

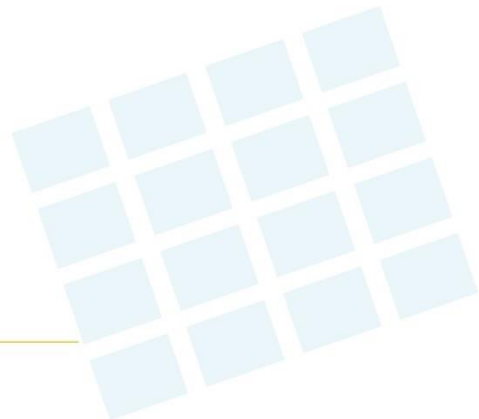


PLANNING REPORT

October 2021

Independent Review of Planning Proposal for 2-20 Telegraph Road, Young, NSW

Prepared for:
Hilltops Council
October 2021



This Planning Report has been prepared exclusively for Hilltops Council. The information does not purport to constitute legal advice and AQ Planning does not accept responsibility for the consequences of any reliance which may be placed on this material by any person.

No part of this report may be reproduced, transmitted, stored in a retrieval system or adapted in any form or by any means (electronic, mechanical, photocopying, recording or otherwise), without written permission from AQ Planning.

Table of Contents

1 Introduction	2
1.1 General	2
1.2 Client Instructions and Scope of Project	2
1.3 Planning Report Methodology	2
2 The Planning Proposal	4
2.1 Introduction	4
2.2 The Planning Proposal - description, objectives and proposed provisions	4
2.3 Justification for the Proposal	7
2.4 Details of Community Consultation	11
2.5 Conclusion	11
3 History of Development on the Site	12
3.1 Introduction	12
3.2 Existing Use Rights	12
3.3 Development Applications	12
3.4 Issues	13
3.5 Conclusion	13
4 Assessment of Hilltops Strategic Planning Framework	14
4.1 Introduction	14
4.2 Regional Strategic Planning Framework	14
4.3 Local Strategic Planning Framework	17
5 Planning Considerations – Strategic Merit Test	30
5.1 Introduction - Strategic Merit Test	30
5.2 Strategic Merit Test	30
5.3 Site Specific Merit Test	34
5.4 Merit Criteria Conclusion	41
6 Recommendations	42
7 References	43
8 Appendices	44
8.1 Appendix 1 Assessment of consistency of the Planning Proposal against State Environmental Planning Policies	44
8.2 Appendix 2 Assessment of consistency of the Planning Proposal against Ministerial Directions	47

1 Introduction

1.1 General

This Planning Report, *Independent Review of Planning Proposal for 2-20 Telegraph Road, Young* (Planning Report), has been prepared to assist Hilltops Council in its consideration of the proponent led Planning Proposal seeking to rezone the subject site for industrial uses.

This Planning Report includes a description of the Planning Proposal, as submitted; an overview of the history of development of the subject site including discussion on existing use rights provisions applying to part of the subject site; an overview of the regional and local strategic planning framework; and an assessment of the planning merits of the Planning Proposal including an assessment against the Strategic Merit Test.

1.2 Client Instructions and Scope of Project

AQ Planning has been engaged by Hilltops Council to independently manage the process for a site specific Planning Proposal and provide independent advice to Hilltops Council, who is the decision-making authority. The Planning Proposal is proponent led and seeks to expand the existing steel fabrication business at 2-20 Telegraph Road, Young.

The first stage of the scope of work is to provide an independent assessment of the Planning Proposal, supported by a written report and recommendation and a briefing to Council.

If Council, as the decision making authority, resolves to proceed to Gateway Determination, the scope of work will include the following tasks, on behalf of Council:

- Management of the notification process including Council and community briefings
- Liaison with the Department of Planning, Industry and Environment
- engagement of relevant subconsultant (if required) to undertake specialist assessment of key elements
- any other related task.

This Planning Report has been prepared in response to the first stage of the scope of works detailed above.

1.3 Planning Report Methodology

The process adopted for this Planning Report is as follows:

- Describe the Planning Proposal
- Describe the subject site
- Provide an overview of the history of development of the subject site, including discussion on application of existing use rights to part of the subject site
- Review the strategic planning framework as detailed in relevant regional and local planning strategies
- Assess the adequacy of the Planning Proposal against requirements of Planning Proposals *A Guide to Preparing Planning Proposals* (2018, NSW Planning and Environment)
- Assess the Planning Proposal against the Strategic Merit Test, as outlined in Planning Proposals *A Guide to Preparing Planning Proposals* and *Planning Circular PS18-012*
- Summarise key findings from the evaluation
- Provide recommendations to assist Hilltops Council in determining the Planning Proposal

This Planning Report has relied on:

2.

- The Planning Proposal as submitted by Salvestro Planning in April 2021, and supporting documentation
- Development Applications and consents applying to the subject site as provided by Hilltops Council
- Strategic planning documents and studies as provided by Hilltops Council including *South East and Tablelands Regional Plan 2036, Hilltops Community Strategic Plan 2030, Hilltops 2040 Local Strategic Planning Statement, Hilltops Rural and Residential Study, Hilltops Freight and Transport Study, Hilltops Council Economic Growth and Land Use Strategy – Preliminary Findings Report, Hilltops Council Economic Growth and Land Use Strategy - Strategic Directions and Recommendations Report, Hilltops Employment Lands Assessment – Final Background Report, Hilltops Employment Lands Assessment – Final Key Findings Report*, draft Hilltops Local Environmental Plan
- Planning Circulars and other guides to preparing Planning Proposals and Local Environmental Plans, etc

It is noted that a site inspection has not been undertaken by AQ Planning. This is due to the nature of this review, being a high level strategic assessment of the planning merits of the Planning Proposal in addition to rolling COVID 19 restrictions.

This Planning Report relies on information and images provided by the proponent, Hilltops Council and publicly available maps.

2 The Planning Proposal

2.1 Introduction

To facilitate the aims of this Planning Report, being to provide an independent review of the Planning Proposal, an overview of the Planning Proposal is necessary.

This section of the Planning Report provides a summary of the Planning Proposal. It includes:

- A description of the proposal, objectives of intended outcomes and explanation of proposed provisions for the subject site
- Justification for the proposal – the need for the proposal; its relationship to the strategic planning framework; consideration of environmental, social and economic impacts; and consideration of State and Commonwealth interests'
- Details of any community consultation undertaken by the proponent

The proponent is the land owner, Apollo Fabrication Group, and the Planning Proposal has been prepared by Salvestro Planning.

2.2 The Planning Proposal - description, objectives and proposed provisions

This section of the Planning Report provides a description of the Planning Proposal. The Planning Proposal is site specific, being for 2-20 Telegraph Road, Young, to allow the owner to expand their industrial business.

The subject site is known as 2-20 Telegraph Road, Young, and is approximately 2.5 kilometres east of Young Central Business District. The legal property description is detailed in Table 1 below.

The subject site is zoned a mix of residential, rural and recreation zones, including R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation, under the provisions of Young Local Environmental Plan (YLEP) 2010. Additional local provisions apply under the YLEP relating to minimum lot size, biodiversity and riparian corridors and sensitive land area. The land use zone and additional local provisions that apply to each lot is detailed in Table 1 as is the respective land area. The total site area is 3.5 hectares.

Table 1 Property Description, Land Use and Site Area

Address	Legal Description	Area m ²	Current Zoning	Mapping Layer
2 Telegraph Road	Lot 1 DP736225	2037	R1	Minimum lot area
2 Telegraph Road	Lot 11 DP1138027	3239	RE1	Riparian and Biodiversity Corridor; Sensitive Land
4 Telegraph Road	Lot 2 DP736225	1372	R1	Minimum lot area
10 Telegraph Road	Lot 3 DP845187	2260	R1	Minimum lot area
10 Telegraph Road	Lot 12 DP1138027	2927	RE1	Riparian and Biodiversity Corridor; Sensitive Land
12 Telegraph Road	Lot 4 DP845187	2481	R1	Minimum lot area
14 Telegraph Road	Crown Road	1101	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1171 DP754611	4064	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1154 DP754611	4049	RU4	Minimum lot area; Riparian

Address	Legal Description	Area m ²	Current Zoning	Mapping Layer
			RE1	and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1199 DP754611	7590	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 3 DP374948	4049	RU4	Minimum lot area
Total Site Area		35169		

The location of the subject site in relation to the Young Central Business District is shown in Figure 1

Figure 2 shows the lots comprising the subject site.

Figure 3 shows the land use zones that apply to the subject site and surrounding areas.

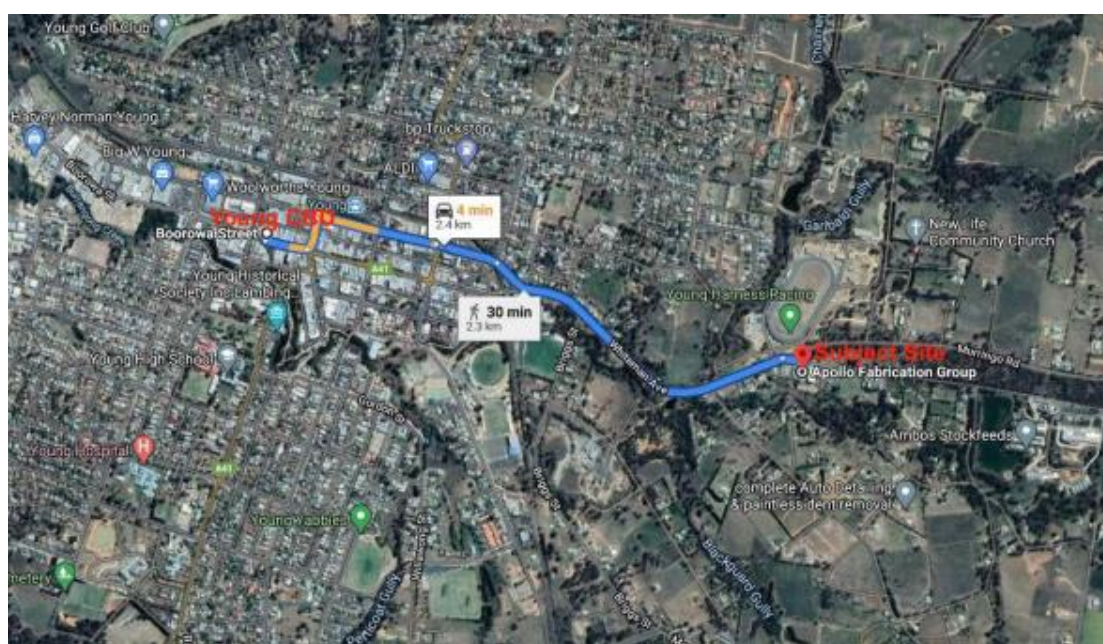


Figure 1 Subject Site – Locality Context

Source: Planning Proposal



Figure 2 Subject Site – 2-20 Telegraph Road, Young

Source: Planning Proposal



Figure 3 Land Use Zoning

Source: Planning Proposal

Land uses surrounding the subject site include:

- East and south - RU4 Primary Production Small Lots- detached residential houses adjoining to the east; rural activity further to the east; and rural residential style development to the south across Victoria Creek
- West – R1 General Residential – detached residential houses
- South – RE1 Public Recreation - Victoria Creek and associated riparian corridor
- North – RE1 Public Recreation – vegetated open space, Young Showground and harness racing track

Part of the subject site, being Lots 3 and 4 DP845187, has historically been used for industrial uses under the existing use rights provisions of the *Environmental Planning and Assessment Act 1979*. Apollo Fabrication Group operates its steel fabrication business from this site. A history of the use of the site is provided in Section 3 of this Planning Report.

Apollo Fabrication Group are seeking to expand their business activities across their land holdings, which includes land currently used for steel fabrication and adjoining lands. The existing use right provisions, however, pose strict limitations on greater concentration of activities on site and prohibit expansion onto adjoining sites. As such, the Planning Proposal seeks to amend YLEP 2010 to allow industrial use, specifically steel manufacturing and associated/ancillary activities, at the subject site. The proponent suggests a number of mechanisms could facilitate this change, including:

- rezone the subject site to either IN1 General Industrial or IN2 Light Industrial; or
- include industrial activity as an Additional Use in Schedule 1 of the YLEP 2010, as a permissible use subject to development consent

In addition, the proponent seeks to remove the additional local provisions that apply under the YLEP 2010 relating to minimum lot size, as these provisions that relate to residential development and would not be relevant to an industrial land use, as well as remove the biodiversity and riparian corridors and sensitive land areas that currently apply to the subject site.

2.3 Justification for the Proposal

This section of the Planning Report provides an overview of the proponent's justification for the Planning Proposal, including the need for expansion of the business; its relationship to the strategic planning framework; consideration of environmental, social and economic impacts; and consideration of State and Commonwealth government interests'.

2.3.1 Need for the Proposal

Apollo Fabrication Group operate their steel fabrication business from part of the subject site and have purchased adjoining sites over the years, with the intention to expand business operations. The proponent contends that there is no suitable zoned land in Young to relocate their operations to by virtue of land size, configuration, topography and vehicular access. They state that the subject site meets their operational requirements for expansion given the large, flat land area (3-4 hectares is required), as well as it being fully serviced and with good access to the arterial road network and connection to markets in Canberra and Sydney.

The current existing use rights provisions and land use zones prevent such plans for expansion into adjoining sites. The proponent contends that the proposed amendments to the YLEP 2010 are necessary as they will:

- provide certainty of land use to justify investment to accommodate advanced manufacturing technologies and processes which are necessary for Apollo Fabrication Group to compete in their market sector
- allow for an expanded business that will attract new skilled workers to the region, doubling the workforce, and make a significant contribution to Young's economic growth
- provide opportunity to improve local amenity through embellishments to the streetscape and local environment and establish a gateway development to the Young Central Business District.

The proponent contends that the desired future character of the area is no longer residential or semi rural (as it was when YLEP 2010 came into force) and that instead the emerging character is industrial and therefore the proposed rezoning, and ultimately expansion of the steel fabrication facility, is appropriate. Notwithstanding this, they assert that the site can't easily be retrofitted back to a residential use.

