

ATTACHMENT A
PLANNING PROPOSAL
Draft Hilltops Local
Environmental Plan

22 OCTOBER 2020



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Comprehensive LEP being the Hilltops LEP. Consistent with previous directions provided by Council, the Hilltops LEP is intended to:

- harmonise the three existing LEPs;
 - Young LEP 2010;
 - Harden LEP 2011; and
 - Boorowa LEP 2012.
- progress the strategic objectives for Hilltops as outlined within the endorsed *Hilltops 2040* which is the Local Strategic Planning Statement for Hilltops.

In addition, the Planning Proposal identifies how the Hilltops LEP will be consistent with and further State government planning legislation, policy and guidance including:

- the consistent use of the Standard Instrument
- furthering relevant:
 - Ministerial Directions
 - State Environmental Planning Policies
 - State and regional strategies and policies

A consolidated comprehensive LEP will provide a single set of land use planning requirements and guidance across the Hilltops LGA. This will enable a consistent approach that applies to all lands within the Hilltops Local Government Area.

Hilltops 2040, Hilltops Local Strategic Planning Statement is a strategic document which incorporates relevant state plans and policies and the regional context to provide direction for land use planning priorities within the Hilltops Local Government Area. It recognises local conditions, opportunities, and challenges of individual communities to set strategic land use and infrastructure priorities and directions. Also, it considers planning objectives that are justifiable and competitive in relation to national, state, and regional centres surrounding Hilltops to sustain and grow the local economy and service provision.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to prepare a consolidated planning instrument for the Hilltops LGA, and to harmonise and provide consistent planning controls for land use zone permissibility and LEP clauses for the whole Hilltops LGA.

The Hilltops LEP is intended to:

- harmonise the three existing LEPs;
 - Young LEP 2010;

- Harden LEP 2011; and
- Boorowa LEP 2012.
- progress the strategic objectives for Hilltops as outlined within the endorsed *Hilltops 2040* which is the Local Strategic Planning Statement for Hilltops.

In addition, the Planning Proposal identifies how the Hilltops LEP will be consistent with and further State government planning legislation, policy and guidance including:

- the consistent use of the Standard Instrument
- furthering relevant:
 - Ministerial Directions
 - State Environmental Planning Policies
 - State and regional strategies and policies

Part 2 – Explanation of Provisions

For full explanation of provisions in the Hilltops LEP, see various reports for below and attached:

- Attachment A - Planning Proposal - Draft Hilltops LEP
- Attachment B – LEP Clause Explainer (All LEP Clauses)
- Attachment C – Aims of the Plan (Part 1 of LEP)
- Attachment D – Land Use Zones (Part 2 of LEP)
- Attachment E – Minimum Lot Size (Part 4 of LEP)
- Attachment F – Urban Release Area (Part 6 of LEP)
- Attachment G – Local Clauses and Environmental Layers (Part 7 of LEP)
- Attachment H – Hilltops Heritage Review Study (Schedule 5 of LEP)

Part 1 - Preliminary

Part 1 of the consolidated Hilltops LEP covers a range of preliminary matters including the overall aim of the Plan, where the Plan applies, relationships with other instruments and other transitional arrangements.

The comprehensive Hilltops LEP is consistent with the Standard Instrument (SI LEP). Hilltops LEP acknowledges goals of the relevant regional plan – South East Tablelands Regional Plan – and *Hilltops 2040* Local Strategic Planning Statement (LSPS). Should *Hilltops 2040*

Duplicated objectives within each previous LEPs that are similar in intent are consolidated in the new comprehensive Hilltops LEP.

See **Attachment A – LEP Clause Explainer** and **Attachment B – Aims of the Plan** for proposed wording and justification.

Part 2 – Permitted or Prohibited Development

Part 2 of the consolidated Hilltops LEP covers land use zones, the zone objectives and the permitted or prohibited development within each of the land use zones.

Various inconsistencies in permissibility between land use zones are addressed and the respective provisions in each LEP is transferred to the new combined LEP. Updated land use objectives are also recommended by the Strategic directions provided within *Hilltops 2040*. Permissible and prohibited development for each proposed zone has been reviewed, harmonised based on the existing LEPs, updated to be in line with Standard Instrument guidance and be consistent with the amended zone objectives.

Proposed mapping amendments are noted in **Attachment C**, based on directions in the Hilltops 2040, amending anomalies and harmonisation based on the Standard Instrument LEP.

See **Attachment C - Land Use Zones** for further information, proposed wording and justification.

Part 3 - Exempt and Complying Development

Part 3 of the consolidated Hilltops LEP will identify the circumstances when development can be undertaken without consent (exempt development) or with consent as complying development.

Exempt and Complying Development Clauses will be retained from the former three LEPs in the consolidated Hilltops LEP.

See **Attachment A – LEP Clause Explainer** for proposed wording and justification.

Part 4 – Principal Development Standards

Part 4 of the consolidated Hilltops LEP includes the development standards for minimum subdivision lot size, rural subdivision, and exceptions to development standards.

The minimum lot size for a dwelling in rural, semi-rural and in town residential lands has been rationalised in the consolidated Hilltops LEP.

Minimum lot size objectives and controls will correspond with the relevant zone objectives and correspond to zone boundaries with the exception of RU4 Primary Production Small Lots.

The biggest implication of harmonising the RU1 Primary Production Zone is that a minimum lot size of 40 hectares is proposed across all of Hilltops LGA,

corresponding with the current Boorowa and Harden LEPs' RU1 minimum lot size. This replaces the current 170 ha minimum lot size across most RU1-zoned land in the former Young LGA.

Council is yet to receive updated Important Agricultural Land (IAL) Mapping from the Department of Primary Industries to confirm whether different lot sizes may be applicable within the RU1 Zone.

The purpose of the IAL Mapping is to assist local government with developing strategic land use plans and protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through LEPs.

Therefore, to be consistent with the aims of Council to achieve harmonisation between the three current LEPs, the current proposal is for one standard minimum lot size to apply within the RU1 Zone.

Council has been notified that the updated IAL Mapping may become available from Department of Primary Industries in November 2020 and provide further guidance to RU1 zoned land as a part of the Gateway Determination process. This may impact on the outcomes for Part 4 of the draft Hilltops LEP.

See **Attachment D** for further information, wording, and justification.

Part 5 - Miscellaneous Provisions

Part 5 of the consolidated Hilltops LEP will cover miscellaneous provisions including compulsory clauses. Council is proposing local amendments to harmonise approaches taken by the three current LEPs to:

- Clause 5.3 Development near zone boundaries
- Clause 5.4 Controls relating to miscellaneous permissible uses

All other clauses are either not applicable to Hilltops or the compulsory Standard Instrument wording applies.

See **Attachment A – LEP Clause Explainer** for proposed wording and justification.

Part 6 – Urban Release Areas

This is an additional clause not included in the existing LEPs.

This clause is used by local governments across NSW where lands have been identified as potential locations for future residential growth but further work is required to confirm their suitability and service provision. It is also used as an

interim measure to stop inappropriate or potential under development (eg. use for rural residential purposes).

The introduction of this clause into the Hilltops LEP will allow these lands to be identified appropriately, in addition to highlighting the specific outcomes and work required before urban development can occur.

The model clauses for the Urban Release Area have been utilised. See **Attachment E** for further information.

Part 7 - Additional Local Provisions

As a result of including Urban Release Areas in Part 6, Additional Local Provisions becomes Part 7 with this Planning Proposal.

Local provisions have been harmonised in the new LEP to apply across the Hilltops Local Government Area.

Council is working with the Biodiversity and Conservation Team of DPIE for the environmental clauses. Further data and information will be made available to the Council by the DPIE team. Further data and information will be made available working with the Biodiversity and Conservation Team of DPIE. These will be utilised to provide up to date data and mapping as a part of the Gateway process before public exhibition of the draft Hilltops LEP.

See **Attachment A** and **Attachment F** for further information and clauses.

Schedule 1 - Additional Permitted Uses

A consolidation of the Schedule 1 planning provisions has been undertaken of the existing Young LEP 2010, Harden LEP 2011 and Boorowa LEP 2012 to form Schedule 1 of the proposed draft Hilltops LEP.

See **Attachment A** for further information and content of proposed schedules.

Schedule 2 - Exempt Development

A consolidation of the Schedule 2 planning provisions has been undertaken for the existing Young LEP 2010, Harden LEP 2011 and Boorowa LEP 2012 to form Schedule 2 of the proposed draft Hilltops LEP.

See **Attachment A** for further information and content of proposed schedules.

Schedule 3 - Complying Development

A consolidation of the Schedule 3 planning provisions has been undertaken for the existing Young LEP 2010, Harden LEP 2011 and Boorowa LEP 2012 to form Schedule 3 under the proposed draft Hilltops LEP.

See **Attachment A** for further information and content of proposed schedules.

Schedule 4 - Classification and Reclassification of Land

No reclassifications of land are proposed as a part of this planning proposal.

Consultation with public authorities who use or have interest in Crown Land such a Local Land Services, Local Aboriginal Land Council's and local community groups will be undertaken for a future planning proposal.

Future reclassifications, if required, will be undertaken through a separate planning proposal process once the Hilltops LEP has been made.

See **Attachment A** for further information.

Schedule 5 - Environmental Heritage

Schedule 5 planning provisions under the existing Young LEP 2010 and Harden LEP 2011 is consolidated and updated in the proposed Schedule 5 in the new Hilltops LEP.

The Hilltops Heritage Review (**Attachment G**) recommends 298 individual heritage items for inclusion in the proposed Schedule 5 Environmental Heritage in the new Hilltops LEP.

A report is being presented to Council to consider the contents of Attachment G along with the Planning Proposal at the October 2020 Council Meeting.

The proposed Schedule 5 Environmental Heritage in **Attachment G** includes previous identified heritage items of local significance from existing schedules and heritage studies undertaken by the former Councils and includes items previously identified in Boorowa which were not included in the Boorowa LEP.

Schedule 6 – Pond-based and tank-based aquaculture

This is a compulsory Schedule as per Clause 5.19 Pond-based, tank-based and oyster aquaculture required by the Standard Instrument LEP. There are no differences in application between the LEPs.

No change is proposed to this Schedule as a part of the Hilltops LEP.

Part 3 – Justification

Section A – Need for the Planning Proposal

The planning proposal is required to initiate the preparation of a new comprehensive Hilltops LEP.

1. Is the Planning Proposal the result of any strategic study or report?

Yes.

The establishment of the Hilltops LEP will assist in delivering Council's commitment to consistent and unified planning control across Hilltops LGA as noted within the Hilltops Community Strategic Plan 2030.

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

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

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

Additionally, internal work was undertaken in relation to status and capacity of employment lands across Hilltops and how this is related to current and projected demand.

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

The planning proposal is the only means of delivering a comprehensive Hilltops LEP for the Hilltops LGA.

All matters covered by the Planning Proposal relate to achieving a new comprehensive LEP for Hilltops LGA and is the only means to achieve the intended outcome.

A single LEP provides other benefits to Council such as simplifying planning certificates and development assessment procedures.

Section B – Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional category?

Yes.

The South East and Tablelands Regional Plan 2036 is the relevant regional strategy in Hilltops LGA. The plan has the following goals:

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

The planning proposal is a consolidation of planning instruments applying to the amalgamated Hilltops LGA and is considered to be consistent with the goals of the South East and Tablelands Regional Plan 2036.

The proposed policy changes in the planning proposal are considered to be of local and minor significance and align with the directions under the Regional Plan.

4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?

Yes.

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

The planning proposal is considered to be consistent with objectives of *Hilltops 2040* LSPS.

See the below Attachments for consistency between the draft Hilltops LEP and *Hilltops 2040*:

- Attachment B – LEP Clause Explainer (All LEP Clauses including proposed amendments to Part 3 and Part 5)
- Attachment C – Aims of the Plan (Part 1)
- Attachment D – Land Use Zones (Part 2 of LEP)
- Attachment E – Minimum Lot Size (Part 4 of LEP)
- Attachment F – Urban Release Area (Part 6 of LEP)

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

Yes.

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

The planning proposal furthers and remains consistent with all relevant SEPPs.

See **Appendix 1** for response table to applicable SEPPs.

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

The planning proposal is considered to be consistent with directions issued by the Minister under Section 9.1 of the Environmental Planning and Assessment Act, 1979. As the proposal is primarily an administrative merger with minor policy changes, it does not trigger any action set out in the Ministerial Directions 9.1.

See Appendix 2 for full breakdown of responses to Ministerial Directions

Summary of Section 9.1 Ministerial Directions consideration

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

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 3.6 Shooting Ranges
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

The Planning Proposal is consistent with all relevant Directions with the exception of these Directions which are not applicable:

- 1.1 Oyster Aquaculture
- 2.6 Remediation of Contaminated Land
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 7. Metropolitan Plan Making

Section C – Environmental, Social and Economic Impact

7. 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?

No.

The planning proposal includes within Part 5 and Part 7, the relevant clauses relating to environmental values and their protection. There have been administrative changes in relation to mapping changes including RU3 Forestry, RU1 Primary Production and E3 Environmental Management to E1 National Parks and Nature Reserves. One parcel of land is proposed to change from E1 to E3 zone. However, the proposal does not intend to change any provision that would increase impacts on the environment.

Public authorities including the Biodiversity and Conservation Team from DPIE have been engaged in discussions in relation to addressing these matters while preparing the planning proposal. Further consultation with public authorities will continue and be formalised as a part of the public exhibition period outlined in the Gateway Determination.

Council are dependent upon NSW Government data for consistency and the most up to date information relating to environmental clauses and mapping. Information and data will be sourced from the NSW SEEDS database and public agencies.

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

There are no likely environmental effects identified in relation to the draft planning proposal.

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

The Planning Proposal is based on *Hilltops 2040* and associated background studies. The planning proposal outlines socio-economic development aspects as established in *Hilltops 2040*.

The planning proposal harmonises and clarifies the purpose of employment lands within Hilltops and the need for integrated planning and provision of servicing to activate zoned land. This includes the use of:

- Urban Release Area clauses
- Simplified Industrial Zones
- IN2 zones as 'gateways' into major towns

- Consistent zoning of towns commercial core as B4 zones
- Clarity over employment and commercial land objectives articulated within land use assessment tables.
- Consistency of permissible employment and commercial land uses within land use assessment tables.

The planning proposal harmonises and clarifies directions and requirements in relation to identified European heritage matters in proposing an updated Schedule 5 Environment Heritage. No additional studies were undertaken to identify new heritage items, but a review and consolidation of the existing registers and studies was conducted. This includes:

- Consolidation of Young LEP and Harden LEP's existing Schedule 5.
- Inclusion of previously identified local heritage items from former Boorowa Heritage Study
- Proposal for six Heritage Conservation Areas (HCAs)

The proposed Schedule 5 of the draft Hilltops LEP is based on previous identified heritage items and noted in **Attachment H**.

Section D – State and Commonwealth Interests

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

The planning proposal acknowledges the need for an integrated approach to public infrastructure delivery and management of infrastructure and servicing. The draft planning proposal achieves this through the use of:

- Inclusion of Part 6: Urban Release Area
- Aims and objectives of proposal highlighting the need for integrated planning and management for growth area
- Inclusion of Essential Services Clause noting requirements for connection to reticulated servicing.
- Requirements for site sewer management in R5 and RU4 zones with sustainable minimum lot sizes

The draft Hilltops LEP will play a significant part in identifying future public infrastructure requirements and initiating discussions with relevant State and Commonwealth agencies.

The use of the Urban Release Area clause and future Hilltops Development Control Plan will provide further opportunities to confirm public infrastructure requirements in consultation with relevant state agencies.

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

State and Commonwealth public authorities will be consulted in accordance with the Gateway Determination.

Regular conversations have occurred in developing the draft Hilltops LEP with the following agencies:

- Southern Region in the Department of Planning Industry and Environment;
- Biodiversity and Conservation Team in the Department of Planning Industry and Environment
- ePlanning team in the Department of Planning Industry and Environment; and
- Department of Primary Industries – Agriculture.

In addition to the above agencies, previous conversations occurred as a part of the *Hilltops 2040* public consultation with various agencies including:

- Transport for NSW - Freight
- Climate Change Team in the Department of Planning Industry and Environment

Part 4 – Mapping

The respective maps under the existing LEPs will be combined and updated into a single set of GIS layer and LEP Sheet maps for the draft Hilltops LEP. Council has engaged with the ePlanning team in the Department of Planning Industry and Environment to achieve this.

Additional information and data are being prepared relating to Environmental Layers in Part 7 as a part of consultation with the Biodiversity and Conservation Team in the Department of Planning Industry and Environment.

Maps will be prepared in consistency with the Department of Planning and Environment's relevant guidelines and in consultation with the Department's GIS unit.

Part 5 - Community Consultation

The draft Planning Proposal is intended to be on public exhibition for a minimum period of **28 days** or as specified within the Gateway Determination.

Council is developing a Consultation and Engagement Strategy relating to the public exhibition of the draft Hilltops LEP. The Strategy will outline how

Council plans to inform, consult and engage with the community, stakeholders and agencies.

Council intends to consult with but not limited to the following agencies in relation to the planning proposal:

- Southern Region in the Department of Planning Industry and Environment;
- Biodiversity and Conservation Team in the Department of Planning Industry and Environment;
- ePlanning team in the Department of Planning Industry and Environment;
- Department of Primary Industries;
- NSW Premier and Cabinet;
- Heritage NSW;
- NSW Rural Fire Service;
- Transport for NSW;
- Environmental Protection Agency;
- NSW Crown Land in Department of Planning Industry and Environment;
- Adjoining LGAs.

Part 6 - Project Timeline

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

Date	Milestone
October 2020	Council Report to request Gateway Determination from DPIE
October/ November 2020	Gateway Determination Request sent to DPIE
November- December 2020	Refinement of Consultation Plan and Communication Strategy for Hilltops LEP
January 2021	Consultation Plan and Communication Strategy for Hilltops LEP presented to LEP Committee and Council
February 2021	Gateway Determination Received from DPIE
March April 2021	Public Exhibition and Consultation on Draft Hilltops LEP
July 2021	Post Exhibition Council Report and Amended Hilltops LEP for endorsement and request for LEP to be made legislation

July/August 2021	Send endorsed Hilltops LEP to DPIE and NSW Parliamentary Counsel for legal drafting
September 2021	Minister of Planning makes Hilltops LEP and Publishing of the Hilltops LEP

Appendix

Appendix 1 Consideration of State Environmental Planning Policies

SEPP Title	Applicability	Consistency
State Environmental Planning Policy No 14—Coastal Wetlands State Environmental Planning Policy No 19—Bushland in Urban Areas	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy No 21 – Caravan Parks	Applies to the Proposal Caravan parks are in operation in Hilltops LGA. SEPP applies to Caravan Parks as it aims orderly and economic use and development of land intended to be used as a caravan park. Planning proposal does not conflict with the SEPP.	Consistent
State Environmental Planning Policy No 26—Littoral Rainforests	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy No 33 – Hazardous and Offensive Development)	Applies to industrial land. Will apply to any Hazardous and Offensive Development proposed in future development application as a result of the Planning Proposal. Planning Proposal does not conflict with SEPP.	Consistent
State Environmental Planning Policy No 36 – Manufactured Home Estates	Applies to the Proposal. Will apply to affordable housing proposed in future developments as a result of the planning proposal.	Consistent
State Environmental Planning Policy No 44—Koala Habitat Protection	Applicable to the Proposal. SEPP applies to Hilltops LGA and planning proposal does not conflict with the SEPP.	Consistent
State Environmental Planning Policy No 47—Moore Park Showground	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy No 50 – Canal Estate Development	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy No 55 – Remediation of Land	Applies to the land	Consistent

SEPP Title	Applicability	Consistency
	Will apply to any proposed future development application if land is considered to be contaminated irrespective of the Planning Proposal. Planning Proposal does not conflict with SEPP.	
State Environmental Planning Policy No 64 – Advertising and Signage	Applies to the land Will apply to any signage proposed in future Development application as a result of the Planning Proposal. Planning Proposal does not conflict with SEPP	Consistent
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	Applies to Proposal SEPP will apply to any future residential flat building development application resulting as a result of the Planning Proposal. Planning Proposal does not conflict with SEPP	Consistent
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Applicable to LGA. SEPP will apply to any future affordable housing development application resulting as a result of the Planning Proposal. Planning Proposal does not conflict with SEPP	Consistent
State Environmental Planning Policy No 71—Coastal Protection	Not applicable to the proposal	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Applicable to Proposal SEPP will apply to any future affordable housing development application. This Planning Proposal does not conflict with SEPP	Consistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applies to the Proposal	Consistent

