



# Hilltops Council Planning Proposal Assessment Report

<b>Proponent</b>		Mr Caleb Jackson on behalf of: Apollo Fabrication Group Pty Ltd	
<b>Owner</b>		Jackson Property Assets Pty Ltd, Jackson SMSF Pty Ltd and The State of NSW (Crown Land)	
<b>Application Number</b>		PP-2023-1336	
<b>Description of Land subject of planning proposal</b>		2-20 Telegraph Road, Young	
		<b>Address</b>	<b>Legal Description</b>
		2 Telegraph Road	Lot 1 DP736225
		2 Telegraph Road	Lot 11 DP1138027
		4 Telegraph Road	Lot 2 DP736225
		10 Telegraph Road	Lot 3 DP845187
		10 Telegraph Road	Lot 12 DP1138027
		12 Telegraph Road	Lot 4 DP845187
		14 Telegraph Road	Crown Road
		20 Telegraph Road	Lot 1171 DP754611
		20 Telegraph Road	Lot 1154 DP754611
		20 Telegraph Road	Lot 1199 DP754611
		20 Telegraph Road	Lot 3 DP374948
<b>Site Area</b>		Approximately 35 hectares (35,169m <sup>2</sup> )	
<b>Existing Use</b>		Part existing steel fabrication business part vacant land	
<b>Provisions</b>	<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Outcome</b>
Land Use Zoning	R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation	E4 General Industrial.	Not Supported.  Council Recommendation: E3 Productivity Support
Minimum Lot Size	R1 - 700m <sup>2</sup> RU4 – 2ha	No MLS	Supported
Terrestrial Biodiversity	Part Lots	Council Recommendation Amendment of Layer	Supported
Riparian Corridor	Part Lots	Council Recommendation Amendment of Layer	Supported

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## 1. Proposal Summary

The Proponent, Apollo Fabrication Group (Apollo) own and operate a steel manufacturing premises located on Telegraph Road, Young, NSW. Apollo's submission of a Planning Proposal to Hilltops Council to consider an amendment of planning controls relating to Telegraph Road land holdings, currently owned and controlled by the Apollo Fabrication Group, that will enable the use of the land for industrial purposes, specifically steel fabrication.

The purpose of the Proponent's expansion into adjoining sites is to improve on-site manufacturing and product handling, incorporate greater use of emerging technologies and ensure future operations remain sustainable including the adequate mitigation of any impacts within the boundaries of their land.

Planning Proposal has been prepared by Salvestro Planning (dated 20 December 2023) and is supported by a number of specialist reports covering specific key issues of noise, traffic, socio-economic, ecology, biodiversity, cultural heritage, infrastructure, site health and urban design.

## 2. Recommendation

The Planning Proposal be amended to include the following provisions:

- Amend the Land Use Zone Map from R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation to E3 Productivity Support.
  - Note that minor parts of 20 Telegraph Road (part of Lot 1171 DP754611 and Lot 1154 DP754611) are to remain RE1 Public Recreation due to being Flood Prone Land and not consistent with Ministerial Direction 4.1- Flooding.
- Amend the Lot Size map that applies to the land by removing all minimum lot size provisions
- Revise the Terrestrial Biodiversity mapping layer that applies across parts of the subject land
- Revise the Riparian Corridor mapping layer that applies across parts of the subject land.

### 3. The Site

The subject site is known as 2-20 Telegraph Road, Young, and is approximately 2.5 kilometres east of Young Central Business District.

Part of the subject site, being Lots 3 and 4 DP845187, have 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. Remaining part of the site is currently vacant land.

Land uses surrounding the subject site include:

- To the 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 – RE2 Public Recreation – vegetated open space, Young Showground and harness racing track;

The legal property description is detailed in Table 1 below with associated aerial images.

**Table 1 Property Description, Land Use and Site Area**

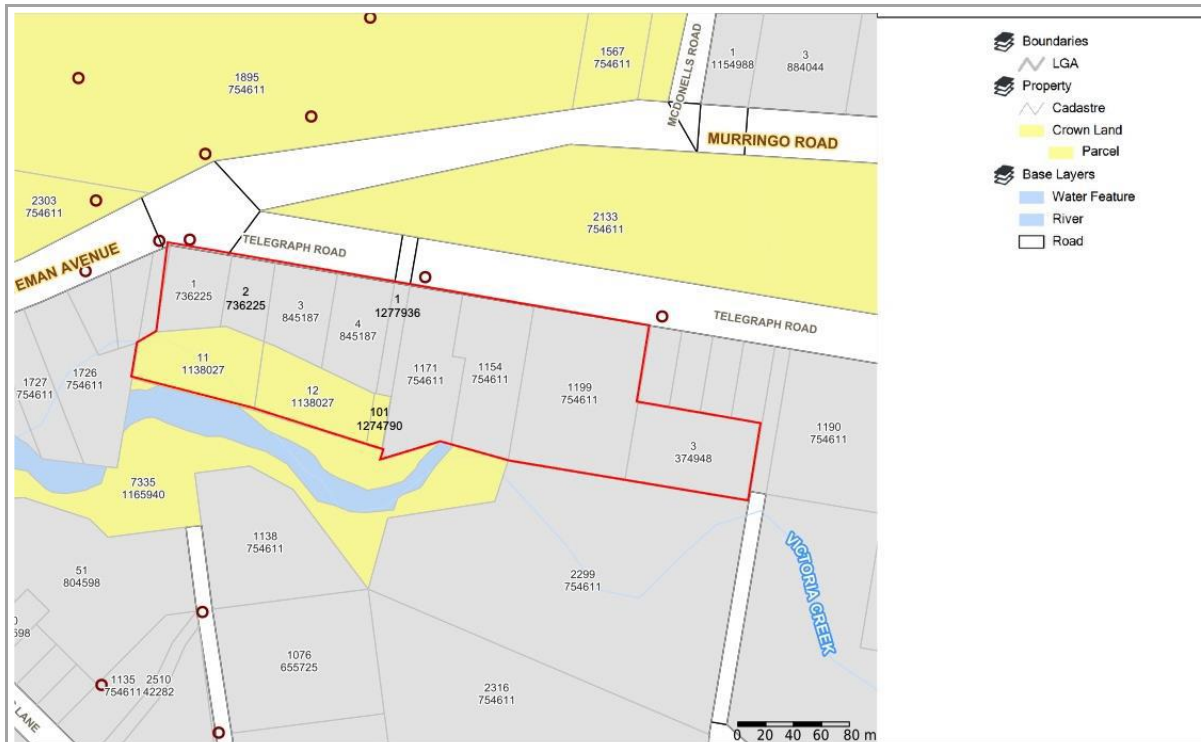
Address	Legal Description	Area m <sup>2</sup>	Current Zoning	Mapping Layer
2 Telegraph Road	Lot 1 DP736225	2,037	R1	Minimum lot area
2 Telegraph Road	Lot 11 DP1138027	3,239	RE1	Riparian and Biodiversity Corridor; Sensitive Land
4 Telegraph Road	Lot 2 DP736225	1,372	R1	Minimum lot area
10 Telegraph Road	Lot 3 DP845187	2,260	R1	Minimum lot area
10 Telegraph Road	Lot 12 DP1138027	2,927	RE1	Riparian and Biodiversity Corridor; Sensitive Land
12 Telegraph Road	Lot 4 DP845187	2,481	R1	Minimum lot area
14 Telegraph Road	Crown Road	1,101	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1171 DP754611	4,064	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1154 DP754611	4,049	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1199 DP754611	7,590	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 3 DP374948	4,049	RU4	Minimum lot area
Total Site Area		Approximately 35 hectares (35,169m <sup>2</sup> )		



**Figure 1 Subject Site – Aerial Imagery of subject site** Source: Planning Proposal



**Figure 2 Subject Site – 2-20 Telegraph Road, Young** Source: Planning Proposal



**Figure 3** Subject Site – 2-20 Telegraph Road, Young      Source: Planning Proposal



## 4. Background

The Planning Proposal for 2-20 Telegraph Road, Young was lodged on the NSW Planning Portal on 30 June 2023 and Council accepted payment on 24 July 2023.

The Proposal seeks to amend the land zoning control and minimum lot sizes of the site in the Local Environmental Plan as follows:

- *Amend the Land Zoning Map that applies to the land by changing the zoning from R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation to E4 General Industrial.*
- *Amend the Lot Size map that applies to the land by removing all minimum lot size provisions.*

The objective and outcomes of the Planning Proposal are:

*To amend the Hilltops Local Environmental Plan 2022 (the LEP) provisions applicable to the site to allow the use of the subject land for industrial purposes, specifically steel manufacturing and associated/ancillary activities.*

- *To permit industrial uses, specifically steel manufacturing and associated ancillary activities, on the site.*
- *Contribute to economic development and employment generation in Young township and surrounding Hilltop Council area.*
- *Facilitate the improvement to local infrastructure, streetscape and environmental management of the public domain.*

The subject site is identified in the Hilltops Local Environmental 2022 and is zoned a mixture of R1 General Residential, RE1 Public Recreation and RU4 Primary Production Small Lots with a Minimum Lot Size standard of 700m<sup>2</sup> to 2 hectares.

On 21 August 2023, Council requested further information and justification to the following areas of the Planning Proposal:

- Funding for Public Infrastructure and draft Planning Agreement.
- Clarify the explanation of the provisions for the use of the E4 General Industrial Zone in comparison to land uses and objectives of the E3 Productivity Support Zone.
- Riparian Corridor and Terrestrial Biodiversity Mapping and controls to remain across the proposal area.
- Crown Land Ownership and lease details for Lot 11 DP1138027, Lot 12 DP1138027 and Lot 101 DP1274790 and any previous correspondence with Crown Lands on Planning Proposal.
- Further details relating to the above matters addressing the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.

On 20 December 2023, the updated Planning Proposal and Requested information, justification, and the VPA offer uploaded by the Proponent to the Planning Portal.

On 27 March 2024, the Council met with the Proponent to discuss the provided information for the Planning Proposal and the VPA offer. On 8 April 2024, Council received in principle agreement to explore a works in kind arrangement from the Proponent. On 1 May 2024, Council received a draft VPA with a works in kind provision. Negotiation over the following

month refined the draft VPA and on 5 June 2024 an in principal agreement on the draft VPA was agreed to by Apollo and final letter of offer provided to Council on 17 June 2024. The Proponent's Letter of Offer and Draft VPA that the Council will consider being placed on public exhibition can be found in Attachment 2.

Council has reviewed the submitted Planning Proposal against the LEP Making Guidelines, Section 9.1 Directions, State Environmental Planning Policies, South East and Tablelands Regional Plan 2036, and Hilltops Local Strategic Planning Statement 2040. Council will also take into consideration the Proposal's site-specific merit, and also studies and documentation included in the Proposal. The result of the assessment will be outlined in this Report.



## 5. The Proposal

The purpose of this site-specific Planning Proposal for 2-20 Telegraph Road, Young is to amend the Hilltops Local Environmental Plan 2022, under the provisions of Section 3.33 of the Environmental Planning & Assessment Act 1979, which will enable Apollo Fabrication Group (Apollo) the owner to expand their industrial business.

The Proponent's Planning Proposal, prepared by Salvestro Planning (dated 20 December 2023), aims to amend the *Hilltops Local Environmental Plan 2022* provisions to allow the use of the land for industrial purposes, specifically steel manufacturing and associated/ancillary activities.

The Proponent's Proposal seeks to amend the land zoning control and minimum lot sizes of the site in the Local Environmental Plan as follows:

- Amend the Land Zoning Map that applies to the land by changing the zoning from R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation to E4 General Industrial.
- Amend the Lot Size Map that applies to the land by removing all minimum lot size provisions.

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 Hilltops Local Environmental Plan 2022 (HLEP). Additional local provisions apply under the Hilltops LEP relating to Minimum Lot Size, Terrestrial 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.

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.

**Table 2 Property Description, Land Use and Site Area**

Address	Legal Description	Area m <sup>2</sup>	Current Zoning	Mapping Layer
2 Telegraph Road	Lot 1 DP736225	2,037	R1	Minimum lot area
2 Telegraph Road	Lot 11 DP1138027	3,239	RE1	Riparian and Biodiversity Corridor; Sensitive Land
4 Telegraph Road	Lot 2 DP736225	1,372	R1	Minimum lot area
10 Telegraph Road	Lot 3 DP845187	2,260	R1	Minimum lot area
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14 Telegraph Road	Crown Road	1,101	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1171 DP754611	4,064	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land

20 Telegraph Road	Lot 1154 DP754611	4,049	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 1199 DP754611	7,590	RU4 RE1	Minimum lot area; Riparian and Biodiversity Corridor; Sensitive Land
20 Telegraph Road	Lot 3 DP374948	4,049	RU4	Minimum lot area
Total Site Area		35,169		

The Proponent notes the following about the subject and surrounding land submitted with their Planning Proposal:

*The surrounding land uses are a mix of residential dwellings, large lot residential and other undeveloped semi-rural land. Large lot residential land uses extend to the east and south of the subject land. Other undeveloped open space land exists opposite Telegraph Road to the north, which is used for horse agistment. The Young Showground and Harness Racing Track are located to the northwest and there are additional rural industrial activities operating along the eastern part of Telegraph Road, in particular Riverina (Australia) Pty Ltd. (Page 2)*

The intent of the Planning Proposal is to provide the information and justification required to undertake LEP amendment.

The Proponents Planning Proposal is supported by the following plans and documentation that can be found in attachments to the Planning Proposal outlined below in Table 2. They cover specifically key issues of noise, traffic, socio-economic, ecology, biodiversity, cultural heritage, infrastructure, site health and urban design.

**Table 2: Plans and Support Documentation**

Ref	Title	Rev	Date	Prepared By
1	Site Photos - - Various			
2	Urban Design Report	A	8/4/21	PTW
3	Environmental Noise Impact Report	A	27/4/21	Day Design
4	Environmental Noise Impact Report - Peer Review Final		27/4/21	Renzo Tonin & Associates
5	Traffic Impact Assessment	B	19/3/21	Spotto Consulting
6	Biodiversity Development Assessment Report	Final	3/12/20	EI Australia - Kingfisher
7	Detailed Site Investigation	0	26/3/21	EI Australia
8	Aboriginal Due Diligence & Historic Heritage Assessment Report	V3.0	19/3/21	OzArk
9	Flooding & Infrastructure Services Report Flooding Advice (including attachments)	Final	29/03/21	Cardno

	Utility Servicing Feasibility Memorandum Attachment: Certified Electrical Design	0 B	13/04/21 18/05/20	(Delta Star Designs)
10	Economic Forecast Analysis	Final	Mar2021	Location IQ
11	Telegraph Road, Young – Response to Council Question (Employment Land Impact)		18/11/21	Location IQ
12	Natural Environment Assessment - Victoria Creek		25/11/21	EI Australia - Kingfisher
13	Crown Lands Correspondence Letter (Ref: 23/04742)		30/11/23	DPE NSW

The Proponent also has provided a Letter of Offer and draft Voluntary Planning Agreement to address infrastructure requirements associated with and industrial zoning which can be found in Attachment 3.

## 6. Internal and External consultation

Council has undertaken internal consultation relating to Environment, Flooding and Drainage, Traffic and Transport, required Infrastructure in associated with the negotiation for a draft Voluntary Planning Agreement.

The Proponent has consulted with Crown Land who request further consultation as a part of the Gateway Determination process. For external consultation, Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. Council recommends the below agencies be consulted with including:

- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Environment Protection Authority (EPA)
- Crown Lands

## 7. Strategic Merit Assessment

Council generally supports and agrees with the detailed strategic justification provided in the Planning Proposal. Further commentary is provided below.

The planning proposal is considered to have strategic planning merit for the following reasons:

Does the proposal:

- **Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy;**

### Proponent

The proposal will give effect to relevant directions and actions of the South East and Tablelands Regional Plan 2036, particularly in the areas of a connected and prosperous economy, healthy communities and protecting biodiversity corridors. The supporting specialist reports underpin this strategic response. Further discussion is included in section 4.2.1 of the Planning Proposal report.

### Council Assessment

Generally consistent.

Given the broad nature of the policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location or amount of industrial zoned land across the South East and Tablelands Region. A proposal for future industrial development would enable more local jobs, employment opportunities and training within Young with an expanded in association with a future development of the land for and industrial use in association with the existing business.

In Response to Direction 11: Enhance strategic transport links to support economic growth, provision of associated infrastructure for industrial rezoning through intersection upgrade and associated works outlined in the Letter of Offer and draft Voluntary Planning Agreement found in Attachment 3.

In Response to Direction 14: Protect important environmental assets, Council's assessment, as noted above in Ministerial Direction 4.1 Flooding, there are minor parts of the land impacted by flooding. See assessment for further details and recommendation for part of lot to remain RE1 Public Recreation. Additionally, to further support and protect biodiversity corridors, Council's Assessment and recommendation is to include an amendment to the Terrestrial Biodiversity mapping layer and Riparian Corridor mapping layer that applies across parts of the subject land.

- **Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or**

### Proponent

The proposal will give effect to the current Hilltops LSPS that has been endorsed by the Department, particularly in the areas of economic growth and building stronger communities. As demonstrated in supporting specialist reports, the proposal will also facilitate responsible

environmental management and protection. Specific LSPS content is discussed and addressed in section 4.2.2 of the Planning Proposal report.

### Council Assessment

Generally consistent with Councils Assessment Amendment Recommendation.

The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation. As the Hilltops LSPS notes – Telegraph Road precinct has been identified as Eastern Light Industrial Area (Investigation) and noted to consider light industrial uses rather than more amenity impacting industrial uses:

*“The Telegraph Road precinct benefits from its ready access to the regional road network and proximity to the town centre. **However, its proximity to established residential development and intersections with Murringo Road will need to be addressed if further economic development is to occur.**” Page 95*

*Additional areas such as the northern entrance to Young on Olympic Highway and 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. Page 96*

*Increase capacity to accommodate further light industrial and commercial industry development in Young through adequate servicing and land use controls. Page 107*

Council’s Assessment concludes that E4 General Industrial zone proposed by the Proponent is a less desirable zone due to permissibility of the land use ‘heavy industry’ which includes ‘hazardous industry, or ‘offensive industry’ and due to potential amenity impact on the surrounding land uses and natural environment context of the proposal land.

Therefore, with both the E3 and E4 Zones providing permissibility, and concern of potential for more amenity impacting uses being permissible through the E4 Zone, Council recommends that the Planning Proposal be amended so that the proposed Land Use zone be E3 Productivity Support.

Given the context of the proposal, surrounding residential and semi-rural land uses and natural environment being Victoria Creek, heavy industries which would be permissible through the E4 zone is not suitable and would satisfy site-specific merit assessment.

Council has made it clear through requests for information and discussions with the Proponent that infrastructure associated with a potential rezoning is to be addressed as a part of the Planning Proposal. This was clear in the Hilltops 2040 LSPS as a key area to be addressed. Therefore a Voluntary Planning Agreement between Council and the Proponent was required.

Negotiation between the Proponent and Council refined the draft VPA and on 5 June 2024 an in principal agreement on the draft VPA was agreed to by Apollo and final letter of offer provided to Council on 17 June 2024. The Proponent’s Letter of Offer and Draft VPA that the Council will consider being placed on public exhibition can be found in Attachment 2.

• **Respond to a change in circumstances that has not been recognised by the existing planning framework.**

**Proponent**

The proposal is responding to changing circumstances in the growth and expansion of the existing Apollo premises. This includes changes in demographic profiles through additional employment and population growth because of business expansion and attraction of skilled trades and resources. The LSPS has recognised that the Eastern Light Industrial Area requires investigation to accommodate emerging changes in land use activity along the Telegraph Road precinct and wider Young township area.

**Council Assessment**

As noted by the Proponent, the Hilltops LSPS has recognised that the Eastern Light Industrial Area requires investigation to accommodate emerging changes in land use activity along the Telegraph Road precinct and wider Young township area.

The Proponent has submitted rationale and justification for the change to address key matters identified in the Hilltops LSPS for any potential industrial activity on Telegraph Road. Specifically, infrastructure requirements, addressing amenity impacts on surrounding uses and management of the adjacent natural environment of Victoria Creek.



## 8. Site Specific Merit

The planning proposal is considered to have strategic planning merit for the following reasons:

- **the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)**

### Proponent

The existing premises is located outside of existing riparian corridors and other sensitive land, as confirmed by accompanying ecologist reports. The proposal will avoid any detrimental impact on the natural environment and will create opportunity to embellish, maintain and enhance the natural environment, landscape and streetscape of the immediate area.

### Council Assessment

Inconsistent but satisfied with Council Amendment Recommendations.

Council recommends amendment of the Terrestrial Biodiversity Layer in line with Proponent's consultant's ground truthing so that the Riparian Corridor Layer is amended to follow Victoria Creek buffer as per the Proponent's Natural Environment Assessment and the Planning Proposal be updated accordingly.

Additionally, although minor, Council notes inconsistency with Ministerial Directions 3.1 Conservation Zones and 4.1 Flooding and recommends retaining the RE1 Public Recreation Zone where identified as Flood Prone Land to satisfy the Ministerial Direction.

See Section 8 Council Assessment of this Report for further detail and justification.

- **existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates**

### Proponent

Apollo acquired an existing industrial premises on the subject land, together with other vacant adjoining land. Council has continually approved extensions to the premises including a recent DA for a new administration and workshop area designed in context of future proposals for expanding the business in this location. The resultant approvals issued by Council have assisted Apollo to further grow their business, employ additional staff and improve onsite operations and facilities for the benefit of employees and the surrounding neighbourhood. There has been little change to land use activities on adjoining/adjacent rural and residential land. Consideration has been made to ensure the residential amenity of existing dwellings in the locality are maintained and embellished where possible.

### Council Assessment

Generally consistent. Satisfied with Council Assessment Recommendation for land use Zone E3 Productivity Support rather than Proponents proposal for E4 General Industry.

The Proponent has provided justification for expanding industrial activities in this precinct, including specialist reports on noise, traffic, infrastructure and the environment. The Proponent notes that mitigation measures proposed will effectively address amenity impact issues with established residential development and road network.

Responding and addressing the context of the Proposal, seeking to minimise any potential amenity impacts from more amenity impacting permissible uses is a central assessment consideration. Council's Assessment concludes that E4 General Industrial zone proposed by the Proponent is a less desirable zone due to permissibility of the land use 'heavy industry' which includes 'hazardous industry, or 'offensive industry' and due to potential amenity impact on the surrounding land uses and natural environment context of the proposal land.

Therefore, with both the E3 and E4 Zones providing permissibility, and concern of potential for more amenity impacting uses being permissible through the E4 Zone, Council recommends that the Planning Proposal be amended so that the proposed Land Use zone be E3 Productivity Support.

Given the context of the proposal, surrounding residential and semi-rural land uses and natural environment being Victoria Creek, heavy industries which would be permissible through the E4 zone is not suitable and would satisfy site-specific merit assessment.

See 8.1 Land Use Zoning and Lot Size Amendment of this Report for more detail and rationale.

**• 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.**

**Proponent**

The proposal has demonstrated that there are adequate services and infrastructure to serve the needs of the proposal (see accompanying speciality reports). The proponent has put forward potential VPA items and/or opportunity for Council to prepare a site-specific contributions plan to address any potential demands for infrastructure to serve the proposal and local area.

**Council Assessment**

Satisfied.

As a part of the Proponent's supporting study - Infrastructure & Flooding Assessment (Cardno) Investigations and assessment of essential public infrastructure -concludes that the subject site is adequately serviced by existing water, sewer, electricity and telecommunications networks that will also have capacity to the needs generated by the proposal.

Any future development application would be required to consider and address onsite and offsite stormwater management and impact because of the proposed site activity on Victoria Creek.

Additionally, a formal letter of offer from the Proponent to enter into a Planning Agreement was received on 17 June 2024. The Applicant's Traffic Impact Assessment Report by Spotto Consulting, which supports the Planning Proposal, noted that there is a requirement for:

*"The intersection of Telegraph Road with Murringo Road and Whiteman Avenue be modified to incorporated BAL (basic left turn and CHUR(S) (Channelised Right Turn – Short) lane treatments. With Councils requirements as designated Left/right turn and Intersection treatment TfNSW Requirements."*

The Proponent's previous Planning Proposal submission cover letter on 24 November 2022 noted the VPA and Planning Proposal to be exhibited concurrently:

*A draft VPA proposal will be forwarded to Council under separate cover to ensure that this matter is dealt with separately and to enable an agreed draft to be exhibited with the Planning Proposal.*

On 21 August 2023, Council requested further information and justification relating to the funding for Public Infrastructure and draft Planning Agreement. Specifically:

**Funding for public infrastructure and Planning Agreement**

- a) *Further discussion under Section: 4.1.1. Is there adequate public infrastructure for the Planning Proposal? More than: "Apollo will have separate discussions with Council in relation to an appropriate".*
- b) *Planning Agreement that will achieve net public benefit as a consequence of the proposal.*
- c) *Council note received offer on 30 June 2023, however offer does not include a contribution amount or works provided .*
- d) *Apollo noted in email to Council on 11 July 2023 that they are "working on confirming the contribution number and supporting documentation in the background".*
- e) *Council requests a draft Planning Agreement to be provided alongside any proposed contribution amount.*

From December 2023 to June 2024, as a part of the draft VPA negotiations, Council and the proponent have come to an in principle agreement for a works in kind arrangement for the Proponent to deliver the associated infrastructure for an industrial zone. The draft VPA to be placed concurrently with the Planning Proposal on public exhibition can be found in Attachment 3.

The key elements of the proposed VPA are:

- The Proponent upgrades the intersection of Telegraph Road with Murringo Road and Whiteman Avenue.
- The upgrade would be based on the Preliminary Intersection Design prepared by Arete Survey Solution (Appendix 4 in the Agreement). There is provision for this to be modified as the project goes into detailed design and construction without triggering the re-exhibition of the VPA.
- The timing of the delivery of asset is tied to a milestone that the work must be completed to the Council's satisfaction prior to obtaining any occupation certificate on proposed zoned land for future development that creates additional impact on the use of the intersection.
- This is expressed in the proposed VPA as the "trigger development" which is defined as:
  - *"any Development on the Land (but excluding the Existing Facility and storage and transportation Development associated with and ancillary to the Existing Facility) which is permissible as a result of the Instrument Change or which benefits from a change to a development standard given effect through the Instrument Change."*

The works in kind provided by the Proponent do not count towards the assessment on the developer contributions for future development on the site.

## 9. Council Assessment

The Planning Proposal is to be amended to include the following provisions:

- Amend the Land Use Zoning Map that applies to the land by changing the zoning from R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation to E3 Productivity Support.
  - (Note part of 20 Telegraph Road (part of Lot 1171 DP754611 and Lot 1154 DP754611) will remain RE1 Public Recreation due to being flood prone land and an existing RE1 Zoned Land).
- Amend the Lot Size map that applies to the land by removing all minimum lot size provisions
- Revise the Terrestrial Biodiversity mapping layer that applies across parts of the subject land
- Revise the Riparian Corridor mapping layer that applies across parts of the subject land.

### 9.1 Land Use Zoning and Lot Size Amendment.

Council requested clarification from the Proponent in a Request for Information on 21 August 2023 which stated:

2. Clarify the explanation of the provisions for the use of the E4 Zone
  - a. Comparison and justification of Land Use Zone Objectives and permissible Land Uses between E4 and E3 zones given the amenity and surrounding land uses conflict considerations in surround context.
  - b. Outline the “long-term evolution and innovation” (of both Apollo Fabrications and the land) that is further accommodated by E4 General Industry rather than the E3 Productivity Support zone.

*Council requests further detail relating to what further land uses consist with the “long term evolution and innovation” as stated in the Planning Proposal which can be met through the use of the E4 zone and not the E3 zone. The Planning Proposal notes that “the steel fabrication business can currently be characterised under E3 Productivity Support”.*

*The Planning Proposal rightfully notes that the Heavy industry is considered permissible as an innominate use and therefore from Councils perspective given the context of the Proposal, seeking to minimise any potential amenity impacts from more amenity impacting permissible uses is paramount.*

*As the Hilltops LSPS notes – Telegraph Road precinct has been noted to consider light industrial uses rather than more amenity impacting industrial uses.:*

*“The Telegraph Road precinct benefits from its ready access to the regional road network and proximity to the town centre. However, its proximity to established residential development and intersections with Murringo Road will need to be addressed if further economic development is to occur.” Page 95*

*Additional areas such as the northern entrance to Young on Olympic Highway and 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. Page 96*

*Increase capacity to accommodate further light industrial and commercial industry development in Young through adequate servicing and land use controls. Page 107*

The Proponent's response Request for Information Response Letter and the amended Planning Proposal uploaded to the NSW Planning Portal on 20 December 2023 states that:

**Request for Information Response Letter:** *The proponent has received legal advice that the existing and proposed use of the land by the proponent is, when characterised at the appropriate level of generality, best described as falling within the E4 land use table, particularly having regard to the objectives of the E4 zone.*

**Planning Proposal:** *Since 2016, Apollo have seriously considered their future needs for appropriate land and resources to accommodate continued business expansion and job growth. The steel fabrications business operates under existing use provisions however, this has strict limitations when considering greater concentration of activities on the existing site and further expansion of activities onto adjoining lands.*

*The current Hilltops LEP 2022 came into effect on 01 February 2023 and consolidates three LEPs that existed across the LGA due to the 2016 amalgamation of Young, Harden and Boorowa Shires. The LEP 2022 does not assist the achievement of this planning proposal, however, provides an opportunity to include the rezoning of the subject land to accommodate relevant industrial uses. Various discussions with Council have been held to realise the potential of the land and facilitate the most appropriate land use zone, specifically between E3 Productivity Support and E4 General Industrial. A comparison of zone objectives and permissible land uses between E4 and E3 has been outlined in the table below:*

*Apollo's industrial premises has continued to operate within existing use provisions under Division 4.11 of the Environmental Planning and Assessment Act 1979. In order for its recent growth to be accommodated, 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. Ancillary development application modifications have been approved by Council under the LEP definition known as general industry:*

**general industry** *means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.*

*While general industry uses are permissible with consent under E3 as an 'innominate use', the first objective of the zone is "to provide a range of facilities and services, light industries, warehouses and offices". The E4 zone's first objective is "to provide a range of industrial, warehouse, logistics and related land uses" which can be more appropriately aligned with general industry. The extinguishing of any existing use rights over the subject land from an LEP amendment could also risk the validity of current consents relating to general industry if the E3 objectives cannot be legally consistent with light industries.*

*Furthermore, an Explanation of Intended Effect (EIE) dated May 2022 by the DPE created a graphic which translated the previous zones to the current Employment*

zones, refer to figure below. The Gateway Determination (reference PP-2022-163) was determined for an amendment of the land to IN1 General Industry in November 2022. It is considered appropriate to amend the LEP to E4 General Industry in accordance with the NSW Department of Planning guidelines.

*It is worth highlighting that there are also other substantial industrial uses which currently exist across the Telegraph Road precinct. Riverina (Australia) Pty Ltd, for example, is a large rural industrial enterprise that now operates in perpetuity on the land under a LEP Schedule 1 permissibility provision (clause 9). It would be highly unlikely in the short to medium term, and more likely longer term, that relocation is unviable and any shut down would be extremely detrimental to the local economy. The same could now be said of Apollo and their existing premises.*

*A Schedule 1 site-specific amendment was also considered and investigated with Council however, further advice from NSW Department of Planning indicated that a change in land use zone was considered more appropriate under the circumstances.*

*In the consideration of additional specialist reports, covering key issues of noise, traffic, socio-economic, ecology, biodiversity, cultural heritage, infrastructure, site health and urban design, together with further consultation with Council, the LEP amendments proposed in this Planning Proposal are considered the preferred and best approach to meet the immediate and future needs of Apollo and the Hilltops local area by addressing local community amenity expectations.*

Key considerations from Council include the potential impact of many likely uses of land in the vicinity of the proposal including relating to visual and noise impacts on character and amenity.

The character of the context is semi-rural bookended with industrial style developments (being Apollo and Riverina) at each end of Telegraph Road. Land uses in between these two industries are residential or semi-rural.

Additionally, the potential impact on natural environment context adjacent to the proposal land being Victoria Creek. Victoria Creek is currently identified as being a Riparian Corridor and having Terrestrial Biodiversity values under the Hilltops Local Environmental Plan 2022. Any development would need to consider the adverse impact on the viability and integrity of the Victoria Creek biodiversity and riparian corridor. From Council's recommendation below these two mapping layers are proposed to be amended based on the Proponent's supporting studies, however the Riparian Corridor layer will still apply to parts of the site and required to be responded to with any future development.

Both the E3 Productivity Support and E4 General Industrial zones permit land uses associated with current and future use of the land for industrial/steel manufacturing activities proposed by the Proponent. Council would unlikely request a relinquishing of the existing use rights of the Existing Facility as suggested by the Proponent given the permissibility of General Industry in either zone. The existing facilities land use of General Industries is permissible in both the E3 Zone as well as the E4 Zone.

The Gateway Determination Condition 1 from the previous Planning Proposal noted the Planning Proposal was to be updated to "clarify the explanation of the provisions that the site is proposed to be zoned IN1 General Industrial". Clarifying discussions between the



Proponent and Council led to the E3 Productivity Support zone being more suitable. This was confirmed and outlined by the Proponent's previous Planning Proposal submission cover letter on 24 November 2022, which noted that the E3 Productivity Support is a suitable land use zone:

*Please find attached revised Planning Proposal document (Ver2.1 Nov2022) which consolidates supporting information in relation to the preferred rezoning of the land to E3 Productivity Support. This zoning will provide a range of permissible land uses that will accommodate the current and future use of the land for industrial/steel manufacturing activities proposed by Apollo, as well as respecting the surrounding built and natural environment.*

Council notes that due to the context of the proposal area and concerns over impact on amenity on surrounding land uses and natural environment, the E4 zone is a less desirable zone due to permissibility of the land use 'heavy industry' which includes 'hazardous industry, or 'offensive industry'. The 'heavy industry' definition notes the need for 'separation from other development because of the nature of the processes involved'. Both hazardous industry and offensive industry in their definitions note the need for isolation as highlighted in the yellowed, bolded, and italicised text in the land use definition table below.

<p><b>Existing Facility Development</b></p>	<p><b>general industry</b> means a building or place (other than a heavy industry or light industry) that is used to carry out an <b>industrial activity</b>.</p> <p><b>industrial activity</b> means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.</p>
<p><b>E3 Zone Objective</b></p> <ul style="list-style-type: none"> <li>• To provide a range of facilities and services, light industries, warehouses and offices.</li> </ul>	<p><b>light industry</b> means a building or place used to carry out an industrial activity that <b>does not interfere with the amenity of the neighbourhood</b> by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—</p> <ul style="list-style-type: none"> <li>(a) high technology industry,</li> <li>(b) home industry,</li> <li>(c) artisan food and drink industry,</li> <li>(d) creative industry.</li> </ul>
<p><b>E4 Zone</b></p> <ul style="list-style-type: none"> <li>• To minimise any adverse effect of industry on other land uses</li> </ul>	<p><b>heavy industry</b> means a building or place used to <b>carry out an industrial activity that requires separation</b> from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—</p> <ul style="list-style-type: none"> <li>(a) hazardous industry, or</li> <li>(b) offensive industry.</li> </ul> <p>It may also involve the use of a hazardous storage establishment or offensive storage establishment.</p> <p><b>hazardous industry</b> means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the</p>



	<p>locality have been employed (including, for example, measures to <b>isolate the activity from existing or likely future development on other land in the locality</b>), pose a significant risk in the locality—</p> <p>(a) to human health, life or property, or</p> <p>(b) to the biophysical environment.</p> <p><b>offensive industry</b> means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to <b>isolate the activity from existing or likely future development on other land in the locality</b>), <b>emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.</b></p>
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**Table 3: Land Use Definitions Source: Standard Instrument Local Environmental Plan**

Council’s assessment concludes that E4 zone is a less desirable zone due to permissibility of the land use ‘heavy industry’ which includes ‘hazardous industry, or ‘offensive industry’ and due to potential amenity impact on the surrounding land uses and natural environment context of the proposal land.

Although outlined by the Proponent as an option, a Schedule 1 site-specific amendment is not suitable for vacant undeveloped land and is associated with a historic use. This applies to the Riverina (Australia) Pty Ltd rural industrial enterprise on the eastern end of Telegraph Road as it is developed and in use before previous gazette of the Young Local Environmental Plan 2010. The Proponent’s suggestion for using Schedule 1 as an avenue within the Hilltops LEP to enable expansion of the metal fabrication business is not suitable or acceptable it would apply to vacant land and not an existing development as is the model used in the Hilltops LEP. The Department of Planning Practice Note (PN 11-001) *Preparing LEPs using the Standard Instrument: standard clauses* outlines that:

*Listings in the LEP Schedule 1 should be minimised, with appropriate justification provided to the Department for any inclusions. Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved.*

*Consideration should be given to existing uses, appropriate zones and potential future land uses. Therefore it is not considered that many listings will be supported (if any) when the Plan is made.*

Therefore, with both the E3 and E4 Zones providing permissibility, and concern of potential for more amenity impacting uses being permissible through the E4 Zone, Council recommends that the Planning Proposal be amended so that the proposed Land Use zone be E3 Productivity Support.

#### **Part RE1 Zoned Land to remain due to being Flood Prone**

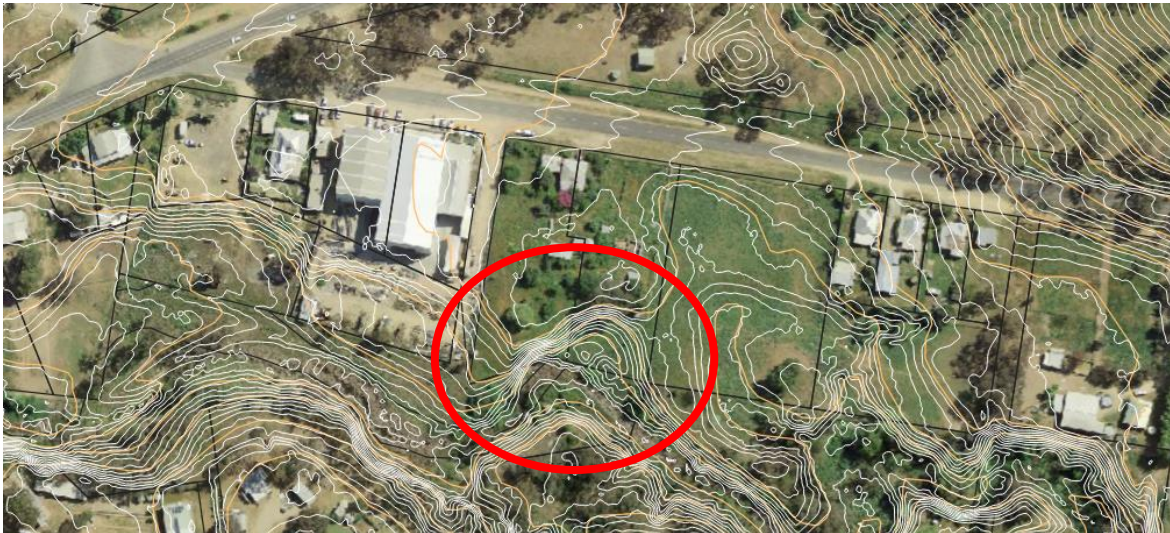
Additionally, although minor, Council notes inconsistency with Ministerial Directions 3.1 Conservation Zones and 4.1 Flooding and recommends retaining the RE1 Public Recreation Zone where identified as Flood Prone Land.

The Proponent notes that:

*The direction applies as a planning proposal is being prepared by a relevant planning authority and part of the subject land includes areas of adjacent a creek system that forms part of a stormwater management system and subject to flooding.*

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.

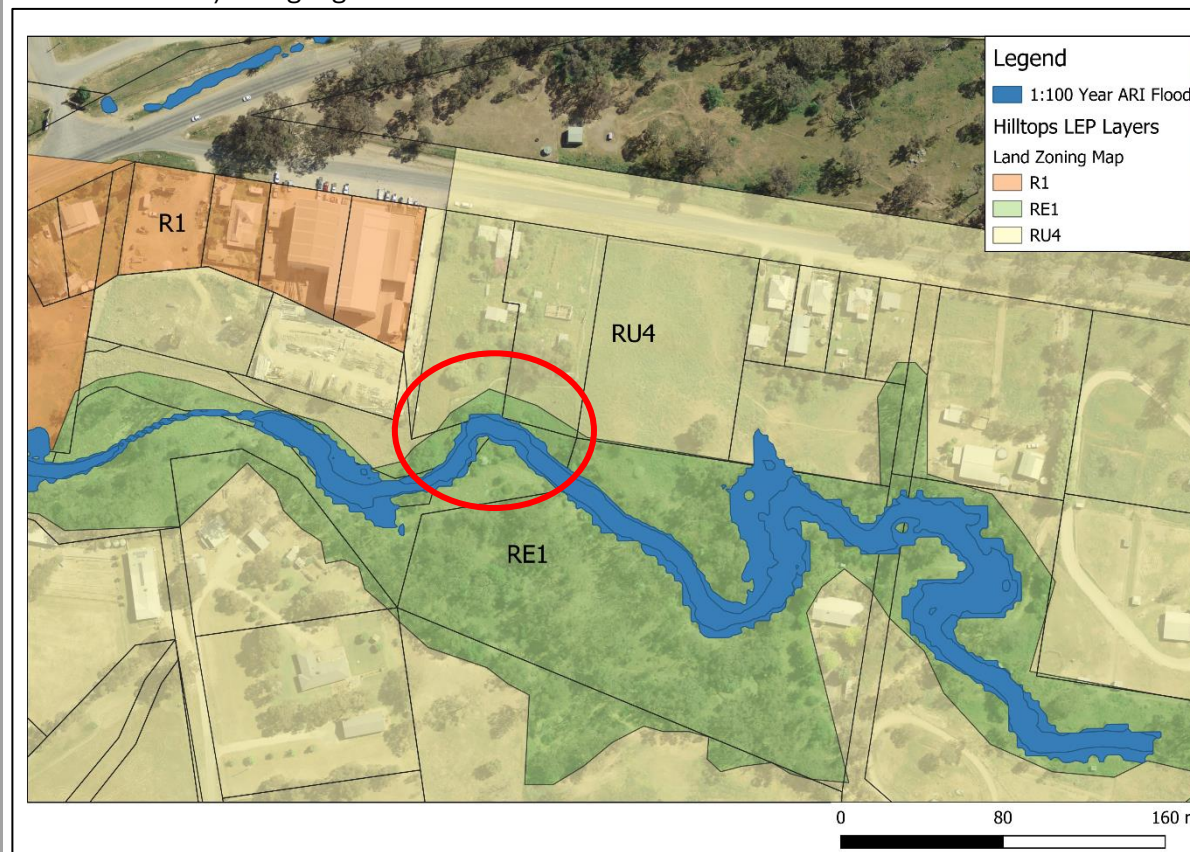
Although minor in area, the 1:100 year flood does extend into the proposal area which contradicts the Consultant's Assessment '*does not inundate any of the land that it is subject to this proposal*' p37. The development concept included in the flood advice assumes the steep bank on Lots 1171 and 1154 DP 754611 will not be filled. However, 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 whereas the *Flood Advice* shows the steep bank undeveloped.



**Figure 4:** Site contours and steep bank identified Source: Hilltops Council

Therefore, part of 20 Telegraph Road (part of Lot 1171 DP754611 and Lot 1154 DP754611) is recommended to remain RE1 Public Recreation due to being flood prone land and an existing

RE1 Zoned Land) as highlighted in red below:



**Figure 5: Flood Prone Land in RE1 Public Recreation Zone** Source: Hilltops Council

## 8.2 Minimum Lot Size

Council does not have any issue with the removal of the Lot Size Map applying to the land. This is consistent with the other Employment zoned lands within the Hilltops LEP.

## 8.3 Terrestrial Biodiversity

Council recommends the Terrestrial Biodiversity layer be amended from the land and the Planning Proposal be updated accordingly.

Council requested clarification from the Proponent in a Request for Information on 21 August 2023:

*The Planning Proposal does not seek to remove the Riparian Corridor or Terrestrial Biodiversity layers across the proposal sites. The Previous Gateway determination Condition 1 notes: (d) Ground truth/update the natural resource sensitivity – biodiversity, sensitive land and riparian corridor maps that apply to the site. The Riparian Corridor or Terrestrial Biodiversity layers and controls would still remain on any future development application if planning proposal was to occur.*

**3. Riparian Corridor and Terrestrial Biodiversity Map and Controls remain?**

**a. Submitted Planning Proposal does not propose to revise the Riparian Corridor layer or Terrestrial Biodiversity layer that applies across parts of the subject land under the Hilltops LEP 2022.**



- b. Therefore any future development application would be required to address these controls.*
- c. As per consultants report Revise the Riparian Corridor and Terrestrial Biodiversity Mapping that applies across parts of the subject land.*
- i. LEP Riparian and Sensitive Lands layers are significantly poor and require ground truthing as the areas do not include the waterway centre;*
- ii. LEP Biodiversity mapping indicates the development site is 95% outside of these zones;*

The Proponents response in the Request for Information Cover on 20 December 2023 letter notes:

*The Planning Proposal does not intend to amend/revise the Riparian Corridor and Terrestrial Biodiversity Layer as it is outside the scope of this proposal, notwithstanding the consultants' recommendations. Council may elect to amend the mapping in accordance with information provided if deemed necessary. Any future development applications across the site will address this clause and applicable controls.*

Council recommends amendment of the Terrestrial Biodiversity Layer in line with Proponents consultant and ground truthing.

The Proponent's Planning Proposal notes:

*There is no likelihood that any critical habitat or threatened species, populations or ecological communities or their habitats would be adversely affected by the proposal. A Biodiversity Development Assessment Report (BDAR) has been prepared over the subject land and accompanies this planning proposal.*

The Biodiversity Impact Assessment provided the following relevant conclusions:

- *Vegetation on site has been significantly modified;*
- *Vegetation is structurally and functionally poor due to previous clearing on site. Thus, the proposal is not expected to significantly contribute to loss of a threatened ecological community (TEC);*
- *The removal of planted vegetation is unlikely to impact threatened species; and*
- *No threatened species were recorded during the site surveys.*

The Proponent also prepared an additional report titled "Natural Environment Assessment – Victoria Creek" which also accompanies this proposal that further evaluates the potential impact on the natural environment, particularly in relation to the landscape-based conservation values of Victoria Creek and opportunities for protection and enhancement thereof. The following observations were made:

- *The development (as conceptually proposed for the purposes of the Planning Proposal) is outside all core riparian areas;*
- *The riparian zone has a high weed abundance;*
- *The LEP Riparian and Sensitive Lands layers are significantly poor and require ground truthing as the areas do not include the waterway centre;*
- *LEP Biodiversity mapping indicates the development site is 95% outside of these zones; and*
- *Biodiversity will be enhanced with additional planting along the riparian area.*





**Figure 7:** Amended Terrestrial Biodiversity Layer as per Councils Assessment of Planning Proposal supported by the Proponents Natural Environment Assessment.

The Proponent’s submitted supporting report titled: “Natural Environment Assessment – Victoria Creek” notes that the two LEP Layers, Riparian Corridor and Terrestrial Biodiversity require ground truthing. As below:

- *The LEP Riparian and Sensitive Lands layers are significantly poor and require ground truthing as the areas do not include the waterway centre;*
- *LEP Biodiversity mapping indicates the development site is 95% outside of these zones;*

The Terrestrial Biodiversity mapping layer have been ground-truthed and are recommended to be amended accordingly in Part 4 of the Planning Proposal. The Terrestrial Biodiversity layer to be amended from the land as per the Proponent’s Natural Environment Assessment.

## 8.4 Riparian Corridor

The Proponent’s response in the Request for Information Cover letter on 20 December 2023 notes:

*The Planning Proposal does not intend to amend/revise the Riparian Corridor and Terrestrial Biodiversity Layer as it is outside the scope of this proposal, notwithstanding the consultants’ recommendations. Council may elect to amend the mapping in accordance with information provided if deemed necessary. Any future development applications across the site will address this clause and applicable controls.*

Council recommends the Riparian Corridor Layer being amended to follow Victoria Creek buffer as per the Proponent’s Natural Environment Assessment and the Planning Proposal be updated accordingly.



The “Natural Environment Assessment – Victoria Creek” report also notes the discrepancy between the existing mapped riparian corridor and the appropriate buffers along Victoria Creek:

*With the most conservative approach, Victoria Creek would be classed as a 3rd order creek. As such, there is no development permissible within 15m of the top of bank and there is to be an average of a 30m wide riparian corridor on this side of the creek. However, Victoria Creek is more likely to fulfill the definition of a second order creek (due to the first order creeks shown here having no defined bed or bank).*

*Thus, considering Victoria Creek as a 3rd order waterway, as has been done in this assessment, possibly overstates the riparian corridors required*

*As a 3rd order waterway, Victoria Creek requires a core 15m corridor and an average 30m corridor. This is the conservative approach. Proposed works are not within the 15m inner corridor. Proposed works are set back more than 30m from the top of bank of Victoria Creek.*

*The bank of Victoria Creek is over 30m from the boundary fence and over 40m to the proposed works for over 85% of the proposed works area.*

*The only location where the lot boundary is close to the development area is in Lot 1171. This retained lot, has a steep embankment leading to the bank of Victoria Creek (~16m from the retained lot boundary). Proposed works in this location are still over 20m from the top of bank.*

Department of Planning and Environment’s ‘Fact sheet - Controlled activities – Guidelines for riparian corridors on waterfront land’ notes the various recommended widths for riparian corridors as below:

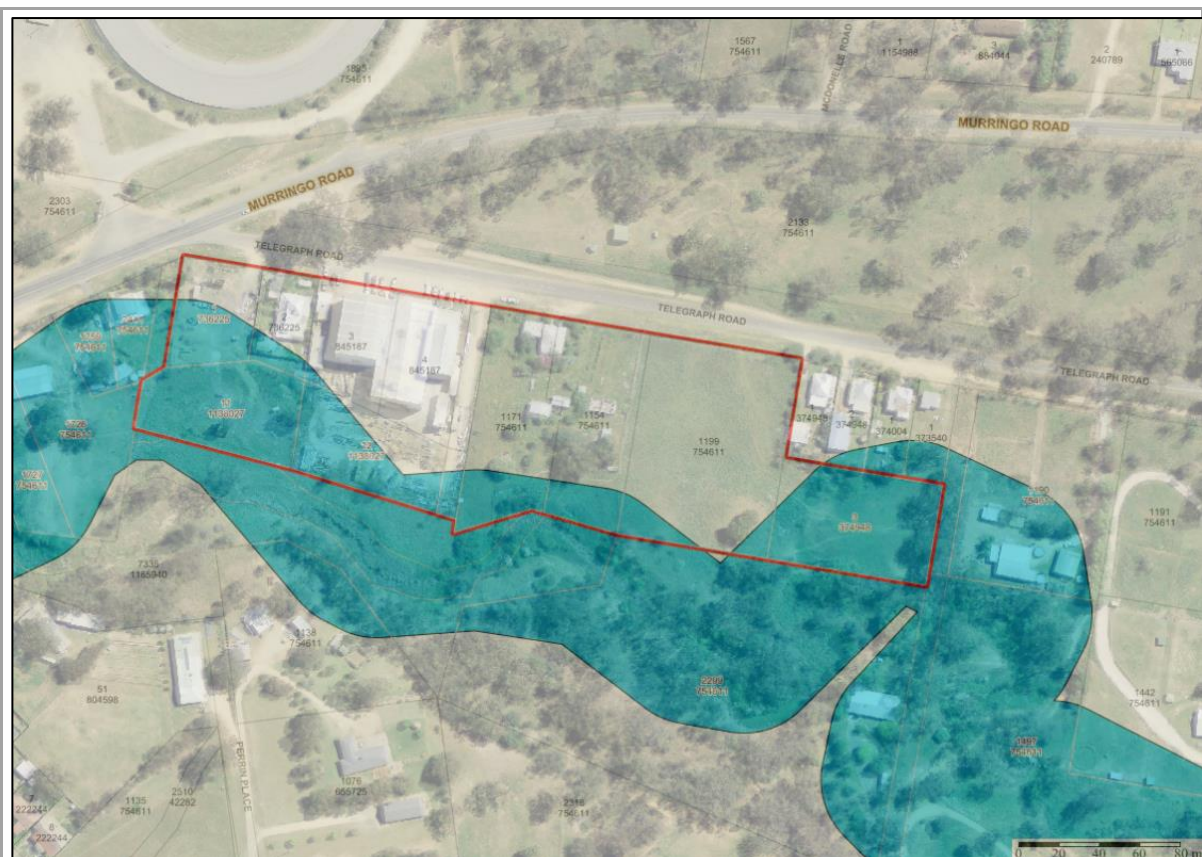
**Table 1. Recommended riparian corridor widths**

Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 <sup>st</sup> order	10 metres	20 m + channel width
2 <sup>nd</sup> order	20 metres	40 m + channel width
3 <sup>rd</sup> order	30 metres	60 m + channel width
4 <sup>th</sup> order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80 m + channel width

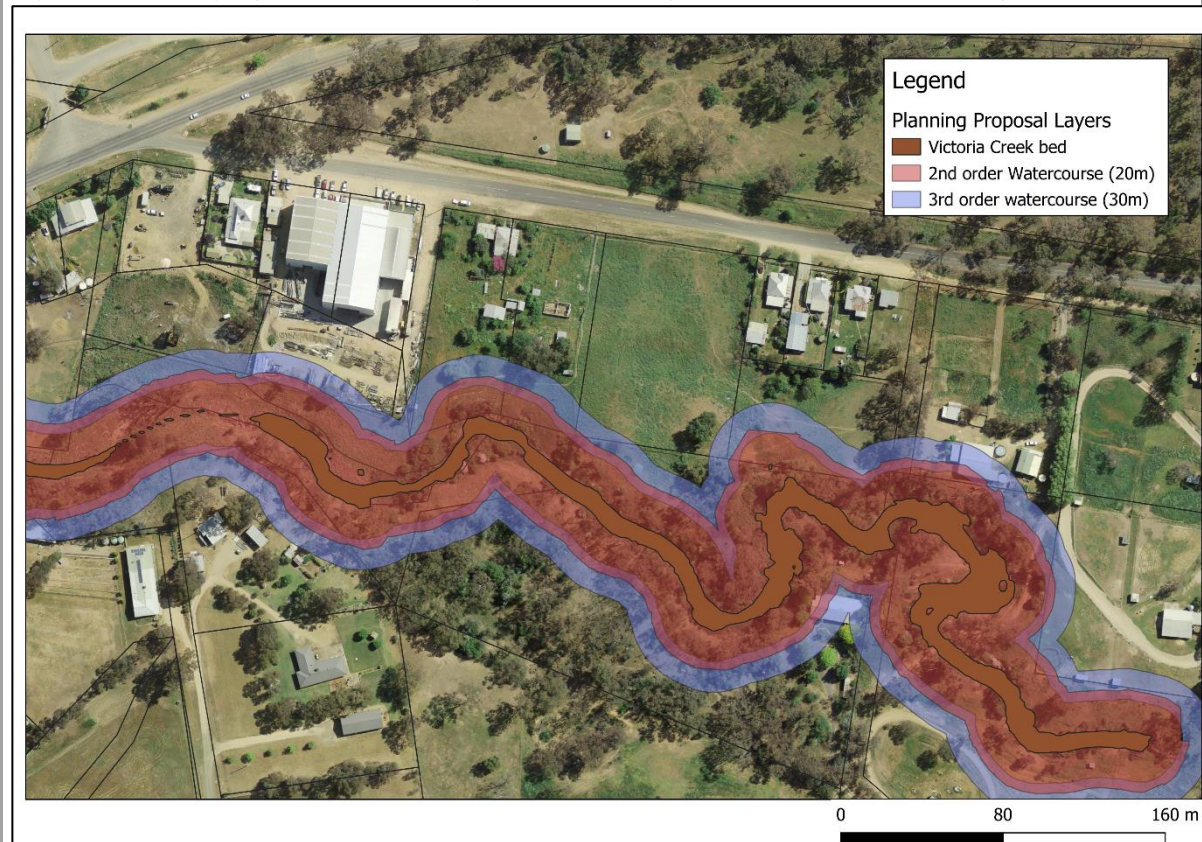
**Figure 8: Recommended Riparian Corridor Widths Source: NSW Department of Planning and Environment**

Therefore, the Riparian Corridor be in the 2<sup>nd</sup> order width of 20m from the creek bed at a minimum or 3<sup>rd</sup> order width of 30m from the creek bed. This will be confirmed with NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity Conservation Division.





**Figure 9: Existing Riparian Corridor layer under Hilltops LEP 2022** Source: Hilltops LEP 2022



**Figure 10: Riparian Corridor Buffers with Victoria Creek bed** Source: Hilltops Council

From Council's Assessment, supported by the Proponent's Studies, amendment of the Riparian Corridor Map is recommended to be include within the Planning Proposal in line with the waterway centre and based on 'Guidelines for Riparian Corridors on waterfront land - Fact Sheet.'

## 10. Statutory compliance and strategic justification

The Proposal has been assessed having regard for all State Environmental Planning Policies (SEPPs), Ministerial Directions and relevant guidelines set out within the South East and Tablelands Regional Plan 2036 as detailed in Appendix 1, 2 and 3 of this Assessment Report. Summary tables are provided below:

### 10.1 South East and Tablelands Regional Plan 2036 - Summary

SETRP	Summary of Assessment
Vision Statement: <i>A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart</i>	Satisfied. Not inconsistent. Given the broad nature of the policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location or amount of industrial zoned land across the South East and Tablelands Region. As such, the Planning Proposal is not considered to be inconsistent with the economic strategies of the Regional Plan.
Direction 4: Leverage growth opportunities from Western Sydney Actions:	Satisfied. Not inconsistent. Given the broad nature of the policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location or amount of industrial zoned land across the South East and Tablelands Region.
Direction 11: Enhance strategic transport links to support economic growth	Satisfied. Part of Direction not relevant to proposal. Provision of associated infrastructure for industrial rezoning through intersection upgrade and associated works outlined in the Letter of Offer and draft Voluntary Planning Agreement found in Attachment 3.
Direction 14: Protect important environmental assets	With Council recommendation - Satisfied. Not inconsistent. With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land.
<i>Direction 16: Protect the coast and increase resilience to natural hazards</i>	With Council recommendation - Satisfied. Not inconsistent. Refinement of proposed E3 Productivity Support rezoning boundary responding to part of the land being currently zoned RE1 Public Recreation and identified as being flood prone land. Amendment of Riparian Corridor mapping layer to respond to Victoria Creek and appropriate zone for 3 <sup>rd</sup> order water course.
Direction 23: Protect the region's heritage	Satisfied. Not inconsistent. 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.
Direction 28: Manage rural lifestyles	Inconsistent but justified by Proponent. The Proponent provides justification for expanding industrial activities in this precinct, including specialist reports on noise, traffic, infrastructure and the environment. The Proponent responds that the supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.



## 10.2 State Environmental Planning Policies (SEPPs)– Summary

SEPP	Summary of Assessment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Addressed. Proposal refines and updates applicable environmental layers under the Hilltops Local Environmental Plan.  With Council's recommendation, The Terrestrial Biodiversity layer being amended from the land and the Riparian Corridor Layer being amended to follow Victoria Creek with 3 <sup>rd</sup> order watercourse buffers as per the Proponent's Natural Environment Assessment.
State Environmental Planning Policy (Housing) 2021	Inconsistent by justified. Existing Facility is located on R1 General Residential and expansion of industrial zone would reduce the potential permissible residential development.
Planning Policy (Resilience and Hazards) 2021	Addressed. A contamination assessment (2021, EI Australia, Detailed Site Investigation) was conducted for the site.
State Environmental Planning Policy (Sustainable Buildings) 2022	Noted. Future development proposal would need to respond to <i>Chapter 3 Standards for non-residential development</i> of the SEPP if over a certain cost of works threshold.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Noted. Future development proposal would need to respond to <i>Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2</i> .  Consultation with Transport for NSW to continue to occur as a part of Gateway Determination request.

## 10.3 Ministerial Directions – Summary

Ministerial Direction	Summary of Assessment
3.1 Conservation Zones	Inconsistent. With Council Amendment satisfied.
4.1 Flooding	Inconsistent. Council recommends amendment of Planning Proposal to satisfy.
5.1 Integrating Land Use and Transport	Generally Consistent
5.2 Reserving Land for Public Purposes	Inconsistent - Satisfied with consultation with Crown Land.
6.1 Residential Zones	Inconsistent by justified by Proponent as being supported by study prepared and considered to be of minor significance.
7.1 Employment Zones	Consistent. The subject site is identified in the local strategic planning statement, Hilltops 2040 for investigation.
9.1 Rural Zones	Inconsistent. Justified with reference to regional strategy, local strategy and of minor significance.
9.2 Rural Lands	Inconsistent but justified. The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation

The Proposal is considered to be generally consistent or inconsistencies have been justified, and therefore is suitable for forwarding to the Minister of Planning, Housing and Infrastructure requesting a Gateway Determination with Council's Assessment Report Recommended Amendments found in Section 2 of this Report, in line with the Strategic Merit and Site Specific Merit Assessment and overall Council Assessment undertaken in Sections 7, 8, and 9 of this Report.

## Appendix 1 Relevant goals and directions of South East and Tablelands Regional Plan 2036

Goal/Direction	Proponent Comments	Council Assessment
<p>Vision Statement: <i>A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart</i></p> <p>Regional Goals:</p> <ul style="list-style-type: none"> <li>• <i>A connected and prosperous economy</i></li> <li>• <i>A diverse environment interconnected by biodiversity corridors</i></li> <li>• <i>Healthy and connected communities</i></li> <li>• <i>Environmentally sustainable housing choices</i></li> </ul>	<p>The region has Canberra as it's metropolitan hub, is considered a borderless region with Canberra Airport being a catalyst for diverse growth opportunities including surrounding regional towns and those in the agricultural sector.</p> <p>Young is located towards the western boundary of this region. Apollo operate regionally and nationally based on the convenience of location offered by the local area and inherent key infrastructure networks.</p>	<p>Satisfied. Not inconsistent.</p> <p>Given the broad nature of the policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location or amount of industrial zoned land across the South East and Tablelands Region.</p> <p>As such, the Planning Proposal is not considered to be inconsistent with the economic strategies of the Regional Plan.</p>
A connected and borderless Canberra region	<p>Noted. To access global markets to drive regional economic development. Cross border approach to economic investment, infrastructure delivery, servicing provision and housing development. Focus on Canberra Airport as international passenger and freight terminal.</p> <p>Access to surrounding diverse regional landscape promoted.</p>	Noted.
Goal 1: A connected and prosperous economy	<p>Regional reliance on efficient transport network, healthy rural and natural environment, and a collaborative relationship with the ACT. Priority growth sectors for a diversified economy:</p> <ul style="list-style-type: none"> <li>• tourism;</li> <li>• agriculture and aquaculture;</li> <li>• freight and logistics;</li> <li>• health, disability and aged care;</li> <li>• public administration and defence;</li> <li>• education and training; and</li> <li>• renewable energy.</li> </ul>	Noted.
<p>Direction 4: Leverage growth opportunities from Western Sydney Actions:</p> <p><i>4.1 Foster initiatives to promote the South East and Tablelands</i></p>	<p>This direction identifies strategic directions to promote this region for economic growth and encourage relocation of industries from Western Sydney to this region to reduce pressure on urban growth in the metropolitan area.</p>	<p>Satisfied. Not inconsistent.</p> <p>Given the broad nature of the policy direction set by regional strategies, the Regional Plan does not provide direction on the provision, location or amount of industrial zoned land</p>



Goal/Direction	Proponent Comments	Council Assessment
<p><i>as a suitable place for businesses to relocate.</i></p> <p><i>4.2 Maintain a supply of appropriately serviced employment land to create opportunities for new industrial development.</i></p> <p><i>4.3 Monitor development so that infrastructure planning responds to investment opportunities.</i></p>	<p>Consistent with the intent of this action item by retaining existing industry.</p> <p>Consistent with the intent of this action item by maintaining and enhancing an existing industry and workforce and providing opportunity to accommodate future expansion.</p> <p>Consistent with the intent of this action item through the actions of this proposal to investigate and assess the adequacy of existing infrastructure networks to service the proposal. Also, Council are continuing to monitor existing development and respond accordingly to investment opportunities as outlined with this proposal.</p>	<p>across the South East and Tablelands Region.</p>
<p>Direction 11: Enhance strategic transport links to support economic growth</p> <p><i>Actions:</i></p> <p><i>11.1 Improve the capacity of the regional freight network by investigating and prioritising upgrades to narrow bridges, culverts, alignment, and lane and shoulder width that constrain restricted access vehicles.</i></p> <p><i>11.2 Deliver local and regional road projects that support the regional freight network.</i></p> <p><i>11.3 Limit inappropriate adjoining development and direct access points along strategic transport links including the Hume, Federal, Illawarra, Barton and Kings highways.</i></p> <p><i>11.4 Investigate options to improve heavy vehicle rest areas appropriate for the demand.</i></p> <p><i>11.5 Work with the Australian Government to plan for a future high-speed rail corridor.</i></p>	<p>Apollo relies on an efficient and continually improving transport network to ensure timely receipt and dispatch of raw and finished steel products. The transport network is essential to its sustained growth and contribution to the local economy.</p> <p>The proposal supports and relies on the successful implementation of relevant action items, in particular, items 11.1, 11.2 &amp; 11.4. Items 11.3 &amp; 11.5 are not specifically relevant to this proposal.</p>	<p>Satisfied. Part of Direction not relevant to proposal.</p> <p>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.</p> <p>Provision of associated infrastructure for industrial rezoning through intersection upgrade and associated works outlined in the Letter of Offer and draft Voluntary Planning Agreement found in Attachment 3.</p>

Goal/Direction	Proponent Comments	Council Assessment
Goal 2: A diverse environment interconnected by biodiversity corridors	Protecting and managing natural ecosystems and connected habitat. Ensuring the regions environmental, social and economic values that underpin the region's character are protected, including building greater resilience to natural hazards and climate change.	With Council recommendation - Satisfied. Not inconsistent.  With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land.
<p>Direction 14: Protect important environmental assets</p> <p><i>Actions:</i></p> <p><i>14.1 Develop and implement a comprehensive Koala Plan of Management for the Snowy Monaro and Wingecarribee local government areas.</i></p> <p><i>14.2 Protect the validated high environmental value lands in local environmental plans.</i></p> <p><i>14.3 Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy.</i></p> <p><i>14.4 Improve the quality of and access to information relating to land with identified high environmental values.</i></p> <p><i>14.5 Support planning authorities to undertake strategic, landscape-scale assessments of biodiversity and areas of high environmental value.</i></p> <p><i>14.6 Protect Travelling Stock Reserves in local strategies.</i></p>	<p>The proposal adjoins the Victoria Creek corridor. The proposal will ensure the protection of this natural riparian corridor by implementing recommendations from supporting ecological studies, as accompanying this document. Any information to assist the local authority and community in identifying and managing this environment will be gathered and shared accordingly.</p> <p>The proposal supports relevant action items, in particular, items 14.2, 14.3, 14.4 &amp; 14.5. Items 14.1 &amp; 14.6 are not specifically relevant to this proposal.</p>	<p>With Council recommendation - Satisfied. Not inconsistent.</p> <p>The Proponent responds that the supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</p>
<p>Direction 15: Enhance biodiversity connections</p> <p><i>Actions:</i></p> <p><i>15.1 Protect and enhance the function and resilience of biodiversity corridors in local strategies.</i></p>	<p>Where applicable and possible, the proposal will assist and support the enhance of biodiversity connections. The Victoria Creek corridor adjoining the site has been the subject of ecological assessment to ensure protection and enhancement of any sensitive biodiversity areas.</p> <p>The proposal supports relevant action items, in particular, item 15.1. Items</p>	<p>With Council recommendation - Satisfied. Not inconsistent.</p> <p>The Proponent responds that the supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian</p>

Goal/Direction	Proponent Comments	Council Assessment
<p><i>15.2 Improve planning authority access to regional biodiversity corridor mapping and methodology.</i></p> <p><i>15.3 Confirm and validate the location and boundaries of regional biodiversity corridors.</i></p> <p><i>15.4 Focus offsets from approved developments to regional biodiversity corridors, where possible.</i></p>	<p>15.2, 15.3 &amp; 15.4 are not specifically relevant to this proposal.</p>	<p>Corridors mapping layers applying to the land satisfies this Direction.</p>
<p><i>Direction 16: Protect the coast and increase resilience to natural hazards</i></p> <p><i>Actions:</i></p> <p><i>16.1 Locate development, including new urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation; contaminated land; and designated waterways to reduce the community's exposure to natural hazards.</i></p> <p><i>16.2 Implement the requirements of the NSW Floodplain Development Manual by developing, updating or implementing flood studies and floodplain risk management plans.</i></p> <p><i>16.3 Update coastal zone/estuary management plans and prepare new coastal management programs to identify areas affected by coastal hazards.</i></p> <p><i>16.4 Incorporate the best available hazard information in local environmental plans consistent with current flood studies, flood planning levels, modelling, floodplain risk management plans and coastal zone management plans.</i></p> <p><i>16.5 Update and share current information on environmental assets and natural hazards with</i></p>	<p>The subject site has been assessed in relation to natural hazards, in particular flooding, as well as site health (contamination).</p> <p>The proposal supports relevant action items, in particular, items 16.2, 16.4, 16.5 &amp; 16.6. Items 16.1 &amp; 16.3 are not specifically relevant to this proposal.</p>	<p>With Council recommendation - Satisfied. Not inconsistent.</p> <p>Refinement of proposed E3 Productivity Support rezoning boundary responding to part of the land being currently zoned RE1 Public Recreation and identified as being flood prone land.</p> <p>Amendment of Riparian Corridor mapping layer to respond to Victoria Creek and appropriate zone for 3<sup>rd</sup> order water course.</p> <p>Additionally, a contamination assessment (2021, El 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.</p> <p>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.</p>

Goal/Direction	Proponent Comments	Council Assessment
<p><i>councils to inform planning decisions.</i></p> <p><i>16.6 Manage risks associated with future urban growth in flood-prone areas as well as risks to existing communities.</i></p>		
<p>Direction 17: Mitigate and adapt to climate change</p> <p><i>Actions:</i></p> <p><i>17.1 Enhance government service delivery and implement local initiatives to address climate change impacts on local communities.</i></p> <p><i>17.2 Collaborate with the ACT Government to reduce emissions and adopt adaptation strategies.</i></p> <p><i>17.3 Support councils to assess and respond to impacts and opportunities associated with a changing climate.</i></p> <p><i>17.4 Help communities and businesses to understand and respond to climate related risks and opportunities by providing climate information, building capacity and unlocking financial mechanisms to help fund emission reductions and climate adaptation.</i></p>	<p>The proposal will support the identified responses to climate change by ensuring that site planning, building design, business modelling and work practices are sustainably aligned to adopted regional directives.</p> <p>The proposal supports relevant action items, in particular, items 17.3 &amp; 17.4. Items 17.1 &amp; 17.2 are not specifically relevant to this proposal.</p>	<p>Satisfied. Not inconsistent.</p> <p>Any future development application would be required to consider building design to respond to this direction.</p>
<p>Direction 18: Secure water resources</p> <p><i>Actions:</i></p> <p><i>18.1 Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources.</i></p> <p><i>18.2 Finalise water resource plans for rivers and groundwater systems as part of the Murray-Darling Basin Plan</i></p>	<p>The proposal includes consideration of onsite and offsite stormwater management and impact as a result of the proposed site activity, in accordance with best practice and available catchment data.</p> <p>The proposal will satisfy relevant action items, in particular, items 18.1 &amp; 18.4. Items 18.2 &amp; 18.3 are not specifically relevant to this proposal.</p>	<p>Satisfied. Not inconsistent.</p> <p>Any future development application would be required to consider and address onsite and offsite stormwater management and impact as a result of the proposed site activity on Victoria Creek.</p>

Goal/Direction	Proponent Comments	Council Assessment
<p><i>and implement water sharing plans.</i></p> <p><i>18.3 Prepare or review integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate population growth.</i></p> <p><i>18.4 Incorporate water sensitive urban design into development that is likely to impact water catchments, water quality and flows.</i></p>		
Goal 3: Healthy and connected communities	Facilitating better access to health, education, recreation and environmental areas to encourage healthy lifestyles and sustain standards of living.	
<p>Direction 21: Increase access to health and education services</p> <p><i>Actions:</i></p> <p><i>21.1 Implement planning controls to grow complementary health uses around hospitals.</i></p> <p><i>21.2 Work with the ACT Government to meet the growing and changing education needs of cross-border communities.</i></p> <p><i>21.3 Facilitate joint venture opportunities to share community and education facilities.</i></p> <p><i>21.4 Identify appropriate sites for cemeteries and crematoria in local strategies.</i></p>	<p>The proposal will involve the expansion of job and training opportunities for the local workforce. This will involve access to job training programs and funding provided by State and Federal agencies.</p> <p>The proposal will satisfy relevant action item 21.3. Items 21.1, 21.2 &amp; 21.4 are not specifically relevant to this proposal.</p>	<p>Satisfied. Not inconsistent.</p> <p>Noted potential for employment opportunities and training in association with future development of the land.</p>
<p>Direction 22: Build socially inclusive, safe and healthy communities</p> <p><i>Actions:</i></p> <p><i>22.1 Develop best-practice guidelines for planning, designing and developing healthy built environments and</i></p>	<p>The proposal will include best practice design for workplace environments and integration with active transportation networks across the township. The site location enables connectivity with alternative transportation networks to encourage physical activity.</p>	<p>Satisfied. Not inconsistent.</p> <p>Any future development application would be required to consider and address connectivity to Councils walking and cycling network.</p>



Goal/Direction	Proponent Comments	Council Assessment
<p><i>use the Neighbourhood Planning Principles (Appendix A) in local environmental plans, development control plans and local strategies in the interim.</i></p> <p><i>22.2 Adopt elements of Livable Housing Australia's Livable Housing Design Guidelines in development controls for housing, where possible.</i></p> <p><i>22.3 Integrate walking and cycling networks into the design of new communities to encourage physical activity.</i></p> <p><i>22.4 Promote energy efficiency in new development proposals.</i></p>	<p>The proposal will satisfy relevant action items 22.3 &amp; 22.4. Items 22.1 &amp; 22.2 are not specifically relevant to this proposal.</p>	
<p>Direction 23: Protect the region's heritage</p> <p><i>Actions:</i></p> <p><i>23.1 Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies.</i></p> <p><i>23.2 Consult with Aboriginal people and the broader community to identify heritage values at the strategic planning stage.</i></p> <p><i>23.3 Conserve heritage assets during local strategic planning and development.</i></p> <p><i>23.4 Provide resources for heritage advice to inform planning processes.</i></p> <p><i>23.5 Acknowledge cultural heritage assets where appropriate, and consider how these assets can add value to a development.</i></p> <p><i>23.6 Enhance heritage data sharing between NSW and ACT to support joint conservation planning.</i></p>	<p>The proposal is consistent with this direction and relevant action items by ensuring cultural heritage assessment has been taken into consideration.</p> <p>The proposal will satisfy relevant action items 23.1, 23.2 &amp; 23.5. Items 23.3, 23.4 &amp; 23.6 are not specifically relevant to this proposal.</p>	<p>Satisfied. Not inconsistent.</p> <p>The Planning Proposal is supported by a cultural heritage assessment (OzArk, 2021, Aboriginal Due Diligence &amp; 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.</p> <p>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.</p>
Goal 4: Environmentally sustainable housing choices	Promote lifestyle choice and environmentally sustainable housing.	

Goal/Direction	Proponent Comments	Council Assessment
<p>Direction 28: Manage rural lifestyles</p> <p><i>Actions:</i></p> <p><i>28.1 Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.</i></p> <p><i>28.2 Locate new rural residential areas:</i></p> <ul style="list-style-type: none"> <li><i>• close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;</i></li> <li><i>• to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and</i></li> <li><i>• to avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards.</i></li> </ul> <p><i>28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.</i></p>	<p>The proposal is located within existing general residential of this site is the product of historic land use activity that has taken the direction of activity expansion due to economic opportunities. Managing land use conflict with surrounding residential is paramount to the consideration of this proposal. The proposal incorporates specialist recommendations to manage land use conflict.</p> <p>The proposal will satisfy action item 28.3. Items 28.2 &amp; 28.3 are not specifically relevant to this proposal. and primary production small lot zones. The existing use</p>	<p>Inconsistent but justified by Proponent.</p> <p>As a part of the Proponent supporting study Infrastructure &amp; Flooding Assessment (Cardno) Investigations and assessment of essential public infrastructure conclude that the subject site is adequately serviced by existing water, sewer, electricity and telecommunications networks that will also have capacity to integrate the needs generated by the proposal</p> <p><i>avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources.</i></p> <p>The Proponent provides justification for expanding industrial activities in this precinct, including specialist reports on noise, traffic, infrastructure and the environment. The Proponent notes that mitigation measures proposed will effectively address amenity impact issues with established residential development and road network.</p> <p><i>to avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards</i></p> <p>The Proponent responds that the supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</p>
<p>Local Government Narratives</p> <p>Hilltops - Priorities</p> <ul style="list-style-type: none"> <li><i>• Capitalise on economic, housing and servicing opportunities arising from the area's proximity to Canberra, including advances in technology to create smart work opportunities.</i></li> <li><i>• Enhance community access to jobs, goods and services.</i></li> <li><i>• Address land management issues that could impact</i></li> </ul>	<p>Priorities for each LGA to guide sustainable growth, addressing needs of the community, efficient allocation of resources and encouraging investment.</p> <p>The proposal will address key priorities of capitalising on economic opportunities, access to jobs and growing local industry.</p>	<p>Noted.</p>

Goal/Direction	Proponent Comments	Council Assessment
<p><i>agricultural productivity and viability, including erosion, salinity, weed management, on-farm practices and management of the water table.</i></p> <p><i>Economy and employment</i></p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>Capitalise on value-add opportunities in food processing with the growth of intensive farming industries.</i></li> <li>• <i>Leverage regional assets such as the region's quality wines and cherries to promote tourism.</i></li> <li>• <i>Capitalise on the area's freight links north and west off the Hume Highway. Housing</i></li> <li>• <i>Grow housing in Young, Boorowa and Harden.</i></li> <li>• <i>Support the unique character of the region's village and rural lifestyle.</i></li> <li>• <i>Enhance the variety of housing options to cater for an ageing population.</i></li> <li>• <i>Work with stakeholders to secure a sustainable water source for urban use.</i></li> </ul>		
Appendix A: Neighbourhood Planning Principles	The proposal addresses, where relevant, the following planning principles.	Noted.
<ul style="list-style-type: none"> <li>• <i>A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.</i></li> </ul>	<p>The proposal addresses land use mix by facilitating economic growth and employment within a historic mixed land use environment and including mitigation measures to protect local amenity.</p>	Proposal for rezoning to enable industrial development while responding to land use context and natural environment.

Goal/Direction	Proponent Comments	Council Assessment
• <i>Jobs available locally and regionally, reducing the demand for transport services.</i>	Noted.	Noted. Proposal for future industrial development would enable more local jobs within Young with an expanded activity.
• <i>Conservation lands in and around the development sites, to help protect biodiversity and provide open space for recreation.</i>	The proposal includes relevant specialist studies in inform on the necessity to conserve and protect biodiversity sensitive areas.	With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.
• <i>Minimise the negative impacts on the natural water cycle and protect the health of aquatic systems, for example, through Water Sensitive Urban Design principles.</i>	The proposal includes reference to managing onsite stormwater impact and minimising impact to local riparian systems.	With Council recommendation, Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.  Any future development application would be required to consider and address onsite and offsite stormwater management and impact as a result of the proposed site activity on Victoria Creek.

### Draft South East Tablelands Regional Plan 2041

Theme	Proponent Comments	Council Assessment
<b>Theme 1: Recognizing Country, people and place</b> <i>Objective 1: Build capacity for shared knowledge about aboriginal culture in land use planning</i>	The proposal has incorporated comments and advice from the Young Local Aboriginal Land Council (LALC) to ensure that aboriginal culture is considered and not impacted as a result of the LEP amendment. The Due Diligence Report concluded that no aboriginal objects or archaeological deposits will be harmed by the proposal.	<p>Satisfied. Not inconsistent.</p> <p>The Planning Proposal is supported by a cultural heritage assessment (OzArk, 2021, Aboriginal Due Diligence &amp; 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.</p> <p>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.</p>
<b>Theme 2: Enhancing sustainable and resilient environments</b> 5: <i>Protect important environmental assets</i> 9: <i>Secure water resources</i>	5: <i>Protect important environmental assets</i> The proposal will ensure the natural landscape and biodiversity sensitive areas conserved and protected by implementing any actions and recommendations from the environmental and ecologic studies that accompany this report.	<p>With Council recommendation - Satisfied. Not inconsistent.</p> <p>Refinement of proposed E3 Productivity Support rezoning boundary responding to part of the land being currently zoned RE1 Public Recreation and identified as being flood prone land.</p>

	<p><i>9: Secure water resources</i></p>	<p>The proposal will ensure natural resources (such as Victoria Creek) are protected and enhanced by implementing any actions and recommendations from the environmental and ecologic studies that accompany this report. Onsite stormwater impacts will be managed and minimised to protect water and riparian corridors.</p>	<p>Amendment of Riparian Corridor mapping layer to respond to Victoria Creek and appropriate zone for 3<sup>rd</sup> order water course.</p>
<p><b>Theme 3: Leveraging diverse economic identities</b>  <i>15: Promote business and employment opportunities in strategic locations</i></p>		<p>The proposal will provide employment opportunities within a ‘strategic centre’ for the local economy of Young through expansion of job and training opportunities for the local workforce. Manufacturing and construction are becoming increasingly welcomed and recognized within Young which will be further supported by the LEP amendment.</p>	<p>Satisfied. Noted. Proposal for future industrial development would enable more local jobs within Young with an expanded industrial activity.</p>



## Appendix 2 Consideration of State Environmental Planning Policies

State Environmental Planning Policies	Proponent Submission	Council Assessment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Applicable and relevant. 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 of trees and other vegetation over the subject land. The recommendations have been taken into consideration in preparing the indicative masterplan.	Proposal refines and updates applicable environmental layers under the Hilltops Local Environmental Plan.  The Proponents submitted supporting report titled: "Natural Environment Assessment – Victoria Creek" notes that the two LEP Layers, Riparian Corridor and Terrestrial Biodiversity are require ground truthing. As below: <ul style="list-style-type: none"> <li>• <i>The LEP Riparian and Sensitive Lands layers are significantly poor and require ground truthing as the areas do not include the waterway centre;</i></li> <li>• <i>LEP Biodiversity mapping indicates the development site is 95% outside of these zones</i></li> </ul> The mapping layers have been ground trothed and amended accordingly.  With Councils recommendation, The Terrestrial Biodiversity layer being amended from the land and the Riparian Corridor Layer being amended to follow Victoria Creek with 3 <sup>rd</sup> order watercourse buffer s per the as per the Proponent's Natural Environment Assessment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy.	Not relevant for Planning Proposal.  However, any future development will continue to be assessable against this policy.
State Environmental Planning Policy (Housing) 2021	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.	Inconsistent by justified. Existing Facility is located on R1 General Residential and expansion of industrial zone would reduce the potential permissible residential development.  However, residential development has been extinguished from the site on the existing facility site.
State Environmental Planning Policy (Industry and Employment) 2021	Applicable and relevant. Consistent, any future development will continue to be assessable against this policy, particularly in relation to signage.	Noted and satisfied. Proposal land is not identified within the Western Sydney Employment Area and thus section would not apply. Chapter 3 Advertising and Signage of the SEPP would apply to any future development.
State Environmental Planning Policy (Planning Systems) 2021	Applicable and relevant. Consistent, any future development will continue to be assessable against this policy, particularly if classified as state significant or regionally significant. There	Noted and satisfied. Any future development meeting certain thresholds could be considered to be significant or regionally significant and the SEPP would apply.

	are no provisions within this proposal that would conflict with the intent of this SEPP.	
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable.	Not applicable.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable.	Not applicable.
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable.	Not applicable.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable.	Not applicable.
State Environmental Planning Policy (Primary Production) 2021	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.	Noted. Currently no State Significant Agricultural Land is listed in Schedule 1 of the SEPP.
State Environmental Planning Policy (Resilience and Hazards) 2021	Applicable and relevant. Consistent. In relation to the remediation of land, the SEPP <i>aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment</i> . It applies to the whole of the State. Whilst there is no legislative requirement under this SEPP to consider land contamination in detail at the rezoning stage, the proposal has undertaken a detailed site investigation (DSI) over the site and a specialist report accompanies this proposal. 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. This will be considered in more detail when determining a future development application over the land.	Noted. A contamination assessment (2021, El 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 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.
State Environmental Planning Policy (Resources and Energy) 2021	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.	Noted. Not relevant.  SEPP related to mining and extractive industries which would not be permissible in the E3 Zone.
State Environmental Planning Policy (Sustainable Buildings) 2022	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.	Noted and agreed.  Future development proposal would need to respond to <i>Chapter 3 Standards for non-</i>

		<i>residential development</i> of the SEPP if over a certain cost of works threshold.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Applicable and relevant. Consistent. There are no provisions in this planning proposal that would conflict with the objectives, standards and procedures required under this SEPP. The subject land is identified as containing, or within proximity to, essential infrastructure. Applicable requirements under respective clauses of this SEPP are to be addressed prior to development.	Noted.  Future development proposal would need to respond to <i>Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2</i> .  Consultation with Transport for NSW to continue to occur as a part of Gateway Determination request.

## Appendix 3 Consideration of Section 9.1 Ministerial Directions

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
<b>Focus area 1: Planning Systems</b>			
1.1 Implementation of Regional Plans	Yes - Inconsistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and the subject land is within the boundaries of an endorsed Regional Plan. 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 (South East and Tablelands Regional Plan 2036).	Generally consistent.  The Planning Proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions. See Appendix 1 for further details.
1.2 Development of Aboriginal Land Council land	No – N/A	Not applicable. Subject land is not identified on the land application map of chapter 3 of the SEPP (Planning Systems) 2021.	N/A
1.3 Approval and Referral Requirements	Yes - Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority that may involve additional or altered planning provisions. The proposal is consistent with this direction as it does not introduce any unnecessary provisions to the development assessment process.	The Proponent has received correspondence from Crown Land provided within the Supporting Documentation.  Otherwise, the Planning Proposal will not result in development that requires additional concurrence or referral requirements.
1.4 Site Specific Provisions	Yes - Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority that will allow a particular development to be carried out. The proposal is consistent with this direction as it will not involve more restrictive site-specific planning controls.	Generally consistent.  Planning proposal will not place unnecessarily restrictive site specific planning controls on the land.
<b>Focus area 1: Planning Systems – Place-based</b>			
1.5 Parramatta Road Corridor Urban Transformation Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.6 Implementation of North West Priority Growth Area Land Use and	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
Infrastructure Implementation Plan			
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.14 Implementation of Greater Macarthur 2040	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.16 North West Rail Link Corridor Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.17 Implementation of the Bays West Place Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.18 Implementation of the Macquarie Park Innovation Precinct	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.19 Implementation of the Westmead Place Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.20 Implementation of the Camellia-Rosehill Place Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A



Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
1.21 Implementation of South West Growth Area Structure Plan	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
1.22 Implementation of the Cherrybrook Station Place Strategy		Not applicable. Subject land is not within the relevant areas whereby these directions apply.	N/A
<b>Focus area 2: Design and Place (not in force at time of Planning Proposal)</b>			
<b>Focus area 3: Biodiversity and Conservation</b>			
3.1 Conservation Zones	Yes – Inconsistent	<p>Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and part of the land includes areas identified as environmentally sensitive. The proposal satisfies the objectives of this direction by ensuring that:</p> <ul style="list-style-type: none"> <li>• No rezoning of environmentally sensitive land occurs;</li> <li>• Natural resource sensitivity layers of the LEP remain as is;</li> <li>• Environmental protection standards are not reduced; and</li> <li>• Areas identified for protection or conservation are excluded from development and/or appropriate mitigation measures are introduced to facilitate protection and conservation.</li> </ul>	<p>Inconsistent. With Council Amendment satisfied.</p> <p>Additionally, although minor, Council notes inconsistency with Ministerial Directions 3.1 Conservation Zones for RE1 Public Recreation Zone where identified as Flood Prone Land.</p> <p>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.</p> <p>Although minor in area, the 1:100 year flood does extend into the proposal area which contradicts the Consultants Assessment Cardno 'does not inundate any of the land that it is subject to this proposal' p37 Planning Proposal. The development concept included in the flood advice assumes the steep bank on Lots 1171 and 1154 DP 754611 will not be filled.</p> <p>However, 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. Therefore, part of 20 Telegraph Road (part of Lot 1171 DP754611 and Lot 1154 DP754611) is recommended to remain RE1 Public Recreation due to being flood prone land and an existing RE1 Zoned Land).</p>

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
3.2 Heritage Conservation	Yes - Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as existing relevant heritage planning provisions will be maintained and any environmental or indigenous heritage significance of existing items will continued to be conserved.	A cultural heritage assessment has been undertaken by the proponent which concludes no items of heritage significance or Aboriginal significance are on the effected lots.
3.3 Sydney Drinking Water Catchments	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
3.5 Recreation Vehicle Areas	Yes - Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and part of the subject land includes areas of identified sensitive lands, as shown on LEP natural resources mapping. The proposal satisfies the objectives of this direction by maintaining existing relevant planning provisions.	The planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.
3.6 Strategic Conservation Planning	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	Not land identified as avoided land or a strategic conservation are under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
3.7 Public Bushland	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	Hilltops not identified as applicable LGA for direction
3.8 Willandra Lakes Region	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
3.10 Water Catchment Protection	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
<b>Focus area 4: Resilience and Hazards</b>			

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
4.1 Flooding	Yes - Inconsistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and part of the subject land includes areas adjacent a creek system that forms part of a stormwater management system and is subject to flooding. The proposal is consistent with this clause as the subject area is not within the Flood Planning Area (FPA) and none of the subject land within the RE1 zoning is identified as Flood Prone Land (FPL) as per the Flooding Report by Cardno. The proposal satisfies this direction by ensuring that flooding policy and relevant provisions are maintained in respect of the subject land. Refer to below for further discussion on flooding matters.	<p>Inconsistent. Council recommends amendment of Planning Proposal to satisfy.</p> <p>The Ministerial direction notes:</p> <p><i>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</i></p> <p>The Proponent notes that: The direction applies as a planning proposal is being prepared by a relevant planning authority and part of the subject land includes areas of adjacent a creek system that forms part of a stormwater management system and subject to flooding.</p> <p>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.</p> <p>Although minor in area, the 1:100 year flood does extend into the proposal area which contradicts the Consultants Assessment Cardno 'does not inundate any of the land that it is subject to this proposal' p37 Planning Proposal.</p> <p>Council notes that part of 20 Telegraph Road (part of Lot 1171 DP754611 and Lot 1154 DP754611) these areas would unlikely be supported to be rezoned as an Employment Zone and to remain RE1 Public recreation as they are flood prone and an existing RE1 zone.</p> <p><i>Additionally, The Ministerial direction notes: (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</i></p> <p>Council does not support the use of the E4 General Industrial Zone as it</p>

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
			permit hazardous industries. E3 Productivity Support zone is supported to address the Ministerial direction.
4.2 Coastal Management	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
4.3 Planning for Bushfire Protection	Yes - Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as existing relevant planning provisions will be maintained.	Planning Proposal location is not identified as being land mapped as bushfire prone land.
4.4 Remediation of Contaminated Land	Yes - Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and certain development referred to in Table 1 of the contaminated land planning guidelines is known to have been carried out, namely agricultural/horticultural activities and steel related activities including storage. The proposal satisfies the objectives of this direction by: <ul style="list-style-type: none"> <li>Considering any risk of harm to human health and the environment; and</li> <li>Taking into consideration the results and recommendations of a preliminary site investigation (PSI) and detailed site investigation (DSI) report carried out over the land in accordance with the contaminated land planning guidelines.</li> </ul>	Proponent states that the planning proposal addresses relevant provisions of this SEPP.  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 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.
4.5 Acid Sulfate Soils	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
4.6 Mine Subsidence and Unstable Land	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
<b>Focus area 5: Transport and Infrastructure</b>			
5.1 Integrating Land Use and Transport	Yes - Generally Consistent	Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority that will alter provisions relating to urban land.	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

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
		<p>The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> <li>Improving access to employment and business activities through upgraded transport facilities;</li> <li>Ensuring efficient movement of freight utilising location attributes and connectivity to existing arterial road networks; and</li> <li>Taking to consideration the conclusions and recommendations from the accompanying traffic and parking study relating this proposal.</li> </ul>	<p>for residential, business, industrial, village or tourist purposes.</p> <p>The site is adjacent to an existing town which has an existing road network connecting to highways.</p> <p>The Proponent has prepared a Traffic Impact Assessment (Spotto Consulting) The TIA has reviewed existing and predicted traffic and parking conditions as a consequence of this proposal. On site and surrounding networks have been assessed to determine potential impact and appropriate mitigation works as appropriate</p> <p>The assessment recommended that:</p> <ul style="list-style-type: none"> <li>The intersection of Telegraph Road with Murringo Road and Whiteman Avenue be modified to incorporate BAL (Basic Left Turn) and CHR(S) (Channelised Right Turn – Short) lane treatments.</li> </ul> <p>This has been actioned as included within the Letter of Offer and Draft VPA provided by the Proponent found in Attachment 3.</p>
5.2 Reserving Land for Public Purposes	Yes – Inconsistent.	<p>Consistent.</p> <p>The direction applies as a planning proposal is being prepared by a relevant planning authority that involves land zoned RE1 Public Recreation and identified as Crown Lands. The proposal will not alter land for public purposes without the approval of the relevant public authority. Initial contact with the Crown Lands department has been made by the proponent as referred to in the accompanying letter attached.</p>	<p>Satisfied with consultation with Crown Land.</p> <p>The direction applies as a planning proposal is being prepared by a relevant planning authority that involves land zoned RE1 Public Recreation.</p> <p>Crown Land Licences currently held by the proponent over Lot 11 DP1138027 &amp; Lot 12 DP1138027 uploaded to the Portal and discussed in Table 2 of Proponents Planning Proposal.</p> <p>Proponent has made contact with Crown Land who note</p> <p>“Hilltops Council will be the relevant planning authority in this instance, and will be required to consult with the Department in respect of the merits of the rezoning as part of its formal consultation process.</p>

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
			The Department will provide advice to the Council in respect of the merits of the planning proposal at that time”
5.3 Development Near Regulated Airports and Defence Airfields	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
5.4 Shooting Ranges	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
<b>Focus area 6: Housing</b>			
6.1 Residential Zones	Yes - Inconsistent	<p>Not inconsistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and involves land that is currently zoned R1 General Residential.</p> <p>The proposal is not inconsistent with this direction as it:</p> <ul style="list-style-type: none"> <li>Does not propose any significant change to existing residential zone boundaries;</li> <li>The land is substantially used for non-residential purposes and is highly unlikely to be made available for residential use;</li> <li>Is proposing development and potential rezoning of the land in accordance with relevant state and local strategic directions;</li> <li>Is justified when also taking into consideration the conclusions and recommendations of supporting specialist reports in relation to the proposal; and</li> <li>When considering the existing industrial development over part of this land and related strategic merit, is of minor significance.</li> </ul>	<p>Inconsistent by justified by Proponent as being supported by study prepared and of minor significance.</p> <p>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).</p> <p>The planning proposal seeks to rezone residential zone to an industrial zone.</p> <p>Noted that the existing use of the land within the Residential Zoned portion, is used as the existing facility for non-residential use being and industrial activity.</p>
6.2 Caravan Parks and Manufactured Home Estates	Yes - Inconsistent	<p>Consistent.</p> <p>The direction applies as a planning proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as existing relevant planning provisions will be maintained.</p>	<p>Inconsistent but justified.</p> <p>The direction states that the permissibility of caravan parks and manufactured home estates should not be removed from land.</p> <p>These uses are currently permissible in the RE1 zone applying to part of the subject site but would not be</p>



Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
			<p>permissible if the land is rezoned for industrial uses.</p> <p>However, due to the location of the RE1 Zone there is no practical land area to allow for caravan part or manufactured home estate as it follows Victorica Creek.</p>
<b>Focus area 7: Industry and Employment</b>			
7.1 Employment Zones	Yes - Consistent	<p>Consistent. The direction applies as a planning proposal is being prepared by a relevant planning authority and land is being proposed for further industrial development. The proposal may also have an effect on existing or proposed industrial zones in the Hilltops local area:</p> <p>The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> <li>- Encouraging employment growth in a suitable location;</li> <li>- Does not detrimentally affect existing employment land in other business and industrial zones as the proposal relates to an existing industrial business and premises.</li> <li>- The proposal also retains existing business and industrial zones across the LGA;</li> <li>- Continuing to support the viability of existing business and industrial centres in the LGA;</li> <li>- Expanding on total potential floor space for employment uses; and</li> <li>- Proposing development and new employment areas in accordance with approved regional and local strategies approved by NSW Planning.</li> </ul>	<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, Hilltops 2040.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
7.3 Commercial and Retail	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
Development along the Pacific Highway, North Coast			
<b>Focus area 8: Resources and Energy</b>			
8.1 Mining, Petroleum Production and Extractive Industries	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
<b>Focus area 9: Primary Production</b>			
9.1 Rural Zones	Yes - Inconsistent but justified.	<p>Inconsistent.</p> <p>The direction applies as a planning proposal is being prepared by a relevant planning authority and the proposal will affect an existing rural zone (RU4 – Primary Production Small Lots).</p> <p>The inconsistency is justified on the following basis:</p> <ul style="list-style-type: none"> <li>- The proposal has given consideration to the objectives of this direction in light of the existing use of the land for industrial purposes, particularly steel manufacturing;</li> <li>- The land is not used for active agricultural production and its contribution to the local rural agricultural economy is insignificant;</li> <li>- The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation;</li> <li>- Additional supporting specialist reports identify the land as suitable for further industrial expansion and have given consideration to the objectives of this direction;</li> <li>- The proposal is consistent with the applicable Regional Strategy; and</li> <li>- Based on the circumstances and scale of the proposal, the loss of rural zoned land is of minor significance.</li> </ul>	<p>Inconsistent. Justified with reference to regional strategy, local strategy and of minor significance.</p> <p>The planning proposal is not consistent with this objective as it proposes to rezone a rural zone to industrial.</p> <p>Young identified as a ‘strategic centre’ under the draft South East and Tablelands Regional Plan.</p> <p>The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation</p>
9.2 Rural Lands	Yes - Inconsistent but justified.	<p>Consistent.</p> <p>The direction applies as a planning proposal is being prepared by a relevant planning authority and the proposal will affect land within an existing rural zone (RU4 – Primary Production Small Lots).</p>	<p>The direction applies as a planning proposal is being prepared by a relevant planning authority and the proposal will affect land within an existing rural zone (RU4 – Primary Production Small Lots).</p>

Ministerial Direction	Applicable and Consistent?	Proponent Submission	Council Assessment
		<p>The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> <li>- Ensuring agricultural production values are protected by rezoning land that is not used for agricultural production;</li> <li>- Minimising land fragmentation by utilising existing fragmented parcels of land;</li> <li>- Being consistent with applicable regional and state strategic plans including the Hilltops LSPS;</li> <li>- Considering the potential impact of the proposal on primary production, environmental values, physical attributes and other related land uses; and</li> <li>- Having consideration to the social, economic and environmental interests of the community, as discussed in relevant accompanying specialist reports to this proposal.</li> </ul>	<p>Inconsistent. Justified with reference to regional strategy, local strategy, supported by specialist studies and of minor significance.</p> <p>Young identified as a 'strategic centre' under the draft South East and Tablelands Regional Plan.</p> <p>The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation</p>
9.3 Oyster Aquaculture	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.	N/A