



PLANNING PROPOSAL

Amendment to Hilltops Local Environmental Plan 2022

2-20 Telegraph Road, Young

To rezone land at 2-20 Telegraph Road, Young to facilitate the expansion of a steel fabrication business.

Department Ref: PP-2023-1336

September 2024

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Table of Abbreviations

AHIP	Aboriginal Heritage Impact Permit
Apollo	Apollo Fabrications Group
BAL	Basic Left Turn
BDAR	Biodiversity Development Assessment Report

CHR(S)	Channelised Right Turn – Short
CSP	Community Strategic Plan
DPE	Department of Planning and Environment
DSI	Detailed Site Investigation
EGLUS	Economic Growth and Land Use Strategy
HC	Hilltops Council
HLEP	Hilltops Local Environmental Plan
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategy Planning Statement
NIA	Noise Impact Assessment
PSI	Preliminary Site Investigation
SEPP	State Environmental Planning Statement
TEC	Threatened Ecological Community
TIA	Traffic Impact Assessment
YLEP	Young Local Environmental Plan

Introduction

1.1 Introduction

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.

At the 26 June 2024 Ordinary Council Meeting, Hilltops Council resolved to amend the Planning Proposal in accordance with Council's Assessment Report (as below). This Planning Proposal was amended as follows and was sent to the Department of Planning, Housing and Infrastructure to Request a Gateway Determination on 30 June 2024:

12.12 - 24/158 - PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT FOR 2-20 TELEGRAPH ROAD YOUNG - REQUEST GATEWAY DETERMINATION

24/178 RESOLVED: That Council:

(a) Council endorse an amended Planning Proposal in relation to 2-20 Telegraph Road, Young to amend the Hilltops Local Environmental Plan 2022 in accordance with Council's Assessment Report (Attachment 1), to:

- (a) Rezone to E3 Productivity Support across the subject land;*
- (b) Remove the Minimum Lot Size applying across the subject land;*
- (c) Amend the Terrestrial Biodiversity mapping layer that applies across parts of the subject land; and*
- (d) Amend the Riparian Corridor mapping layer that applies across parts of the subject land.*

(b) Request a Gateway Determination from the Department of Planning, Housing and Infrastructure in accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979, noting Council be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979;

(c) Grant delegation to the General Manager to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination;

(d) Upon receipt of a Gateway Determination, place the Planning Proposal on public exhibition pursuant to any requirements of the Determination and Section 3.34(2) of the Environmental Planning and Assessment Act 1979;

(e) Upon receipt of a Gateway Determination, place the Planning Agreement based on the terms as outlined in the draft Voluntary Planning Agreement (Attachment 2) dated 5 June 2024 for works in kind on public

exhibition in accordance with the requirements in Clause 204 of Environmental Planning and Assessment Regulations 2021 concurrently with the Planning Proposal;

(f) Grant delegation to the General Manager to make any necessary changes to the Planning Agreement prior to public exhibition in response to the conditions of the Gateway Determination; and

(g) Following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

1.2 Gateway Determination

The Delegate of the Minister for Planning and Public Spaces granted a Gateway Determination on 30 August 2024 with the following Conditions:

1. For clarity and ease of understanding, 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. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

(a) the Planning Proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

(b) the Planning Proposal authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).

The draft contributions plan (VPA) for the subject site as far as practicable is to be exhibited at the same time and in the same way as the Planning Proposal. PP-2023-1336 (IRF 24/1672)

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW*
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)*
- Natural Resources Access Regulator (NRAR)*

- Environmental Protection Authority (EPA)
- Crown Lands

1.3 Proposal Context

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 HLEP 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 approximately 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 1 Property Description, Land Use and Site Area

Address	Legal Description	Area m ²	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		35,169m ²		

The location of the subject site in relation to the Young Central Business District is shown in Figure 1. Figure 2 shows the lots comprising the subject site. Figure 3 shows the land use zones that apply to the subject site and surrounding areas.

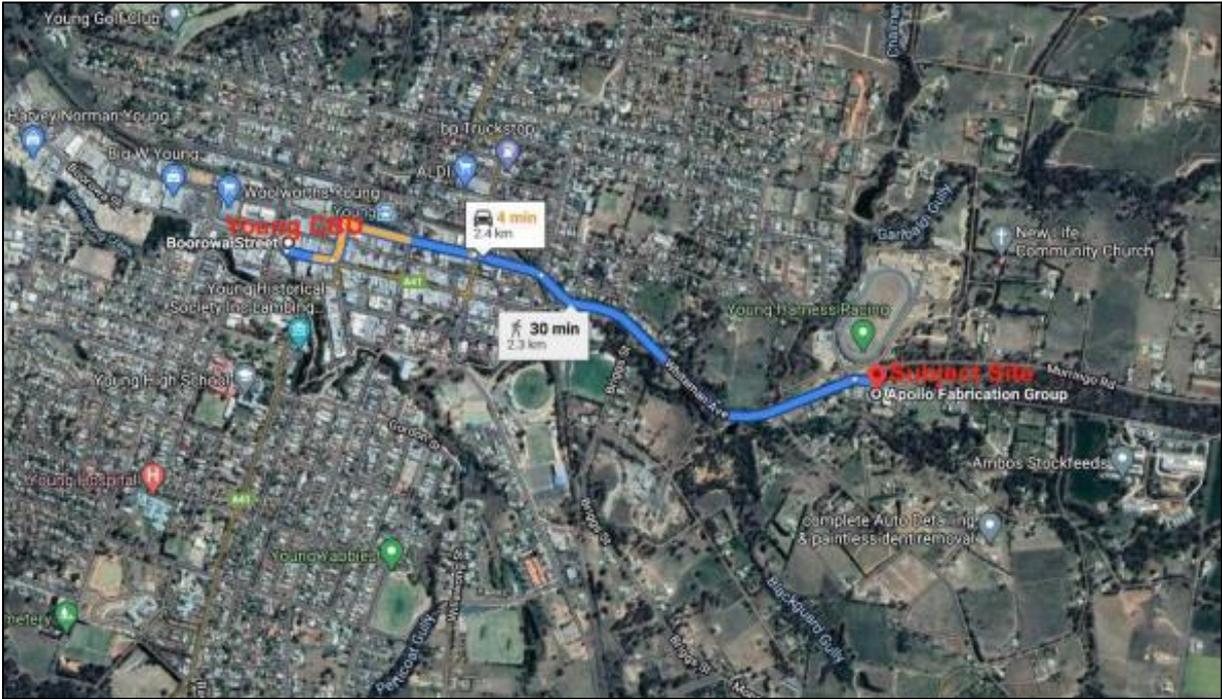


Figure 1 Subject Site – Locality Context

Source: Proponent Planning Proposal



Figure 2 Subject Site – Aerial Imagery of subject site Source: Planning Proposal

operating along the eastern part of Telegraph Road, in particular Riverina (Australia) Pty Ltd. (Page 2)¹

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

In addition, the Planning Proposal identifies how it is consistent with or outlines justification for inconsistency from further State government planning legislation, policy and guidance including:

- the consistent use of the Standard Instrument:
- furthering relevant:
 - Ministerial Directions;
 - State Environmental Planning Policies;
 - State and regional strategies and policies; and
 - Hilltops Local Strategic Planning Statement.

1.4 Background and Proposal

The Proponent, Apollo Fabrications Group provides their rationale and purpose in pursuing the Planning Proposal. The below is extracted from the submitted Planning Proposal from the Proponent:

The Apollo Fabrication Group (Apollo) own and operate a steel manufacturing premises located on Telegraph Road, Young, NSW, and is a regional success story.

Beginning in 2003, Apollo now employs over 60 skilled workers, apprentices and interns, administrators, project managers, construction workers as well as logistics and transport specialists. Apollo now produces over 250 tonnes per month of some of the most iconic steel structures in NSW and the ACT.

With continued business growth, Apollo subsequently acquired the current site at Telegraph Road in 2010. Prior to Apollo's relocation, the premises and surrounding land parcels were used for various general industrial uses including bearing and engineering supplies, quarry equipment storage, general mechanical/machinery servicing, carriers/cartage contractors, mixed business and lawn mower sales and service. Whilst the land was zoned R1 General Residential in 2010 under the Young Local Environmental Plan 2010 (YLEP2010), Apollo's industrial premises has continued to operate under existing use provisions.

In order for its recent growth to be accommodated, Council approved alterations and additions to the existing premises in 2012 for use as a

¹ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 – Page 1

steel manufacturing business including ancillary workshop, storage and office areas. Further expansion of the premises was approved in 2019 followed by modification and temporary use approvals in 2020. Importantly, Apollo also recognises that a key consideration associated with the expansion of their premises has been their desire to work with Council and key stakeholders to address interface issues with adjoining rural residential land, particularly in relation to acoustic impacts resulting from its operations.

Apollo's management have identified the need for further investment in their premises and facilities to accommodate advanced manufacturing technologies and processes in needed to compete in their market sector.

Acknowledging that Apollo's future critically pivots upon both continued certainty in relation to the operation of its existing facilities as well as its ability to continue to confidently invest in them, Apollo have held many discussions with Council and the local business community in relation to economic development, employment opportunities and regional business growth to address both their expansion needs as well as the betterment of the local area and economy in general.

Whilst various options to accommodate Apollo's business expansion have been considered, including relocation both within and outside of the Hilltops Local Government Area (LGA), it is Apollo's view that the sustainable development of its own land at Young can meet its needs and be undertaken in a way that minimises noise impacts on neighbours, attracts new skilled workers to the region and almost doubles its workforce, while making a significant contribution to Young's economic growth.

A Planning Proposal for the subject land was originally endorsed by Hilltops Council in November 2022 and the Department of Planning & Environment (DPE) supported the zoning amendment to IN1 General Industrial via Gateway Determination (PP-2022-163). The LEP amendment was not completed by Council before the 23rd of March 2023 and no extension was provided by the DPE due to the State government's commitment to reducing time taken to complete Local Environmental Plans. The DPE recognises potential economic benefits of the proposal and is willing to expedite consideration of a new Gateway that can be finalised in a timely manner.

The following Planning Proposal intends to amend planning provisions 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, including steel fabrication.

*The following planning report will demonstrate that there are minimal environmental and infrastructure constraints that would impact the achievement of this Planning Proposal in accordance with current strategic land use policy. The report is structured in accordance with the LEP Making Guideline (NSW Planning September 2022) – Section 2.*²

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to provide development permissibility for Apollo Fabrication Group to expand their steel fabrication business activities across their land holdings. This includes lots currently used for steel fabrication and adjoining lots. The existing use right provisions, however, pose strict limitations on greater concentration of activities on site and prohibit expansion onto adjoining sites.

In addition the removal of 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.

The Planning Proposal also amends the Terrestrial Biodiversity and Riparian Corridors mapping layers that currently apply to the subject site.

As such, the Planning Proposal Objective seeks to:

*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, including steel manufacturing and associated/ancillary activities.*³

The intended outcomes of the Planning Proposal includes:

- *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 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.

² Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 – Page 1-3

³ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 5

Table 2: Plans and Support Documentation

Ref	Title	Rev	Date	Prepared By
#	Proponent Planning Proposal - Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW	3.0	December 2023	Salvestro Planning
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) Utility Servicing Feasibility Memorandum Attachment: Certified Electrical Design	Final 0 B	29/03/21 13/04/21 18/05/20	Cardno (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
14	Letter of Offer and draft Voluntary Planning Agreement		5/6/2024 17/6/2024	Hones Lawyers

Part 2 – Explanation of Provisions

2.1 Intended Provisions

Council resolved at the 26 June 2024 Ordinary Council meeting, to amend the Planning Proposal 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.
- 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's amendments, rationale and justification are further discussed below and in Section B Relationship to Strategic Planning Framework, Section C – Environmental, Social and Economic Impact of this Planning Proposal.

2.2 Land Use Zoning and Lot Size Amendment

The Planning Proposal seeks to 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. Additionally the proposal seeks to amend the Minimum Lot Size map that applies to the land by removing all minimum lot size provisions.

Key considerations for the Land Use Zoning 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.

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>Existing Facility Development</p>	<p>general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.</p> <p>industrial activity 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>E3 Zone Objective</p> <ul style="list-style-type: none"> • To provide a range of facilities and services, light industries, warehouses and offices. 	<p>light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood 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"> (a) high technology industry, (b) home industry, (c) artisan food and drink industry, (d) creative industry.
<p>E4 Zone</p> <ul style="list-style-type: none"> • To minimise any adverse effect of industry on other land uses 	<p>heavy industry means a building or place used to carry out an industrial activity that requires separation 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"> (a) hazardous industry, or (b) offensive industry. <p>It may also involve the use of a hazardous storage establishment or offensive storage establishment.</p> <p>hazardous industry 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</p>

	<p>(including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), 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>offensive industry 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 isolate the activity from existing or likely future development on other land in the locality), 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.</p>
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Table 3: Land Use Definitions Source: Standard Instrument Local Environmental Plan

The E4 zone is a less desirable zone due to permissibility of the land use ‘heavy industry’ which includes ‘hazardous industry, or ‘offensive industry’.

Therefore, E3 Productivity Support land use zone is proposed as it provides land use permissibility, and minimises potential for more amenity impacting uses being permissible on the surrounding land uses and natural environment context of the proposal land.

2.3 Terrestrial Biodiversity and Riparian Corridor Layer

The Planning Proposal, in line with Council’s Resolution, amends the Terrestrial Biodiversity layer and Riparian Corridor layer applying to the land.

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 from El Australia – Kingfisher 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.

Supporting the Planning Proposal is an additional report titled “Natural Environment Assessment – Victoria Creek” 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.*⁴
(Page 27-28)

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 Natural Environment Assessment report.

The Planning Proposal revises the Riparian Corridor Layer is to follow Victoria Creek buffer as per the *Natural Environment Assessment - Victoria Creek*".

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.

⁴ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 Page 27-28.

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:

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

Figure 6: Recommended Riparian Corridor Widths Source: NSW Department of Planning and Environment

Therefore, the Riparian Corridor be in the 2nd order width of 20m from the creek bed at a minimum or 3rd 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.

The mapping layers have been ground truthed and amended accordingly as outlined in Part 5 of the Planning Proposal. The Terrestrial Biodiversity layer being removed from the land and the Riparian Corridor Layer being amended to follow Victoria Creek with a buffer as per the as per the *Natural Environment Assessment*.

Part 3 – Justification of strategic and site-specific merit

3.1 Strategic Merit Assessment

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;**

Generally consistent. 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. ⁵

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 14.

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

Generally consistent. 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. ⁶

⁵ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 4

⁶ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 4

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

Given the context of the proposal, surrounding residential and semi-rural land uses and natural environment being Victoria Creek, the E3 Productivity Support Zone addresses a site-specific merit assessment.

A Voluntary Planning Agreement between Council and the Proponent has been included alongside the Planning Proposal 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.

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 14.

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

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.⁷

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 Planning Proposal's 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.

3.2 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)**

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.⁸

Generally consistent with the Proposal's amendment of the Terrestrial Biodiversity Layer in line with ground truthing so that the Riparian Corridor Layer is amended to follow Victoria Creek buffer as per the Natural Environment Assessment and the Planning Proposal.

Additionally, although minor, retaining the RE1 Public Recreation Zone where identified as Flood Prone Land to satisfy the Ministerial Direction.

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

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

⁷ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 4

⁸ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 4

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.⁹

Generally consistent. Satisfied with land use Zone E3 Productivity Support.

The Planning Proposal provides justification for expanding industrial activities in this precinct, including specialist reports on noise, traffic, infrastructure and the environment. The Planning Proposal 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. Given the context of the proposal, surrounding residential and semi-rural land uses and natural environment being Victoria Creek, the proposed Land Use zone be E3 Productivity Support provides land use permissibility, and addresses concern of potential for more amenity impacting uses.

• 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.

Satisfied. 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.¹⁰

The Planning Proposals 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.

⁹ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 4

¹⁰ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 4

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."

A draft Planning Agreement (VPA) has been negotiated and adopted by Council to be placed on public exhibition concurrently with the Planning Proposal – see **Attachment 14**.

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.

Section A – Need for the Planning Proposal

The Planning Proposal seeks to permit industrial development on the subject land in order to facilitate further expansion of the existing Apollo steel

fabrication business that currently operates from premises at 12 – 20 Telegraph Road, Young.

Justification for the proposal, including its strategic relevance and merit, is outlined below.

1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes.

Hilltops 2040 Local Strategic Planning Statement, endorsed by DPE NSW, provides a background to rationalise the existing plans and prepare a new comprehensive LEP for the Hilltops LGA.

