

Planning Proposal

to amend

Cabonne Local Environmental Plan 2012

as follows:

Change from Rural Zoning & Lot Size (100ha) to Employment Land Zoning & Lot Size (0.4ha)

Lot 27 DP750137 & Lot 1 DP1172771

3660 (known as 3732) The Escort Way, CUDAL

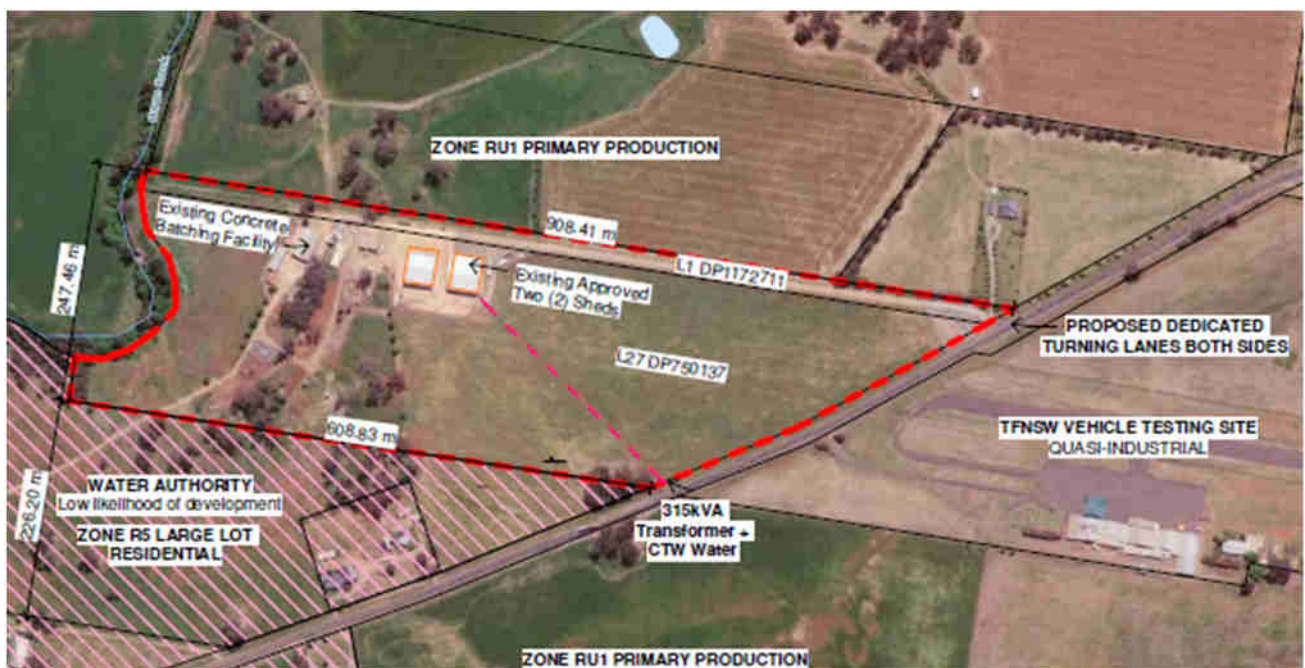


Figure 1: Existing Site Plan.

Prepared on behalf Peter & Bernadette Carman

For submission to Cabonne Council & the NSW Department of Planning & Environment (DPE)

December 2023

Version: C (FINAL for Lodgement)

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Document Control

Version / Date	Document	Provided To
A – 20 June 2023	Draft for Internal Review	Client
B – 31 July 2023	Full Draft to Council	Client & Cabonne Council
C – December 2023	Final for upload to Portal	Client & Cabonne Council

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1 OVERVIEW

1.1 Overview of Key Amendments

This Planning Proposal seeks to amend *Cabonne Local Environmental Plan 2012* ('CLEP2012') for land north of the Village of Cudal (as described below) to change the key planning controls from a Rural Land Zoning/Lot Size to an Employment Land Zoning/Lot Size. This seeks to build on the recommendations of Council's *Cabonne Settlement Strategy 2021-2041* ('Settlement Strategy').

Whilst this is not a Development Application, the Planning Proposal is supported by the following:

Type	Report/Plan Name	Version/Date	Consultant
Site Analysis	A101 - NSW Planning Portal – Key Maps A102 – Site Plan – Existing A103 – Site Photos (2023)	Dec 2023	iPLAN PROJECTS
Subdivision Concept	A201 – Subdivision Concept A A301 – Truck (19m) Swept Path	Dec 2023	iPLAN PROJECTS
LEP Amendments	A401 – Proposed Land Use Zone A402 – Proposed Lot Size (Subdivision)	Dec 2023	iPLAN PROJECTS
Environmental Reports	Preliminary Flora and Fauna Assessment Bushfire Assessment	22 Nov 2023 27 Nov 2023	Envirowest Consulting
Effluent Reports	On-Site Effluent Management Study – Communal system and disposal area (Proposed Lot 1) On-Site Effluent Management Study (Proposed Lot 2) On-Site Effluent Management Study (Proposed Lot 3)	30 Nov 2023	Envirowest Consulting

We strongly suggest that there is a LOW risk of impact on any remaining Aboriginal heritage or cultural significance as:

- All the area for proposed development and/or future subdivision potential (eastern part of Site) has been cropped for a significant length of time with a likely extensive disturbance to the soil;
- The development area is setback more than 200m from Boree Creek and the floodplain.

As such, we request Council's consideration of this Report as addressing these matters as a suitable Due Diligence and have not provided an Aboriginal Cultural Heritage Report (ACHAR).

1.2 Process Overview

The Planning Proposal has been prepared in accordance with *Divisions 3.4 – Environmental Planning Instruments (LEPs)* of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government (September 2022) '*Local Environmental Plan Making Guideline*' ('Guidelines').

It is suggested that under the Guideline – this Proposal is likely to be seen as a 'Standard Planning Proposal' as opposed to a 'Complex Planning Proposal' as it consistent with an adopted land use strategy (*Cabonne Settlement Strategy*) and is a logical extension of the existing urban area.

Figure 2: Planning Proposal Categories- Standard (LEP Making Guideline p.14).

Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

This Proposal should provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process including identifying relevant environmental, social, economic, and other site-specific considerations.

However, it is not a development application, so it is NOT required to consider specific detailed matters that should form part of a development application. The proposed indicative subdivision layout is provided only to inform an understanding of possible outcomes and align planning control amendments.

A Gateway Determination under the EP&A Act will be requested from the *NSW Department of Planning & Environment* ('DPE') to allow this Planning Proposal to be placed on public exhibition. The regional office of DPE has delegation to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application). Planning Circular PS 21-004 (8 June 2021) updates delegation of plan making decisions under the EP&A Act and replaces PS18-013, PS16-005 & PS12-006.

The Gateway Determination may provide details of further studies/consultation required by Council to enable the public exhibition and finalisation of the LEP amendments but we believe that the attached studies should be sufficient to support this Proposal.

Subject to Council resolution, we suggest this matter is a matter of local significance so the Gateway Determination could delegate plan-making to Council.

Please see **Section 4.6 - Part 6: Project Timeline** of this Report for an indicative timetable of steps to achieve the outcomes in this Proposal.

1.3 Cabonne Settlement Strategy 2021-2041

The *Cabonne Settlement Strategy 2021-2041* ('Settlement Strategy' or 'Strategy') conducted a review (in 2020/2021) of land use growth potential across the Shire. This Strategy was adopted by Council at its Council Meeting in June 2021 (see Minutes of Meeting in Appendices). This is the relevant land use strategy that guides this Planning Proposal. *Chapter B5 – Cudal* identified the Subject Site for a range of business and industrial uses. Excerpts of this Strategy are noted throughout the Sections of this Report below.

No Conflict of Interest: Whilst iPLAN PROJECTS were engaged by Cabonne Council to prepare the *Settlement Strategy* they did not have any active relationship with the Applicant (particularly regarding the Subject Site) during the preparation of the Strategy. They were only engaged by the Applicant to prepare this Planning Proposal after the Strategy had been adopted by Council. Therefore, we suggest there is no conflict of interest, especially as the Proposal is consistent with the *Settlement Strategy*.

1.4 Scoping Proposal & Preliminary Council Engagement

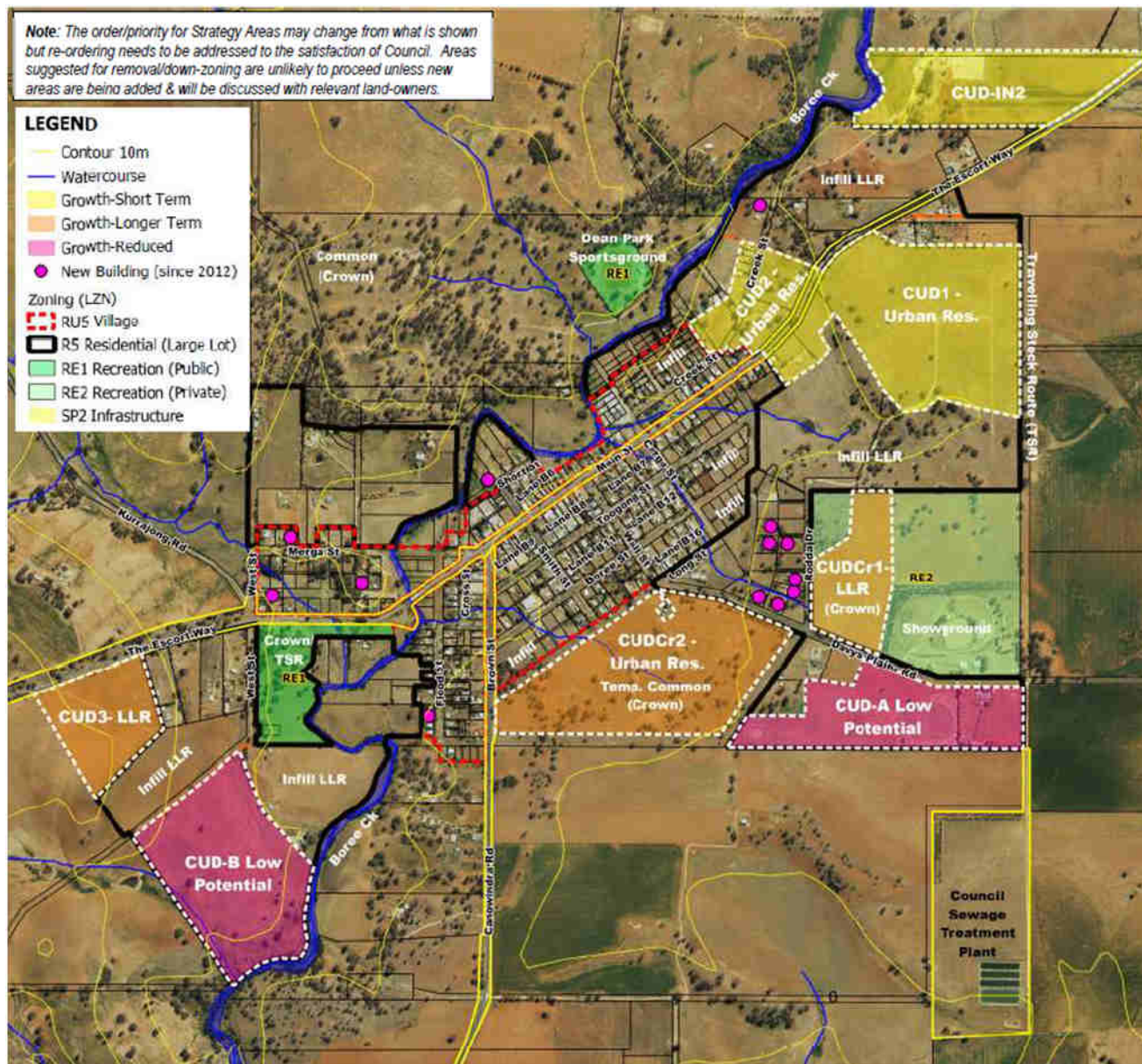
iPLAN PROJECTS had a preliminary meeting with Council (Mr Richard Pamplin) on 3/05/2023 at Council's offices. This only provided an overview of the Proposal prior and draft plans. We then provided this Planning Proposal as a Draft or Scoping (Planning) Proposal for Council's consideration by email dated 31 July 2023 and met with Council again formally on 16 August 2023 (Richard Pamplin / Charlie Harris / Roy Ansted). Council requested additional studies and most of these are now provided.

2 PLANNING PROPOSAL SUMMARY

2.1 Cabonne Settlement Strategy

The *Cabonne Settlement Strategy* ('Strategy') and particularly *Chapter B5 – Cudal* reviewed the key opportunities & constraints for the urban areas and surrounds of the village and identified Growth Investigation Areas that included the Subject Site marked as CUD-IN2 (see Figure below).

Figure 3: Cudal Growth Investigation Areas showing CUD-IN2 for Site (Settlement Strategy Ch.5 Fig.12).



Section 5.8.9 of the Strategy reviewed the Subject Site and noted that the existing approved industrial and warehousing uses on the site including the existing two (2) sheds do not align with Zone RU1 Primary Production and that any future expansion of the existing uses would require rezoning. Section 5.8.10 notes that the rezoning would reinforce the existing quasi-industrial land use of the Site opposite the TfNSW Vehicle Testing Site (former airport).

It noted that the site is relatively flat with existing access to The Escort Way. It would facilitate local employment in Cudal. It is well separated from the urban residential area and was largely consistent with previous land use strategies for Cudal noting some additional growth in industrial land to the north of Cudal.

Section 5.4 – Summary of Growth Potential in the Strategy notes the following key POSITIVE influences for growth in Cudal include a resilient population with recent dwelling growth; proximity to Orange/Manildra/Molong/ Canowindra/ Parkes; location on key road transport routes; ability to leverage industrial growth at Manildra/Parkes; ability to leverage agricultural land uses; a good level of local services including education/utilities/recreation; and a general lack of key constraints away from Boree Creek other than agriculture.

Whilst this Section also notes several potential NEGATIVE growth influences, a lot of these may be addressed by this Proposal. With COVID increasing regional populations this has pushed up prices for land in key regional cities like Orange, and there is more demand in surrounding villages. Travel distances are less important if local employment is provided and it would support the proposed growth in residential uses in and around Cudal. Growing local employment may offset some of the ageing population and increase demand for local services to make Cudal more sustainable. This Proposal also demonstrates minimal additional land use conflict potential due to existing industrial uses, adjacent quasi-industrial uses, and buffers to neighbouring land.

Figure 4: Excerpt of CUD-IN2 Growth Area - Cabonne Settlement Strategy Section 5.8.9.

5.8.9. CUD-IN2

This land consists of two lots (Lot 27 DP750137 & Lot 1 DP1172771 ~18ha) known as 3732 The Escort Way. It sits north-west of The Escort Way at the western end of the former Cudal Airport (now TfNSW safety testing facility) and is in the rural zone (adjacent to Zone R5 Large Lot Residential).

It currently has approval to build two (2) large sheds (one of which is constructed). There is anecdotal evidence that these sheds could be capable of supporting a range of activities, some of which are not linked to agricultural use and, therefore, may be outside uses permissible in the zone. It is a relatively flat site with an existing access to The Escort Way that is not used for or likely to support viable agriculture.

The land owner is keen to continue to construct a number of sheds for a variety of business and industrial purposes. They have a concrete batching plant and the skills to do this cost-effectively. However, if this were to occur then it is unlikely that most future uses would be approved as 'rural industry' and the current rural zone may be too restrictive.

One way to resolve this and facilitate additional businesses may be to rezone this land for Light Industrial uses (e.g., Zone IN2 Light Industrial). This would facilitate some economic growth for the town separated/well-buffered from the urban residential area.

It is interesting to note that in *Draft Cudal Village Strategy* (2005) land on the opposite side of The Escort Way (to the south of and adjacent to the former airport) was identified for industrial growth. This is roughly consistent with previous thinking. Whilst the 2020 Subregional Strategy does not identify industrial land opportunities for Cudal this is a minor amendment over existing quasi-industrial land.

2.2 Key Planning Control Amendments

The Proposal recognises that there is an existing general industry (concrete batching facility) on the western part of the Site and two (2) large sheds approved for warehousing, storage & industry towards the centre of the Site. It therefore seeks to leverage these existing uses and allow for future expansion that may not be supported under CLEP2012 due to a change in controls for Zone RU1 Primary Production land since these uses were originally approved.

