

Planning Proposal

Amend Narrabri Local Environmental
Plan 2012 to permit an additional use
(*'heavy industry'*)

1216 Braymont Road, Boggabri
Lot 1 DP 1145592

September 2015

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1 Executive Summary

This Planning Proposal is submitted to Narrabri Shire Council to request an amendment to *Narrabri Local Environmental Plan 2012* (LEP) to permit an additional land use (*heavy industry*) on 1216 Braymont Road, Boggabri, through an amendment to Schedule 1 of the LEP. It has been prepared by Stimson & Baker Planning on behalf of LDE Corporation Pty Ltd.

The subject land comprises 1216 Braymont Road, Boggabri, and is legally described as Lot 1 DP1145592 and is approximately 357.6ha in area. The portion of the subject site to be actually used for the industrial use is a 36.71ha area on the eastern part of the property.

The subject land is currently zoned *RU1 Primary Production* under the Narrabri LEP. Development for the purposes of heavy industry is currently prohibited in the RU1 zone on the subject land.

The primary objective and intended outcome of the Planning Proposal is to amend Narrabri LEP 2012 to permit the development of *heavy industry* with consent on the subject land. It is proposed that this be achieved by amending *Schedule 1 – Additional Permitted Use* in the LEP.

At this stage, the proposed development is at a conceptual stage and would be planned in detail and designed in a future Development Application (DA) after the Narrabri LEP is amended to permit the land use with consent on the subject land. Timing requirements of this project however, may require the DA to be lodged prior to final gazettal. The DA would provide further details on the components of the development including specific land uses; building design; landscaping; civil works including utility services connections, stormwater management, earthworks, and road works; operational management components including waste management, security, traffic management, and management and storage of hazardous/flammable materials; and signage.

The Planning Proposal demonstrates that there is site specific planning merit and justified by addressing the relevant strategic documents, Net Community Benefit Test, the objectives and actions within the relevant regional and sub-regional strategies, the relevant State policies, Ministerial Directions and environmental impacts.

It is recommended that this Planning Proposal be endorsed by Narrabri Council and commence the Gateway process.

2 Introduction

This Planning Proposal is submitted to Narrabri Shire Council to request an amendment to *Narrabri Local Environmental Plan 2012* (LEP) to permit an additional land use on 1216 Braymont Road, Boggabri through an amendment to Schedule 1 of the LEP.

This Planning Proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Government's *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

In particular, this Planning Proposal addresses the following specific matters in the EP&A Act and guideline;

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
 - Need for the Planning Proposal;
 - Relationship to strategic planning framework;
 - Environmental, social and economic impact;
 - State and Commonwealth interests;
- Mapping;
- Community consultation; and
- Project timeline.

We request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act

3 The Site and Surrounds

3.1 The Subject Site

The subject land comprises 1216 Braymont Road, Boggabri, is legally described as Lot 1 DP1145592 and is approximately 357.6ha in area. The portion of the subject site to be actually used for the industrial use is a 36.71ha area on the eastern part of the property.



Figure 1 Site Context

The subject site is bounded by Hoad Lane to the south and Braymont Road to the west. Further north of the site is Rangari Road. It is currently used for agricultural uses. There are no significant vegetation examples in the area of the proposed development.

A privately owned, north-south aligned, haul road bisect the subject site and creates the area proposed to accommodate the development on the eastern portion of the site. Vehicular access is proposed from this road, particularly given the proposal is intended to serve the nearby mines.

The topography in the locality is generally flat.



