**Planning Proposal – Administrative Amendment – New England Highway, Muswellbrook**

**PP\_2024\_000X**

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| **Local Government Area:** | | Muswellbrook Shire Council (MSC) |
| **Name of Draft LEP:** | | Muswellbrook Local Environment Plan 2009 - PP\_2024\_000X |
| **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 |
| **Folder Number:** | | PP2024-25 |
| **Date:** | | 27 May 2024 |
| **Author:** | | Rochele Barclay and Shuan Lawer of GHD & Sharon Pope of Muswellbrook Shire Council |
| **Tables:** | Table No. | Details |
|  | 1 | Assessment of the Planning Proposal against relevant SEPPs |
|  | 2 | Consistency with applicable Ministerial Directions |
|  |  |  |
| **Maps:** | No. |  |
|  | 1 | Locality |
|  | 2 | Site Identification |
|  | 3 | Bushfire |
|  | 4 | Zoning |

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| **Attachments:** | No. | Details |
|  | 1 | Evaluation criteria for the delegation of plan making functions. |

**Part 1 – OBJECTIVES OR INTENDED OUTCOMES**

The intent of the Planning Proposal is to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009). The change proposed will 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 m2 (105.24 hectares) on the site. Uses being contemplated include solar panel manufacturing, solar panel refurbishment and recycling, and green steel production, amongst others. The current zoning of SP2 Infrastructure only permits a limited range of uses.

**Part 2 – EXPLANATION OF PROVISIONS**

The intended outcomes will be achieved by amending the MLEP 2009 by: -

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| **Amendment Applies to** | **Explanation of provision** |
| Zoning Table from the SP2 Infrastructure Zone | 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 indicating the parts of the site that the amendment relates to. |
| Part 7 Additional Local Provisions | To include new site-specific provisions for Lot 1 DP 574168 that includes permitting the following uses: |

Proposed wording for changes for Part 7 – Additional Local Provisions, are:

*“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 Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 on the Key Sites Map.*

*(3) Despite clause 2.3, development consent may be granted to development for the purpose of:*

*Industries;*

*(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 on the site to be lodged and in accordance with the EP&A Act and the existing LEP provisions.

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

**Part 3 – JUSTIFICATION**

**Section A – Need for the Planning Proposal**

* 1. ***Is the planning proposal a result of any strategic study or report?***

The planning proposal is not the result of a strategic study or report.

The land is currently zoned SP2 Infrastructure under MLEP 2009. The property comprises a coal fired power station, a former coal fired power station that is scheduled for demolition, and ancillary activities, such as ash dams, coal stockpile areas, coal conveyancing equipment, electricity switching yards, and electricity transmission lines.

The former Liddell Power Station (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 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.

Bayswater Power Station (Bayswater PS) was also constructed by the State Electricity Commission and 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. Bayswater PS is scheduled to cease generating electricity between 2030 and 2035.

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 Bayswater PS and local mines progressively close.

The Planning Proposal gives effect to Planning Priorities 1-3 in the Muswellbrook Local Strategic Planning Statement dated October 2020 (LSPS). The proposal also aligns with the Hunter Regional Plan 2041.

* 1. ***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 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.

Other options considered and not pursued include:

* **Amending Schedule 1, Additional Permitted Uses** to permit the uses identified above. 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.
* **Amend the SP2 Infrastructure Zone Table to permit Industries with consent**. This option would apply to all land zoned SP2 Infrastructure under MLEP 2009 and has the potential to allow for inappropriate land uses to occur on other sites within the Muswellbrook Local Government Area (LGA). 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.
* **Split SP2 Infrastructure/SP4 Enterprise zone and mapping the site as an Urban Release Area under Part 6 of the LEP to require a Development Control Plan**. This option was suggested by DPHI but is not preferred for this planning proposal as MLEP 2009 does not currently contain a SP4 Enterprise zone, so it 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 a strategy approved by the Planning Secretary to create an employment zone on this site.

Further, Council is intending to seek to use the SP4 zone for several “transition” sites across the Shire, predominantly open cut coal mine sites that are expected to cease operation in the short term. The full range of uses that may be permitted in the SP4 zone is not settled, but would likely include office and light industrial uses, limited residential accommodation, childcare, education establishments, intensive agriculture, local shops and so on, which would be inconsistent with the primary use of the Bayswater Power Station site for electricity generation.

