



# Planning Proposal: Housekeeping Amendment to Hilltops Local Environmental Plan 2022

For Gateway Determination, June 2024

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## Attachments

1. Hilltops Local Strategic Planning Statement 2040
2. Hilltops Heritage Strategy 2022-2025
3. Report on the Review of Cultural Heritage of the Hilltops LGA 2019
4. The town of Young floodplain risk management study and plan 2015
5. Boorowa floodplain risk management study and plan 2018
6. Murrumburrah floodplain risk management study and plan 2020 (Final Report)

# INTRODUCTION

The purpose of this Planning Proposal is to request a Housekeeping Amendment to twelve (12) items in the Hilltops Local Environmental Plan 2022, as per **Table 1** below, and detailed in Part 1- Objectives and Intended Outcomes and Part 2- Explanation of Provisions.

The Planning Proposal has been prepared in accordance with *Section 3.33 of the Environmental Planning and Assessment Act 1979* and the NSW Government's *Local Environmental Plan Making Guideline* (August 2023), published by the Department of Planning, Housing and Infrastructure.

The *Hilltops Local Environmental Plan 2022* was gazetted on 23 December 2022 and replaced the Young Local Environmental Plan 2010, the Harden Local Environmental Plan 2011, and the Boorowa Local Environmental Plan 2012. It was drafted in accordance with the *Environmental Planning and Assessment Act 1979* and the *Standard Instrument (Local Environmental Plans) Order 2006*.

In the 18 months since gazettal, the following amendments have been noted and collated, and the changes, as summarised below, have been prepared into a Planning Proposal for a minor housekeeping amendment to be submitted to the Department for consideration and implementation.

This document has been drafted in accordance with the *Local Environmental Plan Making Guideline, Section Two: The Planning Proposal*, and is considered a 'basic' planning proposal as per the guide.

**Table 1.** Hilltops LEP Housekeeping Amendment 2024

Amendment #	Proposed change
<b>Land Use Permissibility amendments:</b>	
1	R1 General Residential: Remove permissibility of 'Shops'
2	R1 General Residential: permit 'Home Industry' and prohibit 'light Industry'.
3	E4 General Industrial: Remove 'School-based Childcare'
4	E4 General Industrial: remove permissibility of 'shops' and 'neighbourhood shops'
5	E3 Productivity Support: remove permissibility of 'animal boarding', 'office premises' and 'neighbourhood shops'
<b>SP2 Land Use Zoning Mapping Alignment Adjustment</b>	
6	Re-alignment of the SP2 Zone covering Saines Road, Young with the Blaney to Demondrille railway corridor.
<b>Addition of Part 5 Miscellaneous Provisions Clause: Clause 5.22</b>	

Amendment #	Proposed change
7	Adopt Clause 5.22 Special Flood Considerations to the Hilltops LEP 2022.
<b>Schedule 5 Heritage Items Amendments</b>	
8	Update location of Cunninghams Creek Weir in Schedule 5 Environmental Heritage
9	Insert the Wirrimah Community Hall & recreation ground into Schedule 5 Environmental Heritage
10	Remove 'Murrumburrah-Harden District Hospital and Nurses' Quarters' from Schedule 5 Environmental Heritage
11	Update the location of 'Preston Terrace' in Schedule 5 Environmental Heritage
12	Remove 'Tennis Club Rooms' from Schedule 5 Environmental Heritage

## PART 1- OBJECTIVES AND INTENDED OUTCOMES

The Planning Proposal Objective seeks to:

To undertake a Housekeeping Amendment to the Hilltops Local Environmental Plan 2022 to rectify clauses and mapping which require amendment to be accurate as well as implement recommendations from NSW Government directions and Council studies.

The intended outcomes of the Planning Proposal includes:

- Clarification of suitable and permissible land uses within residential and industrial zones;
- Mapping alignment adjustment for SP2 Land Use Zone south of Young alongside the Blaney to Demondrille rail corridor;
- Correction of heritage items that require property description amendment or deletion due to demolition from the Schedule 5 and associated Mapping; and
- Introduction of the Clause 5.22 Special Flood Considerations to protect life and property, and action the recommendations of local flood studies.

## PART 2- EXPLANATION OF PROVISIONS

### 2.1 Intended Provisions Summary

The Housekeeping Amendment to the Hilltops Local Environmental Plan 2022 is summarised by the four areas below and discussed in further detail within this Part of the Planning Proposal:

1. Amendments to Land Use Tables
2. Land Use Zoning Alignment Adjustment:
3. Addition of Clause: Clause 5.22 Special flood considerations
4. Schedule 5 Heritage Items Amendments

### 2.2 Amendments to Land Use Tables

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**Amendment 1: R1 General Residential: Remove permissibility of ‘Shops’**

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To remove the group term ‘Shops’ from permitted with consent to prohibited within the R1 General Residential Land Use Table in the Hilltops LEP.

**Intended Outcomes:**

- Maintain and protect the residential amenity of the R1 zone by prohibiting development within the group term ‘shops’ and permitting, with consent, development in the subcategory of ‘neighbourhood shop’ (already permitted with consent within the land use table).
- To ensure the continuing provision of adequate housing stock within the R1 zone by ensuring land available for that purpose isn’t competing with other uses.

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**Intended Provisions-**

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1. Amend the Hilltops LEP 2022 R1 General Residential Land Use Table to remove the term ‘Shops’ from permitted with consent.
2. Amend the Hilltops LEP 2022 R1 General Residential Land Use Table to insert the term ‘Shops’ as prohibited.

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Removing the permissibility of Shops from the R1 zone protects the residential neighbourhood amenity from potential development by larger scale retail premises and undesirable land uses within the definition of Shop. Allowing for the sub-term neighbourhood shop allows for the provision of day-to-day retail needs of residents, without impacting on the existing character and liveability of the town, neighbourhoods, and streets.

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**Amendment 2: R1 General Residential: permit ‘Home Industry’ and prohibit ‘light Industry’**

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To remove the group term ‘light industries’ from permitted with consent, and insert it to be prohibited, within the R1 General Residential Land Use Table, and to insert ‘home industries’ to be permitted with consent. In response, removing ‘Artisan food and drink’, ‘creative industries’

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and ‘high technology industries’ from prohibited within the R1 General Residential Land Use Table.

**Intended outcomes:**

- To improve the clarity of the land use table by clearly identifying the permissible land use and clearly identifying the prohibited land use.
- To encourage, where appropriate, home industries within the R1 General Residential Zone.

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**Intended Provisions-**

1. Amend the Hilltops LEP 2022 R1 General Residential Land Use Table to remove the term ‘light industries’ from permitted with consent.
2. Amend the Hilltops LEP 2022 R1 General Residential Land Use Table to insert the term ‘light industry’ as prohibited.
3. Amend the Hilltops LEP 2022 to insert the term ‘home industries’ as permitted with consent.
4. Amend the Hilltops LEP 2022 to remove the terms ‘artisan food and drink’, ‘creative industries’ and ‘high technology industries’ from prohibited.

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While the term ‘light industries’ is currently permitted with consent within the Hilltops LEP 2022, three of the four sub-terms are prohibited. The proposed amendment is to improve the clarity of the land use table by clearly stating the permitted land use of ‘home industries’ in permitted with consent and summarising the prohibited industries under the group term ‘light industries’.

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**Amendment 3: E4 General Industrial: Remove ‘School-based Childcare’**

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To remove ‘School-based Childcare’ from permitted with consent in the E4 General Industrial land use table.

**Intended Outcomes:**

- To correct a minor error: School-based childcare is defined as “a building or place **within a school...**” under the group term early childhood and educational facilities. Early childhood and educational facilities are prohibited in the E4 zone within the Hilltops LEP.
- To mitigate the impact of incompatible land uses and to minimise any adverse effect of industry on other land uses.
- To ensure efficient and viable use of land for industrial uses is not impaired.

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**Intended Provisions:**

1. Amend the Hilltops LEP 2022 E4 General Industrial Land Use Table to remove the term ‘school-based childcare’ from permitted with consent.

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By definition, a ‘school-based childcare’ must be within a school. Within the E4 General Industrial Zone early childhood and educational facilities are prohibited. Therefore, a school, and as such

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school-based childcare, cannot be developed on E4 zoned land. There are also no such facilities in E4 land in the Hilltops Region whereby a school-based childcare could be developed in the future.

Council also consider that school-based childcare is a conflicting land use within the E4 General Industrial zone and that it would be of detriment to the objectives of the zone. The nature of Industrial land uses is perceived to have a potential adverse impact on such land use.

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**Amendment 4: E4 General Industrial: remove permissibility of ‘shops’ and ‘neighbourhood shops’**

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To remove permissibility of ‘shops’ and ‘neighbourhood shops’ in the E4 General Industrial zone.

**Intended Outcomes:**

- To mitigate the impact of incompatible land uses and to minimise any adverse effect of industry on other land uses.
- Ensuring efficient and viable use of land for industrial uses is not impaired.

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**Intended Provisions:**

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1. Amend the Hilltops LEP 2022 E4 General Industrial Land Use Table to remove the terms ‘shops’ and ‘neighbourhood shops’.
2. Insert the term ‘shops’ to Prohibited in the E4 General Industrial Land Use Table.

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The permissibility of ‘shops’ and ‘neighbourhood shops’ within the E4 Zone clashes with the zones objectives to provide a range of industrial, warehouse, logistics and related land uses, and to ensure the efficient and viable use of land for industrial uses. Within the E4 zone provision has been made for kiosks and takeaway food and drink premises to cater for the needs of workers and business, however the scale of developments considered ‘shops’ and neighbourhood shops’ are considered contrary to the intended use of the zone. Shopping precincts where these land uses are permitted are within proximity to the E4 zone and are accessible for business and workers.

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**Amendment 5: E3 Productivity Support: remove permissibility of ‘animal boarding’, ‘office premises’ and ‘neighbourhood shops’**

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To remove the permissibility of ‘animal boarding and training establishments’, ‘office premises’ and ‘neighbourhood shops’ within the E3 Productivity Support zone.

**Intended Outcomes:**

- To mitigate potential for competing land uses within the E3 Productivity Support zone.
  - To ensure opportunities for new and emerging light industries are available and protected.
  - To ensure existing and future commercial activity within the zone remains viable and protected from encroachment by certain unsuitable retail and commercial activities.
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- To avoid incongruity between the LEP and Development Control Plans where buffer zones are required around animal boarding and training facilities.
  - Adhere to the NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments 3.1.1 *Animal boarding establishments should be located away from sources of excessive noise or pollution that could cause injury or stress to animals.*
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#### **Intended Provisions:**

1. Amend the Hilltops LEP 2022 E3 Productivity Support Land Use Table to prohibit 'animal boarding and training establishments'.
  2. Amend the Hilltops LEP 2022 E3 Productivity Support Land Use Table to prohibit 'office premises'.
  3. Amend the Hilltops LEP 2022 E3 Productivity Support Land Use Table to prohibit 'neighbourhood shops'.
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Where 'animal boarding and training facilities' are permitted with consent within the Hilltops LEP, the current in force Young Development Control Plan 2011 requires a 150m buffer from adjoining property boundaries for dog boarding and training facilities, and a 50m buffer from adjoining property boundaries for horse training establishments. This requirement is incompatible with the intentions of the E3 Productivity Support zone to provide for a variety of commercial and light industrial business' and would hinder such land uses in the zone should such a development be approved.

This amendment also addresses the **NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments** which notes:

*3.1.1 Animal boarding establishments should be located away from sources of excessive noise or pollution that could cause injury or stress to animals.*

As well as the **NSW Animal Welfare Code of Practice No 3 - Horses in riding centres and boarding stables** which notes:

*Clause 3.1 Riding centres and boarding stables must have an adequate water supply, and should be located away from noise or pollution that could cause injury or stress to horses.*

Office premises and neighbourhood shops are also considered to be incompatible with the objectives of the zone to promote commercial and light industrial land uses, and such land uses are permissible in neighbouring zones and easily accessible to business and workforce.

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## 2.3 Amendments to correct Land Use Zones

**Amendment 6: Re-alignment of the SP2 Zone covering Saines Road, Young with the Blaney to Demondrille railway corridor**

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Correct the SP2 Zone layer location covering Saines Rd to align with the western boundary of the Blaney to Demondrille railway corridor.