Figure 2 Subject site - proximity to Boggabri

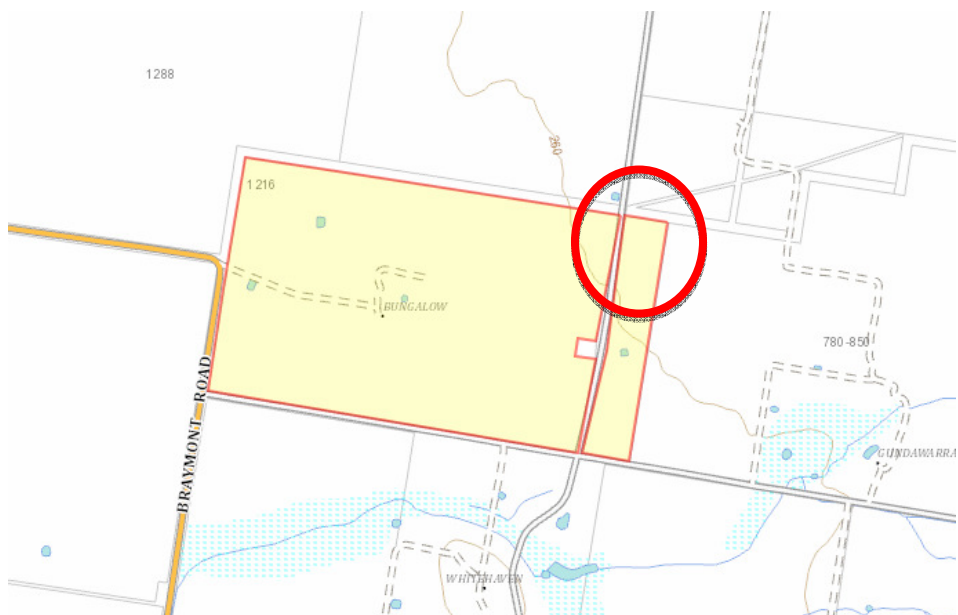


Figure 3 Subject site - Proposed development area circled



Figure 4 Subject site - Proposed development area circled

3.2 Surrounding Land Uses and Development

The subject site is located at the eastern extent of the Boggabri locality. It is located approximately 35kms north of Gunnedah, and 14km east of the Boggabri village.

Surrounding land uses are primarily agricultural, however it is noted that the Tarrawonga mine is located approximately 7.5kms to the north.

The subject site currently accommodates a north-south aligned privately owned haulage road and this is located within the eastern half of the property. Its location creates the 37ha parcel on which the proposed development will be situated.

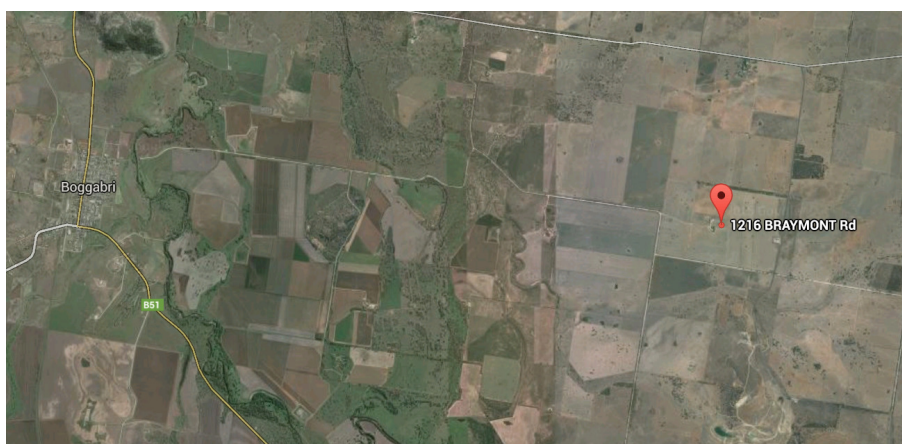


Figure 5 Proximity to Boggabri - Aerial

3.3 Current Approvals for the Site

Approval exists for a similar proposal on the subject site on the western side of the private haul road. This facility is situated approximately 750m to the south of the proposed developments location.

Narrabri Council approved this development (DA 130/2007) under delegated authority on 30 January 2007 and this approval is appended to this report.

3.4 Current Zoning

Narrabri Local Environmental Plan (LEP) 2012 is the principle planning instrument applying to the subject land. The subject land is zoned *RU1 Primary Production* under the Narrabri LEP. The land use table for the Ru1 zone is quoted below:

Objectives of the zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.*

Permitted without consent:

Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home occupations; Intensive plant agriculture; Roads

Permitted with consent:

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Depots; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Signage; Turf farming; Water recreation structures; Water supply systems

Prohibited:

Any development not specified in item 2 or 3

Heavy Industry is currently prohibited in an RU1 zone, with the land use being defined as follows:

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

Industrial activity is defined as follows:

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



Figure 7 Development area on subject site



Figure 8 Development area on subject site and haul road



Figure 9 Existing similar facility to the south

4 Part 1 – Objectives or Intended Outcomes of the Planning Proposal

The intended outcome of the planning proposal is to permit the construction of a mining services related industrial facility on the subject property. The proposed development comprises a “precursor” plant that is intended to supply non-explosive precursor requirements of the surrounding mines. For this reason, and others that will be detailed in a future DA, the site requirements for such a facility are specific and include that of separation from other land uses or populated areas, and proximity to the mine site itself.

The useful life of the proposed development would be only as long as the life of the surrounding mines.

At this stage the proposed facility is at an advanced conceptual stage and would be planned in detail for a future DA.

4.1 Details of the Proposed Development

A development application will be lodged with Narrabri Shire Council seeking consent for the installation of precursor plant facility¹ that will support the on-site explosives aspects of the mining sector. In brief, the site will receive a range of non explosives raw materials products by road, prepare these non-explosive precursor products for delivery by tanker-vehicle to the required mine locations in the coal fields for use in the on minesite manufacture of explosives.

The proposed development will be situated within the ‘buffer’ zones of the approved Tarrawonga Mine and it is clearly intended to be there as an important, supporting function of the mine. The use is ancillary to the mining activities in the region.

¹ Definition of Precursor taken from the *AEMC Code of Good Practice – Precursors for Explosives*,

Precursor - A material resulting from a chemical or physical change when two or more substances consisting of fuels and oxidizers are mixed and where the material is intended to be used exclusively in the production of an explosive. In order for such substances not to be categorized as a precursor, evidence shall be produced demonstrating that the substance cannot cook-off leading to a mass violent reaction. Such evidence may include physical and/or chemical testing/modelling, end use profiles, detailed risk analysis or by analogy.

Precursor building - A building, in which a precursor is normally manufactured, stored and transferred and where no additional processing of the material into an explosive occurs.

Precursor facility - A facility where precursors are manufactured, handled or stored.

Process building - A building licensed by the appropriate regulatory authority for the manufacture or handling of explosives, other than for immediate use.

We are advised that the proposed development will include the following components and aspects.

- Concrete pads will support the precursor manufacturing facility that blends raw materials to form the non-explosive material (called precursors) required for mine blasting.
- The physical area of the proposal is approximately 200m wide and approximately 130m in length. The temporary shelter is approximately 9m in height, within which the precursor facility will be situated.
- The facility stores and blends a range of non-explosive calcium-nitrate and class 5.1 ammonium-nitrate products that ultimately, when a series of ingredients are added at the minesite locations finally an explosive for blasting is formed and loaded into blastholes.

Some 50,000 tonnes of precursor will be produced per year based on existing contracts. This figure may rise to approximately 90,000 tonnes per year with an additional contract.

- Products to be blended will be transported directly to the site from sources in New South Wales & Queensland on an 'as needed' basis. The precursor raw material products are handled in "big-bag" packages and bulk to improve handling abilities.
- Truck transport will be restricted to on-site movements between the facility and the mining areas. No impacts would arise on the public road system. The gross vehicle mass (trucks) planned for use will include 43t truck & trailers, 68t b-doubles trucks and 78t road-trains vehicles.

Built Form

The infrastructure relating to the precursor process is designed and constructed specifically by LDE. A flexible moveable shelter is proposed for weather protection.