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. It represents a transitional planning outcome that will provide for the reuse of parts of the site, consistent with the suite of Strategic Planning documents applicable, while the Bayswater PS is still operating.

**Section B – Relationship to Strategic Planning Framework**

* 1. ***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) September 2012.

The plan "outlines a range of key challenges facing the Upper Hunter region and lists clear actions to address these challenges". The PP is consistent with the actions in this document.

The Hunter Regional Plan 2041 (HREP).

Muswellbrook Shire sits within the Upper Hunter District and Planning Growth Area (see p119 – 135). The HREP includes the Liddell and Bayswater power stations sites as a regionally significant growth area (se p127).

| **Hunter Regional Plan 2041** |
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| ***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 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 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. | 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 portion of  the Bayswater site, the proposal will help with the 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 for  other employment generating activities on the site. The  site offers both rail and highway access, water and infrastructure assets. It suits jobs in the manufacturing, waste, freight, and  hydrogen industries. |
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***4.2 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?***

| **Muswellbrook Shire Local Strategic Planning Statement 2020-2040** |
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| **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 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  by-products 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. |
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| **Muswellbrook Shire Council Community Strategic Plan 2022-2032** |
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| **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”.* | 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. |

***4.3 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

***4.4 Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The proposal is consistent with applicable State Environmental Planning Policies as outlined in the Table below:

| **Assessment of the Planning Proposal against relevant SEPPs** |
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| **SEPPs** | **Applicable** | **Consistent** | **Comment** |
| (Biodiversity and Conservation) 2021 | No | NA | 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 | NA | The proposal does not propose any building works or changes to this policy. |
| (Housing) 2021 | No | NA | 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 | NA | 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 | NA | 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. |
| (Primary Production) 2021 | No | NA | 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 significantly 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 for the Planning Proposal before exhibition, so that the suitability of the site for the proposed use can be assessed. 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 | NA | The proposal is compatible with the surrounding separately approved mining operations which adjoin the Site and does not propose any changes to the controls contained in this SEPP. |
| (Sustainable Buildings) 2022 | No | NA | 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. |

* 1. ***Is the planning proposal consistent with applicable Ministerial Directions?***

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided in the table below:

| **Compliance with Section 9.1 Directions** |
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| 1.1 Implementation of Regional Plans | Consistent | The proposal is consistent with the objectives and actions of the Hunter Regional Plan 2041 |
| 1.2 Development of Aboriginal Land Council land | NA |  |
| 1.3 Approval and Referral Requirements | Consistent | 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 | Consistent | The proposal will amend the LEP to render ‘industry’ and additional infrastructure related land uses  permissible with consent. The Proposal does not require rezoning to a land use that is not in the LEP.  The proposal does not seek to include any new land uses that are not already defined in the LEP. |
| 1.4A Exclusion of Development Standards from Variation | NA |  |
| 3.1 Conservation Zones | NA | 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 | Consistent | The proposal does not affect existing heritage provisions in the LEP. |
| 4.1 Flooding | NA | There is no flood study available for this site. The site does not adjoin a river, and Lake Liddell is a constructed water body that is kept full by water discharged from Bayswater PS. The Site 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. |
| 4.3 Planning for Bushfire Protection | Consistent | The site is mapped as Bushfire Prone Land Vegetation Category 3.  Bushland on the site is fragmented. Grassland is the predominate vegetation type.  Future land uses will be subject to different risk profiles and accordingly APZ and BAL requirements.  The existing road network has sufficient capacity, ingress and egress to accommodate evacuation, and emergency services vehicles. Key access routes would remain unchanged from those approved under previous consents.  Stored water is available at the site, primarily in storage dams.  Consultation could occur with the NSW Rural  Fire Service (RFS) following receipt of a gateway determination. |
| 4.4 Remediation of Contaminated Land | Consistent | The site is not listed on the significantly contaminated land register but 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 | NA |  |
| 4.6 Mine Subsidence and Unstable Land | NA | 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. |
| 5.1 Integrating Land Use and Transport | Consistent | The proposal is not zoning 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. |
| 8.1 Mining, Petroleum Production and Extractive Industries | NA | The site contains significant infrastructure that would be detrimentally impacted by extraction of resources. Mining is prohibited in the SP2 zone. The PP doesn’t propose a change to this restriction. |

**Section C – Environmental, Social and Economic Impact**

***5.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result 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.

***5.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed***

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

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| **Environmental Impact** | **Comment** |
| Bush Fire | 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. 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. |
| Scenic and culturally significant landscapes | The site is located within an area dominated by mining and power generation.  The landscape is heavily impacted by industrial activity and large-scale infrastructure associated with the power stations. 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. 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.  Visual impacts are likely to be negligible given the separation between the site 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. Additional tree planting adjoining the New England Highway, in addition to 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. |
| Biodiversity | Any future DA will be required to address the *Environment Protection and*  *Biodiversity Conservation Act 1999,* the BC Act, LEP and relevant controls in the DCP relating to biodiversity. |
| Heritage | There are no State Heritage items on the site. There are no locally listed items on  the site.  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.  Where required, a Heritage Study can be undertaken following Gateway  determination.  All required Aboriginal heritage impact permits would be applied for under the |

National Parks and Wildlife Act 1974 (NSW) for future developments and a

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| development consent conditions typically contain unexpected finds procedures. |
| Access and Transport | 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 currently serviced by internal gravel roads within the AGL landholding.  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 which is expected to be generated from industrial land uses within the site. 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.  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.  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). 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. |
| Services | The site is distant from the towns of Muswellbrook and Singleton and currently operates without access to a reticulated water or sewage system. At various times approx. 1000 people have worked at the Liddell and Bayswater PS sites. It is intended that this self-sufficient approach will continue as the uses on the site transition. Upgrades to existing services if required, will be confirmed and assessed at the DA stage. |
| Noise | 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. |
| 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 *State Environmental Planning Policy (Resilience and Hazards) 2021* 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. |
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***5.3 How has the planning proposal adequately addressed any social and economic effects?***

The Planning Proposal will assist in ensuring a 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 Liddell PS and the planned closure of Bayswater PS between 2030 and 2035.

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 – Local, State and Commonwealth Interests**

***6.1 Is there adequate public infrastructure for the planning proposal***

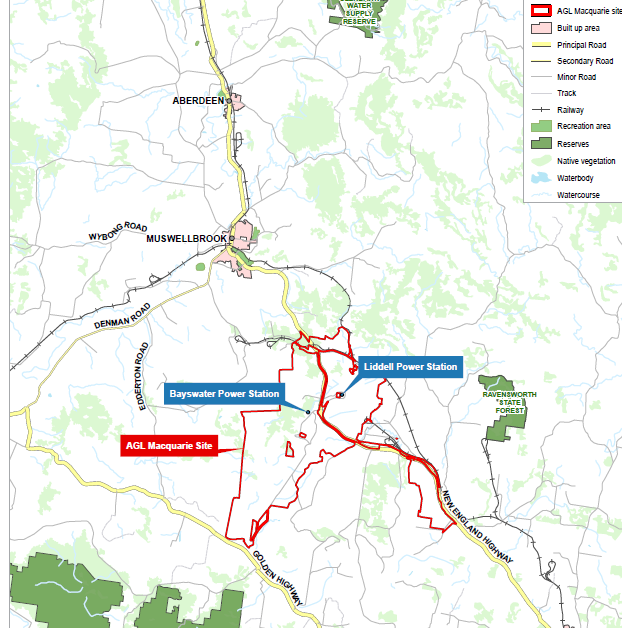
Yes. The proposal is not likely to require any changes to the delivery of public infrastructure to the land. The site is in an established power station site and benefits from access to a range of existing facilities and services, including utilities.

***6.2 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.

**Part 4 – MAPPING**

**Map 1 – Locality**



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**Map 2 – Site Identification**

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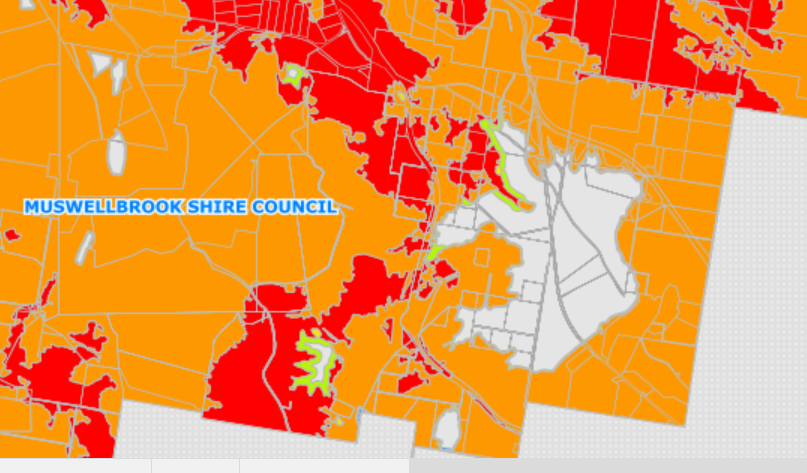
**A aerial view of a field

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**A map of land with red lines

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**Map 3 – Bush Fire mapping**



A screenshot of a computer

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## *Current Land Zoning – SP2 Infrastructure*

A map of a neighborhood

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**art 5 – COMMUNITY CONSULTATION**

A 14-day exhibition period is proposed. The Gateway Determination will confirm the exhibition period.

**Part 6 – PROJECT TIMELINE**

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| **Action** | **Timeframe** |
| Anticipated commencement date (date of Gateway determination) | 21/06/2024 |
| Anticipated timeframe for completion of required technical information | 07/07/2024 |
| Timeframe for government agency consultation (pre exhibition) | 07/07/2024 – 01/08/2024 |
| Public exhibition (commencement and completion dates) | 12/08/2024 – 30/08/2024 |
| Date of Public hearing (if required) |  |
| Consideration of submissions | 30/09/2024 |
| Timeframe for government agency consultation (post exhibition if required) |  |
| Post exhibition planning proposal consideration / preparation | 22/10/2024 |
| Submission to Department to finalise LEP | 28/10/2024 |
| Date RPA will make Plan (if delegated) |  |
| Date RPA will forward to the Department for notification (if not delegated) |  |

Council intends to utilise delegations under s3.36 of the EP & A Act 1979 to finalise the Planning Proposal.

**Attachment 1**

**Evaluation Criteria for the Issuing of an Authorisation**

**New England Highway, Muswellbrook**

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| **Evaluation criteria for the issuing of an Authorisation** | | | | |
| **(Note – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)** | **Council**  **response** | | **Department assessment** | |
| **Y/N** | **Not Relevant** | **Agree** | **Disagree** |
| Is the planning proposal consistent with the Standard Instrument Order, 2006? | Y |  |  |  |
| Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment? | Y |  |  |  |
| Are appropriate maps included to identify the location of the site and the intent of the amendment? | Y |  |  |  |
| Does the planning proposal contain detail related to proposed consultation? | Y |  |  |  |
| Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary? | Y |  |  |  |
| Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions? | Y |  |  |  |
| Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)? | Y |  |  |  |
| **Minor Mapping Error Amendments** | | | | |
| Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed? |  | √ |  |  |
| **Heritage LEPs** | | | | |
| Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office? | N |  |  |  |
| Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study? | N |  |  |  |
| Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained? | N |  |  |  |
| **Reclassifications** | | | | |
| Is there an associated spot rezoning with the reclassification? |  | √ |  |  |
| If yes to the above, is the rezoning consistent with an endorsed Plan of management (POM) or strategy? |  | √ |  |  |
| Is the planning proposal proposed to rectify an anomaly in a classification? |  | √ |  |  |
| Will the planning proposal be consistent with an adopted POM or other strategy related to the site? |  | √ |  |  |
| Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal? |  | √ |  |  |
| Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor’s approval? |  | √ |  |  |
| Has the council identified that it will exhibit the planning proposal in accordance with the Department’s Practice Note regarding *classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land*? |  | √ |  |  |
| Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation? |  | √ |  |  |
| **Spot Rezonings** | | | | |
| Will the planning proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy? | N |  |  |  |
| Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format? | N |  |  |  |
| Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed? | N |  |  |  |
| If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed? |  | √ |  |  |
| Does the planning proposal create an exception to a mapped development standard? | N |  |  |  |
| **Section 3.22 matters** | | | | |
| Does the proposed instrument   1. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provision, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error? 2. Address matter in the principal instrument that are of a consequential, transitional, machinery or other minor nature? or 3. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?   (Note – the Minister/GSC (or Delegate) will need to form an Opinion under section 3.22 of the Act in order for a matter in this category to proceed). |  | √ |  |  |

**Attachment 2**

**Gateway Determination, XXXXXXX**