

July 2021



Planning Proposal

Additional Permitted Use – Bulk Storage and Reload Facility

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VERSION AND AMENDMENT CONTROL HISTORY

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INTRODUCTION

PROPOSED DEVELOPMENT

The purpose of this planning proposal is to enable a development application to be lodged for a bulk storage and reload facility located at lot 2 in DP1227923. The facility would handle a quantity of Ammonia Nitrate Emulsion (ANE), Ammonium Nitrate (AN), oxidising agents, gassing solutions and a small quantity of blasting agents. The quantity of blasting agents held onsite would replace a comparable quantity currently stored in magazines 1km southeast, used by Mudgee Dolomite & Lime Pty Ltd for blasting in a limestone quarry. The proposed facility would provide integrated drill and blast services to support the quarrying, mining and civil construction industries prominent within the region.

The facility would primarily be used to handle low-risk explosive pre-cursors including oxidising agents and gassing solutions. The facility would allow the handling, storage and transport of materials classified as Dangerous Goods (DG), including class 5.1 oxidisers, class 8.0 corrosive substances and class 1.0 blasting agents. Strict standards will be applied to the facility, notably the following:

- AS 2187.1-1998 Explosives - Storage, Transport and Use
- AS4326-2008 The Storage and Handling of Oxidising Agents
- Australian Explosives Industry and Safety Group (AEISG) Code of Practice Storage and Handling of UN3375
- Licensing under the *NSW Explosives Act 2003 No 39* and *Explosives Regulation 2013*

SITE OVERVIEW

The proposed development requires a building envelope of approximately 5000m² (0.5 Ha) and sufficient offsets to neighbouring development to comply with the requirements of AS2187.1-1998. The proposed site location, lot 2 in DP 1227923, includes approximately 20.4 Ha of suitable cleared land. The site, identified in Figure 1, is associated with 540 Buckaroo Road, Buckaroo, NSW, 2850 and is located 7km northeast of the township of Mudgee.

Lot 2 in DP1227923 measures approximately 69.14 Ha and is currently zoned RU1 Primary Production. The site adjoins Buckaroo Road directly to the north and the east via a Crown Road. Remnant vegetation is present on the south and northeast of the site, typically associated with steeper terrain. The remnant vegetation is associated with high biodiversity and is mapped as being bushfire prone land. Approximately 20.4 Ha of the site is cleared of vegetation and gently slopes to the north. The proposed building envelope is to be wholly contained within the historically cleared area.

The neighbouring land users include Mudgee Dolomite and Lime Pty Ltd, who operate a limestone quarry 1km southeast of the site and office administration buildings 750m to the northwest. A gravel pit is located approximately 350m to the west of the proposed building envelope. The vegetation on the south of the site extends into steep terrain associated with extensive vegetation zoned E3 Environmental Management. Land to the north is zoned R5 Large Lot Residential while the land directly west, northwest, and east of the site is zoned RU1 Primary Production. Figure 1 provides an overview of the proposed site and surrounding land uses.

