

7/7/2023

To whom it may concern

Application number: 2023/56

I am putting in writing my **OBJECTION** to the proposed 'Geotechnical Investigations'

My Family has lived in McCullys Gap since the mid 1970's. We have put up with the noise and dust pollution from Muswellbrook Coal for that entire time.

I was elated to hear that Muswellbrook Coal shut down operations!! But then utterly enraged to hear the proposed idea of a 'Hydro Scheme' to go on top of our beautiful mountain 'Bells'.

So first you allowed for Bells mountain to be dug under and next to, wasn't that enough to hurt the heart of Bells? But no, now you are proposing to damage it from above as well. I could not think of a more idiotic idea. I would swear if I didn't have manners.

This will destroy the integrity of our mountain, you will open it up and damage it beyond belief.

The noise from further work will be constant, as well will be dust.

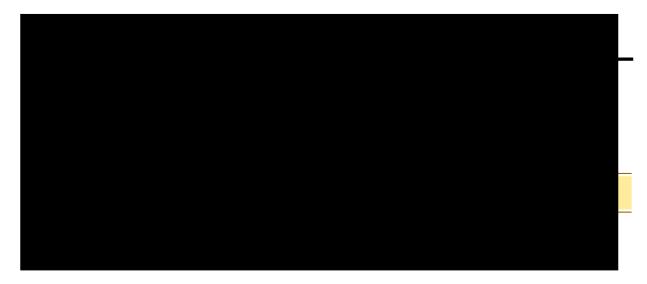
All of this should have been taken into consideration before shutting down our coal powered power stations, you do know that we are about the only country shutting these down? A lot of countries are building more! The amount of environmental damage that Australia is doing to world is very minimal, sustainable energy is a load of codswallop.

Why is it that McCullys Gap has to have not only this idiotic proposed 'Hydro Scheme', but solar panels as well as the flaming windfarm at opposite ends of the valley????? Please answer that.

I OBJECT, I

To any work that is detrimental to Bells Mountain and is associated with proposed Hydro Scheme on Bells Mountain!!





Dear Sir,

I wish to lodge my objection to this proposed development on the basis of the overall detrimental impact it will have to the environment, residents and natural habitat of Muswellbrook Shire, especially around Sandy Creek Road and Limestone Road. I have read the SMEC Statement of Environmental Effects and request urgent consideration of the numerous inaccuracies and incorrect assumptions, which have set out below in point form. This application should not be approved.

Comments relating the SMEC Statement:

Within the Introduction, the 3rd paragraph speaks to an *investment of \$830,000* (excluding GST). These funds are insufficient when you consider the bullet point two, because they have NOT allowed for the repair or up grading of either Sandy Creek or Limestone Rds.

Augmentation and improvement of existing access tracks to facilitate safe site access. Meaning existing roads Sandy Creek Road and Limestone Rds.

3.3 Existing Site Development.

The site for geotechnical drilling works will be wholly within the northern part of Muswellbrook Coal Mine site and access will be via Sandy Creek Road and Limestone Road.

3.4.2 Surrounding Area and Context

States Land uses surrounding the Site include agricultural activities, light industrial land uses and residential areas.

Owning a property on Sandy Creek Road I haven't seen any light Industries operating along Sandy Creek Road, what is there is Rural Farm lets and the Correctional Facility you can't see the Mine nor are there any tipper trucks using Sandy Creek Road.

The area is quiet with only local residents and visitors to the Correctional Facility using the road .

4. Geotechnical Investigations

4.1 Overview

Bullet point 4 Borehole creation using a drill rig, reaching depths of around 200 metres (656 ft) to 300 metres (984 Ft) below grounds surface with water supplied by truck-mounted water carts.

Storage of excess drilling water and cuttings (Cuttings is Tailings) in a temporary waste of 6m3 SKIP BIN to be moved of site by a suitable waste management contractor.

The Question is what suitable disposal of the Tailing will be undertaken by the removal Contractor.

The Waste water and cuttings will weigh 13.2 to 16.2 Tonnes this is based on 6m3 this will require a Heavy Rigid Truck not a Medium Rigid Truck as proposed by the Applicant

[These drilling cuttings are debris composed mainly by sandstones and shales with specific gravities **between 2.2** and **2.7**, with an average of 2.6, and sizes varying widely between a couple of microns to tens of millimeters [2–4], the most common range being between 0.5 mm to 2.5 mm.]

4.2 Mobilisation Activities

Page 20: Figure 4-2 Typical drilling equipment set up, this is NOT a true depiction what the applicant is intending to use as this Drill Rig is similar to a CX1010 which is a 9.5-11 tonne machine. The Applicant states below.

A Tracked drilling rig, Comacchio 450p or similar the CH450 weighs Approx 45 TONNES and it needs to go down Sandy Creek Road and Limestone Rds. to access the site together with the Low Loader that means about SEVENTY FIVE TONNES (75) of machinery going down these two roads which are not designed to handle such weight, the Roads are small narrow and the shoulders are breaking away due to erosion and I haven't seen any Council works to repair Sandy Creek Road.

Please see the link to YouTube of this machine: https://youtu.be/BglGAsfUuA4



Figure 1 A true photo of the machine stated

Bullet point 8 states

Waste storage tanks (6m3 lined skip bins) it would take a truck with a GVM of 25-35 Tonnes to remove these 6m Skip Bins which would need to use Sandy Creek and Limestone Rds. Both are which not designed to handle numerous heavy vehicle movements.

A UD QUON 8-Litre CW 25 360 6 x4 Truck has tare weight of 7702 tons that's bare add hydraulics and body this truck can weigh up to 25000kg GVM but this truck couldn't legally carry the 16.2 Tonne Skip Bin. Councils roads (Sandy Creek & Limestone) would be taking a substantially heavier vehicle on a daily bases to remove the waste materials.

4.4 Geotechnical Drilling

Speaks to boreholes would be drilled using a Large Track mounted drill rig. Yet the Applicant shows Council a small track mounted drill rig which is not capable to drill the 200m to 300m below the ground level, I wish to point out for those who still find it easier to relate to feet measurement the is some 654 to 958 feet down.

Paragraph 3:

The borehole would be advanced through rock using HQ3 wireline drilling techniques. Water would be continually circulated in baffled mud tanks located adjacent to the boreholes. Water would be supplied by truck mounted watercarts and would be stored onsite using 5,000 litre poly tanks.

The applicant mentions HQ3 wireline drilling technique this drilling requires 50-70 litres of water per minute in 1 hour 3600 litres of water will be used

These water carts would be carrying the 15,000 litres of water required by the drilling operations of 3 hours a Heavy Rigid Truck will be required for this operation, not a Medium Truck as per their traffic assessment.

BitField Guild for Drilling state that Fluid Flow Range required is 50 -70 (lpm) this means that at the midrange of 60 (lpm) some 3600 litres of water would be used hourly this is based on **BitField Guild for Drilling**: Drilling Parameters-Q Wireline Size HQ at 750 (rpm)

The Applicant has failed to give a true estimate of how many Water Tanks will be required on site.

Figure 4-4 shows: Typical borehole arrangement

Two water tanks, a truck mounted Drill Rig with one mud tank adjacent, one Water Tanker and one Slurry Truck.

This depiction is misleading and the Applicant fails to mention the size of the Large track mounted drilling rig, what's large? the machine show in Figure 4-2 certainly is NOT

I have provided in Figure 1 a true photo of 45 Tonne Crawler Drill Rig capable of drilling to 300 Metres below ground level so its BIG, using 60 litres a minute (3600 litre p/h) to cool the drilling head and 6 metre Skip Bins being filled with waste can weigh up to 16.2 Tonnes of Water and Cuttings. Along with a continues Water Carts coming to fill the 5000 litre Water Tanks based on *Operational hours 11hours P/D stated by the Applicant* will use 32,400 litres of Water per day based on 9 hours of drilling, 162,000 Litres of Water per week excluding Saturday and some recycling.

The Applicant states in section 5.1.11 Waste Avoidance and Resource Recovery Act 2001 at bullet point, Minimise risk of environment impact:

5th line Waste storage tanks and stockpile locations are **to be determined during the detailed design phase** and located appropriately (i.e., away from watercourses)

One (5,000 litre) water tank will be insufficient probably 3 or four to meet the demands of water required for HQ3 wireline drilling technique which require 50-70 litres per/minute

Council should be aware that this would require a minimum of 3 Water Carts of 15,000 Litres capacity and these Trucks would have a GVM of no less than 35 Tonnes which will unduly effect the sub base of Sandy Creek and Limestone Roads requiring extensive roads works by Council and great inconvenience to all residents of Sandy Creek Road Muswellbrook and McCullys Gap.

Then there is the waste material that will be removed the Applicant has stated that Waste storage tanks (6m3 lined skip bins) are to be used, note the use of plural BINS how many BINS would be removed daily, I estimate at least 2-3 Skip Bins will need to be removed each day of operations. This means that a further 2-3 Trucks with a GVM of 35 Tonnes will be using Sandy Creek& Limestone Rds.

What of the trees that will need to be removed from the table drain areas of Sandy Creek Road, no medium or heavy truck can manoeuvre Sandy Creek Road without smashing mirrors on the overhanging tree's unless they ride the centre of the road.

6.1.2.5 Groundwater Dependent Ecosystems

A DESKTOP review was undertaken to determine the presence of groundwater dependent ecosystems (GDEs) They explain it they sat at their desktop computers and did a search on the National atlas and the closest GDE was the Hunter River What about Sandy Creek is that not a groundwater resource my property has a Stock and Domestic WAL and water is source from Sandy Creek as are my neighbours small tributaries from the surrounding lands within the proposed site do flow into Sandy Creek during heavy rains, can the Applicant ensure that it will not rain? No they cannot and they have not addressed this.

6.6.2.1 Identified Waste Streams Table 6-5 Expected waste stream associated with the geotechnical investigations. (I quote WASTEWATER approximately 60 Tonnes of liquid wastewater from geotechnical investigation drilling will be generated and potential stormwater runoff.)

I quote Bitfield guide to Drilling again Drilling Parameters-Q Wireline Size HQ, Speed (rpm) 750, Fluid Flow Range 50-70 (lpm) aka Water

As you drill water is used this creates and slurry which is returned to the surface which would be held within the Waste storage bins 6m3 and as mentioned this material weight is 2.7kgs per litre. 6 cubic metres is 6000 litre of water x 2.7kgs =16,200kgs of waste per 6 metre skip bin as I mentioned earlier. The Applicant is estimating to fill only 3.7 Skip bins (60 Tonnes of Waste)! Drilling with a 45 tonne Drill Rig that will require 3600 litres of water per/hour this is not feasible

Council should also reject this application because the Application is wrong in so many ways, which they estimate to be 4-12 Medium Rigid trucks per day. This is wrong the trucks will need to be Heavy Rigid Trucks or Semi's (What's a Heavy Rigid vehicle? A Heavy Rigid (HR) vehicle has a gross vehicle mass (or weight) of more than eight tonnes, and has at least three wheel axles. By comparison, the Medium Rigid licence only covers you for smaller, single rear axle vehicles) and I note that Sandy Creek Road is a two-way, two-lane road as d they state (approximately 2 km from the intersection of the new England Hwy) is approved 19m B-Double route with travel conditions, and they say that Sandy Creek Road is not expected to have any adverse impacts from medium Trucks possibly not however Heavy Trucks will. If the waste skip bins are 6m and the waste will weigh up to 16.2 Tonnes per bin a Heavy Rigid Truck will be required.

6.7.3 Assessment of Impacts

Admission that Geotechnical drilling equipment require use of water during drilling operations.

Potential for surface water runoff exists during drilling operation and if not captured has the potential to cause water and sediment to the nearest waterbody Sandy Creek approx. 4.5 km west and Surface water drainage stream lines but they show the mine site water runs downhill not up! Sandy Creek only ends at the Hunter River so Council if approve this could be responsible for any contamination of the Hunter River.

In Conclusion:

I implore Council to reject this Application on the above grounds and that both the Environmental and Traffic assessments are insufficient and grossly underestimate waste and Truck configuration required, further to this the photo depicting a typical Drill Rig is a misrepresentation of the actual machine required for the works where all carried out, why not show the machine required see figure 1.

As the report was prepared at Level 5, 20 Berry Street, North Sydney and the writer probably hasn't even seen the road or its condition. It is my belief that the additional Heavy Vehicle movements will lead to further damage to undermaintained country roads. The added danger to Sandy Creek Road and McCullys Gap residents traffic as well as the School Buses that use these roads, no mention of wild life potentially killed by additional traffic. Local Kangaroos currently are at danger or killled each week, the added traffic will only lead to more wildlife being killed. Council rejection should also be on the grounds that the Applicant has failed to properly inform Council of the environment damage to groundwater and the amount of waste material that will be generated. The applicant even mentions that they only used (Spatial Public Stream Order Map Service] to access the Existing Environment. This is in sections 6.7.1 and 6.7.2 and this is true yet it fails to take account the many tributaries (Groundwater) during rain that flow into these creeks where the geotechnical drilling will take place

From the report it can be assumed that no one physically examined the site areas or traffic areas. It was all done via a desktop computer and the internet by SMEC located at Level 5/20 Berry Street, Sydney, please read the **Important Notice** it explains the whole report.

By rejecting this application and moving forward to a cleaner environment with the closure of mining, Muswellbrook Council can plan for a better place to live, grow their families and retirement for many. The cost of Housing in Sydney and Newcastle is growing and many older residents would look towards a tree change where air quality is better and traffic/ parking is easier for all.

Looking to a future Muswellbrook that can grow with various businesses supporting new residents looking for the change in country lifestyle living and these people will have money from the sale of their Sydney and Newcastle homes.

An influx of people will bring Doctors, Dentists and support industries as well as Entertainment, that has been lacking within the town. Muswellbrook is well situated to take advantage of a growing future, like neighbouring towns of Scone, Aberdeen and Denman which have populations that would benefit from future population and economic growth within Muswellbrook.

Muswellbrook cannot rely upon continual Mining or Power Industries to keep the town alive and growing, the future is PEOPLE! and encouraging growth through tourism, retirement living and entertainment is the future residents want, not some Hydro-electric plant that alleges that Mining will rehabilitate the land after they destroy it.

I would greatly appreciate my objection and feedback being seriously considered and I welcome an opportunity to discuss this matter in more detail.

Yours sincerely,



Dear Mr Finnigan,

OBJECTION to Development Application No 2023/56 - Geotechnical Investigations and Clearing of Native Vegetation

I am a land owner of 388 Sandy Creek Road, Muswellbrook (family home on 10 acres). We have received your correspondence dated 8th June, 2023 advising of the proposed Development Application.

I understand the documents submitted to Council for approval to conduct geotechnical investigations for a potential Pumped Hydro Energy Storage (PHES) project. I reject the assertion that these geotechnical investigations could ever be undertaken with only minimal environmental impacts. The destruction of our environment, boring holes in the beautiful landscape, wiping out the beautiful Australia flora and fauna and the extermination of Australian animals native to Muswellbrook will continue, if you allow this application to proceed.

I implore you to reject the application on behalf of the residents present and future of Muswellbrook. There is no viable need to do this work nor value to the Muswellbrook community, and the application seeks to continue the destruction of the environment for the sake of big company profits.

I would support further contact with Council to ensure that this application is rejected.





Muswellbrook Pumped Hydro Pty Ltd T 02 9921 2999 F 02 9921 2552 MuswellbrookPHP@agl.com.au

Level 24, 200 George St Sydney NSW 2000 Locked Bag 1837

Muswellbrook Shire Council
Attn Tanya Jolly
60-82 Bridge St
Muswellbrook NSW 2333

4 September 2023

Re: Response to Submissions relating to Development Application DA2023/56

1. Introduction

Geotechnical Investigation Development Application (DA2023/56) was lodged 31 May 2023 to Muswellbrook Shire Council (MSC) by the Muswellbrook Pumped Hydro Joint Venture (MPH) to facilitate geotechnical investigations within the lower reservoir area of the proposed Muswellbrook Pumped Hydro Energy Storage Project (the Project) which is currently subject of prefeasibility and environmental assessment.

DA2023/56 and the supporting Statement of Environmental Effects (SMEC 2023a; SoEE), was provided to adjoining landholders and publicly exhibited by MSC, with comments being accepted until 7 August 2023. Following conclusion of the public exhibition period, three objections were received by MSC. This report provides responses to the three public objections received on DA2023/56.

2. Responses to objections

The following sections provide responses to matters raised within the submissions which are relevant to the DA2023/56, with the submissions appended to this report. Information relied upon to support this report has been provided by the Muswellbrook Pumped Hydro Joint Venture, the proponent of DA2023/56 and information available within the SoEE.

1. Submission 1

i. Development application

I was elated to hear that Muswellbrook Coal shut down operations!! But then utterly enraged to hear the proposed idea of a "Hydro Scheme" to go on top of our beautiful mountain "Bells".

DA2023/56 seeks approval to facilitate geotechnical investigations to determine the suitability of the proposed pumped hydro energy storage project. DA2023/56 does not seek approval for the Project and as such is not the subject of the development application.

The submitter will have the opportunity to voice concerns in relation to the Project during the assessment process for the Project.

ii. Noise and dust impacts

The noise from further work will be constant, as well will be dust.

Noise impacts were assessed in Appendix C of the SoEE and no exceedances to the NSW Department of Environment and Climate Change – Interim Construction Noise Guideline (ICNG) levels were predicted. The following best practice noise mitigation measures are proposed:

- Fixed and mobile construction plant and equipment shall be located to maximise separation distances from nearest noise and vibration sensitive receivers
- Construction plan shall be oriented away from nearest receivers where possible





- Where practical, simultaneous operation of dominant noise generating plant shall be managed to reduce noise impacts, such as operating at different times or increasing the distance between the plant
- Where possible and in compliance with occupational safety and health standards, reversing beepers on trucks would be replaced with low pitch non-tonal beepers (quackers). Alternatives to reversing beepers include the use of spotters and designing the site to reduce the need for reversing may assist in minimising the use of reversing beepers
- Ensure that all works comply with the ICNG standard daytime period's start and finish times
- Where feasible and practicable, surrounding residences shall be notified of potential construction works at least two weeks prior to the commencement of works
- Construction noise and vibration management practices are to be provided to all staff and
 contractors and be included during site inductions and daily tool-box talks. The tool-box talks
 should include as a minimum, the permitted hours of construction work, work site locations, site
 ingress/egress and the required noise management measures for each construction phase.

It is noted the geotechnical drilling program is expected to last for 12 weeks, hence any potential noise impacts would be temporary in nature.

iii. Dust

An assessment of the dust impacts associated with the geotechnical drilling, has been undertaken to inform this letter report, following the *Guidance on the Assessment of Dust from Demolition and Construction* published by the Institute of Air Quality Management (IAQM) in the United Kingdom (IAQM 2014).

Step 1 of the IAQM guidance specifies that a detailed construction dust assessment should be undertaken if:

- a human receptor is located within 350 m of the works boundary
- a sensitive ecological receptor is located within 50 m of the works boundary
- a human/ecological receptor is within 50 m of a route used by construction vehicles up to 500 m from a site entrance.

The proximity of human and sensitive ecological receptors has been reviewed for the Project, and the works are in compliance with each of the IAQM criteria stated above. Therefore, the risk of construction dust impacts is considered to be low, and no further assessment is required.

The following best practice mitigation measures for dust control will be considered:

- When accessing the Site along unsealed roads:
 - Maintain a speed within posted speed limits that limits dust generation behind moving vehicles. If dust plumes are observed to be above the height of the vehicle, slow down
 - Accelerate and decelerate slower than on sealed roads, to avoid wheel spinning that could generate dust.
- During construction and maintenance of the drilling cut/fill pad:
 - o Limit the size of exposed material within practicable safe limits
 - During periods of hot, windy weather, spray clean water on the exposed material to limit dust generation potential.

It is noted the geotechnical drilling program is expected to last for 12 weeks, hence any potential dust impacts would be temporary in nature.

The amount of environmental damage that Australia is doing to world is very minimal, sustainability energy is a load of codswallop. Why is it that McCullys Gap has to have not only this idiotic proposed 'Hydro Scheme', but solar panels as well as the flaming windfarm at opposite ends of the valley????? Please answer that.

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DA2023/56 seeks approval to undertake geotechnical investigation, in support of the Project, it is in alignment with the objectives of the Hunter-Central Coast Renewable Energy Zone (REZ) and the Hunter Regional Plan 2041.

The Project is wholly located within the Hunter-Central Coast REZ, which was formally declared as a REZ on 9 December 2022 under section 19(1) of the *Electricity Infrastructure Investment Act 2020*. The REZ will reduce carbon emissions by delivering a greater mix of renewable energy to the National Electricity Market (NEM), supporting NSW and Australia's net zero ambitions.

As provided in section 2.5.1 of the SoEE, Objective 7 of the Hunter Regional Plan 2041 is to reach net zero and increase resilience and sustainable infrastructure planning for the Upper Hunter. The shift to a net zero emissions economy will create opportunities in the energy sector, such as advances in energy technology and ongoing employment opportunities.

As such, DA2023/56 seeks approval for early works to inform the potential development of the Project to meet the objective of both State and local government policy. Council is required to assess the DA in front of them and both Council and community will have a full opportunity to comment on the larger Project should it proceed to public exhibition under the State planning framework.

2. Submission 2

i. Investment

Within the Introduction, the 3rd paragraph speaks to an investment of \$830,000 (exclusive of GST). These funds are insufficient when you consider the bullet point two, because they have NOT allowed for the repair or upgrading of either Sandy Creek or Limestone Rds.

The investment figure presented in the introduction of the SoEE does not relate to improvements to Sandy Creek Road. Sandy Creek Road is an approved 19m B-double route with travel conditions (relating to B-double road use during school hours) and is suitable to support the Project without upgrades.

Limestone Road is a gravel road, that is not currently accessible to the public, that will be continuously monitored during the proposed activities. Minor capital works may be required to Limestone Road during the drilling program; however, it has been assessed as adequate for the purposes of the geotechnical drilling activities at this time. Noting that Limestone Road is not currently accessible to the public, use of the road does not pose any risk to the public.

ii. Improvement to existing access tracks

Augmentation and improvement of existing access tracks to facilitate safe site access. Meaning existing roads Sandy Creek Road and Limestone Rds.

Augmentation and improvement of existing access tracks to facilitate safe site access does not relate to either Sandy Creek Road or Limestone Road. The augmentation and improvements of access tracks only refers to private tracks, either existing or proposed, that are required to support the development.

iii. Land uses

3.4.2 Surrounding Area and Context. States Land uses surrounding the Site include agricultural activities, light industrial land uses and residential areas. Owning a property on Sandy Creek Road I haven't seen any light industries operating along Sandy Creek Road, what is there is Rural Farm lets and the Correctional Facility you can't see the Mine nor are there any tipper trucks using Sandy Creek Road. The area is quiet with only local residents and visitors to the Correctional Facility using the road.

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Section 3.4.2 in the SoEE relates to approved lands uses within the area as per the *Muswellbrook Local Environmental Plan 2009*.

iv. Tailings disposal

The Question is what suitable disposal of the Tailing will be undertaken by the removal Contractor.

Waste materials produced by the development are proposed to be removed from site by a licensed waste contractor and disposed of at licensed facility. Drilling waste, which is referred to as tailings within the submission, is regularly produced by geotechnical investigations and is suitable to be_disposed of at any number of licensed facilities within NSW. The final disposal location of waste materials will be at the discretion of the waste contractor in accordance with license requirements.

v. Proposed drill rig

Figure 4.2 Typical drilling equipment set up, this is NOT a true depiction what the applicant is intending to use is a Drill Rig similar to a CX1010 which is a 9.6-11 tonne machine. A Tracked Dilling Rif, Comacchio 450p or similar the CH450 weighs approx. 45 tonnes and it needs to go down Sandy Creek Road and Limestone Rds. To access the site together with the Low Loader that means about seventy five tonnes (75) of machinery going down these two roads which are not designed to handle such weight, the Roads are small narrow and the shoulders are breaking away due to erosion and I haven't seen any Council works to repair Sandy Creek Road.

4.4 Geotechnical Drilling. Speaks to boreholes would be drilled using a Large Truck mounted drill rig. Yet the Applicant shows Council a small track mounted drill rig which is not capable to drill the 200m to 300m below the ground level, ...

The SoEE states that boreholes will be drilled with a large track mounted drilling rig, which may be a Comacchio 450p or similar. A Comacchio 450p weighs approximately 12 tonnes with rods.

Alternatively, a Morooka LF130, or similar, may be used which is approximately 7.8m long x 3.2m wide, and weighs approximately 21 tonnes, and is capable of drilling to the required depths. The drill rig to be used will depend on site access conditions and contractor availability.

As outlined in the SoEE, images included are to provide an indication of typical vehicles which are used to undertake geotechnical investigation and typical drilling set up.

Sandy Creek Road is an approved 19m B-double route with travel conditions, with a general access mass limit of up to 50 tonnes. The drill rig used will comply with this general access mass limit. To further mitigate any risk to Sandy Creek Road MPH suggests, should the DA be approved, conditions of consent are put forward in which MPH is required to make good any potential damage to council managed infrastructure. Similar geotechnical works approved by MSC in 2020 (DA 2020/40), included a suitable condition of consent to deal with this matter, provided below:

The applicant shall bear the cost of all restoration works to Council property damaged during this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Limestone Road is an unsealed gravel road with no public access, therefore as outlined within the SoEE, MPH will monitor its conditions during use and repair as necessary.

vi. Vehicle requirements

The Waste water and cuttings will weigh 13.2 to 16.2 Tonnes this is based on 6m3 this will require a Heavy Rigid Truck not a Medium Rigid Truck as proposed by the Applicant.

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One (5,000 litre) water tank will be insufficient probably 3 or four to meet the demands of water required for HQ3 wireline drilling technique which requires 50-70 litres per/minute. Council should be aware that this would require a minimum of 3 Water Carts of 15,000 Litres capacity and these Trucks would have a GVM of no less than 35 Tonnes which will unduly effect the sub base of Sandy Creek and Limestone Roads requiring extensive roads works by Council and great inconvenience to all residents of Sandy Creek Road Muswellbrook and McCullys Gap.

On receipt of feedback from a geotechnical engineering team which proposes to carry out these works, the following information which was provided in the SoEE and the Traffic Impact Assessment (TIA) has been reviewed:

- The previous references to medium rigid vehicles being used to carry out the works should now be changed to heavy rigid vehicles
- The number of forecasted vehicles and movements to and from the site have increased slightly.

The TIA has since been updated (SMEC 2023b), and available within Appendix B, with revised the number of vehicles outlined in Table 2.1.

The updated TIA concluded that New England Highway, Sandy Creek Road and Limestone Road would have capacity to accommodate the additional traffic generated by the Project.

With regards to pavement conditions on Sandy Creek Road and Limestone Road, it is recommended to monitor conditions during use and, on completion, repair as necessary. Impacts to Sandy Creek Road can be managed via conditions of consent where a proponent will generally undertake to make good damage done to council managed infrastructure, as discussed in Section 2.2.5.

In terms of potential impacts to Limestone Road, this is a private road under the control of the Muswellbrook Mine site owner, Idemitsu. Any potential impacts to Limestone Road can, therefore, be managed with the mine site owner, Idemitsu, as the asset owner of this infrastructure and a joint land owner who has provided a letter of consent to support the lodgement of this DA56/2023.

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Table 2.1 Estimated heavy and light vehicle movements

Task name	Vehicle type	No. of one-way vehicle movements per day- Lower Reservoir	No. of one-way vehicle movements per day- Upper Reservoir	Total no. of one-way heavy vehicle movements per day
Site mobilization and demobilisation (first/ last few days)	Heavy Rigid Truck	16	16	32
	Light Vehicles	4	4	8
Geotechnical investigation works	Medium Rigid Truck (water cart plus sucker truck)	2	2	4

vii. Water use

Figure 4.4 shows: Typical Borehole arrangement. Two water tanks, a truck mounted Drill Rig with one mud tank adjacent, one Water Tanker and one Slurry Truck. This depiction is misleading and the Applicant fails to mention the size of the Large track mounted drilling rig, what's large? The machine show in Figure 4-2 certainly is NOT.

I have provided in Figure 1 a true photo of 45 Tonne Crawler Drill Rig capable of drilling to 300 Metres below ground level so its BIG, using 60 litres of water a minute (3600 litre p/h) to cool the drilling head and 6 metre Skip Bins being filled with waste can weigh up to 16.2 Tonnes of Water and Cuttings. Along with a continues Water Carts coming to fill the 5000 litre Water Tanks based on Operational Hours 11hours P/D stated by the Applicant will use 32,400 litres of Water per day based on 9 hours of drilling, 162,000 Litres of Water per week excluding Saturday and some recycling.

As discussed in Section 2.2.5, images included within the SoEE are to provide an indication of typical vehicles which are used to undertake geotechnical investigation and typical drilling set up, as outlined in the SoEE. Furthermore, Section 2.2.5 identifies the likely drill rigs to be utilised and discusses revisions made to the TIA (SMEC 2023b) to account for heavy rigid vehicles.

In regard the volume of water to be used during drilling activities, mudding agents will be relied upon in the drilling process to minimise water loss and that water is to be continually recycled during the process. Typically about 2,000 litres of water is sufficient for a borehole to 60 m depth (dependent on water loss due to fractured ground). It is estimated that up to 10,000 litres per day may be required when complete water loss is encountered. As such the water use stated in the submission is incorrect.

viii. Waste material

Then there is the waste material that will be removed the Applicant has stated that Waste storage tanks (6m3 lined skip bins) are to be used, note the use of plural BINS how man BINS would be removed daily, I estimate at least 2-3 Skip Bins will need to be removed each day of operations. This means that a further 2-3 Trucks with a GVM of 35 Tonnes will be using Sandy Creek & Limestone Rds.

Waste storage tanks, utilised for the purposes of drilling waste, are generally required to be emptied every 2 to 3 days dependent on drilling conditions. The revised TIA (SMEC 2023b), provided in Appendix B, includes an assumption that two one-way vehicle movements per a day for water carts / sucker trucks (being the vehicles relied upon to remove drilling waste) will be required consistent with expected requirements. This being found to have minimal impacts on the surrounding road network.

The total number of waste storage bins on site at any one time will vary, with waste bins stored on geotechnical investigation pads and laydown areas.

230904 Response to Submissions lower reservoir.docx _4/09/2023





ix. Trees alongside Sandy Creek Road

What of the trees that will need to be removed from the table drain areas of Sandy Creek Road, no medium or heavy truck can manoeuvre Sandy Creek Road without smashing mirrors on the overhanding tree's unless they ride the centre of the road.

Sandy Creek Road is an approved 19m B-double route with travel conditions and is suitable to support the DA2023/56 without upgrades. Removal of trees will not be required along Sandy Creed Road.

x. Groundwater

6.1.2.5 Groundwater Dependent Ecosystems. A DESKTOP review was undertaken to determine the presence of groundwater dependent ecosystems (GDEs) They explain it they sat at their desktop computers and did a search on the National atlas and the closest GDE was the Hunter River What about Sandy Creek is that not a groundwater resource my property has a Stock and Domestic WAL and water is source from Sandy Creek as are my neighbours small tributaries from the surrounding lands within the proposed site do flow into Sandy Creek during heavy rains, can the Applicant ensure that it will not rain? No they cannot and they have not addressed this.

Groundwater Dependent Ecosystems are defined as 'ecosystems that need access to groundwater to meet all or some of their water requirements to maintain their communities of plants and animals, ecological processes and ecosystem services'.

As stated in section 6.1.2.5 of the SoEE, a search of the National Atlas of GDEs (BoM 6 January 2023) identified the potential for GDEs in proximity to the proposed geotechnical investigation area. The closest GDE was associated with the Hunter River, being approximately 5km from the closest proposed drilling site, and no potential GDEs were shown to occur within the geotechnical investigation area. According to the National Atlas, Sandy Creek does not support Groundwater Dependent Ecosystems. Furthermore, Section 3.4 of the Biodiversity Assessment (see Appendix A of the SoEE), notes that vegetation communities identified in the study area have been identified as 'low potential GDEs'. In appreciation of the above it is considered that the proposed geotechnical investigation activities pose a low risk to GDEs. Matters raised in regard to surface water runoff are address in Section 2.2.11.

xi. Surface water runoff

Potential for surface water runoff exists during drilling operation and if not captured has the potential to cause water and sediment to the nearest waterbody Sandy Creek approx. 4.5km west and Surface water drainage streamlines but they show the mine site water runs downhill not up! Sandy Creek only ends at the Hunter River so Council if approve this could be responsible for any contamination of the Hunter River.

Prior to works commencing, an erosion and sediment control plan will be prepared in accordance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and included in the Environmental Management Plan for the geotechnical investigations outlined in the DA2023/56. The Environmental Management Plan would consider surface water impacts and document appropriate management and mitigation measures to reduce the risk of sediment leaving the site.

xii. Renewable energy and a cleaner environment

By rejecting this application and moving forward to a cleaner environment with the closure of mining, Muswellbrook Council can plan for a better place to live, grow their families and retirement for many.

DA2023/56 seeks approval to undertake geotechnical investigation, in support of the Project, it is in alignment with the objectives of the Hunter-Central Coast Renewable Energy Zone (REZ) and the Hunter Regional Plan 2041.

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The Project is wholly located within the Hunter-Central Coast REZ, which was formally declared as REZ on 9 December 2022 under section 19(1) of the *Electricity Infrastructure Investment Act 2020*. The REZ will reduce carbon emissions by delivering a greater mix of renewable energy to the National Electricity Market (NEM), supporting NSW and Australia's net zero ambitions.

As provided in section 2.5.1 of the SoEE, Objective 7 of the Hunter Regional Plan 2041 is to *Reach net zero and increase resilience and sustainable infrastructure planning for the Upper Hunter.* The shift to a net zero emissions economy will create opportunities in the energy sector, such as advances in energy technology.

As such, DA2023/56 seeks approval for early works to inform the potential development of the Project to meet the objective of both State and local government policy. Council is required to assess the DA in front of them and both Council and community will have a full opportunity to comment on the larger Project should it proceed to public exhibition under the State planning framework.

3. Submission 3

i. Biodiversity impacts

I reject the assertion that these geotechnical investigations could ever be undertaken with only minimal environmental impacts. The destruction of our environment, boring holes in the beautiful landscape, wiping out the beautiful Australia flora and fauna and the extermination of Australian animals native to Muswellbrook will continue, ...

The SoEE considers potential environmental impacts and outlines proposed mitigation and management strategies.

Biodiversity impacts were assessed in detail in Biodiversity Assessment (SMEC 2023a), see Appendix A of the SoEE. Five native vegetation communities were identified in the study area, two of which are threatened ecological communities. Significance assessments determined that no significant impacts were likely to any of the threatened vegetation communities.

Habitat assessment and field surveys identified nine fauna species; however, assessments of significance determined the Project is unlikely to have a significant impact on these species.

Five threatened flora species are considered likely to have a moderate likelihood of occurrence in the study area but were not identified during field surveys. The Biodiversity Assessment determined that a Biodiversity Development Assessment Report (BDAR) is not required for the geotechnical investigations.

Management measures proposed to be implemented to avoid or minimise impacts to biodiversity values have been recommended in the SoEE. With these mitigation measures in place it is anticipated that there will be no significant impacts on biodiversity values.

3. Summary

Should further clarification be required in regard to the information provided within this report please do not hesitate to contact the under signed. Yous Sincerely

Stuart Galway Group Manager – Land, Approvals and Environment 0407 788 412 sgalway@agl.com.au

230904 Response to Submissions lower reservoir.docx _4/09/2023



Attachments:

DA 2002/205 Section 4.55 Modification Application - Muswellbrook 10.1.3. Coal Mine MOD9 - Closure and Rehabilitation Amendments and Accommodate Muswellbrook Bypass

1. Attachment A - Section 4.15 Assessment [**10.1.3.1** - 16

pages]

2. Attachment B - Recommended Conditions of Consent

[10.1.3.2 - 47 pages]

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Theresa Folpp (Development Compliance Officer)

1 - Economic Prosperity

Community Plan Issue: 3 - Environmental Sustainability

6 - Community Leadership

Community Plan Goal: Not Applicable

Community Plan Strategy: Not Applicable

Not applicable

PURPOSE

This report has been prepared to inform Council in determining a Section 4.55(1A) request to modify development consent DA 2002/205.

Muswellbrook Coal Company (Muswellbrook Coal), as the Applicant, is seeking to modify the development consent to achieve the following:

- Align rehabilitation conditions with contemporary requirements under the *Mining Act* 1992 (Mining Act);
- Accommodate changes as the mine progresses from operations to rehabilitation and closure; and
- Accommodate the construction and operation of the Transport for NSW (TfNSW) Muswellbrook Bypass.

Administrative changes have also been proposed to update Government departments, minor grammatical errors, and to add/update standard definitions in the Glossary of Terms.

The section 4.55(1A) modification application requires determination by Council, as its determination is outside the function delegated to Council Officers.

OFFICER'S RECOMMENDATION

Council approves the s4.55(1A) modification to Development Application No	2002/205
subject to the recommended conditions of consent in Attachment B.	

Massadi	Canadad.
Moved:	Seconded:

REPORT

Description of Proposal

Muswellbrook Coal operates the Muswellbrook Coal Mine (the Mine) under development consent DA 2002/205 and mining leases. On 2 July 2021, the NSW Resources Regulator (RR) introduced reforms to improve compliance and reporting requirements for mine rehabilitation across NSW.

To ensure consistency between the development consent and the reforms, Muswellbrook Coal seeks to modify its consent to align with the updated requirements of the Mining Act and to reflect the transition from operations to rehabilitation and closure.

A change to the Consent is also required to facilitate the construction and operation of the Muswellbrook Bypass.

Several administrative changes are also proposed to update Government departments, minor grammatical errors, and to add/update standard definitions in the Glossary of Terms.

History of Approvals

MOD6

The Mine was established in 1907 and, at the time, mining was primarily via underground mining methods. In 1944, Muswellbrook Coal developed open cut coal mining on the site.

Whilst planning controls have not existed for most of the past 120 years, Muswellbrook Coal has undertaken coal mining under numerous approvals since the need for approvals commenced.

In 2002, Muswellbrook Coal lodged an application for the extension of the No.1 Open Cut. This application (DA 2002/205) was approved subject to conditions at the August 2003 Council meeting.

Since the granting of DA 2002/205, there have been several modifications, as listed in Table 1 below.

DA 2002/205	Modification Description	Approved*
Original	Extension of Open Cut 1	11/08/2003
Application (1)	54 conditions imposed on consent	
MOD2	Enable washing of coal at preparation plant and blasting**	13/12/2004
MOD3	Power line relocation and additions to workshop	19/12/2005
	Modify Condition 1.1	
MOD4	 Relocation of office buildings, workshop, and bathhouse. 	15/07/2009
	Revise final landform	
	Modify Condition 1.1 and 11.3	
MOD5	Extension of open cut mining onto land referred to as Area C	20/12/2010
	Modify Condition 11.1	

Revision to mining infrastructure building

requirements and rehabilitation plan revision to permit continuation of mining for an additional five

Table 1 - DA 2002/205 Approvals History

29/10/2013

DA 2002/205	Modification Description	Approved*
	year	
	• Modify Conditions 1.1(a), 31, 33, 39, 45 and 58	
MOD7	Continuation of mining operations for an additional five years	09/12/2013
	 Modify Conditions 1.1, 1.2 and 6.3.2. Addition of Conditions 59 and 60 	
MOD8	Mining of additional areas and extension of mine life to 2022	26/10/2016
	General revision of consent conditions	
MOD9	Accommodate changes from operation to rehabilitation and closure phases	Current
	 Align rehabilitation objectives with requirements under <i>Mining Act 1992</i> 	
	Accommodate construction and operation of the TfNSW Muswellbrook Bypass by realigning the consent boundary	
MOD10	Three month extension of time for coal handling, storage, and transport.	20/12/2022

^{*} Approval dates consistent with Council's "Authority" Database and varies from approval dates shown in approvals documentation. MOD6 and MOD7 shown in date order in this table, inconsistent with Authority.

ASSESSMENT SUMMARY

Council staff have considered the relevant matters required in accordance with Section 4.15(1A) and 4.55(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including the objects of the Act, applicable environmental planning instruments, the likely impacts of the modification application, site suitability, and the public interest.

Through the assessment of the modification, consultation occurred with the following Government Agencies, and comments have informed the draft conditions of consent:

- NSW Subsidence Advisory;
- NSW Environmental Protection Authority;
- Natural Resource Access Regulator;
- NSW Rural Fire Service;
- NSW Resource Regulator; and
- Transport for NSW.

An assessment of these key areas is provided in Attachment A and a summary of key changes is provided below.

- Condition 10 modified to clarify the timing and process around the handover of the maintenance of the sections of Muscle Creek Road used for coal haulage as part of the project to Council.
- Conditions 17, 18, and 19, to the extent that these conditions related to rehabilitation of the site, have been modified to align with the rehabilitation requirements imposed by the NSW Resource Regulator through the Mining Act. High level Council rehabilitation objectives are retained in the consent. Conditions have been modified to capture

^{**} Modification description obtained from MUSWELLBROOK COAL (Nov 2022)



- Council's current mine closure planning requirements related to managing social and economic impacts, workforce transition, and future land use planning.
- Modification of condition 2b) to adjust project boundaries and facilitate the handover of land to the State Government that forms part of the Muswellbrook Bypass corridor and clarify the relationship of this consent to that land at the point in time that it is acquired by the State.
- Update of conditions 30, 33, and 39 related to air quality, blasting, and noise through the carrying out of rehabilitation works.
- Update to conditions 30, 40, and 47, related to remove land acquisition related conditions (applicable for the duration of mining operation only) and adjust mitigation requirements for dust and noise to reflect requirements for post-mining rehabilitation activities.
- Update to condition 14, related to environmental management plan requirements to align
 with post mining rehabilitation activities to remove previous requirements for three yearly
 management plan updates, and to align with management plan requirements reflective
 of the post mining rehabilitation scope of works.
- Other minor administrative changes to reflect post mining rehabilitation activities and scope of works. These more modest recommended changes are commented on in the attached Section 4.15 Assessment report.

The attached Section 4.15 Assessment Report includes an expanded description of the recommended changes to the conditions.

COMMUNITY AND REGULATORY CONSULTATION

The Modification Report was placed on public exhibition from 09 June 2022 to 30 June 2022, with notifications sent to adjoining property owners and comments requested from several agencies (see Table 2). Although no public submissions were received, feedback from the NSW Rural Fire Service (RFS), Resources Regulator, and Biodiversity Conservation Division were received.

Agency feedback is summarised in Table 2 below.

Table 2 – Agency Advice on the Modification

Ref	Regulator	Key Comments
1	Subsidence	No comment.
	Advisory	
2	EPA	EPA will not support the surrender of their Licence if it is appropriate to manage any contamination arising from activities at the Premises through conditions of the Licence.
		Consult with EPA if modification is varied.
3	National	None received.
	Resources	
	Access	
	Regulator	
4	NSW RFS	Condition 23 of the existing development consent No. 2002/205, as modified 26 October 2016, shall be amended to read:
		Bushfire Management Plan and other Fire Controls
		The Applicant must:
		(a) deleted

Ref	Regulator	Key Comments
		(b) Within 3 months of this consent, the proponent shall prepare a Fire Management Plan (FMP) in consultation with NSW Rural Fire Service Hunter Valley Fire Control Centre. The FMP shall be divided into mining operations and post operations fire management actions. The FMP shall include timelines for actions to be implemented (Asset Protection Zone, etc) The FMP shall address fire fighting response to both structural (on-site) fires and vegetation (on & off site) fires impacting on the facility. As a minimum, the FMP shall include
5	Mining, Exploration and Geoscience	Referenced Resources Regulator Response.
6	Electrical Engineering Safety	See BCD response.
7	TfNSW	None Received.
8	Resources Regulator	Various comments (see Attachment A).
9	Biodiversity Conservation Division	 The biodiversity offset required under Condition 20 of the consent is fully fenced to exclude stock and reduce unauthorised access, and that this is done prior to the cessation of mining activities. Records indicate not practical. The draft Hunter Regional Plan 2041, prepared by the Department of Planning and Environment (dated December 2021), identifies up to 1,171 hectares of land at the Muswellbrook Coal Mine site as having potential industrial, manufacturing, intensive agriculture, or energy generation development post mining. If land use change eventuates, then mine rehabilitation on the site would need to be assessed and may need to be offset.

OPTIONS

Council may:

- **Option 1:** Approve the proposed modification subject to the recommended amended conditions of consent (Attachment B).
- **Option 2:** Refuse the modification to development consent and nominate reasons for refusal.

CONCLUSIONS

Council staff have assessed the modification application in accordance with the relevant requirements of the *Environmental Planning & Assessment Act 1979*, and in consultation with relevant Government agencies.

Council staff consider that the proposed modification is appropriate, given:



- The updates to rehabilitation conditions would ensure that the development consent reflects the current regulatory framework for mine rehabilitation in NSW;
- Changes that accommodate mine progression to rehabilitation and closure will clarify timing
 of responsibilities that are no longer required, which will enable Muswellbrook Coal to more
 efficiently manage the site with limited personnel and allow improved coordination of the
 site; and
- The proposed modification would not result in impacts beyond those assessed and approved under the existing development consent.

Consequently, Council staff recommend that the modification be approved.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the modification application, they have an opportunity under the provisions of *the Environmental Planning and Assessment Act* 1979 to appeal that determination at the Land and Environment Court.

Section 4.55(1A) Assessment Report

Property Address Various Lots, Muscle Creek Road, Muswellbrook

APPLICATION NO: DA 2002/205 – Muswellbrook Coal Mine MOD9 Closure and

Rehabilitation Amendments and Accommodate

Muswellbrook Bypass

PROPOSAL: Pursuant to section 4.55(1A) of the EP & A Act 1979, to

modify a consent for DA 2002/205 (MOD9)

PLANS REF: See Attachments

OWNER: Muswellbrook Coal Company

OWNER ADDRESS: PO Box 123 Muswellbrook NSW 2333

APPLICANT: Muswellbrook Coal Company

ADDRESS: PO Box 123 Muswellbrook NSW 2333

AUTHOR: Theresa Folpp

DATE OF REPORT: 14 February 2024

DATE LODGED: 14 April 2022

SUMMARY

ISSUES – See Section 5 of this report

SUBMISSIONS – See Section 4 of this report

RECOMMENDATION – Approval subject to conditions

1. INTRODUCTION

Background and Site Locality

Muswellbrook Coal Mine (the Mine) is an open cut coal mine located approximately 3 kilometres (km) north-east of the town of Muswellbrook (see **Figure 1**).

The Mine is operated by Muswellbrook Coal Company (Muswellbrook Coal), a wholly owned subsidiary of Idemitsu Australia Resources Pty Limited (IAR).

History of Approvals

The Mine was established in 1907 and at the time, mining was primarily via underground mining methods. In 1944, Muswellbrook Coal developed open cut coal mining at the Mine.

Whilst planning controls have not existed for most of the past 120 years, Muswellbrook Coal has undertaken coal mining under numerous approvals since the need for approvals commenced.

In 2002, Muswellbrook Coal lodged an application with Council for the extension of No.1 Open Cut, comprising of extension A and B. The application (DA 2002/205) was approved subject to conditions at the August 2003 Council meeting.

Since the granting of DA 2002/205, there have been several modifications, listed in Table 1.

Table 1 - DA 2002/205 Approvals History

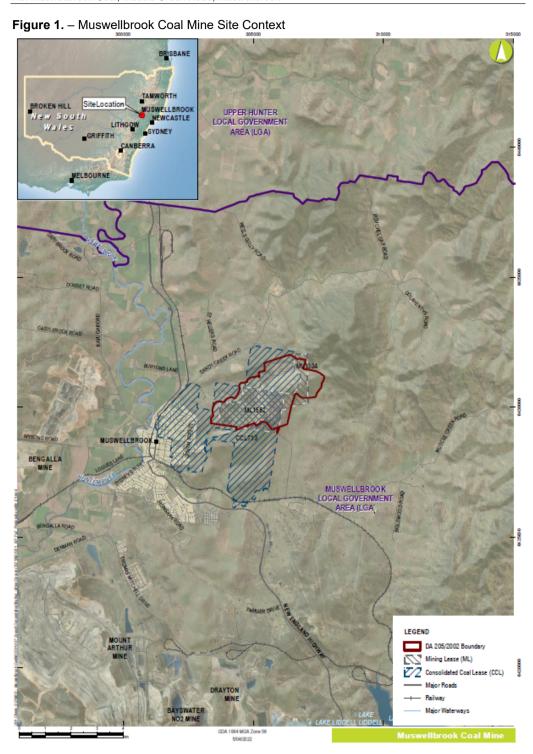
DA 2002/205	Modification Description	Approved*
Original Application (1)	Extension of Open Cut 154 conditions imposed on consent	11/08/2003
MOD2	 Enable washing of coal at preparation plant and blasting** 	13/12/2004
MOD3	Power line relocation and additions to workshopModify Condition 1.1	19/12/2005
MOD4	 Relocation of office buildings, workshop and bathhouse. Revise final landform Modify Condition 1.1 and 11.3 	15/07/2009
MOD5	 Extension of open cut mining onto land referred to as Area C Modify Condition 11.1 	20/12/2010
MOD6	 Revision to mining infrastructure building requirements and rehabilitation plan revision to permit continuation of mining for an additional five year Modify Conditions 1.1(a), 31, 33, 39, 45 and 58 	29/10/2013
MOD7	 Continuation of mining operations for an additional five years Modify Conditions 1.1, 1.2 and 6.3.2. Addition of Conditions 59 and 60 	09/12/2013
MOD8	Mining of additional areas and extension of mine life to 2022	26/10/2016

DA 2002/205	Modification Description	Approved*
	General revision of consent conditions	
MOD9	 Accommodate changes from operation to rehabilitation and closure phases 	Current
	 Align rehabilitation objectives with requirements under <i>Mining Act 1992</i> 	
	 Provide flexibility for beneficial reuse of MUSWELLBROOK COAL landholdings 	
MOD10	Three month extension of time for coal handling, storage and transport.	20/12/2022

^{*}Approval dates consistent with Council's "Authority" Database and varies from approval dates shown in approvals documentation. MOD6 and MOD7 shown in date order in this table, inconsistent with Authority.

The subject Application (MOD9) was received 14 April 2022.

^{**}Modification description obtained from Muswellbrook Coal (Nov 2022)



2. PROPOSED MODIFICATION

Modification

Muswellbrook Coal operates under an existing development consent (DA 2002/205) issued by Muswellbrook Shire Council under the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as mining leases issued under the *Mining Act 1992* (Mining Act). Both the development consent and mining leases impose obligations on Muswellbrook Coal in relation to rehabilitation.

On 02 July 2021, the NSW Resources Regulator introduced reforms to improve compliance and reporting requirements for mine rehabilitation across NSW. The reforms prescribe new rehabilitation and reporting conditions on all mining leases, requiring progressive rehabilitation, rehabilitation risk assessments, annual reporting and detailed rehabilitation management planning. Further information regarding rehabilitation reforms can be found on the NSW Resource Regulator website.

To ensure consistency between the requirements of the development consent and mining leases, the rehabilitation conditions on all mining-related development consents are progressively being reviewed and, where necessary, modified to align with the requirements of the rehabilitation reforms.

Muswellbrook Coal is seeking to modify the development consent to achieve the following:

- · Align rehabilitation conditions with contemporary requirements under the Mining Act; and
- Accommodate changes as the mine progresses from operations to rehabilitation and closure

Several administrative changes are also proposed to update Government departments, minor administrative grammatical errors and add/update standard definitions in the Glossary of Terms.

Muswellbrook Bypass Addendum

Transport for NSW (TfNSW) is undertaking works to construct a bypass of the New England Highway at Muswellbrook to improve travel times, freight efficiency and safety for all road users. The bypass is located to the east of Muswellbrook and connects the New England Highway to the north and south of Muswellbrook.

On 18 September 2023, Muswellbrook Coal submitted a Modification Report Addendum seeking to realign the DA 2002/205 consent boundary to allow for the construction and operation of the proposed bypass of the New England at Muswellbrook (the Muswellbrook Bypass).

The Addendum does not negate the changes sought in the Modification Report, rather it seeks the consent boundary realignment in addition to the proposed changes in the original Modification request.

3. STATUTORY CONTEXT

Scope of Modification

Council staff have reviewed the scope of the application and consider that the modified application:

- Would be substantially the same as that which was approved by DA 2002/205 at the time Modification 8 was granted under Section 96 of the EP&A Act (dated 26/10/2016); and
- Can be characterised as involving minimal environmental impact given it would not change the nature or scale of the approved development (see Section 2).

Council staff are therefore satisfied that the proposed modification is within the scope of Section 4.55(1A) of the EP&A Act and can be assessed and determined accordingly.

Consent Authority

Council is the consent authority for the application.

Mandatory Considerations

Council staff have considered the relevant matters required in accordance with Section 4.15(1A) and 4.55(3) of the EP&A Act, including the objects of the Act, applicable environmental planning instruments, the likely impacts of the modification application, site suitability and the public interest.

4. ENGAGEMENT

The Modification was placed on public exhibition from 09 June 2022 until 30 June 2022.

Adjoining property owners were notified during this period in accordance with provisions of Council's Community Participation Plan.

The application was referred to the following Agencies for comment:

- Subsidence Advisory (SA)
- Environment Protection Authority (EPA);
- Natural Resources Access Regulator (NRAR);
- Rural Fire Service (NSW RFS);
- Mining, Exploration and Geoscience (MEG);
- Environment, Energy and Science (EES);
- Transport for NSW (TfNSW);
- · Resources Regulator (RR); and
- Biodiversity Conservation Division (BCD).

There were no public submissions received for the modification.

A summary of agency advice is provided in **Table 2**. Material comments were received from NSW RFS, RR and BCD.

Table 2 – Agency Advice on the Modification

Ref	Regulator	Key Comments
1	SA	No comment. Functions and powers under the Act are in relation to
		impacts to surface development caused by the extraction of coal by
		underground mining methods.
2	EPA	Section 2.5.3 of the Modification Report states that "Assessments"
		are being conducted as part of detailed mine closure planning for

Ref	Regulator	Key Comments
		 THE MINE to identify any contamination associated with the currently approved operations." EPA will not support the surrender of the Licence if it is appropriate to manage any contamination arising from activities at the Premises through conditions of the Licence. Consult with EPA if modification is varied.
3	NRAR	None received
4	NSW RFS	 Condition 23 of the existing development consent No. 205/2002 as modified 26 October 2016 shall be amended to read: Bushfire Management Plan and other Fire Controls The Applicant must:
5	MEG	Referenced Resources Regulator Response, see Ref 8
6	EES	See BCD response
7	TfNSW	None Received
8	RR	Various comments.
9	BCD	 The biodiversity offset required under Condition 20 of the consent is fully fenced to exclude stock and reduce unauthorised access and that this is done prior to the cessation of mining activities. Records indicate not practical. The draft Hunter Regional Plan 2014 prepared by the Department of Planning and Environment (dated December 2021) identifies up to 1,171 hectares of land at the Muswellbrook Coal Mine site as having the potential industrial, manufacturing, intensive agriculture or energy generation development post mining. If land use change eventuates then mine rehabilitation on the site would need to be assessed and may need to be offset.

At the conclusion of the exhibition period, Council Staff forwarded the submissions to Muswellbrook Coal for response.

On 16 August 2023, Staff provided Muswellbrook Coal with a copy of draft conditions, which had also been reviewed by the Resources Regulator. Comments were provided back to Staff on 21 September 2023.

On 18 August 2023, the 'Modification Report Bypass Modification Report Addendum' was provided to Staff for review.

On 05 October 2023, Staff provided further revised draft Conditions of Consent to Muswellbrook Coal for comment. A subsequent meeting was held on 25 January 2024 to discuss residual issues, with Muswellbrook Coal providing a final response to residual issues on 06 February 2024.

5. ASSESSMENT

In assessing the merits of the proposed modification, Council staff have considered the existing conditions of consent, the modification application, and the applicable requirements of the EP&A Act. In accordance with section 4.55(2) and (3) of the EP&A Act, the matters for consideration set out in section 4.15(1) of the EP&A Act have been considered.

An assessment of key areas are provided below.

5.1. Handover of Muscle Creek Road following cessation of coal haulage

Muswellbrook Coal is seeking an amendment to Condition 10 to clarify the timing for handover of maintenance of Muscle Creek Road and have modified the condition so that the handover process will commence once coal haulage has ceased.

Council Staff are satisfied that since coal haulage at the Mine has ceased and rehabilitation has commenced, there will be a reduction in the intensity of use and less frequent vehicle movements on Muscle Creek Road resulting in a reduced impact on the condition of the road, accelerated wear and tear or damage.

Furthermore, the process of undertaking rehabilitation holds significant benefits for the community. It serves the purpose of repurposing the land for various uses or facilitating restoration of both land and ecosystems. There may likely be notable improvements in water quality, promotion of biodiversity, and an overall enhancement of the area's environmental health because of rehabilitation.

Muswellbrook Coal and Staff have commenced the process to handover the road back to Council in accordance with Section 11 of the Muswellbrook Coal Road Maintenance Annual Plan.

5.2. Rehabilitation

5.2.1. Rehabilitation Strategy and Rehabilitation Plan

Conditions 17 and 18 of DA 2002/205 require the preparation and implementation of a Rehabilitation Plan and Rehabilitation Strategy. Muswellbrook Coal propose removal of these conditions to avoid duplication with requirements under the Mining Act.

At the request of the Resources Regulator (RR), Condition 17 requiring a Rehabilitation Plan has been updated consistent with other DPHI consents to provide greater transparency of the overall regulatory framework for mine rehabilitation.

In relation to Condition 18, in its submission to the Modification Report, RR noted that removal of the Rehabilitation Strategy "is a matter for Council, however it will be important to ensure that if this condition is removed that any rehabilitation obligations (e.g. 23ha of reforested areas with specific species to be established) are retained in this consent". Staff requested from Muswellbrook Coal, a response on how and where commitments contained within approvals documentation were being addressed in the Rehabilitation Management Plan. This information was provided in the Submissions Report, and as a result, the following changes to the development consent have occurred:

- Condition 18 has been removed and Appendix I Rehabilitation Commitments has been included in the consent. These commitments are considered by Staff to be high-level, achievable commitments made in the latest approval related to rehabilitation, the 2016 Continuation Project and will ensure that rehabilitation commitments are retained within the consent. If Muswellbrook Coal is not able to meet these approved commitments, a modification and associated environmental assessment under the Environmental Planning and Assessment Act 1979 is required.
- A new rehabilitation objective has been added to Condition 15 that species are selected
 to re-establish and complement regional and local diversity providing habitat for a range
 of flora and fauna species found in the proximity, with a specific emphasis on preserving
 and enhancing genetic diversity within each species, ensuring long term sustainability
 and resilience to environmental changes. This will ensure long-term sustainability and
 resilience of the ecosystem.
- Rehabilitation objectives have been updated to ensure the re-establishment of species including Grey-Box, Narrow-leaved Ironbark, Grey Gum and habitat for the Grey-Crowned Babbler; rehabilitation of Land Soil Capability class 6 agricultural land.

5.2.2. Rehabilitation Objectives

The Resources Regulator is responsible for regulating and enforcing rehabilitation compliance in NSW. This includes oversight and involvement in the rehabilitation process to ensure that mining sites are properly rehabilitated and restored in accordance with legal and environmental obligation.

To relinquish any mining lease, a lease holder is required to demonstrate to RR that they have met the approved rehabilitation objectives, achieved the approved rehabilitation completion criteria and implemented the final landform and final land use(s).

Rehabilitation objectives and final landform/ and use are outlined in the development consent and included with the RR Form and Way documentation.

Muswellbrook Coal proposed several amendments to the rehabilitation objectives in Condition 15 of DA 2002/205 to ensure consistency with the requirements of the RR. Majority of these amendments were endorsed by the RR except for proposed amendments referring to the beneficial reuse of the land. The RR noted that these changes were ambiguous and could not be enforced.

Staff contemporised the objectives table and provided these to Muswellbrook Coal and RR for comment. Comments have been incorporated into the development consent, where relevant.

Key changes to the Rehabilitation Objectives and related section are summarised following:

- Addition of an objective to ensure that all infrastructure that is not to be used as part of
 the final land use is removed to ensure the site is safe and free of hazardous material;
- New objective for retention of infrastructure: In correspondence received on 21 September 2023 from Muswellbrook Coal, the RR added a new rehabilitation objective for retention of infrastructure to 'provide flexibility to enable beneficial re-use of existing infrastructure'. Staff support and have retained this condition;
- New objective so there will be no residual contamination on site that is incompatible with the final land use(s) or that poses a threat of environmental harm or risk to public safety.

• Removal of reference to micro-relief: Muswellbrook Coal proposed removing the rehabilitation objective to incorporate micro-relief and noted that this was raised by the (then) Department of Planning and Environment during the consultation for the 2016 consent modification. In the RTS for the 2016 modification, Muswellbrook Coal argued that due to the advanced stage of mine development and various constraints, it could not deviate from conventional methods like contour drains. In discussions on January 25 for MOD9, Staff agreed to remove the micro-relief reference but suggested including an objective using similar terminology to that of the Resources Regulator. Muswellbrook Coal did not provide a new objective, and therefore, a new rehabilitation objective was subsequently prepared by Staff, as follows:

Incorporate drainage features that mimic natural topography and mitigate erosion, to the greatest extent practical.

Removing the reference to micro-relief but including the above objective gives Muswellbrook Coal flexibility in rehabilitation methods and prioritises erosion control and landscape integration. This approach allows for a practical solution without being limited to specific techniques like micro-relief.

- Rather than include specific references to a corridor linking Bells Mountain and Skelletar Ridge, a habitat corridor will be established that will be located to achieve connectivity with established vegetation around the site whilst not prohibiting the potential beneficial reuse of the site; and
- A new Final Landform Figure has also been included in the consent which is consistent
 with other SSD in the Shire. Any updates will require approval from the General Manager,
 as opposed to requiring a modification. The final landform as shown in the development
 consent is currently generally consistent with what is approved i.e. 2016 Continuation
 Project.

Key changes that were discussed but not included in the modification include the following:

Updated rehabilitation domains - Staff suggested modifying the domains by replacing a
portion designated for Agriculture to Native Ecosystem. Muswellbrook Coal noted that
such changes would mean restarting the rehabilitation process in these established
areas, potentially delaying their relinquishment. Muswellbrook Coal intends to
progressively relinquish parts of the site upon meeting rehabilitation criteria and secure
certainty for future land uses. Staff accepted this rationale, highlighting that the area
planned for agriculture should naturally self-seed from nearby vegetation.

5.2.3. Progressive rehabilitation

Condition 16 has been updated with contemporary wording recommended by the RR.

5.3. Modification to DA 202/2005 development consent boundary for the proposed Muswellbrook Bypass

Amendments to the development consent boundary are required to accommodate the acquisition of land by TfNSW for the 925m long section of the bypass (11.7 ha of land which is located within the The Mine development consent boundary).

The area to be excised from the development consent boundary was assessed as part of the Muswellbrook Bypass Review of Environmental Factors, see TfNSW website here https://caportal.com.au/tfnsw/muswellbrook/map

The draft wording for the proposed condition (Condition 2b) had input from Council's Development Coordinator and Director of Planning and Environment, as well as TfNSW, and the legal team of Muswellbrook Coal.

Condition 2b provides regulatory clarity by applying a condition exclusively to the 'Bypass Land', once Transport for NSW becomes its registered proprietor. It clearly demarcates the land subject, as shown within a revised boundary in Appendix G of the development consent.

Staff note that Muswellbrook Coal will seek a variation or relinquishment of EPL 656, when required, to reflect the revised consent boundary and the rehabilitation and closure phases of the site.

5.4. Refining the Closure Plan to focus on social impacts and worker transition

Condition 19 requires preparation of a Closure Plan. The original condition included requirements that duplicated those required in the (now deleted) Rehabilitation Plan and Rehabilitation Strategy and, since the Mining Act reforms, the Rehabilitation Management Plan.

The Mine consulted with Council staff in February 2022 prior to the submission of the Modification Report and staff clarified the requirements of the Closure Plan. Muswellbrook Coal are now required to prepare and implement a Closure Plan in consideration of the report 'Identifying measures of success for a global best-practice thermal coal mine and thermal coal-fired power station closure' (UniSA, 2020). The Closure Plan must outline measures that were used to minimise adverse impacts to workers, and how workers were assisted to maximise future career options.

The Closure Plan will also need to include a final landuse strategy including investigation of post-mining beneficial land uses and nomination of alternate post-mining land uses (where applicable) in accordance with the Resources Regulators 'Practical Guide Post Mining Land Use' (2023).

Incorporating social impacts and worker transition strategies into the Closure Plan, even after mine closure, will serve as a record for assessing the effectiveness of social interventions and will guide future practice in mine closure.

The Closure Plan must be prepared within six months of approval.

Condition 19 has been updated to reflect the above.

5.5. Updated conditions for dust, noise and blast management during rehabilitation

Muswellbrook Coal proposed an update to Condition 30 (air quality), Condition 33 (blast), and Condition 39 (noise) so that conditions cease to apply following completion of 'Rehabilitation – land preparation' (collectively referred to decommissioning, landform establishment and growth medium development), as defined in NSW Resources Regulator Form and Way Annual Rehabilitation Report and Forward Program for Large Mines.

An overview of each condition is provided below:

- Condition 30 monitor and report air quality in accordance with the Air Quality Management Plan, and if dust exceeds specified criteria, must undertake an independent assessment, implement remedial actions, and, if necessary, negotiate compensation;
- Condition 33 implement a Blast Management Plan covering compliance with blasting criteria, mitigation measures, monitoring, protection of infrastructure and livestock, coordination with neighbouring mines, complaint investigation procedures, notification methods, including a community information hotline for blasting event notification; and

 Condition 39 – implement a Noise Management Plan which includes compliance with noise criteria, monitoring, monthly independent noise evaluations, managing exceedances and mitigation measures.

The 'Rehabilitation – land preparation' phase includes dismantling structures, landform reshaping via grading and contouring, and creating a growth medium with materials such as topsoil for new landforms. It is the final stage where dust, noise, and blasting impacts occur, prior to the subsequent ecosystem and land use establishment phase which involves seeding, planting, and management of weeds and pests.

Staff are satisfied that once the site has completed 'Rehabilitation – land preparation', the site will be stable and will no longer be generating dust or noise emissions or impacts related to blasting to warrant complaints from nearby landholders. Should Muswellbrook Coal receive dust, noise or blast complaints following cessation of monitoring, the site will continue to implement the Complaint Management System as outlined in the Environmental Management Strategy (Condition 14) and handle complaints consistent with the complaints handling procedure (as outlined Condition 46).

Reporting of rehabilitation is provided in the Annual Forward Program prepared by Muswellbrook Coal and can be tracked by Council staff if required.

These changes have been endorsed by Staff.

5.6. Cessation of land acquisition and mitigation requirements post-mining

Conditions 30, 40 and 47 have been updated to remove the requirement for Muswellbrook Coal to acquire land or provide mitigation if dust or noise investigations confirm that dust or noise acquisition criteria is being exceeded following the cessation of Mining Operations.

Staff are satisfied that with the transition of the site into the rehabilitation phase, activities are comparable to those of a standard construction site, which typically do not require land acquisition or mitigation measures.

It should be noted that during the 'Rehabilitation – land preparation' phase, Muswellbrook Coal will still be required to undertake other obligations under Conditions 30 and 40 that should a landowner consider dust or noise is exceeding the relevant criteria, Muswellbrook Coal must consult with the affected owner, assist with preparing an independent investigation, modify activities and follow up investigations. Following the completion of the 'Rehabilitation – land preparation' phase, investigations will no longer be required.

Muswellbrook Coal will continue to implement the Complaint Management System as outlined in the Environmental Management Strategy (Condition 14) and handle complaints consistent with the complaints handling procedure (as outlined Condition 46).

5.7. Updated environmental and fire management plan requirements post-mining

5.7.1. Timeframes for management plan updates

Condition 14 previously required the Environmental Management Strategy and associated Environmental Management Plans to be updated every three years.

This condition has been updated to remove this timeframe and part (f) has been replaced with the following:

The Applicant is required to submit an amended Environmental Management Strategy and amended Environmental Management Plans (other than a Mine Closure Plan) for

approval within six months of the date of this modification (MOD9).

The Applicant may prepare and submit for approval an amended Environmental Management Strategy or an amended Environmental Management Plan at any time.

Updated plans were submitted to Staff in April 2023 for approval.

Staff consider that since the Mine has entered closure, management plans are no longer required to be updated every three years. Update of management plans will be driven by activities and compliance.

5.7.2. Bushfire management

In its submission to the Modification Report, the NSW Rural Fire Service (RFS) requested a condition requiring an update to Condition 23 related to the preparation of a Fire Management Plan.

Muswellbrook Coal initially did not consider the proposed condition to be applicable, however Staff advised that the condition would need to be adopted unless further information from an accredited bushfire planning consultant was provided to inform Council and the NSW RFS in considering the matter further.

Muswellbrook Coal has confirmed that the condition will be accepted and the development consent has been updated accordingly.

While the RFS requested the Fire Management Plan be prepared within three months of the modification's approval, Staff have extended this to six months, aligning more closely with the typical timeframes for other SSD management plans, which are generally due within 12 months of approval.

5.7.3. Preparation of management plans by a suitably qualified person

Muswellbrook Coal proposed to remove the requirement for the Spontaneous Combustion Management Plan (SCMP) to be endorsed by a suitably qualified expert/s whose appointments have been approved by Council (Condition 31). Staff did not endorse this change because maintaining the endorsement by a suitably qualified person ensures the effectiveness and reliability of the plan.

Following discussions with Muswellbrook Coal, Staff updated Condition 31 so that the SCMP 'be prepared or reviewed by a suitably qualified expert/s'. This approach allows Muswellbrook Coal the flexibility to update the SCMP with input from a specialist, where required.

A similar change to Condition 25 for the Water Management Plan was made to recognise that water is a critical environmental aspect of an open cut mine site, necessitating expert-driven management strategies.

5.8. Minor administrative changes to the consent

Council Staff have made and supported several administrative changes. These changes are considered to clarify minor matters related to minor grammatical errors or consent modernisation.

Some of these are described below.

5.8.1. Provision of a Contamination Report following lease relinquishment

Staff proposed a new condition (Condition 19A) requiring Muswellbrook Coal to provide a contamination report following relinquishment of the mining leases to facilitate future land use planning. Noting that preparation of this report is already a requirement under the Mining Act.

5.8.2. Updates to atmospheric gas content criteria

At its meeting on 15 April 2021, the National Environment Protection Council (NEPC) agreed to vary the Ambient Air Quality National Environment Protection Measure (NEPM) by approving an amending instrument which took effect on 18 May 2021.

The amendment, considering the latest scientific evidence about the health impacts, includes strengthening the sulphur dioxide (SO2) reporting standards for 1-hour and 24-hour SO2 to 100 ppb and 20 ppb respectively.

This update has been included in the development consent in Condition 28.

5.8.3. Clarification on offset area fencing requirements

In its submission to the Modification Report, BCD made a comment regarding Condition 20 that the biodiversity offset be fully fenced to exclude stock and reduce unauthorised access and that "this is done prior to the cessation of mining activities".

Muswellbrook Coal noted that parts of the offset area are not fenced due to the topography preventing access (e.g. cliff). Staff updated the condition to clarify that fencing shall be installed to effectively prevent access of stock and need not necessarily follow the boundary of the land.

5.8.4. Timing of Independent Environmental Auditing

Muswellbrook Coal requested that Condition 41 be updated so that Independent Environmental Audits were required every three years until five years after the completion of mining.

Staff have not endorsed this change as they require confidence that the development is operating or undertaking rehabilitation in accordance with the approved management plans, and regulatory requirements; thus, the condition has been updated to require an IEA every five years from the date of modification determination.

It should be noted that Muswellbrook Coal will no longer be required to submit an Annual Environmental Management Report (AEMR) five years after the completion of mining. This was an existing condition and has not been amended as part of this modification. Continuing to submit an AEMR five years post-mining is considered onerous due to the significant resource allocation, diminished environmental impact, and minimal operational changes. By this stage, annual reporting obligations can be reviewed through the Muswellbrook Coal Annual Rehabilitation Report and Forward Program.

6. CONCLUSION

Council staff have assessed the modification application in accordance with the relevant requirements of the EP&A Act and in consultation with relevant Government agencies.

Council staff consider that the proposed modification is satisfactory, given:

 The updates to rehabilitation conditions would ensure that the development consent reflects the current regulatory framework for mine rehabilitation in NSW;

- Changes that accommodate mine progression from operations to rehabilitation and closure will clarify timing of responsibilities that are no longer required which will enable Muswellbrook Coal to more efficiently manage the site with limited personnel and allow improved coordination of the site; and
- The proposed modification would not result in any impacts beyond those that were assessed and approved under the existing development consent.

7. RECOMMENDATION

It is recommended that the Council grant development consent to modification DA 2002/205 MOD9 for Muswellbrook Coal Mine subject to the recommended conditions of consent.

Signed by:

Theresa Folpp Environmental Planning Officer

J. Furpp

Date: 14 February 2024

DA 205/2002 Section 4.55 Modification Recommended Conditions of <u>Consent</u>

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GLOSSARY OF TERMS

Term	Definition	
Agricultural Productivity	as defined by the Agricultural Suitability Classification	
	System used by NSW Agriculture.	
AEMR	Annual Environmental Management Report	
BCA	Building Code of Australia (also known as the National	
	Construction Code)	
CCC	Community Consultative Committee	
CCL 713	Consolidated Coal Lease 713 as amended or renewed.	
Construction	Construction of associated surface facilities and infrastructure, such as dams, new access roads, culverts, level crossing etc	
Council	Muswellbrook Shire Council	
DA	Development Application	
DA Area	Development Application area shown in Appendix B and	
	Appendix G of this consent.	
Development	The combined activities of Construction, Mining Operations and Rehabilitation, each as defined in the Glossary of Terms and the documents listed in Cond 2, as modified by the conditions of this consent.	
EMP	Environmental Management Plan	
EMS	Environmental Management Strategy	
EP&A Act	Environmental Planning and Assessment Act 1979	
EP&A Reg	Environmental Planning and Assessment Regulation 2000	
EPL	Environmental Protection Licence	
Environment	Components of the earth, including— (a) land, air and water, and (b) any layer of the atmosphere, and (c) any organic or inorganic matter and any living organism, and (d) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (a)–(c).	
Feasible	Feasible relates to engineering considerations and what is practical to build or implement	
Forward Program	Has the same meaning as in Clause 13(1), Schedule 8A of the <i>Mining Regulation 2016</i> (or any amended or equivalent future clause).	
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm and which may or may not be or cause a non-compliance.	
Independent Dispute	defined in a flow chart where Muswellbrook Shire	
Resolution	Council will appoint an independent dispute facilitator to deal with the matters of concern (refer to Appendix D)	
LGA	Local Government Area	
Material Harm	Is harm to the environment that: Involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or Results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the	

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DA 205/2002 Muswellbrook Shire C		
Term	Definition	
	reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).	
	This definition excludes "harm" that is authorised under either this consent or any other statutory approval.	
MHRDC	Maximum Harvestable Rights Dam Capacity	
MCC	Muswellbrook Coal Company Limited	
Mining Operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of coal on site.	
ML 1304	Mining Lease 1304 as amended or renewed.	
ML 1562	Mining Lease 1562 as amended or renewed.	
Mtpa	Million Tonnes per annum	
Operations	Any work undertaken under this consent	
POEO Act	Protection of the Environment Operations Act 1997	
Privately owned land	Land that is not owned by the Crown or a mining company (or its subsidiaries)	
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.	
Rehabilitation	Means the treatment or management of disturbed land or water for the purpose of establishing a safe and stable environment.	
Rehabilitation Management Plan	A plan required to be prepared by the holder of a mining lease as a standard condition of a mining lease and as set out in clause 10, Schedule 8A of the <i>Mining Regulation 2016</i> (or any amended or equivalent future clause) including any amendments to that plan.	
ROM	Run of Mine	
Secretary	Secretary of the Department of Planning and Environment (or their delegate) or any equivalent body with the same or similar roles and responsibilities at the applicable time.	
SEE	Statement of Environmental Effects	
VPA	Voluntary Planning Agreement	

Government Authorities		
DPHI	Department Planning, Housing and	
	Infrastructure	
DCCEEW	Department of Climate Change, Energy,	
	the Environment and Water (NSW)	
RR	NSW Resources Regulator	
EPA	Environment Protection Authority	
SA	NSW Subsidence Advisory	
Council	Muswellbrook Shire Council	Or the State Agency
NRAR	NSW Department of Natural Resources	Or the State Agency
	Access Regulator	applicable at the time
TfNSW	Transport for NSW	

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Note: To assist with the explanation of the intent of certain conditions in this consent, a number of flow charts are provided in Appendices D-F, which illustrates the various processes contained in this consent.

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SUMMARY OF MODIFIED CONDITIONS OF CONSENT

This Schedule summarizes the changes to the conditions of consent from those imposed on the original determination of this development application. This Schedule should not be relied on to identify the full details of the consent and is provided as a reference document only to assist a person reviewing or acting on this consent. The current conditions of consent are listed in full in Schedule 2.

Summary of changes:

- Condition 2 Clarify obligations following acquisition of the land for the Muswellbrook Bypass within the development consent boundary;
- Condition 10 Clarification of timing of Muscle Creek Road handover;
- Condition 14 Update timing for submission of management plans to 'as required';
- Condition 15 Update rehabilitation objectives;
- Condition 17 Delete previous condition and update to reference Rehabilitation Management Plan required under the *Mining Act 1992*;
- Condition 18 Update condition to ensure that rehabilitation obligations are captured in the development consent;
- Condition 19 Update condition to remove duplication and include requirements related to social closure planning and final land use planning;
- Condition 19A New condition relating to contaminated land;
- Condition 20 Clarification for areas required to be fenced;
- Condition 23 Update to contemporary bushfire condition by request of the NSW RFS;
- Condition 30, 33 and 35 Clarify timing for cessation of air quality, blast and noise monitoring;
- Condition 30 Delete the requirement for land acquisition due to dust;
- ➤ Condition 40 Delete the requirement for land acquisition due to noise;
- Condition 41 Clarify timing for Independent Environmental Auditing;
- Condition 47 Delete condition as the mitigation requirements were only applicable during mining operations;
- Condition 49 Remove the land acquisition condition;
- Several minor administrative amendments.

SCHEDULE 2 CONDITIONS OF CONSENT AS MODIFIED

GENERAL CONDITIONS

1. Obligation to minimise harm to the environment

The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, rehabilitation and, where relevant, decommissioning of the development.

2. Adherence to terms of DA, EIS, etc.

- a) The development must be carried out in accordance with the conditions of this consent and generally in accordance with:
 - Modification Report prepared by IEMA dated April 2022 submitted with the application for consent for the development, including the Applicant's response to submissions and additional information provided by the Applicant in support of the application.
 - ii. Modification Report Addendum prepared by IEMA dated September 2023 to realign the DA 205/2002 Development Consent boundary to be consistent with the Transport acquisition boundary and to exclude the bypass footprint from the MCM Development Consent area
 - iii. Modification Report prepared by IEMA dated September 2022
 - iv. The accompanying SEE titled "Muswellbrook Coal Continuation Project, 1 & 2" by EMM dated April 2016.
 - "Muswellbrook Coal Continuation Project Response to Submissions" dated 20 July 2016.
 - vi. the EIS titled "Muswellbrook Coal Company Limited, No. 1 Open Cut Extension Environmental Impact Statement 2002" dated July 2002, prepared by HLA-EnviroSciences Pty Limited and certified in accordance with Section 78A(8) of the EP&A Act;
 - vii. The accompanying Statement of Environmental Effects document by Hansen Bailey dated August 2010.

Where there is an inconsistency between two or more of the above documents, the most recent document prevails to the extent of that inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

- b) Where land subject to this consent also forms part of the corridor of land (Bypass Land) that is subject to the Muswellbrook Bypass Part 5 Project Approval (Bypass Approval), on and from the date on which Transport for NSW becomes the registered proprietor of the Bypass Land:
 - the conditions of the Bypass Approval shall apply to the Bypass Land to the exclusion of all conditions in this consent (except this condition); and
 - the land the subject of this consent shall be that land shown within the revised development consent boundary for DA2002-205 in Appendix G to this consent.

Following TfNSW becoming the registered proprietor of the Bypass Land, the proponent shall provide to Council with a copy of the title search of the Bypass Land.

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3. Compliance with documentation

The Applicant must comply with any reasonable requirement/s of Council arising from:

- Any reports, strategies, plans, programs, audits or correspondence that is submitted in accordance with this consent;
- Any reports, reviews or audits commissioned by Council or the Gas Health Study commissioned by the EPA regarding compliance with this consent; and
- The implementation of any actions or measures contained in these documents.

4. Period of Approval

The Applicant may carry mining operations until 31 December 2022, except handling, storage and transportation of coal. Handling, storage and transportation of coal may be carried out until 31 March 2023.

Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out satisfactorily.

Mining operations and rehabilitation are also regulated under the Mining Act 1992.

5. Project Commencement

The Applicant must:

- a) notify Council in writing of the date of commencement of the development under this consent; and
- certify that it has obtained all the necessary approvals required to commence the development; and
- ensure that employees, contractors and sub-contractors are aware
 of, and comply with, the conditions of this consent relevant to their
 respective activities.

6. Dispute Resolution

In the event that the Applicant or a Government agency, other than integrated planning bodies, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to Council or if not resolved, to the Minister for Planning, whose determination of the disagreement shall be final and binding on the parties.

MINE MANAGEMENT

7. Limits on Production

Product coal from the development must not exceed 2.0 Mtpa (Million Tonnes per annum).

8. Hours of Operation

The maximum hours of operation at the development shall be as follows:

- Open Cut Mining and Rehabilitation up to 24 hours, 7 days
- Coal storage, handling and transportation, up to 24 hours, 7 days
- Blasting 9am-5pm Mondays to Fridays.

Note: Blasting hours may be extended outside these times where there is a demonstrated safety

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need and with the approval of Council.

9. Coal Haulage

All coal haulage access to the mining lease area is restricted to the Private Coal Haul Road, Muscle Creek Road and New England Highway.