The Planning Proposal is supported with a concept development plan illustrating the desired outcome for the site as well as a number of supporting studies.

2.3.2 Relationship to the strategic planning framework

The proponent sites the *South East and Tablelands Regional Plan 2036* as the regional strategic planning document relevant to the Planning Proposal. This plan includes a number of strategic directions for the Hilltops local government area relating to economic growth and community access to jobs, goods and services. These are broad policy objectives against which the proponent asserts the Planning Proposal is consistent.

The proponent sites a number of local strategic planning documents as providing the strategic framework for the Planning Proposal which include:

- Hilltops Council Local Strategic Planning Statement (LSPS) 2020-2040, *Hilltops 2040*
- *Hilltops Council Economic Growth and Land Use Strategy* (March 2019)
- *Hilltops Freight and Transport Study – Final Report* (May 2019)
- *Hilltops Community Strategic Plan 2030*

Hilltops 2040 identifies a precinct around Telegraph Road which could be investigated as a location for large footprint light and commercial industries and logistics centres based on the easy access to the regional road network. It states that such investigations would need to specifically address impacts on traffic and surrounding land use.

2.3.3 Consideration of environmental, social and economic impact

This section of the Planning Report provides a summary of the assessment undertaken by the proponent, supported by specialist studies, as to how the Planning Proposal addresses environmental, social and economic effects.

In summary, the proponent contends there is minimal environmental and infrastructure constraints to the rezoning of the subject site. A summary of the supporting specialist studies is provided below.

Urban Design

An urban design report, including a concept development plan, supports the Planning Proposal (2021, PTW, *Urban Design Report*) and makes recommendations in relation to:

- landscaping and streetscape improvements to screen the development from adjoining properties and the arterial road
- architectural treatment to the façade of the building to enable the built form to provide a gateway treatment into the town of Young and to reduce the bulk and scale to adjoining properties
- incorporates recommendations of other studies relating to car parking and acoustic mitigation.

Biodiversity

The Planning Proposal is supported by a biodiversity study (2021, EI Australia – Kingfisher, *Biodiversity Development Assessment Report*) which concludes that significant vegetation clearing has occurred on the subject site and therefore it is not expected to significantly contribute to loss of a threatened ecological community or impact on threatened species. It makes some recommendations in relation to plant species to incorporate into any landscaping provided on site and minimising impact off site on Victoria Creek.

Heritage

The Planning Proposal is supported by a heritage study (2021, OzArk, *Aboriginal Due Diligence and Historic Heritage Assessment Report*) assessing both Aboriginal cultural heritage and general historic values of the site.

It concludes that no Aboriginal objects, archaeologically sensitive landforms, Aboriginal cultural values or historic heritage sites were identified in the study area.

Noise

The Planning Proposal is accompanied by a noise impact assessment (2021, Day Design, *Environmental Noise Impact Report*) which the proponent has had peer reviewed (2021, Renzo Tonin & Associates, *Environmental Noise Impact Report – Peer Review*). The assessment is based on the concept development plan for the subject site and concludes that sustainable development can be undertaken in a way that minimises noise impacts on neighbours. This would involve construction of acoustic barriers at selected points, including along property boundaries, acoustic performance of building construction materials, restriction on operation procedures, locations and hours as well as restrictions on heavy vehicles movements at certain times and in certain locations.

Contamination

A contamination assessment (2021, EI Australia, *Detailed Site Investigation*) was conducted for the site. It concludes that whilst some contaminants were located on site they were all below

the adopted human health assessment criteria relevant for the proposed commercial/industrial development. The types of contaminants on the subject site include:

- petroleum hydrocarbons associated with underground storage tank, large drums of oil and wrecked cars
- zinc associated with car bodies, scrap metal and stockpiled construction waste

The assessment recommends impacted soils be removed and disposed to a licenced waste management facility. It also recommends that where oil drums or construction waste is to be stored on site it should be located on a concrete hardstand area with leak and spill measures in place.

Economic

The Planning Proposal asserts that Apollo Fabrication Group are a significant contributor to the local economy and social fabric of Young and district and that their continued business growth are foundations for ensuring the region prospers and meet expectations outlined in the strategic planning framework.

It is proposed to grow the floor space of the business from approximately 4,000m² to 19,000m² and increase staff across the business twofold. It is estimated that the construction investment will be approximately \$30 million.

The Planning Proposal is supported by an economic impact assessment (2021, Location IQ, *Economic Forecast Analysis*) which estimates the total economic benefits from the expansion of the facility are in the order of:

- \$15.8 million from one year of operation
- \$103.3 to \$118.8 million from the construction period and one year of operation (value varies depending on low or high growth scenario and does not include the economic benefit from the existing operations).

The proponent states that the subject site meets their needs. They assert there is a lack of available suitable zoned sites as industrial land in Young doesn't meet their requirements for size (3 to 4 hectares) shape (regular) topography (flat for large footprint buildings) nor provide direct access to a main road.

State Environmental Planning Policies and Ministerial Directions

The proponent contends that the Planning Proposal is consistent with relevant State Environmental Planning Policies and all applicable Ministerial Directions, with the exception of those relating to rural zones and residential zones. The justification for the inconsistency is based on the existing use of part of the land for industrial activities (steel fabrication), the inclusion of the subject site in the local strategy as an investigation precinct for industrial use and the purported suitability of the site for industrial use, as supported by specialist studies.

2.3.4 Consideration of State and Commonwealth government interests'

Infrastructure – Traffic and Servicing

The Planning Proposal is supported by a traffic assessment and services report (2021, Spotto Consulting, *Traffic Impact Assessment* and 2021, Cardno, *Technical Memorandum Utility Servicing feasibility memorandum Flooding and Flooding Advice*).

The services report asserts that the subject site:

- Is serviced by essential infrastructure, being water, sewer, electricity and telecommunications
- Is not inundated by flood waters and will have nil impact on flood levels in Victoria Creek

- Requires on site stormwater detention.

The traffic assessment concludes:

- An additional 744 vehicle trips per day, with 122 of these in the AM and PM peaks periods, will be generated which will have a significant impact on road network performance (including intersections)
- Car parking provision (as demonstrated in the accompanying concept plan) does not meet requirements of the Young Development Control Plan. It asserts this is acceptable and the proposed provision meets demand
- The intersection at Telegraph Road/Murringo Road/Whiteman Avenue be upgraded to incorporate a left hand turn into Telegraph Road from Murringo Road and a right hand turn from Whiteman Avenue into Telegraph Road
- Vehicles heading west along Murringo Road, towards Young, access the subject site from the eastern intersection of Telegraph Road and Murringo Road.

2.4 Details of Community Consultation

No specific community consultation has been undertaken by the proponent. It is noted however, that the proponent claims liaison with nearby residents has occurred in the past regarding noise impacts.

2.5 Conclusion

The proponent concludes that the Planning Proposal is appropriate as it:

- Is consistent with relevant goals and directions of the *South East and Tablelands Regional Plan 2036*
- Is consistent with the strategic directions and themes of the *Hilltops Community Plan 2030* and *Hilltops 2040*, in particular those relating to economic development, employment activity and environment
- Provides a significant contribution to achieving the strategic directions and recommendations of the *Hilltops Council Economic Growth and Land Use Strategy*
- Allows a more efficient use of land that has distinctive site specific locational advantages due to its proximity to the local arterial road network, without impacting on local road network function
- Provides the opportunity for improved local amenity including streetscape, gateway and local environment embellishments.

The documentation submitted by a proponent in support of the Planning Proposal generally meets the report format requirements outlined in *Planning Proposals A Guide to Preparing Planning Proposals* (2018) in relation to format, providing a test against strategic and site specific merit and provision of relevant supporting studies and investigations.

3 History of Development on the Site

3.1 Introduction

This section of the Planning Report provides an overview of development on the subject site and particularly the establishment of existing use rights over part of the site.

3.2 Existing Use Rights

Part of the subject site, being 10-12 Telegraph Road, Lots 3 and 4 DP845187, currently accommodates Apollo Fabrication Group's steel fabrication business. This land use has been previously defined by Hilltops Council as *general industry* under the relevant planning instrument, being Young Local Environmental Plan (YLEP) 2010. This site is 4,715m² in area and is zoned R1 General Residential under Young LEP 2010. Under Part 2 Land Use Table of LEP 2010 *general industry* is prohibited development.

The proponent asserts that prior to Apollo Fabrication Group's purchase of the site it had historically been used for various general industrial uses including bearing and engineering supplies, quarry equipment storage, general mechanical/machinery servicing, carriers/cartage contractors, mixed business and lawn mower sales and service. Since Apollo Fabrication Group's purchase the site has been used for steel fabrication.

The history of use of this land is somewhat unclear given availability of information held by Council and the proponent. It would appear from Council records that a building approval was issued on 13 June 1986 (BA93/1986) for a factory workshop involving the storage and building of steel. Given no environmental planning instrument applied to this land until 1993, when the Young LEP 1993 was gazetted, the mechanism for approval under the *Environmental Planning and Assessment (EP&A) Act 1979* is unclear. It may be that powers were drawn from Part XIIA of the *Local Government Act, 1919* and the *Local Government (Town and Country Planning) Amendment Act (1945)* along with the provisions of Ordinance 70 in respect to construction works (Hilltops Council 2019 *Officer Assessment Report*).

Hilltops Council determined, in consideration of 2019/DA 00035 - Alterations and Additions to an existing steel fabrication premises, that:

- the building had been lawfully approved, constructed and operational prior to a planning instrument coming into effect that prohibited the use (being LEP 1993) and this can constitute a lawful consent
- the building can be deemed to be an *existing building* and an *existing use*
- subsequent development consents (see next section) demonstrate that the use of the premises had been lawfully commenced
- the use has continued in a similar character since 1986

for the purposes of the *EP&A Act*.

In this regard, it has been established to the satisfaction of Hilltops Council that 10-12 Telegraph Road, Lots 3 and 4 DP845187, enjoy existing use rights, under Division 4.11 of the *EP&A Act 1979*.

3.3 Development Applications

The site has a history of development approvals for a range of uses. Council approved alterations and additions to the existing premises in 2012 for use as a steel manufacturing business including ancillary workshop, storage and office areas. Further expansion of the premises was approved in 2019 followed by modification and temporary use approvals in 2020. This is summarised in Table 2 below. It is understood that a further development application for alterations and additions has been lodged with Council and is being assessed.

Table 2 Recent Development Applications

DA	Address	Lots	Use	Determination	Notes
2019/DA-00035	10-12 Telegraph Rd Young	Lots 3 and 4 DP 845187	Alterations and additions to existing steel fabrications premises	Approved 16 October 2019	Development not to encroach on Crown Land Permits nose in on street parking Required to consolidate lots
2019/DA-00035 Modification			Amend hours of operation, based on individual activity on site	Rec approval	Hours vary depending on use Complaints register to be implemented
DA2020/0089	20 Telegraph Rd, Young	Lots 1154 and 1199 DP754611	Earthworks and farm building	Refused 4 August 2020	Insufficient information submitted to allow assessment
DA2020/0180	20 Telegraph Rd, Young	Lots 1171 and 1154 DP754611	Temporary Use (Industrial Storage)	Approved 30 November 2020	Two year term Total of 52 days use per year

3.4 Issues

From a review of the information provided by Hilltops Council, it is understood that the operational activities associated with Apollo Fabrication Group generate noise and vibration and has been a source of numerous operational complaints. These complaints have been a result of work being carried out in the evening and night periods as defined in the *NSW Environmental Protection Authority's Noise Policy for Industry (2017)* (2019, Hilltops Council, *Officer Assessment Report*). The proponent has attempted to address the noise issues by enclosing areas used for steel fabrication (DA-00035) and the modification to the development consent (DA-00035) was conditioned to require acoustic mitigation measures consistent with *Environmental Noise Impact Assessment (2020, Day Design)*. Plans submitted with the modification to DA-00035 show a requirement for 3 and 6 metres high acoustic barriers along the western boundary of the site and installation of shipping containers to the rear. It is noted from these plans that two of the acoustic barriers are located on land to which the development application does not apply and which does not benefit from existing use rights, being Lot 12 DP1138027. It is also noted that the plans show vehicle movements associated with the business occurring over adjoining lands, being lands not benefitting from the existing use rights.

3.5 Conclusion

Apollo Fabrication Group has been operating from part of the subject site and have expanded operations over the years. Existing use right provisions pose strict limitations on greater concentration of activities on site and prohibit expansion onto adjoining sites.

4 Assessment of Hilltops Strategic Planning Framework

4.1 Introduction

This section of the Planning Report provides an overview of the strategic planning framework and an independent assessment of the Planning Proposal against it.

4.2 Regional Strategic Planning Framework

The *South East and Tablelands Regional Plan 2036* (Regional Plan) was published in 2017 and is the NSW Government's strategy for providing broad policy direction and guiding land use decisions for the South East and Tablelands region. It provides the framework and establishes the priorities for each council to achieve desired outcomes on the ground by informing preparation of more detailed local strategies, land use plans and infrastructure funding decisions.

The South East and Tablelands region consists of nine local government areas being Bega Valley, Eurobodalla, Goulburn Mulwaree, Hilltops, Queanbeyan-Palerang, Snowy Monaro, Upper Lachlan, Wingecarribee and Yass Valley.

The Regional Plan is underpinned by the vision of a "borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart".

To achieve this vision, the Regional Plan establishes four key goals, being:

1. A connected and prosperous economy
2. A diverse environment interconnected by biodiversity corridors
3. Healthy and connected communities
4. Environmentally sustainable housing choices.

The goals are supported by strategies and actions. Those relevant to Hilltops local government area are summarised as follows.

1. A connected and prosperous economy
 - Leverage growth opportunities from Western Sydney by fostering initiatives to support relocation of businesses and ensuring an adequate supply of serviced industrial land
 - Promote agricultural innovation, sustainability and value-add opportunities
 - Protecting important agricultural land
 - Become a renewable energy hub
 - Grow tourism, particularly agri-tourism
 - Enhancing strategic transport links to support economic growth through improvements to the freight network (travel times and capacity)
 - Promoting business activities in urban centres
2. A diverse environment interconnected by biodiversity corridors
 - Protect important environmental assets
 - Enhance biodiversity connections
 - Mitigate and adapt to climate change
 - Increase resilience to natural hazards
3. Healthy and connected communities
 - Increase access to health and education services
 - Build socially inclusive, safe and healthy communities
 - Protect heritage
4. Environmentally sustainable housing choices

- Deliver housing choice and supply, including affordable housing, in areas that can maximise infrastructure and services
- Manage rural lifestyles.

The Regional Plan's priorities for Hilltops Council are to:

- Capitalise on economic, housing and servicing opportunities arising from the area's proximity to Canberra, including advances in technology to create smart work opportunities.
- Enhance community access to jobs, goods and services.
- Address land management issues that could impact agricultural productivity and viability, including erosion, salinity, weed management, on-farm practices and management of the water table.

In relation to capitalising on the economic and employment opportunities the priority is to:

- Grow and diversify the area's agricultural base, including value-add activities, expansion into agricultural research and technology and access to national and international markets.
- Capitalise on value-add opportunities in food processing with the growth of intensive farming industries.
- Leverage regional assets such as the region's quality wines and cherries to promote tourism.
- Capitalise on the area's freight links north and west off the Hume Highway.

In relation to capitalising on the housing opportunities the priority is to:

- Grow housing in Young, Boorowa and Harden.
- Support the unique character of the region's village and rural lifestyle.
- Enhance the variety of housing options to cater for an ageing population.
- Work with stakeholders to secure a sustainable water source for urban use.

This is supported by neighbourhood planning principles, being:

- A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space
- Jobs available locally and regionally, reducing the demand for transport services.
- Conservation lands in and around the development sites, to help protect biodiversity and provide open space for recreation.
- Minimise the negative impacts on the natural water cycle and protect the health of aquatic systems, for example, through Water Sensitive Urban Design principles.

In summary, a key theme of the Regional Plan in relation to the Hilltops local government area is the need for rural production values to be protected and associated supply chains enhanced with potential for value add through manufacturing, food processing and tourism.

The vision and goals of the Regional Plan are broad in nature and give the policy context for the strategies and actions to achieve the vision. As such, the goals need to be considered in conjunction with the directions and actions.

Given the broad nature of policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location nor quantum of industrial zoned land. As such, the Planning Proposal is not considered to be inconsistent with the economic strategies of the Regional Plan, however, neither does it give effect to them.

The proponent references a number of goals, directions and actions as being relevant to the subject site, but for the most part they do not apply or are only tangentially applicable. For

example, the proponent states that the Planning Proposal is consistent with Goal 1 and associated directions, which are:

- Goal 1: A connected and prosperous economy
 - Direction 4 - Leverage growth opportunities from Western Sydney
 - Direction 11 - Enhance strategic transport links to support economic growth.

This goal relates to providing the necessary environment to encourage businesses to relocate from Western Sydney and to ensuring improvements to the transport network in relation to quality and travel times occur to facilitate these relocations. This is not a strategy to facilitate expansion of existing businesses and as such does not apply to the Planning Proposal.

The proponent also states the Planning Proposal is consistent with Goal 2 and an associated direction and action being:

- Goal 2 A diverse environment interconnected by biodiversity corridors
 - Direction 18: Secure water resources
 - Action 18.1 Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources.

The proponent has not further clarified the statement, although it is presumed it is based on the provision of on site detention of stormwater. This is a goal that only tangentially applies to the Planning Proposal and is neither a driving strategy nor justification for the Planning Proposal.

Goal 2 A diverse environment interconnected by biodiversity corridors is the only goal of the Regional Plan that specifically applies to the subject site. The Planning Proposal is inconsistent with several directions and actions under this goal, being:

- Direction 14: Protect important environmental assets
 - Action 14.2 Protect the validated high environmental value lands in local environmental plans
 - 14.3 Minimise potential impacts arising from development on areas of high environmental value, involving groundwater- dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy
 - 14.5 support planning authorities to undertake strategic, landscape-scale assessments of biodiversity and areas of high environmental value
- Direction 15: Enhance biodiversity connections, Action 15.1 Protect and enhance the function and resilience of biodiversity corridors in local strategies

The Planning Proposal is inconsistent with these directions and actions as it proposes to remove the local planning provisions of Young Local Environmental Plan (YLEP) 2010 relating to biodiversity and riparian corridors. The proponent claims consistency with these directions and actions but provides no further information or recommendations to support this claim.

The Planning Proposal, in discussing biodiversity, contends no threatened species were found on site or are likely to exist on site and that the local planning provisions are therefore not required. Furthermore, in addressing Appendix A: Neighbourhood Planning Principles of the Regional Plan that states "*conservation land in and around the development site, to help protect biodiversity and provide open space for recreation*" the proponent responds that the supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive areas, although providing insufficient justification for removal of local planning provisions. The proponent's assessment, and accompanying *Biodiversity Assessment* (2021, eiaustralia – Kingfisher, *Biodiversity Development Assessment Report*), does not take into

account the role this portion of the subject site may play in the broader, landscape-scale biodiversity corridor. Refer also to Sections 4.3.2 and 5.3 for discussion on biodiversity.

The Planning Proposal states that it addresses the Regional Plan's key priorities for Hilltops local government area although is lacking in information to substantiate the claim.

4.3 Local Strategic Planning Framework

A number of local strategic planning documents apply to the Hilltops local government area, being:

- *Hilltops Community Strategic Plan 2030*
- Hilltops Council Local Strategic Planning Statement *Hilltops 2020-2040*
- *Hilltops Council Economic Growth and Land Use Strategy* (March 2019)

4.3.1 Hilltops Community Strategic Plan 2030

The *Community Strategic Plan 2030* identifies the main priorities and aspirations for the future of the Hilltops community and identifies strategies for achieving these. The community's vision is *"In 2030 the Hilltops is a thriving region offering a relaxed country lifestyle and diverse economy. We value and protect our friendly community spirit, pristine natural environment, and deep cultural heritage. There are strong connections between our community, environment, economy, infrastructure and Council, making the Hilltops region a vibrant place to live, work and visit."* The principles (Wellbeing Pillars) to achieve these are:

- 1 Loving where we live - We are a network of inclusive and diverse communities' who treasure our country lifestyle, have strong connections and cultural history which enriches our quality of life
- 2 Nurturing our natural environment – We are custodians of our natural environment and landscapes and will protect and improve it for future generations
- 3 Building a strong and robust regional economy - Hilltops is a connected and growing region, with both the local society and economy driven by a culture of innovation and collaboration, capitalising on our agricultural strength
- 4 Strengthening the region's connectivity and maintenance of our assets and infrastructure - Our community is well serviced and has high quality equitable connectivity to social built and communications infrastructure
- 5 Providing ethical, proactive & effective leadership & governance - We are an engaged and informed community involved in effective and ethical decision making to achieve our community aspirations for our collective future

The Planning Proposal is generally consistent with the principles of the *Community Strategic Plan 2030*, except with regard to the second principle and the objective to maintain the environmental integrity of the region by protecting and enhancing the natural environment. Refer to Section 4.2, 4.3.2 and Section 5.3 of this Planning Report which addresses biodiversity.

4.3.2 Hilltops Council Local Strategic Planning Statement *Hilltops 2040*

Changes to the *Environmental Planning and Assessment Plan 1979* included the introduction of local strategic planning statements (Planning System Circular PS 18-001 Respecting and Enhancing Local Character in the Planning).

Council has prepared a local strategic planning statement (LSPS), titled *Hilltops 2040*, outlining the 20 year vision for land use in the local area, the special local character and values that are to be preserved, and how change will be managed into the future. It provides strategic directions and policy to guide how land use and infrastructure will be allocated, planned and

managed as well as strategic narratives for various land use environments and settlement areas.

Hilltops 2040 is structured in three parts, the first part provides overall context and strategic intent for land use and infrastructure; the second part provides an overview of the Hilltops communities and appropriate strategic response to the individual character, values, opportunities and challenges for the largest towns; and the third part details the strategic policy objectives. These strategic policy objectives (strategic directions) align with the Regional Plan and the Wellbeing Pillars outlined in the *Community Strategic Plan 2030* and cover the themes of:

- Liveability
- Strong Communities
- Economic Development
- Environment
- Strong and Sustainable
- Governance and Participation

The following section of this Planning Report provides a summary of *Hilltops 2040* and an assessment of the Planning Proposal against this strategy.

Part 1 Placing Hilltops – Land Use and Infrastructure

Hilltops 2040 Part 1 provides the overall strategic intent (principles and directions) for land use and infrastructure planning. Principle and Direction items 5 and 6 are specifically relevant to the Planning Proposal as they relate to accommodating future growth and are detailed as follows:

Principle and Direction 5

Recognise and accommodate long term growth and change beyond current projections and planning horizons. This includes the identification of preferred locations for long term growth and the associated land use and infrastructure directions required if additional opportunities arise.

Principle and Direction 6

Provide strategic intent and direction for identified growth areas, providing greater certainty to the community, landowners, the development industry, Council and the State.

- a. Recognise and respond to the challenges and opportunities of attracting and accommodating economic and residential growth, by prioritising:
 - i. full use of planned and existing service networks and lands allocated for this purpose before considering alternate locations.
 - ii. consolidation of urban and high impact activities to sustain agriculture production, natural resource values and the natural environment
- b. Recognise and respond to the full life costs of land use activities and infrastructure on the public.

In this regard, the overall strategic intent of the local strategic planning statement is to ensure growth is focussed in growth areas and that these lands are utilised before additional areas are rezoned. The intent of the Planning Proposal to rezone a parcel of land outside of an industrial area for industrial purposes is inconsistent with this Principle and Direction.

Hilltops 2040 also provides strategic objectives, priorities and actions for the most common environments found within Hilltops. Relevant to the Planning Proposal are the environments of rural landscapes, semi rural landscapes, conservation corridors and town/urban landscapes (which includes the sub-categories of industrial lands and open space and recreation) as these are the environments of the subject site and surrounding lands.

The key objective for rural landscapes is to identify, protect and enhance the productive capacity of rural lands across Hilltops by confirming natural resources and agricultural land values in conjunction with the State government and local communities to better inform future planning and management decisions; reviewing land use planning controls and guidelines to

support value-add economic development where supporting rural production and natural resource values; and identifying landscape amenity values including vistas to assist in their long term protection

Any future development within semi rural environments needs to be planned and managed to protect rural production values as well as nature conservation values (including enhancement of waterways) and the amenity and quality of life of residents. The actions specified to achieve this include reviewing land use planning controls and guidelines to support value-adding economic development where in support of semi-rural objectives, including the protection of amenity, rural production and natural resource values; and reviewing native vegetation mapping data to assist in the protection and expansion of endemic vegetation use in semi-rural areas.

In relation to rural landscapes and semi rural environments *Hilltops 2040* states it is critical that a strategic analysis of the role and function of these lands is undertaken prior to any land within these environments being rezoned for other purposes. The Planning Proposal has been submitted without this strategic analysis being undertaken in relation to part of the site.

Conservation lands within Hilltops are scarce and their long term provision and capacity to sustain native species is critical. The objective is to identify, protect and enhance conservation values, lands and corridors across Hilltops; protect conservation lands and values from further fragmentation; and protect and enhance riparian corridors across Hilltops, recognising their multiple values. The first step in achieving these aims is a review of conservation lands and corridors; natural resources and biodiversity values data; and riparian corridor mapping and data to assist in future planning and management decisions.

Victoria Creek traverses the rear of the subject site. Young Local Environmental Plan 2010 includes additional local provisions (and maps these provisions) identifying the creek and associated lands as forming part of a biodiversity and riparian corridor and as being sensitive land. The Planning Proposal seeks to remove these provisions from the subject site and supports this position with a biodiversity assessment which states there are no threatened species on the subject site. This assessment does not take into account the role the subject site plays in the broader landscape and to remove these provisions ahead of the strategic review called for in *Hilltops 2040* would be pre-emptive and potentially compromise conservation outcomes for Young. Refer to Section 4.2 and Section 5.3 of this Planning Report for a further discussion on this issue.

Industrial lands form part of the town/urban landscapes environment addressed in *Hilltops 2040*. Industrial lands accommodate a range of economic activities and associated infrastructure and services. The intention is for them to be located and managed to support a range of business uses, supported by enhanced connectivity to freight and transport routes without impacting on more sensitive areas. This is to be achieved by prioritising the full use and servicing of available and planned industrial lands to cater for local demand in Young, Boorowa and Harden-Murrumburrah; and to establish and review asset management plans to confirm capacity and ability to service all industrial allotments.

These directions and actions support the overall Principle and Direction - numbers 5 and 6 outlined earlier in this section in that existing and planned industrial estates should be utilised first. The rezoning of the subject site for industrial uses is inconsistent with these objectives, priorities and actions relating to industrial land in town/urban landscape environments as it proposes additional industrial zoned land outside of the existing and planned estates.

The Planning Proposal claims no suitably zoned, sized, configured and serviced land exists in existing estates to cater for the proponent's business, however this pre-empts Council's review

of employment lands and any directions and actions that may result from such a review. The proponent has not provided any analysis of the impact on existing zoned land if the Planning Proposal is to proceed.

Hilltops 2040 identifies the continued provision of quality open space and recreation facilities to support the diverse needs of individual Hilltops communities as an important objective and to support this with development of an Open Space and Recreation Strategy for Young, Boorowa and Harden-Murrumburrah. This strategy would likely be developed in concert with any review of conservation values to ensure lands support multi values and objectives.

The southern part of the subject site is zoned for RE1 Public Recreation effectively creating a corridor of open space coincident with Victoria Creek, as are surrounding lands to the north being Young Showground and Harness Racing Track. The Planning Proposal seeks to rezone the RE1 Public Recreation zone on the subject site to industrial purposes. Notwithstanding the comments previously raised in this Planning Report regarding the potential conservation value of this land, removing the public recreation zone from the subject site would be pre-emptive of the findings of an Open Space and Recreation Strategy for Young, Boorowa and Harden-Murrumburrah.

Part 2 Town Narratives

Hilltops 2040 Part 2 provides an overview of the characteristics of Hilltops communities and outlines the Strategic Narratives which provide appropriate strategic responses to the individual character, values, opportunities and challenges of the largest towns detailing how to support land use and infrastructure objectives, priorities and actions and any potential amendments to planning instruments.

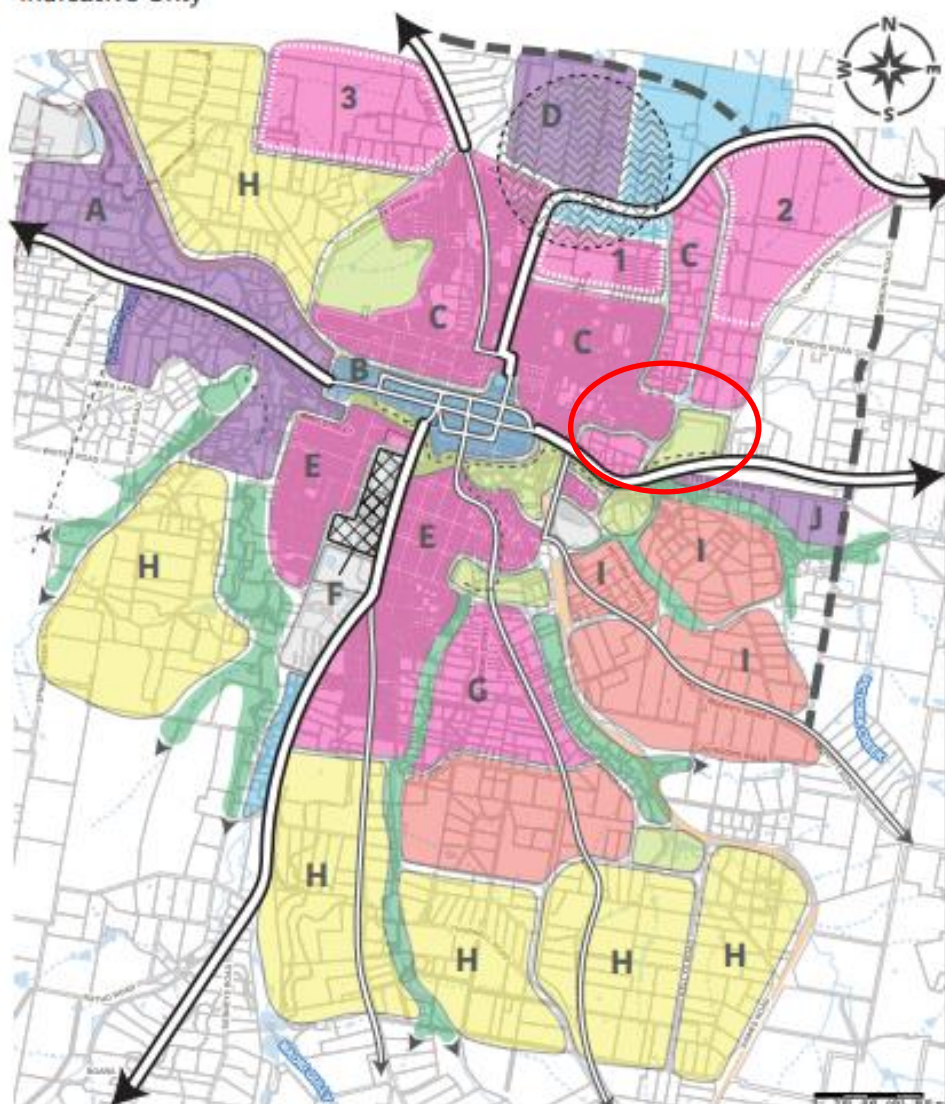
In relation to Young, the Strategic Narrative for economic development outlines the characteristics of the two industrial areas (approximately 187 hectares in area with an additional 131 hectares of industrial zoned land available in and adjacent to these areas) located to the west of Young Central Business District along Millvale Road and Boorowa Street. It states that the industrial areas support a diverse range of small to large industries, from small workshops to large engineering and steel fabrication businesses. Whilst there is potential to contain small to medium size businesses the capacity to accommodate large footprint industries is a concern due to land fragmentation, the narrow shape of the precinct, topography, proximity to residential and riparian areas and quality of road access. The Strategic Narrative suggests that the focus should be on the full use and servicing of existing industrial lands to ensure the timely and effective provision of infrastructure as these lands have the capacity to accommodate industrial development well above projected growth rates. Enhancing, consolidating and completing supporting infrastructure in the Milvale Road precinct is essential to maximising the area's potential and attracting further investment.

Contrary to these clear objectives to focus industrial development on zoned areas, *Hilltops 2040* identifies additional areas, such as the northern entrance to Young on Olympic Highway and Telegraph Road, as investigation areas as alternate locations for larger footprint light and commercial industries and logistic centres because of their easy access to the regional road network, whilst acknowledging there are issues with the interface with established residential development and performance of intersections with Murringo Road.

The Telegraph Road area is identified as Eastern Light Industrial Investigation – Precinct J in *Hilltops 2040* and is shown highlighted in red in Figure 4 below.

YOUNG TOWN MAP

Indicative Only



PRECINCTS

- A. Western Industrial
- B. Young Town Centre
- C. Northern Residential
- D. Northern Light Industrial (Investigation)
- E. Southern Residential
- F. Southern Education/Hospital
- G. Kingsvale Road Residential
- H. Southern and Eastern Rural Residential
- I. Eastern Large Lot Residential
- J. Eastern Light Industrial (Investigation)
- Education and Hospital Precinct

LEGEND

- Town Centre
- Business/Gateway
- Industrial
- Residential (>800m)
- Large Lot Residential (>1500m; with Town water)
- Rural Residential (No Servicing = >2ha)
- Biodiversity Corridors
- Open Space/Recreation
- Infrastructure
- Rail Line

- Main Road/Highway
- Other Road
- Walking/Cycling Corridor
- Potential Future Connection
- Buffer Zone Around Abattoir

CONCEPT PLAN AREAS

- 1. Young North
- 2. Young North East
- 3. Young North West

Figure 4 Location of Eastern Light Industrial Investigation – Precinct J

Source: *Hilltops 2040*

It is unclear how the Eastern Light Industrial Investigation Area has been identified and included in the LSPS given supporting studies, such as the *Hilltops Council Economic Growth and Land Use Strategy* (EGLUS), do not address Telegraph Road land uses nor recommend this are be included as an investigation area for industrial land uses. In fact, the EGLUS specifically states that there does not appear to be demand for additional zoned industrial land. It is noted that the EGLUS does make recommendations in relation to developer led proposals for developments addressing key economic drivers, however, these have not been adopted as part of *Hilltops 2040*. This is discussed in detail in Section 4.3.3 of this Planning Report.

Notwithstanding the uncertainty regarding the provenance of the Eastern Light Industrial Investigation Area in the LSPS, its inclusion appears contrary, in the absence of justification in the LSPS, to the overall land use and infrastructure strategic intent to focus industrial development in zoned areas.

The Town Narrative for Young also speaks to the distinctive rural character and amenity being a major attribute of the town and that sustaining them will be central to retaining local identify. The Planning Proposals asserts the expansion of the existing business at the subject site will enable the development to create a gateway to Young through built form. Given the scale of the proposal this could be considered antithesis to this rural character and amenity along an important approach route to the town.

Strategic objectives for Young, as they relate to the economy and employment include facilitating the growth of existing Young businesses on site or in town and increasing capacity to accommodate further light industrial and commercial development in Young through adequate servicing and land use controls. The relevant supporting priorities and actions to achieve the objectives are as follows:

Priorities

1. Review employment lands supply to cater for projected growth for a minimum of 10 years
3. Develop concept plan for provision of roads and services for greenfield industrial land in the east and west of Young to inform land owners and Council in future decision making

Actions

1. Develop concept plan for road and servicing layouts for employment lands for industrial use at Telegraph Road
2. Investigate appropriate uses and use of differing industrial zones within Young

These strategic objectives are clear in stating that in determining the suitability of the Eastern Light Industrial Investigation precinct for industrial use a comprehensive precinct wide planning process is required so as to adequately assess and manage the cumulative impacts of a range of issues, particularly traffic generation and intersection performance and impacts on nearby residents. This site specific Planning Proposal submitted by the proponent represents a site led approach to planning, rather than a strategic approach, and is pre-emptive of the place based approach that is necessary.

Furthermore, the infrastructure strategic objectives for Young require integrated land use and infrastructure plans, accompanied by sequencing and priorities and infrastructure contribution plans. The Planning Proposal is site specific within a broader investigation precinct. It is pre-emptive of this strategic work necessary for the entire investigation area relating to matters such as infrastructure provision, sequencing and funding and including the land use aspirations of other land owners within the investigation area.

The strategic objectives relating to open space and recreation recognise the importance of open space biodiversity corridors throughout Young. These are identified in light and dark green in Figure 4 above. The Planning Proposal is inconsistent with the open space strategic objectives as it proposes to remove the RE1 Public Recreation zone applying to the south of the site as well as the associated biodiversity, riparian and sensitive land provisions. Whilst the proponent contends there are no threatened species on site it this does not have specific regard to the potential importance of other species that may be present and the contribution they play in the broader landscape. Notwithstanding this, the removal of this zone and planning provisions in this location may disrupt the viability and integrity of the corridor for ecological and recreation values. This matter requires further strategic planning assessment to determine impacts.

Part 3 Strategic Policy

Hilltops 2040 Part 3 links the land use and strategic intent outlined in Part 1 with the key community themes liveability, strong communities, economic development, environment, strong and sustainable and governance and participation.

A key component of the Strategic Direction for economic development is planning for appropriately located land use and infrastructure to capitalise on economic drivers, being agriculture (and opportunities for diversification into agri-tourism and agri-research and development), health care and social services and retail. Mining is emerging as an economic driver as is alternate energy production (wind and solar). Freight and transport are important enablers to this economic activity providing access to regional, national and global markets.

In this regard, the strategic objectives largely relate to capitalising on agriculture by protecting productive lands and capturing value add opportunities. They also reference the need for suitable infrastructure and facilities to service existing towns to encourage economic and employment growth and assessing and managing the cumulative impacts of major development projects on the transport system through planning and coordination management, and contributions to infrastructure maintenance, upgrading and management.

Hilltops 2040 clearly states that “Council can also assist in identifying and planning opportunities along major freight routes while aiming to minimise land use conflicts by separating inappropriate or sensitive land uses along these corridors. Recognition of existing and surrounding uses is critical to delivering quality planning outcomes. This includes effective management of land use conflict and protection of sensitive land uses such as residential and waterways. Incompatible uses such as a light industrial use in a residential zone should not be permitted. An industrial use is rightfully located in an industrial zone away from sensitive land uses.”

The Strategic Directions for the environment focus on protecting, managing and enhancing natural systems and resources and ensuring the compatible colocation of uses.

One of the key priorities is to identify and map areas of natural biodiversity to inform future land use and infrastructure planning and management. The actions for this priority area include the development of a biodiversity framework as well as identify and enhance biodiversity corridors for species reintroduction. Removal of the biodiversity, riparian and sensitive lands provisions from part of the subject site, as sought in the Planning proposal, ahead of this important strategic work risks compromising the function of the Victoria Creek biodiversity corridor and diminishes the opportunities to improve the values and assist in mitigating the impacts of climate change.

Key actions of *Hilltops 2040* also include the review of planning controls for flood planning for new developments and to review benchmarks against best available data as well as identify gaps and/or limitations in flood hazard data and develop flood risk management plans to address identified gaps and/or limitations. The Planning Proposal contends that the subject site is not inundated by flood waters, however the flood advice provided by the proponent in

support of the Planning Proposal only relates to part of the subject site and considers a development concept plan different to that provided in the *Urban Design Report*. Also, it does not provide a holistic assessment of the system to provide an understanding of the cumulative impact of development if development throughout the Eastern Light Industrial Investigation Area is to occur. Council engineering staff have not assessed the flooding implications at this stage of the Planning Proposal.

4.3.3 Hilltops Council Economic Growth and Land Use Strategy (March 2019)

The *Hilltops Economic Growth and Land Use Strategy - Preliminary Findings Report* and *Hilltops Economic Growth and Land Use Strategy - Strategic Directions and Recommendations Report* (EGLUS), examine the current economic structure of the Hilltops local government area (LGA) and identify opportunities for expansions and diversification. The intent of the EGLUS is to inform the preparation of the Local Strategic Planning Statement, *Hilltops 2040*, in respect of facilitating economic development in Hilltops.

The EGLUS identifies the two largest value adding industries in the LGA, in terms of Gross Regional Product, as agriculture and mining (\$254 million and \$70 million respectively). Opportunities in these industries include mining extraction, value adding in agricultural industry (e.g. production and packaging of meat, production of wool products and production of wheat based goods), agricultural related tourism and agricultural and mining education. To grow these industries and therefore sustainably grow Hilltops' economy water, transportation, education and processing need to be addressed as priorities.

Based on analysis undertaken in the EGLUS and the anticipated modest population growth, demand for additional industrial zoned land is low, although it is noted that stakeholder consultation identified the availability of serviced land as a secondary constraint to economic growth. The EGLUS considers it premature for Council to predict what industrial land needs are likely to arise in the future, without the population generating demand to service this. This position is supported by the more detailed analysis of supply and capacity of, and demand for, employment lands undertaken by SGS Economics in their *Hilltops Employment Land Assessment Key Findings Report* (2019).

The EGLUS recommends that opportunities should be provided for development in these key industries by "promoting a flexible and responsive approach to considering development in these industries, particularly where innovation can be demonstrated" (ii, EGLUS).

The EGLUS recommends, in relation to the value adding growth industries and also in relation to assessing potential for additional industrial land, that Council allow the private sector to drive the delivery of appropriately zoned land. In this regard, it recommends Council should promote a flexible and responsive approach to considering development in these industries, particularly where innovation, a positive effect on the economic and employment prospects and planning merit can be demonstrated (Strategic Direction 4 and 7). Consideration of planning merit includes:

- impact on existing zoned industrial areas
- appropriateness of use for the area in which it is proposed to be located
- proposed site being the best suited to meeting the specific needs of the industrial development proposed
- key constraints
- potential amenity impacts on surrounding land
- servicing and sequencing program of services

Hilltops 2040 has not adopted this recommendation in relation to value adding growth industries. It provides, in Part 1 Placing Hilltops – Land Use and Infrastructure, Rural Landscapes the following strategic directions:

Objectives

3. Identify and enhance the economic supply chains for rural production activities across Hilltops to assist in their long term competitiveness and capacity to generate local employment
4. Identify potential locations and set standards for intensive agriculture and other potential 'value-add' activities such as food processing
5. Support the growth of ancillary and associated economic activities that utilise local produce and rural amenity, such as hospitality and tourism.

Priorities

2. Review land use planning controls and guidelines to support value-add economic development where supporting rural production and natural resource values.

This reinforces the overall strategic intent of the local strategic planning statement to ensure growth is focussed in growth areas and that these lands are utilised before additional ones are rezoned.

Nor does the local strategic planning statement adopt the EGLUS recommendation in relation to industrial land, providing instead in Part 2 Town Narratives Young:

Objectives

1. Accommodate uses that are difficult to integrate with less intense uses due to negative impacts from heavy traffic, noise, or odours
2. Provide separated location uses that may otherwise have an impact on more sensitive land uses and does not affect the safety and amenity of the community
3. Enhanced connectivity to freight and transport routes

Priorities

1. Prioritise the full use and servicing of available and planned industrial lands to cater for local demand in Young, Boorowa and Harden-Murrumburrah
2. Establish and review asset management plans to confirm capacity and ability to service all industrial allotments
3. Establish clear and effective edges to precincts where adjacent to residential activity to support industrial use.

Actions

1. Establish and maintain an employment lands monitoring program, including industrial lands supply and levels of servicing.
2. Investigate the potential of the Cunningham precinct to accommodate large scale regional and national logistics, food processing, warehousing and associated industrial uses, benefiting from direct access to Burley Griffin Way and the Sydney-Melbourne rail corridor.

As such, recommendations 4 and 7 of the EGLUS were not included in the local strategic planning statement, *Hilltops 2040*.

The EGLUS makes no mention of Telegraph Road, other than a reference to it being raised during stakeholder consultation, and makes no recommendations in relation to the area or recommend it as a potential investigation area for industrial development. *Hilltops 2040*, however, does include provisions relating to a light industrial investigation area in this location, the basis for which is not provided or documented as it is not supported by the EGLUS.

4.3.4 Other Economic and Employment Assessments

Subsequent to the preparation of the *Hilltops Economic Growth and Land Use Strategy* (EGLUS) Council commissioned the *Hilltops Employment Land Assessment Key Findings Report* (2019) which provides a detailed analysis of supply and capacity of, and demand for, employment lands throughout the Hilltops LGA. It found there to be sufficient supply in existing suitably zoned employment land to accommodate projected growth to 2036. It recommends Council prioritise the servicing of undeveloped lots in particular locations, rather than the new release or rezoning of additional land for employment uses, and to consider facilitating site amalgamations to provide land of suitable size and configurations to cater for larger footprint land uses. The Report makes no recommendations in relation to Telegraph Road.

Prior to the EGLUS and *Hilltops Employment Land Assessment Key Findings Report* was the *Young Industrial Lands Investigation* prepared for the former Young Council in 2011. This study investigated the context and prospects for the provision of industrial land in Young, following the 'deferred matters' from the Young Local Environmental Plan 2010. This study identified sufficient land supply to meet projected demand. It did, however indicate fragmented land ownership, challenging topography, presentation, potential land use conflicts (existing non industrial uses) and road access as issues potentially affecting the orderly development of the industrial area. In relation to Telegraph Road it acknowledged the existing use rights applying to some businesses in the vicinity, however it recommended that these businesses continue to operate under these existing use rights provisions, rather than building industrial uses around them in the absence of foreshadowed demand. This was a matter identified as a potential generational opportunity in 20-30 years' time.

4.3.5 Orders and Practice Notes

Standard Instrument (Local Environmental Plans) Order 2006

This is the legislation which prescribes the form and content of the principal local environmental plan and sets out 35 standard zones for councils to use when preparing new principal local environmental plans (LEPs) for their local government areas.

Councils are unable to add new land use zones, create subzones, or change the name of a standard zone. For each zone, the Standard Instrument sets out 'core' objectives for development, and mandated permitted or prohibited land uses.

LEP Practice Note Preparing LEPs Using the Standard Instrument: Standard Zones PN011-002

Practice Note PN011-002 provides an overview on the zones in the Standard Instrument (Local Environmental Plans) Order 2006. The Practice note provides an overview of the intended purpose of each zone.

Councils may select zones as appropriate to the needs of their local areas, taking into account any relevant State or regional planning guidance.

The Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument) sets out 35 standard zones for councils to use when preparing new principal local environmental plans (LEPs) for their local government areas.

For each zone, the Standard Instrument (SI) sets out 'core' objectives for development, and certain mandated permitted or prohibited land uses.

4.3.6 State Environmental Planning Policies

An assessment against the State Environmental Planning Policies (SEPPs) that are applicable to the Planning Proposal is included at Attachment A to this Planning Report. Consistency of the

Planning Proposal against a number of the SEPPs is unable to be determined at Planning Proposal stage and is more appropriately assessed at development application stage.

4.3.7 Section 9.1 Directions by the Minister

An assessment against the Directions of the Minister, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, that are applicable to the Planning Proposal is included at Attachment B to this Planning Report. The Planning Proposal is considered to be inconsistent with a number of these Directions, particularly:

- 1.2 Rural zones
- 1.5 Rural land
- 2.1 Environmental protection zones
- 3.1 Residential zones
- 3.2 Caravan parks and manufactured home estates
- 5.1 Implementation of Regional Strategies
- 6.2 Rezoning land for public purposes

Planning proposals may (under some Directions) be inconsistent with the Directions if Council can satisfy the Director-General of the Department of Planning, Industry and Environment (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are justified by a strategy or study, or in accordance with the relevant Regional Plan. The proponent has not satisfactorily addressed the inconsistencies with the relevant Directions citing only that they are justified on the basis that the industrial use currently exists in the location, the subject site is included in a local strategy and the site is suitable for the use.

4.3.8 Young Local Environmental Plan 2010

The Young Local Environmental Plan 2010 (YLEP 2010) is based on the Standard Instrument Local Environmental Plan (LEP). The land use zones applying to the subject site under YLEP 2010 include RU4 Primary Production Small Lots, R1 General Residential and RE1 Public Recreation. Additional local provisions, under the LEP, apply to parts of the subject site and include:

- erection of dwelling housings on land in certain residential, rural and environment protection zone - minimum lot size in RU4 zone
- Land - Sensitive Land Areas
- Water – Riparian Corridor
- Biodiversity – Area of High Biodiversity

These land use zones are depicted in Figure 5 below and the objectives and permissible land uses are detailed in the land use tables thereafter.



Figure 5 Land Use Zones under YLEP 2010 applying to the subject site

Source: Planning Proposal

Land Use Tables

RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations

3 Permitted with consent

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Mooring pens; Moorings; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Residential care facilities; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Signage; Veterinary hospitals; Water recreation structures; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Exhibition villages; Group homes; Home businesses; Home industries; Hostels; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

- To maintain areas of high conservation value vegetation.

2 Permitted without consent

Nil

3 Permitted with consent

Advertising structures; Aquaculture; Camping grounds; Car parks; Caravan parks; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Heliports; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Each of these land use zones serve a very different purpose and range from the provision of standard residential housing to rural production to protection of the natural environment for public recreation purposes. Consistent across the land use zones is that industrial development in any form is prohibited. It is noted, and as discussed in Section 3 of this Planning Report, existing use rights have been confirmed for part of the site and substantial expansion to the steel fabrication business has taken place.

The additional local provisions that apply to the subject site are intended to protect the land from inappropriate development by virtue of the topography of the land and soil conditions and the contribution to biodiversity and riparian values and coincide with the RE1 Public Recreation zone.

4.3.9 Draft Hilltops LEP

The draft Hilltops LEP, as exhibited, proposed the subject site be zoned RU4 Rural Production Small Lots and R1 General Residential. It showed the removal of the RE1 Public Recreation zone across the rear of the subject site and replacement with the RU4 Rural Production Small Lot zone.

Hilltops Council received submissions from the Department of Planning, Industry and Environment's Biodiversity Conservation Division and Flooding Division during the public exhibition period of the Draft Hilltops LEP. These submissions outlined that the rezoning of the RE1 zone along Victoria Creek was inconsistent with Ministerial Direction 4.3 Flooding due to the creek line being within the flood planning area. Therefore, the Victoria Creek line and RE1 Zone are not able to be rezoned from Recreational to Residential. Therefore, the RE1 Zone along Victoria Creek has been reinstated as a part of the Post Exhibition Hilltops LEP.

The draft Hilltops LEP was informed by *Hilltops 2040*, the local strategic planning statement for the local government area. Refer to Section 4.3.2 of this Planning Report for the assessment of the Planning Proposal against this strategy.

5 Planning Considerations – Strategic Merit Test

5.1 Introduction - Strategic Merit Test

The Strategic Merit Test is a test applied by Regional Planning Panels in their assessment of rezoning reviews. The provisions were strengthened in mid 2016 and identified in Planning Circular PS18-012 which the Planning Panels are required to consider (as identified in the *Regional and District Planning Panel Operational Procedures*).

The Strategic Merit Test, which also includes consideration of site specific matters where strategic merit is demonstrated, has been used for many years by Regional Planning Panels in assessing rezoning reviews and the Test was reviewed and strengthened in 2016 on the basis that there was a need for a greater focus on strategic consistency and inadequate weight being given to the currency of strategic planning applying to a site. The Strategic Merit Test is identified in Planning Circular PS18-012 which the Planning Panels are required to consider (as identified in the *Regional and District Planning Panel Operational Procedures*).

Whilst the Strategic Merit Test is not a statutory requirement, and was initially created for use by Regional Planning Panels as detailed above, it has been included in the document *Planning Proposals A guide to preparing planning proposals* (2018). This is a guideline for proponents in preparing Planning Proposals and requires a proponent to provide strategic justification for their Planning Proposal. The Planning Proposal needs to demonstrate how it gives effect to the relevant regional and local strategic planning framework in force.

The Strategic Merit Test is a universally accepted set of criteria used by proponents, assessing officers, the Department of Planning, Industry and Environment and Regional Planning Panels within NSW to assess the qualities of a Planning Proposal.

The Strategic Merit Test consists of two parts including a set of criteria to test the strategic and site specific merits of a proposal. Only where the strategic merit is demonstrated can a site specific merit test follow.

This section of the Planning Report will provide an assessment of the Planning Proposal against the Strategic Merit Test.

5.2 Strategic Merit Test

The key factor in determining whether a Planning proposal should proceed to a Gateway determination is its strategic merit. Planning Proposals need to be:

- consistent with the relevant regional plan; or
- consistent with a relevant local strategy that has been endorsed by the Department; or
- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

These criteria are each addressed below.

A Planning Proposal that seeks to amend a plan that is less than five years old will only be considered where it meets the Strategic Merit Test. Whilst the Planning Proposal seeks to amend Young Local Environmental Plan (YLEP) 2010 it should be noted that Hilltops Local Environmental Plan (LEP) has recently been adopted by Council and is to be forwarded to the Minister for Planning to make the plan. The draft Hilltops LEP adopts the current provisions of YLEP 2010 in respect of the subject site (land use zones and additional local provisions) and as

such, the Planning Proposal should ultimately be considered a request to amend draft Hilltops LEP.

Consistency with the relevant regional plan

The proponent states the Planning Proposal is consistent with both the relevant regional plan and local strategy and this is detailed in Section 2.3 of this Planning Report.

As discussed in Section 4.2 the relevant regional plan for Hilltops local government area is the *South East and Tablelands Regional Plan 2036* (Regional Plan). The Regional Plan provides the framework and establishes the priorities for each council to achieve desired outcomes on the ground by informing preparation of more detailed local strategies and land use plans.

In relation to economic development in Hilltops local government area, the fundamental principle espoused by the Regional Plan is the need for rural production values to be protected and associated supply chains enhanced with potential for value add through manufacturing, food processing and tourism. Given the broad nature of policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location nor quantum of industrial zoned land. As such, the Planning Proposal is not considered to be inconsistent with the economic strategies of the Regional Plan, however, neither does it give effect to them.

In relation to protection of environmental assets and biodiversity corridors the Planning Proposal is considered to be inconsistent with the Regional Plan. A key goal of the Regional Plan is a diverse environment interconnected by biodiversity corridors. The goal is supported by several strategic directions and actions to ensure such corridors are identified, protected and enhanced.

The Planning Proposal seeks to remove the local planning provisions of the Young Local Environment Plan (YLEP) 2010 relating to biodiversity and riparian values as well as sensitive land classification. Whilst the proponent provides a biodiversity assessment (2021, EI Australia – Kingfisher, *Biodiversity Development Assessment Report*) in support of the Planning Proposal, the assessment simply assesses the potential for threatened species on site and does not consider the landscape-scale biodiversity nor the role the site plays in the broader landscape scale biodiversity and riparian corridor associated with Victoria Creek.

In conclusion, it is determined that the Planning Proposal is not considered to be inconsistent with the economic strategies of the Regional Plan, however, neither does it give effect to them and is inconsistent with the Regional Plan in terms of protection of environmental assets and biodiversity corridors as it intends to remove the local provisions of YLEP 2010 applying to the subject site as they relate to riparian and biodiversity values and sensitive land.

Consistency with a relevant local strategy

The *Hilltops Community Strategic Plan 2030* identifies the main priorities and aspirations for the future of the Hilltops community. The Planning Proposal is largely not inconsistent with the principles of this plan in relation to liveability, economics, infrastructure and governance, however it is inconsistent with the principle of ‘nurturing our environment’ and the related objective to maintain the environmental integrity of the region by protecting and enhancing the natural environment. As with the assessment against the Regional Plan, this is because of the intent to remove the local provisions of the Young LEP 2010 as they relate to riparian and biodiversity values and sensitive land and the adverse impact this may pose on the viability and integrity of the Victoria Creek biodiversity and riparian corridor.

The local strategic planning statement (LSPS), *Hilltops 2040*, is the mechanism giving local context and application for the policy directions of the Regional Plan. It has been informed by a range of background studies/assessments such as economic, rural, residential and freight

strategies. It should be noted that not all recommendations of these studies/assessments are necessarily included in the LSPS.

The overall strategic intent of the local strategic planning statement, as detailed in Part 1 of *Hilltops 2040*, Land Use and Infrastructure Principle and Direction 6, is to ensure growth is focussed in growth areas and that these lands are utilised before additional ones are rezoned. This is further reinforced in the objectives, priorities and actions relating to Town/Urban Landscapes environment – Industrial which states that the intention is for industrial areas to be located and managed to support a range of business uses, supported by enhanced connectivity to freight and transport routes, without impacting on more sensitive areas, by prioritising the full use and servicing of available and planned industrial lands to cater for local demand.

The Planning Proposal to rezone the subject site for industrial uses is contrary to these objectives, priorities and actions relating to industrial land in town/urban landscape environments as it proposes additional industrial zoned land outside of the existing and planned estates.

The strategic directions for economic development under Part 3 Strategic Policy of *Hilltops 2040* relate primarily to the key economic drivers for Hilltops and set the policy framework to capitalise on agriculture by protecting productive lands and capturing value add opportunities. They also reference the need for suitable infrastructure and facilities to service existing towns to encourage economic and employment growth.

As such, the Planning Proposal is considered to be inconsistent with Parts 1 and 3 of *Hilltops 2040*.

Part 2 Town Narratives of *Hilltops 2040*, as it relates to industrial land in Young, identifies existing industrial activity occurring at the western end of Telegraph Road and suggests additional areas, such as Telegraph Road, are to be further investigated as alternate locations for larger footprint light and commercial industries and logistic centres that can benefit from easy access to the regional road network. (p96 *Hilltops 2040*, 2020). This is supported by the Strategic Objectives and Action relating to Young, which state:

Objectives

1. Facilitate the growth of existing Young businesses on site or in town
3. Increase capacity to accommodate further light industrial and commercial industry development in Young through adequate servicing and land use controls.

Actions

1. Develop concept plans for road and servicing layouts completed for employment lands for industrial use at Eastern edge of Young adjacent and proximate to Telegraph Road.

This policy is at odds with the overall strategic intent of *Hilltops 2040*, as outlined in Part 1, which advocates the full use and servicing of available and planned industrial lands. The provenance of this policy is unclear as the LSPS provides no justification for its inclusion and the *Hilltops Economic Growth Land Use Strategy*, whose intent is to inform the LSPS, provides no discussion nor recommendations in relation to Telegraph Road.

As such, the appropriateness of inclusion of this policy in the LSPS is questioned as no strategic analysis or justification has been provided. In turn, if this is not a valid policy position then the consistency of the Planning Proposal with the local strategy, being *Hilltops 2040* is questionable.

Notwithstanding the above commentary, if the unsubstantiated policy direction for Telegraph Road is accepted as a valid inclusion in the LSPS, the Planning Proposal could be considered to be consistent with the local strategy, as it is located in an identified light industrial investigation area. However, the supporting priority and action items require further strategic planning work to be undertaken, as detailed below:

Priorities

1. Review employment lands supply to cater for projected growth for a minimum of 10 years
3. Develop concept plan for provision of roads and services for greenfield industrial land in the east and west of Young to inform land owners and Council in future decision making

Actions

1. Develop concept plan for road and servicing layouts for employment lands for industrial use at Telegraph Road
2. Investigate appropriate uses and use of differing industrial zones within Young

As such, the Planning Proposal is considered to be inconsistent with Part 2 of *Hilltops 2040* as it is premature and pre-empts comprehensive local strategic planning work, particularly as it relates to the supply and capacity of existing employment lands and the required detailed place based planning for the entire precinct, which would, among other matters consider the cumulative impact of potential development. Consideration of the site in isolation would compromise the intended outcomes for the area.

Furthermore, *Hilltops 2040* provides strategic direction in relation to the environment, specifically to identify, protect and enhance conservation values by reviewing conservation lands and corridors; natural resources and biodiversity values data; and riparian corridor mapping and data to assist in future planning and management decisions. The Planning Proposal seeks to remove local planning provisions of the Young Local Environment Plan 2010 from the subject site as they relate to biodiversity and riparian values and sensitive land associated with Victoria Creek. Whilst the proponent provides a biodiversity assessment (2021, EI Australia – Kingfisher, *Biodiversity Development Assessment Report*) in support of the Planning Proposal, the assessment simply assesses the potential for threatened species on site and does not consider the landscape-scale biodiversity nor the role the site may play in the broader landscape scale biodiversity and riparian corridor associated with Victoria Creek.

In this regard, the Planning Proposal is considered to be inconsistent with the LSPS and does not satisfactorily demonstrate strategic merit as it is premature and pre-empts comprehensive local strategic conservation planning work. In addition, the Planning Proposal does not consider the role the subject site plays in the broader landscape and to remove these local provisions ahead of the strategic conservation work would be pre-emptive and potentially compromise conservation outcomes for Young.

In conclusion, it is considered that the Planning Proposal is premature and pre-emptive of the necessary comprehensive local strategic planning work, particularly as it relates to:

- the supply and capacity of existing employment lands
- landscape based conservation values
- required detailed place based planning for the entire precinct, which would, among other matters consider the cumulative impact of potential development and infrastructure needs/upgrades and funding arrangements.

Consideration of the site in isolation of this strategic planning may compromise the intended outcomes for the area. As such, the Planning Proposal does not satisfactorily demonstrate strategic merit.

Responding to a change in circumstances

The Planning Proposal does not respond to a change in circumstances. As such, this criterion does not apply and has not been assessed.

5.3 Site Specific Merit Test

As detailed in Section 4.2 of this Planning Report the Planning Proposal is not considered to satisfactorily demonstrate strategic merit and under the provisions of the Strategic Merit Test should not proceed. Notwithstanding this, and in the interests of providing a comprehensive review of the Planning Proposal, this section will provide an assessment of its site specific merits.

In determining if a Planning Proposal has site specific merit the following criteria are taken into account:

- the natural environment (including known significant environmental values, resources or hazards)
- the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

These criteria are addressed below.

The natural environment

The key considerations in terms of assessing site suitability in relation to the natural environment are flora and fauna, heritage, contamination, flooding, geotechnical conditions.

In relation to flora and fauna part of the subject site is currently zoned RE1 Public Recreation with additional local provisions relating to biodiversity and riparian values and sensitive lands. These provisions are coincident with Victoria Creek and the associated gully. The proponent contends that because vegetation has been significantly modified due to previous clearing practices that the subject site is not expected to significantly contribute to loss of threatened ecological communities or threatened species nor impact thereon (2021, EI Australia – Kingfisher, *Biodiversity Development Assessment Report*). Furthermore, it claims that because the development will, where applicable and possible:

- use locally native species selected from PCT 277 species list in the landscaping to provide greater foraging and nesting habitat for native species
- introduce weed management practices
- include sediment and erosion control during construction
- relocate habitat features to areas of retained vegetation
- collect native seeds from removed vegetation
- provide two nest boxes for microbats on site
- introduce bushland hygiene protocols followed to prevent introduction of pathogens

that it will deliver greater biodiversity gain outcomes and increase habitat connectivity of the surrounding landscape.

Biodiversity

Whilst these initiatives may have merit the biodiversity assessment does not adequately consider the role this land plays in the broader landscape and specifically in the functionality

and integrity of a biodiversity corridor associated with Victoria Creek and opportunities for rehabilitation to enhance this corridor.

The assessment does not satisfactorily consider the role the site plays in the broader landscape and as such its position in a wildlife corridor within the Victoria Creek corridor.

It is considered that the Planning Proposal does not adequately address the natural environment in relation to biodiversity and therefore does not demonstrate site specific merit in this matter.

If a decision is made to proceed to Gateway Determination it is suggested that a comprehensive biodiversity assessment, across the precinct, is prepared by a suitably qualified independent environmental consultant.

Heritage

Clause 5.10 of Young Local Environmental Plan (YLEP) 2010 sets down objectives in respect to the conservation of environmental heritage, particularly for the protection of heritage items and heritage conservation areas; development affecting places or sites of known or potential Aboriginal heritage significance; development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance; development in the vicinity of a heritage item; provision of conservation incentives; and development in heritage conservation areas.

The Planning Proposal is supported by a cultural heritage assessment (OzArk, 2021, *Aboriginal Due Diligence & Historic Heritage Assessment Report*) which states the subject site does not contain an item of environmental heritage, is not located within a heritage conservation area, does not include an aboriginal site. The site is however within the vicinity of the Young Showground which contains a number of buildings which are items of heritage significance under YLEP 2010. The proponent contends that given the physical disconnect between the sites the proposed development is unlikely to have a detrimental impact in terms of historic, scientific, social or aesthetic significance on the showground site.

The cultural heritage assessment appears to be sound, having included liaison with Young Aboriginal Land Council and a search of the Aboriginal Heritage Information Management System. However, a peer review has not been requested by a suitably qualified heritage consultant at this stage given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that this assessment should be peer reviewed by a suitably qualified heritage consultant, and referred to Council's Heritage Advisor if required.

Contamination

The Planning Proposal is supported by a Detailed Site Assessment (2021, EI Australia, *Detailed Site Investigation*), which concludes that whilst some contaminants were evident on site they are below adopted human health assessment criteria relevant for industrial development.

A peer review by a suitably qualified independent environmental consultant has not been requested given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that this assessment should be peer reviewed by a suitably qualified independent environmental consultant, and also assessed by Council environmental staff.

Geotechnical assessment

This matter was unable to be assessed as the Planning Proposal was not accompanied by a geotechnical assessment. This is an important element, particularly given the local provisions – land sensitivity applying to part of the subject site.

Additional information on this matter has not been requested given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that this assessment should be peer reviewed by a suitably qualified independent geotechnical/environmental consultant, and also assessed by Council engineering staff.

Flooding

Clause 6.6 of YLEP 2010 applies to land that is at or below the flood planning level, which means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The Planning Proposal is accompanied by flooding advice (2021, Cardno, *Flooding Advice for 2, 10-12 and 20 Telegraph Road*). Whilst this advice states the site has not been mapped as being below the flood planning level it should be noted that the advice does not relate to the entirety of the subject site and does not include 4-8 Telegraph Road, being the Lots 11 and 12 DP113027. This part of the site is subject to the additional local controls relating to riparian corridors and also the land where noise attenuation walls are to be located (refer to section on noise below). It is important that this land is included in any flood assessment to be able to fully assess the potential impact of the proposed development on the hydrology of flood waters. Also, the flood advice references *2015 Young Floodplain Risk Management Study and Plan* however given the clouding on plans in the vicinity of Telegraph Road it is not clear if this study applies to the subject site.

Furthermore, the development concept used to inform the flood advice differs to that provided in the urban design assessment (see below for assessment of urban design). The development concept included in the flood advice assumes the steep bank on Lots 1171 and 1154 DP 754611 will not be filled. The flood advice states that the presence of this steep bank indicates Victoria Gully extends into these lots, and presumably accommodates flood waters. The concept plan provided in the *Urban Design Report* shows this steep land being developed. This is shown in Figures 6 and 7 below.

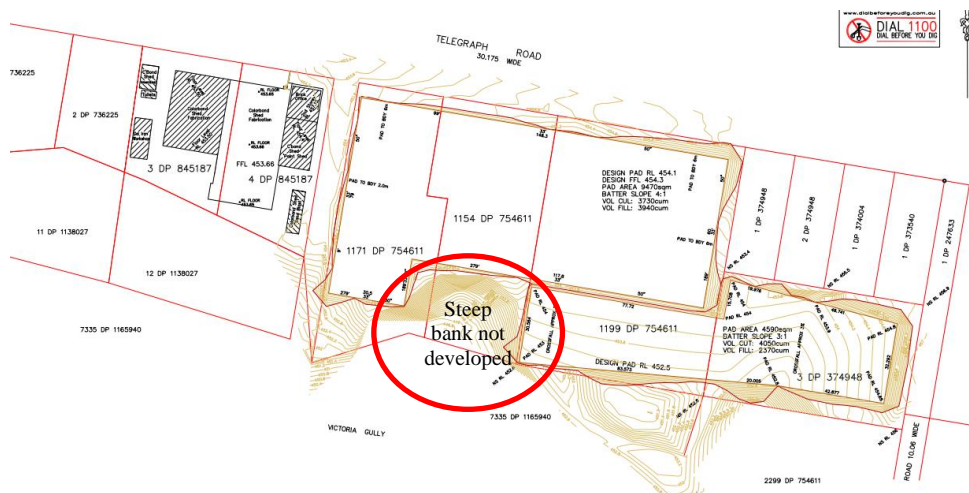


Figure 6 Flood Advice Development Concept Source: *Flood Advice*, Cardno, 2021

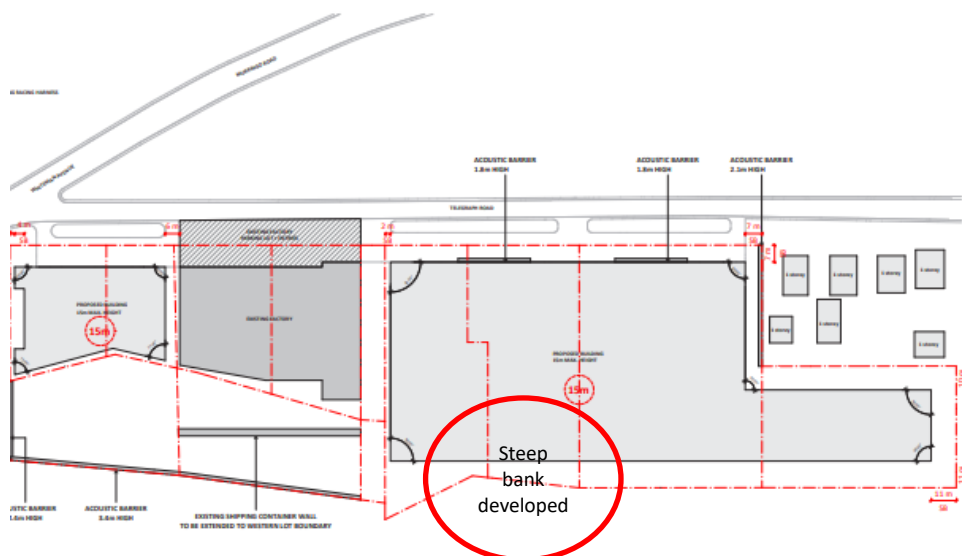


Figure 7 Urban Design Development Concept Source: *Urban Design Report, PTW, 2021*

A request for clarification of the issues and additional information has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that the flood advice should be amended to apply to the entirety of the subject site and that it is peer reviewed by a suitably qualified hydrology engineering consultant, and also assessed by Council engineering staff.

The existing uses and likely future uses of land in the vicinity

The key considerations in terms of assessing site suitability in relation to potential impact on existing uses and likely future uses of land in the vicinity relate to visual and noise impacts on character and amenity.

Visual Impact

The proponent contends that the desired future character of the area is no longer residential or semi rural and that instead the existing and emerging character is industrial. The proponent does not provide any further information to support this claim. It is presumed the claim is made because of the presence of industrial activity on part of the subject site, being Apollo Fabrication, and the rural industry conducted by Amboss stockfeed at 90 Telegraph Road, approximately one kilometre distant from the site. Land uses in between these two industries are residential or semi rural and as such, it is not agreed that the character of the Telegraph Road precinct is industrial. The predominant land use surrounding the site is rural residential style development and public open space. It instead could be argued that the character is semi rural bookended with industrial style developments with industrial and the strategic objectives relating to semi rural environments in the local strategic planning statement, *Hilltops 2040*, are appropriate. These state that any future development within semi rural environments needs to be planned and managed to protect rural production values as well nature conservation values (including enhancement of waterways) and the amenity and quality of life of residents. It goes on to state that it is critical that a strategic analysis of the role and function of semi rural lands is undertaken prior to any land within these environments being rezoned for other purposes. As such, the Planning Proposal does not demonstrate site specific merit in relation to desired future character as it is pre-emptive of broader strategic planning work that is required to determine the role and function of semi rural land.

The Planning Proposal includes a site analysis and constraints and opportunities analysis. The following provides a summary of the opportunities presented by the proponent's development concept as well as independent planning commentary against each element. Whilst these matters are generally matters considered at the development application stage, their potential to impact on the locality is worth considering at the Planning Proposal stage.

- car parking – the car parking is proposed on site along the entire frontage forward of the building line and on street. The configuration of the parking requires nose in parking from the street in both circumstances which provides very limited opportunities to screen the built form with landscaping from the street, and may not be a preferred parking arrangement due to potential traffic impacts.
- landscaping and streetscape improvements – it is purported that these improvements will screen the development from adjoining properties and the arterial road. It is noted that the development concept and landscaping principles do not propose landscape treatment to the rear of the site which may be visible from the rural residential development across Victoria Creek to the south. The screening intent of the proposed landscape treatment is unlikely to be able to be implemented given the car parking configuration, the minimal built form setbacks from boundaries and the colocation with required acoustic barriers. The landscaping shown in the reference design images submitted in support of the Planning Proposal do not reflect these landscaping principles with minimal planting shown. Notwithstanding this, given the bulk and scale of industrial buildings landscape treatment is likely to be inadequate in screening the development. The *Urban Design Report* does not adequately address how the proposed landscaping measures would address visual impact.
- proposed setbacks and heights for built form – The development concept shows building setbacks to adjacent residential development of two to four metres to the west and seven to ten metres to the east with a building height of up to 15 metres. This is likely to be insufficient to provide the visual landscape screening proposed and may negatively impact on the amenity of the existing residential properties.
- architectural treatment to the façade of the buildings – This is proposed so that the built form can emphasise the gateway entry to the town of Young. This is a contradictory objective to the objective to screen the development from adjoining properties and the arterial road. The conflicting objectives needs to be resolved.
- architectural treatment to the corners of buildings facing residential properties to the east and west to create visual interest – it is assumed this is proposed to reduce the visual impact of the building on adjoining properties by requiring articulation of the built form. Further consideration may be required to address the bulk and scale of the building, the large expanse of long, blank walls, within close proximity of the property boundary and the impact this may have on those residences.
- acoustic barriers – acoustic barriers are proposed on the boundary with residential properties and are proposed up to 2.4 metres in height. The visual impact of the location of the proposed acoustic barriers has not been addressed.

A request for clarification of the issues and additional information has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that the visual impact on the character and amenity of the locality of the Planning Proposal should be undertaken by a suitably qualified consultant.

Noise Impact

The Planning Proposal is accompanied by a noise impact assessment (2021, Day Design, *Environmental Noise Impact Report*) which has been peer reviewed (engaged by the proponent) (2021, Renzo Tonin & Associates, *Environmental Noise Impact Report – Peer Review*). It is based on a conceptual development layout for the subject site and concludes that sustainable development can be undertaken in a way that minimises noise impacts on neighbours. This would involve construction of acoustic barriers at selected points, including along property boundaries (see Figure 8 below), acoustic performance of building construction materials, restriction on operation procedures, locations and hours as well as restrictions on heavy vehicle movements at certain times in certain locations.

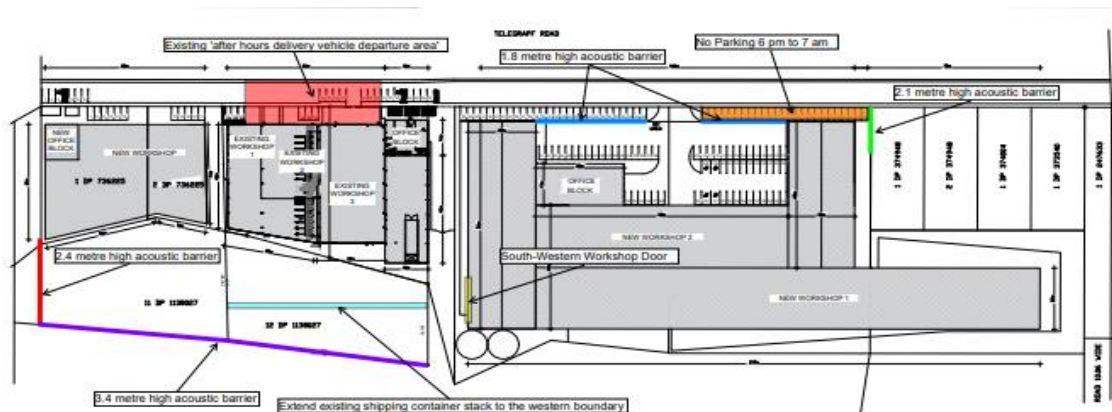


Figure 8 Location of proposed acoustic barriers

Source: Noise Impact Assessment Day Design 2021

A request for clarification of the issues and additional information has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that the noise impact assessment be peer reviewed by a suitably qualified consultant.

The services and infrastructure that are or will be available and any proposed financial arrangements for infrastructure provision

Stormwater

The Planning Proposal is accompanied by flooding advice (2021, Cardno, *Flooding Advice for 2, 10-12 and 20 Telegraph Road*) which also provides advice for on site detention of stormwater. It concludes that 220m³ per hectare is required to limit post development peak runoff to no greater than pre development peak runoff in the 100 year ARI, assuming 20 per cent impervious surfaces across the subject site. The concept plan accompanying the Planning Proposal does not indicate where the on site detention can be accommodated on site.

A request for clarification of the issues and additional information has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that the *Flooding Advice* in relation to stormwater management be peer reviewed by a suitably qualified consultant and Council engineering staff.

Servicing

The Planning Proposal is accompanied by technical advice on the feasibility of servicing the subject site (2021, Cardno, *Technical Memorandum Utility Servicing feasibility memorandum*) and is informed using Dial Before You Dig (DBYD) information.

Water and sewer infrastructure does not show on DBYD. The proponent contends that Council advised they will undertake a review of the impact of the development on these services, which it is understood has not been undertaken by Council staff at this stage.

Detail design for new electrical infrastructure has been prepared by the proponent. This has not been approved by Essential Energy and it is not clear whether it meets the capacity requirements of the proposed development nor meets Essential Energy's requirements. The *Technical Memorandum* provides no assessment nor commentary on the electrical design.

The *Technical Memorandum* states that it is unknown if gas is available to the subject site and that it can be provided if needed. Telecommunications are available to the site. An upgrade to the network may be required depending on the requirements of the development. There is no discussion on the funding arrangements if such works are required but it would be expected that they are entirely developer funded.

A request for clarification of these issues and additional information has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that an assessment of the capacity of utility infrastructure be undertaken by a suitably qualified consultant and funding arrangements confirmed in consultation with Council staff.

Movement networks, traffic and parking

The Planning Proposal is supported by a traffic assessment (2021, Spotto Consulting, *Traffic Impact Assessment*).

The Traffic Impact Assessment concluded:

- An additional 744 vehicles trips per day, with 122 of these in the AM and PM peaks periods, will be generated which will have a significant impact on road network performance (including intersections)
- Parking provision (as demonstrated in the accompanying concept plan) does not meet requirements of the Young Development Control Plan. It is asserted, however, this is acceptable and that the proposed provision meets demand
- The intersection at Telegraph Road/Murringo Road/Whiteman Avenue be upgraded to incorporate a left hand turn into Telegraph Road from Murringo Road and a right hand turn from Whiteman Avenue into Telegraph Road
- Vehicles heading west along Murringo Road, towards Young, access the subject site from the eastern intersection of Telegraph Road and Murringo Road.

The traffic assessment does not specifically analyse the performance of the eastern intersection of Telegraph Road with Murringo Road.

Under the provisions of Young Development Control Plan the proposed development would come under the category of industrial development. The DCP requires parking to be provided at the rate of one space per 100m² of gross leasable floor area or one space per two staff. Whilst previous development consents have allowed a reduction in the parking allocation, based on the number of employees, as well as a parking configuration that allows for nose in parking on Telegraph Road, this proposal shows potential for a significant intensification in operations across the subject site and traffic conflict. This would be the opportunity to formalise the parking arrangements and ensure they are fully compliant with relevant controls. As such, on street and nose in parking in Telegraph Road is considered to be inappropriate and all parking should be included on site and at required rates.

Allowing on street parking and nose in parking from the street represents a potential conflict with traffic movements in Telegraph Road, particularly if other sites in the precinct are developed for industrial purposes.

The traffic assessment does not address active travel and the ability, especially for employees, to walk or cycle to work. A shared path exists along Whiteman Avenue to the entrance of the showground.

A request for clarification of the issues and additional information has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that the traffic assessment be updated by a suitably qualified consultant to address these issues in consultation with Council staff.

Planning Agreement

If the Planning Proposal proceeds the developer should enter into a planning agreement to provide infrastructure upgrades (intersection), off site landscape embellishments, biodiversity and riparian corridor upgrades.

A request for a letter of offer to enter into a Voluntary Planning Agreement under section 93F of the *Environmental Planning and Assessment Act 1979* from the proponent has not been made given the Planning Proposal has not satisfactorily demonstrated strategic merit. If a decision is made to proceed to Gateway Determination it is suggested that a VPA be entered into with the proponent for all necessary infrastructure works, including intersection upgrades, extension of shared path to the site and on and off site landscape embellishments to enhance the biodiversity and riparian corridor.

5.4 Merit Criteria Conclusion

The Planning Proposal does not satisfactorily demonstrate strategic merit. It is premature and pre-emptive of the necessary comprehensive local strategic planning work that is required, particularly as it relates to:

- the supply and capacity of existing employment lands
- landscape based conservation values
- detailed place based planning for the entire precinct, which would, among other matters consider the cumulative impact of potential development and infrastructure needs/upgrades and funding arrangements.

Consideration of the site in isolation of this strategic planning is likely to compromise the intended outcomes for the area.

6 Recommendations

This section of the Planning Report provides recommendations in relation to the Planning Proposal.

Recommendation 1: Council not proceed as the Planning Proposal does not satisfactorily demonstrate strategic merit

It is recommended that Hilltops Council not proceed with the Planning Proposal as it does not satisfactorily demonstrate Strategic Merit. It is considered premature and pre-emptive of the necessary comprehensive local strategic planning work that is required, particularly as it relates to:

- the supply and capacity of existing employment lands
- landscape based conservation values
- detailed place based planning for the entire precinct, which would, among other matters consider the cumulative impact of potential development and infrastructure needs/upgrades and funding arrangements.

Consideration of the site in isolation of this strategic planning is likely to compromise the currently proposed intended outcomes for the area.