SEPP Title	Applicability	Consistency
	<p>SEPP will apply to any future residential development application.</p> <p>This Planning Proposal does not conflict with SEPP</p>	
<p>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</p>	<p>Applies to the Proposal.</p> <p>SEPP will apply to any future Educational Establishments or Child Care Facilities development application resulting as a result of the Planning Proposal. Planning Proposal does not conflict with SEPP</p>	<p>Consistent</p>
<p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p>	<p>Applies to the Proposal</p> <p>Planning Proposal does not conflict with SEPP</p>	<p>Consistent</p>
<p>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</p>	<p>Applies to the Proposal</p> <p>SEPP will apply to any future seniors housing development application resulting as a result of the Planning Proposal.</p> <p>Planning Proposal does not conflict with SEPP</p>	<p>Consistent</p>
<p>State Environmental Planning Policy (Infrastructure) 2007</p>	<p>Applies to the Proposal.</p> <p>Will apply to any future development application that will be permitted by this Planning Proposal in terms of:</p> <ul style="list-style-type: none"> • Development in or adjacent to rail corridors and interim rail corridors • Development in or adjacent to road corridors and road reservations • Traffic generating development and 	<p>Consistent</p>

SEPP Title	Applicability	Consistency
	<ul style="list-style-type: none"> Requirements for referrals to relevant government agencies. 	
State Environmental Planning Policy (Integration and Repeals) 2016	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007 State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	<p>Applies to the Proposal</p> <p>Will apply to any future development application for mining, petroleum production and extractive industries.</p> <p>This Planning Proposal does not conflict with SEPP</p>	Consistent
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable to the Proposal	Not applicable
State Environmental Planning Policy (Primary Production and Rural Development) 2019	<p>Applicable to the proposal</p> <p>Zone objectives and minimum lot size objectives are consistent with the objectives and clauses of this SEPP.</p> <p>Further guidance once the Important Agricultural Land Mapping is provided will assist in consistency</p>	Consistent
State Environmental Planning Policy (State and Regional Development) 2011	<p>Applies to the Proposal</p> <p>Will apply to any future state and regional development.</p> <p>This Planning Proposal does not conflict with SEPP</p>	Consistent
State Environmental Planning Policy (State Significant Precincts) 2005	Applies to the Proposal	Consistent

SEPP Title	Applicability	Consistency
	<p>Will apply to any future state significant development.</p> <p>This Planning Proposal does not conflict with SEPP</p>	
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Not applicable to the Proposal	Not applicable
<p>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</p> <p>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</p> <p>State Environmental Planning Policy (Three Ports) 2013</p> <p>State Environmental Planning Policy (Urban Renewal) 2010</p> <p>State Environmental Planning Policy (Western Sydney Employment Area) 2009</p> <p>State Environmental Planning Policy (Western Sydney Parklands) 2009</p>	Not applicable to the Proposal	Not applicable
State Environmental Planning Policy (Concurrences and Consents) 2018	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	<p>Applicable to the land and Proposal.</p> <p>Major infrastructure corridors have been zoned SP2 Infrastructure and the planning proposal does not conflict with SEPP.</p>	Consistent
State Environmental Planning Policy (Activation Precincts) 2020	Not applicable to the land nor Proposal	Not applicable
State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable to the land nor Proposal	Not applicable