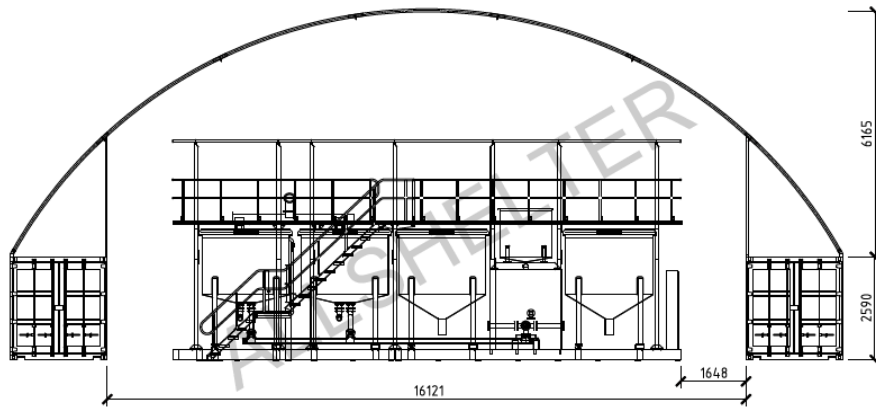


Figure 10 Cross section of the proposed facility

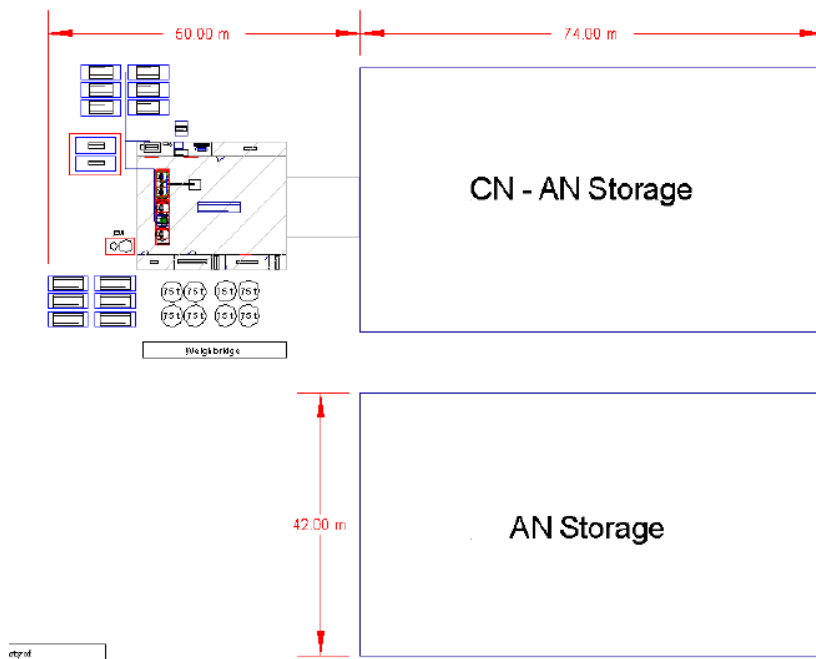


Figure 11 Draft layout plan (to be finalised prior to submission of planning application)

Further details of the proposal will be provided in a future request for Secretary Generals Environmental Assessment Requirements (SEARs) and subsequent development application.

5 Part 2 – Explanation of Provisions

The intended outcome of permitting a heavy industry (precursor plant) on the subject land will be achieved by amending Narrabri Local Environmental Plan 2012 by:

1. inserting into Schedule 1 – Additional Permitted Uses

Use of certain land at 1216 Braymont Road, Boggabri

- (1) *This clause applies to land at 1216 Braymont Road, Boggabri being Lot 1 DP 1145592*
- (2) *Development for the purposes of heavy industry is permitted with development consent.*

It is noted that there is no *Additional Permitted Uses Map* to amend as part of this application.

6 Part 3 – Justification

6.1 Section A – Need for the Planning Proposal

6.1.1 Is the planning proposal a result of any strategic study or report?

No. The planning proposal is required to enable a form of development that will support the extensive mining activities that are occurring in the area.

6.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. There is no other mechanism that could facilitate this development. The proposed development does not satisfy any of the threshold criteria that trigger State Significant Development. Given the proposed use is currently prohibited in the zone, a planning proposal is required.

6.1.3 Is there a net community benefit?

In accordance with the *Draft Centres Policy* prepared by the *Department of Planning* (April 2009), where a proposal comes forward that is inconsistent with a permitted use in a zone, the Net Community Benefit Test should be applied as part of the Gateway process. This is outlined below:

Net Community Benefit Test Criteria	Proposed Development	Comply
Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)? Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The proposal does not compromise the agreed State and regional strategic directions. The planning proposal will facilitate a development that will support the extensive mining operations that are underway in the region.	✓
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. This planning proposal is for a specific use related to the existing mining operations in the area. Its useful life will only be for the life of the mine. The facility is required to be situated within reasonable proximity to the mine site. Industrial land uses are already provided for within the Boggabri township. Any additional industrial development on the subject site would not be feasible. Adding an additional permitted use on this site in the RU1 zone is unlikely to undermine the objectives of the zone and is considered the most appropriate mechanism to deliver the outcome.	✓

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are currently no spot rezoning in this area of the LGA for additional permitted land uses, so there are no cumulative impacts expected.	✓
Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?	This proposal generates permanent employment associated with the mining operations in the region. It will not reduce employment opportunities elsewhere.	✓
Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?	N/A	N/A
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	There is good road infrastructure currently and into the future with the existing haul roads around the mine site to be utilised. There is no public transport currently available to the site	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will result in reduced vehicle movements than are currently present. These impacts will be positive in relation to greenhouse gas emissions, operating costs and road safety.	✓
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No.	✓
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No. The land is currently used for agricultural purposes and is located within the buffer areas of the nearby approved mine.	✓
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will public domain improve?	The proposal will be compatible with the existing mining operations and the nearby similar precursor facility. No public domain impacts are expected.	✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No, the location of the subject site is quite isolated and any development beyond the site specific outcome would be considered unviable..	✓
What are the public interest reasons for preparing the proposal? What are the implications of not proceeding at that time?	The proposal will result in a significant reduction in heavy vehicle traffic movements. Additionally, the types of materials to be utilised are not appropriately located in existing centres and require buffer zones. Close proximity to the main mining area is preferred.	✓

