



### 10.1.3. Planning Proposal - Additional Permitted Uses - Liddell and Bayswater (Stage 2)

<b>Attachments:</b>	1. Attachment A - Planning Proposal - New England Highway Muswellbrook - Liddell & Bayswater (Stage 2) [10.1.3.1 - 29 pages]
<b>Responsible Officer:</b>	Sharon Pope - Director - Planning & Environment
<b>Author:</b>	Sharon Pope (Director - Planning & Environment)
<b>Community Plan Issue:</b>	1 - Economic Prosperity
<b>Community Plan Goal:</b>	<i>A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.</i>
<b>Community Plan Strategy:</b>	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 Local Environmental Plan 2009 (MLEP 2009) to permit additional uses on part of the site of the former Liddell Power Station and part of the site of the current Bayswater Power Station (see Attachment A). The intent of the change is to allow industry and compatible infrastructure in three discrete locations, in addition to the Stage 1 Planning Proposal already considered for a site near the Bayswater Ash Dam.

The amendment will enable compatible additional uses to occur and will support the ongoing clean energy transition and an integrated industrial energy hub as identified in the Hunter Regional Plan 2041.

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:

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 allow additional permitted uses on part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 as outlined in Attachment A;
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 issues 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:** \_\_\_\_\_

## BACKGROUND

AGL Macquarie Pty Limited (AGL) owns approximately 10,000 hectares of land surrounding the Bayswater Power Station (PS) and the former Liddell Power Station (PS).

The Liddell PS was initially constructed by the NSW Government owned State Electricity Commission and operated from the early 1970s until its closure in April 2023. AGL has recently applied for state significant development consent under the Environmental Planning and Assessment Act 1979 (EP&A Act) to demolish the former Liddell PS and ancillary structures. On completion of the demolition works, the Liddell PS site will be rehabilitated in line with regulatory requirements.

Bayswater PS was initially constructed by the NSW Government owned State Electricity Commission and has remained in operation since being commissioned between 1985 and 1986. Electricity generation in Australia is undergoing a significant transition towards more distributed, intermittent generation sources. Bayswater PS 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 intention of the requested change to MLEP 2009 is 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 by the Applicant include:

- Energy generation and storage.
- Manufacturing of renewable energy components (i.e., solar panels).
- Recycling of renewable energy components (i.e., 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.
- Ancillary activities and services to support the needs of businesses and workers.

Agricultural produce industry is defined by the MLEP 2009 as 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.

The Liddell and Bayswater Power Station sites are 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.*

### **MLEP 2009 Amendment**

The requested change to MLEP 2009 seeks to make the additional uses permissible with consent in the SP2 zone via the inclusion of an additional Local Provision, and the creation of a new key sites map, on 3 sites totalling 105.24 hectares of AGL's landholdings, as shown in Figure 1.1 below.

The new site-specific provision proposed is as follows:

#### *7.11 Development on land associated with part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486*

##### *(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 601 DP1019325, and part of Lot 2 DP1095515 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; Rural Industry; 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.

The three locations included in the request have been substantially cleared and modified, to accommodate the coal fired power station activities or past agricultural activities.

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.

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”.

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.

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.

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, wastewater, 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.

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.



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.

## 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

Amending the permitted uses in the SP2 zone for the three discrete sites, to broaden industry related uses permissible with consent, is in the public interest, given these activities are required to support the transition to clean and renewable fuel sources, including 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.

