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Planning Proposal for Explosives Depot Mororo

Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo

Prepared for Precision Industries Pty Ltd
by MikeSvikisPlanning
28 October 2013

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Executive Summary

This report seeks Council's support for a site specific planning proposal to amend Clarence Valley LEP 2011 to permit additional uses with development consent on Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo. The additional uses requested are an explosives depot, machinery storage and a ANE mixing plant.

The key issues with the site include traffic from additional trucks and work vehicles, the hazards generated by explosives storage, bushfire hazards and onsite wastewater disposal. These issues can all be dealt with through design and site layout and site management.

The land is isolated from rural dwellings and other land uses. Its location on a sand quarry where 95% of useful material has been exploited does not compromise any regional extractive resources. The filling of the lot with clay material from the Pacific Highway upgrade has shaped it into an ideal site for the proposed use. It is located approximately 1km from a large sandstone quarry and will not compromise the continuing extraction of this resource.

The subject lot is large enough that it can easily achieve the required internal separation distances for different storage structures. External site buffers are substantially within the ownership of the land user/owner and not imposed on neighbours. It has good road access and mobile phone coverage and can be serviced by tank water, on site wastewater disposal and a site specific solar power system with a generator for back-up power supply. Solar rechargeable batteries can be used to provide power for security requirements after hours. The site will be completely fenced off to prevent unauthorized entry. All material storage will be highly secure to avoid theft or illegal behavior. The site is physically well suited to the proposed suite of uses.

The amendment to Clarence Valley LEP 2011 should be supported.



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Introduction

Purpose of this report

The purpose of this report is to seek Council's support for a site specific planning proposal to permit a range of additional uses with Council consent on Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road at Mororo. The additional uses proposed are an explosives depot, machinery storage and an Ammonium Nitrate Emulsion (ANE) mixing plant.

This report supports the site-specific planning proposal by:

- Providing Council with an outline of the likely future development of the subject land;
- Assessing the planning proposal against DOPI guidelines and relevant legislation and Council policy; and
- Reviewing the likely future development of the site against key issues and constraints.

Scope and limitations

This report has been prepared by MikeSvikisPlanning for Precision Industries Pty Ltd, and may only be used and relied on by Precision Industries Pty Ltd and Clarence Valley Council for the purpose of amending Schedule 1 to Clarence Valley LEP 2011 to permit the proposed uses on the site.

The opinions, conclusions and recommendations in this report are based on the conditions encountered and information reviewed at the date of preparation of the report. MikeSvikisPlanning has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The report has been prepared on the basis of information provided by Precision Industries Pty Ltd, Government agencies, Clarence Valley Council, and previous work undertaken by other consultants. MikeSvikisPlanning has not independently verified or checked this information beyond the agreed scope of work. MikeSvikisPlanning does not accept liability in connection with such unverified information, including errors and omissions in the report, which were caused by errors or omissions in that information.



Background and Site Characteristics

The subject land is Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo. The total area of Lot 2 is 365 ha. Only a small part of this is proposed to be used by Precision Industries Pty Ltd. An aerial photo of the subject land showing the cadastre is at Figure 1. The proposed explosives depot site is to be located within the Jackybulbin Quarry, Mororo. The quarry itself is located directly to the south of Mount Doubleduke (RL220m AHD), approximately 19.5km northwest of Iluka. The quarry consists of three extraction pits known as Site A, Site B and Site C. The depot lease area is within Site C, which is the most western pit of the quarry and has in the past been used for sand extraction. The site footprint is approximately 350m from Tullymorgan-Jackybulbin Road and 700m from existing quarrying activities, with an approximate RL of 40m AHD. The portion of the site where the explosives depot is proposed has previously been a sand quarry. It is cleared of almost all native vegetation. Approximately six mature trees have been left as part of the conditions on the sand quarry. Rehabilitation has commenced through the placement of clay overburden from elsewhere in the quarry, and from the local road and highway upgrading (Devils Pulpit upgrade). It is understood that consent for this importation of material (DA2004/439) has been obtained. The overburden has been compacted (compaction level unknown) and levelled to form a pad on which the depot is proposed. Photographs of the site are in Appendix A.

Site A of the quarry is located approximately 900m to the east of the site and is utilised for gravel/rock extraction and sand processing. Site B is located approximately 1.5km to the south east of the site and is used for sand and sand loam resource extraction. Within the subject lot the quarry site is bordered by native vegetation that is predominantly dry sclerophyll forest. This vegetation has been logged in the past.

The adjoining rural properties are also dominated by native vegetation cover. Bundjalung State Conservation Area is located to the north of the site and Mororo State Forest is located to the south east. The surrounding rural land is largely uninhabited. The Mororo area is predominantly rural. The closest village is Woombah about 10 km to the south east along the Iluka Road. Cleared rural land around Mororo is used largely for cattle grazing with some sugar cane production on the floodplain closer to the Clarence River.

The nearest rural dwelling is located on Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat at an approximate distance of 0.7km west-southwest from the proposed depot. For more details on the locations of sensitive receptors refer to the Preliminary Hazard Assessment in Appendix B.





BOUNDARY

REFER TO FIGURE 2 FOR
MORE DETAIL

PROPOSED
EXPLOSIVES
DEPOT

SITE C (FORMER
SAND QUARRY)

SITE A -
SANDSTONE
QUARRY

APPROX LOCATION OF
SAND PROCESSING PLANT

APPROX
LOCATION
OF WEIGHBRIDGE

EXISTING
SHED

DEPOT ACCESS ROAD
≈ 1.37km

JACKYBULPIN TULLYMORGAN ROAD

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Scale: Approx 1:5000 @ A3 Date:
Source: Aerial Image - (C) Land and Property Information [2009]
Drawing file: 13114_site layout_RB.dwg

Checked:
Greg Alderson, BSc(Eng), MIEAust, CPEng, RPEQ 4907,
Member Civil School, NPRegistered-3 Civil, LGEC

CONCEPT SITE PLAN
PROPOSED EXPLOSIVES DEPOT

Lot2 DP1055044, "Site C - Newman's Quarry",
Tullymorgan-Jackbulpin Road, Mororo
For: Precision Industries Pty Limited (Geoffrey Chilcott)

Job No.
13114

Figure 1

B

Land use zoning of the site and surrounds

Lot 2 is zoned predominantly RU2 Rural Landscape under Clarence Valley Council Local Environmental Plan 2011. There is a portion of the northern part of the lot zoned as Environmental Management (E3); however the proposed additional uses will be confined to the currently cleared land zoned RU2 (Figure 2). Lot 2 is affected by three minimum lot sizes including 200ha, 100ha and 40ha. However the proposed additional uses will be located on land with a minimum lot size of 40 ha. There is no maximum building height stipulated in the LEP.

The land that immediately abuts Lot 2 on all sides is similarly zoned predominantly RU2 Rural Landscape and partly Environmental Management (E3) under Clarence Valley Council Local Environmental Plan 2011.

The uses proposed are not currently permitted on land zoned RU2 under Clarence Valley Council Local Environmental Plan 2011. Although an industrial zone could be applied to the subject land (or part of it), it would inevitably also provide for a large number of uses that are not required or appropriate on this site. An amendment to Schedule 1 of Clarence Valley Council Local Environmental Plan 2011 is the logical way to provide for these uses on this site.

