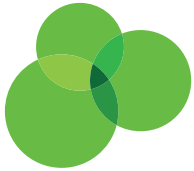


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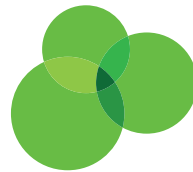
planning proposal

Bogan Gate Explosives Reserve

PARKES SHIRE COUNCIL

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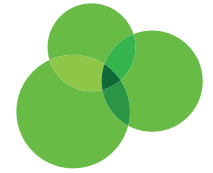
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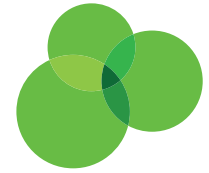
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EXECUTIVE SUMMARY



Currajong has been engaged by Solar Mining Services to prepare a Planning Proposal to permit heavy industries on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate.

Solar Mining Services lease buildings from Lexa Enterprises Pty Ltd towards the central portion of Lot 2 DP 1064474 for the operation of an Ammonium Nitrate Emulsion Facility. Also leasing space on Lot 2 DP 1064474 is Johnex Pty Ltd for explosives manufacturing and storage, Howards and Sons for fireworks storage. Lexa Enterprises also has several other agreements with other parties for use of buildings located at the former army camp complex for non-explosives purposes.

The Solar Mining Services Ammonium Nitrate Emulsion Facility is fully operational in accordance with Development Consent No. DA2020/0073 granted by Parkes Shire Council on 18 November 2020 and a Manufacture Explosives Licence No. XMNF200034 issued by WorkSafe NSW on 19 January 2023.

This Planning Proposal has been prepared to facilitate the processing of a new Development Application that has been prepared by Currajong for an increase in annual production of Ammonium Nitrate Emulsion at the Solar Mining Services facility from 960 tonnes per annum to 20,000 tonnes per annum.

On 18 April 2024 Solar Mining Services and Parkes Shire Council staff met to agree on the process for the finalisation of the Development Application for the proposed alterations and additions to the Solar Mining Services Ammonium Nitrate Emulsion Facility. At this meeting it was agreed that Currajong would prepare a Planning Proposal to permit heavy industries on Lot 2 DP 1064474 under the Parkes Local Environmental Plan 2012.

The Planning Proposal seeks to amend the Parkes Local Environmental Plan 2012 by inserting Item 3 in Schedule 1 Additional Permitted Uses, as follows:

(3) Development for the purposes of heavy industries is permitted on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate with development consent.

The subject land has been used for heavy industry type activities since WWII when the Australian Defence Forces established the Bogan Gate Explosives Reserve and Army Camp. Since the sale of Lot 2 DP 1064474 in 2004, the site has been used Johnex Pty Ltd for explosives manufacturing and Howards and Sons for fireworks storage. More recently, Solar Mining Services has established an Ammonium Nitrate Emulsion facility at the site.

The Planning Proposal is not seeking to permit new land-uses onto the subject land. Instead, the proposal is aimed at formalising the location of existing heavy industries located on Lot 2 DP 1064474.

The need for the Planning Proposal is a result of the finalisation of a Development Application for an increase in annual production of Ammonium Nitrate Emulsion at the Solar Mining Services facility from 960 tonnes per annum to 20,000 tonnes per annum. To provide greater certainty of the permissibility of the proposed development beyond that proven under existing use rights, Parkes Shire Council has requested Solar Mining Services to submit a Planning Proposal to Council for changes to the Parkes Local Environmental Plan 2012.

A summary of the primary assessment findings of the Planning Proposal is as follows:

- + Heavy industries are already established on Lot 2 DP 1064474 in the form of the Johnex Pty Ltd explosives manufacturing and storage facility, Howards and Sons fireworks storage sheds and the Solar Mining Services

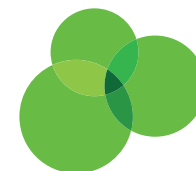
Ammonium Nitrate Emulsion Facility. Safe separation distances and other safety, operational and environmental controls are in force at the site, as administered by WorkSafe NSW. An Environment Protection Licence is also administered over part of the site in relation to Johnex operations.

- + The continued use of the land for heavy industries is not inconsistent with the Central West and Orana Regional Plan 2041 or the Parkes Shire Local Strategic Planning Statement 2020 or any applicable State Environmental Planning Policies or Ministerial Directions.
- + Necessary infrastructure and services are already connected to the site.
- + Site constraints and opportunities are well understood and regulated on Lot 2 DP 1064474, as per development consent conditions, environment protection licence conditions and explosives licences in force at the site.
- + The likely environmental, social and economic impacts of the proposal are acceptable, and positive in the majority.
- + The Planning Proposal is not determined to be of significance to State and Federal governments.

The Planning Proposal is presented for assessment by Parkes Shire Council in a form that is consistent with the recommendations of the NSW Department of Planning, Housing and Infrastructure Local Environmental Plan Making Guidelines. It provides the necessary reporting basis for Parkes Shire Council to progress an amendment to the Parkes Local Environmental Plan 2012.

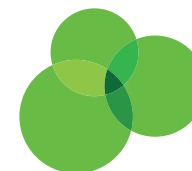
Parkes Shire Council resolved to request a Gateway Determination from DPHI on 19 August 2024. A Gateway Determination was issued on 27 September 2024, determining that the Planning Proposal be placed on exhibition subject to conditions.

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01

PROJECT INTRODUCTION

1.1 Project Overview

Currajong has been engaged by Solar Mining Services Pty Ltd (SMS) to prepare a Planning Proposal relating to the Bogan Gate Explosives Reserve (BGER) operating on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate.

The Planning Proposal seeks to amend the Parkes Local Environmental Plan (LEP) 2012 by inserting Item 3 in Schedule 1 Additional Permitted Uses, as follows:

- (3) Development for the purposes of heavy industries is permitted on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate with development consent.

The Planning Proposal has been prepared in accordance with the NSW Planning, Housing and Infrastructure (DPHI) Local Environmental Plan Guideline, dated August 2023.

The Planning Proposal aims to rationalise the location of existing heavy industries located at the BGER, which includes Johnex Pty Ltd (for explosives manufacturing and storage), Howards and Sons (fireworks storage) and SMS for Ammonium Nitrate Emulsion (ANE) manufacturing and storage. These businesses are some of the largest employers in the Bogan Gate district and provide vital explosives and explosive precursor products to the mining, quarrying and civil engineering sectors in NSW.

The proposed changes to the Parkes LEP 2012 will provide greater certainty of the permissibility of proposed new development at the BGER beyond that proven under existing use rights. It will also provide existing businesses operating on Lot 2 DP 1064474 with greater confidence on the long term-viability of the BGER for their business operations and future development plans. It will also provide surrounding landholders and residents at Bogan Gate with more information about existing operations being conducted at the site.

1.2 Project Background

Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate was first used as an explosive storage and testing facility by the Australian Military during WWII and subsequently acquired by the Commonwealth of Australia for defence purposes on 9 June 1960.

A Masterplan and Masterplan User Requirement Report was prepared by the Australian Military Forces in August 1962. The Masterplan User Requirement Report stated the explosives reserve was designed to store and process between 12,000 and 22,000 tons of explosives, with a range of activities described as ‘inspection, repair, modification, maintenance and destruction of ammunition stocks as directed by AHQ.’

The explosives reserve continued to be owned by the Commonwealth until 8 April 2004 when Lots 2 and 4 DP 1064474 were transferred to Timber Creek Holdings Pty Ltd. At this time the improvements on the subject land included the old Bogan Gate Army Camp (comprising of communal army barracks, free-standing dwellings, depot and storage sheds, mess hall and other administration / community style facilities) as well as multiple explosives storage sheds with earthen mounds, roads and drainage infrastructure.

From 2004 onwards, explosives storage and manufacturing was conducted from the existing buildings located on Lots 2 and 4 DP 1064474, including leases to Nowra Brickworks NSW Pty Ltd, Yallawadgera (T/A Bogan Gate Explosives Reserve), Johnex Explosives Pty Ltd and Howards and Sons Pty Ltd and more recently SMS.

On 9 February 2022 Timber Creek Pty Ltd transferred Lot 2 DP 1064474 to the current owner, Lexa Enterprises Pty Ltd. Lexa Enterprises Pty Ltd rents exclusively to the BGER who have granted various leases for existing land-use activities on the site,

including a lease to Johnex for explosives manufacturing and storage operations, Howards and Sons for explosives storage and more recently a lease to SMS for an ANE facility.

The SMS ANE Facility is established on Lot 2 DP 1064474 in accordance with Development Consent No. DA2020/0073 granted on 18 November 2022. A Manufacture Explosives Licence No. XMNF200034 has also been granted by SafeWork NSW on 19 January 2023. The Pro Cert Group issued an Occupation Certificate for the SMS ANE Facility, dated 7 December 2022. The facility is fully functional and has commenced manufacturing and storage of limited supplies of ANE.

In August 2023, SMS submitted Pre-DA documentation to Parkes Shire Council seeking feedback in relation to a draft Environmental Impact Statement (EIS) proposing an increase in production of ANE at their SMS ANE Facility up to 20,000 tonnes per annum. In this documentation was written advice generated from Maddison Marcus dated 1 November 2022 that established the use of Lot 2 DP 1064474 for explosives manufacturing and storage was a lawful existing use under Section 109(1) of the Environmental Planning and Assessment Act (EP&A Act) 1979.

On 18 April 2024, SMS and Parkes Shire Council staff met to agree on the process for the finalisation of the Development Application for the proposed alterations and additions to the SMS ANE Facility. At this meeting it was agreed that Currajong would prepare a Planning Proposal to permit heavy industries on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate under the Parkes LEP 2012.

1.3 Structure and Form

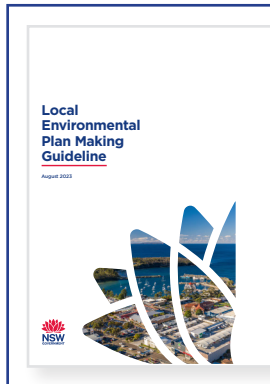
The Planning Proposal has been prepared in accordance with the NSW DPHI Local Environmental Plan Guideline, dated August 2023.

Section 2 of the DPHI Local Environmental Plan Guideline includes detailed guidance on what content needs to be included in a Planning Proposal.

Table 1 includes a checklist of all of the information required by the DPHI Local Environmental Plan Guideline and a reference on where the information can be found within this Planning Proposal. The Guideline requires that the Planning Proposal must be prepared to a high standard and complying generally with the requirements detailed in Table 1.

Table 1 - Format of the document

Section No	Section Heading	Description
Section 1	Project Introduction	Section 1 includes introductory information relating to the project, including a project overview and relevant background information.
Section 2	The Existing Environment	Section 2 includes a detailed description of the project, including location, land title and land-use descriptions as well as an assessment of the existing environmental conditions applying to the land.
Section 3	Existing Planning Framework	Section 3 includes a description of the existing planning framework applying to the subject land including provisions under the Parkes LEP 2012.
Section 4	Description of the Proposal	Section 4 includes a detailed description of the existing heavy industries operating at the BGER. This section also describes the scope of the proposed changes to the Parkes LEP 2012.
Section 5	Strategic Alignment	Section 5 includes detailed information describing how the proposed development aligns with the strategic planning framework applying to the subject land.
Section 6	Planning Proposal - Part 1	Section 6 addresses the Part 1 matters for consideration under the DPHI Local Environmental Plan Guideline.
Section 7	Planning Proposal - Part 2	Section 7 addresses the Part 2 matters for consideration under the DPHI Local Environmental Plan Guideline.
Section 8	Planning Proposal - Part 3	Section 8 addresses the Part 3 matters for consideration under the DPHI Local Environmental Plan Guideline.
Section 9	Planning Proposal - Part 4	Section 9 addresses the Part 4 matters for consideration under the DPHI Local Environmental Plan Guideline.
Section 10	Planning Proposal - Part 5	Section 10 addresses the Part 5 matters for consideration under the DPHI Local Environmental Plan Guideline.
Section 11	Planning Proposal - Part 6	Section 10 addresses the Part 6 matters for consideration under the DPHI Local Environmental Plan Guideline.



1.4 Supporting Documentation

The Planning Proposal is supported by a number of specialist reports, studies and design details that have been developed to support the DA for proposed alterations and additions to the SMS ANE Facility. These documents have been included as Appendices to the Planning Proposal as a means of demonstrating that existing heavy industries already operate at the BGER and the site is capable of accommodating heavy industry operations. A description of these documents is included as follows:

Appendix A

Bogan Gate Masterplan and User Requirement Report

A Masterplan was prepared by the Australian Military Forces in August 1962. A Masterplan User Requirement Report was also prepared which stated the explosives reserve was designed to store and process between 12,000 and 22,000 tons of explosives, with a range of activities described as 'inspection, repair, modification, maintenance and destruction of ammunition stocks as directed by AHQ.'

Appendix B

Parkes Shire Council Existing Use Rights Letter

Parkes Shire Council provided a letter on 23 May 2013 that advised it was satisfied that the existing use of the BGER on Lot 2 DP 1064474 is an existing use pursuant to the EP&A Act 1979.

Appendix C

SMS Statement of Environmental Effects

A Statement of Environmental Effects for the original SMS ANE Facility was approved by Parkes Shire Council in accordance with Development Consent No. DA2020/0073 on dated 18 November 2020, along with an SMS Design Brief and other DA documentation.

Appendix D

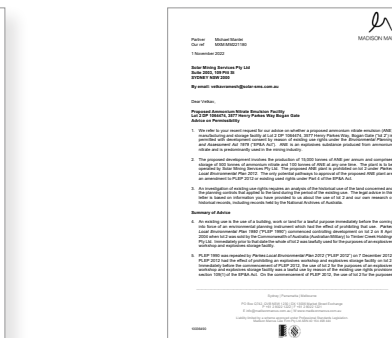
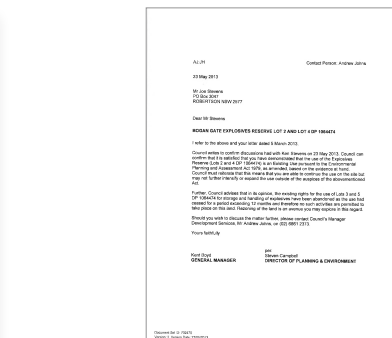
Development Consent No. DA2020/0073

DA2020/0073 for the SMS ANE Facility was approved by Parkes Shire Council on dated 18 November 2020 for the manufacturing of 960 tonnes of ANE and associated storage of ANE and other chemicals.

Appendix E

Madison Marcus Existing Use Rights Letter

Environmental Law Specialists Madison Marcus provided a letter to SMS dated 1 November 2022 that advised of their research / investigation of the BGER and that, in their opinion, the site has existing use rights as defined under the EP&A Act 1979 and the proposed alterations and additions to the SMS ANE Facility is permitted with development consent under Part 4 of the Act.



Appendix F

Environmental Assessment Requirements (EAR 1753), issued by the NSW DPE, dated 24 January 2023

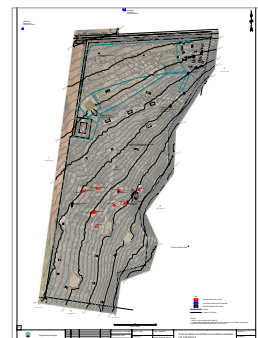
On 24 January 2023 DPHI provided their Environmental Assessment Requirements (EAR 1753) for proposed alterations and additions to the SMS ANE Facility on Lot 2 DP 1064474. The SEARs are included in the Planning Proposal as they provide an indication of the scope of investigations required for new developments at the BGER.