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 Stations 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 Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 being more particularly described as follows: Site 1 - Part Lot 2 DP1095515. Site 2 - Part Lot 2 DP1095515. Site 3 - Part Lot 601 DP1019325, part Lot 34 DP 752486 and part Lot 145 DP 752486.
Address	New England Highway, Muswellbrook
Land Owner:	AGL Macquarie Pty Ltd
Applicant:	AGL Macquarie Pty Ltd
Date:	5 April 2024
Author:	Rochelle Barclay, Shaun Lawer, GHD Pty Ltd
Current planning provisions	
Relevant clauses	Relevance
LEP	Muswellbrook Local Environment Plan 2009
Land Use Table	<p>The zone objectives and Land Use Table for Zone SP2 are reproduced below:</p> <p><b>"Zone SP2 Infrastructure</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> <li>To recognise existing railway land and to enable future development for railway and associated purposes.</li> <li>To prohibit advertising hoardings on railway land.</li> <li>To recognise major roads and to enable future development and expansion of major road networks and associated purposes.</li> <li>To recognise existing land and to enable future development for utility undertakings and associated purposes.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Nil</p> <p><b>3 Permitted with consent</b></p> <p>Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads</p> <p><b>4 Prohibited</b></p> <p>Any development not specified in item 2 or 3"</p> <p>The Land Zoning Map confirms that the SP2 Infrastructure zoning relates to the purpose of 'Power Station'.</p>
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.

<b>5.10 Heritage Conservation</b>	<p>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.</p> <p>The E-spatial viewer confirms there are no State Heritage items on the site. There are no locally listed items on the site.</p> <p>AHIMS searches undertaken on 20 February 2024 reveal 18 Aboriginal sites recorded in or near the site. No Aboriginal places have been declared in or near the site. Assessments of the impacts of any specific development proposed on any Aboriginal sites would be undertaken as part of any future development applications for the site and all required Aboriginal heritage impact permits would be applied for under the <i>National Parks and Wildlife Act 1974</i> (NSW).</p>
<b>5.21 Flood planning</b>	<p>No mapping for flood prone land is available under <i>Muswellbrook Local Environment Plan 2009</i>, but site personnel have confirmed that there has been no recorded flooding of the area. Any future development application would include an assessment of the impacts of the specific development proposed on hydrology, including a Flood Impact Assessment and Stormwater Management Plan where required based on the scale of development proposed.</p>
<b>7.6 Earthworks</b>	<p>Any future 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.</p>
<b>Proposed Amendment</b>	
<p>The Planning Proposal seeks to amend <i>Muswellbrook Local Environmental Plan 2009</i> (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:</p> <p><i>"industry means any of the following—</i></p> <p><i>(a) general industry,</i></p> <p><i>(b) heavy industry,</i></p> <p><i>(c) light industry,</i></p> <p><i>but does not include—</i></p> <p><i>(d) rural industry, or</i></p> <p><i>(e) extractive industry, or</i></p> <p><i>(f) mining."</i></p> <p>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.</p> <p>This Proposal seeks to amend Part 7 Additional Local Provisions to include the following new site-specific provisions, and a new key sites map:</p> <p><i>"7.11 Development on land associated with part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486</i></p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generating activities which support the renewable energy transition.</i></p> <p><i>(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.</i></p> <p><i>(2) This clause applies to land identified as part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 on the Key Sites Map.</i></p> <p><i>(3) Despite clause 2.3, development consent may be granted to development for the purpose of:</i></p> <p><i>Environmental protection works; Industries; Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems</i></p> <p><i>(4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:</i></p> <p><i>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</i></p> <p><i>b. the uses are compatible with or otherwise relate to the special characteristics of the site.</i></p> <p>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.</p>	

Supporting Documents		
Title	Author	Date
Planning Proposal Scoping Report	GHD Pty Ltd	14 September 2023
AHIMS Searches	GHD Pty Ltd	20 February 2024
Bushfire Risk Management Plan	AGL	15 July 2021
Traffic Impact Assessment	GHD Pty Ltd	4 April 2024

# Contents

1.	Part 1 – Objectives and intended outcomes	2
2.	Part 2 – Explanation of provisions	7
3.	Part 3 – Justification of strategic and site-specific merit	9
4.	Part 4 – Maps	22
5.	Part 5 – Community consultation	23
6.	Part 6 – Project timeline	24

## Table index

Table 3.1	Hunter Regional Plan 2041	11
Table 3.2	Muswellbrook Local Strategic Planning Statement October 2020- 2040	12
Table 3.3	Muswellbrook Shire Council Community Strategic Plan 2022-2032	13
Table 3.4	Compliance with State Environmental Planning Policies	13
Table 3.5	Compliance with Ministerial Directions	14
Table 3.6	Assessment of Environmental Effects	19
Table 6.1	Project Timeline	24

## Figure index

Figure 1.1	Site Map	3
Figure 1.2	Site 1	4
Figure 1.3	Site 2	5
Figure 1.4	Site 3	6
Figure 2.1	Proposed Key Sites Map (No. TBC)	8

## Appendices

Appendix A	Planning Proposal Scoping Report
Appendix B	AHIMS Search
Appendix C	Bushfire Risk Management Plan
Appendix D	Traffic Assessment

Glossary	
AGL	AGL Macquarie Pty Ltd
BPS	Bayswater Power Station
BC Act	<i>Biodiversity Conservation Act 2016</i>
CSP	Community Strategic Plan
DA	Development Application
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
DCP	Development Control Plan
DPE	Department of Planning and Environment
The Regional Plan	Hunter Regional Plan 2041
LEP	Local Environmental Plan
LPS	Liddell Power Station
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
The LEP	<i>Muswellbrook Local Environmental Plan 2009</i>
Council	Muswellbrook Shire Council
The site	Part of Lot 601 DP1019325, and part of Lot 2 DP1095515
Proposal	Planning Proposal
PSI	Preliminary Site Investigation

# 1. Part 1 – Objectives and intended outcomes

## Objective

AGL Macquarie Pty Limited (AGL) owns approximately 10,000 hectares of land surrounding the Bayswater Power Station (BPS) and the former Liddell Power Station (LPS). The objective of this Planning Proposal (the 'proposal') is to amend *Muswellbrook Local Environmental Plan 2009* (the 'LEP') to make industrial land uses and compatible infrastructure related uses permissible with consent via the inclusion of an additional Local Provision, and the creation of a new key sites map, on 3 sites (collectively referred to as the site) totalling 1,052,443 m<sup>2</sup> (105.24 hectares) forming approximately 0.01% of AGL's landholdings surrounding BPS and the former LPS. The sites form part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 (the site) as shown in Figure 1.1 – Figure 1.4 below. The proposed Local Environmental Plan (LEP) amendment will development applications (DA) for various types of 'industry' over the site to be lodged and assessed on their merits.

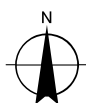
## Intended outcomes

- 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 LPS in April 2023 and BPS between 2030 and 2033 in line with AGL's commitments.
- To realise the intent of the Hunter Regional Plan 2041 (Regional Plan) to co-locate other employment generating activities on the 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 existing surrounding land uses.



Paper Size ISO A4  
0 250 500 750 1,000  
Metres

Map Projection: Transverse Mercator  
Horizontal Datum: GDA2020  
Grid: GDA2020 MGA Zone 56



AGL  
Broader Employment  
Transition Area Planning Proposal

Project No. 12624330  
Revision No. A  
Date 23/02/2024

Site Map

FIGURE 1

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<p><b>AGL</b> Broader Employment Transition Area Planning Proposal</p>	<p>Project No. 12624330 Revision No. B Date 23/02/2024</p>
<p><b>Site 1 details</b></p>	<p><b>FIGURE 2-1</b></p>

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<p>Paper Size ISO A4</p> <p>0 25 50 75 100</p> <p>Metres</p> <p>Map Projection: Transverse Mercator</p> <p>Horizontal Datum: GDA2020</p> <p>Grid: GDA2020 MGA Zone 56</p>			<p>AGL</p> <p>Broader Employment</p> <p>Transition Area Planning Proposal</p>	<p>Project No. 12624330</p> <p>Revision No. B</p> <p>Date 23/02/2024</p>
<p>Site 3 details</p>			<p><b>FIGURE 2-3</b></p>	

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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 Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486*

*(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 601 DP1019325, and part of Lot 2 DP1095515 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 development applications seeking to locate compatible industrial development and infrastructure on the site to be lodged and assessed as permissible on their merits in accordance with the *Environmental Planning & Assessment Act 1979* (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 2.1 below.