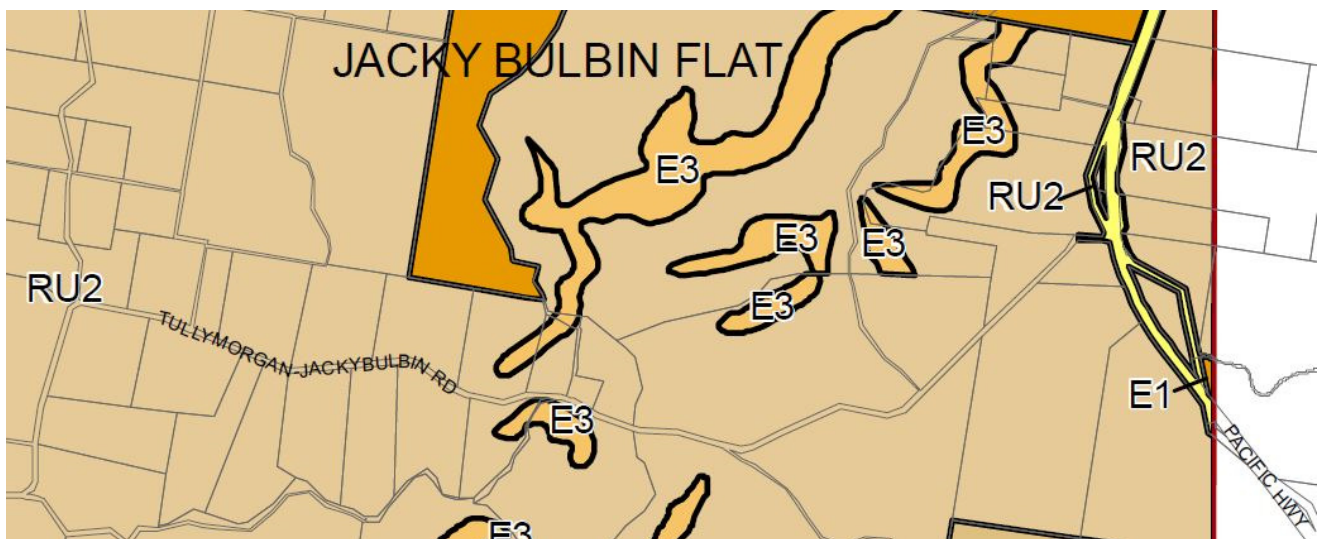


Figure 2: Zoning of land in the vicinity of Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo under Clarence Valley LEP 2011.

[Source: Clarence Valley Council]



Site context and history

Jackybulbin Quarry is a sand, gravel and rock quarry that was approved In the Land and Environment Court of New South Wales on 29 January 1999, Development Notice 97/0111. The quarry has the following approved extraction rates (Ray Sargent and Associates, 1997):

- Site A - 100,000 tonnes of crushed rock per annum;
- Site B - 100,000 tonnes of fill sand per annum; and
- Site C - 100,000 tonnes of washed sand per annum.

Quarry processes include stripping of vegetation and overburden, drilling and blasting, rock breaking, crushing and screening processing, stockpiling, loading and transportation.

Quarry operating hours are:

- 6am to 6pm Monday to Friday;
- 7am to 5pm Saturday;
- Nil operations on Sundays or public holidays.

Site C (which is the subject area for the proposed additional uses) is required to operate under a Plan of Management (POM) per Condition 4 of the quarry development consent. The POM for Site C is to be a forward plan for 5 years with a new plan submitted to Council every 5 years (with annual updates). The original, overarching POM for the entire quarry was prepared by Aspect North in 1999. The current POM for Site C was prepared by Newman Quarrying Pty Ltd in 2009 for the period 2009 to 2013.

The current plan indicates that at the time of preparation:

- Approximately 95% of the remaining available resource in the northern half of the site (subsite 4 and 6) has been exhausted. Rehabilitation was proposed to commence in 2009.
- Approximately 75% of the remaining available resource in the southern half of the site (subsites 9, 10, 11) had been exhausted.

Newman's Quarrying received consent (DA2004/439) from Clarence Valley Council for importation of clean fill from road works. The plan states that the fill is to be placed in subsites 4,6,9,10,11 of Site C. Rehabilitation would then occur following filling back to natural ground level.

At the time of inspection in September 2013, a roughly level pad had been established with uncontrolled clay fill material. Filling was being completed at the eastern entry to Site C.

Newman's Quarrying will be required to prepare a new POM / rehabilitation plan for submission to CVC this year. Subject to Council approval of the proposed explosives depot and other uses, the plan should incorporate this landuse as part of the rehabilitation proposal to ensure compatibility with the quarries rehabilitation requirements.



The Concept

The proposed primary use of the site is for a depot for the storage and wholesaling of explosives and related products used in drilling and blasting operations for mines and extractive industries. It is also proposed that the site would be used for the storage of drilling and blasting machinery, such as drill rigs and associated plant and equipment. The third additional use proposed is the mixing of a gel known as Ammonium Nitrate Emulsion (ANE) on the site and storing it until it is transported to mines or extractive industry sites for use. If mixing of ANE is not undertaken on this site then it will be trucked in from another location and stored on the site until it is used.

The explosives depot, storage areas and ANE mixing shed are all proposed to be located on a leased area of approximately 260m x 200m (with a cut off corner) or 49,000m². Precision Industries Pty Limited (subsidiary of Ron Southon Pty Limited) would sub-lease the land from Newman's Quarries. Sand extraction would not be carried out in Site C while the depot and other uses were in place. Lot 2 DP1055044 comprises 365 hectares of which 4.9 hectares is proposed for the depot. The proposed additional uses will occupy 1.3% of the existing Lot.

The infrastructure that will likely be required to enable the three additional uses to be carried out is as follows:

- One 18 x 30m shed for ammonium nitrate ("prill") storage and general storage;
- Amenities building (donga) containing office and staff amenities;
- 5 x 6m long steel shipping containers (converted to magazines for storage of explosives);
- Two x 12m long steel shipping containers (converted to magazines for storage of detonators);
- Above ground Ammonium Nitrate Emulsion (ANE) bulk storage tank and pump;
- Mixing agents shed, approximately 6m x 3m and covered area for mixing equipment (approximately 5m x 5m) with concrete slab and storage sump, in proximity to the ANE bulk storage tank;
- Above ground, bunded, diesel refuelling tank;
- Vehicle manoeuvring and parking; and
- Perimeter security fence around amenities building (approx. 30m x 30m);
- Perimeter security fence around depot (approx. 200 x 176m);
- Surface water drainage controls;
- Solar electricity, on-site wastewater system, roof water collection for fire fighting, fire fighting pump and drinking water supply.