**Intended Outcomes:**

- To maintain the SP2 Zone along the railway corridor as state infrastructure.
- To ensure the SP2 Zone correctly aligns with the railway corridor.

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**Intended Provisions:**

1. To realign the SP2-Infrastructure Zone, as it follows Saines Rd, Young, with the western side of the railway corridor.
2. To ensure the SP2 Zone correctly aligns with the railway corridor and does not overlap with a local road.
3. Zone the portion left over from realignment to RU4 Primary Production Small Lot to match the adjacent land.

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The SP2 Infrastructure Zone along the Blaney to Demondrille railway corridor south of Young currently follows the road corridor and overlaps with Saines Rd, Young, a local road. The amendment intends to bring the western alignment of the SP2 zone, where it overlaps with the local road, into alignment with the railway corridor in order to maintain the integrity of the zone and its objectives.

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## 2.4 Amendment to LEP Clauses

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**Amendment 7: Adopt Clause 5.22 Special Flood Considerations to the Hilltops LEP 2022**

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To adopt Clause 5.22 Special flood considerations from *Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)* into the *Hilltops Local Environmental Plan 2022*.

To include the following land uses as ‘sensitive and hazardous’ development:

- (i) Caravan Parks
  - (ii) Correctional Centres
  - (iii) Early education and care facilities
  - (iv) Emergency services facilities
  - (v) Group homes
  - (vi) Hospitals
  - (vii) Respite day-care centres
  - (viii) Seniors housing
  - (ix) Sewerage systems
  - (x) Tourist and visitor accommodation, and
  - (xi) Water supply systems.
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**Intended Outcomes:**

- Implement the conditions, and uphold the Objectives, of Clause 5.22 Special Flood Provisions, as it appears in the Standard Instrument- Principal LEP.
- To mitigate the impacts of flood events on developments that are considered sensitive or hazardous or that are deemed by Council to be on land that, in the event of flood, may cause increased risk to life, require evacuation of people or other safety concerns.
- To avoid adverse effects on the environment from hazardous developments in the event of a flood.
- To manage risk to life, property and the environment from developments in the floodplain areas during a flood event.

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**Intended Provisions:**

1. To uphold the conditions and objectives of Clause 5.22 Special Flood Considerations, as per the Standard Instrument LEP, namely to;
  - (a) Mitigate the impacts of floods on sensitive or hazardous developments,
  - (b) Mitigate any increased risks to life or safety in a flood event, and
  - (c) Manage risks to property and the environment during flood events.
2. To avoid adverse effects on the environment from a hazardous development within flood areas.
3. Implement the recommendations of the Young, Boorowa, and Harden-Murrumburrah flood studies.

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Council seeks to protect the lives, property and the natural environment of the people and places of our region by adopting Clause 5.22 Special Flood Considerations. In relation to this clause Council requests the inclusion of the above land uses as ‘sensitive and hazardous development’ to be included in the clause, as recommended and supported by the *Boorowa Flood Study, the Town of Young Floodplain Risk Management Study and Plan*, and the *Murrumburrah Floodplain Risk Management Study and Plan*.

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## 2.5 Amendments to Schedule 5 Heritage Items

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**Amendment 8: Update location of Cunninghams Creek Weir in Schedule 5 Environmental Heritage**

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To update the location of Heritage item I6 “Cunninghams Creek Weir” in Schedule 5- Environmental Heritage within the Hilltops LEP 2022, from Lot 77 DP 753590 to Lot 1 DP 940162 and Crown Land Reserve, amend the address to *Cunningham Creek (off Bonoak Rd, Harden)*, and amend the Heritage mapping layer accordingly.

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**Intended Outcomes:**

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- To provide accurate location information for the Heritage item of Cunningham's Creek Weir.
- To ensure accurate provision of 10.7 Planning Certificates for the affected properties.

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#### **Intended Provisions:**

1. The provision of accurate location information of the heritage item within the Hilltops LGA
2. Ensuring accurate mapping information of Heritage Items within the Hilltops LGA
3. Ensure accurate provision of 10.7 Planning Certificates for the affected properties

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The Cunningham Creek Weir has been incorrectly listed in Schedule 5 of the Hilltops LEP 2022 as Lot 77 DP 753590. Council seeks to correct the listing to reflect the true location of the Weir, which is Lot 1 DP 940162 and Crown Land Reserve and amend the address to state Cunningham Creek (off Bonoak Rd, Harden), as per the State Heritage Inventory listing (SHI number 1720284).

#### **Amendment 9: Insert the Wirrimah Community Hall & recreation ground into Schedule 5 Environmental Heritage**

To add the Wirrimah Community Hall & recreation ground, located at 81 Horseferry Rd, Wirrimah Lot 367 DP 754605, to Schedule 5- Environmental Heritage in the Hilltops LEP 2022 and amend the Heritage mapping layer accordingly.

#### **Intended Outcomes:**

- To protect the Wirrimah Community Hall and recreation ground from degradation and harm from future development, and to preserve its historical significance to the area of Wirrimah.
- To preserve the sense of place and community that is garnered from the protection of historical items.
- To provide an accurate representation of the heritage of the Hilltops Region.

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#### **Intended Provisions:**

1. To include the Wirrimah Community Hall and Recreational Ground to Schedule 5 Environmental Heritage of the Hilltops LEP 2022.
2. To afford the property the protection of a Heritage listing under the LEP and take measures to preserve its historical significance.
3. Uphold the recommendation of the Report on the Review of Cultural Heritage of the Hilltops LGA 2019, Appendix A- Proposed Schedule to a New Hilltops Local Environmental Plan to include the Wirrimah Community Hall and Recreation Ground.
4. Ensure accurate mapping information of Heritage Items within the Hilltops LGA

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During the drafting of the Hilltops LEP, The Wirrimah Community Hall and Recreational Ground were proposed to be included in Schedule 5 of the LEP as per Appendix A of the *Report on the Review of Cultural Heritage of the Hilltops LGA 2019*, prepared by Highground Consulting.

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However, upon review of the LEP the heritage item was not included within the drafting to the NSW Parliamentary Counsel for the Hilltops LEP. The housekeeping amendment will rectify this inclusion as the item has been identified as being of local significance and assessed to be listed in Schedule 5 of the Hilltops LEP.

The Heritage Report provides the following statement of significance for Wirrimah Hall and Recreation Ground:

*“Wirrimah Hall and recreation ground have local historical significance as elements of Wirrimah Soldier Settlement Scheme. The hall has particular associations with the development of the scheme, having served for at least 10 years as the government supply store for Wirrimah Soldier Settlers. The place has local historical and social significance, rarity and representativeness. It has a moderate level of integrity.”*

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**Amendment 10: Remove ‘Murrumburrah-Harden District Hospital and Nurses’ Quarters’ from Schedule 5 Environmental Heritage**

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To remove item I110 “Murrumburrah-Harden District Hospital and Nurses’ Quarters” from Schedule 5- Environmental Heritage in the Hilltops LEP 2022 and amend the Heritage mapping layer accordingly.

**Intended Outcomes:**

- To update the Environmental Heritage register to reflect that the Murrumburrah-Harden District Hospital and Nurses’ Quarters have been demolished, as a part of State Significant Development, and are no longer an item.
- To update the Heritage Map to reflect lot 22 DP 1225242 is no longer a heritage item.
- To ensure accurate provision of 10.7 Planning Certificates for the affected properties.

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**Intended Provisions:**

1. To ensure the Environmental Heritage register accurately reflects that the Murrumburrah-Harden District Hospital and Nurses’ Quarters are no longer an item.
2. To ensure accurate provision of 10.7 Planning Certificates for the affected properties.
3. Ensure accurate mapping information of Heritage Items within the hilltops LGA

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The Harden-Murrumburrah Health Service underwent a 5-stage redevelopment, announced by the NSW Government in 2014, and was funded under the Multipurpose Service Program to provide health and aged care services for small and remote rural communities. The project was a State Significant Development. At the conclusion of the redevelopment the existing buildings were deemed redundant and were subsequently demolished.

Council wishes to reflect this change in the Heritage Schedule to ensure up to date Heritage information is provided and maintained.

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**Amendment 11: Update the location of ‘Preston Terrace’ in Schedule 5 Environmental Heritage**

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To amend the location of Heritage item I23 “Preston Terrace” in Schedule 5- Environmental Heritage in the Hilltops LEP 2022 to Lot D DP 23519, 33 Brial St Boorowa and amend the Heritage mapping layer accordingly.

**Intended Outcomes:**

- To update the Environmental Heritage register to reflect the correct location of Heritage Item I23 ‘Preston Terrace’.
- To ensure accurate provision of 10.7 Planning Certificates for the affected properties.

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**Intended Provisions:**

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1. To ensure the Environmental Heritage register accurately reflects the correct location of Heritage Item I23 ‘Preston Terrace’.
2. To ensure accurate provision of 10.7 Planning Certificates for the affected properties.
3. Ensure accurate mapping information of Heritage Items within the hilltops LGA

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The local heritage item ‘Preston Terrace’ was incorrectly identified in the Hilltops LEP 2022 as being located at 78 Brial St, Boorowa Lot 12 Sec 43 DP 758139. Reviewing the documentation has shown a thread of the addressing error where the *Boorowa Community Heritage Study 2015* notes the address as both 33 Brial Street (noted in the Statement of Heritage Significance) and 35-43 Court Street (in the Schedule) with an incorrect lot and DP. An edit to correct the address to match the lot and DP resulted in the incorrect addressing of 78 Court St Boorowa in the LEP. Council’s Heritage Advisor Ray Christison, of Highground Consulting, who researched and authored the study, attended the site on 8 May 2024 and confirmed the location to be 33 Brial St, Boorowa Lot D DP 23519.

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**Amendment 12: Remove ‘Tennis Club Rooms’ from Schedule 5 Environmental Heritage**

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To remove item I261 “Tennis Club Rooms” in Schedule 5- Environmental Heritage in the Hilltops LEP 2022. Item I261 fell into disrepair and an approved Masterplan to redevelop the site in 2018 produced a structural report for the item recommending the removal. Amend the Heritage mapping layer accordingly.

**Intended Outcomes:**

- To update the Environmental Heritage register to reflect that Item I261 “Tennis Club Rooms’ have been demolished and are no longer an item.
  - To update the Heritage Map to reflect lots 1, 3 and 4 DP 455259 are no longer a heritage item.
  - To ensure accurate provision of 10.7 Planning Certificates for the affected properties.
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**Intended Provisions:**

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1. To ensure the Environmental Heritage register accurately reflects that Item I261 “Tennis Club Rooms’ are no longer an item.
  2. To ensure accurate provision of 10.7 Planning Certificates for the affected properties.
  3. Ensure accurate mapping information of Heritage Items within the Hilltops LGA
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The Young Tennis Club Rooms fell into disrepair and an approved Masterplan to redevelop the site in 2018 produced a structural report for the item recommending the removal. The tennis club rooms, located at 5 Lachlan St, Young (Lots 1, 3 and 4 of DP 455259) have since been demolished.

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## PART 3- JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Justification for the proposed amendments to the Hilltops Local Environmental Plan 2022, as per **Table 1**, are presented as responses to the questions posed in the *Local Environmental Plan Making Guideline* issued by the Department of Planning and Environment in August 2023.

This Housekeeping Amendment is to correct administrative errors, anomalies, and minor issues in the Hilltops Local Environmental Plan 2022.

### SECTION A- NEED FOR THE PLANNING PROPOSAL

#### **1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

Yes. This Planning Proposal is made in line with **Clause 3.21 of the Environmental Planning and Assessment Act 1979** which states:

##### **3.21 Review of environmental planning instruments**

*(1) The Planning Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible.*

*(2) Every 5 years following such a review, the Planning Secretary is to determine whether relevant State environmental planning policies should be updated and a council is to determine whether relevant local environmental plans should be updated.*

Amendments 7, 8, 9 and 11 of this Planning Proposal are the result of local flood studies and heritage reports.

#### **Clause 5.22 Special Flood Considerations**

Where Council seeks to introduce Clause 5.22 Special Flood Considerations, it is in response to the recommendations of the flood studies for Young, Boorowa and Harden-Murrumburrah, as follows.

#### **Young Floodplain Risk Management Study and Plan, Appendix D recommended:**

##### **D4.3 Flood Provisions of Young LEP 2010**

*Clause 6.6 of the LEP entitled "Flood Planning" outlines its objectives in regard to development of flood prone land. It is similar to the standard Flood Planning Clause*



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*used in recently adopted LEPs in other NSW country centres and is reproduced below:*

*“(1) The objectives of this clause are as follows:*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

*(2) This clause applies to land that is at or below the flood planning level.*

*(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

### **Murrumburrah Floodplain Risk Management Study and Plan, 5.5.7 recommended:**

*It is recommended that the LEP be based on the standard instrument clause, but with an additional provision to allow Council to identify land subject to flood planning controls based on available Flood Study information or risk considerations. For example, the Gosford LEP has a typical Flood Planning clause (7.2) applying to land below the “Flood Planning Area,” defined as the 1% AEP flood level plus 0.5m freeboard, but contains an additional clause as follows to address evacuation and emergency response (i.e. risks to life) up to the PMF. An example clause is provided below.*

#### **7.3 Floodplain risk management**

*(1) The objectives of this clause are as follows—*

- (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

*(2) This clause applies to land between the flood planning level and the level of a probable maximum flood,*

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*(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—*

- (a) caravan parks,*
- (b) correctional facilities,*
- (c) emergency services facilities,*
- (d) group homes,*
- (e) hospitals,*
- (f) residential care facilities,*
- (g) tourist and visitor accommodation,*
- (h) critical community infrastructure.*

*(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*

**Boorowa Floodplain Risk Management Study and Plan, 3.5.1.2 recommends:**

*It is also recommended that a new floodplain risk management clause be added to Boorowa LEP 2012 as follows:*

***Floodplain risk management***

*(1) The objectives of this clause are as follows:*

- (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

*(2) This clause applies to land which lies between the flood planning level and the level of the probable maximum flood, but does not apply to land at or below the flood planning level.*

*(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:*

- (a) caravan parks,*
  - (b) centre-based child care facilities,*
  - (c) correctional centres,*
  - (d) emergency services facilities,*
  - (e) group homes,*
  - (f) hospitals,*
  - (g) residential care facilities,*
  - (h) respite day care centres,*
  - (i) tourist and visitor accommodation.*
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*(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual, unless it is otherwise defined in this Plan.*

### **Amendments to the Schedule 5 – Environmental Heritage**

Amendments to the Schedule 5 – Environmental Heritage to correct the addressing or add an item are in response to discrepancies between the Harden Heritage Inventory, the Report on the Review of Cultural Heritage of the Hilltops LGA, and the gazetted Schedule 5 of the LEP. Amendments 10 and 12 to remove heritage items are in response to their being demolished as part of a State Significant Development (Amendment 10), and in response to a structural report recommending removal due to poor condition (Amendment 12).

### **Land Use Zones**

Amendment 1 to 6 of the Planning Proposal are intended to maintain the objectives of their respective Land Use Zones as per the Hilltops LEP 2022.

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

Yes. This Planning Proposal is to make Housekeeping Amendments to the current Hilltops Local Environmental Plan 2022, and as such a Planning Proposal is the only way to achieve this outcome, as per the Environmental Planning and Assessment Act 1979.

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## **SECTION B- RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK**

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#### **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)?**

Yes. This Planning Proposal will give effect to the objectives and actions of the applicable regional plans being the Southeast and Tablelands Regional Plan 2036 and draft Southeast and Tablelands Regional Plan 2041 as outlined in **Appendix 1**.

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#### **4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

Yes, this Planning Proposal is in line with the endorsed Hilltops LSPS 2040, and the Hilltops Heritage Strategy 2022-2025, and seeks to uphold their objectives and actions where applicable.

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Adoption of Clause 5.22 meets identified goals in the **Hilltops LSPS- Environment Land Use and Infrastructure:**

- Objective 4: Risks from natural hazards are reduced through adaptive planning and building responses.
- Priority 3: Reduce the risk from natural hazards, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperature, reduced and more variable rainfall, severe winds and severe storms and hail.
- Action 1: Review planning controls for flood planning for new developments and review benchmarks against best available data.
- Action 5: Vulnerability to the impacts of flooding, bushfires, and severe storms and winds are minimised.
- Action 6: Development is avoided where it's location or form may unreasonably increase flood risk elsewhere.

Maintaining zone integrity aligns with the following objectives of the **Hilltops LSPS:**

**Residential Town Lots-**

- Objective 1: Provide and protect a high-quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.
- Objective 2: Residential uses dominate with other uses limited to ancillary low impact activities which add to the liveability of the neighbourhood.

Amendments to heritage details in Schedule 5 of the LEP align with the **Hilltops Heritage Strategy 2022-2025, 2.1- Increased knowledge and proactive management of heritage.**

With the aim to:

"Identify and appropriately record the cultural heritage of the Hilltops Local Government Area."

Actions:

- a) **Implement the recommendations of the Hilltops Heritage Study, including updating of Heritage databases, and**
- c) **Continue the ongoing of recording and assessment of heritage items in the region.**

And, **1.6- Council proactively conserves and manages its heritage assets.** With the aim to:

*"Ensure that Council is seen to be taking leadership in the responsible management of the community's heritage assets."*

---

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

Yes. This Planning Proposal is consistent with the following applicable State and Regional studies and strategies:

**Flood Risk Management Manual:** this proposal is consistent with the Flood Risk Management Manual, particularly Principle 9- Manage flood risk effectively, and Principle 10- Continually improve the management of flood risk, by implementing Clause 5.22 in the Hilltops LEP.

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**NSW State Infrastructure Strategy 2022-2042:** this proposal is consistent with the objectives of the *NSW State Infrastructure Strategy (SIS)*, namely to Integrate infrastructure, land use and service planning, by ensuring capacity for appropriate land uses in the existing and planned industrial and residential zones are maintained and not hindered by incompatible land uses, leading to increased demand on local infrastructure and transport networks, and land use conflicts.

**Housing 2041- NSW Housing Strategy:** this proposal is consistent with the aspirations of *Housing 2041* by ensuring appropriate land uses and developments are undertaken in appropriate land use zones, to ensure adequate, affordable and well serviced housing is available now and into the future.

#### **6. Is the planning proposal consistent with applicable SEPPs?**

Yes. The amendments in this Planning Proposal are consistent with the applicable SEPPs. The planning proposal includes a review of all State Environmental Planning Policies to ensure where applicable that the proposal is consistent with the applicable SEPPs. See **Appendix 2** for full list of SEPPs and assessment. Summary of relevant SEPPs is outlined below:

- Biodiversity and Conservation SEPP 2021
- Housing SEPP 2021
- Planning Systems SEPP 2021
- Transport and Infrastructure SEPP 2021
- Resilience and Hazards SEPP 2021
- Primary Production SEPP 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

#### **7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

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

Summary of Section 9.1 Ministerial Directions consideration

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

- 1.1 Implementation of Regional Plans
- 1.3 Approval and Referral Requirements
- 3.2 Heritage Conservation
- 3.5 Recreation Vehicle Areas
- 4.1 Flooding
- 6.1 Residential Zones
- 7.1 Business and Industrial Zones
- 9.2 Rural Lands

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

<b>Ministerial Directions under Section 9.1 of the EP&amp;A Act</b>	
<b>Focus Area 1: Planning Systems</b>	
<b>1.1 Implementation of Regional Plans</b>	
<p>Consistent.</p> <p>This Planning Proposal has considered the Southeast and Tablelands Regional Plan 2036 as follows;</p> <p><b>Direction 16:</b> Protect the coast and increase resilience to natural hazards.</p> <p style="padding-left: 40px;">The Planning Proposal meets aims and objectives of Direction by adopting Clause 5.22 in order to mitigate risks to life, property and the environment during flood events.</p> <p><b>Direction 23:</b> Protect the region’s heritage.</p> <p style="padding-left: 40px;">Action 23.3- Conserve heritage assets during local strategic planning and development.</p> <p style="padding-left: 40px;">Action 23.4- Provide resources for heritage advice to inform planning processes.</p> <p style="padding-left: 40px;">Action 23.5- Acknowledge cultural heritage assets where appropriate and consider how these assets can add value to a development.</p> <p>The Planning Proposal meets aims and objectives of Direction by updating and amending items in Schedule 5 Environmental Heritage.</p>	
<b>1.3 Approval and referral requirements</b>	
<p>Consistent.</p> <p>This Planning Proposal is minor in nature and does not create scenarios which increase the requirement to seek concurrence, consultation or referral from a Minister or Public Authority, does not contain provisions which require such, or identify any development as designated.</p>	
<b>Focus area 3: Biodiversity and Conservation</b>	
<b>3.2 Heritage Conservation</b>	
<p>Consistent.</p> <p>Addresses 1 (a) of the Ministerial Direction.</p> <p>Hilltops Council has identified a number of items from the Hilltops Heritage Strategy 2022-2025 that have been demolished or incorrectly identified and this proposal seeks to rectify this.</p> <p>This Planning Proposal considers the Hilltops Heritage Strategy 2022-2025 as follows;</p> <p style="padding-left: 40px;">2.1- Increased knowledge and proactive management of heritage. With the aim to: “Identify and appropriately record the cultural heritage of the Hilltops Local Government Area.”</p> <p style="padding-left: 40px;">Actions:</p> <ul style="list-style-type: none"> <li>b) Implement the recommendations of the Hilltops Heritage Study, including updating of Heritage databases, and</li> <li>d) Continue the ongoing of recording and assessment of heritage items in the region.</li> </ul> <p>And,</p>	

1.6- Council proactively conserves and manages its heritage assets. With the aim to: *“Ensure that Council is seen to be taking leadership in the responsible management of the community’s heritage assets.”*

Maintaining zone integrity aligns with the following objectives of the Hilltops LSPS:  
Residential Town Lots-

- Objective 1: Provide and protect a high-quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.
- Objective 2: Residential uses dominate with other uses limited to ancillary low impact activities which add to the liveability of the neighbourhood.

The Planning Proposal meets aims and objectives of Direction by updating and amending items in Schedule 5 Environmental Heritage.

#### **Focus area 4: Resilience and Hazards**

##### **4.1 Flooding**

Consistent.

By adopting Clause 5.22 Special Flood Considerations this planning proposal is giving effect to, and is consistent with, the NSW Flood Prone Land Policy, the principals of the Floodplain Development Manual, the Considering Flooding in Land Use guideline and the following local studies:

1. Boorowa Flood Study
2. Town of Young Floodplain Risk Management Study and Plan, and
3. Murrumburrah Floodplain Risk Management Study and Plan

The Planning Proposal meets aims and objectives of Direction by adopting Clause 5.22

#### **Focus area 6: Housing**

##### **6.1 Residential Zones**

Consistent.

By amending the land use table in R1 General Residential zones to prohibit development under the group term shops, but allowing the sub-category neighbourhood shops, Council aims to protect available housing stock from undesirable retail development that would detract from available residential accommodation and the amenity of the neighbourhood. Therefore, minimising the desire to develop housing on the urban fringes where services are less available or too costly to connect to, and encouraging retail developments in the mixed use and general industrial zones

The Planning Proposal meets aims and objectives of Direction by correcting land use permissibility in the R1 General Residential zone.

#### **Focus area 7: Industry and Employment**

##### **7.1 Employment Zones**

Consistent.

This planning proposal encourages the right employment land uses in the suitable locations and zones.

The Planning Proposal meets aims and objectives of Direction by correcting land use permissibility in the E4 and E3 zones.

<b>Focus area 9: Primary Production</b>
<b>9.2 Rural Lands</b>
This housekeeping amendment is of minor significance and involves the rezoning of a local road to RU4 land in line with the land adjacent to the road. As an existing local road the land is not available for farming, or at risk of fragmenting existing farms or causing a land use conflict.

## SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

<b>8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</b>	This Planning Proposal does not impose any threat or adverse effects on any critical habitat or threatened species, populations or ecological communities, or their habitats.
<b>9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</b>	There are no likely environmental effects from this Planning Proposal.
<b>10. Has the planning proposal adequately addressed any social and economic effects?</b>	The proposed minor amendments to the land use tables in the Hilltops LEP 2022 are in line with the original intentions for the affected land use zones and are proposed in order to uphold the integrity and objectives of the subject zones. By removing permissibility of incompatible land uses in the R1, E3 and E4 zones Council seeks to maintain the residential and commercial amenity, minimise land use conflicts and continue to provide adequate housing and commercial opportunities for current and future residents. By providing accurate heritage data, and acknowledgement of heritage items within the Hilltops LGA Council seeks to encourage the sense of community, connectedness to place and sense of wellbeing afforded by protecting and recognising our local heritage items.

## SECTION D- INFRASTRUCTURE (LOCAL, STATE, COMMONWEALTH)

<b>11. Is there adequate public infrastructure for the planning proposal?</b>	The items in this Planning Proposal do not pose to have any impact on public infrastructure. Where this housekeeping amendment corrects the SP2 Infrastructure zone along the rail corridor, it does not
-------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



	impact the function, but accurately reflects the location and land use.
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SECTION E- STATE AND COMMONWEALTH INTERESTS

<b>12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</b>	<p>This Planning Proposal is for a housekeeping amendment to the Hilltops LEP 2022 and does not require consultation with State or Federal government agencies to inform the Gateway determination.</p> <p>Hilltops Council will consult with State agencies, or others, as per the Gateway Determination and be updated accordingly Post Exhibition if submissions are received</p>
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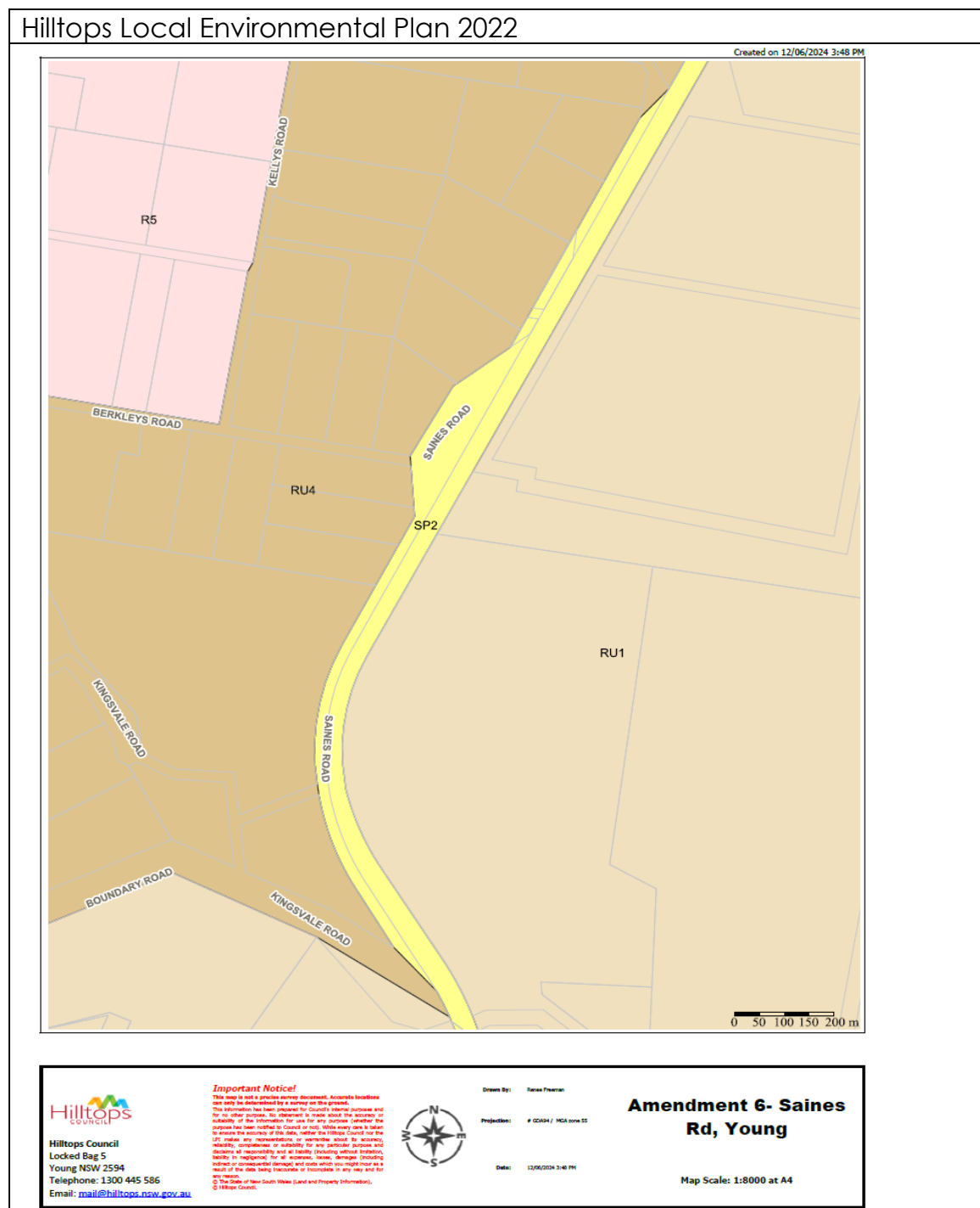
## PART 4- MAPS

Maps will be provided and publicly exhibited as required. Mapping amendments relate to:

- Land Use Zoning Map – SP2 Zone
- Heritage Mapping

Maps will be prepared in consistency with the Department of Planning, Housing and Industry, relevant guidelines and, if required, in consultation with the Department's GIS unit.

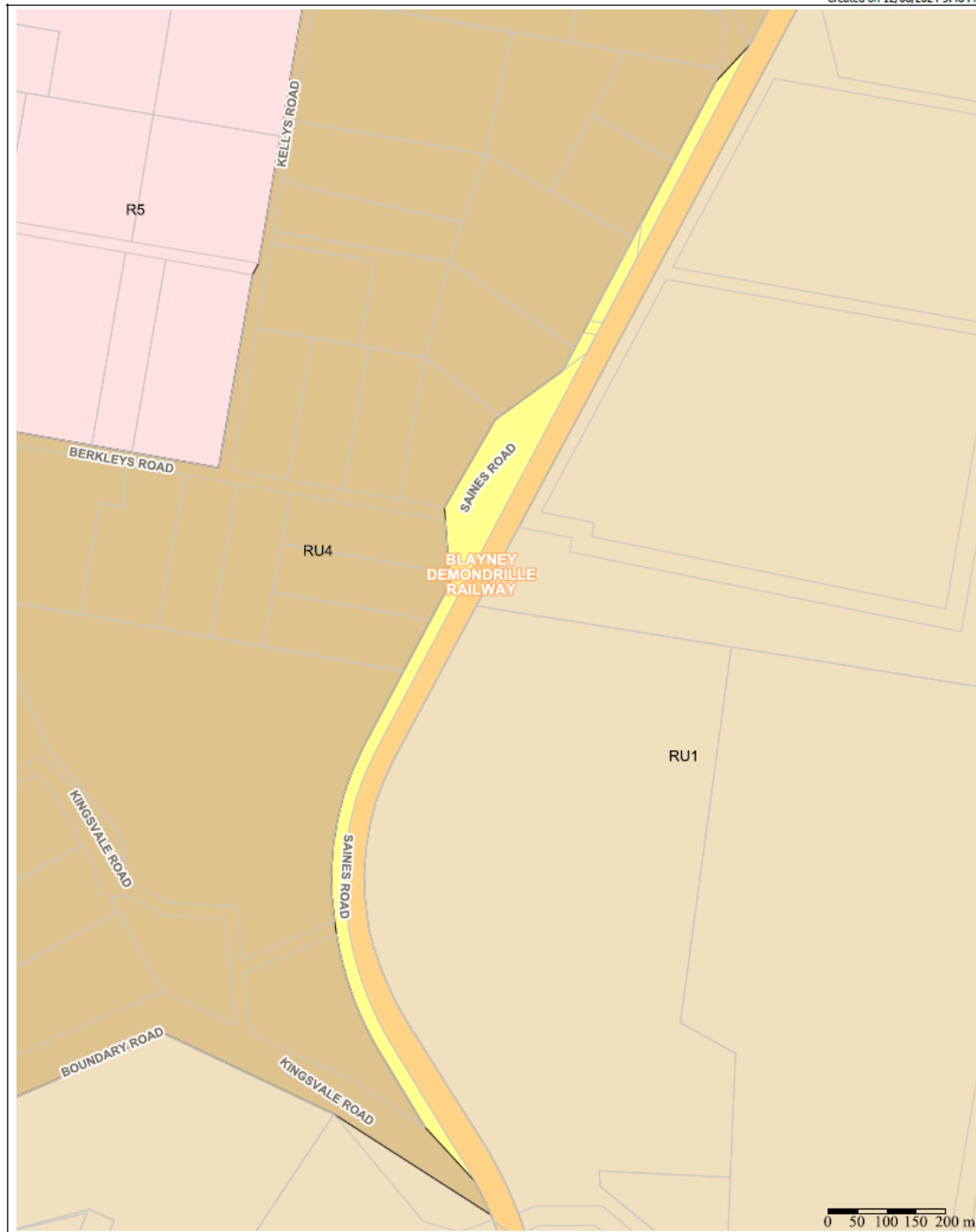
### Map 1.1- Amendment 6 Saines Rd, Young (current SP2 Infrastructure Zone)



**Map 1.2- Amendment 6 Saines Rd, Young (showing rail corridor and SP2 zone overlap)**

Hilltops Local Environmental Plan 2022

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Projection: # GDA94 / MGA zone 55

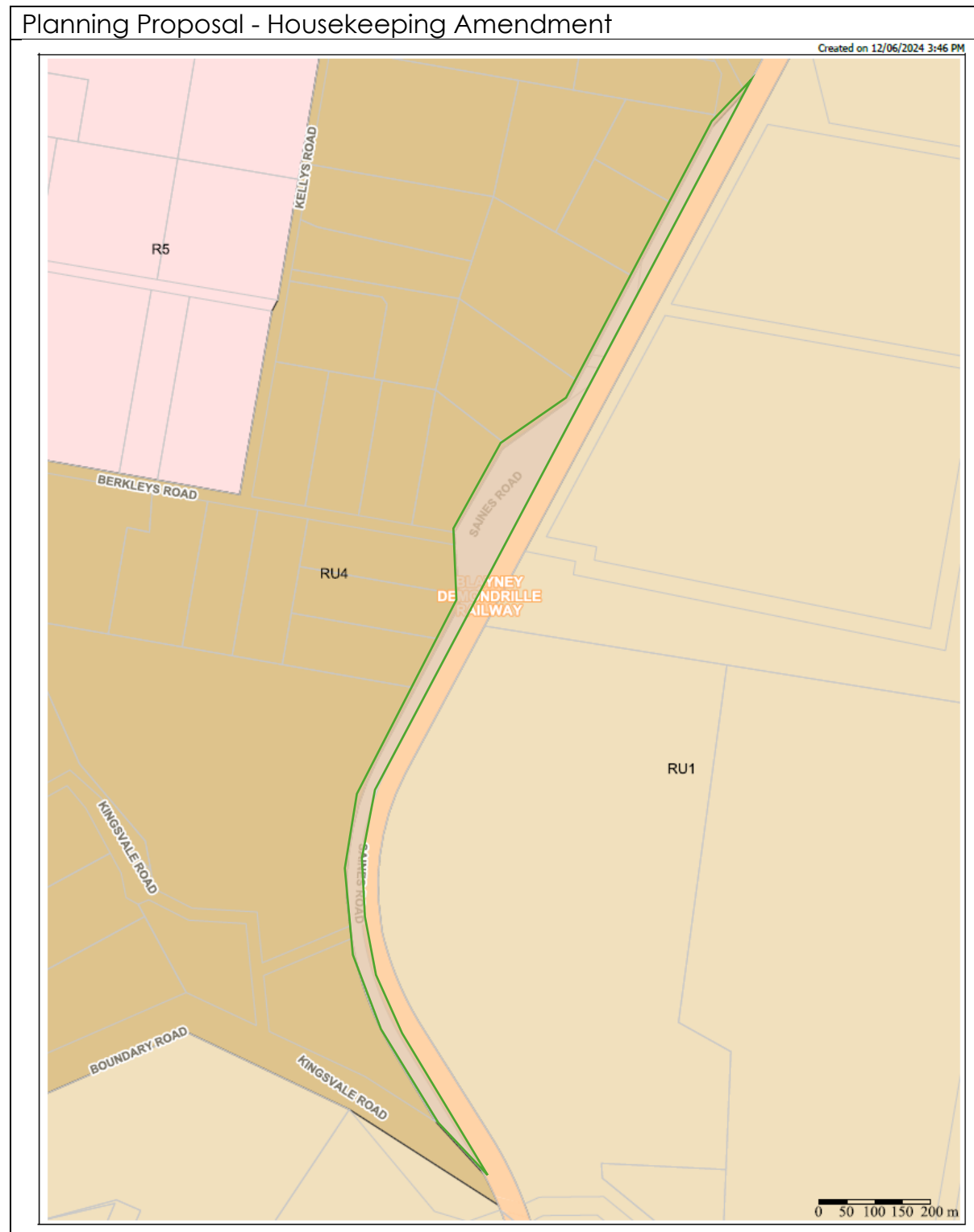
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**Amendment 6- Saines Rd, Young**

Map Scale: 1:8000 at A4

**Map 1.3- Amendment 6 Saines Rd, Young (Proposed area to rezone as RU4)**

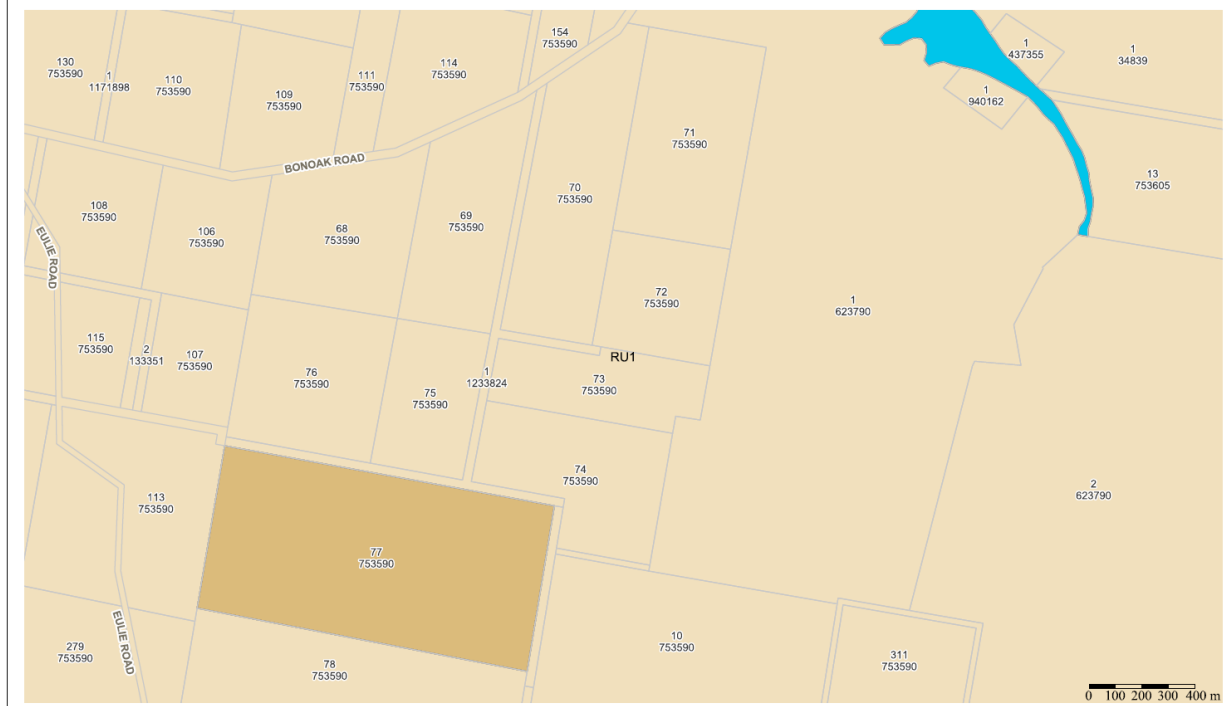
Planning Proposal - Housekeeping Amendment



## Map 2.1- Amendment 8 Cunningham Creek Weir (incorrect location)

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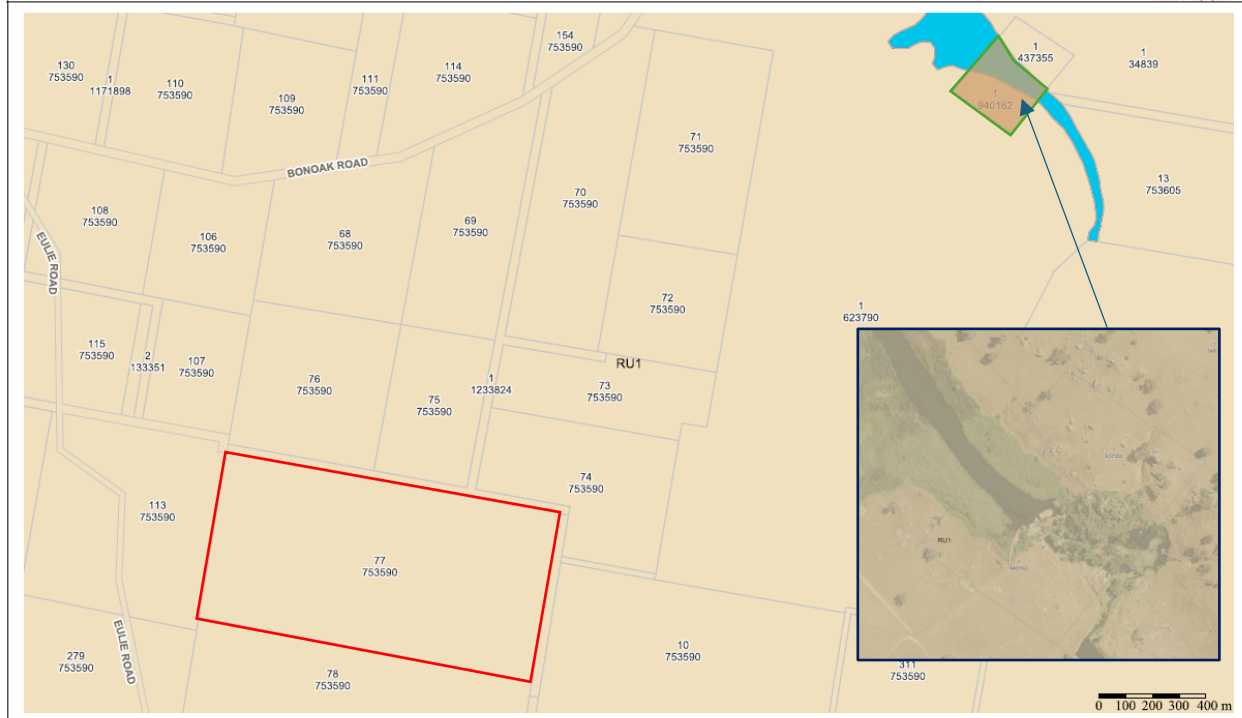
#### Amendment 8- Cunningham Creek Weir

Map Scale: 1:15000 at A4

## Map 2.2- Amendment 8 Cunningham Creek Weir (correct location)

### Planning Proposal - Housekeeping Amendment

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### Amendment 8- Cunningham Creek Weir

Map Scale: 1:15000 at A4

### Map 3.1- Amendment 9 Wirrimah Community Hall and Recreation Ground

#### Hilltops Local Environmental Plan 2022



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#### Amendment 9- Wirrimah Community Hall and Rec Ground

Map Scale: 1:1500 at A4

## Map 3.2- Amendment 9 Wirrimah Community Hall and Recreation Ground

### Planning Proposal - Housekeeping Amendment



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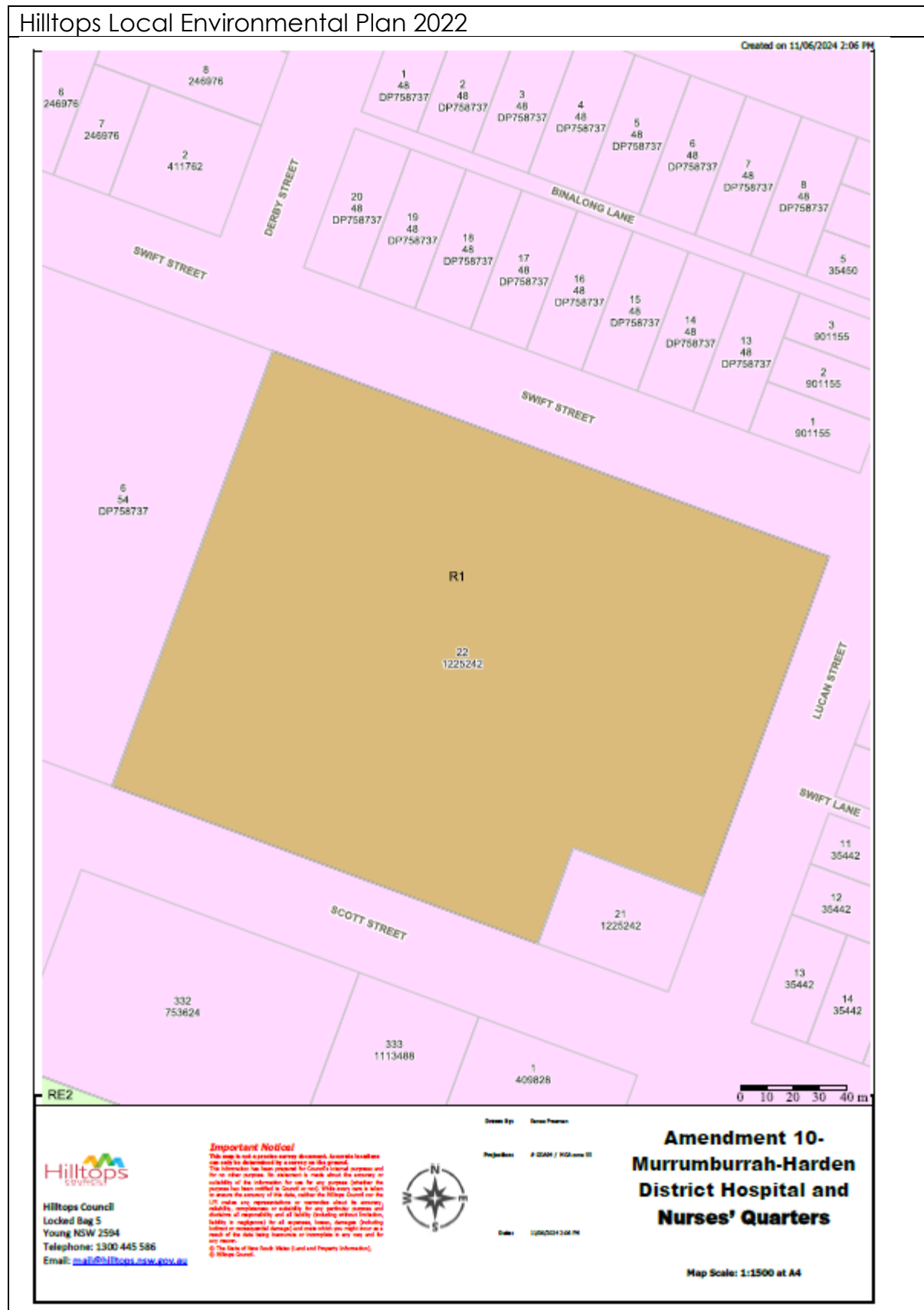
### Amendment 9- Wirrimah Community Hall and Rec Ground

Map Scale: 1:1500 at A4



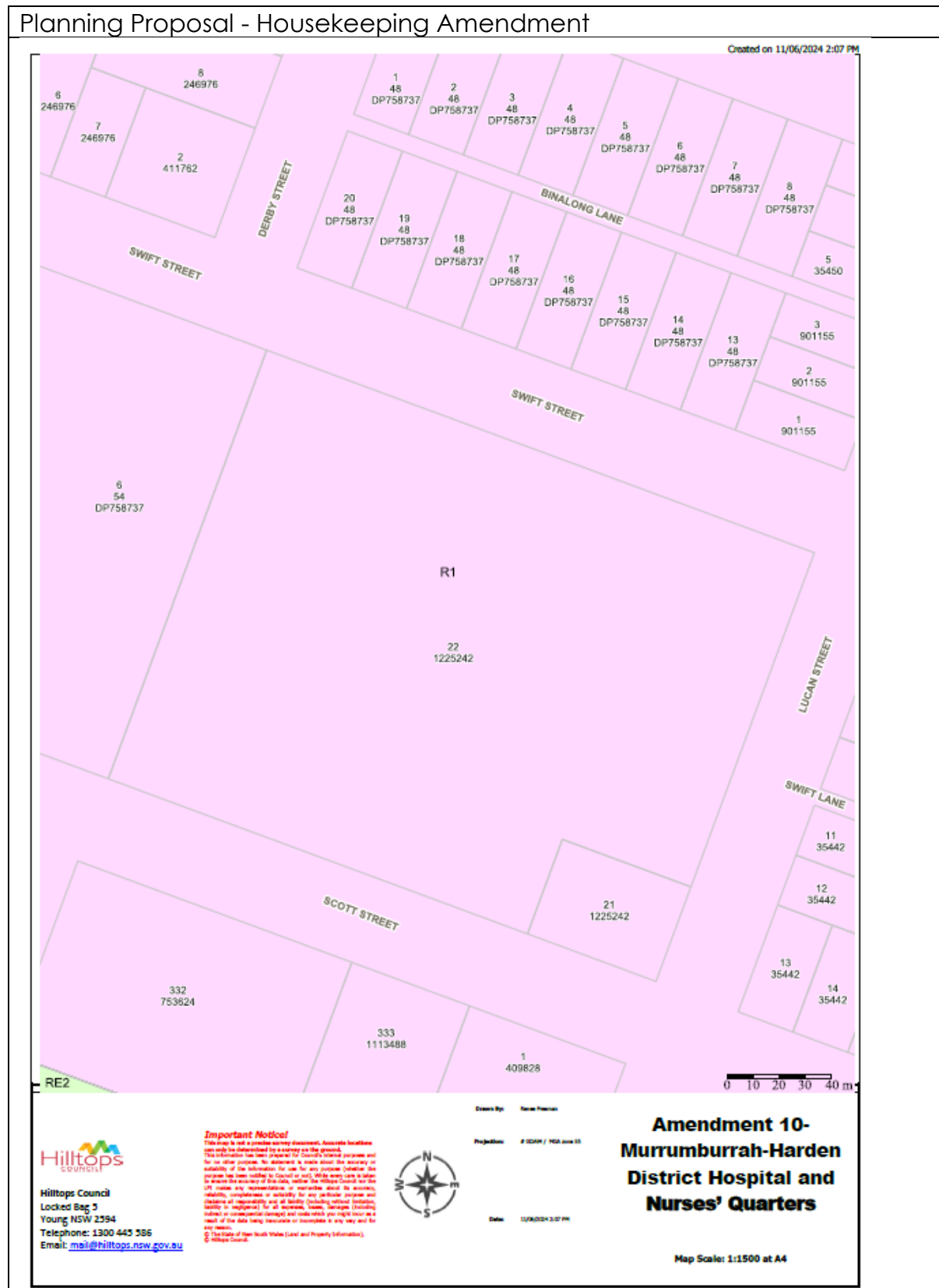
**Map 4.1- Amendment 10 Murrumburrah-Harden District Hospital and Nurses Quarters**

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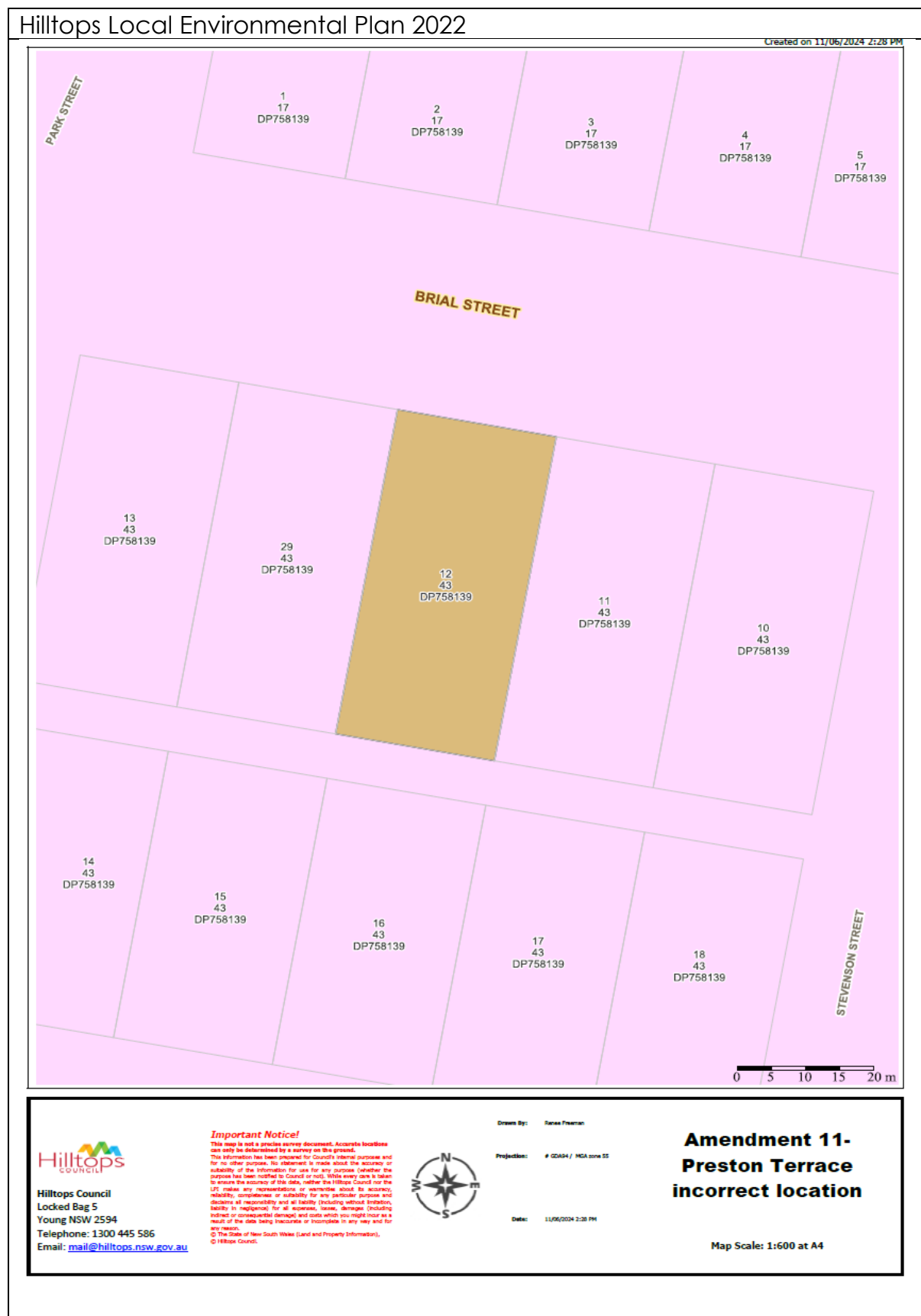


## Map 4.2- Amendment 10 Murrumburrah-Harden District Hospital and Nurses Quarters

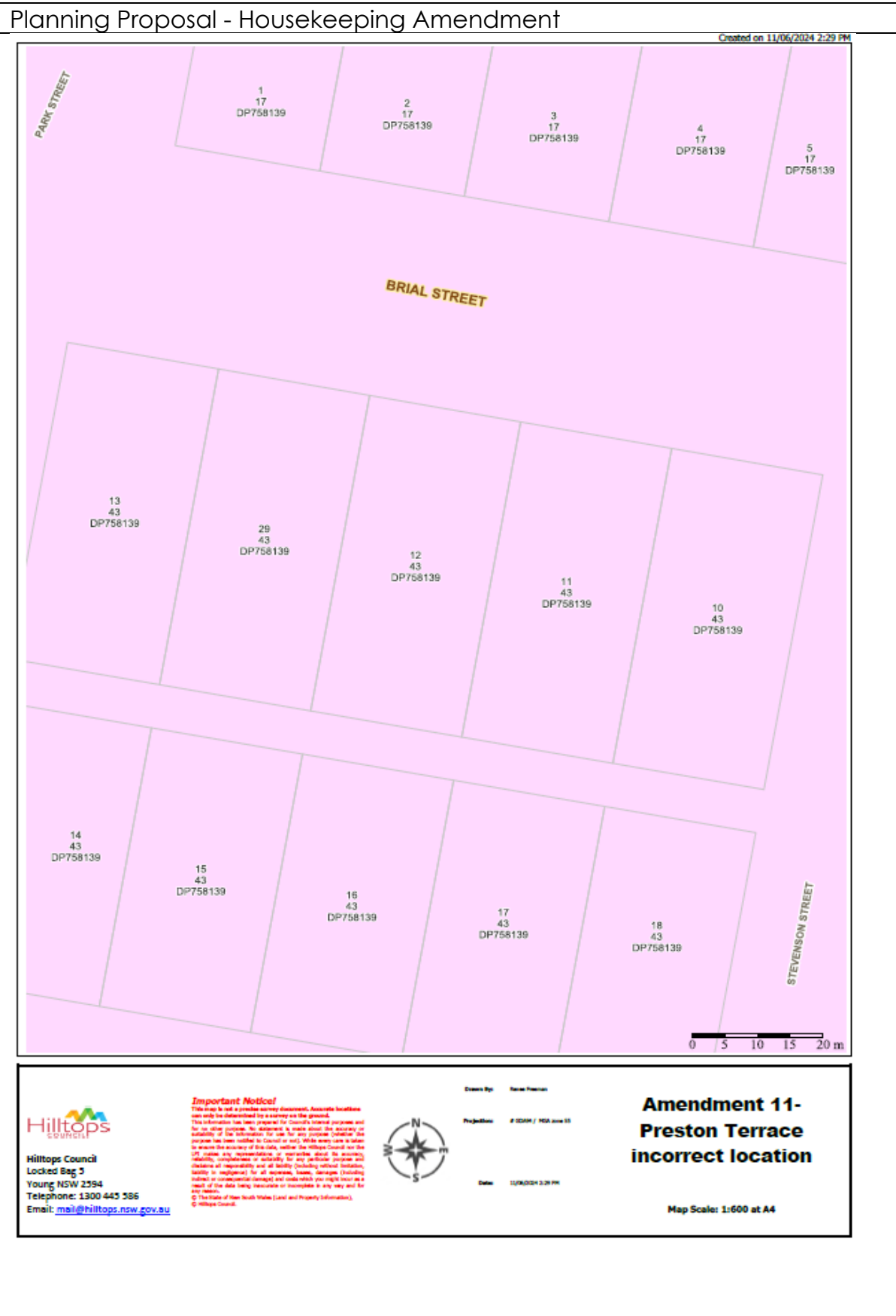
### Planning Proposal - Housekeeping Amendment