The Objective of the Proposal is to amend *Cabonne Local Environmental Plan 2012* (CLEP2012) to enable the development of the eastern part of the Site for employment land use uses (predominantly warehousing, storage, freight transport, and light to general industrial land uses) on lots of ~0.4ha (1 acre) or greater in size (to support an on-site effluent system).

The western part of the Site remains in Zone RU1 Primary Production but the minimum Lot Size is reduced to 5ha to enable the lot to be created but no further subdivision or significant development potential (beyond existing controls).

Figure 5: Proposed Land Use Zoning.

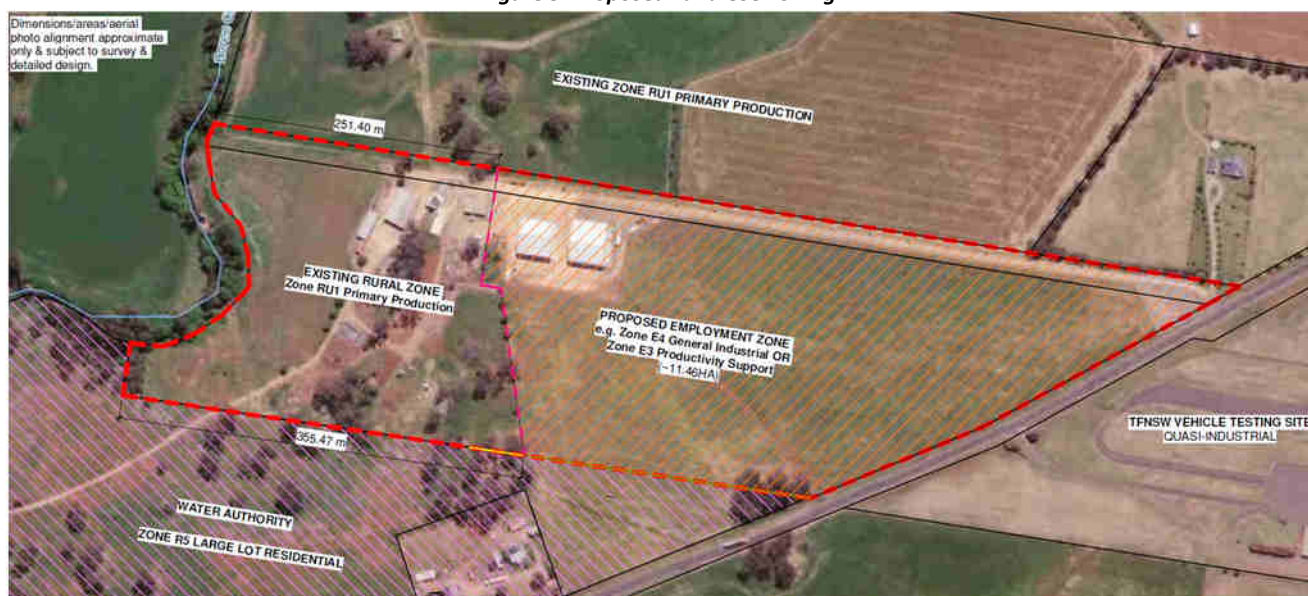


Figure 6: Proposed Lot Size.



Within the existing potential zones it is difficult to find one employment zone that will cover all the intended uses (see the full except of the Zone Objectives & Permissibility in the **Appendices** to this Report):

- a) **Zone E3 Productivity Support:** Provides for light industries, rural supplies, warehouses, and offices but prohibits freight transport facilities, industries (other than light industries), and rural industries to name a few. Council may also have concerns about some of the commercial activities.
- b) **Zone E4 General Industrial (PREFERRED OPTION):** Permits general industries, light industries, freight transport facilities, and warehouse or distribution centres but prohibits wholesale supplies (assuming *storage premises* and any vehicle repair related uses (outside 'industry' group term) are permissible with consent).
- c) **Zone E5 Heavy Industrial:** Permits light, general, and heavy industrial and hazardous/offensive storage establishments but prohibits wholesale supplies. It is the most flexible but Council may not be supportive of the permissibility of heavy/higher impact industries.

Therefore, on first principles **Zone E4 General Industrial** is likely to be the closest fit – subject to discussion about some potential Additional Permitted Uses.

2.3 Indicative Subdivision Concept / Principles

The Figure below is an indicative (draft) *Subdivision Concept* (see attached plans for details) to demonstrate how the outcomes in this Planning Proposal could be implemented and how it could address some of the Site opportunities & constraints noted in this Report (noting that a Planning Proposal is not dependent on this layout and it may change).

In summary, it suggests that the Site could support the following development:

- 1) Creating a new large lot (~6.5ha) that includes the concrete batching plant that would create a natural buffer to Boree Creek of >200m and avoid new subdivision on the lower western parts of the Site affected by potential flooding, karst, and other environmental sensitivities;
- 2) Focus of new development east of the concrete batching plant and east of most significant trees (~11.5ha) on the flatter cleared grazing land where there is less environmental sensitivity;
- 3) Utilisation of the existing access point to The Escort Way with good sight-lines and discussions with TfNSW about dedicated turning lanes;
- 4) Limited land use conflict with the TfNSW Vehicle Testing Facility (quasi-industrial) to the east, agriculture to the north, water authority land (used for grazing) as a buffer to large lot residential to the south;
- 5) Utilisation of the existing driveway along the northern boundary (Lot 1) supplemented by a new side internal road designed for heavy vehicles up to 19m in length (semi-trailers);
- 6) Subject to on-site effluent studies, lot sizes down to 4,000m² (dependent on the market demand for larger lots);
- 7) Creation of 14-23 new warehousing and light-industrial lots (depending on lot size);
- 8) Lot widths of minimum 50-55m to allow for turning of 19m semi-trailers within each site;
- 9) Provision of Emergency Access Easement so no cul-de-sac is greater than 200m beyond this easement to meet bushfire requirements;

- 10) Opportunities to consider a quality presentation of the Site to The Escort Way as gateway to Cudal with partial frontage to an internal road, buildings that can be articulated to the main road with good setbacks, and potential for additional landscaping along this frontage.

Figure 7: Indicative Subdivision Concept (Subject to Future Development Application).



2.4 Potential to Support On-Site Effluent Management

There are no existing (known) on-site effluent systems on the Site. On-site effluent systems are proposed based on the attached **On-Site Effluent Reports** as:

- Connection to reticulated systems is less feasible as the Site is located greater than 1km from existing reticulated sewer systems in Cudal village; and
- The low pressure system in Cudal is not necessarily designed for this type of Proposal.

Whilst there may be some capacity for sewer extension and growth in Cudal – this was generally allocated to residential growth.

It is important to note that the intended waste from this facility is likely to be ‘domestic’ in nature as it is waste-water from kitchenettes and toilets in offices ancillary to warehousing and light-industry. It is NOT intended that industrial liquid waste management would be provided on-site and/or on-site storage and commercial servicing of waste is sufficient.

We have provided **on-site effluent management reports** for three (3) possible lots that demonstrate the Site can support on-site effluent management largely >180m from Boree Creek using either of two (2) possible arrangements:

- a) Two (2) of these reports are for specific lots (proposed Lots 2 & 3) for on-site effluent management. These lots are closest to the creek in the subdivision area. These demonstrate that a 4,000m² lot is likely to be able to support either a 36m² evapotranspiration system or 104m² surface or sub-surface irrigation area without unduly constraining these lots.
- b) An alternative (to be considered at DA stage) is that instead of Torrens Title Subdivision, there is Community Title Subdivision and a shared effluent disposal area on Proposed Lot 1. This avoids multiple on-site effluent systems and their potential cumulative impact, their maintenance, and the possibly higher consumption of land for these systems with the need to isolate each system from development and truck movements.

At the Subdivision Stage on-site effluent reports can be provided for all future lots. There are no known nearby bores that would be affected and the disposal areas are generally more than 150m from Boree Creek.

3 SITE IMPACT ASSESSMENT

This section shows mapping of key opportunities and constraints for the Site from several sources including, but not limited to: *Cabonne Local Environmental Plan 2012* (CLEP2012); the NSW Planning Portal; NSW Government websites; the *Cabonne Settlement Strategy*, and key spatial websites and organised these by topic/issue (where relevant to the Site).

3.1 Site Location & Description

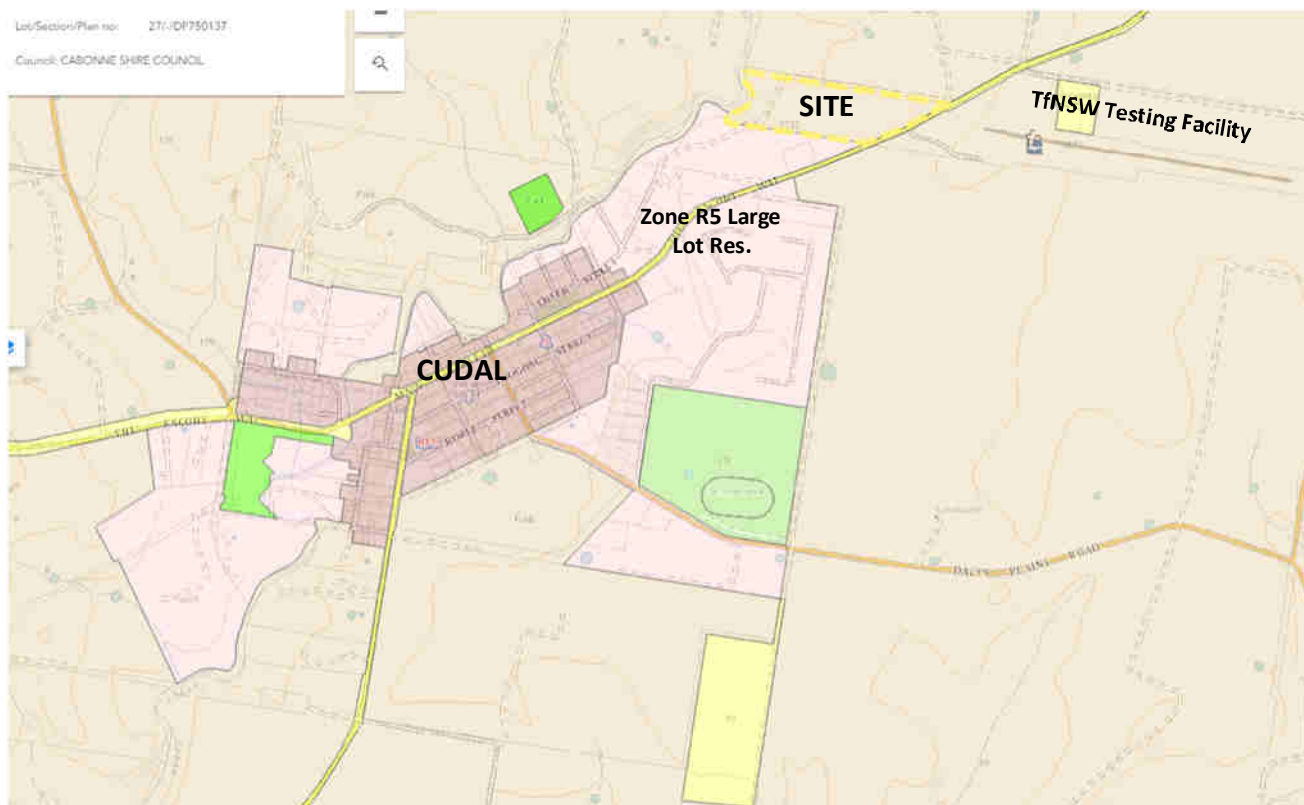


Figure 8: Location of the Site (yellow outline) in relation to Cudal and key road connections (NSW Planning Portal).

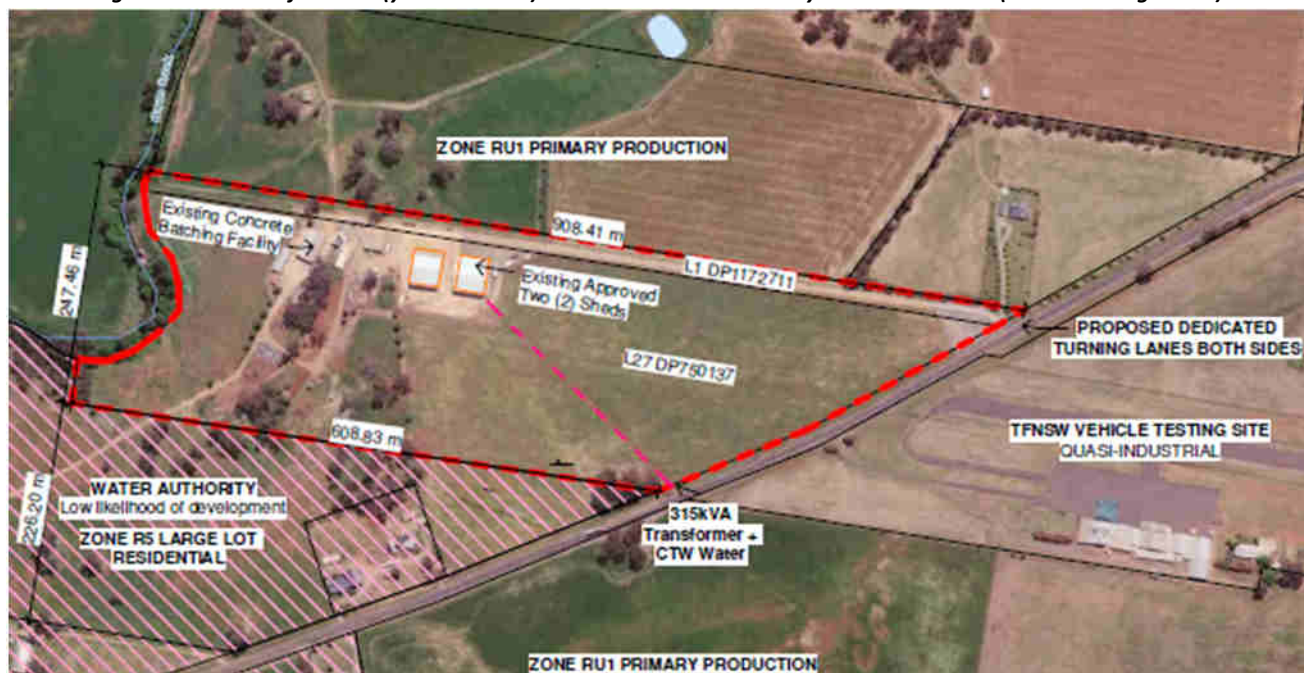


Figure 9: Existing Site Plan.

As the existing Site Plan (Figure above) shows, the Site is located:

- With direct access to The Escort Way (B81 classified road) with an existing heavy vehicle access driveway;
- On the northern edge of the urban area of Cudal (edge of Zone R5 Large Lot Residential);
- Opposite the Transport for NSW (TfNSW) Vehicle Testing Facility at the former Cudal Airport;
- ~1.8km to the Cudal village centre (intersection The Escort Way/Davys Plains Rd);
- ~6km to the intersection of Henry Parkes Way (to Manildra/Parkes) and The Escort Way;
- ~17km to Manildra along Kurrajong Road or ~20km via Henry Parkes Way;
- ~25km to Molong along The Escort Way and Peabody Road;
- ~35km to Orange along The Escort Way.

It is made of two (2) lots (Lot 27 DP750137 & Lot 1 DP1172771) with Lot 1 only a narrow 19-20m access along the northern boundary. The total area (of the two lots) is **~179,450m²/17.945ha** (subject to Survey – from NSW Planning Portal/GIS).


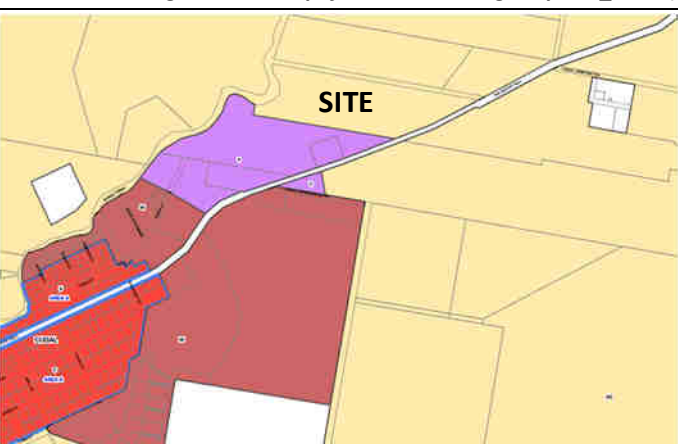
The Site has a current address of 3732 The Escort Way because the Applicant believes it has been amalgamated with the lot to the south (Lot 1 DP121750) for rating purposes. However, its original address is No.3660 and we suggest this should be reinstated after a DA for subdivision has been approved.