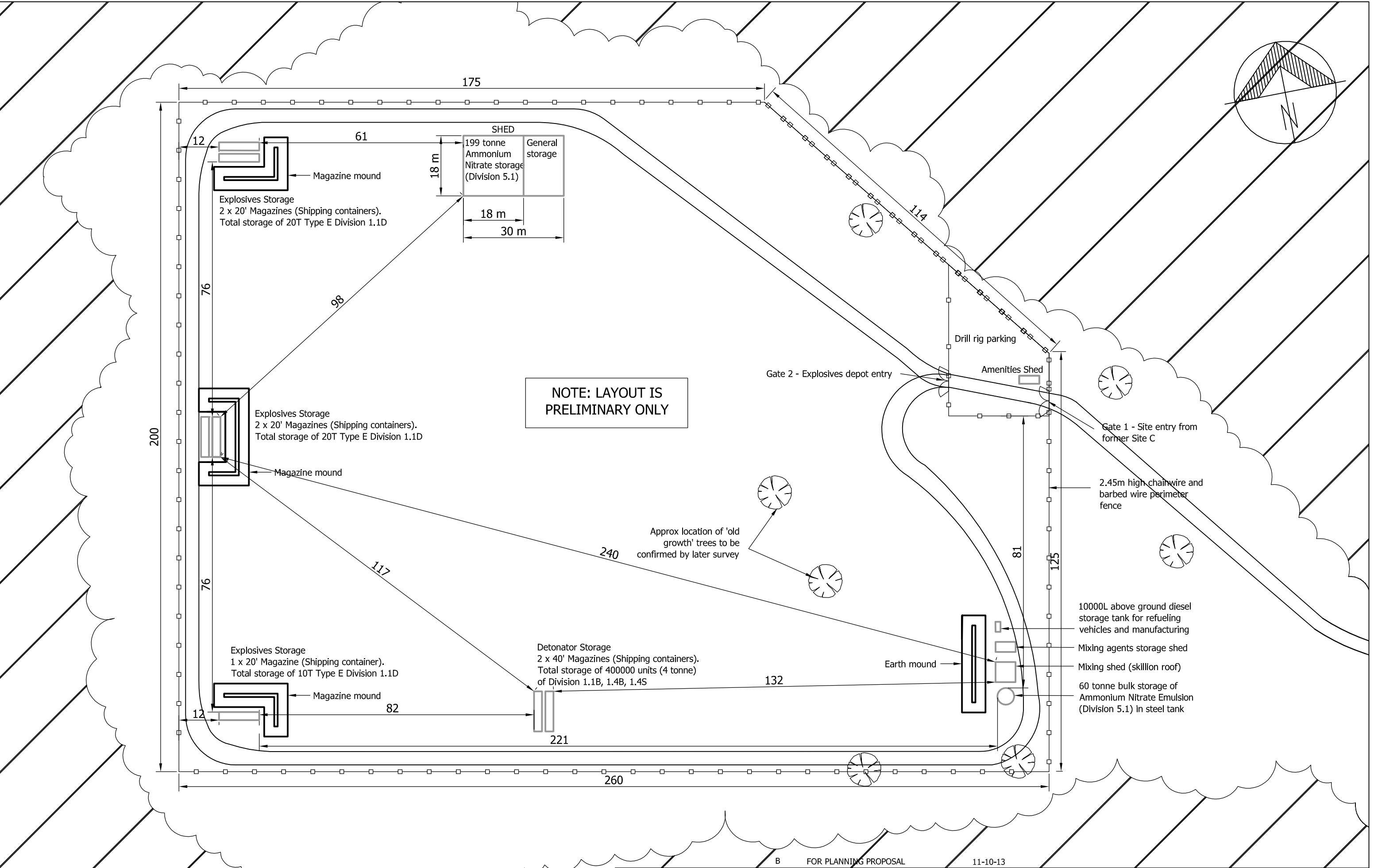
The likely layout of the explosives depot is presented in Figure 3.

The operating hours for the depot are intended to be compatible with the existing operating hours of the quarrying operation, that is:

- 6am to 6pm Monday to Friday;
- 7am to 5pm Saturday;
- Nil operations on Sundays or public holidays

The experience of Ron Southon Pty Limited in the blasting and drilling industry has shown that there is a demand for blasting product to service the lower north coast and mid north coast areas. The existing depot at Alstonville is well placed to service the northern end of the region but has no room for expansion. The establishment of a new depot for the storage and wholesaling of explosives and related products in the Clarence Valley provides an excellent opportunity to better serve the region, reduce travel times and expand an important north coast business with inherent employment opportunities.





Key Issues

Location

In evaluating the most appropriate location for the proposed depot, the applicant investigated alternatives with quarry operators and looked at locations in other North Coast Local Government Areas.

From industry experience and research undertaken by the applicant, the best location for a depot such as this would have the following characteristics:

- It is free from hazards such as flooding and is relatively flat to enable easy truck and materials movement;
- It is large enough to allow for the internal separation distances between storage areas that meets Australian Standards;
- It is in an isolated rural location but still has good access to the Pacific Highway;
- Adjacent land uses are compatible with the proposed use;
- It has established buffers preferably under the control of the site owner;
- It has a secure access preferably with a staffed weighbridge and is in a location that is or can be fenced.

The chosen site meets all these location characteristics.

Traffic generated by the site

The goods proposed to be stored at the depot and sold wholesale to other licensed blasting contractors are: ammonium nitrate; ammonium nitrate emulsion (ANE) (as a suspension or gel), Type E blasting explosive, non electric detonator assemblies, and electric detonators.

Delivery of stored goods will be by heavy rigid vehicle (HRV) for detonator assemblies. Delivery of ammonium nitrate will be by B-double semi-trailer carrying 33-34 tonnes in a load. ANE will be either brought to the site in a tanker (possibly a B-double) or mixed on the site and stored.

There are approximately ten blasting contractors in NSW who may purchase from the proposed depot. Based on the amount of blasting activity in this region, it is estimated that a maximum of two trucks per month would pick up from the depot. The truck could be a HRV or articulated vehicle (AV), depending on the quantity of the purchase.

Precision Industries would access the site regularly. A 4WD ute would be loaded with the required quantity of goods to complete a days' worth of drilling. Typically the ute and drill rig would leave the Mororo depot in the morning and return in the afternoon. It is envisaged that two drill rigs (HRV) would normally serve the Clarence area and would at times be based at the site. Therefore there would be two return trips per day per drill rig crew.

The estimated vehicle movements for the site and the estimated loading and unloading events are provided in Table 1. The number of vehicle movements is minor and is considerably less than that generated by the quarry operations and highway upgrade related movements. B-double and HRV trucks access the site now on a regular basis to pick up and drop off rock, sand and soil. The subject site is large enough to allow these vehicles to enter and exit in forward direction and enter and exit through the weighbridge in a forward direction.



Table 1 Summary of Estimated Vehicle Loads and Trips

Category	Material	Vehicle	Loads (week)	Loads (month)	Loads (year)	Average quantity per load	Unit	Total quantity per annum	Unit	Heavy Vehicle Trips# per day	Light Vehicle Trips# per day
Deliveries	ANE	B-double	0.25	1	12	40	t	480	t	0.07	
	AN	B-double	0.25	1	12	34	t	408	t	0.07	
	Explosives	HRV	0.25	1	12	20	t	240	t	0.07	
	Detonators	HRV	0.25	1	12	4	t	48	t	0.07	
Pickups (Wholesale)	ANE	HRV	1.0	4.0	48.0	10	t	479.808	t	0.26	
	AN	HRV	0.9	3.4	40.8	10	t	408	t	0.22	
	Explosives	HRV	1.0	4.0	47.6	5	t	238.08	t	0.26	
	Detonators	HRV	1.0	3.9	46.7	1	t	46.656	t	0.26	
Precision Industries Pty Limited - Drilling and Blasting Operations	ANE	Utility	4	16	192	1	t	0.192	t	1.05	1.05
	AN	N/A	0	0	0	0	t	0	t	0.00	0.00
	Explosives	Utility	4	16	192	10	kg	1.92	t	1.05	1.05
	Detonators	Utility	4	16	192	7	kg	1.344	t	1.05	1.05
Estimated total loading events			16.8	67.3	807.1	Estimated Total Trips				4.42	3.16

#Trip is defined as a trip in one direction only.