Appendix G

Arndell Surveying Detail Survey

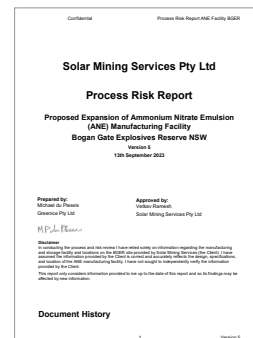
A Site Detail and Contour Survey has been completed by Arndell Surveyors, dated 15 August 2023 that shows the location of existing features of the natural and built environment at the BGER.



Appendix H

Greenice Process and Risk Report

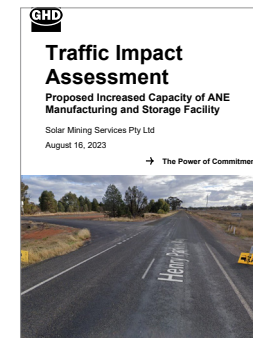
A process and risk at the SMS ANE Facility has been prepared by Greenice Pty Ltd, dated 13 September 2023. The report has been included in the Planning Proposal as it provides an indication of the suitability of the BGER for heavy industry operations, including proposed alterations and additions to the SMS ANE Facility.



Appendix I

GHD Traffic Impact Assessment

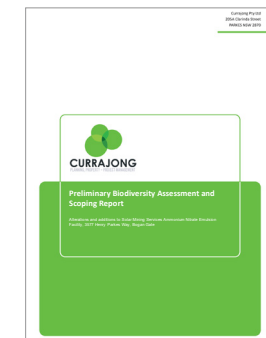
A TIA prepared by GHD on 16 August 2023 for the proposed alterations and additions to the SMS ANE Facility has been included in the Planning Proposal to provide details on traffic conditions at the BGER and the suitability of the site for continued heavy industry land-use. The TIA findings have been noted by TfNSW and Parkes Shire Council as part of Pre-DA consultation.



Appendix J

Currajong Preliminary Biodiversity Assessment and Scoping Report 24 February 2023

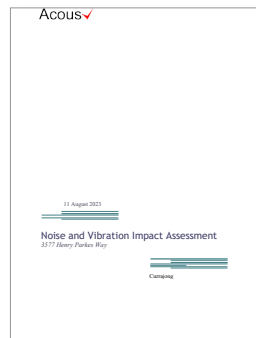
The PBASR prepared by Curraong has been included in the Planning Proposal to describe flora and fauna conditions at the BGER and the suitability of the site for continued heavy industry land-use.



Appendix K

Acoustick Noise and Vibration Impact Assessment, prepared by Acoustik, dated 10 August 2023

A Noise and Vibration assessment prepared by Acoustik, dated 10 August 2023 has been included in the Planning Proposal showing noise conditions in and around the BGER and the buffer distances provided between existing heavy industries and nearby sensitive land-use. Technical findings of assessment work demonstrates compliance with the relevant noise criteria established under the Protection of the Environment Operations Act 1997.



Appendix L

SMS Bushfire Management Plan, prepared by SMS, dated 4 April 2023

The SMS Bushfire Management Plan, dated 4 April 2023 is included in the Planning Proposal to show existing conditions and potential hazard areas at the SMS ANE Facility and wider BGER. NSW RFS and other emergency responders have reviewed the plan and are generally accepting of emergency response procedures in the plan.



Appendix M

Envirowest Preliminary Contamination Investigation

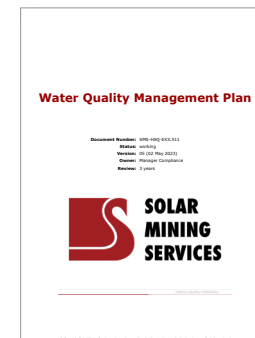
A Preliminary Contamination Investigation was carried out by Envirowest, dated 4 February 2021 that identified no evidence of contamination at the SMS ANE Facility. Whilst not an exhaustive study of the whole of the BGER that report provides information about past use and the recommendations for alterations and additions to existing heavy industry operations at the BGER, with the site generally being regarded as suitable for continued heavy industry use.



Appendix N

Water Quality Management Plan, prepared by SMS, dated 2 May 2023

The SMS Water Quality Management Plan dated 2 May 2023 has been included to provide extra detail on stormwater management at the BGER, which is considered to be robust and suitable for heavy industry operations.



THE EXISTING ENVIRONMENT

2.1 Location and Title

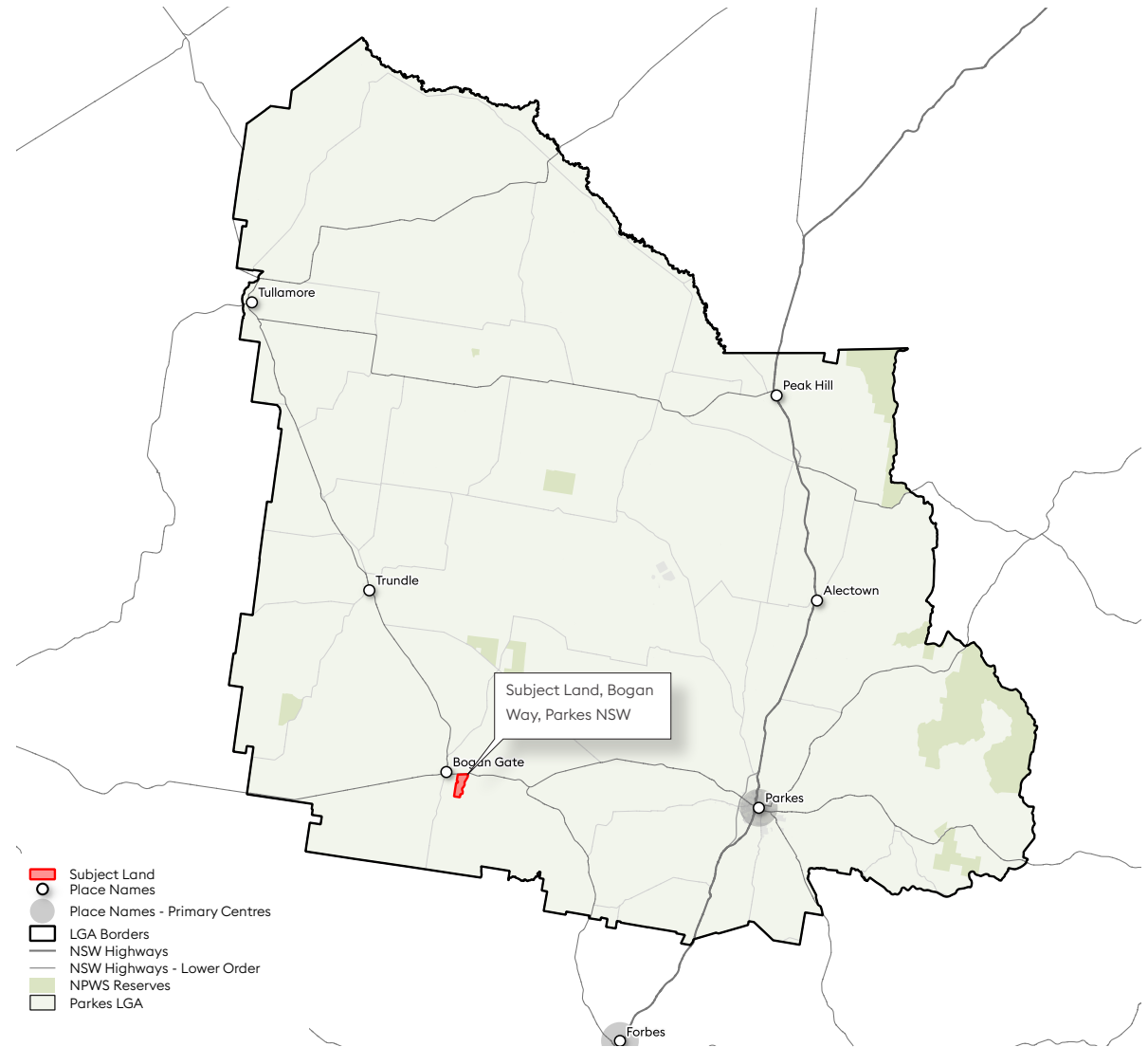
The land which is the subject of this Planning Proposal is comprised of Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate.

The site is located approximately 500m east of Bogan Gate and approximately 35km west of Parkes.

The total area of Lot 2 DP 1064474 is calculated to be approximately 227 hectares.

Figure 1 shows the site and it's location within the Parkes Local Government Area.

Figure 1 - Site Location Map



2.2 Land-use

Lot 2 DP 1064474 was used by the Australian Military as an explosive storage and testing facility during WWII. The site was formerly acquired by the Commonwealth of Australia for defence purposes on 9 June 1960. A Masterplan and Masterplan User Requirement Report was prepared by the Australian Military Forces in August 1962.

The explosives reserve continued to be owned by the Commonwealth until 8 April 2004 when Lots 2 and 4 DP 1064474 were transferred to Timber Creek Holdings Pty Ltd. At this time the improvements on the subject land included the old Bogan Gate Army Camp (comprising of communal army barracks, free-standing dwellings, depot and storage sheds, mess hall and other administration / community style facilities) as well as multiple explosives storage sheds with earthen mounds, roads and drainage infrastructure.

From 2004 onwards, explosives storage and manufacturing was conducted from the existing buildings located on Lot 2 DP 1064474. Current land-uses on the site are as follows:

- + Johnex - has a manufacturing and storage plant located on the central part Lot 2 DP 1064474. The Johnex facility is involved in the manufacture and storage of ANFO, packaged explosives, ANE and other high explosives and initiating systems.
- + Howards and Sons - uses explosives storage buildings located towards the southern part of Lot 2 DP 1064474, with fireworks stored in several sheds.
- + SMS ANE Facility - a relatively new facility constructed in accordance with DA2020/0073 located towards the centre of Lot 2 DP 1064474.
- + Rental Accommodation - several dwellings and sheds associated with the old Bogan Gate Army Camp are leased to private parties.

Figure 2 shows the land-use activities currently being undertaken on Lot 2 DP 1064474.

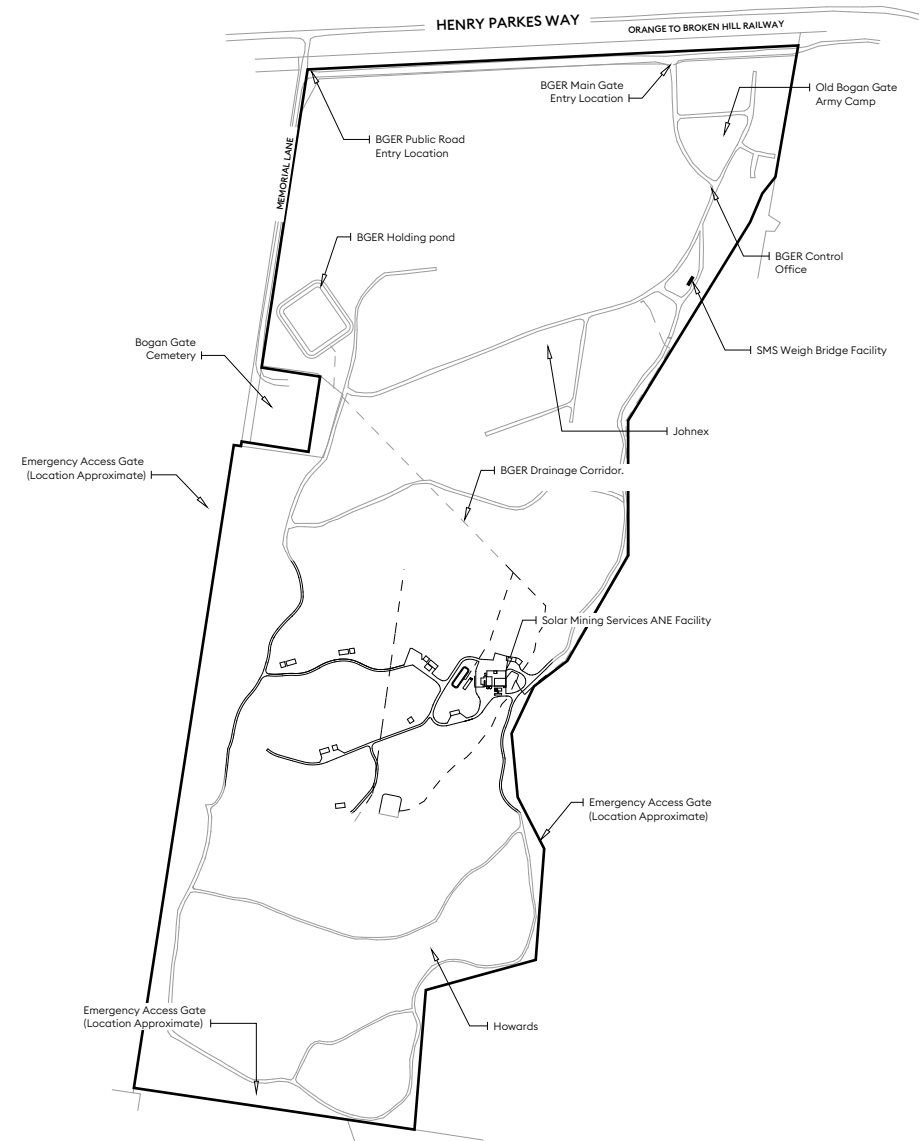


Figure 2 - Land-use Activities Map

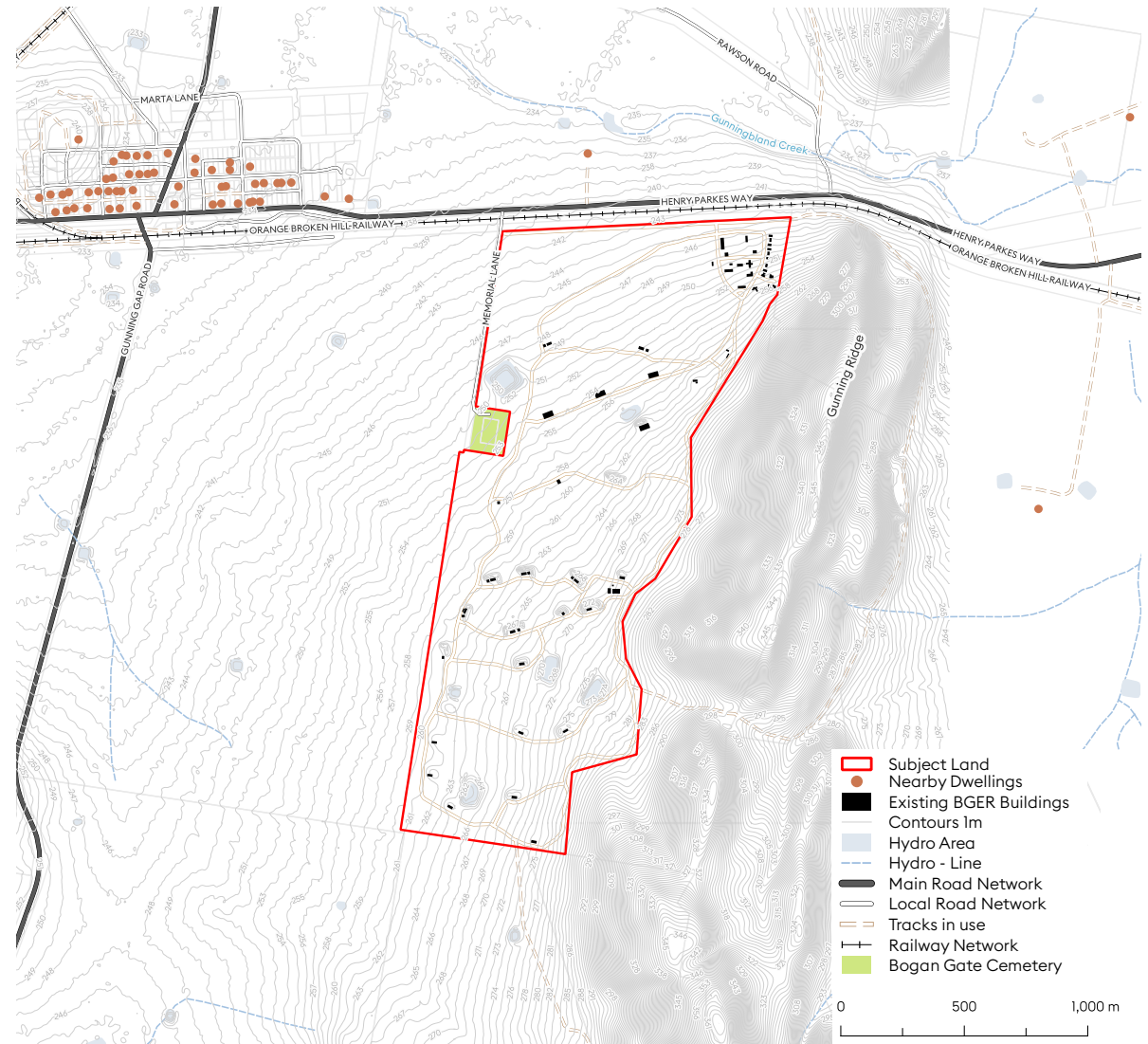
2.3 Surrounding Land-use

An analysis of the surrounding environment has been completed and the following observations are made:

- + Lot 2 DP 1064474 site is located on the eastern edge of Bogan Gate.
- + The site has frontage to the Henry Parkes Way and Memorial Lane.
- + The Bogan Gate Cemetery is located on the western boundary of Lot 2 DP 1064474.
- + The land surrounding Lot 2 DP 1064474 is zoned RUI Primary Production and used for broad-acre agriculture purposes, with ancillary isolated dwellings. Vegetation on farms has been modified and consists mostly of vegetation corridors and isolated paddock trees with a grassy / weedy / cropped ground-cover. The nearest dwelling is located approximately 250m north of Lot 2 DP 1064474 on the northern side of the Henry Parkes Way.
- + Other notable land-use activities in the area includes the Gunning Ridge to the east, which holds the largest remnant of native vegetation in the locality.

