

Narrabri LEP 2012 - Amendment No 7 - Proposed Explosives Precursor Facility - Braymont Rd, Boggabri

Proposal Title : **Narrabri LEP 2012 - Amendment No 7 - Proposed Explosives Precursor Facility - Braymont Rd, Boggabri**

Proposal Summary : **The Planning Proposal aims to amend Narrabri LEP 2012 by the inclusion of an additional permitted use in Schedule 1 to allow with consent the use part of Lot 1 DP 1145592, 1216 Braymont Road, Boggabri for heavy industry (Precursor Plant).**

PP Number : **PP_2015_NARRB_002_00** Dop File No : **15/15919**

Proposal Details

Date Planning Proposal Received : **03-Nov-2015** LGA covered : **Narrabri**

Region : **Northern** RPA : **Narrabri Shire Council**

State Electorate : **BARWON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **1216 Braymont Road**

Suburb : City : **Boggabri** Postcode : **2382**

Land Parcel : **Lot 1 DP 1145592**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **0267019687**

Contact Email : **gina.davis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Hamish McTaggart**

Contact Number : **0267996863**

Contact Email : **hamishm@narrabri.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Narrabri LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides an explanation of the intended provisions to achieve the objectives and intended outcomes. For community consultation purposes, it recommended that the explanation be amended to clarify:**

- that the proposal seeks to permit with consent a heavy industry constituting an explosives precursor facility on the subject land;
- the property description as part of Lot 1 DP 1145592; and
- that an Additional Permitted Uses map identifying the subject land will be prepared and included in the LEP as proposal only applies to part of the land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

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1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
4.3 Flood Prone Land
6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Narrabri LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Identification and zoning maps that clearly show the subject land have been included in the Planning Proposal and are considered adequate for exhibition purposes. As the proposal applies to only part of the land, it is recommended that prior to community consultation that an Additional Permitted Uses Map also be prepared and included.

Prior to seeking a Parliamentary Counsel opinion for the Plan, LEP mapping prepared in accordance with the Department's technical mapping guidelines will also need to be prepared.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has suggested a 14 public consultation period. As the proposal is considered to be relatively low impact in nature, a 14 day exhibition period is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals only with matters of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

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Council's project timeline has outlined a 6 month timeframe for the Planning Proposal with the LEP expected to be ready for submission to the Department for notification by March 2016. To ensure an adequate period to finalise the proposal, a 9 month period to complete the proposal is however recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Narrabri LEP was made in December 2012.

Assessment Criteria

Need for planning proposal :

The aim of The Planning Proposal is enable Council to consider the use of part of Lot 1 DP 1145592, 1216 Braymont Road, Boggabri for the purpose of heavy industry (explosives precursor facility) by amending Schedule 1 of Narrabri LEP 2012. The land is zoned RU1 Primary Production under Narrabri LEP 2012. The proposal is needed as heavy industries are prohibited within the RU1 Primary Production zone of Narrabri LEP 2012.

Lot 1 DP 1145592 is approximately 357.6ha. The development will be located on a parcel of land within this lot with an area of approximately 37ha. The subject land is located 35kms north of Gunnedah and 14kms east of the Boggabri village. The surrounding landuses are predominantly agricultural and mining. The proposed development will be situated within the 'buffer zone' of the approved Tarrawonga mine and is needed to support the mine.

The explosives precursor facility involves the preparation of pre-explosive material to be used in the surrounding mines. It is preferable for the facility to be constructed in this location as the types of materials being utilised are generally not appropriately located within existing industrial centres and are best located in close proximity to the mining area to reduce transport post manufacture. The subject site will receive the non-explosive raw materials by road, manufacture the explosive precursor which is then transported to the mine site and made into the final explosive material.

As the precursor facility is ancillary in nature to the surrounding mining activity, it will be a temporary use that will end when mining ceases in the locality. The use of Schedule 1 is supported in this instance as:

- the proposed development will have a limited lifespan;
- a spot rezoning that could result other industrial uses in perpetuity on the land is not considered appropriate; and
- amending the Narrabri LEP 2012 RU1 Zone land use table to enable heavy industries is not considered appropriate due to potential land use conflicts that could occur elsewhere across the RU1 zone.

Consistency with strategic planning framework :

Whilst no Regional Strategies apply to the Narrabri LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Strategic Regional Land Use Plan.

The Planning Proposal has been identified as being consistent with all applicable SEPPs. The Planning Proposal is also considered to be consistent with all s117 Directions (despite the proposal identifying potential inconsistencies with s117 Directions 1.2 Rural Zones and 6.3 Site Specific Provisions).

The proposal is also not considered to be inconsistent with the intent of the Narrabri Growth Management Strategy approved by the Director General in April 2010.

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Environmental social
economic impacts :

The subject land is currently cleared and used for agricultural purposes. It is not classified as being bushfire prone or subject to flooding. It is not anticipated that the Planning Proposal will have any significant adverse environmental, social or economic impacts on the community of Boggabri. It will however aid and support mining activity in the locality which contributes beneficially the Narrabri LGA as a whole.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Due to the nature of the facility and the associated transport and emergency response logistics that may resulted, it is considered appropriate that the following agencies be consulted:**

- Roads and Maritime Services
- NSW Rural Fire Service
- Environment Protection Authority

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Business Paper Minute.pdf	Proposal	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
PP 2-2016_Braymont Rd Boggabri.pdf	Proposal	Yes
Gateway Determination_Narrabri LEP 2012 Amnedment No 7.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 4.3 Flood Prone Land
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 9 months;
4. Prior to community consultation, the Planning Proposal should be amended to clarify:
 - that the proposal seeks to permit with consent a heavy industry constituting an explosives precursor facility on the subject land;
 - the property description as part of Lot 1 DP 1145592; and
 - that an Additional Permitted Uses map identifying the subject land will be prepared and included in the LEP; and
5. That consultation be undertaken with the following agencies:
 - Roads and Maritime Services
 - NSW Rural Fire Service
 - Environment Protection Authority
6. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

Mining is an important economic and employment activity for Boggabri and the Narrabri Shire as a whole. This Planning Proposal will enable Council to consider the use of the subject land for a heavy industrial development within the rural zone. The proposed precursor plant is regarded as ancillary to and necessary for the continued function of the adjacent mining activity.

Signature:



Printed Name:

Craig Diss

Date:

9/10/15