The Hilltops LSPS includes the Telegraph Road precinct as an industrial investigation area and states:

“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.” (LSPS pg95)

“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.” (LSPS pg96)¹¹

¹¹ Salvestro Planning Proposal



Figure 7: Hilltops 2040 - Young Town Map Extract showing Telegraph Road Precinct (J) (Source: H2040LSPS)

In addition to aligning the *Hilltops 2040* and LEP to the Hilltops Community Strategic Plan, a series of background studies were prepared and consulted to assist in informing the development of *Hilltops 2040* and this draft Hilltops LEP including:

- Hilltops Rural and Residential Lands Study 2019
- Hilltops Economic Growth and Land Use Strategy 2019
- Hilltops Freight and Transport Study 2019

The Telegraph Road precinct is also identified in specific economic and employment strategic objectives, priorities and action items to facilitate the continued growth of Young.

**ECONOMY AND EMPLOYMENT
OBJECTIVES**

1. Facilitate the growth of existing Young businesses on site or in town.

PRIORITIES

3. Develop concept plans for the provision of roads and services for green field industrial lands in the east and west of Young to inform land owners and Council in future decision making.

ACTIONS

1. Concept plans for road and servicing layouts completed for employment lands for industrial use at:

- Western Young adjacent and proximate to Boorowa Street, Milvale Road, Old Temora Road, Wickham Lane and Mackenzie Street.

- Eastern edge of Young adjacent and proximate to Telegraph Road.
- Northern edge of Young adjacent to northern frontage of Olympic Highway and Scenic Road.
(Hilltops LSPS pg107)

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

Given the context of the proposal, surrounding residential and semi-rural land uses and natural environment being Victoria Creek, therefore E3 Productivity Support is proposed and would satisfy a 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 is required.

The Proponent’s Letter of Offer and Draft Voluntary Planning Agreement will be placed on public exhibition concurrently with the Planning Proposal and can be found in **Attachment 14**.

Consistency with the adopted strategic planning framework is discussed further below in Section 4.2 of this Planning Proposal.

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

Yes. Various options were considered but a Planning Proposal for rezoning of the land is the best means for the intended outcomes.

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 1 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.

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. (Page 7-9)¹²

Section B – Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal notes that both the South East and Tablelands Regional Plan 2036 and the draft South East and Tablelands Regional Plan 2041 are applicable to this proposal.

The regional plan includes priorities that emphasise the need for a connected and prosperous economy, protection of environmental assets, and a healthy community with access to education facilities and local employment opportunities.

For Young and Hilltops LGA, the regional plan prioritises economic, housing and servicing opportunities, community access to jobs, goods and services, and land management issues

¹² Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 7-9

The proposal's consistency with relevant goals, directions and actions contained in the regional plan is discussed in the table below. The plan has the following goals:

- Goal 1: A connected and prosperous economy
 - Goal 2: A diverse environment interconnected by biodiversity corridors
 - Goal 3: Healthy and connected communities
 - Goal 4: Environmentally sustainable housing choices
- (Page 10)¹³

See Appendix 1 for full table addressing, goals priorities and actions of the South East and Tablelands Regional Plan 2036 and draft South East and Tablelands Regional Plan 2041.

Table 4 Relevant goals and directions of South East and Tablelands Regional Plan 2036¹⁴

Goal/Direction	Comments
<p>Vision Vision Statement: <i>A borderless region in Australia's most geographically diverse natural environment with the nation's capital at its heart</i> Regional Goals:</p> <ul style="list-style-type: none"> • <i>A connected and prosperous economy</i> • <i>A diverse environment interconnected by biodiversity corridors</i> • <i>Healthy and connected communities</i> • <i>Environmentally sustainable housing choices</i> 	<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. As such, the Planning Proposal is not considered to be inconsistent with the economic strategies of the Regional Plan.</p> <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>Direction 4: Leverage growth opportunities from Western Sydney</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>This direction identifies strategic directions to promote this region for economic growth and encourage relocation of industries from Western</p>

¹³ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 10

¹⁴ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 10-15

Goal/Direction	Comments
	<p>Sydney to this region to reduce pressure on urban growth in the metropolitan area.</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>Direction 11: Enhance strategic transport links to support economic growth</p>	<p>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 14.</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 & 11.4. Items 11.3 & 11.5 are not specifically relevant to this proposal.</p>
<p>Direction 14: Protect important environmental assets</p>	<p>Satisfied. Not inconsistent.</p> <p>Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land.</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>

Goal/Direction	Comments
	The proposal supports relevant action items, in particular, items 14.2, 14.3, 14.4 & 14.5. Items 14.1 & 14.6 are not specifically relevant to this proposal.
Direction 15: Enhance biodiversity connections	<p>Satisfied. Not inconsistent.</p> <p>Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land.</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. The proposal supports relevant action items, in particular, item 15.1. Items 15.2, 15.3 & 15.4 are not specifically relevant to this proposal.</p>
<i>Direction 16: Protect the coast and increase resilience to natural hazards</i>	<p>Not inconsistent.</p> <p>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 3rd order water course</p> <p>The subject site has been assessed in relation to natural hazards, in particular flooding, as well as site health (contamination). The proposal supports relevant action items, in particular, items 16.2, 16.4, 16.5 & 16.6. Items 16.1 & 16.3 are not specifically relevant to this proposal.</p>
Goal 3: Healthy and connected communities	<i>Facilitating better access to health, education, recreation and environmental areas to encourage healthy lifestyles and sustain standards of living.</i>
Direction 23: Protect the region's heritage Actions:	<p>Satisfied. Not inconsistent.</p> <p>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.</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 & 23.5. Items 23.3, 23.4 & 23.6 are not specifically relevant to this proposal.</p>

Goal/Direction	Comments
Direction 28: Manage rural lifestyles Actions:	<p>Inconsistent but justified</p> <p>The Planning Proposal 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. Further amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</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 & 28.3 are not specifically relevant to this proposal. and primary production small lot zones. The existing use</p>

4. Is the Planning Proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

There are two local strategic plans prepared by Council that are relevant to this proposal. These include:

- Hilltops Community Strategic Plan 2022-2032 – Our Place
- Hilltops Local Strategic Planning Statement (LSPS) 2020-2040

The Community Strategic Plan (CSP) identifies the main priorities and aspirations for the future of the Hilltops community and identifies strategies for achieving these. The community's vision is stated in the following vision statement:

"In 2030 the Hilltops is a thriving region offering a relaxed country lifestyle and diverse economy. We value and protect our friendly community spirit, pristine natural environment, and deep cultural heritage. There are strong connections between our community, environment, and economy, making the Hilltops region a vibrant place to live, work, play and invest."

The approach to achieving the vision is based on four “Strategic Pillars” and two “Strategic Alignment Pillars”. Assessment against the pillars is outlined below, with reference to key strategic objectives relevant to the proposal.¹⁵

Table 5: Relevant goals and directions of Hilltops Community Strategic Plan 2022-2032 – Our Place and Hilltops Local Strategic Planning Statement¹⁶

Pillar: Social & Liveability: Loving Where We Live

Outcome	Relevant Objectives & Strategies	Consistency
We are a network of inclusive and diverse communities' who treasure our country lifestyle, have strong connections and cultural history which enriches our quality of life.	1C. Value our historical significance and cultural traditions C.2 Supporting and nurturing Aboriginal cultural heritage and values.	The proposal will ensure cultural heritage is respected and protected by implementing any actions and recommendations resulting from a cultural heritage study that accompanies this report.
	1D. Embracing our relaxed country lifestyle C.6 Protecting and enhancing our natural beauty.	The proposal will ensure the natural landscape is protected and enhanced by implementing any actions and recommendations from the environmental and ecologic studies that accompany this report.
	1E. Nurturing & providing opportunities for our youth E.3 Facilitate the development of skill sets that meet local employment demands	The proposal will facilitate the expansion of the existing business premises which includes greater employment and training opportunities for local apprentices. Apollo will be aligning with Federal and State training programs to create additional jobs and improve local skill sets.

Pillar: Natural Environment: A Nurtured and Protected Environment

Outcome	Relevant Objectives and Strategies	Consistency
We are custodians of our natural environment and	2A. Maintaining the environmental integrity of the region	The proposal will ensure the natural landscape is protected and enhanced by implementing

¹⁵ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 16

¹⁶ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 16-18

Outcome	Relevant Objectives and Strategies	Consistency
landscapes and will protect and improve them for future generations.	A.5. Protecting and enhancing the beauty of our natural landscapes	any actions and recommendations from the environmental and ecologic studies that accompany this report.
	2C. Maximising renewable & affordable energy resources C.4 Facilitating the use of energy efficient technologies	Apollo will continue to implement best practice industrial operations including the incorporation of energy efficient technologies.

Pillar: Economy: A Strong & Robust Economy

Outcome	Relevant Objectives and Strategies	Consistency
<i>Hilltops is a connected and growing region, with both the local society and economy driven by a culture of innovation and collaboration, capitalising on our agricultural strength.</i>	3.A. <i>Planning and delivering for a thriving and diverse economy for business, tourism and investment</i> A.1. <i>Creating a welcoming environment for investment and promote the region as a great place to live, work, invest and visit</i> A.2. <i>Supporting all sectors of the economy to maximise tourism and business opportunities through stronger alignment with representative groups</i> A.3. <i>Providing leadership on economic development and tourism initiatives in the region</i> A.4. <i>Facilitating the establishment and relocation of business and industries to the region</i>	The proposal will enable Apollo to expand its operations and build on its principles of sustainability in work practices, employment growth and retention of local business opportunities.
	3C. <i>Enhancing a diversified economy which encourages business development, investment and fulfilling career opportunities to attract and retain residents, especially young people</i> C.1 <i>Supporting projects that create new jobs in the Region and help to build a diverse and multi-skilled workforce</i>	The proposal will create jobs, expand skill sets and enable training programs to be implemented that are aligned with Federal and State initiatives and funding programs.

Outcome	Relevant Objectives and Strategies	Consistency
	<p><i>C.2 Assisting business to match their needs with training initiatives to maximise employment opportunities for the region's young people</i></p> <p><i>C.4 Building strong linkages with institutions providing flexible education, training and employment pathways in the region especially for young people</i></p>	

Pillar: Infrastructure, Land Management, Assets and Services: Strengthening the Region's Connectivity and Maintenance of Our Assets & Infrastructure

Outcome	Relevant Objectives and Strategies	Consistency
<i>Our community is well serviced and has high quality equitable connectivity to social, built and communications infrastructure.</i>	<p><i>5A. A connected region enabling linkages to major towns and cities</i></p> <p><i>A.3 Improve and align key freight linkages</i></p>	The proposal will rely on and contribute to the efficient use of key freight linkage networks to service external customers.
	<p><i>5B. The provision and maintenance of quality and efficient social and built infrastructure</i></p> <p><i>B.1 Provide traffic management solutions to enhance safety and minimise congestion</i></p>	The proposal will enable the integration of improved traffic management solutions including parking provision to improve the local traffic environment and minimise congestion.

Pillar: Governance: Effective, Transparent, Collaborative And Proactive Leadership And Governance

Outcome	Relevant Objectives and Strategies	Consistency
<i>We are an engaged and informed community involved in effective and ethical decision making to achieve our community aspirations for our collective future.</i>	<p><i>4.A Working together to achieve our objectives through strong civic leadership</i></p> <p><i>A.5. Building financial strategic alliances and opportunities with business and industry leaders as well as service and infrastructure agencies</i></p>	The proposal will build on existing partnerships that have been developed and encouraged between Council, the community and local business for an improved and vibrant local economy.

Hilltops 2040 – Local Strategic Planning Statement

Hilltops 2040, the Hilltops Local Strategic Planning Statement (LSPS), is the primary strategic land use planning document for the Hilltops LGA under Clause 3.9 of the *Environmental Planning and Assessment Act 1979*.

The Hilltops Local Strategic Planning Statement (LSPS) is the current local strategic plan that is guiding the growth and development of the township and surrounding rural area.

The LSPS provides strategic directions for how, what and where land use and infrastructure will be allocated, planned and managed to achieve the objectives of the Hilltops communities.

The LSPS sets out a 20-year vision for land-use throughout the Hilltops LGA, the special character and values that are to be preserved and how change will be managed into the future. The document contains specific strategic directions and policy for the LGA overall, as well as strategic narratives for various land use environments and settlement areas, such as industrial/employment activity and Young township.

Strategic directions including the themes of Liveability, Strong Communities, Economic Development, Environment, Governance and Participation.

For Telegraph Road, the LSPS identifies the precinct on the indicative Town Map as "J. Eastern Light Industrial (Investigation)" and notes:

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.

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.¹⁷

The proposal is most aligned with themes of economic development, employment activity and environment. Its strategic merit is discussed and assessed in the table below, including consistency with stated objectives, priorities and actions.

Table 6 : Relevant goals and directions of Hilltops Community Strategic Plan 2030 and Hilltops Local Strategic Planning Statement¹⁸

Section / Theme	Objectives / Priorities / Actions	Consistency
Part 1: Strategic Directions	<i>Response to:</i> • <i>The aspirations of local communities</i> • <i>Relevant State and</i>	The proposal addresses each component of the

¹⁷ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 19

¹⁸ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 19-23

Section / Theme	Objectives / Priorities / Actions	Consistency
	<i>Regional Policy, legislation and strategies • The state of the environment within Hilltops and other areas of economic, social, political and environmental influence • Emerging opportunities and challenges.</i>	LSPS Strategic Objectives by acknowledging and responding to each area of relevance, including justification and supporting technical data, as outlined in the body of this document.
STRONG COMMUNITIES:	<i>b. Support and sustain dynamic communities undergoing unprecedented change in how they live, work and play. c. Nurture, celebrate and protect the natural environment, cultural heritage and cultural landscapes, by recognising the scope and extent of impacts on our environment and communities of past, current and future activities.</i>	Consistent. The proposal will facilitate work opportunities as well as respecting and mitigating environmental impact.
ECONOMIC DEVELOPMENT:	<i>d. Facilitate growth and change where it demonstrates its capacity to: a. further the aspirations of local communities b. protect rural production and natural resource values. e. Highlight and plan for opportunities to enhance local community and economic productivity and growth by highlighting and capitalising on: a. proximity to national, state and regional transport, telecommunications and energy corridors and nodes. b. local attributes and capacity.</i>	Consistent. The proposal will facilitate sustained economic growth and positive change for the local environment. Continued business growth will be assisted by proximity to key metropolitan markets whilst utilising local employment resources.
Land Use Environments:	<i>Principles and objectives to guide land use and infrastructure planning, management decisions and tools.</i>	Consistent. The proposal demonstrates an alignment with the overall strategic directions for the local area, as outlined in the body of this document.
Commercial	<i>OBJECTIVES 2. To provide high quality gateways to Hilltops towns, through high quality streetscapes and landscaping as well as legible access and parking. PRIORITIES 1. Development of master plans for commercial gateway precincts in Northern Young,</i>	Consistent. Through the use of good urban design principles, the proposal will embellish the Telegraph Road/Murringo Road streetscape to provide a high-quality gateway to the township, as outlined in the accompanying <i>Urban Design Report</i> .
Industrial	<i>OBJECTIVES 1. Accommodate uses that are difficult to integrate with less intense uses due to negative impacts from heavy traffic, noise, or odours. 2. Provide separated location uses that may otherwise have an impact on more</i>	Consistent. The proposal will accommodate an expanding existing industrial use that will include measures to mitigate against potential

Section / Theme	Objectives / Priorities / Actions	Consistency
	<i>sensitive land uses and does not affect the safety and amenity of the community. 3. Enhanced connectivity to freight and transport routes. PRIORITIES 1. Prioritise the full use and servicing of available and planned industrial lands to cater for local demand in Young,</i>	negative impacts, especially noise and traffic. The site has strong connectivity to existing heavy transport routes.
Part 2: Town Narratives	<i>Each community of Hilltops requires a strategic response which reflects and responds to its individual character, values, opportunities and challenges.</i>	The proposal will strongly align with enhancing local character, protecting values and amenity, creating opportunities for the local community through job growth, whilst addressing environmental impact challenges, as outlined in the accompanying specialist reports.
<i>Young:</i>	<i>Young's regional level services, character and amenity will continue to be key to attracting further residents and increasing demand to invest within the town.</i>	Young's attractive locational advantages have influenced the establishment and growth of the subject industrial premises. The proposal will leverage these key attributes to further expand business growth and employment.
<i>Town Map</i>	<i>Indicates the Telegraph Road Precinct (J) as Eastern Light Industrial (investigation), connecting to a main road corridor (Murringo Road). The precinct is bounded on its southern side by a biodiversity corridor.</i>	Consistent. The proposal provides technical investigation data to support the strategic direction of facilitating industrial activities in this locality due to its locational attributes and existing industrial character.
<i>Economic Development</i>	<i>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. 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</i>	Consistent. The proposal provides justification for expanding industrial activities in this precinct, including specialist reports on noise, traffic, infrastructure and the environment. Mitigation measures proposed will effectively address amenity impact issues with established residential development and road network.

Section / Theme	Objectives / Priorities / Actions	Consistency
	<i>benefit from easy access to the regional road network.</i>	
Economy and Employment	<p><i>OBJECTIVES 1. Facilitate the growth of existing Young businesses on site or in town. 3. Increase capacity to accommodate further light industrial and commercial industry development in Young through adequate servicing and land use controls. PRIORITIES 1. Review the employment lands supply to cater for projected growth for a minimum of ten years. 3. Develop concept plans for the provision of roads and services for greenfield industrial lands in the east and west of Young to inform land owners and Council in future decision making. ACTIONS 1. Concept plans for road and servicing layouts completed for employment lands for industrial use at: • • Eastern edge of Young adjacent and proximate to Telegraph Road. • 2. Investigate appropriate uses and use of differing industrial zones within Young .</i></p>	<p>Consistent. The proposal will facilitate the growth of an existing Young business on their existing site and adjoining land under their ownership or control. Expansion of the premises is necessary to accommodate continued growth in response to demand for their manufactured steel products and will allow further employment and training opportunities for the local community. The proposal will directly address key priorities and actions of this LSPS objective by delivering serviced employment lands, together with concept plans to improve streetscape, gateway and local amenity environments.</p>
Part 3: Strategic Policy	<p><i>Land use and infrastructure planning are two of the most significant tools Council and the community have to advance community expectations and aspirations. Consequently, a strong and transparent link is required between strategic economic, environmental and social policy and aspirations and the directions of Hilltops 2040.</i></p>	<p>Consistent. The proposal supports the aspirations of the local community by demonstrating consistency with strategic policy, as outlined in the body of this document.</p>
2. STRONG COMMUNITIES:	<p><i>OBJECTIVES 4. Appropriate land-management practices are used to increase sustainability and amenity outcomes. 6. Protect and enhance cultural heritage values. 7. Landscapes of natural, cultural, social and economic value within the region are identified, protected and managed to meet current and future community and environmental needs.</i></p>	<p>Consistent. The proposal is supported by specialist studies and reports that will ensure sustainable development, improve local amenity, protection of cultural heritage and biodiversity environments.</p>
3. ECONOMIC DEVELOPMENT:	<p><i>OBJECTIVES 7. Further economic diversification and growth through further development of research and development and renewable energy sectors. 8. Employment and business investment diversification is encouraged within each community. 12. Encroachment of development does</i></p>	<p>Consistent. The existing steel manufacturing premises is continually introducing innovation into onsite work practices that will ensure sustainable business growth and employment.</p>

Section / Theme	Objectives / Priorities / Actions	Consistency
	<p>not prevent or reduce the productive or operational capacities of existing development. 15. A culture of innovation is fostered within business, government and the community that encourages best practice, research and development. 16. An environment that encourages job creation and flexible working arrangements is created and supported. 17. Economic growth is enhanced through the prioritisation of infrastructure which supports employment activities in all sectors of the economy. 18. Major enabling infrastructure projects which are critical to future regional economic development are advocated, planned and facilitated. 19. The impact, including the cumulative impacts of major development projects on the transport system is managed through planning and coordination management, and contributions to infrastructure maintenance, upgrading and road use management. PRIORITIES 3. Review land use and infrastructure requirements, strategies and sequencing to ensure urban lands are serviced in a timely and efficient manner. 5. Avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and areas accommodating high natural resource values such as riparian corridors. ACTIONS 5. Consider applying planning controls for industrial land to protect areas suitable for large floorspace development from fragmentation.</p>	<p>The proposal will enable expansion to occur whilst addressing mitigation measures to protect adjoining land uses, particularly in relation to noise and traffic impacts. The proposal will deliver outcomes that support the economic development objectives for Young and surrounding Hilltops LGA as identified. This is supported by further discussion in the accompanying Economic assessment report. The proposal will also address priorities and actions that target the minimisation of cumulative impact on sensitive receptors, the local traffic network and existing essential infrastructure. This includes the adoption of appropriate planning controls to be endorsed by the local community.</p>
<p>4. ENVIRONMENT: OBJECTIVES</p>	<p>1. Development advances the environmental, economic, and social goals of Hilltops. 2. Quality and up to date environment and natural resource data for the whole of Hilltops is available and utilised in land use and infrastructure planning and management. 3. Further development is avoided in areas with a high exposure to natural hazards. 4. Risks from natural hazards are reduced through adaptive planning and building responses. 11. Establishment of buffers and setbacks to minimise impacts of conflicting uses and environmental values, including consideration of potential impacts on</p>	<p>Consistent. The proposal is accompanied by specialist environmental reports that confirm natural environmental resources will be protected and enhanced as a result of progressing this proposal. This will include the adoption of appropriate mitigation measures to minimise impact between land uses in the local area. The proposal will also assist in updating local</p>

Section / Theme	Objectives / Priorities / Actions	Consistency
	<p>noise, water, biosecurity and air quality. PRIORITIES 1. Identify and map areas of natural biodiversity and vegetation to inform future land use and infrastructure planning and management. ACTIONS 10. Water sensitive urban design principles are incorporated into new development. 12. Incorporate updated strategic wildlife corridor information into biodiversity planning measures when available. 13. Identify and enhance biodiversity corridors important for species reintroduction (including koalas) and to mitigate the impacts of climate change.</p>	<p>environmental data for improved planning controls and guidelines.</p>

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

Relevant State and regional studies or strategies applicable to the Proposal including:

- *Future Transport Strategy 2056*: The proposal is consistent with this strategy by contributing to economic growth in a regional setting and utilising transport networks.
- *Net Zero Plan (NSW)*: The proposal is consistent with this strategy by encouraging sustainable expansion to an existing local industry, enabling the introduction of innovative manufacturing methods and ensuring a progressive move to lowering emissions from through the introduction of improved technologies.
- *State Infrastructure Strategy*: The proposal is consistent with this strategy by allowing greater investment in an existing and expanding local manufacturing enterprise that utilises existing essential infrastructure in a strategically aligned development corridor.
- *A 20 Year Economic Vision for Regional NSW*: The proposal is consistent with this strategy by encouraging regional economic growth, expansion of job opportunities and improved local manufacturing practices. (Page 23-24)¹⁹

¹⁹ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 23-24

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

Yes. The Planning Proposal includes a review of all State Environmental Planning Policies to ensure where applicable that the proposal is consistent with the applicable SEPPs.

See Appendix 2 for full list of SEPPs and assessment. Summary of relevant SEPPs is outlined below:

Table 7: Relevant goals and directions of State Environmental Planning Policies

SEPP Title	Proponent Consistency
<i>SEPP (Biodiversity and Conservation) 2021</i>	<p>Applicable and relevant.</p> <p>Consistent. Proposal refines and updates applicable environmental layers under the Hilltops Local Environmental Plan.</p> <p>The Terrestrial Biodiversity layer being amended from the land and the Riparian Corridor Layer being amended to follow Victoria Creek with 3rd order watercourse buffers as per the Proponent's Natural Environment Assessment.</p> <p>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.</p>
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	<p>Applicable. Not directly relevant to the proposal.</p> <p>Consistent, any future development will continue to be assessable against this policy.</p> <p>Future development proposal would need to respond to Chapter 3 Standards for non-residential development of the SEPP if over a certain cost of works threshold.</p>
<i>SEPP (Housing) 2021</i>	<p>Inconsistent by justified. Existing Facility is located on R1 General Residential and expansion of industrial zone would reduce the potential permissible residential development.</p> <p>Consistent, any future development will continue to be assessable against this policy.</p>
<i>SEPP (Resilience and Hazards) 2021</i>	<p>Applicable and relevant.</p> <p>Consistent. Addressed. A contamination assessment (2021, El Australia, Detailed Site Investigation) was conducted for the site.</p> <p>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.</p>

SEPP Title	Proponent Consistency
	<p>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.</p>
<p><i>SEPP (Transport and Infrastructure) 2021</i></p>	<p>Applicable and relevant. Consistent.</p> <p>Future development proposal would need to respond to Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2.</p> <p>Consultation with Transport for NSW to continue to occur as a part of Gateway Determination request.</p> <p>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.</p>

7. Is the Planning Proposal consistent with applicable Ministerial directions (s.9.1 directions)?

The Planning Proposal is consistent with directions issued by the Minister under Section 9.1 of the *Environmental Planning and Assessment Act, 1979*, with the exception of those relating to rural zones and residential zones.

The justification for the inconsistency is based on the existing use of part of the land for industrial activities (steel fabrication), the inclusion of the subject site in the local strategy as an investigation precinct for industrial use and the purported suitability of the site for industrial use, as supported by specialist studies.

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.

See Appendix 2 for full breakdown of responses to Ministerial Directions.

Summary of Section 9.1 Ministerial Directions consideration

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

- 1.1 Implementation of Regional Plans

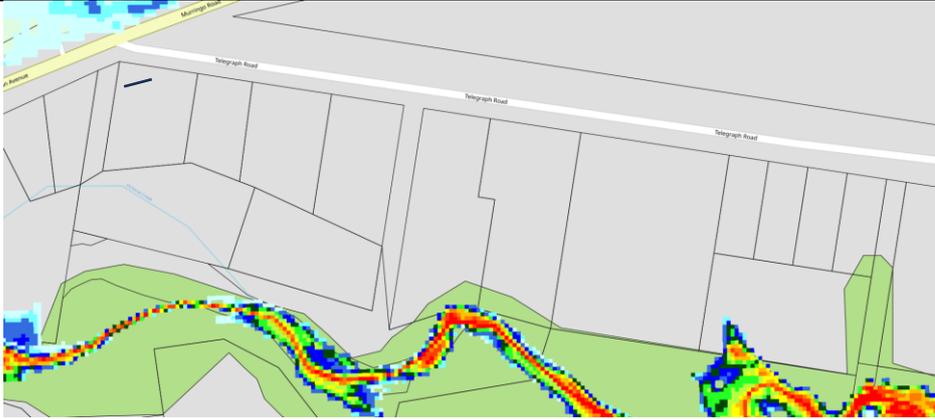
- 1.3 Approval and Referral Requirements
- 1.4 Site Specific Provisions
- 3.1 Conservation Zones
- 3.2 Heritage Conservation
- 3.5 Recreation Vehicle Areas
- 4.1 Flooding
- 4.3 Planning for Bushfire Protection
- 4.4 Remediation of Contaminated Land
- 5.1 Integrating Land Use and Transport
- 5.2 Reserving Land for Public Purposes
- 6.1 Residential Zones
- 6.2 Caravan Parks and Manufactured Home Estates
- 7.1 Business and Industrial Zones
- 9.1 Rural Zones
- 9.2 Rural Lands

See Appendix 3 for full list of Ministerial Directions and assessment. Summary of relevant Ministerial Directions is outlined below:

Table 8: Relevant Ministerial Directions²⁰

Direction title	Proposal's Consistency
3.1 Conservation Zones	<p>Inconsistent but justified as is of minor significance.</p> <p>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.</p> <p>Further refinement of boundaries to RE1 Public Recreation Zone which corresponds with Victoria Creek to the south of the site and ground truthing of identified areas of riparian corridor and terrestrial biodiversity were undertaken as a part of this Planning Proposal.</p> <p>See Ministerial Direction 4.1 and Section C – Environmental, Social and Economic Impact for full discussion and justification.</p>
4.1 Flooding	<p>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 adjacent a creek system that forms part of a stormwater management system and subject to flooding.</p> <p>Flood advice has been submitted in support of the Planning Proposal. 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. As shown in the Young Flood Study Map in blue and red below:</p>

²⁰ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 25-27

Direction title	Proposal's Consistency
	 <p data-bbox="464 645 1399 678">Young Flood Study Map – 100 year ARI (Green RE1 Zone)</p> <p data-bbox="464 712 1399 835">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 data-bbox="201 880 443 969">4.4 Remediation of Contaminated Land</p>	<p data-bbox="464 880 608 902">Consistent.</p> <p data-bbox="464 943 1399 1099">A detailed site investigation (DSI) of the site has been undertaken. The DSI concludes that the site is suitable for accommodating expanded industrial activities and that areas identified as potential contamination sources can be readily remediated to an acceptable level of risk.</p>
<p data-bbox="201 1111 443 1200">5.1 Integrating Land Use and Transport</p>	<p data-bbox="464 1111 743 1133">Generally Consistent.</p> <p data-bbox="464 1144 1399 1335">This direction applies where a Planning Proposal will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. Although the site is adjacent to an existing town which has an existing road network connecting to highways, a rail and bus service the proposal has not addressed objectives in relation to:</p> <ul style="list-style-type: none"> <li data-bbox="464 1357 1399 1424">(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and <li data-bbox="464 1435 1399 1503">(d) supporting the efficient and viable operation of public transport services, and <li data-bbox="464 1514 1399 1615">(e) providing for the efficient movement of freight, given car parking arrangements and lack of intersection performance assessment for the intersection of Telegraph and Murringo Roads.
<p data-bbox="201 1648 443 1738">5.2 Reserving Land for Public Purposes</p>	<p data-bbox="464 1648 1399 1715">Inconsistent but justified as is of minor significance. Satisfied with consultation with Crown Land.</p> <p data-bbox="464 1749 1399 1839">The direction applies as a Planning Proposal is being prepared by a relevant planning authority that involves land zoned RE1 Public Recreation.</p> <p data-bbox="464 1861 1399 1928">Further refinement of boundaries to RE1 Public Recreation Zone which corresponds with Victoria Creek to the south of the site.</p> <p data-bbox="464 1951 1399 2018">See Section C – Environmental, Social and Economic Impact for full discussion and justification.</p>

Direction title	Proposal's Consistency
6.1 Residential Zones	<p>Inconsistent by justified as being supported by study prepared and considered to be of minor significance.</p> <p>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"> • Does not propose any significant change to existing residential provisions that apply to the land • Is proposing development and potential rezoning of the land in accordance with relevant state and local strategic directions • Is justified when also taking into consideration the conclusions and recommendations of supporting speciality report in relation to the proposal • When considering the existing industrial development over part of this land and related strategic merit, is of minor significance.
6.2 Caravan Parks and Manufactured Home Estates	<p>Inconsistent but of minor significance.</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 permissible if the land is rezoned for industrial uses.</p> <p>Amendment as the amount of RE1 land that applies to the site is insignificant and would not reasonably be able to have a development of a Caravan Parks or Manufactured Home Estates across the RE1 zone land as it corresponds with Victoria Creek.</p>
7.1 Employment Zones	<p>Consistent. The subject site is identified in the local strategic planning statement, Hilltops 2040 for investigation.</p> <p>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"> • Encouraging employment growth in a suitable location; • Does not detrimentally affect existing employment land in other business and industrial zones as the proposal relates to an existing industrial business and premises. The proposal also retains existing business and industrial zones across the LGA; • Continuing to support the viability of existing business and industrial centres in the LGA; • Expanding on total potential floor space for employment uses; and • Proposing development and new employment areas in accordance with approved regional and local strategies approved by NSW Planning.
9.1 Rural Zones	<p>Inconsistent however justified with reference to regional strategy, local strategy and of minor significance.</p>

Direction title	Proposal's Consistency
	<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 Planning Proposal is not consistent with this objective as it proposes to rezone a rural zone to industrial.</p> <p>The inconsistency is justified on the following basis:</p> <ul style="list-style-type: none"> • The proposal has given consideration to the objectives of this direction in light of the existing use of the land for industrial purposes, particularly steel manufacturing; • The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation; • Additional supporting specialist reports identify the land as suitable for further industrial expansion and have given consideration to the objectives of this direction; • The proposal is consistent with the applicable Regional Strategy; and • Based on the circumstances and scale of the proposal, is of minor significance.
9.2 Rural Lands	<p>Inconsistent however justified. The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation</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 Proposal's inconsistency is justified on the following basis:</p> <ul style="list-style-type: none"> • Ensuring agricultural production values are protected by rezoning land that is not used for agricultural production; • Minimising land fragmentation by utilising existing fragmented parcels of land; • Being consistent with applicable regional and state strategic plans including the Hilltops LSPS; • Considering the potential impact of the proposal on primary production, environmental values, physical attributes and other related land uses; and • Having consideration to the social, economic and environmental interests of the community, as discussed in relevant accompanying specialist reports to this proposal.

Section C – Environmental, Social and Economic Impact

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

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.²¹

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.

An additional supporting document titled “*Natural Environment Assessment – Victoria Creek*” 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.