Figure 3 shows the land-use pattern within the surrounding area.

Figure 3 - Land-use Map



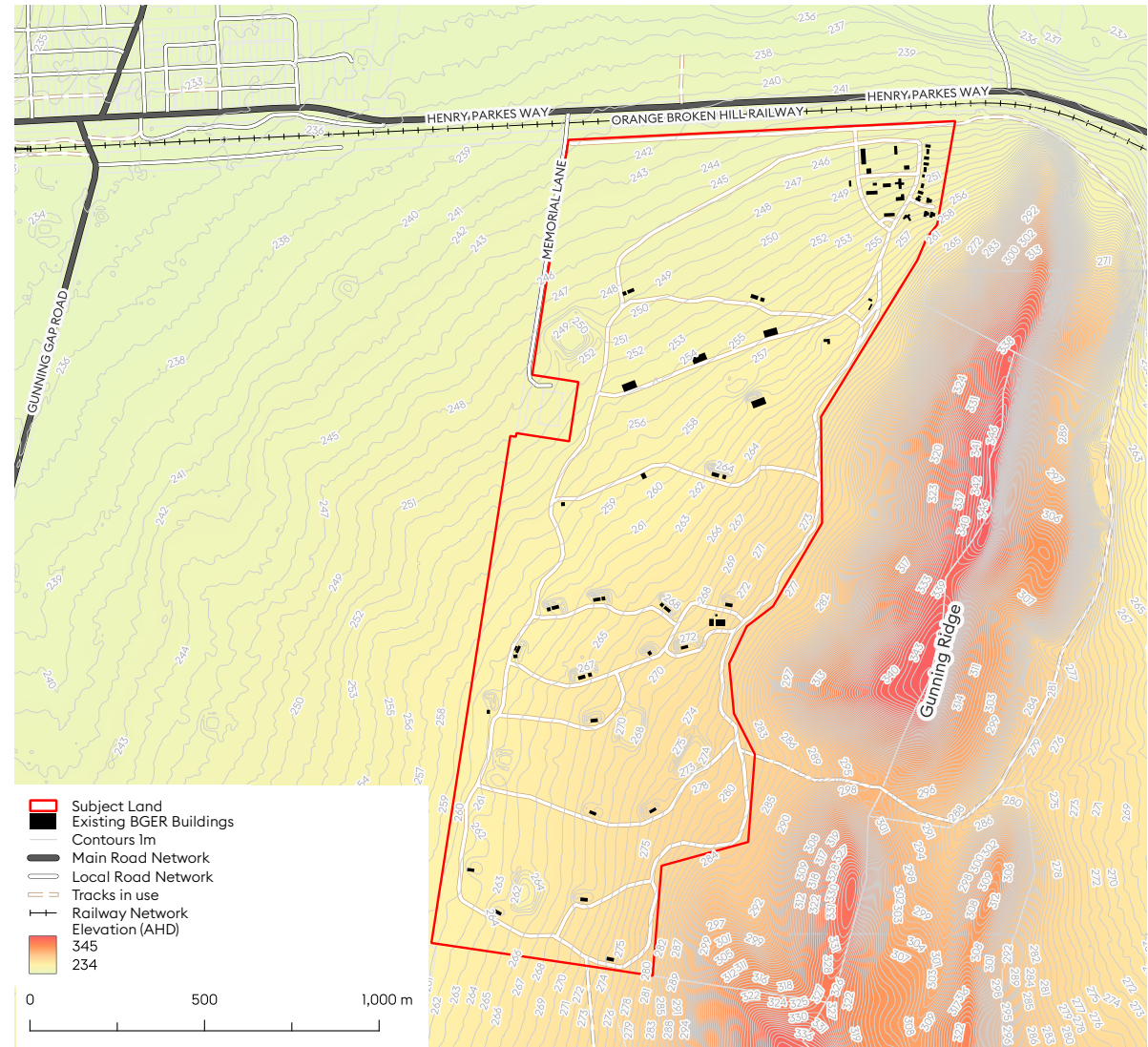
2.4 Topography, Slope and Landform

Lot 2 DP 1064474 is located on the lower slope of the western side of the Gunning Ridge which has an elevation of RL 360, some 120 metres higher than the surrounding landscape around Bogan Gate.

The site forms part of the Jemalong Range and Slopes, with prominent strike ridges of upper Devonian quartz sandstone, with general elevation between 250m to 400m above sea level. Elevated areas have prominent asymmetry with steeper eastern faces of stepped cliffs and narrow benches. Lower colluvial slopes of coalescing alluvial fans on small streams. Thin very stony soils on ridges with abundant currawang (*Acacia doratoxylon*), red stringybark (*Eucalyptus macrorhyncha*), red ironbark (*Eucalyptus sideroxylon*), Dwyer's red gum (*Eucalyptus dwyeri*) and black cypress pine (*Callitris endlicheri*).

The site generally has a gentle slope to the west, as shown in Figure 4.

Figure 4 - Topography and Landform Map



2.5 Water Resources

The subject land is not mapped in the Parkes LEP 2012 as containing vulnerable groundwater resources or being flood affected.

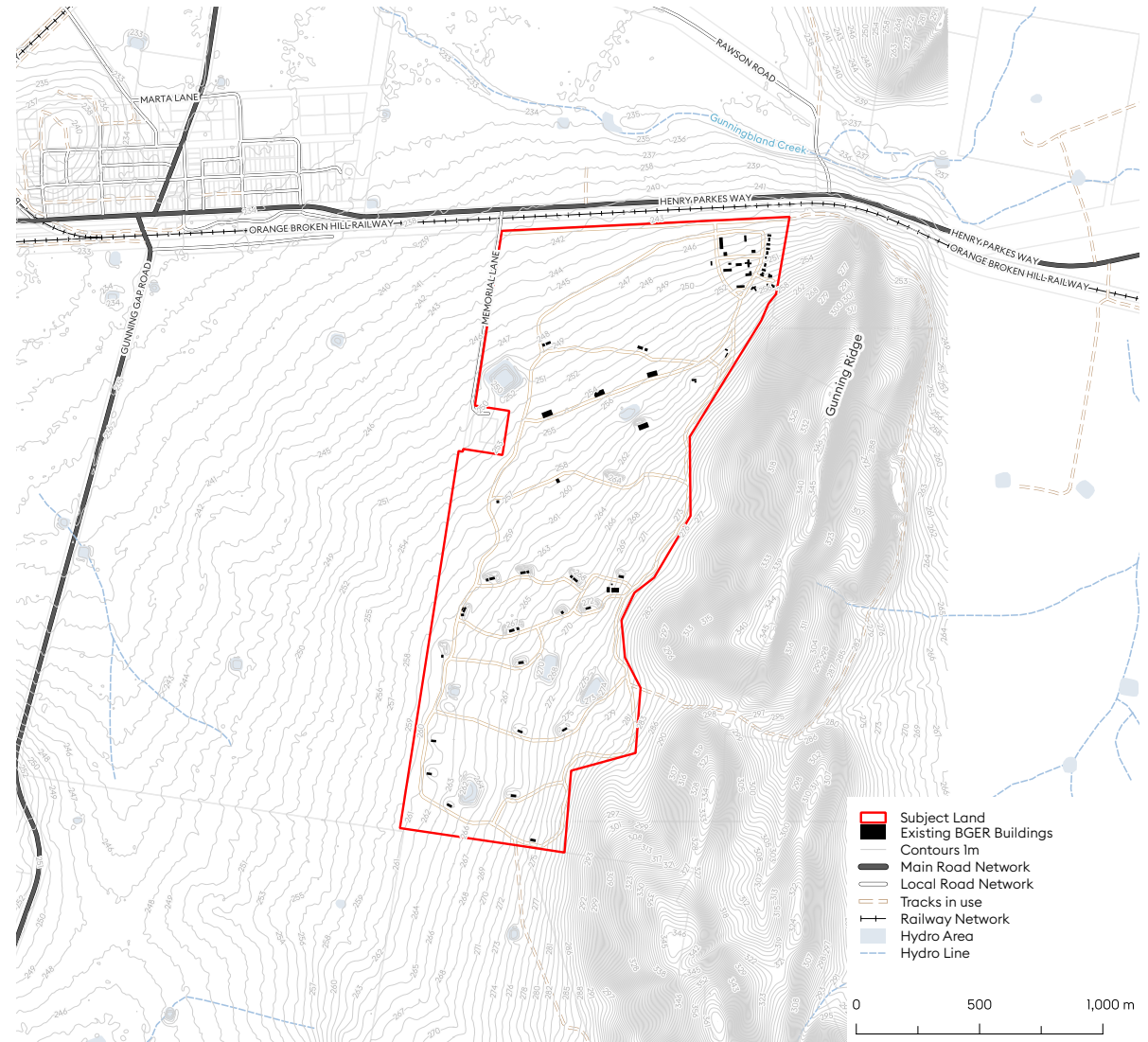
The nearest natural water body is the Gunningbland Creek located approximately 1km north of the BGER. There are no permanent water courses on the land or high value riparian areas / wetlands observed to be located on the land.

A robust system of stormwater management devices is established at the BGER, including road table drains, contour banks, swales and catch dams.

The likelihood of a flood inundating the BGER is low. Water quality impacts are also assessed to be low.

Figure 5 shows the topography and general water course features of the BGER and surrounding land.

Figure 5 - Water Resources and Features Map



2.6 Biodiversity

The site is largely influenced by historic settlement in and around Bogan Gate and the BGER.

The BGER comprises a number of fixed buildings, roads and drainage improvements. Areas that are cleared of built improvements are generally sown down to exotic grasses, with patches of native and regrowth vegetation generally along the perimeter of the site and along drainage corridors.

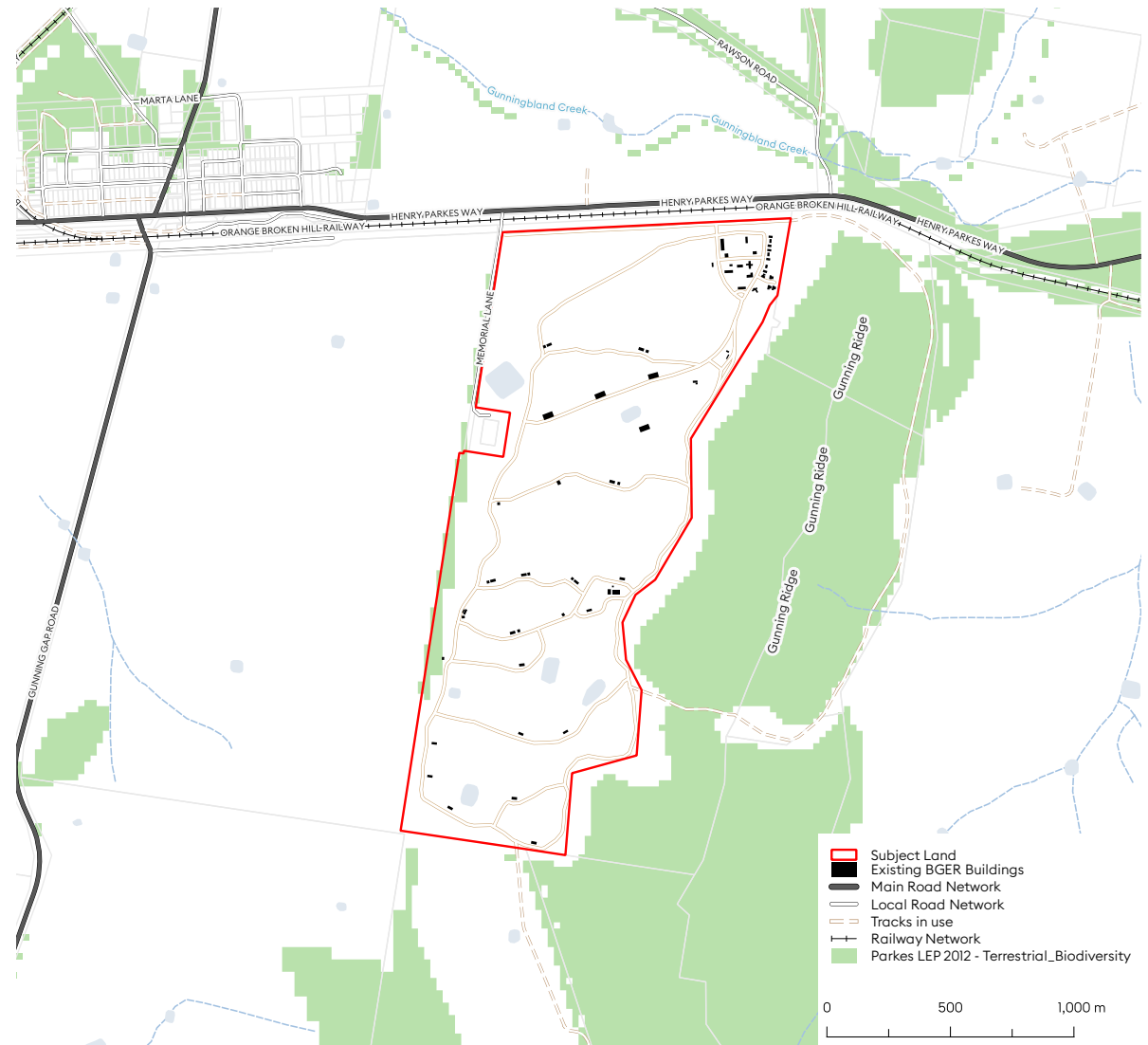
A review of the Parkes LEP 2012 Terrestrial Biodiversity Map confirms a small section of the western perimeter of the site is mapped as biodiversity. This remnant vegetation comprises Inland Grey Box Woodland and Red Ironbark (*Eucalyptus sideroxylon*) with White Cypress Pine (*Callitris columellaris*) and Black Cypress Pine (*Callitris endlicheri*) and a grassy / weedy understorey). The habitat value on Lot 2 DP1064474 is assessed as low.

