infrastructure where applicable; (iii) Avoid disturbing self-sustaining native ecosystems, where practicable; (iv) Provides a discussion on alternate post-mining land uses (where applicable) including a discussion on opportunities and restrictions on land, having regard to the Resources Regulator's 'Practical Guide Post Mining Land Use' (2023).	9.0
19 (e)	Include a Mine Closure Stakeholder Engagement Strategy.	10.0
19 (f)	Include an Approvals and Tenements Relinquishment Strategy	11.0

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3.0 REFERENCES

- *Environmental Planning and Assessment Act 1979.*
- Development Consent DA 205/2002.
- Continuation Project Statement of Environmental Effects (EMM) 2016.
- *Identifying measures of success for a global best-practice thermal coal mine and thermal coal-fired power station closure* (University of South Australia, 2018).
- *Practical Guide: Post Mining Land Use* (Resources Regulator, 2023).

4.0 DEFINITIONS/ACRONYMS

DA	Development Application
MCC	Muswellbrook Coal Company Ltd
MSC	Muswellbrook Shire Council
NSW	New South Wales

5.0 SUPPORTING DOCUMENTS

- Development Consent DA 205/2002.
- MP 30 Environmental Management Strategy.

6.0 SOCIO-ECONOMIC MANAGEMENT MEASURES

6.1 ASSIST WORKERS


To assist workers engaged at MCC transition during mine closure and maximise their future career options, MCC provided the following support to the workforce:

- Mental Health Talks;
- Mental Health First Aid Training for Staff;
- Training opportunities provided for operators and maintenance personnel;
- Financial support sessions;
- Job application and resume preparation sessions;
- Building resilience in the Face of Change sessions;
- Pre-employment medicals offered to assist with transitioning to a new job;
- Farewell lunches and gifts for exiting workers; and
- Workers were kept updated.

6.2 CONTRACTING COMPANIES

MCC undertook regular communication with contracting companies to keep them updated on when mining activities, and their associated role in this work, would cease. This provided them with opportunities to look for additional work.

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6.3 COMMUNITY

MCC provided information to the community about the planned closure of mining operations through updates in the Community Newsletter and to members of the Community Consultative Committee Meeting.

A Community Open Day was held in May 2022 to allow the community a chance to celebrate the end of mining after 115 years of operation. The Community Open Day was well received by the local community.

Council representatives, and local State and Federal members have been kept informed of mine closure activities and plans for the future use of the site.

7.0 UNIVERSITY OF SA REPORT CONSIDERATIONS

During the preparation of the MCP, the *Identifying measures of success for a global best-practice thermal coal mine and thermal coal-fired power station closure* report prepared by University of South Australia (SA) was reviewed and considered for applicability for mine closure at MCC. The University of SA was commissioned by MSC to provide advice on measures on successful transformation of the Upper Hunter area following the closure of coal mines and power stations in the area. The report has reviewed the transformation of the Upper Hunter area in general and hasn't focused on the impacts from any particular mine or power station closure. It is worth noting that MCC is one of the smallest mines in the Upper Hunter area and the closure of MCC was due to the completion of mining of economic reserves, and not due to a downturn of the mining industry. When MCC ceased mining, the mining industry in the area was strong and there were plenty of opportunities for workers to obtain new employment.


As noted in the SA report, "there is no single notion of best practice for mine closure". Therefore, what might work for MCC might not work for another site and the objectives, targets, indicators and measures outlined in **Section 8.0** are specific to MCC and the items that MCC can control.

8.0 OBJECTIVES, TARGETS, INDICATORS AND MEASURES

The University of SA report outlined five domains for policy actions. These are:

- **Managing the closure process** – careful management of the closure process is important to mitigate any sense of fear and loss among the affected workforce and the wider community.
- **Redeploying the labour force** – maintaining displaced workers' confidence in the quality and timely delivery of employment services is crucial to mitigating the impacts of closures.
- **Redeveloping the local economy** – successful worker, household and community transitions are all contingent on the maintenance of local job opportunities.
- **Maintaining social cohesion** – actions that celebrate the history and contribution of the region, that restore the environment and improve community cohesion.
- **Coordinating change** – maintaining community cohesion requires coordination of closures processes, economic redevelopment and labour force deployment initiatives. Is also crucial to securing external support for the local closure process.

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The report also provides suggested objectives, targets, indicators and measures to align with these policy actions. MCC has reviewed these suggestions and developed objectives, targets, indicators and measures that are applicable to our site (**Table 2**).