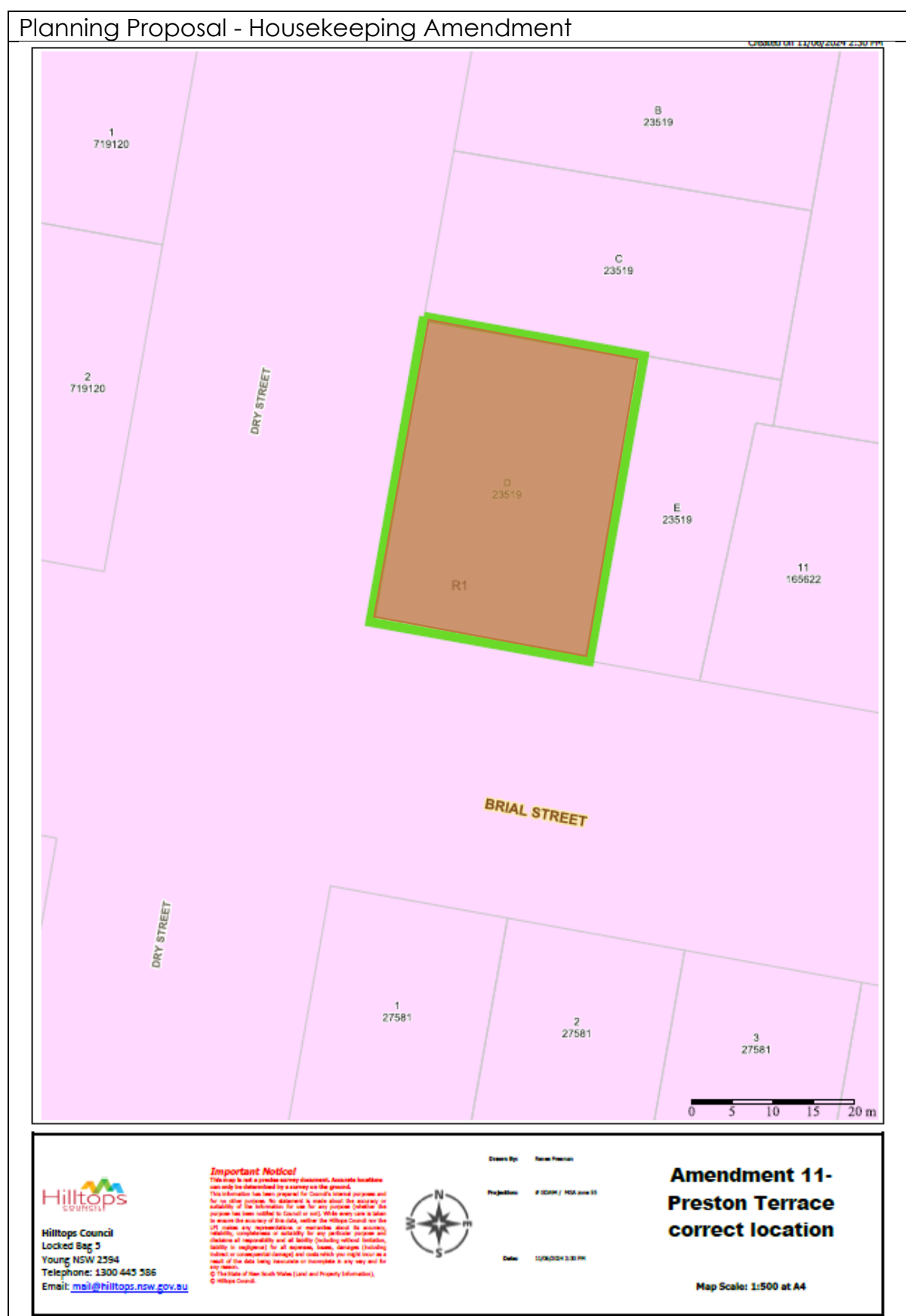
**Map 5.1- Amendment 11 Preston Terrace, Boorowa (incorrect location)**



**Map 5.2- Amendment 11 Preston Terrace, Boorowa (incorrect location)**

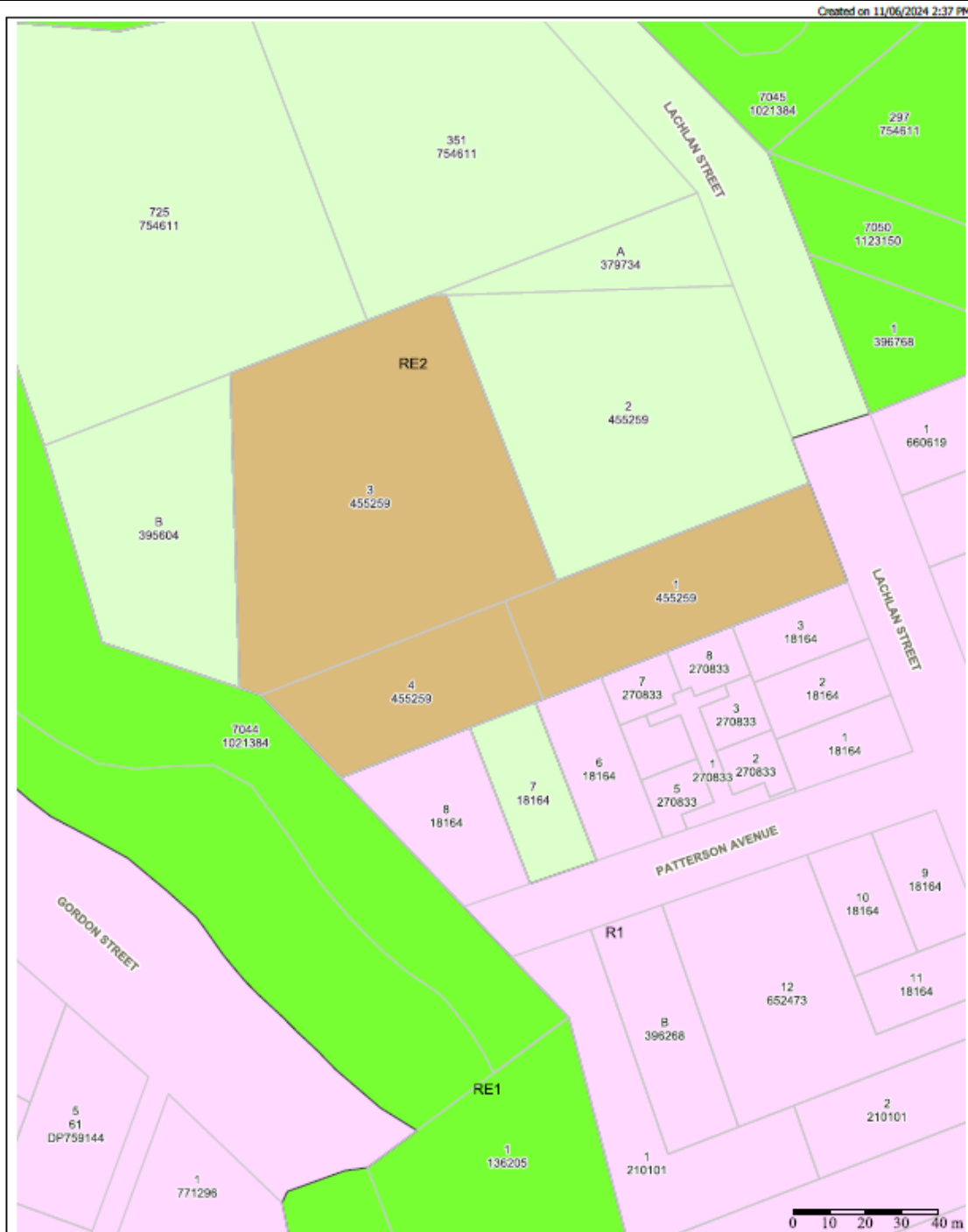


**Map 5.3- Amendment 11 Preston Terrace, Boorowa (correct location)**



## Map 6.1- Amendment 12 Tennis Club Rooms, Young

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### Amendment 12- Young Tennis Club Rooms

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## Map 6.2- Amendment 12 Tennis Club Rooms, Young

### Planning Proposal - Housekeeping Amendment



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### Amendment 12- Young Tennis Club Rooms

Map Scale: 1:1250 at A4

## PART 5- COMMUNITY CONSULTATION

This Planning Proposal has been prepared in consultation with Council's Statutory Planning Team, the Director of Planning and Executive team, Hilltops Council General Manager, and Hilltops Councillors prior to submission to the Department for Gateway Determination.

The draft Planning Proposal is intended to be on public exhibition for a minimum period of 28 days as per Hilltops Council's Community Participation Plan and as specified within the Gateway Determination.

Community consultation and Agency consultation will be undertaken in accordance with relevant sections of the Act and Regulations. The Gateway Determination will confirm the extent and nature of community consultation to be undertaken for the purposes of this proposal.

Where amendments relate to specific properties, those landowners will be notified directly.

It should be noted that Council is seeking authorisation to exercise its delegation of local plan-making authority under *Section 3.36 of the Environmental Planning and Assessment Act 1979*, as this planning proposal is considered to be a local, minor matter.



## PART 6- PROJECT TIMELINE

### Indicative Project Timeline

Stage	Timeframe and/or Date
Consideration by Council	12 June 2024
Council Decision	26 June 2024
Gateway Determination	<i>Dependant on Department of Planning, Housing and Industry:</i> July/August 2024
Pre-exhibition	To confirmed by Gateway Determination
Commencement and completion of public exhibition period	TBD by Gateway Determination
Consideration of submissions	TBD by Gateway Determination
Post-exhibition review and additional studies	TBD by Gateway Determination
Submission to the Department for finalisation (where applicable)	TBD by Gateway Determination
Gazettal of LEP amendment	To be confirmed:12 months from Gateway Determination July/August 2025

## Appendix 1 Relevant goals and directions of Southeast and Tablelands Regional Plan 2036 / draft Southeast and Tablelands Regional Plan 2041

Southeast and Tablelands Regional Plan 2036:	
Direction 16: <b>Protect the coast and increase resilience to natural hazards.</b>	<p><b>Action 16.2-</b> Implement the requirements of the NSW Floodplain Development Manual by developing, updating or implementing flood studies and floodplain risk management plans.</p> <p><b>Action 16.4-</b> Incorporate the best available hazard information in local environmental plans consistent with current flood studies, flood planning levels, modelling, floodplain risk management plans and coastal zone management plans.</p> <p><b>Action 16.6-</b> Manage risks associated with future urban growth in flood-prone areas as well as risks to existing communities.</p> <p>Planning Proposal meets aims and objectives of Direction by adopting Clause 5.22</p>
Direction 23: <b>Protect the region's heritage.</b>	<p><b>Action 23.3-</b> Conserve heritage assets during local strategic planning and development.</p> <p><b>Action 23.4-</b> Provide resources for heritage advice to inform planning processes.</p> <p><b>Action 23.5-</b> Acknowledge cultural heritage assets where appropriate and consider how these assets can add value to a development.</p> <p>Planning Proposal meets aims and objectives of Direction by updating and amending Schedule 5 Environmental Heritage.</p>
Draft South East and Tablelands Regional Plan 2041:	
Theme 1 Recognising Country, people, and place	
Objective 4: <b>Preserve the heritage and character of the region's towns and villages</b>	Strategy 4.1 Strategic planning and local plans are to provide opportunities to protect, acknowledge, celebrate and enhance

	<p>Aboriginal and non-Aboriginal cultural heritage values by:</p> <ul style="list-style-type: none"> <li>• undertaking heritage studies early to inform conservation and value add opportunities</li> <li>• adaptively re-using heritage items and interpretation to create distinctive local places</li> <li>• managing and monitoring the cumulative impact of development on the heritage values and character of places, including the rural landscape and character separating the region's towns and villages</li> </ul> <p>Planning Proposal meets aims and objectives of Theme by updating and amending Schedule 5 Environmental Heritage.</p>
<b>Theme 2 Enhancing sustainable and resilient environments</b>	
<p><b>OBJECTIVE 7: Build resilient places and communities</b></p>	<p><b>Strategy 7.2 Strategic planning and local plans are to:</b></p> <ul style="list-style-type: none"> <li>• support councils to review the best available flood information, identify gaps and establish prioritised forward programs to prepare or update floodplain risk management plans to manage existing and future risks, including in areas identified for growth prior to new planning proposals being developed that include flood prone land</li> <li>• locate new development, including new urban release areas, urban densification or hazardous industries, away from hazard prone areas such as high bushfire, flood, landslide, coastal erosion, coastal and tidal inundation risk locations, contaminated land, and designated waterways to reduce the community's exposure to natural hazards, taking into account the impacts of climate change on the scale, frequency and severity of future natural</li> </ul>

disasters and the risks posed by natural hazards

- ensure development takes into account the impacts of climate change and sea level rise projections on the scale, frequency and severity of natural disasters, to mitigate risk and improve resilience

Planning Proposal meets aims and objectives of Theme by adopting Clause 5.22

## Appendix 2 Consideration of State Environmental Planning Policies

### Biodiversity and Conservation SEPP 2021

**This Planning Proposal does not propose any alterations to, or developments on, conservation zones or environmentally sensitive lands. Does not impose conditions contrary to the aims of the SEPP.**

### Housing SEPP 2021

This planning proposal meets the principals of the policy by protecting available residential land in the R1 General Residential Zone from undesirable land uses and developments. Does not impose conditions contrary to the aims of the SEPP.