Access to the site

The existing site access from Tullymorgan-Jackybulbin Road to Site C will be used for access to the depot site. As the access is used for quarry operations it currently facilitates two-way passing for heavy vehicles, including at the entry and exit point to Tullymorgan-Jackybulbin Road. The access will be upgraded and maintained to facilitate all-weather access to the depot.

The external access will require vehicles to pass by the weighbridge and thus receive some security processing, restricting access to the depot site. Entry to the amenities and office will be via Gate 1, whilst entry to the explosives depot will be via a secondary gate (Gate 2) for added security.

A 4 metre wide access road is proposed to be constructed internal to the depot site that will loop around the inside of the boundary fence. At the corners of the access road, the pavement will be widened to 6 metres to facilitate the turning path of larger vehicles such as an articulated vehicle (AV). The access road will be constructed from gravel road base.

Water, wastewater and stormwater and other infrastructure

Water supply

Reticulated water supply is not available at the site. It is proposed that rainwater tanks be installed to capture water from the 18x30m storage shed. 20000L of water storage will be provided as above ground concrete tanks for bush fire fighting supply. These tanks will be filled initially so as they remain full at all times. A diesel fire fighting pump and hose reel is proposed to be installed at the fire tanks. Although there is sufficient buffer between the vegetation and the proposed structures, (approximately 30m) the future hazard assessment fire



report may identify the need for some form of water storage, along with chemical extinguishers for any fire sourced from the magazines.

The overflow from the fire tanks will be connected to a 2000L poly tank, to be used for the staff amenities (shower, toilet, basin). A water filter system will be installed for drinking water supply or bottled water provided. As the site will be operated initially on an occasional basis this method of providing water is considered appropriate. It can be reviewed if activities require a greater presence of staff on the site.

Wastewater

An on-site wastewater disposal system is proposed to be installed for management of wastewater from the amenities building. The system is proposed to consist of a septic tank and evapotranspiration / absorption trench and details will be supplied at the development application stage. If the mixing of ANE is undertaken it is understood there is no liquid waste stream as all the raw inputs create the end product with no waste. It is not a water based process and machines are wiped clean, not washed clean. This is a minor matter that can be addressed at the development application stage.

Storm water

The nearest watercourse to the site is a tributary to Tabbimobile Creek, located approximately one kilometre to the south east of the depot site. An un-named watercourse also traverses through Site C from north to south and is located on the western side of the sand processing plant. The access to the proposed depot site crosses this un-named watercourse.

The site is generally flat; however surface runoff would eventually leave the site as sheet flow towards the south east to Tabbimobile Creek. Runoff from the sites would be slow due to the highly permeable soils of the area.

It is proposed that the pad surface be protected from erosive rain impact by importing topsoil to establishing grass cover across the site. Stormwater controls including sediment basins and silt fencing will be used on the site in the site establishment process once a development application has been approved.

Communications

There is no landline available at the site, however, there is mobile phone reception available. Citizens Band (CB) short-band radio will be available in Precision Industries Pty Limited and Ron Southern Pty Ltd vehicles for communication with to the amenities building at the site. This will also allow communications with Newman Quarry operations at the site and emergency services as required.

Electricity

No electricity is available to the depot site. A solar power system with battery storage for night use is proposed for the 18 x 30m storage shed roof. This system will supply power to the shed and amenities building. No power or lighting is proposed for the magazines at this stage. A back-up generator will also be available if solar power is not sufficient.

Waste and recycling

General waste shall be segregated as refuse and recyclables on-site. Refuse will be removed from the site on an as-needs basis (generally fortnightly) and disposed at a licenced landfill by the depot manager or licenced contractor. Recyclables such as cardboard packaging will also be removed on an as needs basis (generally monthly) by the depot manager or licenced contractor. No general waste will be disposed of on site in any manner.



Hazards and risk generated by the site

The SEPP 33 Process was applied to the development proposal and a preliminary screening was undertaken on the proposed potentially hazardous development using the SEPP 33 Guidelines. As the Class 1.1 and 5.1 Dangerous Goods thresholds are exceeded, the proposal is classed as 'potentially hazardous development' and a Potentially Hazardous Analysis (PHA) is required.

External consequences (explosives) were assessed as $C_{EXP} = 0.3$ to 1.8 fatalities/accident and $C_{EXP} = 1 \times 10^{-6}$ accidents/year. The Risk Plot showed that due to the offset distances available to property boundaries, the proposal lies within the 'negligible' zone. Below the negligible line, provided other individual criteria are met, societal risk is not considered significant. Risk contours were plotted which extend beyond the depot boundary fence but do not extend beyond the lot boundaries or impact on any infrastructure or quarry work area outside of the depot boundary fence.

As all points on the indicative societal risk curve are below the negligible line and there are no events with off-site consequences with a frequency of greater than 1×10^{-7} a Level 1 (qualitative) a Preliminary Hazard Assessment (PHA) was considered sufficient.

The hazards, likely causes and consequences have been considered by review of literature specific to the type of facility, location, surrounding land uses, proposed type and quantity of dangerous goods stored, handling frequency, etc. A risk matrix was derived and an initial risk rating was determined. Management and mitigation measures were considered according to the 'hierarchy of controls'. The residual risk rating was then assessed for each identified hazard.

The Preliminary Hazard Analysis has shown that risk to people, property and the environment are not considered significant. The hazard assessment has documented that the risks can be managed by implementing industry accepted management, designs and standards for the development. Subsequently it is considered that the proposal is permissible and can be determined by Council. The issue of risk and hazard should not be a basis for Council refusing to allow this planning proposal to proceed. The Preliminary Hazard Assessment is attached at Appendix B.

Bushfire hazards

The entire allotment is identified on CVC's online mapping as 'Bushfire Prone Land – Vegetation Category 1'. Category 1 vegetation represents forests, woodlands, heathlands, pine plantations and wetlands.

The site is substantially cleared from past quarrying activities and has no regrowth vegetation. Approximately seven large "old growth" trees have been left scattered across the site as a requirement of the quarrying consent. They are distant from each other and from surrounding bushland and pose no bushfire threat. The adjoining rural properties are dominated by heavy native vegetation cover. Much of the adjoining land has been selectively logged. Bundjalung State Conservation Area is located to the north of the site and Mororo State Forest is located to the south east.

There is a minimum 20m cleared area available around the outer perimeter of the proposed depot lease area. All structures within the depot will be provided with a minimum 8m wide clearing to form a fire break to vegetation in accordance with AS2187.1 – 1998, Clause 2.1.1.3. The depot peripheral ring road of minimum 4m width will provide access to all storage facilities and magazines.



As no reticulated water supply is available, dedicated water tanks are to be provided that will be topped up by roof water to ensure they are always full. The tanks will be of concrete or steel construction, with a minimum volume of 20,000 litres, or as required by the NSW Fire Service. A 65mm Storz outlet for fire fighting purposes would be installed at the lowest possible point on the tanks.

Safety equipment must be provided including appropriate external portable fire extinguishers of adequate capacity according to AS2187.1 – Clause 4.1.3. The explosive storage magazines to be located on the site are of metal construction with high quality insulation that is extremely resistant to radiant heat. The ANE tank will be centrally located on the lot with a buffer to the nearest vegetation of over 120 m. The ammonium nitrate storage shed and all of the explosives storage buildings will be built of fire resistant materials in accordance with NSW WorkCover licencing requirements, AS2187.1 – 1998 and relevant statutory regulations.

According to the Multi-level Risk Assessment process a Fire Safety Study is required post development application stage, and this will be undertaken during the design phase, should development approval be obtained. This assessment should include addressing in further detail how the development will meet the aims and objectives of Planning for Bushfire Protection 2006 (RFS and Planning 2006), in relation to access, water, services, emergency planning and landscaping/vegetation management.

Flooding

The site is located above 40m AHD and is not identified on available Clarence Valley Council on-line flood mapping as being impacted by a regional flood event. The fill that has been recently deposited on the site will restore its elevation to approximately how it was prior to the sand extraction. The site access crosses the unnamed waterway and this will need to be raised to a height that avoids nuisance flooding cutting off access to the depot. Regional flood events may cut the site off from other parts of the Clarence Valley and north to the Richmond Valley, however, blasting materials are generally not required during such an event and the site will be secure until it can be accessed when flood waters retreat.

Security of the development

The site will be constructed in accordance with NSW WorkCover licencing requirements, AS2187.1 – 1998 and relevant statutory regulations. Security will include a 2.4 m high perimeter fence around the 4.9 ha site that has its own security gate. There will be a second entry gate (Figure 3) inside the first gate, separating the amenities shed from the explosives depot. The only way into the subject land will be via the quarry entrance that funnels through a staffed weighbridge. All sheds will be locked when staff are not on site using them.



The Planning Proposal

Part 1 Objectives and Intended Outcomes

The objective of the planning proposal is to amend Schedule 1 of Clarence Valley LEP 2011 to permit additional uses on the subject land as follows:

- explosives warehouse or depot;
- machinery storage; and
- an Ammonium Nitrate Emulsion (ANE) mixing plant

The objective will be achieved through an amendment to Clarence Valley LEP 2011. It will enable a development application for these uses to be assessed on its merits.

Part 2 Explanation of Provisions

It is proposed that Clarence Valley LEP 2011 be amended as it applies to Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo to allow a suite of additional uses related to explosives storage and processing and machinery storage.

No change to minimum lot size provisions or any other provision of the LEP is proposed.

The applicant in this case is quite specific in the proposed uses that they wish to carry out. The question that faces Council in amending the LEP is whether it uses plain English terms to describe these uses in Schedule 1 or applies the most suitable standard definitions from its LEP Dictionary. The plain English terms are used above in Part 1 and are self-evident. A review of the standard definitions suggests that there are some that may also be used as follows:

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

This would be the standard definition that best covers the storage of explosives, detonators and related materials on the site prior to their use by the applicant as part of his business or wholesale distribution to other drilling and blasting operators.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

This would be the standard definition that best covers the storage of machinery on the subject land that is related to the applicants drilling and blasting business.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:



(a) *hazardous industry, or*

(b) *offensive industry.*

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

This is the standard definition that best covers the mixing of the ammonium nitrate and other ingredients on the subject land to create ammonium nitrate emulsion that would then be stored on the site until it is used. Note, the preliminary hazard analysis explains that although the storage and mixing of materials for use in explosives is heavily regulated, it is not actually a “hazardous industry” it is a “potentially hazardous industry”. When a compliant site is set up with compliant buildings and separation distances the use does not “pose a significant risk in the locality to human health, life or property or to the biophysical environment”. So the use best fits the definition of *heavy industry* rather than *hazardous industry*.

The Department of Planning and Infrastructure has historically had a preference for the use of standard definitions in LEP Schedules in order to avoid disputes about what undefined terms actually mean. However, terms such as *heavy industry* are quite broad and open up a range of possible uses as permitted on the site (with consent) that have nothing to do with the mixing of ANE or storage of explosives.

Examples of LEP’s that have used non-standard definitions are as follows:

Kiama LEP 2011 - Item 5 - "shop selling fresh seafood"

Shellharbour LEP 2013 - Item 2 - "retail premises being a brand outlet centre"

Young LEP 2010 - Item 4 - "industry for the purpose of a hotmix and coldmix production plant"

Broken Hill LEP 2013 - Item 1 - "retail premises associated with art galleries"

Eurobodalla LEP 2012 - Item 4 - "office premises is permitted with consent if the premises are located on the ground floor as part of a mixed use development that includes residential accommodation."

Maitland LEP 2011, item 4A "hazardous storage establishment (being for the storage of fireworks)"

On balance the best outcome may be achieved by a combination of standard terms and plain English terms as follows in amending Schedule 1 to Clarence Valley LEP 2011:

“5 Use of certain land at Tullymorgan-Jackybulbin Road, Mororo

(1) This clause applies to the land at Tullymorgan-Jackybulbin Road, Mororo being Lot 2, DP 1055044.

(2) Development for the purpose of a warehouse or distribution centre, depot and Ammonium Nitrate Emulsion (ANE) mixing plant is permitted with consent.”

Part 3 Justification

The standard LEP adopted in 2011 by Clarence Valley Council has a limited number of zones and defined land uses. It’s not possible to apply this LEP in anticipation of all the likely land uses that could take place in the Clarence Valley. The RU2 zone that affects this land is widely used throughout the valley and could not have been constructed to provide for the uses that are now proposed in relation to explosives storage and mixing of



ANE on this site. However, that does not mean that these uses are not appropriate on this site and worthy of assessment on merit. To the contrary, this site appears to be particularly well suited to the proposed uses and Council has the option of using Schedule 1 to permit them with consent on this land.

Section A – Need for the Planning Proposal

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

No, the site is not nominated specifically in any strategic study or report. However the principle of allowing some flexibility with planning instruments so that they can respond to opportunities for changing land use is fundamental to good local planning.

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

Yes, the planning proposal is the only way to allow the assessment on merit of an explosives depot, machinery storage and ANE mixing plant on the subject land. The current RU2 zone prohibits the proposed land uses. The proposed uses would not be economically viable on land zoned for industrial purposes due to large areas of land needed to achieve the internal offsets and the external buffers.

Is there a net community benefit?

Yes. The land owner has not prepared a Net Community Benefit Test as it is not considered necessary for this minor amendment to Clarence Valley LEP 2011. However, the net community benefit in changing the LEP in this case is that a new small business will move into the Clarence Valley and will create employment through construction and operation of the land use. It will also be a productive use of the old quarry site that will in turn generate an income stream for the land owners who also operate a business in the Clarence Valley. So multiple local businesses will benefit from this planning proposal.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy?

The proposal is not within an existing urban area in the Mid North Coast Regional Strategy (DoP, 2006). However, it is consistent with the MNCRS as it encourages industry and employment growth and investment in an appropriate location.

The planning proposal will assist in achieving the aims of the MNCRS as follows:

- No important environmental or cultural areas will be impacted by the additional uses;
- The proposed development on the site will not be flood affected land or take place on excessively steep land and will not create unreasonable visual impacts;
- The modest increase in employment will contribute to catering for the region's expected 26% population increase; and
- Providing for these additional uses on the subject land is consistent with the MNCRS aims to:

“Recognise the value of existing primary industries and ensure land use planning decisions do not hinder the growth and diversification of primary production; and



Encourage new export industries to give the regional economy greater diversity and resilience and ensure that the jobs market offers a broader mix of employment options."

The Mid North Coast Regional Strategy also identifies the Jackybulbin quarry site as a 'regionally significant extractive resource'. It states on page 32 that "Local environmental plans will protect land identified as having extractive resources of regional significance and their haulage routes" and that development near these resources should have a suitable buffer.

In this case the sand resource has been 95% exploited and the remaining resource is no longer economically viable. This is why the quarry operators have been filling the quarry to reinstate it to natural ground level. Although the sandstone quarry is nearby, the distance between the subject site and the sandstone quarry is more than 1km. Although they share a weigh bridge and primary access point the two uses are entirely compatible and the traffic generated by the explosives depot will not disrupt the quarry at all. It is the quarry operator that is leasing the land to Precision Industries, so they are fully supportive of the planning proposal proceeding.

The planning proposal is consistent with the Mid North Coast Regional Strategy.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, in principle the targeting of suitable sites for new businesses is consistent with the Clarence Valley Economic Development Strategic Plan, 2006.

The Clarence Valley Economic Development Strategic Plan 2006 includes a Business Attraction Strategy to encourage new employers to establish in the Clarence Valley. The applicant for this planning proposal has looked at other sites and prefers the subject land. However, if Council is not supportive then they will investigate other sites in neighbouring LGA's.

Yes, permitting a specific suite of industry related uses on the subject land is consistent with the Clarence Valley Industrial Lands Strategy, 2007.

The Clarence Valley Industrial Lands Strategy, 2007 recognizes that an unusual "export" industry such as proposed on the subject land has specific locational needs that may require it to be located away from population areas (page v). It clearly acknowledges that not all industrial uses can take place in established, zoned industrial areas.

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

The proposal is consistent with applicable state environmental planning policies. Refer to the checklist provided as Appendix C to this report.

Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The proposal is consistent or justifiably inconsistent with applicable Section 117 Directions. Refer to the checklist provided as Appendix D to this report.

Section C – Environmental, Social and Economic Impact

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?



No. The site is currently substantially cleared of native vegetation as it has been the site of a sand quarry and then filled with excess fill from the Pacific Highway upgrade. Approximately seven large “old growth” trees have been left scattered across the site as a requirement of the quarrying consent. These will be left in place by the proposed development. No clearing is required to meet buffer requirements. The site is totally surrounded by dense native vegetation but this will not be affected by the proposal.

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

Stormwater quality and quantity will be important issues to manage on this site. Storm water retention and treatment systems that meet Council standards and protect nearby waterways will need to be implemented.

How has the planning proposal adequately addressed any social and economic effects?

Use of this site for explosives storage and related uses will have a minor impact on the neighbouring land owners. The site has been substantially impacted by past quarrying uses and is now being filled to restore it to a similar land height as that prior to sand extraction. The proposed uses will be quiet and very low key, generating considerably less truck movements than an extractive industry. In the circumstance where an accident were to occur involving stored materials, there may be a potential impact causing land use conflict with adjoining properties however the likelihood of this is very low and the consequence is not likely to be extreme. A Preliminary Hazard Assessment is attached at Appendix B.

The nearest dwelling is located on Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat at an approximate distance of 0.7km west-southwest from the subject land. There are eleven dwellings within 3km of the subject land as shown in Table 2.

Table 2 Distance from nearest dwellings to the site

Dwelling address	Lot / DP	Approximate offset distance
Residences from east to west, to the north of Tullymorgan-Jackybulbin Road		
30 Tullymorgan-Jackybulbin Road, Morono	Lot 218 DP751394	2.83 km
Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 7300 DP1164836	0.70 km WSW
Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 12 DP734485	1.90 km
Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 13 DP734485	2.38 km
750 Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 15 DP734485	3.33 km
Residences from east to west, to the south of Tullymorgan-Jackybulbin Road		
Tullymorgan-Jackybulbin Road, Morono	Lot 1 DP837712	2.97 km
515 Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 10 DP734485	1.38 km
555 Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 9 DP734485	1.61 km
615 Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 8 DP734485	2.05 km
655 Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 7 DP734485	2.43 km
695 Tullymorgan-Jackybulbin Road, Jacky Bulbin Flat	Lot 6 DP734485	2.91 km



The employment that will be generated by the proposed suite of uses will be a positive effect for the local and regional economy. The proposed depot is likely to generate 1 to 2 Equivalent Full Time (EFT) positions in its initial phase increasing to 3 or more EFT positions if an ANE mixing process is established. About 5 to 10 EFT positions will be created during the construction phase of the depot.

The productive use of this ex sand quarry is a good outcome for an area that would otherwise end up as second rate agricultural or forest land (at best) if this use does not proceed.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Yes. The suite of uses proposed don't actually require a lot of public infrastructure. Good access to the Pacific Highway is important as the raw materials are trucked onto the site from depots and ports outside of the region. The Pacific Highway then provides access for the smaller vehicles used by blasting and drilling contractors. The Tullymorgan-Jackybulbin Road is in good order and currently handles heavy trucks with trailers ("truck and dog") and HRV trucks that service the quarry. The internal roads to access the subject land are not sealed, but can easily be formed into all-weather gravel roads that can deal with the limited truck and vehicle movements proposed.

The site does not need reticulated electricity and water and the use of solar cells and water tanks will provide for basic needs. A generator will provide back-up power, though no work is expected at the site after sunset. Wastewater can be easily dealt with on site. Telecommunications will be by mobile phone and CB radio.

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

State and Commonwealth public authorities have not been formally involved in this particular planning proposal as it is yet to receive Gateway Approval.

At this stage there do not appear to be any issues of interest to Commonwealth authorities. Although National Security Clearance is required for workers at the site, this aspect is managed by Work Cover and will be addressed only if the proposal is approved.

Consent for the development (if the planning proposal is approved) will require referral to NSW Government Trade and Investment (Inspector of Mines, Northern Region). Jurisdiction is with Trade and Investment because the site is under a mining lease. Workcover will not require referral (they would if it was a non-mining lease site) but they require evidence of approval by Trade and Investment before they can issue a Workcover licence for the site.

However a draft development application for the same suite of uses was discussed with NSW Work Cover and the NSW Mines Inspector. A summary of this planning proposal has been supplied to the NSW Mines Inspector (Northern Regions) and the response is included as Appendix E. The Mines Inspector concludes:

"In summary, it is my opinion that the proposed site (Lot 2 DP 1055044) is consistent with the intent of the requirements of AS 2187 and I would support its location as a prospective site for above ground magazines and associated storage facility."



Pursuant to S.117 Direction 1.3, CVC will need to consult with the Director-General of the Department of Primary Industries (DPI) in relation to the regional sand and sandstone resource located on Lot 2 DP 1055044. The views of DPI are required to be included as part of the public exhibition material placed on display by Council.