Planning Proposal – Additional Permitted Use

540 Buckaroo Road, Buckaroo

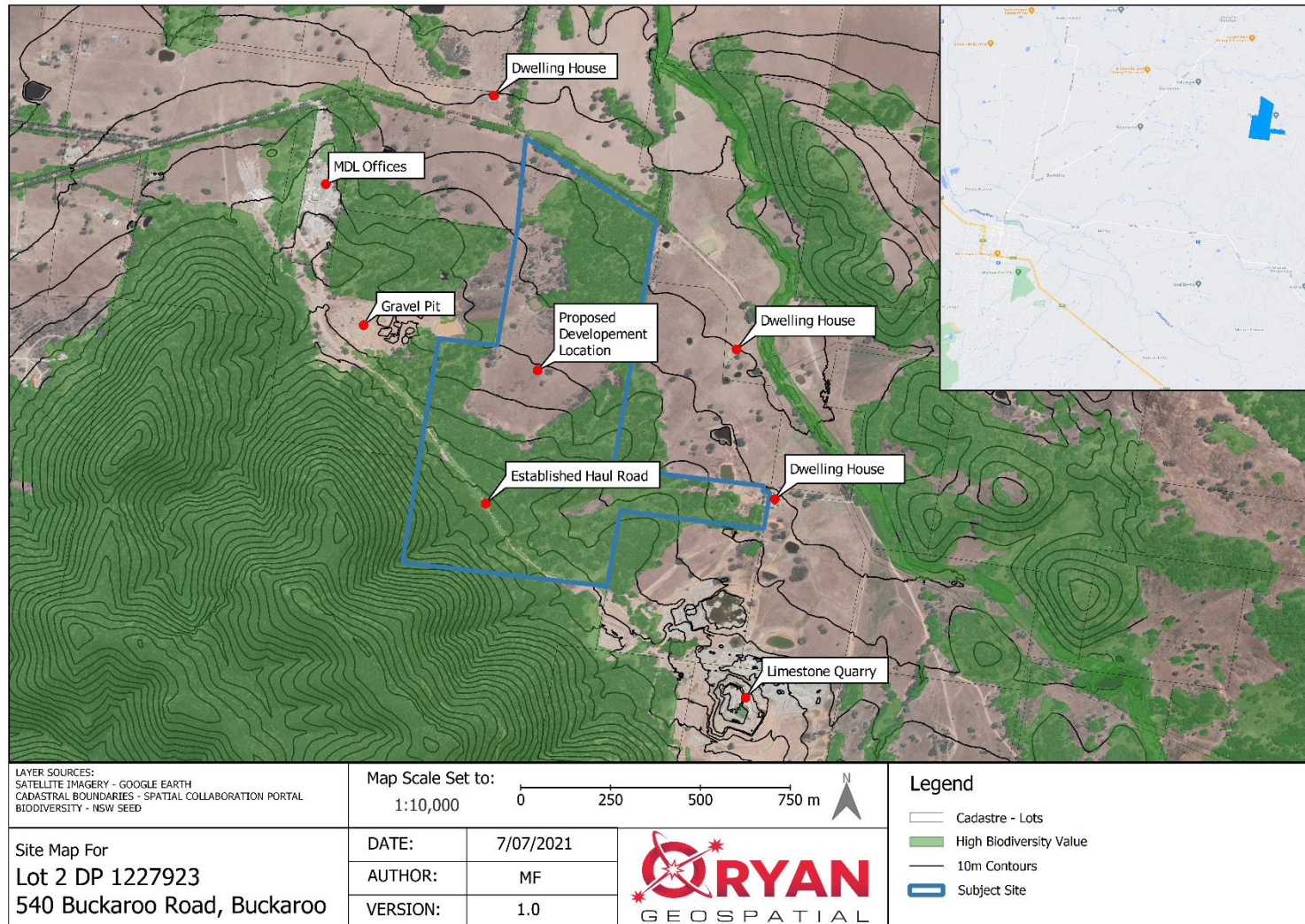


Figure 1 Proposed Site – Lot 2 in DP 1227923

PART 1 - INTENDED OUTCOMES

The purpose of this planning proposal is to amend the *Mid-Western Regional Local Environmental Plan 2012* (MWR LEP) under the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act) to include an additional permitted use for Lot 2 in DP1227923 as a bulk storage and reload facility. The planning proposal would amend Schedule 1 of the MWR LEP to allow a development application (DA) to be lodged for the facility.

The proposed bulk storage and reload facility would handle and store several categories of Dangerous Goods (DGs), including class 5.1 oxidisers, class 8.0 corrosive substances and class 1.0 blasting agents. The nature of these goods, materials and products requires measures to reduce or minimise the potential impact to health, property, or the environment. AS 2187.1-1998 Explosives - Storage, Transport and Use specify the offset requirements from protected works (Class B) such as dwelling houses, public buildings, and industries. Table 1 indicates the offset requirements under the standard for the proposed development. Note that quantities and materials are indicative only.

Table 1 Indicative Quantities of Dangerous Goods (DGs) Proposed

CLASSIFICATION	NAME	VOLUME	Protected works B – mounded, meters	Process building mounded, meters
5.1	Ammonium Nitrate UN1942 or UN2067	70 tonne (NEQ 22.4t @ .32))	325m (25t 50% of 650m)	235m (25t)
5.1	Ammonium Nitrate Emulsion UN3375	75 tonne (NEQ 56t @.75)	410m (50t 50% of 820m)	295m (50t)
5.1	Sodium Nitrite solution (gassing agent)	3,000lt (1000lt IBC)	N/A	N/A
8.0	Acetic Acid solution 45%	3,000lt (1000lt IBC)	N/A	N/A
1.0	Explosives	7,500kg	435m (35m to AN, 95m to ANE)	155m
1.0	Detonators 1.4S & 1.1B	5,000 units (NEQ 5kg)	10m to other explosives	N/A
N/A	Diesel – (To be confirmed with operations)	2500lt	N/A	N/A

Under the MWR LEP Dictionary, the proposed development would be classified as a heavy industrial storage establishment and/or a heavy industry. The MWR LEP definitions are provided below:

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

(a) to human health, life or property, or

(b) to the biophysical environment.

Note—

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

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.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

(a) a hazardous storage establishment,

(b) a liquid fuel depot,

(c) an offensive storage establishment.

industry means any of the following—

(a) general industry,

(b) heavy industry,

(c) light industry,

but does not include—

(d) rural industry, or

(e) extractive industry, or

(f) mining.

The offsets required by the proposed development are incompatible with the industrial areas currently zoned or proposed in the Mid-Western Regional Comprehensive Land Use Strategy (CLUS). An evaluation of current/proposed industrial zoned land within Mudgee, Gulgong, Kandos/Rylstone, and Ulan indicate that insufficient land is available for the proposed development. The sites reviewed would have insufficient area for suitable offsets to class A protected assets (e.g., roads) and class B protected assets (e.g., dwellings, public facilities, industries) under AS2187.1-1998.

Investigation of suitable sites has identified lot 2 in DP 1227923 as a potentially suitable location. Lot 2 is located within an RU1 Primary Production zone. The MWR LEP Land Use Table for RU1 Primary Production lists “industries” and “heavy industrial storage establishments” under section 4 prohibited development. This planning proposal seeks to amend the MWR LEP to allow the proposed bulk storage and reload facility to be included under MWR LEP Schedule 1 as an additional permitted use. MWR LEP clause 2.5 describes additional permitted uses:

2.5 Additional permitted uses for particular land

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out—*
- (a) *with development consent, or*
 - (b) *if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

Amendment of MWR LEP to include the facility as an additional permitted use is preferable to rezoning the subject site to IN3 heavy industrial. The amendment would enable a development application to be lodged for the proposed development without creating an opportunity for other incompatible industrial uses that may be permitted if the land were to be rezoned to an industrial land use.

PART 2 - EXPLANATION OF PROVISIONS

The following formal amendment to the *Mid-Western Regional Local Environmental Plan 2012* (MWR LEP) is proposed to facilitate the intended outcomes of the planning proposal that were discussed in Part 1 of this report:

- Amend Schedule 1 to provide an additional permitted use for a bulk storage and reload facility subject to development consent at lot 2 DP1227923

It is recognised that the intended outcome can be achieved by amending the applicable map sheets to change lot 2 DP1227923 from land zoned RU1 Primary Production to a suitable industrial zone. However, it is recommended that an additional permitted use be applied in this instance to prevent alternative industrial uses of the subject site that are not likewise constrained by the need for isolation from certain neighbouring land uses. Amending Schedule 1 to allow an additional permitted use would enable a development application (DA) to be lodged for the proposed development without permitting the full litany of industrial uses allowed by the MWR LEP Land Use Table.

PART 3 - JUSTIFICATION

This section outlines the reasoning and justification for the proposed amendment to the MWR LEP, which is intended to allow further development of the site as a bulk storage and reload facility, as stated by the intended outcomes discussed in Part 1.

The following questions have been extracted from the requirements set out by the NSW Department of Planning and Environment through their document titled *A Guide to Preparing Planning Proposals 2018*.

SECTION A – NEED FOR A PLANNING PROPOSAL

Question 1: Is the planning proposal a result of an endorsed local strategic planning statement, strategic study, or report?

Answer: No

The key strategic document that Mid-Western Regional Council applies for identifying and releasing land for industrial use is the Comprehensive Land Use Strategy (CLUS) originally endorsed by Council in August 2010. The CLUS has three volumes, with Part C – Strategy being of particular relevance for this case. Part C is considered below:

Part C Section 3.2 Employment Lands recognises that mining operations and associated industries are significant employment opportunities for the MWR LGA and identifies that these industries will drive demand. Section 3.2 identifies several industrial development areas for expansion and provision of employment opportunities over the medium-long term. The land zoned for industrial use and identified for future expansion by the CLUS have been reviewed to determine if suitable land is available for the proposed development. A brief evaluation is provided below:

- Sydney Road Industrial Area – this location is prominently used for light industrial and bulky retail purposes. The density of the industrial and commercial development is not appropriate for the proposed development.
- Land Near Mudgee Waste Transfer Area – land to the north of the Mudgee Waste Transfer Station on Hill End has been proposed as an alternative to Sydney Road for heavier industries. While less densely developed than Sydney Road, the industry within this area is more likely to use materials and processes that are incompatible with the proposed development and may increase the overall hazard posed.
- Mudgee Airport – is identified in the CLUS as a potential area for industrial use that is compatible with the airport. The proposed development is not considered to be a compatible development.
- Ulan – industrial land closer to mining activities in Ulan is identified as an alternative for general industry. However, a review of land already zoned for industrial use indicates that no sites are available that are suitably offset from Ulan Road, which is a major road with significant vehicle traffic.
- Gulgong – the CLUS suggests that Gulgong may be a suitable alternative to Sydney Road for larger industrial sites. A review of the land available, development density and surrounding land uses indicate that the proposed development would not be compatible.
- Rylstone and Kandos – this area includes several areas zoned for industrial use located between the villages of Rylstone and Kandos as well as land associated with the defunct Mudgee cement works. The primary access road in this location is Bylong Valley Way which passes through both Kandos and Rylstone. The currently zoned sites are considered undesirable due to the increased heavy vehicle traffic generated by the proposed development, often transporting dangerous goods that would need to travel through residential areas.

The preliminary site suitability review suggests that the industrial lands currently zoned and identified in the CLUS are unsuitable for the proposed development. The most suitable sites for potential rezoning identified in the strategy are locations outside Kandos/Rylstone or close to Ulan due to larger lot sizes and lower development density. The disadvantage of this approach is that the CLUS encourages the rezoning of industrial land adjacent to existing development. This could result in rezoning to neighbouring portions that are incompatible with the proposed development. To conclude, the nature of the proposed development requires isolation from other industry and suggest the development is best suited to a site co-located with the extraction industries that it would serve.

Question 2: Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Answer: Yes

A planning proposal seeking to amend MWR LEP is considered the best means of achieving the objectives and intended outcomes set out in Part 1 of this PP and the most effective way of providing certainty for Council, the local community, and the landowner.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Question 3: Will the planning proposal give effect to the objectives and actions of the applicable regional, district plan or strategy (including any exhibited draft plans or strategies)?

Answer: Yes

Mid-Western Regional Council falls within the "Central West and Orana Region" and therefore this planning proposal has considered the objectives and actions of the Central West and Orana Regional Plan 2036. The plan broadly identifies areas for economic expansion throughout the region, including the Mid-Western Regional LGA. The regional plan has been considered from two perspectives:

1. The impact of the proposed development on agricultural interests, particularly as it relates to the fragmentation of agricultural lands; and
2. The economic opportunities presented by the proposed development and the indirect benefits to the mining and construction industries.

Direction 1: Protect the region's diverse and productive agricultural land – recognises the need to identify important agricultural lands and protect these lands from conflicting development and fragmentation. The proposed site location would be positioned between existing non-agricultural land uses and is otherwise constrained to the south due to terrain and biodiversity features. The proposed facility location would be within a historically cleared area approximately 20.3 Ha in size. The facility itself would be approximately 5,000m² (0.5 Ha) and agricultural practices could continue unimpeded outside this area. Overall, the proposed development is therefore anticipated to have a negligible impact on agricultural interests at a regional scale.

Direction 3: Develop advanced manufacturing and food processing sectors – identifies the need to incorporate value-added manufacturing and co-location of related industries to maximise efficiency and industrial use, decrease supply chain costs, increase economies of scale, and attract further investment. The proposed development is located 1km northeast of a limestone quarry operated by Mudgee Dolomite & Lime Pty Ltd and would be well-positioned to provide drill and blast services. The quarry can be readily accessed by a haulage road to minimise transportation and use of public roads.