The net community benefit of the Planning Proposal can be summarised as follows:

- Encourage employment opportunities on the site with support services to the surrounding mining activities.
- Serves the daily needs of the mine and the production of mining products.
- Provides the necessary buffer separations between the proposed facility and 'built up' areas.
- Good access to the final mine area destination via existing haul roads.
- The development will only be on site for the period of mining in the area (ie no mining activity = no demand for the proposed development).
- Environmental constraints are not significant that they would be difficult to manage on site.
- The proposal will provide opportunities for employment and broader economic base of the region by providing uses that are currently not represented in the area at a level that they are required.

6.2 Section B – Relationship to Strategic Planning Framework

6.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The planning proposal is not inconsistent with the regional strategies that have been adopted. Significant mining activity is situated in the locality and this proposal is specifically intended (and needed) to provide much needed services. It is consistent with the development that has been approved in the area.

6.2.2 Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

Again, significant mining activities have been approved and are underway in the area. This proposal is consistent with these approvals. Given the nature of the proposal, it is appropriate to locate it in a more isolated location and close to the mine site itself. The subject site provides those outcomes.

6.2.3 Is the planning proposal consistent with the applicable state environmental planning policies?

The majority of the State Environmental Planning Policies (SEPPs) that are relevant to the Planning Proposal are better addressed at the detailed stage of a development application for the proposal. However, it is considered that the Planning Proposal is generally consistent with the relevant State Environmental Planning Policies as outlined below:

SEPP	Applicable	Comment
State Environmental Planning Policy No.33 – Hazardous and Offensive Development	✓	The Planning Proposal does not affect the application of this SEPP, however this will need to be considered at the time of a development application for the heavy industry.
State Environmental Planning Policy No.55 – Remediation of Land	✓	Clause 6 of the SEPP states that all planning proposals to rezone land are to consider whether the subject land is contaminated and if remediation is required. It is considered that the agricultural uses of the site will not impact on its ability to support this heavy industry.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓	Exempt and complying development under this SEPP will continue to apply
State Environmental Planning Policy (Infrastructure) 2007	✓	The Planning Proposal does not affect the application of this SEPP. The future DA will consider the SEPP.

6.2.4 Is the planning proposal consistent with applicable Ministerial directions?

The following ministerial directions are relevant to the Planning Proposal and addressed further below:

S117 Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones Applies to land within an existing or proposed business or industrial zone and seeks to retain areas of business and industrial activity and protect employment lands.	The Planning Proposal does not alter the current industrial land zoning in and around Boggabri. This Planning Proposal is for a specific outcome relating to nearby mining operations. It is considered that the proposal is not inconsistent with this Direction
1.2 Rural Zones Aims to protect the agricultural production value of rural land.	The Planning Proposal is inconsistent with this Direction however the inconsistency is of minor significance. The proposal will not result in a significant 'footprint' on the subject site and it is intended to provide support services and products to the surrounding approved mining activities.
1.3 Mining, Petroleum Production and Extractive Industries The objective is to ensure mining and extraction activities are not compromised by inappropriate development.	The proposal will facilitate supporting infrastructure for the significant mining activities in the region. It is considered that the proposal is not inconsistent with this Direction.
1.5 Rural Lands Aims to protect the agricultural production of rural land.	The proposal will not significantly limit the regional production of rural land. The subject site is located within the mining buffer area and as such, presents as the most appropriate location for the type of development proposed. It is considered that the proposal is not inconsistent with this Direction.
3. Hazard and Risk	
4.3 Flood Prone Land Development of flood prone land should be consistent with the NSW Government's Flood Prone Policy and principles of the <i>Floodplain Development Manual 2005</i>.	It is not clear at this stage whether the property is identified as being flood prone land however flooding is not a significant constraint to preclude the future development. Any future development application would be subject to further assessment under the relevant LEP clause.