The Site has an angled frontage to The Escort Way greater than 400m in length but parallel side boundaries (~600-900m in length) with the rear boundary on Boree Creek (variable). Lot width (both lots combined) is ~247m.

The Site currently has an existing concrete batching facility towards the north-western corner and two (2) large sheds towards the northern-central part of the Site. There are no current dwellings on the land.

The eastern 2/3rds of the Site are largely cleared of vegetation for grazing except for a few eucalypts in the south-east corner on The Escort Way and they are cultivated/cropped. There are some scattered eucalypts and planted windbreak trees in the western 1/3rd of the Site that are covered by the LEP Terrestrial Biodiversity layer and part of a cluster on the south-east boundary.

3.2 Zoning & Lot Size

 <p>Figure 10: Excerpt from Land Zoning Map LZ_N_002B (CLEP2012).</p>	<p>Land Zoning</p> <p>In CLEP2012 the Site is currently in Zone RU1 Primary Production but is immediately adjacent (to the south) to Zone R5 Large Lot Residential and Zone SP2 Classified Road (along The Escort Way) to the east. Cudal has no specific industrial or employment zoned land. The Site zoning would need to be amended to facilitate this Proposal.</p>
 <p>Figure 11: Excerpt from Lot Size Map LSZ_002B (CLEP2012).</p>	<p>Lot Size</p> <p>In CLEP2012 the Site currently has a Minimum Lot Size (MLS) for Subdivision of 100ha but is immediately adjacent to Zone R5 Large Lot Residential areas to the south with an MLS of (Z) 2ha. The Site Lot Size would need to be amended to facilitate this Proposal.</p>

3.3 Existing Development Approval(s)

The Site is assumed to have an existing Development Approval for the Concrete Batching Facility that is located towards the western end of the Site (TBC with Council).

The Site has an existing Development Approval DA2012/71/1 (original approval 23 July 2012; as modified on 19 September 2019) for **Warehouse & Factory (Industrial) Storage Units (modification water tank and awning)** that consists of two (2) large 30.5m*30m= 915m² sheds (plus 6m awning) with water tanks and demountable offices (Class 7B buildings).

A Construction Certificate 2012/71 was issued on 6 December 2012 for **warehouse, car repair station, industry (construction of concrete casting panels)**. The two (2) sheds have since been constructed.

The current *Cabonne Local Environmental Plan 2012* (CLEP2012) commenced on 18 January 2013 so the approval was under the former *Cabonne Local Environmental Plan 1991* (CLEP1991). Under CLEP2012 it may be more difficult to approve this range of light industrial and warehousing/storage uses in a rural zone and it may preclude any further development of the Site for these uses.

Therefore, it makes sense to rezone the Site to an employment zone that is consistent with these uses not just to align the existing approved uses with the zone – but to enable it to expand in the future to meet demand.

3.4 Access

The Site has frontage to and an existing access driveway to The Escort Way with the driveway in the north-eastern corner. The gravel driveway along the northern boundary has been designed for heavy vehicles and has a well-setback gate and clear sight-lines (270-300m) in both directions on The Escort Way.

It is the Applicant's understanding that Transport for NSW (TfNSW) is currently investigating relocating access to the Vehicle Testing Facility opposite the Site. The Applicant understands that this may result in the construction of new dedicated left and right-hand turning lanes servicing both to the Subject Site and the Vehicle Testing Facility. We are awaiting detailed plans from TfNSW to confirm this.

Unless The Escort Way is further widened, then the wide section of this road only extends to the existing driveway frontage – so it is highly likely that any expansion of slip/turning lanes would need to occur near the existing driveway to the Site.

There is also a narrow gravel track that extends from the end of Creek St through the adjacent Water Authority land (No.3732 The Escort Way) up into the Site near the concrete batching facility. The Site is not dependent on this access but it provides an alternative emergency access (if required) whilst the Water Authority land is leased.

In CLEP2012 there is no Land Reservation Acquisition Map for Tile 002/002B and no road widening is known along The Escort Way adjacent to the Site.

3.5 Existing Servicing/Utilities

There is high-voltage overhead electricity that runs along The Escort Way frontage of the Site. In the south-eastern corner of the Site is a 315kVA transformer that connects to underground three-phase power diagonally across the Site to the two (2) recent sheds. It is suggested there is likely to be some capacity for electrical growth on the Site from such a large transformer (to be confirmed with Essential Energy at DA Stage).

There is also Central Tablelands Water (CTW) potable water line to the south-eastern corner of the Site which then connects diagonally across the Site to the two (2) recent sheds. It is suggested there is likely to be some capacity for minor water consumption growth on the Site (subject to further discussion with CTW).

There are no known bores on the Site. There are no existing on-site effluent systems on the Site.

The nearest sewer line is >1150m away at the north-eastern edge of Zone RU5 Village for Cudal. This is a low-pressure system. Whilst it could be extended to the Site along The Escort Way, the system is not set up to service light industrial activity, it is unlikely to be used to service adjacent Zone R5 Large Lot Residential Areas, and it may not be required if on-site effluent management for limited site toilets/kitchenettes is only required. See Section above on On-Site Effluent.

3.6 Topography & Slope

As the Figure below shows (ELVIS Slope Analysis), the Site falls relatively gently from The Escort Way in the east towards Boree Creek in the west with a significant drop in the last 200m down onto the Boree Creek floodplain.

The four corners of the Site have approximate levels of:

- North-east (The Escort Way) ~RL472m
- Half way along Northern Boundary ~RL463m
- Near the existing sheds towards northern boundary ~RL459.7m

- Near the concrete batching facility towards northern boundary ~RL456.6m
- Down on the creek floodplain/flat towards northern boundary ~RL449.6m
- At Boree Creek towards northern boundary ~RL447m



Figure 12: Excerpt of slope analysis from ICSM/ELVIS Spatial Data (www.elevation.fsdf.org.au).

3.7 Water

Boree Creek runs along the western boundary of the Site. It is a significant watercourse that collects Sandy Creek and Mousehole Creek to the north and north-east. It then flows through Cudal and Toogong to connect to the Mandagery Creek down to Eugowra, then the Lachlan River.

Boree Creek is a mapped riparian watercourse and is a 3rd order or higher watercourse. Works within 40m of the creek would require an approval under the *Water Management Act 2000*. However, no new development is proposed within min. 200m of the creek so we suggest the Natural Resource Access Regulator (NRAR) can be consulted but is unlikely to have any significant concerns and it should not require a controlled activity approval in the future.

All existing development is setback min. ~100m from the edge of Boree Creek with the newer sheds >200m from the creek. Most of the Site sits at least 10m and generally 12-20m above the floodplain and is unlikely to be affected by mainstream flooding. Overland flows can be managed during the future subdivision stage.

There is a small unmarked drainage corridor to the north of the Site (in front of the two more recent sheds / on adjacent land) that is not a formal watercourse but picks up water from the Site and drains this to Boree Creek. The Site generally drains to the north-west towards Boree Creek.

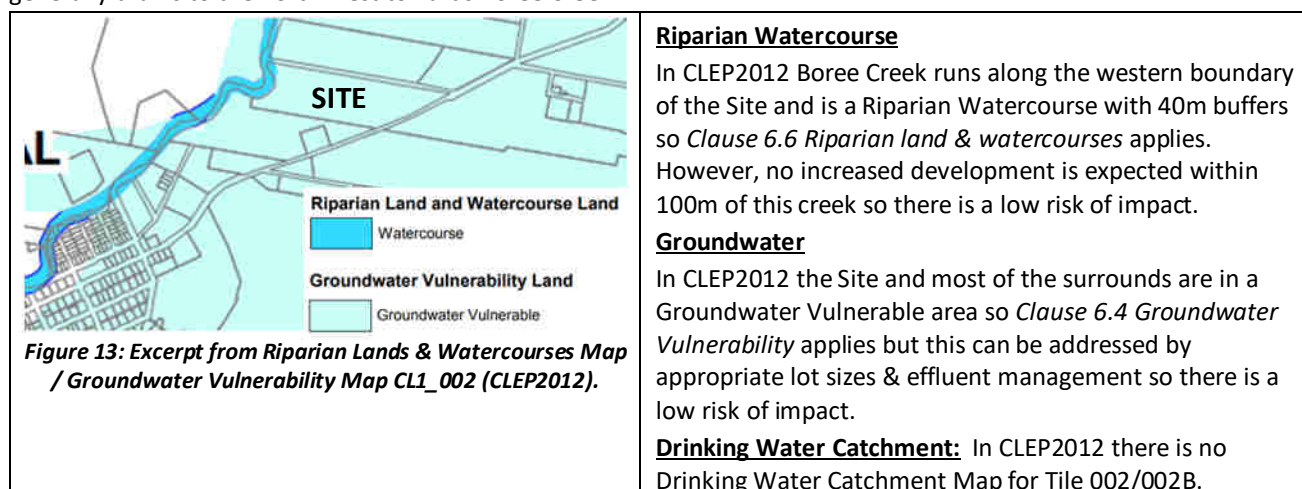


Figure 13: Excerpt from Riparian Lands & Watercourses Map / Groundwater Vulnerability Map CL1_002 (CLEP2012).

3.8 Flood Risk

In CLEP2012 there is no Flood Map for Tile 002/002B as a Flood Study has not been prepared for Cudal and surrounds. As noted in **Section 3.6 – Topography & Slope**, Boree Creek runs along the western edge of the Site and sits at a much




lower contour that most of the Site. There is a clear 8-10m rise from the Boree Creek likely floodplain (currently cropped or grazed agricultural land) up to the existing concrete batching facility and this rise is likely to constrain the floodplain to a small portion of the western area of the Site where no new development is proposed. There is a further rise of ~3m from the concrete batching facility to the existing warehousing sheds. The Site then steadily rises to The Escort Way to the east by another 10-12m. Therefore, overland flow will drain to the west and north towards Boree Creek. We suggest that flood risk is low for most of the Site if new development has a minimum 100m setback to the creek.

3.9 Significant Vegetation & Biodiversity

The Site Plan & recent aerial photo above shows that most of the eastern portion of the Site is cleared grazing land with only a small pocket of trees in the south-eastern corner near The Escort Way that is largely on the adjacent lot. This land is heavily grazed and whilst all pasture would be expected to have some native grasses, this has been heavily modified by grazing & cultivation. The western portion of the Site has pockets of significant trees as well as several linear angled lines of planted trees as a wind break. It is intended that the future development area would be largely outside of this area to minimise the need for tree removal or biodiversity impacts and provide a buffer to the creek.

A Search of BIONET found no Endangered Populations in a 10km by 10km area around the Site. We suggest there is a LOW risk of impact on threatened or endangered species or populations.

In addition, we have limited the lower minimum lot size for subdivision to the eastern (largely cleared/grazed) part of the Site away from most significant trees.

 <p>Figure 14: Biodiversity Values (Purple) (NSW Planning Portal) – Site in red outline.</p>	<p>Biodiversity Values</p> <p>On the Biodiversity Values Map there are Biodiversity Values (purple) along Boree Creek. These are largely confined to the creek corridor except for a small overlap of the western boundary by 3-4m on the floodplain.</p> <p>No new development is proposed overlapping the biodiversity values land and no vegetation would be removed in this area. Reduced minimum lot size is only in the cleared area to the east of the Site. Risk to mapped Biodiversity Values low.</p>
 <p>Figure 15: Native Vegetation Regulatory Map for Site (blue dot) (www.lmbc.nsw.gov.au).</p>	<p>Native Vegetation Regulatory Map</p> <p>The land along Boree Creek is steep or highly erodible land, protected riparian land or special category 2 vulnerable regulated land. No new development is proposed in this area. The rest of the Site is not mapped as sensitive land.</p> <p>Transitional native vegetation regulatory map</p> <ul style="list-style-type: none"> steep or highly erodible land, protected riparian land or special category land (category 2-vulnerable regulated land) category 2-sensitive regulated land category 2-sensitive regulated land and steep or highly erodible land, protected riparian land or special category land (category 2-vulnerable regulated land) Land excluded from LLS Act <p>Werrima & Monaro CEEC Advisory Layer</p>
 <p>Figure 16: Excerpt from Terrestrial Biodiversity Map BIO_002 (CLEP2012).</p>	<p>Biodiversity</p> <p>In CLEP2012 there are NO mapped sensitive terrestrial biodiversity area the Site. There are pockets along Boree Creek on adjacent or nearby Sites. Therefore, <i>Clause 6.3 Terrestrial Biodiversity</i> of CLEP2012 is not applicable to the Site.</p> <p>Existing vegetation is addressed further in this report.</p>

3.10 Bush Fire Risk

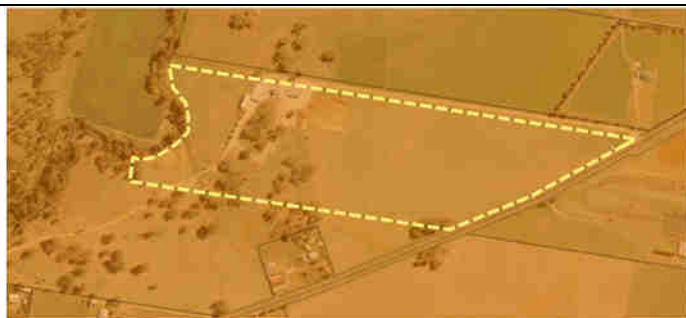


Figure 17: Bush Fire Prone Land Mapping (NSW Planning Portal) – Site in yellow outline.

Bush Fire Prone Land

The Site has recently been mapped as bush fire prone land (Vegetation Category 3 - grasslands). This covers most of the non-urban areas of Cabonne. However, the risk is relatively low due to limited trees and an urban interface to the south. Limiting most of the development to the cleared eastern portion of the Site, providing a perimeter managed asset protection zone (APZ), and ensuring sufficient on-site water storage for fire-fighting (in addition to CTW potable water supplies) is likely to address the key requirements. We have provided a bushfire report that recommends asset protection zones to the future subdivision area of 17m to the west and 13m to the north and south that can be accommodated at future DA stage.

3.11 Agriculture

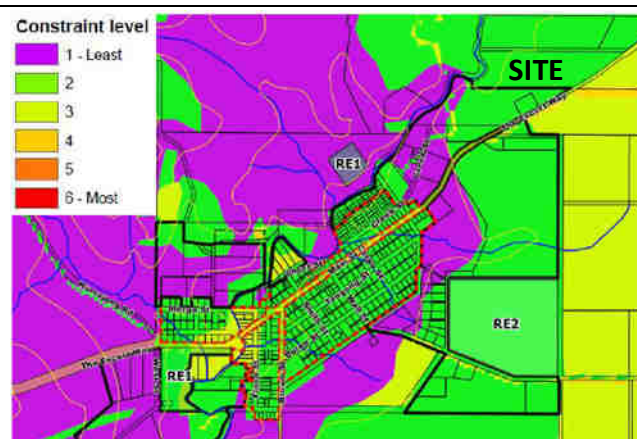


Figure 18: Weighted Constraint Mapping (2008 Subregional Strategy/ Settlement Strategy Figure.8).

2008 Subregional Strategy (Superseded)

Whilst the 2008 Subregional Strategy is now superseded, it provided useful mapping of the weighting to various constraints & represented them as levels from 1 (least) to 6 (most) constrained (see Figure opposite). The Site (and most of the existing LLR area) are largely in Constraint Level 2 (green/ 2nd least constrained) with the primary constraint likely to be Agricultural Land Capability Class 2 soils (see below). If agricultural impacts (see below) can be addressed then we suggest the land is otherwise relatively unconstrained and well-suited to the proposed employment land use.