10. Section 138 Permit - Maintenance on Muscle Creek Road

The section of Muscle Creek Road from the internal haul road to the New England Highway is to be maintained by the Applicant to the satisfaction of the road authority being Council and must be in a well maintained, safe and appropriate condition at the end of all coal haulage. At the end of coal haulage the Road must be in a well maintained, safe and appropriate condition prior to Council taking responsibility for ongoing maintenance.

NB: The required maintenance standard is detailed in RMS Specification "QA Specification M3 Routine Services".

The Applicant must obtain a Section 138 Consent under the Roads Act 1993 prior to any maintenance works being undertaken by the Applicant on Muscle Creek Road. The application for consent must include an assessment of the road's Subnetwork ranking and a Routine Maintenance Annual Plan (RMAP) and shall generally be granted for a year for minor maintenance activities. Major activities including renewal works will require a separate 138 Consent. A contact person must be nominated for all matters dealing with Council roads.

11. Operation of Plant and Equipment

The Applicant must ensure that all plant and equipment used on site, or to monitor the performance of the development, is maintained and operated in a proper and efficient manner at all times.

12. Meteorological Monitoring

For the life of the development, or as otherwise agreed by Council the Applicant must ensure that there is a meteorological station located on site that:

- a) Complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guidelines; and
- b) Is capable of continuous real time measurement of temperature inversions in accordance of the Industrial Noise Policy or superseding document, unless a suitable alternative is approved by Council following consultation with the EPA.

The weather station must measure the following:

- Wind direction at 10 metres above the ground
- Wind speed at 10 metres above the ground
- Temperature at 2 metres above the ground
- Temperature at 10 metres above the ground
- Sigma theta at 10 metres above the ground
- Rainfall

All measurements are to be continuous and averaged over 15 minutes with the exception of rainfall that is averaged hourly.

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LAND AND SITE ENVIRONMENTAL MANAGEMENT

13. Appointment of Suitably Qualified or Experienced Person

- (a) The Applicant must ensure that a suitably qualified or experienced person is available throughout the life of the Development. This person shall:
 - be responsible for the co-ordination of the preparation of the Environmental Management Plan;
 - be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
 - (iii) be responsible for establishing systems to receive and respond to complaints;
 - (iv) facilitate an environmental induction and training program for all persons involved with mining and rehabilitation activities; and
 - (v) take reasonable steps to avoid or minimise adverse environmental impacts. This person shall advise the Mine Manager to issue instructions to stop work if a significant adverse impact on the environment is likely to occur.
- (b) The Applicant must notify Council of the name and contact details of the suitably qualified or experienced person and any changes to that appointment.

14. Environmental Management Strategies and Plans

- (a) The Applicant must prepare and implement an Environmental Management Strategy, providing a strategic context for the Environmental Management Plans. The Environmental Management Strategy must be prepared following consultation with the DPHI, EPA, DCCEEW and the CCC and be to the satisfaction of Council.
- (b) The Environmental Management Strategy must include, but not be limited to:
 - statutory and other obligations which the Applicant is required to fulfil during mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;
 - (iii) overall environmental management objectives and performance outcomes, during mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;
 - (iv) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;
 - (v) steps to be taken to ensure that all approvals, plans, and procedures are being complied with, namely procedures:

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- to receive, handle, respond to and record complaints;
- to respond to any non-compliances; and
- to respond to emergencies.
- (vi) processes for conflict resolution in relation to the environmental management of the project; and
- (vii) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.
- (c) The Applicant must make copies of the Environmental Management Strategy available to EPA, DPHI, SA, DCCEEW and the CCC and be placed on the Applicant's website following approval by Council.
- (d) The following Environmental Management Plans apply to the development in accordance with the terms of the relevant conditions in the table below:

Environmental Management Plan	Condition
Environmental Management Strategy	14
Rehabilitation Management Plan	17
Mine Closure Plan	19
Visual Amenity, Lighting and Landscaping Management Plan	22
Fire Management Plan	23
Water Management Plan	25
Air Quality Management Plan	29
Spontaneous Combustion Management Plan	31
Blast Management Plan	33
Noise Management Plan	39

These Environmental Management Plans and strategies may also form part of the overall Site Environmental Management Plan.

- (e) Any amendment to the Environmental Management Strategy and Environmental Management Plans is to be prepared to the satisfaction of Council.
- (f) The Applicant is required to submit an amended Environmental Management Strategy and amended Environmental Management Plans (other than a Mine Closure Plan) for approval within six months of the date of this modification (MOD9).

Note: The Applicant may prepare and submit for approval an amended Environmental Management Strategy or an amended Environmental Management Plan at any time.

15. Rehabilitation

The Applicant shall rehabilitate the site in accordance with the conditions imposed on Mining Leases ML 1304, ML 1562 and CCL 713 or any other mining lease under the *Mining Act* 1992 issued in respect of the development. This rehabilitation must be generally consistent conceptual final landform shown in Appendix H (unless approved by the General Manager), and must comply with the objectives in the Table below.

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DA 205/2002	Muswellbrook Shire C
Rehabilitation Feature	Objectives
Mine site (as a whole of the disturbed land and water)	The final landform is stable for the long-term in terms of both geotechnical and erosional stability and does not present a risk of environmental harm downstream/downslope of the site or a safety risk to the public/stock/native fauna.
Removal of mining infrastructure	All infrastructure that is not to be used as part of the final land use is removed to ensure the site is safe and free of hazardous materials.
Retention of Infrastructure	All infrastructure that is to remain as part of the final land use is safe, does not pose any hazard to the community.
	All infrastructure that is to remain as part of the final land use benefits from the relevant approvals (e.g development consent and / or licence/lease/binding agreement, etc).
Contamination	There will be no residual soil contamination on site that is incompatible with the final land use(s) or that poses a threat of environmental harm or risk to public safety.
Landforms	Final landforms sustain the intended land use for the post-mining domain(s).
	Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape.
	Incorporate drainage features that mimic natural topography and mitigate erosion, to the greatest extent practical.
	Residual waste materials stored on site (e.g coarse rejects and other wastes) will be appropriately contained so they do not pose any hazards or constraints for the intended final land use.
Final voids	Minimise to the greatest extent practicable: The size and depth of the final void The drainage catchment of the final void Any high wall instability risk Risk of flood interaction (flows in and out of the void)
	Maximise, to the greatest extent practicable, integration of the final void landform with the natural terrain features of the surrounding landscape.
	Void will not pose a risk to the public.
Water Quality	Water retained on site should be fit for the intended land use(s) for the post-mining domain(s).
	Any water management structures retained will be suitable for the preferred final land use.
Native flora and fauna habitat and corridors	Runoff water quality from the mine site is similar to water quality of the receiving waters. Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats.
	Species are selected that re-establish and complement regional and local diversity providing habitat for a range of flora and fauna species found in the proximity (including the Grey-crowned Babbler), with a specific emphasis on preserving and enhancing genetic diversity within each species, ensuring long term sustainability and resilience to environmental changes. Species will include: • Grey Box;

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N 200/2002 IVIUSWEIIDION 31		
Rehabilitation Feature	Objectives	
	Narrow-leaved Ironbark; and	
	Grey Gum.	
	A minimum of 23ha shall be reforested using the	
	above species or an equivalent area of 23ha	
	comprising similar floral structural and floristic	
	characteristics in green offsets.	
	Characteristics in green onsets.	
	A Habitat Corridor will be established across the site.	
	The corridor will be located to achieve connectivity	
	with established vegetation around the site whilst not	
	prohibiting the potential beneficial reuse of the site.	
Post-mining land use and agricultural pursuits	Levels of ecosystem function be established that	
1 Ost-filling land use and agricultural pursuits	demonstrate the rehabilitation is self-sustainable.	
	demonstrate the renabilitation is self-sustainable.	
	The vegetation structure of the rehabilitation is	
	recognisable as the target vegetation community	
	commensurate with the preferred final land use.	
	confinensurate with the preferred linariand use.	
	Re-establish agricultural land areas.	
	ne-establish agricultural land aleas.	
	Implement reasonable and feasible measures to	
	Implement reasonable and feasible measures to rehabilitate agricultural land areas to LSC 6.	
	Teriabilitate agriculturar land areas to LSC 0.	

16. Progressive Rehabilitation

The Applicant shall carry out rehabilitation of the site progressively, that is, as soon as reasonably practicable after disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim dust management strategies shall be employed when areas prone to dust generation cannot yet be permanently rehabilitated.

Note: It is accepted that some parts of the site that are temporarily stabilised may be subject to further disturbance at some later stage of the development.

17. Rehabilitation Management Plan

The Applicant must prepare and implement a Rehabilitation Management Plan for the development in accordance with the provisions under the *Mining Act 1992*.

18. Rehabilitation Strategy

Rehabilitation must be undertaken generally consistent with the proposed rehabilitation activities described in the document/s listed in condition 2 as summarised in Appendix I.

19. Mine Closure Plan

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:

- 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.
- 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.
- c) Include a tabulated description of objectives, targets, indicators and measures

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in a similar format to those presented in Appendix A of UniSA (2020) but tailored to the MCM.

- 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).
- e) Include a Mine Closure Stakeholder Engagement Strategy
- f) Include an Approvals and Tenements Relinquishment Strategy

19A Contamination Report

Upon relinquishment of mining tenements, the Applicant must provide Council with a final contamination report for all areas within the development consent boundary that shows there is no residual soil contamination that is incompatible with the final land use(s).

20. Restriction as to User - Vegetation Offset Area

A restriction as to user must be registered on the title of affected land for the purpose of creating a Vegetation Offset Area as indicated on Figure 1 'Proposed Offset Area' prepared by Hansen Bailey dated 12/10/10 Cad file: 06836A.dwg. Muswellbrook Council must be nominated as the sole authority empowered to vary or modify the restriction.

The terms of the restriction must include the following matters:

- a) Restriction against clearing.
- b) Restriction against use of land in any way inconsistent with the maintenance of the EEC on the land.
- c) Restrictions on livestock grazing on the land.
- d) Obligation to fence the land.
- e) Obligation to control noxious weeds and pests on the land.

A covenant acceptable to Muswellbrook Council, must be prepared and registered on the title of affected land, by Muswellbrook Coal Company at no cost to Council by 31 December 2018.

The applicant shall install suitable fencing around the designated offset area. This fencing shall be designed to effectively prevent access of stock and need not necessarily follow the boundary of the land.

21. Archaeology and Cultural Heritage Management

Should the Applicant uncover artefacts during the construction/ development process, a Section 90 Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 must be obtained from Heritage NSW for any destruction, damage or harm (including removal) of any Aboriginal artefact or heritage site.

22. Visual Amenity, Lighting and Landscaping

The Applicant must address visual amenity and landscaping issues for the development area to address relevant visual and landscaping issues associated with the development.

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The Applicant must:

 implement all reasonable and feasible measures to mitigate visual and offsite lighting impacts of the project; and

 Install new external lighting associated with the development in accordance with relevant Australian Standards including Australian Standards AS4282 (INT) 1997 – Control of Obtrusive Effects of outdoor lighting.

The Applicant must prepare a Visual Amenity, Lighting and Landscaping Management Plan for the development to the satisfaction of Council, and carry out the development in accordance with this plan. The Plan must:

- Identify the privately owned residences that are likely to experience significant visual impact during the remainder of the project, and
- Describe (in general terms) any additional mitigation measures that are planned to be implemented to reduce the visibility of the mine from these properties.
- Describe (in general terms) the mitigation measures that are planned to minimise the visibility of fixed lighting and mobile lighting where possible from the mine on these properties.

Within 3 months of Council approving the Plan, the Applicant must advise all owners of privately- owned residences identified in the Plan as receiving significant visual impact, that they are entitled to additional appropriate mitigation measures to reduce the visibility of the mine from their properties.

Upon receiving a written request from an owner of a privately- owned residence identified in the Plan, or upon receiving a reasonable direction from Council regarding any other privately – owned residence, the Applicant must implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) in consultation with the landowner, and to the satisfaction of Council.

These mitigation measures must be reasonable and feasible, and must be implemented in a reasonable time frame, to the satisfaction of Council.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to Council for resolution.

Note: Except in exceptional circumstances, Council will not require additional visual impact mitigation to be undertaken for residences that are more than 3 kilometres from the mining pit and face and unrehabilitated overburden emplacements.

23. Bushfire Management Plan and other Fire Controls

The Applicant must:

- (a) deleted
- (b) Within six months of this consent modification, the proponent shall prepare a Fire Management Plan (FMP) in consultation with NSW Rural Fire Service Hunter Valley Fire Control Centre.

The FMP shall be divided in mining operations and post operations fire management actions. The FMP shall include timelines for actions to be

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implemented (APZ, etc) The FMP shall address fire fighting response to both structural (on-site) fires and vegetation (on & off site) fires impacting on the facility.

As a minimum, the FMP shall include:

- (i) 24-hour emergency contact details including alternative telephone contact;
- (ii) Site infrastructure plan;
- (iii) Fire fighting water supply plan that provides suitable fittings including operational access for fire fighting vehicles to connection points;
- (iv) Site access and internal road plan that includes designation for access by category 1 - 10 rural fire fighting vehicles;
- (v) Construction of a minimum 10 metre asset protection zones (APZ) around all permanent habitable/critical assets and infrastructure and their continued maintenance;
- (vi) Location of hazards (physical, chemical, and electrical) that will impact on the fire fighting operations and procedures to manage identified hazards during the fire fighting operations;
- (vii) Mitigation measures designed to prevent fire occurring within the site, and prevent fire escaping the site and developing into a bush/grass fire risk to the surrounding area; and
- (viii) Such additional matters as required by the NSW RFS District Office.

WATER MANAGEMENT AND MONITORING

24. Discharge and Water Supply

- a) The Applicant must comply with Section 120 of the Pollution of the Environment Operations Act 1997.
- b) The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Environmental Management Report, including water taken under each water licence.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.

25. Water Management Plan

The Applicant must prepare a Water Management Plan for the development to the satisfaction of Council and carry out the development in accordance with this plan. The plan must be prepared or reviewed by a suitably qualified person.

The plan must be prepared in consultation with DCCEEW and submitted to Council for approval and include:

- (a) A Site Water Balance that:
 - a. Includes details of:
 - i. Sources and security of water supply, including contingency planning for future reporting periods
 - ii. Water use and management on site;
 - iii. Any offsite water transfers and discharges:
 - iv. Reporting procedures, including the preparation of a site water balance for each AEMR reporting year; and
 - b. Investigates and implements all reasonable and feasible measures to

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minimise water use on site;

- (b) Surface Water Management Plan, that includes:
 - a. Detailed baseline (2016) data on surface water quality in the watercourses that could potentially be affected by the development
 - b. a description of the water management system on site, including the:
 - i. Clean water diversion systems;
 - ii. Erosion and sediment controls (mine water system); and
 - iii. Mine water management systems including water infusion for Spontaneous Combustion.
 - c. plans, including design objectives and performance criteria, for:
 - i. design and management of final voids;
 - ii. design and management for the emplacement of coal reject materials;
 - iii. reinstatement of drainage lines on the rehabilitated areas of the site; and
 - iv. control of any potential water pollution from the rehabilitated areas of the site;
 - d. performance criteria for the following, including trigger levels for investigating any potential adverse impacts associated with the development:
 - surface water quality of Muscle Creek and Sandy Creek catchments; and
 - e. a program to monitor and report on:
 - i. the effectiveness of the mine water management system; and
 - ii. surface water quality, in Muscle Creeks and Sandy Creeks, potentially affected by the development;
 - f. a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and
- (c) Groundwater Management Plan, which includes:
 - a. baseline data on groundwater levels, and quality, of privately-owned registered groundwater bores within 2.5km of the development, that could be affected by the development;
 - b. groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
 - c. a program to monitor and report on:
 - i. ground water inflows to the open cut pits;
 - ii. the impacts of the development on:
 - 1. regional and local (including alluvial) aquifers;
 - groundwater supply of privately registered groundwater bores:

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iii. a plan to respond to any exceedances of the groundwater assessment criteria; and

iv. a program to validate the groundwater model for the development, including an independent review of the model with every Independent Environmental Audit, and compare the monitoring results with modelled predictions.

26. Waste and Wastewater Management,

- (a) The Applicant must:
 - implement all reasonable and feasible measures to minimise the waste generated by the development;
 - ensure that the waste generated by the development is appropriately stored, handled and disposed of; and
 - monitor and report on the effectiveness of the waste minimisation and management measures in the AEMR report.
- (b) The Applicant must reuse, recycle or dispose of all waste (including but not limited to solid waste, liquid waste and putrescible matter) from the site to the satisfaction of Council or EPA, as relevant.
- (c) Manage on-site sewage treatment and/or offsite disposal in accordance with the requirements of Council.

AIR QUALITY, BLAST, NOISE MANAGEMENT AND MONITORING

27. Air Quality - Particulate Matter - Standards and Goals

The Applicant must ensure that all reasonable and feasible avoidance and mitigations measures are employed so that particulate matter emissions generated by the development do not cause exceedance of the relevant air quality criteria at an residence on privately owned land.

The relevant air quality criteria for the development are contained in Table 1 and Table 2, below.

Table 1. Long Term Particulate Matter Criteria

Pollutant	Criterion
Particulate matter < 10μg (PM10)	30ug/m³ (annual mean)

Table 2. Short Term Particulate Matter Criteria

Pollutant	Criterion	
Particulate Matter <10µm (PM ₁₀)	50μg/m³ (24hr average)	

Note:

- Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);
- Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, (but not Spontaneous Combustion within the mine) or any other activity agreed by Council

28. Air Quality - Gas Content - Health Guidelines and Goals

The Applicant must use reasonable and feasible measures to manage the development so that the atmospheric gas emissions generated by the development do not cause exceedance of the relevant air quality criteria at any

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residence on privately owned land.

The relevant atmospheric air quality criteria for the development are contained in Table 3 below.

Table 3. Atmospheric Gas Content Criteria

Pollutant	Criterion	
Sulphur dioxide (SO2)	20 ppb (24hr average)	100 ppb (1hr average)
Hydrogen Sulphide (H2S)	100 ppb (24hr average)	500 ppb (1hr average)

Note:

- Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);
- Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, (but not Spontaneous Combustion within the mine) or any other activity agreed by Council
- The need for the applicant to monitor its compliance with the requirements in Table 3, pursuant to the Air Quality Management Plan and condition 30A of this development consent be waived in the future depending on Council's consideration of the outcomes of the EPA's current Environmental Study and any changes would be by agreement with Council.

29. Air Quality - Management

The Applicant must prepare a detailed Air Quality Management Plan for the development in consultation with the EPA, to the satisfaction of Council, and carry out the development in accordance with this plan.

This plan must include, but not be limited to the following matters:

- the identification of properties which may be affected by dust generated by the mine in excess of the criteria detailed above;
- specifications of the procedures for the dust monitoring program and atmospheric gas assessment for the management of the mine and for the purpose of undertaking independent investigations;
- (iii) outline the procedure to notify property owners and occupiers as identified by monitoring as likely to be affected by dust generated by the mine in excess of the criteria detailed above;
- (iv) mitigation measures to be employed to minimise dust and/or atmospheric gas emissions during the operation phase (this plan can refer to the Spontaneous Combustion Management Plan for atmospheric gas). This should include proactive/predictive and reactive mitigation measures to be employed to minimise dust and/or atmospheric gas emissions including visible dust emanating from the site;
- (v) the Applicant must ensure the prompt and effective rehabilitation of all disturbed areas of the application area following the completion of mining and associated activities in that area to minimise the generation of windblown dust;
- (vi) the use of the existing protocol for handling dust and atmospheric gas complaints that include recording, reporting and acting on complaints;
- (vii) details of locations and frequency of existing monitoring;
- (viii) as far as practicable details of the interrelationships of this plan with the Air Quality Management Plans with other mining operations in the vicinity; and

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(ix) unsealed roads are to be managed to minimise the generation of fugitive dust.

30. Air Quality - Monitoring - Dust

- (a) The Applicant must:
 - (i) Operate in real time air quality monitors representative of residence on privately owned land to the north and south of the development. The locations of all the monitors must be identified in the Air Quality Management Plan as approved by Council.
 - (ii) monitor and report against criteria in Tables 1 and 2 for the monitors located to be representative of nearby residences on privately owned land in accordance with the Air Quality Management Plan. The results of this monitoring and reporting are to be incorporated into the AEMR;
 - (iii) Include in the AEMR a summary of the performance of the control measures and of the monitoring system against the criteria outlined in Tables 1 and 2. The assessment locations and the methodology of assessment is to be identified in the Air Quality Management Plan, and:
- (b) In the event that a landowner or occupier of a residence on privately owned land considers that dust from the development at his/her dwelling is in excess of the criteria detailed in Tables 1 or 2 of the consent, and Council is satisfied after adequate examination of the relevant facts, that an investigation is required, the Applicant must upon the receipt of a written request from Council:
 - consult with the landowner or occupant affected to determine his/her concerns:
 - (ii) commission an independent dust impact assessment at the privately owned residence and provide a report to Council. Where elevated levels of dust in excess of the criteria in Tables 1 and 2 are identified, and the independent expert is of the opinion that the Applicant's activities have materially contributed to the exceedance, the independent dust assessment is to include suggested remedial actions;
 - (iii) modify the mining activity or take other steps in accordance with the Air Quality Management Plan, or independent dust assessment, if exceedances are demonstrated by the independent investigations, engaged by the Applicant, to materially result in part from the development related activity. This may include:
 - introduction of additional controls, either of dust generation from individual sources on the site or on-site operations, or modify operations to attempt to ensure that the dust criteria are achieved; and/or;
 - negotiate, as far as reasonably practicable, an agreement with the landowner or provide such forms of benefit or amelioration of the impact of dust as may be agreed between the parties as providing acceptable compensation for the dust levels experienced.

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(iv) conduct follow-up investigation(s) to the satisfaction of the Council, where necessary.

- (c) Further independent investigation(s) shall cease if Council is satisfied that the relevant criteria detailed in the consent are not being exceeded and are unlikely to be exceeded in the future.
- (d) This condition applies until the completion of Rehabilitation land preparation, as defined in NSW Resources Regulator Form and Way Annual Rehabilitation Report and Forward Program for Large Mines.

30A Air Quality - Monitoring - Gas

- (a) The Applicant must:
 - (i) Operate gas assessment equipment representative of non-mine owned residents to the north and south of the development. The locations of the atmospheric gas assessment equipment must be identified in the Air Quality Management Plan.
 - (ii) Include in the AEMR a summary of the performance of the control measures and of the monitoring system, Assess the Atmospheric Gas Content against the requirements outlined in Table 3. The assessment locations and the methodology of assessment is to be identified in the Air Quality Management Plan, and;
 - (iii) Should the results of the Atmospheric Gas Content criterion outlined in Table 3 be exceeded, the Applicant is to immediately advise Council.
- (b) If a landowner or occupier of a residence on privately owned land considers that atmospheric gas from the development at his/her dwelling is in excess of the criteria detailed in Table 3 of the consent, and Council is satisfied that an investigation is warranted, the Applicant must upon the receipt of a written request from Council:
 - consult with the landowner or occupant affected to determine his/her concerns;
 - (ii) commission a relevant expert, approved by Council, to conduct an independent atmospheric gas impact assessment at the residence, and provide a report to Council. Where levels of atmospheric gas in excess of the criteria in Table 3 are identified, and the independent expert is of the opinion that the Applicant's activities have caused the exceedances, the Applicant must:
 - a. modify the mining activity or take such other steps as are reasonably necessary to ensure that the Applicant operates so as not to cause or partly cause the criteria identified in Table 3 to be exceeded at the residence.
 - b. conduct follow-up investigation(s) to the satisfaction of the Council, where necessary.

31. Air Quality - Spontaneous Combustion

The Applicant must incorporate current best practice approaches to minimizing the occurrence of spontaneous combustion and managing any spontaneous

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combustion that occurs within the development area.

The Applicant must prepare a detailed Spontaneous Combustion Management Plan to the satisfaction of Council and carry out the development in accordance with this plan. The plan must:

- a. Be prepared or reviewed by a suitably qualified expert/s;
- b. Describe what measures are to be undertaken to minimize the occurrence of spontaneous combustion. Should spontaneous combustion occur, describe what methods would be used to extinguish or reduce the outbreak's size and duration. This is to include details of the times, areas, locations etc. that will trigger actions, and criteria provided to indicate success or further works being required.

The plan must break these activities up to be specific to the following areas:

- i. Pit 1,
- ii. Pit 2,
- iii. Elsewhere within the mine disturbance area.
- Define what constitutes a spontaneous combustion incident, and includes a protocol for notifying Council and any other relevant stakeholders of spontaneous combustion incidents;
- d. Define what will trigger a review of the Spontaneous Combustion Management Plan. This is to include a Trigger Action Response Plan resulting from a spontaneous combustion incident that has as one of its outcomes a review of this Management Plan.

BLAST MANAGEMENT AND MONITORING

32. Blasting criteria and limits

(a) Time of blasting

Blasting operations on the premises must only take place between 9:00am and 5.00pm Monday to Friday inclusive, unless permission is granted by Council where special circumstances related to the safety of the mine requires a blast to be initiated outside these hours.

(b) Overpressure

The overpressure level from blasting operations on the premises must not:

- Exceed 115dB (Linear Peak) for more than 5% of the total number of blasts over a period of 12 months when measured at any residence on privately owned land or noise sensitive locations (such as a school or hospital); and
- (ii) Exceed 120dB (Linear Peak) at any time, when measured at any residence on privately owned land or noise sensitive location (such as a school or hospital).
- (c) Ground vibration (ppv)

Ground vibration peak particle velocity from the blasting operations at the

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premises must not:

 Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months when measured at any residence on privately owned land or noise sensitive locations (such as a school or hospital);

(ii) Exceed 10mm/s at any time, when measured at any residence on privately owned land or noise sensitive location (such as a school or hospital)

The overpressure and ground vibration limits above do not apply if the Applicant has a written agreement with the relevant owner(s) of these residences to generate higher blast levels, and Council has been advised in writing of the terms of the agreement. The blasting limits above do not apply to residences owned by the Applicant.

(d) Residences

The Applicant must investigate any blast ground vibration/air overpressure concerns associated with residential buildings which occur as a result of blasting at the mine in relation to the standards in the consent. Should such an investigation be necessary the Applicant shall advise Council the result of such investigation and any proposed preventive/remedial measures.

33. Blasting/ Vibration Management

- (a) The Applicant must prepare and implement a Blast Management Plan, in consultation with EPA and RR, to the satisfaction of Council. This plan must include, but not be limited to, the following matters:
 - demonstration of consistency in compliance with blasting criteria at the existing mining operation
 - (ii) compliance blasting criteria;
 - (iii) mitigation measures, such as, adverse weather conditions;
 - (iv) monitoring methods and program in accordance with blast monitoring and inspection conditions;
 - measures to be undertaken to demonstrate that the development is achieving best practice applicable to the development in minimising air blast overpressure, ground vibration levels, fumes and odours from blasting activities;
 - (vi) measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables, irrigation lines) and livestock on non-mine owned land;
 - (vii) measures to protect surface infrastructure where relevant, such as dams, rail infrastructure and power poles;
 - (viii) measures to consider the blasting activities from other neighbouring mines. This shall include details of the proposed measures to ensure that cumulative blast related impacts are managed, such as through consultation with the other mines to co-ordinate blasting activities;

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 (ix) procedures for the investigation of blast related complaints from the development, in consultation with other mines in the event of cumulative related impacts;

- (x) procedures for the notification of occupiers of buildings and residences prior to detonation of each blast;
- (xi) measures to ensure no damage by flyrock to people, property, livestock and powerlines; and
- (xii) location of blast monitors to assess blasting within the development;
- (b) The Applicant must, as a minimum, advise occupiers of buildings and residences, unless otherwise requested by the occupier, in the North Muswellbrook, Sandy Creek Road and other areas to the satisfaction of Council of future blasting events through a community information telephone hotline and the advertisement and promotion of the hotline. The hotline shall be at no cost to the caller.
- (c) The Applicant must respond to complaints regarding blasting in accordance with its Environmental Management Strategy.
- (d) This condition applies until the completion of Rehabilitation land preparation, as defined in NSW Resources Regulator Form and Way Annual Rehabilitation Report and Forward Program for Large Mines.

34. Blast Monitoring

- The Applicant must monitor ground vibration and air blast overpressure of all blasts at locations in accordance with the Blast Management Plan;
- (b) Ground vibration or airblast overpressure is to be monitored at the relevant noise sensitive sites (eg. Residences on privately owned land, hospitals, schools etc), selected in consultation with the EPA.
- (c) The Applicant must document the date, wind speed and direction, weather conditions, atmospheric conditions including cloud cover, location of blast and the quantity of explosive used for each blast.

NOISE MANAGEMENT AND MONITORING

35. Noise Control

Where temperature inversion conditions of Class F or higher are in place, as measured by the sites Meteorological Station, the following changes to the mining operations are to occur during the night-time period:

- Dozers are to be operated in first gear forward and reverse only (emergencies excepted)
- ii. The maximum of 3 haul trucks can be loaded and haul into the Open Cut No.2 at any one time.

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36. Relevant Noise Criteria for the development

Table 4 Noise Limits (dB(A))

Location	Day	Evening	Night	
	L _{Aeq(15 minute)}	L _{Aeq(15 minute)}	L _{Aeq(15 minute)}	L _{A1(1 minute)}
R1, R2, R3, R4, R17, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R37, R38, R39.	35	35	35	45
R5	36	36	36	45
R7	38	38	38	45
R12	39	39	39	45
R13	41	41	41	45
R14	38	38	38	45
R15	37	37	37	45
R16	36	36	36	45
R18	45	38	37	47
R20	45	38	37	47
R21	37	37	37	45
R22	39	39	39	45
R23	39	39	39	45
R24	40	40	40	45
R25	42	42	42	45
R36	38	38	38	45
R40	42	42	42	45
R41	42	42	42	45
R42	40	40	40	45

The limits in the noise table above do not apply if the Applicant has a written agreement with the relevant owner(s) of these residences to generate higher noise levels, and Council has been advised in writing of the terms of this agreement. The limits in the noise table above do not apply to residences owned by the Applicant.

37. Noise Acquisition Criteria

The acquisition criteria for noise is defined by repeated demonstrated exceedance of the noise levels shown in Table 5 below:

Table 5 Acquisition Noise Limits (dB(A))

Location	Day	Evening	Night
	L _{Aeq(15 minute)}	L _{Aeq(15 minute)}	L _{Aeq(15 minute)}
R1, R2, R3, R4, R17,	40	40	40
R26, R27, R28, R29,			
R30, R31, R32, R33,			
R34, R35, R37, R38,			
R39.			
R5	41	41	41
R7	43	43	43
R11	44	44	44
R12	44	44	44
R13	46	46	46
R14	43	43	43
R15	42	42	42
R16	41	41	41
R18	50	43	42
R20	50	43	42
R21	42	42	42
R22	44	44	44
R23	44	44	44
R24	45	45	45
R25	47	47	47
R36	43	43	43

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Location	Day	Evening	Night
	L _{Aeq(15 minute)}	L _{Aeq(15 minute)}	L _{Aeq(15 minute)}
R40	47	47	47
R41	47	47	47
R42	45	45	45

38. Interpretation of Noise Levels

(a) For the purposes of the interpretation of noise levels detailed in the consent, refer to the following:

	Definition
Day	the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays
Evening	the period from 6pm to 10pm
Night	the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

- (b) Noise from the project must be measured as outlined in the Project's Noise Management Plan. Monitoring locations identified in the Noise Management Plan are to be representative of the nearby residences.
- (c) Noise generated by the development must be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be updated from time to time) or an equivalent NSW Government noise policy, and as amended by the details below:

Noise Compliance Assessment:

a) Applicable Meteorological Conditions

The noise criteria in Tables 4 & 5 are to apply under all meteorological conditions except for the following:

- i. Wind speeds greater than 3m/s at 10m above ground level; or
- ii. Stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10m above ground level; or
- iii. Stability category G temperature inversion conditions.

Determination of Meteorological Conditions

Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be recorded by the meteorological station located on site.

Compliance monitoring

- Attended monitoring must be used to evaluate compliance with the relevant conditions of this consent;
- During the period in which mining operations continue, this monitoring must be carried out at least 12 times a year, by an independent noise consultant, unless Council agrees otherwise;
- Unless otherwise agreed by Council, this monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time) or an equivalent NSW Government noise policy, in particularly the requirements relating to:

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- Monitoring locations for the collection of representative noise data;
- Meteorological conditions during which collections of data is not appropriate;
- Equipment used to collect noise data, and conformance with Australian Standards relevant to such equipment; and
- Modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors, apart from adjustments for:
 - i. Duration; or
 - ii. Low frequency noise, where it is demonstrated that the site contributed dBC dBA noise difference of greater than 15dBA is caused by distance attenuation only.

39. Noise Management

The Applicant must prepare and implement a Noise Management Plan for the development, in consultation with EPA and to the satisfaction of Council. The plan must:

- Demonstrate consistency in complying with noise criteria limits at the existing Applicants operation;
- (ii) Provide a diagram indicating the location of all noise monitoring locations;
- (iii) include details of the noise investigations conducted at monthly intervals (unless otherwise agreed by Council) by an independent noise consultant to evaluate, assess and report the La eq (15 minute) and La1(1 minute) noise emission levels due to the normal operations of the development;
- (iv) provide details regarding operating configuration, determining survey intervals, weather conditions and seasonal variations, selecting variations, locations, periods and times of measurements;
- (v) detail management measures where the target noise level criteria of this consent are predicted to be exceeded, or are exceeded during Mining Operations. These measures must include but not be limited to:
 - * The selection of representative monitoring locations within the community must be carried out in consultation with Council;
 - * prompt response to any community issues of concern;
 - refinement of onsite noise mitigation measures and mine operating procedures where practical;
 - discussions with relevant property holders to assess concerns;
 - * consideration of acoustical mitigation at receivers; and
 - * consideration of negotiated agreements with property owners.
- (vi) outline measures to reduce the impact of intermittent, low frequency and tonal noise (including truck reversing alarms);
- (vii) survey and investigate noise reduction measures from plant and equipment annually, subject to noise monitoring results and/or complaints received, and report in the AEMR;
- (viii) specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations;
- (ix) outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;

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(x) maintain a protocol for handling noise complaints that include recording, reporting and acting on complaints, particularly where complaints are received, and it is demonstrated noise levels are in excess of the criteria contained in this consent;

- (xi) as far as practicable, details of the interrelationship of this plan with the noise management plan for other mines in the vicinity; and
- (xii) accommodate revised noise monitoring and management requirements once mining ceases and the closure and final rehabilitation process commences.
- (xiii) This condition applies until the completion of Rehabilitation land preparation, as defined in NSW Resources Regulator Form and Way Annual Rehabilitation Report and Forward Program for Large Mines.

40. Request for independent monitoring and acquisition

(a) Monitoring and Management

In the event that a landowner of a non-mine owned property considers that noise from the development, at their residence, is in excess of the noise level criteria listed in Table 4 (being an owner who has not earlier entered into an agreement with the applicant to exceed their noise levels) and Council is satisfied that an investigation is required, the Applicant must upon the receipt of a written request from Council:

- (i) consult with the owner affected to determine their concerns;
- (ii) make arrangements for, and bear the costs of, following consultation as far as reasonably practicable with other mine operations in the vicinity where necessary, appropriate independent noise investigations in accordance with the Noise Management Plan to the satisfaction of Council, to quantify the impact and determine the source of the effect and the contribution of the Project to the effect. The location, duration and timing of these noise assessments is to be in accordance with the Industrial Noise Policy or its replacement;
- (iii) modify the mining activity in accordance with a noise reduction plan prepared as part of the Noise Management Plan, if repeated exceedances are demonstrated by the investigation to result in part from the mine related activity. This must include:
 - * introduction of additional controls, either on noise emission from individual sources on the site or on-site operations or modification to operations, to ensure that the noise criteria detailed in Table 4 is achieved by reasonable and feasible measures, or;
 - * seek agreement of the landowner, and in the case of cumulative impacts with the other relevant mines/ industrial operations in the area and the landowner, to provide such other forms of benefit or amelioration of the impacts of noise as may be agreed between the parties as providing acceptable compensation for the noise levels experienced.
- (iv) conduct follow-up investigations to the satisfaction of Council, where

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necessary. If necessary, the follow up investigation should be conducted 3 months after the initial investigation to give the Applicant time to implement the recommended noise control.

MONITORING/AUDITING

41. Third Party Monitoring/Auditing

Independent Environmental Auditing

(a) Every five years from the date of this modification (MOD9), or as otherwise agreed by Council, the Applicant must conduct an environmental audit of the development.

Copies of the report shall be submitted by the Applicant to Council, EPA, RR, DPHI, DCCEEW and the CCC within two weeks of the report's completion for comment.

(b) The audit must:

- assess compliance with the requirements of this consent, the EPL, mining leases and water licences;
- ii. include consultation with Council, EPA, RR and DCCEEW.
- iii. assess environmental performance of the development and whether it is complying with the management plans and the EMS;
- iv. review the effectiveness of the environmental management of the mine, including any mitigation works;
- v. be carried out at the Applicant's expense; and
- vi. be conducted by a duly qualified independent person or team whose appointment has been endorsed by Council.
- (c) Council may, after reviewing the report and considering any submission made by the relevant government agencies, CCC and Applicant on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with any reasonable requirements within such time as Council may require.

Note:

Council may agree to a request from the Applicant that the Independent Environmental Audit requirement under this condition be integrated with similar audits required in accordance with other licenses and approvals applicable to MCC

REPORTING

42. Annual Environmental Management Report (AEMR)

(a) The Applicant must, throughout the mining operations and for five years after the completion of mining in the application area (or as otherwise agreed by Council), prepare and submit an Annual Environmental Management Report (AEMR) to the satisfaction of Council.

The AEMR must review the performance of the mine against the Environmental Management Strategy and the relevant, management plans,

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the conditions of this consent, and other licences and approvals relating to the mine. To enable ready comparison with the predictions made in the EIS, diagrams and tables, the report must include, the following matters:

- (i) a detailed compliance review of the performance of the project against conditions of this consent and statutory approvals. From this review a table will be provided in the AEMR report that identifies any noncompliances over the last year, and describes what actions were (or are being) taken to ensure compliance.
- (ii) assess the project against predictions made in the EIS and the terms and commitments in the documents listed in the consent.
- (iii) a review of the effectiveness of the environmental management of the mine in terms of EPA, DCCEEW and Council requirements;
- (iv) review the results of environmental monitoring required under this consent or other approvals, including interpretations and discussion;
- (v) identification of trends in monitoring results;
- (vi) a listing of any variations obtained to approvals applicable to the DA area during the reporting year;
- (vii) the water budget for the year;
- (viii) a summary report on the yearly review of activities to manage spontaneous combustion throughout the reporting year;
- (ix) production and employment levels and any changes from the previous reporting year; and
- (x) environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.

Note: In accordance with Schedule 8A under the Mining Regulation 2016, title holders are required to publish the Annual Rehabilitation Report and Forward Program on its website.

- (b) In preparing the AEMR, the Applicant must:
 - (i) consult with Council;
 - comply with any reasonable requirements of Council or other relevant government agency; and
 - (iii) ensure that the first report is completed and submitted within 3 months of the end of the reporting year, or at a date determined by Council in consultation with the DRE.
- (c) The Applicant must ensure that copies of each AEMR are submitted to Council, DCCEEW, EPA, DPHI, and CCC, and made available for public information at Council within fourteen days of submission to these authorities.

43. Incident Reporting

The Applicant must notify Council and any other relevant agencies immediately of any environmental incident. Within 7 days of the date of the incident, the Applicant

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shall provide Council and any relevant agencies with a detailed report on the incident, and such further reports as may be reasonably requested.

44. Access to Information

Within 3 months of the approval of this Continuation Project Modification, the Applicant must:

- Make copies of the following publicly available on its website:
- The EIS and subsequent environmental assessments, as listed in the consent:
- Current statutory approvals for the development;
- Approved strategies and plans required under the conditions of this consent;
- A summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans;
- A complaints register, which is updated monthly;
- Minutes of the CCC meetings;
- The Annual Environmental Management Report (for the last 5 years);
- Any Independent Environmental Audit of the development, and the Applicant's response to the recommendations in any audit;
- Any other matter required and agreed with Council; and
- Keep this information up to date.

COMMUNITY CONSULTATION

45. Community Consultative Committee

The Applicant must:

- (a) (i) Maintain a CCC for the development. Selection of community representatives and the chairperson shall be in accordance with Council's Community Consultative Committee Guidelines.
 - (ii) Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the preparation and implementation of environmental management plans, consider compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The Applicant shall ensure that the Committee has reasonable access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee.
- (b) The Applicant must, at its own expense:
 - nominate two (2) company representatives to attend all meetings of the Committee;
 - (ii) provide to the Committee regular information on the progress of work and monitoring results;
 - (iii) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;
 - (iv) provide reasonable access for site inspections by the Committee; and
 - (v) provide meeting facilities for the Committee and take minutes of

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Committee meetings. Draft minutes shall be available for public inspection at Council within 14 days of the meeting, or as agreed by the Committee.

NB: The CCC is an advisory committee. The Council and other agencies are responsible for ensuring the Applicant complies with the consent.