Table 2: Objectives, Targets, Indicators and Measures for Mine Closure

Objectives	Targets	Indicators	Measures
Managing the Closure Process			
MCC will manage mine closure to minimise adverse impacts for workers, contracting companies and community.	Workers will be kept informed of the mine closure process.	Workers understand when the mine will close.	Information sessions on mine closure timing are provided to the workforce.
	Contracting companies will be kept informed of the mine closure process.	Contracting companies understand when their contracts with the mine will cease.	Communication provided to contracting companies.
	The community will be advised that the mine is closing.	Community will understand that the mine is closing.	Information is provided through newsletters and the Community Consultative Committee.
Redeploying the Labour Force			
MCC will assist workers to secure new jobs and to maximise their future career opportunities.	Workers are able to secure new jobs and maximise their future career opportunities.	Workers secure new jobs in their chosen field.	Information sessions (e.g. resume writing) are provided to the workforce.
	Workers will have access to financial advice and wellbeing support.	Financial advice and wellbeing support will be provided to the workforce.	Information sessions (e.g. financial planning, superannuation) are provided to the workforce.
	Workers will obtain new skills to assist with securing new jobs.	Training opportunities have been provided to the workforce.	Support is provided to the workforce to obtain new skills.
Redeveloping the Local Economy			
MCC will continue to contribute to the local economy.	MCC will continue to contribute to the local economy following the end of mining of MCC.	The local economy is still receiving contributions from MCC following the end of mining at MCC.	Local companies are engaged for rehabilitation and land management activities at MCC.
Maintaining Social Cohesion			
MCC will contribute to community spirit during the closure process.	Community spirit is not adversely impacted by MCC's closure.	Community spirit towards MCC is positive during the closure process.	Community is provided a chance to celebrate MCC's life.

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Objectives	Targets	Indicators	Measures
Coordinating Change			
MCC will promote community cohesion through the mine closure process.	MCC will keep relevant stakeholders informed throughout the closure process.	Stakeholders are informed of the MCC closure process.	Communication with stakeholders has been undertaken.

9.0 FINAL LANDUSE STRATEGY

The approved final land use of the site will consist of a combination of approximately 50% pasture and 50% native trees with a habitat corridor providing connectivity with established vegetation around the site whilst not prohibiting the potential beneficial reuse of the site. The rehabilitation areas will have a Land Suitability Classification (LSC) of Class 6. The two voids will be stabilised and allowed to fill with water.

The final landform will consist of areas of overburden emplacement with the majority of slopes equal to or less than 14 degrees, with the highwall in Open Cut 2 having an angle up to 65 degrees. The drainage pattern of the final landform has been designed to be compatible with the drainage of the surrounding area. It will include permanent diversion drains, contour drains and drop structures constructed over the life of the mine.

Progressive rehabilitation has been undertaken at the site to work towards achieving these final landform objectives. This rehabilitation has included landform shaping, installation of water management structures, application of growth medium, seeding and maintenance activities.

The final land use for MCC's operations has been approved and MCC are not proposing any changes to this final land use.


MCC's parent company, Idemitsu Australia (IA), is investigating alternate final land uses, including a Pumped Hydro Electric Scheme (PHES) and a Solar Farm with external third parties. These alternate final land uses are subject to their own assessment and approval process. As part of this process, any impacts to MCC's final land use and/or changes required to MCC's development consent will be managed. This will include consideration of the Resources Regulator's *Practical Guide: Post Mining Land Use*.

Any alternate final land use option will identify opportunities to contribute to a sustainable future for the local community, utilise existing mining infrastructure where applicable, and avoid disturbing self-sustaining native ecosystems where practicable. These options will also need to consider the opportunities for the site and determine any restrictions on the land that may affect the project.

10.0 STAKEHOLDER ENGAGEMENT STRATEGY

MCC prepared a Closure Stakeholder Engagement Plan (Plan) to guide engagement with identified stakeholders during the closure of the site. Key stakeholders were identified and mapped in a Stakeholder Matrix (**Figure 1**) by considering whether they were required to be satisfied, consulted, monitored, or managed, as well as their

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power/influence over closure outcomes. The Plan details the key engagement topics and messages for each stakeholder, the closure engagement trigger, the key stages for engagement, the type of engagement (direct or indirect) and who is responsible for engagement.

A summary of the Plan is shown in **Table 3**. The Plan will be regularly revised to reflect the outcomes of technical investigations, the progression of closure activities and the outcomes of ongoing engagement. Records of stakeholder engagement will be maintained.

Table 3: Stakeholder Engagement Plan Summary


Stakeholder	Category	Engagement Position	Key Engagement Topics/ Messages
Idemitsu Australia Pty Limited	Internal	Satisfy	<ul style="list-style-type: none"> Compliance with Corporate governance requirements Key decisions and internal approvals Budget (Inc. timing) Working with the external affairs and comms departments to address any media Issues that impact the wider community and public perception [reputational damage] HR matters - current employees, redundancy, recruitment and retention for closure roles
Muswellbrook Shire Council	Government	Satisfy	<ul style="list-style-type: none"> Closure updates Closure related impacts - traffic, waste management, community, road approvals etc Post mining land use, rehabilitation quality, long term site management Matters relating to compliance with consent conditions Consent modification and any other requirements to seek additional approvals [or modifications] in order to successfully execute the preferred mine closure strategy Old Pit Top redevelopment Local heritage approval requirements Employment and other community impacts
NSW Resources Regulator	Government	Satisfy	<ul style="list-style-type: none"> Industry wide or site specific notices relating to compliance with the Mining Act Consult regarding final landform and other closure requirements to satisfy tenement relinquishment requirements Rehabilitation Management Plan
NSW Resources Regulator - Safety	Government	Satisfy	<ul style="list-style-type: none"> High Risk Activity notifications or any other relevant safety planning matters Notification of any incidents Change management where closure introduces any new hazards or requires the review of a principal hazard management plan Sealing of mine entries requirements
NSW Environment Protection Authority	Government	Satisfy	<ul style="list-style-type: none"> Management and environmental monitoring of the site during closure execution and post closure monitoring phase Any anticipated compliance matters Environmental Protection Licence variations/surrender