Based on the conclusions from the supporting studies, the proposal will have negligible impact on the natural environment and there are opportunities to enhance and embellish the surrounding riparian corridors in conjunction with future development of the subject land.²²

Supported by Consultant Reports, amendment of the Terrestrial Biodiversity Map is included within the Planning Proposal as below. Further discussion about the amendment to the Terrestrial Biodiversity Map is provided in Part 2 – Explanations of Provisions and Part 4 Mapping of this Planning Proposal.

²¹ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 28

²² Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 - Page 28



Figure 8: Existing Terrestrial Biodiversity Layer under Hilltops LEP 2022 Source: Hilltops LEP 2022



Figure 9: Amended Terrestrial Biodiversity Layer as per Council's Assessment of Planning Proposal supported by the Proponents Natural Environment Assessment.

The “Natural Environment Assessment – Victoria Creek” 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:

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

Figure 10: Recommended Riparian Corridor Widths Source: NSW Department of Planning and Environment

Therefore, the Riparian Corridor be in the 2nd order width of 20m from the creek bed at a minimum or 3rd order width of 30m from the creek bed. This

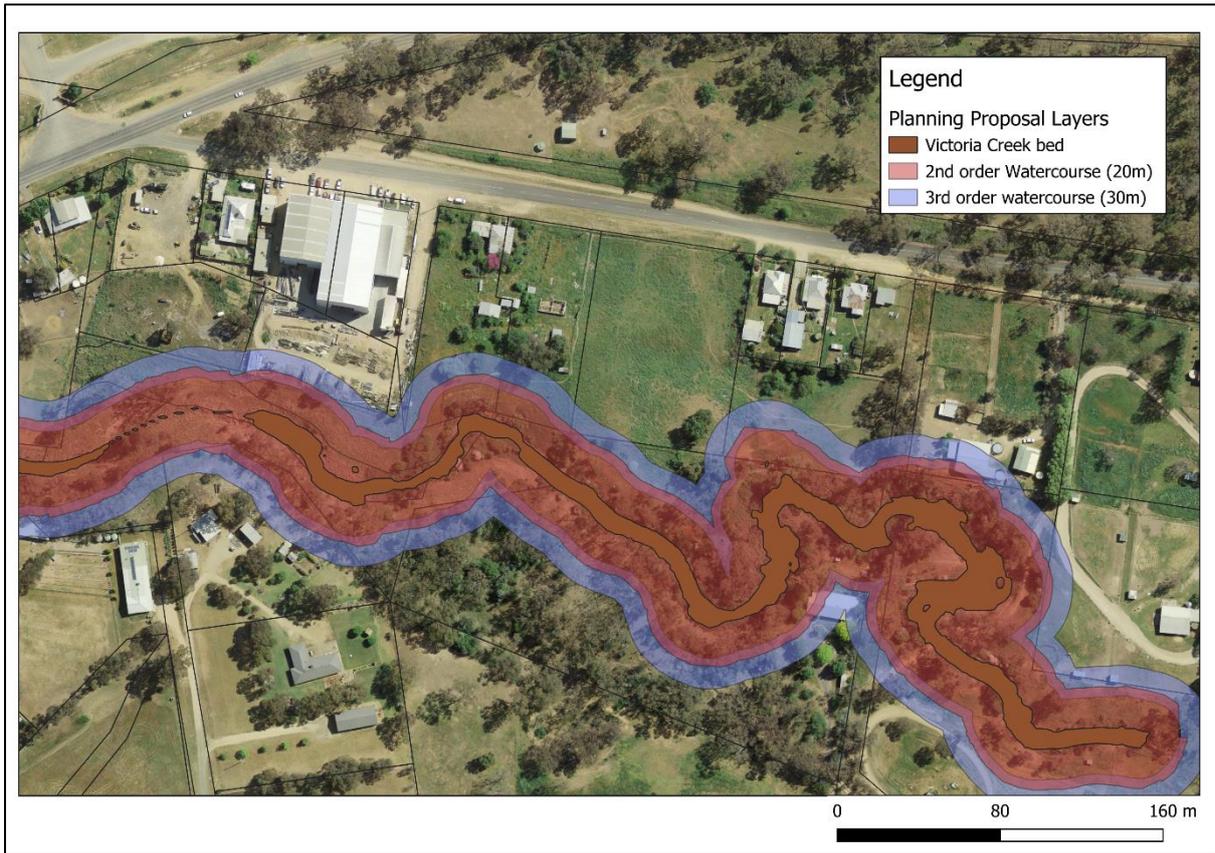


Figure 12: Riparian Corridor Buffers with Victoria Creek bed Source: Hilltops Council

From Councils Assessment, supported by the Proponents Studies, amendment of the Riparian Corridor Map is included within the Planning Proposal. Further discussion about the amendment to the Riparian Corridor Map is provided in Part 2 Explanation of Provisions and Part 4 Mapping of this Planning Proposal.

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

The site is not subject to bush fire impact based on available RFS mapping data. 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.

In relation to environmental impact from or to the riparian corridor, flooding is largely confined to Victoria Gully and does not inundate any of the land that is proposed to be developed or re-developed.²³

In order to thoroughly assess other potential environment effects as a result of this Planning Proposal, a range of specialist studies have been prepared in relation to the follow key environmental issues:

- A. Noise

²³ Salvestro Planning Proposal

- B. Contamination - Site Health & Suitability (DSI)
- C. Cultural Heritage
- D. Urban Design

A summary of conclusions and proposed management recommendations are outlined below. Based on the findings of all below specialist studies, the environmental effects are manageable and in the best interests of the public domain and local community.

A) Noise

The subject land and existing steel manufacturing operations have been the subject of detailed discussion between Apollo, Council and the immediate local residents. Constraints over the existing site layout and natural terrain, together with operation arrangements, have, at times, created issues in relation to noise impact at the closest sensitive receptors (dwellings). To overcome and effectively manage noise from the premises, Apollo have introduced various operational changes and building modifications, as well as ensuring that consultation and communication is improved between all stakeholders.

The accompanying NIA determines the acceptable noise limits for nearby sensitive receivers and provides recommendations to ensure noise levels are met by any future industrial activity across the proposal site. Provided the recommendations are introduced and maintained, future industrial activity resulting from this proposal will meet accepted noise limits and be considered acceptable.

As noise impact is a significant environmental concern in this locality, particularly in relation to maintaining acceptable local amenity, a further independent peer review was undertaken to ensure the approach, conclusions and recommendations from the NIA were appropriate. The peer review confirmed the following:

- The measurements and logging completed for background noise levels by Day Design are deemed appropriate.
- The guideline and policy used and assessment against them are deemed appropriate.
- The assumptions and methodology used in the assessment are deemed appropriate.
- The recommendations in the assessment report are deemed appropriate.²⁴

²⁴ Salvestro Planning

B) Site Health & Suitability (DSI)

A Detailed Site Investigation (DSI) has been conducted over the subject land to assess the nature and degree of any potential site contamination associated with current and earlier uses of the properties. The subsequent research data has provided a conclusion on the site's suitability for the proposed development outcome as a result of this proposal.

Based on the report findings, the site is considered suitable for the proposal. The land is equivalent to a land use setting of commercial industrial.



Figure 13: DSI Test Boreholes (Source: EI2021)

The findings of the DSI concluded:

- E. The site has been occupied by a mix of land uses since at least 1944 including agricultural, residential dwellings, commercial/industrial and factory
- F. Potential sources of on-site contamination include:
 - o Fill soils of unknown origin and content
 - o Pesticides across agricultural portions of the site
 - o Industrial processes from factory/warehouse including storage of paints, solvents and oils
 - o Oil leaks from equipment, abandoned vehicles and storage on-site
 - o Weathering of galvanised materials including car bodies and scrap metal; and
 - o Fuel leakage from the under ground storage tank on site.
- G. Analytical results for the representative soil samples collected from across the site were all below the adopted human health

- assessment criteria relevant for the proposed commercial/industrial development.
- H. Location BH123 situated adjacent to the underground storage tank did not report any petroleum hydrocarbons in shallow fill (0.1m BGL) or in deeper natural soil (0.6 m BGL), indicating that the staining observed on the soil surface adjacent to the bowser was localised and has not significantly penetrated the sub-surface.
 - I. Two samples (BH114_0.2 & BH120_0.2) collected from the south-western portion of the site, in the vicinity of the wrecked cars and stockpiled construction waste, were above the site specific ecological criterion for the concentration of zinc. The elevated zinc is attributed to the weathering of galvanised materials including car bodies and scrap metal. It is understood that the proposed development would involve the removal of all waste materials including the wrecked cars; therefore, removing the source of contamination. It is also noted that the proposed development does not include landscape or setback areas and so the risk to future ecological receptors is considered low.
 - J. Zinc exceeded site specific ecological criterion (EILs), in shallow fill / top soil samples collected from the south-western portion of the site (locations BH114, BH120). The zinc concentration in the deeper underlying samples was low. The elevated zinc results were shallow and localised, and likely attributed to weathering of stockpiled scrap metal / construction waste or wrecked cars observed within these areas.
 - K. Petroleum hydrocarbons (total recoverable hydrocarbons-F3, total recoverable hydrocarbons-F4) fractions were detected at relatively low concentration in fill soils and deeper natural soils immediately south of the warehouse building (BH120_2.0, BH121_0.2 & BH122_0.1), and sample BH120_2.0 exceeded the site specific ESLs, however the depth was 2 m below ground level. Given that large drums of oil and wrecked cars were stored in the general vicinity of these sampling locations, the TRH results may be attributed to historical leakage of fuels / oils. It is likely that historic storage / use of plant in this area is responsible for the presence of remnant petroleum hydrocarbons at depth and is unlikely to present a risk.
 - L. EI was informed by the client that a substantial amount of surface waste and scrap metal etc. has been removed from the site since site inspection by EI (see Photographs 11 & and 12, Appendix I).
 - M. Zinc impact and petroleum hydrocarbon impact in soil were localised, and the sources on the ground surface had been removed. The ecological risk from zinc and petroleum hydrocarbon impact in soil was low and not unacceptable.
 - N. Based on the report findings, the site is considered suitable for the proposal. The land is equivalent to a land use setting of commercial industrial.
 - O. The following recommendations were also made:

- The shallow soil materials in the vicinity of the fuel bowser, that has been impacted by surficial oil staining, should be classified in accordance with the NSW EPA (2014) Waste Classification Guidelines, and disposed of at an appropriately licenced waste receiving facility;
- Should it be desirable to (temporarily) store waste oil drums or construction waste on the site. These materials should be stored on a concrete hardstand with appropriate leak / spill protection measures in place.
- Any material being removed from the site as part of the proposed redevelopment, including surplus fill and potentially impacted soils, and virgin excavated natural materials (VENM), is required to undergo waste classification assessment to inform off-site disposal in accordance the NSW EPA (2014) Waste Classification Guidelines; and
- Any material being imported to the site should be assessed for potential contamination in
- accordance with NSW EPA Guidelines, as being suitable for the intended land use.²⁵

C) Cultural Heritage

A heritage assessment report has been prepared in relation to both Aboriginal cultural heritage and general historic heritage values that may be impacted by the proposal. This involved desktop as well as field inspections including walkover with an elder and another member of the Young Local Aboriginal Land Council (LALC). The report has concluded:

- No Aboriginal objects or archaeologically sensitive landforms were identified during the visual inspection. No Aboriginal cultural values relating specifically to the study area were recorded during the walkover with the Young LALC members. No historic heritage sites were recorded during the inspection of the study area.
- The undertaking of the Due Diligence process resulted in the conclusion that the proposal will lead to impacts to the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal. This moves the proposal to the following outcome: Aboriginal Heritage Impact Permit (AHIP) application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify Heritage NSW (131 555 or info@environment.nsw.gov.au). If human remains are found, stop work, secure the site, and notify NSW Police and Heritage NSW.
- No historic heritage values or objects with heritage significance were identified within the study area. However, the study area is on Victoria Gully, which is associated with the item Blackguard Gully that is listed on the State Heritage Register.

²⁵ Salvestro Planning

In relation to Aboriginal cultural heritage values, the following management recommendations are made:

Aboriginal cultural heritage

- 1) The proposal may proceed at the study area without further archaeological investigation under the following conditions:
 - a. Potential land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to Aboriginal objects in adjacent landforms. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
 - b. All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
- 2) This assessment has concluded that there is a low likelihood that the proposed work will adversely harm Aboriginal cultural heritage objects or cultural values. However, if during works, Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the Unanticipated Finds Protocol (Appendix 2) should be followed.
- 3) Inductions for work crews should include a cultural heritage awareness procedure to ensure they recognise Aboriginal artefacts (see Appendix 3) and are aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the Unanticipated Finds Protocol.
- 4) The information presented here meets the requirements of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. It should be retained as shelf documentation for five years as it may be used to support a defence against prosecution in the event of unanticipated harm to Aboriginal objects.



Figure 14: Walkover and Site Survey Map (Source: OzArk2021)

In relation to historic heritage, the following management measures are recommended to reduce the risk of harm to the heritage values of the surrounding area:

Historic heritage

- 5) The proposal may proceed at the study area without further archaeological investigation under the following condition:
 - a. Potential land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to landforms with higher potential to contain historic archaeological deposits at Victoria Gully. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
- 6) Although the assessment has concluded that there are unlikely to be impacts to historic heritage as a result of the proposal, the Unanticipated Finds Protocol (Appendix 4) should be followed in the event that items of potential heritage significance are encountered at the study area.

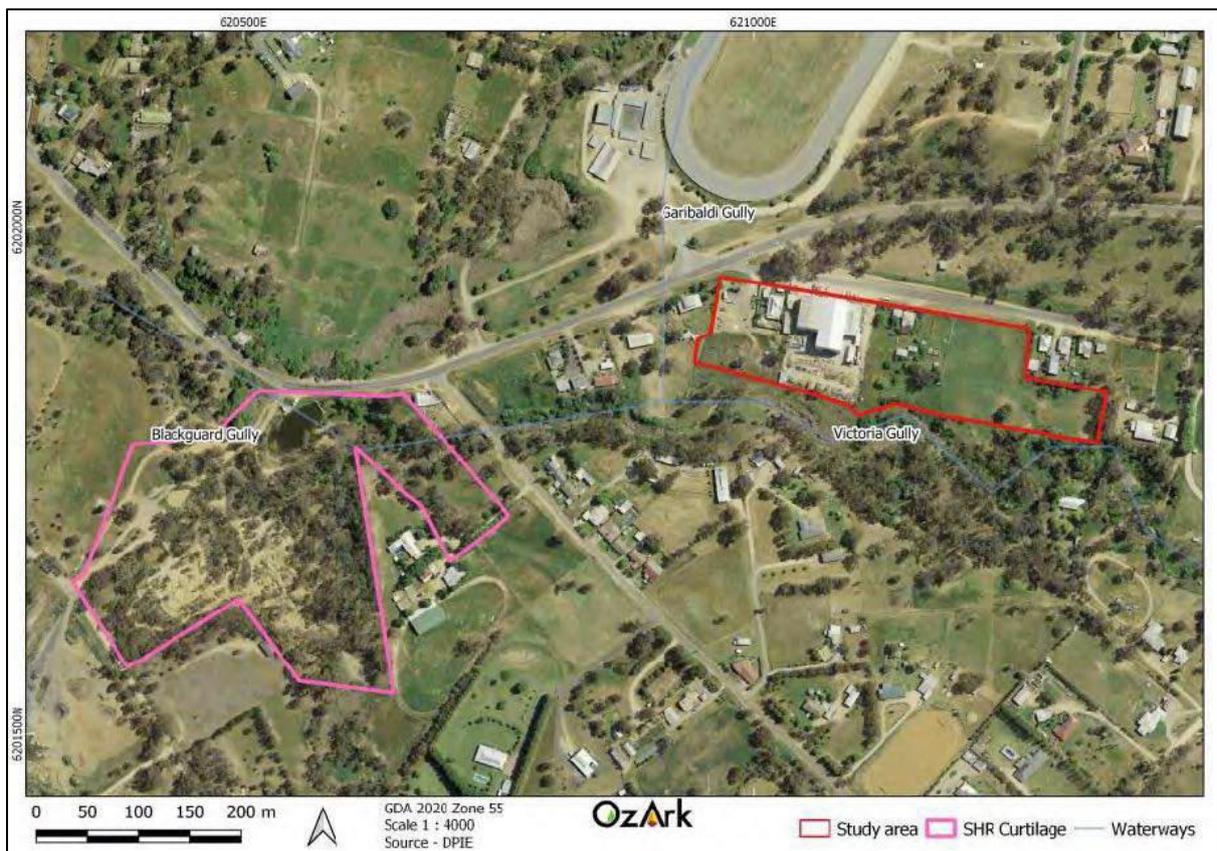


Figure 15: State Heritage Register Study Area (Source: OzArk2021)

D) Urban Design

The proposal has considered urban design principles to ensure the future development of this precinct will deliver a high-quality built environment

that demonstrates an appropriate response to social, economic, and environmental factors and achieve outcomes for the greater public good. The accompanying Urban Design Report provides the following observations and recommendations in accordance with good urban design principles, as outline in the guideline *Urban Design Strategies for Regional NSW (DPE & NSW Government Architect 2020)*.