Direction 8: Sustainably manage mineral resources – recognises that the mineral resource sector underpins many local economies and is a key driver for growth. A key action identified is to protect infrastructure that facilitates mining from development that could affect current or future extraction. The proposed development is not located on the mining lease and would not constrain the continued operation of the quarry.

Direction 10: Promote business and industrial activities in employment land – suggests that co-location of related industries be promoted, and that industrial and employment lands be identified to reduce land-use conflicts. Notably, this planning proposal does conflict with the direction by planning development located outside an identified industrial cluster, however, as identified in question 1, this is to avoid incompatible land users in the proximity of the development. The applicant currently provides integrated drill and blast services to the quarry operated by Mudgee Limestone & Dolomite Pty Ltd from Queensland. The applicant is seeking to expand their services within the Central West region and would be creating local employment opportunities. The proposed facility would also have numerous indirect benefits to the mining and construction industries by providing a local, cost-effective service.

Question 4: Is the planning proposal consistent with Council's local strategy or other local strategic plan

Answer: Yes

The Mid-Western Regional Local Strategic Planning Statement (LSPS) was endorsed by Council at the 20 May 2020 meeting. The LSPS sets out the 20-year vision for land use planning in the MWR LGA. The strategy outlines key short, medium, and long-term planning priorities for the community.

Planning priority 7 – support the attraction and retention of a diverse range of businesses and industries identifies the need to maintain and enhance a diverse local economy. The four key economic contributors are identified as mining, real estate, construction, and agriculture. Promotion and targeting of businesses that complement key local industries is identified as a key action. This planning proposal is intended to allow a development application to be lodged for a bulk storage and reload facility that would provide specialised drill and blasting solutions to the region. The services provided would be highly complementary to the mining and construction industries in the region.

Planning priority 8 – provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and further economic growth in the region states that Council plays a role in identifying and resourcing initiatives that support businesses, attract investment, and assist the region to grow. The proposed development would have direct employment benefits and substantial indirect impacts on the mining and

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540 Buckaroo Road, Buckaroo



construction industries by providing a cost-effective and competitive local service. This is likely to have ongoing positive effects on employment in mining (17.6% of the workforce) and construction (8.2% of the workforce).

Question 5: Is the planning proposal consistent with the applicable State Environmental Planning Policies?

Answer: Yes

SEPP	Applicable / Consistency
State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable to the proposal
State Environmental Planning Policy (Activation Precincts) 2020	Not applicable to the proposal
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to the proposal
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable to the proposal
State Environmental Planning Policy (Coastal Management) 2018	Not applicable to the proposal
State Environmental Planning Policy (Concurrences and Consents) 2018	Not applicable to the proposal
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Not applicable to the proposal
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable to the proposal
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable to the proposal
State Environmental Planning Policy (Infrastructure) 2007	Not applicable to the proposal
State Environmental Planning Policy (Koala Habitat Protection) 2020	See below
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	Not applicable to the proposal
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	See below
State Environmental Planning Policy (Primary Production and Rural Development) 2019	See below
State Environmental Planning Policy No 21—Caravan Parks	Not applicable to the proposal
State Environmental Planning Policy No 33—Hazardous and Offensive Development	See below
State Environmental Planning Policy No 36—Manufactured Home Estates	Not applicable to the proposal
State Environmental Planning Policy No 50—Canal Estate Development	Not applicable to the proposal
State Environmental Planning Policy No 55—Remediation of Land	See below
State Environmental Planning Policy No 64—Advertising and Signage	Not applicable to the proposal
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not applicable to the proposal
State Environmental Planning Policy (State and Regional Development) 2011	Not applicable to the proposal
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Not applicable to the proposal

The following State Environmental Planning Policies (SEPPs) are considered relevant to the planning proposal:

SEPP (Koala Habitat Protection) 2020

The consideration of SEPP (Koala Habitat Protection) 2020 is not considered applicable at the planning proposal stage. At the development application stage due consideration of any potential impact to Koala Habitat and feed trees should be undertaken. The site includes a substantial cleared area (approximately 20.3 Ha) suitable for the establishment of the proposed facility (approximately 0.5 Ha). The proposed building envelope has been historically cleared and is of a suitable size and dimensions for the establishment of the facility and asset protection zones required by NSW RFS. Minimal impacts to habitat or feed trees are anticipated.

SEPP (Primary Production and Rural Development) 2019

SEPP (Primary Production and Rural Development) 2019 is a planning framework implemented to facilitate the orderly use of land for sustainable agriculture. The subject site has not been identified as state significant agricultural land under Part 2 of the SEPP and no livestock industries, or aquaculture is proposed as part of the site's development. The footprint of the proposed facility is approximately 0.5 Ha, with the remaining 19.5 Ha of cleared land available for ongoing agricultural uses. Existing extraction industries and terrain constraints limit the connectivity of the site and the impacts of the planning proposal on rural land fragmentation or loss are considered negligible at both a local and regional scale.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The aims of SEPP (Mining, Petroleum Production and Extractive Industries) 2007 is to facilitate and manage land used for or surrounding extractive industries while considering conflicting or competing land uses. Clause 13 of the SEPP specifies that the consent authority must consider the compatibility of development in proximity to an extractive industry:

(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined—

- (a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or*
- (b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*
- (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum, or extractive materials.*

The proposed development is located in proximity to a limestone quarry located approximately 1km to the southeast. Clause 13 states:

(2) Before determining an application to which this clause applies, the consent authority must—
(a) consider—

- (i) the existing uses and approved uses of land in the vicinity of the development, and*
- (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
- (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).

The applicant has consulted Mudgee Dolomite and Lime Pty Ltd, and the proposed use of the subject site will not result in any land use conflict or otherwise impact the operation of the quarry. Mudgee Dolomite and Lime Pty Ltd have raised no objections to the lodgement of the planning proposal.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

SEPP No.33 amends the definitions of hazardous and offensive industries and provides guidelines to assist with the evaluation of potentially hazardous or offensive industries during the development application stage. The proposed development is for a bulk storage and reload facility that would involve classified dangerous goods (DGs). SEPP No. 33 does not apply at the planning proposal stage however due consideration of the SEPP is required for any development application lodged for the proposed additional use.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 sets out the requirements and procedures for the remediation of contaminated land during the development process. The site does not appear on the list of NSW contaminated sites notified to the Environmental Protection Authority (EPA). The proposed building envelope has been historically cleared for grazing purposes and review of current and historic imagery suggest that no significant structures have been established. Figure 2 is an excerpt from the NSW Spatial Services Historic Imagery Viewer from 11/11/1990 and Figure 3 is an excerpt from 2/06/1964.



Figure 2 Historic Imagery 1990

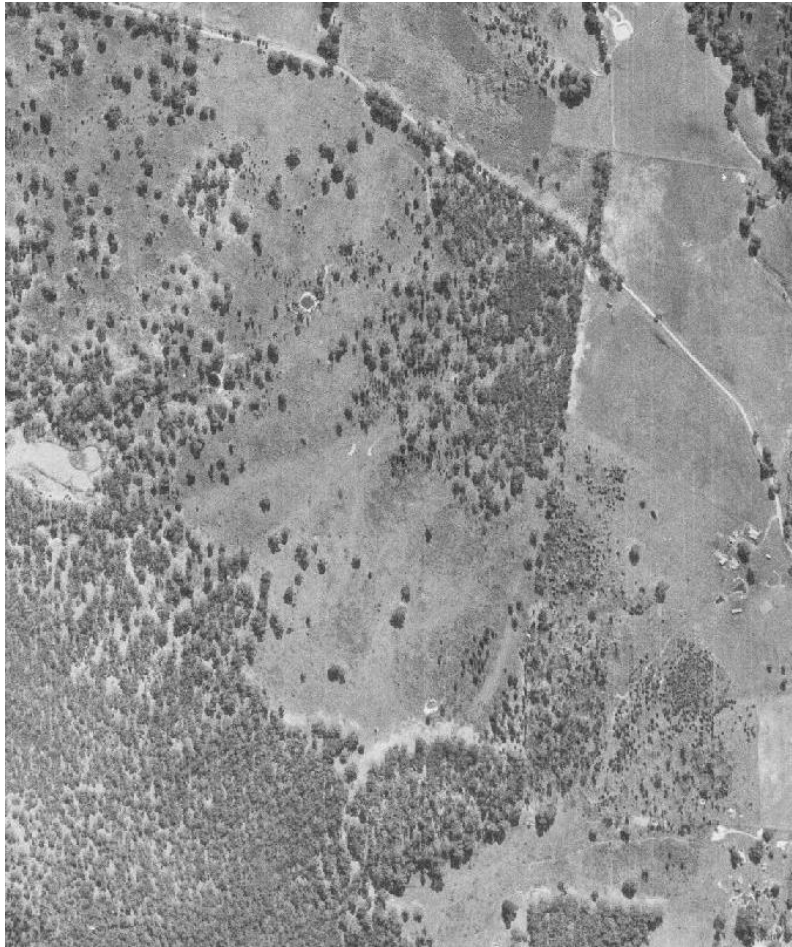


Figure 3 Historic Imagery 1964

Question 6: Is the proposal consistent with the applicable Ministerial Directions (9.1 Directions)?

Answer: Yes

The directions issued by the Minister for Planning under section 9.1(2) of the Environmental Planning and Assessment Act 1979 are considerations and requirements that apply to planning proposals that are lodged to the Department of Planning, Industry and Environment. Consideration of the applicable ministerial directions are discussed below:

Direction 1.2 Rural Zones

Ministerial Direction 1.2 directs the council not to undertake a planning proposal to rezone land from a rural zone to a residential zone, business, industrial, village or tourist zone or increase the permissible density of the land within a rural zone unless justified by a relevant plan or strategy. This planning proposal seeks to permit an additional use of the land and will not change the land zoning or development density.

Direction 1.5 Rural Zones

The objectives of ministerial direction 1.5 is to protect agriculturally productive land, minimise rural land fragmentation, promote sustainable land-use practices, and minimise land use conflict. This planning proposal affects land that is within an existing rural zone and the

direction applies. The proposed site is not associated with strategic agricultural land and is located in proximity to extractive industries. The land to the south of the site includes steep terrain with significant native vegetation and is unconducive to agricultural use. The proposed facility would have a total footprint of approximately 0.5 Ha and would allow for agricultural practices to continue on the remaining 19.8 Ha of cleared land.

Overall, the additional permitted use and presumed future development of the site as a bulk storage and reload facility is anticipated to have minimal conflict with the surrounding land users and any loss of agricultural land will be of minor significance when considering the social, economic, and environmental interests of the community.

Direction 2.3 Heritage Conservation

Ministerial direction 2.3 aims to protect places of Aboriginal or European heritage during the planning proposal process. The subject land is not associated with any state or local heritage items, and an AHIMS basic search (see Appendix A) has been undertaken. The AHIMS search does not identify any Aboriginal sites or places in proximity to the site. The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* is to be applied by any subsequent development.