Recommendation 2: Council undertake a precinct based planning approach of the Eastern Light Industrial Investigation Area to determine if development of the precinct for industrial uses demonstrates strategic merit

Hilltops Council consider undertaking a place based planning approach to the entire Eastern Light Industrial Investigation Area to determine if development for the purposes of industrial development demonstrates strategic merit. Considerations should include a thorough analysis and assessment of the following matters, consistent with the strategic directions of the local strategic planning statement, *Hilltops 2040*:

- the supply and capacity of existing employment lands
- landscape based conservation values
- detailed place based planning for the entire precinct, which would, among other matters consider the cumulative impact of potential development and infrastructure needs/upgrades and funding arrangements, sequencing for the entire investigation precinct, and the land-use aspirations of other land owners within the investigation precinct

Recommendation 3: In the event that Hilltops Council does not adopt Recommendation 1 or 2 and resolves to proceed with the Planning Proposal to Gateway Determination the following matters should be resolved:

- the impact on the viability and integrity of existing employment lands
- impact on natural environment including landscape based conservation protection and enhancement and visual impact assessment on surrounding land uses
- detailed place based planning for the entire precinct, which would consider the cumulative impact of development and infrastructure needs/upgrades, sequencing and funding for the entire investigation precinct, including the land-use aspirations of other land owners within the investigation precinct
- request for additional information/peer review of heritage, contamination, noise impact, flooding, traffic, parking, movement network, stormwater and utility provision
- funding arrangements
- consistency with relevant State Environmental Planning Policies and Ministerial Directions

7 References

- Salvestro Planning 2021 *Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW*
- Day Design 2021 *Environmental Noise Assessment*
- Renzo Town & Associates 2021 *Planning Proposal - Rezoning Application for Telegraph Road, Young, NSW - Peer Review of Day Design's Environmental Noise Impact Report*
- Spotto Consulting 2021 *Traffic Impact Assessment*
- PTW 2021 *Urban Design Report*
- Kingfisher Urban Ecology/Wetlands 2020 *Biodiversity Development Assessment Report*
- eiaustralia 2021 *Detailed Site Investigation*
- Cardno 2021 *Flooding Advice for 10-12 and 20 Telegraph Road, Young*
- Cardno 2021 *Technical Memorandum Utility Servicing feasibility memorandum*
- Delta Star Design 2021 *Electrical Design*
- Hilltops Council 2020 *Hilltops 2040 Local Strategic Planning Statement (LSPS) 2020-2040*
- NSW Government 2020 *Sydney District and Regional Planning Panels operating procedures*
- NSW Planning and Environment 2017 *South East and Tablelands Regional Plan 2036*
- PSA Consulting Australia for Hilltops Council 2019 *Hilltops Freight and Transport Study*
- PSA Consulting Australia for Hilltops Council 2019 *Hilltops Council Economic Growth and Land Use Strategy Preliminary Findings Report*
- PSA Consulting Australia for Hilltops Council 2019 *Hilltops Council Economic Growth and Land Use Strategy Strategic Directions and Recommendations Report*
- SGS Economics & Planning for Hilltops Council 2019 *Hilltops Employment Lands Assessment – Background Report and Key Findings Report*
- Elton Consulting for Hilltops Council 2019 *Hilltops Rural and Residential Study*
- Hilltops Council 2018 *Hilltops Community Strategic Plan 2030*
- Hilltops Council 2019 *Officer Assessment Report*
- NSW Department of Planning and Environment 2018 *Planning Proposals A guide to preparing planning proposals*
- NSW Department of Planning and Environment 2018 *Local Environmental Plans A guide to preparing local environmental plans*
- NSW Department of Planning and Environment 2018 *Planning Circular PS18-012 Delegation of plan making decisions*
- NSW Department of Planning and Environment 2018 *Planning Circular PS18-013 Independent reviews of plan making decisions*
- Adw Johnson for Young Shire Council 2011 *Young Industrial Lands Investigation*
- Location IQ 2021 *Economic Forecast Analysis*

8 Appendices

8.1 Appendix 1 Assessment of consistency of the Planning Proposal against State Environmental Planning Policies

(Section 4.3.5 of the Planning Report)

No.	State Environmental Planning Policy	AQP Assessment of Consistency	Proponent Assessment of Consistency
21	Caravan Parks	Consistent - The planning proposal does not involve the construction of a caravan park	Not addressed
33	Hazardous and Offensive Development	Consistency to be determined at DA stage	Not addressed
36	Manufactured Home Estates	Consistent. The planning proposal is not for manufactured home estates	Not addressed
	Koala Habitat Protection 2021	Consistency to be determined at DA stage, however Council to consider role and function of biodiversity corridors. Refer to Sections 4.2, 4.3.2, 5.2 and 5.3 of this Planning Report for commentary on biodiversity values. Before a council may grant consent to an application for consent to carry out development on land to which the SEPP applies, it must satisfy itself whether or not the land is a potential koala habitat. If it is potential koala habitat, a council must satisfy itself whether or not the land is core koala habitat. The SEPP also outlines requirements for the preparation of plans of management.	No comment provided
50	Canal Estates	Consistent. The planning proposal does not involve canal estates	Not addressed

No.	State Environmental Planning Policy	AQP Assessment of Consistency	Proponent Assessment of Consistency
55	Remediation of Land	To be determined. A detailed site investigation has been undertaken by the proponent which claims the site is suitable for accommodating expanded industrial activities and that areas identified as potential contamination sources can be readily remediated to an acceptable level of risk. Refer Section 5.3 of the Planning Report for a commentary on contamination.	Consistent. Claims the planning proposal addresses relevant provisions of this SEPP. A detailed site investigation (DSI) of the site has been undertaken. The DSI concludes that the site is suitable for accommodating expanded industrial activities and that areas identified as potential contamination sources can be readily remediated to an acceptable level of risk.
64	Advertising and Signage	Consistent. The planning proposal does not involve advertising or signage. This would be subject to a future DA.	Not addressed
	SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. The planning proposal does not involve housing specifically for seniors or people with a disability.	Not addressed
	SEPP (Building Sustainability Index BASIX) 2004	Consistent. The planning proposal does not involve housing design.	Not addressed
	SEPP (Mining Petroleum Production and Extractive Industries) 2007	Consistent. The planning proposal does not involve mining petroleum production or extractive industries.	Not addressed
	SEPP (Infrastructure)	Consistent. The planning proposal does not involve the development of infrastructure. This would be subject to a future DA. Refer Section 5.3 of the Planning Report for a commentary on infrastructure availability.	Consistent. There are no provisions in this planning proposal that would conflict with the provisions of the SEPP. The subject land is identified as containing, or within proximity to, essential infrastructure. Applicable requirements under respective clauses of this

No.	State Environmental Planning Policy	AQP Assessment of Consistency	Proponent Assessment of Consistency
			SEPP are to be addressed prior to development.
	SEPP (Exempt and Complying Development) 2008	Consistent. The planning proposal does not involve exempt and complying development.	Not addressed
	SEPP (Affordable Rental Housing) 2009	Consistent. The planning proposal does not involve affordable rental housing.	Not addressed
	SEPP (Vegetation in Non-Rural Areas) 2017	To be determined. The SEPP does not impose any requirements for planning proposals and would be considered at future DA stage.	Consistent. The planning proposal does not contain any provisions that would conflict with the intent of this SEPP. An ecological constraints analysis has been prepared for the purposes of this proposal that has considered any potential impact on biodiversity values.

8.2 Appendix 2 Assessment of consistency of the Planning Proposal against Ministerial Directions

(section 4.3.6 of Planning Report)

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
1.1	Business and Industrial Zones	<p>Consistent.</p> <p>A planning proposal must ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment. The subject site is identified in the local strategic planning statement, <i>Hilltops 2040</i>, however the strategic basis for its inclusion is unknown. Refer to Section 4.3.2 of this Planning Report for a commentary of the planning proposal against the relevant local strategy.</p>	<p>Consistent.</p> <p>The planning proposal:</p> <ul style="list-style-type: none"> • Encourages employment growth in a suitable location • Does not detrimentally affect existing employment land in other business and industrial zones as the proposal relates to an existing industrial business and premises. The proposal also retains existing business and industrial zones across the LGA • Continues to support the viability of existing business and industrial centres in the LGA • Expands on total potential floor space for employment uses • Is in accordance with approved regional and local strategies.
1.2	Rural Zones	<p>Inconsistent.</p> <p>A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The local strategic planning statement, <i>Hilltops 2040</i>, states that in relation to rural landscapes and semi rural environments it is critical that a strategic analysis of the role and function of these lands is undertaken prior to any land within these environments</p>	<p>Inconsistent.</p> <p>The planning proposal will affect an existing rural zone (RU4 – Primary Production Small Lots) by rezoning it to industrial. The inconsistency is justified on the following basis:</p> <ul style="list-style-type: none"> • The proposal has given consideration to the objectives of this direction in light of the existing use of the land

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
		being rezoned for other purposes. The planning proposal is not consistent with this objective as it proposes to rezone a rural zone to industrial. Refer Section 4.3.2 of the Planning Report for a commentary on rural zones and environments availability.	for industrial purposes, particularly steel manufacturing; <ul style="list-style-type: none"> The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation; Additional supporting specialist reports identify the land as suitable for further industrial expansion and have given consideration to the objectives of this direction; The proposal is consistent with the applicable Regional Strategy; and Based on the circumstances and scale of the proposal, is of minor significance.
1.3	Mining, Petroleum Production and Extractive Industries	Consistent (subject to zone(s) selection should planning proposal proceed) A planning proposal shall 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 addressed

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
1.5	Rural Lands	<p>Inconsistent.</p> <p>A planning proposal is to be:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use</p>	<p>Consistent.</p> <p>The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> • Being consistent with applicable regional and state strategic plans including the Hilltops LSPS • Considering the potential impact of the proposal on primary production, environmental values, physical attributes and other related land uses • Having consideration to the social, economic and environmental interests of the community, as discuss in relevant accompanying specialist reports to this proposal.

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
		<p>conflict, particularly between residential land uses and other rural land uses</p> <p>The local strategic planning statement, <i>Hilltops 2040</i>, states that in relation to rural landscapes and semi rural environments it is critical that a strategic analysis of the role and function of these lands is undertaken prior to any land within these environments being rezoned for other purposes. In addition, <i>Hilltops 2040</i> provides strategic directions in relation to environmental values. The planning proposal is not consistent with these strategic directions. Refer Section 4.2, 4.3.1 and 4.3.2 of the Planning Report for a commentary on rural zones and environments availability.</p>	
2.1	Environmental Protection Zones	<p>Inconsistent.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not, where land is within an environment protection zone or land otherwise identified for environment protection purposes in a LEP, reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</p> <p>The planning proposal seeks to remove the additional local provisions of the LEP that relate to sensitive land and biodiversity and riparian corridors.</p>	<p>Consistent.</p> <p>The proposal satisfies the objectives of this direction by ensuring that areas identified for protection or conservation are excluded from development and/or appropriate mitigation measures introduced to facilitate protection and conservation. The proposal is also consistent with proposals under the draft Hilltops LEP that will provide further clarification of boundaries to identified areas of natural resource sensitivity.</p>

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
2.3	Heritage Conservation	To be determined. A cultural heritage assessment has been undertaken by the proponent which claims no items of heritage significance or aboriginal significance. Refer Section 5.3 of the Planning Report for a commentary on heritage.	Not addressed
2.4	Recreation vehicle areas	Consistent. The planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.	Consistent. The proposal satisfies the objectives of this direction by maintaining existing relevant planning provisions.
3.1	Residential Zones	Inconsistent. This direction applies if a planning proposal will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary). The planning proposal seeks to rezone residential zone to an industrial zone.	Not inconsistent. The proposal is not inconsistent with this direction as it: <ul style="list-style-type: none"> • Does not propose any significant change to existing residential provisions that apply to the land • Is proposing development and potential rezoning of the land in accordance with relevant state and local strategic directions • Is justified when also taking into consideration the conclusions and recommendations of supporting speciality report in relation to the proposal • When considering the existing industrial development over part of this land and related strategic merit, is of minor significance.

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
3.2	Caravan Parks and Manufactured Home Estates	Inconsistent. The direction states that the permissibility of caravan parks and manufactured home estates should not be removed from land. These uses are currently permissible in the RE1 zone applying to part of the subject site but would not be permissible if the land is rezoned for industrial uses.	Consistent. The proposal is consistent with this direction as existing relevant planning provisions will be maintained.
3.4	Integrating Land Use and Transport	Generally Consistent. This direction applies where a planning proposal will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. Although the site is adjacent to an existing town which has an existing road network connecting to highways, a rail and bus service the proposal has not addressed objectives in relation to: (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight, given car parking arrangements and lack of intersection performance assessment for the intersection of Telegraph and Murringo Roads.	Consistent. The proposal satisfies the objectives of this direction by: <ul style="list-style-type: none"> • Improving access to employment and business activities through upgraded transport facilities • Ensuring efficient movement of freight utilising location attributes and connectivity to existing arterial road networks • Taking to consideration the conclusions and recommendations from the accompanying traffic and parking study relating this proposal.

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
		Refer to Section 5.3 of this Planning Report for commentary on the movement network, traffic and parking.	
4.1	Acid Sulphate Soils	Consistent. The land is not mapped as having a probability of containing acid sulphate.	Not addressed
4.3	Flood Prone Land	To be determined. Flood advice has been submitted by the proponent which claims the site is not flood prone. It is noted that the advice does not relate to the entirety of the subject site and assumes a different development concept to that provided in other background studies. Refer Section 5.3 of the Planning Report for a commentary on flooding.	Not addressed
5.1	Implementation of Regional Strategies	Inconsistent. The proposal is inconsistent with the environment protection strategies of the <i>South East and Tablelands Regional Plan 2036</i> . Refer to Section 4.2 of the Planning Report for a commentary on the Regional Plan.	Consistent. The proposal satisfies the objectives of this direction by demonstrating consistency with the overall vision, land use strategy and relevant goals, directions and actions contained in the Regional Plan (<i>South East and Tablelands Regional Plan 2036</i>).
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal will not result in development that requires additional concurrence or referral requirements.	Consistent. The proposal is consistent as it does not introduce any unnecessary provisions to the development assessment process.

No.	Name of Direction	AQP Assessment of Consistency	Proponent Assessment of Consistency
6.2	Reserving Land for Public Purposes	Inconsistent. The direction states that a planning proposal can't rezone land that has been reserved for a public purpose. Part of the subject site is currently zoned RE1 Public Recreation. The draft Hilltops LEP proposes to retain this zone (noting that the RE1 zone was accidentally omitted from the exhibited version). The planning proposal seeks to rezone it to an industrial zone.	Consistent. The RE1 zone is proposed to be removed in the draft Hilltops LEP.
6.3	Site Specific Provisions	Consistent	Consistent.