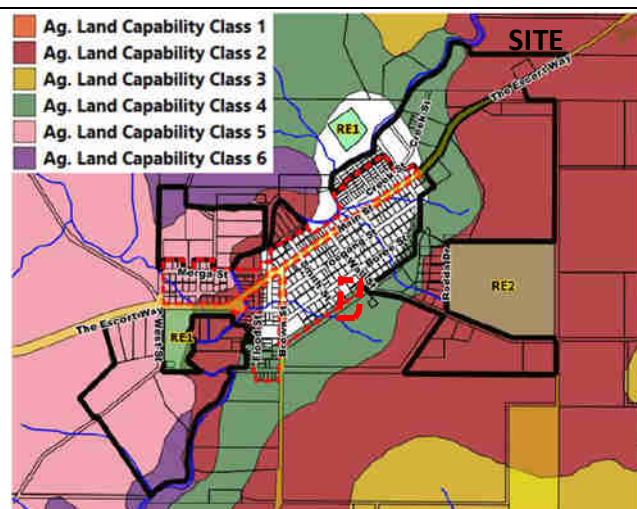



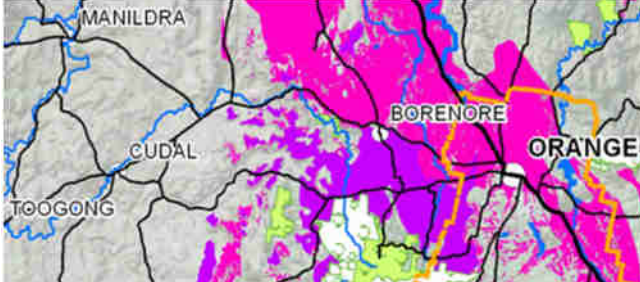



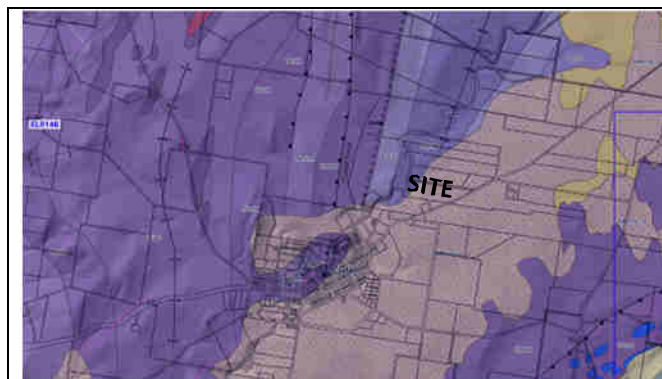
Figure 19: Map of Agricultural Land Capability Classes around Spring Hill (Settlement Strategy Figure.9).

Agricultural Land Capability

The Figure opposite shows the *Agricultural Land Capability Class* (soil quality) around Cudal. The Site is within mapped Class 2 soil area which is a higher quality soil and is of higher value. The land already has approval for two (2) large sheds for 'warehouse & factor storage units'. The proposed removal of up to 12ha of land from agricultural grazing is a relatively low impact considering its existing approvals. In this case, it is appropriate to develop Class 2 land as there is existing fragmentation, minimal land use conflicts with surrounding lands, and it provides a logical growth extension for the existing large lot residential area.

 <p>Figure 20: Except from Biophysical Strategic Agricultural Land Map STA_023 (Settlement Strategy Figure.10).</p>	<p><u>Biophysical Strategic Agricultural Land (BSAL)</u> <i>Biophysical Strategic Agricultural Land (BSAL)</i> mapping by the NSW Government (see Figure opposite) shows there is a strip of land running on or near The Escort Way that is considered to have a higher value for agricultural production. This is referenced under <i>SEPP (Resources & Energy) 2021</i> as a constraint upon extractive industries, not other land uses, but it informs other land use decisions. See below for more details. Only the eastern (and minor western) parts of the Site are mapped as BSAL.</p>
 <p>Figure 21: Except from Important Agricultural Land Map – Grazing & Cropping (https://www.dpi.nsw.gov.au).</p>	<p><u>Central West Pilot Study – Important Agricultural Land Mapping – Grazing & Cropping Land</u> As the Figure opposite shows, the area around Cudal was mapped for both important grazing (pink) and cropping (hatched) land. Whilst we consider these important economic inputs, the loss of up to 12ha of land immediately adjacent to the urban area of Cudal has a low impact in terms of viable grazing/cropping farm sizes and potential to expand.</p>
 <p>Figure 22: Except from Important Agricultural Land Map – Wool Production (https://www.dpi.nsw.gov.au).</p>	<p><u>Wool Production Land</u> As the Figure opposite shows, the area to the east and north-east of Cudal was mapped for important (medium) wool production land (pink) but not fine wool land (dark pink). At this scale it is difficult to see if it overlaps the Site but it largely sits south of The Escort Way. Again, loss of up to 12ha of land immediately adjacent to the urban area of Cudal has a low impact in terms of viable wool production farm sizes and potential to expand.</p>
	<p><u>Horticulture/Viticulture Land</u> As the Figure opposite shows, the area around Cudal (including the Site) is NOT mapped as important (horticulture/viticulture) land.</p> <p>Figure 23: Except from Important Agricultural Land Map – Horticulture/Viticulture (https://www.dpi.nsw.gov.au).</p>
 <p>Figure 24: Except DRAFT State Significant Agricultural Land Map (https://nswdpi.mysocialpinpoint.com/ssal/map).</p>	<p><u>DRAFT State Significant Agricultural Land (SSA)</u> was exhibited in late 2021/early 2022. This mapping is at an <u>early draft stage</u> and it is unclear how this mapping is to be applied at this time. The Figure opposite shows this covers most land wrapping around Cudal including the entire Site. Whilst this Proposal supports protection of agricultural land, where land is near (or in this case - immediately adjacent to) existing urban areas and provides a logical urban extension that supports employment growth – there needs to be a balancing of agricultural and other economic priorities to facilitate growth. We suggest this is supported by the <i>Cabonne Settlement Strategy</i> that shows Council’s intent for this land to have other employment land uses.</p>

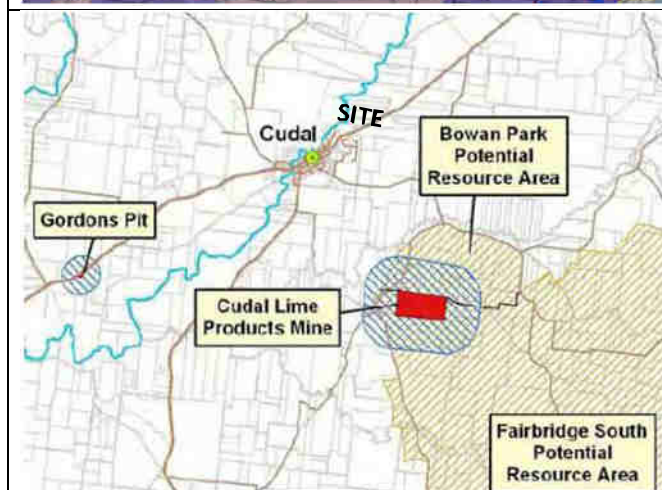
3.12 Geology & Minerals



MinView: Geology & Mineral Resources

MinView is the governments mapping of current & known extractive industry licensing & geology. The mapping for the Site opposite shows that the Site is covered by a single Exploration Licence EL9148 (Latin Resources Ltd – Expiry May 2027) but this covers all of Cudal and surrounds and there are no other extractive industries in this geology near Cudal. Most of the Site sits on a belt of basalt near the Cudal Fault running along The Escort Way.

Figure 25: Excerpt from MinView – Geology/Licences.



Mineral Resources Audit Map 2012

The 2012 *Mineral Resource Audit* (see Figure opposite) shows that the closest existing extractive industry to the Site is Cudal Lime Products Mine which is on the north-western edge of the Bowen Park & Fairbridge South Potential Resources Areas (that do not extend over Cudal or the Site). The mapped buffer area for the extractive areas does not affect the Site. There is a low risk of this logical extension of the existing urban area impacting on future mineral resource extraction.

Figure 26: Excerpt from Mineral Resource Audit 2012 (Settlement Strategy Figure.11).

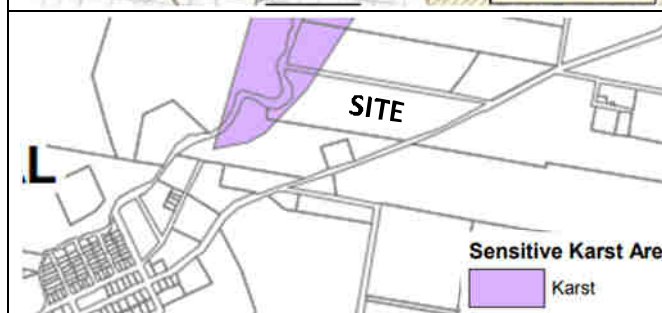
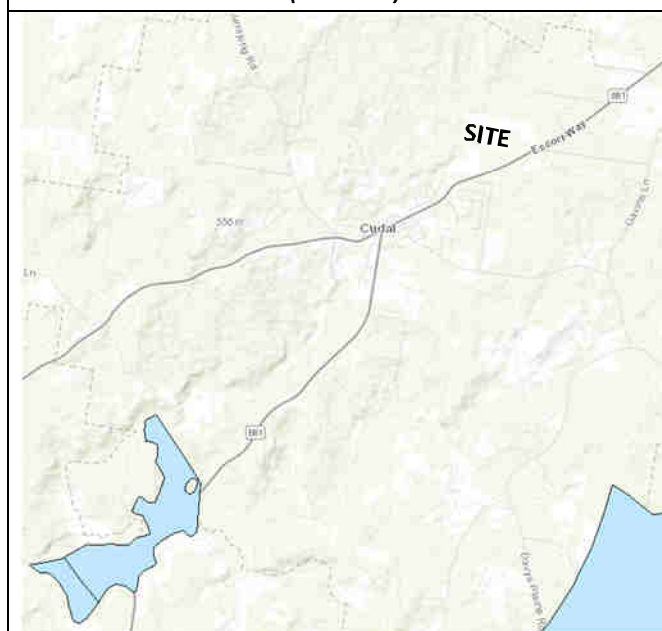


Figure 27: Excerpt from Drinking Water Catchment Map NRK_002 (CLEP2012).

Karst (Limestone)

In CLEP2012 a belt of mapped karst system extends down along Boree Creek into the west of the Site but only along the creek floodplain. It is unlikely to affect the higher elevations where additional subdivision is proposed and no limestone outcrops are visible on the flatter areas of the Site so there is a low risk of impact.



Naturally Occurring Asbestos

The online mapping provided by the NSW Government suggests that there is no mapped naturally occurring asbestos (NOA) occurring on or near the Site with only pockets of low potential south-east and south-west of Cudal well away from the Site.

Figure 28: Excerpt from Naturally Occurring Asbestos Maps (NSW Government).

Geological Units with HIGH asbestos potential
 Geological Units with MEDIUM asbestos potential
 Geological Units with LOW asbestos potential


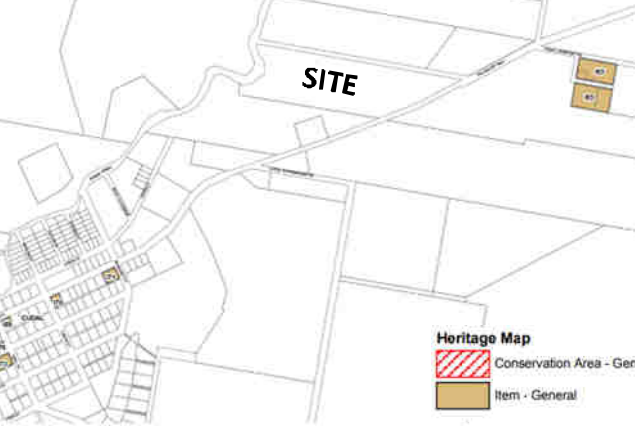
3.13 Contamination

A review of historic aerial photos is provided from 1964 to 2021 in the Appendices of this Report. It reviews the changing use of the Site from extensive agriculture, to cropping, to the introduction of the concrete batching plant, and then the more recent warehousing sheds.

Most of the land is still grazing and cropping land so there would have been background fertiliser and pesticide use. There are a set of yards but no visible sheep dips or chemical storage areas. There may be some limited contamination around the concrete batching facility. The new sheds are only used for warehousing and future vehicle repair facility so contamination is likely to be limited.

The intent is for the Site to be used for light industrial and warehousing purposes that has a much higher threshold for contaminants. We suggest that its current approval for quasi-industrial uses (on a limited area) and the lower sensitivity of industrial uses means that site contamination is less of an issue than if residential uses were proposed. We suggest that for the proposed use more detailed soil sampling could be conducted at the DA Stage as each shed is constructed.

3.14 Heritage & Culture

 <p>A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:</p> <table border="1"> <tr> <td>0</td> <td>Aboriginal sites are recorded in or near the above location.</td> </tr> <tr> <td>0</td> <td>Aboriginal places have been declared in or near the above location.*</td> </tr> </table> <p>Figure 29: Excerpt from AHIMS Basic Search 19/06/2023 (www.environment.nsw.gov.au).</p>	0	Aboriginal sites are recorded in or near the above location.	0	Aboriginal places have been declared in or near the above location.*	<p>Aboriginal Heritage</p> <p>An AHIMS Basic Search was carried out on 19/06/2023 for the Site + 200m buffer online. It found that there were NO known Aboriginal <u>sites</u> or <u>places</u> in or near the Site. This is not conclusive as there are limited sites identified in the Shire.</p> <p>The only significant landform on the Site is Boree Creek which is not a major river but may still be an important cultural path.</p> <p>The Proposal seeks to setback new development from Boree Creek by >200m so the risk of impacts on sites along the creek is reduced.</p> <p>The proposed area for development (eastern section) has been significantly modified by agriculture & cropping (with most trees removed) that reduces the chance of finding intact archaeological or cultural artefacts.</p> <p>On this basis we suggest an Aboriginal Heritage Study is NOT required or can be appropriately conditioned during the DA subdivision stage.</p>
0	Aboriginal sites are recorded in or near the above location.				
0	Aboriginal places have been declared in or near the above location.*				
 <p>Figure 30: Excerpt from Heritage Map HER_002B (CLEP2012).</p>	<p>Non-Indigenous Heritage</p> <p>In CLEP2012 the Site is not a listed heritage item or in a heritage conservation area so <i>Clause 5.10 Heritage Conservation</i> does NOT apply.</p> <p>The nearest heritage item is <i>Item No.63 – Cudal Cemetery</i> which is >460m east of the Site and unlikely to be impacted by the proposed rezoning or future development as it is already adjacent to/surrounded by the TfNSW Vehicle Testing Facility.</p> <p>Aboriginal heritage is addressed further below.</p> <p>On this basis we suggest a Heritage Impact Assessment is NOT required.</p>				

4 PLANNING PROPOSAL – STATUTORY REVIEW

The Guideline require the Planning Proposal to address six (6) parts, including:

- Part 1 – Objectives & Intended Outcomes
- Part 2 – Explanation of Provisions
- Part 3 – Justification of Strategic & Site-Specific Merit
- Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5 – Community consultation undertaken with Government, council, other authorities & the community (post-Gateway & during exhibition) – subject to the gateway determination
- Part 6 – Project Timeline – anticipated for the LEP making process.

4.1 Part 1: Objectives & Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The Objective of this component of the Proposal is to amend *Cabonne Local Environmental Plan 2012* (CLEP2012) to enable the development of the Site for employment land use uses (predominantly warehousing, storage, and light to general industrial land uses) on lots of ~0.4ha (1 acre) or greater in size (to support an on-site effluent system) largely on the eastern portion of the Site (consistent with the existing approved uses/sheds already on the Site).

4.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The preferred approach of this component of the Proposal is to amend the relevant maps in CLEP2012 for the Site (as shown on the Figure(s) below) including (as shown on the maps in **Section 4.4 – Part 4 Maps** & attached plans):

- a) The Land Zoning Map (LZN_002B) amended
 - i) for the eastern part of the Site as shown from Zone RU1 Primary Production to a suitable employment zone, such as Zone E4 General Industrial (subject to discussion with Council about any Additional Permitted Uses – assuming *storage premises* and any vehicle repair related uses are permissible with consent) – see *Section 2.2* above for details – the intent is to maximise flexibility for industrial and quasi industrial uses without the need for heavy industry or commercial uses that could undermine the town centre retail areas.
 - ii) for the western part of the Site as shown retain in (existing) Zone RU1 Primary Production;
- b) The Lot Size Map (LSZ_002B) amended:
 - i) for the eastern part of the Site as shown from 100ha to 0.4ha to permit additional subdivision; and
 - ii) for the western part of the Site as shown from 100ha to 5ha to create the lot but no additional subdivision potential.

