

Clarence Valley LEP 2011 – Amendment to Schedule 1 to permit explosives depot, machinery storage, and a ANE mixing plant, at Tullymorgan-Jackybulbin Road, Mororo

Proposal Title :	Clarence Valley LEP 2011 – Amendment to Schedule 1 to permit explosives depot, machinery storage, and a ANE mixing plant, at Tullymorgan-Jackybulbin Road, Mororo		
Proposal Summary :	Amendment to Schedule 1 Additional Permitted Uses and associated maps of the Clarence Valley Local Environmental Plan 2011 to permit explosives depot; machinery storage; and an Ammonium Nitrate Emulsion (ANE) mixing plant on land located at Tullymorgan- Jackybulbin Road, Mororo (Lot 2 DP 1055044).		
PP Number :	PP_2014_CLARE_002_00	Dop File No :	14/04234

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information :

It is recommended that;

1. The planning proposal should proceed as a routine planning proposal.
2. The planning proposal is to be completed within 9 months.
3. That a community consultation period of 28 days is necessary.
4. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.2 and 5.1 are justified in accordance with the provisions of the directions.
5. As required by S117 Direction 1.3 Mining Petroleum and Extractive Industries, prior to public exhibition of the planning proposal consultation with the director General of the Department of Primary Industries is to be undertaken and the planning proposal amended in accordance with any comments received.
6. As required by S117 Direction 4.4, prior to public exhibition of the planning proposal consultation with the NSW Rural Fire Service is to be undertaken and the planning proposal amended in accordance with any comments received.
7. A written authorisation to exercise delegation is issued to Clarence Valley Council in this instance to enable Council to make the plan.

Supporting Reasons :

The planning proposal aims to permit additional uses with development consent on the subject site that are specific in nature. In addition, the subject site is isolated and the proposed use is complementary to the existing quarry. Therefore the reasons for the recommendation are as follows;

1. The proposed amendments will ensure a site specific land use within the realm of the Clarence Valley LEP and provide confidence and clarity in the planning controls.
2. The inconsistencies of the proposal with the S117 Directions are of minor significance.
3. The proposal is otherwise consistent with all relevant local and regional planning strategies, S117 Directions and SEPPs

Panel Recommendation

Recommendation Date :	13-Mar-2014	Gateway Recommendation :	Passed with Conditions
Panel Recommendation :	The planning proposal should proceed subject to the following conditions: 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows: (a) the planning proposal must be made publicly available for a minimum of 28 days; and		

Clarence Valley LEP 2011 – Amendment to Schedule 1 to permit explosives depot, machinery storage, and a ANE mixing plant, at Tullymorgan-Jackybulbin Road, Mororo

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Trade and Investment - Minerals and Petroleum
- Department of Primary Industries (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council should be issued with plan making delegation for this proposal.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

17/3/14