

State Significant Development Committee

Business Paper

12 August 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

1 July, 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 Meeting Room 1, Level 2 Tertiary Education Centre, 87 Hill Street, Muswellbrook on **12 August 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 **10 June, 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 10 JUNE 2025 COMMENCING AT 4:00PM.

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

IN ATTENDANCE: Cr M. Morris, Mr D. Finnigan (General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Richards (Director - Community & Economy), Mrs T. Ward (Sustainability Officer), Ms A. Hathway (Legal Counsell) Ms. L. Ward (and Mrs M. Sandell-Hay.

1 Acknowledgement of Country

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

2 Apologies

RESOLVED on the motion of Cr C. Bailey and Cr L. Dunn that:

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

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

Against: Nil

3 Confirmation of Minutes of Previous Meeting

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

The Minutes of the State Significant Development Committee Meeting held on **13 May 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 C. Bailey, Cr D. Douglas, Cr D. Marshall, Cr L. Dunn, Cr S. Ward, Cr G. McNeill and Cr R. Scholes

Against: Nil

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

5 Business Arising

Nil



6 Business

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

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

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.

In Favour: Cr J. Drayton, 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 Muswellbrook Coal Mine - Closure Matters

RESOLVED on the motion of Cr R. Scholes and Cr C. Bailey that:

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.

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

Against: Nil



6.3 Activities Summary for State Significant Development and Energy Generation Projects

RESOLVED on the motion of Cr L. Dunn and Cr R. Scholes that:
The information contained in this report be noted.

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

8 July 2025

11 Closure

The meeting was declared closed at 4:17PM.

.....
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 Maxwell Joint Tailings & Reject Management Project - Council Comments on Modification Report

Responsible Officer: Director - Planning & Environment

Author: Environmental Planning Officer

Community Strategic Plan: 3 - *Thriving Economy*

Our community has opportunities for employment, business and training and we drive investment into our economy to benefit our community.

Delivery Program Goal: Not Applicable

Operational Plan Action: 3.4.1.3 - Advocate on behalf of the community on matters related to State Significant Development and the renewable energy roll-out.

Attachments: Nil

PURPOSE

To consider Council's submission in relation to the Maxwell Joint Tailings Management Project (SSD-9526 MOD 3).

OFFICER'S RECOMMENDATION

The SSD Committee provides feedback on and endorses the submission on the Maxwell Joint Tailings Management Project (SSD-9526 MOD 3) tabled at the Committee meeting.

Moved: _____ **Seconded:** _____

REPORT

The Maxwell Underground Mine (Maxwell) is an existing underground mine located approximately 8 km south-southwest of Muswellbrook. Maxwell is owned by Maxwell Ventures (Management) Pty Ltd, a wholly owned subsidiary of Malabar Resources Limited (Malabar).

Development Consent for the Maxwell Underground Mine was granted on 22 December 2020. Mining operations at the Maxwell Underground Mine site are currently approved to be carried out until 31 December 2047.

The requested modification to SSD 9526 proposes a Joint Tailings and Rejects Management Project (JTRMP) with Mount Arthur Coal (MAC). The JTRMP includes:

- Aboveground tailings transfer pipeline from Mount Arthur Coal to Maxwell East Void;
- Adjacent return water pipeline to return water from Maxwell East Void back to Mount Arthur Coal;
- Aboveground tailings and coarse rejects pipeline from Maxwell Coal Handling Processing Plant (CHPP) to Maxwell North Void to deposit tailings and coarse rejects into Maxwell North Void; and



- Receipt and storage of up to 6.6 million tonnes of Mount Arthur Coal tailings in Maxwell East Void.

Details about MOD3 were provided to Council on 23 June 2025 and Council is requested to provide a submission to the DPHI by 10 July 2025.

Details of A copy of the proposed submission will be tabled at the Committee meeting.

The Maxwell Underground Mine is a State Significant Development and MOD3 will be determined by either the Minister for Planning or the Independent Planning Commission.



6.2 Activities Summary for State Significant Development and Energy Generation Projects

Responsible Officer: Director - Planning & Environment

Author: Environmental Planning Officer

Community Strategic Plan: 5 - Working Together

Delivery Program Goal: Our community is involved in decision making and resources are managed to align with the values and priorities.