The intent is that the western part of the Site is ~6.5ha so it would not have any further subdivision potential but the 5ha Lot Size enables the lot to be created. The eastern part of the Site would have lots of sufficient size to support on-site effluent management and truck movements.

To achieve employment land uses with appropriate lot sizes on the Site, the best way is to amend both the Land Zoning Map LZN_002B and Lot Size Map LSZ_002B. The proposed method results in a site-specific outcome that creates a transparent (mapped) connection between the land use controls and the intended development outcomes.

This approach avoids the need to amend any LEP clause wording or specifically list the affected lots with Additional Permitted Uses (APUs). It is a natural extension of the existing Cudal urban area.

4.3 Part 3: Justification of Strategic & Site-Specific Merit

This section must provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported.

Strategic merit means a proposal has alignment with the NSW strategic planning framework.

Site-specific merit involves a review of potential environmental, social & economic impacts & mitigation measures.

In accordance with DPIE Guideline, the questions to consider when demonstrating the justification are:

- *Section A: Need for the planning proposal*
- *Section B: Relationship to the strategic planning framework*
- *Section C: Environmental, social and economic impact*
- *Section D: Infrastructure (local, state & commonwealth)*
- *Section E: State and Commonwealth interests.*

4.3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Proposal is based on the recommendations of the iPLAN PROJECTS (2021) *Cabonne Settlement Strategy 2021-2041* ('Settlement Strategy' or 'Strategy') as detailed in the above Sections of this Report. The Strategy was publicly exhibited and had significant consultation before being adopted by Cabonne Council. Strategy Area CUD-IN2 was clearly identified in Section 5.8.9 of the Strategy for employment land uses. This Proposal is entirely consistent with the adopted Strategy.

We are unsure if the Strategy has been endorsed by the NSW Government but understand that it is no longer common practice or a requirement to 'endorse' all land use strategies. It is sufficient that there has been no objection from the NSW Government to the adoption of the Strategy by Council and it has had extensive community consultation.

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

The Planning Proposal and the proposed amendments to CLEP2012 are the best way of achieving the objectives of each component of this Proposal. The preferred methods recommended in this Proposal have been considered in the **Section 4.2: Part 2: Explanation of Provisions** above.

The proposed amendments are not of a scale to be considered 'State or Regionally Significant' such that amendments to a State Environmental Planning Policy ('SEPP') would be required.

4.3.2 Section B – Relationship to Strategic Planning Framework

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

Central West and Orana Regional Plan 2041

Regional plans have been prepared for all parts of NSW including the *Central West and Orana Regional Plan 2041* (Dec 2022 – CWORP) noting there is no District Plan in the Central West & Orana Region. The CWORP includes directions, planning priorities and specific actions for a range of different matters relevant to Cabonne LGA (ONLY THE RELEVANT PRIORITIES, DIRECTIONS & ACTIONS ARE SHOWN), as follows: **Note:** Most of these issues are addressed in further detail in **Section 3: Site Impact Assessment** and other parts of this Section of this Report.

OBJECTIVE	RESPONSE
Part 1 – Region-shaping investment	
1. Deliver the Parkes Special Activation Precinct & share its benefits across the region	Whilst this is not directly applicable, the location of the Site near the turn off to Manildra and Parkes seeks to leverage flow-on opportunities for warehousing, transport & logistics associated with Parkes SAP (71km<1 hour) and Manildra industry (17km<15 mins) and connections back to Sydney near Cudal. It is an example of how these benefits can be shared across the region and support Cabonne towns and villages like Cudal.
2. Support the State's transition to Net Zero by 2050 & deliver the Central-West Orana Renewable Energy Zone	The CWO Renewable Energy Zone (REZ) does not include most of Cabonne, Cudal or the Site – but there is potential for the Site to support the REZ through warehousing & logistics and support businesses servicing renewable projects. Roof areas may be capable of solar PV generation to reduce energy consumption (not part of this application).
3. Sustainably manage extractive resource land & growth the critical minerals sector	As shown in Section 3 of this Report – there is a low risk to extractive industries or mineral resource lands as this is a natural extension of the existing urban area of Cudal and is not near any existing extractive industries or known mineral resource areas. Employment lands are less sensitive to extractive

OBJECTIVE	RESPONSE
	industries so no additional buffer is required. However, the Site could support surrounding extractive industries with supporting storage and logistics.
4. Leverage inter-regional transport connections	The aim of this Proposal is to leverage key regional road connections along The Escort Way and Henry Parkes Way connecting the inter-modal at Parkes SAP (see comment above) and Newell Highway and Great Western/Mitchell Highways for transport/logistics/warehousing/servicing.
Part 2 – A sustainable & resilient place	
5. Identify, protect & connect important environmental assets	This Proposal seeks to address the key environmental assets and opportunities in Section 3 of this report including but not limited to native vegetation, Boree Creek, groundwater systems, and scenic issues along The Escort Way. The Subdivision Concept shows how these could be managed (subject to future DAs) with lot size limiting development opportunity within 200m of Boree Creek. Outside the lower contour flood plain of Boree Creek there is no likely High Environmental Value (HEV) land and the eastern portion of the land has been cleared for grazing with limited ecological value or connectivity (except for the trees that will be retained).
6. Support connected & healthy communities	Additional employment opportunities in and around Cudal will support sustainable living and growth of Cudal.
7. Plan for resilient places & communities	Additional employment opportunities in and around Cudal will support sustainable living and growth of Cudal. A greater diversity of employment & economic opportunities will reduce dependence on cyclical agriculture and extractive industries. It ensures development occurs outside the distinct Boree Creek flood plain avoids risk/damage from flooding. Bush fire mapping now includes grasslands but can be managed with appropriate design (see Bushfire Assessment).
8. Secure resilient regional water resources	The Site proposes connection to CTW water supplies instead of reliance on bores or creek water. The likely future uses are not high water consumers so it is not expected to place significant additional load on the network. The Site will include roof catchment of water as alternative supplies and for fire requirements. Stormwater management will be addressed at the DA stage.
9. Ensure site selection & design embraces & respects the region's landscapes, character & cultural heritage	This Proposal addresses briefly Aboriginal heritage and proximity to other non-indigenous heritage items. If new development is located away from Boree Creek, we suggest there is a low risk of impact. It also reviews retention of significant trees and scenic impacts as a key gateway site to Cudal and puts forward a Subdivision Concept that could address these issues.
10. Protect Australia's first Dark Sky Park	NOT APPLICABLE. Site outside Dark Sky area. However, light spill will be managed at DA stage.
Part 3 – People, centres, housing & communities	
11. Strengthen Bathurst, Dubbo & Orange as innovative & progressive regional cities	A small increase in employment lands at Cudal ~36km/<25 mins drive from Orange is unlikely to undermine Orange as the nearest major regional city. Instead, it provides an opportunity for flow-on effects from Orange's growth including more affordable housing in Cudal and local employment opportunities to support the region.
12. Sustain a network of healthy & prosperous centres	Additional employment opportunities in and around Cudal will support sustainable living and growth of Cudal. Cudal has historically being growth-challenged in proximity to larger centres like Orange. However, with Orange's land prices supporting growth in nearby settlements and more flexibility for regional employment there is an opportunity to capitalise on this growth. The Proposal does not seek to undermine main-street retail and focusses on larger-footprint employment uses that support rather than undermine village centres.
13. Provide well located housing options to meet demand	NOT APPLICABLE but the <i>Cabonne Settlement Strategy</i> sets out locations for future housing growth in and around Cudal. This Proposal is consistent with

OBJECTIVE	RESPONSE
	that Strategy and suitably located to avoid conflict with future housing growth. Whilst there is a residential zone interface to the south – this land is currently held by government and acts as an excellent buffer to large lot and urban residential further south.
14. Plan for diverse, affordable, resilient & inclusive housing	NOT APPLICABLE but employment supports growth in housing in Cudal. See comment above.
15. Manage rural residential development	NOT APPLICABLE but employment supports growth in housing in Cudal. See comment above re interface with large lot residential to the south that has a low risk of conflict whilst it is Water Authority land.
16. Provide accommodation options for seasonal, temporary & key workers	Worker accommodation on-site is not currently considered as part of the Proposal but this may be a future opportunity for the Site, subject to addressing sewerage. This could support future regional industry, mining, major projects, or renewable energy projects. 'Residential accommodation' is generally prohibited in Zone E3 or E4 that could be used for this Site unless it was ancillary to the permissible uses. This requires further discussion with Council
17. Coordinate smart & resilient utility infrastructure	The Site is located adjacent to the urban area of Cudal to leverage existing infrastructure including an existing large capacity transformer for the Site and CTW Water connection. It also seeks to work with TfNSW to leverage a potential (TBC) upgraded Site access with slip lanes and/or dedicated turning lanes to the Site and the opposite TfNSW Vehicle Testing Facility to minimise impacts on The Escort Way.
Part 4 – Prosperity, productivity & innovation	
18. Leverage existing industries & employment areas & support new & innovative economic enterprises	See response to Objective No.1 & No.7 above. In addition, the Site already demonstrates opportunities to attract businesses such as the Newmarket Saddlery which run logistics from one of the sheds on-site with a retail shop in Cudal that is a major new attraction. This will diversify employment & economic growth to improve the sustainability of Cudal.
19. Protect agricultural production values & promote agriculture innovation, sustainability & value-add opportunities	Impacts on agricultural land are addressed in more detail in Section 3 of this Report. The <i>Cabonne Settlement Strategy</i> supports this Proposal that utilises a small area of agricultural land for employment growth at the edge of the existing urban area where impacts are minimised. Unlike residential use of agricultural land this can improve economic activity and potentially support agriculture with supporting industry, warehousing, and infrastructure.
20. Protect & leverage the existing & future road, rail & air transport networks & infrastructure	The Site is NOT near any air or rail infrastructure (the adjacent former airport is closed). The Site has frontage to The Escort Way which is a classified road. The Applicant is working with TfNSW to upgrade access to the Site and the opposite TfNSW Vehicle Testing Facility to improve access and safety for this important road.
21. Implement a precinct-based approach to planning for higher education & health facilities	NOT APPLICABLE DIRECTLY.
22. Support a diverse visitor economy	NOT APPLICABLE DIRECTLY but businesses like the Newmarket Saddlery are already utilising the Site for logistics which supports the retail store in Cudal and contributes significantly to visitor attraction to the village.
23. Supporting Aboriginal aspirations through land use planning	We suggest that the Proposal is expected to have minimal impacts on Aboriginal culture and heritage and aspirations in this area due to extensive clearing and cropping of the development areas of the Site as noted above.

OBJECTIVE	RESPONSE
Part 5 – Local Government Priorities - Cabonne	
<ul style="list-style-type: none"> The economic diversity of towns, villages and commercial centres 	Addressed in Part 3 & Part 4 above of this Regional Plan. The Proposal is a significant economic opportunity for Cudal.
<ul style="list-style-type: none"> Appropriate development in villages 	The Proposal seeks to locate larger-footprint / higher impact activities outside the main part of the village and buffered by government land from residential areas to minimise potential future land use conflicts.
<ul style="list-style-type: none"> Ensuring long-term benefits for the LGA from the mining & agribusiness sectors, & associated businesses 	There is potential for the Site to support mining, agribusiness & associated businesses in Cabonne and the region with warehousing, logistics and light-industrial land uses.
<ul style="list-style-type: none"> Protecting agricultural land from residential development 	Addressed re Objective No.19 above and in Section 3 of this Report.
<ul style="list-style-type: none"> The local, regional, & state transport network 	Addressed re Objective No.20 above and in Section 3 of this Report.
<ul style="list-style-type: none"> Using rural character to diversify the economy in areas such as tourism 	Addressed re Objective No.22 above and in Section 3 of this Report.
<ul style="list-style-type: none"> Implementing the Blayney, Cabonne, & Orange Subregional Rural & Industrial Lands Strategy 	This Site is covered by the <i>Cabonne Settlement Strategy</i> that was prepared after the Subregional Rural & Industrial Lands Strategy and has considered the rural/industrial requirements in recommending this Site.
<ul style="list-style-type: none"> Managing growth pressures associated with the growth of Orange 	Addressed re Objective No.11 & No.12 above and in Section 3 of this Report.
<ul style="list-style-type: none"> Identifying opportunities for the LGA as the wider region's economy diversifies, and leveraging its accessibility to Dubbo, Orange and the Parkes SAP. 	Addressed in all the Parts of the Regional Plan above and in Section 3 of this Report.

4. Is the planning proposal consistent with a council local strategic planning statement (LSPS) that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

Council have prepared a *Local Strategic Planning Statement* (June 2020) (LSPS) to guide future land use decisions in the area. Please note that the LSPS was prepared PRIOR to the Cabonne Settlement Strategy so it was unable to specifically refer to the Strategy Recommendations for the Subject Site. However, it provides a high-level set of Planning Priorities with which this Planning Proposal is broadly consistent (except where specifically overruled by the later Strategy) as shown in the Table below (ONLY THE RELEVANT PRIORITIES, DIRECTIONS & ACTIONS ARE SHOWN), as follows:

STRATEGIC DIRECTION	ACTIONS	RESPONSE
PLANNING PRIORITY: A DIVERSE & PRODUCTIVE ECONOMY		
1: Support the Diversification in Agriculture & Protect Agricultural Land from Urban Encroachment.		
<ul style="list-style-type: none"> Reinforce Cabonne Council as an agriculturally based council Prevent the fragmentation of rural land for non-rural land uses 	<ul style="list-style-type: none"> Implement the recommendations Blayney, Cabonne and Orange Subregional Rural and Industrial Lands Strategy Review. (Short Term) Support diversification of agriculture by reviewing permissible land uses within rural zones to reflect industry requirements. (Short Term) Review the Cabonne Development Control Plan for Rural Lands to ensure that rural land is 	Whilst we appreciate that this Proposal involves the consumption of agricultural land – it is important to note it is for employment land uses (not residential) which is consistent with the Subregional Rural & Industrial Lands Strategy & the <i>Settlement Strategy</i> has already balanced the outcomes to minimise impact.