46. Complaint Handling Procedures

- (a) The Applicant shall:
 - manage complaints in accordance with the Environmental Management Strategy;
 - (ii) provide a report of complaints received with respect to the operation of the mine, every 12 months throughout the life of the project to Council, EPA, and CCC, or as otherwise agreed by Council. A summary of this report shall be included in the AEMR.
 - (iii) consult with other mines in the vicinity to seek to co-ordinate a response to any complaints received regarding the operations of MCC and other mines.

APPLICANT'S OBLIGATIONS

47. Area of Mitigation – Properties requiring Mitigation

This condition has been deleted.

48. Adaptive Management

The applicant must assess and manage development related risks to provide that there are no exceedances of criteria and/or performance measures in this consent. Any exceedances of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedances of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- Take all reasonable and feasible steps to measure that the exceedances ceases and does not recur:
- Consider all reasonable and feasible options for remediation (where relevant) and submit a report to Council describing those options and any preferred remediation measures or other course of action; and
- 3. Implement remediation measures as agreed with Council.

49. Area of Affectation - Land Acquisition

This condition has been deleted.

50. Cumulative Impact Management

(a) In the event that the cumulative impact of noise or dust contributed by the operation of the Project and any future mining activities/ industrial operations, at any residence on privately owned land in the vicinity of the

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operation, is in excess of the noise or dust acquisition criteria contained in these conditions of consent, the Applicant must endeavour, as far as reasonably practicable, to negotiate with the other companies and landowner to determine appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of Council in proportion to their contributions to the impact.

- (b) If agreement cannot be reached from negotiations undertaken in accordance with subclause (a), then, with the agreement of the other contributing mines and future mining or industrial operations, the matter is to be referred to Council by either the Applicant or landowner. If the matter is not resolved within 21 days of the referral, the matter will be referred to an Independent Dispute Resolution Process as determined by Council, and resolved as determined by Council. The Independent Dispute Resolution Process shall determine the responsibilities of each of the mining and/or present or future companies in accordance with subclause (a) above and actions to be undertaken. The recommendation of the Independent Dispute Resolution Process shall be determined by Council.
- (c) Prior to referral to the Independent Dispute Resolution process, the Applicant shall provide the Secretary a report detailing the Applicant's reasons for being unable to reach agreement with the other parties, and the reasons for the criteria exceedances with demonstration that the Project activities are not the sole cause of the exceedance.

Note:

- The Applicant shall endeavour to enter into an agreement with other nearby mines/industrial operations to address any potential cumulative management and joint acquisition requirements of this development consent;
- The intent of this condition is to encourage mining companies to form a voluntary agreement regarding the management and acquisition of properties subject to cumulative impacts;
- Council will be requiring joint acquisition requirements in all development consents where cumulative impacts are known to occur, and may potentially occur, as a result of mine or industrial related activities.

51. Contributions to Council

Within 6 months of the date of the approval of Modification 8, unless Council agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:

- Division 6 of Part 4 of the EP&A Act; and
- The terms of the Applicants offer in its letter to Council dated 30 September 2016.

FURTHER APPROVALS AND AGREEMENTS

52. Building Code of Australia

The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA and SA.

Notes

Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates (where applicable) for the proposed building works;

Part 8 of the EP&A regulation sets out requirements for the certification of the development; and The development is located in the Muswellbrook Mine Subsidence District, and under Section 15 of the Mine Subsidence Act 1961, the Applicant is required to obtain the SA's approval before constructing any improvements on the site.

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DA 205/2002 Muswellbrook Shire Council

53. Demolition of Structures

The Applicant shall ensure that all demolition work on site is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.

54. Protection of Public Infrastructure

Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
- (b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project,

except where such works have been compensated through the Mining Act or the Mine Subsidence Compensation Act 1961, or to damage to roads caused as a result of general road usage.

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Appendix A – Schedule of land

Schedule of Land

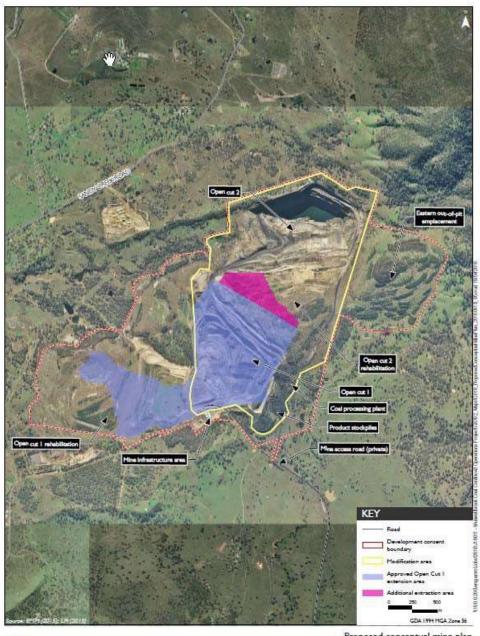
Lot	Deposited Plan (DP)	Owner
681	611756	Muswellbrook Coal Company (MCC)
682	611756	MCC
1	571355	MCC
1	723294	MCC
2	723294	MCC
97	752484	MCC
1	45525	MCC
82	231202	MCC
811	534516	MCC
58*	752484	MCC
59*	752484	MCC
60*	752484	MCC
62*	752484	MCC
61*	1113302	MCC
1*	1004305	MCC
70*	752484	MCC
71*	752484	MCC
1*	184481	MCC
98*	752484	MCC
3*	571355	MCC
1*	614842	MCC
2*	614842	MCC
39*	793463	MCC
1*	45194	MCC
6*	26760	MCC

Lot	Deposited Plan (DP)	Owner
20*	16352	MCC
3*	1220491	MCC
4*	1220491	MCC
5*	26760	MCC
71*	629631	MCC
101*	1148216	MCC
1*	46760	MCC

Notes:

- 1. *Part of block within DA Boundary
- Schedule of Land applies to those areas of land within the DA Boundary
 Blue text denotes changes to partial Lot and DP areas associated with the DA boundary for the Bypass Land

Appendix B – General Layout

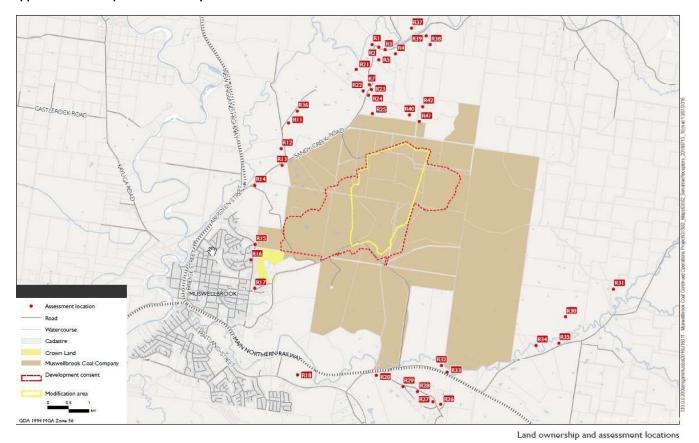




Proposed conceptual mine plan Muswellbrook Coal Continued Operations Project Statement of Environmental Effects Figure 4. I

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Appendix C – Receptor location map



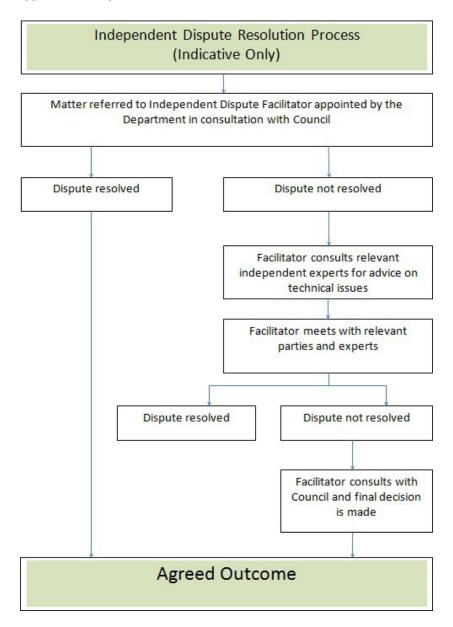
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Appendix C - Receptor location details

RECEPTOR NO.	HOUSE_NO	STREET_NAME	STREET_TYPE	SUBURB_NAME	LOT_SECTION_DP
1		SANDY CREEK	RD	MUSWELLBROOK	LOT: 5 DP: 707890
3		SANDY CREEK	RD	MUSWELLBROOK	LOT: 301 DP: 1026063
4	578	SANDY CREEK	RD	MUSWELLBROOK	LOT: 5 DP: 802081
5	540	SANDY CREEK	RD	MUSWELLBROOK	LOT: 165 DP: 633737
7	409	SANDY CREEK	RD	MCCULLYS GAP	LOT: 2 DP: 593335
12	29	ST HELIERS	RD	MUSWELLBROOK	ALT: A DP: 182336
13	120	SANDY CREEK	RD	MUSWELLBROOK	LOT: 22 ALT: DP: 715655
14	30	SANDY CREEK	RD	MUSWELLBROOK	LOT: 1391 DP: 590130
15	4	COMMON	RD	MUSWELLBROOK	LOT: 217 DP: 752484
16	67A	QUEEN	ST	MUSWELLBROOK	LOT: 5400 DP: 1167805
17	100	QUEEN	ST	MUSWELLBROOK	LOT: 622 DP: 856333
18	8988	NEW ENGLAND	HWY	MUSWELLBROOK	LOT: 8 DP: 1148932
20	90	MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 2 DP: 241406
21	527	SANDY CREEK	RD	MUSWELLBROOK	LOT: 1 DP: 1089092
22	389	SANDY CREEK	RD	MCCULLYS GAP	LOT: 151 DP: 571192
23	408	SANDY CREEK	RD	MUSWELLBROOK	LOT: 163 DP: 597065
24	388	SANDY CREEK	RD	MCCULLYS GAP	LOT: 1622 DP: 852356
25	360	SANDY CREEK	RD	MCCULLYS GAP	LOT: 41 DP: 1112699
26	20	TOP KNOT	PL	MUSWELLBROOK	LOT: 322 DP: 1105347
27	144	WOODLAND RIDGE	RD	MUSCLE CREEK	LOT: 204 DP: 1078237
28	102	WOODLAND RIDGE	RD	MUSCLE CREEK	LOT: 15 DP: 1044551
29	56	WOODLAND RIDGE	RD	MUSCLE CREEK	LOT: 21 DP: 1044551
30		MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 4 DP: 136691
31	765	MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 100 DP: 1047374
32	261	MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 1 DP: 26760
33		MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 1 DP: 321983
34	549	MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 200 DP: 1179819
35	589	MUSCLE CREEK	RD	MUSWELLBROOK	LOT: 1 DP: 335206
37	641	SANDY CREEK	RD	MUSWELLBROOK	LOT: 302 DP: 1026063
38		SANDY CREEK	RD	MUSWELLBROOK	LOT: 442 DP: 582226
39	660	SANDY CREEK	RD	MUSWELLBROOK	LOT: 3 DP: 802081
40	376	SANDY CREEK	RD	MCCULLYS GAP	LOT: 43 DP: 1112699
41	374	SANDY CREEK	RD	MCCULLYS GAP	LOT: 44 DP: 1112699
42		SANDY CREEK	RD	MCCULLYS GAP	LOT: 42 DP: 1112699
11 & 36	70	ST HELIERS	RD	MUSWELLBROOK	LOT: 23 ALT: DP: 220328

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Appendix D - Dispute Resolution Process



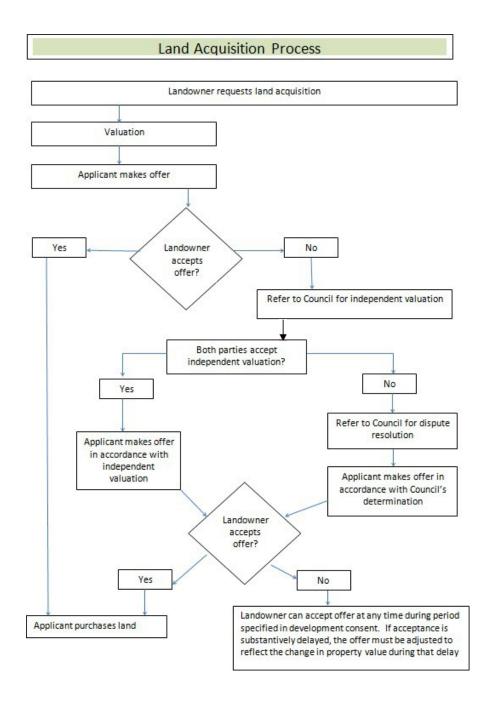
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Appendix E – Voluntary Mitigation Measure Process

Deleted

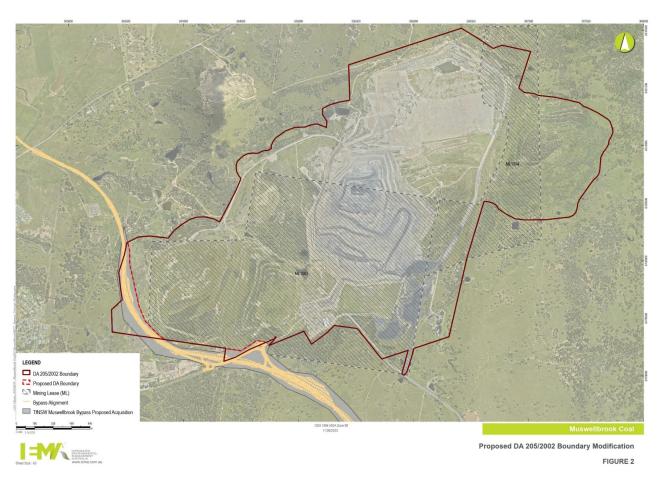
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Appendix F - Land Acquisition Process



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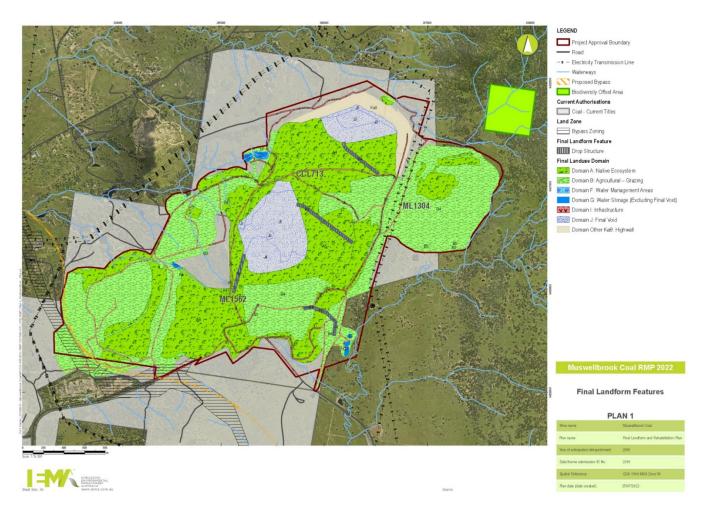
Appendix G - DA 205/2002 Revised Development Consent Boundary and Bypass Land Overlay



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DA 205/2002

Appendix H - Rehabilitation Plan



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Appendix I – Rehabilitation Commitments (source: 2016 Rehabilitation and Closure Plan)

Ref	Commitment	Document Section
1	Maximum height of the landform is 340m RL in the eastern	Section 2.1.2 and
	emplacement and 310m RL in Open Cut 2.	2.2.2
2	One highwall will remain in the landform (in Open Cut 2).	Figure 2.8
3	The final landform includes two final voids.	Section 2.2 and
4	The first will be a factor where a constant and the control of	Figure 2.8 Section 5.3.2
4	The final void will be safe by, where appropriate, constructing a physical barrier to isolate the perimeter of the void to prevent human access and	Section 5.3.2
	erection of suitable signs clearly stating the risk to public safety and	
	prohibiting public access.	
5	The final voids are expected to remain a groundwater evaporative sink	Section 4.5
	and should not contribute water to the groundwater system(s).	
6	Exposed coal seams and other carbonaceous materials on the void	Section 5.3.2
	floor, pit walls will be capped and include at least 15 m of cover over	
	the exposed seams.	
7	The final landuse of the site will consist of a combination of	Section 4.7
	approximately 50% pasture and 50% native trees.	
8	To assist with habitat recreation tree hollows, stags and stumps, where	Section 7.6.1
	practical, are relocated to areas adjacent to the mining operations that	
	lack appropriate micro-habitat structures.	Section 7.6.2
9	A vertebrate monitoring program for highly mobile fauna species (ie bird and bat species) will be incorporated into the reference and	Section 7.6.2
	rehabilitation sites.	
10	On-going management including weed and feral animal control,	Section 5.4
10	bushfire management and erosion and sediment control.	0000011 3.4
11	Rehabilitation performance is compared to analogue sites as part of the Section 7.8	
	rehabilitation monitoring program.	
12	Throughout closure activities MCC will continue to support feasible	Section 7.8
	rehabilitation trials and research projects.	
13	MCC undertake a surface and groundwater monitoring program with	Section 7.9
	sampling locations on site and surrounding the site. This program has	
L	been ongoing for many years and will continue post closure.	
14	MSC and DRE would be consulted regarding existing services and	Section 5.4.1
	roads (including the private mine access road to Muscle Creek Road)	
	prior to rehabilitation to determine whether these can be used for any	
15	potential future land use opportunities. After rehabilitation, the modification area would have an LSC of Class	Section 4.6 SoEE
13	6. Future land uses which are described for LSC Class 6 include:	(EMM, 2016)
	grazing – the final land use includes approximately 50% pasture,	(LIVIIVI, 2010)
	which would be suitable for grazing.	
	ı	1



Planning Proposal - Additional Permitted Uses - Bayswater Power 10.1.4. Station site

1. Attachment A - Request to amend MLEP 2009 -**Attachments:**

Bayswater (stage 1) [10.1.4.1 - 96 pages]

Sharon Pope - Director - Planning & Environment Responsible Officer:

Author: Sharon Pope (Director - Planning & Environment)

Community Plan Issue: 1 - Economic Prosperity

A dynamic local economy with full employment for current Community Plan Goal:

and future residents in a diverse range of high value

industries.

1.2.3 - Review the Local Environmental Plan and

Development Control Plan to improve investment

certainty for industry.

1.1.1.2 - Progress the Place - Delivery Group framework, identified in the Hunter Region Plan 2041, for

transition of the Liddell Power Station and

Muswellbrook Coal Mine sites.

PURPOSE

Council has received a request to amend Muswellbrook LEP 2009 (MLEP 2009) to allow additional uses on the site of the Bayswater Power Station (see Attachment A). The intent of the change is to allow uses other than power generation on an area of land near the Bayswater Ash Dam. This will enable the establishment of a business that intends to utilise the ash byproduct as a resource in making new building materials.

The purpose of this report is to obtain Council's support to refer the request to the Department of Planning, Housing, and Infrastructure (DPHI) for a Gateway Determination.

OFFICER'S RECOMMENDATION

Council RESOLVES to:

Community Plan Strategy:

- 1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to an additional permitted use of "industry" on land adjacent to the Bayswater Ash Dam;
- 2. Request a Gateway Determination from the Department of Planning and Environment, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and
- 3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

Moved:	Seconded:
NIOVEU.	Seconded.

BACKGROUND

Bayswater Power Station (BPS) was initially constructed by the NSW Government owned State Electricity Commission in 1985, along with the Hunter Valley Gas Turbines and a range of infrastructure to support water supply, water management, coal ash management, coal supply, power supply and control systems.

Electricity generation in Australia is undergoing a significant transition towards more distributed, intermittent generation sources. Bayswater Power Station is scheduled to cease generating between 2030 and 2033.

The AGL site could provide for employment generating development to offset employment loss anticipated due to closure of the power stations and local mining operations.

CONSULTATION

The first step in the assessment of the request to amend MLEP 2009, is to seek a Gateway Determination from the DPHI. The Gateway Determination will outline the required community and Agency consultation.

If a Gateway Determination is declined the request would proceed no further.

REPORT

The Bayswater Power Station generates power by using heat to boil water to spin steam turbines – the heat source is the burning of coal. One of the main by-products from the process is fly ash and bottom ash. These are currently disposed of in "Ash Dams", creating a long-term management issue.

Development Consent No. SSD 9697 requires increased ash harvesting to reduce the amount of ash being stored in ash dams. A range of additional ash harvesting technologies, such as ash brick manufacturing, is being explored by the owner of the Power Station, AGL Macquarie.

The Bayswater Power Station site is zoned SP2 - Infrastructure (Power Station). The zone objectives and Land Use Table are reproduced below:

Zone SP2 Infrastructure

- 1 Objectives of zone
 - To provide for infrastructure and related uses.
 - To prevent development that is not compatible with or that may detract from the provision of infrastructure.
 - To recognise existing railway land and to enable future development for railway and associated purposes.
 - To prohibit advertising hoardings on railway land.
 - To recognise major roads and to enable future development and expansion of major road networks and associated purposes.
 - To recognise existing land and to enable future development for utility undertakings and associated purposes.
- 2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads



4 Prohibited

Any development not specified in item 2 or 3.

The manufacturing of products utilising the ash would constituent an industrial use and Industrial land uses are not currently permissible.

The requested change to MLEP 2009 will provide an opportunity for a specific small part of the Bayswater site to allow this additional use within the SP2 zone. The requested change is consistent with the suite of strategic planning documents applicable to the site, and thus has strategic merit.

MLEP 2009 Amendment

The objective to be achieved by amending the MLEP 2009 is to make 'industry' and compatible infrastructure related uses permissible with development consent on the site.

Industry is defined under the LEP as follows:

"industry" means any of the following-

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining".

The proposal to amend the LEP so as to permit 'Industry' on the site is not inconsistent with the current zone objectives, which relevantly include providing for infrastructure and related uses.

This Proposal also seeks to amend Part 7 Additional Local Provisions to include the following new site-specific provisions, and a new key sites map:

7.11 Development on land associated with part of Lot 1 DP574168.

- (1) The objectives of this clause are as follows:
 - (a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generation activities which support the renewable energy transition.
 - (b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.
- (2) This clause applies to land identified as part of Lot 1 DP574168 on the Key Sites Map.
- (3) Despite clause 2.3, development consent may be granted to development for the purpose of:
 - Environmental protection works; Industries Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems;
- (4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied

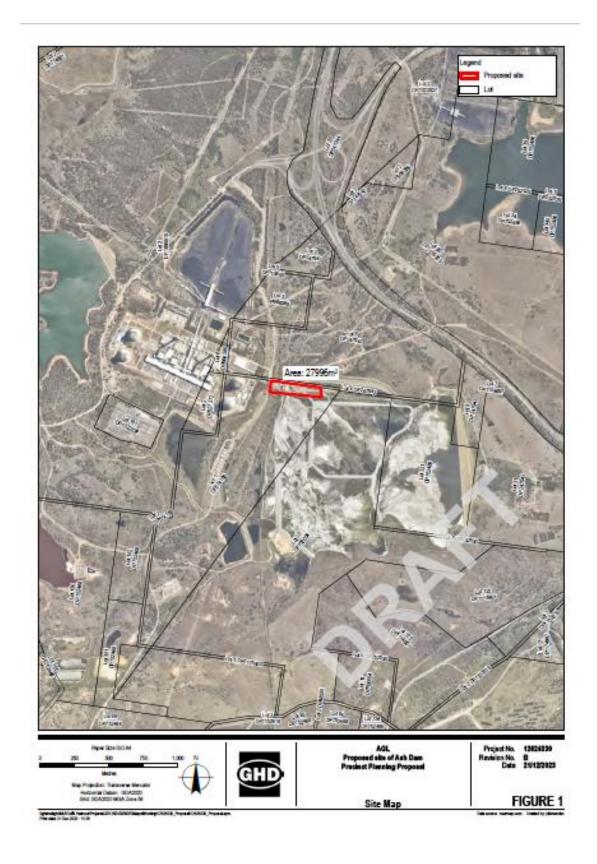
that:

- there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and
- b. The uses are compatible with or otherwise relate to the special characteristics of the site.

The intent of the additional local provision is to enable the lodgement of development applications for industrial land uses over the site. All other planning controls applying to the site will remain unchanged.

The location of the section of the site that the change would apply to is shown in Figure 1.

AGL – Macquarie staff have also held discussions with Council staff and DPHI about additional permitted uses on other sections of the site, and the development of a Place Strategy for the entire site to address the land use outcomes for the area after the Power Station closes. These LEP amendments will be the subject of separate applications.





OPTIONS

Council may:

- 1. Resolve to prepare a Planning Proposal to amend MLEP 2009 generally in accordance with the request in Attachment A. This is the preferred option as this will allow for potential use of the ash by-product and commence job diversification on the site.
- 2. Reject the request and take no further action.

Where Council does not support a request to prepare a planning proposal, Council is required to notify the Proponent as soon as practicable in writing that the proposal is not supported. The Proponent may seek a review of the decisions by DPHI.

CONCLUSION

Development Consent No. SSD 9697, which applies to the Bayswater Power Station site, authorises increased ash harvesting. AGL is currently in negotiations with a potential ash brick manufacture who would like to apply for a development application for a facility to beneficially re-use ash from the Bayswater site to manufacture bricks and other building materials. Given this would be an industrial use, and Industrial land uses are not currently permissible, a request has been made to Council to amend MLEP 2009 to allow an additional permitted use on the site near the Baywater Ash Dam.

The proposal has strategic merit, and it is recommended that Council resolves to prepare a Planning Proposal and seek a Gateway Determination to enable the amendment to progress.

SOCIAL IMPLICATIONS

Permitting additional uses on the site will allow for the diversifying of employment opportunities, thereby reducing the impact of the eventual closure of the Power Station on the local economy and community.

FINANCIAL IMPLICATIONS

Nil. An application fee has been paid in accordance with Council's adopted fees and charges.

POLICY IMPLICATIONS

MLEP 2009 is Council's land use policy for the Shire. This proposal would amend that Policy.

STATUTORY IMPLICATIONS

The LEP amendment process is regulated by the Environmental Planning and Assessment Act. Preparing a Planning Proposal and seeking a Gateway Determination are the next steps in the process.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

1.1.1.2 - Progress the Place - Delivery Group framework, identified in the Hunter Region Plan 2041, for transition of the Liddell Power Station and Muswellbrook Coal Mine sites.

The Place Strategy process is likely to take 3 to 5 years to complete. Waiting until then to

permit new uses on the site will slow the diversification of employment opportunities, which ideally needs to commence before the Power Station closes.

PLANNING PROPOSAL Amendments to Muswellbrook Local Environmental Plan 2009

A new additional Local Provision in the *Muswellbrook Local Environmental Plan 2009* with a key sites map

Executive Summary

Site Details		
Legal description	Part of Lot 1 DP574168	
Address	New England Highway, Muswellbrook	
Land Owner:	AGL Macquarie Pty Ltd	
Applicant:	AGL Macquarie Pty Ltd	
Folder Number:	PPXXXX	
Date:	22 December 2023	
Author:	Rochele Barclay, Shuan Lawer GHD	
Current planning provisions		
Clause	Relevance	
LEP	Muswellbrook Local Environment Plan 2009	
Land Use Table	 The zone objectives and Land Use Table are reproduced below: "Zone SP2 Infrastructure 1 Objectives of zone To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. To recognise existing railway land and to enable future development for railway and associated purposes. To prohibit advertising hoardings on railway land. 	
	 To recognise major roads and to enable future development and expansion of major road networks and associated purposes. To recognise existing land and to enable future development for utility undertakings and associated purposes. Permitted without consent Niii 3 Permitted with consent Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads 4 Prohibited Any development not specified in item 2 or 3ⁿ/₋ The Land Zoning Map confirms that the SP2 Infrastructure zoning relates to the purpose of 'Power Generation. 	
4.1 Minimum Subdivision Lot Size	The site is not identified as having a minimum lot size.	
4.3 Height of Buildings	The site is not subject to a maximum building height.	
4.4 Floor Space Ratio	The site is not subject to a floor space ratio.	
5.10 Heritage Conservation	This clause relates to development applications, but the Proposal should meet the objectives of the clause and consider all existing and potential heritage at the site. The E-spatial confirms there are no State Heritage items on the site. There are no locally listed items on the site. An AHIMS search was undertaken on 21 November which revealed one Aboriginal site or place recorded in or near the site, however, this place is not proximate to the subject site. No Aboriginal places have been declared in or near the site. Assessments of the impacts of any specific development proposed would be undertaken as part of any future development applications for the site.	

5.21 Flood planning	No flood mapping is available for the site but site personnel have confirmed that there has been no recorded flooding of the area. Any future development application would require an assessment of the impacts of the specific development proposed on hydrology, including a Flood Impact Assessment and Stormwater Management Plan.
7.6 Earthworks	Any development application lodged over the site will assess the matters contemplated by this clause where any earthworks are proposed as part of the specific development.

Proposed Amendment

The Planning Proposal seeks to amend *Muswellbrook Local Environmental Plan 2009* (the LEP) to make 'industry' and compatible infrastructure related uses permissible with development consent on the site. Industry is defined under the LEP as follows:

"industry means any of the following-

- (a) general industry,
- (b) heavy industry,
- (c) light industry,
- but does not include-
- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.".

The land use is not permitted with or without consent under the current SP2 zone and therefore is prohibited in the SP2 Zone. The proposal to amend the LEP so as to permit 'Industry' on the site is not inconsistent with the current zone objectives, which relevantly include providing for infrastructure and related uses.

This Proposal seeks to amend Part 7 Additional Local Provisions to include the following new site-specific provisions, and a new key sites map:

- "7.11 Development on land associated with part of Lot 1 DP574168.
- (1) The objectives of this clause are as follows:
 - (a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generation activities which support the renewable energy transition.
 - (b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.
- (2) This clause applies to land identified as part of Lot 1 DP574168 on the Key Sites Map.
- (3) Despite clause 2.3, development consent may be granted to development for the purpose of: Environmental protection works; Industries Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems;
- (4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:
 - a. there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and
 - b. The uses are compatible with or otherwise relate to the special characteristics of the site.

The intent of the additional local provision is to enable the lodgement of development applications for industrial land uses over the site. All other planning controls applying to the site will remain unchanged.

Supporting Documents			
Title	Author	Date	
Planning Proposal Scoping Report	GHD Pty Ltd	14 September 2023	
AHIMS Searches	GHD Pty Ltd	21 November 2023	
Bushfire Risk Management Plan	AGL	15 July 2021	

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Planning Proposal Scoping Report

Bushfire Risk Management Plan

AHIMS Search

Glossary	
AGL	AGL Macquarie Pty Ltd
BPS	Bayswater Power Station
BC Act	Biodiversity Conservation Act 2016
CSP	Community Strategic Plan
DA	Development Application
The WOAOW consent	Development Consent No. SSD 9697
DCP	Development Control Plan
DPE	Department of Planning and Environment
The Regional Plan	Hunter Regional Plan 2041
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
The LEP	Muswellbrook Local Environmental Plan 2009
Council	Muswellbrook Shire Council
The site	Part of Lot 1 DP574168
Proposal	Planning Proposal
PSI	Preliminary Site Investigation

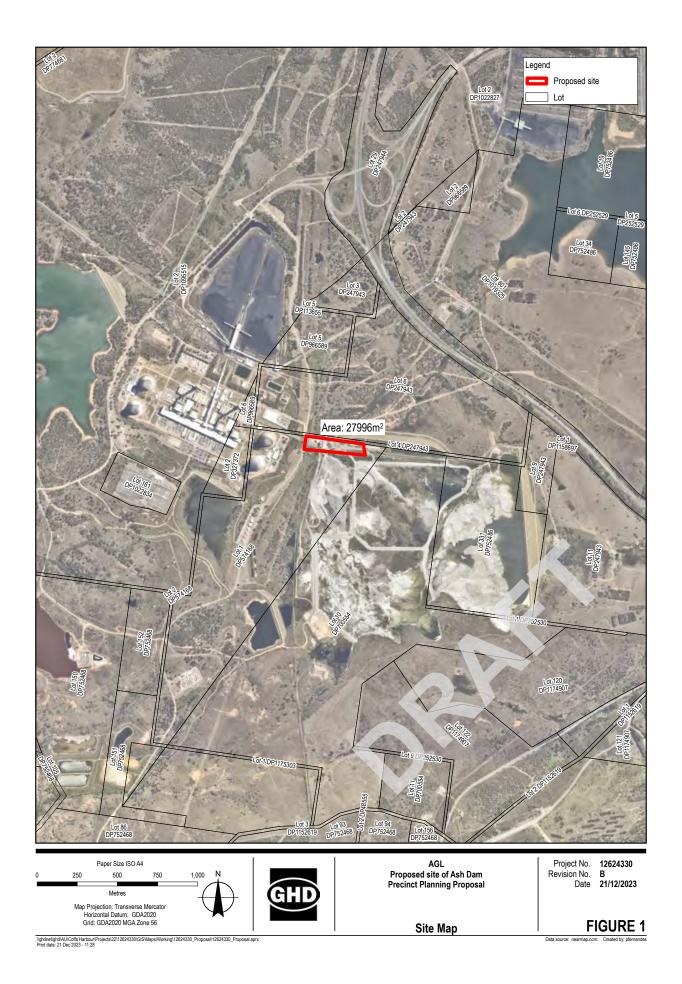
1. Part 1 – Objectives and intended outcomes

Objective

The objective of this Planning Proposal (the 'proposal') is to amend *Muswellbrook Local Environmental Plan 2009* (the 'LEP') to make industrial land uses, compatible infrastructure and related uses permissible with consent via the inclusion of an additional Local Provision, and the creation of a new key sites map, over 27,966 m² of land owned by AGL Macquarie Pty Limited (AGL) in the vicinity of the Bayswater Power Station being part of Lot 1 DP574168 (the site), as seen in Figure 1.11 and Figure 1.22 below. The proposed Local Environmental Plan (LEP) amendment will enable the lodgement of a Development Application (DA) for various types of 'industry' over the site.

Intended outcomes

- To make industrial land uses permissible with consent at the site. This will assist AGL to help ensure a just energy transition for the local region by supporting industrial land uses which are compatible with ongoing site operations and to help mitigate the economic and social impacts associated with the closure of Bayswater Power Station between 2030 and 2033 in line with AGL's commitments.
- To realise the intent of the Hunter Regional Plan 2041 (The Regional Plan) to co-locate other employment generating activities on the Bayswater Power Station (BPS) site to establish an integrated industrial energy hub, whilst the site and region are in transition.
- To maximise the efficient use of available rail and highway access and infrastructure.
- To offer developers an alternative site outside of existing urban areas for uses which potentially require
 greater separation or are otherwise compatible with the unique characteristics of the site.
- To enable the development of industrial land uses on a site that it is compatible with the existing surrounding land uses





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2. Part 2 – Explanation of provisions

Intended provisions

This proposal seeks to amend Part 7 Additional Local Provisions of the LEP, to include the following site-specific provision, and a new key sites map:

- "7.11 Development on land associated with part of Lot 1 DP574168.
- (1) The objectives of this clause are as follows:
 - (a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generation activities which support the renewable energy transition.
 - (b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.
- (2) This clause applies to land identified as part of Lot 1 DP574168on the Key Sites Map.
- (3) Despite clause 2.3, development consent may be granted to development for the purpose of:
 Environmental protection works; Industries Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems;
- (4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:
 - a. there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and
 - b. The uses are compatible with or otherwise relate to the special characteristics of the site.

The intent of the additional local provision is to enable development applications seeking to locate compatible industrial development and infrastructure on the site to be lodged and assessed as permissible in accordance with the EP&A Act and the existing LEP provisions. All other planning controls applying to the site will remain unchanged. The new proposed Key Sites Map is seen in Figure 2.11 below.

Council to insert Map

Figure 2.11 Proposed Key Sites Map (No. TBC)

Part 3 – Justification of strategic and sitespecific merit

Section A - Need for the planning proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

The site is associated with the Bayswater Power Station. Bayswater Power Station (BPS) was initially constructed by the NSW Government owned State Electricity Commission commissioned in 1985, along with the Hunter Valley Gas Turbines and a range of infrastructure to support water supply, water management, coal ash management, coal supply, power supply and control systems. It is widely recognised that electricity generation in Australia is undergoing a significant transition towards more distributed, intermittent generation sources. Approximately three quarters of Australia's current thermal generation fleet is beyond its original engineering design life, and as such there is a concurrent need to modernise and decarbonise Australia's electricity generation sector. As the generator of approximately 25% of the energy within the National Energy Market (NEM), AGL has committed to playing a leading role in this transition. In line with these commitments, Bayswater Power Station is scheduled to cease generating between 2030 and 2033.

The AGL site has the opportunity to provide for employment generating development to offset employment loss anticipated due to closure of the power stations and mining operations¹.

The Planning Proposal gives effect to Planning Priorities 1-3 in the Muswellbrook Local Strategic Planning Statement dated October 2020 (LSPS), as outlined in the Scoping Report (Appendix A). In addition, the proposal aligns with the Hunter Regional Plan 2041 (refer (Appendix A).

The proposal seeks to make permissible with consent compatible industrial land uses on a small area of the Bayswater site which AGL has confirmed is suitable for compatible industrial development whilst specialist studies are being undertaken in relation to other areas of the AGL owned land and the preparation of a subsequent and larger planning proposal as ongoing strategic planning for the future land uses proposed on the Bayswater site progresses.

Development Consent No. SSD 9697 (the WOAOW consent), which applies to the site already authorises increased ash harvesting and a range of additional ash harvesting infrastructure which is compatible with industrial land uses such as ash brick manufacturing and AGL is currently in negotiations with a potential ash brick manufacture who would like to apply for a development application for a facility to beneficially re-use ash from the Bayswater site to manufacture bricks and other building materials. Given this would constituent an industrial use and Industrial land uses are not currently permissible, the proposal has been prepared to address the strategic need and commercial opportunity.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This option provides for appropriate local development control for a small portion of the overall Bayswater site and defines the proposed uses that may occur (subject to a development application being lodged and assessed under the EP&A Act and development consent being granted) and requires the proposed use to be consistent with the objectives of the clause, which aligns with the strategic planning framework.

Appendix A contains the Scoping Report submitted to Muswellbrook Shire Council (Council) and provided to the DPE. This Planning Proposal has been informed by the feedback obtained on this Scoping Report.

Other options that were considered include:

An additional permitted use in Schedule 1 of the Muswellbrook Local Environmental Plan 2009
This option seeks to amend the LEP to include an additional permitted use in Schedule 1 of the LEP. This option is not the preferred option because it does not include objectives that make clear that the intent of the additional permissible uses is to support the renewable energy transition. This option does not provide detailed development control to support the identified land uses and the future development of the land.

GHD | AGL Macquarie Pty Limited | 12624330 | Planning Proposal

 Insert new objectives and permitted land uses into the current SP2 Infrastructure zone of Muswellbrook Local Environmental Plan 2009

This option would apply to all land zoned SP2 Infrastructure under the LEP and has the potential to allow for inappropriate land uses to occur in other SP2 zones within the Muswellbrook Local Government Area (LGA) that are identified for a specific operating purpose. As such, it does not provide sound development control for SP2 zoned land. Further, such a DA/DA's may not be capable of complying with the proposed new objective. This option also does not provide detailed development control to support the identified land uses and the future development of the land. It is not preferred for these reasons.

The DPE provided feedback on the Scoping Report and proposed the following option:

- Rezone parts of the SP2 Zone to the SP4 Enterprise Zone, and mapping the site as an Urban Release
 Area under part 6 of the LEP, and the provision of a Development Control Plan
 - This option is not preferred for this initial planning proposal as SP4 Enterprise zones in other LGA's have objectives that do not align with the intent of this proposal including to encourage a range of office and light industrial uses, and to permit limited residential accommodation which are not consistent with the current site uses. The equivalent to the SP4 zone is the B7 zone which focuses on objectives in relation to light industrial and business park development. The envisaged land uses are of a heavier industrial nature including manufacturing to ensure consistency with current land uses and avoid potential land use conflicts. Further, the proposal would be inconsistent with Ministerial Direction 1.4, given it would seek to rezone the site to a zone not already in the LEP, and Direction 7.1 given there is not currently any strategy approved by the Planning Secretary to create an employment zone.

In summary, the proposal is the best means of achieving the objectives and intended outcomes as it provides an opportunity to define development controls for the specific small part of the Bayswater site which is the subject of the proposal within the broader SP2 zone and set a vision for this particular type of place-based development. It represents an intelligent planning outcome in the interim, given it that will provide for the reuse of the site consistent with the suite of Strategic Planning Documents applicable to the site, and thus has Strategic Merit.

Section B - Relationship to the strategic planning framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal gives effect to the objectives and priorities of the Regional Plan 2041. Refer to Table 3.11.

Table 3.11 Hunter Regional Plan 2041

Table 3.11	Hunter Regional Plan 2041		
Objective	Performance Outcome	Strategy	Alignment
OBJECTIVE 1: Diversify the Hunter's mining, energy and industrial capacity	Any planning proposal or local strategic planning statement that does not comply with a strategy in this objective must demonstrate how the following performance outcomes will still be achieved: 1. Power stations and coal mines facilitate diverse job opportunities on their land either during operation or following closure, with land uses responsive to the characteristics of the locality. 2. Employment lands provide a variety of employment uses and diversify the employment base. 3. Employment lands close to inter-regional links support freight, logistics and industries which benefit from connections to interregional or global markets. 4. Employment lands close to renewable energy zones support manufacturing related to renewables and energy intensive industries and clustering of business which supports those activities. 5. Circular economy industries and facilities are in appropriate sites. 6. New employment lands are serviced, manage biodiversity impacts and are situated to avoid land use conflict. 7. Employment lands are retained and safeguarded by limiting the encroachment of sensitive land uses.	Strategy 1.1 Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will: - maximise employment generation or will attract visitors to the region. - make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access. - support the growth of adjoining industrial areas or settlement areas. - enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors. - complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas. - have considered the existing and likely future uses of adjoining land and avoid land use conflict. - align with any specific guidance in the district planning priorities section of this plan. Strategy 1.2 Following completion of the Hunter- Central Coast REZ, local strategic planning should consider: - opportunities to leverage new employment in related manufacturing and energy intensive industries that benefit from proximity to the energy infrastructure within the renewable energy zone. - the proximity of sensitive land uses to ensure sensitive land uses to ensure sensitive land uses do not encroach on activities within the REZ. Strategy 1.3 Local strategic planning should consider: - how existing employment land areas, including those that provide urban services, will be retained unless opportunities for urban renewal arise through the relocation of industry.	Future development of the SP2 zone is identified within the Bayswater and Liddell Regionally Significant Growth Area as indicated in Figure 24 of the Regional Plan 2041, identified as an "integrated industrial energy hub". By enabling compatible industrial and industrial infrastructure related activities on a small suitable portion of the Bayswater site, the proposal will help ensure a just transition and minimise social and economic impacts. It will also provide opportunities for industrial uses to beneficially reuse ash and other generation by-products during manufacturing processes by enabling co-location on the Bayswater site. The planned closure of BPS in 2030-2033 will provide further opportunities to colocate other employment generating activities within the SP2 zone. The site offers both rail and highway access, water and infrastructure assets. It suits jobs in the manufacturing, waste, freight, and hydrogen industries.

Objective	Performance Outcome	Strategy	Alignment
		 if there is sufficient supply of vacant, serviced employment land providing capacity for a range of different sized employment enterprises • the employment land needs for the local government area and identify flexible planning and development control frameworks to support their growth. 	
		 opportunities to facilitate growth in logistics, circular economy, new economic enterprises and industries and their supply chains. 	
		 the suitability of transport interchanges and bypasses for employment lands in consultation with Transport for NSW. 	
		 lands around the interchanges of the M1 Pacific Motorway and Pacific Highway should be used for employment activities that benefit from easy access to key markets such as manufacturing, logistics and warehousing. 	
		 the proximity of sensitive land uses and ensure they do not encroach upon these areas. 	
		Strategy 1.4 Planning proposals for new employment lands will demonstrate they:	
		are located in areas which will not result in land use conflict. can be adequately serviced	
		and any biodiversity impacts are manageable. - respond to the employment	
		land needs identified for that local government area.	

4. Is the Planning Proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

Yes. The proposal is consistent with the following Council adopted plans- the LSPS, and the Muswellbrook Shire Council Community Strategic Plan 2022-2032 (the CSP), as demonstrated in Table 3.22 and Table 3.33.

Table 3.22 Muswellbrook Local Strategic Planning Statement October 2020- 2040

Priority	Detail	Consistency
Planning Priority 1: Our Shire embraces technology and innovation	Council supports leading edge businesses growing and consolidating in Muswellbrook Shire as a mechanism toward supporting the Shire's transition to broader employment diversification.	The proposal will enable the lodgement of DAs for various industrial land uses on the site, assisting with employment diversification opportunities. It will also provide opportunities for industrial uses to beneficially reuse ash and other generation by-products during manufacturing processes by enabling colocation on the Bayswater site.
Planning Priority 2: We plan for the transition of mine and power station sites before their closure	Mines and power stations occupy large tracts of land with infrastructure and topography that would be suitable for alternative uses over time, to replace employment opportunities that may not exist in the future.	The site is suitable for various industrial land uses that will provide employment opportunities in the LGA.
Planning Priority 3: The mineral resource and power generation industry is productive, accountable and considerate of surrounding land uses	Coal mining, river sand extraction and quarrying for hard rock and shale are major components of the economy of the Shire. The two coal fired power stations are expected to close long-term, but new power generating activities, such as wind, solar, pumped hydro and biofuels are expected to be commissioned. Groups from the mining, quarrying and agricultural and visitor economy sectors have expressed a desire for certainty on the location of these different activities, enabling more confidence in investment decisions. Many of these activities are classed as State Significant Development (SSD) but Council has a strong role in advocating for appropriate land use planning decisions by the State Agencies.	As above. DA's will be assessed on their merits in accordance with the requirements of the EP&A Act.

Table 3.33 Muswellbrook Shire Council Community Strategic Plan 2022-2032

Goal	Consistency
Economic prosperity Strategy 1.2 of this goal is to: "Diversify the economy, facilitate the development of intensive agriculture, innovative manufacturing, health services and other growth industries".	The CSP states that Council, the NSW Government and Energy Producers can help with achieving this goal. This proposal seeks to make industrial land uses permissible with consent on the site. It will also provide opportunities for innovative industrial manufacturing uses which beneficially reuse ash and other generation by-products during manufacturing processes by enabling co-location on the Bayswater site.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The proposal is consistent with the following State Plans and Strategies:

- NSW State Plan 2021
- NSW State Infrastructure Strategy 2022-2042
- Future Transport Strategy
- A 20 Year Economic Vision for Regional NSW

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with applicable State Environmental Planning Policies (Table 3.44).

Table 3.44 Compliance with State Environmental Planning Policies

SEPPs (as of November 2023)	Applicable	Consistent	Comment
(Biodiversity and Conservation) 2021	No	N/A	The proposal itself does not propose to clear vegetation or affect land subject to potential koala habitats, foreshore or waterways, water catchments, or strategic conservation areas. Any future development applications will be assessed in accordance with the requirements of this SEPP.
(Exempt and Complying Development Codes) 2008	No	N/A	The proposal does not propose any building works or changes to this policy.
(Housing) 2021	No	N/A	The proposal does not propose building works or changes to this policy, and no residential uses are proposed to become permissible as part of this proposal.
(Industry and Employment) 2021	No	N/A	The proposal does not propose any changes to the planning controls for advertising and signage. The land is not located in the Western Sydney employment area.
No 65 – Design Quality of Residential Apartment Development	No	N/A	The proposal does not propose building works or changes to this policy, and no residential uses are proposed to become permissible as part of this proposal.
(Planning Systems) 2021	Yes	Yes	The proposal does not affect the assessment of any future proposed State significant development, State significant infrastructure, Regionally significant development or land subject to a Development Delivery Plan. The land is not owned by an Aboriginal Land Council.
(Precincts – Central River City) 2021	No	N/A	The site is not located within a State Significant Precinct, Sydney Region Growth Centre, Homebush Bay area or Kurnell Peninsula area.
(Precincts – Eastern Harbour City) 2021	No	N/A	The site is not located within a State Significant Precinct, Darling Harbour, City West, Walsh Bay, Cooks Cove or Moore Park Showground.
(Precincts – Regional) 2021	No	N/A	The site is not located within a State Significant Precinct, Activation Precinct, Kosciuszko Alpine Region or Gosford City Centre.
(Precincts – Western Parkland City) 2021	No	N/A	The site is not located within a State Significant Precinct, Sydney Region Growth Centre, Western Sydney Aerotropolis Penrith Lakes, St Marys or Western Sydney Parklands.
(Primary Production) 2021	No	N/A	Land subject to the proposal is not primary production or rural development, located on state significant agricultural land, a farm dam and other small-scale and low risk artificial waterbody, a livestock industry, sustainable aquaculture or within the Central Coast plateau area.

SEPPs (as of November 2023)	Applicable	Consistent	Comment
(Resilience and Hazards) 2021	Yes	Yes	The site is not located in the coastal zone. If a DA for a hazardous or offensive development is lodged it will be assessed on its merits. The site is not listed on the contaminated land register and is currently used for power station related purposes, being a form of industrial development, and regulated under an environmental protection licence issued by the NSW EPA. A Preliminary Site Investigation (PSI) would be prepared to accompany any future development application so that the consent authority can consider the suitability of the site for the proposed use. Subject to the outcomes of the PSI, a Detailed Site Investigation Report would be prepared, and any remediation required can be regulated via development consent conditions to ensure that the suitability of the site for the specific proposed industrial development.
(Resources and Energy) 2021	No	N/A	The proposal is compatible with the surrounding separately approved mining operations which adjoin the Bayswater site and does not propose any changes to the controls contained in this SEPP.
(Sustainable Buildings) 2022	No	N/A	The proposal does not propose building works or changes to this policy, and the site is not on land zoned for residential purposes.
(Transport and Infrastructure) 2021	Yes	Yes	The proposal does not propose building works or changes to this policy. The proposed amendments to the additional permitted uses map do not trigger referral to any State Agencies at the Gateway Determination stage.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The proposal is consistent with applicable Ministerial Directions (as shown in Table 3.55).

Table 3.55 Compliance with Ministerial Directions

Direc	tions (as of November 2023)	Applicable	Consistent	Comment		
Focus area 1: Planning Systems						
1.1	Implementation of Regional Plans	Yes	Yes	The proposal is consistent with the objectives and actions of the Regional Plan 2041(see Section B, Question 3).		
1.2	Development of Aboriginal Land Council land	No	N/A			
1.3	Approval and Referral Requirements	Yes	Yes	The proposal does not include any provisions that require additional concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.		
1.4	Site Specific Provisions	Yes	Yes	The proposal will amend the LEP to render 'industry' and additional infrastructure related uses land uses permissible with consent. The Proposal does not require rezoning to a land use that is not in the LEP.		
				The proposal does seek to include any new land uses that are not already defined in the LEP.		

Directi	ons (as of November 2023)	Applicable	Consistent	Comment
1.4A	Exclusion of Development Standards from Variation	No	N/A	
Focus	area 1: Planning Systems – Place	-based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	
1.6	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	
1.10	Implementation of the Western Sydney Aerotropolis Plan	No	N/A	
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N/A	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	
1.14	Implementation of Greater Macarthur 2040	No	N/A	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	
1.16	North West Rail Link Corridor Strategy	No	N/A	
1.17	Implementation of the Bays West Place Strategy	No	N/A	
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A	
1.19	Implementation of the Westmead Place Strategy	No	N/A	
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A	
1.21	Implementation of South West Growth Area Structure Plan	No	N/A	
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A	

Direct	ions (as of November 2023)	Applicable	Consistent	Comment
Focus	area 2: Design and Place			
Focus	area 3: Biodiversity and Conserv	ation		
3.1	Conservation Zones	No	N/A	The site does not contain environmentally sensitive areas, land within a conservation zone or identified for environment conservation or protection purposes.
3.2	Heritage Conservation	Yes	Yes	The proposal does not affect existing heritage provisions in the LEP.
3.3	Sydney Drinking Water Catchments	No	N/A	
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	
3.5	Recreation Vehicle Areas	No	N/A	
3.6	Strategic Conservation Planning	No	N/A	
3.7	Public Bushland	No	N/A	
3.8	Willandra Lakes Region	No	N/A	
3.9	Sydney Harbour Foreshores and Waterways Area	No	N/A	
3.10	Water Catchment Protection	No	N/A	
Focus	area 4: Resilience and Hazards			
4.1	Flooding	No	N/A	There is no flood mapping under the LEP, or flood study available on Councils website, or flood planning layer on the NSWE-spatial viewer. On this basis the proposal is not considered to constitute Flood Prone Land. Future DAs lodged over the site will need to address relevant clauses of the LEP and Development Control Plan (DCP) clauses and provisions as they apply to the site and the proposal.
4.2	Coastal Management	No	N/A	
4.3	Planning for Bushfire Protection	Yes	Yes	The site is mapped as Bushfire Prone Land Vegetation Category 3. A Strategic Study will be undertaken for the whole of site Planning Proposal or can be requested by the NSW Rural Fire Service (RFS) following Gateway Determination. Vegetation surrounding the site appears to be fragmented and located at a distance when viewing online aerial mapping. There is no significant vegetation on the site. Each of the proposed land uses will be subject to different risk profiles and accordingly APZ and BAL requirements.

Dim of	(Annlinable	O a maile tamé	0
Directi	ons (as of November 2023)	Applicable	Consistent	Comment The existing read network appears to
				The existing road network appears to have sufficient capacity, ingress and egress to accommodate evacuation, and emergency services vehicles. Key access routes would remain unchanged from those approved under previous consents. Reticulated water is currently available at the site. Given there is no significant vegetation on the site (based on aerial mapping), it is anticipated that Council will consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a gateway determination under Section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and consider any comments made.
4.4	Remediation of Contaminated Land	Yes	Yes	The site is not listed on the contaminated land register and is currently used for power station related purposes, being a form of industrial development, and regulated under an environmental protection licence issued by the NSW EPA. A PSI would be prepared to accompany any future development application so that the consent authority can consider the suitability of the site for the proposed use. Subject to the outcomes of the PSI, a Detailed Site Investigation Report would be prepared, and any remediation required can be regulated via development consent conditions to ensure that the suitability of the site for the specific proposed industrial development.
4.5	Acid Sulfate Soils	No	N/A	
4.6	Mine Subsidence and Unstable Land	No	N/A	
Focus	area 5: Transport and Infrastruct	ure		
5.1	Integrating Land Use and Transport	No	N/a	The proposal is not zoned as Urban Land. The additional permitted use will require an assessment of traffic impacts, however given the limited area of the Site and the fact that the Bayswater site is already provided with direct access to the Highway, this can be assessed at the DA stage.
5.2	Reserving Land for Public Purposes	No	N/A	
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	
5.4	Shooting Ranges	No	N/A	
Focus	area 6: Housing			
6.1	Residential Zones	No	N/A	
6.2	Caravan Parks and Manufactured Home Estates	No	N/A	

Directi	ions (as of November 2023)	Applicable	Consistent	Comment
Focus area 7: Industry and Employment				
7.1	Business and Industrial Zones	No	N/A	
7.2	Reduction in non-hosted short- term rental accommodation period	No	N/A	
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
Focus	area 8: Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	No	N/A	
Focus	area 9: Primary Production			
9.1	Rural Zones	No	N/A	
9.2	Rural Lands	No	N/A	
9.3	Oyster Aquaculture	No	N/A	
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	

Section C - Environmental, social and economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site is located within a highly disturbed landscape that does not possess large expanses of intact native vegetation and generally has a low ecological value. As most of the site is in areas which were previously cleared, direct impacts to terrestrial biodiversity have been largely avoided and/or minimised.

No areas of land that the Minister for Energy and Environment has declared as an area of outstanding biodiversity value in accordance with section 3.1 of the *Biodiversity Conservation Act 2016* (the 'BC Act') would be affected.

9. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

Table 3.66 provides a review of other likely environmental effects and how they will be managed.

Table 3.66 Assessment of Environmental Effects

Environmental Effects	Proposed Management
Bushfire	The proposed area is an active operational area of the BPS. Site based hazards are managed by specific Hazard Management Plans in Appendix C.
Hydrology	There has been no recorded flooding of this area and as such no mapping pursuant to the LEP. Any future development application would require an assessment of the impacts on the proposal on hydrology, including a Flood Impact Assessment and Stormwater Management Plan where required based on the scale of development proposed.

Environmental Effects	Proposed Management
Scenic and culturally important landscapes	The SP2 Zone is located within an area dominated by mining and power generation. The landscape is heavily influenced by industrial activity. Local land use is dominated by large-scale infrastructure associated with the power stations and open cut mining activities at the surrounding and separately operated Ravensworth Mine Complex, Mount Arthur Coal, Hunter Valley Operations, Liddell Coal Mine and the former Drayton Mine. Agricultural clearing for the purposes of grazing is also present within and surrounding the AGL landholding. There are limited sensitive receivers or social infrastructure in the locality of the SP2 Zone. The nearest sensitive receiver to BPS footprint is at Jerrys Plains, approximately 700 metres (m) to the south of the site. Visual impacts are likely to be negligible given the separation between the SP2 zone and other land uses and topographic screening. Visual impacts would be assessed as part of future development applications including via a Visual Impact Assessment where required.
Biodiversity	Refer to comments at Section C.
·	Any future DA will be required to address the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , the BC Act, LEP and relevant controls in the DCP as the relate to biodiversity and a DA.
Heritage	There are no State Heritage items on the site. There are no locally listed items on the site. An AHIMS search was undertaken on 21 November, which revealed one Aboriginal site or place recorded near the site, however this places is not proximate to the subject site. No Aboriginal places have been declared in or near the site. A development consent can provide standard conditions of consent in relation to unexpected finds procedures.
Access and Transport	The AGL landholdings are connected to the surrounding road network via a purpose-built access road and grade-separated interchange to and from the New England Highway. Any Development Application would include a Traffic Impact Assessment to determine expected generated volumes.
Services	Based on the former land use, it is unlikely that additional infrastructure will be required to service the proposed activities. Where any upgrades to existing service provision is required, this can be dealt with via future DA's. The site is distant from the towns of Muswellbrook and Singleton and currently operates without access to a reticulated water or sewage system. It is intended that this self-sufficient approach will continue as the uses on the site transition.
Noise	The local noise environment is impacted by surrounding land uses including power generation, coal mining, livestock grazing and rural living. Other noise sources include transport related impacts associated with the Main North Railway Line and the New England Highway. Any future development application would be assessed on its merits in relation to acoustic impacts.
Contamination	The additional uses would be classified as commercial/industrial from a land use perspective under relevant contamination guidelines, in line with the current power station use of the site. Any future development application will be required to provide an assessment of the specific change in use proposed against the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> to confirm that the site is suitable for the specific form of industrial land use proposed and that any remediation required will be carried out prior to any new use commencing in line with any development consent conditions which are imposed on any development consent granted.

10. Has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal is proposed to help AGL ensure a just energy transition for the local region by supporting industrial land uses which are compatible with ongoing site operations and to help mitigate the economic and social impacts associated with the closure of Bayswater Power Station between 2030 and 2033 in line with AGL's commitments. It will also provide opportunities for industrial uses to beneficially reuse ash and other generation by-products during manufacturing processes by enabling co-location on the Bayswater site.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the Planning Proposal?

Yes. The proposal will likely not require any changes to the delivery of public infrastructure to the land. The site is in an established industrial area and benefits from access to a range of existing facilities and services, including utilities.

Section E - State and Commonwealth interests

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

An update to this section of the proposal will occur following consultation with relevant State and Commonwealth public authorities in accordance with the Gateway determination.

4. Part 4 - Maps

The Planning Proposal will create the LEP Key Sites Map (No.TBC). The proposed Additional Permitted Uses Map is shown in Figure 2.11.

5. Part 5 – Community consultation

A 28-day exhibition period is proposed. The Gateway Determination will confirm the exhibition period.

6. Part 6 – Project timeline

Table 6.11 Project Timeline

Stage	Timeframe
Consideration by Council	January – Mid February 2024
Council Meeting	Next available meeting date after submission of the Planning Proposal to Council (February 2024)
Commencement/ Gateway Determination	Two weeks after Council Meeting – March 2024
Government Agency Consultation	In accordance with Statutory timeframes- April 2024
Public Exhibition	In accordance with Statutory timeframes- April 2024
Consideration of Submissions	May 2024
Post-exhibition consideration of Submissions and Post- exhibition review and additional studies	May 2024
Submission to the Department for finalisation (where applicable)	June- July 2024
Gazettal of LEP amendment	July- August 2024

Appendices

Appendix A Planning Proposal Scoping Report



AGL Future Land Use and Enabling Works

Planning Proposal Scoping Report

AGL Macquarie Pty Limited
14 September 2023

→ The Power of Commitment



Attachment 10.1.4.1 Attachment A - Request to amend MLEP 2009 - Bayswater (stage 1)

Project n	amo	Liddell Future Land Use and Enabling Works EIS						
Document title Scoping Report Planning Proposal Scoping Report								
Project n	umber	12562257						
File name	9	12562257-Scop	ing Poposal_Lidd	ell Future Land Us	se and Enabling	Works Scoping Pr	oposal.docx	
Status	Revision	Author	Reviewer	Reviewer		Approved for issue		
Code								
			Name	Signature	Name	Signature	Date	
S4	0	M Purkiss	Name S Lawer	Signature	Name S Murphy	Signature	Date 14/09/23	
S4	0	M Purkiss		Signature				
S4	0	M Purkiss		Signature				
S4	0	M Purkiss		Signature				

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→ The Power of Commitment

Executive Summary

AGL Macquarie Pty Ltd (AGL) owns the operating Bayswater Power Station (BPS) and the adjoining former Liddell Power Station (LPS) site. In line with the commitments in its Climate Transition Action Plan released in 2022, AGL ceased to operate LPS in April 2023 and has committed to close BPS by no later than 2033.

AGL has recently applied for state significant development consent under the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) to demolish the former LPS and ancillary structures. On completion of the demolition works, the LPS site will be rehabilitated in line with all regulatory requirements.

This Planning Proposal Scoping Report (the 'Scoping Proposal') has been prepared to support a pre-lodgement meeting with Muswellbrook Shire Council (the 'Council') in relation to an interim planning proposal which seeks to amend the *Muswellbrook Local Environmental Plan 2009* (the 'MLEP' 2009'). The amendment will enable compatible additional uses to occur and support the ongoing clean energy transition and an integrated industrial energy hub as identified in the Hunter Regional Plan 2041.

New land uses are proposed to be introduced to the current SP2 Infrastructure zone ('SP2 zone') which applies to the land owned by AGL and includes both the former LPS and the operating BPS sites. The SP2 zone is defined as the site and where the LEP amendments will apply. The aim of MLEP 2009 changes is to provide a flexible approach to meet the needs of potential developer scenarios in the short, medium and long term.

The Scoping Report provides an overview of AGL's proposal to amend MLEP 2009 to permit additional compatible land uses within the SP2 zone. The three (3) amendment options that have been determine are:

- Option 1: An additional Local Provision in the LEP bound by the SP2 zone based on proposed land uses, constraints, opportunities and capacity threshold to be determined and dependent upon future impacts and operational needs.
- Option 2: An additional permitted use in Schedule 1 of the LEP.
- Option 3: Insert new objectives and permitted land uses into the SP2 Zone.

The aim of the Planning Proposal is to maintain a flexible approach to a future integrated energy and industry hub that may occur within the SP2 zone and as such Option 1 is considered the preferred option.

To support the preferred option, technical investigations will be required to support the Planning Proposal and justify the site's suitability for future development. A multi criteria analysis will be required to understand site constraints and opportunities and identify suitable locations to support industrial development options.

The Scoping Proposal has been prepared in accordance with Department of Planning and Environment's (DPE) Local Environmental Plan Making Guidelines Scoping Proposal template, and addresses all information required for Council to consider the Proposal at a pre-lodgement meeting.

The Proposal represents a considered planning response that will enable additional compatible land uses to support the ongoing clean energy transition and an integrated industrial hub and development consistent with DPE's Regional Plan and strategic approach to meeting community expectations.

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Appendices

Appendix A Hunte	r Regional Plan 2041
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Appendix B Local Strategic Planning Statement 2020 - 2040

Glossary

Glossary	
AGL	AGL Macquarie Pty Ltd
ACHAR	Aboriginal Cultural Heritage Assessment
BPS	Bayswater Powe Station
CLM Act	Crown Land Management Act 2009
CSP	Community Strategic Plan
DA	Development Application
DCP	Development Control Plan
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Protection and Assessment Act 1979
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
GHD	GHD Pty Ltd
E&H	Environment and Heritage
LEP	Local Environmental Plan
LGA	Local Government Area
LPS	Liddell Power Station
LSPS	Local Strategic Planning Statement
Council	Muswellbrook Shire Council
MLEP 2009	Muswellbrook Local Environmental Plan 2009
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy

1. Introduction

1.1 Project appreciation

AGL Macquarie Pty Ltd (AGL) has engaged GHD to prepare this Scoping Proposal (the 'Scoping Proposal') to request a pre-lodgement scoping meeting with Muswellbrook Shire Council ('Council') to amend *Muswellbrook Local Environmental Plan 2009* (MLEP 2009).

Once both the LPS and BPS closures occur, when structures are demolished and the site rehabilitated, AGL are committed to redeveloping the site into an integrated industrial energy hub. The proposed changes to the MLEP 2009 will aim to provide a flexible approach to future development on the site in the short, medium and long term to allow for a range of land uses to occur in accordance with state and local government expectations. Allowing the transition to commence prior to closure of BPS, and as the LPS is rehabilitated, will reduce shocks to the social and economic conditions in the Upper Hunter.

The Hunter Regional Plan 2041 identifies the land owned by AGL as an opportunity to co-locate other employment generating activities on the Liddell and Bayswater site with to establish an integrated industrial energy hub. The Liddell Future Land Use and Enabling Works Reporting prepared by GHD has also identified future opportunities within this overall locality. The availability of rail, highway access and infrastructure offer developers an alternative site outside of existing urban areas.

AGL are currently working with Council and Department of Planning and Environment (DPE) to investigate how this outcome can be delivered through place-based planning. The Regional Plan 2041 has suggested a number of employment generating land uses including manufacturing, waste, freight, hydrogen, data and agribusiness. Due to the nature of the site, industrial related uses are considered compatible with existing character of the locality.

1.2 Proponent and applicant details

The details of the proponent are provided in Table 1.1.

Table 1.1 Proponent Details

Particulars	Details
Applicant	Muswellbrook Shire Council - Council to lodge the Planning Proposal with DPE
Property owner	AGL Macquarie Pty Limited - Single landowner including the SP2 zone

1.3 Reference documents

The Scoping Proposal has been prepared using the following local documents.

- Environmental Planning and Assessment Act 1979
- Hunter Regional Plan 2041
- Local Strategic Planning Statement (LSPS) 2020-2040
- Muswellbrook Shire Council Community Strategic Plan (CSP) 2022-2032
- Muswellbrook Local Environmental Plan 2009

A number of strategies and reports have recently been prepared for the land owned by AGL. The Scoping report has also referenced to the following.

- Liddell Battery and Bayswater Ancillary Works Project Environmental Impact Statement, prepared by Jacobs, dated March 2021
- Landscape Character and Visual Impact Assessment, prepared by Jacobs, dated February 2021
- Biodiversity Development Assessment Report, prepared by Jacobs, dated April 2021

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- Traffic and Transport Assessment prepared by Jacobs dated February 2021
- Baseline Contamination Assessment Report, prepared by Jacobs, dated 18 March 2021
- AGL Macquarie Land Use Study Summary Report, prepared by AECOM 2022
- SSD-24937520 Liddell Future Lansd Use and Enabling Works Environmental Impact Assessment dated
 7 March 2021 (including Aboriginal Cultural Heritage Assessment, Historic Heritage Assessment,
 Transport Impact Assessment, Social Impact Assessment, Water Impact Assessment)

This Scoping Proposal has been prepared in accordance with Department of Planning and Environment's Local Environmental Plan Making Guidelines Scoping Proposal template, and addresses all information required for Council to consider the Proposal at a pre-lodgement meeting.

1.4 Proposed scope

The intention of the Proposal is to seek an amendment to the MLEP 2009 so as to permit compatible additional uses to support the ongoing clean energy transition and support an integrated industrial energy hub. Compatible uses that have been identified and are currently market driven include:

- Energy generation and storage
- Manufacturing of renewable energy components (i.e., solar panels)
- Recycling of renewable energy components (ie material recycling facilities for solar panels and/or lithium batteries)
- Manufacture of building materials using materials sourced from on-site such as coal ash from power station activities
- Agricultural produce industry to support ongoing agricultural land uses in the region as coal fired power stations and mines progressively close
 - Agricultural produce industry is defined by the MLEP 2009 a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.
- Ancillary activities and services to support the needs of businesses and workers

The Regional Plan 2041 supports the development of alternative land uses dependant on the characteristics of each site and its surrounds. New uses could occur while other existing uses continue to operate.

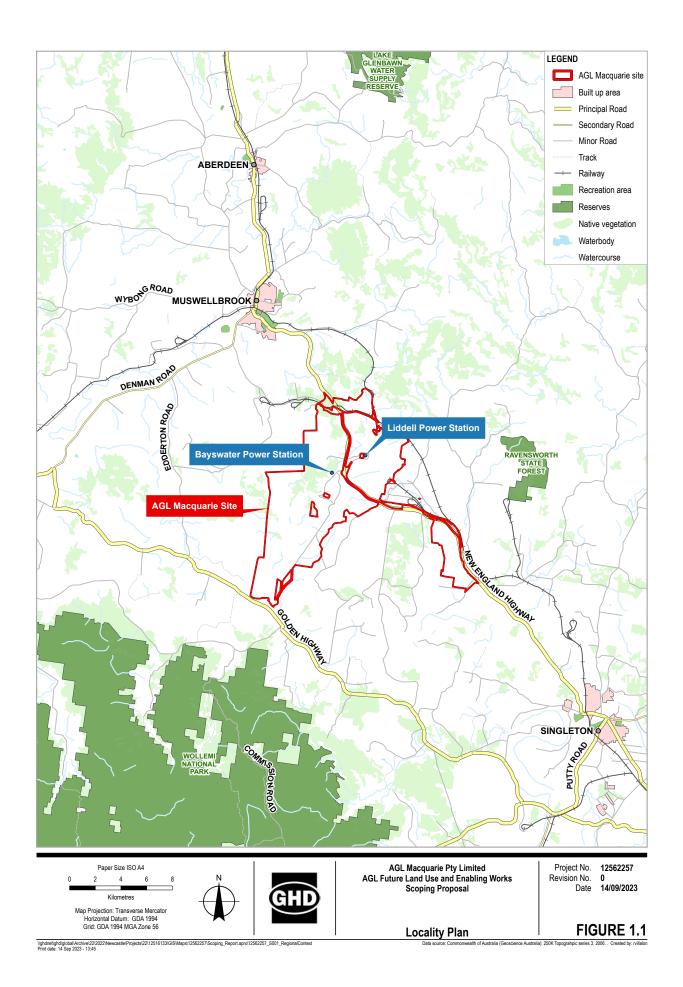
1.5 Site details

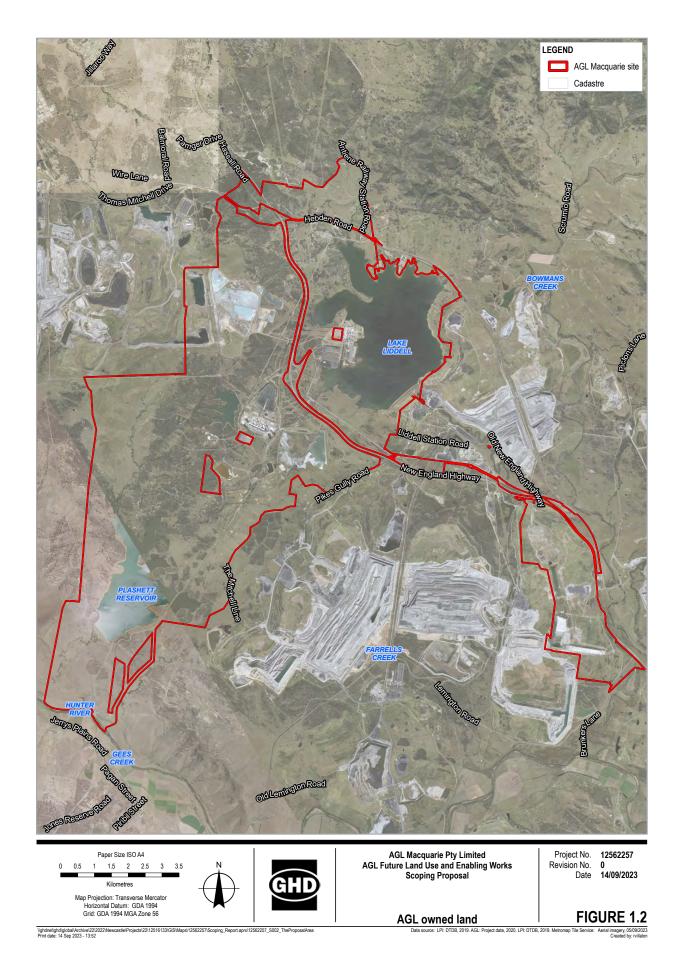
AGL owns the expanse of land surrounding the BPS and LPS sites as indicated in Figure 1.1. The broader AGL site is dominated by agriculture and power generation. Local land use is dominated by large-scale industrial infrastructure associated with both Liddell and Bayswater, as well as open cut mining activities at Ravensworth, Mount Arthur, Hunter Valley Operations, Liddell Coal Mine and the Maxwell project. Agricultural clearing for the purposes of grazing has also occurred within and surrounding the broader AGL landholding.

The site is located across two Local Government boundaries being Muswellbrook and Singleton LGAs. The site is surrounded by rural lands and is divided by the New England Highway. The closest social infrastructure development and residential sensitive receiver is the Lake Liddell Recreation Area and the Lake Liddell Recreation Area's owner's residence, which is located approximately 2 km north of the Liddell Core Investigation Area.

Given its setting and proximity to existing road, rail and electricity transmission infrastructure and regional employment hubs, the project area is ideally located to serve as a site for future commercial or industrial land uses

The site is distant from the towns of Muswellbrook and Singleton and currently operates without access to a reticulated water or sewage system. It is intended that this self-sufficient approach will continue as the uses on the site transition.





1.6 LEP amendment options

To support future development within the SP2 zone, the MLEP 2009 is required to be amended to introduce additional land uses.

Three options have been identified to support an integrated industrial energy hub include:

- 1. An additional Local Provision in the MLEP 2009 including development controls and key sites map defining the locations the local provisions will apply to.
- 2. Additional permitted uses in Schedule 1 of the MLEP 2009.
- 3. Insert new objectives and permitted land uses into the SP2 zone.

The Scoping Proposal has been prepared with regard to the following legislation and policies:

1.7 Current LEP provisions

The SP2 zone is identified by the MLEP 2009 Maps LZN 009 & 012. The land is designated specifically for the purposes of a 'Power Station' pursuant to the Land Zoning map as indicated in Figure 1.3. The LEP Land Use Table and the Zone Objectives are listed below in Table 1.2.

Table 1.2 SP2 Zone Land Use table

Zone SP2 Infrastructure		
1 Objectives of zone	To provide for infrastructure and related uses.	
	 To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	
	 To recognise existing railway land and to enable future development for railway and associated purposes. 	
	 To prohibit advertising hoardings on railway land. 	
	 To recognise major roads and to enable future development and expansion of major road networks and associated purposes. 	
	 To recognise existing land and to enable future development for utility undertakings and associated purposes. 	
2 Permitted without consent	Nil	
3 Permitted with consent	Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads	
4 Prohibited	Any development not specified in item 2 or 3	

The current permissible uses are limited to the purpose of a 'power station'. Consequently, without an amendment to the MLEP 2009, the land cannot currently be developed for other compatible land uses that have the potential to support the ongoing clean energy transition and an integrated industrial energy hub. The site is not subject to any other planning controls or development standards pursuant to the MLEP 2009.

1.8 Background and context

LPS was commissioned in 1971 and operates as part of an integrated power generation complex located near Muswellbrook. The complex also incorporates the BPS which was commissioned in 1985, along with the Hunter Valley Gas Turbines and a range of infrastructure to support water supply, water management, coal ash management, coal supply, power supply and control systems.

AGL announced an intention to transition towards a low-carbon future and the closure of its coal fired power stations at the end of their operating life with the LPS having now reached its life as a power generating facility. AGL commenced the staged shutdown of the LPS in April 2022 when the first of its four generating units was closed. A key component of AGL's future planning is the subsequent demolition of the LPS. Bayswater Power Station is scheduled for closure in 2033.

AGL is seeking State Significant Development (SSD) approval to undertake the Liddell Future Land Use and Enabling Works Project (SSD-24937520). GHD was commissioned to prepare an Environmental Impact Statement (EIS) addressing the Secretary's Environmental Assessment Requirements (SEARs) issued by DPE to support the State Significant Development (SSD).

AGL's policy to transition towards a low carbon future includes the closing of coal powered stations at the end of their design and economic life and in response to market demands. This Scoping Proposal is a necessary next step that will enable such land uses envisioned for the site to be permitted with consent in the SP2 zone subject to a merit assessment DA approval process.

Due to its state significance, DPE have identified the AGL site as having opportunity for employment generating development to offset employment loss anticipated due to closure of the power stations and mining operations.

1.9 Outcomes of previous consultation

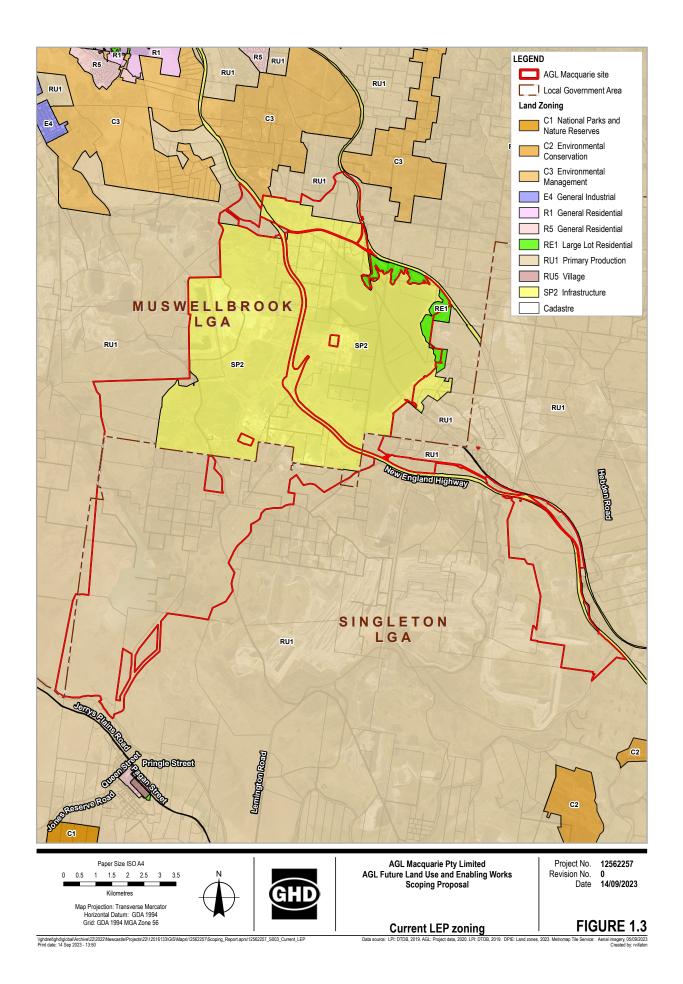
AGL has undertaken preliminary consultation with Council in relation to repurposing the site. Initial discussion with Council indicated that a range of additional permitted uses could be applied to the SP2 zone to meet current market interest.

Council provided preliminary comments identifying three (3) alternative pathways to amend the MLEP 2009 to permit additional compatible land uses subject to development consent being obtained. In an email sent on 30 June to GHD, Council advised that its order of preference for the three (3) options was as follows:

- 1. Option 1 "A new Additional Local Provision in MLEP 2009 with a key sites map
- 2. Option 2 An additional permitted use in Schedule 1 of MLEP 2009.
- 3. Option 3 Insert new objectives and permitted land uses into the current SP2 Infrastructure zone".

After further discussion with AGL, it was determined that a more strategic approach was required in alignment with the Regional Plan and the AGL Macquarie Land Use Study Summary Report prepared by AECOM 2022. The investigation of opportunities and constraints across the SP2 zone including the LPS site and surplus areas of the Bayswater site would result in an overarching vision for the roll out of future development. It was considered the above options could still be applied to the entire SP2 zoned site to stimulate investment in the short, medium and long term.

At the commencement of this process, Council agreed to lodge the Planning Proposal on behalf of AGL and manage the tracking through the Gateway Determination phase, public exhibition and making of the LEP.



2. The proposal

2.1 Proposed concept

2.1.1 Options

Three alternative options have been considered to amend the MLEP 2009 to permit additional compatible land uses on the site as outlined below. AGL considers that Option 1 should be adopted for the Planning Proposal based on the justification provided.

2.1.1.1 Option 1 - A new additional Local Provision in the *Muswellbrook Local Environmental Plan 2009* with a key sites map and/or an Agreed Infrastructure Threshold Limit

Planning Circular PS 21-012 issued 2 December 2021, provides as follows in relation to Local Provisions:

"Local provisions refer to any LEP content (e.g., clauses, objectives, additional permitted or prohibited land uses) that is not part of the standard instrument. Local provisions may be prepared by councils to address matters that are relevant to their local area, and which are not covered by provisions in the standard instrument.

Local provisions may not deal with planning matters that are addressed by mandatory provisions (whether compulsory or optional) in the standard instrument. The inclusion of local provisions should be justified, e.g., in the context of a local or regional strategy. Matters that might be covered by local provisions include:

- issues that are the subject of State or regional planning guidance requiring councils to develop tailored provisions that are appropriate to their local area.
- local environmental or hazard 'overlays' that apply in addition to zones.
- defining local design objectives or neighbourhood character; and
- other provisions that reflect the outcomes of local strategic planning and consultation.

All local provisions must be consistent with relevant State or regional planning guidance and the mandatory provisions in the standard instrument".