The Gunning Ridge to the east of Lot 2 DP1064474 comprises a large remnant of native vegetation, which is mapped as Terrestrial Biodiversity on Parkes LEP 2012 mapping.

No clearing of native vegetation as defined under Local Land Services Act 2013 (LLS Act 2013) is proposed under this Planning Proposal and there are no significant impacts on threatened species or habitats.

Figure 6 shows the location of native vegetation in and around the subject land.

Figure 6 - Biodiversity Resources Map



2.7 Heritage

The site is largely influenced by historic settlement in and around Bogan Gate and the BGER.

European Heritage

A review of Schedule 5 of the Parkes LEP 2012 confirms the subject land is not listed as a heritage item. There are no listed heritage items within Bogan Gate or within a close proximity to the BGER.

Built heritage aspects associated with the Australian Military use during and post WWII have been considered. The whole site (collectively) is considered to have historical significance. No building / structure on Lot 2 DP 1064474 has been identified as being particularly rare or having significant heritage values.

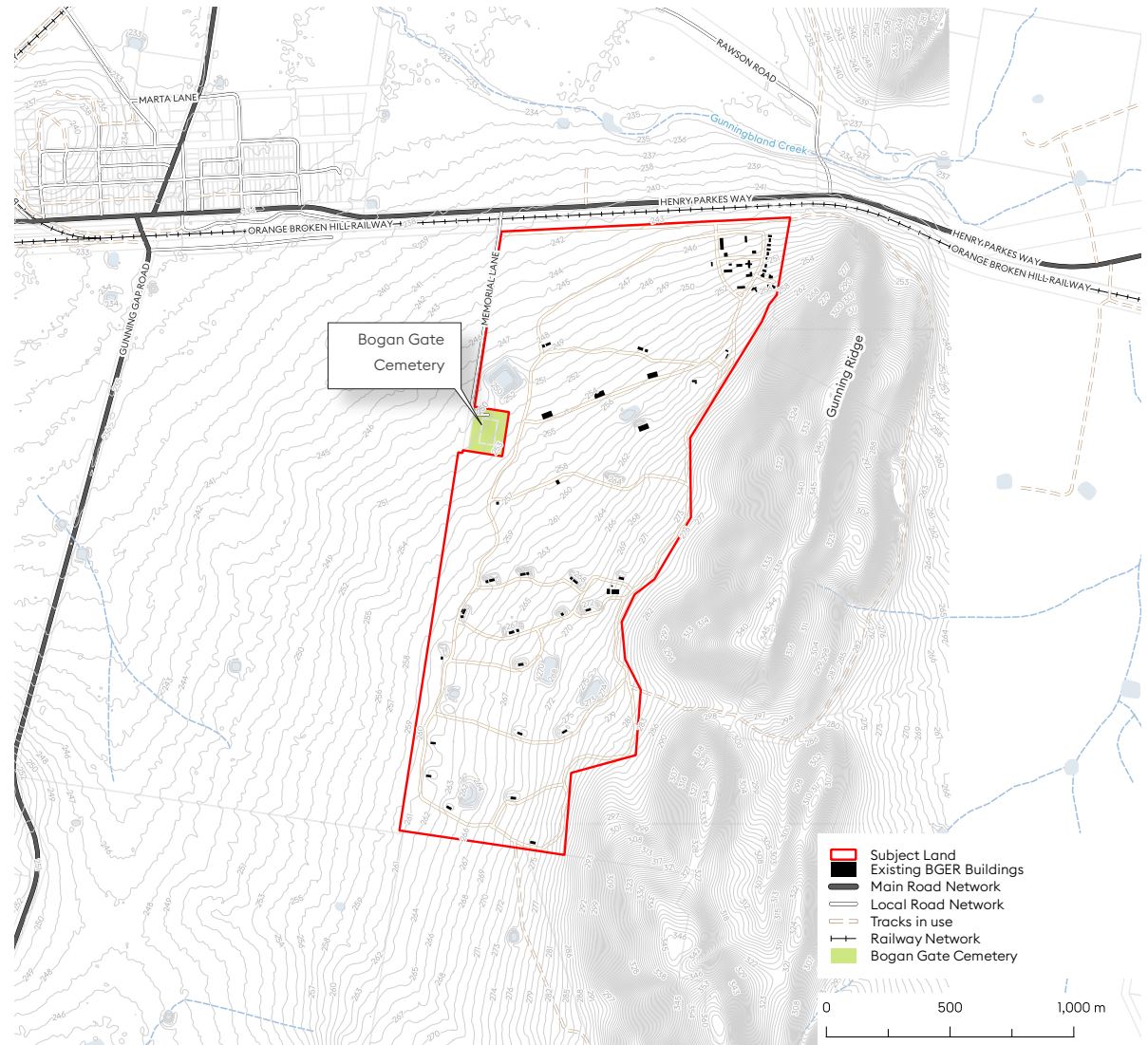
The Bogan Gate Cemetery to the west of the site is identified to be the only site with potential local heritage significance. The continued uses at the BGER are not incompatible with the heritage significance of the Bogan Gate Cemetery.

Aboriginal Heritage

A search of the Aboriginal Heritage Management System (AHIMS) has been completed to determine whether there are any known items, places or relics of Aboriginal cultural heritage significance located on the site, or within 200m of Lot 2 DP 1064474. The results did not identify any Aboriginal sites or places within the search area.

Figure 7 shows the BGER and adjoining Bogan Gate Cemetery, and confirms there are no properties listed under Schedule 5 of the Parkes LEP 2012.

Figure 7 - Heritage Map



2.8 Access, Transport and Traffic

Vehicular access to the BGER is already provided via internal roads that connect to Memorial Lane and then onto the Henry Parkes Way.

The Orange to Broken Hill Railway is located on the southern side of the Henry Parkes Way, including a level crossing of Memorial Lane with signage.

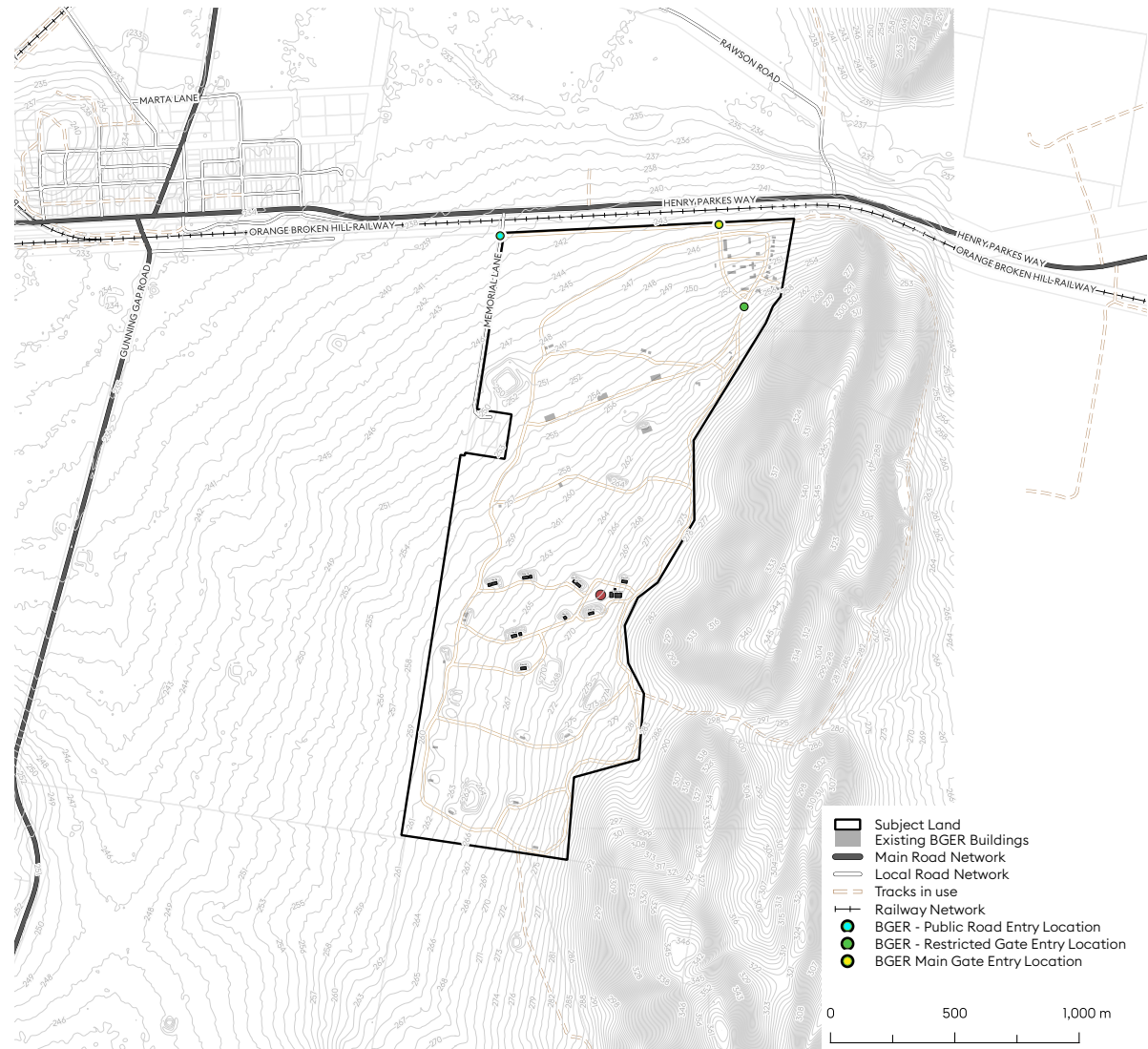
Access to the BGER would continue via Memorial Lane and then onto the Henry Parkes Way. Review of the geometry of the existing intersection of Memorial Lane and the Henry Parkes Way has been undertaken by GHD to determine whether the design vehicles accessing the BGER can be accommodated at the intersection. Swept path analysis confirms that left in and out auxiliary lanes will be required at the intersection to accommodate an A-Double tanker.

A review of the road crash history of the local area does not highlight any specific locations with a significant cluster of crashes that may suggest an inherent safety issue with the intersection of the Henry Parkes Way and Memorial Lane. There have been no crashes on the Henry Parkes Way within 350m of the intersection with Memorial Lane and Henry Parkes Way. There was one crash in 2018 resulting in serious injury at the intersection of Rawson Road and Henry Parkes Way (approximately 1.3km east of the intersection of Memorial Lane and Henry Parkes Way).

There are currently no public transport facilities (bus stops etc) or pedestrian footpaths or cycleways connecting immediately to the subject land.

A map showing the existing road and railway network is included in Figure 8.

Figure 8 - Roads Map



2.9 Environmental Hazards

Bushfire

The BGER has established emergency procedures and an emergency response plan that must be complied with by Johnex, Howards and SMS. Land along the eastern boundary of Lot 2 DP 1064474 is identified as Bushfire Prone Land. Regular consultation with NSW RFS, Fire and Rescue NSW and other emergency responders is undertaken by the landowner and individual leaseholders at the BGER. SMS has developed a Bushfire Management Plan, dated 4 April 2023 that complies with Chapter 8 of the RFS Guideline, Planning for Bushfire Protection 2019.

Flooding

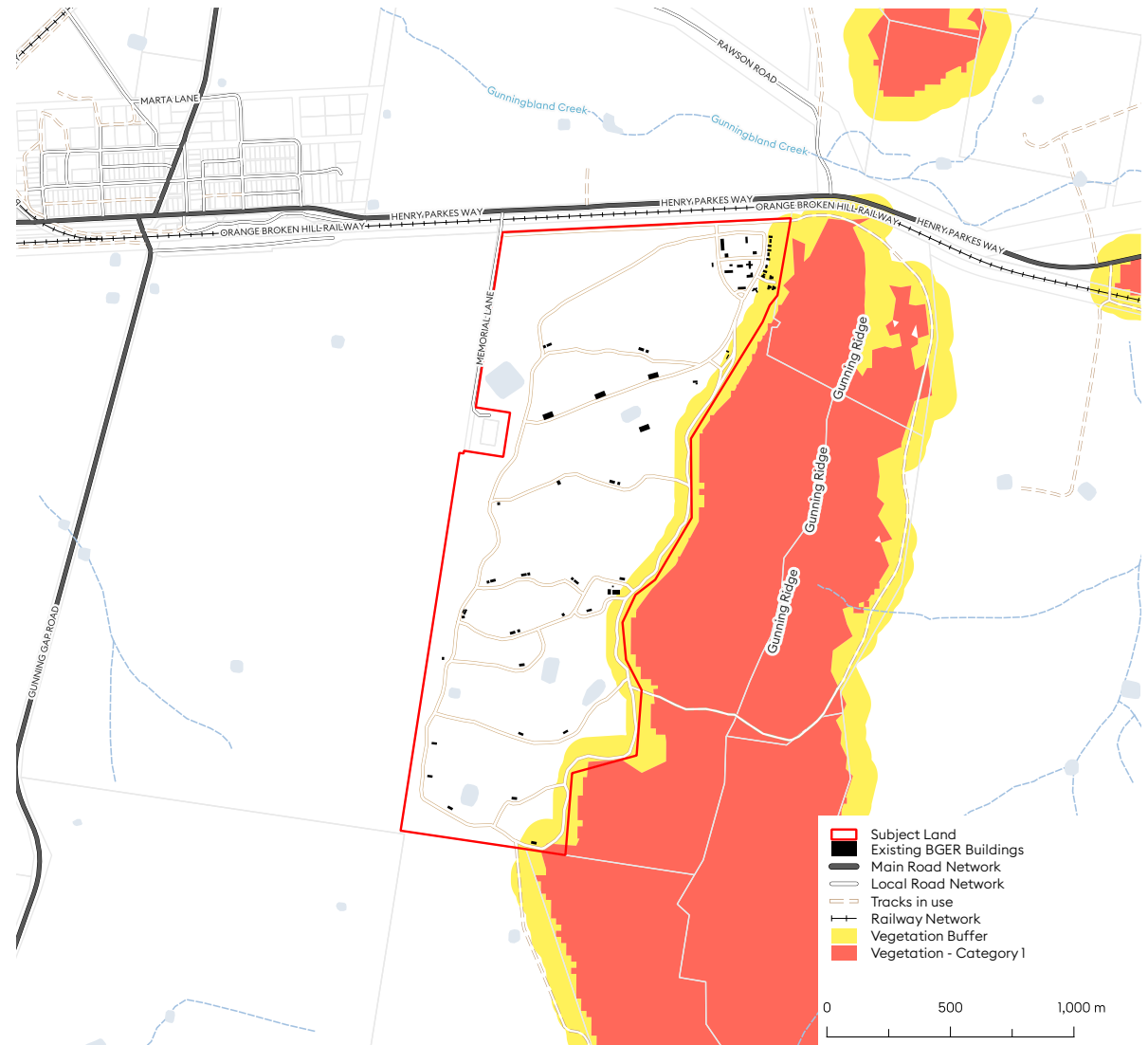
The subject land is not mapped in the Parkes LEP 2012 as being impacted by flooding. The nearest natural water body is the Gunningbland Creek located approximately 1km north of the BGER. A robust system of stormwater management is already established at the BGER, including road table drains, contour banks, swales and catch dams.

Contamination

The subject land does not feature in any database pertaining to the management / regulation of contaminated land. A preliminary contamination investigation was undertaken on part of Lot 2 DP 1064474 by Enviowest, dated 4 February 2021. The Enviowest investigations revealed no evidence of contamination. No physical evidence of contamination is visible from inspection of the site. The site is considered suitable for heavy industry land-use as proposed in the Planning Proposal.

Figure 9 shows the current bushfire prone areas to the east of the BGER, with no other hazards identified in any known database.

Figure 9 - Environmental Hazards Map



2.10 Operational Hazards

The Work Health and Safety Act (WHS) 2011 and WHS Regulation 2017 provides the framework for the management and handling of hazardous substances and dangerous goods in NSW.

Chapter 9 of the WHS Regulation 2017 prescribes the provisions for major hazard facilities, with Table 15.1 of Schedule 15 detailing the threshold quantities where chemical industry operations are deemed to be major hazard facilities.

The Johnex operations at the BGER are deemed to comprise a major hazards facility under the WHS Regulation 2017. As such, the Johnex site operations by an Explosives Licence administered by WorksSafe NSW under the WHS Act 2011 and an Environment Protection Licence administered by the NSW Environment Protection Authority (EPA) under the POEO Act 1997.

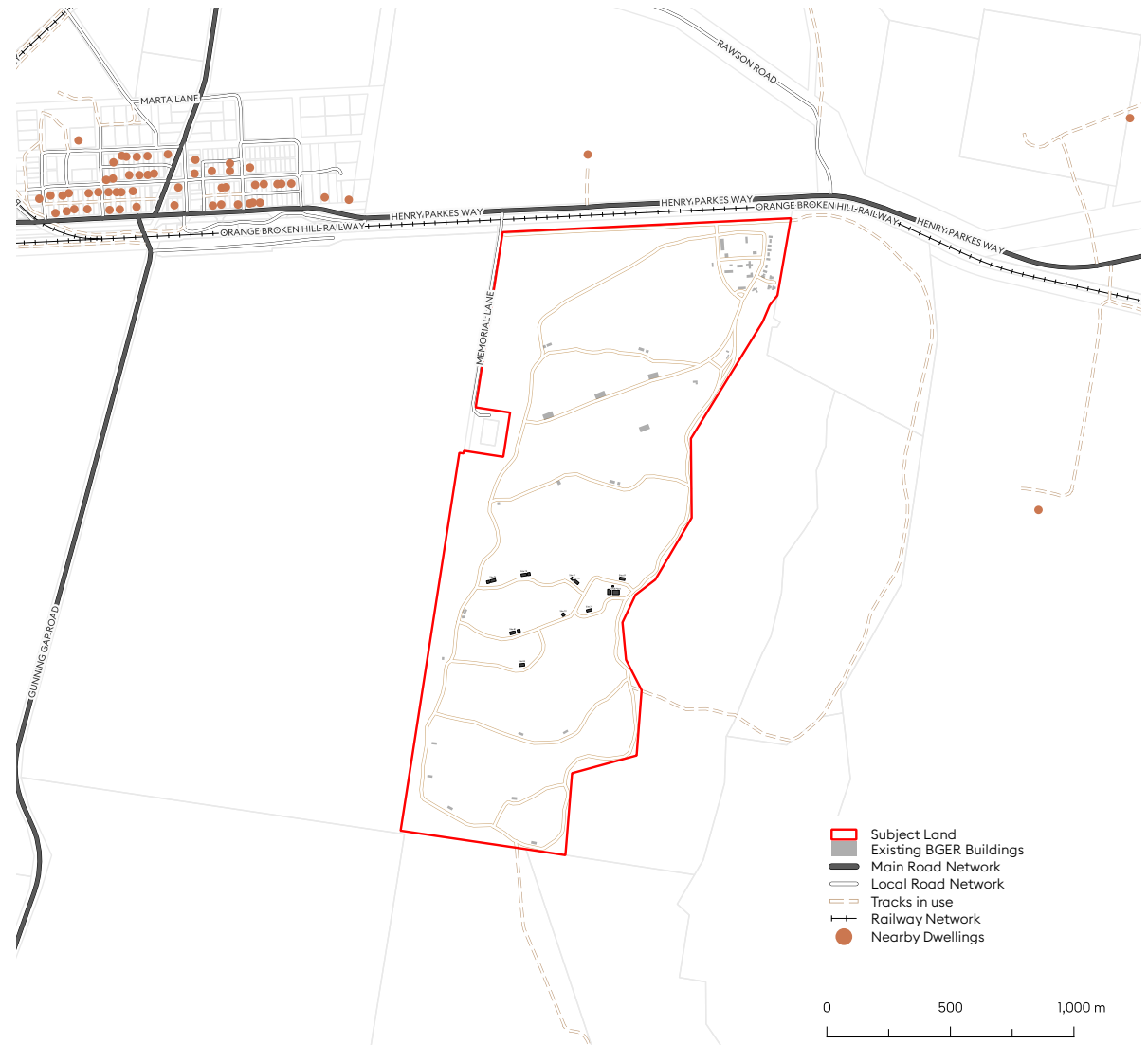
Howards and Sons and SMS operations involve manufacturing / storage of chemicals well below the threshold triggers listed in Table 15.1 of the WHS Regulation 2017 and the POEO Act 1997.

The BGER has established emergency procedures and an emergency response plan that must be complied with by Johnex, Howards and SMS.

Any new development(s) at the site are subject to rigorous risk assessment, such as the Process and Risk Report prepared by Greenice, dated 13 September 2023 for proposed SMS ANE Facility Alterations and Additions.

Figure 10 shows the BGER and nearby sensitive land-uses.

Figure 10 - Operational Hazards Map



2.11 Infrastructure and Services

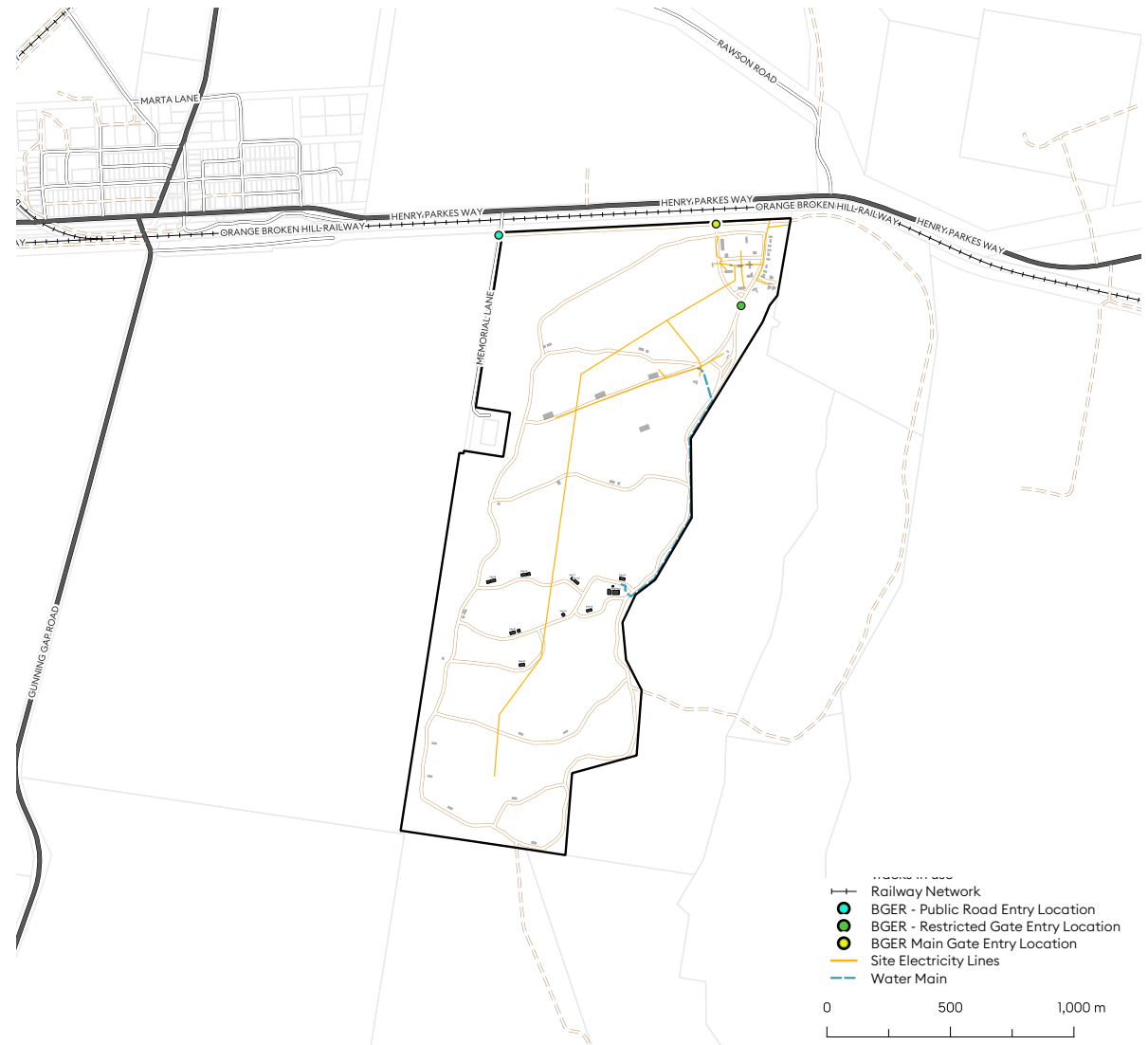
The BGER has an existing connection to the reticulated water supply system servicing Bogan Gate as well as existing road connections, electricity supply and telecommunications. Waste and wastewater management is generally managed at individual premises via on-site wastewater management systems.

No upgrades to utilities is required as part of the Planning Proposal.

To provide for safe movement of long vehicles onto the Henry Parkes Way, the intersection of Memorial Lane and Henry Parkes Way is proposed to be upgraded to provide auxiliary left turn lanes to accommodate the design vehicle for left-in and left-out truck movements only.

Figure 11 shows the location of existing infrastructure available at the BGER.

Figure 11 - Infrastructure and Servicing Map



EXISTING PLANNING FRAMEWORK

3.1 Parkes Local Environmental Plan 2012

The Parkes LEP 2012 is the principal environmental planning instrument applying to the subject land.

The Parkes LEP 2012 provides the statutory framework for planning, development and building within the Parkes Shire through zoning controls, development standards and other planning provisions.

The BGER is currently zoned RU1 Primary Production under the Parkes LEP 2012. Heavy Industries are currently not permitted on land zoned RU1 Primary Production under the Parkes LEP 2012.

Schedule 1 of the Parkes LEP 2012 provides for the inclusion of additional permitted uses on certain prescribed land, notwithstanding Land Use Table prohibitions.

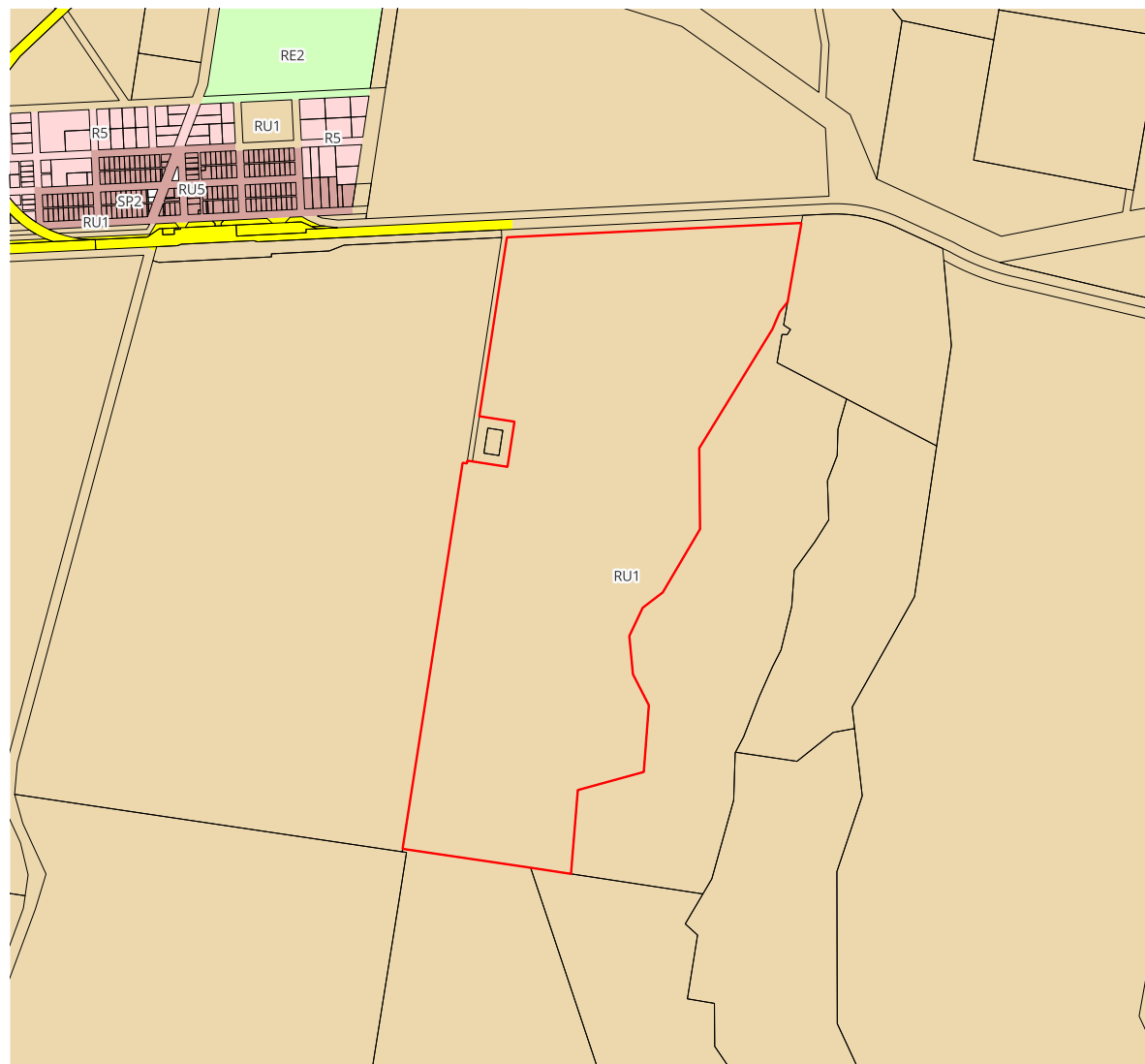
It is proposed to include a new additional permitted use in Schedule 1 of the Parkes LEP 2012 to permit heavy industries on Lot 2 DP 1064474 with development consent.

Figure 12 shows the existing zoning framework applying to the subject land under the Parkes LEP 2012.

LEGEND - LAND USE ZONES

E1 E1 Local Centre	RE1 Public Recreation
E3 E3 Productivity Support	RE2 Private Recreation
C1 C1 National Parks and Nature Reserves	RU1 Primary Production
C2 C2 Environmental Conservation	RU3 Forestry
C3 C3 Environmental Management	RU4 Primary Production Small Lots
E4 E4 General Industrial	RU5 Village
R1 R1 General Residential	SP2 Infrastructure
R2 R2 Low Density Residential	SP3 Tourist
R5 R5 Large Lot Residential	W2 Recreational Waterways

Figure 12 - Parkes LEP 2012 Existing Zoning Map



3.1 Parkes Shire Development Control Plan 2021

The Parkes Shire Development Control Plan (DCP) 2021 applies to the whole of the Parkes Shire and provides detailed planning and design guidelines to support the Parkes LEP 2012.

