

8.5 Planning Proposal 540 Buckaroo Road, Buckaroo (Lot 2 DP 1227923) - Additional Permitted Use, Bulk Storage and Reload Facility

REPORT BY THE MANAGER, STRATEGIC PLANNING

TO 13 OCTOBER 2021 ORDINARY MEETING

GOV400087, LAN900136

RECOMMENDATION

That Council:

1. receive the report by the Manager, Strategic Planning on the Planning Proposal 540 Buckaroo Road, Buckaroo (Lot 2 DP 1227923) - Additional Permitted Use, Bulk Storage and Reload Facility;
2. provide initial support for a Planning Proposal to enable the future land use of a bulk storage and reload facility;
3. forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and
4. undertake community consultation as outlined within any approved Gateway Determination.

Executive summary

Council has received a Planning Proposal seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* to allow the development of a bulk storage and reload facility. The facility will store, process and transport blasting agent. The facility would handle ammonia nitrate emulsion, ammonium nitrate, oxidising agents, gassing solutions and blasting agents. A building envelope of approximately 5000m² is required to accommodate a future building.

The subject site measures approximately 68 hectares and has 450 metres frontage to Buckaroo Road. Existing vegetation is located on the steeper terrain, with approximately 20.4 hectares cleared. The proposed building envelope is to be located within the cleared area.

The land is currently Zoned RU1 Primary Production, the development of a bulk storage and reload facility would be defined as hazardous industry or heavy industrial storage establishment. Both of these land uses are prohibited within the zone. This Planning Proposal seeks the specific use of the bulk storage and reload facility to be permissible, rather than open it up to the various uses under the definitions of hazardous industry or heavy industrial storage establishment.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department of Planning Industry and Environment (DPIE) Guide to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The staff recommendation is to provide initial support for the Planning Proposal and to send to the Department of Planning Industry and Environment (DPIE) for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPIE for Gateway Determination.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE's A Guide to Preparing Local Environmental Plans.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	July 2021
Staff Undertake Initial Assessment	✓	July – September 2021
Council Decision to Support Proposal	✓	13 October 2021
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED

A bulk storage and reload facility is proposed that would handle, store and transport the materials. The facility would handle ammonia nitrate emulsion, ammonium nitrate, oxidising agents, gassing solutions and a small quantity of blasting agents, classified as 'dangerous goods'. The applicant has stated the quantity of blasting agents held onsite would replace a comparable quantity currently stored approximately 1 kilometres southeast, used for blasting in a limestone quarry. It should be noted this proposal cannot ensure that transfer takes place.

The applicant has stated the proposed facility would provide integrated drill and blast services to support the quarrying, mining and civil construction industries within the region.

The future facility would be required to operate in accordance with relevant Australian Standards and licenced under the *NSW Explosives Act 2003 and Explosive Regulation 2013*. One of the relevant Australian Standards stipulates setbacks from sensitive receptors, such as dwellings. The Planning Proposal details distance requirements to sensitive receptors and the location of these sensitive receptors in relation to the subject site. However, it should be noted the quantity detailed are only indicative. The exact quantities and distance to receptors will need to be considered in the assessment of any future development application.

The subject site has frontage to Buckaroo Road, a Council road. The Planning Proposal outlines truck movements will commence at 1-3 trucks (50 tonnes per truck) and increase to 2-3 trucks per week after the first twelve months.

The Planning Proposal evaluated industrial zoned land available and land identified in the Comprehensive Land Use Strategy. These sites could not achieve the required separation from established sensitive receptors. The specific characteristics of the subject site lend itself to the proposed development, a future development will be screened from adjoining properties and Buckaroo Road.

The established land uses located on adjoining properties include the Mount Buckaroo Reserve to the south, Council quarry to the west and a privately owned limestone quarry to the southeast. An established haul road connects the existing limestone quarry and quarry office located at 314 Buckaroo Road, Lot 6 DP 619374. The site has been selected for the opportunity to co-locate with the existing limestone quarry. Further, the Council quarry is a suitable adjoining land use as a non-sensitive receptor. The Figure below details these adjoining land uses.



INTENDED OUTCOMES

The subject site is zoned RU1 Primary Production. Hazardous industry and heavy industrial storage establishment are both prohibited within the zone.

The Planning Proposal seeks to enable the development of bulk storage and reload facility for materials considered 'dangerous goods'.

EXPLANATION OF PROVISIONS

The intended outcomes outlined above will be achieved, by inserting the following clause into Schedule 1 Additional Permitted Uses of the LEP:

- 5. Use of certain land at 540 Buckaroo Road, Buckaroo Lot 2 DP 1227923*
(1) This clause applies to land at 540 Buckaroo Road, Buckaroo, Lot 2 DP 1227923.
(2) Development for the purposes of a bulk storage and reload facility for materials considered 'dangerous goods'.

JUSTIFICATION

The DPIE guide to preparing Planning Proposals outlines matters to be addressed in the Planning Proposal. The proponent has addressed these matters. Of particular relevance is the response to Question 1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report* discussed below.

Mid-Western Local Strategic Planning Statement, Our Place 2040

Council's Local Strategic Planning Statement, Our Place 2040 (LSPS) details 12 Planning Priorities. The provision of initial support to amend the LEP to facilitate the bulk storage and reload facility is consistent with Planning Priority 7 *Support the attraction and retention of a diverse range of businesses and industries.*

Mid-Western Regional Comprehensive Land Use Strategy 2010

Council adopted the Comprehensive Land Use Strategy Parts A, B and C in 2010. Part C is the Strategy, Section 1.4.1 outlines the Economic Prosperity Objectives:

The Planning Proposal to facilitate the development of a bulk storage and reload facility is consistent with the below Objective:

- Promote and encourage the establishment of new business and industry by providing adequate land for future employment requirements.*

Council has a supply of land currently zoned industrial (both light and heavy), these supplies are located around each town and near the village of Ulan. Further, Council strategically identifies future opportunities. Both the current zoned land and strategically identified land were considered in the Planning Proposal and due to their location close to sensitive receptors and the sites not being of sufficient size to accommodate the required setbacks, these were not considered appropriate. The industrial land at Ulan is zoned IN3 Heavy Industrial, such uses are permissible with consent, however, the required setbacks for the proposed land use cannot achieve the required setback.

NEXT STEP

If Council supports the recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DPIE seeking a Gateway Determination.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	A prosperous and diversified economy
Strategy	Support the attraction and retention of a diverse range of businesses and industries

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.

Mid-Western Regional Comprehensive Land Use Strategy Part C – Strategy, August 2010.

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil.

Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal and advise the proponent accordingly.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

22 September 2021

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER