



Planning Proposal

Amendment to Young Local Environmental Plan 2010 to allow **Vehicle Sales or Hire Premises** and associated Car Park on Lot 2A DP 976203 (No. 8) Wombat Street and Lot 9 Sec 57 DP 759144 (No. 1) Murringo Street, Young

10 January 2017

Contents

Introduction	3
Subject land	3
Background	4
Part 1- Objectives or intended outcomes	6
Part 2 - Explanation of Provisions	6
Part 3 – Justification	7
Section A – Need for the Planning Proposal	7
1. Is the Planning Proposal the result of any strategic study or report?	7
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	7
Section B – Relationship to Strategic Planning Framework	10
3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional category?	10
4. Is the Planning Proposal consistent with the Council’s local strategy or other local strategic plan?	11
5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?	12
6. Is the Planning Proposal consistent with applicable Ministerial directions (s.117 (2) directions)?	12
Section C – Environmental, Social and Economic Impact	14
7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	14
8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	14
9. How has the Planning Proposal adequately addressed any social and economic impacts?	17
Section D – State and Commonwealth Interests	17
10. Is there adequate public infrastructure for the Planning Proposal?	17
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?	17
Part 4 – Mapping	18
Part 5 - Community Consultation	21
Part 6 - Project Timeline	21
Appendix 1 Hilltops Council Resolution to Prepare Planning Proposal	22
Appendix 2 Co nsideration of State Environmental Planning Policies	23
Appendix 3 Consideration of Section 117(2) Ministerial Directions	27

Introduction

Hilltops Council resolved at its meeting on 26 July 2017 to prepare a Planning Proposal under the provisions of section 55 of the *Environmental Planning & Assessment Act 1979* for Lot 2A DP 976203 (No. 8) Wombat Street and Lot 9 Sec 57 DP 759144 (No. 1) Murringo Street Young. A copy of the resolution is included in Appendix 1.

The objective of the Planning Proposal is to amend the *Young Local Environmental Plan 2010* to allow a development on land in the R1 General Residential Zone that is currently not permitted.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* and the NSW Department of Planning and Environment's document "A Guide to Preparing Planning Proposals".

A Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is requested.

Council is seeking delegation to make this plan as the matter contained in the Planning Proposal is considered to be of local significance.

Subject land

The Planning Proposal applies to the following parcels of land within the Young town area as shown in Figure 1:

- Lot 9 Section 57 DP759144, 1 Murringo Street and
- Lot 2A DP976203, 8 Wombat Street, Young.

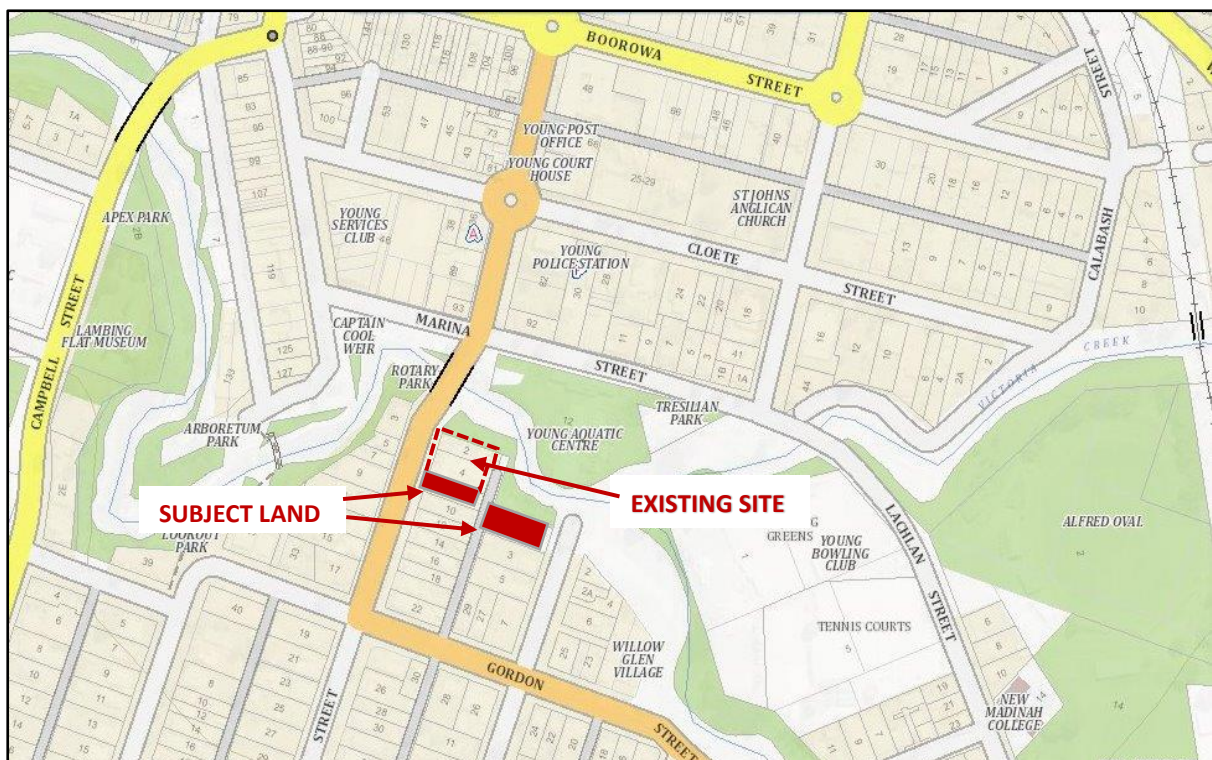


Figure 1 Location Plan

Background

Hilltops Council has given consideration to an application from the owner of the subject land to allow the land to be used in conjunction with an existing car sales business that has been established for many years on adjoining parcels of land.

The land is situated in the R1 General Residential Zone under the *Young Local Environmental Plan 2010* and the intended use of the land is not permitted in the R1 Zone. The existing car sales business is also situated in the R1 Zone but was established prior to the commencement of the LEP. Figure 2 below shows the zoning of the subject land in relation to the existing car sales business and surrounding land.

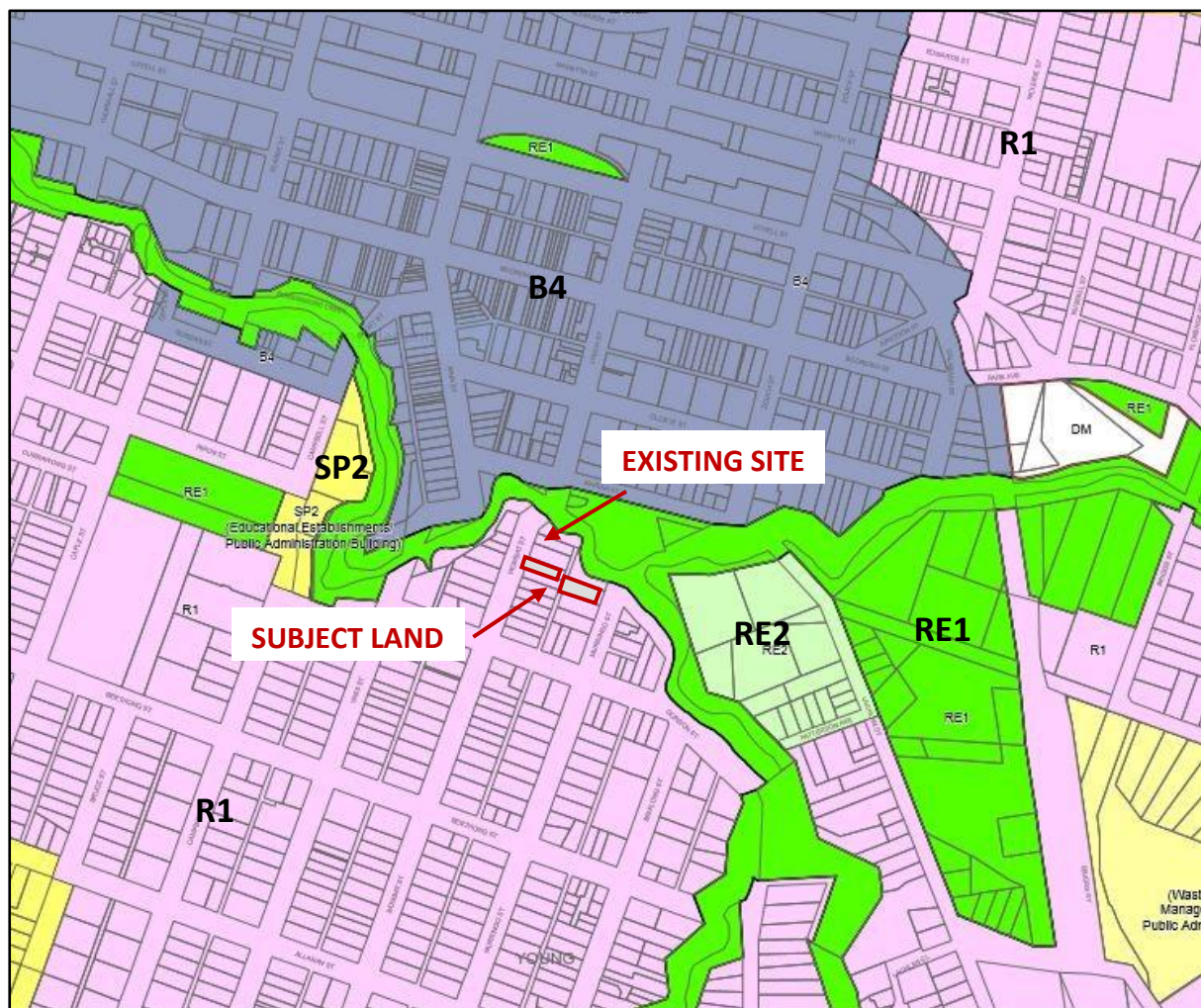


Figure 2 Zoning

The subject land is currently developed as described below and shown in Figure 3.

- Lot 9 Section 57 DP759144, 1 Murringo Street is used for the parking of vehicles associated with the adjoining car sales yard.
- Lot 2A DP976203, 8 Wombat Street, Young has a detached dwelling.



Figure 3 Existing Development

Figure 3 also shows the existing car sales development in relation to the subject land. The applicant has requested that Hilltops Council prepare the Planning Proposal to allow the expansion of the existing car sales yard in order to:

- Accommodate the expansion and operational needs of the existing business, and
- Provide the existing business with certainty about their potential to continue to operate and grow in this area, given that relocation of the business is impractical.

Part 1- Objectives or intended outcomes

The objective of this Planning Proposal is to amend the provisions of the *Young Local Environmental Plan 2010* to allow an additional permitted use on specific parcels of land in the R1 General Residential Zone that is currently not permitted.

The proposal is that an additional permitted use of the land as a “*vehicle sales or hire premises*” be permitted on that land with the consent of Council.

“*Vehicle sales or hire premises*” is defined in the Young LEP as being “a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there”.

Part 2 - Explanation of Provisions

The Planning Proposal is seeking approval to amend the Young Local Environmental Plan 2010 by including the following provisions in Schedule 1 – Additional permitted uses of the Local Environmental Plan:

7 Use of certain land at 8 Wombat Street, Young

This clause applies to land at Wombat Street, Young, being

- (1) This clause applies to land at 8 Wombat Street, Young being Lot 2A DP976203.*
- (2) Development for the purposes of a vehicle sales or hire premises is permitted with development consent.*

8 Use of certain land at 1 Murringo Street, Young

- (1) This clause applies to land at 1 Murringo Street, Young, being Lot 9 Section 57 DP759144.*
- (2) Development for the purposes of a car park is permitted with development consent.*

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The Planning Proposal has arisen as result of an application from the land owner requesting Council to allow the subject land to be used for the expansion of their existing vehicle sales business to accommodate:

- Showroom and display area
- Area to display used vehicles for sale
- Area for parking of vehicles to be services.

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

The Planning Proposal is the best means of achieving the objective and intended outcome.

Council has considered a range of alternative means of achieving the objective and intended outcome as discussed below. The options under the current Young LEP 2010 and Environmental Planning and Assessment legislation have been considered as well as the various options of amending the LEP to permit the proposal.

a) Options under the current LEP and Legislation

The current premises at 4-6 Wombat Street is defined as *Vehicle Sales or Hire Premises* and ancillary *vehicle repair station*. It is proposed to expand this business on the subject land and neither of these uses are a permissible use in the R1 General Residential Zone. The current premise relies on the Existing Use provisions under Division 10 of the *Environmental Planning and Assessment Act*. Such provisions apply only to the land to which the original approval related and not to adjoining lands. Therefore these provisions would not allow for the proposed expansion.

However, the current R1 zone does permit *Shop Top Housing*. Shop Top Housing means “one or more dwellings located above ground floor retail premises or business premises”. The definition of *Retail Premises* includes *Vehicle Sales or Hire Premises*. Therefore, the option for the business owner to pursue a Development Application for a shop top housing development with the vehicle sales or hire premise located on the ground floor is available. It would then come to a merit assessment on the impacts of the proposal and suitability of the site as well as the amenity of the proposed dwelling. There is no evidence the owner has investigated this option and it is noted that there would be additional costs associated with multi-storey construction and requirements for a dwelling that may affect such a proposal’s economic viability.

b) Rezoning

A rezoning of the land from R1 General Residential to a B4 Mixed Use zone or other zone where vehicle sales or hire premises are permitted was not considered appropriate for the following reasons:

- i. Council's land use strategy underpinning the Young LEP did not identify this land as being suitable for rezoning to a business zone.
- ii. Analysis of the current supply of vacant land in Young's existing business zones and of new developments on land in the existing business zones since the commencement of the LEP indicates that a rezoning is not required.
- iii. The strategy identified the Burrangong Creek to the north of the existing business as being a natural physical barrier to further expansion of the business zones for commercial development south of the creek.
- iv. A rezoning would provide a "blanket" potential to develop the land for any other purpose permitted in a business zone in addition to a car yard.

c) Change to Land Use Table R1 General Residential Zone

Amending the land use table to the R1 General Residential Zone to allow "vehicle sales or hire premises" to be permitted in the zone with the consent of Council is not considered to be an appropriate option as this would enable all other land within the R1 Zone under the Young LEP to also potentially be developed for a "vehicle sales or hire premises". There is no demonstrated demand or will of Council to allow for the altering of the R1 zone table in this manner.

d) Relocation of existing business to another zone

The existing business has been developed with Council's consent for many years prior to the commencement of the Young LEP 2010. The applicant has stated that it would not be practical to relocate the business to another zone where a car sales yard is permitted, given the substantial development associated with the existing business at the current site. Their documentation also notes that the subject land has already been acquired.

It is noted that under the Young LEP 2010, Zones B4, B6, B7 and IN1 all permit *vehicle sales or hire premises*. These zones all have properties that have main road frontages which is often a key attribute for vehicle sales businesses. It is not unusual for vehicle sales businesses to relocate and expand premises. There is no evidence provided by the owner that land within these zones have been investigated for the relocation and expansion of the business. The justification for not relocating appears from the applicant's submission, based on the acquisition of the subject land. Regardless, Council has resolved to support the existing business in its existing location by preparing a Planning Proposal to amend the Young LEP to allow *vehicle sales or hire premises* on the subject land.

e) *Clause 2.5 Additional permitted use in Schedule 1 of the Young LEP*

The option of including *vehicle sales or hire premises* as an additional permitted use in Schedule 1 of the LEP specifically in relation to the subject land is the most appropriate means of achieving the objective and intended outcome of the Planning Proposal.

Council considers that it is preferable to allow an additional permitted use of the land rather than a rezoning. This will limit the range of potential land uses and ensure that only land uses associated with the existing car sales yard can be permitted on that land, whereas a rezoning would potentially allow all of the land uses that can be permitted in the B4 Mixed Use Zone to be developed on the land.

In considering the concept plan of the applicant's development proposal, there are options for the additional permitted uses for each of the lots. The proposal involves the use of Lot 9 Section 57 DP759144, 1 Murringo Street *"as a car park for vehicles associated with the business. The car park will be bitumen sealed. Landscaping and fencing will be provided along the southern boundary to maintain privacy for the adjacent dwelling. Landscaping will be provided along the Murringo Street frontage to maintain visual amenity"*.

Lot 2A DP 976203, 8 Wombat Street is proposed to allow the extension of the existing showroom and office area from the existing premises. As such there are two distinct uses proposed for each of the subject lots. The additional permitted use for a *Vehicle Sales or Hire Premises* is appropriate for Lot 2A, however, Lot 9 has an additional option. Lot 9 can have the *Vehicle Sales or Hire Premises* additional use, or there is the option to allow the additional use of *car park*, which means *"a building or place primarily use for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not."* The advantage of tailoring the additional use of Lot 9 to "car park" would prevent the expansion of the showroom, display and servicing aspects onto this lot into the future and limiting impacts on the residential amenity of the area.

As such it is recommended to support the additional permitted use of *Vehicle Sales or Hire Premises* for Lot 2A DP 976203, 8 Wombat Street and *Car Park* for Lot 9 Section 57 DP759144, 1 Murringo Street to achieve the expansion of the existing business and associated car parking requirements.

Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional category?

The regional plan that applies to the Hilltops Council is the *South East and Tablelands Regional Plan*. This regional plan applies to 14 local government areas extending from the Southern Highlands and Tablelands to the Victorian border, surrounding the Australian Capital Territory (ACT) and incorporating the Snowy Mountains and South Coast.

The plan provides a 25 year land use planning framework to manage the growth of housing and employment in the region.

Given the broad scale nature of the regional strategy, most of the directions and actions in the Plan, with the exception of the direction and priority discussed below, do not have direct relevance to this Planning Proposal.

The Planning Proposal supports the following direction and priority identified in the regional strategy for the Hilltops Council:

- *Direction 12: promote business activities in urban centre.*

The relevant actions under this direction are:

12.4 Focus future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits to locate this activity elsewhere.

12.5 Require proposals for new retail development to demonstrate how they:

- Respond to retail supply and demand needs;
- Respond to innovations in the retail sector;
- Maximise the use of existing and planned infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and
- Enhance the value of the public realm.

Vehicle sales or hire premises are a type of retail premises under the provisions of the Young LEP. While the Planning Proposal relates to a retail development outside the existing B4 zone of the commercial area of Young, it is adjoining the zone and has an existing successful business that has been established on the site for 38 years. It is considered that given these circumstances and the ability to continue to provide sales and servicing of vehicles close to the centre of Young, that this Planning Proposal supports this direction as it will enable the expansion of the existing business in Young.

- *Priority: enhance community access to jobs, goods and services.*

The Planning Proposal supports this priority as growth of the existing business will provide additional jobs, goods and services.

The Planning Proposal is therefore considered to be consistent with the objectives and actions contained within the regional plan.

4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?

a) *Community Strategic Plan*

Hilltops Council was established in 2016 with the merger of the former Shires of Boorowa, Harden and Young into a single local government area. The new Hilltops Council is currently working towards a Community Strategic Plan for the new council area. However, until the new Plan is finalised, the *Young Community Strategic Plan 2013 – 2023* adopted for the former Young Shire is relevant to this Planning Proposal.

This Strategic Plan has four key focus areas, of which focus area 3, "Grow Young", is relevant to this Planning Proposal.

Direction 3.2 of the Plan is "*enhanced local employment and business development opportunities through industry and business attraction, retention and growth*".

One of the specific objectives of this Direction (objective 3.2.3) is to "*support the growth and development of new and existing businesses and industry*".

The Planning Proposal supports the above direction and objective of the community strategic plan.

b) *The Young Shire Strategic Landuse Study – Towards 2030.*

The Planning Proposal has been considered in the context of an existing local planning strategy; *The Young Shire Strategic Landuse Study – Towards 2030*. This study was completed in 2008 and is the strategic planning study that was undertaken to support the development of the Young LEP and the subsequent zoning of the subject land.

The Planning Proposal is inconsistent with the Study as analysis of available supply of existing vacant B4 zoned land did not support the need for additional B4 Zoned land. However, given that the Study is 8 years old and that the LEP has been in place for five years, a review of the Strategy is now required.

Whilst the subject land was not considered to be necessary for retail development, Council has given consideration to the applicant's statement that the current business is a long standing and well established commercial site

within the fringe of the town centre being within 300 metres of the post office and is situated on a key north-south link to the CBD (i.e. Wombat Street).

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal in relation to the State Environmental Planning Policies (SEPPs) has been made. SEPP 55 – Remediation of Land is relevant to the land and proposal. The relevant matters have been considered in the assessment of the Planning Proposal. Compliance is achieved and no additional provisions are required for this Planning Proposal. This assessment and consideration of the other SEPPs are included in Appendix 2.

6. Is the Planning Proposal consistent with applicable Ministerial directions (s.117 (2) directions)?

An assessment of the Ministerial Directions is included in Appendix 3. The following Directions are relevant for Hilltops Council and apply to the Planning Proposal:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

The Planning Proposal is consistent with all relevant Directions with the exception of Directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport

A Planning Proposal may be inconsistent with the terms of these directions only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or nominee) of a number of alternative scenarios, including that provisions of the Planning Proposal that are inconsistent are of minor significance.

In the case of Direction 3.4 Integrating Land Use and Transport which requires that the Planning Proposal 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), and The Right Place for Business and Services – Planning Policy (DUAP 2001). Both these documents have a metropolitan and large regional city focus where there are a number of public transport options available. The Planning Proposal in its own right does not include provisions to give effect to these two policies, however, given the proposal is about allowing for the expansion of an existing vehicle sales business, the impact on additional traffic, use of public transport, walking and cycling is not significant. The Planning Proposal will enable the formalisation and control of the car parking use and will satisfy the required parking on the site. Further, it is considered that the Planning Proposal will not adversely impact the community investment and viability of the existing Young mixed use centre, particular given the close proximity of the site to the CBD. The Planning Proposal for the additional permitted use is considered the best alternative in this case given the existing business location and the site's location essentially adjoining the existing B4 zone of the Young CBD.

This assessment of the proposal against the aims, objectives and principles of the two documents shows the inconsistency is of minor significance and is justified in this instance.

In all other relevant Directions, the cases the inconsistency are of minor significance as they relate solely to the technical requirement to include certain provisions in the Planning Proposal that are already in the Young LEP 2010. As such these inconsistencies are justified in this case.

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified on the subject land.

The Planning Proposal relates to two parcels of land situated within an existing urban area. One of these parcels (Lot 2A DP976203, 8 Wombat Street) has been used for residential purposes for many years with Council records indicating the dwelling was on the site in 1930. The remaining parcel (Lot 9 Section 57 DP759144, 1 Murringo Street) is cleared land as a result of the dwelling which was built in c1947 being demolished at some time after 2006. While 1 Murringo Street is adjacent to the Burrangong Creek and is affected by the Riparian Corridor mapping of the Young LEP, it is considered that the current controls in the LEP and legislation will adequately mitigate any potential impact on this creek environment.

It is therefore unlikely that there will be any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats as a result of the Planning Proposal.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The relevant environmental effects for this Planning Proposal relate to:

- Potential impact of flooding
- Potential impact on the riparian corridor of Burrangong Creek

Flooding

Part of the subject land (Lot 9 Section 57 DP759144, 1 Murringo Street) is close to land affected by flood mapping included in the former Young Shire Council's Floodplain Management Study and Plan adopted by Council in 2015 (refer to Figure 4 below).

This mapping is for the 100 year ARI and the scale makes it difficult to determine accurately whether part of the Lot 9 may be flood affected in a 100yr ARI event. The mapping appears to follow the top of the bank of the Burrangong Creek. The subject land is set back from this bank. Given the very small amount of affected land and the intent for the use of this lot as a car park (hence no structures) it is considered that a full flood study to confirm levels for this individual site is not warranted at this point.

for the Planning Proposal. The potential issues associated with flooding can be considered at the development application stage as required under Clause 6.6 Flood planning, of the Young LEP.

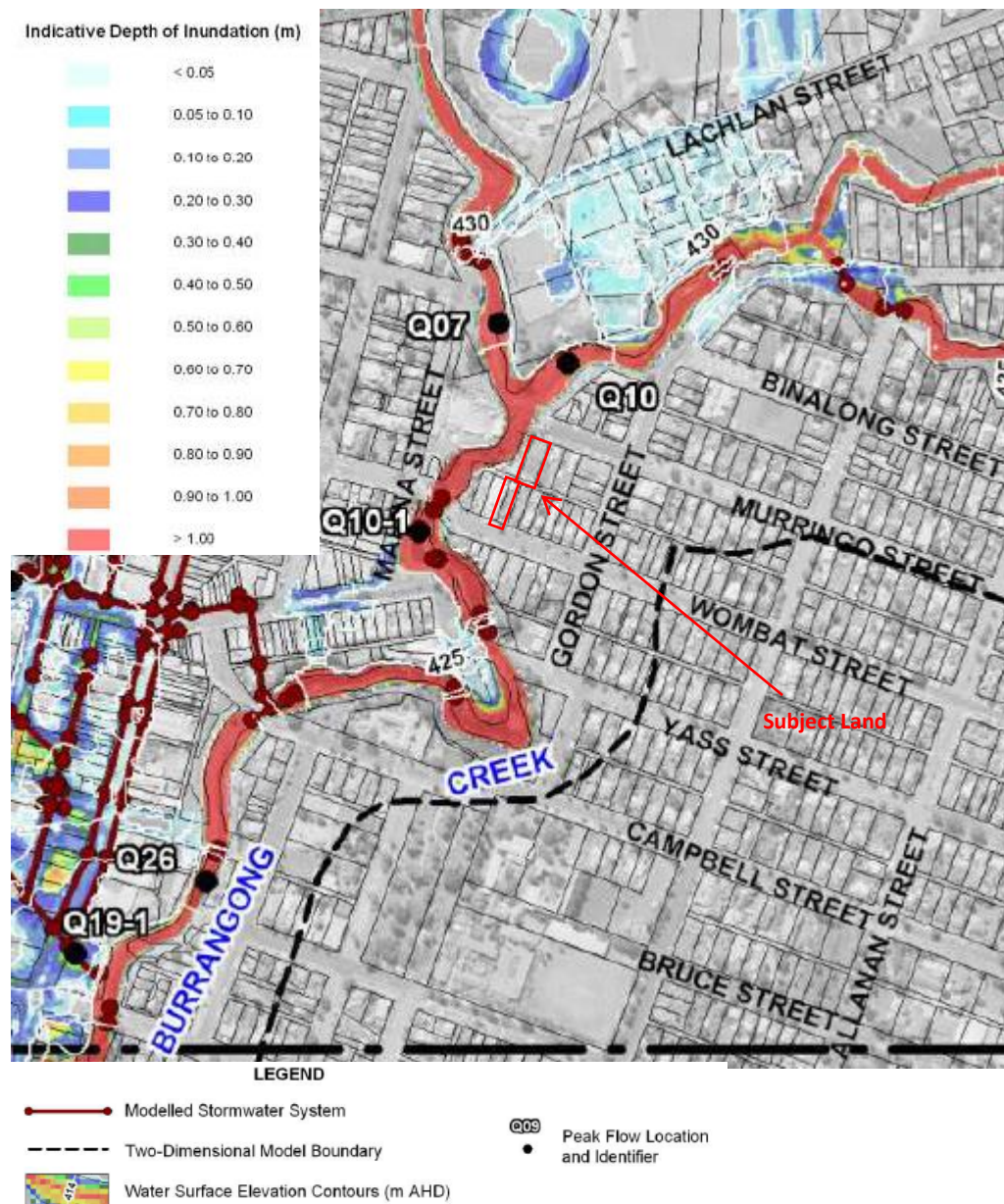


Figure 4 - Annotated Extract from Young Floodplain Risk Management Study and Plan Figure 2.3 Sheet 2 or 3 Indicative Flood Extents 100 Year ARI

Riparian Corridor

A very small part of Lot 9 is also situated within the Riparian Land corridor along the Burrangong Creek in the Young LEP Natural Resources Sensitivity Water Map. The intended use of this land for car parking will have limited impact on this corridor. In any event Clause 6.4 Water of the LEP requires Council to consider various criteria in relation to riparian land when a development application stage is considered. This is considered adequate for this Planning Proposal.

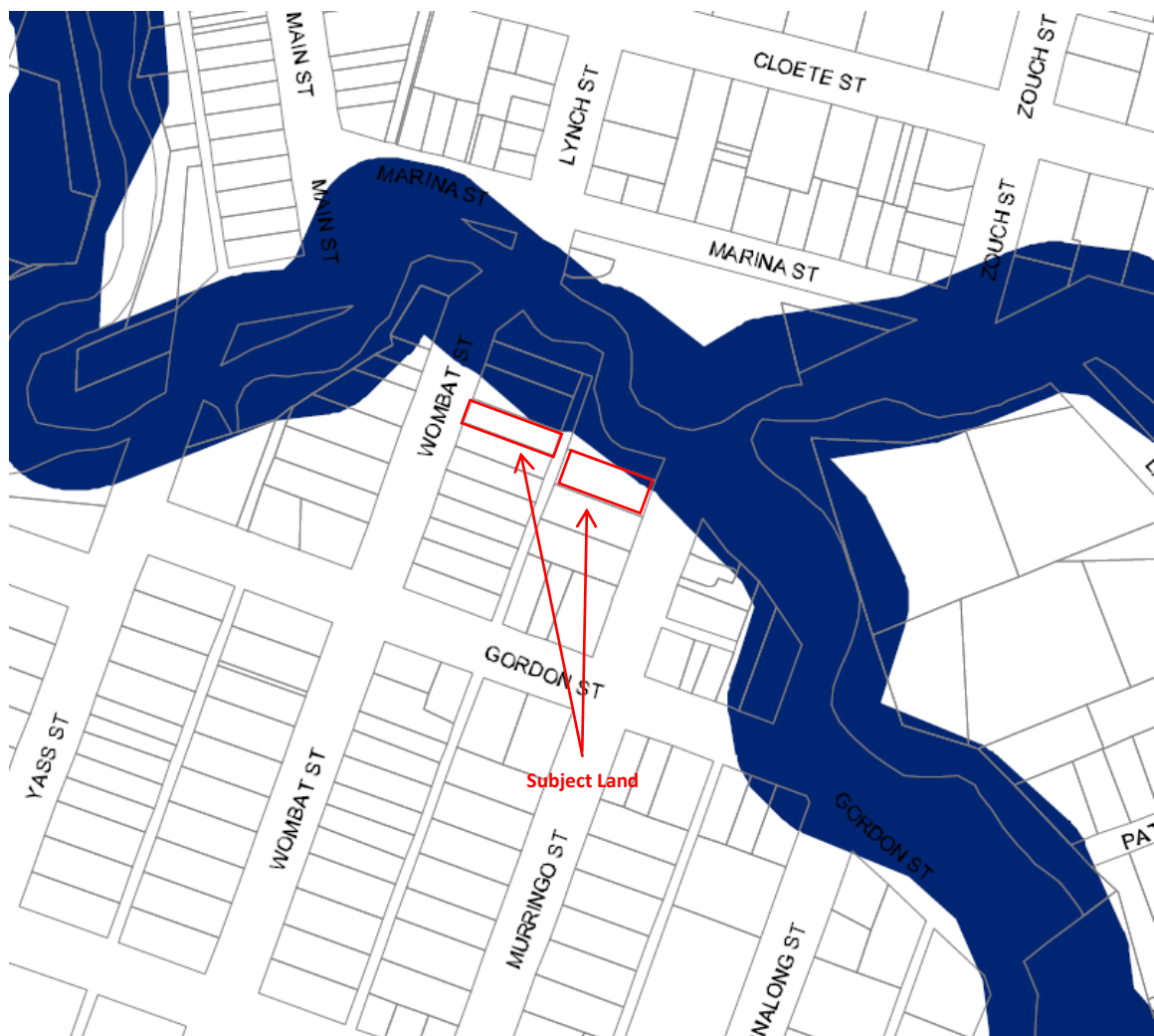


Figure 5 - Subject land and context with Riparian Corridor land - Annotated Extract from Natural Resources Sensitivity Water map - Sheet NRW_016

There are no other known natural hazards which affect the land, such as bushfire hazard or land slip.

9. How has the Planning Proposal adequately addressed any social and economic impacts?

The land is not affected by any known European or aboriginal cultural heritage. However, the existing business in Wombat Street is adjacent to a Heritage Item i.e. the Lynch Street Bridge (Item 95 under the LEP). Council's Heritage Advisor has stated that the integrity of the bridge is not likely to be compromised by this proposal.

The proposal will have positive economic effects for the existing business by allowing for its expansion.

Further consideration may need to be given to the potential impact of the proposal on the residential amenity of adjoining and adjacent residential development, such as noise and traffic impacts, following community consultation.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

There is adequate public infrastructure available to accommodate this Planning Proposal. The subject land is situated in an existing urban area that can access reticulated sewer and water, electricity, telecommunications, gas and other services. The proposal presents no concerns in relation to servicing.

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

The Planning Proposal will have no direct impact on any State or Commonwealth interests and to date, Council has not undertaken consultation with any public authority.

However, Council will consult with any public authorities if required to do so following the Gateway determination.

Part 4 – Mapping

The Planning Proposal does not involve any changes being made to the *Young Local Environmental Plan 2010* (LEP) maps as an “Additional Permitted Uses” map was not adopted with the LEP.

The following maps detail the subject land, its context in Young, its current zoning and proximity to heritage items and the affection of the Riparian area.



Figure 6 - Subject Land – shown edged in Black (Lot 2A) and Red (Lot 9)



Figure 7 - Aerial Imagery of Subject Land 2009

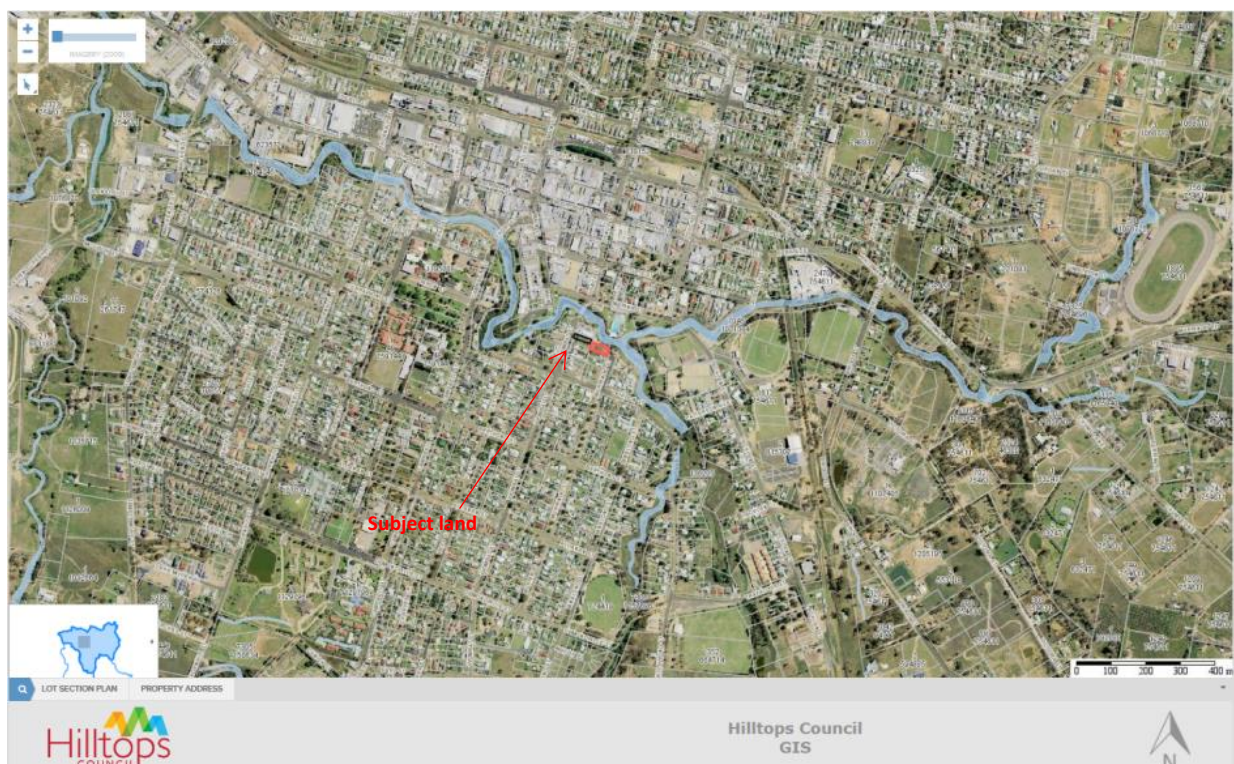


Figure 8 - Context of Subject Land (shown edged in black for Lot 2A and red for Lot 9) in Young – Aerial 2009

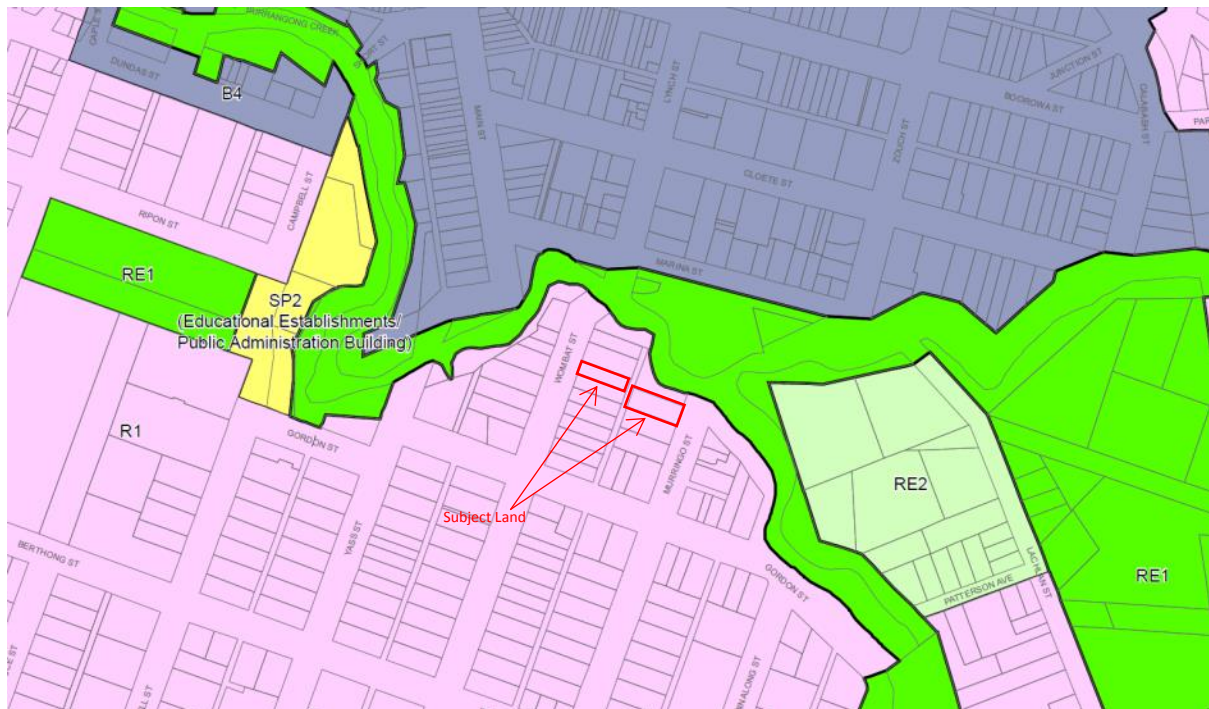


Figure 9 – Existing Zoning of Subject Land from Annotated Extract Young LEP 2010 Land Zoning Map Sheet LZN_016

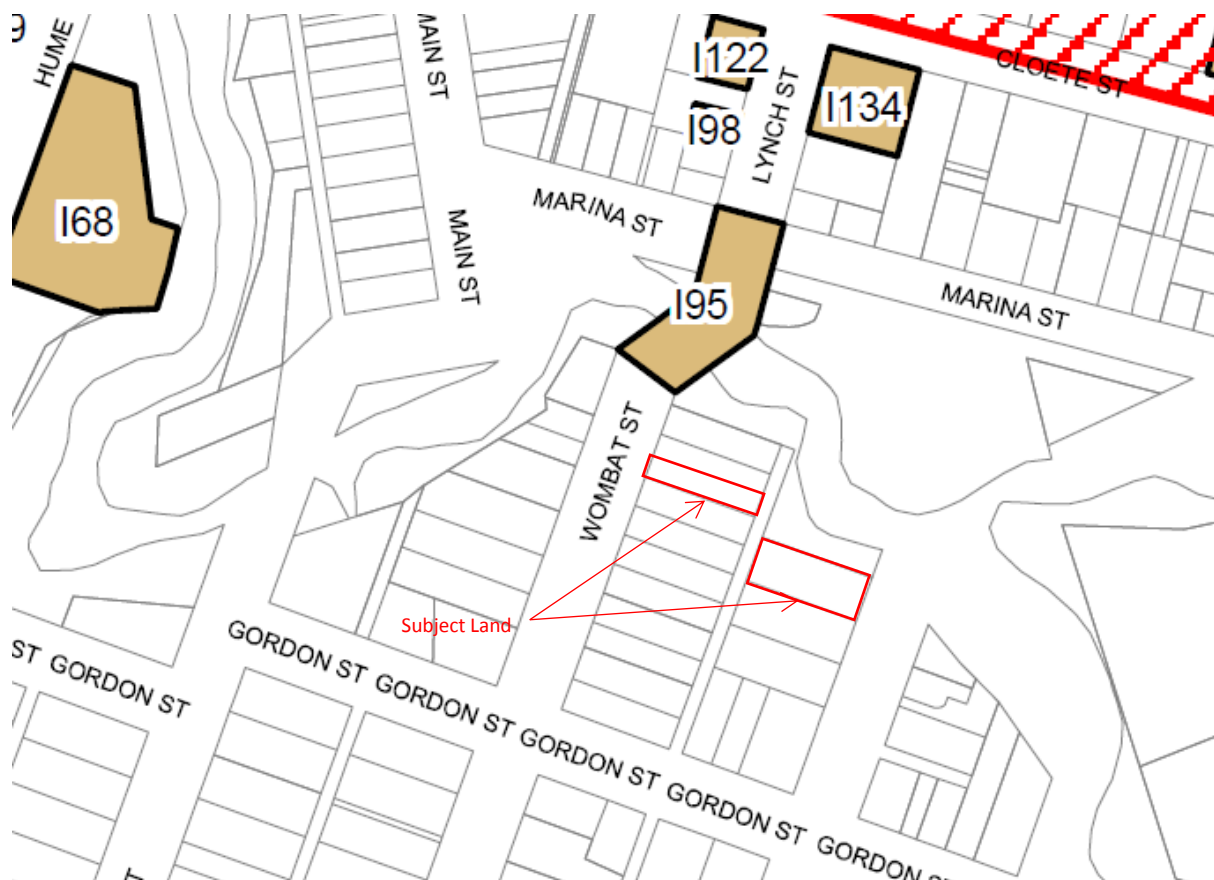


Figure 10 - Subject Land and context with surrounding Heritage Items – Annotated Extract from Young LEP 2010 Heritage Map - Sheet HER_016

Part 5 - Community Consultation

Following the Gateway determination, Council will place the Planning Proposal on public exhibition and undertake any community consultation in accordance with the requirements of the determination and Section 57 of the *Environmental Planning & Assessment Act, 1979*.

Council proposes that the Planning Proposal be placed on public exhibition for 28 days and that notices be placed in the local newspaper and on Council's website. Council will also provide written notification of the Planning Proposal to adjoining property owners.

Part 6 - Project Timeline

Task	Responsibility	Anticipated timeframe	Approximate date
Gateway determination	Department of Planning and Environment	6 weeks	February 2018
Completion of any required technical information as required by Gateway Determination	Hilltops Council	6 weeks	February 2018
Government agency consultation	Hilltops Council	4 weeks	March 2018
Review of agency submissions	Hilltops Council	2 weeks	March/April 2018
Public exhibition period	Hilltops Council	4 weeks	April 2018
Consideration of submissions received during public exhibition period	Hilltops Council	2 weeks	May 2018
Review and consideration of final Planning Proposal	Hilltops Council	4 weeks	May 2018
Submission to Department of Planning and Environment to finalise the LEP amendment	Hilltops Council	4 weeks	June 2018
Making the Plan	Department of Planning and Environment	4 weeks	July 2018
Making the Plan (if delegated)	Hilltops Council	4 weeks	July 2018
Forwarding to the Department of Planning and Environment for notification	Hilltops Council	1 week	July 2018

Appendix 1 Hilltops Council Resolution to Prepare Planning Proposal

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

26 July 2017, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-10 Boorowa Street, Boorowa

Covered vehicle area (garage)

38. The access door of the attached covered vehicle area must be fitted with a self-closing device that is a minimum of size two (2) spring strength in accordance with Australian Standard AS4145.5
39. The latching mechanism of the access door to the attached covered vehicle area must be a minimum of 1500mm above finished floor level.
40. The access door to the garage must open away from the vehicle area.

Moved and declared carried by: Administrator W Tuckerman

17/144 – APPLICATION TO AMEND SCHEDULE 1 OF THE YOUNG LOCAL ENVIRONMENTAL PLAN TO INCLUDE "VEHICLE SALES OR HIRE PREMISES" AS AN ADDITIONAL PERMITTED USE ON LAND IN WOMBAT AND MURRINGO STREETS (LOT 9 SECTION 57 DP759144 AND LOT 2A DP976203).

17 /207 RESOLVED:

That Council prepare a Planning Proposal to amend Schedule 1 to the Young Local Environmental Plan to allow a 'vehicle sales or hire premises' on Lot 2A DP976203 and Lot 9 Section 57 DP759144 as detailed in this report.

Moved and declared carried by: Administrator W Tuckerman

17/145 PROPOSED OFF LEASH DOG PARK; JACK HOWARD RESERVE YOUNG

17/208 RESOLVED: That Council:

1. Allocate the \$25,000 funds held in reserve toward a fenced dog off leash enclosure in the Jack Howard Reserve; and
2. Advise the Young Lions Club that their proposed contributions towards this project will be welcomed.

Moved and declared carried by: Administrator W Tuckerman

17/146 – UPGRADE OF A SECTION OF CUNNINGAR WATER DISTRIBUTION MAIN

17/209 RESOLVED:

That Council accepts the proposal of upgrading the section of 150mm Asbestos Cement distribution main to 250mm Ductile Iron (DICI) main, which will be impacted due to access upgrade to the GrainCorp silo in Cunningar.

Moved and declared carried by: Administrator W Tuckerman

General Manager

Administrator

Appendix 2 Consideration of State Environmental Planning Policies

SEPP Title	Applicability	Consistency
State Environmental Planning Policy No 1— Development Standards State Environmental Planning Policy No 14—Coastal Wetlands State Environmental Planning Policy No 19—Bushland in Urban Areas	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy No 21 – Caravan Parks	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 26—Littoral Rainforests	Not applicable to the land nor Proposal	
State Environmental Planning Policy No 30 – Intensive Agriculture	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 33 – Hazardous and Offensive Development)	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 36 – Manufactured Home Estates	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 44—Koala Habitat Protection State Environmental Planning Policy No 47—Moore Park Showground	Not applicable to the land nor Proposal	
State Environmental Planning Policy No 50 – Canal Estate Development	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to the land nor Proposal	
State Environmental Planning Policy No 55 – Remediation of Land	Applies and is relevant	Yes – refer to assessment below
State Environmental Planning Policy No 62 – Sustainable Aquaculture	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 64 – Advertising and Signage	Applies to the land Will apply to any signage proposed in future Development application as a result of the Planning Proposal. Planning Proposal does not conflict with SEPP	Yes
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes) State Environmental Planning Policy No 71—Coastal Protection	Not applicable to the land nor Proposal	
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to the land nor Proposal	Not applicable

SEPP Title	Applicability	Consistency
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	Applies to the land Will apply to any Development application for the expansion of the business that will be permitted by this Planning Proposal in terms of traffic generating development and referrals to RMS.	Yes
State Environmental Planning Policy (Integration and Reveals) 2016	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable to the land nor Proposal	
State Environmental Planning Policy (Rural Lands) 2008	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (State and Regional Development) 2011	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (State Significant Precincts) 2005	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Applies to the land Not relevant for Proposal	Not applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy (Three Ports) 2013 State Environmental Planning Policy (Urban Renewal) 2010 State Environmental Planning Policy (Western Sydney Employment Area) 2009 State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable to the land nor Proposal	Not applicable

Assessment - State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 applies to subject land and is applicable to all Planning Proposals. The relevant clause is Clause 6 which specifies contamination and remediation are to be considered in zoning or rezoning proposals. The assessment under this clause is detailed below.

6 Contamination and remediation to be considered in zoning or rezoning proposal

- (1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless the following matters have been considered and addressed.

Relevant Clause	Assessment	Compliance
(a) the planning authority has considered whether the land is contaminated, and	<p>A review of the previous approved uses on the subject land has been conducted.</p> <p>1 Murringo Street</p> <ul style="list-style-type: none"> DA 1947 – modest cottage DA 2004/138 – 3x 2Bedroom dwellings and demolition of existing building – Not Commenced DA 2006/166 Demolition (consent enacted and demolition completed) DA 2010/170 3x 3 bedroom dwellings (Consent Lapsed 26/10/2015) Current use: - vacant grassed land used for parking vehicles as observed on 19 December 2017 <p>8 Wombat Street</p> <ul style="list-style-type: none"> Sewer connected to Dwelling 8/12/1930 DA 80/72 Garage and Tool Shed DA 18/72 – Alterations and additions to dwelling Current Use – Dwelling house and associated out buildings as observed on 19 December 2017 <p>The history or approved uses are generally residential uses and have limited potential for causing contamination. A site inspection of the subject land on 19 December 2017 did not reveal any obvious evidence of dumping or other forms of contamination. As such it is reasonable to assume that the subject land is unlikely to be contaminated.</p>	Complies
(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and	The land is unlikely to be contaminated based on the research of previous uses and site inspection conducted on 19 December 2017.	Complies
(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.	Not applicable – land is unlikely to be contaminated.	Not Applicable

Relevant Clause	Assessment	Compliance
(2) Before including land of a class identified in subclause (4) in a particular zone, the planning 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 land is already zoned for residential use and this Planning Proposal is for a less sensitive non-residential use. <i>Vehicle sales or hire premises</i> and <i>car parks</i> are not sensitive uses and the subject land is unlikely to be contaminated. A preliminary investigation of the land is not warranted nor required in this case.	Complies
(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).	Not applicable as the subject land: <ul style="list-style-type: none"> • is not within an investigation area • does not have a development for a purpose described in Table 1 of the Contaminated Land Planning Guidelines • has not had a development for a purpose described in Table 1 of the Contaminated Land Planning Guidelines carried out, based on the research of historical approvals of the land • is not subject to a proposal to carry out residential, educational, recreational, childcare or hospital purposes • is already zoned for residential development 	Not Applicable
(4) The following classes of land are identified for the purposes of this clause: <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	The subject land: <ul style="list-style-type: none"> • is not within an investigation area • does not have a development for a purpose described in Table 1 of the Contaminated Land Planning Guidelines • has not had a development for a purpose described in Table 1 of the Contaminated Land Planning Guidelines carried out, based on the research of historical approvals of the land • is not subject to a proposal to carry out residential, educational, recreational, childcare or hospital purposes • is already zoned for residential development 	Not Applicable

Appendix 3 Consideration of Section 117(2) Ministerial Directions

Ministerial Direction	Comment	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	Applies to Hilltops Council, but not to this proposal as it will not affect land within an existing or proposed business or industrial zone.	Not applicable
1.2 Rural Zones	Applies to Hilltops Council, but not to this proposal as it will not affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary)	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Applies to Hilltops Council, but not to this proposal as it will not have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) 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.	Not applicable
1.4 Oyster Aquaculture	This Direction does not apply to Hilltops Council nor the subject land.	Not applicable
1.5 Rural Lands	Applies to Hilltops Council, but not to this proposal as it will not affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) nor will it change the existing minimum lot size on land within a rural or environment protection zone.	Not applicable
2. Environment and Heritage		
2.1 Environment Protection Zones	Applies to Hilltops Council and to any Planning Proposal. This direction requires that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. While this Planning Proposal does not specifically include such provisions as the subject land is not within an environmental protection zone, it does not alter the application of the current Riparian Corridor protections of Clause 6.4 of the Young LEP that apply to portion of the subject land. So while the Planning Proposal is technically inconsistent with this Direction, it does not alter the current environmental protections of the Young LEP and therefore is considered of minor significance.	Inconsistency of minor significance
2.2 Coastal Protection	Does not apply to Hilltops Council or the land	Not applicable
2.3 Heritage Conservation	Applies to Hilltops Council and to any Planning Proposal. This direction requires that a Planning Proposal must contain provisions that facilitate the conservation of heritage items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Planning Proposal does not alter the current heritage conservation provisions of clause 6.10 that apply in the Young LEP, therefore, while there may be a technical inconsistency is of minor significance.	Inconsistency of minor significance