This option seeks to include an additional Local Provision as follows:

- "7.11 Development on land associated with the Integrated Industrial Energy Hubs.
- (1) The objectives of this clause are as follows:
 - (a) to facilitate the ongoing transition of Power Station Sites from coal fired power station operations to a broader range of employment generation activities which support the renewable energy transition and an integrated industrial energy hub.
 - (b) to facilitate development that is related to the special characteristics of the site and recognise the site constraints, the available infrastructure and ongoing evolution of uses as technology and the economy changes.
- (2) This clause applies to land identified as an "Integrated Industrial Energy Hub" on the Key Sites Map or to an agreed infrastructure threshold limit.
- (3) Despite clause 2.3, development consent may be granted to development for the purpose of:
 - Emergency services facility: Environmental protection works; Electricity generating works; Flood mitigation works; Freight transport facility; Industries; Industrial training facilities; Information and education facilities; Kiosk; Research stations; Roads; Rural industries; Sewage reticulation systems; Sewage treatment plants; Warehouse or distribution Centre; Water recycling facilities; Water supply systems;

- (4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:
 - a. there are no significant land use conflicts between the proposed development and the land uses conducted on the remainder of the site; and
 - b. The uses relate to the special characteristics of the site and do not compete with land uses in general industrial areas in the Shire ".

This option would necessitate the development of a Key Sites Map and is recommended as the preferred option over Option 2 and Option 3 below. This option provides an opportunity to define development controls for the Integrated Industrial Energy Hub and set a vision for this particular type of place-based development.

There is potential to align with DPE's work within the Hunter Region. Further detailed controls to manage future development could then be prepared and incorporated into the Muswellbrook Development Control Plan (DCP).

2.1.1.2 Option 2 - An additional permitted use in Schedule 1 of the *Muswellbrook*Local Environmental Plan 2009

This option seeks to amend the LEP to include an additional permitted use in Schedule 1 of the LEP. The proposed wording would be as follows:

"Development on certain land at New England Highway, Muswellbrook

- (1) This clause applies to the land identified as SP2 zoned land on the LEP Map.
- (2) Development for the following purposes are permitted with development consent:

 Emergency services facility; Environmental protection works; Electricity generating works;
 Flood mitigation works; Freight transport facilities; Industries; Industries; Intensive plant agriculture;
 Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture;
 Kingly Property States of Production States of

Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture Kiosk; Research stations; Roads; Rural industries; Sewage reticulation systems; Sewage treatment plants; Warehouse or distribution Centre; Water recycling facilities; Water supply systems;"

This option would also necessitate the development of a Key Sites Map. This option is recommended as a 'fall back' option if Option 1 is not adopted. However, Option 1 is recommended as preferred as the inclusion of clause objectives makes clear that the intent of the additional permissible uses is to support the renewable energy transition and an integrated industrial energy hub.

2.1.1.3 Option 3 - Insert new objectives and permitted land uses into the current SP2 Infrastructure zone of the *Muswellbrook Local Environmental Plan 2009*

This option seeks to amend the LEP to insert a new objective and permitted land uses into the current SP2 Infrastructure zone, as per the below.

Note: Red text is mandatory under the LEP Template, black text is in the existing LEP, grey highlight is new text

Zone SP2 Infrastructure

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Aquaculture

Roads

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To recognise existing railway land and to enable future development for railway and associated purposes.
- To prohibit advertising hoardings on railway land.

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- To recognise major roads and to enable future development and expansion of major road networks and associated purposes.
- To recognise existing land and to enable future development for utility undertakings and associated purposes.
- To facilitate development for agribusiness, electricity generating works, manufacturing and industry and other uses that are in keeping with the special characteristics of the site, that minimise any adverse impacts on surrounding land and implements the transition of the site from the purpose shown on the Land Zoning Map to other uses that generate employment.

2 Permitted without consent

ΛIiI

3 Permitted with consent

Aquaculture; Emergency services facility; Environmental protection works; Electricity generating works; Flood mitigation works; Freight transport facilities; Industries; Industrial training facilities;-Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Kiosk; Research stations; Roads; Rural industries; Sewage reticulation systems; Sewage treatment plants; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Warehouse or distribution Centre; Water recycling facilities; Water supply systems;

4 Prohibited

Any other development not specified in item 2 or 3

Option 3 is not recommended as it would apply to all land zoned SP2 Infrastructure under the LEP and not just AGL's landholdings. Option 3 is not supported as it may allow for inappropriate land uses to occur in other SP2 zones within the Muswellbrook LGA that are identified for a specific operating purpose.

2.1.2 Land use definitions

The land use table in the LEP, and SP2 zoning maps typically nominate defined land uses as per the Standard Instrument. In this circumstance, the LEP Zoning Maps nominate 'Power Station'. At the time the site was initially zoned under the LEP, 'Power Station' was characterised as development for the purpose of a 'public utility undertaking':

"public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking".

As BPS and LPS ceased to be publicly owned in 2014 and the definitions in the LEP have expanded in line with the Standard Instrument, the 'Power Station' use nominated on the LEP Zoning Map is now also characterised as development for the purpose of 'electricity generating works':

"electricity generating works" means a building or place used for the purpose of:

- (a) making or generating electricity, or
- (b) electricity storage

The Scoping Proposal seeks Council's support to the insertion of broader land uses, as opposed to the specifically defined activities outlined above, and would represent a more flexible and intelligent planning outcome.

To afford the proponent flexibility, ensure optimal repurposing of the site, minimise the need for future Planning Proposals, and ensure consistency with the Objects of the EP&A Act (in particular Objects 1.3 (a), (b), and (c)), possible land use definitions that would provide the most flexibility have been considered for the Proposal.

Industry is a 'parent' land use definition that would provide the most flexibility for the future reuse of the site.

The LEP provides the following definition for an 'industrial activity' which is used in defining the parent classification 'industry' and its child definitions:

"industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity".

The LEP defines 'Industry' as follows:

"industry means any of the following-

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include-

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining".

Each of the 'child' definitions of 'industry' are reproduced from the LEP below:

"general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note-

General industries are a type of industry—see the definition of that term in this Dictionary."

"heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note-

Heavy industries are a type of industry—see the definition of that term in this Dictionary."

"light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,

(d) creative industry.

Note-

Light industries are a type of industry—see the definition of that term in this Dictionary".

Dependent on the nature of the activities undertaken, 'hazardous industry' may also be an applicable land use:

"hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note-

Hazardous industries are a type of heavy industry—see the definition of that term in this Dictionary".

Given that 'hazardous industry' is a child definition of 'heavy industry' which is in itself a child definition of 'industry', where 'industry' is permitted with consent, 'hazardous industry' would also be permitted with consent (unless either 'heavy industry' or 'hazardous industry' are expressly prohibited, which is not required here given the nature of the site).

'Rural industry' is a separate type of 'industry':

"rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise."

Amending the SP2 zone to broaden industry related uses permissible with consent is considered to be in the public interest, given these activities are required to support the transition to clean and renewable fuel sources, including by enabling the recycling and reuse of materials. All future development would continue to be assessed on its merits as part of a robust Development Application in accordance with Part 4 of the EP&A Act.

2.2 Proposed land use and locations

2.2.1 Land uses

The Proposal advocates a flexible approach toward future land uses based on the type of development that meets compliance thresholds. These thresholds may relate to additional vehicle movements onto the New England Highway, site intensification, potable water use and employment generation.

Although the Regional Plan 2041 identified a range of uses from industrial to agribusiness, the site is well serviced and suited to support compatible uses that are compatible and will support an Integrated Industrial Energy Hub based on an established road network and energy infrastructure links to the State's energy network. A feasibility assessment will determine the suitable locations for particular development types based on operational characteristics and thresholds such as employment generating and traffic.

As the site will be moving away from being a single occupier, utility provider to a Hub with many occupiers, discrete uses that support businesses and workers will also be required to be developed on the site over time.

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2.2.2 Locations

The aim of the Planning Proposal is to maintain a flexible approach to future development within the SP2 zone, until the BPS closes and is rehabilitated, and the zone can be reviewed and changed to more suitable zones. Land suitability assessment can be analysed by applying mapping overlays and comparing suitable options. A multi criteria analysis (MCA) is required to be undertaken to filter development location options based on site attributes and environmental and physical characteristics. The MCA will consider the feasibility of locations to accommodate development opportunities and provide a transparent framework that can be applied to a planning place making approach.

The overlay of the key features with mapping analysis will determine existing constraints for redevelopment and identify land parcels suitable for re-purposing, as well as trends which shape short, medium- and long-term demand for suitable land uses.

2.3 Planning proposal timing

The anticipated timeline for the assessment of the Planning Proposal is as follows:

Table 2.1 Project Timing

Stage	Timeframe
Scoping Meeting	2 weeks from date Scoping Proposal is provided to Council
Preparation of Planning Proposal and Submission of Planning Proposal	4 weeks post the Scoping Proposal pre-lodgement
Council Meeting	Next available meeting date after submission of the Planning Proposal to Council
Commencement/ Gateway Determination	2 weeks after Council Meeting
Government Agency Consultation	In accordance with Statutory timeframes
Public Exhibition	In accordance with Statutory timeframes
Consideration of Submissions	TBD
Post-exhibition consideration of Submissions	TBD
Draft and Finalise LEP	TBD
LEP Made	TBD
Plan forwarded to the DPE for notification	TBD

2.4 Development Contribution Plans

Development Contributions would apply to any future development applications lodged for any of the additional land uses in accordance with Schedule 2 of the Muswellbrook Shire Section 94A Development Contributions Plan 2009 and any relevant S7.12 contributions plans.

The initial Priority Sites and proposed uses have been selected on the basis that they will not require Council to provide any supporting infrastructure but are capable of being accommodated within the existing road network and of being serviced at no cost to Council.

3. Strategic merit

3.1 Hunter Regional Plan 2041

The recently prepared Hunter Regional Plan 2041 (Regional Plan 2041) sets a 20-year strategic land use planning framework for the Hunter region.

The 2041 vision includes:

- "A wide range of employment opportunities.
- The region is climate resilient and energy and resource efficient. Leadership in reaching net zero emissions represents a key guiding principle for all regional decision-making.
- Infrastructure investment supports freight, health, education and waste services, and agribusiness and tourism, while building resilience to global economic cycles and climate change.
- A skilled science, technology and engineering workforce is engaged in advanced manufacturing, mining and digital technologies".

The provision of an Integrated Industrial Energy Hub will meet the vision of the Regional Plan 2041. The Planning Proposal will be consistent with Objectives 1 and 7 inclusive of the Performance Outcomes, Strategy, and related Actions which are reproduced in Appendix A.

Future development of the SP2 zone is identified within the Bayswater and Liddell Regionally Significant Growth Area as indicated in Figure 24 of the Regional Plan 2041 located in Appendix B is identified as an "integrated industrial energy hub".

The closure of Liddell power station in 2023 and Bayswater in 2030-2033 will provide opportunities to co-locate other employment generating activities within the SP2 zone. The site offers both rail and highway access, water and infrastructure assets. It suits jobs in the manufacturing, waste, freight, and hydrogen. Circular economy opportunities should be investigated when planning for the site.

3.2 Local Strategic Planning Statement 2020 - 2040

The Muswellbrook Local Strategic Planning Statement October 2020 (LSPS) is part of a hierarchy of strategic land use planning documents and implements the actions in the Regional Plan and Council's own priorities as set out in the Muswellbrook Community Strategic Plan and other adopted strategies and actions.

The LSPS identifies the Liddell site as planned for closure and states as follows:

"Existing network infrastructure connects Liddell and Bayswater to the National Grid, providing the Shire with a strategic advantage to attract investment in renewable energy and storage".

The following LSPS planning priorities listed in Table 3.1 align with the intent of the Planning Proposal.

Table 3.1 LSPS Planning Priorities

Vision	Detail
Planning Priority 1: Our Shire embraces technology and innovation	Council supports leading edge businesses growing and consolidating in Muswellbrook Shire as a mechanism toward supporting the Shire's transition to broader employment diversification.
Planning Priority 2: We plan for the transition of mine and power station sites before their closure	Mines and power stations occupy large tracts of land with infrastructure and topography that would be.
	suitable for alternative uses over time, to replace employment opportunities that may not exist in the
	future.

Vision	Detail
Planning Priority 3: The mineral resource and power generation industry is productive, accountable and considerate of surrounding land uses.	Coal mining, river sand extraction and quarrying for hard rock and shale are major components of the economy of the Shire. The two coal fired power stations are expected to close long-term, but new power generating activities, such as wind, solar, pumped hydro and biofuels are expected to be commissioned. Groups from the mining, quarrying and agricultural and visitor economy sectors have expressed a desire for certainty on the location of these different activities, enabling more confidence in investment decisions. Many of these activities are classed as State Significant Development (SSD) but Council has a strong role in advocating for appropriate land use planning decisions by the State Agencies.

Each of these Priorities has planning principles that Council will apply when making decisions. The Proposal will provide a detailed assessment of the Proposal against the priorities and associated planning principles. In summary the Proposal is aligned with the relevant Priorities and can demonstrate adherence to the associated principles.

3.3 Muswellbrook Shire Council Community Strategic Plan 2022-2032

"Energy prosperity" is identified as the first goal in the Muswellbrook Shire Council Community Strategic Plan 2022-2032 (CSP). Strategy 1.2 of this goal is to:

"Diversify the economy, facilitate the development of intensive agriculture, innovative manufacturing, health services and other growth industries".

The CSP states that Council, the NSW Government and Energy Producers can help with achieving this goal. The CSP states that this goal aligns with the then draft Regional Plan to:

"Diversify the economy, facilitate the development of intensive agriculture, innovative manufacturing, health services and other growth industries".

In summary, the Proposal is consistent with the CSP, which aligns with the LSPS and Regional Plan 2041.

4. Site-specific considerations

4.1 Existing development

The SP2 zoned site currently supports the former LPS site and operational BPS. The former LPS site is in the process of being decommissioned. The BPS will continue to operate until 2033 when it has been scheduled for closure. The broader AGL site is dominated by mining and power generation. Local land use is dominated by large-scale infrastructure associated with both Liddell and Bayswater, as well as open cut mining activities at Ravensworth, Mount Arthur, Hunter Valley Operations, Liddell Coal Mine and the Maxwell Project. Agricultural clearing for the purposes of grazing is also present within and surrounding the broader AGLM landholding.

4.2 Surrounding development and uses

The SP2 zoned site is located in the Upper Hunter Valley and set amongst land uses dominated by power generation, coal mining, and rural lands supporting livestock grazing. The SP2 zoned site is dissected by the New England Highway and high voltage electricity transmission lines. To the east of the Project area lies Lake Liddell, the Main North Railway Line and a mix of remnant vegetation and grazing land.

Grazing land and remnant vegetation also occurs extensively to the north of the site. Open cut coal mining is the dominant landscape feature to the south-east and west of the site.

The regional centres of Muswellbrook and Singleton are located approximately 10 km to the north and 25 km to the south of the site respectively. These towns operate as employment hubs and service centres for the local and regional economies.

The SP2 zone site is in proximity to existing road, rail and electricity transmission infrastructure and regional employment hubs, and is ideally located to serve as a site for future commercial or industrial land uses. The brownfield nature of the site also complements these land uses and redevelopment opportunities to support an integrated industrial hub.

4.3 Site features and constraints

4.3.1 Hydrology

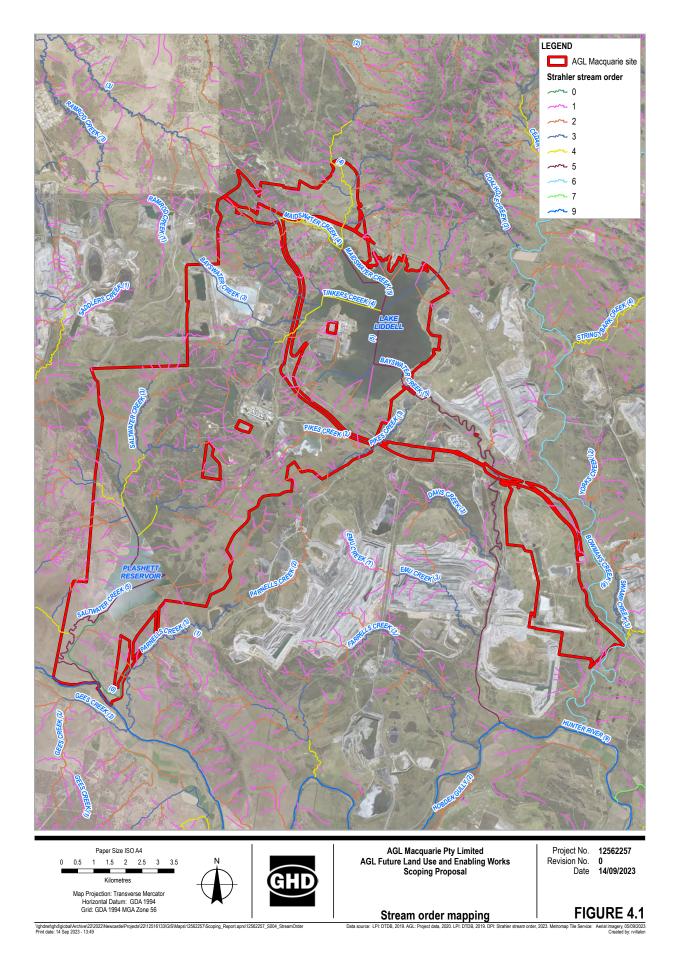
There has been no recorded flooding of this area and as such no mapping pursuant to the MLEP 2009. Figure 4.1 depicts the project site in relation to mapped waterways. Future DA's will also need to consider the proposed activities in relation to mapped waterways pursuant to the *Water Management Act 2000*. Any future development application would require an assessment of the impacts on the proposal on hydrology.

4.3.2 Scenic and culturally important landscapes

The SP2 Zone is located within an area dominated by mining and power generation. The landscape is heavily influenced by industrial activity. Local land use is dominated by large-scale infrastructure associated with the power stations and open cut mining activities at Ravensworth Mine Complex, Mount Arthur Coal, Hunter Valley Operations, Liddell Coal Mine and the former Drayton Mine. Agricultural clearing for the purposes of grazing is also present within and surrounding the AGL landholding.

There are limited sensitive receivers or social infrastructure in the locality of the SP2 Zone. The closest social infrastructure is the Lake Liddell Recreation Area approximately 2 km north of the Battery and Decoupling areas across Lake Liddell. The nearest residential receiver is the Lake Liddell Recreation Area's owner's residence, located approximately 2.5 km north of the Battery and Decoupling areas. While the nearest sensitive receiver to BAW footprint is along at Jerrys Plains, approximately 700 metres (m) to the south of the Project.

Visual impacts are likely to be negligible given the separation between the SP2 zone and other land uses.



4.3.3 Ecological characteristics and values

The SP2 zone site is located within a highly disturbed landscape that does not possess large expanses of intact native vegetation and generally has a low ecological value. As most of the development site is in pre-existing developed areas, or areas which were previously cleared for grazing, direct impacts to terrestrial biodiversity has been largely avoided and/or minimised.

Vegetation in the Upper Hunter is characterised by forest and open woodland of White Box, Forest Red Gum, Narrow-leaved Ironbark, Grey Box, Grey Gum, Spotted Gum, rough-barked Apple and extensive stands of Swamp Oak in upper reaches and foothills. River Oak and River Red Gum are characteristic of vegetation along streams and drainage lines.

The limited amount of native vegetation (mostly rehabilitation or regrowth) that would be disturbed is of poor to moderate quality and threatened species habitats are limited. No areas of land that the Minister for Energy and Environment has declared as an area of outstanding biodiversity value in accordance with section 3.1 of the BC Act would be affected. Importantly, the areas proposed for clearing would be refined during detailed design and reviewed as part of the pre-clearing process.

4.3.4 Heritage

An Aboriginal Cultural Heritage Assessment (ACHAR) was prepared by Kleinfelder Australia Pty Ltd for the LPS EIS. Further investigation of the SP2 zone will be required to support a Planning Proposal. In addition, any future DA will require further site-specific assessment to support the proposed development.

A desktop search of the site was undertaken using the NSW State Heritage Inventory and no State Heritage items, or interim heritage orders apply to the site.

4.3.5 Access and transport

The AGL landholding is connected to the surrounding road network via an access road and grade-separated interchange to and from the New England Highway.

The key surrounding roads are:

New England Highway – The New England Highway is an 878 km highway that links Newcastle to Brisbane. The highway also provides connections with the Pacific Highway and the D'Aguilar Highway, facilitating access to Sydney and Queensland, respectively. Near the Project site, the New England Highway is dual carriageway with two lanes in each direction and a central median. The posted speed limit is 100 kilometres per hour (km/h) in the section of road near the power stations.

Liddell and Bayswater Interchange and Access Road – Liddell and Bayswater are accessible from the New England Highway via an interchange with an unnamed east-west access road. The interchange consists of one northbound entry ramp, one northbound exit ramp, one southbound entry ramp and two southbound exit ramps which generally provide grade-separated access to Liddell and Bayswater. The access road is a single carriageway road with one lane in each direction. The road has no sign posted speed limit; therefore, the speed limit defaults to the rural default speed limit of 100 km/h (NSW Government, 2014).

Between the Project site and Port of Newcastle, the road network also consists of a number of motorways and state roads including Maitland Road, John Renshaw Drive and Hunter Expressway. These roads carry moderate volumes of traffic, including heavy vehicles from Port of Newcastle throughout the Hunter Region, and form part of the approved 25/26m B-double network and oversized over mass (OSOM) load carrying vehicle networks.

No public transport services operate on the road network near the Project. No formal off-road pedestrian or cycling facilities are provided on the road network near the Project.".

In summary, access for the Proposal is considered suitable. A Traffic Impact Assessment (TIA) will be prepared for the Proposal. Further, any Development Application would include a TIA to determine expected generated volumes.

4.3.6 Services (water, wastewater, stormwater etc) and utilities (gas, NBN etc)

Based on the former land use, it is unlikely that additional infrastructure will be required to service the proposed activities. Where any upgrades to existing service provision is required, this can be dealt with via future development applications.

Battery storage and Renewable Energy Zone (REZ)

The remediated LPS site is proposed to support a 500 MW battery to manage the transition to a renewable energy transmission hub that will connect with the New England REZ and Hunter-Central Coast REZ.

4.3.7 Ambient noise environment

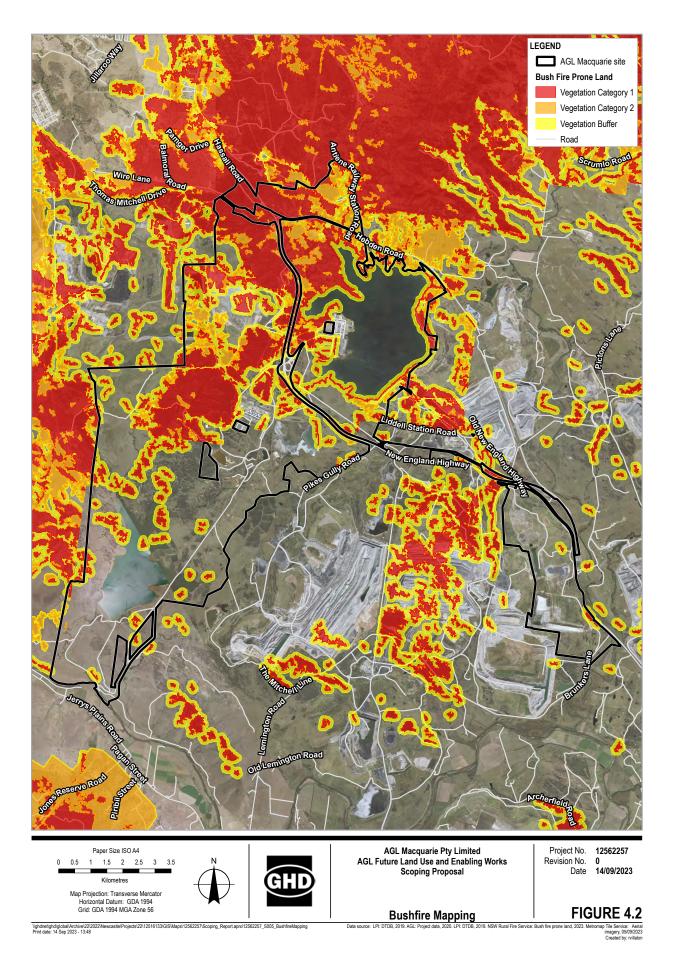
The local noise environment is impacted by surrounding land uses including power generation, coal mining, livestock grazing and rural living. Other noise sources include transport related impacts associated with the Main North Railway Line and the New England Highway. Any future development application would be assessed on its merits in relation to acoustic impacts.

4.3.8 Bushfire prone land

The site is mapped as Bushfire Prone Land as shown in Figure 4.2. A Bushfire Assessment Report will be prepared for any future development application, however given the proposed industrial land uses, it is unlikely that this would be an absolute constraint.

4.3.9 Contaminated land

The additional uses would be classified as commercial/industrial, in line with the current power station use of the site. Any future development application will be required to provide an assessment of the specific change in use proposed against the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* to confirm that any remediation required will be carried out prior to any new use commencing.



5. Outcomes

5.1 Preliminary environmental considerations

The SP2 zoned land is known to contain environmental constraints and would require further assessment to identify site options to support future development. Additional technical investigations may include the following:

- Biodiversity Assessment
- Bushfire Impact Assessment
- Contamination assessment
- Traffic Impact Assessment
- Aboriginal Cultural Heritage Assessment
- Heritage Assessment
- Preliminary consultation with key stakeholders including agency representatives

The following agencies may need to be consulted to ensure compliance is achieved throughout the staged development of the SP2 zone:

- Department of Planning and Environment
- Regional NSW
- Transport for NSW
- Energy NSW
- Heritage NSW
- Mining Resources NSW
- NSW Rural Fire Service
- NSW Emergency Services
- Water NSW
- Environmental Protection Authority

A collaborate approach will ensure a State and Local considerations are addressed and accommodated in the planning process.

5.2 Feasible site options

A multi criteria analysis is required to be undertaken to understand feasibility options where future development may potentially occur. This strategic approach will provide short, medium and long term options to support future development.

The site options will form a concept masterplan that will require a roll out of development to fully realise the capability of the SP2 zone. Development phases will relate to the site availability based on the feasibility options and any demolition of existing infrastructure, redundant land use/infrastructure, or resolution of other constraints like contamination.

5.3 Place based strategy

The development of place strategy will aim to make efficient use of infrastructure, help align state and local investment and lead to stronger place-based planning. Place strategies will help provide certainty to community on areas of significant change and identify infrastructure to enable the cost-effective delivery of new homes and jobs. The preparation of a place-based strategy will be the responsibility of DPE.

5.4 Recommendations

This Scoping Proposal has been prepared in accordance with the DPE's Local Environmental Plan Making Guidelines Scoping Proposal template, and addresses all information required for Council to consider the Proposal at a pre-lodgement meeting. This Scoping Proposal makes the following recommendations:

- Option 1 is preferred, as it defines the proposed activities may occur (subject to the granting of development consent) and requires a proposal to be consistent with the objectives of the clause, which aligns with the Strategic Planning framework. This option provides for local development control.
- Option 2, also defines the land where the proposed activities may occur, however does not include an
 objective. This option does not provide detailed development control to support the identified land uses
 and the future development of the land. It is not a local provision and therefore does not retain local
 control
- Option 3 defines for land uses for the zone; however, it does not provide sound development control for the SP2 zoned land. It would enable the lodgement of a DA for the proposed activities/land uses to be submitted on all SP2 zoned land for identified infrastructure purposes which could potentially cause land use conflict. Notwithstanding, such a DA/DA's may not be capable of complying with the proposed new objective. This option provides the most risk.
- Option 1 provides an opportunity to define development controls for the SP2 zone and set a vision for this
 particular type of place-based development and is recommended as preferred over Option 2 and Option 3.
 There is potential to align with DPE's work within the Hunter Region. Further detailed controls to manage
 future development could then be prepared and incorporated into Muswellbrook Development Control Plan
 (DCP).
- Option 1 represents an intelligent planning outcome that will provide for the reuse of the project site/s
 consistent with the suite of Strategic Planning Documents applicable to the site, and thus has Strategic
 Merit

Appendix A Hunter Regional Plan 2041

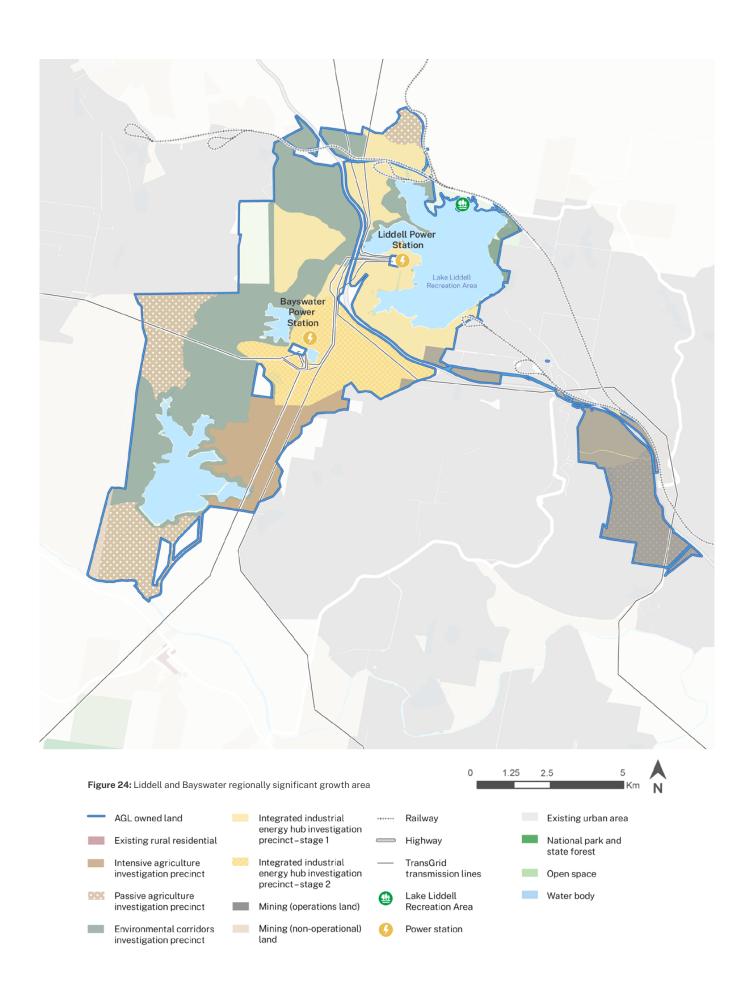
Hunter Regional Plan 2041 - Objectives and performance outcomes

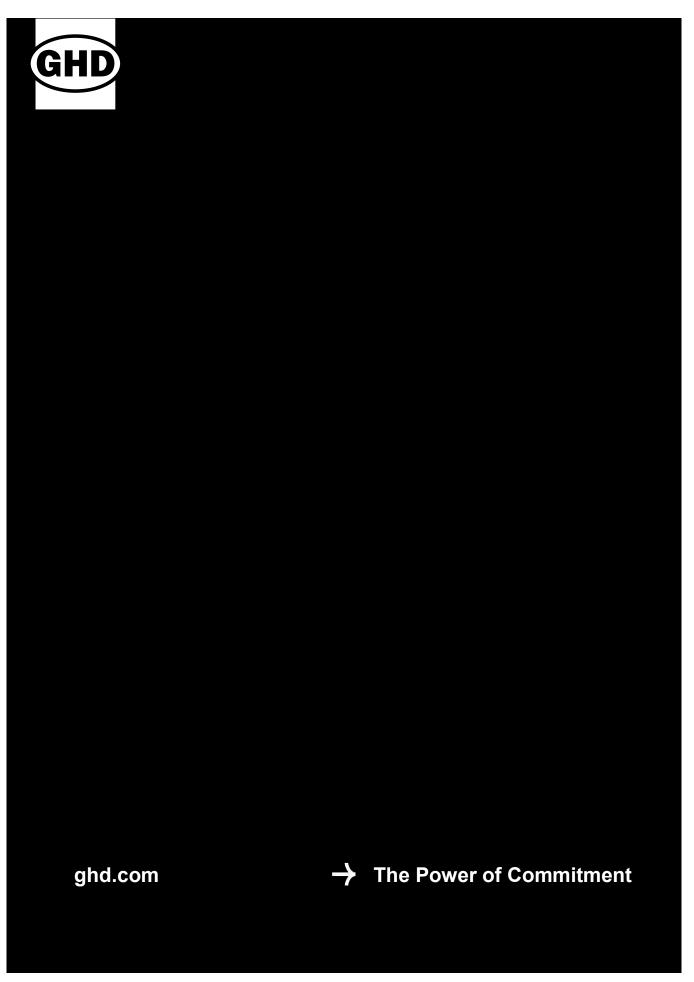
	-	es and performance outcomes
Objective	Performance Outcome	Strategy
OBJECTIVE 1: Diversify the Hunter's mining, energy and industrial	Any planning proposal or local strategic planning statement that does not comply with a strategy in this objective must demonstrate how the following performance outcomes will still	Strategy 1.1 Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will: — maximise employment generation or will attract visitors to the
capacity	performance outcomes will still be achieved: 1. Power stations and coal mines facilitate diverse job opportunities on their land either during operation or following closure, with land uses responsive to the characteristics of the locality. 2. Employment lands provide a variety of employment uses and diversify the employment base. 3. Employment lands close to inter-regional links support freight, logistics and industries which benefit from connections to interregional or global markets. 4. Employment lands close to renewable energy zones support manufacturing related to renewables and energy intensive industries and clustering of business which supports those activities. 5. Circular economy industries and facilities are in appropriate sites. 6. New employment lands are serviced, manage biodiversity impacts and are situated to avoid land use conflict. 7. Employment lands are retained and safeguarded by limiting the encroachment of sensitive land uses.	region make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access support the growth of adjoining industrial areas or settlement areas enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas have considered the existing and likely future uses of adjoining land and avoid land use conflict align with any specific guidance in the district planning priorities section of this plan Strategy 1.2 Following completion of the Hunter—Central Coast REZ, local strategic planning should consider: opportunities to leverage new employment in related manufacturing and energy intensive industries that benefit from proximity to the energy infrastructure within the renewable energy zone the proximity of sensitive land uses to ensure sensitive land uses do not encroach on activities within the REZ. Strategy 1.3 Local strategic planning should consider: how existing employment land areas, including those that provide urban services, will be retained unless opportunities for urban renewal arise through the relocation of industry if there is sufficient supply of vacant, serviced employment land providing capacity for a range of different sized employment and providing capacity for a range of different sized employment enterprises * the employment land needs for the local government area and identify flexible planning and development control frameworks to support their growth opportunities to facilitate growth in logistics, circular economy, new economic enterprises and industries and their supply chains the suitability of transport interchanges and bypasses for employment lands in consultation with Transport for NSW lands around the interchanges of the M1 Pacific Motorway and Pacific Highway should be used for employment activities that benefit from easy access to key markets such as manufacturin

GHD | AGL Macquarie Pty Limited | 12562257 | Scoping Report

Appendix B

Local Strategic Planning Statement 2020 - 2040





Appendix B AHIMS Search

Your Ref/PO Number : 12611463

Client Service ID : 841932

Date: 21 November 2023

Rochelle Barclay

230 Harbour Drive

Coffs Harbour New South Wales 2450

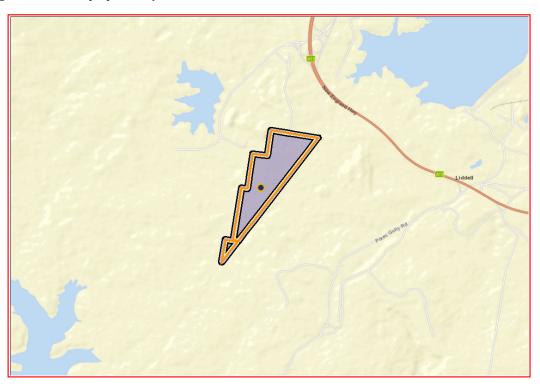
Attention: Rochelle Barclay

Email: rochelle.barclay@ghd.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP574168, Section: - with a Buffer of 50 meters, conducted by Rochelle Barclay on 21 November 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

- 1 Aboriginal sites are recorded in or near the above location.
- 0 Aboriginal places have been declared in or near the above location.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it.
 Aboriginal places gazetted after 2001 are available on the NSW Government Gazette
 (https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It
 is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal
 places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are
 recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Level 6, 10 Valentine Ave, Parramatta 2150 Locked Bag 5020 Parramatta NSW 2124 Tel: (02) 9585 6345

ABN 34 945 244 274 Email: ahims@environment.nsw.gov.au Web: www.heritage.nsw.gov.au

Appendix C Bushfire Risk Management Plan



Attachment 10.1.4.1 Attachment A - Request to amend MLEP 2009 - Bayswater (stage 1)



0.0

15/07/2021

Bushfire Risk Management Plan

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AGLM Heads of

15/07/2021

14/07/2024

HS Business Partner

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1 Introduction

The purpose of this procedure (plan) is to summarise the AGL Macquarie Bush Fire Risk Management Plan, which covers the property in and around the Bayswater and Liddell Power Stations.

The following plan has been developed to effectively manage the bushfire risk, which the AGL Macquarie land holdings and surrounding properties are exposed to, in such a manner as to meet the requirements of the Rural Fires Act 1997 and amendments and the Rural Fires Regulation 2013.

The plan requires review every two years to ensure that adequate measures are in place before the next fire season. It is considered necessary that the plan be reviewed and in place by September of the reviewing year so that the plan will be in place prior to the commencement of the declared bush fire danger period. The declared bush fire danger period normally commences 1 October and concludes 31 March the following year. However, the Commissioner of the NSW Rural Fire Service may declare variations to starting and finishing dates for specific local government areas.

The land belonging to AGL Macquarie differs, as well as the surrounding land, in terms of vegetation type and use. Therefore, the fire management plan needs to address the variation that exits.

The methods and techniques required to manage the risks associated with fire include the following:

- · Passive management
- · Management of access to perimeter lands
- · Fuel Load reduction by clearing
- Maintenance of grassed zones; and
- Liaison with surrounding landholders.

AGL Macquarie is obliged under the Rural Fire Act 1997 and amendments to have in place a plan to reflect bushfire management. There are also the requirements to comply with the following:

- Protection of the Environment Operations (POEO) Act 1997
- Environmental Planning and Assessment Act 1979
- Protection of the Environment (Clean Air) Regulation 2016
- Local Land Service Act 2013
- Biodiversity Conservation Act 2016
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and,
- To consider the environmental effects associated with bushfire management strategies, specifically the need to obtain a bushfire hazard reduction certificate for a ground fuel reduction burn-off.

Additionally, the Muswellbrook Shire Bushfire Management Plan (2011) requires AGL Macquarie to update and review the Bayswater and Liddell Bushfire Risk Management Plan.

The fire management plan must consider two important features:

- · Strategies involving the protection of life and property
- Strategies involving preserving the activities occurring on the land such as wildlife conservation, grazing and the built environment



The perimeter lands around the power stations and dams in the buffer zones are being managed in such a way that the natural environment is being protected and some selected areas are being used for grazing. However, the neighbouring properties exhibit a wide variation in use.

These uses include:

- Residential
- Coal mines
- Farming
- Road and rail transportation
- Public recreation

Fire management practices must aim to protect the bio-diversity throughout the perimeter lands. Individual sections of the land may require different strategies for fire control as a reflection of the type of vegetation present and the type of activities being undertaken on the neighbouring properties.

As part of the strategy, records of all fires, which occur on AGL Macquarie lands are kept and can be used to ascertain if a cycle involving fire frequency or likelihood exists. Fire records are retained within the myHSE reporting system.

2 Scope

This Procedure applies to AGL Macquarie land holdings for Bushfire Risk Management. The principle locations are Liddell and Bayswater Power Stations along with Ravensworth Void Rehabilitation areas, Ravensworth and Antiene Rail Coal Unloaders, and Barnard River Pumping Station.

The protocols outlined in this Procedure are intended to apply to all works carried out on site by AGL Macquarie employees and contractors.

3 Accountabilities and Responsibilities

3.1 General Manager AGLM

Shall ensure that:

- Authority is delegated to enable implementation, monitoring and review of the Bushfire Risk Management Plan
- Adequate resources are available for the implementation and enforcement of the Bushfire Risk Management Plan

3.2 Heads of Generation

Shall ensure that:

 Resources are allocated to identify risks in the workplace associated with bushfire and to implement appropriate risk control measures



3.3 Head of Engineering

Shall ensure that:

 Resources are allocated to update and maintain the Bushfire Risk Management Plan including fuel loading assessment, as required

3.4 Head of Fuel and Services

Shall ensure that:

- Compliance with the Bushfire Risk Management Plan is monitored and reported on prior to the beginning of the nominated bushfire season to the senior leadership team on the completion of the maintenance plans
- Adequate resources are made available to implement controls as detailed in the Bushfire Risk Management Plan
- Adequate resources are made available to review, develop and update Trigger Action Response
 Plan in relation to Bushfire, in consultation with site Health and Safety Business Partner along with
 site Emergency Response Team
- Ensure the firefighting equipment are well maintained and the maintenance plans in relation to this
 are completed
- Adequate resources are made available to assist to ensure access to AGL Macquarie property is managed and monitored for ease of access.