Appendix 2 Consideration of Section 9.1 Ministerial Directions

Ministerial Direction	Comment	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones	<p>The direction applies as a planning proposal is being prepared by a relevant planning authority. The proposal is consistent with the direction to encourage and protect employment land in business and industrial zones.</p> <p>For more information refer to Attachment C – Land Use Zones (Part 2 of LEP)</p>	Consistent
1.2 Rural Zones	<p>The direction applies to the planning proposal. The proposal is consistent with the objective of this direction to protect the agricultural production value of rural land.</p> <p>For more information refer to Attachment C – Land Use Zones (Part 2 of LEP)</p>	Consistent
1.3 Mining, Petroleum Production and Extractive Industries	<p>The direction applies to the planning proposal. The proposal is consistent with the objective of this direction to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources.</p>	Consistent
1.4 Oyster Aquaculture	<p>This Direction does not apply to Hilltops Council nor the subject land.</p>	Not applicable
1.5 Rural Lands	<p>The direction applies as the planning proposal is being prepared by a relevant planning authority. The proposal is consistent with the objective of the direction to protect the agricultural production value of rural land and facilitate economic development of rural lands for rural and related purposes.</p> <p>For more information - Refer to Attachment</p> <ul style="list-style-type: none"> • Attachment B – Aims of the Plan (Part 1) • Attachment C – Land Use Zones (Part 2 of LEP) • Attachment D – Minimum Lot Size (Part 4 of LEP) 	Consistent
2. Environment and Heritage		
2.1 Environment Protection Zones	<p>The direction applies as a planning proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction and</p>	Consistent

Ministerial Direction	Comment	Consistency
	<p>facilitate the protection and conservation of environmentally sensitive areas.</p> <p>For more information refer to Attachment C – Land Use Zones (Part 2 of LEP)</p>	
2.2 Coastal Protection	Does not apply to Hilltops Council or the land	Not applicable
2.3 Heritage Conservation	<p>This direction applies to the Hilltops Council and to the Planning Proposal. This direction requires that a Planning Proposal must contain provisions that facilitate the conservation of heritage items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Planning Proposal does not alter the current heritage conservation provisions that apply in Hilltops LGA.</p> <p>For more information - Refer to Attachment G</p>	Consistent
2.4 Recreation Vehicle Areas	<p>This direction applies to Hilltops Council and to the Planning Proposal. The proposal is consistent with the objective of this direction to protect sensitive land or land with significant conservation values from adverse impact of recreation vehicles.</p>	Consistent
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This Direction does not apply to Hilltops Council or the Planning Proposal.	Not Applicable
2.6 Remediation of Contaminated Land	<p>This Direction applies to the Planning Proposal particularly in areas for industrial establishments in the future. The proposal is consistent with the objective of reducing risk to human health and the environment by contamination.</p>	Consistent
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>Applies to Hilltops Council and this Planning Proposal as it affects land within an existing residential zone.</p> <p>This direction requires that a Planning Proposal for land in a residential zone must include provisions that will encourage the provision of housing that will:</p>	Consistent

Ministerial Direction	Comment	Consistency
	<p>(a) broaden the choice of building types and locations available in the housing market;</p> <p>(b) make more efficient use of existing infrastructure and services;</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe;</p> <p>(d) be of good design;</p> <p>(e) contain a requirement that residential development is not permitted until land is adequately serviced;</p> <p>(f) not contain provisions which will reduce the permissible residential density of land.</p> <p>For more information refer to Attachment C – Land Use Zones (Part 2 of LEP)</p>	
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>The direction applies to Hilltops Council and this Planning Proposal.</p> <p>The Planning Proposal is consistent with this Direction as it retains provisions that permit development for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p>	<p>Consistent</p>
<p>3.3 Home Occupations</p>	<p>The direction applies to Hilltops Council and this Planning Proposal.</p> <p>The Planning Proposal is consistent with this Direction as it encourage the carrying out of low-impact businesses in dwelling houses.</p> <p>For more information refer to Attachment C – Land Use Zones (Part 2 of LEP)</p>	<p>Consistent</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>The direction applies to Hilltops Council and for this Planning Proposal.</p> <p>This direction requires that a Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>The objectives of this direction are:</p>	<p>Consistent</p>

Ministerial Direction	Comment	Consistency
	<ul style="list-style-type: none"> a. Improving access to proposed development for housing, jobs and services. b. Manage the demand for parking. c. Provide for efficient movement of freight 	
3.5 Development Near Licensed Aerodromes	This direction applies to Hilltops Council and the Planning Proposal. The planning proposal is consistent with the direction as it ensures the effective and safe operation of regulated airports. It also ensures that their operation is not compromised by development that obstructs or are potentially hazardous to aircraft flying in the vicinity.	Consistent
3.6 Shooting Ranges	This direction applies to Hilltops Council and this Planning Proposal. The planning proposal is consistent with the objectives of the direction to maintain appropriate level of public safety and amenity of land adjacent to existing shooting ranges.	Consistent
4. Hazard and Risk		
4.1 Acid Sulfate Soils	This direction does not apply to Hilltops Council as there is no land in the local government area that is shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning.	Not Applicable
4.2 Mine Subsidence and Unstable Land	This direction does not apply to the Planning Proposal as it is not within a mine subsidence district or identified as unstable land.	Not Applicable
4.3 Flood Prone Land	<p>This direction applies to Hilltops Council and to this Planning Proposal. The planning proposal is consistent with the objectives of this direction:</p> <ul style="list-style-type: none"> a. ensure development of flood prone land is in accordance with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. b. provisions of LEP on flood prone land is based on potential flood impacts and consideration of flood hazard on the subject land. <p>For more information refer to Attachment A – LEP Clause Explainer</p>	Consistent
4.4 Planning for Bushfire Protection	This direction applies to Hilltops Council and this planning proposal. The planning proposal is	Consistent

Ministerial Direction	Comment	Consistency
	<p>consistent with the objectives of this direction in terms of:</p> <p>a. minimising the risk of people and property from bush fires and discouraging incompatible land uses in the bushfire prone areas.</p> <p>b. It applies to land mapped as bushfire prone land and encourage management of such areas.</p> <p>For more information refer to Attachment A – LEP Clause Explainer</p>	
<p>5. Regional Planning</p>	<p>The following Directions do not apply to Hilltops Council or to the Planning Proposal:</p> <p>5.2 Sydney Drinking Water Catchments</p> <p>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</p> <p>5.9 North West Rail Link Corridor Strategy</p> <p>Note: However, the proposal is consistent with the goals and policy directions of the South East and Tablelands Regional Plan 2036 which covers the Hilltops LGA.</p>	<p>Not applicable</p>
<p>6. Local Plan Making</p>		
<p>6.1 Approval and Referral Requirements</p>	<p>This direction applies to Hilltops Council and the Planning Proposal.</p> <p>The Planning Proposal is consistent with this direction as it does not include provisions that:</p> <ul style="list-style-type: none"> • require the concurrence, consultation or referral of development applications to a Minister or public authority, and • require concurrence, consultation or referral of a Minister or public Authority • identify development as designated development. 	<p>Consistent</p>
<p>6.2 Reserving Land for Public Purposes</p>	<p>This direction applies to Hilltops Council and the Planning Proposal.</p> <p>The proposal is consistent with this Direction as it:</p>	<p>Consistent</p>

Ministerial Direction	Comment	Consistency
	<ul style="list-style-type: none"> • does not create, alter or reduce existing zonings or reservations of land for public purposes • does not involve land affected by a request Minister or public authority to reserve the for public purpose or include provisions relating to the use of any land reserved for a public purpose. 	
6.3 Site Specific Provisions	<p>This direction applies to Hilltops Council and to this Planning Proposal.</p> <p>The Planning Proposal is consistent with this objective as it satisfies the requirements of the Direction by:</p> <ul style="list-style-type: none"> • allowing a land use to be carried out in the zone the land is situated on • allow land use on relevant land without imposing any development standards or requirements in addition to those already contained in the environmental planning instrument. 	Consistent
7. Metropolitan Plan Making	<p>The following Directions do not apply to Hilltops Council, the land or the Planning Proposal:</p> <ul style="list-style-type: none"> 7.1 Implementation of A Plan for Growing Sydney 7.2 Implementation of Greater Macarthur Land Release Investigation 7.3 Parramatta Road Corridor Urban Transformation Strategy 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor 7.8 Implementation of the Western Sydney Aerotropolis Plan 7.9 Implementation of Bayside West Precincts 2036 Plan 7.10 Implementation of Planning Principles for the Cooks Cove Precinct 	Not applicable

Ministerial Direction	Comment	Consistency
	7.11 Implementation of St Leonards and Crows Nest 2036 Plan 7.12 Implementation of Greater Macarthur 2040	