Ministerial Direction	Comment	Consistency
2.4 Recreation Vehicle Areas	Applies to Hilltops Council and to any Planning Proposal. This direction requires that a Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area. This Planning Proposal is for motor vehicle sales or hire premises and car park and does not introduce recreation vehicle area as a permissible development on the land.	Consistent
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This Direction does not apply to Hilltops Council or the Planning Proposal.	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>Applies to Hilltops Council and this Planning Proposal as it affects land within an existing residential zone.</p> <p>This direction requires that a Planning Proposal for land in a residential zone must include provisions that will encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market; (b) make more efficient use of existing infrastructure and services; (c) reduce the consumption of land for housing and associated urban development on the urban fringe; (d) be of good design; (e) contain a requirement that residential development is not permitted until land is adequately serviced; (f) not contain provisions which will reduce the permissible residential density of land. <p>This Planning Proposal is not for residential development, but rather the expansion of the existing Young Motors vehicle sales and servicing business. It will allow for this use to be permitted on the site in addition to that permitted currently in the R1 zone of the Young LEP2010. It will not preclude residential development nor will it change the current controls that relate to the density and servicing requirements for residential development that apply to the land. However, this proposal is not strictly consistent with direction as it:</p> <ul style="list-style-type: none"> • will not broaden the choice of housing types and locations available in the housing market; • will make available the option for the use of this residential land for a non-residential purpose close to town which in turn could add pressure for residential development on the fringes of town <p>However, having regard to the relatively small area of land involved and the existing development adjoining the subject land, the inconsistency is considered justified in this instance as it is of minor significance.</p>	Inconsistency of minor significance

Ministerial Direction	Comment	Consistency
3.2 Caravan Parks and Manufactured Home Estates	Applies to Hilltops Council and any Planning Proposal. The Planning Proposal is consistent with this Direction as it retains provisions that permit development for the purposes of a caravan park to be carried out on land, and does not alter the zonings of existing caravan parks.	Consistent
3.3 Home Occupations	Applies to Hilltops Council and any Planning Proposal. The Planning Proposal is consistent with this Direction as it does not change the current R1 zone provisions of the land that permit home occupations to be carried out in dwelling houses without the need for development consent	Consistent
3.4 Integrating Land Use and Transport	<p>Applies to Hilltops Council and for any Planning Proposal that alters a zones or provisions relating to urban land.</p> <p>This direction 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:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>This Planning Proposal does not alter the location of the zones for urban purposes or change the current provisions contained within the Young LEP that give effect to the aims objectives and principle of the two above-mentioned publications of DUAP. The Planning Proposal in its own right does not include provisions to give effect to these two policies, however an assessment of the proposal under the relevant sections of the policy is provided below to justify the such an inconsistency is of minor significance and the intent of this direction and these polices is still achieved.</p> <p>Improving Transport Choice – Guidelines for planning and development</p> <p>An assessment of the proposal against the Best practice Assessments of accessibility section of the Improving Transport Choice – Guidelines for planning and development (DUAP 2001) has been completed as follows.</p> <p>1. Is the proposed development well located to reduce the need to travel and does it encourage access by walking, cycling and public transport?</p> <p><i>The development envisaged by the Planning Proposal will be part of the existing vehicle sales and servicing business located on the adjoining land. The whole combined site is located adjoining the B4 zoned area of the Young CBD and is within 300m of the main shopping precinct of Young. This allows for customers to walk to the CBD whilst cars are being services. Customers looking to buy vehicles can walk from the CBD but are more likely to drive. There are limited local public transport options for residents of Young and the surrounding area. This proposal will not significantly add to the use of private cars.</i></p>	Inconsistency of minor significance

Ministerial Direction	Comment	Consistency
	<p>2. Is the proposed development designed to encourage access by walking, cycling and public transport?</p> <p><i>The details of the proposed development are not finalised and will be subject to a development application should the option to develop the land for vehicle sales or hire premises be acted upon. Both sites have access to roads and given the proximity to the CBD can encourage multi-purpose trips. The area proposed for the parking of vehicles and customers cars can adequately cater for cyclists and for people with disabilities. Again this detail will be proven up in any subsequent development application. The subject land does not preclude the achievement of adequate parking and access.</i></p> <p>3. Is the existing public transport network appropriate to serve the site and how can its use be encouraged?</p> <p><i>The existing public transport network is limited as are most networks in small regional towns and cities. The Planning Proposal will maintain the status quo in this situation.</i></p> <p>4. How will the demand for parking be managed on or off the site?</p> <p><i>The Planning Proposal consists of two lots. One lot will cater for the expansion of the showroom and vehicle display area of the existing business on 4-6 Wombat Street. The second lot is currently vacant and is being used (without formal consent) for parking of vehicles associated with the current business. The Planning Proposal will enable the formalisation and control of the car parking use and will satisfy the required parking on the site.</i></p> <p><i>The parking required for service vehicles, particular those that deliver the vehicles is likely to continue the current practice of using the Wombat Street road frontage and on street parking area for deliveries. This aspect will be assessed as part of any development application and given the current practice, it is not unreasonable to expect that this can continue to be managed to protect traffic safety and efficiency of this road.</i></p> <p>The Right Place for Business and Services – Planning Policy The Planning Proposal has been assessed against Part E – Decision tree 1 – Policy test for proposals to rezone land (reproduced below).</p> <p>This decision tree applies as the Planning Proposal is for a land use that is likely to generate significant numbers of trips (eg shops bulky good retail). Council prepared a land use planning strategy to support its 2010 LEP and this formed the basis for the boundaries of the business zone. The current Young Motors site and the land subject to this Planning Proposal is zoned Residential R1 and is separated from the adjoining B4 zone which encompasses the Young CBD, by the Open Space zoned Burragong Creek area. As such the Planning</p>	

Ministerial Direction	Comment	Consistency
	<p>Proposal does not conform to this original strategy to limit the commercial and retail uses to the B4 zoned.</p> <p>The decision tree then leads the assessment to consider the proposed location and whether it has suitable accessibility (ie accessible by public transport and cycling)</p> <p>Will it minimise the demand for travel is is located as part of an existing bulky goods premise or planned cluster and is the additional floor space justified by demand. The Planning Proposal is an extension of an existing business which is similar to a bulky good retailer. The additional floor space will allow for another vehicle brand to be added to the current two brand dealership and is not unreasonable when compared to similar vehicle sales or hire premises. While there is limited public transport available in Young this business is already generating vehicle trips and its location within 300m of the main shopping area is within walking distance for customers who are dropping off their vehicle for servicing.</p> <p>It is considered that the Planning Proposal will not adversely impact the community investment and viability of the existing Young mixed use centre, particularly given the close proximity of the site to the CBD. The Planning Proposal for the additional permitted use is considered the best alternative in this case given the existing business location and the site's location essentially adjoining the existing B4 zone of the Young CBD. Based on this assessment the decision tree leads to the conclusion to "proceed as appropriate" for this Planning Proposal.</p> <p>Note:</p> <p>While the objectives of this Direction refer to "providing efficient movement of freight", the documents referenced by the Direction (Improving Transport Choice – Guidelines for planning and development and The Right Place for Business and Services – Planning Policy), do not address this matter. Regardless, it is considered prudent in this case to comment on freight in light of the applicant's proposal to unload new vehicles to another site in town and then drive them to the subject land. This is not necessarily consistent with the objective for the efficient movement of freight, however is likely to reduce amenity impacts for the surrounding neighbourhood. This aspect will be further explored and assessed in any Development Application lodged as a result of this Planning Proposal.</p>	
3.5 Development Near Licensed Aerodromes	This direction applies to Hilltops Council but not to the Planning Proposal as it will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	Not applicable
3.6 Shooting Ranges	This direction applies to Hilltops Council but not to the Planning Proposal as it will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Not applicable

Ministerial Direction	Comment	Consistency
4. Hazard and Risk		
4.1 Acid Sulfate Soils	This direction does not apply to Hilltops Council as there is no land in the local government area that is shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning	Not Applicable
4.2 Mine Subsidence and Unstable Land	This direction does not apply as the land subject to the Planning Proposal is not within a mine subsidence district or identified as unstable land.	Not Applicable
4.3 Flood Prone Land	<p>Applies to Hilltops Council and to this Planning Proposal because it alters a provision (being Schedule 1) that affects flood prone land. Part of the subject land is close to land affected by the 1:100 ARI (Average Recurrent Interval) flood mapping included in the former Young Shire Council's Floodplain Management Study and Plan adopted by Council in 2015. The scale makes it difficult to determine accurately whether part of the Lot 9 may be flood affected in a 100yr ARI event. The mapping appears to follow the top of the bank of the Burrangong Creek. The subject land is set back from this bank. Despite this it is considered that erring on the side of caution is appropriate and this direction will be assessed for this proposal regardless.</p> <p>The Planning Proposal does not alter the existing clause 6.6 Flood planning of the Young LEP 2010 which will apply to the flood affected portion of the subject land. Any development application resulting from the Planning Proposal will be subject to this clause and it is not unreasonable to expect that the requirements of the clause cannot be achieved on this site.</p> <p>The Planning Proposal is considered consistent with this direction as:</p> <ul style="list-style-type: none"> the existing provisions are maintained; it does not involve rezoning of the land zoned Special Use, Special Purpose, Recreation, Rural or Environmental Protection; it will not contain provisions that apply to the flood planning areas which: <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. It will not change the existing flood related development controls relating to residential flood planning levels for the subject land or the residential zone; and It will not change the definition or application of the flood planning level in the Young LEP 	Consistent