Direction 4.4 Planning for Bushfire Protection

Ministerial Direction 4.4 aims to protect life, property, and the environment from bushfire hazards and to encourage sound management of bushfire prone areas. The subject site is identified on the NSW RFS bushfire prone land maps as being bushfire prone. The site includes areas identified as vegetation category 1, vegetation category 2 and vegetation buffer. An excerpt of the bushfire mapping is shown below in Figure 4.

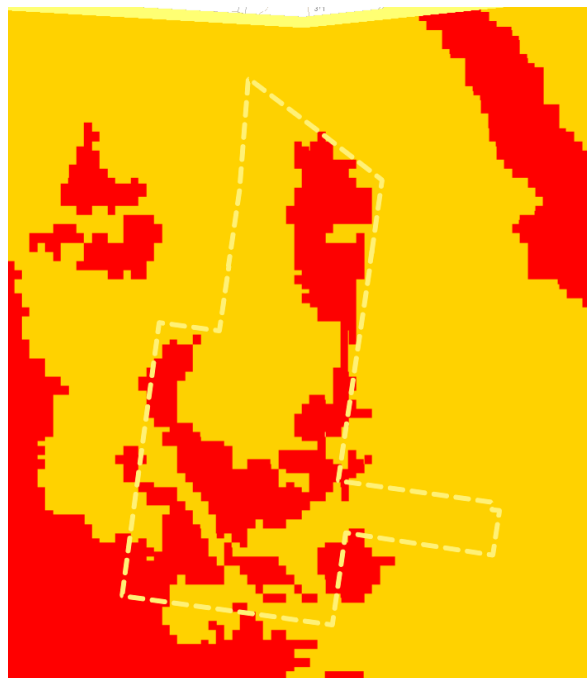


Figure 4 Bushfire Prone Land

The proposed site location is conducive to establishment of suitable outer and inner asset protection zones (APZs) wholly within the allotment and without requiring extensive clearing to be undertaken. Establishment and continuation of agriculture activities, particularly livestock, will be encouraged to reduce available fuel within the cleared areas of the site.

Under Direction 4.4, it is recognised that further consultation with NSW RFS will be required to demonstrate that the planning proposal and subsequent development of the site would be able to mitigate risks posed by a bushfire event and achieve compliance with the bushfire protection measures outlined by the document; Planning for Bushfire Protection 2019 (PBP).

Direction 5.10 Implementation of Regional Plans

Ministerial Direction 5.10 aims to ensure that any planning proposal is consistent with the relevant regional plan's strategy, goals, or actions. This issue has been addressed in this report and the planning proposal is considered consistent with the *Central West and Orana Regional Plan 2036*.

Direction 6.1 Approval and Referral Requirements

Ministerial Direction 6.1 aims to ensure that LEP provisions encourage the appropriate and efficient assessment of the development. The planning proposal does not include LEP provisions that require further consultation or concurrence with other Departments at the planning proposal stage. Under Ministerial Direction 4.4, it is recognised that consultation with NSW RFS will be required during the planning proposal process.

Direction 6.3 Site Specific Provisions

This Ministerial Direction aims to discourage unnecessarily restrictive site-specific planning controls. The adoption of the proposed additional permitted use would enable the proposed development to be assessed under the existing planning framework without adopting site-specific controls.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Question 7: 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?

Answer: Unlikely

The subject site does include several areas of remanent native vegetation on the southern and part of the northern extents of the site allotment. The facility's proposed location is within an existing clearing that is not associated with any significant vegetation.

A preliminary desktop assessment of the subject site indicates that the vegetation located on the southern and northern extents of the allotment are mapped as being of high terrestrial biodiversity on Council's LEP mapping (see Figure 5) as well as being of high biodiversity value on the Biodiversity Values (BV) map that is published by the Office of Environment and Heritage (see Figure 6).



Figure 5 Excerpt of the MWR LEP Map

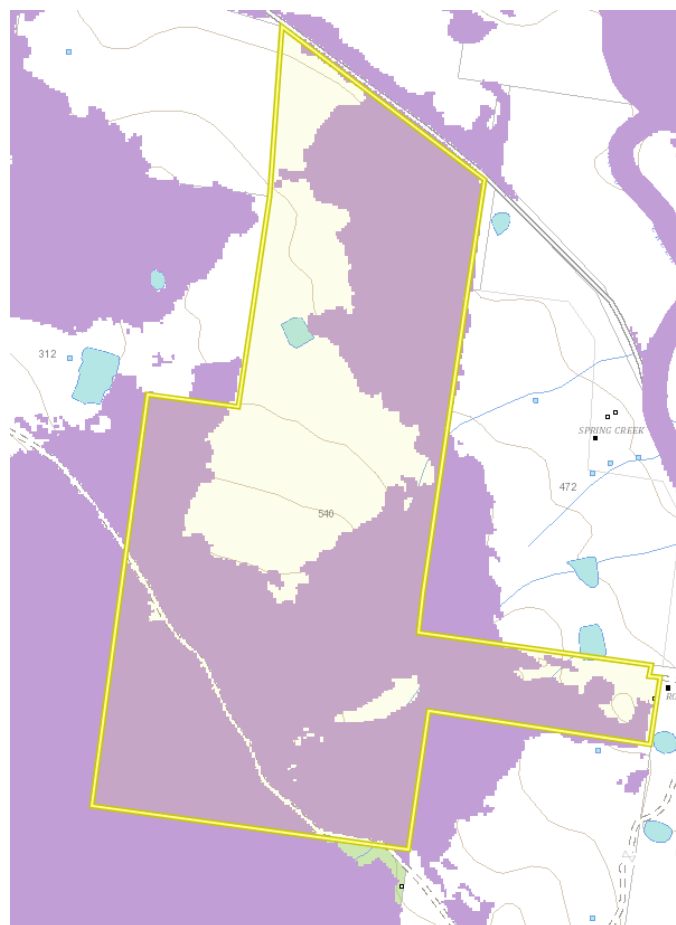


Figure 6 Excerpt of the BV Map

The proposed site contains a significant area of land (approximately 20.3 Ha) that has been historically cleared in which a suitable building envelope could be established. Avoidance of high biodiversity areas is recognised as an effective approach in chapter 8 of the Biodiversity Assessment Method (BAM) manual published by the Office of Environment and Heritage.