The Parkes DCP 2021 provides development controls relating to residential, commercial, industrial and associated infrastructure development. There are also a number of site-specific chapters to be considered in the assessment of development applications lodged with Council for particular development types and at particular locations.

The following parts of the Parkes DCP 2021 contain provisions which are likely to be relevant to any future development of the subject land.

- + Part A - Introduction
- + Part D - Rural Development
- + Part F - Industrial Development

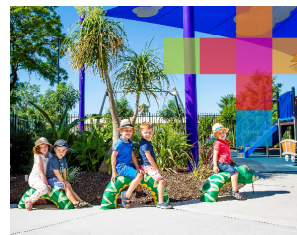


3.2 Parkes Section 94A Contributions 2016

The Parkes Section 94A (now Section 7.12) Contributions Plan 2016 provides the framework for the provision of public infrastructure as a result of new development in the Parkes Shire.

The payment of a Section 7.12 Contribution Levee would likely be a requirement of any future development of the BGER to which this Planning Proposal relates.

According to the plan, the contributions received will be used towards the maintenance and improved of open space and community facilities.



Parkes Shire
Section 94A
Contributions Plan 2016



DESCRIPTION OF THE PROPOSAL

4.1 Description of the Development Proposal

SMS have engaged Currajong to prepare a DA for proposed alterations and additions to the SMS ANE Facility. The principal objective of this development proposal is to increase the processing capacity of the SMS ANE Facility beyond its approved 960 tonnes of ANE per annum to up to 20,000 tonnes of ANE per annum. Other objectives for the development proposal are to:

- + Provide for the growing demand for ANE from the mining, quarrying and civil construction sectors in NSW from the SMS ANE Facility at the BGER.
- + Provide ANE to NSW customers by road, thereby avoiding excessive storage and transport.
- + Minimise to the greatest extent possible, impacts to the local environment, Bogan Gate community and other stakeholders in the Parkes Shire.
- + Ensure the operation of the SMS ANE Facility at the BGER is safe, reliable and cost effective, contributing to the delivery of mining and civil projects and the economy of the region.

The proposed manufacturing increases can be undertaken within the existing manufacturing plant, served by five (5) outlying chemical storage sheds that will feed the plant with the raw materials required to make ANE. Three (3) of these sheds are proposed new sheds to be constructed for AN storage. Two (2) new horizontal tanks are also required for ANE storage as well as two additional water storage tanks. Existing internal roads are to be used to link the SMS ANE Facility at the BGER to Memorial Lane and the Henry Parkes Way.

It is intended the DA would be lodged with Parkes Shire Council on or around the same time as the Planning Proposal.

The main aspects of the proposed alterations and additions to the SMS ANE Facility are shown in Figure 2.

4.2 Description of the Planning Proposal

The Planning Proposal seeks to amend the Parkes LEP 2012 by inserting Item 3 in Schedule 1 Additional Permitted Uses, as follows:

(3) Development for the purposes of heavy industries is permitted on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate with development consent.

Heavy industries are already established on Lot 2 DP 1064474 in the form of the Johnex Pty Ltd Explosives Facility, Howards and Sons fireworks storage operations and the Solar Mining Services Ammonium Nitrate Emulsion Facility.

The heavy industry land-uses established at the BGER are shown in Figure 2.

05

STRATEGIC ALIGNMENT

The existing landform and building configurations at the BGER are ideally suited for the manufacture and storage of explosives and other precursor products such as ANE.

The existing BGER has been designed to ensure maximum protection and separation from surrounding land-uses in the unlikely event of fire or explosion at the facility.

The Planning Proposal to formalise existing use of the land for heavy industries is considered to be an appropriate response, given there are three operational heavy industry businesses at the site and demand for products remains consistently high.

In particular, the BGER has the following advantages:

- + The site has a history of explosives storage and manufacturing.
- + The site is suitably separated from sensitive land-uses and infrastructure.
- + Manufacturing and storage operations can be continued through utilisation of existing buildings, plant, infrastructure and safety / security systems already established at the site.
- + All potential environmental and amenity impacts associated with the proposal are able to be suitably mitigated within the site, as demonstrated in previous approvals and licences granted over the site for existing heavy industry uses.
- + The proximity to robust transport networks, delivering connectivity to nearby mines and quarries, with potential for dispatch of products to interstate destinations via the main road and railways network.
- + The employment-generating opportunities for Bogan Gate and the wider Parkes Shire, with over 20 FTE jobs being generated from heavy industry activities at the BGER.

- + The proposal aligning with the strategic vision for the Parkes Shire and the Central West and Orana Region by supporting mining, quarrying and civil construction industries, which are important industry sectors for the economy.
- + The strengths of the BGER to provide smart, efficient and reliable explosives manufacturing and storage solutions to NSW customers.

If the Planning Proposal did not proceed, there would be less certainty about whether new heavy industry development proposals would be able to proceed under existing zoning. This uncertainty could influence the appetite of the landowner / leaseholders to maintain facilities at the BGER to the high standards required. It could also lead to less investment and employment at Bogan Gate and the wider Parkes Shire in this particular industry sector. Additionally, the BGER's contribution to the economy would be limited to current processing limits, which are estimated to not meet current and future demands in NSW.

The Planning Proposal is justified on the basis that it is a long-standing precinct of heavy industry development that generally complies with all safety separation distances required, has good connections to main roads and rail networks, and will create long-term employment opportunities in the region.

PLANNING PROPOSAL PART 1

Plan Making Guidance - Part 1

The NSW DPHI Local Environmental Plan Making Guidelines require Part 1 of the Planning Proposal to:

- + Provide a clear and concise description of the Planning Proposal and be written in plain English, so it is easily understood by the community.
- + Provide a description of the objectives and intended outcomes of the planning proposal so that they are specific enough to reflect the objective of the proposal yet flexible enough to allow for alternatives.

6.1 Objectives and Intended Outcomes

Section 3.33(2)(a) of the EP&A Act 1979 requires a Planning Proposal to include a statement of the objectives or intended outcomes of the proposed amendments.

Objective

To amend the Parkes LEP 2012 to permit heavy industries at the existing BGER on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate with development consent.

Intended Outcomes

- + Rationalise the existing heavy industry uses currently being carried out on Lot 2 DP 1064474.
- + Ensure the existing and future use of Lot 2 DP 1064474 delivers an equitable balance between heavy industry production and storage, transport and public safety and amenity.
- + Provide opportunity for alterations and additions to existing heavy industries, subject to all consent conditions, approvals and licences being granted.

PLANNING PROPOSAL PART 2

Plan Making Guidance - Part 2

The NSW DPHI Local Environmental Plan Making Guidelines require Part 2 of the Planning Proposal to:

- + Provide a detailed statement of how the objectives or intended outcomes will be achieved by amending the LEP.
- + Provide an explanation of provisions, clearly stated and containing enough information on the proposal to assist legal drafting of the LEP.
- + Provide information relating to the proposed zones and / or development standards if known at this stage in the Planning Proposal.

7.1 Explanation of Provisions

Section 3.33(2)(b) of the EP&A Act 1979 requires the Planning Proposal to include an explanation of the provisions that are to be included in the proposed amending instrument.

Intended Provisions

The Planning Proposal seeks to amend the Parkes LEP 2012 by inserting Item 3 in Schedule 1 Additional Permitted Uses, as follows:

- (3) Development for the purposes of heavy industries is permitted on Lot 2 DP 1064474, 3577 Henry Parkes Way, Bogan Gate with development consent.

No other changes to the Parkes LEP 2012 are proposed.

PLANNING PROPOSAL PART 3

Plan Making Guidance - Part 3

The NSW DPHI Local Environmental Plan Making Guidelines require Part 3 of the Planning Proposal to:

- + Provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the Planning Proposal should be supported.
- + Integrate findings from supporting studies and investigations.
- + Provide justification for the proposed amendments to the LEP.
- + Consider the interaction between these findings and whether the proposal will align with the strategic planning framework.
- + Consider whether the proposal will have any environmental, social or economic impacts.

The assessment criteria for strategic merit includes:

- + Whether the proposal gives affect to the relevant Regional Plan.
- + Whether the proposal demonstrates consistency with the relevant LSPS or endorsed Strategy.
- + Whether the proposal responds to a change in circumstances that has not been recognised by the existing planning framework.

The LEP should include site-specific merit assessment of:

- + The natural environment on the site and other affected land.
- + Existing, approved and likely future uses of the land.
- + Services and infrastructure requirements of the proposal.

8.1 Need for the Planning Proposal

8.1.1 Is the Planning Proposal a result of any strategic study or report?

The need for the Planning Proposal is not a direct result of any strategic study or report prepared by Parkes Shire Council. The land is already largely zoned for Primary Production purposes and heavy industry activities and infrastructure are already established at the site. It intended to formalise existing heavy industry uses on Lot 2 DP 1064474 to reflect long-standing existing business activities being carried out at the BGER, including existing explosives manufacturing and storage operations currently being carried out by Johnex, Howards and Sons and SMS.

The need for the Planning Proposal is a result of the findings of engagement and consultation with Parkes Shire Council regarding the requirements for future development of the land. Justification for the Planning Proposal has been provided generally throughout this report, however the following key reasons underpin the proposed changes to the Parkes LEP 2012:

- + The use of the BGER for explosives manufacturing and storage is long-established.
- + The BGER has been generally designed to ensure maximum protection and separation from other land-uses in the unlikely event of fire or explosion at the facility.
- + The BGER is already zoned RUI Primary Production, however the Parkes LEP 2012 does not permit heavy industries requiring separation from other development due to the nature of the processes involved. The Standard LEP Instrument makes provision for the inclusion of heavy industries in the RUI Primary Production zone, with nearby LEPs administered by Forbes and Narromine Councils permitting heavy industries in their RUI Primary Production zones.
- + Heavy industries are already established on Lot 2 DP 1064474 in the form of the Johnex Pty Ltd Explosives Facility, Howards and Sons fireworks storage operations and the SMS ANE Facility.
- + Positive outcomes are expected to result in terms of greater certainty for businesses established at the BGER and for the mining, quarrying and civil construction industries that are reliant on products delivered from the BGER for their operations.

8.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The most efficient and effective means of achieving the objectives and intended outcomes of the Planning Proposal is to include heavy industries as an additional permitted use on Lot 2 DP1064474 in the Parkes LEP 2012.

Consultation has been ongoing with Parkes Shire Council where they have advised the processing of a Planning Proposal to permit heavy industries on Lot 2 DP1064474 is the best means of achieving the intended outcomes for SMS, the BGER and wider Bogan Gate district.

The following alternatives have been considered in consultation with Parkes Shire Council, but do not provide an appropriate pathway to formalise existing uses being conducted at the BGER as described in this Planning Proposal:

- + Continued reliance on existing use rights provisions to permit new development and alterations and additions to existing development at the BGER.
- + Change of zoning from RUI Primary Production to E4 General Industrial.

8.2 Relationship to the strategic planning framework

8.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional plan?

The Central West and Orana Regional Plan 2041 establishes a strategic framework, vision and direction for land use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities. It leverages the region's central location and builds on its strengths to provide smart, efficient and reliable connections that bring residents and visitors closer to jobs, centres, education and the natural environment.

The Central West and Orana Regional Plan 2041 is structured around 23 objectives, which belong to the following themes:

- + Region-shaping investment.
- + A sustainable and resilient place.
- + People, centres, housing and communities.
- + Prosperity, productivity and innovation.

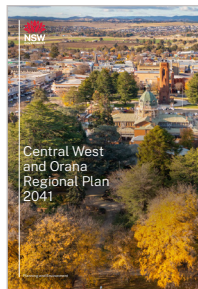
The following objectives are particularly relevant in the context of the Planning Proposal:

- + Objective 1 - Deliver the Parkes Special Activation Precinct and share its benefits across the region.
- + Objective 3 - Sustainably manage extractive resource land and grow the critical minerals sector.
- + Objective 4 - Leverage inter-regional transport connections.
- + Objective 7 - Plan for resilient places and communities.
- + Objective 12 - Sustain a network of healthy and prosperous centres.
- + Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises.
- + Objective 19 - Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities the existing and future road, rail and air transport networks and infrastructure.

Table 2 includes a brief assessment of the Planning Proposal against the relevant objectives and priorities in the Regional Plan.

Table 2 - Planning Proposal Assessment - Regional Plan

Objective	Preliminary Assessment
1	Implementation of the changes in the Planning Proposal will allow for continued operation of existing heavy industries established at the BGER. Planning and development of the site for heavy industry type industries has been long-running, with a Masterplan and Masterplan User Requirement Report first being prepared by the Australian Military Forces in August 1962. The BGER is well suited to the manufacture and storage of explosives and other explosive precursor products such as ANE, as the site consists of natural undulating landforms as well as constructed formations that are well protected and separated from nearby sensitive land-users and infrastructure. Existing operations are regulated by a number of government agencies, including WorkSafe NSW, EPA, NSW Fire and Rescue, NSW Rural Fire Service and Parkes Shire Council. The site is ideally located in close proximity to main roads and railways and the Parkes Special Activation Precinct. The industries at the BGER provide important products for the mining, quarrying and civil engineering as well as fireworks events. The Planning Proposal is of a scale that is of local planning significance. Notwithstanding, the proposal is demonstrated to provide vital services to larger scale mining, industry and tourism sectors, which align with the relevant key objectives of the Regional Plan.
3	
4	
7	
12	
18	
19	



8.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

The Parkes Shire Local Strategic Planning Statement (LSPS) 2020 contains planning priorities and actions for a 20-year vision for the Parkes Shire outlining how growth and change will be managed into the future. The planning themes / priorities include:

- + Connecting the Central West to the World.
- + Supporting Our Needs.
- + Preserving What's Important.
- + Accommodating Residential Growth and Development.
- + Growing the Economy.

Table 3 includes an assessment of the Planning themes / priorities in the LSPS that are considered to be of particular relevance to the Planning Proposal.

Table 3 - Planning Proposal Assessment - Parkes LSPS

Direction	Preliminary Assessment
Connecting the Central West to the World	The existing heavy industries established at the BGER provide important products to the mining, quarrying and civil engineering sectors in the Parkes Shire. The employment generated at the BGER is of vital support to the Bogan Gate community and wider Parkes Shire. The existing landform and building configurations at the BGER are ideally suited for the manufacture and storage of explosives and other precursor products such as ANE, as the site consists of natural undulating landforms as well as constructed formations that are well protected and separated from nearby sensitive land-users and infrastructure. The existing businesses operating at the BGER have been designed to ensure maximum protection and separation from other land-uses in the unlikely event of fire or explosion at the facility. Existing / future development would be able to avoid environmentally sensitivity areas, such as native vegetation, drainage contours and bushfire prone land. The changes proposed to the Parkes LEP 2012 are generally considered to be of significance only to the site and immediate surrounds, and do not create any inconsistencies with the planning priorities and actions contained in the Parkes LSPS 2020.
Supporting Our Needs	
Growing the Economy	



8.2.3 Is the planning proposal consistent with any other applicable State or regional studies or strategies?

The following strategies / studies have been considered in the preparation of the Planning Proposal:

- + Future Transport Strategy 2056.
- + Net Zero Plan.
- + State Infrastructure Strategy, a 20 year Economic Vision for Regional NSW.
- + Central West and Orana Regional Plan 2041.
- + NSW State Planning Policy (Resilience and Hazards) 2021.
- + NSW RFS Guideline: Planning for Bush Fire Protection, 2019.
- + NSW DPIE Major Projects. Key Guidance. Hazards and Risks, including various guidelines such as the Hazardous Industry Risk Assessment Guidelines, 2011.

8.2.4 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 4 shows a list of the State Environmental Planning Policies that have applicability to land within the Parkes LGA.