Community consultation

It is considered that community consultation for the planning proposal should, as a minimum, comprise an exhibition period of not less than twenty eight (28) days. All of the nearest dwellings should be notified of the planning proposal.



Conclusion

Lot 2 DP 1055044, Tullymorgan-Jackybulbin Road, Mororo is an ideal location to establish an explosives depot, machinery storage area and an ANE mixing plant. It is:

- Free from hazards such as flooding and is relatively flat to enable easy truck and materials movement;
- Large enough (4.9 ha) to allow for the internal separation distances between storage areas that meets Australian Standards and Work Cover requirements;
- In an isolated rural location yet still has good access to the Pacific Highway;
- Adjacent to land uses that are compatible with the proposed use (and no dwellings close by);
- It has established buffers that are under the control of the site owner;
- It has a secure access with a staffed weighbridge and is in a location that can be fenced.

This planning proposal is consistent with Clarence Valley Economic Development Strategic Plan 2006 and Clarence Valley Industrial Lands Strategy, 2007 as well as the Mid North Coast Regional Strategy and all SEPPs and Section 117 Directions. It is in principle supported by the NSW Mines Inspector.

Traffic generated by the proposal can be absorbed into the existing road network and will not cause excessive disruption. The use of this ex quarry site for an employment generating business is a significantly better option than its use as poor grade agricultural land or regrowth forest.

The amendment to Schedule 1 of Clarence Valley LEP 2011 is the most appropriate option rather than changing the RU2 zone or applying an industrial zone in this isolated location.

This planning proposal should be forwarded to the Department of Planning and Infrastructure with a recommendation that it be given Gateway Approval and placed on public exhibition.



Appendices

Appendix A: Site photos

Appendix B: Preliminary Hazard Assessment

Appendix C: Consistency with State Environmental Planning Policies

Appendix D: Consistency with applicable Section 117 Directions

Appendix E: Letter from NSW Trade and Investment (Mine Safety)





Panorama of subject land looking west from site entry across the 4 ha of mostly cleared land





Remnant vegetation on site (approximately 6 large trees) is to be retained





The site was a sand quarry and has now been filled with clay material from Devils Pulpit Pacific Highway upgrade



A mixture of different clay material has been used to fill the site





Regrowth vegetation from past logging and natural ground level at western edge of site



Heavy vegetation on all boundaries screens the site from all public roads and neighbours.





Un named watercourse beyond northern edge of site



Appendix B: Preliminary Hazard Assessment (GAA, 2013)



Consistency with SEPPs

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No 6 – Number of Storeys in a Building	N/A
SEPP No 10 – Retention of Low Cost Rental Accommodation	N/A
SEPP No 14 – Coastal Wetlands	N/A
SEPP No 15 – Rural Landsharing Communities	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 22 – Shops and Commercial Premises	N/A
SEPP No 26 – Littoral Rainforests	N/A
SEPP No 29 – Western Sydney Recreation Area	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	N/A
SEPP No 33 – Hazardous and Offensive Development	Consistent. See additional comment below
SEPP No 36 – Manufactured Home Estates	N/A
SEPP No 39 – Spit Island Bird Habitat	N/A
SEPP No 41 – Casino Entertainment Complex	N/A
SEPP No 44 – Koala Habitat Protection	Consistent. See additional comment below
SEPP No 47 – Moore Park Showground	N/A
SEPP No 50 – Canal Estate Development	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 53 – Metropolitan Residential Development	N/A
SEPP No 55 – Remediation of Land	Consistent. See additional comment below
SEPP No 59 – Central Western Sydney Regional Open Space and Residential	N/A



State Environmental Planning Policy	Consistency
SEPP No 60 – Exempt and Complying Development	N/A
SEPP No 62 – Sustainable Aquaculture	N/A
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP No 71 – Coastal Protection	N/A
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP (Infrastructure) 2007	Consistent. See additional comment below
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. See additional comment below
SEPP (Rural Lands) 2008	Consistent. See additional comment below
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Temporary Structures) 2007	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A

SEPP (Infrastructure) 2007

Under Clause 104 (Traffic Generating Development), a future development application (should the planning proposal be agreed) may have to be referred to RMS prior to the determination of the application because the 'new premises' on the site has direct vehicular or pedestrian access to a road and is a "bulk store" greater than 8000 m² in size. However, this is not a concern at the planning proposal stage and the estimated traffic to be generated by the site is minimal.



SEPP No 33 – Hazardous and Offensive Industries

This policy defines ‘potentially hazardous industry’, ‘hazardous industry’, ‘hazardous storage establishment’, ‘potentially offensive industry’, ‘offensive industry’ and ‘offensive storage establishment’. SEPP 33 introduces performance-based definitions of ‘hazardous’ and ‘offensive’ and sets out specific assessment requirements for such proposals. The Policy aims to ensure that only proposals, which are suitably located, and able to demonstrate they can be built and operated without posing a significant offsite risk, can proceed. It also aims to ensure that Councils have sufficient information to assess such proposals adequately.

It applies when a development application is lodged for a use that meets the definitions in the SEPP. They are the same as those in the standard LEP except that the standard LEP does not have the ‘potentially hazardous industry’ definition.

The planning proposal is consistent with the SEPP.

SEPP No 44 – Koala Habitat Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala Population decline by:

- a. Requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat and;
- b. Encouraging the identification of areas of core koala habitat and;
- c. Encouraging the inclusion of areas of core koala habitat in environmental protection zones.

The only application of SEPP 44 at the planning proposal stage is whether the subject land is core Koala habitat and should be in an environment protection zone. Although the property itself has been identified as potential koala habitat, the footprint subject to this planning proposal is a cleared pad that has been a quarry and has no significant vegetation present. There is no basis to zone this land for environment protection on the basis of SEPP44.

The planning proposal is consistent with the SEPP.

SEPP No 55 – Remediation of Land

The subject land has been used as a sand quarry and more recently has been filled using excess clay material taken from the Devils Pulpit highway upgrade. There is no history of known contaminating uses on the site.

SEPP 55 (Remediation of Land) recognises that land which is known to be contaminated by past land uses can still be zoned for development as long as:

“(a) the planning authority has considered whether the land is contaminated, and



- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.”*

In this case, it is likely that the land is not contaminated and does not require remediation. The uses proposed relate to warehousing, machinery storage and ANE mixing and no residential or other sensitive uses are proposed. Land contamination from past uses is not a significant concern and the planning proposal is consistent with the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP affects the permissibility of various types of mining and extractive industry operations and does not prescribe how Council should deal with this planning proposal, even though it does affect an area known to contain a significant extractive resource. This issue is addressed in the relevant S117 Direction.

The planning proposal is consistent with the SEPP.

SEPP (Rural Lands) 2008

There is no intention to subdivide the subject land below the minimum lot size prescribed in the Clarence Valley LEP 2011. The subject land is not of State or regional agricultural significance. Should the land be required for agriculture at some time in the future the removal of infrastructure required for the uses included in this planning proposal would be easily undertaken. These uses would not sterilize the land from future agricultural uses.

The planning proposal is consistent with the Planning Principles in clause 7 of the Rural Lands SEPP.

The planning proposal is consistent with the SEPP.