Council to insert Map

*Figure 2.1 Proposed Key Sites Map (No. TBC)*

### 3. Part 3 – Justification of strategic and site-specific 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 forms a small part (approximately 0.01%) of the approximately 10,000 hectares of land owned by AGL surrounding the operational BPS and the former LPS.

LPS was initially constructed by the NSW Government owned State Electricity Commission and operated from the early 1970s until its closure in April 2023. AGL has recently applied for state significant development consent under the 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.

BPS was initially constructed by the NSW Government owned State Electricity Commission and has remained in operation since being commissioned between 1985 and 1986.

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, BPS is scheduled to cease generating between 2030 and 2033.

The extent of AGL's landholdings provide an opportunity to enable employment generating development onsite to provide local jobs to replace those impacted as the energy transition continues and BPS and local mines progressively close.

The Planning Proposal aligns with the Hunter Regional Plan 2041 and 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).

The proposal seeks to make permissible with consent compatible industrial land uses on the site which has been selected by AGL out of the broader AGL landholdings as suitable for compatible industrial development. A smaller Planning Proposal (PP-2024-68) relating to a separate area of the AGL landholdings (totalling some 2.7996ha) was lodged in the NSW Planning Portal on 16 January 2024 and is currently under assessment by Muswellbrook Shire Council (Council).

Given 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 AGL landholdings surrounding the BPS and former LPS. It 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 Council and provided to the Department of Planning Housing and Infrastructure (DPHI). 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 involves amending the LEP to include an additional permitted use in Schedule 1 of the LEP. This option is not 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.

– **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, future DA's may not be capable of complying with the proposed new objectives. 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 DPHI provided feedback on the Scoping Report and proposed the following additional option for consideration:

– **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 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 is 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 Ministerial 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 small sites within the much broader AGL landholdings which are 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 3.1.

Table 3.1 Hunter Regional Plan 2041

Objective	Performance Outcome	Strategy	Alignment
<b>OBJECTIVE 1:</b> Diversify the Hunter's mining, energy and industrial capacity	<p>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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Employment lands provide a variety of employment uses and diversify the employment base.</li> <li>Employment lands close to inter-regional links support freight, logistics and industries which benefit from connections to inter-regional or global markets.</li> <li>Employment lands close to renewable energy zones support manufacturing related to renewables and energy intensive industries and clustering of business which supports those activities.</li> <li>Circular economy industries and facilities are in appropriate sites.</li> <li>New employment lands are serviced, manage biodiversity impacts and are situated to avoid land use conflict.</li> <li>Employment lands are retained and safeguarded by limiting the encroachment of sensitive land uses.</li> </ul>	<p><b>Strategy 1.1</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>Maximise employment generation or will attract visitors to the region.</li> <li>Make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access.</li> <li>Support the growth of adjoining industrial areas or settlement areas.</li> <li>Enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors.</li> <li>Complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas.</li> <li>Have considered the existing and likely future uses of adjoining land and avoid land use conflict.</li> <li>Align with any specific guidance in the district planning priorities section of this plan.</li> </ul> <p><b>Strategy 1.2</b></p> <p>Following completion of the Hunter– Central Coast REZ, local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>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.</li> <li>The proximity of sensitive land uses to ensure sensitive land uses do not encroach on activities within the REZ.</li> </ul> <p><b>Strategy 1.3</b></p> <p>Local strategic planning should consider:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Opportunities to facilitate growth in logistics, circular economy, new economic enterprises and industries and their supply chains.</li> <li>The suitability of transport interchanges and bypasses for employment lands in consultation with Transport for NSW.</li> <li>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.</li> <li>The proximity of sensitive land uses and ensure they do not encroach upon these areas.</li> </ul>	<p>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” (stages 1 and 2).</p> <p>By enabling compatible industrial development and industrial infrastructure related activities on suitable portions of the AGL owned land, the proposal will help ensure a just transition and minimise social and economic impacts. In addition to the closure of LPS, the planned closure of BPS between 2030-2033 will provide further 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 employment generation in the manufacturing, waste, freight, chemical and gas industries.</p>