### Planning Systems SEPP 2021

This planning proposal does not propose any conditions that would hinder state or regionally significant development or infrastructure or give cause to an increase in the requirement for concurrence and does not impose conditions contrary to the aims of the SEPP.

### Transport and Infrastructure SEPP 2021

While this proposal seeks an amendment to the SP2 zone over Saines Rd and the Railway, to align with the railway corridor and include Saines Rd in the surrounding RU4 zone, protecting the railway corridor from adverse impacts of undesirable development and maintaining Saines Rd as a local road.

Where this proposal seeks to remove School based childcare from the E4 General Industrial zone, it does so to maintain the integrity of the definition of the land use which requires such development to be on the grounds of an educational facility which are not permitted in the E4 zone and are deemed as incompatible with the intended purpose of the general industrial zone.

### Resilience and Hazards SEPP 2021

The proposed adoption of Clause 5.22 Special Flood Considerations is in line with the recommendations of the NSW Flood Prone Land Policy, the principals of the Floodplain Development Manual and the

	NSW Government Flood Risk Management Guideline.
<b>Primary Production SEPP 2021</b>	The rezoning of Saines Rd from SP2 to RU4 reduces the conflict of land uses of the local road with the SP2 zone over the rail corridor and correlates it with the surrounding RU4 land.
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>	Consistent, any future development will continue to be assessable against this policy.

## Appendix 3 Consideration of Section 9.1 Ministerial Directions

Ministerial Directions under Section 9.1 of the EP&A Act
<b>Focus Area 1: Planning Systems</b>
<b>1.1 Implementation of Regional Plans</b>
<p>Consistent.</p> <p>This Planning Proposal has considered the Southeast and Tablelands Regional Plan 2036 as follows;</p> <p><b>Direction 16:</b> Protect the coast and increase resilience to natural hazards.</p> <p>Action 16.2- Implement the requirements of the NSW Floodplain Development Manual by developing, updating or implementing flood studies and floodplain risk management plans.</p> <p>Action 16.4- Incorporate the best available hazard information in local environmental plans consistent with current flood studies, flood planning levels, modelling, floodplain risk management plans and coastal zone management plans.</p> <p>Action 16.6- Manage risks associated with future urban growth in flood-prone areas as well as risks to existing communities.</p> <p><b>Direction 23:</b> Protect the region's heritage.</p> <p>Action 23.3- Conserve heritage assets during local strategic planning and development.</p> <p>Action 23.4- Provide resources for heritage advice to inform planning processes.</p> <p>Action 23.5- Acknowledge cultural heritage assets where appropriate, and consider how these assets can add value to a development.</p>
<b>1.2 Development of Aboriginal Land Council Land</b>
<p>Not Applicable.</p> <p>This Planning Proposal is not for a development or the proposal of a Development Delivery Plan.</p>
<b>1.3 Approval and referral requirements</b>
<p>Consistent.</p> <p>This Planning Proposal is minor in nature and does not create scenarios which increase the requirement to seek concurrence, consultation or referral from a Minister or Public Authority, does not contain provision which require such, or identify any development as designated.</p>
<b>1.4 Site specific provisions</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment and does not propose a development.</p>
<b>1.4a Exclusion of development standards from variation</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment and does not propose a development or 4.6 variation to the environmental planning instrument.</p>
<b>Focus Area 1: Planning Systems- Place-based</b>
<b>1.5 Parramatta Road Corridor Urban Transformation Strategy</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to Parramatta.</p>
<b>1.6 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan 10</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the North West Priority Growth Area.</p>

<b>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Parramatta Priority Growth Area.
<b>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Wilton Priority Growth Area.
<b>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Glenfield to Macarthur Urban Renewal Corridor.
<b>1.10 Implementation of the Western Sydney Aerotropolis Plan</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Western Sydney Aerotropolis Plan.
<b>1.11 Implementation of Bayside West Precincts 2036 Plan</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Bayside West Precincts 2036 Plan.
<b>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Planning Principles for the Cooks Cove Precinct.
<b>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the St Leonards and Crows Nest 2036 Plan.
<b>1.14 Implementation of Greater Macarthur 2040</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Greater Macarthur 2040.
<b>1.15 Implementation of the Pyrmont Peninsula Place Strategy</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Pyrmont Peninsula Place Strategy.
<b>1.16 North West Rail Link Corridor Strategy</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the North West Rail Link Corridor Strategy.
<b>1.17 Implementation of the Bays West Place Strategy</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Bays West Place Strategy.
<b>1.18 Implementation of the Macquarie Park Innovation Precinct</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Macquarie Park Innovation Precinct.
<b>1.19 Implementation of the Westmead Place Strategy</b>
Not applicable.



This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Westmead Place Strategy.
<b>1.20 Implementation of the Camellia-Rosehill Place Strategy</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Camellia-Rosehill Place Strategy.
<b>1.21 Implementation of South West Growth Area Structure Plan</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the South West Growth Area Structure Plan.
<b>1.22 Implementation of the Cherrybrook Station Place Strategy</b>
Not applicable. This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Cherrybrook Station Place Strategy.
<b>Focus area 2: Design and Place</b>
Blank when Directions were made
<b>Focus area 3: Biodiversity and Conservation</b>
<b>3.1 Conservation Zones</b>
Not Applicable. This Planning Proposal does not propose any alterations to, or developments on, conservation zones or environmentally sensitive lands.
<b>3.2 Heritage Conservation</b>
<p>Consistent. Addresses 1 (a) of the Ministerial Direction. Hilltops Council has identified a number of items from the Hilltops Heritage Strategy 2022-2025 that have been demolished or incorrectly identifies and this proposal seeks to rectify this.</p> <p>This Planning Proposal considers the Hilltops Heritage Strategy 2022-2025 as follows;</p> <p>2.1- Increased knowledge and proactive management of heritage. With the aim to: “Identify and appropriately record the cultural heritage of the Hilltops Local Government Area.”</p> <p>Actions:</p> <ul style="list-style-type: none"> <li>c) Implement the recommendations of the Hilltops Heritage Study, including updating of Heritage databases, and</li> <li>e) Continue the ongoing of recording and assessment of heritage items in the region.</li> </ul> <p>And,</p> <p>1.6- Council proactively conserves and manages its heritage assets. With the aim to: “Ensure that Council is seen to be taking leadership in the responsible management of the community’s heritage assets.”</p> <p>Maintaining zone integrity aligns with the following objectives of the Hilltops LSPS: Residential Town Lots-</p> <ul style="list-style-type: none"> <li>• Objective 1: Provide and protect a high-quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.</li> <li>• Objective 2: Residential uses dominate with other uses limited to ancillary low impact activities which add to the liveability of the neighbourhood.</li> </ul>
<b>3.3 Sydney Drinking Water Catchments</b>

<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Sydney Drinking Water catchment.</p>
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.</p>
<b>3.5 Recreation Vehicle Areas</b>
<p>Not applicable.</p> <p>This planning proposal does not propose to permit development of recreation vehicle areas, or to have any impact on conservation areas or land with significant conservation values.</p>
<b>3.6 Strategic Conservation Planning</b>
<p>Not Applicable.</p> <p>This Planning Proposal is not on land that is identified as avoided land or a strategic conservation area as per the Biodiversity and Conservation SEPP 2021.</p>
<b>3.7 Public Bushland</b>
<p>Not applicable.</p> <p>This planning proposal is outside of the specified LGAs in the direction.</p>
<b>3.8 Willandra Lakes Region</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Willandra Lakes Region.</p>
<b>3.9 Sydney Harbour Foreshores and Waterways Area</b>
<p>Not applicable.</p> <p>This Planning Proposal is for a minor Housekeeping Amendment to the Hilltops LEP and is not applicable to the Sydney Harbour Foreshores and Waterways Area.</p>
<b>3.10 Water Catchment Protection</b>
<p>Not applicable.</p> <p>This planning proposal does not affect land within regulated drinking water catchments.</p>
<b>Focus area 4: Resilience and Hazards</b>
<b>4.1 Flooding</b>
<p>Consistent.</p> <p>By adopting Clause 5.22 Special Flood Considerations this planning proposal is giving effect to, and is consistent with, the NSW Flood Prone Land Policy, the principals of the Floodplain Development Manual, the Considering Flooding in Land Use guideline and the following local studies:</p> <ol style="list-style-type: none"> <li>4. Boorowa Flood Study</li> <li>5. Town of Young Floodplain Risk Management Study and Plan, and</li> <li>6. Murrumburrah Floodplain Risk Management Study and Plan</li> </ol>
<b>4.2 Coastal Management</b>
<p>Not applicable.</p> <p>This planning proposal does not affect land within the coastal zone.</p>
<b>4.3 Planning for Bushfire Protection</b>
<p>Not applicable.</p> <p>This planning proposal involves the rezoning of a local road to RU4 land in line with the land adjacent to the road. It does not provide for development in the rezoned area or bushfire prone land.</p>
<b>4.4 Remediation of Contaminated Land</b>
<p>Not applicable.</p> <p>This planning proposal does not propose to impact upon known contaminated lands.</p>
<b>4.5 Acid Sulphate Soils</b>

Not applicable. The Hilltops LGA is not impacted by acid sulphate soils.
<b>4.6 Mine Subsidence and Unstable Land</b>
Not applicable. The Hilltops LGA is not impacted by mine subsidence and unstable land.
<b>Focus area 5: Transport and Infrastructure</b>
<b>5.1 Integrating Land Use and Transport</b>
Not applicable. Does not rezone urban land, including land zoned for residential, employment, village or tourist purposes.
<b>5.2 Reserving Land for Public Purposes</b>
Not applicable. This planning proposal does not affect land for public purposes.
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>
Not applicable. This planning proposal does not affect land near Regulated Airports and Defence Airfields
<b>5.4 Shooting Ranges</b>
Not applicable. This planning proposal does not affect land near Shooting Ranges
<b>Focus area 6: Housing</b>
<b>6.1 Residential Zones</b>
Consistent. By amending the land use table in R1 General Residential zones to prohibit development under the group term shops, but allowing the sub-category neighbourhood shops, Council aims to protect available housing stock from undesirable retail development that would detract from available residential accommodation and the amenity of the neighbourhood. Therefore, minimising the desire to develop housing on the urban fringes where services are less available or too costly to connect to, and encouraging retail developments in the mixed use and general industrial zones
<b>6.2 Caravan Parks and Manufactured Home Estates</b>
Not applicable. This planning proposal does not apply to Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i> .
<b>Focus area 7: Industry and Employment</b>
<b>7.1 Employment Zones</b>
Consistent. This planning proposal encourages the right employment land uses in the suitable locations and zones.
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>
Not applicable. This planning proposal does not affect non-hosted short-term rental accommodation period.
<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>
Not applicable. This planning proposal does not affect Commercial and Retail Development along the Pacific Highway, North Coast.
<b>Focus area 8: Resources and Energy</b>
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>
Not applicable. This planning proposal does not affect Mining, Petroleum Production and Extractive Industries.
<b>Focus area 9: Primary Production</b>
<b>9.1 Rural Zones</b>
Not applicable.

This planning proposal does not propose to rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.
<b>9.2 Rural Lands</b>
This housekeeping amendment is of minor significance and involves the rezoning of a local road to RU4 land in line with the land adjacent to the road. As an existing local road the land is not available for farming, or at risk of fragmenting existing farms or causing a land use conflict.
<b>9.3 Oyster Aquaculture</b>
Not applicable. This planning proposal does not affect Oyster Aquaculture
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>
Not applicable. This planning proposal does not affect Farmland of State and Regional Significance on the NSW Far North Coast.