



IRF 24/1672

## Gateway determination report – PP 2023-1336

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2-20 Telegraph Road, Young

August 24



Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

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Subtitle: 2-20 Telegraph Road, Young

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Hilltops</b>
<b>PPA</b>	<b>Hilltops Council</b>
<b>NAME</b>	<b>2-20 Telegraph Road, Young</b>
<b>NUMBER</b>	<b>PP-2023-1336</b>
<b>LEP TO BE AMENDED</b>	<b>Hilltops LEP 2022</b>
<b>ADDRESS</b>	<b>2-20 Telegraph Road, Young</b>
<b>DESCRIPTION</b>	<b>To rezone land at 2-20 Telegraph Road, Young to facilitate the expansion of a steel fabrication business.</b>
<b>RECEIVED</b>	<b>5/07/2024</b>
<b>FILE NO.</b>	<b>IRF24/1672</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains both the objectives and intended outcomes originally included by the proponent, and separately notes additional inclusions and commentary following Council's assessment and adoption of the planning proposal that has been submitted for assessment.

The objectives of the planning proposal are to:

- To provide development permissibility for Apollo Fabrication Group to expand their steel fabrication business activities across their land holdings.
- To remove the additional local provisions that apply under the HLEP 2022 relating to minimum lot size, as these provisions that relate to residential development and would not be relevant to an industrial land use.
- Amend applicable Terrestrial Biodiversity and Riparian Corridors Maps

The intended outcomes of the planning proposal are to:

- 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 Hilltops Council area.

- Facilitate the improvement to local infrastructure, streetscape and environmental management of the public domain.

**Comment** – For clarity, the objectives and intended outcomes of this planning proposal require rationalisation ahead of any consultation. Council is to be required to amend the proposal to only include the final objectives/intended outcomes supported by Council resolution on June 2024, without distinguishment from or discussion about those submitted by the proponent.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Hilltops LEP 2022 as per the changes outlined below:

- 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.
- Amend the Minimum 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.

The planning proposal contains an explanation of provisions that explains how the objectives of the proposal will be achieved. However, for clarity and to avoid confusion, Council is to be required to amend the planning proposal prior to consultation to only include the final provisions supported by Council's resolution of June 2024, without discussion about the proposal lodged by the proponent.

## 1.4 Site description and surrounding area

The subject site, totalling just over 3.5ha in area comprises of land being 2-20 Telegraph Road, Young. The site is located approximately 2.5km east of the Young central business district and is surrounded by a range of land zones/uses including RU4 primary production lots/dwellings to the east and south, R1 (General residential) zoned housing lots to the west, RE1 (Public recreation) areas (creek) to the south and RE2 Public recreation (open space, showground and harness racing track) to the north.

Property Descriptions, Land use and site area details are shown below.

Address	Legal Description	Area m2	Current Zoning	Mapping Layers that apply
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

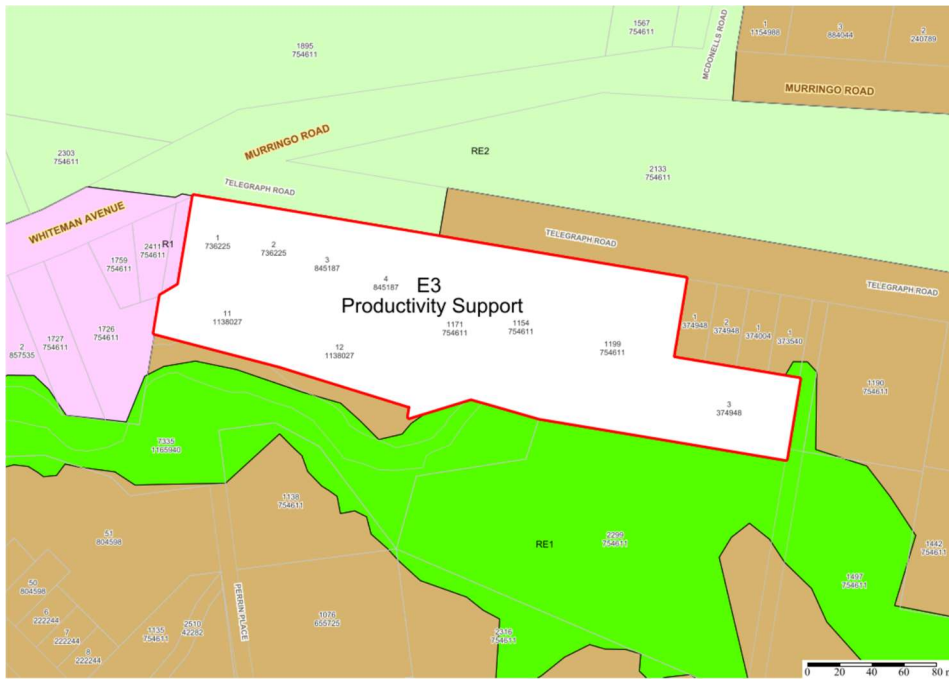
20 Telegraph Road	Lot 1171 DP754611	4,064	RU4 RE1	and Biodiversity Corridor; Sensitive Land Minimum lot area; Riparian and Biodiversity Corridor;
20 Telegraph Road	Lot 1154 DP754611	4,049	RU4 RE1	Sensitive Land Minimum lot area; Riparian and Biodiversity Corridor;
20 Telegraph Road	Lot 1199 DP754611	7,590	RU4 RE1	Sensitive Land Minimum lot area; Riparian and Biodiversity Corridor;
20 Telegraph Road	Lot 3 DP374948	4,049	RU4	Sensitive Land Minimum lot area
Total Site Area		35,169m2		



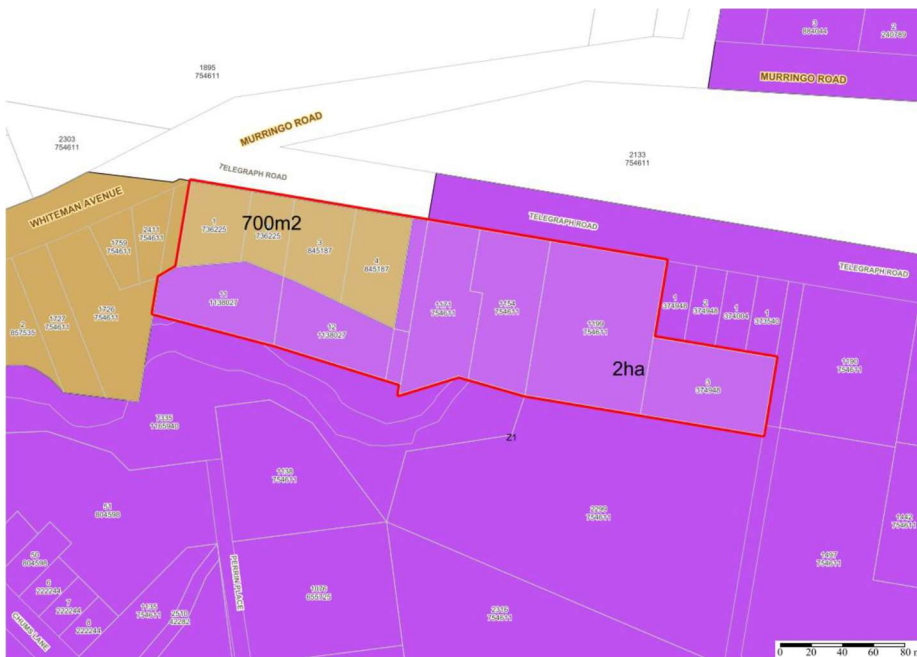
Figure 1 Subject site (source: Planning Proposal)

## 1.5 Mapping

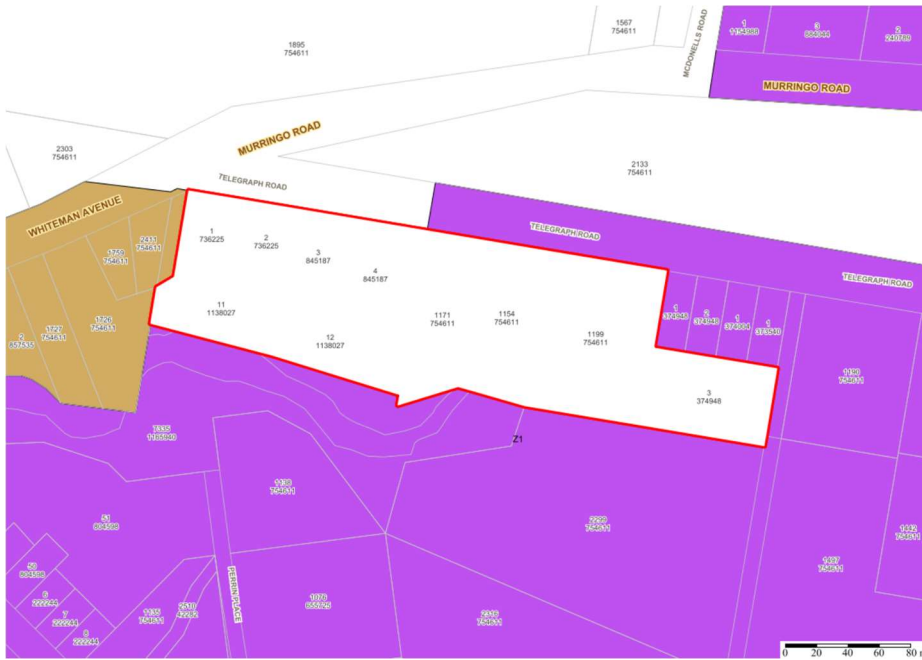
NSW Department of Planning, Housing and Infrastructure | 4



**Figure 4 Proposed zoning map (Source: Planning Proposal)**



**Figure 5 Current minimum lot size map (Source: Planning proposal)**



**Figure 6 Proposed minimum lot size map (Source: Planning proposal)**



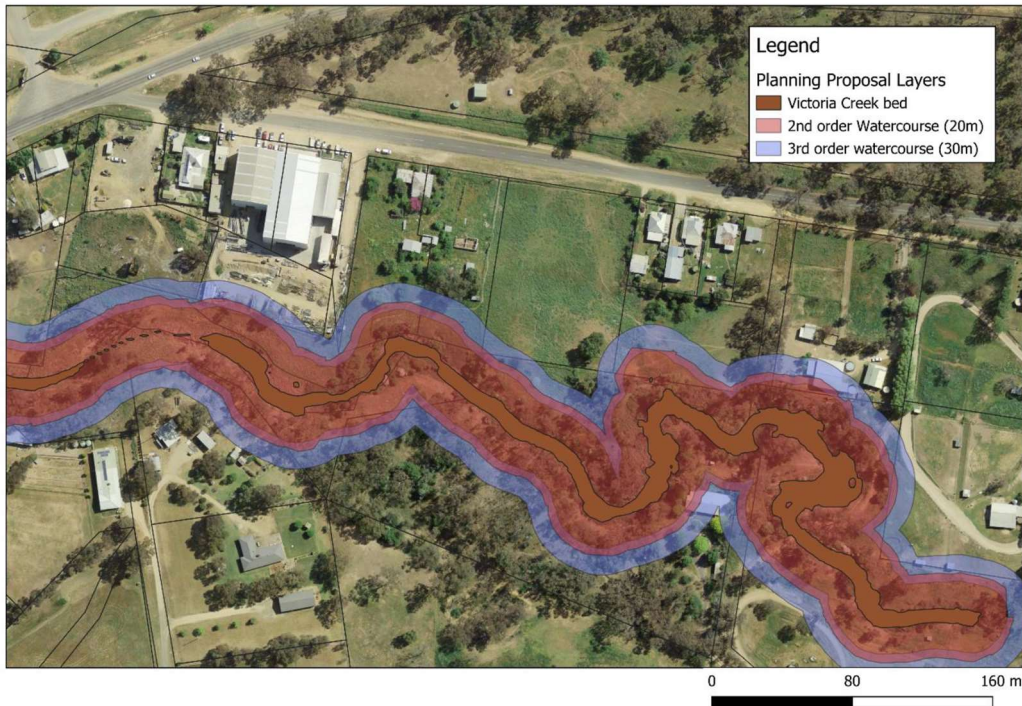
**Figure 7 Current Terrestrial biodiversity map layer (Source: Planning proposal)**



Figure 8 Proposed Terrestrial biodiversity map layer (Source: Planning proposal)



Figure 9 Current Riparian Corridor map layer (Source: Planning proposal)



**Figure 10 Proposed Riparian Corridor map layer (Source: Planning proposal)**

## 1.6 Background

This proposal has been the subject of two previous gateway determinations. Most recently in March 2022. The Gateway determination (PP-2022-163) required Council to undertake range of investigations into biodiversity, the provision and funding of infrastructure and to address a number of s9.1 Ministerial directions. This Gateway did not proceed due to it being unable to meet the required timeframes.

## 2 Need for the planning proposal

The planning proposal is needed to facilitate the expansion of an existing metal fabrication business onto adjoining lots. The planning proposal is generally consistent with Council's Local Strategic Planning Statement, which identifies the Telegraph Road area for investigation for industrial development, as well as consistency with the South East and Tablelands Regional Plan 2036 and Draft South East and Tablelands Regional Plan 2041

A planning proposal is the appropriate mechanism to facilitate the necessary amendment of the Hilltops Comprehensive LEP 2022.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is generally consistent with the South East and Tablelands Regional Plan 2036 which specifically identifies the following priorities for Hilltops:

- Capitalise on the proximity to Canberra
- Enhance community access to jobs, goods and services;

- Address land management issues that could affect the agricultural base; and
- Capitalise on the area's freight links north and west of the Hume Highway.

The planning proposal is generally consistent with these priorities.

The planning proposal does not specifically address the Regional Plan's Goals and Directions however it is considered to support Goal 1 of the Regional Plan - A connected and prosperous economy.

The Draft South East and Tablelands Regional Plan 2041 also applies. The proposal is considered to be generally consistent with the objectives of this draft plan, particularly Objective 11 (Realise economic benefits from a connected regional economy and Objective 15 – Promote business and employment opportunities in strategic locations.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
South West Slopes Regional Economic Development Strategy (SWSREDS) 2018-2022  <b>consistent</b>	The Strategy supports the growth of employment opportunities, while also encouraging increased trade through the Sydney/Canberra/ Melbourne markets. This Strategy also identifies heavy and civil engineering construction as a growing future opportunity.  <i>DPHI Planning agrees that the proposal will strengthen economic activity in Young and support the SWSREDS.</i>
Hilltops 2040- Local Strategic Planning Statement: <ul style="list-style-type: none"> <li>• Direction - Loving where we live - <b>consistent</b></li> <li>• Direction - Nurturing our natural environment- <b>consistent</b></li> <li>• Direction - Building a strong and robust regional economy-<b>consistent</b></li> <li>• Direction - Strengthening the region's connectivity and maintenance of assets and infrastructure- <b>consistent</b></li> </ul>	The planning proposal states that cultural heritage will be preserved and the natural landscape will be protected by implementing the recommendations from the studies accompanying the planning proposal. The proposal will also provide additional jobs, including potentially for local young people and include energy efficient technologies.  The proposal will allow the company to expand its business creating new local jobs. Additionally, the proposal will facilitate training opportunities. The LSPS identifies a future study on the local impacts of expansion of industrial activity in the Telegraph Road area.  The proposal will rely on and support the efficient key freight linkage networks. It will also enable the integration of improved traffic management systems.

Local Strategies	Justification
<ul style="list-style-type: none"> <li>Direction - Providing ethical, proactive &amp; effective leadership &amp; governance - <b>consistent</b></li> </ul>	<p>The project will build on existing partnerships that have been developed between council, the community and local business.</p> <p>DPHI planning acknowledges the general consistency with Council's LSPS.</p>
Hilltops Economic Growth and Land Use Strategy and Hilltops Freight and Transport Study (2019)	<p>The study identifies the Telegraph Road precinct as potential future industrial area pending future investigations.</p> <p>DPHI Planning acknowledges the identification of this site for investigation and subsequent studies that have informed this proposal.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes - consistent	<p>Generally consistent with Goal 1 (A connected and prosperous economy) as the proposal will see the expansion of an existing industry and subsequent creation of additional employment opportunities.</p> <p>DPHI Planning acknowledges consistency.</p>
1.3 Approval and referral requirements	Yes - Consistent	<p>Proposal does not introduce additional concurrence or referral requirements.</p> <p>DPHI Planning acknowledges consistency.</p>
1.4 Site specific provisions	Yes - Consistent	<p>Planning proposal will not introduce unnecessarily restrictive site specific controls.</p> <p>DPHI Planning acknowledges consistency.</p>

3.1 Conservation Zones	No – Inconsistency justified	<p>Minor inconsistency as the proposal seeks to make minor amendments to the Terrestrial Biodiversity Map. The proposal is supported and justified by various studies and a BDAR has been prepared in support of the proposal.</p> <p>DPHI Planning acknowledges that the inconsistency is justified as being minor and notes formal consultation post Gateway determination will raise and/or address any concerns of DCCEEW.</p>
3.2 Heritage conservation	Yes - Consistent	<p>A heritage assessment has been prepared which concludes no items of heritage significance or aboriginal significance are present on the land.</p> <p>DPHI Planning acknowledges consistency and that the site has been studied and found to contain no items or areas of historical/cultural significance.</p>
4.1 Flooding	Yes - Consistent	<p>The planning proposal adopted by Council retains all flood prone land as RE1 Public Recreation to ensure consistency with this direction, rather than rezone it to an employment zone as per the rest of the site that is not affected by flood.</p> <p>DPHI Planning acknowledges consistency.</p>
4.3 Planning for Bushfire protection	N/A	<p>Site is not mapped as bushfire prone.</p> <p>DPHI Planning notes this assessment.</p>
4.4 Remediation of contaminated land	Yes - Consistent	<p>A contamination assessment has been undertaken and low level contamination was found to be present. This is considered suitable for ongoing operation of the industrial use.</p> <p>DPHI Planning acknowledges consistency noting the proposed industrial land use that will result from the proposal.</p>
5.1 Integrating land use and transport	Yes - Consistent	<p>A traffic impact assessment has been undertaken and the recommendations of this assessment for intersection upgrades have been included within a draft VPA prepared to support this planning proposal.</p> <p>DPHI Planning acknowledges consistency and the funding arrangements for road upgrades that are included in the VPA prepared to support this proposal.</p>

5.2 Reserving land for public purposes	No – inconsistency justified	<p>The proposal seeks to rezone a small amount of land currently zoned RE1 Public Recreation to enable industrial use.</p> <p>The Secretary's approval is required to alter or reduce existing zonings or reservations of land for public purposes under Ministerial s.9.1 Direction 5.2 Reserving Land for Public Recreation.</p> <p>While the planning proposal has not justified the loss of this public open space, the changes to the recreation zone align with the changes to the riparian corridor based on better knowledge and is considered to be minor.</p> <p>The planning proposal states that Crown lands Department have noted the proposal and have advised that they will provide advice to Council as part of the formal consultation of this planning proposal.</p> <p>DPHI Planning notes that the planning proposal is consistent at this time and that Crown Lands have indicated that they will provide comment during consultation.</p>
6.1 Residential Zones	No	<p>The planning proposal is inconsistent as it seeks to rezone residential land for commercial purposes. Whilst currently zoned for residential development, the current industrial use of the land under existing use rights results in the site being unlikely to be developed for residential use. The site has been identified in Council's LSPS for investigation for industrial development, and the inconsistency is considered justified/minor given the scale (4 lots totalling 8000m<sup>2</sup>), existing use and identification in Council strategic planning.</p> <p>DPHI Planning agrees with this assessment.</p>
6.2 Caravan Parks and Manufactured home estates	Yes - Inconsistent	<p>The RE1 zoned land included as part of this proposal is not considered land suitable for this type of development and therefore the inconsistency is considered minor/justified.</p> <p>DPHI Planning agrees that inconsistency through reduction of land where caravan parks and manufactured home estates are permissible is minor and justified.</p>
7.1 Employment Zones	Yes - Consistent	<p>The planning proposal proposes an increase in land zoned for employment purposes identified for such purposes in Council's LSPS and is therefore consistent with the Direction.</p> <p>DPHI Planning acknowledges consistency.</p>

9.1 Rural Zones	Yes - Inconsistent	<p>The planning proposal seeks to rezone a relatively small portion of land currently zoned RU4 Primary Production Small Lots. The inconsistency with the direction is justified by Council's LSPS which identifies the site for investigation for industrial development. Further the rezoning aligns with existing industrial use of the land. The inconsistency is also likely to be of minor significance because of the relatively small area of rural land affected compared to the total amount of rural land in the surrounding area.</p> <p>DPHI planning agrees that the inconsistency is minor/justified noting the scale and existing land uses.</p>
9.2 Rural Lands	Yes - Inconsistent	<p>The planning proposal seeks to rezone a relatively small portion of land currently zoned RU4 Primary Production Small Lots. The inconsistency with the direction is justified by Council's LSPS which identifies the site for investigation for industrial development. Further the rezoning aligns with existing industrial use of the land. The inconsistency is also likely to be of minor significance because of the relatively small area of rural land affected compared to the total amount of rural land in the surrounding area.</p> <p>DPHI planning agrees that the inconsistency is minor/justified noting the scale and existing land uses.</p>

### 3.4 State environmental planning policies (SEPPs)

With exception of the Housing SEPP 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation 2021)	SEPP Chapter 2 seeks to protect biodiversity values and preserve amenity of trees and other vegetation in non-rural areas	Yes	Minor amendment to the Terrestrial Biodiversity Mapping justified by a study prepared to support the planning proposal. The proposal does not permit or lead to any direct clearing of vegetation.
SEPP Primary Production 2021	To protect state significant agricultural land	Yes	A small amount of RU4 zoned land to be rezoned for employment/industrial land use. Land is not considered state significant.
SEPP Housing 2021	Housing SEPP seeks to support housing supply, diversity	No – Minor/Justified	Minor inconsistency via removal of residential development as a permissible land use. Inconsistency is considered minor given scale, and that the change of uses is supported for investigation in Council's LSPS.
SEPP Resilience and Hazards 2021	SEPP requires consideration of remediation of contaminated land at certain rezonings	Yes	A site contamination assessment was conducted for the site in 2021 and concludes that the site was suitable for the type of development that will result from the proposed rezoning.
SEPP Transport and Infrastructure 2021	SEPP aims to facilitate the effective delivery of a range of infrastructure across the state.	Yes	Proposal would not impede the Aims of the SEPP. Consultation with TFNSW will be required as part of the Gateway determination.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	<p>A biodiversity development assessment report (BDAR), prepared in support of the planning proposal, found that vegetation on the site has been significantly modified due to previous clearing and the proposal is not expected to significantly contribute to a loss of threatened ecological communities or impact on threatened species.</p> <p>It is recommended the Gateway require Council to consult with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the planning proposal in relation to biodiversity.</p>
Riparian Lands	<p>Riparian Lands – A study titled “Natural Environment Assessment – Victoria Creek” has been prepared to support the proposal, which concludes:</p> <ul style="list-style-type: none"> <li>• The planning proposal is outside all core riparian areas.</li> <li>• The riparian zone has a high weed abundance.</li> <li>• Weed removal and additional planting is proposed along the riparian zone.</li> </ul> <p>The planning proposal includes an amendment to the Riparian Corridor Mapping in the LEP in accordance with the study, and it is noted that the corridor layer will still apply to parts of the site and will be relevant in the assessment of any new development.</p> <p>It is recommended the Gateway require Council to consult with the NSW DCCEEW on the planning proposal in relation to the riparian areas.</p>
Noise impacts	<p>The planning proposal states that noise impact is a substantial environmental concern in this locality which has been the subject of detailed discussions between Apollo, Council and the immediate local residents.</p> <p>An Environmental Noise Impact Report, prepared in support of the planning proposal, provides recommendations to ensure noise levels are met by any future industrial activity across the proposal site. This includes installation of acoustic barriers and limits on operations including after hours heavy vehicle movements.</p> <p>It is recommended the Gateway require Council to consult with the NSW EPA in relation to potential noise impacts and proposed mitigation measures.</p>
Contamination	<p>A detailed site investigation study concludes 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.</p> <p>It is recommended the Gateway require Council to consult with the NSW EPA on the planning proposal in relation to the site contamination.</p>

## 4.2 Social and economic

The following table provides an assessment of the social and economic impacts of the proposal.

Social and Economic Impact	Assessment
Cultural heritage	A heritage assessment report, prepared in relation to both Aboriginal and European heritage to support the planning proposal, found no Aboriginal cultural values or historic heritage sites during the inspection of the subject site and did not recommend the need for further investigations. The report makes recommendations in relation to protection and management of any cultural heritage that may be identified on site during any proposed ground disturbance activities.
Visual impact/urban design	<p>The proposed expansion of the existing manufacturing facility has the potential to impact on the visual amenity of the local area including adjoining dwellings and public open space.</p> <p>An urban design report, prepared in support of the planning proposal, provides recommendations in accordance with good design principles as outlined in <i>Urban Design Strategies for Regional NSW</i> (DPIE and NSW Government Architect 2020), including landscaping and streetscape and façade and gateway treatments.</p> <p>Visual impacts will be a consideration during the assessment of any future development applications associated with the development of the site.</p>
Impact on/loss of public open space	The proposal seeks to rezone a small amount of land currently zoned RE1 Public Recreation to enable industrial use. The planning proposal has not justified the loss of this public open space. However, the changes to the recreation zone align with the changes to the riparian corridor based on better knowledge. The Secretary's approval is required to alter or reduce existing zonings or reservations of land for public purposes under Ministerial s.9.1 Direction 5.2 Reserving Land for Public Recreation. Crown Lands NSW have noted the proposal and will provide comment whilst on exhibition.
New job creation and support for local economy	<p>An economic forecast analysis, prepared in support of the planning proposal, identifies the planning proposal may provide significant employment and economic benefits for the local area.</p> <p>The proposal states that the increased economic outcome resulting from the proposal and subsequent development will rise from \$15.8M/annum to as much as \$134M/annum and create significant employment ongoing at the facility, and during construction phases of the expansion.</p>

**Table 10 Social and economic impact assessment**

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
Potable water, stormwater, sewer, electricity, and telecommunications	<p>An infrastructure and flooding assessment, undertaken in support of the planning proposal, concludes 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>The assessment report recommends adequate on-site stormwater management is incorporated with any built form across the subject land to limit post-development peak runoff to no greater than pre-development peak runoff.</p>
Roads	<p>A traffic impact assessment, prepared in support of the planning proposal, identifies the proposed development will generate an additional 744 vehicle trips per day. It is also proposed to provide 116 off-street parking spaces at the site.</p> <p>The traffic impact assessment report provides the following recommendations for local road upgrades:</p> <ul style="list-style-type: none"> <li>• The intersection of Telegraph Road with Murringo Road and Whiteman Avenue be modified to incorporate a basic left turn and channelised right turn land treatments; and</li> <li>• Heavy vehicles approaching the site from the east along Murringo Road be directed to turn left at the eastern intersection.</li> </ul>

### Infrastructure Funding Arrangements

A draft Voluntary Planning Agreement (VPA) between the proponent and Council has been prepared to fund required infrastructure upgrades to support the planning and development outcomes contained within this planning proposal. The VPA has received Council support to be concurrently exhibited alongside the Planning proposal during community consultation.

DPHI Planning accepts that the required infrastructure is in place to service the potential development outcomes made permissible under this planning proposal, and where upgrades are required, that a VPA entered into between Council and the proponent will ensure that the required infrastructure can be delivered.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

Council has nominated the below public agencies to be consulted about the planning proposal. The Department considers this consultation to be appropriate with the inclusion of

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water (DCCEEW) – (Biodiversity, Riparian lands/waterways divisions)
- Natural Resources Access Regulator (NRAR)
- Environmental Protection Authority (EPA)
- Crown Lands

## 6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 12 months from the date of the Gateway determination in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

Prior to consultation, the Planning proposal is to be updated to amend the Project timeline table to accurately reflect the date of lodgement and subsequent milestone dates accordingly.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal relates to a single site and proposes a range of amendments that seek to facilitate the ongoing and expanded operations of an existing industrial use that does not raise any significant state planning matters, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will facilitate expansion of an existing metal manufacturing business which will create local jobs and support the local economy.
- The proposal is generally consistent with the Hilltops Local Strategic Planning Statement which identifies Telegraph Road site for investigation for industrial development. The proposal is also generally consistent with the South East and Tablelands Regional Plan 2026 and draft South East and Tablelands Regional Plan 2041.
- The proposal is supported by a range of relevant studies, and Council and the proponent have in-principal agreed on a draft Voluntary Planning Agreement (VPA) that will deliver required infrastructure upgrades. The VPA will be placed on consultation concurrently with the planning proposal

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Simplify the planning proposal to only include final planning proposal content and provisions supported by Council resolution on June 2024, without distinguishment from or discussion about that submitted to Council by the proponent for consideration. This will provide a concise and consistent document representing only the final Council adopted planning proposal suitable for public exhibition.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.1 Conservation Zones, 5.2 Reserving land for Public Purposes, 6.2 Caravan Parks and Manufactured Home Estates, 9.1 Rural Zones and 9.2 Rural Land are minor or justified; and
- Approve the proposal to alter or reduce existing zonings for public purposes in order to align the zone to the riparian corridor.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated prior to consultation to only include the objectives and provisions supported by Council's resolution, by removing discussion about the proposal lodged by the proponent.
2. Consultation is required with the following public authorities:
  - Transport for NSW
  - Department of Climate Change, Energy, THE Environment and Water (DCCEEW)
  - Natural Resources Access Regulator (NRAR)
  - Environmental Protection Authority (EPA)
  - Crown Lands
3. The planning proposal should be made available for community consultation for a minimum of 28 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 12 months from the date of the gateway determination be included on the Gateway.

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30/8/24

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