	It is considered that the proposal is not inconsistent with this direction
6. Local Plan Making	
6.3 Site Specific Provisions This direction seeks to discourage unnecessary site restrictions and specific planning controls.	There are no additional development standards in planning provisions imposed as a result of the planning proposal. The future land use will not be inconsistent with the RU11 zone objectives. The proposal is inconsistent with Clause 4(a) of this direction, however the inconsistency is considered to be of minor significance, given the minor nature of the proposal. Approval of the Secretary is recommended to satisfy this direction.

6.3 Section C – Environmental, Social and Economic Impact

6.3.1 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?

Highly unlikely. The subject site is nearly totally cleared and is currently used for agricultural purposes.

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

No. There are no changes to any provisions of the Narrabri LEP as it relates to environmental impacts. The land subject to this planning proposal is not identified as flood liable or bushfire prone and the proposal will therefore not increase the development potential of land subject to identified environmental limitations.

A detailed assessment of the potential impacts of the development proposal would be undertaken as part of a DA to be submitted prior to the final gazettal of the LEP amendment.

6.3.3 Has the planning proposal adequately addressed any social and economic effects?

Potential economic impacts are positive in that additional employment opportunities and trade activities will arise in Boggabri.

There are no negative social impacts considered relevant for this proposed development.

6.4 Section D – State and Commonwealth Interests

6.4.1 Is there adequate public infrastructure for the Planning Proposal?

No public infrastructure beyond existing surrounding roads will be required for this proposal. There is adequate public infrastructure in place already.

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

No, Commonwealth or State public authorities have not been consulted in the process of preparing this Planning Proposal, however it is expected that public authorities such as the Roads and Maritime Services and Rural Fire Service will be consulted as part of the exhibition and consultation process and this section will be amended accordingly throughout the gateway process.

7 Part 4 – Mapping

It is noted that the Narrabri LEP does not have any mapping that will need to be updated as a result of this planning proposal.

8 Part 5 – Community Consultation

This Planning Proposal will need to be subject to the statutory community consultation processes in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and provisions of the *Environmental Planning and Assessment Regulation 2000*.

The Gateway will confirm the consultation requirements; however the preparation of a draft LEP amendment to enable a heavy industry is consistent with the definition of a “low” impact Planning Proposal therefore requiring an exhibition period of 14 days.

The Planning Proposal will likely be notified in local newspapers that circulate the areas affected, Council’s website, in writing to adjoining landowners and public authorities. Details as to the Planning Proposal and how to make a submission will be included.

Supporting documentation should be included with the exhibited Planning Proposal as follows:

- The Gateway Determination
- Narrabri Local Environmental Plan 2012 (written instrument and maps)
- Full list of relevant State Environmental Planning Policies, S117 Directions, Dunheved Revitalisation Strategy and Council’s Community Plan

Given the location of the site and in the context of the surrounding area and development this seems reasonable.

We look forward to responding to any feedback from the Council, public authorities and the community in relation to the planning proposal and expect that this section will be updated as the gateway process progresses and the community consultation period concludes.

9 Project Timeline

It is expected that the Planning Proposal will be finalised within the following suggested project timeline:

Milestone	Timeframe
Council report endorsing the Planning Proposal for a Gateway Determination	Early October
Gateway Determination issued by the Minister for Planning and Environment	November
Public Exhibition period including consultation with public authorities	December/January (Allow for Christmas period)
Assessment of the Planning Proposal and consideration of public submission	January
Council report of submissions and endorsing of Planning Proposal to be submitted to the Department to finalise the LEP.	February
LEP will be notified on legislation website	March

It is understood that these timeframes may differ as they are dependent on when the matter is reported to Council and when the Minister issues the Gateway Determination and other external factors such as Christmas Holiday periods.

It is also noted that it is likely that a development application would be lodged within this period with the intention of gaining approval soon after the gazettal of the LEP.

10 Conclusion and Recommendation

The Planning Proposal is justified on the basis that an additional permitted use for a heavy industry within the RU1 zone is the best means in achieving the intended outcomes of the proposal and is suitable in this location. It meets all the relevant State, Regional and Local planning policies and is considered to be of minor significance in the context of these. Preliminary site investigations have revealed that that any environmental impacts can be managed on the site and under a full and proper assessment of a development application.

The Planning Proposal has site specific planning merit and provides some benefit in using this particular site given the surrounding mining activities. There are no alternative suitably located and zoned sites within the LGA for this type of land use and the site is well placed within proximity of the mines to further support their activities.

It is recommended that this Planning Proposal be endorsed by Narrabri Council and request that the Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act.