E) Landscaping and Streetscape

Landscaping along Telegraph Road has an opportunity to break up the bulk of the development by utilising screening trees and dense bushes. The landscaping should be placed between the off-road carpark and the road, further screening the parked vehicles when approaching from Murringo Road or Whiteman Avenue. The streetscape marked in green in the attached diagram represents an opportunity for soft landscaping and trees to form screening and shade for pedestrians and parking. This landscaping should be maximised and number of crossings from the carriageway onto the site should be minimised.

Further consideration of dense foliage along the eastern and western boundary (marked in blue in the attached diagram) is critical to create visual privacy and noise insulation for the neighbouring residents. Trees will soften the hard acoustic walls along the east and west boundaries proposed by Day Design’s Environmental Noise Impact Report dated March 2021.

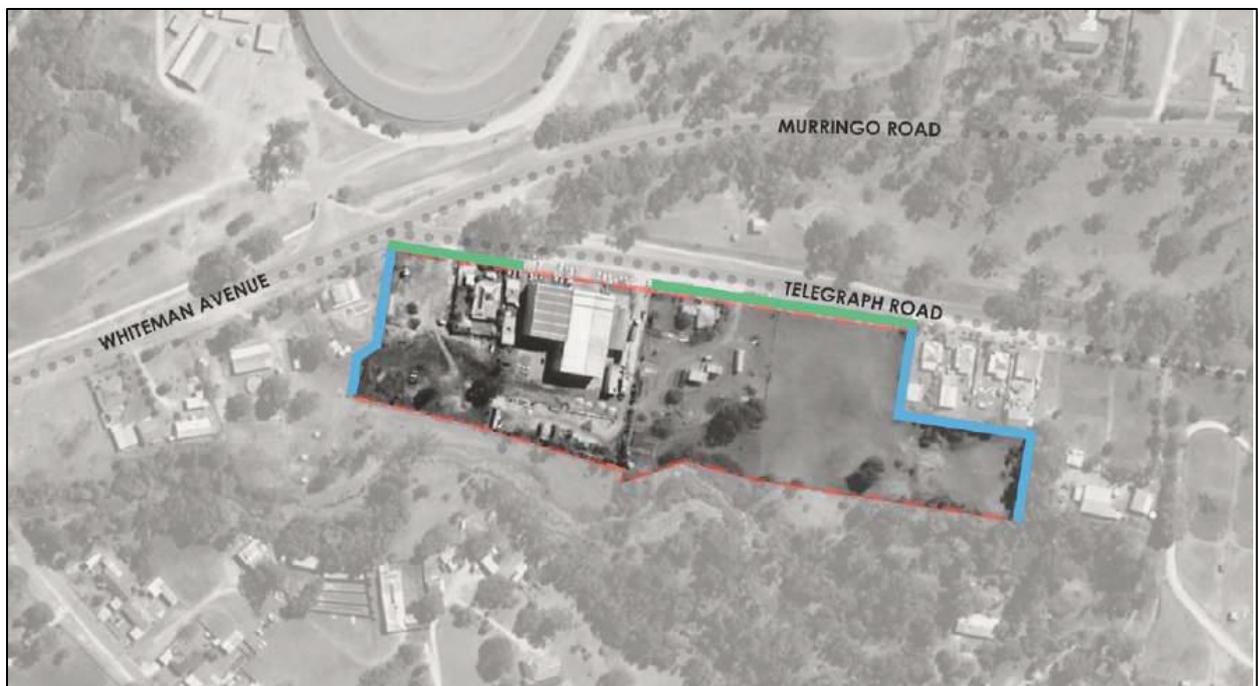


Figure 16: Landscaping & Streetscape Opportunities (Source: PTW2021)

F) Other

There are no other significant or adverse environmental effects anticipated as a result of the Planning Proposal.²⁶

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

The purpose of the Planning Proposal is to facilitate and accommodate future expansion of the existing Apollo steel fabrication business at Telegraph Road. The proposal aligns and supports key social and economic goals identified in the Hilltops Community Strategic Plan 2030, Economic Growth and Land Use Strategy (March 2019) and Local Strategic Planning Statement (LSPS) 2020-2040 (see Section 4.2.2 above).

Apollo are a significant contributor to the local economy and social fabric of Young and district. It currently employs 57 local people including 15 office and 42 industrial trades staff, as well as outside contractors. Apollo are also an active participant in local business forums and groups, and provide internal and external support to workers and contractors to ensure personal and community well-being. Their continued business growth and stability are foundations for ensuring Young and the overall Hilltops LGA prosper and meet expectations outlined in community strategic directions.²⁷

A) Economic Forecast Analysis (Location IQ)

An independent analysis on the economic impacts of this proposal accompanies this planning report. The key findings are extracted below:

1. Apollo Fabrication operate a steel fabrication business at 10 – 12 Telegraph Road in Young, New South Wales. The site currently comprises a covered facility of 3,940 sq.m, including a supporting office component across 7,662 sq.m of land.
2. Apollo Fabrication propose to redevelop their existing facility to include an additional 15,123 sq.m of floorspace, including 2,043 sq.m of additional supporting office space. The total size of the facility would be in the order of 19,000 sq.m including the existing components, with the new components to be developed at 2 and 20 Telegraph Road.
3. Based on details provided by Apollo Fabrication, the construction investment cost of the Telegraph Road site development is anticipated to be in the order of \$30.2 million in current 2019/20 dollars. This results in total job years of 121 during the construction project. The employment multiplier effects from the additional construction jobs would result in further employment of 194 job years. Some \$23.5 million in wage/salary income will be added to the economy both directly from construction

²⁶ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 – Section 4.3.2 Page 29-36

²⁷ Salvestro Planning

and from flow on multiplier effects during the construction phase of the project. This is derived from some 316 additional job years.

4. Total benefits from the construction phase of the Telegraph Road site development plus one year of operation are estimated at \$103.3 million under the low scenario and \$118.8 million under the high scenario. This analysis represents the uplift to the economy resulting from the redevelopment and is therefore incremental (i.e. does not take into account the benefit accrued from the existing component of the Apollo Fabrication operation).
5. Should the proposed development of the Telegraph Road site not be approved, Apollo Fabrication would consider their options regarding an alternative location in what would become a competitive process. This would not necessarily result in Apollo Fabrication locating elsewhere in Young, but potentially to another part of New South Wales.
6. The total economic benefit from one year of operation at the existing facility is \$15.8 million. The majority of this would accrue within the Hilltops Council LGA and would be lost should Apollo Fabrication relocate out of the area.
7. The total benefits from the construction period and one year of operation are \$119.0 million under the low scenario and \$134.6 million under the high scenario. This outlines the total benefit, including from the existing Apollo Fabrication operations.

A further report titled “TELEGRAPH ROAD, YOUNG – RESPONSE TO COUNCIL QUESTION” accompanies this proposal that assesses the impact of additional industrial land in the proposed location on the viability and integrity of existing employment lands in the Hilltops Council area. The report concluded that existing employment lands far outsize the subject proposal in terms of land area and that there would be no impact on the operation of employment lands overall. The Proponent notes that the proposal should be seen as complementary to existing zoned land and would not have a material impact on its viability or integrity.²⁸

Section D – State and Commonwealth Interests

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

The existing Telegraph Road precinct and the subject land is serviced by all essential public infrastructure. The proposal acknowledges the integrated approach to public infrastructure delivery and the areas targeted in Young for future industrial growth investigation and expansion. Apollo is currently having separate discussions with Council in relation to an appropriate

²⁸ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 – Section 4.3.3 - Page 35-36

Planning Agreement that will achieve net public benefit as a consequence of the proposal.

In support of these strategic directions, a traffic impact assessment report (TIA) and infrastructure servicing report have been prepared and accompany this proposal. Stormwater/overland flooding management has also been assessed to ensure the proposal does not contribute to or be impacted by local overland flooding events.²⁹

A) Traffic Impact Assessment (TIA)

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. The TIA conclusions and recommendations are reproduced below:

The assessment concluded that:

- Traffic data and modelling of nearby roads show that Telegraph Road, Murringo Road and Whiteman Avenue currently operate at an excellent Level of Service (LOS A, the highest level). Assessment of the nearby intersection of Telegraph Road with Murringo Road and Whiteman Avenue indicates that this also operate with minimal delays;
- The proposed development will generate an additional 744 vehicle trips per day, with 122 of these in the AM and PM peak periods, which will not have a significant impact on the performance of the surrounding road network (including nearby intersections);
- Access to the site is able to be provided from Telegraph Road and the Crown road between 12 and 20 Telegraph Road for both heavy and light vehicles, with adequate sight distance at all locations;
- The provision of 116 off-street parking spaces (including five designated for persons with a disability) across the site does not meet the numerical requirements of Hilltops Council's Young Development Control Plan, however the parking provided is considered adequate to cater for anticipated demand. The car parking and access driveways satisfactorily address all matters for consideration under the Young DCP and Australian Standard AS2890;
- Adequate provision has been made for persons with a disability;
- Adequate provision has been made for servicing and delivery vehicles; and
- Adequate provision has been made for pedestrians and cyclists.

The assessment recommended that:

- 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; and

²⁹ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 – Section 4.4.1 - Page 36-39

- Heavy vehicles approaching the site from the east along Murringo Road be directed to turn left at the eastern intersection.

B) Infrastructure 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.

Essential Energy have approved a new pole mounted substation on Telegraph Road to service predicted electrical demands from current and future industrial activity (Certification number 120599, approved 18th May 2020).

C) Infrastructure and 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.

Essential Energy have approved a new pole mounted substation on Telegraph Road to service predicted electrical demands from current and future industrial activity (Certification number 120599, approved 18th May 2020).

Flooding assessment accessed data from the 2015 Young Floodplain Risk Management Study and Plan. It was noted within the flood assessment by Cardno that flooding is largely confined to Victoria Gully and the subject land is outside the Flood Planning Area (FPA). While part of the subject site could be inundated during a Probable Maximum Flood (PMF), it is considered that any future built development on that land can be managed appropriately during future development applications.

Consequently, it is expected the proposal will have nil impact on flooding, provided adequate on-site stormwater management is incorporated with any built forms across the subject land. The assessment report recommends minimum site storage requirements and permissible site discharges to limit post-development peak runoff to no greater than pre-development peak runoff.

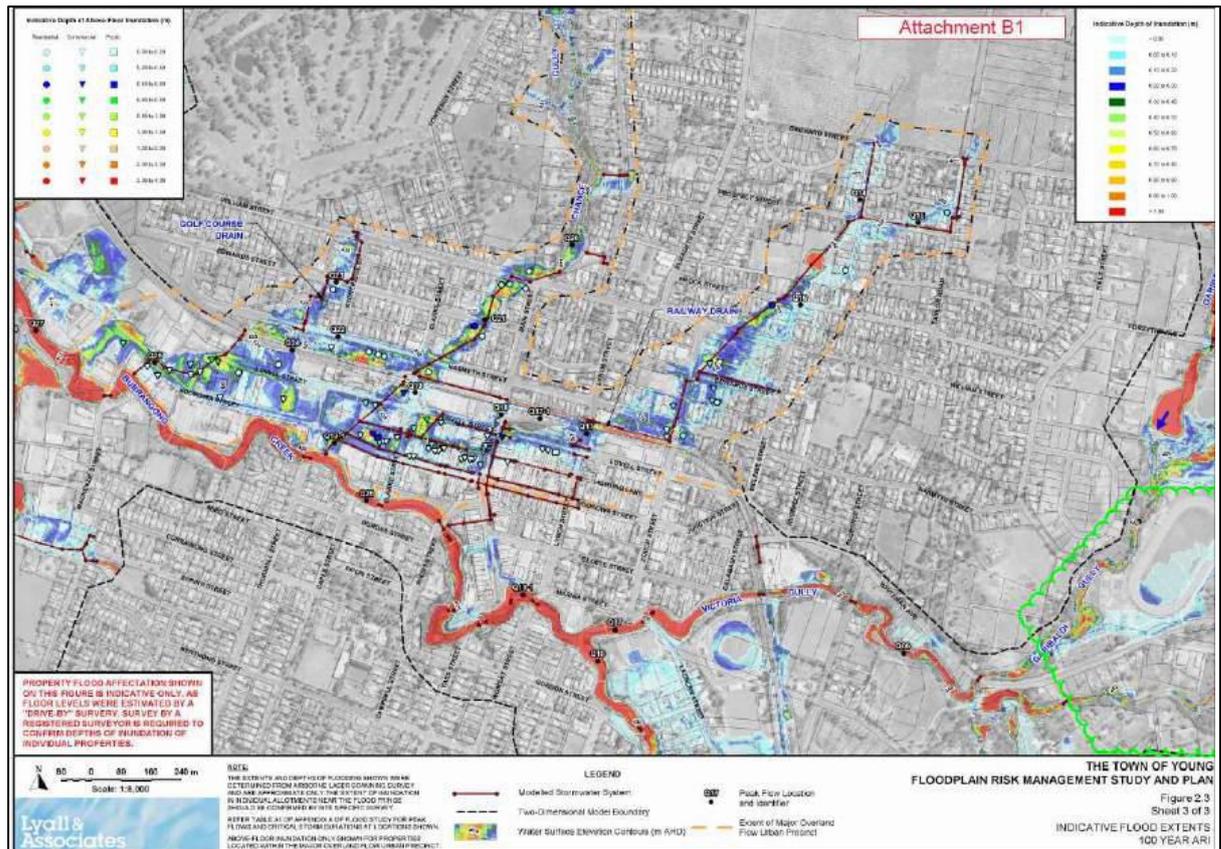


Figure 17: Young Flood Study Map – 100 year ARI (Source: Cardno2021)

D) Stormwater

Stormwater/overland flooding management has also been assessed to ensure the proposal does not contribute to or be impacted by local overland flooding events.

E) Planning Agreement

The 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 incorporate 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.”

As a part of the Planning Proposal, the Infrastructure associated with a potential rezoning is to be addressed. This was clear in the Hilltops 2040 LSPS as a key area to be addressed. Therefore a Voluntary Planning Agreement was negotiated between Council and the Proponent.

The Proponent's Letter of Offer and Draft VPA was resolved by Council to be placed on public exhibition concurrently with the Planning Proposal and can be found in Attachment 14.

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.

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

State and Commonwealth public authorities will be consulted in accordance with the requirements outlined in the Gateway Determination Conditions 3 and 4 below:

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- *Transport for NSW*
- *Department of Climate Change, Energy, THE Environment and Water (DCCEEW)*
- *Natural Resources Access Regulator (NRAR)*
- *Environmental Protection Authority (EPA)*
- *Crown Lands*

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Part 4 – Mapping

Final maps post exhibition of this Planning Proposal will be prepared in consistency with the Department of Planning and Environment's relevant guidelines and in consultation with the Department's GIS unit.

The Planning Proposal seeks to amend the following Hilltops Local Environmental Plan 2022 Maps:

1. Land Use Zone Map
 - by amend the zoning from R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation to E3 Productivity Support.
2. Lot Size Map
 - By removing all minimum lot size provisions across the proposal site.
3. Riparian Corridor Map
 - By amending and ground truthing layer of Victoria Creek to correspond with the creek bed line.
4. Terrestrial Biodiversity Map
 - By amending and ground truthing of biodiversity across the proposal sites

4.1 Land Use Zone Map

Amendment of the zoning from R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation to E3 Productivity Support.

For the Land Use Zoning, the boundary of the RE1 Zone, under the draft Hilltops LEP was proposed to be removed along Victoria Creek south of the Planning Proposal lots. However, the RE1 Zone was re-instated post exhibition due to Ministerial Directions for recreational lands.

The RE1 Zone map was amended to correspond with the extent of the corridor of Victoria Gully. There is still minor portions of the RE1 Zone across the Planning Proposal lots but not as substantial as under the Young Local Environmental Plan 2010.

In line with Ministerial Direction 4.1, the Flood Planning Level that affects land and 20 Telegraph Road Young is required to remain RE1 Zone.

Part of the proposal seeks to rezone RE1 Public Recreation land. Below ministerial direction notes:

(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.