STRATEGIC DIRECTION	ACTIONS	RESPONSE
<ul style="list-style-type: none"> Protect agricultural land for agricultural purposes 	<ul style="list-style-type: none"> protected from inappropriate development. (Medium Term) Advocate for the Right to Farm Policy. (Continual) 	<p>The proposed light industrial & warehousing area may be able to provide supporting services/ infrastructure to diversify and support agriculture. Employment uses are less sensitive to land use conflicts with agriculture & should not affect the Right to Farm. Agricultural impact is addressed in more detail above.</p>
2: Support & promote sustainable tourism across Cabonne.		
<ul style="list-style-type: none"> Promote Cabonne as a tourism destination. Support appropriate tourism practices in appropriate locations. 	NOT APPLICABLE.	<p>Whilst the Proposal is NOT directly related to tourism it can support tourism by attracting local businesses like the Newmarket Saddlery to Cudal if logistics and warehousing is conducted on the Site.</p>
3: Support sustainable growth in the mining & industry & leverage off opportunities within the region.		
Support the growth within the mining and industrial sectors and capitalise on economic opportunities for Cabonne.	<ul style="list-style-type: none"> Implement the recommendations Blayney, Cabonne and Orange Subregional Rural and Industrial Lands Strategy Review. (Short Term) Identify industrial and employment land opportunities and reduce land use conflicts through local land use strategies. (Medium Term) Create a comprehensive Development Control Plan to guide development in employment generating industries. (Medium Term) Encourage the sustainable development of industrial and employment land to maximise infrastructure and connect to the existing freight network. (Continual) Explore opportunities for Council to capitalise on the Parkes Special Activation Precinct in regard to industry and flow on benefits. (Medium Term) 	<p>The <i>Settlement Strategy</i> identified an employment land opportunity on the Subject Site and this has been adopted by Council. This was prepared later than and supersedes the <i>Subregional Rural & Industrial Lands Strategy</i>.</p> <p>We strongly suggest this is an ideal site that capitalises on existing and proposed infrastructure (including Parkes SAP) to promote sustainable & scale-able employment land development. It is located where it can minimise impacts on urban residential areas and align with the Vehicle Testing Facility opposite.</p>
PLANNING PRIORITY: VIBRANT & SUPPORTED COMMUNITIES		
4: Support & promote sustainable development within our villages & celebrate our history.		
<ul style="list-style-type: none"> Encourage sustainable development within the villages to support the local economies Celebrate and protect key heritage assets across the shire and ensure future development within the villages is sympathetic to its surrounds. 	<ul style="list-style-type: none"> Prepare a shire wide economic development strategy to foster development and economic within the villages. (Medium) Review the <i>Cabonne Settlement Strategy</i> to identify suitable areas for growth. (Short) Prepare a comprehensive Development Control Plan for commercial areas, including specific controls for Heritage items and heritage conservation areas. (Medium Term) Investigate potential for Aboriginal heritage study for Cabonne Local Government Area. (Long Term) Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements. (Continual) 	<p>This Proposal is a good example of leveraging existing site infrastructure and approvals in a location on a major road close to Manildra and Parkes which can also support retail and employment in Cudal to improve its long-term sustainability. If works by TfNSW on The Escort Way proceed there will be improved access. The existing concrete batching facility can be used to create panels for the new sheds. It can align with residential growth planned in Cudal and support industrial growth in Manildra.</p> <p>It has a low risk of impact on known heritage items or likely Aboriginal important sites and with appropriate design can address the gateway issues along The Escort Way.</p>
5: Provide opportunities to ensure a variety of housing types are available across our shire.		
<ul style="list-style-type: none"> Identify strategic areas for growth opportunities around existing urban development. Ensure that suitable accommodation is 	<ul style="list-style-type: none"> Review the <i>Cabonne Settlement Strategy</i> to identify suitable areas for growth and increase housing choice, including housing for older people and affordable housing options. (Short Term) 	<p>Whilst the Proposal is NOT for residential uses (housing) – it is located to avoid or minimise conflict with future housing growth areas. Instead, the aim is that additional employment may support</p>

STRATEGIC DIRECTION	ACTIONS	RESPONSE
available for older persons within Cabonne.	<ul style="list-style-type: none"> Implement a comprehensive Development Control Plan for residential and urban development. (Medium Term) Advocate for improvements to health and transport services for our villages. (Continual) 	local housing and retail and increases services to Cudal.
6: Ensure that infrastructure & facilities cater for the changing needs of our community.		
Provide appropriate infrastructure for the communities of Cabonne to ensure that it meets the needs of our community.	<ul style="list-style-type: none"> Update and implement the Cabonne Pedestrian and Mobility Plan (PAMP) (Continual) Complete plans of management for Crown Land allotments that council manage (Short Term). Review and update council's Developer Contributions Plan pursuant to clause 7.11/7.12 of the Environmental Planning and Assessment Act 1979. (Short Term) Support programs such as council's Village Enhancement Program to improve investment in local projects. (Continual) 	Whilst the Proposal is NOT for provision of community infrastructure and connectivity – it has the potential to provide employment and support services for regional development that can grow Cudal sustainably to allow for new infrastructure and connectivity.
PLANNING PRIORITY: A HEALTHY ENVIRONMENT		
7: Protect & enhance our landscape, biodiversity & waterways.		
<ul style="list-style-type: none"> Avoid, minimise, mitigate impacts to biodiversity to ensure it is available for future generations. Protect areas of high quality biodiversity from inappropriate development. 	<ul style="list-style-type: none"> Prepare Development Control Plan that addresses management of rural lands, biodiversity and recent changes to bring Council controls in line with the Biodiversity Conservation Act 2016 and the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. (Medium Term) Review Cabonne Local Environmental Plan 2012 mapping of Biodiversity areas. (Medium Term) 	Biodiversity & native vegetation is addressed in more detail in Section 3 of this Report. The new development area is located on largely cleared (former cultivated) land where native vegetation has been removed or heavily disturbed. There is a low risk of impact on biodiversity with development on the eastern 2/3rds of the Site.
8: Manage natural hazards to mitigate their impacts on our communities.		
<ul style="list-style-type: none"> Provide appropriate mechanisms to ensure public awareness of natural hazards. Ensure that new development is appropriate for the known natural hazards of the area. 	<ul style="list-style-type: none"> Implement the requirements of the NSW Floodplain Development Manual by updating flood studies and floodplain risk management plans. (Medium Term) Prepare a Development Control Plan that addresses controls for development in areas of natural hazards to provide consistent controls across the shire. (Medium Term) Manage the risks of disturbance in areas affected by Naturally Occurring Asbestos by increasing public awareness and providing mapping to the community. (Continual) Assess Development in accordance with Planning for Bushfire Protection 2019. (Continual) 	The three known or likely natural hazards on the Site are flood, bushfire, and karst. Flooding is easily addressed if new development is located greater than 6-8m above the Boree Creek floodplain. Karst can be addressed if new development is located greater than 100m east of Boree Creek/karst belt. Bush fire risk can be addressed through subdivision design and buffers and the proposed shed structures have a lower risk. NOA is not a known risk on the Site.
9. Mitigate & adapt to climate change & support renewable energy projects.		
<ul style="list-style-type: none"> Council supports renewable energy developments that is suitably located and is sympathetic to the landscape whilst ensuring that agriculture and industry can continue to play a major role in Cabonne's economy. Mitigate the adverse impacts of increased temperatures as a result of climate change 	<ul style="list-style-type: none"> Ensuring residential development adheres to the requirements of BASIX (Continual). Support the implementation of council's Renewable Energy Action Plan (REAP) (Short Term). Support Council's urban tree planting program (Continual). 	This Proposal is outside the Renewable Energy Zone (REZ) but can support it with logistics and warehousing. It may be able to consider solar PV installations on large shed roofs. Landscaping will be provided to minimise the visual impact and mitigate temperature increases as part of a future DA. Only a small portion of the Site is likely to be hardstand or buildings.

Cabonne Settlement Strategy 2021-2041

This Proposal seeks to directly implement the recommendations of the *Settlement Strategy* as set out and addressed in **Section 2.1 – Cabonne Settlement Strategy** in this Proposal.

Sub-Regional Rural and Industrial Land Use Strategy (2008)

The *Sub-Regional Rural and Industrial Land Use Strategy* (2008) ('2008 Subregional Strategy') covered Councils of Blayney, Cabonne and Orange and was primarily about rural and industrial land use outcomes that are largely unaffected by this Proposal.

Whilst it originally included stand-alone large lot residential recommendations these have now been incorporated into the *Cabonne Settlement Strategy* (addressed above). The key relevance of the 2008 Subregional Strategy is the protection of productive agricultural land and support for suitable industrial growth. This is addressed in more detail below with relation to the DRAFT Subregional Plan below.

DRAFT Subregional Rural and Industrial Lands Strategy (2019 to 2036)

The Elton Consulting (10 February 2020) *Subregional Rural and Industrial Lands Strategy (2019 to 2036) – DRAFT* ('2020 Subregional Strategy') was publicly exhibited by Cabonne Council in 2020 but as its exhibition by Orange City Council was delayed – it is yet to be adopted. It will replace the 2008 Subregional Strategy (above). As stated above, this Strategy predominantly provides recommendations for rural and industrial lands across the LGA.

This Strategy only reviewed industrial precincts in Molong, Manildra, and Canowindra because that was the only locations where it was already existing or previously planned. It did not look at other villages and assumed the Zone RU5 Village areas would be sufficient to provide small-scale local industry. Most of the Key Actions (p.32) were about engaging with stakeholders to assess land requirements and barriers to attracting and developing industry and monitoring the take up of industrial land.

It is important to note that the *Cabonne Settlement Strategy* came after the *Subregional Strategy* and as it relates to a logical urban expansion has created an addendum to the outcomes for Cudal. The Proposal is not inconsistent with the Industrial Key Actions but cannot specifically address them because they are more site-specific for existing industrial areas.

Impacts on agriculture are addressed in more detail in **Section 3** of this Report. In summary, the Rural Lands Strategy focusses on minimising the impact of residential land uses on agricultural land (not employment land uses). The *Settlement Strategy* balanced agriculture and higher soil qualities with economic diversification. The Site could be used for storage, transport, logistics, and possibly value-add to agricultural product to support agriculture. It is an appropriate location on the urban fringe that has a lower sensitivity to and potential land use conflict with surrounding agriculture.

Key Principles in the Industrial Lands Strategy component (p.19) are addressed as follows:

- **Affordability:** The Proposal builds on existing warehousing and industrial land uses on the Site with a likely cheaper land value in Cudal (compared to Orange or larger centres) to attract new industry. It leverages existing and proposed infrastructure to reduce the cost of developing this land.
- **Diversity:** The Proposal diversifies the offerings in Cabonne with Manildra dominated by the grain mill and Molong and Canowindra supporting local industries. This has already supported retail growth in Cudal through Newmarket Saddlery. It can support Manildra at least until it moves ahead with rezoning industrial land to its south.
- **Suitability:** This Proposal shows how the eastern 2/3rds of the Site is highly suitable to warehousing and industrial growth as it is relatively flat and cleared of vegetation/biodiversity sensitivity. It is opposite the TfNSW Vehicle Testing Facility and close to major road transport networks to Manildra/Parkes and south. It minimises land use conflicts and is buffered by government land to the south.
- **Growth:** The Sites proposed warehousing, logistics and transport can support regional growth initiatives. It already supports the Saddlery and tourism to Cudal. It can provide support services for a diverse range of industries. It can provide employment for residential growth of Cudal and Manildra.

Community Strategic Plan 2022-2032

The Proposal is also consistent with the *Cabonne Community Strategic Plan 2025* ('Cabonne 2025') and the Integrated Planning and Reporting documentation including the Future Directions (mostly addressed in the CWORP review above) though it does not have any specific directions/actions relevant to the specific outcomes in this Proposal.

5. Is the planning proposal consistent with any other applicable State & regional studies or strategies?

Other relevant NSW Plans relating to Transport, Infrastructure, Economic Development, etc. are high-level plans and provide over-arching principles that are largely addressed by the CWORP2041 (addressed above). They do not provide detail on specific areas like Cudal or its surrounds but support logical growth of employment opportunities. The Proposal is largely consistent with these NSW Plans and other regional strategies.

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

A State Environmental Planning Policy (SEPP) is a planning document that deals with matters of significance for environmental planning for the State. It is noted that the proposal is broadly consistent with any applicable SEPP's as set out in the table below:

SEPP /Objective(s)	Response/Compliance
Local Land Services Act 2013, Biodiversity Conservation Act 2016, Biodiversity Regulation 2017 & SEPP (Biodiversity & Conservation) 2021	
The legislation and SEPP seek to protect significant vegetation & biodiversity across the State, including for koala habitat & urban bushland.	<p>As shown in Section 3 of this Report, under the LLS Act 2013 the Native Vegetation Regulatory Map does not identify any vulnerable or sensitive regulated land on or near the Site. Biodiversity Values are located along Boree Creek but it is unlikely any development would occur near or within 100-200m of the creek due to flood potential which is only a limited part of the Site.</p> <p>This Proposal seeks to maximise development on the eastern 2/3rds of the Site that has been largely cleared for cultivation and grazing (see Appendices: Historical Aerial Photographs). This area is highly disturbed and is expected to have no sensitive biodiversity.</p> <p>This is a Planning Proposal and no removal of trees forms part of this application. However, the boundary for a reduced minimum lot size of 0.4ha aligns with the cultivated/cleared area and the Subdivision Concept shows how the Site could be designed to avoid significant trees. A section of the SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Cabonne LGA is identified in the SEPP as containing koala habitat (Koala Management Area – Central & Southern Tablelands). By avoiding or minimising impacts on eucalypt trees on the Site there should be little impact on significant feed or habitat. Those trees retained can be protected with appropriate lot boundaries and future building envelopes to avoid or minimise impact on koalas or koala habitat. This can be addressed in more detail at the subdivision stage.</p>
SEPP (Resilience & Hazards) 2021	
Part of this SEPP requires review of contamination & possibly remediation of land to ensure the land is suitable for the proposed land use.	<p><u>Chapter 2 – Coastal Management</u> – NOT APPLICABLE.</p> <p><u>Chapter 3 – Hazardous & Offensive Development</u> – The land is NOT proposed for future land uses that would be deemed to be hazardous & offensive development and is limited to light and general industry and warehousing/transport. This can be addressed through suitable land use zoning.</p> <p><u>Chapter 4 – Remediation of Land</u></p> <p>This Section seeks to ensure that land is suitable for the intended use and promote remediation of contaminated land to reduce the risk of harm to human health. It must be considered when consenting to development on land (Clause 7) – but former Clause 6 requiring consideration at the rezoning stage has been repealed and is now addressed under the Ministerial Directions (see below).</p> <p>This is reviewed in more detail in Section 3 of this Report. In summary, the proposed land use is consistent with existing approved industry and warehousing on the Site. Most risk of contamination stems from existing approved uses that are consistent with the proposed future use and pose a low risk to future development. We suggest this can be addressed in more detail at the DA stage.</p>
SEPP (Resources & Energy) 2021	
This SEPP seeks to protect & enable resources & energy development.	<p>There are no known mineral or extractive resources that would be affected by the Proposal. Whilst the land is covered by an Exploration Licence, this extends over an extensive area. Rezoning of land immediately adjacent to Cudal's existing urban area has a low risk of impacting on future extractive industry.</p>

SEPP /Objective(s)	Response/Compliance
SEPP (Primary Production) 2021	
This SEPP seeks to protect & enhance rural lands for agriculture & the environment.	Impacts on agriculture are addressed in more detail in Section 3 of this Report and above in relation to the CWO Regional Plan. Use of the Site for employment land uses is less likely to create land use conflicts with surrounding agriculture and can be justified as diversifying the economic base of the Shire. Whilst there is some take up of DRAFT State Significant Agricultural Land (SSAL) this mapping is yet to be adopted. The <i>Settlement Strategy</i> has balanced these issues and recommended this land is rezoned for employment land uses.
SEPP (Transport & Infrastructure) 2021	
This SEPP seeks to protect & enable infrastructure development.	This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. The Site exceeds the threshold in Schedule 3 of 5,000m ² site area with access to a classified road (The Escort Way) so it is likely to be Traffic Generating Development that is referred to Transport for NSW/Roads & Maritime Services. The Applicant is working with TfNSW to ensure appropriate heavy vehicle access to the Site (noting that it is already approved for the existing development) and allow for future additional traffic generation.
SEPP (Industry & Employment) 2021	
This SEPP applies to specified employment areas and advertising & signage.	The Site is NOT in the Chapter 2 - Western Sydney Employment Area. Whilst Chapter 3 – Advertising & Signage may apply to future development applications; it is not relevant at the Planning Proposal stage.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The relevant Section 9.1 Directions are addressed below and we suggest the Proposal is consistent with the Local Planning Directions (latest 20 February 2023) as follows:

Section 9.1 Directions		Application to Proposal/Response
Focus Area 1: Planning Systems		
1.1	Implementation of Regional Plans Objective: The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Direction: Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	Applicable. The <i>Central West & Orange Regional Plan 2041</i> (CWO Regional Plan) is addressed in more detail in this Section above. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. It is important to note that under the Section on 'Consistency' it states: <i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</i> <i>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</i> <i>(b) 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.</i> The Proposal is supported by the adopted <i>Cabonne Settlement Strategy</i> that balances competing demands for protection of agricultural land, economic diversity & employment lands, and environmental protection – and has suggested the Site is appropriate for the proposed land use. If there is an inconsistency with the Regional Plan it is resolved through the balancing of demands in the Strategy and it achieves the overall intent of the Regional Plan.
1.2	Development of Aboriginal Land Council Land	Not Applicable. Applies to Central Coast only.
1.3	Approval & Referral Requirements	Not Applicable. No change in concurrence, consultation or referral of applications proposed.
1.4	Site Specific Provisions	Applicable. No restrictive site-specific planning controls proposed. The Proposal includes change of land use zone to a zone that would permit the land use and the zone is already in the LEP and aligns lot size to the site constraints. Whilst concept

Section 9.1 Directions		Application to Proposal/Response
		drawings are included in this Proposal – they do not form part of the Proposal and it is subject to future application(s).
Focus Area 1: Planning Systems - Place Based – The following are NOT APPLICABLE TO THIS SITE		
1.5	Parramatta Road Corridor Urban Transformation Strategy	
1.6	Implementation of NW Priority Growth Area LUIP	
1.7	Implementation of Greater Parramatta Priority Growth Area LUIP	
1.8	Implementation of Wilton Priority Growth Area ILUIP	
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	
1.10	Implementation of the Western Sydney Aerotropolis Plan	
1.11	Implementation of Bayside West Precinct 2036 Plan	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	
1.13	Implementation of St Leonards & Crows Nest 2036 Plan	
1.14	Implementation of Greater Macarthur 2040	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	
1.16	North West Rail Link Corridor Strategy	
1.17	Implementation of the Bays West Place Strategy	
1.18	Implementation of the Macquarie Park Innovation Precinct	
1.19	Implementation of the Westmead Place Strategy	
1.20	Implementation of the Camellia-Rosehill Place Strategy	
1.21	Implementation of the South West Growth Area Structure Plan	
1.22	Implementation of the Cherrybrook Station Place Strategy	
Focus Area 2: Design & Place – This is BLANK		
Focus Area 3: Biodiversity & Conservation		
3.1	Conservation Zones Objective: The objective of this direction is to protect and conserve environmentally sensitive areas.	<p>Applicable.</p> <p>Direction(s):</p> <p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land).</p> <p>This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.</p> <p>The Proposal rezones the eastern part of the site for employment land uses and reduces lot sizes across the Site but the western part of the Site (>200m to Boree Creek) will not have any further subdivision potential. This protects the more environmentally constrained areas of the Site. The eastern section of the Site has limited environmental sensitivity except for some clusters of trees that will be retained. The Proposal is supported by the adopted <i>Settlement Strategy</i> that has balanced environmental issues in recommending the site for employment land uses. Compliance with the relevant Regional Plan is addressed under Direction 1.1 above and under the Regional Plan section above.</p>
3.2	Heritage Conservation Objective: The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	May be Applicable but no known indigenous or non-indigenous heritage on the Site. Setback of development (through reduced lot size) is more than 200m from sensitive areas along Boree Creek and the development area has been extensively cleared/cropped with limited likely Aboriginal heritage risk. Additional protections can occur during conditions on future development approvals.
3.3	Sydney Drinking Water Catchments	Not Applicable.
3.4	Application of C2 & C3 Zones & Env.	Overlays in Far North Coast LEPS. Not Applicable.
3.5	Recreation Vehicle Areas	Not Applicable.

Section 9.1 Directions		Application to Proposal/Response
3.6	Strategic Conservation Planning	Not Applicable. To the best of our awareness, the Site is NOT identified as 'avoided land' or a 'strategic conservation area' under <i>SEPP (Biodiversity & Conservation) 2021</i> .
3.7	Public Bushland	Not Applicable. Not an identified LGA (Sydney Metro only)
3.8	Willandra Lakes Region	Not Applicable.
3.9	Sydney Harbour Foreshores & Waterways Area	Not Applicable.
3.10	Water Catchment Protection	Not Applicable. Site not in a regulated catchment (excluding Sydney DWC) under <i>SEPP (Biodiversity & Conservation) 2021</i> .
Focus Area 4: Resilience & Hazards		
4.1	Flooding	Applicable. This is addressed in more detail in Section 3 of this Report. The land is not mapped as flood prone land but it is likely that land at lower elevations close to Boree Creek is flood prone. The proposed land with increased subdivision potential is located >200m east of Boree Creek and at an elevation 10m or higher than the floodplain so it is unlikely to be affected by mainstream flooding and has no history of flooding. Employment land uses are less sensitive to flooding and there is suitable egress to The Escort Way. Stormwater can be addressed during the detailed future DA stages. We suggest a Flood Study is not required.
4.2	Coastal Management	Not Applicable.
4.3	Planning for Bushfire Protection	Applicable. Please see Section 3 of this Report above and the Bushfire Assessment for details of how bushfire can be managed on this land to protect employment land uses. Asset Protection Zones can be accommodated.
4.4	Remediation of Contaminated Land	May be Applicable but this has been addressed in Section 3 of this Report & in relation to <i>SEPP (Resilience & Hazards) 2021</i> above suggesting that the Site is likely to be suitable for its intended purposes and further detail can be provided at the DA Stage.
4.5	Acid Sulfate Soils	Not Applicable. Land NOT mapped as acid sulfate prone land.
4.6	Mine Subsidence and Unstable Land	Not Applicable. Land NOT within a mine subsidence district or unstable land.
Focus Area 5: Transport & Infrastructure		
5.1	Integrating Land Use and Transport	Applicable. The proposed land use/zone is for urban land (employment zone). The Site is located at the edge of the existing urban area of Cudal (adjacent to Zone R5). It is located sufficiently close to Cudal to enable vehicle transport to/from the Site and efficient movement of freight. It is not designed to facilitate or require pedestrian or cycle access but it does not prevent access from The Escort Way. Transport infrastructure is suitable for a village like Cudal with limited public transport services.
5.2	Reserving Land for Public Purposes	Not Applicable. Does not affect any land reserved for a public purpose.
5.3	Development Near Regulated Airports & Defence Airfields	Not Applicable. Cudal Airport is no longer operational and the Site is not near any regulated airport or defence airfield.
5.4	Shooting Ranges	Not Applicable. There are NO known rifle ranges in or near any the Site.
Focus Area 6: Housing		
6.1	Residential Zones	Not Applicable as the Site is NOT in an existing/proposed residential zone and not in a zone where significant residential development is permitted.
6.2	Caravan Parks & MHEs	Not Applicable. The existing/proposed zone does not need to cater for caravan parks or MHEs. No change.
Focus Area 7: Industry & Employment		
7.1	Employment Zones Objectives: The objectives of this direction are to: (a) encourage employment growth in suitable locations,	Applicable. The proposed land use zone is for employment. The aim of the Proposal is consistent with the direction as it encourages employment on a Site identified for this use in the <i>Cabonne Settlement Strategy</i> and it supports the viability of Cudal and nearby settlements without compromising main street retail or other employment lands.

Section 9.1 Directions		Application to Proposal/Response
	(b) protect employment land in employment zones, and (c) support the viability of identified centres.	
7.2	Reduction in Non-Hosted Short-Term Rental Accom. Period	Not Applicable. Only applies to Byron Shire Council currently.
7.3	Commercial & Retail Dev. along the Pacific Hwy, North Coast	Not Applicable.
Focus Area 8: Resources & Energy		
8.1	Mining, Petroleum Production & Extractive Industries	May be Applicable but Section 3 of this Report did not identify a significant risk of impact on existing or likely future extractive industries. See response to SEPPs above.
Focus Area 9: Primary Production		
9.1	Rural Zones Objective: The objective of this direction is to protect the agricultural production value of rural land.	Applicable. Direction 1(a) applies only outside Sydney Metro area. This Proposal DOES rezone land from a rural zone to an employment zone AND increase density within a rural zone. However, this Proposal may be justified in being inconsistent with this direction as it is clearly identified by the <i>Settlement Strategy</i> that was adopted by Council that has considered the objectives of this direction and balanced the need for conserving agricultural land with diversifying employment and economic growth and/or is of minor significance. This is addressed in more detail in Section 3 of this Report. The Proposal reduces the minimum lot size for all the Site but only creates subdivision opportunity in the eastern part of the Site that affects less than 12ha of land and provides an appropriate buffer to the existing Cudal urban area and is unlikely to increase land use conflict with surrounding agriculture. The Proposal is NOT for large lot residential uses.
9.2	Rural Lands	
9.3	Oyster Aquaculture	Not Applicable.
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not Applicable.

4.3.3 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 a low likelihood that the increased development/density on the land will significantly impact on critical habitat or threatened species, populations, or ecological communities. The Proposal focusses development (through reduced lot size supporting further subdivision) to the eastern 2/3rds of the Site that is largely cleared of trees and has been significantly modified and disturbed through historic cultivation and grazing with limited biodiversity potential. Any significant trees can be protected with suitable building envelopes at the DA stage. The Site is not connected to any major significant ecological corridors or natural areas.

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

This Proposal highlights some of the site constraints for the Proposal area but demonstrates they do not preclude the Proposal from proceeding and/or can be mitigated by appropriate subdivision, building envelopes and industrial design as well as landscaping of the Site along The Escort Way frontage. Any future development application for the Proposal area will address the likely environmental effects in more detail including a suitably landscaped gateway to Cudal and interfaces with surrounding lands.

10. Has the planning proposal adequately addressed any social and economic effects?

The Proposal seeks to improve the sustainability of Cudal (& surrounding settlements) by providing employment and industrial land opportunities close to the settlement and major transport routes that does not require transport to Orange or Parkes but leverages off those larger centres. Local employment is essential to supporting any population and housing growth in Cudal. Overall there should be positive social and economic effects.

4.3.4 Section D – Infrastructure (Local, State & Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Infrastructure is addressed in more detail in **Section 3** of this Report. Limited upgrades would be required to service the Proposed development. The Site leverages proposed upgrades to The Escort Way entrance to the Site plus existing CTW water connection and high-voltage transformer. On-site effluent management is likely to be sufficient for 'domestic' waste from small toilet & kitchenettes in offices attached to warehousing. Water catchment from roof areas can supplement water and fire-fighting. Therefore, there should be adequate public infrastructure for this Proposal or it can be upgraded at the time of Subdivision Construction Certificate.

4.3.5 Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

The Proposal mostly makes changes that are of local significance only and do not relate significantly to State infrastructure, heritage, environmental significance or other state or commonwealth issues. When the Planning Proposal is publicly exhibited, we can consult more widely with NSW Government agencies responsible for protection of the natural environment, water, and planning. The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in this Report **Section 4.5 - Part 5: Community Consultation** below).

4.4 Part 4: Maps

Please see **Section 3** of this Report for the existing CLEP2012 maps.

Please see **Section 2** for the Proposed Zoning and Lot Size Map amendments.

Standard Instrument format mapping can be prepared once a Gateway Determination has been issued. It may not be required for the public exhibition period unless it is conditioned by the Gateway Determination.

4.5 Part 5: Community Consultation

The planning proposal consultation is to be undertaken in accordance with the requirements in the Guideline and any requirements set out in the Gateway Determination.

It is important to note that the amendments in this Proposal align with some of the recommendations of the *Settlement Strategy* that was publicly exhibited in 2021 and adopted in June 2021. The changes were notified to affected land owners and the community during that process.

It is also important to note that the Site already has approved and constructed industrial and warehousing/storage uses so the community is likely aware of the Site being used for this purpose.

Therefore, we suggest that Community Consultation can be set at the minimum requirements. The Planning Proposal would be notified for a minimum period of 28 days unless it is during the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the relevant low newspaper (likely Central Western Daily) and possibly also on Council's Facebook site.

The notification would:

- A description of the objectives or intended outcomes of the planning proposal;
- The land affected by the planning proposal;
- Advise when and where the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Molong (& possibly made available at Orange City Council offices in Orange):

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The Gateway Determination and any associated conditions or requirements.

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification.

Additional Studies

Currently, we are unaware of any additional studies that are likely to be required to progress this through Gateway Determination to LEP amendment/commencement but this will be reviewed by the Gateway Determination.

4.6 Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 9 months from the date of the Gateway Determination (subject to matters outside of the Applicant's & Council's control):

Table 1 - Project Timeline Task	Anticipated timeframe
Consider Draft Planning Proposal & Council provide feedback	December 2023/January 2024
Planning Proposal to Council for approval to send to DPIE	Feb/March 2024
Forward Proposal to DPIE	March 2024
Commencement date (Gateway determination)	April/May 2024
Preparation of additional reports (if required)	May/June 2024
Commencement and completion of public exhibition period	June/July 2024
Dates for public hearing (if required)	July/August 2024
Consideration of submissions	July/August 2024
Consideration of a proposal post exhibition	July/August 2024
Date of submission to the Department to finalise LEP	Sept/Oct 2024
Anticipated date RPA will make the plan (if delegated)	Oct/Nov 2024
Anticipated date RPA will forward to the Department for notification	Nov/Dec 2024
Potential for amendments to commence	January 2025

5 APPENDICES

5.1 Council Meeting Minutes June 2021-Adoption of Settlement Strategy

ITEM - 22 CABONNE SETTLEMENT STRATEGY 2021-2041

Proceedings in Brief

Clr Davison queried why the Industrial Land Strategy and the Agricultural Land Strategy were not included in the Cabonne Settlement Strategy. The Deputy General Manager – Services provided clarification.

RECOMMENDATION (Batten/Nash)

THAT Council adopt the Cabonne Settlement Strategy 2021- 2041.

Carried

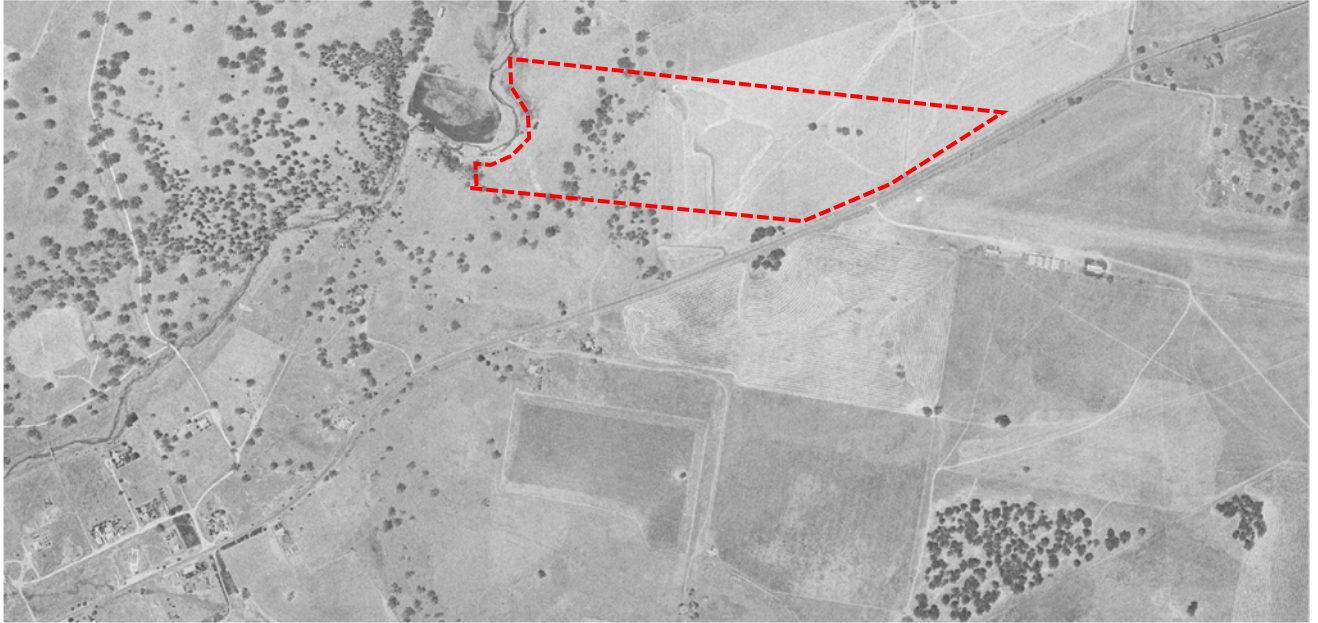
THIS IS PAGE NO 11 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 22 JUNE, 2021

5.2 Historical Aerial Photos

Figure 31: Historic aerial photos (source as shown).