3.5 Health and Safety Business Partner

Shall ensure that:

- · The bushfire risk, in consultation with the Head of Generations is managed appropriately
- Technical support is provided to employees and contractors in relation to bushfire risk
- · Information is conveyed to employees and contractors about the presence of bushfire risk
- Resources are allocated to assist with updating and maintaining Bushfire Risk Management Plan, in consultation with the Environment Business Partner
- Adequate resources are made available to review, develop and update Trigger Action Response
 Plan in relation to Bushfire, in consultation with Head of Fuel and Services
- The Total Fire Ban Days (TOBAN) exemption and any changes within the government gazette schedule are reviewed regularly in consultant with Production Managers
- Bushfire related concerns that have been discussed in WHS meetings, myHSE reports and/or through other means are raised with the Head of Generations

3.6 Environment Business Partner

Shall ensure that:

- Adequate resources are available to assist with implementing controls as detailed in the Bushfire Risk Management Plan, in consultation with the Health and Safety Business Partner
- Technical support is provided to employees and contractors in relation to management of bushfire risk



3.7 Production Managers

Shall ensure that:

- Procedures for the emergency response for all bushfire related incidents are effectively managed in consultation with Health and Safety Business Partner
- Site employees and contractors are informed when bushfire management related work is undertaken by means of broader communications

3.8 Maintenance Managers

Shall ensure that:

- The work management policies and procedures identify the requirements of housekeeping around the assets to manage the bushfire related risk
- The TOBAN day when declared are strictly followed and appropriate procedures are developed to manage the requirements and to seek site specific exemptions
- Ensure the firefighting equipment are well maintained and the maintenance plans in relation to this
 are completed in timely manner

3.9 Workers

Shall ensure that:

- Any concerns/faults/incidents relating to Bushfire Risks are reported to their Team Leader. Reports
 are to be recorded in myHSE.
- All policies, Procedures and instructions as stipulated in this Bushfire Risk Management Plan are complied with.

4 The Assessment of Bushfire Risk

AGL Macquarie land holdings have been divided into 6 zones reflecting the stations and dams within the respective zone. These zones are further divided into individual units based on locality, accessibility and more importantly the amount, type, and degree of similarity of vegetation that exists. Ground fuel loadings are derived based on the method used by the rural fire brigades for these areas of similar vegetation. For the purposes of any bushfire management practice, fuel loadings assessments should be undertaken during early autumn and are to be done by qualified bush fire engineer or equivalent.

The calculation of the ground fuel loading is important as it gives the estimation of how much fuel hazard reduction is required in certain areas before the next official bushfire season.

The natural features on any landscape dictate the rate of fuel accumulation and the risk posed to life and the built environment. These features are:

- Composition of vegetation
- Area of the bushland or grassland
- Aspect
- · Slope of the terrain
- Type of the understorey



- Amount and type of leaf-litter
- Prevailing winds
- · Amount and type of surface vegetation

A Risk Assessment can be accessed via this link <u>JSEA Bush Fire Risk Management</u> or viewed via the portal.

4.1 Access to AGL Macquarie Property

There are various keys required to gain access to AGL Macquarie property. The key series is the same in each fire management zone.

Individual access requirements for each zone are outlined in Section 5 of this plan.

Access keys are available from Security at Bayswater and Liddell Gatehouse buildings and from Shift Managers at both sites out of hours.

Drawing No BW805700 showing the AGL Macquarie land holding (Refer to Appendix 3) highlights the external property access gates which may be used for access in the event of a bushfire. The gates must be kept closed to ensure that cattle do not escape onto the main roads.

4.2 Roads within AGL Macquarie Property

All roads are to be kept in reasonable to good order and are negotiable by fire service tankers and by 4-wheel drive vehicles. Roads are inspected on an occasional basis and maintenance is undertaken by a contractor on a time-based routine or following adverse condition such as rainfall that results in deterioration

4.3 Access to Water

Water is available from Plashett Dam, Freshwater Dam, CW Make-Up Dam, Liddell and Bayswater Ash Dam, and Liddell Cooling Water Dam. Access is available by tanker and the access is shown on Drawing No BW805700. Fire hydrants are located around the inner perimeters of the power stations, to allow for refilling of tankers if required.

Water for firefighting also gets made available in the form of fire trolley tanker towable by 4-wheel drive vehicles, contractors water tankers are also made available during the peak of the season as required and driven by the Trigger Action Response Plan (TARP).

4.4 Ploughed Fire Breaks

AGL Macquarie maintains number of ploughed fire breaks annually prior to the bushfire season – normally commencing on 1 October each year. Location of the Ploughed Fire Breaks are shown in Appendix 4.



5 The Fire Management Zones

There are six zones to be considered and each zone is divided up into the smaller units as previously stated. The zones are:

Bayswater Power Station buffer zone - Yellow Colour

Liddell Power Station buffer zone
 Pink Colour

Ravensworth Void Rehabilitation Site
 Green Colour

Ravensworth Rail Coal Unloader - Brown Colour

Antiene Rail Coal Unloader
 Red Colour

Barnard River Pumping Station - Not Shown

The local zones are shown in sections 5.1 to 5.6 of this document and each zone is described in terms of its vegetation and topography. A further description relates to entry, exit and internal roads. With each zone description, included is the approximate area in hectares.

Note the requirement to obtain A Bushfire Hazard Reduction Certificate from the Rural Fire Service prior to undertaking new hazard reduction activities. Hazard reduction includes activities such as slashing and ploughing fire breaks and hazard reduction burning. It does not include fuel reduction by stock grazing or the annual maintenance of fire breaks.

Full details are provided in Section 6.



5.1 Bayswater Power Station Buffer Zone

This buffer zone is comprised of that area between the New England Highway to the North East of the station to the Hunter River to the South and Mt Arthur mining lease to the West.

Access to Bayswater Power Station is via the Main Security Gatehouse located at the entrance to the site, an SS 1 key is required to gain access to AGL Macquarie property off the New England Highway and other public roads.

The area has been divided into three units, prefixed by the letter 'B' as follows:

Area	Description	Risk
B1	The area on the Western side of the New England Highway which is generally vegetated with grass and tree cover. 1500 hectares	Risk is HIGH due to grass build-up and the possibility of fires being started by passing traffic
B2	The area South of the Station including grazing country on either side of the River Road for a distance of approximately 10 km to where it meets the Hunter River. 3000 hectares	Because of the slopes the risk is HIGH especially if a Westerly wind is blowing
В3	The area to the West of the Station including the MA 2B/3B conveyor formation which continues out to the Mt Arthur Mine lease. 25 hectares	Risk is HIGH due to topography. Access is good.



5.1.1 Control Measures

- Plough ~10m wide fire breaks along the inside the Highway boundary fence where possible prior to October each year.
- 3. Ensure access roads are in good order, with access readily available when necessary.
- 4. Control unwanted vegetation growth by means of slashing and/or weed spraying along the edges and under the coal conveyors.
- Continue grazing leases to selected portions of land within the buffer zones to assist the fire hazard reduction.
- 6. Mow the downstream dam embankments every 2 3 years.
- 7. Ensure all shrub or tree growth within each transmission line easement and from under power lines is removed every 2-3 years. There has been history of fires being started by failure of components on power poles.
- 8. For Coal conveyors external to the main station plant; a fire break is to be maintained along each side of each conveyor and coal spillages at transfer points regularly removed to minimise the possibility of a bushfire or grass fire causing damage to the conveyors.
- 9. Ensure a fire break at least 3 metres wide is maintained around all remote electrical switchrooms/switchyards.
- 10. Ensure all grass around contractor's offices, workshops or storage compounds is removed on a regular basis by mowing/slashing and/or weed spraying and all firefighting equipment properly maintained to minimise the risk of a grass fire spreading through the area. All combustible material is to be stored in appropriate locations and contractor staff are to observe hot work procedures when working in these areas as required.



5.2 Liddell Power Station Buffer Zone

This buffer zone is comprised of that area between the Bayswater Power Station Buffer Zone to the South West of Liddell Power Station to Lake Liddell to the East and Drayton mining lease to the West.

Access to Liddell Power Station is via the Main Security Gatehouse located at the entrance to the site and entry to the Liddell Buffer zone requires an SS 1 key. Access to M3 Conveyor Drive will require a HS 4 key and Liddell Ash Dam a (BW) LD 17 key via the sliding gate.

This area has been divided into three areas with area given the prefix 'L' as follows:

Area	Description	Risk
L1	The North/East half of the buffer zone which includes the area East of the New England Highway between the Antiene road and the Pikes Gully turn-off intersection and includes the area around the Liddell Cooling Water Dam. 1500 hectares	Risk is HIGH due to grass cover and Westerly winds There is a possibility of fires being started by passing traffic.
L2	The Liddell Ash Dam and buffer zone is located on the Western side of the New England Highway and extends from the point opposite the Antiene Road Southward to the Bayswater Gatehouse just off the New England Highway and abuts to the Drayton Mine Lease to the West 1150 hectares	Risk is HIGH due to grasslands and Westerly winds. Possibility of fires being started by passing traffic.
L3	Includes the 'M' series conveyor corridor area from Pikes Gully intersection down to the Ravensworth Rail Unloader boundary fence. It also includes the corridor for the 'L' series conveyors to the New England Highway underpass and the area surrounding the Gas Turbines and 33 kV Switchyard 50 hectares	Risk is HIGH due to the grass cover as well as coal fines along the edge of the conveyor. There is a possibility of fires being started by passing traffic.



5.2.1 Control Measures

- 1. Plough 10m wide firebreaks along the inside of the Highway boundary fence where possible prior to October each year.
- 2. Ensure access roads are in good order, with access readily available when necessary.
- 3. Control unwanted vegetation growth by means of slashing and/or weed spraying along the edges and under the coal conveyors.
- 4. Continue grazing leases to selected portions of land along the 'M' series conveyor and the areas North of the Station and around Gas Turbines and 33 kV Switchyard.
- 5. Mow the downstream dam embankments every 2-3 years.
- 6. Ensure all shrub or tree growth within each transmission line easement and from under power lines is removed on a regular basis.
- 7. For Coal conveyors external to the main station plant; a fire break is to be maintained along each side of each conveyor and coal spillages at transfer points regularly removed to minimise the possibility of a bushfire or grass fire causing damage to the conveyors.
- 8. Ensure a fire break at least 3 metres wide is maintained around all remote electrical switchrooms/switchyards.
- 9. Ensure all grass around contractor's offices, workshops or storage compounds is removed on a regular basis by mowing/slashing and/or weed spraying and all firefighting equipment properly maintained to minimise the risk of a grass fire spreading through the area. All combustible material is to be stored in appropriate locations and contractor staff are to observe hot work procedures when working in these areas as required.
- 10. Ensure all grass around the external plant workshop, including storage areas and around items stored in the Large Items Storage Area, are regularly mowed or slashed to minimise the risk of grass fires. All combustible material is to be stored in appropriate locations and staff are to observe hot work procedures when carrying out any work as detailed in PSSI 114 Safe Working in a Confined or Controlled Access Space and Hot Work in High Risk Areas.
- 11. Keep all gates securely locked at the South end of the 'M' series conveyors near Pikes Gully



5.3 Ravensworth Void Rehabilitation Site

The area is described as all that AGL Macquarie owned land that is included within the confines of the Ravensworth Void Rehabilitation Site.

At the Ravensworth Void Restoration Site, an RW or SS1 key is required to gain access off the from the (New) Lemington Road. All other gates internal to the site are generally unlocked.

The area has been split up into two discrete areas with area given prefix 'R' as follows:

Area	Description	Risk
R1	Areas 1A, 1B, 2A, 2B, 3A, 3B and 4A Approximately 60% of the site has been rehabilitated by grassing and tree planting. With the introduction of bio-solids the grass cover is extremely good. 600 hectares	Risk is HIGH due to grass growth. Neighbouring property could be affected. Possibility of fires starting from passing traffic on the highway boundary.
R2	Pockets of Spontaneous combustion on the site require continued action to ensure that it is actively controlled and does not pose a fire risk. These areas are treated with ash to smother the hot spots. 10 hectares	Risk is HIGH due to grass growth. Neighbours to the South could be affected.

5.3.1 Control Measures

Contact the AGL Macquarie Environment team for requirements in relation to ground disturbance or vegetation clearing prior to any works.

- 1. Continue grazing of all rehabilitated sections of the site on a rotating basis to ensure that all the grass growth is controlled and the fire hazard reduced.
- 2. Slash 10m wide grass along external boundary fences and in particular along the Highway boundaries.
- 3. Keep all interior gates in areas R1 closed but unlocked.
- 4. Continue actively managing spontaneous combustion.
- 5. Clearing of vegetation and tree growth from under power lines annually.
- 6. Ensure all shrub or tree growth within each transmission line easement and from under power lines is removed on a regular basis.

5.4 Ravensworth Rail Coal Unloader

Includes all the land within the external perimeter person-proof fence around the Coal Unloader Site which is located South-East of Liddell Power Station along the New England Highway.



At the Ravensworth Rail Unloader Site, a R4 key is required to gain access off the New England Highway. All other gates within the site are unlocked. Aurizon should be notified if an emergency exists.

This area has been divided into two areas with area given the prefix 'RU' as follows:

Area	Description	Risk
RU1	The general site is covered with vegetation and small clumps of tube stock trees. There are two earth mounds located along the inside of the southern perimeter fence and are sparsely planted with trees for screening purposes. 6 hectares	Can be HIGH due to the grass growth.
RU2	The AGL Macquarie land around the perimeter of the site is generally grassland with the occasional tree cover. 16 hectares	Risk can be HIGH due to varying vegetation and cleared zones.

5.4.1 Control Measures

- Plough the 10m wide fire breaks inside the boundary fence where possible prior to October each year
- 2. Slash & Brush Cut were practicable, portions of RU1 and RU2.
- 3. Clean up any spilt coal along the edges of the rail loop tracks.



5.5 Antiene Rail Coal Unloader

Includes all the land within and external to the perimeter person-proof fence around the Coal Unloader Site which is located North of Liddell Power Station along Hebden Road.

Access to the Antiene Rail Unloader Site located on Hebden Road can be gained either through the locked gate which uses an RC EA 123 key or alternatively access can be gained through the sliding gate at the front of the facility. The facility is fully fenced and has a sliding gate into the AC2 conveyor corridor which is 5.5kms long, or alternatively access to the conveyor corridor can be gained through the Bayswater Power Station end, this access will require Damstra pass to open the sliding gate or contact the Aurizon operations coordinator, access to the middle section of the conveyor line is off the New England Hwy in the event of an emergency an R4 key is required to unlock this gate. Aurizon should be notified if an emergency exists.

This area has been divided into two areas with area given the prefix 'AU' as follows:

Area	Description	Risk
AU1	The general site is covered with vegetation and small clumps of tube stock trees. There are two earth mounds located along the inside of the southern perimeter fence and are sparsely planted with trees for screening purposes. 10 hectares	Can be HIGH due to the grass growth.
AU2	The AGL Macquarie land around the perimeter of the site is generally grassland with a considerable amount of tree cover. 50 hectares	Risk can be HIGH due to varying vegetation and cleared zones.

5.5.1 Control Measures

- 1. Plough the 10m wide fire breaks inside the highway boundary fence where possible prior to October each year
- 2. Slash & Brush cut were practicable, portions of AU1 and AU2.
- 3. Clean up any spilt coal along the edges of the rail loop tracks.
- 4. Continue cattle grazing to the property around the perimeter of the rail unloader



5.6 Barnard River Pumping Station

Includes land along the access road and all the land in and around perimeter of the main buildings and switchyard, which is an area of approximately 130 hectares.

At the Barnard River Pump Station, an SS1 key is required to gain access off the Scone-Nundle Road towards Orham Creek and Barnard River. Coordinates 31.655S, 151.505 E

This area has been divided into two areas with area given the prefix 'BR' as follows:

Area	Description	Risk
BR1	The general site containing pump station buildings, switchyard and water storage dams are contained within an area of approximately one square kilometre with a fire break separating the buildings from the surrounding vegetation which is predominantly uncleared natural bushland. 100 hectares	Risk can be HIGH due to the natural bushland surrounding the site.
BR2	The windy partly sealed access road into the site is approximately 15 km in length and is generally bordered either side by grassland and native bushland cover. 30 hectares	Risk can be HIGH due grass growth along the access road into the pumping station.

5.6.1 Control Measures

- 5. Selectively trim overhanging trees on and along the access road into the pumping station and remove unwanted vegetation around the perimeter of the switchyards and buildings.
- 6. Reduce ground fuel-loading procedures annually.
- 7. Control vegetation around the perimeter of all buildings and internal area of electrical switchyards by whipper snipping and spraying.



6 Requirements of Fuel Hazard Reduction

6.1 Bushfire Hazard Reduction Certificates

Bush Fire Hazard Reduction Certificate (BFHR Certificate) is required for most fuel hazard reduction activities. This is applicable to only newly identified activities.

These include:

- Hazard reduction burning
- Slashing, ploughing, pruning and any other mechanical reduction of fuel loads.

The NSW Rural Fire Service provides the required Certificate. This ensures that AGL Macquarie will address the requirements of the Environmental Planning and Assessment Act, 1979 and the Rural Fires Act, 1997.

To obtain a BFHR Certificate an application needs to be completed and submitted to the RFS Fire Control Centre at Bulga. A copy of the application form is shown in Appendix B. The application form is also available on the RFS website, www.rfs.nsw.gov.au. The application form will need to be signed by AGL Macquarie General Manager (equivalent to the owner).

The application needs to be accompanied by:

- A copy of this plan
- A map showing location of existing infrastructure and buildings,
- Dams, road tracks, conveyor systems and pipelines
- Vegetation types.

6.2 Rural Fire Service Contact

Contact information for the Bulga Fire Control Centre is:

 Address 2161 Putty Road Bulga 2330 PO Box 3111 Singleton 2330

Phone 02 6575 1200

Phone After Hours Duty Officer 02 6575 1222

• Fax 02 6575 1290

• Email Huntervalley.Team@rfs.nsw.gov.au

Local RFS brigades

Local volunteer brigades are located as follows:

- Muswellbrook Shire Edinginglassie (Muswellbrook), Mangoola (Denman), Hebden
- Singleton Shire Jerrys Plains, Glennies Creek

All initial contact for emergencies should be through 000. For routine matters, direct inquiries in the first place to the Bulga Fire Control Centre. RFS resources will be directed to AGL Macquarie property by the Fire Control Centre.



7 Total Fire Bans

7.1 Emergency Hot Works

Generally, it is an offence to light or maintain a fire in the open during declared total fire ban days (TOBAN). This includes any activity that can result in sparks or naked flames capable of starting a fire. Accordingly AGL Macquarie may not undertake routine activities such as hot works or welding on a TOBAN day.

However, the work at AGL Macquarie being Critical Infrastructure in nature, the Bayswater and Liddell Power Stations are covered under the Standing Government Gazette Exemption Schedules, specifically Schedule 6. These schedules were implemented in early 2018, and also some businesses like ours to meet the requirements of a Total Fire Ban Day (TOBAN), without the additional requirement seeking an exemption under Schedule 18.

AGL Macquarie individuals maintain responsibility to check specific TOBAN Orders to ascertain whether standard exemptions have been approved on each day of a TOBAN. Each time a TOBAN day is declared, the Gazette is re-published on the NSW Government Legislation website,

https://legislation.nsw.gov.au/#/notifications
as well as a "TOBAN ORDER". That Order will have in it, a list of Schedules that are approved to go ahead during that TOBAN. It is envisaged it will remain the same the majority of time, but in the event we need to essentially "suspend" an exemption schedule due to extreme weather conditions, we will publish it here. A full copy of the standing exemptions and imposed conditions are detailed in the NSW Government Gazette.

Any exemption is likely to be subject to the following conditions:

- Adequate firefighting equipment is immediately available at the site of the works to prevent escape of any fire, spark or incandescent material from the site
- Prior to proceeding with any work, contact the Bulga Fire Control Centre to provide details.

It should be noted that, notwithstanding the exemption, the local controller may impose additional conditions which may include a direction that the proposed activity be suspended.



8 Action of Person Discovering a Fire

If a fire is reported on AGL Macquarie property, the Shift Manager at Bayswater or Liddell Power Stations must be notified, as they become the Emergency Controller in this situation. On being advised of a fire the Shift Manager will activate Emergency Responders trained in respond to wildfire to the scene and if required call in outside assistance. Refer to the AGLM Emergency Response Plan for detailed actions required in the event of a bushfire (ALGM-HSE-PLN-010.02).

All fires must be reported to the PCR - Emergency Number 5555 or

- 6542 0555 Bayswater
- 6542 1555 Liddell

Advise the following information:

- · Site and exact location of fire and plant affected
- · Type of fuel, if known
- · A description of the size or extent of the fire
- · Any person(s) injured or trapped

9 Definitions

Term	Definition
PSSI	Power Station Standing Instructions
TARP	Triggered Action Response Plan
Contractor	a Company engaged by a AGL Macquarie to undertake licensed asbestos removal work.
Employee Health and Safety Representative	An elected employee responsible for representing employees within a designated work group on matters relating to occupational health and safety.
Shall ensure that	Must ensure, so far as is reasonably practicable
Work Health and Safety Committee	An elected group of employees responsible for representing employees on matters relating to occupational health and safety within AGL Macquarie
TOBAN	Total Fire Ban
Critical Infrastructure	Power Stations, Transmission Lines, Electrical Switchyards etc.



10 Referenced Documents

Document Number	Document Title
Legislation	NSW Work Health and Safety Act 2011
	NSW Work Health and Safety Regulation 2017
AS/NZS 1715:2009	Selection, Use and Maintenance of Respiratory Protective Equipment
AS/NZS 1716:2012	Respiratory Protective Devices
AGLM-HSE-PRO-004.02	Permit to Work Procedure.



11 Appendix 1 – List of Maintenance Plans for Bushfire Risk Management Zones

New routines to be raised

Buffer Zones	Zones ID	Maintenance Items
Bayswater Power	Yellow	Fuel loading assessment of the nominated area
Station		Plough 10m wide fire breaks along the inside the Highway boundary fence
		Inspect access roads condition and carryout repairs as necessary
		Vegetation control by slashing/weed spraying along the edges and under coal conveyors
		Electrical easements - inspect and arrange for removal of all shrub or tree growth within and under each transmission line
		Electrical easements - inspect and maintain fire breaks at least 3m wide around switchrooms/switchyards
Liddell Power	Pink	Inspect and arrange for vegetation control around contractor's area Fuel loading assessment of the nominated area
Station	T IIIX	Plough 10m wide fire breaks along the inside the Highway boundary fence
		Inspect access roads condition and carryout repairs as necessary
		Vegetation control by slashing/weed spraying along the edges and under coal conveyors
		Electrical easements - inspect and arrange for removal of all shrub or tree growth within and under each transmission line
		Electrical easements - inspect and maintain fire breaks at least 3m wide around switchrooms/switchyards
		Inspect and arrange for vegetation control around contractor's area
		Grazing leases to selected portions of land along the 'M' series conveyor and the areas North of the Station and around Gas Turbines and 33 kV Switchyard



Buffer Zones	Zones ID	Maintenance Items	
Ravensworth	Green	Fuel loading assessment of the nominated area	
Void		Grazing of all rehabilitated sections of the site on a rotating basis to ensure that all the grass growth is controlled, and the fire hazard reduced	
		Slash 10m wide grass along external boundary fences and in particular along the Highway boundaries	
		Electrical easements - inspect and arrange for removal of all shrub or tree growth within and under each transmission line	
Ravensworth Rail	Brown	Fuel loading assessment of the nominated area	
Coal Unloader		Plough 10m wide fire breaks along the inside the Highway boundary fence	
		Vegetation control by slashing/brush cutting	
		Inspect and arrange for clean up any coal spilt along the edges of the rail loop tracks	
Antiene Rail Coal	Red	Fuel loading assessment of the nominated area	
Unloader		Plough 10m wide fire breaks along the inside the Highway boundary fence	
		Vegetation control by slashing/brush cutting	
		Inspect and arrange for clean up any coal spilt along the edges of the rail loop tracks	
		Grazing leases around the perimeter of the rail unloader	
Barnard River	No Colour	Fuel loading assessment of the nominated area	
Pumping Station		Selectively trim overhanging trees on and along the access road into the pumping station and remove unwanted vegetation around the perimeter of the switchyards and buildings	
		Control vegetation around the perimeter of all buildings and internal area of electrical switchyards by whipper snipping and weed spraying	



List of current routines for vegetation inspection and maintenance

Maint Item	Maint Item text
Bayswater Power Station	
8029397	BW Z00 U0 6M ASH DAM VEGE MAINT
8036951	BW Q01 6M U0 ASH DAM VEG MAINT
8041184	BW Z00 12M PLASHETT VEGE INSP
8041185	BW Z00 12M PIKES GULLY DAM VEGE INSP
8041186	BW Z00 12M FRESHWATER DAM VEGE INSP
8041187	BW Z00 12M LAKE LIDDELL VEGE INSP
8041188	BW Z00 12M BC HOLDING POND VEGE INSP
8041189	BW Z00 12M BC DECANT BASIN VEGE INSP
8041223	BW Z00 3M BC HOLDING POND VEGE MNT
8041224	BW Z00 3M PASAVEER VEGE MNT
8041225	BW Z00 3M COAL PLANT VEGE MNT
8041226	BW Z00 3M 1 / 2 END INTERNALS VEGE MNT
8041227	BW Z00 3M 3 / 4 END INTERNALS VEGE MNT
8041228	BW Z00 3M RIVER RD TO LSP VEGE MNT
8041229	BW Z00 3M RIVR RD TO HP PMP VEGE MNT
8041230	BW Z00 3M RIVR RD HP TO LP PMP VEGE MNT
8041231	BW Z00 3M PLASHETT VEGE MNT
8041232	BW Z00 3M PIKES GULLY ASH DAM VEGE MNT
8041233	BW Z00 3M BAD TO GUARDHOUSE VEGE MNT
8041234	BW Z00 3M GRD HSE TO INTCHNGE VEGE MNT
8041235	BW Z00 3M MT ARTHUR CONVEYOR VEGE MNT
8041236	BW Z00 3M SAVOY HILL VEGE MNT
8041237	BW Z00 3M FRESHWATER DAM VEGE MNT
8041238	BW Z00 3M LAKE LIDDELL VEGE MNT
8041239	BW Z00 3M H2 CONV TO HOWICK VEGE MNT
8041240	BW Z00 3M BC DECANT BASIN VEGE MNT
8041241	BW Z00 3M SWITCHYARDS VEGE MNT
8041270	BW Z00 24M PLASHETT VEGE SURVEY
8041271	BW Z00 24M PIKES GULLY DAM VEGE SURVEY
8041272	BW Z00 24M BC HOLDING POND VEGE SURVEY
8041273	BW Z00 24M BC DECANT BASIN VEGE SURVEY
8041274	BW Z00 24M FRESHWATER DAM VEGE SURVEY
8041275	BW Z00 24M LAKE LIDDELL VEGE SURVEY
8041276	BW Z00 3M PLASHETT VEGE MONITOR



Maint Item	Maint Item text	
8041277	BW Z00 4M PIKES GULLY DAM VEGE MONITOR	
8041278	BW Z00 6M FRESHWATER DAM VEGE MONITOR	
8041279	BW Z00 3M LAKE LIDDELL VEGE MONITOR	
8041280	BW Z00 6M BC HOLDING POND VEGE MONITOR	
8041281	BW Z00 6M BC DECANT BASIN VEGE MONITOR	
8036919	BW Q01 6M U0 DAMS PLASHETT VEG MAINT	
8036941	BW Q01 6M U0 DAM CW MAKE UP VEG MAINT	
8036943	BW Q01 6M U0 DAM FRESHWTR VEG MAINT	
8036945	BW Q01 6M U0 DAM LAKE LDDL VEG MAINT	
8036947	BW Q01 6M U0 DAM BRINE DCANT VEG MAINT	
8036949	BW Q01 6M U0 DAM BRINE HOLDG VEG MAINT	
8037501	BW Q00 3M U1/2 DSL GEN DAY TNK VEGE MNT	
8037517	BW Q00 3M U3/4 DSL GEN DAY TNK VEGE MNT	
Barnard River Pumping Station		
8020727	BW B00 4Y U0 132KV OH LN ARIEL MAINT	
8042583	BW Q00 U0 1Y BARNARD RIVER SYS INSP	
8042584	BW Q00 U0 5Y BARNARD RIVER SYS INSP	
<u>Liddell Power</u>	iddell Power Station	
8036954	LD Q01 6M U0 ASH DAM VEG MAINT	
8041203	LD Z00 3M STAT INNER PERIMETER VEGE MNT	
8041204	LD Z00 3M LAKE ROAD VEGE MNT	
8041205	LD Z00 3M INTERCHANGE VEGE MNT	
8041206	LD Z00 3M CANAL ROAD VEGE MNT	
8041207	LD Z00 6M SEWAGE PLANT VEGE MNT	
8041208	LD Z00 3M CW PUMPS VEGE MNT	
8041209	LD Z00 3M M SERIES CONVEYORS VEGE MNT	
8041210	LD Z00 3M GAS TURBINES VEGE MNT	
8041211	LD Z00 3M STOCKYARD CONVEYORS VEGE MNT	
8041212	LD Z00 3M SOLAR PLANT VEGE MNT	
8041213	LD Z00 3M STOR BAY RD/COAL PLNT VEGE MNT	
8041214	LD Z00 3M GRAVEYARD VEGE MNT	
8041215	LD Z00 3M TINKERS CREEK VEGE MNT	
8041216	LD Z00 3M SWYD ROAD/OPER CPARK VEGE MNT	
8041217	LD Z00 3M PIPE BEHIND TRANSGRID VEGE MNT	
8041218	LD Z00 3M EMBANKMENTS VEGE MNT	
8041219	LD Z00 3M LAKE LIDDELL VEGE MNT	
8041220	LD Z00 3M LAKE LIDDELL VEGE MONITOR	



Maint Item	Maint Item text	
8041221	LD Z00 12M LAKE LIDDELL VEGE INSP	
8041222	LD Z00 24M LAKE LIDDELL VEGE SURVEY	
8036954	LD Q01 6M U0 ASH DAM VEG MAINT	
8041203	LD Z00 3M STAT INNER PERIMETER VEGE MNT	



12 Appendix 2 – Trigger Action Response Plan (TARP)

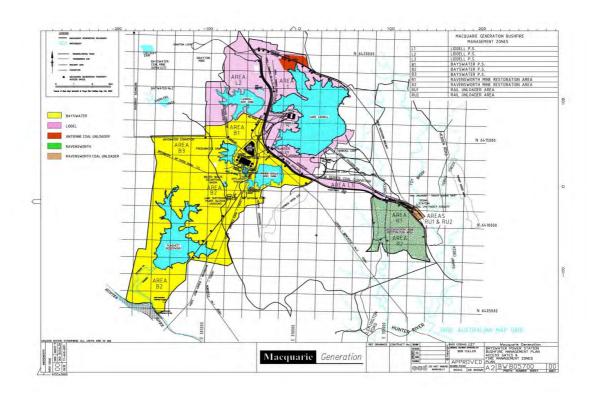


The TARP gets revised every year. Attached is the TARP for 2020-21 Bushfire Season



13 Appendix 3 – Bushfire Management Plan Access Gates and Fire Management

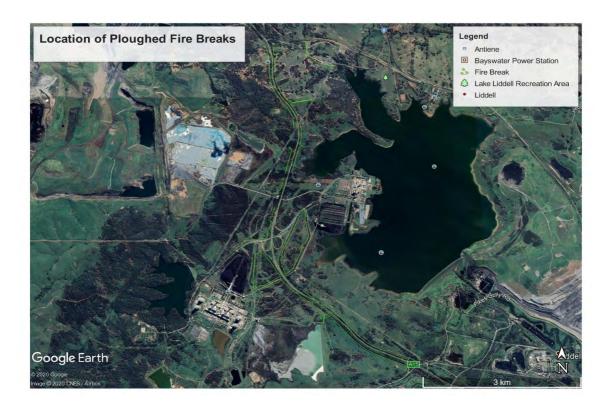






14 Appendix 4 – Location of Ploughed Fire Breaks







15 Appendix 4 – Plan Improvement Areas

Areas for Improvement	Action Plan
Development of new maintenance plan as identified in Appendix 1	D2 120006623 Task 6
Update BW 805700 or development of new map identifying, - All access gates to the property - All grazing areas - Water fill points - Secondary emergency egress paths	D2 120006623 Task 7



16 Appendix 5 – Fuel Loading Assessment Report 2020





10.1.5. Council representation on Community Consultative Committees

Attachments: 1. community-consultative-committee-guideline [10.1.5.1 -

22 pages]

Responsible Officer: Sharon Pope - Director - Planning & Environment

Shaelee Welchman (Director - Community & Economy),

Sharon Pope (Director - Planning & Environment), Theresa

Folpp (Development Compliance Officer)

Community Plan Issue: 6 - Community Leadership

Community Plan Goal: Collaborative and responsive leadership that meets the

expectations and anticipates the needs of the community.

Community Plan Strategy: Not Applicable

Not applicable

PURPOSE

Author:

The purpose of this report is to advise Council of the updated State Government Guidelines on Community Consultative Committees (CCCs) and Council's representation on these committees.

OFFICER'S RECOMMENDATION

Council endorses the Environmental Planning Officer to be Council's representative in accordance with the Community Consultative Committee (CCC) Guidelines (June 2023), and, where relevant, Councillors may apply to be community representatives on the CCCs.

Moved:	Seconded:

BACKGROUND

The State Government updated the guidelines on Community Consultative Committees (CCC) for State Significant Developments in June 2023 (Guidelines).

State significant projects are large, complex projects that may have major economic, social, and environmental impacts over a considerable period of time. One tool to manage and ensure the community is informed and engaged in these projects is through a CCC.

Each CCC is an independently chaired forum involving a proponent, community representatives, stakeholder groups, and councils to discuss matters about the relevant State significant projects.

CONSULTATION

Consultation has occurred with the Director Environment and Planning, the Director Community and Economy and the Environmental Planning Officer.



REPORT

The majority of SSD projects located in Muswellbrook Shire are required to establish a CCC as a condition of development consent. CCCs are established for all coal mines in the LGA and will be established for the Bowmans Creek Wind Farm. CCCs for other types of SSD are yet to be determined.

In accordance with the Guidelines, a single representative from each relevant council can participate in a CCC, with provisions also allowing for the inclusion of up to seven representatives from community and stakeholder groups.

Staff have been approached by various CCC Chairpersons to clarify Council's representative in accordance with the new guidelines.

Currently, Council's Environmental Planning Officer attends all CCC meetings, while select Councillors attend some CCCs. Staff attendance at CCC meetings is an opportunity for:

- Site inspections to directly observe activities and communicate activities to senior members of staff and Councillors via the SSD Committee;
- Relationship building;
- Direct communication on Council's technical requirements and matters that may impact
 the project, such as updating proponents and the local community affected by the
 potential reclassification of Wybong and Bengalla Roads by TfNSW; and
- Information gathering to assist with preparing Council's responses to SSD modifications or other post approval requests such as rehabilitation strategies and traffic management plans.

The benefit of a single Council representative is for consistency across all CCCs, to ensure information is provided to Council and the community in a timely and holistic way, and ensure that council is aware of community concerns, and technical and legislative implications.

To clarify the Chairperson's request in accordance with the Guidelines, Staff recommend that:

- Council's Environmental Planning Officer be endorsed as Council's CCC Representative on all committees; and
- Where relevant, Councillors may continue to attend CCC meetings as community representatives and apply through each individual mine's process.

OPTIONS

Council may prefer that Councillors attend CCC meetings as the Council representative, rather than Staff. It is recommended that this is not the ideal option, as staff will not be able to attend meetings and still be in compliance with the Guidelines. This could lead to a lack of technical guidance and communication gaps between the Council, the CCC, and the community.

Department of Planning and Environment

dpie.nsw.gov.au



Community consultative committee guideline

State significant projects

June 2023



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging. Through thoughtful and collaborative approaches to our work, we seek to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by the NSW Department of Planning and Environment (the department)

dpie.nsw.gov.au

Community consultative committee guideline

First published: 2017

Acknowledgements

This version includes updates following the department's 2022 review of the guideline, incorporating feedback from the department's assessment teams, chairpersons to community consultative committees and committee members.

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1 Introduction

State significant projects are large, complex projects that may have major economic, social and environmental impacts over a long time. The NSW Department of Planning and Environment (the department) requires proponents to consult widely with the community, council and stakeholder groups at all stages of these projects.

Requirements for community engagement are set out in the department's Undertaking Engagement Guidelines for State Significant Projects and Social Impact Assessment Guideline for State Significant Projects. Proponents should use a range of tools and techniques when engaging with the community, tailoring these to reflect the scale and nature of the project, as well as its potential impacts.

One such tool is a community consultative committee. This is an independently chaired forum for a proponent, community representatives, stakeholder groups and councils to discuss matters about particular State significant projects.

The conditions of consent or approval for a project¹ under the *Environmental Planning and*Assessment Act 1979 (EP&A Act) can require the proponent to set up a community consultative committee. This helps ensure the community and stakeholder groups:

- are engaged regularly through the delivery and operational phases of the project
- · are kept informed of the status of projects, any initiatives and proponent performance
- are consulted on the development of projects, management plans and proposed changes to approved projects
- can give feedback to proponents on any issues with the operations of a project or opportunities to avoid, minimise and/or manage potential impacts.

The department will make a recommendation to the decision-maker about when a committee should be set up after considering:

- the scale and nature of the project and its potential impacts
- the level of public interest in the project
- the proponent's community engagement strategy
- if a committee would complement other engagement initiatives.

¹ In the past, community consultative committees were sometimes established at the pre-approval stage. Following this updated guideline, community consultative committees will only be established after the project has been approved.

This guideline:

- explains the scope and purpose of community consultative committees
- sets out the roles and responsibilities of committee members
- establishes effective operating procedures.

The guideline applies to all community consultative committees set up for State significant projects. The department will review it every 5 years.

2 Committee purpose

A community consultative committee is not a decision-making or regulatory body; it performs an advisory and consultative role. The NSW Government remains responsible for ensuring proponents comply with any statutory obligations.

The purpose of the committee is to:

- establish good working relationships and encourage the proponent, committee members and other relevant stakeholders to share information
- allow the proponent to seek feedback from community representatives, stakeholder groups and councils or respond to project-related matters
- give community representatives, stakeholder groups and councils a forum to ask for information or give feedback on a project.

Matters that are typically discussed at committee meetings include (but are not limited to):

- community concerns and the resolution of community complaints
- the implementation of any conditions of approval or consent and management plans
- any proposed amendments or modifications to projects
- the results of any monitoring, annual reviews or independent audits.

Community consultative committees are particularly beneficial for engagement over a longer period (for example, the construction, operation and/or rehabilitation stages of a project).

For linear infrastructure projects such as major road or rail projects, multiple committees that cover the different locations may be beneficial.

3 Members

3.1 Membership of the committee

The committee will comprise:

- an independent chairperson
- up to 7 (in total) community and stakeholder group representatives
- a representative from each relevant council
- up to 3 representatives appointed by the proponent, including the person responsible for environmental management of the project.

Independent chairperson

The chairperson manages the operation of the committee and facilitates a constructive forum for community representatives, stakeholder groups, councils and the proponent to discuss project matters.

A chairperson is expected to:

- be independent and impartial
- act as the key contact between the committee and the department
- give all members an opportunity to share their views
- support constructive discussion
- · explain procedural requirements so that members understand their roles and responsibilities
- help to resolve disagreements or differences of opinion between members fairly and transparently
- provide secretariat services for the management and administration of the committee (see section 4.2)
- · declare any relevant interests
- follow the committee's code of conduct.

Community and stakeholder group representatives

Community representatives are the people who live, work or own land in the area and are affected by the relevant State significant project. They are appointed as individuals.

Stakeholder group representatives are from groups or organisations that have an interest in the project.

Community representatives should:

- be current residents, workers, or landowners affected by the project
- have a reasonable understanding of the project and related issues of concern
- be able to represent and communicate the interests of the affected community
- declare if they are a member of a stakeholder group.

Similarly, stakeholder group representatives should:

- be a member of a stakeholder group with a demonstrated interest in the project, such as an industry, community or environmental group, a registered Aboriginal party or local Aboriginal land council
- have knowledge and awareness of the project and potential issues of concern
- be able to represent and communicate the interests of the group they represent.

Community and stakeholder group representatives must:

- not be an employee or contractor of the proponent²
- declare any relevant interests
- adhere to the committee's code of conduct.

If a representative no longer meets the above criteria, their suitability for membership should be reassessed and they may be replaced. The chairperson should be informed of any changes as soon as possible.

Proponent and council representatives

The proponent and council(s) will nominate their representatives and advise the chairperson in writing. These representatives must:

- have knowledge of the project and community concerns
- have authority to speak on behalf of their organisation
- declare any relevant interests as well as their employment status.
- adhere to the committee's code of conduct.

Alternate representatives

Alternate representatives are committee members who attend a committee meeting when a regular member is unavailable. Alternate representatives may stand in for community representatives, or for stakeholder groups, the proponent and councils.

Community or stakeholder group representatives cannot choose their own alternate representatives. If a community or stakeholder group representative cannot attend a meeting, they must notify the chairperson, who may consider inviting an appointed alternate representative.

² Discretion can be applied where it can be shown that the benefit to the community or stakeholder group outweighs any potential interest. For example, a local Aboriginal group or individual may be contracted to assess Aboriginal heritage, while also being directly affected by the project.

If a council or proponent representative cannot attend, they should notify the chairperson and nominate a relevant alternate representative to attend.