Planning Proposal notes in Section 4.3.2 - In relation to environmental impact from or to the riparian corridor, flooding is largely confined to Victoria Gully and does not inundate any of the land that is proposed to be developed or redeveloped.

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. As shown in the Young Flood Study Map in blue and red below:

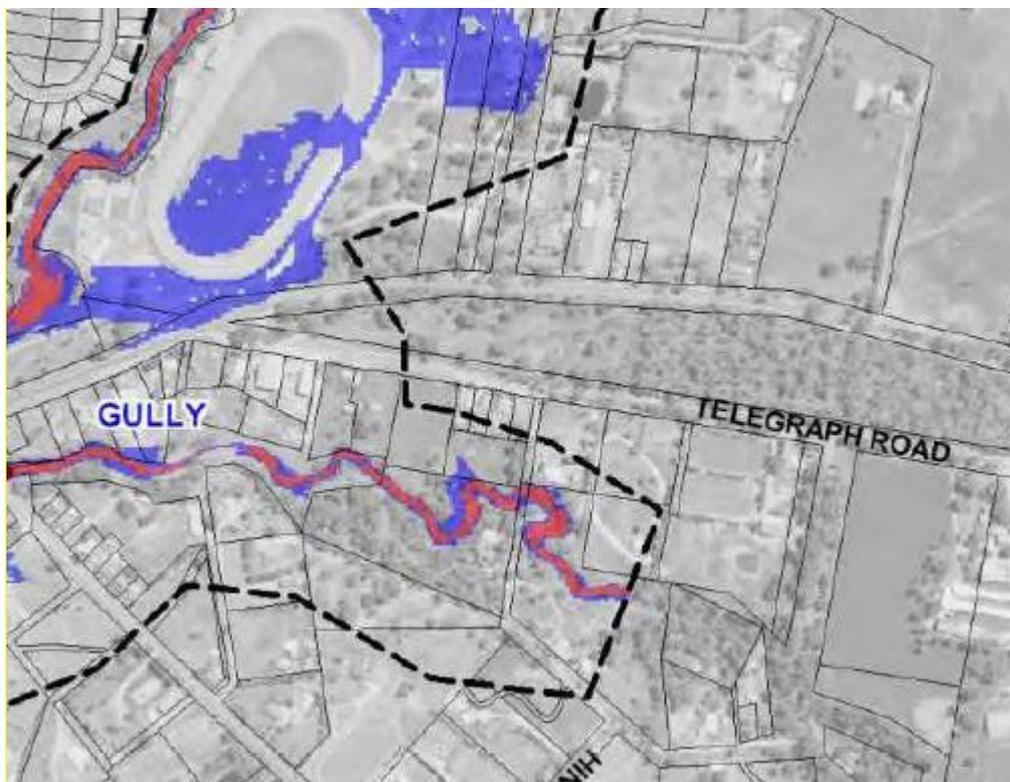


Figure 18 100 year ARI in context of 2-20 Telegraph Road, Young Source: Young Flood Study

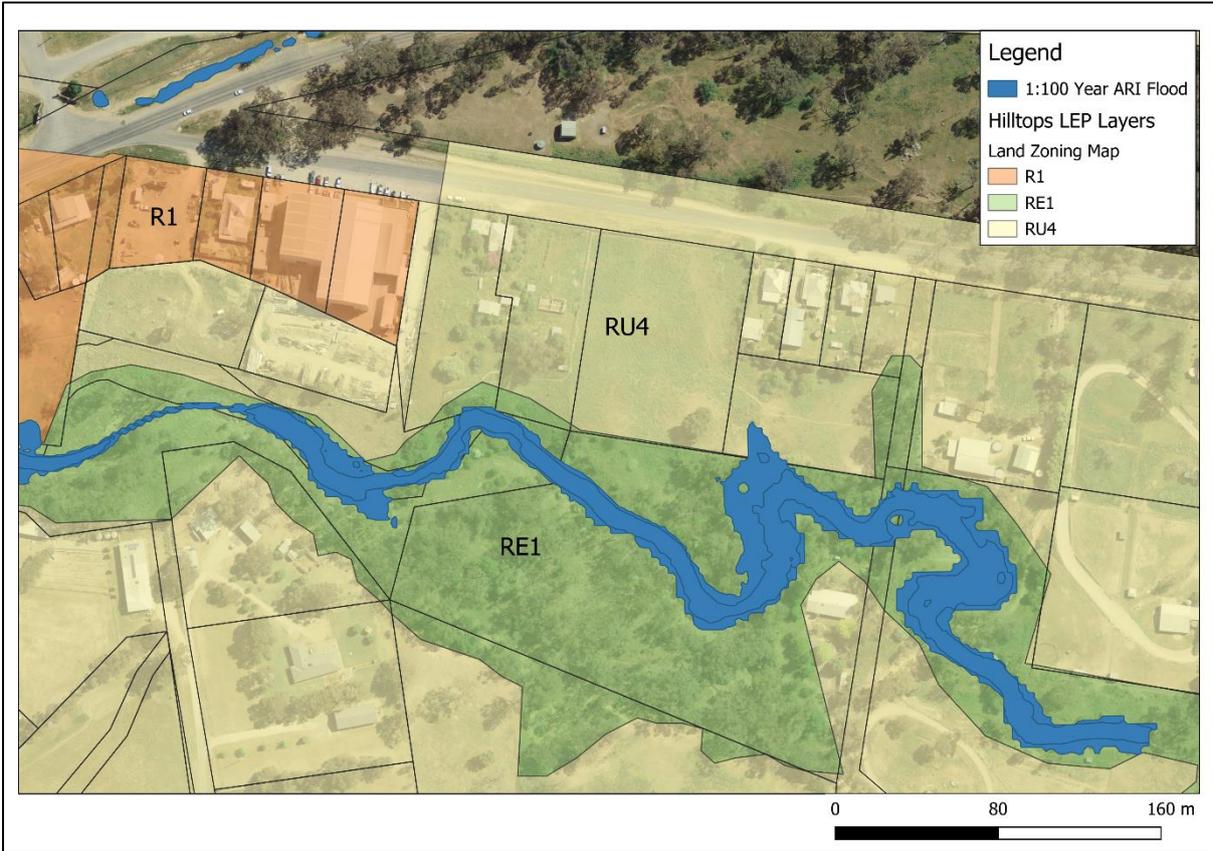
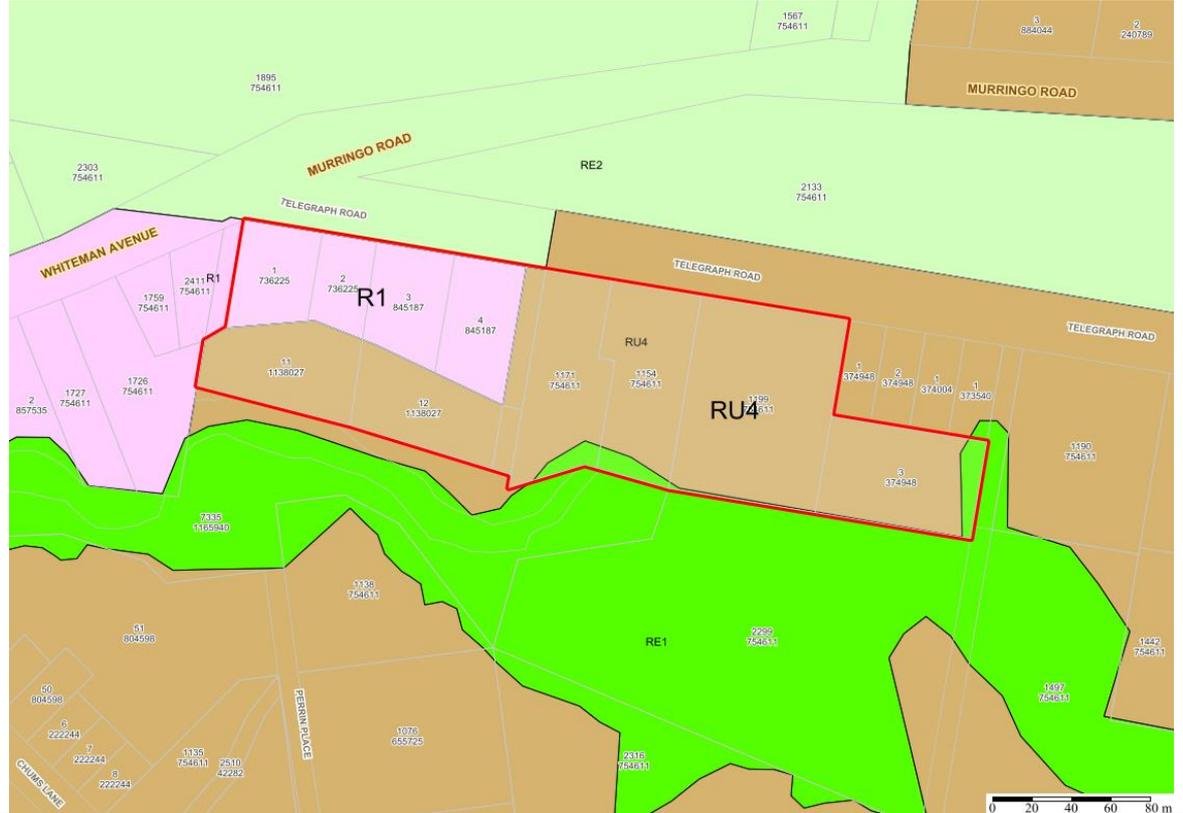


Figure 19: Flood Prone Land in RE1 Public Recreation Zone Source: Hilltops Council

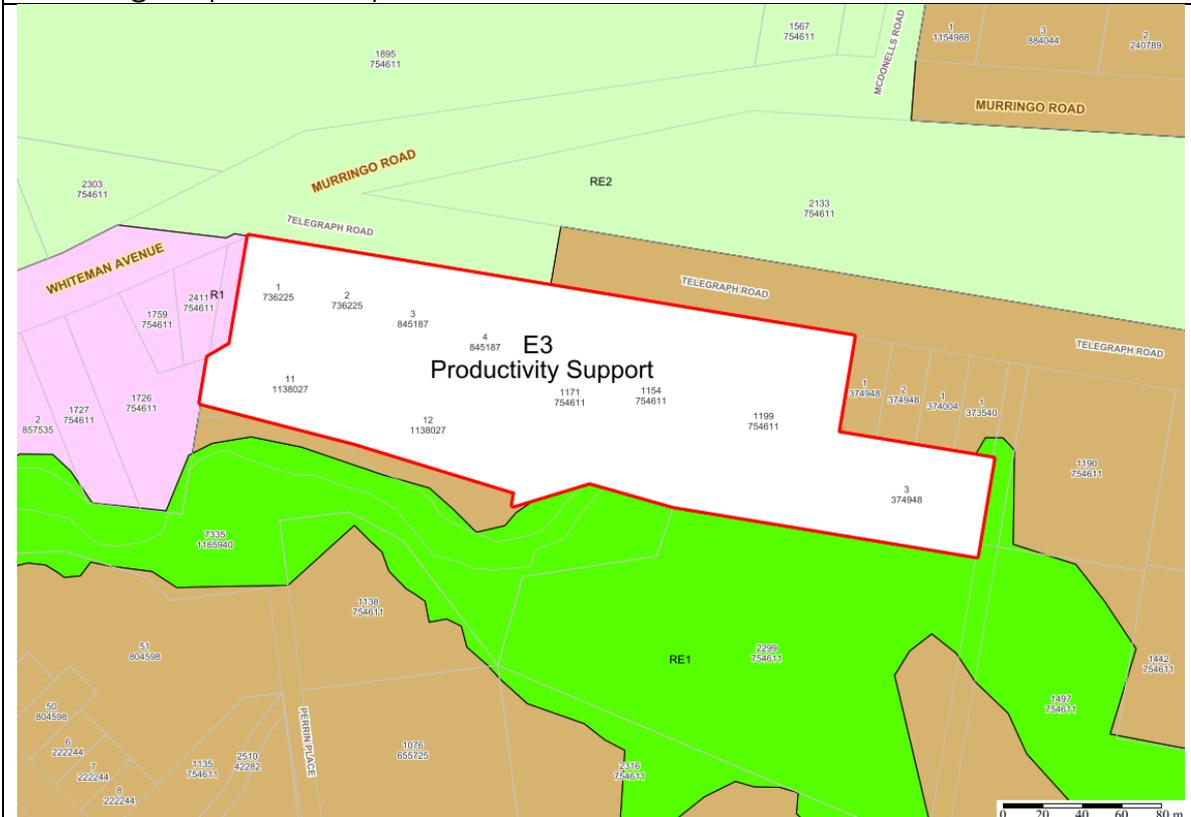
These areas are unlikely be supported to be rezoned as an Employment Zone and are to remain RE1 Public recreation as they are flood prone and an existing RE1 zone.

Land Use Zoning Map

Hilltops Local Environmental Plan 2022

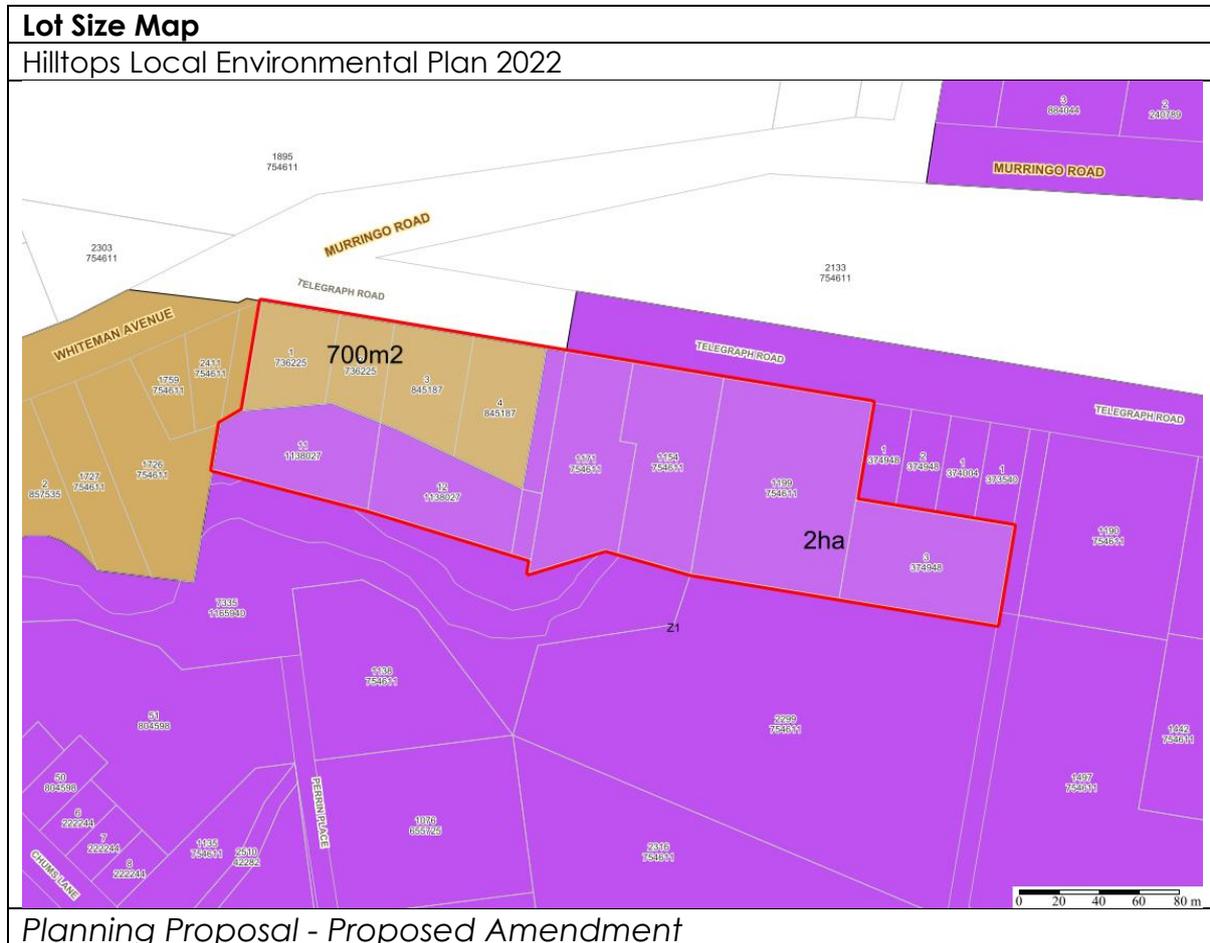


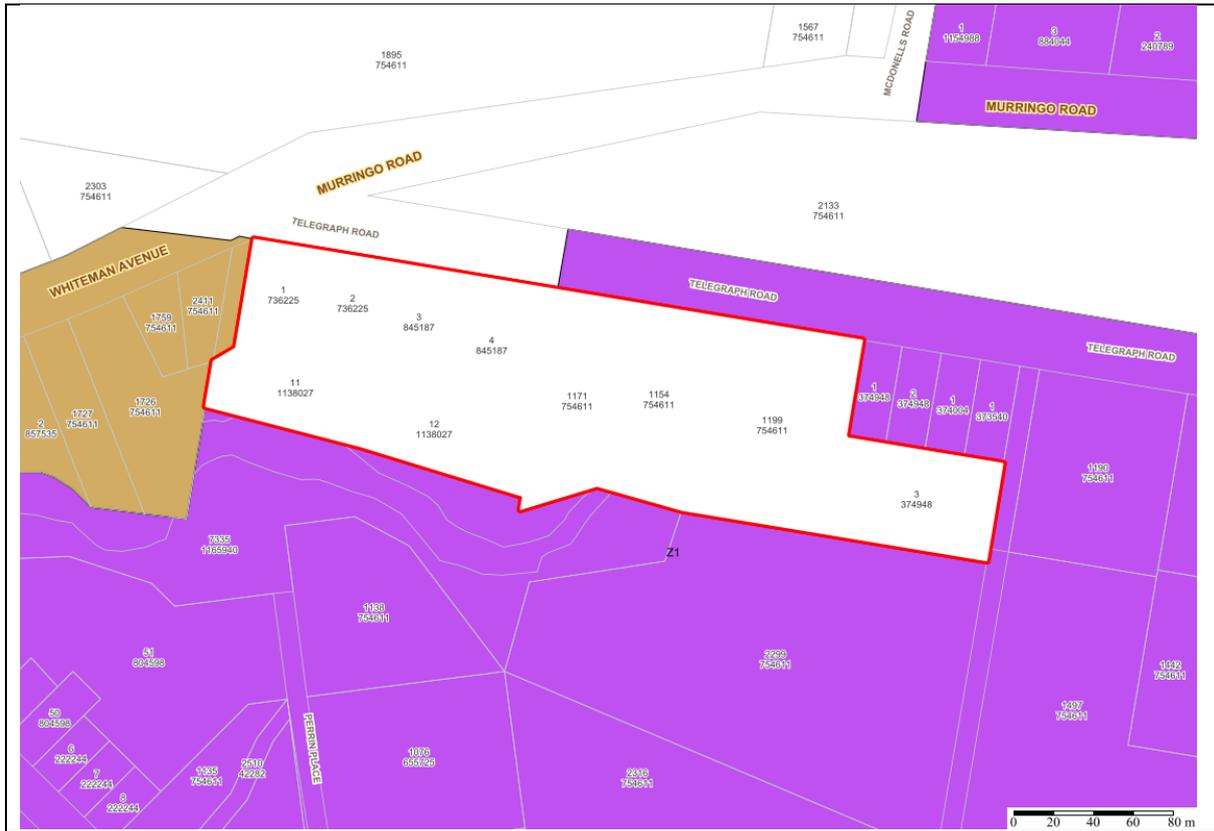
Planning Proposal - Proposed Amendment



4.2 Lot Size Map

The Planning Proposal seeks to remove the existing minimum lot sizes across the proposed sites to correspond with the rezoning to E3 Productivity Support. Under the Hilltops Local Environmental Plan 2022, the E3 Productivity Support zone does not have a minimum lot size and this proposal will follow that precedent.





4.3 Terrestrial Biodiversity Map

The Planning Proposal seeks to remove the Terrestrial Biodiversity layer across the site as it is “cleared paddocks and from ground truthing these are exotic grass areas”.

The Ecological Consultants Australia Report notes under the *Natural Environment Assessment – Victoria Creek* ground truthing of the site in relation to Terrestrial Biodiversity:

The biodiversity mapping is closely accurate and the development is 95% outside of these zones. Where it does overlap with pink mapped areas it can be seen that these are cleared paddocks and from ground truthing these are exotic grass areas. Biodiversity will be enhanced with the planting recommend for the riparian area where there is no/low change of natural regeneration as well as removal of weed shrubs and their replacement with natives of a similar structure to retain and increase bird habitat.



Figure 19: Previous Biodiversity Layer under former Young Local Environmental Plan 2010

Therefore, the Planning Proposal seeks to amend the Terrestrial Biodiversity Layer across the lots as there is “cleared paddocks and from ground truthing these are exotic grass areas”.

Terrestrial Biodiversity Map

Hilltops Local Environmental Plan 2022



Planning Proposal - Proposed Amendment



4.4 Riparian Corridor

At present under the Hilltops LEP 2022 map, the Riparian Corridor does not correspond with the actual Victoria Creek bed line.

The consultant Ecological Consultants Australia notes under the *Natural Environment Assessment – Victoria Creek* ground truthing of the site in relation to the Riparian Corridor notes:

Comparing this map layer to on-ground experience suggests that the riparian mapping is significantly poor in places and has the zones lower edge on, or close to, the water-way centre rather than having the waterway in the centre of the riparian zone. An accurate topographic map will show the waterway bed location.

The amended Riparian Zone map corresponds to the Victoria Creek bed line with a buffer for the 3rd order creek. Below comparison Figure shows the existing mapping discrepancy being rectified with the Planning Proposal amendment:

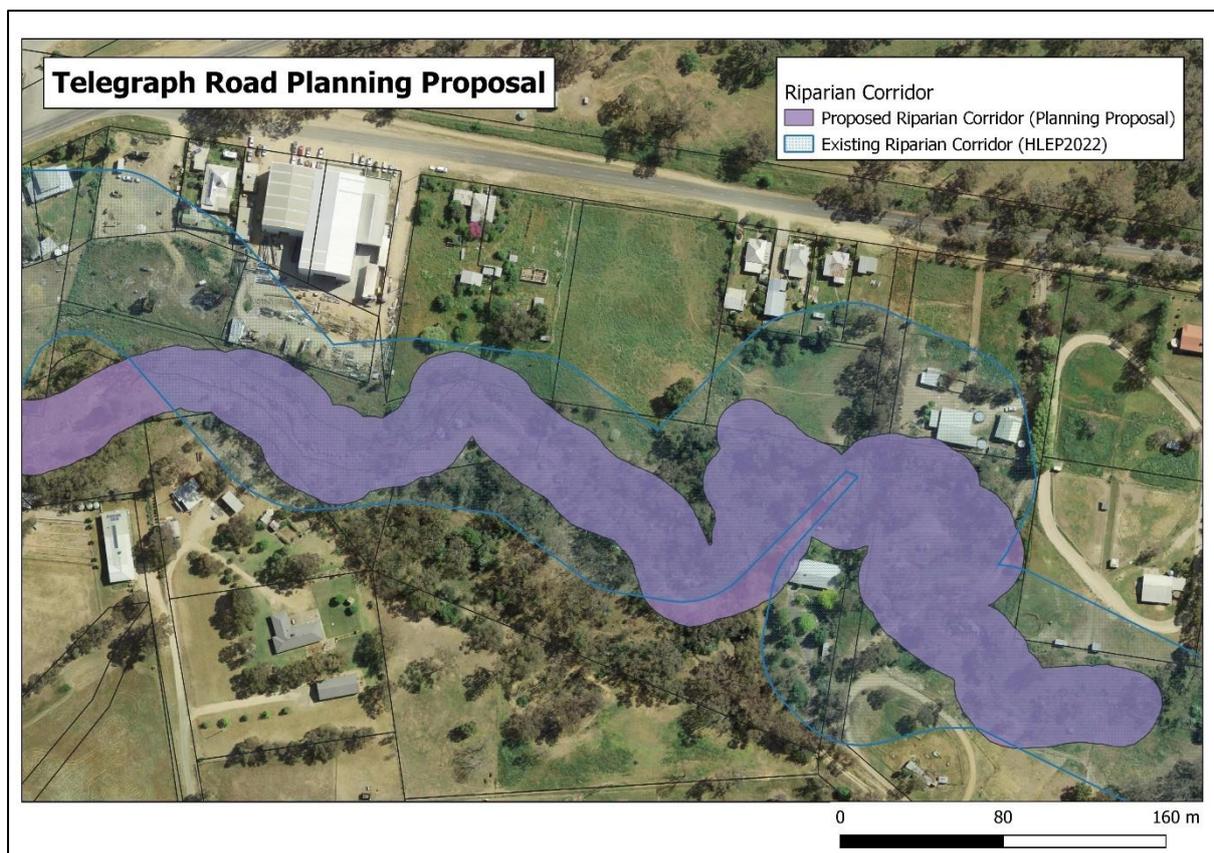


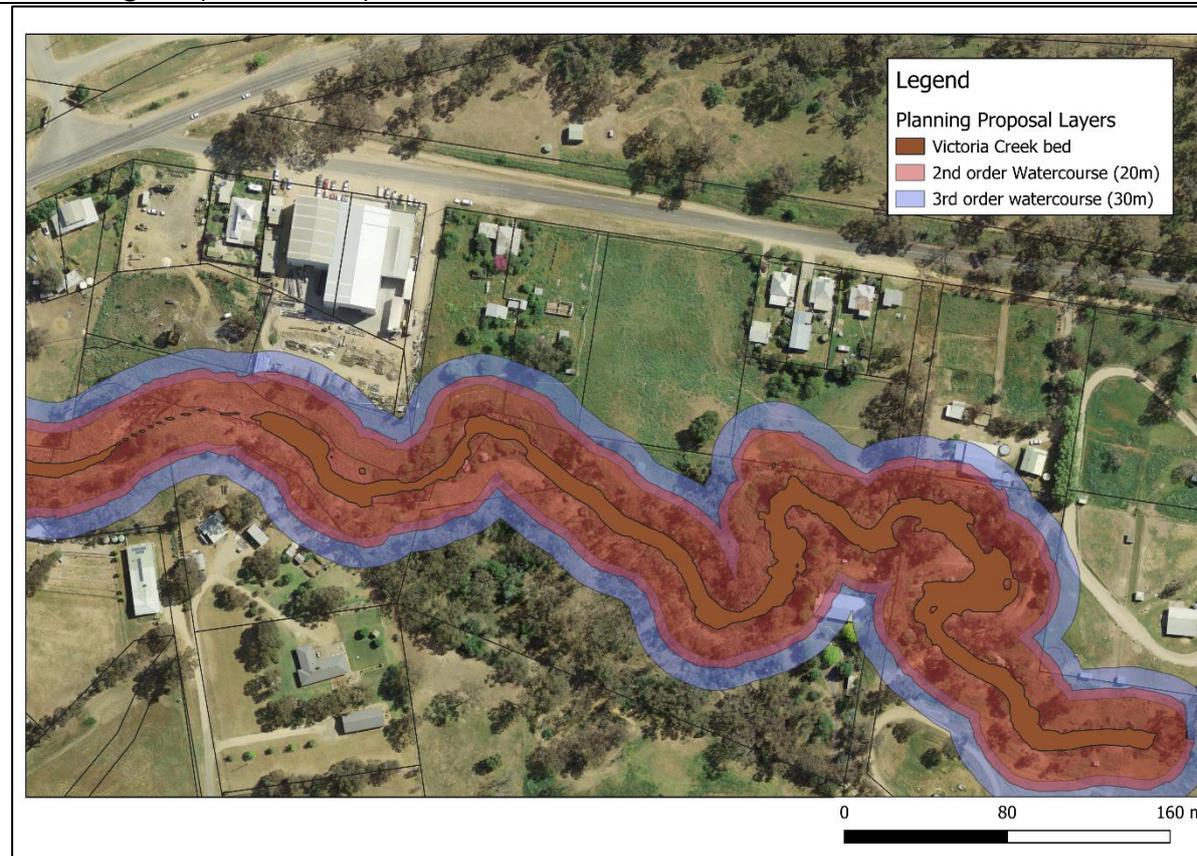
Figure 20: Comparison of Existing and Proposed Riparian Corridor Maps.

Riparian Corridor Map

Hilltops Local Environmental Plan 2022



Planning Proposal - Proposed Amendment



Part 5 - Community Consultation

The Planning Proposal is intended to be on public exhibition for a minimum period of 20 working days as specified within the Gateway Determination.

Community consultation and Agency consultation will be undertaken in accordance with relevant sections of the Act and Regulations. The Gateway determination will confirm the extent and nature of community consultation to be undertaken for the purposes of this proposal. No public hearing is required with the Planning Proposal.

As per Condition 3 the following agencies will be consulted with:

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

Under the Gateway Determination, Council was granted delegation of local plan-making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979, as this Planning Proposal is considered to be a local matter.

Part 6 - Project Timeline

It is anticipated the Planning Proposal will take a minimum of 12 months to finalise. An indicative project timeline for this minimum period is provided below:

Table 9: Project Timeline

Milestone	Date
Lodgement of Planning Proposal	30 June 2023
Council request for Information	21 August 2023
Request for Information received	20 December 2023
Consideration by council, draft planning agreement negotiation and assessment	From 20 December 2023 to June 2024
Council Meeting and Resolution	23 June 2024
Gateway determination Requested and Received	Requested: 30 June 2024 Received: 30 August 2024
Pre-exhibition Preparation	September 2024
Commencement and completion of public exhibition period	For 28 days. From Tuesday 1 October 2024 to Tuesday 29 th October 2024
Consideration of submissions	<i>Indicative - November 2024</i>
Post-exhibition review and additional studies (if required)	<i>Indicative - November 2024 – January 2025</i>
Post exhibition Council Meeting and Resolution	<i>Indicative – March 2025</i>

Submission and Drafting with Parliamentary Counsel for finalisation	To be confirmed – April 2025
Gazettal of LEP amendment	To be confirmed By 30 August 2025 (within 12 months)

Conclusion

The primary objective of the Planning Proposal is to amend the Local Environmental Plan provisions applicable to the subject land in order for industrial activities, such as steel manufacturing, to be permissible with development consent. This will assist with the continued expansion of the existing Apollo Fabrications premises and capitalise on the land's locational strengths contribution to growing the local economy and triggering further local investment and job creation. The proposal is considered to have strategic merit as it:

- Is consistent with relevant goals and directions of the South East and Tablelands Regional Plan 2036 and draft South East and Tablelands Regional Plan 2041;
- Is consistent with the strategic directions and themes of the Hilltops Council Local Strategic Planning Statement 2020-2040, in particular those relating to economic development, employment activity and environment;
- Provides a significant contribution to achieving the strategic directions and recommendations of the Hilltops Council Economic Growth and Land Use Strategy;
- Allows more efficient use of land that has distinctive site-specific locational advantages due to its proximity to the local arterial road network, without impacting on local road network function; and
- Provides the opportunity for improved local amenity including streetscape, gateway and local environment embellishments.

The Planning Proposal identifies relevant environmental, social, economic and site-specific considerations and the means to successfully manage any potential impact generated from future industrial use of the land. The proposal is in the strategic interest of the local and broader regional community and should be supported.³⁰

The Planning Proposal as outlined within this report is satisfactory in addressing strategic merit and site-specific merit with Councils Resolution to amend the Planning Proposal, to the E3 Productivity Support Zone and inclusion of amendment to the Terrestrial Biodiversity and Riparian Corridor Mapping.

³⁰ Salvestro Planning, Planning Proposal Local Environmental Plan Amendment Apollo Fabrication Group, 2 – 20 Telegraph Road, Young NSW Rev 3.0 – December 2023 – Section 8 - Page 43 and 44

And therefore, the Planning Proposal is recommended to request a Gateway Determination from the Minister for Planning and Public Spaces.

Appendices

Appendix 1 Relevant goals and directions of South East and Tablelands Regional Plan 2036 and draft South East and Tablelands Regional Plan 2041

Goal/Direction	Proposal's Response
<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"> • <i>A connected and prosperous economy</i> • <i>A diverse environment interconnected by biodiversity corridors</i> • <i>Healthy and connected communities</i> • <i>Environmentally sustainable housing choices</i> 	<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> <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>A connected and borderless Canberra region</p>	<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>
<p>Goal 1: A connected and prosperous economy</p>	<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"> • tourism; • agriculture and aquaculture; • freight and logistics; • health, disability and aged care; • public administration and defence; • education and training; and • renewable energy.
<p>Direction 4: Leverage growth opportunities from Western Sydney <i>Actions</i>:</p> <p><i>4.1 Foster initiatives to promote the South East and Tablelands 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>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>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>

Goal/Direction	Proposal's Response
	<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>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>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 14.</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 & 11.4. Items 11.3 & 11.5 are not specifically relevant to this proposal.</p>
<p>Goal 2: A diverse environment interconnected by biodiversity corridors</p>	<p>Satisfied. Not inconsistent. Refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land.</p> <p>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.</p>
<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>Satisfied. Not inconsistent.</p> <p>The supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</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</p>

Goal/Direction	Proposal's Response
<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>assist the local authority and community in identifying and managing this environment will be gather and shared accordingly.</p> <p>The proposal supports relevant action items, in particular, items 14.2, 14.3, 14.4 & 14.5. Items 14.1 & 14.6 are not specifically relevant to this proposal.</p>
<p>Direction 15: Enhance biodiversity connections</p> <p>Actions:</p> <p><i>15.1 Protect and enhance the function and resilience of biodiversity corridors in local strategies.</i></p> <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>Satisfied. Not inconsistent.</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 supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</p> <p>The proposal supports relevant action items, in particular, item 15.1. Items 15.2, 15.3 & 15.4 are not specifically relevant to this proposal.</p>
<p>Direction 16: Protect the coast and increase resilience to natural hazards</p> <p>Actions:</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,</i></p>	<p>Satisfied. Not inconsistent.</p> <p>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 3rd order water course.</p> <p>Additionally, 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.</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	Proposal's Response
<p><i>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 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>The proposal supports relevant action items, in particular, items 16.2, 16.4, 16.5 & 16.6. Items 16.1 & 16.3 are not specifically relevant to this proposal.</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>Satisfied. Not inconsistent.</p> <p>Any future development application would be required to consider building design to respond to this direction.</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 & 17.4. Items 17.1 & 17.2 are not specifically relevant to this proposal.</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 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>	<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> <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 & 18.4. Items 18.2 & 18.3 are not specifically relevant to this proposal.</p>

Goal/Direction	Proposal's Response
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>Satisfied. Not inconsistent.</p> <p>Noted potential for employment opportunities and training in association with future development of the land.</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 & 21.4 are not specifically relevant to this proposal.</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 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>Satisfied. Not inconsistent.</p> <p>Any future development application would be required to consider and address connectivity to Councils walking and cycling network.</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>The proposal will satisfy relevant action items 22.3 & 22.4. Items 22.1 & 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>Satisfied. Not inconsistent.</p> <p>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.</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> <p>The proposal is consistent with this direction and relevant action items by ensuring cultural heritage assessment has been taken into consideration.</p>

Goal/Direction	Proposal's Response
<p>23.5 Acknowledge cultural heritage assets where appropriate, and consider how these assets can add value to a development.</p> <p>23.6 Enhance heritage data sharing between NSW and ACT to support joint conservation planning.</p>	<p>The proposal will satisfy relevant action items 23.1, 23.2 & 23.5. Items 23.3, 23.4 & 23.6 are not specifically relevant to this proposal.</p>
<p>Goal 4: Environmentally sustainable housing choices</p>	<p>Promote lifestyle choice and environmentally sustainable housing.</p>
<p>Direction 28: Manage rural lifestyles</p> <p>Actions:</p> <p>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.</p> <p>28.2 Locate new rural residential areas:</p> <ul style="list-style-type: none"> • 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; • to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and • to avoid areas of high environmental, cultural and heritage significance, important agricultural land and areas affected by natural hazards. <p>28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.</p>	<p>Inconsistent but justified.</p> <p>As a part of the supporting study Infrastructure & 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 <i>avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources.</i></p> <p>The Proposal's justification for expanding industrial activities in this precinct, including specialist reports on noise, traffic, infrastructure and the environment. The Proposal 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 Proposal responds that the supporting specialist studies inform the necessity to conserve and protect biodiversity sensitive area. Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</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 & 28.3 are not specifically relevant to this proposal. and primary production small lot zones. The existing use</p>
<p>Local Government Narratives</p> <p>Hilltops - Priorities</p> <ul style="list-style-type: none"> • Capitalise on economic, housing and servicing opportunities arising from the area's proximity to Canberra, including advances in technology to create smart work opportunities. • Enhance community access to jobs, goods and services. 	<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>

Goal/Direction	Proposal's Response
<ul style="list-style-type: none"> • Address land management issues that could impact agricultural productivity and viability, including erosion, salinity, weed management, on-farm practices and management of the water table. <p><i>Economy and employment</i></p> <ul style="list-style-type: none"> • Grow and diversify the area's agricultural base, including value-add activities, expansion into agricultural research and technology and access to national and international markets. • Capitalise on value-add opportunities in food processing with the growth of intensive farming industries. • Leverage regional assets such as the region's quality wines and cherries to promote tourism. • Capitalise on the area's freight links north and west off the Hume Highway. Housing • Grow housing in Young, Boorowa and Harden. • Support the unique character of the region's village and rural lifestyle. • Enhance the variety of housing options to cater for an ageing population. • Work with stakeholders to secure a sustainable water source for urban use. 	
<p>Appendix A: Neighbourhood Planning Principles</p>	<p>The proposal addresses, where relevant, the following planning principles.</p>
<ul style="list-style-type: none"> • A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space. 	<p>Proposal for rezoning to enable industrial development while responding to land use context and natural environment.</p> <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>
<ul style="list-style-type: none"> • Jobs available locally and regionally, reducing the demand for transport services. 	<p>Noted. Proposal for future industrial development would enable more local jobs within Young with an expanded activity.</p>
<ul style="list-style-type: none"> • Conservation lands in and around the development sites, to help protect biodiversity and provide open space for recreation. 	<p>The proposal includes relevant specialist studies in inform on the necessity to conserve and protect biodiversity sensitive areas. Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</p>
<ul style="list-style-type: none"> • Minimise the negative impacts on the natural water cycle and protect the health of aquatic systems, for example, through Water Sensitive Urban Design principles. 	<p>The proposal includes reference to managing onsite stormwater impact and minimising impact to local riparian systems. Amendment and refinement relating to Terrestrial Biodiversity and Riparian Corridors mapping layers applying to the land satisfies this Direction.</p> <p>Any future development application would be required to consider and address onsite and offsite stormwater</p>

Goal/Direction	Proposal's Response
	management and impact as a result of the proposed site activity on Victoria Creek.

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Theme	Proposals Response
<p>Theme 1: Recognizing Country, people and place <i>Objective 1: Build capacity for shared knowledge about aboriginal culture in land use planning</i></p>	<p>Satisfied. Not inconsistent.</p> <p>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.</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> <p>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>
<p>Theme 2: Enhancing sustainable and resilient environments <i>5: Protect important environmental assets</i> <i>9: Secure water resources</i></p>	<p>Satisfied. Not inconsistent.</p> <p><i>5: Protect important environmental assets</i> 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> 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> <p><i>9: Secure water resources</i> 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><i>9: Secure water resources</i> Amendment of Riparian Corridor mapping layer to respond to Victoria Creek and appropriate zone for 3rd order water course.</p>
<p>Theme 3: Leveraging diverse economic identities <i>15: Promote business and employment opportunities in strategic locations</i></p>	<p>Satisfied. Noted. Proposal for future industrial development would enable more local jobs within Young with an expanded industrial activity.</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</p>

	construction are becoming increasingly welcomed and recognized within Young which will be further supported by the LEP amendment.
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Appendix 2 Consideration of State Environmental Planning Policies

State Environmental Planning Policies	Proposal Response
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>Applicable and relevant. Consistent.</p> <p>Proposal refines and updates applicable environmental layers under the Hilltops Local Environmental Plan.</p> <p>The 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:</p> <ul style="list-style-type: none"> • <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> • <i>LEP Biodiversity mapping indicates the development site is 95% outside of these zones</i> <p>The mapping layers have been ground truthed and amended accordingly.</p> <p>With Councils recommendation, The Terrestrial Biodiversity layer being amended from the land and the Riparian Corridor Layer being amended to follow Victoria Creek with 3rd order watercourse buffer s per the as per the <i>Natural Environment Assessment</i>.</p> <p>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.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<p>Not relevant for Planning Proposal.</p> <p>However, any future development will continue to be assessable against this policy.</p>
State Environmental Planning Policy (Housing) 2021	<p>Inconsistent but justified. Existing Facility is located on R1 General Residential and expansion of industrial zone would reduce the potential permissible residential development.</p> <p>However, residential development has been extinguished from the site on the existing facility site.</p>
State Environmental Planning Policy (Industry and Employment) 2021	<p>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.</p>
State Environmental Planning Policy (Planning Systems) 2021	<p>Applicable and relevant.</p> <p>Any future development meeting certain thresholds could be considered to be significant or regionally significant and the SEPP would apply.</p> <p>Consistent, any future development will continue to be assessable against this policy, particularly if classified as state significant or regionally significant. There are no provisions within this proposal that would conflict with the intent of this SEPP.</p>
State Environmental Planning Policy (Precincts—Central River City) 2021	<p>Not applicable.</p>
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	<p>Not applicable.</p>
State Environmental Planning Policy (Precincts—Regional) 2021	<p>Not applicable.</p>

State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable.
State Environmental Planning Policy (Primary Production) 2021	<p>Applicable. Not directly relevant to the proposal. Currently no State Significant Agricultural Land is listed in Schedule 1 of the SEPP.</p> <p>Consistent, any future development will continue to be assessable against this policy.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Applicable and relevant. Consistent.</p> <p>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.</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> <p>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.</p> <p>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.</p> <p>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.</p>
State Environmental Planning Policy (Resources and Energy) 2021	<p>Applicable. Not directly relevant to the proposal.</p> <p>Consistent, any future development will continue to be assessable against this policy.</p> <p>SEPP related to mining and extractive industries which would not be permissible in the E3 Zone</p>
State Environmental Planning Policy (Sustainable Buildings) 2022	<p>Applicable. Not directly relevant to the proposal.</p> <p>Future development proposal would need to respond to Chapter 3 Standards for non-residential development of the SEPP if over a certain cost of works threshold.</p> <p>Consistent, any future development will continue to be assessable against this policy.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Applicable and relevant.</p> <p>Consistent.</p> <p>Future development proposal would need to respond to <i>Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2</i>.</p> <p>Consultation with Transport for NSW to continue to occur as a part of Agency Consultation from the Gateway Determination Conditions.</p> <p>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.</p>

Appendix 3 Consideration of Section 9.1 Ministerial Directions

Ministerial Direction	Applicable and Consistent?	Proposal Response
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes - Inconsistent	<p>Generally consistent.</p> <p>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.</p> <p>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).</p>
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.
1.3 Approval and Referral Requirements	Yes - Consistent	<p>Consistent.</p> <p>The Proposal has received correspondence from Crown Land provided within the Supporting Documentation.</p> <p>Otherwise, the Planning Proposal will not result in development that requires additional concurrence or referral requirements.</p> <p>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.</p>
1.4 Site Specific Provisions	Yes - Consistent	<p>Consistent.</p> <p>Planning Proposal will not place unnecessarily restrictive site specific planning controls on the land.</p> <p>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.</p>
Focus area 1: Planning Systems – Place-based		
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.
1.6 Implementation of North West Priority Growth Area	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.

Ministerial Direction	Applicable and Consistent?	Proposal Response
Land Use and 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.
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.
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.
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.
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.
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.
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.
1.14 Implementation of Greater Macarthur 2040	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.
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.
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.
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.

Ministerial Direction	Applicable and Consistent?	Proposal Response
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.
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.
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.
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.
1.22 Implementation of the Cherrybrook Station Place Strategy	No - N/A	Not applicable. Subject land is not within the relevant areas whereby these directions apply.
Focus area 2: Design and Place (not in force at time of Planning Proposal)		
Focus area 3: Biodiversity and Conservation		
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.</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>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 to remain RE1 Public Recreation due to being flood prone land and an existing RE1 Zoned Land).</p>
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.

Ministerial Direction	Applicable and Consistent?	Proposal Response
		A cultural heritage assessment has been undertaken to support the Proposal 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.
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.
3.5 Recreation Vehicle Areas	Yes - Consistent	Consistent. The Planning Proposal does not enable land to be developed for the purpose of a recreational vehicle area. 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.
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.
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.
3.10 Water Catchment Protection	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
Focus area 4: Resilience and Hazards		
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 of adjacent a creek system that forms part of a stormwater management system and subject to flooding.

Ministerial Direction	Applicable and Consistent?	Proposal Response
		<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>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 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>
4.2 Coastal Management	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
4.3 Planning for Bushfire Protection	Yes - Consistent	<p>Consistent. Planning Proposal location is not identified as being land mapped as bushfire prone land.</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>
4.4 Remediation of Contaminated Land	Yes - Consistent	<p>Consistent.</p> <p>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.</p> <p>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.</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> <p>The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> - Considering any risk of harm to human health and the environment; and - 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.

Ministerial Direction	Applicable and Consistent?	Proposal Response
4.5 Acid Sulfate Soils	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
4.6 Mine Subsidence and Unstable Land	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes - Generally Consistent	<p>Consistent.</p> <p>The direction applies as a Planning Proposal is being prepared by a relevant planning authority that will alter provisions relating to urban land.</p> <p>This direction applies where a Planning Proposal will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The site is adjacent to an existing town which has an existing road network connecting to highways.</p> <p>The Proposal is supported by 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"> • 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. <p>This has been actioned as included within the Letter of Offer and Draft VPA provided by the Proponent found in Attachment 14.</p> <p>The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> • Improving access to employment and business activities through upgraded transport facilities; • Ensuring efficient movement of freight utilising location attributes and connectivity to existing arterial road networks; and <p>Taking to consideration the conclusions and recommendations from the accompanying traffic and parking study relating this proposal.</p>
5.2 Reserving Land for Public Purposes	Yes – Inconsistent.	<p>Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority that involves land zoned RE1 Public Recreation. Satisfied with consultation with Crown Land.</p> <p>Crown Land Licences currently held by the Proponent over Lot 11 DP1138027 & 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. The Department will provide advice to the Council in respect of the merits of the Planning Proposal at that time”</p>

Ministerial Direction	Applicable and Consistent?	Proposal Response
		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.
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.
5.4 Shooting Ranges	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
Focus area 6: Housing		
6.1 Residential Zones	Yes - Inconsistent	<p>Inconsistent but justified by the Proposal 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> <p>The proposal justified with this direction as it:</p> <ul style="list-style-type: none"> • Does not propose any significant change to existing residential zone boundaries; • The land is substantially used for non-residential purposes and is highly unlikely to be made available for residential use; • Is proposing development and potential rezoning of the land in accordance with relevant state and local strategic directions; • Is justified when also taking into consideration the conclusions and recommendations of supporting specialist reports in relation to the proposal; and • When considering the existing industrial development over part of this land and related strategic merit, is of minor significance.
6.2 Caravan Parks and Manufactured Home Estates	Yes - Inconsistent	<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 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>

Ministerial Direction	Applicable and Consistent?	Proposal Response
		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.
Focus area 7: Industry and Employment		
7.1 Employment Zones	Yes - Consistent	<p>Consistent. 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> <p>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: The proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> - Encouraging employment growth in a suitable location; - Does not detrimentally affect existing employment land in other business and industrial zones as the proposal relates to an existing industrial business and premises. - The proposal also retains existing business and industrial zones across the LGA; - Continuing to support the viability of existing business and industrial centres in the LGA; - Expanding on total potential floor space for employment uses; and - Proposing development and new employment areas in accordance with approved regional and local strategies approved by NSW Planning.
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.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
Focus area 8: Resources and Energy		
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.
Focus area 9: Primary Production		
9.1 Rural Zones	Yes - Inconsistent but justified.	<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>

Ministerial Direction	Applicable and Consistent?	Proposal Response
		<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> <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"> - 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; - The land is not used for active agricultural production and its contribution to the local rural agricultural economy is insignificant; - The land is identified in the Hilltops LSPS as a potential industrial area subject to investigation; - Additional supporting specialist reports identify the land as suitable for further industrial expansion and have given consideration to the objectives of this direction; - The proposal is consistent with the applicable Regional Strategy: and - Based on the circumstances and scale of the proposal, the loss of rural zoned land is of minor significance.
9.2 Rural Lands	Yes - Inconsistent but justified.	<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> <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 proposal satisfies the objectives of this direction by:</p> <ul style="list-style-type: none"> - Ensuring agricultural production values are protected by rezoning land that is not used for agricultural production; - Minimising land fragmentation by utilising existing fragmented parcels of land; - Being consistent with applicable regional and state strategic plans including the Hilltops LSPS; - Considering the potential impact of the proposal on primary production, environmental values, physical attributes and other related land uses; and - Having consideration to the social, economic and environmental interests of the community, as discussed in relevant accompanying specialist reports to this proposal.
9.3 Oyster Aquaculture	No - N/A	Not applicable. Subject land is not within the relevant area whereby these directions apply.
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.