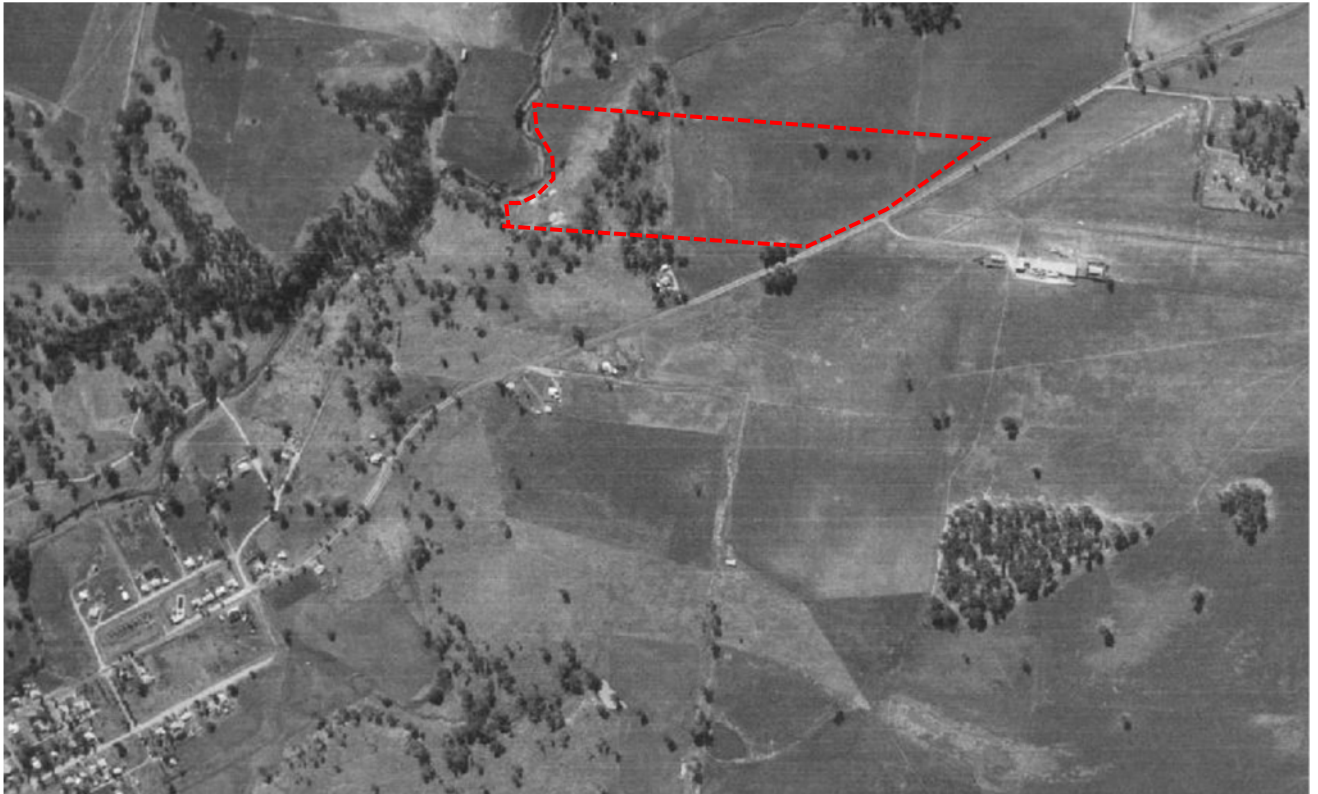
1964 January (NSW Government Spatial Viewer)

The Site appears only to be used for extensive agriculture and some limited cropping (no buildings). The eastern side of the Site is nearly totally cleared. More intensive cropping occurred in the eastern portion (that remains cleared today). The (former) Cudal Airport opposite is unformed but apparently started here in 1959. Cudal itself has limited development.



1973 May (NSW Government Spatial Viewer)

The Site appears only to be used for extensive agriculture and some limited cropping. Vegetation remains largely limited to the western section closer to Boree Creek on the ridgeline. The (former) Cudal Airport opposite is unformed but has two grass landing strips. Cudal is growing. There is a building south of the Site.



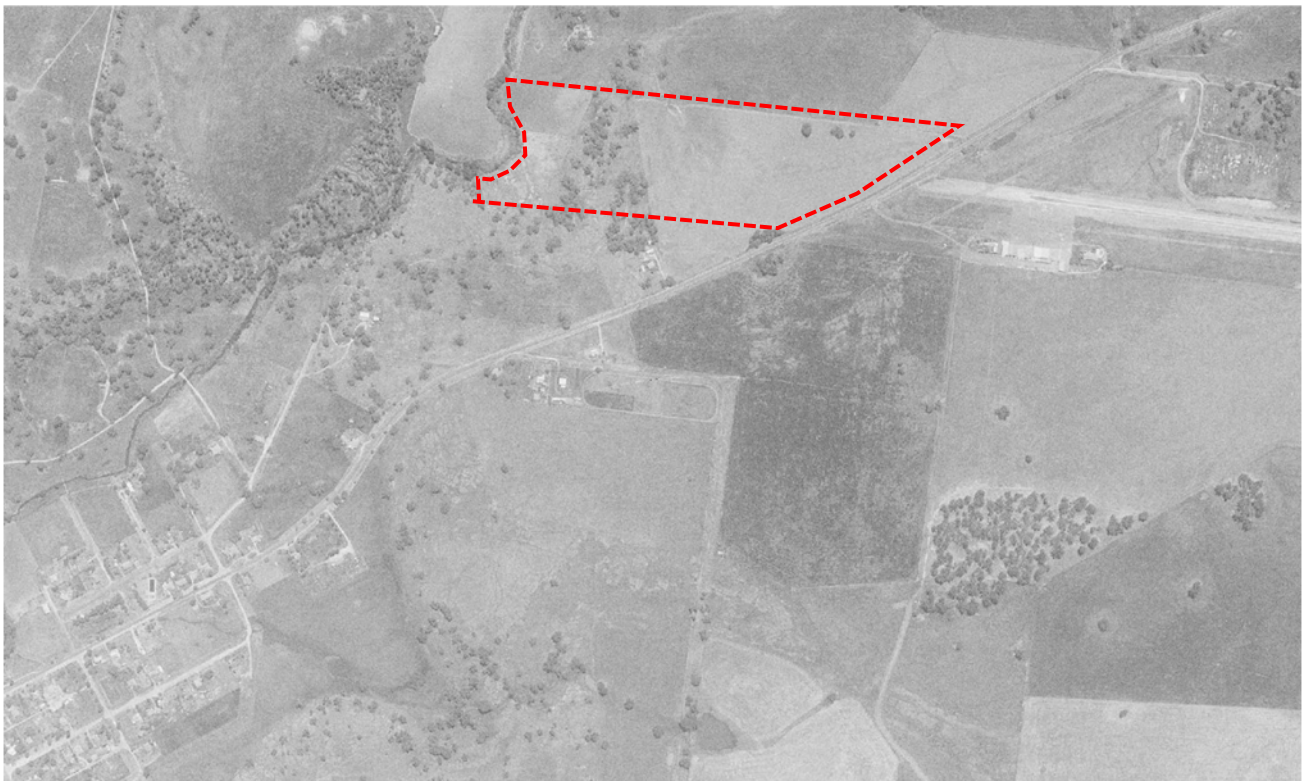
1982 May (NSW Government Spatial Viewer)

The Site appears only to be used for extensive agriculture and some limited cropping (no buildings). Vegetation remains largely limited to the western section closer to Boree Creek on the ridgeline. The (former) Cudal Airport opposite now has formed runways



1989 September (NSW Government Spatial Viewer)

The Site appears only to be used for extensive agriculture and some limited cropping (no buildings). Vegetation remains largely limited to the western section closer to Boree Creek on the ridgeline.



1993 September (NSW Government Spatial Viewer)

The Site appears only to be used for extensive agriculture and some limited cropping in the eastern 2/3rds of the Site. A shed is located where the current concrete batching facility is located and possibly one closer to The Escort Way. Vegetation remains largely limited to the western section closer to Boree Creek on the ridgeline. There are only farm tracks on the property with a connection from the end of Creek St visible.



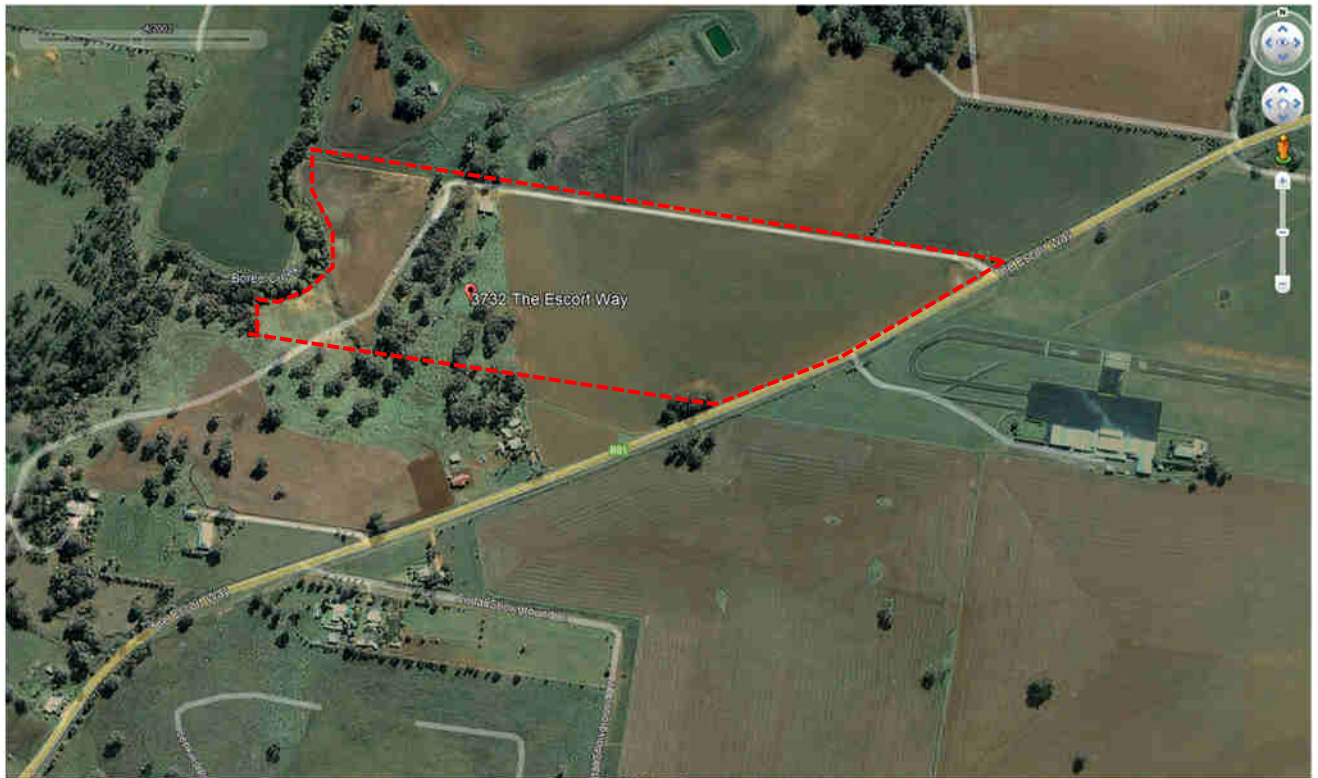
1998 March (NSW Government Spatial Viewer)

On the Site another building/shed has appeared on the northern boundary just east of the shed noted above. The shed in the eastern section is no longer visible. The eastern section of the Site is cultivated & cleared. The farm track connecting to The Escort Way is more visible with a wider entrance opposite the airport. Significant trees largely unchanged except for removal of a few trees along the northern boundary closer to The Escort Way.



2002 April (Google Earth)

Only one (1) shed is visible on the northern boundary (western portion) with cultivated land in the eastern 2/3rds and on the Boree Creek floodplain below the ridge. Significant trees largely unchanged. The Cudal Airport ceased operation in or around 2001.



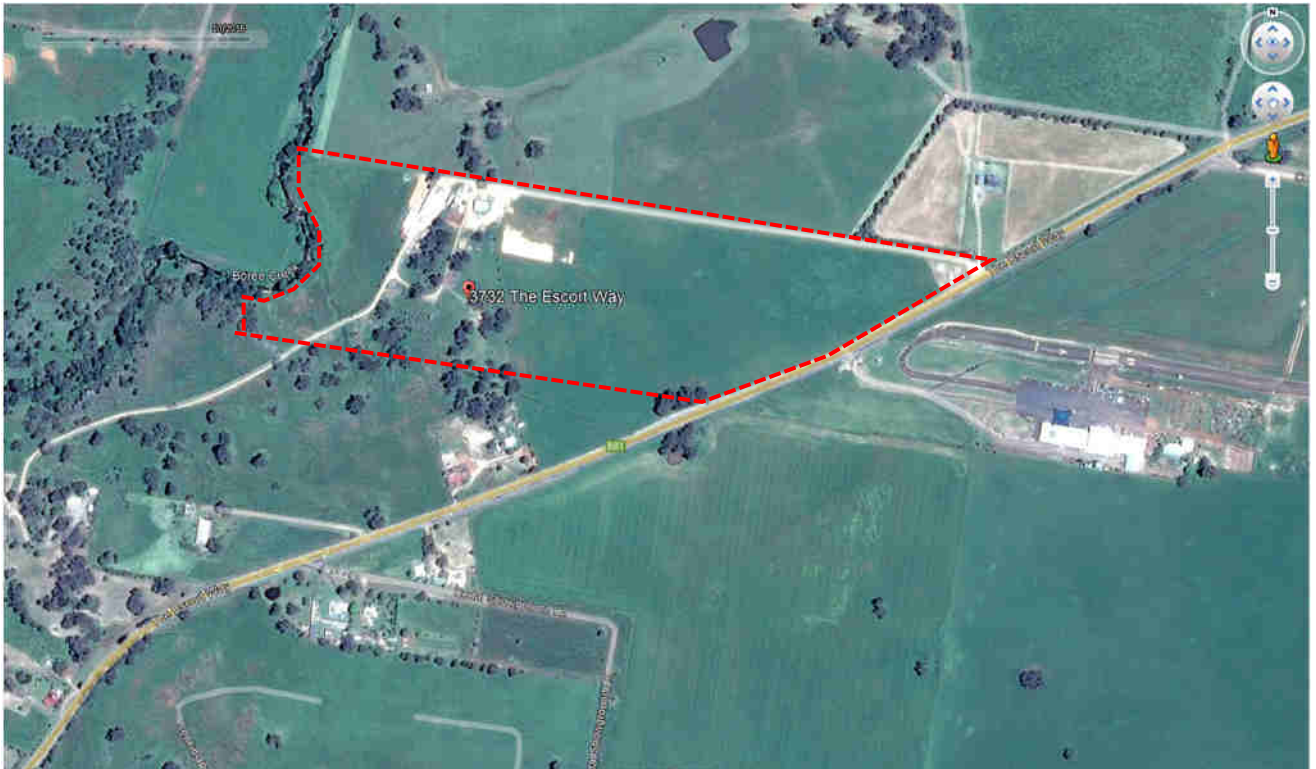
2010 March (Google Earth)

Earthworks have occurred around the shed on the upper level on the northern boundary. There appears to be a new shed on the lower level (west) with access track between them to the rear. Significant trees largely unchanged. The Cudal Airport was being used for machinery sales and storage.



2016 October (Google Earth)

The concrete batching facility seems to have expanded the driveway area. It appears as if the pad for the new sheds for warehousing is appearing. Significant trees largely unchanged.



2021 February (Google Earth)

The first of the warehousing sheds is now constructed. Significant trees largely unchanged. The Cudal Airport was being used by Transport for NSW (TfNSW) as a vehicle testing facility.



5.3 CLEP2012 – Zone Objectives & Land Use Permissibility – Key Zones

Key desirable land uses are highlighted.

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; **Depots;** Function centres; Garden centres; **Hardware and building supplies;** Hotel or motel accommodation; **Industrial retail outlets;** **Industrial training facilities;** Information and education facilities; **Landscaping material supplies;** **Light industries;** **Local distribution premises;** Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; **Rural supplies;** Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; **Timber yards;** **Vehicle body repair workshops;** **Vehicle repair stations;** **Vehicle sales or hire premises;** Veterinary hospitals; **Warehouse or distribution centres;** **Wholesale supplies;** **Any other development not specified in item 2 or 4**

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; **Freight transport facilities;** Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); **Industries;** Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Residential accommodation; Restricted premises; **Rural industries;** Sewerage systems; Sex services premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Depots; **Freight transport facilities;** Funeral homes; Garden centres; **General industries;** Goods repair and reuse premises; **Hardware and building supplies;** Heliports; **Industrial retail outlets;** **Industrial training facilities;** Kiosks; Landscaping material supplies; **Light industries;** **Local distribution premises;** Neighbourhood shops; Oyster aquaculture; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards;

Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; **Wholesale supplies**

Zone E5 Heavy Industrial

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

2 Permitted without consent

Nil

3 Permitted with consent

Data centres; Depots; **Freight transport facilities; General industries;** Hazardous storage establishments; Heavy industries; **Hardware and building supplies;** Heliports; **Industrial training facilities;** Kiosks; **Landscaping material supplies;** Neighbourhood shops; Offensive storage establishments; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; **Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4**

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; **Animal boarding or training establishments;** Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; **Wholesale supplies**