Further evaluation of the proposed facility location and design can be carried out during the development application stage. If clearing is proposed in areas mapped as being of high biodiversity value on the BV map, a biodiversity development assessment report (BDAR) using the BAM will be required under the *Biodiversity Conservation Act 2016*.

Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject site is partially mapped as being groundwater vulnerable on the Groundwater Vulnerability map. The objectives of clause 6.4 of the MWR LEP are to maintain the hydrological functions of critical groundwater systems and protect groundwater resources from depletion and contamination. This clause applies to land identified as "Groundwater Vulnerable" on the Groundwater Vulnerability Map, an excerpt of which is shown in Figure 7.

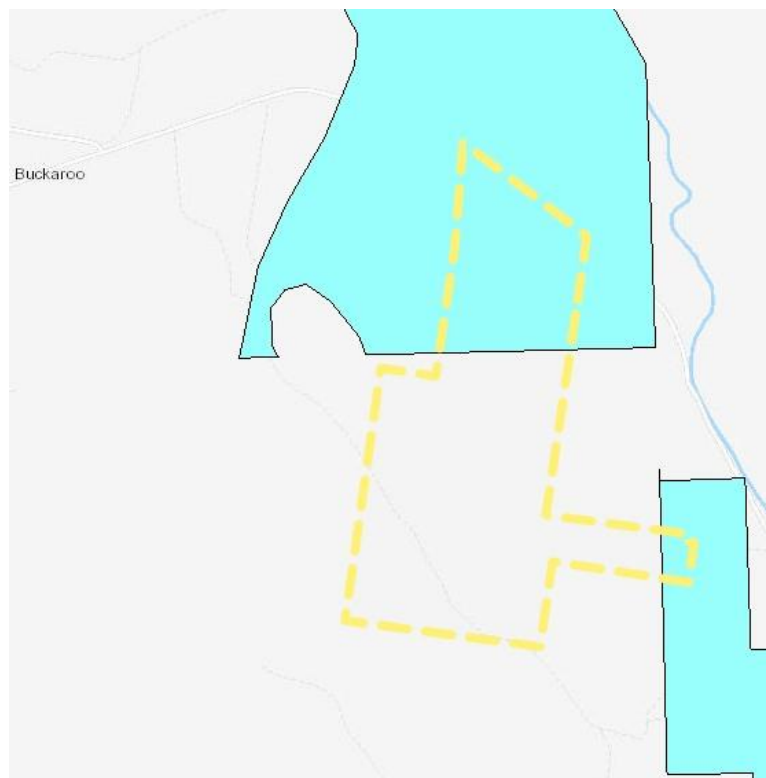


Figure 7 Excerpt of MWR LEP Groundwater Vulnerability Map

No broad excavation or new bores are proposed as part of the subdivision and the site of the development is to be located in the clearing south of the mapped groundwater vulnerable area. Given the negligible interactions with groundwater, the development is not likely to result in groundwater contamination, adversely impact potable water supply or harm groundwater-dependent ecosystems.

As identified, the subject site is mapped as being bushfire prone land on the maps published by NSW RFS. The proposed location of the development includes 20.3 Ha of cleared land that can be utilised to prepare suitable inner and outer asset protection zones (APZs). Consultation with NSW RFS will be undertaken to ensure that adequate systems are implemented to reduce the hazard posed by a bushfire event. This will be maintained on an ongoing basis and will be subject to inspections as required by the facility licensing.

Question 9: How has the planning proposal adequately addressed any social and economic effects?

The development resulting from this planning proposal would have several beneficial direct and indirect economic outcomes for the region. The facility would be located a short drive from the township of Mudgee and would provide employment opportunities. The proposal would also indirectly benefit the extraction and construction industries prevalent throughout the region by providing a cost-effective local drill and blast service.

Social impacts to neighbouring landholders can be mitigated by incorporating design elements or the facility's management, including bunding, offsets to dwellings, and/or credible evacuation. The facility is subject to licensing under the NSW *Explosives Act 2003 No 39* and *Explosives Regulation 2013* and is required to demonstrate compliance with the applicable standards AS2187 Storage & Transport of Explosives and the Australian Explosives Industry and Safety Group (AEISG) UN3375 code of practice. Suitable arrangements with neighbouring landholders, where required, will be demonstrated during the facility's development application and subsequent licensing.

Question 10: Is there adequate public infrastructure for the planning proposal?

Answer: Yes

Transportation and Roads

The subject site adjoins Buckaroo Road, a minor road predominately sealed. An increase in heavy vehicle traffic is anticipated to result from the planning proposal and the subsequent development of the subject site. The applicant has indicated that 1-3 trucks (50 tonnes per truck) are anticipated, increasing to 2-3 trucks per week after the first 12 months. A traffic impact assessment (TIA) may be required during the development application stage to consider the existing transport facilities and assess their adequacy. The TIA will need to address traffic and car parking impacts and identify required site access upgrades to accommodate the heavy vehicles proposed.

Water and Sewer

The proposed development site is located outside Council servicing network and will need to demonstrate that suitable water and effluent disposal is available in the development application.

Electricity

A preliminary review indicates that electricity would be available for connection from the west of the subject site as shown in Figure 8.



Figure 8 Electricity Infrastructure Available

Question 11: What are the Views of State and Commonwealth Public Authorities Consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

It is expected that MWRC will consult with the relevant Public Authorities and consideration of their views will be included.

PART 4 - MAPPING

The proposed amendment to the MWR LEP is to include an additional permitted use under Schedule 1 for a bulk storage and reload facility. The subject site, lot 2 DP1227923, has been identified in Figure 1. Should MWRC pursue this approach, no amendments to the LEP Maps would be required.

PART 5 - COMMUNITY CONSULTATION

Community Consultation for the planning proposal is expected to be undertaken in accordance with the requirements set out in A Guide to Preparing Planning Proposals. It is expected that MWRC will undertake the necessary consultations with the NSW Government and public as directed throughout the planning proposal process.

PART 6 - PROJECT TIMELINE

The following provides the anticipated timeframe for the progress of this planning proposal; this timeframe is subject to change where significant delays occur during the process. The applicant intends to acquire the necessary planning approvals, construct (2-month construction timeline) and begin operating the facility within approximately 12 months.

Stage	Task	Anticipated Timeframe
Planning Proposal	Planning proposal lodged with Council	Mid-July 2021
	Staff undertake initial assessment	August 2021
	Council Decision to Support Proposal	September 2021
Gateway Determination	Council Requests Gateway Determination	September 2021
	Department of Planning and Environment issues Gateway Determination	October 2021
	Public Exhibition	November 2021
	Post-Exhibition Report to Council	December 2021
Finalisation	Publication of amended LEP	February 2022



Appendix A

AHIMS Basic Search

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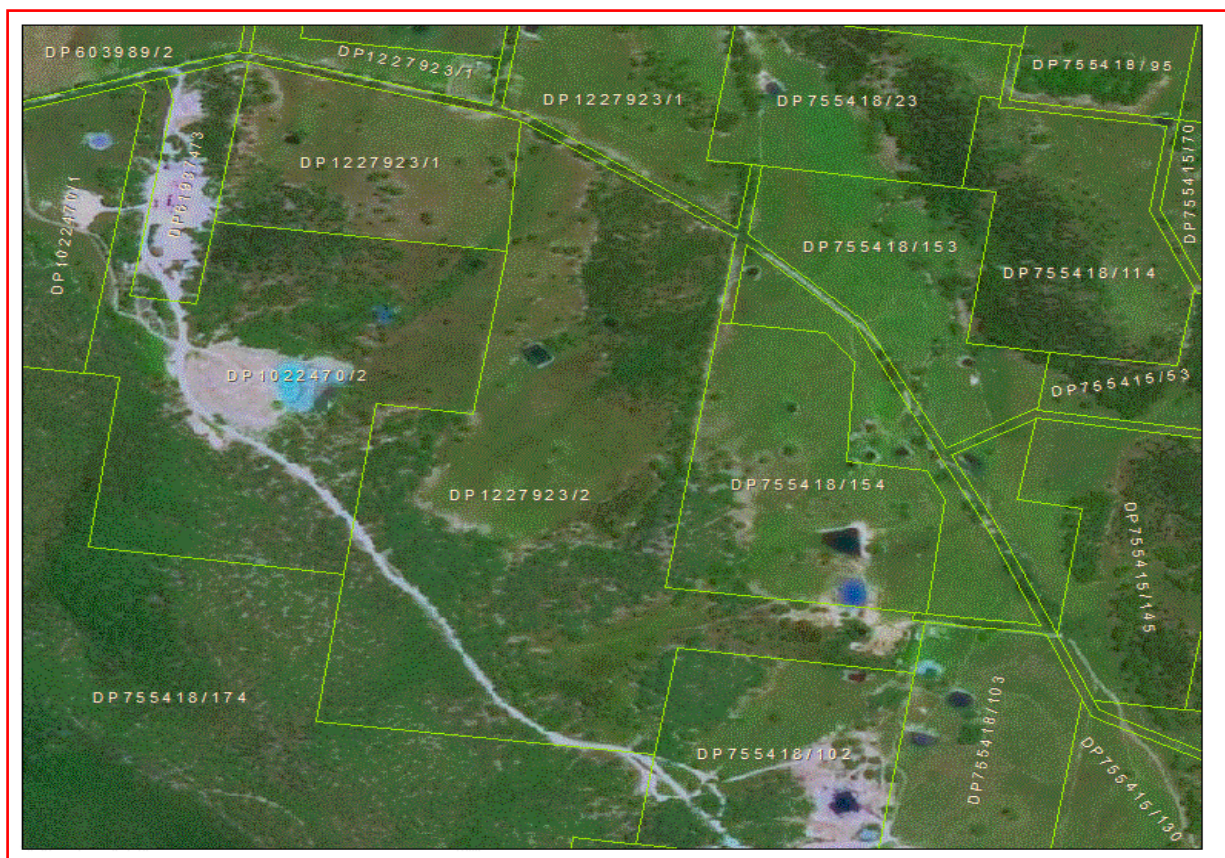
O'Ryan Geospatial Pty Ltd
129 Church St
Mudgee New South Wales 2850
Attention: Mitchell Foley
Email: info@oryangeospatial.com.au

Date: 22 June 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP1227923 with a Buffer of 200 meters, conducted by Mitchell Foley on 22 June 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.