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 including 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"> AGL introduced new planning staff who will advance the master plan for the whole site, infrastructure planning and earthworks to create development sites.
Bengalla	<ul style="list-style-type: none"> The Bengalla MOD7 Submissions Report was received. Staff reviewed the report and did not refer the matter to the SSD Committee as all substantive comments were addressed.
Dartbrook	<ul style="list-style-type: none"> The Dartbrook MOD8 Submissions Report was received, with AQC accepting all key Council comments. Staff finalised a response outlining draft conditions of development consent, and including the following comment in relation to the company's administration. <i>'On 03 July 2025 the appointed operator of Dartbrook Mine appointed voluntary administrators for the operation. Subsequently, Vitol Asia P/L, as secured creditor, advised they had appointed receivers and managers for the mine. The mine is currently operating, but it could be forced to close and enter a period of unplanned care & maintenance while Vitol makes a decision about the mine's future.'</i>



Project Name	Update
	<p><i>The financial issues may not be directly related to the coal resource at the mine but may be related to the various financial agreements in place between the consortium partners.</i></p> <p><i>Unplanned closure of the mine will impact numerous local businesses as unsecured creditors. Our Mayor and General Manager would be willing to have discussions about these impacts if useful to staff in the Assessments Team’.</i></p>
Muswellbrook Coal	<ul style="list-style-type: none"> • Remediation works on the Old Pit Top site (on Coal Road) will commence shortly following approval of a Permit under Section 138 of the <i>Roads Act 1993</i>. • Staff have requested a Section 138 Permit application to commence works required for the handover of Muscle Creek Road back to Council.
Mount Arthur	<ul style="list-style-type: none"> • Staff are participating in the BHP Pilot Project to look for possible industrial development sites on undisturbed nine land or mine buffer land.
Mount Pleasant	<ul style="list-style-type: none"> • SSD 10418 - NSW Court of Appeal refused the 22-year coal mine extension for failing to assess locality-specific climate effects. The matter has been remitted to the Land and Environment Court to determine whether the development consent can remain valid or conditionally valid. • Staff and Councillors attended the Community Consultative Committee (CCC) in June and took a tour of the new workshop. The workshop will mean that certain maintenance activities can be undertaken inside rather than outside. Mount Pleasant are progressing several projects across the site under the SSD approval.
Mangoola	<ul style="list-style-type: none"> • Staff met with Glencore on 27 June to discuss minor updates to the Rehabilitation Strategy and communicated Council’s interest in commencing discussions on Mine Closure Planning.
Maxwell	<ul style="list-style-type: none"> • Construction of the Maxwell Solar project is expected to commence soon; however, the exact start date is yet to be confirmed. • MOD3 Submissions Report received. Staff will refer to the SSD Committee if comments remain unaddressed.
Liddell	<ul style="list-style-type: none"> • Councillors attended the CCC in June. <ul style="list-style-type: none"> ○ Closure project has been extended to the end of 2027 due to delays. ○ Liddell had completed 1116.5 Ha against a total of 1644 Ha. ○ If HVO Continuation Project is not approved or void not utilised for tailings storage an alternate final landform design has been prepared to implement if required. ○ Areas of rehabilitation will be submitted for sign off by the Regulator, however the rehabilitated land would all be relinquished together. ○ Current Staffing - 17 full-time Glencore employees and ~60 contractors mostly working for Ditchfield, Jupps and Oldknow.



Project Name	Update
Other	<ul style="list-style-type: none">• Staff are awaiting a response from EnergyCo in relation to two internal projects<ul style="list-style-type: none">○ Muscle Creek and Sandy Creek Road Contributions Plan; and○ Temporary Workforce Accommodation Site Due Diligence/site investigations• Staff met with the Proponent for the Armidale BESS to discuss the proposed transport of a single 190-tonne transformer via Wybong Road / Kayuga Road, or Bell ST/Market St, and outlined the concerns with both routes. Proponent is discussing the Bell Street Heavy Vehicle route as an option with UGL/ARTC• EnergyCo's visual consultants will be undertaking field surveys over the coming months.• The following reports are expected to be received shortly (HVO Continuation Amended Project and Hunter Transmission Project Environmental Impact Statement – HTP EIS). Note that EnergyCo have advised that the HTP EIS will include workers accommodation on Hebden Road.



7 Adjournment into Closed Committee

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Committee meeting closed to the press and public.

8 Closed Committee

RECOMMENDATION

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

Moved: _____ **Seconded:** _____

8.3 Muswellbrook Pumped Hydro - Planning Agreement Initial Letter of Offer

This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret.

9 Resumption of Open Committee

The meeting return to Open Committee.

10 Date of Next Meeting

9 September, 2025

11 Closure