If the chairperson cannot attend a committee meeting, an alternative time should be agreed.

The use of alternate representatives should be limited. Any alternate representatives must sign the committee members' code of conduct and declaration of interest form before attending their first meeting.

3.2 Appointing members

Appointing a chairperson

The department recruits chairpersons to a pool of suitable candidates that is updated every 3 years. Members of this pool have:

- experience in community relations, facilitation, mediation and public advocacy
- an understanding of the regulatory requirements for State significant projects and the issues associated with these projects
- a proven track record in convening and managing stakeholder committees with independence.

A list of the members of this pool and their credentials are available on the <u>department's website</u>.

The Planning Secretary appoints a chairperson from the pool to each committee after considering their experience, availability and any other relevant factors.

Proponents must pay the chairperson's fees, as well as the fees of any note-taker required.

Appointing community or stakeholder representatives

After consulting the chairperson, the proponent will publish a request for expressions of interest for community and stakeholder representatives. The expression of interest request should outline the committee's purpose and scope, as well as the expectations of members.

The proponent can advertise requests for expressions of interest through any of the following channels, with the agreement of the chairperson:

- council websites or social media platforms
- the project website
- local businesses or business forums
- community or sporting centres
- local newspapers
- targeted letter box drops
- networks named in the engagement strategy.

The expression of interest request must be open for a minimum of 28 days to allow potential members to apply. Interested candidates will need to explain how they meet the selection criteria listed on the nomination form, which is available on the department's website.

Within 2 weeks of the deadline for expressions of interest, the chairperson must:

- review the applications against the selection criteria
- send a copy of all the applications to the department
- recommend suitable community and stakeholder group representatives to the department, along with any recommended alternate representatives.

Within 4 weeks of receiving these recommendations, the Planning Secretary will appoint the community and stakeholder group representatives. The department will notify them of their appointment. The representatives must return completed declaration of interests and code of conduct forms to the chairperson. The department will advise the chairperson and the proponent of the appointments. We will notify unsuccessful candidates that they have not been appointed.

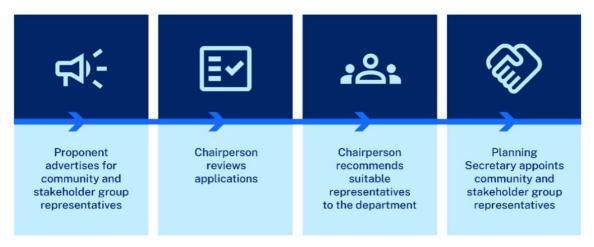


Figure 1. Selection process for community and stakeholder group representatives

3.3 Replacing members

Replacing the chairperson

The Planning Secretary will appoint a new chairperson from the pool of suitable candidates if the chairperson resigns or is found to be unsuitable following a departmental review.

The department can review the chairperson's performance at any time. If either the proponent or the majority of committee members (excluding the proponent representatives) have concerns about the conduct or performance of the chairperson, they may refer the matter to the department. The department will examine the concerns and decide what action should be taken, if any. The Planning Secretary will make any decision to replace a chairperson and that decision is final.

A replacement chairperson should be appointed within 4 weeks of the department receiving the chairperson's notice of resignation or the Planning Secretary's decision to replace them.

Replacing committee members

The chairperson may recommend a replacement if a community or stakeholder group representative:

- · resigns, or
- no longer meets the selection criteria, or
- is found to be unsuitable following a departmental review.

The department can review a committee member's performance at any time. For example, a review may be done if the representative:

- is not attending meetings, or
- has breached the code of conduct, or
- is found to have given false or misleading information in their application.

A replacement community representative may be an existing alternate community representative or someone from a later nomination process.

A departing stakeholder group representative can be replaced by another suitable representative from within their organisation. If no suitable representative is available, a new community or stakeholder group representative may be recommended.

The proponent and council(s) can nominate new representatives if needed. The chairperson may also ask the council or proponent to nominate a new representative if their appointed representative is not attending meetings, or if there has been a serious or repeated breaches of the code of conduct.

Any newly appointed representatives must sign the committee members code of conduct and declaration of interest form before attending their first meeting.

4 Committee operations

The department has prepared a toolkit of resources to support committee operations. These resources form part of this guideline and are listed in the **Appendix**.

4.1 Terms of reference

The procedures and processes for how each committee will operate will be set out in the **terms of reference** that the committee prepares and approves. The department has prepared a terms of reference template that sets out standard processes and suggested timeframes for operational matters (including meeting frequencies and the distribution of draft agendas and minutes).

Committees must use the template to outline:

- committee purpose and scope
- membership of the committee
- procedures for meeting operations including frequency, format, agendas, papers, minute taking, and extraordinary meetings
- · procedures for site visits
- · the publication of materials related to the committee
- the production of an annual report
- review processes.

The committee must discuss the terms of reference and the members must confirm them annually, although they can be reviewed at any point by request or when the conditions of consent or approval are modified.

4.2 Role of the chairperson

The chairperson is responsible for the management and administration of the committee, including:

- setting suitable meeting times and providing meeting agendas
- chairing meetings consistently with the terms of reference and code of conduct
- facilitating constructive communication between members
- · approving the minutes for publication
- reporting annually to the department.

4.3 Frequency, timing and location of meetings

The frequency, timing and location of committee meetings (including any extraordinary meetings) may vary depending on the stage of the project. They should be consistent with any requirements set out by the department and be agreed in the terms of reference.

The proponent must provide suitable facilities for committee meetings. The meetings must be held at a time and place generally convenient and safe for all committee members.

4.4 Agenda and meeting minutes

Committee proceedings must align with the committee's terms of reference and code of conduct.

Committee members must have the opportunity for input into meeting agendas. They can suggest agenda items before or during a meeting if the matter is within the committee's terms of reference. This may include requesting a technical expert to present to the committee, through the chairperson.

The proponent must properly consider and respond to issues raised by committee members. The chairperson is responsible for facilitating this process.

Meeting minutes (taken by the chairperson or identified note-taker) should be reviewed by committee members and approved by the chairperson. Both the agenda and minutes must be published on the proponent's website (see section 6).

4.5 Site visits

The committee may request project site visits together with meetings, or at other convenient times, as needed. Any site-specific work health and safety practices must be complied with, and the proponent is responsible for providing any necessary personal protective equipment.

4.6 Joint committee meetings

In areas with a high concentration of State significant projects or where 2 or more projects contribute to cumulative impacts, joint community consultative committee meetings may be appropriate to discuss issues of common interest. These meetings can be organised by the chairpersons (who will agree which will facilitate the meeting), with the agreement of all relevant proponents.

4.7 Attendance by non-committee members

The department may send a representative to attend committee meetings at its discretion.

The chairperson may invite non-committee members to attend meetings as observers or to give advice. This may include:

- · representatives of the department other state agencies
- technical experts or consultants
- members of the public.

Non-committee members cannot take part in the business of a meeting unless the chairperson invites them to do so.

4.8 External communications

The department encourages committee members to discuss concerns and share helpful information about the project with the wider community, including stakeholder groups. However, any information or documents provided on a confidential basis must not be discussed or shared outside of the committee.

The committee may decide to release statements or other information to the media or adopt other approaches to publicise information. Only the chairperson may speak publicly to the media on behalf of the committee.

Individual committee members may make comments to the media or in public forums on behalf of themselves or their stakeholder groups, but not on behalf of the committee.

If the public asks the committee to include items on its agenda, these requests should be directed to the chairperson.

4.9 Committee training

The chairperson should ensure new members receive suitable induction training to equip them for their role on the committee. The committee may seek funding or other assistance from the proponent for training members or developing the skills of the committee. This may include training in:

- the NSW planning system relating to State significant projects
- communications and conflict resolution
- environmental management and community relations.

The proponent should support any reasonable requests for training.

4.10 Committee funding and remuneration

The committee may seek annual or one-off funding from the proponent to help it perform its functions.

While community and stakeholder group representatives, as volunteers, are not eligible to receive sitting fees from the proponent, they may seek reimbursement for out-of-pocket expenses (such as personal protective equipment for a site visit). The proponent should support any reasonable requests for funding or expenses, where representatives give appropriate reasons and evidence of the costs. If the proponent makes a payment, the recipient should declare this as an interest.

4.11 Declaration of interests

All committee members must sign a declaration of interest form (see toolkit of supporting material) before they join the committee and keep this up to date. Committee members will have an opportunity to declare any new interests, or interests relevant to the agenda, at the start of each committee meeting.

The declarations include any pecuniary or other interest that may affect committee operations.

Examples of pecuniary or other interests include:

- holding a private contract with the proponent
- holding voluntary acquisition or mitigation rights under the proponent's approval or consent
- receiving sitting fees or payments for personal expenses from the proponent
- if the member represents a stakeholder group, the stakeholder group receiving funding or a grant from the proponent.

4.12 Conflicts of interest

A chairperson should advise the department as soon as possible of any potential or actual conflict of interest that may affect their ability to fulfil their role on the committee.

Committee members should notify the chairperson as soon as possible of any change of interest that may affect their ability to fulfil their role on the committee.

The chairperson may decide that an interest is significant enough conflict that a member should withdraw from discussion on a particular issue.

4.13 Conduct of committee members

Chairpersons and all other appointed committee members must sign the code of conduct agreement during the appointment process and before they take part in a committee meeting. Members must confirm acceptance of the code of conduct on an annual basis.

The chairperson must notify relevant members if they witness or become aware of any alleged breach or perceived breach of the code of conduct. The chairperson may give the relevant members a warning. If the alleged breach is severe, the chairperson may refer it to the department for review.

4.14 Dispute resolution

Although consensus is not required, the chairperson should aim to resolve any disputes between committee members. Committee members should report issues to the chairperson in the first instance.

If the chairperson cannot resolve a dispute, they may refer it to the department.

If the dispute or issue is about the chairperson, and cannot be resolved locally, a committee member may make a complaint to the department for further investigation via the <u>department's complaints</u> <u>procedure</u>.

The department's decision on any disputes or complaints it receives is final.

4.15 Annual report

The chairperson for each committee must complete an annual report on its activities and submit it to the department for review before publishing it (see section 6 of this guideline).

4.16 Review of effectiveness

The annual report should include a review of the committee's performance and effectiveness over the previous 12 months. The review should consider:

- compliance with this guideline and the committee's terms of reference
- the completion of actions
- if there are any matters affecting performance and effectiveness.

If committee members, including the chairperson, have concerns about the committee's overall performance or effectiveness, the chairperson may refer the matter to the department for review.

If a committee is not functioning effectively, the department may decide to close or reconstitute the

4.17 Closure of a committee

The department can review a committee's performance and effectiveness at any time. The department may decide to close or reconstitute the committee if:

- the committee's terms of reference have been fulfilled and it is no longer required (subject to any relevant condition of approval or consent), or
- the committee is not functioning effectively.

The department will make any decision on closure in consultation with the chairperson and all other committee members.

The department will write to the chairperson and the other committee members to advise them of the decision. Any decision made by the department will be final.

5 Responsibilities of the proponent

The proponent must give the committee prompt and accurate reports and information on the project, including:

- the status of the project
- existing operations
- environmental performance
- · any complaints relating to the project
- investigations (both internal and by relevant regulators)
- community relations initiatives the proponent has conducted.

This does not include information of a financial or commercial nature.

The proponent must also give the committee current or relevant copies of:

- · the project's approval or consent and other relevant documents, including management plans
- · results of environmental monitoring
- · annual review or compliance reports
- · audit reports
- reports on community concerns or complaints and the proponent's response
- any other information requested by the committee, chairperson or department that is not financial or commercial in nature.

The proponent can supply these documents electronically, giving hard copies to committee members on request.

The proponent should consult with the committee before it submits any relevant applications or documentation to the department for approval or consent, including any post-determination documentation such as management plans. The proponent should notify committee members when these applications are lodged.

The proponent must respond to any questions or advice from the committee about the project's environmental performance, complaints, investigations and community relations. These responses should be given to members within 28 days of a committee meeting, unless the meeting minutes specify otherwise.

The proponent should organise site visits if requested by the chairperson. The proponent must also ensure any work health and safety procedures are complied with during a site visit.

6 Publication of information

The following committee information must be published on a project web page set up and maintained by the proponent, which the public can access easily. The following information should be published:

- the name of the chairperson and all other appointed committee members
- meeting agendas and minutes
- if the committee has been dissolved or reconstituted
- if there has previously been a committee for the same project
- any other information agreed by the committee and/or department.

The department will publish annual reports on its website.

7 Transitional arrangements

This guideline applies to all new and existing committees.

Existing committees must prepare and approve terms of reference in accordance with the guideline and all committee members must sign the updated code of conduct:

- within 6 months of the guideline being published, or
- before the next committee meeting, if it is scheduled to occur more than 6 months after the guideline is published.

Subsequent committee processes and procedures, such as recruiting replacement committee members or preparing annual reports, should be done in accordance with the guideline.

8 Glossary

Chairperson – an independent person appointed by the Planning Secretary to manage the operations of the committee.

Committee member/s – all people appointed to the committee including chairpersons, community and stakeholder group representatives, as well as proponent and council representatives.

Community – a group of people living or working in a specific geographical area or with mutual interests who could be affected by a State significant project.

Community representative – an individual, appointed by the Planning Secretary, to take part in the committee.

Council representative – a representative, appointed by the local council, to take part in the committee.

Non-pecuniary interest – a person's private or personal interest that does not involve a financial gain or loss, or a potential one. The interest may come from family or personal relationships, or involvement in community, social or other cultural groups, that may include a financial or non-financial interest. It may also include the receipt of gifts, benefits or hospitality from the proponent.

Pecuniary interest - an interest a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss to the person. Money does not have to change hands to be a pecuniary interest.

Planning Secretary – the Secretary of the NSW Department of Planning and Environment or a nominated representative, including the executive directors and directors in development assessment.

Proponent – the person or entity acting on an approval for a State significant project. The <u>Environmental Planning and Assessment Act 1979</u> uses the terms 'applicant' for State significant development and 'proponent' for State significant infrastructure. In this guideline, 'proponent' covers both.

Stakeholder group – a group or organisation including an industry, community, environmental or Aboriginal group that represents several people with a common interest in a State significant project.

Stakeholder group representative – a representative of a specific stakeholder group, appointed by the Planning Secretary, to take part in the committee.

State significant project(s) - a project defined as State significant development or State significant infrastructure under the *Environmental Planning & Assessment Act 1979*.

Appendix – toolkit of supporting material

Toolkit of supporting material:

- 1. Code of conduct for chairpersons
- 2. Code of conduct for committee members (excluding chairs)
- 3. Declaration of interest form
- 4. Terms of reference (template)
- 5. Local community representative nomination form
- 6. Stakeholder representative nomination form



10.1.6. Reducing the Impact of Balloons at Events

Attachments: 1. Next Steps NSW plastics policy - balloons. [10.1.6.1 - 2

pages]

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Michael Brady (Sustainability Officer - Waste)

Community Plan Issue: 3 - Environmental Sustainability

Community Plan Goal: An environmentally sensitive and sustainable community

Community Plan Strategy:

3.4.3 - Advocate and support Circular Economy principles

and Waste Management Initiatives.

3.4.1.1 - Assist Council, households and businesses to

manage waste effectively and use water and energy

efficiently.

PURPOSE

Council has received correspondence from a group requesting Council to consider a ban on the use of balloons at events held on community land, and for Council to discourage the purchase and give away of balloons at Council supported events. The recommendations in this report are supported by MANEX.

OFFICER'S RECOMMENDATION

Council supports an update to the Sustainable Events Procedure and the Sportsground, Park or Facility Booking Request form being undertaken to:

- 1. Advise event organisers that Council discourages the free give away or sale of balloons (whether filled with water, air, helium or not filled) at events held on community land; and
- 2. That Council staff shall not purchase balloons to be given away for free at Council supported events.

Seconded:

BACKGROUND

Currently, at Council supported events balloons are often provided to patrons (sometimes by Council staff but more often by event organisers) with the belief that they are a fun, cheap gift that children and adults appreciate. While some children like balloons, balloons have a range of environmental impacts.

Several NSW councils have banned balloons at council supported events, for example, City of Sydney and Woollahra Municipal Councils.

CONSULTATION

MANEX



REPORT

The main environmental problems with balloons include:

- Balloons are considered to be a single use plastic as they do not biodegrade and cannot be recycled.
- Often the balloon quickly bursts and becomes litter, and, if not disposed of correctly, animals can ingest them. In the case of foil balloons, they break up to become microplastics.
- Often the balloons are made overseas, so that the environmental impact of the distance they have travelled is considerable. Gifting patrons locally made products would reduce this impact while supporting local businesses.

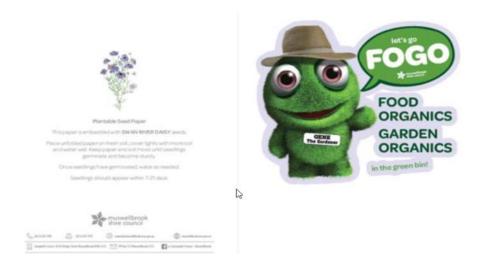
While most of the information on environmental impacts of balloons relates to coastal/marine wildlife, it is known that farm animals may also ingest balloons. Farmers have removed balloons from their calves' mouths, and horses have been euthanised due to severe injuries after being spooked by helium balloons coming back to land.

The Australian Marine Debris Initiative (AMDI) Database confirms balloons are regularly found in marine debris collections. Since 2013, the Database has recorded over 128,960 items under the category "Rubber balloons, balls & toys, elastic straps and bands." It is estimated that 80% of this waste consists of balloons. The Australian Marine Debris Initiative Database estimates 25,777 balloons, clips, ribbons, and accessories were collected from subject beaches in the five years from 01/01/2017.

There are many alternatives to balloons, such as:

Locally made seed cards that can be branded with Council or other messaging such as below:

- A free locally produced plant with any profits generated going to a local business or community group.
- Enabling patrons to paint and keep a stone.
- Making items with clay.
- Bubble wands (made locally and durable).
- Paper craft.





OPTIONS

Option 1: Support the recommendations contained in this report.

Option 2: Not support the recommendation.

CONCLUSION

As leaders in the community, Council may take steps to discourage the use and give-away of balloons at outdoor events, where managing the proper disposal of the resulting waste can be difficult.

SOCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

The best way to affect change within the Council area would be to update the Sustainable Events Procedure and the Sportsground, Park or Facility Booking Request form.

STATUTORY IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

- 3.4.1.1 Assist Council, households, and businesses to manage waste effectively and use water and energy efficiently.
- 3.4.3 Advocate and support Circular Economy principles and Waste Management Initiatives.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Banning balloons at Council supported events would reduce the amount of litter and waste to landfill and have the potential of supporting sustainable products that support circular economy principles.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

A clear explanation of the reasons for discouraging outdoor use of balloons would assist the community to understand the issues and the range of possible alternatives.

From: Derek Finnigan

Sent: Mon, 19 Feb 2024 23:30:34 +0000

To: Derek Finnigan

Subject: Next Steps NSW plastics policy - balloons.

Sent: Wednesday, January 10, 2024 8:45 AM

To: Muswellbrook Shire Council < <u>MuswellbrookShireCouncil@muswellbrook.nsw.gov.au</u>>

Subject: Next Steps NSW plastics policy - balloons.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please forward this to the General Manager, Mayor and Councillors.

Dear Muswellbrook Shire Council,

The New South Wales Government is asking for submissions to the Next Steps for single use plastic bans, either through a survey:

https://yoursay.epa.nsw.gov.au/plastics-paper

or by email:

plasticsconsultation@epa.nsw.gov.au

As local government is responsible for overseeing the Litter Act and cleaning up balloon litter, could your Council please support No Balloon Release Australia by including the following in your submission on Next Steps?

- 1. Introduce an immediate ban on the release of balloons, not just a phase out.
- 2. Ask the NSW Government to work with the other states and territories to regulate the sale and use of helium for inflating balloons, to stop releases at the source.
- 3. Ban balloons outdoors, at events and in parks and reserves, as other Councils such as the City of Sydney and Woollahra Municipality have done. The use of air filled and water filled balloons are known to result in litter.
- 4. Ban mylar/foil balloons outright. These balloons break up into microplastics, can cause power outages and train stoppages, and can be aviation hazards.

All balloons are considered single use plastic as they do not biodegrade and recycling is problematic. https://www.imas.utas.edu.au/news/news-items/new-study-finds-latex-balloons-are-not-biodegradable

Recent Norwegian research shows latex balloons are toxic to at least two marine microorganisms due to the chemicals used in the production of the balloons:

 $\underline{\text{https://www.sciencedirect.com/science/article/pii/S0304389423010932?via\%3Dihuband}}$

https://phys.org/news/2023-12-toxicity-standard-plastic-products.html

There are many alternatives to balloons, such as : $\frac{\text{http://www.tangaroablue.org/resources/fact-sheets/category/29-marine-debris-fact-sheets.html}{\text{and}}$

https://www.cleanup.org.au/balloon-alternatives

The Queensland Government used this on social media to promote more sustainable New Year's Eve parties:



Your contribution to our campaign to reduce balloon waste and to stop balloon litter from harming and killing wildlife and farm animals will be much appreciated.

If Council already bans the outdoor use of balloons at events, parks and reserves, can you please reply, so I can make a list?

If it doesn't, can such a ban be introduced, to reduce balloon waste and litter?

Please contact me if any more information is needed.

Yours sincerely,

No Balloon Release Australia







10.1.7. Rural Landcare Funding

Attachments: Nil

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Michael Brady (Sustainability Officer - Waste)

Community Plan Issue: 3 - Environmental Sustainability

Community Plan Goal: An environmentally sensitive and sustainable community

3.2.1 - Support Landcare initiatives and advocate for

Community Plan Strategy: programs to enhance native vegetation connectivity

across the Shire and Upper Hunter Region.

3.2.1.1 - Provide funds for local Landcare activities

PURPOSE

To provide Council with an update on potential projects towards which Rural Landcare funding may be allocated.

OFFICER'S RECOMMENDATION

Council:

- 1. Notes the outcomes of the expression of interest for funding from the Rural Landcare budget;
- 2. Authorises staff to request formal funding applications from the two Expression of Interest (EOI) submitters;
- 3. Delegates to the General Manger authority to determine the applications, provided the projects are substantially the same as the EOIs; and
- 4. Allocates any remaining funds to natural area maintenance along Muscle Creek.

Moved:	Seconded:

BACKGROUND

At the July 2023 Ordinary Council meeting, Council allocated \$9000 from The Major Landcare Projects budget for a Landcare on rural land project. Through this project, staff were to engage with rural communities to investigate an appropriate landcare project in a rural area and the possible establishment of a new Landcare group.

At the December 2023 Ordinary Council meeting, Council resolved to reallocate a further \$15,200 to the 'Landcare on Rural Land' Project. This amount, plus the originally allocated \$9000 in the Major Landcare Projects budget for this project, means there is now a total budget of \$24 200. An Expression of Interest (EOI) document was prepared, with a closing date of 9 February 2024. Four people requested more information, and two EOIs were received.

CONSULTATION

Nil.



REPORT

Responses were received as follows:

Applicant	Summary	Details	Approximate Amount Requested
Ms T Moffit. "Mygunyah" Hunter County Farm. McCully's Gap	Establish a 2000m2 Dry Rainforest on their farm.	200 x native seedlings, irrigation, fencing, machine hire.	\$2910
Martindale Creek Catchment Landcare Inc.	Building blocks to regenerative farming systems – a program of educational workshops aimed at introducing landowners to regenerative farming in a practical, hands-on manner.	Initially we propose a short series of at least three workshops. - The What, How and Why of Regenerative Farming - and overview of the benefits. - Where to get started with Regenerative Farming - tests and assessments for your property. - Transitioning to Regenerative Farming - how to start with regenerative methods on your own property. - Potential visits to local properties as Case Studies as further field days if enough funding can be sourced.	\$11,400 for 3 initial workshops. (\$3500 for each additional workshop.

These EOI have been assessed, with staff agreeing that both submissions are strong enough to request they both submit a formal application.

The submission by Ms Moffit "Mygunyah" Hunter County Farm, McCully's Gap fits the criteria of assisting private property owners to create more natural habitat on their property. The relatively small amount of funding requested with a large result makes this submission worthwhile. Ms Moffit is one of the founding members of the McCullys Gap Sustainability and Landcare Group, and has successfully managed other Landcare projects. Ms Moffit has also committed to maintaining these works into the future as well as providing the in-kind labour required.

The submission by Martindale Creek Catchment Landcare Inc also fits the criteria. Enabling a rural Landcare group to undertake educational workshops that will improve the sustainable management of many properties, provides good value for money. Martindale Creek Catchment Landcare Inc has successfully completed similar projects in the past. This group will provide the in-kind administration and project management support required.

The current EOIs seek funding totalling \$14,310, although the Martindale Creek Catchment Landcare EOI has the option to hold further workshops at \$3500 each. If, by the end of April 2024, it is clear that not all the funds will be spent, it is proposed to allocate the remaining funds to native revegetation maintenance works along Muscle Creek, including weed removal and mulching works.



OPTIONS

- 1. Request both applicants submit an application for funding, which is the recommended option.
- 2. Request only one application for funding.
- 3. Request no applications for funding.

CONCLUSION

It is recommended that both groups are requested to submit a formal application for funding.

SOCIAL IMPLICATIONS

Landcare activities provide opportunities for forming enhanced social relationships.

FINANCIAL IMPLICATIONS

The Major Landcare budget has sufficient budget to facilitate both projects.

POLICY IMPLICATIONS

Environmental Sustainability Policy S32/1.

Key Sustainability Principles.

This Environmental Sustainability Policy will be pursued by Muswellbrook Shire Council through the following principles:

- 1. Operations that demonstrate sustainable environmental management.
- 2. Provide leadership and actions for achieving environmental sustainability.
- 3. Pursue ecologically sustainable land use and development.
- 4. Collaborate with the community and other stakeholder groups to protect and preserve the natural environment.
- 5. Support and regulate activities of others within its control to protect the environment.

STATUTORY IMPLICATIONS

Muswellbrook Shire Council is committed to environmental sustainability and adherence to sections 7 and 8 of the Local Government Act that states:

s.8(1) to properly manage, develop, protect, restore, enhance, and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

Community Strategic Plan (CSP) Goal 3: An environmentally sensitive and sustainable community.

CSP Strategy 3.2: Improve native vegetation connectivity across the upper hunter region.

- 3.2.1 Support Landcare initiatives and advocate for programs to enhance native vegetation connectivity across the Shire and upper Hunter Region.
- 3.2.1.1 Provide funds for local Landcare activities.



CSP Strategy 3.3: Enhance our local rivers and creeks to improve environmental outcomes

and access for recreation.

CSP Strategy 3.4: Support initiatives which reduce the community's impact on the

environment.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Approved projects will be promoted.



Monthly Report to Council - Planning, Environment and Regulatory 10.1.8. Services

Attachments: Nil

Responsible Officer: Sharon Pope - Director - Planning & Environment

Michael Brady (Sustainability Officer - Waste), Tracy Ward **Author:**

(Sustainability Officer), Kim Randall (Administration Team

Leader)

Community Plan Issue: 6 - Community Leadership

Collaborative and responsive leadership that meets the Community Plan Goal:

expectations and anticipates the needs of the community.

Community Plan

Strategy:

6.2.1 - Maintain a strong focus on financial discipline to

enable Council to properly respond to the needs of

the communities it serves.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: Seconded:	
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REPORT

PLANNING AND ENVIRONMENT

Schedule 1: Development Applications Approved (1/1/2024-12/2/2024)

DA No.	DESCRIPTION	PROPERTY	VALUE
2022.066.2	S4.55 (1A) Modification - Two (2) Lot Subdivision of land and Dwelling	146 Palace Street Denman	\$346,500.00
2022.121.2	S4.55(1A) Modification - Dual Occupancy and Strata Subdivision	12 Bimbadeen Drive Muswellbrook	\$675,000.00
2023.127.1	Single storey dwelling	35 Silver Eye Road Muswellbrook	\$774,905.00
2023.098.1	Dwelling House - Two Storey	2237 Martindale Road Martindale	\$1,013,502.00
2023.114.1	Ancillary Use - Shed	14 Wanaruah Circuit Muswellbrook	\$14,398.00
2023.107.1	Ancillary Use - Shed	5 Stockyard Parade Muswellbrook	\$ 62,994.00

TOTAL = 6



Schedule 2: Development Applications Currently Being Assessed As at 12/2/2024

DA No.	DESCRIPTION	PROPERTY	VALUE		
2024.007.1	Shed	57 Stockyard Parade Muswellbrook	\$ 55,242.00		
2023.130.1	Six (6) Lots into Three (3) Lots Subdivision & Boundary Adjustment	New England Highway Liddell	\$98,900.00		
2017.076.2	S4.55 (2) Modification- Renovations and Additions to Racing & Function Centre	35 Racecourse Road Muswellbrook	\$4,750,965.00		
2023.111.2	S4.55(1A) Modification - Dwelling house	16 Stockyard Parade Muswellbrook	\$694,655.00		
2024.003.1	Retaining wall and outdoor deck	9 Shearer's Close Muswellbrook	\$251,217.00		
2024.004.1	Demolition of above ground structures at existing service station.	12-20 Sydney Street Muswellbrook	\$79,630.00		
2024.002.1	Farm Shed - Roof	386 Ferndale Road Yarrawa	\$ 99,000.00		
2023.138.1	Shed	42 Babbler Crescent Muscle Creek	\$73,000.00		
2021.094.3	S4.55(1) Modification Second Storey Addition, Inground Pool Alfresco	20 Cypress Place Muswellbrook	\$250,000.00		
2023.134.1	Carport	20 Thompson Street Muswellbrook	\$10,363.00		
2023.125.1	Subdivision of Six (6) Lots into Thirteen (13) Lots	3 Bengalla Road Muswellbrook	\$30,000.00		
2024.001.1	Demolition of existing buildings at 88-108 Bridge Street	88-96 Bridge Street Muswellbrook	\$500,000.00		
2022.005.2	S4.55(1A) Modification - Storage Facility & Signage	Victoria Street Muswellbrook	\$1,304,330.00		
2018.054.9	S4.55(1A) Modification - Alterations and additions to Loxton House	142 Bridge Street Muswellbrook	\$1,100,000.00		
2023.136.1	Double garage with awning	1639 Merriwa Road Sandy Hollow	\$37,900.00		
2023.128.1	Subdivision of One (1) Lot into Two (2) Lots	20 Honey Lane Sandy Hollow	\$27,500.00		
2023.054.3	S4.55(1A) Modification - Commercial Storage	39-41 Ogilvie Street Denman	\$121,391.00		

DA No.	DESCRIPTION	PROPERTY	VALUE
2023.129.1	Single Storey Dwelling- Manager cottage to remain as secondary dwelling	1010 Bylong Valley Wy Baerami	\$463,000.00
2023.131.1	Demolition of a dwelling and construction of multi-dwelling housing comprised of four (4) dwellings	35 Scott Street Muswellbrook	\$1,196,490.00
2023.060.1	Dwelling Alterations and additions (pool deck & awning)	22 Lorne Street Muswellbrook	\$35,000.00
2023.132.1	Shed	5 Octagonal Way Muswellbrook	\$30,000.00
2023.124.1	Swimming Pool & Associated Barriers	12a Grey Gum Road Denman	\$49,620.00
2023.119.1	Alterations and additions to Three (3) heritage listed Buildings	90 Wiltons Lane Kayuga	\$882,527.00
2023.126.1	Subdivision of One (1) Lot into Two (2) Lots	90-92 Palace Street Denman	\$15,000.00
2023.123.1	Dwelling - Relocated	478 Sandy Creek Road Muswellbrook	\$135,240.00
2023.122.1	Garage with first floor loft	3 Arlingham Close Muswellbrook	\$152,515.00
2023.117.1	Dwelling House - Single Storey - Manufactured Home	13 Virginia Street Denman	\$296,551.00
2023.115.1	Shed	16 Martindale Street Denman	\$16,450.00
2017.008.2	S4.55(2) Modification -129 lot residential subdivision in 5 stages	Almond Street Denman	\$4,000,000.00
2023.112.1	Dwelling House	44 Aberdeen Street Muswellbrook	\$576,090.00
2023.076.2	S4.55(1) Modification - Subdivision of One (1) Lot into Two (2) Lots	280 Scrumlo Road Hebden	\$28,600.00
2023.105.1	Signage - Fascia and freestanding sign replacement	102-106 Sydney Street Muswellbrook	\$40,000.00
2011.010.2	S4.55(2) Modification - Change to number of storage unit blocks	49 Enterprise Crescent Muswellbrook	\$80,000.00
2023.108.1	Ancillary Use - Carport	10 Ted Clay Street Muswellbrook	\$13,952.00
2023.100.1	Demolition, 2 Shops, 2 Dwellings, Motel Building,	37 Ogilvie Street Denman	\$1,441,202.00

DA No.	DESCRIPTION	PROPERTY	VALUE
	strata subdivision Demolition of Existing Structures; construction of 2 retail premises, 2 shop top houses, 7-unit motel and Strata Title Subdivision (11 lots)		
2023.054.2	S4.55(1A) Modification - Commercial Storage Building	39-41 Ogilvie Street Denman	\$121,391.00
2021.029.2	S4.55(1A) Modification - Relocation of Existing Dwelling & Construct New dwelling	49 Carl Street Muswellbrook	\$490,000.00
2023.078.1	Geotechnical Drilling & minor vegetation clearing	Dolahentys Road McCullys Gap	\$1,888,600.00
2023.096.1	Shed	31 Babbler Crescent Muscle Creek	\$74,000.00
2023.095.1	Inground Swimming Pool and Associated Safety Barriers	6 Lonhro Place Muswellbrook	\$ 46,795.00
2023.086.1	Construction of a 90 Place Childcare Centre	84 Brook Street Muswellbrook	\$1,975,000.00
2023.081.1	Single Storey Dwelling & attached Garage	1 Stable Close Muswellbrook	\$458,459.00
2023.072.1	Demolition of Existing Structures & Construction of Childcare Centre	200 Bridge Street Muswellbrook	\$2,960,280.00
2023.066.1	Battery Energy Storage System and Associated Shed Structures	105 Merriwa Road Denman	\$16,900,000.0 0
2023.057.1	Battery Energy Storage System & Shed Structures	981 New England Highway Aberdeen	\$16,900,000.0 0
2023.065.1	2 Relocatable Modular Units/Deck/Roof Workers Accommodation	10 Ogilvie Street Denman	\$42,900.00
2023.061.1	Three (3) Lot Subdivision	Golden Hwy Giants Creek	\$20,031.00
2023.056.1	Geotechnical investigations & clearing of native vegetation	Limestone Road Muswellbrook	\$993,939.00
2023.041.1	Steel Frame Industrial structure	12 Wallarah Road Muswellbrook	\$100,000.00
2023.040.1	Steel frame Industrial Structure	4 Wallarah Road Muswellbrook	\$100,000.00
2023.014.1	Storage Complex - 103 self- storage units and 12 open storage bays	Turner Street Denman	\$3,555,527.00



DA No.	DESCRIPTION	PROPERTY	VALUE
2023.118.1	construction of class 10a steel frame shed	75 Woodland Ridge Road Muscle Creek	\$75,000.00
2023.113.1	A storage room will be added to the existing exhibition hall. Construction of walls and new flooring are the only changes that will be made. The roof of the storage room is already attached to the building	Ellis Parish County Brisbane	\$11,000.00
2023.083.1	Three (3) Lot Subdivision	Golden Hwy Giants Creek	\$20,031.00
2023.019.1	Change of Use - Home Occupation	16 Burgundy Street Muswellbrook	\$10,000.00
2022.074.2	Construction of a double storey dwelling with Hebel and cladding external finish	13 Lou Fisher Place Muswellbrook	\$425,000.00
2021.121.2	Construction of a 5.6m x 3.7m x 3 m room in the shed single-story office	95-107 Maitland Street Muswellbrook	\$5,000.00

Total = 75

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements.

On-site Wastewater Statistics - 13 Month Analysis (2023/2024)

	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24
Applications Received (new installation)	0	0	2	0	2		0	1	1	2	3	0	1
Applications Approved (new installation)	0	0	0	0	0		1	2	2	0	1	1	0
Inspections (new system)	0	0	7	0	0		0	3	1	3	3	3	0
Inspections (existing system)	0	2	0	0	0		1	1	0	0	3	0	1



24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24
Applications Received (new businesses)	3	13	10	1	13		11	1	4	1	1	28	2
Inspections (new businesses)	1	2	2	0	0		1	0	1	1	2	4	3
Inspections (existing businesses)	15	3	4	13	16		1	0	0	0	1	0	3
Reinspections	0	0	0	0	0		0	0	0	0	0	0	0

4.1.1.1 Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2023/2024)

	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24
Total Sites Inspected	17	15	12	11	9	7	20	16	10	10	15	6	7
Total non- compliant and educated	0	0	0	0		0	0	0	1	0	0	0	0
Total compliance after education	0	15	12	0		0	0	0	9	0	0	0	0
Total Penalty Notices Issued	0	0	0	0		0	0	0	0	0	0	0	2

14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

13 Month Analysis (2023/2024)

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan
	23	23	23	23	23	23	23	23	23	23	23	23	24
Total Investigations		4	7	4	4	3	4	1	1	1	5	1	7

Total Clean up by Council - insufficient evidence	0	0		0	3	0	1	0	2	0	3
Total Clean Up by individual	1	6		0	1	0	0	0	0	0	2
Total Penalty Notices Issued	0	0		0	0	0	0	0	0	0	0
Court Attendance Notice Issued	0	0		0	0	0	0	0	0	0	0
Still under investigation	3	1		0	0	0	0	1	3	1	2

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

13 Month Analysis (2023-24) – as at 8/1/2024

	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Total
Applications for Compliance Certs.	1	2	3	0	0	0	1	1	2	2	1	1	0	14
									I					
Total compliance inspections (not inc. finals for OCs)	5	11	8	7	4	8	8	9	10	12	7	5	13	107
Initial Inspections	1	3	5	2	1	2	3	3	7	7	2	2	5	43
Re- inspections	4	8	3	5	3	5	5	7	3	5	5	3	8	64
				•		•								
Compliance Certs / Occ. Certs issued	1	1	7	3	6	5	6	7	7	7	4	2	5	61
Fees invoiced	\$363	\$700	\$863	\$740	\$786	\$350	\$800	\$700	\$700	\$1600	\$650	\$500	\$900	\$9,652

Total Pools in Council's SPR = 988

(Note: 1126 records in SPR but 135 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Current Compliance = 28.7%



SUSTAINABILTY

20 December 2023 to 31 January 2024

Net Zero

Work continues on the Net Zero 2050 plan. Data collection is occurring to establish an accurate baseline.

Power Purchase Agreement

Council is participating in a power purchase agreement with several other Councils to attempt to secure an electricity contract for large sites for several years. This contract is expected to have a renewable energy component that may build up to 100%. This increases certainty for Council for budgeting.

Electric Vehicle Strategy

A strategy is being completed to identify a pathway towards adding hybrid, electric and potentially hydrogen vehicles to the fleet.

Flying Foxes

A flying fox count was undertaken in December. At the time of the count the flying foxes were roosting near Muscle Creek in the area adjacent to the aquatic centre. There were approximately 1200 Grey Headed Flying foxes and 200 Little Red Flying Foxes occupying this roost. In Denman there was a smaller camp of approximately 400 flying foxes roosting along the Hunter River near the confluence with the Goulburn River.

MOOSH Visits Animal Care & Sustainability Hub

MOOSH kids and helpers visited the Animal Care & Sustainability Hub. Here they helped with some seed sowing and worm feeding. They also learnt about looking after pets and caring for animals.



Restore Muscle Creek through Environmental and Educational Action

Work continues on this Environmental Trust funded project to revegetated Muscle Creek with 1 hectare of weed control and planting 1500 seedlings.

Sustainable Futures Education Grant Project

Work continues on the Sustainable Futures Education Grant Project. This has involved



working with 12 interested groups to plan activities. This has also meant working with Environmental Trust to finalise the project.

FOGO

Sustainability staff have been part of a group of staff working to engage the community on the upcoming FOGO service.

Youth Group

Staff have been supporting a community member to re-establish a sustainability youth group.

Hunter Region Landcare Network

Discussions were held with members of the Hunter Region Landcare Network (HRLN) looking at ways of improving Landcare in our Shire. The HRLN will soon employ a new staff member that will focus on' supporting Landcare groups in the Upper Hunter, including Muswellbrook.

Sustainability Promotion

Staff promoted sustainability to schools, community groups and residents.



Sustainable Procurement

Staff have been assisting in improving Council's sustainable procurement policies and procedures.

Bird Watching

A bird watching walk along Muscle Creek was held with 33 species observed. This takes the total bird count to 53 species.

Container Collection Fundraising

Staff helped facilitate the collection of containers by the Muswellbrook Netball Association at the Muswellbrook Aquatic Centre for fundraising and recycling.

Sustainable Water Bottles

Sustainable water bottles were given to St Joseph's Primary School Denman students. These bottles help encourage reuse bottle use instead of single use plastic.



Loal Land Services

Council and LLS staff have held discussions on ways we could work with each other on revegetation projects.

Bulky Waste Collection

Staff have been investigating ways the bulky wase collections could be improved.

Sustainable Futures – Muswellbrook Facebook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,763 page likes and 1,973 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promotion of sustainability activities, waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.