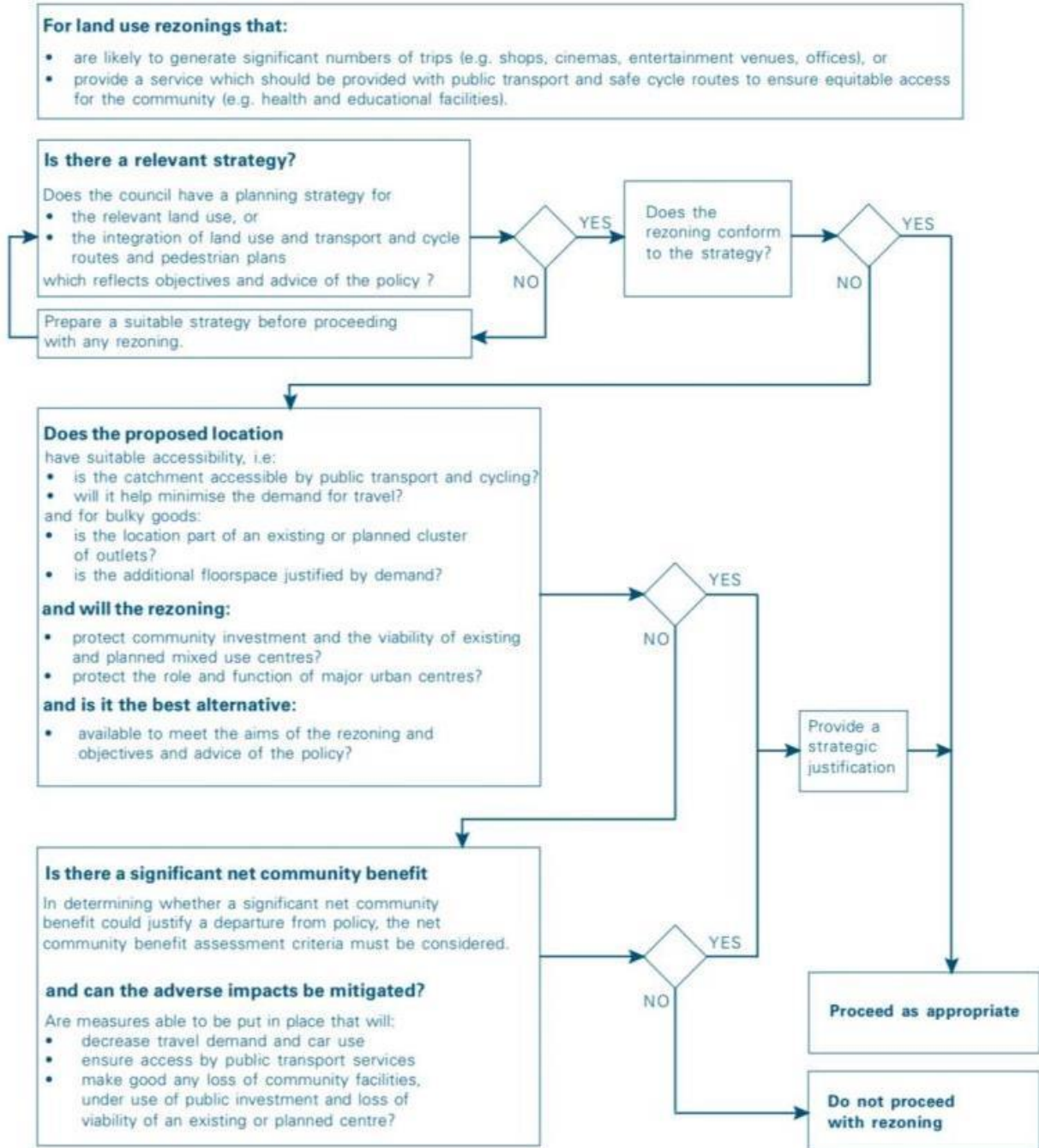
Ministerial Direction	Comment	Consistency
4.4 Planning for Bushfire Protection	This direction applies to Hilltops Council but not to the Planning Proposal as it will not affect, or be in proximity to land mapped as bushfire prone land.	Not applicable
5. Regional Planning	<p>The following Directions do not apply to Hilltops Council or to the Planning Proposal:</p> <ul style="list-style-type: none"> 5.2 Sydney Drinking Water Catchments 5.3 Farmland of State and Regional Significance on the NSW Far North Coast 5.4 Commercial and Retail Development along the Pacific Highway, North Coast 5.8 Second Sydney Airport: Badgerys Creek 5.9 North West Rail Link Corridor Strategy 5.10 Implementation of Regional Plans 	Not applicable
6. Local Plan Making		
6.1 Approval and Referral Requirements	<p>Applies to Hilltops Council and any Planning Proposal.</p> <p>The Planning Proposal is consistent with this direction as it does not include provisions that:</p> <ul style="list-style-type: none"> • require the concurrence, consultation or referral of development applications to a Minister or public authority, and • require concurrence, consultation or referral of a Minister or public Authority • identify development as designated development. 	Consistent
6.2 Reserving Land for Public Purposes	<p>Applies to Hilltops Council and any Planning Proposal.</p> <p>The proposal is consistent with this Direction as it:</p> <ul style="list-style-type: none"> • does not create, alter or reduce existing zonings or reservations of land for public purposes • does not involve land affected by a request Minister or public authority to reserve the for public purpose or include provisions relating to the use of any land reserved for a public purpose. 	Consistent
6.3 Site Specific Provisions	<p>This direction applies to Hilltops Council and to this Planning Proposal as it will allow a particular development to be carried out on the subject land; i.e. in this instance, a “<i>vehicle sales or hire premises</i>”.</p> <p>The Planning Proposal is consistent with this objective as it satisfies the requirements of the Direction by:</p> <ul style="list-style-type: none"> • allowing a land use (i.e. “vehicle sales or hire premises”) without imposing any development standards or requirements in addition to those already in the Young LEP 2010. • Not including or referring to drawings that show details of the development proposal in the proposed LEP amendment. 	Consistent

Ministerial Direction	Comment	Consistency
7. Local Plan Making	<p>The following Directions do not apply to Hilltops Council, the land or the Planning Proposal:</p> <ul style="list-style-type: none"> 7.1 Implementation of A Plan for Growing Sydney 7.2 Implementation of Greater Macarthur Land Release Investigation 7.3 Parramatta Road Corridor Urban Transformation Strategy 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan 	<p>Not applicable</p>

Decision Tree diagram from The Right Place for Business and Services – Planning Policy

E. Application of the Policy to Rezoning and Development Assessment

Decision tree 1. Policy test for proposals to rezone land



Summary of S117 Directions consideration

The following Directions are relevant for Hilltops Council and apply to the Planning Proposal:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

The Planning Proposal is consistent with all relevant Directions with the exception of Directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport

A Planning Proposal may be inconsistent with the terms of these directions only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or nominee) of a number of alternative scenarios, including that provisions of the Planning Proposal that are inconsistent are of minor significance.

In the case of Direction 3.4 Integrating Land Use and Transport which requires that the Planning Proposal 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), and *The Right Place for Business and Services – Planning Policy* (DUAP 2001). Both these documents have a metropolitan and large regional city focus where there are a number of public transport options available. The Planning Proposal in its own right does not include provisions to give effect to these two policies, however, given the proposal is about allowing for the expansion of an existing vehicle sales business, the impact on additional traffic, use of public transport, walking and cycling is not significant. The Planning Proposal will enable the formalisation and control of the car parking use and will satisfy the required parking on the site. Further, it is considered that the Planning Proposal will not adversely impact the community investment and viability of the existing Young mixed use centre, particular given the close proximity of the site to the CBD. The Planning Proposal for the additional permitted use is considered the best alternative in this case given the existing business location and the site's location essentially adjoining the existing B4 zone of the Young CBD.

This assessment of the proposal against the aims, objectives and principles of the two documents shows the inconsistency is of minor significance and is justified in this instance.

In all other relevant Directions, the cases the inconsistency is of minor significance as it relates solely to the technical requirement to include certain provisions in the Planning Proposal that are already in the Young LEP 2010. As such these inconsistencies are justified in this case.