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Stakeholder	Category	Engagement Position	Key Engagement Topics/ Messages
Water NSW	Government	Satisfy	<ul style="list-style-type: none"> Water licencing and relinquishment of licences throughout the execution period Site works that require changes to any existing water catchments Where any works might be undertaken with 40m of a waterway
Department of Climate Change, Energy, Environment and Water	Government	Satisfy	<ul style="list-style-type: none"> Updates to Water Management Plan
Subsidence Advisory NSW	Government	Inform/Consult	<ul style="list-style-type: none"> Management of subsidence and claims from historical underground workings Mapping of underground working / interactions that may prohibit any further land use of the site
Transport for NSW	Government	Monitor	<ul style="list-style-type: none"> Closure execution traffic - timing/duration Any required approvals (wide/long loads etc) Approvals relating to interactions with any State Roads (if applicable) Ongoing discussions re Muswellbrook Bypass
Crown Lands	Government	Satisfy	<ul style="list-style-type: none"> Interactions or impact on any land owned and managed by the Crown Crown Lands within Mining Leases Enclosure Permits Road Closure Applications
NSW Rural Fire Service	Government	Inform/Consult	<ul style="list-style-type: none"> Bushfire management during closure and post closure, inc. site access Consult on any proposed changes to site access or access to water before decommissioning - update Fire Management Plan Reduction in the site based fire fighting capability as the site moves into closure
Police	Government	Satisfy	<ul style="list-style-type: none"> Police escort requirements (wide/long loads) Consult on illegal access/trespass/vandalism management
Local Member (Federal)	Government	Monitor	<ul style="list-style-type: none"> Employment and other community impacts Closure activities and timing Post mining land use
Local Member (State)	Government	Manage	<ul style="list-style-type: none"> Employment and other community impacts Closure activities and timing Post mining land use
Local Mayor	Government	Inform/Consult	<ul style="list-style-type: none"> Employment and other community impacts Post mining land use (adaptive reuse - rezoning) Rehabilitation quality, long term site management
Councillors	Government	Inform/Consult	<ul style="list-style-type: none"> Employment and other community impacts Post mining land use (adaptive reuse - rezoning) Rehabilitation quality, long term site management
Upper Hunter Economic Development Corporation	Government	Inform/Consult	<ul style="list-style-type: none"> Employment and other community impacts Post mining land use (adaptive reuse - rezoning) Rehabilitation quality, long term site management
Hunter & Central Coast Development Corporation	Government	Inform/Consult	<ul style="list-style-type: none"> Employment and other community impacts Post mining land use (adaptive reuse - rezoning) Rehabilitation quality, long term site management
Muswellbrook Business Chamber	Local Business	Inform/Consult	<ul style="list-style-type: none"> Timing of mine closure with potential impacts on local business inc. any opportunities during closure Include in the gathering of information to inform the socio-economic impacts and mitigation strategies

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Stakeholder	Category	Engagement Position	Key Engagement Topics/ Messages
NSW Minerals Council	Infrastructure Owner	Inform/Consult	<ul style="list-style-type: none"> Keep informed on closure progress Case study/good news story opportunities Opportunity to use the NSWMC to engage with a wider audience around good mine closure planning
Upper Hunter Mining Dialogue	Industry Group	Inform/Consult	<ul style="list-style-type: none"> Keep informed on closure progress Case study/good news story opportunities Opportunity to use the UHMD to engage with a wider audience around good mine closure planning
Community Consultative Committee	Community Group	Inform/Consult	<ul style="list-style-type: none"> Timing around mine closure including detail on key milestones Inform on rehabilitation/final land use Inform on potential impacts from closure activities (e.g. dust, etc)
Muswellbrook Community	Community Group	Inform/Consult	<ul style="list-style-type: none"> Timing around mine closure including detail on key milestones Engagement on rehab/final land use Engagement on potential impacts from closure activities (e.g. traffic, etc)
Immediate Neighbours	Neighbour	Inform/Consult	<ul style="list-style-type: none"> Timing around mine closure including detail on key milestones Engagement on rehab/final land use Engagement on potential impacts from closure activities (e.g. traffic, etc)
Workforce	Internal	Inform/Consult	<ul style="list-style-type: none"> Timing of mine closure and any employment opportunities during closure or at other operations Redundancy or redeployment opportunities (inc. EA arrangements) Survey of employees to inform the socio-economic impacts and mitigation strategies
Contractors	Local Business	Inform/Consult	<ul style="list-style-type: none"> Timing of mine closure and any contract employment opportunities during closure Management and close out of existing contracts Assess the socio-economic impacts of closure
Suppliers	Local Business	Inform/Consult	<ul style="list-style-type: none"> Timing of mine closure and any supply opportunities during closure or at other operations Management and close out of existing commercial arrangements Opportunities to transition supply arrangements to other sites or sectors
Hunter Gas Pipeline	Infrastructure Owner	Inform/Consult	<ul style="list-style-type: none"> Land access arrangements Infrastructure interaction Impacts on MCC rehabilitation
Transgrid	Infrastructure Owner	Inform/Consult	<ul style="list-style-type: none"> Requirements should works be required within any easement or where interaction is required Removal of site related powerlines Commercial requirements OC2 Highwall fence
Telstra/Optus	Infrastructure Owner	Inform/Consult	<ul style="list-style-type: none"> Removal of phone/Internet cables within the site
AGL	Infrastructure Owner	Inform/Consult	<ul style="list-style-type: none"> Commercial arrangements Mine closure and rehabilitation progress
Aboriginal Groups	Indigenous	Monitor	<ul style="list-style-type: none"> Monitor any Native Title matters Management of known and identified heritage sites (during closure execution and during the post closure phase)

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Stakeholder	Category	Engagement Position	Key Engagement Topics/ Messages
Local media	Media	Inform/Consult	<ul style="list-style-type: none"> Using the media to inform stakeholders of the closure of the site and the good work being undertaken Use of local media as communication tool (notifications - change of hours, traffic etc, good news stories)
Regional media	Media	Inform/Consult	<ul style="list-style-type: none"> Using the media to inform stakeholders of the closure of the site and the good work being undertaken Use of local media as communication tool (notifications - change of hours, traffic etc, good news stories)
NGOs	Community Group	Monitor	<ul style="list-style-type: none"> No planned engagement. Engagement topics as they arise.
Universities (academics)	Other	Monitor	<ul style="list-style-type: none"> Assistance with rehab trials etc

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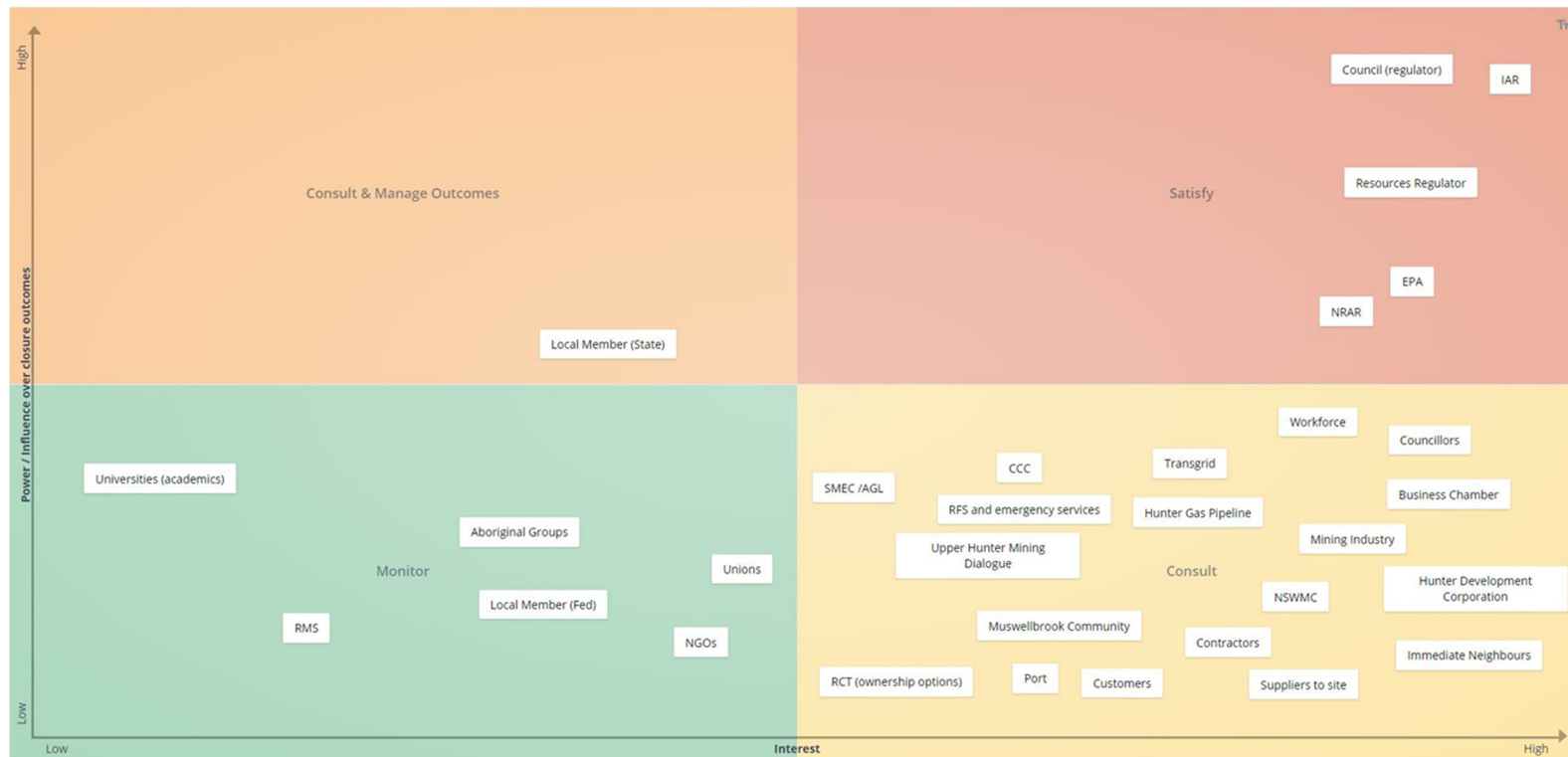



Figure 1: Stakeholder Matrix

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11.0 APPROVALS AND TENEMENTS RELINQUISHMENT STRATEGY


To guide regulatory signoff and relinquishment of approvals and licenses, an Approvals and Licences Relinquishment Strategy has been prepared (**Table 4**). The Approvals and Licences Relinquishment Strategy suggests an appropriate timeframe to begin seeking redundancy of various approvals and licenses held by MCC to ensure achievement of regulatory signoff in an appropriate manner.

For each approval, permit, licence, etc this concept strategy outlines the process and requirements for relinquishment, including any necessary notifications, submissions, inspections, and consultations with government authorities and stakeholders. It identifies any prerequisites for relinquishment, such as meeting specific closure criteria, completing rehabilitation works, or satisfying post-closure monitoring obligations.

Table 4: Approvals and Relinquishment Strategy


Approval / Licence	Stakeholder	Trigger	Additional information
Development Consent (DA 205/2002)	Muswellbrook Council Resources Regulator	Once it can be demonstrated that all rehabilitation objectives have been met for the site. It will need to be retained until all Mining Leases have been relinquished [ESF02 process]. The responsibility for sign off the rehabilitation objectives sits primarily with the Resources Regulator; however, it is anticipated that Muswellbrook Council will be required to be satisfied that all rehabilitation obligations under the consent have been met.	The general process for relinquishment of a Development Consent under the Environmental Planning and Assessment Act 1979 (EP&A Act) includes: <ol style="list-style-type: none"> <i>Notify the consent authority:</i> Inform the local council of your intention to discontinue the approved project or action, providing a clear explanation and any relevant documentation. A final consent relinquishment report will be required. It will need to demonstrate that all conditions have been met and that there are no residual compliance obligations. <i>Compliance with conditions:</i> Ensure that you have met any conditions or requirements associated with the development consent before discontinuing the project or action. This may include completing any required monitoring, reporting, or mitigation measures. An independent Environmental Audit (IEA) or similar would likely need to accompany the relinquishment report. <i>Document the discontinuation:</i> Keep records of your communications with the consent authority and any actions taken to discontinue the project or action, as these may be required for future reference or compliance purposes. <p>During the closure execution and monitoring phases, there may need to be consideration of a (or several) modifications to the Development Consent (DA 205/2002) to remove obligations that are not relevant following the cessation of mining operations and as the closure execution and monitoring and maintenance phases are completed. For example, removing components of management plans, or management plans entirely, or incorporating management and monitoring detail from management plans into the Rehabilitation Outcome Documents under the Mining Leases.</p>

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Approval / Licence	Stakeholder	Trigger	Additional information
Additional Development Consents (DA18-88, DA277, DA78-92, ID721)	Muswellbrook Council	Once it can be demonstrated that all obligations in the consent have been met or the obligation is covered by DA 205/2002.	<p>DA277 and ID277 have been relinquished by MSC.</p> <p>MCC is working with MSC to relinquish DA18-88 and DA78-92.</p> <p>The general process for relinquishment of a Development Consent under the Environmental Planning and Assessment Act 1979 (EP&A Act) includes:</p> <ol style="list-style-type: none"> 1. <i>Notify the consent authority:</i> Inform the local council of your intention to discontinue the approved project or action, providing a clear explanation and any relevant documentation. A final consent relinquishment report will be required. It will need to demonstrate that all conditions have been met and that there are no residual compliance obligations. 2. <i>Compliance with conditions:</i> Ensure that you have met any conditions or requirements associated with the development consent before discontinuing the project or action. This may include completing any required monitoring, reporting, or mitigation measures. An independent Environmental Audit (IEA) or similar would likely need to accompany the relinquishment report. 3. <i>Document the discontinuation:</i> Keep records of your communications with the consent authority and any actions taken to discontinue the project or action, as these may be required for future reference or compliance purposes.
Commonwealth Approval (EPBC)	Department of Climate Change, Energy the Environment, and water	MCC does not have an EPBC approval	Not applicable to MCC but has been included for completeness.
Environmental Protection Licence (EPL 656)	EPA	<p>When the Scheduled activities are no longer required the EPL could be either amended or relinquished.</p> <p>Currently the Scheduled Activities include:</p> <ol style="list-style-type: none"> 1. Coal Works and 2. Mining for coal. <p>The EPL could also be reviewed or amended if include certain aspects of production were to change. e.g., if blasting</p>	<p>The Schedule Activity of Coal Works stills applies at MCC as we are still moving reject material as part of the rehabilitation activities.</p> <p>The definition of Mining for Coal includes rehabilitation activities where greater than 4ha has been disturbed by Mining. Therefore, the monitoring obligations for gas, noise, dust, and weather data collection continue to apply. When certain activities are no longer required (for example when blasting is no longer required, MCC will amend the EPL to remove that requirement).</p> <p>The general steps for relinquishing an EPL are as follows:</p> <ol style="list-style-type: none"> 1. <i>Review the conditions of your EPL:</i> Before initiating the surrender process, ensure you have complied with all conditions specified in your licence. This may include site remediation, pollution monitoring, or other environmental management requirements.

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		was no longer required, you might consider amending the EPL to remove that monitoring requirement).	<ol style="list-style-type: none"> <i>Prepare and submit a surrender application:</i> You will need to complete an application form to surrender your EPL, providing details about the licence, the reasons for surrender, and evidence of compliance with the licence conditions. The application form can be found on the EPA's website or obtained by contacting the EPA directly. <i>Assessment of the application:</i> The EPA will review your application and may request additional information or conduct inspections to verify compliance with the licence conditions. They will consider factors such as potential environmental impacts, the need for ongoing monitoring, and any required remediation actions. <i>EPA decision:</i> If the EPA is satisfied that all licence conditions have been met and there are no outstanding compliance issues, they may approve the surrender of the EPL. The EPA may also impose additional conditions or requirements that must be met before the licence can be surrendered. <i>Notification and record-keeping:</i> If the EPA approve the surrender of the EPL, they will update the public register and notify you of the decision. It is essential to keep records of the EPL and the surrender process, as they may be required for future reference.
Mining Leases (ML 1304, ML 1562, CCL 713)	Resources Regulator Mining Exploration and Geoscience (MEG) Muswellbrook Council EPA	<p>Once all closure and rehabilitation obligations have been met to the satisfaction of:</p> <ol style="list-style-type: none"> NSW Resources Regulator (conditions within ML 1304, ML 1562, CCL 713 including conditions associated with the Rehabilitation Outcome Documents). Muswellbrook Council (Development Consent [DA 205/2022]). Environment Protection Authority (EPL 656). 	<p>There is an opportunity to progressively relinquish all mining leases. [Resources Regulator - ESF02 process]. The benefits would be reduced liability for an administration cost required to maintain the leases.</p> <ol style="list-style-type: none"> There may also be an opportunity to apply to have the existing "undisturbed" areas of an existing lease(s) excised from the lease to reduce the size. This would likely require a full re-survey and application to MEG to have amendments made to the lease boundaries. The first opportunity would be to relinquish any leases that do not have any impact from mining activities. A key aspect to consider would be ensuring that all exploration boreholes have been rehabilitated and that an [ESF02 process] has been completed. Subsurface leases – underground leases that do not require any surface rehabilitation or contain any features that present residual liability. <p>The process of relinquishing a mining lease is governed by the Mining Act 1992 and its associated regulations. Generally, the process includes.</p> <ol style="list-style-type: none"> <i>Review the lease conditions:</i> Before initiating the relinquishment process, ensure that you have complied with all conditions specified in the mining lease. This may include rehabilitation, environmental management, and reporting requirements. <i>Prepare and submit a relinquishment application:</i> Complete an application form to surrender the mining lease, providing details about the lease, the reasons for

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			<p>relinquishing, and evidence of compliance with lease conditions. You may also need to submit a report detailing rehabilitation and environmental management efforts undertaken during the lease period.</p> <p>3. <i>Assessment of the application:</i> The Resources Regulator and the Mining Exploration and Geosciences will review your application and may request additional information, conduct site inspections, or consult with other government agencies to ensure all lease conditions have been met and that there are no outstanding compliance issues.</p> <p>4. <i>Decision on the application:</i> If the Resources Regulator is satisfied that all lease conditions have been met and there are no outstanding compliance issues, they may approve the surrender of the mining lease. The approval may be subject to additional conditions or requirements that must be met before the lease can be relinquished.</p> <p>5. <i>Notification and record-keeping:</i> If the Mining Exploration and Geosciences approves the relinquishment of the mining lease, they will update the public register and notify you of the decision. It is essential to keep records of the lease and the relinquishment process, as they may be required for future reference.</p>
Water Access Licences (WAL 339806, WAL 41503, WAL 41521) – groundwater	WaterNSW	<p>To be retained with land title in perpetuity.</p> <p>This adds value to the land and the water access can be used for some future development or land use post mining.</p>	<p>Water access licenses are governed by the Water Management Act 2000, which sets out the legal framework for managing water resources in NSW, including the rules and requirements related to water access licenses, entitlements, and allocations.</p> <p>In NSW, the extraction of water from a mine void, even if the mine is closed, may still be subject to licensing requirements under the Water Management Act 2000. Whether a license is required depends on the specific circumstances, such as the location, the source of water, the purpose for which the water is being extracted, and the amount of water being taken. In the case of a closed mine with a void that has reached equilibrium, there may still be regulatory requirements that need to be addressed. Muswellbrook Coal should consult with WaterNSW, to determine the specific requirements for the mine void and whether a water access licence is required in perpetuity or whether it can be relinquished at some point in the future.</p> <p>It is important to note that a licence holder can relinquish a water access license in NSW. To do so a water access license holder may apply to the Minister (or delegate) to voluntarily surrender their license. The process typically involves submitting a formal application for the surrender of the license, including any relevant forms, and supporting documentation as required.</p> <p>Once the application is received, the Minister or delegate will consider the request and</p>

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			may approve the surrender of the license, subject to any conditions or requirements deemed necessary
Water Access Licence (WAL1138) – Hunter River	WaterNSW	<p>Currently MCC do not own the land that this licensed water point relates to and does not have an easement or approval to pump water to site</p> <p>The original Certificate of Title is required to sell this licence.</p> <p>The licence can be temporarily transferred without the original CoT.</p>	<p>Water access licenses are governed by the Water Management Act 2000, which sets out the legal framework for managing water resources in NSW, including the rules and requirements related to water access licenses, entitlements, and allocations.</p> <p>It is important to note that a licence holder can relinquish a water access license in NSW. To do so a water access license holder may apply to the Minister (or delegate) to voluntarily surrender their license. The process typically involves submitting a formal application for the surrender of the license, including any relevant forms, and supporting documentation as required.</p> <p>Once the application is received, the Minister or delegate will consider the request and may approve the surrender of the license, subject to any conditions or requirements deemed necessary</p>
Water Access Licence (WAL18692) – Muscle Creek Irrigation	WaterNSW	<p>The original Certificate of Title is required to sell this licence.</p> <p>The licence can be temporarily transferred without the original CoT.</p>	<p>Water access licenses are governed by the Water Management Act 2000, which sets out the legal framework for managing water resources in NSW, including the rules and requirements related to water access licenses, entitlements, and allocations.</p> <p>It is important to note that a licence holder can relinquish a water access license in NSW. To do so a water access license holder may apply to the Minister (or delegate) to voluntarily surrender their license. The process typically involves submitting a formal application for the surrender of the license, including any relevant forms, and supporting documentation as required.</p> <p>Once the application is received, the Minister or delegate will consider the request and may approve the surrender of the license, subject to any conditions or requirements deemed necessary</p>
Water Approval (20WA211598) – Cutting	WaterNSW	No ongoing maintenance is required.	The Water Supply Works Approval for the cutting was granted on 1 August 2009 and has an expiration date of 31 July 2032. The cutting will remain in the approved final landform in perpetuity. As such, the Approval will expire with no further requirements are to be undertaken.
Positive Covenant under section 88B of the NSW Conveyancing Act 1919.	Department of Customer Service through its agency, NSW Land Registry Services (LRS)	Retained in perpetuity. Obligations continue with the land.	A positive covenant is a legal obligation imposed on a landowner to perform a specific action related to their land. Unlike restrictive covenants, which limit the use of land or impose restrictions, positive covenants require the landowner to actively do something. Examples of positive covenants in this case would include the ongoing management of biodiversity offset areas.

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			<p>Under Section 88E of the Conveyancing Act 1919, a positive covenant can be created and enforced if it is specified in a Section 88B instrument that is registered with the land title. A positive covenant can burden and benefit different parcels of land, and the requirements of the covenant are binding on the current and future landowners.</p> <p>Relinquishing or modifying a positive covenant under Section 88B of the NSW Conveyancing Act 1919 is not a straightforward process, as it usually requires the consent of the benefiting party, which is in this case is Muswellbrook Council.</p>
Restriction on the Use of Land under section 88B of the NSW Conveyancing Act 1919.	Department of Customer Service through its agency, NSW Land Registry Services (LRS)	Retained in perpetuity. Obligations continue with the land.	A restriction on the use of land under a Section 88B instrument is a type of restrictive covenant that can limit how the land can be used or developed. The intent of these restrictions is to preserve certain characteristics (e.g., offsets).
Radiation Licences	EPA – Radiation Control	Surrender as soon as possible after the radiation source(s) is no longer required.	The radiation sources have been removed from MCC and the Radiation Licence has been relinquished. This information has been included for completion.
Heritage Section 90 Consent (Permit number 2132)	Department of Climate Change, Energy, the Environment and Water	All sites on an AHIMS permit database would remain in place on a register unless there was a need to consider relocation of the sites to execute mine closure.	The Section 90 Permit is from 2005 and an application has been made to relinquish this permit. MCC are waiting on official approval from the Heritage Division of DCCEEW that the relinquishment has been finalised.
Dangerous goods licences	SafeWork NSW	Surrender as soon as possible after the dangerous goods are no longer required to be stored at the site.	<p>In NSW dangerous goods licenses are regulated by SafeWork NSW under the Work Health and Safety Regulation 2017. To relinquish a dangerous goods license in NSW, you should follow these general steps:</p> <ol style="list-style-type: none"> 1. <i>Review your license conditions:</i> Before initiating the relinquishment process, ensure that you have complied with all conditions specified in your dangerous goods license. This may include meeting safety requirements, storage and handling conditions, and reporting obligations. 2. <i>Notify SafeWork NSW:</i> Inform SafeWork NSW of your intention to relinquish your dangerous goods license, providing a clear explanation and any relevant documentation. 3. <i>Prepare and submit required documentation:</i> Depending on the type and scope of your dangerous goods license, SafeWork NSW may require you to submit specific documentation or evidence demonstrating compliance with the license conditions before relinquishing the license.

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			<p>4. <i>SafeWork NSW approval:</i> SafeWork NSW will review your request to relinquish your dangerous goods license and any submitted documentation. They may request additional information, conduct inspections, or consult with other government agencies to ensure all license conditions have been met and that there are no outstanding compliance issues.</p> <p>5. <i>Update records:</i> If SafeWork NSW approves the relinquishment of your dangerous goods license, they will provide you with confirmation and update their records accordingly. It is essential to keep records of the license and the relinquishment process, as they may be required for future reference or compliance purposes</p>

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12.0 REVIEW OF THE MCP

The MCP will be reviewed:

- Within 6 months of changes to Development Consent or licence conditions relating to mine closure, and
- Following an independent environmental audit which recommends changes to the MCP.

13.0 ACCOUNTABILITIES

Table 5 outlines the responsibilities relating to the MCP.

Table 5: Organisational Responsibilities

Role	Accountability
Head of Muswellbrook Site	<ul style="list-style-type: none"> • Provide adequate resources to implement the requirements of the MCP. • Undertake stakeholder engagement as required.
Environmental Superintendent	<ul style="list-style-type: none"> • Undertake stakeholder engagement as required. • Coordinate reviews of the MCP.


14.0 LIST OF APPENDICIES

Appendix 1: Correspondence Regarding Mine Closure Plan

15.0 REVISION DETAILS

Revision No.	Date	Reviewed By	Details/Reason for Revision
1	August 2024	MCC Environmental and Production Departments	Original Management Plan

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Appendix 1: Correspondence Regarding Mine Closure Plan

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6.3 Activities Summary for State Significant Development and Energy Generation Projects

Responsible Officer: Director – Environment & Planning

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 recent activities of Council Officers and Councillors in relation to State Significant Development and Energy Generation projects.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

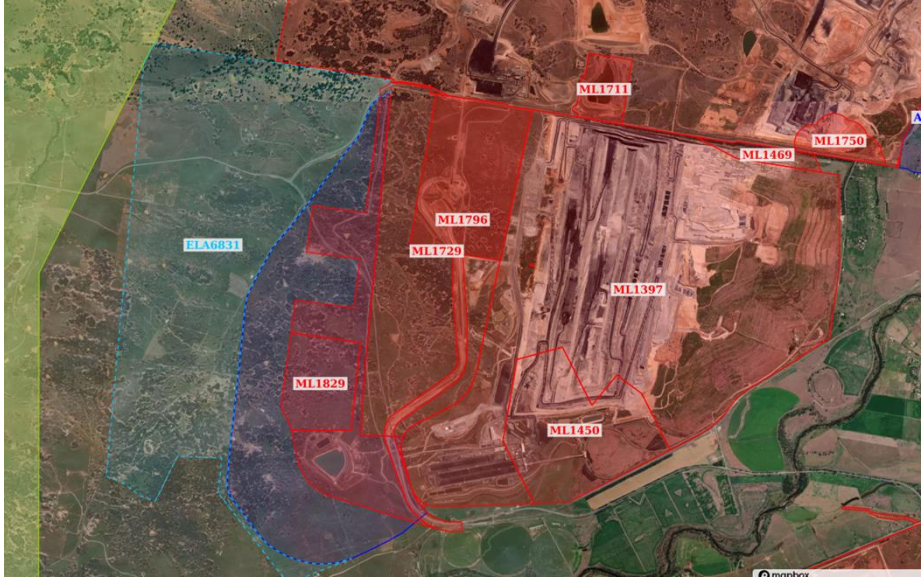
Moved: _____

Seconded: _____

REPORT

Project Name	Update
AGL	<ul style="list-style-type: none">Staff meeting with AGL to discuss a modification to SSD-29704663 for the Muswellbrook BESS, in particular a change to the largest vehicle permitted to enter the site, and subsequent site driveway modification to accommodate.A site inspection has been scheduled for 04 June for Councillors and Staff to tour the AGL site, including the Liddell battery facility.
Bengalla	<ul style="list-style-type: none">Staff and Councillors attended the Community Consultative Committee (CCC) on 28 May 2025. A site inspection of the dragline and mine operational area was undertaken.There is more coal stockpiled on site than normal due to the temporary closure of the rail line to the Port due to wet weather.An Independent Environmental Audit is scheduled for 2025, providing an opportunity for staff and councillors to nominate specific areas of interest for review by the auditor.



Project Name	Update
	<ul style="list-style-type: none"> Dust impacts at the Racecourse have decreased as mining activities progress westward. BMC have applied for a further exploration lease to regularise the existing EL shape – see light blue polygon below. 
Dartbrook	<ul style="list-style-type: none"> Staff awaiting the MOD8 Submissions Report from Department of Planning, Housing and Infrastructure (DPHI)
Muswellbrook Coal	<ul style="list-style-type: none"> See SSD Committee Report Staff and Councillors attending CCC meeting 03 June 2025
Mount Arthur	<ul style="list-style-type: none"> Staff attended a site inspection of the Administration Building and Workshops with InvestNSW, to discuss the possibility of re-use following mining Staff and Councillors attended the CCC in May
Mount Pleasant	<ul style="list-style-type: none"> Site inspection of the new workshop planned for the June CCC meeting NSW legal appeal heard (May 26), outcome unknown
Mangoola	<ul style="list-style-type: none"> No update
Maxwell	<ul style="list-style-type: none"> Staff and Councillors attended the CCC Exploration continuing in the Spur Hill area Construction of underground roads, infrastructure and overland conveyor continuing Bord & Pillar production continues to increase with 125,000t of Run of Mine coal produced in the March quarter



Project Name	Update
	<ul style="list-style-type: none">• Additional team members to operate the longwall mine have commenced. Recruitment continues to match the ramp up of underground activities
Other	<ul style="list-style-type: none">• Muswellbrook Solar Farm approved by the Independent Planning Commission• BMD Constructions have been engaged by EnergyCo to undertake the road upgrades for the Port to REZ works - construction of the following intersections will commence 02 June 2025:<ul style="list-style-type: none">○ Quayside Drive/Selwyn Street, Mayfield North○ Golden Highway/Lonsdale Street/Pringle Street, Jerrys Plains○ Golden Highway/Vinegaroy Road, Cassilis○ Castlereagh Highway/Barneys Reef Road, Birriwa• Staff provided input to SEARs to DPHI for BESS development on Sandy Creek Road (McCullys Gap BESS and Sandy Creek BESS)



7 Adjournment into Closed Committee

8 Closed Committee

Nil

9 Resumption of Open Committee

10 Date of Next Meeting

8 July 2025

11 Closure