Objective	Performance Outcome	Strategy	Alignment
		<b>Strategy 1.4</b> Planning proposals for new employment lands will demonstrate they: <ul style="list-style-type: none"> <li>– Are located in areas which will not result in land use conflict.</li> <li>– Can be adequately serviced and any biodiversity impacts are manageable.</li> <li>– Respond to the employment land needs identified for that local government area.</li> </ul>	

**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 Muswellbrook LSPS and Muswellbrook Shire Council Community Strategic Plan 2022-2032 (the CSP), as demonstrated in Table 3.2 and Table 3.3.

**Table 3.2 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.
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. DAs will be assessed on their merits in accordance with the requirements of the EP&A Act.

Table 3.3 Muswellbrook Shire Council Community Strategic Plan 2022-2032

Goal	Consistency
<p>Economic prosperity</p> <p>Strategy 1.2 of this goal is to:</p> <p><i>“Diversify the economy, facilitate the development of intensive agriculture, innovative manufacturing, health services and other growth industries”.</i></p>	<p>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.</p>

**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 (refer Table 3.4).

Table 3.4 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. All 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.

SEPPs (as of November 2023)	Applicable	Consistent	Comment
(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.
(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, or is vacant land (site 3) , 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 DA 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 amendment to add a local provision does 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 3.5).

Table 3.5 Compliance with Ministerial Directions

Directions (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	

Directions (as of November 2023)		Applicable	Consistent	Comment
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 permissible with consent. The proposal does seek to include any new land uses that are not already defined in the LEP. No drawings that show details of the proposed development are included in the proposal.
1.4A	Exclusion of Development Standards from Variation	No	N/A	
<b>Focus area 1: Planning Systems – Place-based</b>				
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	

Directions (as of November 2023)		Applicable	Consistent	Comment
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	
<b>Focus area 2: Design and Place</b>				
<b>Focus area 3: Biodiversity and Conservation</b>				
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	

Directions (as of November 2023)		Applicable	Consistent	Comment
3.10	Water Catchment Protection	No	N/A	
<b>Focus area 4: Resilience and Hazards</b>				
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 NSW E-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	<p>The site is mapped as Bushfire Prone Land Vegetation Category 3.</p> <p>A Strategic Study can be requested by the NSW Rural Fire Service (RFS) following Gateway Determination.</p> <p>Vegetation surrounding the site appears to be fragmented and located at a distance when viewing online aerial mapping. There does not appear to be significant vegetation on the site.</p> <p>Each of the proposed land uses will be subject to different risk profiles and accordingly APZ and BAL requirements.</p> <p>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.</p> <p>Reticulated water is currently available at the site.</p> <p>Given there does not appear to be any significant vegetation on the site (based on aerial mapping), it is anticipated that Council will consult with the Commissioner of the 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&amp;A Act, and consider any comments made.</p>
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 environment protection licence issued by the NSW EPA. A PSI would be prepared to accompany any future DA 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	A small portion of land adjacent to the southern eastern end of Lake Liddell owned by AGL is located within a Mine Subsidence District but does not apply to the identified sites.

Directions (as of November 2023)		Applicable	Consistent	Comment
<b>Focus area 5: Transport and Infrastructure</b>				
5.1	Integrating Land Use and Transport	No	N/a	The proposal is not zoned urban land. The additional local provision will require an assessment of traffic impacts, however, given the site is already provided with direct access to the Highway, this can be assessed at the DA stage. A high level Traffic Assessment (TA) is provided at Appendix D.
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	
<b>Focus area 6: Housing</b>				
6.1	Residential Zones	No	N/A	
6.2	Caravan Parks and Manufactured Home Estates	No	N/A	
<b>Focus area 7: Industry and Employment</b>				
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	
<b>Focus area 8: Resources and Energy</b>				
8.1	Mining, Petroleum Production and Extractive Industries	No	N/A	
<b>Focus area 9: Primary Production</b>				
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 will be largely avoided and/or minimised by any future industrial development.

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

Table 3.6 Assessment of Environmental Effects

Environmental Effects	Proposed Management
Bushfire	Sites 1 and 2 are currently managed as active operational areas of the BPS and are regulated by the specific Hazard Management Plans contained in Appendix C. Site 3 is part of the now decommissioned LPS and contains limited vegetation and is mapped as Vegetation Category 3. Vegetation on this site is controlled by slashing/weed spraying. Ten metre wide fire breaks along the inside highway boundary fence.
Hydrology	There has been no recorded flooding of this area and as such no mapping pursuant to the LEP. Any future DA would require an assessment of the impacts of the proposal on hydrology, including a Flood Impact Assessment and Stormwater Management Plan where required based on the scale of development proposed.
Scenic and culturally important landscapes	<p>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.</p> <p>There are limited sensitive receivers or social infrastructure in the locality of the SP2 Zone. The nearest sensitive receiver to any of the sites is located over 4km north east of Site 3.</p> <p>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.</p>
Biodiversity	<p>Refer to comments at Section B.</p> <p>Any future DA will assess the specific development proposed as required by the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, the BC Act, the LEP and relevant controls in the DCP relating to biodiversity.</p>
Heritage	<p>There are no State Heritage items on the site. There are no locally listed heritage items on the site.</p> <p>AHIMS searches undertaken on 20 February 2024 reveal 18 Aboriginal sites recorded in or near the 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.</p> <p>Where required, a Heritage Study can be undertaken following Gateway determination.</p> <p>All required Aboriginal heritage impact permits would be applied for under the <i>National Parks and Wildlife Act 1974</i> (NSW) for future developments and a development consent conditions typically contain unexpected finds procedures.</p>

Environmental Effects	Proposed Management
Access and Transport	<p>The AGL landholdings are connected to the surrounding public road network via a purpose-built access road and grade-separated interchange to and from the New England Highway. Each of the 3 site areas are also serviced by internal gravel roads within the AGL landholding.</p> <p>GHD was engaged by AGL to prepare a Traffic Assessment (TA) to support the preparation of the proposal and assess the extent to which the public road network can accommodate the additional vehicle activity which is expected to be generated from industrial land uses within the site (Appendix D). The TA has identified the capacity and road network performance of existing traffic conditions and assessed the available capacity of the New England Highway to accommodate the additional traffic envisaged by the amendment of LEP so as to permit industrial development on the site at least in the short term.</p> <p>The TA confirmed that high level assessment based on large format industrial development and associated office space indicates that in the order of 22 hectares of land could be developed in the short term at the AGL landholding without any significant impact or need for upgrade on the New England Highway and existing road network.</p> <p>Whilst this proposal seeks to amend the LEP to make industrial uses permissible on approximately 105 hectares of land, this land is not all developable (e.g. roads, and other uses that do not constitute Gross Floor Area).</p> <p>It is noted that once more defined proposals are determined, further traffic analysis and assessment may result in less trips generated than those presented in the TA. Upgrades to the road network, potentially including additional travel lanes on the New England Highway, south of the site, would also support a further increase in the developable yield of the Energy Hub.</p>
Services	<p>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. As a result it is unlikely that additional infrastructure will be required to service future development. Where any upgrades to existing services are required, this will be confirmed and assessed at the DA stage.</p>
Noise	<p>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 DA would be assessed on its merits in relation to acoustic impacts.</p>
Contamination	<p>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 DA 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.</p>

#### 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 recent closure of LPS and the planned closure of BPS between 2030 and 2033. 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.

### Section D – Infrastructure (Local, State and Commonwealth)

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

Yes. The proposal is not likely to 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 (Note: TBC).

The proposed Map is shown in Figure 2.1.

## **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 6.1 Project Timeline

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