Consistency with Section 117 Directions

Ministerial Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	Justifiably Inconsistent. Although the planning proposal will permit industrial uses on the subject land, these uses are quite specialised and can only take place in an isolated location. The separation distances required for components within the site and from adjacent land uses means that an industrial estate is not appropriate. The impact on rural land is minor (only 4.9 ha of the 365 ha lot will be directly affected – about 1.3%). On balance the inconsistency with the direction is justified and minor.
1.3 Mining Petroleum Production and Extractive Industries	Justifiably Inconsistent. The site is located on and adjacent to a regionally significant sand and sandstone resource. However, the proposed use will be located on that part of the site that has been 95% exploited and was in the process of being filled and rehabilitated. The important sandstone resource will not be impacted by the proposal and its extraction about 1km to the east will not be compromised. Explosives are used at the sandstone quarry and storage nearby does not pose any problems. CVC will need to consult with NSW DPI to seek its opinion on the proposal. The extraction of sand at site C has stopped and would not be able to continue with the explosives depot in place. However, the infrastructure required to operate the explosives depot, warehouse and ANE mixing plant is easily removed if it was no longer required at some time in the future. Any resource that remains on the site would not be permanently sterilised.
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	Consistent. The planning proposal will not alter the boundaries of the RU2 zone or the minimum lot size provisions that applies to the subject land. It will not create any dwelling entitlements. However it will add a suite of uses as permitted with consent. The planning proposal is consistent with the Planning Principles in clause 7 of the Rural Lands SEPP and the Subdivision Principles in clause 8. Although the land is very poor quality in agricultural terms and has now been filled with clay material, it will still be available for agriculture if required.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent. The planning proposal is not removing or altering any environment protection zones.
2.2 Coastal Protection	N/A. The site is 15km from the high tide mark on the coast



Ministerial Directions	Comment
	and 8km from the nearest tidal waterway.
2.3 Heritage Conservation	Consistent. The planning proposal will not affect any heritage objects or places.
2.4 Recreation Vehicle Areas	N/A
3. Infrastructure and Urban Development	
3.1 Residential Zones	N/A
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent. The subject land is affected by bushfire hazard. However it is large enough that asset protection zones can be accommodated within existing cleared land.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The planning proposal is consistent with the MNCRS as it encourages industry and employment growth and investment in an appropriate location. It does not compromise the continuing sandstone extraction site nearby or sterilise any remaining sand resources on the site.
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Mid North Coast	N/A. This direction does not apply to the CVC and in any case, the subject land is not identified as State, Regional or non-contiguous significant farm land.
5.4 Commercial and Retail development along the Pacific Highway, North Coast	N/A. The subject land does not have frontage to the Pacific Highway.
5.8 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	



Ministerial Directions	Comment
6.1 Approval and referral requirements	Consistent. No approval or referral requirements are proposed.
6.2 Reserving Land for Public Purposes	Consistent. No land reservations are proposed or currently exist on the site.
6.3 Site Specific Provisions	Consistent. The planning proposal is nominating that the site be listed in Schedule 1 of CV LEP 2011 and a suite of uses be permitted with consent. This is consistent with the Direction requirement that Council: <i>“allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.”</i>
7. Metropolitan Planning	
Implementation of the Metropolitan Strategy	N/A



Appendix E: Letter from NSW Trade and Investment (Mine Safety)



17 September 2013

Comet Ref: 317626754001

Greg Alderson & Associates
133 Scarrabelottis Rd
NASHUA NSW 2478

Attention: Nick Charters

**RE: DRAFT PLANNING PROPOSAL FOR EXPLOSIVES DEPOT
LOT2 DP 1055044 TULLYMORGAN – JACKYBULBIN RD MORORO**

Dear Nick,

I make reference to your email dated 12 September 2013, which included two plans prepared by 'Greg Alderson & Associates Pty Ltd' and a summary of the "Draft Planning Proposal for Explosives Depot at Mororo."

As you are aware NSW Trade & Investment, Regional Infrastructure & Services – Mine Safety Operations Branch (MSOB) is the public agency responsible for all workplace safety matters on mine and extractive sites in NSW.

MSOB is also responsible for administering the provisions of the Explosives Act 2003 and Explosives Regulation 2013, where they relate to mining workplaces. As part of that obligation MSOB receives, reviews and processes '*licence to store explosives*' applications before drafting a recommendation to Workcover NSW, who are the ultimate licensing agency.

Without pre-empting the content of the full '*licence to store explosives*' application for Lot 2 DP 1055044, the purpose of this letter is to comment on the general suitability of the land parcel to host such a planned activity.

I make the following comments after reviewing the requirements of the Explosives Act 2003, Explosives Regulation 2013 and AS 2187.1 - 1998 "Explosives – Storage, Transport and use Part 1: Storage.

The general principles for the selection of an Above- Ground Magazine Site are detailed in **AS2187.1 – 1998**.

Section 2.1 General requirements for Above-ground Magazine sites, states

2.1.1 Magazine sites

2.1.1.1 General When siting magazines consideration shall be given to –

- (a) public risk;
- (b) enhancing physical protection to the public by the use of natural ground features;
- (c) vehicular access routes and junctions with public roads;
- (d) security;
- (e) other activities within the proximity of the site; and
- (f) protection from flood, fire, landslide, lightning or other natural incidents.

These general principles are the key assessment parameters when considering a location's suitability as a preferred site.

The proposed property (Lot 2 DP 1055044) has the following attributes;

- **Public Risk** - The isolation of the suggested property is consistent with reducing public risk. The local area is sparsely populated with the closest property being a single dwelling some 700 m away. It also appears unlikely that future residential developments will take place in the immediate vicinity.
- **Enhancing physical protection to the public by the use of natural ground features** - The containment of the site within a heavily timbered area provides a natural buffer between the public and the facility. This buffer will assist with a reduction in visual aesthetics and will provide a barrier against unauthorised pedestrian and vehicular entry.
- **Vehicular access routes and junctions with public roads** – The location lends itself to a simple access route that does not transgress communities, public recreational areas or other business infrastructure. The current road services heavy vehicles associated with the quarry, which are consistent with the modes of transport to be used in the storage facility.
- **Security** – The isolation from urban areas enhances the security of the site with a reduced public visibility. The installation of modern 'back to base' security systems combined with statutory fencing requirements would provide an equivalent level of security to any other location.
- **Other activities within the proximity of the site** - The close proximity of an existing extractive operation that has a continuous daily presence is a critical component in the selection of this site. The single access route via the quarry entrance ensures that any third party person wanting to visit the storage facility could not enter without being identified.

Despite this proximity the quarry location meets the separation distances required by AS 2187 and as such provides an ideal synergy with the proposed facility.

- **Protection from flood, fire, landslide, lightning or other natural incidents** - It is my understanding that the proposed location is not subject to flood, landslide, lightning or other natural disasters and is likely to satisfy the requirements of AS2187 with respect to clearance distances for bush fire events.

In summary, it is my opinion that the proposed site (Lot 2 DP 1055044) is consistent with the intent of the requirements of AS 2187 and I would support its location as a prospective site for above ground magazines and associated storage facility.

If you would like to discuss any of the matters raised in this letter do not hesitate to contact me on 02 67388509 or 0418293744.

A handwritten signature in black ink, appearing to read 'Angus Mc Douall', written in a cursive style.

Angus Mc Douall
Inspector of Mines
Northern Region