Table 4 includes an assessment on whether there are provisions within the each SEPP that need to be considered in relation to the Planning Proposal.

Where it is identified that further assessment is required, this work is presented in the following pages.

Table 4 - Preliminary SEPP Assessment

Name of SEPP	Applicability	Further Assessment Warranted?
SEPP (Biodiversity and Conservation) 2021	Applicable	Yes
SEPP (Sustainable Buildings) 2022	Not applicable	No
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Not applicable	No
SEPP (Industry and Employment) 2021	Not applicable	Yes
SEPP (Planning Systems) 2021	Applicable	Yes
SEPP (Primary Production) 2021	Not applicable	No
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Applicable	Yes
SEPP (Resources and Energy) 2021	Not applicable	No
SEPP (Transport and Infrastructure) 2021	Applicable	Yes

SEPP (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands and koalas are also included in the SEPP.

The site is largely influenced by historic settlement in and around Bogan Gate and the Bogan Gate Army Camp and explosives reserve. The BGER comprises a large number of fixed buildings, roads and drainage improvements within a cleared area sown down to exotic grasses, surrounded by patches of native and regrowth vegetation. As a result, the site is predominately cleared of native vegetation, with native vegetation generally limited along the perimeter of the site. Habitat value on Lot 2 DP 1064474 is generally assessed as low.

The SEPP is applicable to the assessment of the Planning Proposal as it has potential to facilitate a land-use / development outcome that could result in the clearing of native vegetation, should native vegetation exist over the site to the extent that clearing would trigger the Biodiversity Offset Scheme Threshold (BOST) established under the Biodiversity Conservation Act 2016.

No clearing of native vegetation as defined under Local Land Services Act 2013 and at levels triggering the BOS is required as part of the Planning Proposal. A Currajong PBASR dated 24 February 2023 has been undertaken to assess biodiversity impacts under Section 1.7 of the EP&A Act 1979 (which takes into consideration Part 7 of the BC Act 2016) reveals no significant affects on threatened species or their habitats.

A small section of the western perimeter of the site is mapped as biodiversity under the Terrestrial Biodiversity Map in the Parkes LEP 2012. This area comprises Inland Grey Box Woodland and Red Ironbark (*Eucalyptus sideroxylon*) with White Cypress Pine (*Callitris columellaris*) and Black Cypress Pine (*Callitris endlicheri*) and a grassy / weedy under storey).

Having regard to the above, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

SEPP (Planning Systems) 2021

The Planning Systems SEPP 2021 provides the framework to determine whether a proposed development is:

- + State Significant Development.
- + State Significant Infrastructure.
- + Regionally Significant Development.

The Johnex operations at the BGER are deemed to comprise a major hazards facility under the WHS Regulation 2017 which would be a trigger for new development potentially being considered as State significant development. The Johnex site is also covered by an EPL administered by EPA under the POEO 1997.

Howards and SMS operations involve manufacturing / storage of chemicals well below the threshold triggers listed in Table 15.1 of the WHS Regulation 2017 and the POEO Act 1997.

The SMS DA for proposed alterations and additions does not propose to exceed the limits of AN storage as per Table 15.1 of Schedule 15 of the WHS Regulation 2017, and is therefore not trigger State Significant Development. The proposal is also not Designated Development of a kind that makes it Regionally Significant Development. Accordingly, the proposed SMS ANE Facility alterations and additions is Local Development, as defined under the Planning Systems SEPP 2021.

The site is considered suitable for existing / proposed heavy industry land-use as outlined in the Planning Proposal. As such, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

SEPP (Resilience and Hazards) 2021

The subject land does not feature in any of the databases maintained by the Office of Environment and Heritage or EPA pertaining to the management / regulation of contaminated sites.

A preliminary contamination investigation has been undertaken on the site where SMS is established by Envirowest, dated 4 February 2021, which revealed no evidence of contamination.

The Johnex operations at the BGER are deemed to comprise a major hazards facility under the WHS Regulation 2017, with Johnex facility operations being controlled under an EPL administered by the EPA under the POEO Act 1997.

Howards and SMS operations involve manufacturing / storage of chemicals well below the threshold triggers listed in Table 15.1 of the WHS Regulation 2017 and the POEO Act 1997.

As such, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP 2021 aims to facilitate the effective delivery of infrastructure across NSW by providing a consistent planning framework for infrastructure provision, and identifying where a more detailed assessment or consultation response may be required for specific types of infrastructure development.

Existing heavy industries at the BGER (combined) would not qualify as traffic generating development as per Schedule 3 of the Transport and Infrastructure SEPP 2021. Access to the BGER will continue via Memorial Lane and then onto the Henry Parkes Way, which is a classified road.

Consultation has been initiated with TfNSW about the proposed alterations and additions to the SMS ANE Facility and the proposed upgrades to the intersection of Henry Parkes Way and Memorial Lane. Preliminary feedback from TfNSW and Parkes Shire Council has not indicated any objections to proposed road upgrades under controlled conditions.

Having regard to the above, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

8.2.5 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of the Planning Proposal against each Section 9.1 Ministerial Direction is included as follows:

Focus Area 1 - Planning Systems

Direction 1.1 - Implementation of Regional Plans

The Direction applies to the Planning Proposal as it relates to land to which the Central West and Orana Regional Plan 2041 applies. The Direction requires the Planning Proposal to be consistent with the requirements of the Central West and Orana Regional Plan 2041. An assessment against the Regional Plan is included in this Planning Proposal. No inconsistencies have been identified. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.1.

Direction 1.2 - Development of Aboriginal Land Council Land

The Direction does not apply to the Planning Proposal as it does not relate to any land that is shown on the Land Application Map of Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.

Direction 1.3 - Approval and Referral Requirements

The Direction generally requires the Planning Proposal not to include provisions requiring concurrence, consultation or referral of a DA to a Minister of a public authority without prior approval. The Planning Proposal seeks only to make changes to Schedule 1 of the Parkes LEP 2012 dealing with additional permitted use. The changes proposed to the Parkes LEP 2012 will not alter existing consultation or concurrence obligations prescribed in legislation for new development. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.3.

Direction 1.4 - Site Specific Provisions

The Direction applies when a Planning Proposal will allow a particular development to be carried out. Direction 1.4(1) applies because the Planning Proposal involves an additional permitted use on Lot 2 DP 1064474 with consent. Direction 1.4(2) requires that a Planning Proposal must contain or refer to drawings that

show details of the proposed development. In this particular Planning Proposal, plans have been shown of general site conditions and surrounds. No changes to mapping in the Parkes LEP 2012 is required. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.4.

Focus Area 2 - Planning Systems - Place Based

Ministerial Directions 1.5 to 1.22 are not applicable to the subject land. Further consideration is not considered to be necessary.

Focus Area 2 - Design and Place

This Focus Area was blank when the Directions were made.

Focus Area 3 - Biodiversity and Conservation

Direction 3.1 - Conservation Zones

Direction 3.1(1) requires that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Direction 3.1(2) requires that the Planning Proposal must not reduce the conservation standards that apply to the land. The Planning Proposal does not propose any changes of zoning or development on land that is identified as an environmentally sensitive area. The Planning Proposal is consistent with the terms of Ministerial Direction 3.1.

Direction 3.2 - Heritage Conservation

Direction 3.2(1) requires that a Planning Proposal must contain provisions that facilitate the conservation of any environmental heritage items identified in a study of the environmental heritage of the area, Aboriginal objects or places protected under the National Parks and Wildlife Act 1974 or identified by an Aboriginal heritage survey prepared by or on behalf an Aboriginal Land Council, Aboriginal body or public authority.

The planning proposal is assessed to be consistent with this Ministerial Direction for the following reasons:

- + The Planning Proposal does not impact on any known items of Aboriginal cultural heritage significance.
- + The subject land is not mapped in the Parkes LEP 2012 as a heritage item.
- + Built heritage aspects associated with the Australian Military use during and post WWII have been considered, with no building / structure being identified as particularly rare or having significant heritage values.
- + The Bogan Gate Cemetery to the west of the site is identified to be the only site with potential local heritage significance. The continued uses at the BGER are not incompatible with the heritage significance of the Bogan Gate Cemetery.
- + The suitability of the land for heavy industry land-use has already been established by the existing buildings and improvements at the BGER.
- + The Planning Proposal does not change, alter or reduce any of the existing provisions in Parkes LEP 2012 which facilitate the protection and conservation of heritage areas.

Clause 5.10 would continue to apply to any future development on the land, and provides an appropriate regulatory framework for the assessment of heritage issues and matters as part of a DA to Parkes Shire Council.

Direction 3.3 - Sydney Drinking Water Catchments

The Direction does not apply to the Planning Proposal as it does not affect land in any of the Local Government Areas located within the Sydney Drinking Water Catchment.

Direction 3.4 - Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPs.

The Direction does not apply to the Planning Proposal as it does not affect land on the New South Wales Far North Coast.

Direction 3.5 - Recreation Vehicle Areas

Direction 3.5(1) requires that a Planning Proposal must not enable land to be developed for the purposes of a recreation vehicle area where:

- + The land is within a conservation zone.
- + Where the land comprises a beach or a dune adjacent to or adjoining a beach.
- + Where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of NSW, September, 1985.
- + The provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.

The Planning Proposal is assessed to be consistent with this Ministerial Direction for the following reasons:

- + The proposal does not involve land within a C3 Environmental Management zone.
- + The proposal is to allow the land to be developed for primary production and heavy industry land-uses only.

Direction 3.6 - Strategic Conservation Planning

This Direction does not apply to the Planning Proposal as it does not relate to land that is identified as 'avoided land' or a 'strategic conservation area' under State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Direction 3.7 - Public Bushland

This Direction does not apply to the Planning Proposal as it does not relate to land in a prescribed LGA.

Direction 3.8 - Willandra Lakes Region

This Direction does not apply to the Planning Proposal as it does not relate to land identified as the Willandra Lakes World Heritage Property.

Direction 3.9 - Sydney Harbour Foreshores and Waterways area

This Direction does not apply to the Planning Proposal as it does not relate to land within the Foreshores and Waterways Area.

Direction 3.10 - Water Catchment Protection

This Direction does not apply to the Planning Proposal as it does not relate to land within a regulated catchment.

Focus Area 4 - Resilience and Hazards**Direction 4.1 - Flooding**

Direction 4.1 requires that a Planning Proposal must include provisions that give effect to and are consistent with:

- + The NSW Flood Prone Land Policy.
- + The principles of the Floodplain Development Manual 2005.
- + The Considering flooding in land use planning guideline 2021.
- + Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

The Planning Proposal is assessed to be consistent with the requirements of Direction 4.1 for the following reasons:

- + The subject land is not located within the Flood Planning Area defined by the Parkes LEP 2012.
- + The Planning Proposal does not seek to enable hazardous industries or hazardous storage establishments on flood affected land.
- + Robust stormwater drainage structures are established at the BGER, with no recorded issues related to stormwater flooding or the like.

- + No flood related issues are assessed to apply to the safe occupation / efficient evacuation of the BGER.
- + The proposal is unlikely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, including road infrastructure, flood mitigation infrastructure and utilities.

Direction 4.2 - Coastal Management

The Direction does not apply to the Planning Proposal as it does not affect land within the coastal zone, as defined under the Coastal Management Act 2016.

Direction 4.3 - Planning for Bushfire Protection

The Direction applies to the Planning Proposal as parts of the BGER are mapped as bushfire prone land. The BGER has an emergency response plan dealing with bushfires. Individual businesses operating at the BGER also have their own plans and procedures dealing with fire, such as the SMS Bushfire Management Plan, dated 4 April wo23 which deals with the management of fires and emergency evacuation procedures, asset protection zones between buildings and potential bushfire fuel sources. NSW RFS and NSW Fire and Rescue conduct regular inspections at the BGER to ensure adequate fire protection systems are in place at the site.

Direction 4.4 - Remediation of contaminated land

The Direction applies to the Planning Proposal as it relates to land, a part of which is known to contain an area of potential land contamination.

Direction 4.4(1) requires that a Planning Proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:

- + The Planning Proposal Authority has considered whether the land is contaminated, and

- + If the land is contaminated, the planning proposal 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
- + 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 proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

Direction 4.4(2) requires, before including any land to which this direction applies in a particular zone, the Planning Proposal Authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The subject land does not feature in any database pertaining to the management / regulation of contaminated land. A preliminary contamination investigation was undertaken on part of the BGER by Envirowest, dated 4 February 2021, which revealed no evidence of contamination. No physical evidence of contamination is visible from inspection of the site.

The site is considered suitable for heavy industry land-use as proposed in the Planning Proposal. As such, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

Direction 4.5 - Acid Sulphate Soils

The Direction does not apply to the Planning Proposal as it does not affect land having a probability of containing acid sulfate soils.

Direction 4.6 - Mine Subsidence and Unstable Land

The Direction does not apply to the Planning Proposal as it does not affect land that is within a declared mine subsidence district.

Focus Area 5 - Transport and Infrastructure

Direction 5.1 - Transport and Infrastructure

Direction 5.1(1) requires that a Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- + Improving Transport Choice – Guidelines for planning and development (DUAP 2001).
- + The Right Place for Business and Services – Planning Policy (DUAP 2001).

The Planning Proposal does not create, alter and remove a zoning provision relating to urban land. The development scenario that is to be facilitated by this Planning Proposal is not be expected to compromise the safety or function of the surrounding road network.

Direction 5.2 - Reserving land for public purposes

Direction 5.2(1) requires that a Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).

The Planning Proposal is consistent with Direction 5.2(1) as it does not seek any changes to alter the extent of public land.

Direction 5.3 - Development Near Regulated Airports and Defence Airfields

The Direction does not apply to the Planning Proposal as it does not create, alter or remove a zone or provision relating to land near a regulated airport.

Direction 5.4 - Shooting Ranges

The Direction does not apply to the Planning Proposal as it does not create, alter or remove a zone or provision relating to land adjacent to and / or adjoining an existing shooting range.

Focus Area 6 - Housing

Direction 6.1 - Residential Zones

The Direction does not apply as the Planning Proposal as it does not involve residential development.

Direction 6.2 - Caravan Parks and Manufactured Home Estates

The Planning Proposal does not seek to identify suitable zones, locations and provisions for caravan parks or manufactured home estates. The permissibility of these land-use types in any existing zone under the Parkes LEP 2012 will not be changed as a result of this Planning Proposal. The Planning Proposal is not inconsistent with the requirements of the Direction.

Focus Area 7 - Industry and Employment

Direction 7.1 - Business and Industrial Zones

The Direction does not apply to the Planning Proposal as it does not affect land within an existing or proposed business or industrial zone.

Direction 7.2 - Reduction in non-hosted short-term rental accommodation period

The Direction does not apply to the Planning Proposal as it does not affect land within the Byron LGA.

Direction 7.3 - Commercial and Retail Development along the Pacific Highway, North Coast

The Direction does not apply to the Planning Proposal as it does not affect land within those council areas on the North Coast that the Pacific Highway traverses.

Direction 9.4 - Farmland of State and Regional Significance on the NSW Far North Coast

This Direction does not apply to the Planning Proposal as it does not affect land within a Far North Coast LGA.

Focus Area 8 - Resources and Energy**Direction 8.1 - Mining, Petroleum Production and Extractive Industries**

The Direction does not apply to the Planning Proposal as it does not have the effect of:

- + Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.
- + Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

Focus Area 9 - Primary Production**Direction 9.1 - Primary Production**

The Direction does not apply to the Planning Proposal as it does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

Direction 9.2 - Rural Lands

The Planning Proposal affects land within an existing or proposed rural or conservation zone. It does not propose changes to the existing minimum lot size on land within a rural or conservation zone.

