



New South Wales

# **State Environmental Planning Policy Amendment (Miscellaneous) 2021**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

**ROB STOKES, MP**  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy Amendment (Miscellaneous) 2021**

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Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Miscellaneous) 2021*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

This Policy is repealed on the day following the day on which this Policy commences.

## **Schedule 1 Amendments**

### **1.1 Ballina Local Environmental Plan 1987**

**[1] Clause 9 Zone objectives and development control table**

Omit clause 9(2)(c) and (3)–(6).

**[2] Clause 9, Table**

Omit item 4 wherever occurring.

**[3] Clause 15 Development adjoining arterial roads**

Omit the clause.

**[4] Clause 16 Development of land on adjoining boundaries**

Omit clause 16(4).

**[5] Clause 28 Tourist accommodation**

Omit clause 28(3). Insert instead—

- (3) The council may grant consent to an application to carry out development to which this clause applies only if an environmental impact report containing the following matters has been lodged with the application—
- (a) a full description of the proposed development,
  - (b) a statement of the objectives of the proposed development and how the objectives relate to the objectives of the zone,
  - (c) a full description of the existing environment likely to be affected by the proposed development, if carried out,
  - (d) identification and analysis of the likely environmental interactions between the proposed development and the environment,
  - (e) analysis of the likely environmental impact or consequences of carrying out the proposed development,
  - (f) justification of the proposed development in terms of environmental, economic and social considerations,
  - (g) measures to be taken in conjunction with the proposed development to protect the environment and an assessment of the likely effectiveness of the measures,
  - (h) any feasible alternatives to the carrying out of the proposed development and reasons for the proposed development,
  - (i) consequences of not carrying out the proposed development.

**[6] Schedule 5**

Omit the Schedule.

### **1.2 Bayside Local Environmental Plan 2021**

**[1] Clause 4.4A Exceptions to floor space ratio for residential accommodation**

Insert before clause 4.4A(2)—

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

- (a) to ensure the bulk and scale of development is compatible with the character of the locality,
- (b) to promote good residential amenity.

**[2] Clause 6.5 Riparian land, wetlands and waterways**

Insert “the following” after “applies to” in clause 6.5(2).

**[3] Clause 6.5(2)**

Omit “situated within 40 metres of the top of the bank of a watercourse or artificial waterbody.”

**[4] Clause 6.6 Limited development on foreshore area**

Omit clause 6.6(4)(b) and (e). Insert instead—

- (b) public access—
  - (i) to link with existing or proposed open space, and
  - (ii) to be secured by appropriate covenants, agreements or other instruments registered on the title to land, and
  - (iii) to be located above mean high water mark,
- (c) reinforcing the foreshore character and respect for existing environmental conditions.

**[5] Clause 6.8 Development in areas subject to aircraft noise**

Omit clause 6.8(3)(c). Insert instead—

- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development for the following purposes—
  - (i) for development proposed to be located in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation,
  - (ii) for development proposed to be located in an ANEF contour of 25 or greater—business premises, hostels, hotel or motel accommodation, office premises or retail premises.

**[6] Clause 6.8(4)**

Omit the definition of *AS 2021—2015*. Insert instead—

*AS 2021:2015* means AS 2021:2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

### **1.3 Bega Valley Local Environmental Plan 2002**

**Clause 58 Advertised development**

Omit the clause.

### **1.4 Blue Mountains Local Environmental Plan 2005**

**[1] Clause 48 Protected Area—Water Supply Catchment**

Omit “and confirmation of availability of the system is received by the Council from Sydney Water Corporation prior to the granting of consent,” from clause 48(4)(a).

**[2] Clause 72 Notice of certain development applications**

Omit the clause.

**[3] Clause 133 Development adjoining the Regional Transport Corridor**

Omit clause 133(2), (3) and (5).

**1.5 Blue Mountains Local Environmental Plan No 4**

**Schedule 7 Development for certain additional purposes**

Omit paragraph (b) from the matter relating to “Lot 2, DP 515852, Lillianfels Avenue”.

**1.6 Deniliquin Local Environmental Plan 1997**

**[1] Clauses 19 and 23**

Omit the clauses.

**[2] Schedule 2 Development which must be advertised**

Omit the Schedule.

**1.7 Gosford Local Environmental Plan 2014**

**[1] Schedule 1 Additional permitted uses**

Omit clause 1(4). Insert instead—

- (4) Development consent must not be granted to development on land to which this clause applies unless the design of the building or alteration has been reviewed by a design review panel.

**[2] Schedule 1, clause 1(6)**

Omit the subclause.

**1.8 Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment**

**[1] Clause 11 Planning Control Table**

Omit clause 11(2)(c).

**[2] Clause 11, Planning Control Table**

Omit the matter relating to “Advertised” wherever occurring in items 1–3, 6, 7, 9–12, 14, 15, 17–20, 22 and 23.

**1.9 Hurstville Local Environmental Plan 1994**

**Clause 29 Advertised development**

Omit the clause.

**1.10 Kiama Local Environmental Plan 1996**

**[1] Clause 47AC Amendment or replacement of master plans**

Omit “and a copy must be sent to the Director-General” from clause 47AC(3).

**[2] Clause 47AC(4)(a)**

Omit “with the approval of the Minister.”.

**[3] Clause 47AC(5) and (6)**

Omit the subclauses. Insert instead—

- (5) The Council must re-exhibit a draft master plan that has been altered if, in the Council’s opinion, the alterations are sufficiently significant to require re-exhibition.

**[4] Clause 47AC(7)(a)**

Omit “the Minister.”.

**1.11 Lake Macquarie Local Environmental Plan 2004**

**Clause 48 Development requiring notification**

Omit “or advertised development” from clause 48(2).

**1.12 Leichhardt Local Environmental Plan 2000**

**Schedule 1 Additional uses and controls for certain land**

Omit paragraphs (e) and (f) from the matter relating to **Land known as 156–160 Bridge Road, Glebe** in Part 1.

**1.13 Lismore Local Environmental Plan 2000**

**[1] Clauses 10 and 14**

Omit the clauses.

**[2] Clause 29 Zone objectives and zoning control tables**

Omit clause 29(4).

**[3] Clauses 30–35, 48–50, 58–60, 63, 65–68 and 77–79**

Omit the matter relating to “Only with development consent—advertised development” wherever occurring in the tables to the clauses.

**[4] Schedule 5 Matters relating to environmental impact**

Omit “10.”.

**1.14 Lord Howe Island Local Environmental Plan 2010**

**[1] Clause 35 Foreshore development**

Omit “and” from the end of clause 35(2)(f).

**[2] Clause 35(2)(g)**

Omit the paragraph.

**[3] Clause 41 Development applications required to be advertised**

Omit the clause.

## 1.15 Murray Regional Environmental Plan No 2—Riverine Land

**[1] Clause 12 General provisions for consultation**

Omit clause 12(1)(b), (c) and (e).

**[2] Clause 12(1)(f)**

Omit “the MSB”. Insert instead “Transport for NSW”.

**[3] Clause 13 Planning Control and Consultation Table**

Omit “, but does not apply to development that may be carried out without development consent because of *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas*” from clause 13(1).

**[4] Clause 13(2)(c)**

Omit the paragraph.

**[5] Clause 13(5)**

Insert after clause 13(4)—

(5) In this clause—

*flood planning area* has the same meaning as it has in the Floodplain Development Manual.

*Floodplain Development Manual* means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**[6] Clause 13, Planning Control and Consultation Table**

Omit “\* Advertised.” and “\* Advertised (except work by or for DWR or RWC (Vic)).” wherever occurring.

**[7] Clause 13, Planning Control and Consultation Table**

Omit the matter relating to “**Consultation—**” wherever occurring.

**[8] Clause 13, Planning Control and Consultation Table**

Insert after the matter relating to “**Planning control—**” in items 3, 21, 22, 27, 28, 30 and 31—

**Consultation—**

Transport for NSW.

Department of Planning, Industry and Environment, if the development is—

- (a) likely to significantly affect threatened species, within the meaning of the *Biodiversity Conservation Act 2016*, section 7.2, and
- (b) in the flood planning area.

**[9] Clause 13, Planning Control and Consultation Table**

Insert after the matter relating to “**Planning control—**” in items 4, 6, 10–12, 24 and 26—

**Consultation—**

Department of Planning, Industry and Environment.

**[10] Clause 13, Planning Control and Consultation Table**

Insert after the matter relating to “**Planning control**—” in items 5, 8, 13, 17, 19, 20, 25 and 29—

**Consultation—**

Transport for NSW.

Department of Planning, Industry and Environment.

**[11] Clause 13, Planning Control and Consultation Table**

Insert after the matter relating to “**Planning control**—” in items 9, 15, 16 and 18—

**Consultation—**

Department of Planning, Industry and Environment, if the development is likely to significantly affect threatened species, within the meaning of the *Biodiversity Conservation Act 2016*, section 7.2.

**[12] Clause 13, Planning Control and Consultation Table**

Omit “CaLM” wherever occurring in the notes to items 9 and 25.

Insert instead “the Department of Planning, Industry and Environment”.

**1.16 Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)**

**Clause 11 Heritage advertisements**

Omit the clause.

**1.17 Penrith Local Environmental Plan 1998 (Urban Land)**

**[1] Clause 20 Acquisition of land reserved for roads**

Omit clause 20(3)(b).

**[2] Clause 27 Advertising of development applications for restaurants and kiosks in Zone No 6 (a), 6 (c) or 6 (d)**

Omit the clause.

**1.18 Penrith Local Environmental Plan 2010**

**Clause 8.4 Design excellence**

Omit clause 8.4(5) and (6). Insert instead—

(5) Development consent may not be granted for the erection or alteration of a building to which this clause applies that has either or both of the following unless the design of the building or alteration is the result of an architectural design competition—

(a) a height of up to 10% greater than that allowed by clause 4.3,

(b) a floor space ratio of up to 10% greater than that allowed by clause 4.4.

**1.19 Queanbeyan Local Environmental Plan 1991**

**[1] Clause 6 Definitions**

Omit the definition of *advertised development* from clause 6(1).

**[2] Clause 24B Advertised development**

Omit the clause.

**1.20 Queanbeyan Local Environmental Plan 1998**

**[1] Clause 81 Advertised development**

Omit the clause.

**[2] Schedule 1 Dictionary**

Omit the definition of *advertised development*.

**1.21 Shellharbour Local Environmental Plan 2000**

**[1] Clause 68 Acquisition of land within Zone 9 (b)**

Omit clause 68(1)(c).

**[2] Clause 68(2)(b) and (c)**

Omit “or” from the end of clause 68(2)(b) and omit clause 68(2)(c).

**[3] Clause 75 Notice of certain heritage development applications**

Omit clause 75(1).

**1.22 Shellharbour Rural Local Environmental Plan 2004**

**[1] Clause 33 Acquisition of land in the 9 (b) Arterial Roads Reservation Zone**

Omit clause 33(2)(c).

**[2] Clause 33(4)(b) and (c)**

Omit “or” from the end of clause 33(4)(b) and omit clause 33(4)(c).

**[3] Clause 47 Advertised development**

Omit the clause.

**[4] Dictionary**

Omit the definition of *advertised development*.

**1.23 Shoalhaven Local Environmental Plan 1985**

**[1] Clause 20F Advertised development**

Omit the clause.

**[2] Clause 46 Consent required for certain development**

Omit clause 46(4A). Insert instead—

(4A) The Council must not consent to the subdivision of, or to the carrying out of other development on, land within Special Rural Lifestyle Area 11 or 12 (Tallow Wood Road, West Burrill Lake) unless the Council has taken into consideration a proposed plan, prepared by or on behalf of the applicant for consent, for the control of pollution which might arise from—

(a) carrying out development on the allotments to be created by the proposed subdivision, or

(b) carrying out the other development.

**[3] Clause 50 Acquisition and development of land in Zone No 5 (d)**

Omit clause 50(2)(b)(ii).

### **1.24 Singleton Local Environmental Plan 1996**

**[1] Clause 14B Development in the Whittingham Industrial Estate**

Omit “, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot” from clause 14B(3).

**[2] Clause 14B(4) and (5)**

Omit the subclauses.

**[3] Clauses 25 and 29**

Omit the clauses.

**[4] Clause 34 What requirements are there for the acquisition of private land in Zones 5 and 6 (a)?**

Omit clause 34(2)(b)(iii).

### **1.25 South Sydney Local Environmental Plan 1998**

**Clause 48 Consultation with the Department of Housing**

Omit the clause.

### **1.26 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

**[1] Clause 12A**

Insert after clause 12—

**12A Consideration of Planning for Bush Fire Protection**

- (1) This clause applies to development for the purposes of an educational establishment or school-based child care that this Policy provides may be carried out without development consent.
- (2) A public authority, or a person acting on behalf of a public authority, must consider *Planning for Bush Fire Protection* before carrying out the development in an area that is bush fire prone land.
- (3) In this clause—  
***bush fire prone land*** means land recorded for the time being as bush fire prone land on a map certified under the Act, section 10.3(2).

**[2] Clause 13 Consultation with public authorities other than councils**

Omit clause 13(2)(b)–(e).

**[3] Clause 13(4), definition of “dark sky region map” and note**

Omit “Department of Planning and Environment” wherever occurring.

Insert instead “Department”.

## **1.27 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

### **Clause 27 Bush fire prone land**

Omit clause 27(3).

## **1.28 State Environmental Planning Policy (Infrastructure) 2007**

### **[1] Clause 16(2)(b)**

Insert “, other than land reserved under the *National Parks and Wildlife Act 1974*” after “that zone”.

### **[2] Clause 16(2)(c), (d) and (f)**

Omit the paragraphs.

### **[3] Clause 16A**

Insert after clause 16—

#### **16A Consideration of Planning for Bush Fire Protection**

(1) This clause applies to development for the following purposes that this Policy provides may be carried out without development consent—

- (a) health services facilities,
- (b) correctional centres,
- (c) residential accommodation.

(2) A public authority, or a person acting on behalf of a public authority, must consider *Planning for Bush Fire Protection* before carrying out the development in an area that is bush fire prone land.

(3) In this clause—

***bush fire prone land*** means land recorded for the time being as bush fire prone land on a map certified under the Act, section 10.3(2).

***Planning for Bush Fire Protection*** means the document entitled *Planning for Bush Fire Protection*, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.

### **[4] Clause 85 Development adjacent to rail corridors**

Insert after clause 85(2)—

- (2A) Despite subclause (2), the consent authority is not required to comply with subclause (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.

## **1.29 State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007**

### **Clause 14 Matters to be considered by consent authority**

Omit “, including specific requirements for a statement of environmental effects relating to the ski resort area if the proposed development is advertised development” from the note to clause 14(1)(d).

### **1.30 State Environmental Planning Policy (Kurnell Peninsula) 1989**

**[1] Clause 22 Restriction on development of wetland areas**

Omit “and the concurrence of the Director” from clause 22(1).

**[2] Clause 22(2)**

Omit the subclause.

**[3] Clause 23B Development of known or potential archaeological sites**

Omit clause 23B(1)(b) and (2)(b).

**[4] Clauses 25 and 26**

Omit the clauses.

**[5] Clause 27 Development control—coastal areas**

Omit clause 27(a).

**[6] Clause 40**

Insert after clause 39—

**40 Protection of groundwater and surface water**

(1) This clause applies to development involving—

- (a) the abstraction of groundwater for water supply purposes, or
- (b) the recirculation of groundwater for industrial purposes and the return of the water to the aquifer, or
- (c) the discharge of groundwater or surface water as waste water into the following—
  - (i) bores,
  - (ii) unlined pits,
  - (iii) channels,
  - (iv) excavations.

(2) The Council must not consent to the carrying out of the development unless arrangements have been made for the groundwater or surface water to be properly used and protected.

### **1.31 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

**[1] Clause 3 Interpretation**

Omit “Director-General” from clause 3(2), definition of *site verification certificate*.

Insert instead “Planning Secretary”.

**[2] Clauses 3B(2), 17C, 17D, 17E(2), 17I(2), 17M(2) and 17O**

Omit “Director-General” wherever occurring. Insert instead “Planning Secretary”.

**[3] Clause 14 Natural resource management and environmental management**

Omit clause 14(3).

**[4] Clause 17B Assessment of development applications**

Omit clause 17B(1) and (2) Insert instead—

- (1) This clause applies to an application for development consent for mining or petroleum development if the application is accompanied by a gateway certificate.
- (2) Before determining the application, the consent authority must consider the following—
  - (a) recommendations set out in the certificate, if any,
  - (b) written advice about the development given by the Gateway Panel as part of the consultations undertaken by the Planning Secretary under the *Environmental Planning and Assessment Regulation 2000*, Schedule 2, clause 3(4A)(b), if any,
  - (c) written advice given by the IES Committee to the Gateway Panel as referred to in clause 17G(1), whether the advice was received before or after the expiry of the 60-day period referred to in clause 17G(1)(b)(i), if any,
  - (d) a cost benefit analysis of the proposed development submitted with the application.
- (2A) In determining the application, the consent authority must consider whether recommendations set out in the certificate have or have not been addressed and, if addressed, the way in which those recommendations have been addressed.

**[5] Clause 17B(3)**

Omit the subclause.

**[6] Clause 17C Site verification certificates—biophysical strategic agricultural land**

Omit “Director-General’s” from clause 17C(1). Insert instead “Planning Secretary’s”.

**1.32 State Environmental Planning Policy No 33—Hazardous and Offensive Development**

**[1] Clause 4 Other definitions**

Omit clause 4(2). Insert instead—

- (2) A reference in this Policy to circulars or guidelines published by the Department is a reference to circulars or guidelines published on the Department’s website.

**[2] Clauses 8, 12 and 13(a)**

Omit “of Planning” wherever occurring.

**[3] Clause 13(b)**

Insert “, including the Department,” after “authority”.

**1.33 State Environmental Planning Policy No 47—Moore Park Showground**

**Clause 15 Matters for consideration**

Omit “the Roads and Traffic Authority and Department of Transport” from clause 15(b).

Insert instead “Transport for NSW”.

### **1.34 State Environmental Planning Policy No 64—Advertising and Signage**

**[1] Clause 15 Advertisements on rural or non-urban land**

Insert after clause 15(3)—

(4) Clause 15(2)(a)(ii) is repealed at the end of 30 June 2023.

**[2] Clause 16 Transport corridor land**

Omit clause 16(3)(a).

**[3] Clause 17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground**

Omit clause 17(2) and (3)(b).

**[4] Clause 17(3)(c)**

Omit “at the same time as the application was advertised in accordance with section 79A of the Act”.

Insert instead “before the application is exhibited”.

**[5] Clause 18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road**

Omit “clause 17 (3) (c) (ii)” from clause 18(4). Insert instead “clause 17(3)(c)”.

**[6] Clause 31, heading**

Omit “RMS”. Insert instead “TfNSW”.

**[7] Clause 31(2)**

Insert at the end of the clause—

(2) This clause is repealed at the end of 30 June 2023.

**[8] Clause 35**

Insert after clause 34—

**35 Savings for draft local environmental plans not yet completed by 30 June 2023**

Clause 31, as in force at the beginning of 30 June 2023, continues to apply to a draft local environmental plan started but not completed by that date.

### **1.35 State Environmental Planning Policy (Penrith Lakes Scheme) 1989**

**Clause 8 Development for the purposes of implementing the Penrith Lakes Scheme**

Omit clause 8(5).

### **1.36 State Environmental Planning Policy (State Significant Precincts) 2005**

**[1] Appendix 4 The Redfern–Waterloo Authority Sites**

Omit “advertised” from clause 26, heading.

**[2] Appendix 5 Kings Forest site**

Omit clause 7(5).

### **1.37 State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

- [1] **Clause 17, heading**  
Omit “of Planning”.
- [2] **Clause 17(2) and (3)**  
Omit “Director-General of the Department of Planning” wherever occurring.  
Insert instead “Planning Secretary”.
- [3] **Clause 17(3)**  
Omit “Director-General for”. Insert instead “Planning Secretary for”.
- [4] **Appendices 1–12**  
Omit “Director-General” wherever occurring in clauses 4.6(4) and (5) and 5.9(2).  
Insert instead “Planning Secretary”.
- [5] **Dictionary**  
Omit “of Planning” from the definition of *heritage conservation management plan*.

### **1.38 Sutherland Shire Local Environmental Plan 2006**

#### **Clause 54 Heritage**

Omit clause 54(4).

### **1.39 Sydney Local Environmental Plan 2005**

- [1] **Clause 108 Preparation of master plans**  
Omit “should be prepared following consultation between the owner or lessee and the Director-General and” from clause 108(2).
- [2] **Clause 108(2)(I)**  
Omit the paragraph.

### **1.40 Sydney Local Environmental Plan 2012**

- [1] **Clause 6.41 7–15 Randle Street, Surry Hills**  
Omit the note to clause 6.41(2).
- [2] **Clause 6.41(3)**  
Omit the subclause. Insert instead—
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied the development—
    - (a) is only for the purposes of—
      - (i) hotel or motel accommodation, and
      - (ii) ancillary commercial premises at the 2 lowest levels of the building, and
    - (b) relates to all of the subject land.

**[3] Clause 6.41(7)–(11)**

Omit the subclauses.

**1.41 Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)**

**[1] Clauses 8 and 15**

Omit the clauses.

**[2] Schedule 1**

Omit “(Clauses 2, 7, 8, 9, 13, 14, 15,”. Insert instead “(Clauses 2, 7, 9, 13, 14,”.

**[3] Schedules 2 and 5**

Omit “8,” wherever occurring.

**1.42 Sydney Regional Environmental Plan No 16—Walsh Bay**

**[1] Clause 7 Definitions**

Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Clause 12 Zone objectives and development control table**

Omit “the Maritime Services Board” from item 2 of the matter relating to Zone 2 Walsh Bay Waterway Zone from the table to the clause.

Insert instead “TfNSW”.

**[3] Clause 16 Matters for consideration**

Omit clause 16(a).

**[4] Clause 16(c)**

Omit “the Maritime Services Board”. Insert instead “TfNSW”.

**[5] Clause 16(j)**

Omit “for Maritime Services Board”. Insert instead “for TfNSW”.

**[6] Clause 16(k)**

Omit “or to the satisfaction of” from the paragraph.

**1.43 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)**

**[1] Clause 6 Specific planning policies and recommended strategies**

Omit “*Forestry Act 1916*” wherever occurring in the matter relating to **Environmentally sensitive areas**.

Insert instead “*Forestry Act 2012*”.

**[2] Clause 6**

Omit paragraph (f) from the matter relating to **Environmentally sensitive areas**.

**[3] Clause 11 Development controls**

Omit the matters relating to **Concurrence** and **Matters for consideration by the Director as concurrence authority** from item (19).

**1.44 Sydney Regional Environmental Plan No 24—Homebush Bay Area**

**[1] Clause 16A Preparation, adoption and amendment of master plans**

Omit “should be prepared following consultation with the Director-General and” from clause 16A(2).

**[2] Clause 16A(2)(n)**

Omit the paragraph.

**[3] Clause 16A(4)**

Omit the subclause.

**[4] Clause 16A(7)**

Omit the subclause. Insert instead—

- (7) When submitted to the Minister, the draft master plan must—
  - (a) be advertised in a newspaper circulating throughout the State and in the locality, and
  - (b) be exhibited for not less than 21 days for public comment.

**[5] Clause 16A(13)**

Omit “available for inspection free of charge at the head office, and the Sydney Region West office, of the Department”.

Insert instead “made publicly available on the website of the Department”.

**[6] Clause 17**

Omit the clause. Insert instead—

**17 Master plans and development control plans—availability**

Copies of each master plan and development control plan in relation to land within the Homebush Bay Area, as in force for the time being, must be made publicly available on the website of—

- (a) the Department, and
- (b) if part of a council’s local government area is within the Homebush Bay area—the council.

**[7] Clause 21**

Omit the clause. Insert instead—

**21 Development of major public facilities**

Before granting consent to development of any land for the purpose of a major public facility, the consent authority must assess whether the use of the major public facility will have an adverse impact on adjacent sites in the Homebush Bay Area or on surrounding land.

**[8] Clause 22 Development in environmental conservation areas**

Omit clause 22(5)(a).

**[9] Clause 25 Advertised development**

Omit the clause.

**[10] Schedules 4 and 5**

Omit “25,” wherever occurring.

### **1.45 Sydney Regional Environmental Plan No 26—City West**

**[1] Clauses 50 and 51**

Omit the clauses.

**[2] Clause 52**

Omit the clause. Insert instead—

**52 Views of other bodies about development in Precincts**

- (1) Before granting consent to a development application in relation to land in the Eveleigh Precinct, the consent authority must, if the consent authority considers it appropriate, consult TfNSW.
- (2) Before granting consent to a development application in relation to land in the Bays Precinct, the consent authority must, if the consent authority considers it appropriate, consult TfNSW and the Port Authority of New South Wales.
- (3) The consent authority must consider any submissions received from TfNSW or the Port Authority of New South Wales, as relevant, within 21 days of giving notice of the application to the body.
- (4) In this clause—  
*Port Authority of New South Wales* has the same meaning as in the *Ports and Maritime Administration Act 1995*.

**[3] Clause 54A Temporary use of land for the purpose of a school at Wentworth Park**

Omit clause 54A(5), definition of *TfNSW*.

**[4] Schedule 1 Definitions**

Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

### **1.46 Sydney Regional Environmental Plan No 30—St Marys**

**[1] Clause 55 Conservation of items of environmental heritage**

Omit clause 55(5).

**[2] Clause 56**

Omit the clause. Insert instead—

**56 Conservation of Aboriginal sites and items and relics of Aboriginal cultural significance**

- (1) This clause applies to development that—

- (a) is likely to have an impact on an Aboriginal place, or
  - (b) will be carried out on—
    - (i) an archaeological site that has Aboriginal cultural significance, or
    - (ii) a potential archaeological site that is reasonably likely to have Aboriginal cultural significance.
- (2) Before granting consent to the development, the consent authority must consider a heritage impact statement explaining how the proposed development would affect the conservation of—
- (a) the place or site, and
  - (b) any relic known, or reasonably likely, to be at the place or site.

### **1.47 Sydney Regional Environmental Plan No 33—Cooks Cove**

**[1] Clause 13 Infrastructure provision**

Omit clause 13(1). Insert instead—

- (1) Consent must not be granted to development of land within the Cooks Cove site until the Planning Secretary has approved a comprehensive transport management plan after being satisfied TfNSW has agreed to the strategies of the management plan.

**[2] Clauses 13(3) and 14**

Omit “Director-General” wherever occurring. Insert instead “Planning Secretary”.

**[3] Clause 13(3)(a)**

Omit the paragraph. Insert instead—

- (a) TfNSW, and

**[4] Clause 13(4)**

Insert after clause 13(3)—

- (4) In this clause—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[5] Clause 17 Environmental management—management plans**

Omit “Director-General of the Department of Environment and Conservation, Director-General of NSW Fisheries, Director-General of the Department of Infrastructure, Planning and Natural Resources and Secretary of the Department of the Environment and Heritage of the Commonwealth” from clause 17(1)(a).

Insert instead “Planning Secretary and Secretary of the Department of Agriculture, Water and the Environment of the Commonwealth”.

**[6] Clause 17(1)(c)**

Omit “Director-General of the Department of Environment and Conservation”.

Insert instead “Planning Secretary”.

**[7] Clause 17(1)(c)**

Omit “that Director-General”. Insert instead “the Planning Secretary”.

**[8] Dictionary**

Omit the definition of *Director-General*.

**1.48 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

**[1] Clause 24 Interrelationship of waterway and foreshore uses**

Insert after clause 24(e)—

- (f) development on foreshore land should minimise any risk to the development from rising sea levels or changing flood patterns as a result of climate change.

**[2] Clauses 29–31 and 56**

Omit the clauses.

**[3] Schedule 2 Development to be referred to Foreshores and Waterways Planning and Development Advisory Committee**

Omit the Schedule.

**1.49 Tweed City Centre Local Environmental Plan 2012**

**Clause 6.10 Design excellence**

Omit clause 6.10(7) and (8). Insert instead—

- (7) However, development consent must not be granted under subclause (6) unless the design of the building or alteration is the winner of an architectural design competition.

**1.50 Tweed Local Environmental Plan 2000**

**[1] Clause 8 Consent considerations**

Omit “(other than as advertised development)” from clause 8(2)(b).

**[2] Clause 8(3)**

Omit the subclause.

**[3] Clause 43 Notice of certain heritage development applications**

Omit the clause.

**[4] Clause 48 Acquisition and development of land in Zone 5 (a) (RTA Road)**

Omit clause 48(4)(b)(ii).

**1.51 Warringah Local Environmental Plan 2000**

**[1] Clauses 23 and 26**

Omit the clauses.

**[2] Schedule 11 Koala feed tree species and plans of management**

Omit items (4), (5) and (6).

**[3] Appendix A Cowan Creek Catchment Locality Statements**

Omit the notes from the matter relating to **Prohibited Development**, wherever occurring.

**1.52 Wollongong Local Environmental Plan 1990**

**[1] Clause 5 Strategy**

Omit paragraph (c).

**[2] Clauses 11(1A) and 38A(5)–(7)**

Omit the subclauses.

**[3] Clauses 28 and 33**

Omit the clauses.

**1.53 Yarrowlumla Local Environmental Plan 2002**

**Clause 49 Notice of development applications relating to heritage items**

Omit the clause.