

Planning Proposal - To permit additional industrial uses, including rural industries, at identified key sites within the Liddell and Bayswater Power Station landholdings

New England Highway, Muswellbrook

Explanatory Statement

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| Local Government Area: | Muswellbrook Shire Council (MSC) |
| Name of Draft LEP: | Muswellbrook Local Environment Plan 2009 (PP 2024- 732) |
| Subject Land: | 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. |
| Land Owner: | AGL Macquarie P/L |
| Applicant: | AGL Macquarie P/L |
| Maps: | No. |
| | 1 Locality |
| | 2 Aerial |
| | 3 Bushfire |
| | 4 Zoning And Key Sites |
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OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to make industrial uses, including rural industries, permissible with consent on three (3) key sites. The three (3) sites have a combined area totalling 105.24 hectares.

The amendment will facilitate a broader range of employment generation activities on the Liddell and Bayswater sites. A development control plan will need to be prepared before development consent is granted to development on the subject land. The DCP will assist with the provision of essential infrastructure and to address key issues. Land uses being envisaged include solar panel manufacturing, solar panel refurbishment and recycling, green steel production and agricultural produce industries to support surrounding agricultural farms.

EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the MLEP 2009 by: -

| Amendment Applies to | Explanation of provision |
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| Amend the SP2 Infrastructure land use table | To include “Environmental Protection Works” as a use permitted without consent; To include “Roads” and “Water Storage Facilities” as uses permitted with consent. |
| Key Sites Maps – Sheet KYS_009 | To create a new map sheet identifying the 3 sites. |
| Part 7 Additional Local Provisions | To include a new local clause to permit “Industry” and “Rural Industry” land uses. The local clause requires the preparation of a development control plan before any development consent is granted to new development on the sites. |

The intent of the additional local provision is to permit a broader range of permissible land uses that are consistent with the underlying zone objective, to facilitate employment generating activities to replace jobs as the power stations and nearby coal mines close. The development assessment process will determine the suitability of the proposed development and take into consideration the special characteristics, site constraints and infrastructure requirements.

All other planning controls applying to the site will remain unchanged.

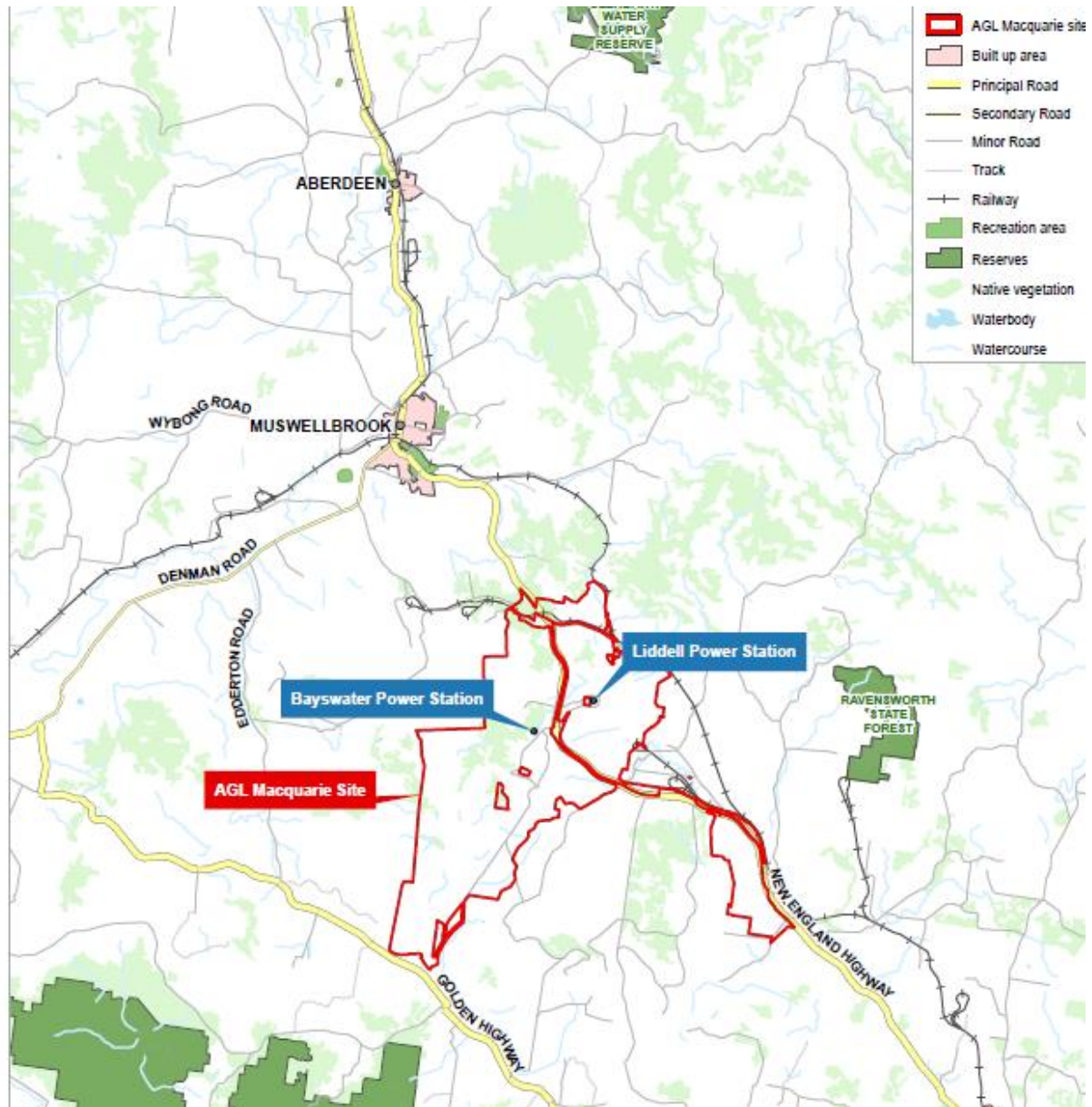
ENVIRONMENTAL EFFECTS AND HOW ARE THEY PROPOSED TO BE MANAGED

| Environmental Impact | Comment |
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| Environment | The identified sites are located within highly disturbed landscapes and do not contain any large expanses of intact native vegetation. The three sites have low ecological value. |
| Bush Fire | Sites 1 and 2 are currently managed as active operational areas of the Bayswater Power Station site and are regulated by the specific Hazard Management Plans. Site 3 is part of the now decommissioned Liddell Power Station site and contains limited vegetation and is mapped as Vegetation Category 3. Vegetation on this site is managed by slashing/weed spraying and a ten-metre-wide fire breaks along the inside highway boundary fence. The Bushfire Risk Management Plan is provided with the Planning Proposal. Consultation will be undertaken with NSW Rural Fire Service (RFS) as required by the Gateway determination. |
| Hydrology | There has been no recorded flooding of this area. Any future development application would require an assessment of the impacts on local hydrology, flooding and stormwater management. |

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| <p>Scenic and culturally significant landscapes</p> | <p>The immediate landscape is dominated by mining and power generation, including associated infrastructure. Agricultural clearing for the purposes of grazing, and open cut mining has also occurred within and surrounding the AGL landholding.</p> <p>There are limited sensitive receivers or social infrastructure in the locality. The nearest sensitive receiver to any of the sites is located over 4km north-east of Site 3. However, the western section of Site 3 is visible from the New England Highway.</p> <p>Visual impacts are likely to be negligible given the separation between the site and other land uses and topographic and vegetative screening. Visual impacts would be assessed as part of future development applications including via a Visual Impact Assessment where required. Additional tree planting adjoining the New England Highway, and appropriate colour/material selection for future buildings on Site 3 will reduce visual impact when viewed from the Highway, Lake Liddell, and the Liddell Coal Mine lease area.</p> |
| <p>Biodiversity</p> | <p>Future development applications will be required to address the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, the <i>Biodiversity Conservation Act</i>, <i>Muswellbrook LEP</i> and relevant controls in Muswellbrook DCP relating to biodiversity.</p> |
| <p>Heritage</p> | <p>There are no state or locally listed heritage items on the site.</p> <p>Searches of the Aboriginal Heritage information Management System (AHIMS) in 20 February 2024 revealed 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>Aboriginal heritage impact permits would be obtained under the National Parks and Wildlife Act 1974 (NSW) if required for any future development. As an additional safeguard, Council normally conditions compliance with the unexpected finds procedures if any aboriginal artefacts are uncovered.</p> |
| <p>Access and Transport</p> | <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 sites are currently serviced by internal gravel roads within the AGL landholding.</p> <p>A Traffic Assessment (TA) has been submitted to support the preparation of the proposal and assess the extent to which the public road network can accommodate the additional vehicle activity.</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. land will be required for roads, and</p> |

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| | <p>other uses that do not constitute Gross Floor Area). 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.</p> |
| Services | <p>The site is distant from the towns of Muswellbrook and Singleton and currently operates without access to Council's reticulated water or sewage system.</p> <p>Water is extracted from the Hunter River for the power stations and potable water supplies. Water is treated in accordance with the <i>Australian Drinking Water Guideline, 2011</i> and <i>NSW Health Private Water Supply Guidelines</i>.</p> <p>At various times approx. 1000 people have worked at the combined Liddell and Bayswater PS sites. It is intended that this self-sufficient approach will continue for the 3 sites subject to this Planning Proposal.</p> |
| Noise | <p>Background local noise environment is impacted by surrounding land uses including power generation, coal mining, livestock grazing, and 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.</p> |
| Contamination | <p>The Preliminary Site Investigation (PSI) prepared by GHD and dated 29 November 2024 concludes that there is moderate likelihood for significant chemical contamination to be present within Sites 1, 2 and 3 due to past activities.</p> <p>The planning proposal does not propose to change the use of the land from a contamination perspective in that the sites are currently used for power station related purposes, being a type industrial use and it is expected that each site can be made suitable for employment land uses.</p> <p>The assessment of development applications under the <i>Environmental Planning and Assessment Act 1979</i> will include consideration of contamination. If required, the development consent will require the remediation works to be undertaken prior to any Construction Certificate being issued.</p> |

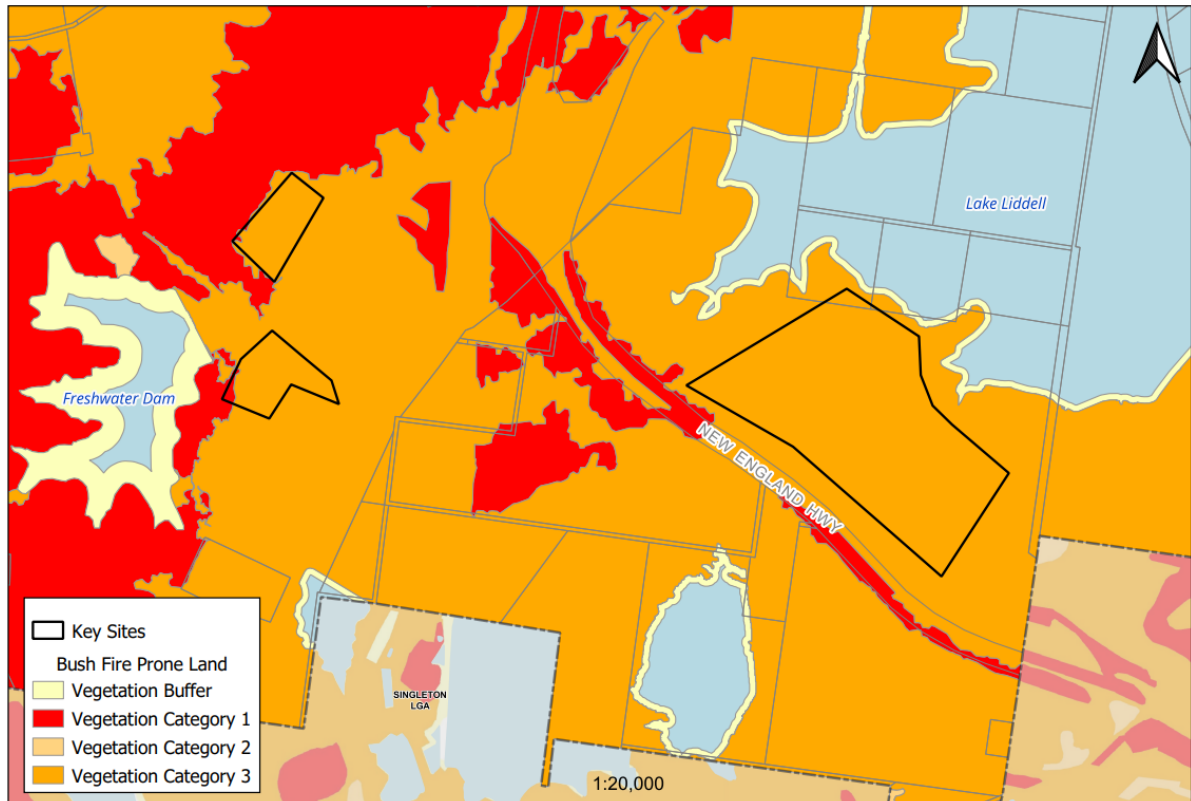
Map 1 – Locality



Map 2 - Aerial

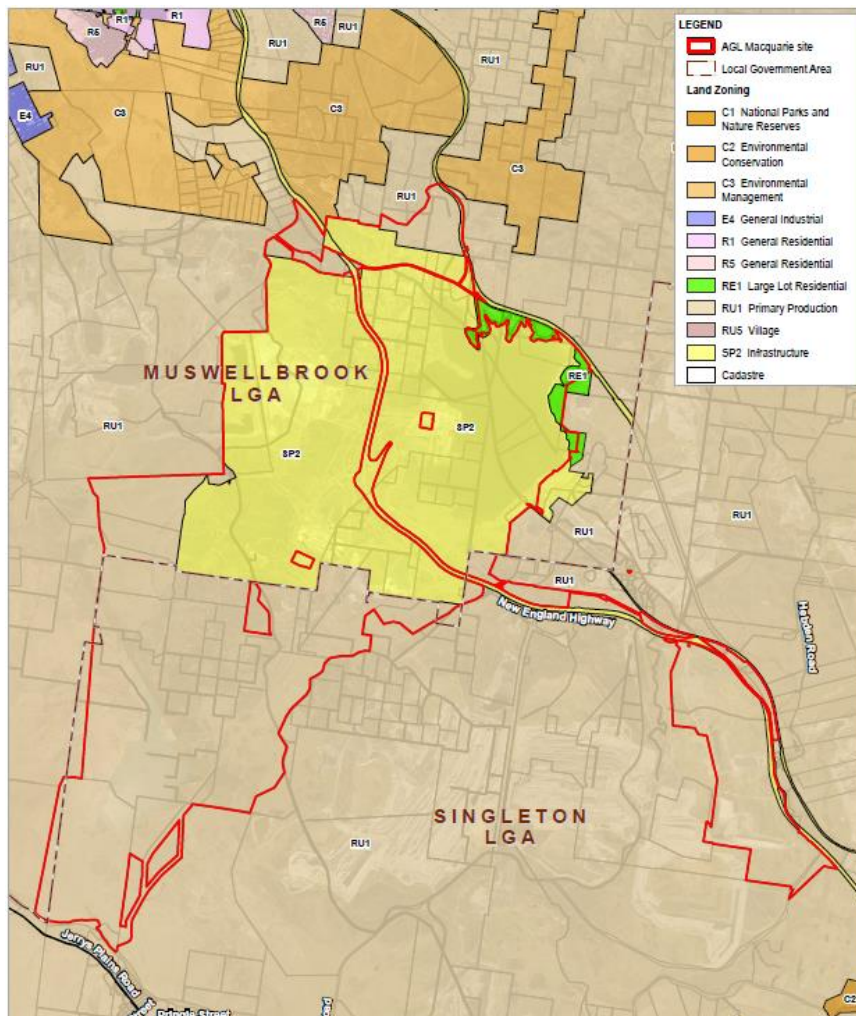


Map 3 – Bushfire



Map 4 – Zoning and Key Sites Maps

(a) Current Land Zoning – SP2 Infrastructure



b) Proposed Key Sites map