Direction 9.3 - Oyster Aquaculture

This Direction does not apply to the Planning Proposal as it does not affect land within a 'Priority Oyster Aquaculture Area'.

8.3 Environmental, Social and Economic Impact

8.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The historic agricultural, explosive storage and manufacturing, army camp and heavy industry uses on the property have resulted in a landscape that is highly disturbed and largely cleared of native vegetation, with the predominate landform cover being buildings, hardstands, roads and pasture grass.

A review of the Terrestrial Biodiversity Map in the Parkes Local Environmental Plan 2012 confirms a small section of the western perimeter of the site is mapped as biodiversity. Figure 6 shows the location of native vegetation in and around the subject land.

Site inspection confirms remnant vegetation comprising Inland Grey Box Woodland and Red Ironbark (*Eucalyptus sideroxylon*) with White Cypress Pine (*Callitris columellaris*) and Black Cypress Pine (*Callitris endlicheri*) and a grassy / weedy under storey). The habitat value of these isolated pockets of vegetation on Lot 2 DP 1064474 is assessed as low.

No clearing of native vegetation as defined under Local Land Services Act 2013 at levels triggering the BOST is required as part of the Planning Proposal.

A Currajong PBASR dated 24 February 2023 has been undertaken to assess biodiversity impacts under Section 1.7 of the EP&A Act 1979 (which takes into consideration Part 7 of the BC Act 2016) reveals no significant affects on threatened species or their habitats.

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

Operational Safety

The BGER has established its own emergency procedures that must be complied with by all leasees at the site, including Johnex, Howards and SMS.

There are three existing businesses operating at the BGER that are also regulated by WorkSafe NSW to store / manufacture produce explosives and other precursor explosive products at the site.

To obtain a WorkSafe licence, certain risk assessments must be undertaken demonstrating compliance with the WHS Regulation 2017 and other relevant standards and guidelines.

The Johnex operations at the BGER are deemed to comprise a major hazards facility under the WHS Regulation 2017. The Johnex site is also covered by an EPL administered by the EPA under the POEO Act 1997.

Howards and SMS operations involve manufacturing / storage of chemicals well below the threshold triggers listed in Table 15.1 of the WHS Regulation 2017 and the POEO Act 1997.

Figure 10 shows the buffers established at the BGER from nearby sensitive land-uses.

Bushfire

The BGER has established emergency procedures and an emergency response plan that must be complied with by Johnex, Howards and SMS. Land along the eastern boundary of Lot 2 DP 1064474 is identified as Bushfire Prone Land. Consultation with the NSW Rural Fire Service (RFS) and NSW Fire and Rescue NSW has been undertaken. For example, the SMS Bushfire Management Plan, dated 4 April 2023 has been reviewed by NSW RFS to ensure compliance with Chapter 8 of the RFS Guideline, Planning for Bushfire Protection 2019.

Flooding

The subject land is not mapped in the Parkes LEP 2012 as being impacted by flooding. The nearest natural water body is the Gunningbland Creek located approximately 1km north of the SMS ANE Facility. A robust system of stormwater management is established at the BGER, including road table drains, contour banks, swales and catch dams.

Contamination

The subject land does not feature in any of the databases maintained by the Office of Environment and Heritage pertaining to the management / regulation of contaminated sites. A preliminary contamination investigation has been undertaken on the site where SMS is established by Envirowest, dated 4 February 2021, which revealed no evidence of contamination. The site is considered suitable for heavy industry land-use as proposed in the Planning Proposal.

8.3.3 Has the planning proposal adequately addressed any social and economic effects

Social Impact Assessment

An assessment of potential impacts of the Planning Proposal and the resultant SMS proposed alterations and additions has been undertaken with regards to scoping methodology outlined in the DPPI Social Impact Assessment Guideline 2017 (SIA Guideline). Table 5 provides an assessment of the Planning Proposal against the criteria in the SIA Guideline.

Table 5 - SIA Guideline - Social Impact Assessment

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Amenity				
Acoustic	Way of life	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Visual	Surroundings	Likely	Negative	The Planning Proposal is unlikely to generate impacts
Odour	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Micro climate	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Access				
Access to property	Way of life	N/A	Nil	The Planning Proposal is unlikely to generate impacts
Utilities and public transport	Access to infrastructure, services and facilities	Unlikely	Negative	Existing connections to reticulated water supply, electricity supply and telecommunications are established
Road and rail	Personal and property rights	Likely	Negative	Roads are connected to the BGER via Memorial Lane and then onto the Henry Parkes Way. A TIA has been developed outlining proposed road upgrades
Built Environment				
Public domain	Community	Likely	Nil	The Planning Proposal does not alter land zoned for public purposes
Public infrastructure	Access to infrastructure, services and facilities	Unlikely	Negative	The BGER is located close to Bogan Gate and Parkes, where public infrastructure and services are available for workers at the site
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil	The Planning Proposal is unlikely to generate impacts
Heritage				
Natural	Way of life	Unlikely	Nil	The Planning Proposal is unlikely to generate impacts
Cultural	Community	Unlikely	Nil	The Planning Proposal is unlikely to generate impacts

Table 5 - SIA Guideline - Social Impact Assessment

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Aboriginal culture	Culture	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Built	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Community				
Health	Health and wellbeing	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Safety	Surroundings	Likely	Negative	Existing operations at the BGER are already regulated under the WHS Act 2011 and the POEO Act 1997. New development(s) are also required to address the relevant matters for consideration under the EP&A Act 1979. The Planning Proposal has addressed identified safety risks related to environmental / operational hazards
Services and facilities	Way of life, Access to infrastructure, services and facilities	Unlikely	Nil	The BGER is located close to Bogan Gate and Parkes, where public infrastructure and services are available for workers at the site
Cohesion	Way of life; Community; Culture	Likely	Positive	Existing operations at the BGER are already regulated under the WHS Act 2011 and the POEO Act 1997. New development(s) are also required to address the relevant matters for consideration under the EP&A Act 1979. The Planning Proposal has addressed identified safety risks related to environmental / operational hazards. The BGER is associated with a number of businesses that employ staff that live in the local area. Continued use of the site for heavy industries will maintain jobs and lead to positive economic impacts
Housing	Way of life, Personal and property rights	Unlikely	Negative	Existing operations at the BGER are already regulated under the WHS Act 2011 and the POEO Act 1997. New development(s) are also required to address the relevant matters for consideration under the EP&A Act 1979. The Planning Proposal has addressed identified safety risks related to environmental / operational hazards
Economic				

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Natural resource area	Way of life	Unlikely	Negative	Existing operations at the BGER are already regulated under the WHS Act 2011 and the POEO Act 1997. New development(s) are also required to address the relevant matters for consideration under the EP&A Act 1979. The Planning Proposal has addressed identified safety risks related to environmental / operational hazards. The BGER is associated with a number of businesses that employ staff that live in the local area. Continued use of the site for heavy industries will maintain jobs and lead to positive economic impacts
Livelihood	Surroundings	Unlikely	Negative	Existing operations at the BGER are already regulated under the WHS Act 2011 and the POEO Act 1997. New development(s) are also required to address the relevant matters for consideration under the EP&A Act 1979. The Planning Proposal has addressed identified safety risks related to environmental / operational hazards
Opportunity cost	Personal and property rights	Unlikely	Negative	Existing operations at the BGER are already regulated under the WHS Act 2011 and the POEO Act 1997. New development(s) are also required to address the relevant matters for consideration under the EP&A Act 1979. The Planning Proposal has addressed identified safety risks related to environmental / operational hazards
Air				
Air emissions.	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Land				
Land capability, topography	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts
Water				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts

Having regard to the findings of the Social Impact Assessment presented in Table 5, it is generally concluded that the proposed changes to Parkes LEP 2012 are unlikely to be adverse. Only positive changes are expected for the following reasons:

- + The site has a history of explosives storage and manufacturing and is suitably separated from sensitive land-uses and infrastructure.
- + Manufacturing and storage operations can be continued through utilisation of existing buildings, plant, infrastructure and safety / security systems already established at the site.
- + All potential environmental and amenity impacts associated with the proposal are able to be suitably mitigated within the site, as demonstrated in previous approvals and licences granted over the site for existing heavy industry uses.
- + The proximity to robust transport networks, means that products can be distributed efficiently and safely to customers via main roads and rail networks.
- + The ongoing employment-generating opportunities for Bogan Gate and the wider Parkes Shire, with over 20 FTE jobs currently being generated from heavy industry activities at the BGER.
- + The proposal aligning with the strategic vision for the Parkes Shire and Central West and Orana Region by supporting mining, quarrying and civil construction industries and tourism through fireworks events, which contribute strongly to the NSW economy.
- + The strengths of the BGER to provide smart, efficient and reliable explosives manufacturing and storage solutions to NSW customers.

Economic Impact Assessment

Due to the nature and scale of the Planning Proposal, a detailed Economic Impact Assessment has not been requested by Parkes Shire Council to be prepared for the Planning Proposal.

The Planning Proposal is not seeking changes to the Parkes LEP 2012 which are likely to create adverse economic consequences.

The BGER provides important products for the mining, quarrying and civil engineering sectors and employs over 20 FTE.

There would be significant economic impacts should the Planning Proposal not proceed, including:

- + There would be less certainty about whether new heavy industry development proposals would be able to proceed under existing zoning.
- + There could be less appetite of the landowner / leaseholders to maintain facilities at the BGER to the high standards required.
- + There could be less investment and employment at Bogan Gate and the wider Parkes Shire in this particular industry sector.
- + The BGER's contribution to the economy could be limited to current processing limits, which are estimated to not meet current and future demands in NSW.

The Planning Proposal is justified on the basis that it is a long-standing precinct of heavy industry development that generally complies with all safety separation distances required, has good connections to main roads and rail networks, and will create long-term employment opportunities in the region.

8.4 Infrastructure (Local, State and Commonwealth)

8.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal seeks to amend the Parkes LEP 2012 by permitting heavy industries on Lot 2 DP 1064474. The Planning Proposal is to formalise existing heavy industries being carried out on the subject land.

Existing services and infrastructure are available at the site, including bitumen sealed roads, reticulated water supply electricity supply and telecommunications.

The Planning Proposal does not create an increased demand for public infrastructure and services.

8.5 State and Commonwealth Interests

8.5.1 What are the views of state and Federal public authorities and government agencies consulted in order to inform the Gateway determination

State Government Interests

The specific changes that are requested to the Parkes LEP 2012 are likely to have interest to NSW DPHI, Department of Primary Industries (DPI), WorkSafe NSW, the EPA, NSW RFS, NSW Fire and Rescue, TfNSW and NSW Police Force. Preliminary consultation has been carried out with all these agencies as part of the preparation of the DA for alterations and additions to the SMS ANE Facility as well as Parkes Shire Council.

Federal Government Interests

The Planning Proposal is unlikely to be of any particular interest to the Federal Government.

PLANNING PROPOSAL PART 4

Plan Making Guidance - Part 4

The NSW DPHI Local Environmental Plan Making Guidelines provides the following guidance:

- + Mapping must be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps, using the same format, symbology, labeling and appropriate scale.
- + All existing and proposed mapping submitted to the Department as part of a Planning Proposal should be accompanied by GIS data. All LEP mapping should commence as early as possible in GIS, particularly with complex planning proposals or Principal LEPs.
- + Mapping may include the subject site and immediate surrounds, current zoning, current development standards and any alternative zones if a change is proposed.
- + Other relevant maps or figures may include maps illustrating changes of development standards, extent of heritage conservation areas, location of specific heritage items, extent of native vegetation, extent of environmental conservation areas and areas to which a local provision will apply.
- + Additional material such as aerial photographs clearly identifying the subject site should also be included where appropriate.

9.1 Project Mapping

The Planning Proposal has been prepared to include a number of different plans and visuals that aim to assist Parkes Shire Council's understanding of the scope of the changes that are requested to the Parkes LEP 2012.

These plans show the location of the subject land, existing environmental conditions and connections to roads and infrastructure as well as the location of land-uses / businesses at the BGER.

Given the Planning Proposal involves changes to Schedule 1 of the Parkes LEP 2012, no mapping changes to the Parkes LEP 2012 are required.

PLANNING PROPOSAL PART 5

Plan Making Guidance - Part 5

The NSW DPHI Local Environmental Plan Making Guidelines provides that Part 5 of the Planning should describe:

- + Consultation and outcomes undertaken with council, state agencies or authorities during the pre-lodgement stage.
- + Any community consultation undertaken, or consultation with other key stakeholders
- + The extent of consultation having regard for the public exhibition requirements in Section 1 of the guideline.
- + The required public exhibition period based on the different planning proposal categories.
- + Community consultation will be considered at the Gateway stage, with the Gateway determination confirming the requirements.
- + The Gateway determination may also specify additional information or studies to be finalised before any consultation commences, often to make sure that everyone can make an informed opinion. In some cases, the Gateway determination may require the PPA to submit studies to the Department for review prior to public exhibition.

10.1 Consultation - Pre-lodgement Stage

Consultation has been undertaken with NSW DPHI, Department of Primary Industries (DPI), WorkSafe NSW, the EPA, NSW RFS, NSW Fire and Rescue, TfNSW and NSW Police Force. Preliminary consultation has been carried out with all these agencies as part of the preparation of the DA for alterations and additions to the SMS ANE Facility as well as Parkes Shire Council.

Engagement with adjoining landowners has been undertaken to ensure all neighbours are aware of the proposed alterations and additions to the SMS ANE Facility as well as Parkes Shire Council.

Feedback has been considered, as necessary, during the preparation of the Planning Proposal.

10.2 Community Consultation

Parkes Community Participation Plan 2022

In accordance with the Parkes Community Participation Plan 2022, the Planning Proposal will require public exhibition for a minimum of 28 days, or any other period as might be specified in a Gateway Determination issued by DPHI.

The Planning Proposal will be referred to the relevant agencies as specified in a Gateway Determination issued by DPHI.

Parkes Shire Council has advised it would organise all tasks involved in the public exhibition of the Planning Proposal.

10.3 Government Agency Consultation

Gateway Determination Requirements

Under the terms of the Gateway Determination issued on 27 September 2024, the following government agencies will be consulted:

- + Transport for New South Wales.
- + Environmental Protection Authority.
- + Department of Climate Change, Energy, the Environment and Water.

PLANNING PROPOSAL PART 6

Plan Making Guidance - Part 6

The NSW DPHI Local Environmental Plan Making Guidelines provides that Part 6 of the Planning Proposal should describe the project timeline as a tool for the Planning Proposal Authority, DPHI and the Parliamentary Counsel's Office to monitor the project through the LEP making process and manage resources accordingly.

As a minimum, the project timeline should describe:

- + Anticipated commencement date (of Gateway determination).
- + Anticipated time frame to finalise the infrastructure studies/plan.
- + Anticipated time frame for completion of any additional technical studies, not completed prior to Gateway.
- + Time frame for public agency consultation.
- + Anticipated dates of public exhibition and, if required, a public hearing.
- + Time frame for submissions to be considered.
- + Time frame for the consideration of a proposal after the exhibition.
- + Date the plan will be made (where council is the LPMA) or date of submission to the Department to finalise the LEP.
- + Date of notification.

11.1 Project Timeline

The Planning Proposal is deemed to fall into the Standard Planning Proposal Category.

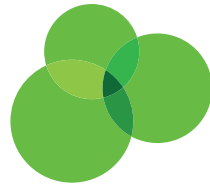
An anticipated timeline has been developed for the project and is based on the maximum time frame recommendations provided in the NSW DPHI Local Environmental Plan Making Guidelines for a standard category Planning Proposal.

The timeline is shown in Figure 13.

It may be the Planning Proposal is process quicker than the timeline shown.

Figure 13 - Project Timeline





CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT