



New South Wales

# **State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008**

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* in accordance with the recommendation made by the Minister for Planning. (S08/00320-1)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*.

### **2 Aims of Policy**

The aims of this Policy are:

- (a) to amend the environmental planning instruments referred to in Schedules 1–3 so as to omit provisions requiring consent authorities to obtain certain concurrences under section 30 of the *Environmental Planning and Assessment Act 1979* or to refer certain matters to various persons or bodies, and
- (b) to replace certain concurrence or referral provisions within environmental planning instruments with matters for the relevant Council's consideration, and
- (c) to omit provisions in certain regional environmental plans referred to in Schedule 2 that relate to policies for the preparation of draft local environmental plans and consultation requirements, and
- (d) to make other miscellaneous amendments to environmental planning instruments.

### **3 Commencement**

This Policy commences on 15 December 2008.

### **4 Land to which Policy applies**

This Policy applies to the whole of the State.

### **5 Amendment or repeal of environmental planning instruments**

- (1) Each State environmental planning policy referred to in Schedule 1 is amended in the manner set out in that Schedule.
- (2) Each regional environmental plan referred to in Schedule 2 is amended in the manner set out in that Schedule.

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- (3) Each local environmental plan and deemed environmental planning instrument referred to in Schedule 3 is amended in the manner set out in that Schedule.

**6 Savings and transitional provisions**

- (1) The amendments made by this Policy do not affect any development application made but not finally determined before the commencement of this Policy and any such application is to be determined as if this Policy had not been made.
- (2) Any amendments made by this Policy to provisions relating to the preparation of environmental planning instruments do not affect the preparation of any instrument that had been publicly exhibited before the commencement of this Policy.

## **2008 No 571**

State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008

Schedule 1 Amendment of State environmental planning policies

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### **Schedule 1 Amendment of State environmental planning policies**

(Clause 5 (1))

#### **1.1 State Environmental Planning Policy No 29—Western Sydney Recreation Area**

**[1] Clause 10 Interim development**

Omit “and the concurrence of the Director of Planning” from clause 10 (1).

**[2] Clause 10 (3)**

Omit “and the Director when deciding whether to grant concurrence under that subclause”.

#### **1.2 State Environmental Planning Policy No 47—Moore Park Showground**

**Clause 15 Matters for consideration**

Omit “and the views of the Environment Protection Authority in relation to these matters” from clause 15 (e).

#### **1.3 State Environmental Planning Policy No 53—Metropolitan Residential Development**

**Clause 9 Heritage conservation areas and heritage items**

Omit the clause.

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

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

Omit clause 15 (2) (b) (ii) (E).

**[2] Clause 15 (2) (c)**

Insert at the end of clause 15 (2) (b):

, or

- (c) if no such development control plan is in force, unless the advertisement is a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

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

Insert “clause 10 (1) and” after “Despite” in clause 16 (1).

**1.5 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004****Clause 22 Heritage conservation areas and heritage items**

Omit the clause.

**1.6 State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007****[1] Clause 26 Heritage conservation**

Insert at the end of clause 26 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 26 (8)**

Omit the subclause.

**1.7 State Environmental Planning Policy (Sydney Region Growth Centres) 2006****[1] Appendix 1, clause 35**

Insert at the end of clause 35 (3AA):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Appendix 1, clause 35 (6)**

Omit the subclause. Insert instead:

**(6) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register under the *Heritage Act 1977* or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

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Schedule 1      Amendment of State environmental planning policies

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**[3] Appendix 1, clause 35 (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[4] Appendix 1, clause 35 (7) (c)**

Insert at the end of clause 35 (7) (b):

, and

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[5] Appendix 1, clause 35 (8)**

Omit the subclause.

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## **Schedule 2    Amendment of regional environmental plans**

(Clause 5 (2))

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

**[1] Clause 5 Aims and objectives**

Omit clause 5 (1) (e).

**[2] Clause 9 Specific planning principles**

Omit “and Consultation” from clause 9 (11).

**[3] Part 3, heading**

Omit “and consultation”.

**[4] Clause 10 Consultation—who consults and procedure for consultation**

Omit the clause.

**[5] Clause 11 Planning control table**

Omit “and consultation” from clause 11 (1).

**[6] Clause 11 (3)**

Omit the subclause.

**[7] Clause 11, table**

Omit “AND CONSULTATION” from the heading to the table.

**[8] Clause 11, table, item 2**

Omit “Department of Land and Water Conservation” from the note under the heading “Planning control”.

Insert instead “Department of Lands”.

**[9] Clause 11, table, item 4**

Omit “in consultation with the relevant Catchment Management Committees, the community, the Environment Protection Authority and the Department of Land and Water Conservation”.

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Schedule 2 Amendment of regional environmental plans

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**[10] Clause 11, table, item 5**

Omit “and the Department of Land and Water Conservation is satisfied that the proposal is in accordance with the *NSW Sand and Gravel Extraction Policy for Non Tidal Rivers* prepared by and available from that Department”.

Insert instead “by a public authority and the consent authority is satisfied that the proposal is in accordance with the principles and objectives contained in the *NSW Sand and Gravel Extraction Policy for Non Tidal Rivers*”.

**[11] Clause 11, table, item 5**

Omit “The requirements of the Department of Land and Water Conservation and any relevant river management plan prepared by the Department of Land and Water Conservation or any water management plan approved by the Minister for Environment and the Minister for Land and Water Conservation.”.

**[12] Clause 11, table, item 6**

Omit the matter relating to “Consultation”.

**[13] Clause 11, table, item 6**

Omit “determined by the council in consultation with the relevant Catchment Management Committees, the community, the Environment Protection Authority and the Department of Land and Water Conservation”.

**[14] Clause 11, table, item 6**

Omit “*Floodplain Management Policy, State Rivers and Estuaries Policy* and the *Wetlands Policy* prepared by and available from the Department of Land and Water Conservation”.

Insert instead “New South Wales Government’s *Floodplain Development Manual: the management of flood liable land* (April 2005, ISBN 0 7347 5476 0)”.

**[15] Clause 11, table, item 7**

Omit “in consultation with the relevant Catchment Management Committees, the community, the Environment Protection Authority and the Department of Land and Water Conservation”.

**[16] Clause 11, table, item 7**

Omit “Whether the proposal is in accordance with any water management plan approved by the Minister for the Environment and the Minister for Land and Water Conservation where such a plan has been prepared.”.



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- [17] **Clause 11, table, item 8**  
Omit the matter relating to “Consultation”.
- [18] **Clause 11, table, item 8**  
Omit “That any proposed piping or channelisation of the Georges River or its tributaries has any necessary approval of the Department of Land and Water Conservation under the relevant legislation.” and any note to that paragraph, wherever occurring.
- [19] **Clause 11, table, item 12**  
Omit the matter relating to “Consultation”.
- [20] **Clause 11, table, item 18**  
Omit the note from the matter relating to “Specific matters for consideration”.
- [21] **Clause 11, table, item 20**  
Omit “in accordance with a Stormwater Management Plan approved by the Director-General of the Environment Protection Authority”.  
Insert instead “by or on behalf of a public authority”.
- [22] **Clause 11, table, item 23**  
Omit “as identified and mapped by the National Parks and Wildlife Service in consultation with the Department of Land and Water Conservation and NSW Fisheries”.

## 2.2 Hunter Regional Environmental Plan 1989

- [1] **Clause 16 Policies for plan preparation**  
Omit clause 16 (4).
- [2] **Clause 17 Principles**  
Omit “in consultation with the Environment Protection Authority,” from clause 17 (c).
- [3] **Clause 26 Policies for plan preparation**  
Omit clause 26 (1) (a).
- [4] **Clause 26 (2) (c)**  
Omit “on the advice of the Director-General of the Department of Agriculture and Fisheries, and where otherwise appropriate,”.  
Insert instead “where appropriate”.

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**[5] Clause 26 (3) (b)**

Omit “Director-General of the Department of Agriculture and Fisheries agrees”.

Insert instead “council considers”.

**[6] Clause 27 Policies for control of development**

Omit clause 27 (1) (a).

**[7] Clause 27 (2)**

Omit “account of the views of officers of the Department of Agriculture and Fisheries on”.

Insert instead “into consideration”.

**[8] Clause 28 Principles**

Omit “, in consultation with officers of the Department of Agriculture,” from clause 28 (1).

**[9] Clauses 40 and 41**

Omit the clauses.

**[10] Clause 43 Policies for plan preparation**

Omit “has consulted with the authority responsible for water supply and water quality in that area and” from clause 43 (1) (a).

**[11] Clause 43 (1) (b)**

Omit “in areas required by those authorities”.

**[12] Clause 43 (1) (c)**

Omit “required”. Insert instead “appropriate”.

**[13] Clauses 50, 58 and 68**

Omit the clauses.

### **2.3 Hunter Regional Environmental Plan 1989 (Heritage)**

**[1] Clause 6 Policies for plan preparation**

Omit clause 6 (2).

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**[2] Clause 7 Development of heritage items**

Insert at the end of clause 7 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clauses 8 and 9**

Omit the clauses.

**[4] Clause 11 Advertising of heritage applications**

Omit clause 11 (2).

**2.4 Illawarra Regional Environmental Plan No 1****[1] Clauses 12, 13, 14 (3), 16, 19, 20, 22–26, 39, 40, 42, 44, 45, 59, 60, 62–71, 73, 76–78, 102 (b), 106, 109, 110 and 114–116**

Omit the clauses.

**[2] Clause 14 Land supporting rainforest vegetation species**

Omit “has consulted the Director of the National Parks and Wildlife Service and” from clause 14 (5).

**[3] Clause 14 (6)**

Omit the subclause. Insert instead:

- (6) The consent authority must not grant development consent to an application to carry out development on land to which this clause applies unless it is satisfied that:
  - (a) the development will not have a detrimental effect on the rainforest or rainforest species (such as further loss and fragmentation of rainforest species) and will not cause habitat degradation as a consequence of weed infestation, altered hydrological conditions or inappropriate fire regimes, or
  - (b) any effect referred to in paragraph (a) can be justified by other factors.

**[4] Clause 15 Wildlife corridors**

Omit “has consulted the Director-General of the National Parks and Wildlife Service, the Executive Director, Fisheries, Department of Agriculture, or both, and” from clause 15 (1).

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### **[5] Clause 15 (2)**

Omit the subclause. Insert instead:

- (2) The consent authority must not grant development consent to an application to carry out development on land shown on the map as a wildlife corridor that, in the opinion of the consent authority, will involve significant tree felling or vegetation clearance unless it is satisfied that:
  - (a) the development will be so managed as to not have any long-term detrimental impact on opportunities for wildlife movement, or
  - (b) the development is designed to enhance the retention and augmentation of vegetation native to the area.

### **[6] Division 4 of Part 2, Division 3 of Part 4, Division 2 of Part 8, Division 3 of Part 12, Division 3 of Part 13 and Division 3 of Part 15**

Omit the Divisions.

### **[7] Parts 3, 6, 9–11, 14 and 16**

Omit the Parts.

### **[8] Clause 139 Development applications—high rise buildings**

Insert after clause 139 (1):

- (1A) This clause applies to all land in the Wollongong Plain subregion and the Shoalhaven subregion, other than land to which *Wollongong City Centre Local Environmental Plan 2007* applies.

### **[9] Clause 139 (2)**

Omit the subclause. Insert instead:

- (2) The consent authority must not consent to a development application to erect a building or to alter an existing building by increasing its height, where the building after erection or alteration will have a height of more than 11 metres, without the concurrence of the Director.

## **2.5 Illawarra Regional Environmental Plan No 2—Jamberoo Valley**

### **Clause 4, Part 2 and clauses 12 and 13**

Omit the provisions.

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## 2.6 Jervis Bay Regional Environmental Plan 1996

### [1] Clause 13 Cultural heritage

Omit clauses 13 (1) and (2). Insert instead:

- (1) If a proposal is within a coastal sand dune area, on a rocky headland or on a flat, well-drained area along a major creekline, the consent authority must consider the effect of the proposal on the heritage significance of any Aboriginal object known or reasonably likely to be located at the site.

### [2] Clause 14 Habitat corridors

Insert at the end of clause 14 (1) (c):

, and

- (d) be designed to enhance the retention and augmentation of vegetation native to the area.

### [3] Clause 14 (3)

Omit the subclause.

### [4] Clause 18 A National Park

Insert after the note to the clause:

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [5] Clause 18 (5)

Omit “has consulted the Director-General of National Parks and Wildlife and”.

## 2.7 Lower South Coast Regional Environmental Plan No 1

### Clause 6 Height restrictions

Omit the clause.

## 2.8 Lower South Coast Regional Environmental Plan (No 2)

### [1] Clause 9 Policies for plan preparation

Omit clause 9 (b) and (c).

### [2] Clauses 12 and 13, Divisions 3 and 4 of Part 2, clauses 20 (3) and (4) (i), Division 2 of Part 4, clause 28 and Division 4 of Part 4, Divisions 1 and 3 of Part 5, clauses 39 and 42, Divisions 2 and 3 of Part 7 and Part 8

Omit the provisions.

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**[3] Clause 20 Policies for plan preparation**

Omit “(or such part of the area as may be agreed upon between the council and the Director of Planning and to which the plan applies)” and “being a strategy which has been agreed upon between the council and the Director of Planning” respectively, from clause 20 (4).

**[4] Schedule 2 Guidelines for development in waterway catchments**

Omit the Schedule.

### **2.9 North Coast Regional Environmental Plan**

**[1] Clause 18A Development control—mineral sands mining**

Omit the clause.

**[2] Clause 20 Plan preparation—rural land release strategy**

Omit clause 20 (1) (b).

**[3] Clause 20 (5)**

Omit “agreed by the Director”. Insert instead “approved by the council”.

**[4] Clause 21 Plan preparation—dwellings on rural land**

Omit “which has been approved by the Director” from clause 21 (3) (b) (i).

**[5] Clause 21 (3) (b) (ii)**

Omit “which has been agreed to by the Director”.

**[6] Clause 32A Plan preparation—coastal lands**

Omit clause 32A (2) (b).

**[7] Clause 35 Plan preparation—conservation areas of State and regional significance**

Omit the clause.

**[8] Clause 36 Development control—heritage items, generally**

Insert at the end of clause 36 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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- [9] **Clause 36A Development control—heritage items of State and regional significance**  
Omit clause 36A (1).
- [10] **Clause 36A (2)**  
Omit “concurrence under subclause (1), the Director shall”.  
Insert instead “a consent required by clause 36 in relation to heritage items specified or described in Schedule 2, the council must”.
- [11] **Clause 36B Development control—heritage items of regional significance**  
Omit the clause.
- [12] **Clause 38 Plan preparation—urban land release strategy**  
Omit “(subject to the directions given by the Director)” from clause 38 (1).
- [13] **Clause 38 (3) (a)**  
Omit “agreed between the council and the Director”.
- [14] **Clause 51 Development control—Director’s concurrence for tall buildings**  
Omit the clause.
- [15] **Part 7 Miscellaneous**  
Omit the Part.

## 2.10 Sydney Regional Environmental Plan No 13—Mulgoa Valley

- [1] **Clause 10 Demolition applications**  
Omit clause 10 (1) (b).
- [2] **Clause 10, note**  
Insert at the end of the clause:  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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### 2.11 Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)

**[1] Clause 23A Protection of heritage items and relics**

Insert at the end of clause 23A (3) (b):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 23A (3) (c)**

Omit the paragraph.

**[3] Clause 31 Acquisition of reserved lands**

Insert before clause 31 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 31 (4)**

Omit “Except as provided by subclause (5), land”. Insert instead “Land”.

**[5] Clause 31 (5)**

Omit the subclause.

**[6] Clause 31 (6)**

Omit “concurrence required by subclause (5) the Director shall”.

Insert instead “consent under subclause (4), the Council must”.

### 2.12 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

**[1] Clause 8 Development controls**

Omit clause 8 (4).

**[2] Clause 9 How is consultation carried out?**

Omit the clause.

**[3] Clause 11 Development controls**

Omit the matter relating to “Consultation” from item (2).

**[4] Clause 11**

Omit the matter relating to “Concurrence” and “Consultation” from item (6).



**[5] Clause 11**

Omit “**Director as concurrence authority**” from the heading “**Matters for consideration by the Director as concurrence authority**” from item (6).

Insert instead “**consent authority**”.

**[6] Clause 11**

Omit “whether sufficient attention has been given by the consent authority to” from paragraph (a) where secondly occurring in item (6).

**[7] Clause 11**

Omit the matter relating to “Consultation” wherever occurring in items (9), (13) and (17)–(19).

**2.13 Sydney Regional Environmental Plan No 24—Homebush Bay Area****[1] Clause 14 Consultation with other public bodies**

Omit clause 14 (1) (c)–(e).

**[2] Clause 14 (2) (b)**

Omit “28 days”. Insert instead “21 days”.

**[3] Clause 20 Contaminated land**

Omit clause 20 (b).

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

Omit clause 22 (4).

**[5] Clause 24 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 24 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 26 Notice of demolition to Heritage Council**

Omit the clause.

**[7] Clause 27 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 27 (b).

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**[8] Clause 27 (b)**

Omit “28 days”. Insert instead “21 days”.

**[9] Clause 27 (c)**

Insert at the end of clause 27 (b):

, and

- (c) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[10] Clause 28 Development affecting known or potential historical archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 28 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[11] Schedule 7 Issues to be addressed in statements of environmental effects**

Omit “• Any requirements of the Director-General of the Environment Protection Authority and how these are to be complied with.” from Part 1.

**[12] Schedule 7, Part 2**

Omit “• The views of the Director-General of National Parks and Wildlife.”.

### 2.14 Sydney Regional Environmental Plan No 26—City West

**[1] Clause 32 Demolition of heritage items**

Omit the first and second paragraphs of the clause.

**[2] Clause 32, note**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### 2.15 Sydney Regional Environmental Plan No 28—Parramatta

**[1] Clause 43 Protection of heritage items, heritage conservation areas and relics**

Omit clause 43 (2) and (3).

**[2] Clause 45 Heritage considerations**

Insert at the end of clause 45 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 48 Notice of applications for demolition to the Heritage Council**

Omit the clause.

**[4] Clause 50 Development of Aboriginal places or of known or potential archaeological sites of Aboriginal cultural significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 50 (b).

**[5] Clause 50 (b)**

Omit “28 days”. Insert instead “21 days”.

**[6] Clause 50 (c)**

Insert at the end of clause 50 (b):

, and

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[7] Clause 51 Development of other archaeological sites or potential archaeological sites**

Omit clause 51 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[8] Clause 69 Development within foreshore building line**

Omit clause 69 (6) (i).

**[9] Clause 69 (6) (j)**

Omit “whether adequate consultation with NSW Fisheries has occurred as to”.

**[10] Clause 72 Acquisition and development of reserved land**

Insert before clause 72 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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**[11] Clause 72 (6)**

Omit the subclause.

**[12] Clause 72 (7)**

Omit “concurrence under subclause (6), the public authority concerned”.

Insert instead “consent under subclause (5), the consent authority”.

**[13] Clause 76 Development on flood liable land**

Omit clause 76 (3).

**[14] Clause 83 Acid sulfate soils**

Omit clause 83 (4) (c).

### 2.16 Sydney Regional Environmental Plan No 31—Regional Parklands

**[1] Clause 14 Matters to be taken into consideration for certain development**

Omit clause 14 (1) and (4).

**[2] Clause 14 (2) and (3)**

Omit “concurrence should be granted for consent” and “Director-General”.

Insert instead “consent should be granted” and “Council”, respectively.

**[3] Clause 15**

Omit the clause. Insert instead:

**15 Development near national parks**

The consent authority must not grant consent to development adjoining any land reserved or dedicated under the *National Parks and Wildlife Act 1974* if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**[4] Clause 16 Cultural heritage**

Omit “and the Director-General of National Parks and Wildlife” from clause 16 (5) (b).

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

Omit “28 days”. Insert instead “21 days”.

**2.17 Sydney Regional Environmental Plan No 33—Cooks Cove****Clause 23 Acid sulfate soils**

Omit clause 23 (2) (c).

**2.18 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005****[1] Clause 30 Consultation available for other matters**

Omit clause 30 (1).

**[2] Clause 30 (4)**

Omit “draft local environmental plan,”.

**[3] Clause 36 Development on land comprising acid sulfate soils**

Omit clause 36 (4) (c).

**[4] Clause 39**

Omit the clause. Insert instead:

**39 Development and activities in vicinity of national parks**

A consent authority must not grant consent to development in any part of the waterway that would be likely to affect land that is reserved under the *National Parks and Wildlife Act 1974* if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**[5] Clause 57 Development affecting matters of Aboriginal heritage significance**

Omit “and the Director-General of the Department of Environment and Conservation” wherever occurring in clause 57 (1) (b) and (2).

**[6] Clause 57 (1) (b)**

Omit “28 days”. Insert instead “21 days”.

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**[7] Clause 57 (1) (c)**

Insert at the end of clause 57 (1) (b):

, and

- (c) must be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[8] Clause 58 Development affecting matters of non-Aboriginal heritage significance**

Omit clause 58 (1) (b). Insert instead:

- (b) must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[9] Clause 58 (2)**

Omit the subclause.

### **2.19 Western Division Regional Environmental Plan No 1— Extractive Industries**

**[1] Clause 2 Aims, objectives etc**

Omit clause 2 (2) (b).

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

Omit “, and requiring that at a minimum, consultation must be undertaken with the Department of Water Resources, the Soil Conservation Service and the National Parks and Wildlife Service before any consent is determined”.

**[3] Clause 11 Development consent—Schedule 1 land**

Omit clause 11 (4).

**[4] Clause 11 (5)**

Omit “The Commissioner shall in determining whether concurrence”.

Insert instead “The consent authority must in determining whether consent”.

**[5] Clause 12 Environmental management and rehabilitation plan required**

Omit clause 12 (2)–(4).

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## Schedule 3      Amendment of local environmental plans and deemed environmental planning instruments

(Clause 5 (3))

### 3.1 Albury Local Environmental Plan 2000

**[1] Clause 5 Definitions**

Omit the definition of *Heritage Council* from clause 5 (1).

**[2] Clause 37 Development of land prior to acquisition**

Omit “and the concurrence of the Roads and Traffic Authority” from clause 37 (1).

**[3] Clause 37 (3)**

Omit the subclause.

**[4] Clause 48 Protection of heritage items, heritage conservation areas, places and archaeological sites**

Insert at the end of clause 48 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 51 Notification of certain development relating to heritage items**

Omit the clause.

**[6] Clause 52 Notification of certain development on archaeological sites or potential archaeological sites**

Omit clause 52 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

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**[7] Clause 52 (2) (b)**

Omit the paragraph. Insert instead:

- (b) is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[8] Clause 62 Roads**

Omit clause 62 (2) and (3).

### 3.2 Ashfield Local Environmental Plan 1985

**[1] Clause 27 Acquisition etc of land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d)**

Insert before clause 27 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 27 (3) and (4)**

Omit the subclauses. Insert instead:

- (3) Notwithstanding clause 10, development may, with the consent of the council, be carried out for any purpose on land within a zone referred to in subclause (1) if the council is satisfied that development of the land for the purpose for which the land is zoned is not imminent.
- (4) In considering whether to grant consent under subclause (3), the council must take the following into consideration:
  - (a) the imminence of development of the land for the purpose for which it is reserved,
  - (b) whether the proposed development will render the land unfit for that purpose,
  - (c) the cost of the reinstatement of the land for that purpose,
  - (d) whether a refusal to grant consent will cause undue financial hardship to any owner, mortgagee or lessee of the land.

**[3] Clause 36 Development of known or potential archaeological sites**

Omit clause 36 (1) (b) and (2) (b).



### 3.3 Auburn Local Environmental Plan 2000

#### [1] Clause 29 Land acquisition in the Special Uses 5 (b) Zone

Insert before clause 29 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

#### [2] Clause 29 (4)

Omit clause 29 (4) and (5). Insert instead:

- (4) A person may, with development consent, carry out development on land zoned 5 (b) for a purpose for which development may be carried out on land in an adjoining zone or for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

#### [3] Clause 42 Assessment of heritage applications

Insert at the end of clause 42 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

#### [4] Clause 42 (3)

Omit the subclause.

#### [5] Clause 46 Development of archaeological sites or potential archaeological sites

Omit clause 46 (b). Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.4 Ballina Local Environmental Plan 1987

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

Omit “, as advised from time to time by the Department of Agriculture” wherever occurring in the matter relating to Zone No 1 (a1) (Rural (Plateau Lands Agriculture) Zone) and Zone No 1 (a2) (Rural (Coastal Lands Agriculture) Zone) in the Table to the clause.

#### [2] Clause 18 Items of environmental heritage

Insert at the end of clause 18 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 21 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[4] Clause 31 Use of land pending acquisition**

Omit clause 31 (2) and (3).

**[5] Clause 32**

Omit the clause. Insert instead:

**32 Development within Zone No 7 (f)**

The council must not consent to the carrying out of development within Zone No 7 (f) for any purpose unless it has taken into consideration:

- (a) whether any environmental issues are involved in, or raised by, the proposed development, and
- (b) if so, whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment, and
- (c) whether the development complies with the objectives of Zone No 7 (f) as set out in the Table to clause 9.

### 3.5 Bankstown Local Environmental Plan 2001

**[1] Clause 22 Acid sulfate soils**

Omit “has also been given written advice from the Department of Land and Water Conservation” from clause 22 (3) (b).

Insert instead “has given written advice to the person carrying out the works”.

**[2] Clause 22 (4) (c)**

Omit the paragraph.

**[3] Clause 35 Use of land before or after it is acquired**

Omit “but subject to subclause (2)” from clause 35 (1).

**[4] Clause 35 (2) and (3)**

Omit the subclauses.

**[5] Clause 42 Development of known or potential archaeological sites**

Omit clause 42 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[6] Clause 42 (2) (b)**

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[7] Clause 42 (3)**

Omit “Subclause (2)”. Insert instead “Subclause (2) (a)”.

**3.6 Barraba Local Environmental Plan 1990****[1] Clause 14 Subdivision for intensive agricultural pursuits**

Omit clause 14 (3). Insert instead:

- (3) The Council may refer an application to subdivide land within Zone No 1 (a) that is the subject of a development application referred to in subclause (1) to an expert body, with a request for advice to be received by the Council within 40 days of the Council’s request, or such longer period as the Council may allow.

**[2] Clause 27 Heritage items**

Insert at the end of clause 27 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 29 Heritage advertisements**

Omit clause 29 (1). Insert instead:

- (1) Except as provided by subclause (2), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of the demolition of a building or work that is a heritage item in the same way as those provisions apply to and in respect of designated development.

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### 3.7 Bathurst Regional (Interim) Local Environmental Plan 2005

**[1] Clause 23 Protection of environmental heritage**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 23 (8) (b).

**[2] Clause 23 (8) (b)**

Omit “28 days”. Insert instead “21 days”.

**[3] Clause 23 (8) (c)**

Insert at the end of clause 23 (8) (b):

, and

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[4] Clause 23 (9) (b)**

Omit the paragraph. Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[5] Clause 23, note**

Insert at the end of clause 23 (9):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 25 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

### 3.8 Baulkham Hills Local Environmental Plan 2005

**[1] Clause 5 Definitions**

Omit the definition of *Heritage Council* from clause 5 (1).

**[2] Clause 29 Development on land identified on Acid Sulfate Soils Planning Maps**

Omit clause 29 (5) (c).

**[3] Clause 35 Protection of heritage items, relics and heritage conservation areas**

Insert at the end of clause 35 (9):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 37 Notice of demolition to Heritage Council**

Omit the clause.

**[5] Clause 38 Development affecting archaeological sites of non-Aboriginal heritage significance**

Omit clause 38 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[6] Clause 42 Land within Zone 5 (a) (other than community facility or local open space land) and Zone 5 (c)**

Insert before clause 42 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[7] Clause 42 (3)**

Omit “Until”. Insert instead “Subject to subclause (4), until”.

**[8] Clause 42 (4)–(7)**

Omit the subclauses. Insert instead:

- (4) The Council may grant consent to the carrying out of development on land referred to in subclause (1) (c) and (c1) to be acquired by a public authority, but only with the concurrence of that public authority.
- (5) The Council may grant consent under this clause to the carrying out of development of land to be acquired by a public authority subject to conditions requiring any one or more of the following:
  - (a) the removal of the building or work for which consent is granted,
  - (b) the reinstatement of the land or removal of any waste materials or refuse,
  - (c) compliance with any condition requested by the Council in granting its consent.

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- (6) The Council, in considering whether to grant consent under this clause, and the public authority concerned, in considering whether to grant the concurrence required by subclause (4), must take into consideration:
  - (a) the effect of the proposed development on the costs of acquisition, and
  - (b) the imminence of acquisition.
- (7) In considering whether to grant consent under subclause (3) for development on land to be acquired by Sydney Water Corporation, the Council must take into consideration, in addition to the matters referred to in subclauses (5) and (6), the following matters:
  - (a) the need to ensure the efficient operation of the trunk drainage system,
  - (b) the potential threat to life and property during flood,
  - (c) the cost of reinstatement of the land for the purposes for which the land is to be acquired,
  - (d) the requirements of any management plan that Sydney Water Corporation has identified as being relevant to that land,
  - (e) any risks to Sydney Water Corporation associated with the proposal,
  - (f) the compatibility of the proposed development with a Sydney Water Corporation use,
  - (g) the proposed operating and management arrangements,
  - (h) the impact of the proposed development on Sydney Water Corporation's infrastructure.

### [9] **Clause 43 Land reserved for roads**

Insert before clause 43 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [10] **Clause 43 (4)**

Omit clause 43 (4) and (5). Insert instead:

- (4) A person may, with development consent, carry out development on land within Zone 5 (b):
  - (a) if the development may be carried out on land in an adjoining zone, or

- (b) if the development is compatible with development that may be carried out on land in an adjoining zone.

**[11] Clause 51 Vehicular access from urban land to a classified road**

Omit clause 51 (4).

**3.9 Bega Valley Local Environmental Plan 2002**

**[1] Clause 49 Development in Zones 7 (f1) and 7 (f2)**

Omit clause 49 (1).

**[2] Clause 49 (2)**

Omit “In considering whether to grant concurrence required by subclause (1), the Director-General shall take into consideration”.

Insert instead “Consent must not be granted to the carrying out of development (including the clearing of land) within Zone 7 (f1) or 7 (f2) unless the consent authority has taken into consideration”.

**[3] Clause 49 (2) (f)**

Insert at the end of clause 49 (2) (e):

, and

- (f) the potential impacts of climate change including sea level rise.

**[4] Clause 54 Acquisition of land within Zone 9 (c)**

Insert before clause 54 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[5] Clause 54 (3)**

Omit “granted with the concurrence of the RTA”.

**[6] Clause 54 (4)**

Omit the subclause.

**[7] Clause 57 Protection of heritage items and relics**

Insert at the end of clause 57 (6):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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**[8] Clause 60 Notice of demolition to the Heritage Council**

Omit the clause.

**[9] Clause 63 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 63 (b).

**[10] Clause 63 (b)**

Omit “28 days”. Insert instead “21 days”.

**[11] Clause 64 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 64 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[12] Clause 82 Development on land identified on acid sulfate soils planning maps**

Omit clause 82 (4) (c).

**[13] Clause 83**

Omit the clause. Insert instead:

**83 Tourism development adjacent to waterways**

The Council must not grant consent to the carrying out of development for the purpose of caravan parks, camping sites, ecotourism facilities, tourist accommodation or serviced apartments within 400 metres of the mean high water mark (or, where there is no mean high water mark, the top of the bank) of a river, lagoon or lake specified in Schedule 3 unless it has taken the following into consideration:

- (a) the consequences of the development being located within close proximity to the waterway,
- (b) the preservation and enhancement of the scenic quality of the foreshores,
- (c) minimising the risk of pollution of any waterway involved in the development,
- (d) the protection of foreshore ecosystems, having regard to the regional significance of the area to which the development application relates,



- (e) the potential impacts of climate change including sea level rise.

**[14] Clause 91 Development of certain land at Boydtown**

Omit clause 91 (5) and (6). Insert instead:

- (5) The Council must not grant consent as referred to in subclause (4) for development for the purpose of a road within Zone 7 (f1) unless it has taken into consideration:
  - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
  - (c) the potential impacts of climate change including sea level rise.

**[15] Clause 91 (12) and (15)**

Omit the subclauses.

**[16] Clause 96 Residential development at Government Road, Eden**

Omit “that has been carried out to the satisfaction of the Roads and Traffic Authority” from clause 96 (1).

Insert instead “that has been prepared in consultation with the local traffic committee”.

**3.10 Bellingen Local Environmental Plan 2003**

**[1] Clause 20 Development on land identified in an acid sulfate soil class**

Omit clause 20 (4) (c).

**[2] Clause 21 Development affected by coastal processes**

Omit clause 21 (4) (b). Insert instead:

- (b) taken into consideration the potential impacts of climate change including sea level rise, and
- (c) taken into consideration coastal erosion hazards.

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### [3] Clause 30

Omit the clause. Insert instead:

#### 30 Development in Zone No 7 (f)

The Council must not grant consent to development within Zone No 7 (f) unless it has taken into consideration:

- (a) the extent to which the development will result in the degradation of, or restriction of access to, coastal recreation areas, and
- (b) the extent to which the development will adversely affect the scenic qualities of the coastal landscape, and
- (c) the likelihood of the development adversely affecting or being adversely affected by coastal processes, and
- (d) the potential impacts of climate change including sea level rise.

### [4] Clause 32 Heritage items

Insert at the end of clause 32 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [5] Clause 35 Heritage notifications

Omit the clause.

### [6] Clause 54 Acquisition of land within Zone No 9

Insert before clause 54 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [7] Clause 54 (3)

Omit “and the concurrence of the RTA”.

### [8] Clause 54 (4)

Omit the subclause.

## 3.11 Berrigan Local Environmental Plan 1992

### [1] Clause 18 Dwelling-houses within Zone No 1 (a)

Omit clause 18 (3) and (4).

**[2] Clause 26 Heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 29 Heritage advertisements**

Omit clause 29 (1) (b).

**[4] Clause 38**

Omit the clause. Insert instead:

**38 Development on travelling stock route or reserve**

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve, within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

**Note.** The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

**3.12 Bingara Local Environmental Plan 1994****[1] Clause 15 Subdivision for intensive agricultural pursuits in Zone No 1 (a)**

Omit clause 15 (d).

**[2] Clause 16 Residential use of rural land**

Omit clause 16 (4).

**[3] Clause 25 Heritage items**

Insert at the end of clause 25 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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### [4] **Clause 27 Heritage advertisements**

Omit clause 27 (2).

### [5] **Clause 29 Aboriginal and archaeological sites**

Omit clause 29 (d).

## 3.13 Blacktown Local Environmental Plan 1988

### [1] **Clause 14 Protection of heritage items and relics**

Insert at the end of clause 14 (6):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] **Clause 16 Notice of demolition to the Heritage Council**

Omit the clause.

### [3] **Clause 17A Acquisition and development of land reserved for roads**

Insert before clause 17A (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [4] **Clause 17A (4)**

Omit clause 17A (4) and (5). Insert instead:

- (4) A person may, with the consent of the council, carry out development on land within Zone No 5 (b):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose for which it is compatible with development that may be carried out on land in an adjoining zone.

### [5] **Clause 18 Development of land in Zone No 5 (a), 5 (c), 6 (a) or 6 (c)**

Omit clause 18 (3) and (4). Insert instead:

- (3) The council must not grant consent as referred to in subclause (1) to the development of land to be acquired by a public authority, unless it has taken the following into consideration:
  - (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,

- (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

**[6] Clause 18 (6)**

Omit “and the concurrence of the Director”.

**[7] Clause 18 (8)**

Omit “and the Director when deciding whether to grant concurrence under that subclause,”.

**[8] Clause 20B**

Omit the clause. Insert instead:

**20B Development of certain land in the Parklea Release Area, Blacktown**

- (1) Despite any other provision of this plan, the council must not grant consent to the carrying out of development on land within Zone No 5 (a) marked on the map “Drainage (Water Board)” or “Drainage (W.B.)” or on land within Zone No 6 (a) where that land, for the time being, is affected by the 100 year Average Recurrence Interval (ARI) flood event unless the council has consulted with Sydney Water Corporation.
- (2) Sydney Water Corporation must take the following matters into consideration when consulted under this clause:
  - (a) the need to ensure the efficient operation of the trunk drainage system in relation to water quantity and quality issues,
  - (b) the potential threat to property and life caused by water during flood,
  - (c) the effect of the proposed development on the costs of acquisition,
  - (d) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

**[9] Clause 22 Land adjoining designated roads**

Omit clause 22 (5).

**[10] Clause 24 Services**

Omit clause 24 (3).

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**[11] Clause 24 (4)**

Omit the subclause. Insert instead:

- (4) A person must not carry out development on any land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision of sewerage services to that land.

**[12] Clause 24 (5) (a)**

Omit “the Water Board and”.

**[13] Clause 31 Parklea Markets**

Omit clause 31 (11) (a).

**[14] Clause 38 Development of part of Lot 2, DP 816611, Eastern Road, Quakers Hill and Lot 1, DP 532377, Quakers Road, Quakers Hill**

Omit clause 38 (3) (a) and (e).

**[15] Clause 42 Development of Lot 6, DP 835718, Quakers Road, Quakers Hill**

Omit clause 42 (2). Insert instead:

- (2) In addition to any other requirements of this plan, the Council must not grant consent to development for residential purposes of the land to which this clause applies unless the Council has identified that adequate capacity exists at the Quakers Hill Sewerage Treatment Plant to accommodate demand generated by the proposed development.

**[16] Clause 50 Development of certain land in the Colebee Release Area**

Omit clause 50 (4).

### 3.14 Bland Local Environmental Plan 1993

**[1] Clause 17 Additional dwellings in Zones Nos 1 (a) and 1 (c)**

Omit clause 17 (4) and (5).

**[2] Clause 21 Heritage items**

Insert at the end of clause 21 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 21 (3)–(5)**

Omit the subclauses.

**[4] Clause 27 Protection of Aboriginal sites**

Omit clause 27 (2) and (3).

**3.15 Blayney Local Environmental Plan 1998****[1] Clause 26 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 26 (b).

**[2] Clause 26 (b)**

Omit “28 days”. Insert instead “21 days”.

**[3] Clause 26A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 26A (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[4] Clause 29 Notice of demolition to Heritage Council**

Omit the clause.

**3.16 Blue Mountains Local Environmental Plan 1991****[1] Clause 14 Agriculture and forestry**

Omit the clause.

**[2] Clause 25 Heritage conservation**

Insert at the end of clause 25.3:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 25.4 and 25.5**

Omit the clauses.

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### 3.17 Blue Mountains Local Environmental Plan 2005

**[1] Clause 71 Determination of development applications for heritage**

Insert at the end of clause 71 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 73 Notification of demolition to the Heritage Council**

Omit the clause.

**[3] Clause 74 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 74 (b).

Insert instead “(in such a way as it thinks appropriate)”.

**[4] Clause 74 (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 75 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance**

Omit clause 75 (1) (b). Insert instead:

(b) satisfied itself that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[6] Clause 83 Bush fire protection for infill development**

Omit clause 83 (4) (d) (ii).

**[7] Clause 83 (5)**

Omit the subclause. Insert instead:

(5) In deciding to grant consent referred to in subclause (3), the consent authority must take into consideration any matters that are necessary, in the opinion of the consent authority, to protect persons, property or the environment from the danger that may arise from a bush fire.

**[8] Clause 99 Car parking provision**

Omit clause 99 (3) (c).



**[9] Clause 122 Liquid fuel depot**

Omit “granted with the concurrence of the Head of the Department for the time being engaged in the administration of the *Dangerous Goods Act 1975*” from clause 122 (1).

**[10] Clause 122 (2)**

Omit the subclause.

**[11] Clause 123 Road transport terminal**

Omit clause 123 (1). Insert instead:

- (1) This clause applies to development for the purpose of a transport terminal.

**[12] Clause 124 Service stations**

Omit clause 124 (c).

**[13] Clause 132 Development in the Regional Transport Corridor (Road)**

Omit “and the concurrence of the RTA” from clause 132 (1).

**[14] Clause 132 (3)**

Omit the subclause.

**3.18 Blue Mountains Local Environmental Plan No 4****[1] Clause 48 Restrictions on new vehicular access**

Omit the clause.

**[2] Clause 49 Restrictions on development in respect of certain road proposals**

Omit clause 49 (2).

**[3] Clause 49 (3)**

Omit “The matters which shall be taken into account by The Commissioner for Main Roads in deciding whether concurrence should be granted under subclause (2) are as follows”.

Insert instead “If the road proposed to be realigned is a main road, the council must not consent to the carrying out of those repairs and improvements unless it has taken into consideration”.

**[4] Clause 49 (3) (a)**

Omit “The Commissioner for Main Roads”. Insert instead “the council”.

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### [5] **Clause 58 Heritage conservation**

Insert at the end of clause 58 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [6] **Clause 58 (6) and (7)**

Omit the subclauses.

### [7] **Clause 61B Certain development at Leura (McLachlan Road)**

Omit clause 61B (2).

### [8] **Clause 61B (3)**

Omit “concurrence under subclause (2), the Director shall”.

Insert instead “consent to the carrying out of development on land to which this clause applies, the council must”.

### [9] **Clause 62 Certain development at Leura**

Omit clause 62 (1).

### [10] **Clause 62 (2)**

Omit “concurrence under subclause (1), the Director shall”.

Insert instead “consent to the carrying out of development on land to which *Blue Mountains Local Environmental Plan No 12* applies, the council must”.

## 3.19 Bogan Local Environmental Plan 1991

### [1] **Clause 22 Heritage items**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] **Clause 24 Heritage advertisements**

Omit clause 24 (2) and (3).

### 3.20 Bombala Local Environmental Plan 1990

**[1] Clause 31 Heritage items**

Insert at the end of clause 31 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 33 Heritage advertisements**

Omit clause 33 (1) (b).

### 3.21 Botany Local Environmental Plan 1995

**[1] Clause 23 Acquisition and development of land reserved for roads**

Insert before clause 23 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 23 (5)**

Omit clause 23 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land to which this clause applies:
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

**[3] Clause 30A Development on land identified on Acid Sulfate Soil Planning Map**

Omit clause 30A (4) (c).

**[4] Clause 31 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 31 (6):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 33 Notice of demolition to Heritage Council or Australian Heritage Commission**

Omit the clause.

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**[6] Clause 34 Development affecting known or potential archaeological sites or places of Aboriginal heritage significance**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 34 (b).

**[7] Clause 34 (b)**

Omit “28 days”. Insert instead “21 days”.

**[8] Clause 35 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 35 (1) (b). Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.22 Bourke Local Environmental Plan 1998

**[1] Clause 13 Subdivision for the purpose of agriculture in Zone No 1 (a)**

Omit clause 13 (3) (a).

**[2] Clause 26 Nature conservation areas**

Omit clause 26 (2) (d).

**[3] Clause 29 Protection of heritage items and relics**

Insert at the end of clause 29 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 30 Notice of certain heritage development applications**

Omit clause 30 (2).

**[5] Clause 31 Development of known or potential archaeological sites**

Omit clause 31 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

- [6] **Clause 31 (2) (b)**  
Omit the paragraph.

### 3.23 Brewarrina Local Environmental Plan 2000

- [1] **Clause 29 Protection of heritage items and relics**

Insert at the end of clause 29 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [2] **Clause 30 Notice of certain heritage development applications**

Omit clause 30 (2).

- [3] **Clause 31 Development of known or potential archaeological sites**

Omit clause 31 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

- [4] **Clause 31 (2) (b)**  
Omit the paragraph.

- [5] **Clause 31, note**

Omit “. [This will usually but not necessarily be within the 28 days specified in clause 31 (1) (b)]”.

### 3.24 Broken Hill Local Environmental Plan 1996

- [1] **Clause 19 Protection of heritage items and relics**

Insert at the end of clause 19 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [2] **Clause 22 Notice to Heritage Council**

Omit the clause.

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### [3] **Clause 24 Development of known or potential archaeological sites**

Omit clause 24 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

### [4] **Clause 24 (2) (b)**

Omit the paragraph.

### [5] **Clause 27**

Omit the clause. Insert instead:

#### **27 Is development allowed on travelling stock routes?**

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve, within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

**Note.** The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

## 3.25 Burwood Planning Scheme Ordinance

### [1] **Clause 74 Land uncoloured on scheme map**

Omit “and the concurrence of the Commission”.

### [2] **Clause 75 Ribbon development control**

Omit “Commission certifies to the responsible authority that it” from clause 75 (3) (b).

Insert instead “responsible authority”.

**[3] Clause 75 (3) (b)**

Omit “determined by the Commission”.

Insert instead “determined by the responsible authority”.

**[4] Clause 79F Heritage advertisements**

Omit clause 79F (2).

**[5] Clause 79F (3)**

Omit “Subclauses (1) and (2) do”. Insert instead “Subclause (1) does”.

**[6] Clause 79F (3)**

Insert at the end of clause 79F (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[7] Clause 89 Review**

Omit the clause.

**3.26 Byron Local Environmental Plan 1988****[1] Clause 9 Zone objectives and development control table**

Omit “, on the advice of the Department of Agriculture,” from item 1 (d) of the matter relating to Zone No 1 (b1) (Agricultural Protection (b1) Zone).

**[2] Clause 11A Restriction on number of allotments of land within Zones No 1 (c1) and 1 (c2)**

Omit “with the agreement of the Director” from clause 11A (2) (a).

**[3] Clause 12 Subdivision in rural areas for certain other purposes**

Omit “, with the concurrence of the Director General of Agriculture,” from clause 12 (3).

**[4] Clause 12 (4)**

Omit “concurrence” and “Director General of Agriculture shall”.

Insert instead “consent” and “council must”, respectively.

**[5] Clause 19 Development relating to certain heritage items**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [6] **Clause 21 Heritage Council to be given prior notice of demolition consent**  
Omit the clause.
- [7] **Clause 32 Development within Zone No 7 (f2) (Urban Coastal Land Zone)**  
Omit “concurrence of the Director-General” from clause 32 (2).  
Insert instead “consent of the Council”.
- [8] **Clause 32 (3)**  
Omit “Director-General” and “concurrence”.  
Insert instead “Council” and “consent”, respectively.
- [9] **Clause 33 Development within Zone No 7 (f1) (Coastal Lands Zone)**  
Omit “and the concurrence of the Director-General” from clause 33 (2).
- [10] **Clause 33 (4)**  
Omit “Director-General” and “concurrence”.  
Insert instead “Council” and “consent”, respectively.
- [11] **Clause 38B Development of land at North Ocean Shores within Zone Nos 1 (b1) and 7 (k)**  
Omit clause 38B (3) (a).
- [12] **Clause 44 Use of land pending acquisition**  
Omit clause 44 (2) and (3). Insert instead:  
(2) The council must not grant consent to development referred to in subclause (1) on land within Zone No 9 (a) unless it has taken into consideration:  
(a) the effect of the proposed development on the costs of the acquisition, and  
(b) the costs of reinstatement of the land for the purposes for which the land is to be acquired, and  
(c) the imminence of the acquisition.
- [13] **Clause 45 Provision of services**  
Omit clause 45 (2).



**[14] Clause 63 Development on land identified on the Acid Sulfate Soils Planning Map**

Omit clause 63 (4) (c).

**3.27 Cabonne Local Environmental Plan 1991****[1] Clause 13 Subdivision for the purposes of intensive livestock keeping or irrigated agriculture and dwelling-house in Zones Nos 1 (a) and 7 (c)**

Omit “may require an opinion from the Director-General of the Department of Agriculture and Fisheries or the Director of the Department of Water Resources (or both) and” from clause 13 (3).

**[2] Clause 13 (6)**

Omit “may require an opinion from the Director-General of the Department of Agriculture and Fisheries and”.

**[3] Clause 27 Heritage items**

Insert at the end of clause 27 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 30 Advertising of heritage applications**

Omit “Subject to subclause (2), the”. Insert instead “The”.

**[5] Clause 30 (2) and (3)**

Omit the subclauses.

**[6] Clause 39 Development of certain land near Mullion Creek**

Omit clause 39 (3) (b).

**3.28 Camden Local Environmental Plan No 45****[1] Clause 17 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 17 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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**[2] Clause 19 Notice to the Heritage Council**

Omit the clause.

**[3] Clause 20B Development of known or potential archaeological sites**

Omit clause 20B (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 20B (2) (b)**

Omit the paragraph.

### 3.29 Camden Local Environmental Plan No 46

**[1] Clause 16 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 16 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 18 Notice to Heritage Council**

Omit the clause.

**[3] Clause 20 Development of known or potential archaeological sites**

Omit clause 20 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 20 (2) (b)**

Omit the paragraph.

**[5] Clause 24B Clearing**

Omit clause 24B (6)–(9).

**[6] Clause 26 Development within mine subsidence district**

Insert after clause 26 (1):

**Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

**[7] Clause 26 (2)**

Omit the subclause.

**[8] Clause 26 (3)**

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted for development on land to which this clause applies, the Council must”.

**3.30 Camden Local Environmental Plan No 47****[1] Clause 14 Development within mine subsidence district**

Insert after clause 14 (1):

**Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

**[2] Clause 14 (2)**

Omit the subclause.

**[3] Clause 14 (3)**

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted for development on land to which this clause applies, the Council must”.

**[4] Clause 18B Clearing**

Omit clause 18B (6)–(9).

**[5] Clause 30 Development of known or potential archaeological sites**

Omit clause 30 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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- [6] **Clause 30 (2) (b)**  
Omit the paragraph.

### 3.31 Camden Local Environmental Plan No 48

- [1] **Clause 24 Protection of heritage items and relics**

Insert at the end of clause 24 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

- [2] **Clause 25A Notice to the Heritage Council**

Omit the clause.

- [3] **Clause 25D Development of known or potential archaeological sites**

Omit clause 25D (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

- [4] **Clause 25D (2) (b)**  
Omit the paragraph.

- [5] **Clause 29 Clearing**  
Omit clause 29 (6)–(9).

- [6] **Clause 33 Mine subsidence district**  
Omit the clause.

### 3.32 Camden Local Environmental Plan No 74—Harrington Park

- [1] **Clause 17 Restricted vehicular access**  
Omit clause 17 (b).

- [2] **Clause 22B Clearing**  
Omit clause 22B (6)–(9).

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

Omit clause 23 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 23 (2) (b)**

Omit the paragraph.

**[5] Clause 24 Protection of heritage items and relics**

Insert at the end of clause 24 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 28 Notice to the Heritage Council**

Omit the clause.

**3.33 Camden Local Environmental Plan No 117—Elderslie Release Area****[1] Clause 16 Development within mine subsidence district**

Insert after clause 16 (1):

**Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

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

Omit the subclause.

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

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board”.

Insert instead “consent should be granted for development on land to which this clause applies, the Council”.

**[4] Clause 27 Restricted vehicular access**

Omit clause 27 (2) and (3).

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- [5] **Clause 35 Development affecting places or sites of known or potential Aboriginal heritage significance**  
Omit “and the Director-General of the Department of Environment and Conservation” from clause 35 (b).
- [6] **Clause 35 (b)**  
Omit “28 days”. Insert instead “21 days”.
- [7] **Clause 36 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**  
Omit clause 36 (1) (b). Insert instead:  
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.34 Camden Local Environmental Plan No 121—Spring Farm

- [1] **Clause 16 Development within mine subsidence district**  
Insert after clause 16 (1):  
**Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.
- [2] **Clause 16 (2)**  
Omit the subclause.
- [3] **Clause 16 (3)**  
Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board”.  
Insert instead “consent should be granted for development on land to which this clause applies, the Council”.
- [4] **Clause 27 Land in Zone No 5 (c)**  
Insert before clause 27 (1):  
**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [5] **Clause 27 (2) (b)**  
Omit “under subclause (4)”.

**[6] Clause 27 (4) and (5)**

Omit the subclauses. Insert instead:

- (4) A person may, with development consent, carry out development on land within Zone No 5 (c):
  - (a) if the development may be carried out on land in an adjoining zone, or
  - (b) if the development is, in the opinion of the consent authority, compatible with development that may be carried out on land in an adjoining zone.
- (5) In deciding whether to grant consent to proposed development under this clause, the consent authority must take the following matters into consideration:
  - (a) the need to carry out development on the land for the purpose of classified roads or proposed classified roads,
  - (b) the imminence of acquisition,
  - (c) the likely additional cost to the RTA or the Corporation resulting from the carrying out of the proposed development.

**[7] Clause 30 Restricted vehicular access**

Omit clause 30 (2) and (3).

**[8] Clause 39 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 39 (b).

**[9] Clause 39 (b)**

Omit “28 days”. Insert instead “21 days”.

**[10] Clause 40 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 40 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

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### **3.35 Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)**

#### **[1] Clause 18 Items of the environmental heritage**

Insert at the end of clause 18 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

#### **[2] Clause 20 Heritage Council to be given notice of demolition applications**

Omit the clause.

### **3.36 Campbelltown Local Environmental Plan No 1**

#### **[1] Clause 16 Protection of heritage items and relics**

Insert at the end of clause 16 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

#### **[2] Clause 19 Notice to Heritage Council**

Omit the clause.

### **3.37 Campbelltown Local Environmental Plan No 112—Macquarie Field House**

#### **[1] Clause 14 Provision of water supply and sewerage**

Omit the clause.

#### **[2] Clause 18 Heritage advertisements**

Omit clause 18 (2) and (3).

### **3.38 Campbelltown (Urban Area) Local Environmental Plan 2002**

#### **[1] Clause 38A Development near Zone 5 (e)—Special Uses Public Purposes Corridor Zone**

Omit clause 38A (3) and (4).

#### **[2] Clause 42 Restrictions on access to or from roads within Zones 5 (b) and 5 (c)**

Omit clause 42 (3) (b) and (c) and (4) (c).



**[3] Clause 44 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 44 (6):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 46 Notice of demolition to the Heritage Council**

Omit the clause.

**[5] Clause 47 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 47 (b).

**[6] Clause 47 (b)**

Omit “28 days”. Insert instead “21 days”.

**[7] Clause 48 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 48 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[8] Clause 52 Acquisition of certain land**

Insert before clause 52 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[9] Clause 52 (4) and (5)**

Omit clause 52 (4)–(6). Insert instead:

- (4) In determining whether to grant consent under subclause (3), the consent authority must take the following into consideration:
  - (a) the effect of the proposed development on acquisition costs,
  - (b) the imminence of acquisition,
  - (c) the cost of reinstating the land for the purpose for which the land is zoned,
  - (d) in the case of land within Zone 5 (b), the need to carry out development on the land for the purpose of classified roads or proposed classified roads, within the meaning of the *Roads Act 1993*.

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- (5) In granting a consent referred to in subclause (3), the consent authority may impose conditions requiring:
  - (a) the removal of the building or work for which it has granted consent, and
  - (b) the reinstatement of the land or removal of any waste materials or refuse, and
  - (c) compliance with any other condition required by the consent authority.

### 3.39 Canterbury Local Environmental Plan No 138—Canterbury Precinct

#### [1] Clause 22 Acquisition and development of land reserved for roads

Insert before clause 22 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

#### [2] Clause 22 (3) (b)

Omit “under subclause (5)”.

#### [3] Clause 22 (5)

Omit clause 22 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone No 9:
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

#### [4] Clause 24 Heritage items

Insert at the end of clause 24 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

#### [5] Clause 26 Heritage advertisements

Omit clause 26 (2) and (3).

**3.40 Canterbury Local Environmental Plan No 148—Campsie Precinct****[1] Clause 22 Acquisition and development of land reserved for roads**

Insert before clause 22 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 22 (3) (b)**

Omit “under subclause (5)”.

**[3] Clause 22 (5)**

Omit clause 22 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone No 9:
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

**[4] Clause 24 Heritage items**

Insert at the end of clause 24 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 26 Heritage advertisements**

Omit clause 26 (2) and (3).

**3.41 Canterbury Local Environmental Plan No 178—Belmore–Lakemba Precinct****[1] Clause 22 Acquisition and development of land reserved for roads**

Insert before clause 22 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 22 (3) (b)**

Omit “under subclause (5)”.

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### [3] **Clause 22 (5)**

Omit clause 22 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone No 9:
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

### [4] **Clause 24 Heritage items**

Insert at the end of clause 24 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [5] **Clause 26 Heritage advertisements**

Omit clause 26 (2).

## 3.42 Canterbury Planning Scheme Ordinance

### [1] **Clause 10 Buildings, etc, not to be erected on reserved land without consent**

Omit “A consent shall not be granted under this subclause in relation to land reserved for special uses except with the consent of the Commission.” from clause 10 (2).

### [2] **Clause 13 Buildings, etc, not to be erected on reserved land without consent**

Omit “and of the Commissioner for Main Roads” from clause 13 (2).

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

Omit “, and to such conditions as the Commissioner for Main Roads requires to be imposed”.

### [4] **Clause 38B Heritage advertisements**

Omit clause 38B (2) and (3).

**[5] Clause 56 Service stations or car repair stations**

Omit clause 56 (1) (b). Insert instead:

- (b) where the site has frontage to a county road or a main road:
  - (i) and the site is not a corner lot—the frontage to such road is not less than 38 metres, or
  - (ii) and the site is a corner lot—the frontage to such road is not less than 30 metres,

**[6] Clause 57 Drive-in theatres**

Omit clause 57 (d).

**[7] Clause 59 Controlled access roads**

Omit clause 59 (5).

**[8] Clause 62**

Omit the clause. Insert instead:

- 62** Nothing in this Ordinance operates to prohibit the use, with the consent of the responsible authority, of a dwelling-house within Zone No 2 (a), 2 (b), 2 (c1), 2 (c2), 2 (c3) or 2 (c4) as an exhibition home.

**3.43 Casino Local Environmental Plan 1992****[1] Clause 9 Zone objectives and development control table**

Omit “as advised from time to time by the Department of Agriculture,” from item 1 (a) of the matter relating to Zone No 1 (a) (Rural (Agricultural Protection) Zone) in the Table to the clause.

**[2] Clause 15 Closer rural settlement within Zone No 1 (b)**

Omit “with the approval of the Director of the Department” from clause 15 (4).

**[3] Clause 20 Acquisition of land**

Insert before clause 20 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 20 (3) (b) (ii)**

Omit “under subclause (4)”.

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### [5] Clause 20 (4)

Omit clause 20 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9:
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any other purpose that is compatible with development which may be carried out on land in an adjoining zone.

### [6] Clause 24 Arterial roads

Omit “except with the concurrence of the Roads and Traffic Authority” from clause 24 (2).

Insert instead “unless it has considered the matters referred to in subclause (1) (b)”.

### [7] Clause 27 Heritage items

Insert at the end of clause 27 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [8] Clause 29 Heritage advertisements and notifications

Omit the clause.

## 3.44 Central Darling Local Environmental Plan 2004

### [1] Clause 30 Protection of heritage items

Insert at the end of clause 30 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] Clause 31 Notice of demolition to the NSW Heritage Office

Omit the clause.

### [3] Clause 32 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 32 (b).

**[4] Clause 32 (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 33 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 33 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.45 Cessnock Local Environmental Plan 1989****[1] Clause 35 Acquisition and development of land reserved for roads**

Insert before clause 35 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 35 (3)**

Omit “and the concurrence of the RTA”.

**[3] Clause 35 (4)**

Omit the subclause.

**[4] Clause 36 Items of the environmental heritage**

Insert at the end of clause 36 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 39 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[6] Clause 47**

Omit the clause. Insert instead:

**47 Development within mine subsidence districts**

In determining whether to grant consent to development on land within a mine subsidence district, the Council must have regard to:

- (a) whether the proposed development is likely to conflict with the future extraction of coal, and

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(b) whether the proposed development is under threat of subsidence.

**Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

**[7] Clause 47 (2)**

Omit “concurrence under subclause (1), the Mine Subsidence Board shall”.

Insert instead “consent to development on land within a mine subsidence district, the Council must”.

**[8] Clause 48 Development of land at Kurri Kurri**

Omit “and the concurrence of the Director” from clause 48 (2).

**[9] Clause 48 (3)**

Omit “concurrence” and “Director”.

Insert instead “consent” and “Council”, respectively.

**[10] Clause 57 Hunter Employment Zone—General development of land within Zone No 4 (h), 5 (a) or 7 (b)**

Omit “the consent authority has received written advice from the Roads and Traffic Authority that arrangements satisfactory to that Authority” from clause 57 (6).

Insert instead “arrangements satisfactory to the Council”.

### 3.46 Cobar Local Environmental Plan 2001

**[1] Clause 21 Protection of heritage items**

Insert at the end of clause 21 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 22 Notification of demolition to the Heritage Council**

Omit the clause.

**[3] Clause 23 Development of places of Aboriginal heritage significance or of known or potential archaeological sites of Aboriginal cultural significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 23 (b).



**[4] Clause 23 (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 24 Development of other known or potential archaeological sites**

Omit clause 24 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.47 Coffs Harbour City Local Environmental Plan 2000****[1] Clause 20 Acquisition of land for community or public purposes**

Insert after the heading to the clause:

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 20 (5)**

Omit “granted and concurrence of the public authority (if any) other than the consent authority responsible for its acquisition”.

**[3] Clause 20 (7) (b) (ii)**

Omit “under subclause (5)”.

**[4] Clause 20 (8)**

Omit the subclause. Insert instead:

- (8) The Council must take the following matters into consideration in deciding whether to grant consent to proposed development as required by subclause (5):
  - (a) the need to carry out development on the land for the purpose for which the land is reserved,
  - (b) whether the proposed development will render the land unfit for that purpose,
  - (c) the imminence of acquisition,
  - (d) the likely additional cost to the public authority responsible for acquisition resulting from the carrying out of the proposed development,
  - (e) whether a refusal to grant consent will cause undue financial hardship to any owner, mortgagee or lessee of the land.

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### [5] Clause 23 Environmental hazards

Omit clause 23 (4) (c).

## 3.48 Conargo Local Environmental Plan 1987

### Clause 14 Consultation with the Director-General, Department of Agriculture

Omit the clause.

## 3.49 Coolah Local Environmental Plan 2000

### [1] Clause 10 Consideration of proposed development within rural zones

Omit “no” from clause 10 (4). Insert instead “not”.

### [2] Clause 10 (5)

Omit the subclause. Insert instead:

- (5) The Council must not grant consent to development on land that is located within 150 metres of a National Park or nature reserve boundary if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

### [3] Clause 12 Subdivision for the purpose of agriculture in Zone No 1 (a)

Omit clause 12 (4) (f).

### [4] Clause 24

Omit the clause. Insert instead:

#### 24 Development on land adjoining land within Zone 8 (a)

The Council must not grant consent to development of land that adjoins land within Zone 8 (a), or has the potential to impact on land within that Zone, unless it has taken into consideration the environmental impact of the proposed development on the relevant adjoining land.

**Note.** The website of the Department of Environment and Climate Change has publications that provide guidance on development that may impact on areas managed by that Department (for example, the *Guidelines for developments adjoining Department of Environment and Climate Change land*).

**[5] Clause 29 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 29 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 31 Notice to the Heritage Council**

Omit the clause.

**[7] Clause 32 Development of known or potential archaeological sites**

Omit clause 32 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[8] Clause 32 (2) (b)**

Omit the paragraph.

**[9] Clause 33 Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites**

Omit clause 33 (2) (a). Insert instead:

- (a) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted, and

**3.50 Coolamon Local Environmental Plan 1995****[1] Clause 23 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 23 (6):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 26 Notice of demolition to the Heritage Council**

Omit the clause.

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**[3] Clause 27 Development affecting places of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 27 (b).

**[4] Clause 27 (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 28 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 28 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.51 Cooma-Monaro Local Environmental Plan 1993—(Urban)

**[1] Clause 16 Flooding**

Omit clause 16 (4). Insert instead:

- (4) For the purposes of subclauses (2) and (3), the council must have regard to the principles of the New South Wales Government’s Flood Prone Land Policy and any floodplain risk management plan adopted by the council in accordance with the principles contained in the New South Wales Government’s *Floodplain Development Manual: the management of flood liable land* (April 2005, ISBN 0 7347 5476 0).

**[2] Clause 18 Heritage items**

Insert at the end of clause 18 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 21 Heritage advertisements**

Omit clause 21 (1) (b).

### 3.52 Cooma-Monaro Local Environmental Plan 1999—(Rural)

**[1] Clause 17 Heritage**

Insert at the end of clause 17 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 17 (5) (b)**

Omit the paragraph. Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[3] Clause 17 (6) (b)**

Omit the paragraph.

### **3.53 Coonabarabran Local Environmental Plan 1990**

**[1] Clause 27 Heritage items**

Insert at the end of clause 27 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 29 Heritage advertisements**

Omit clause 29 (1) (b).

### **3.54 Coonamble Local Environmental Plan 1997**

**[1] Clause 24 Heritage items**

Insert at the end of clause 24 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 27 Heritage advertisements**

Omit clause 27 (2).

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### 3.55 Copmanhurst Local Environmental Plan 1990

**[1] Clause 16 Matters to be considered**

Omit “consulted with the Director of National Parks and Wildlife” from clause 16 (3).

Insert instead “notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the relevant notice is sent”.

**[2] Clause 18 Subdivision and dwelling-houses on certain land in Zone No 1 (a)—allotments less than 40 hectares**

Omit “with the approval of the Director” from clause 18 (2) (e).

**[3] Clause 26 Protection of heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 28 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[5] Schedule 4 Principles and criteria of assessment in respect of development in rural and environmental protection zones**

Omit “and all applications for subdivision on land identified as Class 1, 2 and 3 or unique horticultural on the Department’s Classification Agricultural Land Maps shall be referred to the Department of Agriculture for comment.” from clause 10.

### 3.56 Corowa Local Environmental Plan 1989

**[1] Clause 25 Items of environmental heritage**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 28 Heritage advertisements**

Omit clause 28 (1A).

**[3] Clause 28 (2)**

Omit “and (1A)”.

**3.57 Cowra Local Environmental Plan 1990****[1] Clause 41 Heritage items**

Insert at the end of clause 41 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 41 (4) and (5)**

Omit the subclauses.

**3.58 Crookwell Local Environmental Plan 1994****[1] Clause 31 What controls apply to the development of heritage items?**

Insert at the end of clause 31 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 34 Do applications relating to heritage items need to be advertised?**

Omit clause 34 (2).

**[3] Clause 34 (3)**

Omit “Subclauses (1) and (2) do”. Insert instead “Subclause (1) does”.

**3.59 Culcairn Local Environmental Plan 1998****[1] Clause 29 Protection of heritage items, heritage conservation areas and relics referred to in Schedule 1**

Insert at the end of clause 29 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 31 Notice to the Heritage Council**

Omit the clause.

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**[3] Clause 32 Development of known or potential archaeological heritage sites**

Omit clause 32 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 32 (2) (b)**

Omit the paragraph.

### 3.60 Deniliquin Local Environmental Plan 1997

**[1] Clause 22 Protection of heritage items, conservation areas and relics**

Insert at the end of clause 22 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 24 Notice to the Heritage Council**

Omit the clause.

**[3] Clause 25 Development of known or potential Aboriginal heritage sites**

Omit clause 25 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 25 (2) (b)**

Omit the paragraph.

**[5] Clause 31**

Omit the clause. Insert instead:

**31 Development on travelling stock routes**

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock



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reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

**Note.** The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

### 3.61 Dubbo Local Environmental Plan 1997—Rural Areas

#### [1] Clause 7 Environmental management

Omit “and, in the case of potentially contaminating activities on land identified by the Council as being of high vulnerability, the comments from the Director-General of the Department of Land and Water Conservation and the Director-General of the Environment Protection Authority” from clause 7 (e).

#### [2] Clause 16

Omit the clause. Insert instead:

##### **16 Development on land within or adjoining Zone 8 land**

The Council must not grant consent to development on land within or adjoining Zone 8 land if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

#### [3] Clause 28 Dryland salinity

Omit clause 28 (5) (b).

#### [4] Clause 32 Subdivision

Omit clause 32 (4).

#### [5] Clause 38A Dryland salinity

Omit clause 38A (5) (b).

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**[6] Clause 49 Dryland salinity**

Omit clause 49 (5) (b).

**[7] Clause 61A Dryland salinity**

Omit clause 61A (5) (b).

**[8] Clause 64 Protection of heritage items and relics, incorporating Aboriginal cultural heritage**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[9] Clause 67 Heritage advertisements**

Omit clause 67 (2).

### 3.62 Dubbo Local Environmental Plan 1998—Urban Areas

**[1] Clause 7 Environmental management**

Omit “and, in the case of potentially contaminating activities on land identified by the Council as being of high vulnerability, the comments of the Director-General of the Department of Land and Water Conservation and the Director-General of the Environment Protection Authority” from clause 7 (5).

**[2] Clause 60 Zone 5 (b) Utilities Zone—general development controls**

Omit clause 60 (7) (b).

**[3] Clause 65 Protection of heritage items and relics**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 68 Heritage advertisements**

Omit clause 68 (2).

**[5] Clause 70 Archaeology**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 70 (1) (b).

**[6] Clause 70 (1) (b)**

Omit “28 days”. Insert instead “21 days”.

**[7] Clause 70 (2) (b)**

Omit the paragraph. Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.63 Dungog Local Environmental Plan 2006****Clause 25 Heritage**

Omit clause 25 (2). Insert instead:

- (2) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item, heritage conservation area or place of Aboriginal heritage concerned, and may only grant consent if it has considered a heritage impact statement prepared for the proposed development.
- (2A) If the proposed development is likely to have an impact on a place of Aboriginal heritage, the consent authority must:
  - (a) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent, and
  - (b) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2B) If the proposed development is likely to have an impact on a place of heritage significance to the State, other than a place of Aboriginal heritage, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.64 Eurobodalla Rural Local Environmental Plan 1987****[1] Clause 13 Subdivision of land within Zone No 1 (a), 1 (a1), 7 (f1) or 7 (f2)**

Omit clause 13 (2).

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**[2] Clause 21 Recreation establishments and tourist recreation facilities within Zone No 1 (a), 1 (a1) or 1 (c)**

Insert at the end of clause 21 (3) (b):

, and

- (c) the proposed development is not likely to adversely affect the scenic and ecological significance of the environment, particularly the water quality or the native vegetation of the surrounding area.

**[3] Clause 21 (4) and (5)**

Omit the subclauses.

**[4] Clause 22A Development in Zones No 7 (f1) and 7 (f2)**

Omit clause 22A (2).

**[5] Clause 22A (3)**

Omit “concurrence under subclause (2), the Director shall”.

Insert instead “consent to development on land to which this clause applies, the Council must”.

**[6] Clause 22A (3) (d)**

Insert at the end of clause 22A (3) (c):

, and

- (d) the potential impacts of climate change including sea level rise.

**[7] Clause 26 Protection of heritage items and heritage conservation areas**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[8] Clause 28 Notice of demolition to the Heritage Council**

Omit the clause.

**[9] Clause 28A Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 28A (b).

**[10] Clause 28A (b)**

Omit “28 days”. Insert instead “21 days”.

**[11] Clause 28B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 28B (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[12] Clause 29A Acquisition and development of land reserved for roads**

Insert before clause 29A (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[13] Clause 29A (3)**

Omit “and the concurrence of the RTA”.

**[14] Clause 29A (4)**

Omit the subclause.

**3.65 Eurobodalla Urban Local Environmental Plan 1999****[1] Clause 37 How is land zoned for main roads acquired from the owner and how may it be used in the interim?**

Insert before clause 37 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 37 (3) (b) (ii)**

Omit “required by subclause (4)”.

**[3] Clause 37 (4)**

Omit “and the concurrence of the RTA”.

**[4] Clause 37 (5)**

Omit the subclause.

**[5] Clause 63 What general controls apply to land near major roads?**

Omit “or as may be indicated to the Council from time to time by the RTA or any associated intention to declare part of a road as a State highway or freeway, within the meaning of the *Roads Act 1993*” from clause 63 (4) (d).

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**[6] Clause 63 (4) (f)**

Omit the paragraph.

**[7] Clause 69 What special controls apply to development in heritage conservation areas?**

Insert at the end of clause 69 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[8] Clause 72 What advertising is required for heritage items?**

Omit clause 72 (2).

**[9] Clause 73 What special controls apply to development on archaeological sites that have Aboriginal or non-Aboriginal heritage significance?**

Omit clause 73 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[10] Clause 73 (2) (b)**

Omit the paragraph.

### 3.66 Fairfield Local Environmental Plan 1994

**[1] Clause 11 Development of flood-liaible land**

Omit clause 11 (3).

**[2] Clause 15 What provision must be made for water, sewerage, drainage and electricity?**

Omit “relevant authority”. Insert instead “Council”.

**[3] Clause 17 What restrictions apply to extractive industries?**

Omit “and (in the case of sites within 20 metres of the top of the bank of any creek) the Department of Water Resources” from clause 17 (3).

**[4] Clause 18 Extractive industries in the Chipping Norton Lake Development Area**

Omit clause 18 (5) and (6).

**[5] Clause 25H Bonnyrigg Town Centre**

Omit clause 25H (11) (b).

**[6] Clause 27A Development on land identified on acid sulfate soil planning map**

Omit clause 27A (4) (c).

**[7] Clause 28 What requirements are there for the acquisition and development of land in the 5 (a) and 5 (c) zones and the 6 (a) and 6 (c) zones?**

Insert before clause 28 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[8] Clause 28 (4)**

Omit clause 28 (4)–(6). Insert instead:

- (4) The Council must not grant consent to the carrying out of development on land to be acquired by a public authority, unless it has taken the following into consideration:
- (a) the effect of the proposed development on acquisition costs,
  - (b) the imminence of acquisition,
  - (c) the cost of reinstating the land for the purposes for which the land is reserved.

**[9] Clause 29 What requirements are there for the acquisition and development of land zoned 5 (b)?**

Insert before clause 29 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[10] Clause 29 (1A) (b)**

Omit “referred to in subclause (4)”.

**[11] Clause 29 (3)**

Omit the subclause. Insert instead:

- (3) A person may carry out development on land within Zone 5 (b) subject to the consent of the Council.

**[12] Clause 29 (4)**

Omit “and concurrences”.

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**[13] Clause 29 (5)**

Omit the subclause.

**[14] Clause 30 Restrictions applying to heritage items**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[15] Clause 33 Notice to the Heritage Council (Items of State Significance)**

Omit the clause.

### 3.67 Forbes Local Environmental Plan 1986

**Clause 10 Flood liable land**

Omit “in consultation with the Water Resources Commission” from clause 10 (2) (a).

### 3.68 Gilgandra Local Environmental Plan 2004

**[1] Clause 14 Control of subdivision for agriculture**

Omit “Director-General” from clause 14 (4). Insert instead “Council”.

**[2] Clause 28 Protection of heritage items and relics**

Insert at the end of clause 28 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 31 Heritage advertisements**

Omit clause 31 (2).

**[4] Clause 33 Archaeology**

Omit clause 33 (1) (b) and (2) (b).

**[5] Clause 36 Development along National Highways, State Highways, main roads or collector roads**

Omit clause 36 (a).



**3.69 Glen Innes Local Environmental Plan 1991****[1] Clause 13 Subdivision and development within Zone No 1 (a1)**

Omit clause 13 (2) and (3).

**[2] Clause 14 Subdivision and development within Zone No 1 (a) for rural-residential purposes**

Omit “with the approval of the Director of Planning” from clause 14 (7).

**[3] Clause 16 Heritage items**

Insert at the end of clause 16 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 18 Heritage advertisements**

Omit clause 18 (1) (b).

**[5] Clause 31 Construction of earth water storage facilities: dams**

Omit clause 31 (2) (a).

**3.70 Gloucester Local Environmental Plan 2000****[1] Clause 42 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 42 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 44 Notice to Heritage Council**

Omit the clause.

**[3] Clause 45 Development of known or potential archaeological sites**

Omit clause 45 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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**[4] Clause 45 (2) (b)**

Omit the paragraph.

### 3.71 Gosford City Centre Local Environmental Plan 2005

**[1] Clause 26 Consent required for certain development**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 31 Development of known or potential archaeological sites**

Omit clause 31 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[3] Clause 32 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of Department of Environment and Conservation” from clause 32 (b).

**[4] Clause 32 (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 33 Notice to the Heritage Council**

Omit the clause.

### 3.72 Gosford City Centre Local Environmental Plan 2007

**[1] Clause 26 Development on proposed classified road**

Omit clause 26 (1) (a) and (2).

**[2] Clause 31 Development in proximity to a rail corridor**

Omit “recommended by Rail Corporation New South Wales for development of that kind” from clause 31 (3).

**[3] Clause 35 Heritage conservation**

Omit clause 35 (6). Insert instead:

**(6) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[4] Clause 35 (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 35 (8)**

Omit the subclause.

**[6] Clause 35 (9)**

Insert at the end of the subclause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**3.73 Gosford Local Environmental Plan No 22****[1] Clause 16A Heritage conservation**

Omit clause 16A (6). Insert instead:

(6) The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[2] Clause 16A (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[3] Clause 16A (8)**

Omit the subclause.

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### [4] Clause 16A (9)

Insert at the end of the subclause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [5] Clause 18

Omit the clause. Insert instead:

#### **18 Proposed new roads connecting with Wisemans Ferry Road**

The Council must not provide, or permit the opening of, a new road connecting with Wisemans Ferry Road unless it has taken into consideration the effect that the road may have on traffic congestion on Wisemans Ferry Road and whether satisfactory provision has been made for limiting traffic congestion on Wisemans Ferry Road.

## 3.74 Gosford Planning Scheme Ordinance

### [1] Clause 7 Buildings etc. not to be erected without consent on reserved land

Omit clause 7 (4). Insert instead:

- (4) A consent must not be granted under this clause in relation to land reserved for special uses (other than special uses—parking), unless the consent authority has taken the following into consideration:
- (a) the impact of the proposed development on the existing or likely future use of the land,
  - (b) the need for the proposed development on the land,
  - (c) the need to retain the land for its existing and likely future use.

### [2] Clause 49 Development on bed of lakes, rivers, etc.

Omit clause 49 (2) and (3).

### [3] Clause 49BA Development near boundary of certain adjoining zones

Omit “and the concurrence of the Director” from clause 49BA (2).

**[4] Clause 49T Heritage conservation**

Insert at the end of clause 49T (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 49T (6)**

Omit the subclause. Insert instead:

**(6) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[6] Clause 49T (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[7] Clause 49T (8)**

Omit the subclause.

**3.75 Goulburn Local Environmental Plan 1990****[1] Clause 14 Acquisition of land**

Insert before clause 14 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 14 (4) (b) (ii)**

Omit “Roads and Traffic Authority has decided not to give concurrence”.

Insert instead “Council has decided not to give consent”.

**[3] Clause 15 Development of reserved land pending acquisition**

Omit clause 15 (2) and (5).

**[4] Clause 19 Subdivision for agricultural purposes in Zone No 1 (a), 1 (b), 1 (d) or 7**

Omit “consult with the Director-General of the Department of Agriculture and Fisheries and the Commissioner of the Soil Conservation Service, and may also” from clause 19 (3).

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**[5] Clause 31 Heritage items**

Insert at the end of clause 31 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 34 Advertisements**

Omit clause 34 (2).

**[7] Clause 37 Development in drainage lines**

Omit clause 37 (3).

**[8] Clause 42 Restrictions on access**

Omit clause 42 (1).

### 3.76 Grafton Local Environmental Plan 1988

**[1] Clause 14 Ancillary dwellings**

Omit clause 14 (d).

**[2] Clause 26 Use of land pending acquisition**

Omit clause 26 (2).

**[3] Clause 26 (3)**

Omit “concurrence under subclause (2), the Commissioner for Main Roads shall”.

Insert instead “consent under subclause (1), the Council must”.

**[4] Clause 28 Items of the environmental heritage**

Insert at the end of clause 28 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 31 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[6] Clause 40 Development on land identified on Acid Sulfate Soils Planning Map**

Omit clause 40 (4) (c).

**3.77 Great Lakes Local Environmental Plan 1996****[1] Clause 20 Land acquisition**

Insert before clause 20 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 20 (4) (b)**

Omit “under subclause (6)”.

**[3] Clause 20 (6)**

Omit “and concurrence of the RTA”.

**[4] Clause 20 (7)**

Omit the subclause.

**[5] Clause 21 Heritage**

Omit clause 21 (4) (and the heading above the subclause) and (8) (b).

**[6] Clause 21 (5)**

Insert at the end of the subclause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[7] Clause 21 (7) (b)**

Omit the paragraph. Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[8] Clause 21 (11)**

Omit the subclause and the heading above the subclause.

**[9] Clause 28 Concurrence provisions mineral sand mines**

Omit the clause.

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### [10] Clause 29

Omit the clause. Insert instead:

#### **29 Development on coastal lands**

- (1) This clause applies to land within Zone 7 (f1) or 7 (f2).
- (2) Consent must not be granted to development on land to which this clause applies unless the council has taken into consideration the matters referred to in clause 5.5 (2) of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* and is satisfied as to the matters referred to in clause 5.5 (3) of that instrument.
- (3) The council must not grant consent to development on land in Zone 7 (f2) unless it has taken into consideration:
  - (a) the extent to which the proposed development is likely to affect the scenic and environmental qualities of the coastal landscape, headlands, dune systems and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant, and
  - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands.

### [11] Clause 33A Development at Myall Quays

Omit clause 33A (2) (b).

### [12] Clause 33A (2) (c)

Omit “considering whether to give concurrence, as referred to in paragraph (b), the Department”.

Insert instead “determining an application for development to which this clause applies, the Council”.

## 3.78 Greater Taree Local Environmental Plan 1995

### [1] Clause 16 Subdivision and development within Zone No 1 (c1) or 1 (c2)

Omit “the Director-General and notified in writing to” from clause 16 (7).

### [2] Clause 16 (7A)

Omit the subclause.



**[3] Clause 24 Environmental Protection zones which apply in this plan**

Omit the matter relating to “Only with consent” from the matter relating to Zone No 7 (f1) (Environmental Protection Coastal Lands) and Zone No 7 (f2) (Environmental Protection Coastal Lands Acquisition) in the development control table.

**[4] Clause 24, table**

Omit “and with the concurrence of the Director of Planning” from the heading in the matter relating to Zone No 7 (f1) (Environmental Protection Coastal Lands) and Zone No 7 (f2) (Environmental Protection Coastal Lands Acquisition).

**[5] Clause 24, table**

Omit “, or those permissible with consent and the concurrence of the Director of Planning” under the heading “Prohibited” in the matter relating to Zone No 7 (f1) (Environmental Protection Coastal Lands) and Zone No 7 (f2) (Environmental Protection Coastal Lands Acquisition).

**[6] Clause 29 Development within Coastal Protection zones**

Omit “, and the Director of Planning may concur in the granting of such consent only if the Director,”.

**[7] Clause 29 (f)**

Insert at the end of clause 29 (e):

, and

- (f) the potential impacts of climate change including sea level rise.

**[8] Clause 33 Acquisition of land reserved for roads in Zone No 9 (a)**

Insert before clause 33 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[9] Clause 33 (2) (b)**

Omit “under subclause (4)”.

**[10] Clause 33 (3)**

Omit “With the concurrence of the RTA, the”. Insert instead “The”.

**[11] Clause 33 (4)**

Omit the subclause.

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**[12] Clause 34**

Omit the clause. Insert instead:

**34 Major roads: relocation and access**

A road or other means of access which forms an intersection with an arterial road may be opened only with the consent of the Council.

**[13] Clause 40 Use of land pending acquisition**

Omit “7 (f2) or” from clause 40 (2).

**[14] Clause 53 Landfill and drainage**

Omit clause 53 (2).

**[15] Clause 54 Extractive industries and mines**

Omit clause 54 (2) and (3).

**[16] Clause 58 Heritage items and heritage conservation areas**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[17] Clause 61 Notification to the Heritage Council**

Omit the clause.

### 3.79 Griffith Local Environmental Plan 2002

**[1] Clause 13 Conversion of irrigation land for horticultural purposes**

Omit “documentation from the Department of Agriculture advising that” from clause 13 (2).

Insert instead “whether”.

**[2] Clause 27 Land subject to bushfire hazards**

Insert at the end of clause 27 (1) (c):

, and

- (d) adequate provision is made for the design, construction and maintenance of fire breaks in order to minimise erosion and sedimentation.

**[3] Clause 27 (2)**

Omit the subclause.

**[4] Clause 32 Protection of heritage items and heritage conservation areas**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 34 Notice of demolition to the Heritage Council**

Omit the clause.

**[6] Clause 35 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 35 (b).

**[7] Clause 35 (b)**

Omit “28 days”. Insert instead “21 days”.

**[8] Clause 36 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 36 (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.80 Gunnedah Local Environmental Plan 1998****[1] Clause 13 Can land within Zone No 1 (a) or 1 (b) be subdivided for intensive agricultural purposes?**

Omit clause 13 (3).

**[2] Clause 30 How does Council aim to protect heritage items, conservation areas and relics?**

Insert at the end of clause 30 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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**[3] Clause 31 Is the Heritage Council to be given prior notice of any consent for demolition?**

Omit the clause.

**[4] Clause 33 Is the development of known or potential archaeological sites permitted by this plan?**

Omit clause 33 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[5] Clause 33 (2) (b)**

Omit the paragraph.

### 3.81 Gunning Local Environmental Plan 1997

**[1] Clause 11 What must the Council consider before consenting to a subdivision of land in Zone 1 (a)?**

Omit clause 11 (h).

**[2] Clause 30 What controls apply to the development of heritage items, heritage conservation areas and relics?**

Insert at the end of clause 30 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 33 Council must notify the Heritage Council**

Omit the clause.

### 3.82 Guyra Local Environmental Plan 1988

**[1] Clause 12 Subdivision of land within Zone No 1 (c)**

Omit “and agreed to by the Director-General of the Department of Urban Affairs and Planning” from clause 12 (5).

**[2] Clause 15 Items of the environmental heritage**

Insert at the end of clause 15 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 18 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**3.83 Hastings Local Environmental Plan 1987****[1] Clause 15 Subdivision of land for rural residential purposes**

Omit clause 15 (2A).

**[2] Clause 15 (3A)**

Omit “The matters on which the Commissioner of the Soil Conservation Service shall be consulted pursuant to subclause (2A) are”.

Insert instead “In determining whether to grant consent for subdivision under this clause, the Council must take into consideration”.

**[3] Clause 15A Subdivision of land for co-operative farming purposes**

Omit clauses 15A (5)–(7).

**[4] Clause 15A (8) (a) (vi)**

Insert after clause 15A (8) (a) (v):

(vi) the soil conservation measures undertaken or proposed to be undertaken are adequate.

**[5] Clause 15A (8) (b)**

Omit the paragraph.

**[6] Clause 15A (11)**

Omit “to such a number as advised to the Council by the Director”.

Insert instead “by the Council”.

**[7] Clause 15A (12)**

Omit “Director”. Insert instead “Council”.

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**[8] Clause 17 Subdivision of certain land within Zone No 1 (a1) or (c1)—maximum number of allotments**

Omit “, but must not be fixed unless the quota has been approved by the Director” from clause 17 (2).

**[9] Clause 17 (3) (a)**

Omit “the Director and”.

**[10] Clause 17 (3) (b)**

Omit “Director”. Insert instead “Council”.

**[11] Clause 20A Development within Zone No 1 (a2), 2 (a2), 7 (a), 7 (b), 7 (d) or 7 (h)**

Omit clause 20A (4) and (5).

**[12] Clause 20A (6) (d)**

Omit the paragraph.

**[13] Clause 20A (7)**

Insert after clause 20A (6):

- (7) The Council must not grant consent pursuant to this clause unless it is of the opinion that the proposed development will have a minimal impact on native flora and fauna.

**[14] Clause 23B Mineral sand mines**

Omit “except with the concurrence of the Director of Planning.” from clause 23B (1).

Insert instead:

unless it has taken into consideration:

- (a) the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
- (b) the likelihood of the proposed development adversely affecting the landscape, vegetation or scenic quality of the locality, and
- (c) the effects of the proposed development on flora, fauna and aboriginal archaeological sites.

**[15] Clause 23B (2)–(4)**

Omit the subclauses.

**[16] Clause 29AA Multiple occupancy**

Omit clause 29AA (1)–(3). Insert instead:

- (1) The Council must, in respect of an application for consent to carry out development for the purposes of multiple occupancy, not determine such an application until it has taken into consideration:
  - (a) the effects of the proposed development on the present and potential agricultural use of the land and of land in the vicinity, and
  - (b) topographic and soil limitations with respect to house and access track location and construction, and
  - (c) vegetation disturbance, and
  - (d) effluent disposal.

**[17] Clause 29AA (4) (h)**

Omit the paragraph.

**[18] Clause 30 Canal and marina development**

Omit clause 30 (4), (5) and (7).

**[19] Clause 34 Development—Zone No 7 (f1) or 7 (f2)**

Omit “and the concurrence of the Director” from clause 34 (2).

**[20] Clause 34 (3)**

Omit “Director” and “concurrence”.

Insert instead “Council” and “consent”, respectively.

**[21] Clause 36 Use of land within Zone No 9 (b) pending acquisition**

Omit “and the concurrence of the Commissioner for Main Roads” from clause 36 (1).

**[22] Clause 36 (4)**

Omit the subclause.

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### [23]    **Clause 42 Heritage items**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [24]    **Clause 44 Heritage advertisements**

Omit clause 44 (2) and (3).

### [25]    **Clause 52 Development of certain land at Deauville**

Omit clause 52 (4)–(6).

### [26]    **Clause 52 (8) (a) (iv)**

Omit the subparagraph. Insert instead:

- (iv) the Council is satisfied with the adequacy of soil conservation measures undertaken or proposed to be undertaken and the adequacy of the allotments to provide on site disposal of sewage and domestic waste, and

### [27]    **Clause 53 Development of certain land at Kenwood Drive, Lake Cathie**

Omit clause 53 (2)–(7). Insert instead:

- (2) The Council must, in respect of an application for consent for subdivision of land to which this clause applies, not grant consent unless it has taken into consideration:
  - (a) the impact on the quality or quantity of flows of water to the coastal wetland and fishery habitat, and
  - (b) whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution, and
  - (c) the adequacy of soil conservation measures proposed to be undertaken in order to minimise erosion of the land and adjoining land, and
  - (d) the impact on the adjoining wetlands and fisheries habitat of runoff during and after construction, and
  - (e) the impact on the Lake Innes—Lake Cathie waterway system, and
  - (f) the implications of possible restoration of Lake Innes as a freshwater lake, and
  - (g) the protection of any osprey nest, and



- (h) the latest information on potential flood levels affecting the land, and
- (i) the potential impacts of climate change including sea level rise.

### 3.84 Hastings Local Environmental Plan 2001

**[1] Clause 19 Landform alteration in Zone 7 (a), 7 (d) or 7 (h)**

Omit clause 19 (3) and (4).

**[2] Clause 19 (5) (c)**

Insert at the end of the paragraph:

, and

- (d) the likely environmental effect of the proposed development on flora and fauna.

**[3] Clause 22**

Omit the clause. Insert instead:

**22 Development in Zone 7 (f1)**

- (1) In determining whether to grant consent for development in Zone 7 (f1), the consent authority must take into consideration:
  - (a) the likelihood of the proposed development adversely affecting, or being adversely affected by, the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
  - (b) the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or floodplain of the sea or any arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
  - (c) the likelihood of the proposed development adversely affecting the landscape or scenic quality of the locality, and
  - (d) the potential impacts of climate change including sea level rise.

**[4] Clause 33 Heritage items**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [5] **Clause 35 Notification of Heritage Council**

Omit the clause.

## 3.85 Hawkesbury Local Environmental Plan 1989

### [1] **Clause 18 Provision of water, sewerage etc services**

Omit clause 18 (2).

### [2] **Clause 27 Heritage items**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [3] **Clause 30 Heritage advertisements**

Omit clause 30 (1) (b).

### [4] **Clause 31 Acquisition and use of reserved land**

Insert before clause 31 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [5] **Clause 31 (6)**

Omit clause 31 (6) and (7). Insert instead:

- (6) The Council must not grant consent as referred to in subclause (5) to the development of land to be acquired by the public authority specified in Column 1 of Part 2 of the Table to this clause, unless it has taken the following into consideration:
  - (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,
  - (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.

### [6] **Clause 33A Development of land at Yarramundi (Nepean Park)**

Omit clause 33A (8) (a).

**[7] Clause 33A (8) (b)**

Omit “State Pollution Control Commission have been made with that Commission”.

Insert instead “Council have been made”.

**[8] Clause 37A Development on land identified on Acid Sulfate Soils Planning Map**

Omit clause 37A (4) (c).

**[9] Clause 41A Certain development at Comleroy Road, Kurrajong**

Omit “arrangements satisfactory to the Environment Protection Authority” from clause 41A (2).

Insert instead “satisfactory arrangements”.

**[10] Clause 54 Pitt Town—heritage**

Omit clause 54 (3) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[11] Clause 54 (4) (b)**

Omit the paragraph. Insert instead:

- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent, and
- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**3.86 Hay Local Environmental Plan 1998****[1] Clause 18 Environmentally sensitive land**

Omit “Department of Land and Water Conservation” from clause 18 (2).

Insert instead “Council”.

**[2] Clause 20 Protection of heritage items and relics**

Insert at the end of clause 20 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 22 Notice to Heritage Council**

Omit the clause.

**[4] Clause 23 Development of potential archaeological sites**

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

**[5] Clause 28 Development along rivers**

Omit “a vegetation management plan approved by the Department of Land and Water Conservation” from clause 28 (1) (a).

Insert instead “the *Native Vegetation Act 2003*”.

### 3.87 Holroyd Local Environmental Plan 1991

**[1] Clause 12 Acquisition and development on land zoned 7 (a)**

Insert before clause 12 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 12 (2) (b)**

Omit “under subclause (4)”.

**[3] Clause 12 (4)**

Omit clause 12 (4) and (5). Insert instead:

(4) A person may, with the consent of the council, carry out a development on land within Zone No 7 (a):

(a) for a purpose for which development may be carried out on land in an adjoining zone, or

(b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

**[4] Clause 15 Acquisition and development of land reserved for public transport corridor**

Insert before clause 15 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[5] Clause 15 (2) (b)**

Omit “under subclause (3)”.

**[6] Clause 15 (3)**

Omit “and the concurrence of the Corporation”.

**[7] Clause 15 (4)**

Omit “concurrence to proposed development under this clause, the Corporation”.

Insert instead “consent to proposed development under this clause, the council”.

**[8] Clause 15 (4) (c)**

Omit “to the Corporation”. Insert instead “of acquisition”.

**[9] Clause 41 Development on land identified on Acid Sulfate Soils Planning Map**

Omit clause 41 (4) (c).

**[10] Clause 44 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[11] Clause 45 Notice of demolition to Heritage Council**

Omit the clause.

**[12] Clause 46 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 46 (b).

**[13] Clause 46 (b)**

Omit “28 days”. Insert instead “21 days”.

**[14] Clause 47 Development affecting other known or potential archaeological sites**

Omit clause 47 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

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### 3.88 Hornsby Shire Local Environmental Plan 1994

**[1] Clause 10 Services**

Omit “and arrangements have been made that are satisfactory to the Water Board for the provision, adjustment or amplification of the Board’s water, sewerage and drainage systems”.

**[2] Clause 17 Land acquisition**

Insert after the heading to the clause:

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[3] Clause 17 (8)**

Omit “, with the concurrence of the public authority responsible for acquisition of the land,”.

**[4] Clause 17 (8)**

Omit “concurrence, the public authority shall”.

Insert instead “consent, the Council must”.

**[5] Clause 18 Heritage**

Insert at the end of clause 18 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 18 (4)**

Omit the subclause and the heading above the subclause.

**[7] Clause 20A Acid sulfate soils**

Omit clause 20A (2) (b).

### 3.89 Hume Local Environmental Plan 2001

**[1] Clause 13 Heritage**

Insert at the end of clause 13 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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

Omit the subclause.

**3.90 Hunter's Hill Local Environmental Plan No 1****[1] Clause 19 Items of the environmental heritage**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 19C Heritage advertisements**

Omit clause 19C (2) and (3).

**[3] Clause 24 Acquisition of reserved lands**

Insert before clause 24 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 24 (4)**

Omit clause 24 (4) and (5). Insert instead:

- (4) The Council must not grant consent, referred to in subclause (3), to the development of land to be acquired by a public authority other than the RTA, unless it has taken the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,
  - (c) the costs associated with the reinstatement of the land for the purposes, if any, specified under the heading “Development which requires consent” in the matter relating to the relevant land in the Table to clause 9.

**[5] Clause 28 Development within Zone Nos 2 (a2), 2 (b) and 6 (a)—Pulpit Point**

Omit “and the concurrence of the Secretary of the Commonwealth Department of Defence” from clause 28 (2).

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**[6] Clause 28 (3)**

Omit “concurrence” and “Secretary of Commonwealth Department of Defence”.

Insert instead “consent” and “consent authority”, respectively.

### 3.91 Hurstville Local Environmental Plan 1994

**[1] Clause 15 Services**

Omit clause 15 (b).

**[2] Clause 22A Development on land identified on the Acid Sulfate Soils Planning Map**

Omit clause 22A (4) (c).

**[3] Clause 23 Acquisition and development of land reserved for arterial roads**

Insert before clause 23 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 23 (3)**

Omit “and the concurrence of the Roads and Traffic Authority”.

**[5] Clause 23 (4)**

Omit the subclause.

**[6] Clause 31 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife of its intention to do so” from clause 31 (b).

Insert instead “of the development application”.

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

Omit “28 days”. Insert instead “21 days”.

**[8] Clause 32 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 32 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.



**3.92 Interim Development Order No 122—Gosford****[1] Clause 10 Concurrence—General**

Omit the clause.

**[2] Clause 18 Subdivision**

Omit “from time to time by agreement between the Council and the Director, or, if no such agreement is reached, as determined by the Director” from clause 18 (5) (b) (ii).

Insert instead “by the Council”.

**[3] Clause 36 Existing development**

Omit clause 36 (5) and (6). Insert instead:

- (5) The Council must not consent to the alteration, enlargement or rebuilding of any building or work used for the purpose of an existing use on land within Zone No 7 (e) or to a change of use of that land, unless it has taken into consideration the effect which the proposed alteration, enlargement or rebuilding or the change in the use of that building, work or land will, or is likely to have, on the objectives sought to be achieved by including the land within Zone No 7 (e).

**[4] Clause 38 Development on bed of lakes, rivers, etc.**

Omit clause 38 (2).

**[5] Clause 39A Development near boundary of certain adjoining zones**

Omit “and the concurrence of the Director” from clause 39A (2).

**[6] Clause 39A (3)**

Omit the subclause.

**[7] Clause 45 Development on bed of creeks, rivers, etc.**

Omit “and the concurrence of the Department” from clause 45 (1) and (2).

**[8] Clause 95**

Omit clause 95 (1).

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**[9] Clause 95 (2)**

Omit “In considering whether to give concurrence or not the Department shall take into account”.

Insert instead “The Council must not grant consent to the erection of dwellings on land situated in the vicinity of Cromarty Hill Road and North Scenic Road, Forrester’s Beach, as shown by heavy black edging on the map marked “Gosford Local Environmental Plan No. 10” unless it has taken into consideration”.

**[10] Clause 95 (2) (d)**

Insert after clause 95 (2) (c):

- (d) the potential impacts of climate change including sea level rise.

**[11] Clause 106 Development of Aboriginal places or of known potential archaeological sites of Aboriginal cultural significance at Mount Penang**

Omit “and the Director-General of National Parks and Wildlife” from clause 106 (b).

**[12] Clause 106 (b)**

Omit “28 days”. Insert instead “21 days”.

**[13] Clause 107 Development of other known or potential archaeological sites**

Omit clause 107 (1) (b).

### 3.93 Inverell Local Environmental Plan 1988

**[1] Clause 11 Subdivision in rural areas**

Omit “shall consult with and take into consideration any opinion expressed by the Director-General of Agriculture and” from clause 11 (10).

**[2] Clause 12 Subdivision and erection of dwelling-houses in Zone No 1 (a)**

Omit “recommended by the Council and fixed by the Director of Planning” from clause 12 (4).

Insert instead “fixed by the Council”.

**[3] Clause 25 Items of the environmental heritage**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 29 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[5] Clause 39 Development of an integrated Bruderhof community**

Omit clause 39 (4).

### 3.94 Jerilderie Local Environmental Plan 1993

**[1] Clause 18 Dwelling-houses within Zone No 1 (a)**

Omit clause 18 (3) and (4).

**[2] Clause 26 Heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 28 Heritage advertisements**

Omit clause 28 (1) (b).

**[4] Clause 34**

Omit the clause. Insert instead:

**34 Development on travelling stock routes**

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

**Note.** The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

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### 3.95 Junee Local Environmental Plan 1992

**[1] Clause 29 Heritage items**

Insert at the end of clause 29 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 32 Heritage advertisements**

Omit clause 32 (2) and (3).

### 3.96 Kiama Local Environmental Plan 1996

**[1] Clause 46 Heritage items**

Insert at the end of clause 46 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 46 (4) and (5)**

Omit the subclauses.

**[3] Clause 66 Development on land identified on Acid Sulfate Soils Map**

Omit clause 66 (5) (d).

### 3.97 Kogarah Local Environmental Plan 1998

**[1] Clause 13A Development on land containing acid sulfate soils**

Omit clause 13A (5) (c).

**[2] Clause 14 Land acquisition for public purposes**

Insert after the heading to the clause:

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[3] Clause 14 (4)**

Omit “, with the concurrence of the public authority responsible for acquisition of the land,”.

**[4] Clause 14 (4)**

Omit “concurrence, the public authority shall”.

Insert instead “consent, the Council must”.

**[5] Clause 17A Protection of heritage items and heritage conservation areas**

Insert at the end of clause 17A (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 17C Notice of demolition to Heritage Council**

Omit the clause.

**[7] Clause 17D Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 17D (b).

**[8] Clause 17D (b)**

Omit “28 days”. Insert instead “21 days”.

**[9] Clause 17E Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 17E (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[10] Clause 18 Foreshore building line**

Omit clause 18 (6) (j).

**3.98 Lachlan Local Environmental Plan 1991****[1] Clause 14 Subdivision for the purposes of dwellings in Zone No 1 (a)**

Omit clause 14 (2).

**[2] Clause 25 Items of the environmental heritage**

Insert at the end of clause 25 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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**[3] Clause 27 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

### 3.99 Lake Macquarie Local Environmental Plan 2004

**[1] Clause 35 Acid sulfate soils**

Omit clause 35 (4) (c).

**[2] Clause 44 Protection of heritage items and heritage conservation areas**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 49 Notice of demolition to Heritage Council**

Omit the clause.

**[4] Clause 50 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit clause 50 (2) and (3). Insert instead:

- (2) Except where the proposed development is integrated development, the consent authority must notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the relevant notice is sent.

**[5] Clause 50 (4)**

Omit “28 days”. Insert instead “21 days”.

**[6] Clause 51 Development affecting known or potential archaeological sites or relics of European heritage significance**

Omit clause 51 (2) and (3). Insert instead:

- (2) Before granting consent to development under this clause, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[7] Clause 58 Concurrence of RTA for interim development of land required for State roads**

Omit the clause.

**[8] Clause 59 Acquisition of coastal land**

Insert before clause 59 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[9] Clause 59 (5)**

Omit the subclause.

**[10] Clause 59 (6)**

Omit “that concurrence, the Minister”.

Insert instead “consent under subclause (4), the Council”.

**[11] Clause 60 Development on land adjoining Zones 5, 7 (1), 7 (4) and 8**

Omit clause 60 (3). Insert instead:

- (3) The consent authority must not grant consent to development on land adjoining or adjacent to land within Zone 8 if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**3.100 Lane Cove Local Environmental Plan 1987****[1] Clause 10 Acquisition of land**

Insert before clause 10 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 10 (5)**

Omit clause 10 (5) and (6). Insert instead:

- (5) In considering whether to grant consent under subclause (4), the council must take the following into consideration:
- (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,
  - (c) the costs associated with the reinstatement of the land for the purposes, if any, specified in relation to the zone relating to the land in items 2 and 3 of the Table to clause 9.

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**[3] Clause 18A Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 18A (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 18C Notice to the Heritage Council**

Omit the clause.

**[5] Clause 18D Development of known or potential archaeological sites**

Omit clause 18D (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[6] Clause 18D (2) (b)**

Omit the paragraph.

### 3.101 Leeton Local Environmental Plan No 4

**[1] Clause 12 Subdivision of land within Zone No 1 (c)**

Omit “to the satisfaction of the Water Resources Commission” from clause 12 (2) (c).

**[2] Clause 33 Items of the environmental heritage**

Omit clause 33 (1A).

**[3] Clause 33 (2)**

Insert at the end of the subclause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).



**3.102 Leeton Local Environmental Plan No 35****[1] Clause 19 Protection of heritage items and relics**

Insert at the end of clause 19 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 20 Development of known or potential archaeological sites**

Omit clause 20 (b).

**[3] Clause 23 Heritage proposals being advertised development**

Omit clause 23 (2).

**3.103 Leichhardt Local Environmental Plan 2000****[1] Clause 16 General provisions for the development of land**

Omit “has notified the Director of the Heritage Office and the consent authority has considered any matters raised by that Director within 28 days of the notification” from clause 16 (4).

Insert instead “is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted”.

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

Omit the subclause. Insert instead:

- (5) Consent must not be granted for development on land which comprises an Aboriginal site or that the Council considers is a potential Aboriginal site, unless the consent authority:
  - (a) has notified the Council’s Aboriginal Consultative Committee, Boomalli Aboriginal Artists Co-operative and the Metropolitan Local Aboriginal Land Council, and
  - (b) has considered any matters raised by each of those bodies within 21 days of the notification, and
  - (c) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[3] Clause 26 General provisions for the development of land**

Insert before clause 26 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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### [4] Clause 26 (4)

Omit the subclause. Insert instead:

- (4) Consent is not to be granted to the carrying out of development of land to be acquired by the relevant public authority, unless the Council has taken the following into consideration:
  - (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,
  - (c) the costs of reinstatement of the land for the purposes for which the land is to be acquired,
  - (d) whether the proposed development will diminish the usefulness of the land for the purpose for which it has been zoned.

### [5] Clause 32 Land reserved for roads

Insert before clause 32 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [6] Clause 32 (2)

Omit “and the concurrence of that authority”.

### [7] Clause 32 (3)

Omit the subclause.

## 3.104 Lismore Local Environmental Plan 2000

### [1] Clause 13 Protection of heritage items and heritage conservation areas

Insert at the end of clause 13 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] Clause 15 Notice of demolition to the Heritage Council

Omit the clause.

### [3] Clause 16 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit “and the Director-General of the Department of Environment and Conservation” from clause 16 (b).

- [4] **Clause 16 (b)**  
Omit “28 days”. Insert instead “21 days”.
- [5] **Clause 17 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**  
Omit clause 17 (1) (b). Insert instead:  
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [6] **Clause 28A Development on land identified on Acid Sulfate Soil Planning Maps**  
Omit clause 28A (6) (c).
- [7] **Clause 36 Subdivision and development in rural zones**  
Omit “any opinion from the Director-General of the Department of Agriculture regarding” from clause 36 (3) (a).
- [8] **Clause 40 Rural residential development**  
Omit “specified in writing” from clause 40 (3). Insert instead “fixed”.
- [9] **Clause 40 (3)**  
Omit “with the approval of the Director”.
- [10] **Clause 42A Restriction on number of dwellings that may be created under clause 42**  
Omit “and agreed to by the Director-General”.
- [11] **Clause 72 Use of land pending acquisition**  
Omit “with the concurrence of the body specified as being required to acquire the land” from clause 72 (1).
- [12] **Clause 72 (2)**  
Omit “granted with the concurrence of the RTA”.
- [13] **Clause 72 (3)**  
Omit “concurrence” and “RTA or other body concerned”.  
Insert instead “consent” and “Council”, respectively.
- [14] **Clause 72 (3) (c)**  
Omit “to the RTA or other body”.
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### 3.105 Lithgow City Local Environmental Plan 1994

**[1] Clause 40 Heritage items**

Omit clause 40 (2).

**[2] Clause 40 (3)**

Insert at the end of the subclause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 42 Development of known or potential archaeological sites**

Omit clause 42 (1) (b). Insert instead:

- (b) that is the location of a relic or an Aboriginal place, within the meaning of the *National Parks and Wildlife Act 1974*, only if the Council:
  - (i) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted, and
  - (ii) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent.

### 3.106 Lockhart Local Environmental Plan 2004

**[1] Clause 30**

Omit the clause. Insert instead:

**30 Development of land adjoining land in Zone No 8**

The consent authority must not grant consent to development of land that adjoins land in Zone No 8 if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**[2] Clause 31 Heritage items**

Insert at the end of clause 31 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 34 Advertising of heritage applications**

Omit clause 34 (2).

**[4] Clause 38**

Omit the clause. Insert instead:

**38 Development on travelling stock routes**

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

**Note.** The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

**3.107 Maclean Local Environmental Plan 2001****[1] Clause 18 Development on land identified on Acid Sulfate Soils Planning Maps**

Omit clause 18 (6) (c).

**[2] Clause 19 Development along main or arterial roads**

Omit “and, if the main or arterial road is controlled by the RTA, the consent authority has received the concurrence of the Chief Executive of the RTA and taken into consideration the Chief Executive’s comments” from clause 19 (1) (b).

**[3] Clause 19 (2)**

Omit “concurrence” and “Chief Executive of the RTA”.

Insert instead “consent” and “consent authority”, respectively.

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**[4] Clause 21 Acquisition of land for road purposes**

Insert before clause 21 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[5] Clause 21 (3) (b) (ii)**

Omit “under subclause (4)”.

**[6] Clause 21 (4)**

Omit “granted with the concurrence of the RTA”.

**[7] Clause 21 (5)**

Omit the subclause.

**[8] Clause 25 Heritage conservation**

Insert at the end of clause 25 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[9] Clause 25 (6)**

Omit the subclause. Insert instead:

**(6) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[10] Clause 25 (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[11] Clause 25 (8)**

Omit the subclause.

**[12] Clause 35 Subdivision of land within Zone No 1 (r) and 1 (s)**

Omit “and agreed to by the Director” from clause 35 (2).

**[13] Clause 38 Development within Mangrove Creek Catchment Area**

Omit clause 38 (3).

- [14] Clause 43 Development of land for mineral sand mining**  
Omit clause 43 (2).
- [15] Clause 43 (3)**  
Omit “concurrence, the Director shall”.  
Insert instead “consent for the purpose of mineral sand mining, the Council must”.
- [16] Clause 44 Development of certain land at Brooms Head within Zone No 1 (i)**  
Omit “after consultation with the Department of Land and Water Conservation and the Environment Protection Authority” from clause 44 (2).
- [17] Clause 45 Economic geological resources**  
Omit “, after consultation with the Director-General of the Department of Mineral Resources,” from clause 45 (1) (b).
- [18] Clause 45 (2)**  
Omit the subclause.
- [19] Clause 45 (3) (a)**  
Omit the paragraph.
- [20] Clause 45 (4)**  
Omit “and the Director-General of the Department of Mineral Resources” and “and that Director-General”.
- [21] Clause 52 Development of certain land at Brooms Head and Iluka**  
Omit “after consultation with the Director-General of the Department of Land and Water Conservation and the Environment Protection Authority” from clause 52 (2).
- [22] Clause 62 Development within Zone No 7 (c) (the Environmental Protection (Coastal Foreshore) Zone)**  
Omit clause 62 (2) and (4).
- [23] Clause 62 (3)**  
Omit “granted with the concurrence of the Director”.
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**[24] Clause 62 (5)**

Omit “Director” and “concurrence”.

Insert instead “Council” and “consent”, respectively.

**[25] Clause 62 (5) (e)**

Omit the paragraph. Insert instead:

- (e) the potential impacts of climate change including sea level rise.

**[26] Clause 64 Development within Mangrove Creek Catchment Area**

Omit clause 64 (3).

### 3.108 Maitland Local Environmental Plan 1993

**[1] Clause 28 What restrictions apply to the development of wetlands?**

Omit clause 28 (4) (f).

**[2] Clause 28 (5)**

Omit the subclause.

**[3] Clause 30 What provisions apply with respect to the conservation of minerals and extractive materials?**

Omit clause 30 (4).

**[4] Clause 32 What controls apply with respect to the development of heritage items?**

Insert at the end of clause 32 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 34 What controls apply with respect to heritage items of State significance?**

Omit the clause.

**[6] Clause 50 What provisions apply with respect to development adjoining the waste disposal facility?**

Omit clause 50 (4).



**3.109 Manilla Local Environmental Plan 1988****[1] Clause 15 Subdivision for intensive agricultural pursuits**

Omit clause 15 (c).

**[2] Clause 24 Items of the environmental heritage**

Insert at the end of clause 24 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 26 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[4] Clause 29**

Omit the clause. Insert instead:

**29 Development on land adjoining or adjacent to national parks**

The Council must not grant consent to development on land adjoining or adjacent to land that is reserved under the *National Parks and Wildlife Act 1974* if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this clause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**3.110 Manly Local Environmental Plan 1988****[1] Clause 13 Acquisition of certain land**

Insert before clause 13 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 13 (4) and (5)**

Omit the subclauses.

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**[3] Clause 18 Items of the environmental heritage**

Insert at the end of clause 18 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 20 Development in the vicinity of Aboriginal relics**

Omit the clause.

**[5] Clause 22 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**[6] Clause 24 Exemption of minor development**

Omit “Clauses 22 and 23 do”. Insert instead “Clause 23 does”.

**[7] Clause 29 Development of certain residential land**

Omit clause 29 (2) (b).

**[8] Clause 29 (3)**

Omit the subclause.

**[9] Clause 30 Services**

Omit the clause.

**[10] Clause 33 Development on land identified on Acid Sulfate Soils Planning Map**

Omit clause 33 (5) (c).

### 3.111 Marrickville Local Environmental Plan 2001

**[1] Clause 48 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 48 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 50**

Omit the clause. Insert instead:

**50 Notice of applications to local Aboriginal communities**

Before granting development consent to development that is likely to have an impact on an Aboriginal site, Aboriginal place or place of Aboriginal cultural significance, the consent authority must notify the relevant local Aboriginal community of the development application and take into consideration any comments received from the community within 21 days after the notice is sent.

**[3] Clause 51 Notice of demolition to the Heritage Council**

Omit the clause.

**[4] Clause 53 Development of known or potential archaeological sites (including places of Aboriginal cultural heritage significance)**

Omit clause 53 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[5] Clause 53 (2) (b)**

Omit the paragraph. Insert instead:

- (b) is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[6] Clause 57 Development involving acid sulfate soils**

Omit clause 57 (3) (d).

**[7] Clause 65 Acquisition and development of land reserved for roads**

Insert before clause 65 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[8] Clause 65 (2) (b)**

Omit “under subclause (4)”.

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**[9] Clause 65 (4)**

Omit “granted with the concurrence of the RTA”.

**[10] Clause 65 (5)**

Omit the subclause.

**[11] Clause 67 Acquisition of land reserved for special uses**

Insert before clause 67 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[12] Clause 67 (3)**

Omit “granted with the concurrence of the public authority (if any), other than the consent authority, responsible for its acquisition”.

**[13] Clause 67 (4)**

Omit “concurrence to proposed development under this clause, the public authority concerned”.

Insert instead “consent to proposed development under this clause, the consent authority”.

### 3.112 Merriwa Local Environmental Plan 1992

**[1] Clause 12 Subdivision of rural land**

Omit “and Director-General of the Department of Agriculture are” from clause 12 (2).

Insert instead “is”.

**[2] Clause 14 Dwelling-houses on rural land**

Omit “and Director-General of the Department of Agriculture” from clause 14 (3) (c).

**[3] Clause 22 Heritage items**

Insert at the end of clause 22 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 25 Heritage advertisements**

Omit clause 25 (2) and (3).

**3.113 Moree Plains Local Environmental Plan 1995****[1] Clause 26 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 26 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 29 Notice to the Heritage Council**

Omit the clause.

**[3] Clause 30 Development of known or potential archaeological sites**

Omit clause 30 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 30 (2) (b)**

Omit the paragraph.

**3.114 Mosman Local Environmental Plan 1998****[1] Clause 31A Acid sulfate soils**

Omit clause 31A (4) (c).

**[2] Clause 33 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 33 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 34 Notice to Heritage Council**

Omit the clause.

**[4] Clause 35 Development of known or potential archaeological sites**

Omit clause 35 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal

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communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

- (c) it is satisfied that any necessary consent or permission required under the *National Parks and Wildlife Act 1974* has been granted.

**[5] Clause 35 (2) (b)**

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.115 Mulwaree Local Environmental Plan 1995

**[1] Clause 12 Subdivision of land for the purposes of dwelling-houses within Zone No 1 (a), 1 (b), 7 (a) or 7 (b)**

Omit clause 12 (7).

**[2] Clause 13 Subdivision for other purposes within Zone No 1 (a), 1 (b), 7 (a) or 7 (b)**

Omit clause 13 (4).

**[3] Clause 26 Heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 29 Heritage advertisements**

Omit clause 29 (1) (b).

**[5] Clause 36**

Omit the clause. Insert instead:

**36 Development within the Welcome Reef Dam inundation area and buffer zone**

The Council must not consent to the carrying out of any development listed in Schedule 5 on land within the Welcome Reef Dam inundation area and buffer zone unless the Council has taken into consideration whether the development, if carried out, will or is likely to result in the degradation of that land.

**[6] Schedule 5 Development to be referred to the Sydney Catchment Authority for concurrence**

Omit the heading.

Insert instead “**Development within the Welcome Reef Dam inundation area and buffer zone**”.

**3.116 Murray Local Environmental Plan 1989****[1] Clause 17 Dwelling-houses in Zone No 1 (a)**

Omit “Department of Agriculture and the Department of Land and Water Conservation” from clause 17 (d) (ii).

Insert instead “Council”.

**[2] Clause 24 Items of the environmental heritage**

Insert at the end of clause 24 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 27 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**3.117 Murrumbidgee Local Environmental Plan 1994****[1] Clause 27 Protection of heritage items and relics**

Insert at the end of clause 27 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 30 Notice to Heritage Council**

Omit the clause.

**[3] Clause 32 Development of known or potential archaeological sites**

Omit clause 32 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the

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development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 32 (2) (b)**

Omit the paragraph.

### 3.118 Murrurundi Local Environmental Plan 1993

**[1] Clause 22 Heritage items**

Insert at the end of clause 22 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 24 Heritage items of State significance**

Omit the clause.

### 3.119 Muswellbrook Local Environmental Plan 1985

**[1] Clause 34 Consideration of development applications**

Omit “the advice of the Water Resources Commission obtained after the Council has consulted the Commission in relation to” from clause 34 (1) (b) (ii).

**[2] Clause 34 (2)**

Omit the subclause. Insert instead:

- (2) The council must not grant consent to development on land adjoining land within Zone No 8 (a) if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**[3] Clause 35 Flood-prone land**

Omit clause 35 (4).



**[4] Clause 39 Aboriginal conservation areas and relics**

Omit “it has been made and forwarded to the Director of National Parks and Wildlife” from clause 39 (6) (a).

Insert instead “it has made”.

**[5] Clause 39 (6) (b)**

Omit the paragraph.

**3.120 Nambucca Local Environmental Plan 1995****[1] Clause 16 What controls apply to rural-residential development?**

Omit “specified in writing to Council with the approval of the Director of Planning” from clause 16 (6).

Insert instead “specified by the Council”.

**[2] Clause 20 What controls apply to development in the coastal protection zone?**

Omit clause 20 (2) and (3). Insert instead:

- (2) The Council must not grant consent to development on land within Zone 7 (f) unless it has taken into consideration:
  - (a) the extent to which the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (b) the extent to which the development would adversely affect the scenic qualities of the coastal landscape, and
  - (c) the likelihood of the proposed development adversely affecting or being adversely affected by coastal processes, and
  - (d) the potential impacts of climate change including sea level rise.

**[3] Clause 21 Who must be consulted about proposed development in the coastal hazard area?**

Omit the clause.

**[4] Clause 43 What provisions apply to protection of heritage items, heritage conservations areas and relics?**

Insert at the end of clause 43 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 44 Are heritage applications advertised?**

Omit clause 44 (2).

**[6] Clause 45 What controls apply with respect to development of known or potential archaeological sites?**

Omit clause 45 (b).

**[7] Clause 54 What restrictions apply to development of Aboriginal conservation areas and relics?**

Omit “granted with the concurrence of the Director-General of National Parks and Wildlife” from clause 54 (4).

**[8] Clause 54 (5)**

Omit the subclause.

**[9] Clause 57 What provisions apply with respect to development adjoining extractive industries?**

Omit clause 57 (4).

**[10] Clause 60 Acquisition and development of land reserved for classified road**

Insert before clause 60 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[11] Clause 60 (2) (b) (ii)**

Omit “under subclause (3)”.

**[12] Clause 60 (3)**

Omit “and the concurrence of the RTA”.

**[13] Clause 60 (4)**

Omit the subclause.

**[14] Clause 66 Development on land containing potential acid sulfate soils**

Omit clause 66 (5) (c).

**3.121 Narrabri Local Environmental Plan 1992****[1] Clause 25 Heritage items**

Insert at the end of clause 25 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 28 Heritage advertisements**

Omit clause 28 (1) (b).

**3.122 Narrabri Local Environmental Plan No 2****[1] Clause 24 Items of the environmental heritage**

Insert at the end of clause 24 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 26 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**3.123 Narrabri Local Environmental Plan No 5 (Township of Boggabri)****Schedule 1 Aims, objectives etc**

Omit “after consultation by the Council with the Department of Water Resources” from clause 1 (b) (xii) of Schedule 1.

**3.124 Narrandera Local Environmental Plan 1991****[1] Clause 26 Heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 28 Heritage advertisements**

Omit clause 28 (1) (b).

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### 3.125 Narromine Local Environmental Plan 1997

**[1] Clause 12B Referral of certain applications involving intensive agriculture to relevant public authorities**

Omit the clause.

**[2] Clause 20 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 20 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 22 Notice to the Heritage Council**

Omit the clause.

**[4] Clause 25 Development of known or potential archaeological sites**

Omit clause 25 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[5] Clause 25 (2) (b)**

Omit the paragraph.

### 3.126 Newcastle City Centre Local Environmental Plan 2008

**[1] Clause 30 Development on proposed classified road**

Omit clause 30 (1) (a).

**[2] Clause 30 (2)**

Omit “concurrence”. Insert instead “consent”.

**[3] Clause 30 (2)**

Omit “RTA” where firstly occurring. Insert instead “consent authority”.

**[4] Clause 46 Heritage conservation**

Insert at the end of clause 46 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 46 (7)**

Omit the subclause. Insert instead:

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[6] Clause 46 (8) (b)**

Omit “28 days”. Insert instead “21 days”.

**[7] Clause 46 (9)**

Omit the subclause.

**3.127 Newcastle Local Environmental Plan 2003****[1] Clause 21 Reservation of land for public purposes, its interim use and its acquisition**

Insert before clause 21 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 21 (5)**

Omit the subclause. Insert instead:

(5) Despite any other provision of this plan, land marked “Arterial Road” or “Rail” may be developed with the consent of the Council for any purpose that may be carried out in an adjacent zone.

**[3] Clause 21 (6)**

Omit “concurrence for consent to proposed development, the public authority concerned”.

Insert instead “consent to proposed development, the Council”.

**[4] Clause 25 Acid sulfate soils**

Omit clause 25 (3) (c).

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**[5] Clause 27 Heritage assessment**

Insert at the end of clause 27 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[6] Clause 30 Referral to Heritage Council**

Omit the clause.

**[7] Clause 31 Development affecting places or sites of Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 31 (b).

**[8] Clause 31 (b)**

Omit “28 days”. Insert instead “21 days”.

### 3.128 North Sydney Local Environmental Plan 1989

**[1] Clause 26 Acquisition and development of land reserved for roads—Zone No 9 (d)**

Insert before clause 26 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 26 (2) (b)**

Omit “under subclause (4)”.

**[3] Clause 26 (4)**

Omit clause 26 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9 (d):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone, or
  - (c) for any purpose of a temporary nature.

**[4] Clause 32 Services**

Omit the clause.

**[5] Clause 42 The Civic Centre**

Omit clause 42 (3) and (4). Insert instead:

- (3) In deciding whether to grant consent for development for the purposes of commercial premises and shops under this clause, the Council must consider the capacity of the North Sydney sub-regional centre to accommodate the proposed development.

**3.129 North Sydney Local Environmental Plan 2001****[1] Clause 36 Acquisition and development of land reserved for roads**

Insert before clause 36 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 36 (2) (b)**

Omit “required by this clause”.

**[3] Clause 36 (4)**

Omit clause 36 (4) and (5). Insert instead:

- (4) A person may carry out development on land listed in Schedule 12, with the consent of the Council, for any purpose:
- (a) for which development may be carried out in an adjoining zone, or
  - (b) of a temporary nature.

**[4] Clause 41 Acid sulfate soils**

Omit clause 41 (4) (c).

**[5] Clause 46 Aboriginal sites and relics**

Omit clause 46 (2) (c).

**[6] Clause 47 Archaeological resources**

Omit clause 47 (2) (b). Insert instead:

- (b) is satisfied that any necessary excavation permit required under the *Heritage Act 1977* has been granted.

**[7] Clause 48 Heritage items**

Insert at the end of clause 48 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of

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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[8] Clause 48 (8)**

Omit the subclause.

### 3.130 Nundle Local Environmental Plan 2000

**[1] Clause 19 Subdivision for the purpose of a dwelling in Zone No 1 (b) and 1 (c)**

Omit “in a written order of the Director served on the Council” from clause 19 (5).

Insert instead “by the Council”.

**[2] Clause 25 Protection of heritage items and relics**

Insert at the end of clause 25 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 27 Notice to the Heritage Office**

Omit the clause.

**[4] Clause 28 Development of known or potential archaeological sites**

Omit clause 28 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[5] Clause 28 (2) (b)**

Omit the paragraph.

**[6] Clause 34 Consultation before development of land in Nundle**

Omit “28 days” wherever occurring in clause 34 (1). Insert instead “21 days”.



**[7] Clause 34 (2)**

Omit the subclause. Insert instead:

- (2) The consent authority must not grant consent to development on land located within the Hanging Rock Reserve if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, commenced).

**3.131 Nymboida Local Environmental Plan 1986****[1] Clause 33 Items of environmental heritage**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 36 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**3.132 Oberon Local Environmental Plan 1998****[1] Clause 17 Subdivision for the purpose of dwelling-houses on land in Zone No 2 (v)**

Omit “the opinions of the Environment Protection Authority and Department of Health about” from clause 17 (1) (b).

**[2] Clause 17 (1) (b)**

Omit “have been obtained and”. Insert instead “has been”.

**[3] Clause 31 Contaminated land**

Omit the clause.

**[4] Clause 32 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 32 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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**[5] Clause 34 Notice to the Heritage Council**

Omit the clause.

**[6] Clause 35 Development of known or potential archaeological sites**

Omit clause 35 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[7] Clause 35 (2) (b)**

Omit the paragraph.

**[8] Clause 40 Development of known or potential archaeological sites in Zone No 1 (d)**

Omit clause 40 (c). Insert instead:

- (c) the Local Aboriginal Lands Council has been notified of the proposal, if it relates to Aboriginal relics, and the Council has considered any matters raised within 21 days after the notice is sent.

### 3.133 Orange Local Environmental Plan 2000

**[1] Clause 31 Minimum allotment sizes in rural areas**

Omit “as indicated in a farm plan endorsed by the Department of Agriculture” from clause 31 (3) (b).

**[2] Clause 76 Consideration of development affecting heritage items or heritage conservation areas**

Insert at the end of clause 76 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 78 Heritage proposals being advertised development**

Omit clause 78 (2).

**[4] Clause 80 Development of archaeological sites**

Omit clause 80 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[5] Clause 80 (2) (b)**

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.134 Parkes Local Environmental Plan 1990****[1] Clause 25 Heritage items**

Insert at the end of clause 25 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 27 Heritage advertisements**

Omit clause 27 (1) (b).

**3.135 Parramatta City Centre Local Environmental Plan 2007****[1] Clause 26 Development on proposed classified road**

Omit clause 26 (1) (a).

**[2] Clause 26 (2)**

Omit “concurrence”. Insert instead “consent”.

**[3] Clause 26 (2)**

Omit “RTA” where firstly occurring. Insert instead “Council”.

**[4] Clause 33B Acid sulfate soils**

Omit clause 33B (3) (b).

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### [5] **Clause 35 Heritage conservation**

Insert at the end of clause 35 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [6] **Clause 35 (6)**

Omit the subclause. Insert instead:

#### (6) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### [7] **Clause 35 (7) (b)**

Omit “28 days”. Insert instead “21 days”.

### [8] **Clause 35 (8) and (9A)**

Omit the subclauses.

## 3.136 Parramatta Local Environmental Plan 1996 (Heritage and Conservation)

### [1] **Clause 11 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 11 (5):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] **Clause 13 Notification of demolition to the Heritage Council**

Omit the clause.

### [3] **Clause 15 Development of Aboriginal places or of known or potential archaeological sites of Aboriginal cultural heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 15 (1) (b).

### [4] **Clause 15 (1) (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 16 Development of other known or potential archaeological sites**

Omit clause 16 (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.137 Parramatta Local Environmental Plan 2001****[1] Clause 12 Acquisition and development of reserved land**

Insert before clause 12 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 12 (5) (a) (ii)**

Omit “, as referred to in subclause (8),”.

**[3] Clause 12 (8) and (9)**

Omit the subclauses.

**[4] Clause 20 Noise and vibration**

Omit the clause.

**[5] Clause 21 Flood liable land**

Omit clause 21 (3).

**[6] Clause 32 Foreshore building line**

Omit “adequate consultation has occurred with NSW Fisheries, if” from clause 32 (6) (j).

**[7] Clause 34 Acid sulfate soils**

Omit clause 34 (4) (c).

**3.138 Parry Local Environmental Plan 1987****[1] Clause 15 Subdivision of land within Zone No 1 (c)**

Omit “in a written order of the Director” from clause 15 (5).

Insert instead “by the Council”.

**[2] Clause 16 Subdivision for specialised or intensive agricultural enterprises in Zone No 1 (a), 1 (b) or 1 (c)**

Omit “shall consult with and take into consideration any opinion expressed by the Director General of Agriculture and” from clause 16 (2).

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### [3] **Clause 28 Heritage preservation**

Insert at the end of clause 28 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [4] **Clause 28 (5)**

Omit the subclause.

### [5] **Schedule 4 Subdivision within Zone No 1 (c)—matters for environmental impact report**

Omit paragraphs (h) and (i) from Schedule 4.

## 3.139 Penrith City Centre Local Environmental Plan 2008

### [1] **Clause 34 Development on proposed classified road**

Omit clause 34 (1) (a).

### [2] **Clause 34 (2)**

Omit “concurrence”. Insert instead “consent”.

### [3] **Clause 34 (2)**

Omit “RTA” where firstly occurring. Insert instead “Council”.

### [4] **Clause 40 Heritage conservation**

Insert at the end of clause 40 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [5] **Clause 40 (6)**

Omit the subclause. Insert instead:

#### (6) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### [6] **Clause 40 (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[7] Clause 40 (8)**

Omit the subclause.

**3.140 Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)****[1] Clause 8 Heritage items**

Insert at the end of clause 8 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 11 Heritage advertisements**

Omit clause 11 (2) and (3).

**3.141 Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)****[1] Clause 14 Provision of services**

Omit the clause.

**[2] Clause 27 Development of land reserved for roads**

Omit clause 27 (1). Insert instead:

- (1) Despite the provisions of clause 9, a person may, with the consent of the Council, carry out development on land within Zone No 5 (c) for a purpose for which development may be carried out on land within an adjoining zone created by this plan.

**[3] Clause 27 (2)**

Omit the subclause.

**3.142 Penrith Local Environmental Plan 1996 (Industrial Land)****[1] Clause 16 Development of land reserved for roads**

Omit clause 16 (1). Insert instead:

- (1) Despite clause 9, a person may, with the council's consent, carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone under this plan.

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

Omit the subclause.

### **3.143 Penrith Local Environmental Plan 1997 (Penrith City Centre)**

**[1] Clause 15 Development of land reserved for roads**

Omit clause 15 (1). Insert instead:

- (1) Despite clause 9, a person may, with the consent of the council, carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone created by this plan.

**[2] Clause 15 (2)**

Omit the subclause.

### **3.144 Penrith Local Environmental Plan 1998 (Urban Land)**

**[1] Clause 21 Development of land reserved for roads**

Omit clause 21 (1). Insert instead:

- (1) Despite clause 9, a person may, with the consent of the council, carry out development on land within Zone No 5 (c) if the development may be carried out on land within an adjoining zone created by this plan.

**[2] Clause 21 (2)**

Omit the subclause.

### **3.145 Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)**

**[1] Clause 16 Provision of services**

Omit “the requirements of the Department of Health and any development control plan, strategy or” from clause 16 (5) (b).

Insert instead “any”.

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

Omit “to the requirements of the Department of Health and”.



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### 3.146 Penrith Local Environmental Plan No 201 (Rural Lands)

**[1] Clause 21 Provision of services**

Omit clause 21 (b).

**[2] Clause 22 Provision of water in Zones Nos 1 (b) and 1 (c)**

Omit the clause.

**[3] Clause 25 Acquisition and development of land reserved for roads**

Insert before clause 25 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 25 (2) (b)**

Omit “under subclause (4)”.

**[5] Clause 25 (4)**

Omit clause 25 (4) and (5). Insert instead:

- (4) A person may, with the consent of the council, carry out development on land within Zone No 5 (c):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

**[6] Clause 26 Acquisition and development of land within Zone No 5 (d)**

Insert before clause 26 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[7] Clause 26 (4) (a)**

Omit “and the concurrence of the Director”.

**[8] Clause 26 (5)**

Omit “concurrence under subclause (4), the Corporation shall”.

Insert instead “consent under subclause (4), the council must”.

**[9] Clause 41 Development of certain land at Llandilo**

Omit “or the Water Board” from clause 41 (4).

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### 3.147 Pittwater Local Environmental Plan 1993

- [1] **Clauses 17A (3) (a) and (b), 17B (2) (a) and 17C (3) (a)**  
Omit “with the Sydney Water Corporation” wherever occurring.
- [2] **Clause 28 Buildings, etc, not to be erected without consent—Zone No 9 (a), 9 (b), 9 (c) or 9 (d)**  
Omit clause 28 (3) and (5).
- [3] **Clause 28 (4)**  
Omit “in relation to land within Zone No 9 (a) or 9 (c)”.
- [4] **Clause 32 Protection of heritage items, heritage conservation areas and relics**  
Insert at the end of clause 32 (4):  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [5] **Clause 34 Notice to the Heritage Council**  
Omit the clause.
- [6] **Clause 35 Development of known or potential archaeological sites**  
Omit clause 35 (1) (b). Insert instead:  
(b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- [7] **Clause 35 (2) (b)**  
Omit the paragraph.
- [8] **Clause 46 Provision of adequate water and sewerage services**  
Omit “and that any requirements of the Sydney Water Corporation, that may be notified to the council from time to time, have or will be met”.

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### 3.148 Port Stephens Local Environmental Plan 2000

**[1] Clause 27 Acquisition and development of land reserved for roads**

Insert before clause 27 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 27 (2) (b) (ii)**

Omit “under subclause (3)”.

**[3] Clause 27 (3)**

Omit “and the concurrence of the RTA”.

**[4] Clause 27 (4)**

Omit the subclause.

**[5] Clause 36 Acquisition and development of land zoned 7 (f1)**

Omit “and the concurrence of the Minister administering the *Environmental Planning and Assessment Act 1979*” from clause 36 (2).

**[6] Clause 51A Development on land identified on Acid Sulfate Soils Planning Maps**

Omit clause 51A (3) (c).

**[7] Clause 55 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 55 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[8] Clause 58 Notice to Heritage Council**

Omit the clause.

**[9] Clause 59 Development of known or potential archaeological sites**

Omit clause 59 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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- (c) it is satisfied that any necessary consent or permission required under the *National Parks and Wildlife Act 1974* has been granted.

### [10] Clause 59 (2) (b)

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

## 3.149 Queanbeyan Local Environmental Plan 1998

### [1] Clause 56 Heritage conservation

Insert at the end of clause 56 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] Clause 56 (6)

Omit the subclause. Insert instead:

#### (6) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### [3] Clause 56 (7) (b)

Omit “28 days”. Insert instead “21 days”.

### [4] Clause 56 (7) (c)

Insert after clause 56 (7) (b):

- (c) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

### [5] Clause 56 (8)

Omit the subclause.

### [6] Clause 68A Development of certain land off Ellerton Drive

Omit the clause.

**[7] Clause 74 Subdivision of land—matters for consideration**

Omit clause 74 (4). Insert instead:

- (4) The Council may grant development consent for a subdivision of land within Zone 7 (a) or 7 (b) only after it has taken into consideration the environmental impact of the proposed subdivision on the relevant land within Zone 7 (a) or 7 (b).

**Note.** The website of the Department of Environment and Climate Change has publications that provide guidance on development that may impact on areas managed by that Department (for example, the *Guidelines for developments adjoining Department of Environment and Climate Change land*).

**3.150 Quirindi Local Environmental Plan 1991****[1] Clause 17 Residential use of land within Zone No 1 (a)**

Omit “agreed between the council and the Director” from clause 17 (4) (a).

Insert instead “specified by the council”.

**[2] Clause 17 (4) (b)**

Omit “so agreed”. Insert instead “specified”.

**[3] Clause 20 Heritage items**

Insert at the end of clause 20 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 22 Advertising of heritage applications**

Omit clause 22 (1) (b).

**3.151 Randwick Local Environmental Plan 1998****[1] Clause 43 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 43 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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### [2] **Clause 44 Development of known or potential archaeological sites**

Omit clause 44 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

### [3] **Clause 44 (2) (b)**

Omit the paragraph.

### [4] **Clause 45 Heritage Council notification**

Omit the clause.

## 3.152 Richmond River Local Environmental Plan 1992

### [1] **Clause 18A Development on land containing acid sulfate soils**

Omit clause 18A (5) (c).

### [2] **Clause 21 Heritage items**

Insert at the end of clause 21 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [3] **Clause 23 Heritage advertisements**

Omit clause 23 (1) (b).

### [4] **Clause 33 Acquisition of land**

Insert before clause 33 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [5] **Clause 33 (4) (b) (ii)**

Omit “under subclause (5)”.

### [6] **Clause 33 (5)**

Omit “and the concurrence of the Roads and Traffic Authority”.

**[7] Clause 33 (6)**

Omit the subclause.

**3.153 Rockdale Local Environmental Plan 2000****[1] Clause 53 Acquisition of reserved land**

Insert before clause 53 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 53 (4) and (5)**

Omit the subclauses.

**[3] Clause 53 (6)**

Omit “or (5)”.

**[4] Clause 53 (7)**

Omit the subclause. Insert instead:

- (7) In considering whether to grant consent for proposed development under this clause, the Council must take the following into consideration:
- (a) the need for the relevant public purpose to be carried out on the land,
  - (b) the likely effect of the proposed development on the cost of acquisition,
  - (c) the imminence of acquisition,
  - (d) whether refusal to grant consent would cause undue financial hardship to any owner, mortgagee or lessee of the land.

**[5] Clause 55 Acquisition of certain land reserved by the Roads and Traffic Authority**

Insert before clause 55 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[6] Clause 55 (1) (b)**

Omit “required by clause 53 (4)”.

**[7] Clause 55 (2)**

Omit the subclause.

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**[8] Clause 55C Development in Zone 10 (a1)**

Omit “and the Heritage Council of New South Wales” from clause 55C (9) (d).

**[9] Clause 57 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 57 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[10] Clause 58 Notice of certain heritage development applications**

Omit clause 58 (3).

**[11] Clause 59 Development of known or potential archaeological sites**

Omit clause 59 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[12] Clause 59 (2) (b)**

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.154 Ryde Planning Scheme Ordinance

**[1] Clause 9 Buildings, etc not to be erected without consent on reserved land**

Omit clause 9 (4).

**[2] Clause 34 Consideration of certain applications**

Insert “or on land reserved under clause 8” after “Zone No. 6 (a), 6 (b) or 6 (c)” in clause 34 (1A).



**[3] Clause 63 Roads uncoloured—development thereon**

Omit “and the concurrence of the Commission”.

**3.155 Rylstone Local Environmental Plan 1996****[1] Clause 31 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 31 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 33 Notice of demolition to the Heritage Council**

Omit the clause.

**[3] Clause 34 Development affecting places or sites of known or potential Aboriginal heritage significance**

Omit “and the Director-General of National Parks and Wildlife” from clause 34 (b).

**[4] Clause 34 (b)**

Omit “28 days”. Insert instead “21 days”.

**[5] Clause 34A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

Omit clause 34A (1) (b). Insert instead:

(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**3.156 Scone Local Environmental Plan 1986****[1] Clause 30 Acquisition and development of land reserved for roads—Zone No 5 (b)**

Insert before clause 30 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 30 (2) (b) (ii)**

Omit “under subclause (3)”.

**[3] Clause 30 (3)**

Omit “and the concurrence of the RTA”.

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**[4] Clause 30 (4)**

Omit the subclause.

### 3.157 Severn Local Environmental Plan 2002

**[1] Clause 20 Referrals required for significant development within Zone No 1 (f) or 8 (a)**

Omit clause 20 (3) and (5).

**[2] Clause 24 What controls apply to subdivision for the purpose of agriculture in Zone No 1 (a)?**

Omit clause 24 (3) (b) (i) and (ii).

**[3] Clause 29 What controls apply to dwellings in Zone No 1 (a)?**

Omit clause 29 (1) (b) (i) and (ii).

**[4] Clause 36 What controls apply to the protection of heritage items, heritage conservation areas and relics?**

Insert at the end of clause 36 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 37 What notice is to be given of heritage development applications?**

Omit clause 37 (2).

**[6] Clause 38 What controls apply to the consideration of Aboriginal cultural heritage and archaeological sites?**

Omit clause 38 (1) (d) and (2) (b).

### 3.158 Shellharbour Local Environmental Plan 2000

**[1] Clause 37 Controls for liquid fuel depots within Zones 4 (a3) and 4 (f)**

Omit clause 37 (3) and (4).

**[2] Clause 57 Controls for subdivision of land within Zone 7 (f2)**

Omit clause 57 (2) and (3). Insert instead:

- (2) The Council must not grant consent to a subdivision of land within Zone 7 (f2) unless it has taken into consideration the following:

- 
- (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems, and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant,
  - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas,
  - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands,
  - (d) the potential impacts of climate change including sea level rise.

**[3] Clause 58 Restrictions on granting consent within Zone 7 (f2)**

Omit clause 58 (2) and (3). Insert instead:

- (2) The matters that the Council must take into consideration in deciding whether to grant consent to development on land within Zone 7 (f2) for the purpose of additions or alterations to an existing building or work, tourist facilities, dams, drainage, dwelling houses, roads or utility installations (other than gas holders or generation works) are:
  - (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems, and the hinterland, including lagoons, lakes and areas where the original vegetation is still dominant, and
  - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (c) any plan, code, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands, and
  - (d) the potential impacts of climate change including sea level rise.

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

Insert before clause 68 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[5] Clause 68 (1) (c)**

Omit “under subclause (3)”.

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**[6] Clause 68 (3)**

Omit the subclause.

**[7] Clause 73 Protection of heritage items, heritage conservation areas, relics and Aboriginal objects**

Insert at the end of clause 73 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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

Omit clause 75 (2). Insert instead:

- (2) Before granting consent to the demolishing or damaging of a heritage item identified in Schedule 3 as being of State significance, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[9] Clause 75A Development affecting places or sites of Aboriginal heritage significance**

Omit “and the Director-General of the Department of Environment and Conservation” from clause 75A (b).

**[10] Clause 75A (b)**

Omit “28 days”. Insert instead “21 days”.

### 3.159 Shellharbour Rural Local Environmental Plan 2004

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

Insert before clause 33 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 33 (2) (c)**

Omit “under subclause (5)”.

**[3] Clause 33 (5)**

Omit the subclause.

- [4] Clause 41 Development on lands identified with potential acid sulfate soils**  
Omit clause 41 (5) (c).
- [5] Clause 45 Protection of heritage items, heritage conservation areas and relics**  
Insert at the end of clause 45 (4):  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [6] Clause 48 Notice of demolition to Heritage Council**  
Omit the clause.
- [7] Clause 49 Development affecting places or sites of known or potential Aboriginal heritage significance**  
Omit “and the Director-General of National Parks and Wildlife” from clause 49 (1) (b).
- [8] Clause 49 (1) (b)**  
Omit “28 days”. Insert instead “21 days”.
- [9] Clause 50 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance**  
Omit clause 50 (1) (b). Insert instead:  
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### 3.160 Shoalhaven Local Environmental Plan 1985

- [1] Clause 20E Protection of heritage items and heritage conservation areas**  
Insert at the end of clause 20E (4):  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [2] Clause 20H Notice of demolition to the Heritage Council**  
Omit the clause.

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**[3] Clause 20I Development affecting places of Aboriginal heritage significance**

Omit clause 20I (b). Insert instead:

- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the relevant notice is sent.

**[4] Clause 20J Development affecting archaeological sites**

Omit clause 20J (1) (b). Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[5] Clause 39A Development of certain land at West Nowra**

Omit clause 39A (4).

**[6] Clause 39BB Development of certain land at Seven Mile Beach**

Omit “any comment made by the Director-General of National Parks and Wildlife within 28 days of the submission by the Council of particulars of the proposed development to that Director-General with a request for comment, and” from clause 39BB (2) (b).

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

Omit “(such plan having been referred by the Council to the Environment Protection Authority and the Department of Water Resources for comment)” from clause 46 (4A) (a).

**[8] Clause 49 Development in Zones Nos 5 (c), 5 (e), 6 (d) and 7 (f2)**

Omit clause 49 (2).

**[9] Clause 49 (3)**

Omit “concurrence under subclause (2), the person concerned”.

Insert instead “consent under subclause (1), the Council”.

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

Insert before clause 50 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[11] Clause 50 (2) (b) (ii)**

Omit “required by subclause (3)”.

**[12] Clause 50 (3)**

Omit “and the concurrence of the RTA”.

**[13] Clause 50 (4)**

Omit the subclause.

**3.161 Singleton Local Environmental Plan 1996****[1] Clause 22 What controls apply with respect to the development of heritage items?**

Insert at the end of clause 22 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 23 What controls apply with respect to heritage items of State significance?**

Omit the clause.

**[3] Clause 25 Are heritage applications advertised?**

Omit clause 25 (2).

**[4] Clause 30 What heritage controls apply in an emergency?**

Omit clause 30 (3).

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

Insert before clause 34 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[6] Clause 34 (2) (b) (iii)**

Omit “referred to in subclause (3)”.

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### [7] Clause 34 (3)

Omit the subclause. Insert instead:

- (3) A person may, with the consent of the Council, carry out development on land within a zone referred to in subclause (1):
  - (a) for the purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any other purpose that is compatible with development that may be carried out on land in an adjoining zone.

### [8] Clause 34 (4)

Omit “concurrence to proposed development under this clause, the public authority concerned”.

Insert instead “consent to proposed development under this clause, the consent authority”.

## 3.162 Snowy River Local Environmental Plan 1997

### [1] Clause 43 What are the provisions promoting conservation of biological diversity?

Insert “or removal of bushrock” after “clearing” in clause 43 (3) (d).

### [2] Clause 43 (4)

Omit “Department of Land and Water Conservation and the National Parks and Wildlife Service, as relevant,”.

Insert instead “Department of Environment and Climate Change”.

### [3] Clause 59 How are heritage items, heritage conservation areas and relics protected?

Insert at the end of clause 59 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [4] Clause 61 What notice needs to be given to the Heritage Council?

Omit the clause.



**[5] Clause 62 Is the development of known or potential archaeological sites allowed?**

Omit clause 62 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[6] Clause 62 (2) (b)**

Omit the paragraph.

**3.163 Snowy River Rural Local Environmental Plan 2007****[1] Clause 39 Requirement for development consent**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 43**

Omit the clause. Insert instead:

**43 Archaeological sites**

The consent authority must, before granting development consent under this Division for the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[3] Clause 44 Places of Aboriginal heritage significance**

Omit “28 days” from clause 44 (b). Insert instead “21 days”.

**[4] Clause 45 Demolition of item of State significance**

Omit the clause.

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### 3.164 South Sydney Local Environmental Plan 1998

**[1] Clause 23 Protection of heritage items**

Insert at the end of clause 23 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 25 Heritage advertisements**

Omit clause 25 (2).

**[3] Clause 27 Development of a site or place of potential or known archaeological significance**

Omit clause 27 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 27 (2) (b)**

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[5] Clause 30 Acquisition and development of land reserved for roads**

Insert before clause 30 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[6] Clause 30 (2) (b)**

Omit “referred to in subclause (4)”.

**[7] Clause 30 (4)**

Omit “and with the concurrence of the R.T.A.”.

**[8] Clause 30 (5)**

Omit the subclause.

**[9] Clause 49 Transport tunnels**

Omit the clause.

**3.165 South Sydney Local Environmental Plan No 114 (Southern Industrial and Rosebery/Zetland Planning Districts)****[1] Clause 15 Acquisition of land reserved for arterial roads**

Insert before clause 15 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 15 (2) (b)**

Omit “under subclause (4)”.

**[3] Clause 15 (4)**

Omit clause 15 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out development on land within Zone No 9 (a):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

**[4] Clause 22 Development on all land to which this plan applies**

Omit clause 22 (1) (b).

**3.166 Strathfield Planning Scheme Ordinance****[1] Clause 58 Restriction of ribbon development**

Omit “Authority (DUAP) certifies to the responsible authority that it” from clause 58 (2) (b).

Insert instead “responsible authority”.

**[2] Clause 58 (2) (b)**

Omit “determined by the Authority (DUAP)”.

Insert instead “determined by the responsible authority”.

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### [3] **Clause 59A Heritage items**

Insert at the end of clause 59A (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [4] **Clause 59E Heritage advertisement**

Omit clause 59E (1) (b).

### [5] **Clause 60 Land within Zone No. 5 (c)**

Insert before clause 60 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

### [6] **Clause 60 (1)**

Omit the subclause. Insert instead:

- (1) Despite any other provision of this Ordinance, the Council must not consent to the carrying out of any development on land within Zone No. 5 (c), unless it has taken the following into consideration:
  - (a) the effect of the proposed development on the cost of acquisition,
  - (b) the imminence of acquisition,
  - (c) the cost to reinstate the land for the purpose for which the land is to be acquired.

## 3.167 Sutherland Shire Local Environmental Plan 2006

### [1] **Clause 23 Environmental risk—acid sulfate soils**

Omit clause 23 (3) (b).

### [2] **Clause 27 Development on land referred to in clause 26 before acquired or used for purpose for which reserved**

Omit clause 27 (2) (a) and (3).

### [3] **Clause 27 (4) (d)–(f)**

Insert after clause 27 (4) (c):

- (d) the need to carry out development on the land for the purpose for which it is reserved,
- (e) the imminence of acquisition by the authority of the State,

- (f) the likely additional cost to the authority of the State resulting from the carrying out of the proposed development.

**[4] Clause 54 Heritage**

Omit clause 54 (5).

**[5] Clause 54 (6) (b)**

Omit the paragraph. Insert instead:

- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[6] Clause 54 (8) (b)**

Omit “28 days”. Insert instead “21 days”.

**[7] Clause 54, note**

Insert at the end of clause 54 (13):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**3.168 Sydney Local Environmental Plan 2005****[1] Clauses 76 and 81**

Omit the clauses.

**[2] Clause 102 Specific heads of consideration**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 104 Demolition of heritage items**

Omit clause 104 (1) and (2).

**[4] Clause 125 Services**

Omit “Sydney Water Corporation”. Insert instead “the Council”.

**[5] Clause 126 Views of other bodies about development in Ultimo-Pyrmont**

Omit the clause.

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### 3.169 Tallaganda Local Environmental Plan 1991

**[1] Clause 13 Subdivision of land for the purpose of agriculture within Zone No 1 (a)**

Omit clause 13 (4).

**[2] Clause 15 Subdivision for other purposes within Zone No 1 (a)**

Omit clause 15 (4).

**[3] Clause 31 Heritage items**

Insert at the end of clause 31 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 34 Heritage advertisements**

Omit clause 34 (1) (b).

**[5] Clause 43**

Omit the clause. Insert instead:

**43 Development within the Welcome Reef Dam inundation area and buffer zone**

The Council must not consent to the carrying out of any development listed in Schedule 7 on land within the Welcome Reef Dam inundation area and buffer zone (Stage 2) unless the Council has taken into consideration whether the development, if carried out, will or is likely to result in the degradation of that land.

### 3.170 Tamworth Local Environmental Plan 1996

**[1] Clause 43 What controls apply in respect of the development of heritage items?**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 44 What factors will the Council take into consideration when assessing an application to develop a heritage item?**

Omit clause 44 (2).

**[3] Clause 47 What provisions apply to the development of known or potential archaeological sites?**

Omit clause 47 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 47 (2) (b)**

Omit the paragraph.

**3.171 Temora Local Environmental Plan 1987****Clause 16 Referral of applications to Director-General, Department of Agriculture**

Omit the clause.

**3.172 Tenterfield Local Environmental Plan 1996****[1] Clause 13 Subdivision for the purpose of closer rural settlement in Zone No 1 (a)**

Omit “and agreed to by the Director” from clause 13 (4).

**[2] Clause 16 Dwellings in Zone No 1 (a)**

Omit “must consult with and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and” from clause 16 (3).

**[3] Clause 25 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 25 (3) (before the existing note to the clause):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 27 Notice to the Heritage Council**

Omit the clause.

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### [5] **Clause 28 Development of known or potential archaeological sites**

Omit clause 28 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

### [6] **Clause 28 (2) (b)**

Omit the paragraph.

## 3.173 Tumbarumba Local Environmental Plan 1988

### [1] **Clause 24 Items of environmental heritage**

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] **Clause 26 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

### [3] **Clause 31A Protection of the environment generally**

Omit clause 31A (2) (b).

## 3.174 Tumut Local Environmental Plan 1990

### [1] **Clause 13 Dwelling-houses and dwellings in Zone No 1 (a), 1 (b), 1 (c), 1 (c1) or 1 (d)**

Omit “and the advice of the Director-General of the Department of Agriculture and Fisheries” from clause 13 (2) (b) (ii).

### [2] **Clause 16 Development in rural zones**

Omit clause 16 (2) (b).

### [3] **Clause 23 Heritage items**

Insert at the end of clause 23 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of



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proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[4] Clause 26 Heritage advertisements**

Omit clause 26 (1) (b).

**[5] Clause 31 Acquisition of land in Zone No 6 (a), 9 (a) or 9 (b)**

Insert before clause 31 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[6] Clause 31 (2) (b) (ii)**

Omit “under subclause (3)”.

**[7] Clause 31 (3)**

Omit “and the concurrence of the RTA”.

**[8] Clause 31 (4)**

Omit the subclause.

**[9] Clause 33 Flood liable land, land subject to bushfire hazards and filled land**

Omit “, and includes land determined in consultation between the Council and the Department of Water Resources or the Public Works Department to be a floodway” from clause 33 (1).

**3.175 Tweed Local Environmental Plan 2000****[1] Clause 22 Development near designated roads**

Omit “and the concurrence of the RTA” from clause 22 (3).

**[2] Clause 22 (5)**

Omit the subclause.

**[3] Clause 25 Development in Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land**

Omit clause 25 (4).

**[4] Clause 27 Development in Zone 7 (f) Environmental Protection (Coastal Lands)**

Omit the final bullet point paragraph from clause 27 (1).

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**[5] Clause 27 (2) (f)**

Insert at the end of clause 27 (2) (e):

, and

- (f) the potential impacts of climate change including sea level rise.

**[6] Clause 27 (3) and (4)**

Omit the subclauses.

**[7] Clause 28 Development in Zone 7 (I) Environmental Protection (Habitat) and on adjacent land**

Omit clause 28 (3).

**[8] Clause 35 Acid sulfate soils**

Omit clause 35 (4) (d).

**[9] Clause 36 Coastal erosion outside Zone 7 (f)**

Omit clause 36 (2) (a).

**[10] Clause 36 (2) (b)**

Omit the paragraph. Insert instead:

(b) consider:

- (i) the likelihood of the proposed development adversely affecting the behaviour or being adversely affected by the behaviour of the sea, or of water in an arm of the sea or any other body of water, and
- (ii) the likelihood of the proposed development adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or floodplain of the sea, any arm of the sea or any other body of water, and
- (iii) the likelihood of the proposed development adversely affecting the landscape or scenic quality of the locality, and
- (iv) the potential impacts of climate change including sea level rise.

**[11] Clause 42 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 42 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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

Omit clause 43 (2).

**[13] Clause 44 Development of land within likely or known archaeological sites**

Omit clause 44 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[14] Clause 44 (2) (b)**

Omit the paragraph.

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

Insert before clause 48 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[16] Clause 48 (4) (b) (ii)**

Omit “under subclause (5)”.

**[17] Clause 48 (5)**

Omit the subclause.

**[18] Clause 52 Zone map overlay provisions**

Omit item 1 from the Table to the clause.

**[19] Clause 52, Table, item 6**

Omit (a) and (b) from the item.

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### 3.176 Ulmarra Local Environmental Plan 1992

**[1] Clause 12 Subdivision of land for rural/residential purposes**

Omit “in writing by the Council with the approval of the Director of Planning” from clause 12 (6).

Insert instead “by the Council”.

**[2] Clause 12 (7) (b)**

Omit “and the Director agree”. Insert instead “specifies”.

**[3] Clause 12 (7) (c)**

Omit the paragraph.

**[4] Clause 16 Subdivision and development of land within Zone No 7 (f1)**

Omit clause 16 (2). Insert instead:

(2) Development (other than for the purposes of agriculture) must not be carried out on or with respect to land to which this clause applies without the consent of the Council.

(2A) For the purposes of subclause (2), the Council (in deciding whether consent should be granted) must take into consideration:

- (a) the extent to which the development would adversely affect, or be adversely affected by, the sea or any bay, inlet, lagoon or lake, and
- (b) the extent to which the development would adversely affect any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or of an arm of the sea or of any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and
- (c) the extent to which the development would adversely affect the landscape or scenic quality of the locality, and
- (d) the potential impacts of climate change including sea level rise.

**[5] Clause 19 Development of land within Zone No 7 (f1)**

Omit the clause.

**[6] Clause 22 Fencing within Zone 7 (f1)**

Omit “or the concurrence of the Director of Planning”.

**[7] Clause 28 Acquisition of land reserved for roads and road widening**

Insert before clause 28 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[8] Clause 28 (2) (b) (ii)**

Omit “under subclause (3)”.

**[9] Clause 28 (3)**

Omit “and the concurrence of the Roads and Traffic Authority”.

**[10] Clause 28 (4)**

Omit the subclause.

**[11] Clause 31 Heritage items**

Insert at the end of clause 31 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[12] Clause 33 Heritage advertisements**

Omit clause 33 (2) and (3).

**3.177 Uralla Local Environmental Plan 1988****[1] Clause 17 Subdivision for specialised intensive agricultural enterprises or exceptional circumstances within Zone No 1 (a) or 1 (b)**

Omit “shall consult with, and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and Fisheries and” from clause 17 (2).

**[2] Clause 20 Erection of additional dwellings**

Omit “shall consult with and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and Fisheries and” from clause 20 (10).

**[3] Clause 27 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 27 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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### [4] Clause 29 Heritage Office to be given prior notice of demolition consent

Omit the clause.

## 3.178 Urana Local Environmental Plan 1990

### [1] Clause 23 Development along arterial roads

Omit clause 23 (3).

### [2] Clause 23 (4)

Omit “Roads and Traffic Authority is to take into consideration the following matters in deciding whether it’s concurrence should be granted”.

Insert instead “Council must not consent to an application to carry out development on land which has frontage to the Newell Highway (State Highway 17) unless it has taken the following matters into consideration”.

### [3] Clause 27 Heritage items

Insert at the end of clause 27 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [4] Clause 29 Heritage Council to be given prior notice of demolition consent

Omit the clause.

## 3.179 Wagga Wagga Local Environmental Plan 1985

### [1] Clause 16 Items of the environmental heritage

Insert at the end of the clause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [2] Clause 19 Heritage Council to be given prior notice of demolition consent

Omit the clause.

### [3] Clause 22 Acquisition of reserved land

Insert before clause 22 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 22 (4) and (5)**

Omit the subclauses.

**3.180 Wagga Wagga Rural Local Environmental Plan 1991****[1] Clause 15 Subdivision for the purposes of the creation of rural small holdings**

Insert “, and” at the end of clause 15 (4) (a).

**[2] Clause 15 (4) (b)**

Omit the paragraph.

**[3] Clause 21 Environmentally sensitive land**

Omit clause 21 (4). Insert instead:

- (4) Prior to granting consent to an application to carry out development on environmentally sensitive land, the Council must consult the Department of Environment and Climate Change.

**[4] Clause 24 Items of the environmental heritage**

Insert at the end of clause 24 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 26 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

**3.181 Wakool Local Environmental Plan 1992****[1] Clause 26 Heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 29 Heritage advertisements**

Omit clause 29 (1) (b).

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**[3] Clause 29 (2) and (3)**

Omit the subclauses.

**[4] Clause 36**

Omit the clause. Insert instead:

**36 Development on travelling stock routes**

The Council must, before determining an application for consent to carry out development on land that is part of a travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*, take into consideration:

- (a) existing arrangements for use and occupation of that travelling stock reserve under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*, and
- (b) any requirements of the Rural Lands Protection Board in which that travelling stock reserve is vested.

**Note.** The occupation and use of travelling stock reserves is subject to reserve use and stock permit requirements under Divisions 5 and 6 of Part 8 of the *Rural Lands Protection Act 1998*.

### 3.182 Walcha Local Environmental Plan 2000

**[1] Clause 14 Subdivision for the purpose of dwellings in Zone No 1 (a) and 7 (d)**

Omit clause 14 (4). Insert instead:

- (4) Consent must not be granted for a subdivision if that consent would permit the creation, in any 5 year period, of a total number of allotments of land to which this clause applies in excess of the number specified by the Council for that purpose.

**[2] Clause 28 Heritage items**

Insert at the end of clause 28 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[3] Clause 30 Heritage advertisements**

Omit clause 30 (2).



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### 3.183 Warringah Local Environmental Plan 2000

- [1] **Clause 28 When should applications for category A remediation works not be refused?**  
Omit clause 28 (2).
- [2] **Clause 30 What applications have to be referred to the Roads and Traffic Authority?**  
Omit the clause.
- [3] **Clause 36 Can development be allowed on reserved land?**  
Omit “must obtain the concurrence of the authority responsible for the acquisition of that land. In deciding whether to grant concurrence the responsible authority” from clause 36 (2).
- [4] **Clause 79 Heritage control**  
Omit “Director of the Heritage Office or the” from the last paragraph in the clause.
- [5] **Clause 79, note**  
Insert at the end of the clause:  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [6] **Clause 80 Notice to Metropolitan Aboriginal Land Council**  
Omit “and the Director-General of the Department of Environment and Conservation”.
- [7] **Clause 80**  
Omit “28 days”. Insert instead “21 days”.
- [8] **Clause 81 Notice to Heritage Council**  
Omit the clause.
- [9] **Clause 83**  
Omit the clause. Insert instead:
- 83 Development of known or potential archaeological sites**  
Before granting an application for consent to development on an archaeological site or a potential archaeological site (except if such development does not disturb below-ground relics and any

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above-ground relics would not be adversely affected), the consent authority must consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.

### 3.184 Waverley and Woollahra Joint Local Environmental Plan 1991—Bondi Junction Commercial Centre

**[1] Clause 19 Heritage items**

Insert at the end of clause 19 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 22 Heritage Council to be given prior notice of demolition consent**

Omit the clause.

### 3.185 Waverley Local Environmental Plan 1996

**[1] Clause 35 Acquisition and development of land within the Arterial Road Reservation Zone**

Insert before clause 35 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

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

Omit “under subclause (4)”.

**[3] Clause 35 (4)**

Omit clause 35 (4) and (5). Insert instead:

- (4) A person may, with the consent of the Council, carry out a development on land within Zone No 7 (b):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone.

**[4] Clause 45 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 45 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 47 Notice to the Heritage Council**

Omit the clause.

**[6] Clause 48 Development of known or potential archaeological sites**

Omit clause 48 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[7] Clause 48 (2) (b)**

Omit the paragraph.

**3.186 Weddin Local Environmental Plan 2002****[1] Clause 36 Protection of heritage items and relics**

Insert at the end of clause 36 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 37 Notice to Heritage Council**

Omit the clause.

**[3] Clause 39 Development of known or potential archaeological sites**

Omit clause 39 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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- [4] **Clause 39 (2) (b)**  
Omit the paragraph.

### 3.187 Wellington Local Environment Plan 1995

- [1] **Clause 14 Subdivision of land within Zone No 1 (a1)**  
Omit clause 14 (2).
- [2] **Clause 14 (3)**  
Omit “the Soil Conservation Service, the Department of Land and Water Conservation or any other”.  
Insert instead “an”.
- [3] **Clause 15 Subdivision of land within Zone No 1 (c)**  
Omit clause 15 (3).
- [4] **Clause 24 Protection of heritage items, heritage conservation areas and relics**  
Insert at the end of clause 24 (2):  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [5] **Clause 26 Notice to the Heritage Council**  
Omit the clause.

### 3.188 Wentworth Local Environmental Plan 1993

- [1] **Clause 14 Urban stormwater**  
Omit clause 14 (3).
- [2] **Clause 29 Heritage items**  
Insert at the end of clause 29 (2):  
**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).
- [3] **Clause 30 Protection of Aboriginal and archaeologically sensitive sites**  
Omit clause 30 (2) and (3).

**[4] Clause 34 Heritage advertisements**

Omit clause 34 (2) and (3).

**3.189 Willoughby Local Environmental Plan 1995****[1] Clause 50 Acquisition and development of land—Zone 5 (c)**

Insert before clause 50 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 50 (3) (b)**

Omit “under subclause (5)”.

**[3] Clause 50 (5)**

Omit clause 50 (5) and (6). Insert instead:

- (5) A person may, with the consent of the Council, carry out development on land within Zone 5 (c):
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone, or
  - (c) for any purpose of a temporary nature.

**[4] Clause 57 Heritage items and conservation areas**

Insert at the end of clause 57 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 61 Heritage advertisements**

Omit clause 61 (b).

**[6] Clause 63 Development of known and potential archaeological sites**

Omit clause 63 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

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**[7] Clause 63 (2) (b)**

Omit the paragraph.

### 3.190 Windouran Local Environmental Plan 1999

**[1] Clause 25 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 25 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 27 Notice to the Heritage Council**

Omit the clause.

**[3] Clause 28 Development of known or potential archaeological sites**

Omit clause 28 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

**[4] Clause 28 (2) (b)**

Omit the paragraph.

### 3.191 Wingecarribee Local Environmental Plan 1989

**[1] Clause 27 Protection of heritage items, heritage conservation areas and relics**

Insert at the end of clause 27 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 29 Notice of demolition to the Heritage Council**

Omit the clause.

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- [3] **Clause 30 Development affecting places or sites of known or potential Aboriginal heritage significance**  
Omit “and the Director-General of National Parks and Wildlife” from clause 30 (b).
- [4] **Clause 30 (b)**  
Omit “28 days”. Insert instead “21 days”.
- [5] **Clause 31 Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance**  
Omit clause 31 (1) (b). Insert instead:  
(b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [6] **Clause 32 Acquisition and development of land within Zone No 6 (d), 9 (a) or 9 (b)**  
Insert before clause 32 (1):  
**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [7] **Clause 32 (3) (b) (ii)**  
Omit “under subclause (5)”.
- [8] **Clause 32 (4)**  
Omit “and the concurrence of the Roads and Traffic Authority”.
- [9] **Clause 32 (5)**  
Omit the subclause.
- [10] **Clause 35 Areas of land instability**  
Omit the clause.
- [11] **Clause 38F Restrictions on granting of consent**  
Omit “approved by the Water Board, the Director-General of the Department of Conservation and Land Management and the Director-General of the Department of Water Resources” from clause 38F (2) (g).
- [12] **Clause 38F (3)**  
Omit the subclause.
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- [13]    **Clause 38G Protection of items of environmental heritage**  
Omit “and with the concurrence of the Heritage Council of New South Wales” from clause 38G (1).
- [14]    **Clause 38G (2)**  
Omit “concurrence to”.
- [15]    **Clause 38G (2)**  
Omit “Heritage Council”. Insert instead “council”.
- [16]    **Clause 38G (4) (d)**  
Omit the paragraph.
- [17]    **Clause 39 Land identified as containing extractive materials**  
Omit clause 39 (3) and (4). Insert instead:  
    (3)    In deciding whether to grant consent under subclause (2), the council must take into consideration the following matters:  
        (a)    the impact the proposed development, if carried out, would have on the availability of extractive materials,  
        (b)    whether the benefit to the community of the proposed development, if carried out, is greater than the costs to the community of refusing consent, redesigning or relocating the development or rendering the extractive materials unavailable.
- [18]    **Clause 41A Special provisions—certain land in Old Hume Highway, Mittagong**  
Omit “Roads and Traffic Authority” from clause 41A (2) (f).  
Insert instead “Council”.
- [19]    **Clause 48 Development within district**  
Insert after clause 48 (1):  
    **Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.
- [20]    **Clause 48 (2)**  
Omit the subclause.



**[21] Clause 48 (3)**

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted to development on land to which this clause applies, the council must”.

**[22] Clause 48A Special provision—certain land on the Hume Highway and Golden Vale Road, Sutton Forest**

Omit clause 48A (3) (b).

**[23] Clause 48A (4)**

Insert after clause 48A (3):

- (4) Before granting consent to the carrying out of development on land to which this clause applies, the Council may require the submission of a soil, water and erosion management plan.

**3.192 Wollondilly Local Environmental Plan 1991****[1] Clause 18 Acquisition of land—Zones Nos 9 (a), 9 (b), 9 (c) and 9 (d)**

Insert before clause 18 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 18 (3) (b) (ii)**

Omit “under this clause”.

**[3] Clause 18 (4)**

Omit “and the concurrence of the Roads and Traffic Authority”.

**[4] Clause 18 (5)**

Omit the subclause.

**[5] Clause 20 Development within proclaimed mine subsidence district**

Insert after clause 20 (1):

**Note.** Nothing in this clause affects any requirement under the *Mine Subsidence Compensation Act 1961*.

**[6] Clause 20 (2)**

Omit the subclause.

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**[7] Clause 20 (3)**

Omit “concurrence should be granted as referred to in subclause (2), the Mine Subsidence Board shall”.

Insert instead “consent should be granted to development on land to which this clause applies, the council must”.

**[8] Clause 22 Supply of services in Zones Nos 2 (a), 2 (d), 4 (a) and 4 (c)**

Omit “and until arrangements satisfactory to the Water Board have been made with that Board for the provision of a water supply to the allotment”.

Insert instead “the council is satisfied that a water supply can be provided to the allotment”.

**[9] Clause 30 Heritage items**

Insert at the end of clause 30 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[10] Clause 33 Heritage advertisements**

Omit clause 33 (2) and (3).

**[11] Clause 46 Development of certain land at Appin Road, Appin**

Omit “Sydney Water Corporation” from clause 46 (3).

Insert instead “council”.

**[12] Clause 49 Environmentally significant land**

Omit clause 49 (5).

**[13] Schedule 4**

Omit “the Water Board have been made with that Board”.

Insert instead “the council have been made”.

### 3.193 Wollongong City Centre Local Environmental Plan 2007

**[1] Clause 26 Development on proposed classified road**

Omit clause 26 (1) (a) and (2).

**[2] Clause 35 Heritage conservation**

Omit clause 35 (6). Insert instead:

- (6) The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[3] Clause 35 (7) (b)**

Omit “28 days”. Insert instead “21 days”.

**[4] Clause 35 (8)**

Omit the subclause.

**[5] Clause 35 (9)**

Insert at the end of the subclause:

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**3.194 Wollongong Local Environmental Plan 1990****[1] Clause 17 Development in Zone No 7 (a), 7 (b) or 7 (d)**

Omit “, after consultation with the Director-General of the Department of Environment and Conservation,” from clause 17 (2).

**[2] Clause 17 (3)**

Omit “has consulted with the Forestry Commission and”.

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

Omit “has consulted with the Director-General of the Department of Environment and Conservation, Director-General of the Department of Infrastructure, Planning and Natural Resources and Director-General of the Department of Primary Industries and”.

**[4] Clause 17 (5)**

Omit the subclause. Insert instead:

- (5) The Council must not grant consent to an application to carry out development on land within Zone No 7 (a), 7 (b) or 7 (d) which,

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in the opinion of the Council, will involve significant tree felling or vegetation clearance unless it is satisfied that:

- (a) the development will be so managed as not to have any long term detrimental impact on opportunities for wildlife movement, or
- (b) any detrimental effect on opportunities for wildlife movement can be justified by other factors.

**[5] Clause 17 (6)**

Omit the subclause.

**[6] Clause 20 Sand dune systems**

Omit “consult with the Director-General of the Department of Infrastructure, Planning and Natural Resources and the Director-General of the Department of Commerce and” from clause 20 (1).

**[7] Clause 20 (1) (b)**

Insert “, including consideration of the potential impacts of climate change including sea level rise” after “beach system”.

**[8] Clause 20 (2)**

Omit the subclause.

**[9] Clause 26 Development in flood prone land**

Omit clause 26 (2). Insert instead:

- (2) For the purposes of this clause, the Council may take into consideration the nature of flood hazards, the necessity and the capacity to evacuate persons, and the consequence and suitability of any proposed development.

**[10] Clause 27 Protection of heritage items and heritage conservation areas**

Insert at the end of clause 27 (4):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[11] Clause 29 Notice of demolition to Heritage Council**

Omit the clause.

- [12] **Clause 29A Development affecting places or sites of known or potential Aboriginal heritage significance**  
Omit clause 29A (b). Insert instead:
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice is sent.
- [13] **Clause 29B Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**  
Omit clause 29B (1) (b). Insert instead:
- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- [14] **Clause 31 Relocation of main roads**  
Omit clause 31 (1).
- [15] **Clause 35 Acquisition of land within Zone No 9**  
Insert before clause 35 (1):
- Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
- [16] **Clause 35 (4)**  
Omit the subclause.
- [17] **Clause 35 (5)**  
Omit “in accordance with subclause (4)”.
- [18] **Clause 35 (5) (c)**  
Omit the paragraph. Insert instead:
- (c) compliance with any condition required by the Council,
- [19] **Clause 35 (6)**  
Omit “concurrence under subclause (4), the public authority concerned shall”.  
Insert instead “consent under subclause (3), the Council must”.
- [20] **Clause 36 Acquisition and development of land reserved for roads**  
Insert before clause 36 (1):
- Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.
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**[21] Clause 36 (2) (b) (ii)**

Omit “under subclause (3)”.

**[22] Clause 36 (3)**

Omit “and the concurrence of the RTA”.

**[23] Clause 36 (4)**

Omit the subclause.

### 3.195 Wollongong Local Environmental Plan No 38

**[1] Clause 20 Development in Zone No 7 (c)**

Omit the clause.

**[2] Clause 26 Liquid fuel depots**

Omit the clause.

**[3] Clause 36 Acquisition of land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d)**

Insert before clause 36 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[4] Clause 36 (4) and (5)**

Omit clause 36 (4)–(6). Insert instead:

- (4) The council may, in granting consent under subclause (3), apply conditions requiring:
  - (a) the removal of the building or work for which it has granted consent, or
  - (b) the reinstatement of the land or removal of any waste materials or refuse,with or without the payment of compensation by the public authority.
- (5) The council must not grant consent, referred to in subclause (3), to the development of land to be acquired by a public authority under subclause (2), unless it has taken the following into consideration:
  - (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition,

- (c) the costs of reinstatement of the land for the purpose for which the land is to be acquired.

**[5] Schedule 8 Additional development in various zones**

Omit the matter relating to items 1 and 2 in Column 3 of the table.

**3.196 Woollahra Local Environmental Plan 1995**

**[1] Clause 14 Acquisition and development of land reserved for roads**

Insert before clause 14 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[2] Clause 14 (3) (b)**

Omit “under subclause (6)”.

**[3] Clause 14 (6)**

Omit clause 14 (6) and (7). Insert instead:

- (6) Despite clause 8, a person may, with the consent of the Council, carry out development referred to in subclause (1) (a):
- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any purpose that is compatible with development that may be carried out on land in an adjoining zone, or
  - (c) for any purpose of a temporary nature.

**[4] Clause 21E Development on certain land in Double Bay**

Omit clause 21E (12) (c).

**[5] Clause 25D Development on land identified on Acid Sulfate Soils Planning Map**

Omit clause 25D (3) (c) and (d).

**[6] Clause 26 Heritage items**

Insert at the end of clause 26 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

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### [7] **Clause 31 Development of known or potential archaeological sites**

Omit clause 31 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

### [8] **Clause 31 (2) (a)**

Insert “, and” at the end of the paragraph.

### [9] **Clause 31 (2) (b)**

Omit the paragraph.

### [10] **Clause 33 Heritage notifications**

Omit the clause.

## 3.197 Wyong Local Environmental Plan 1991

### [1] **Clause 15 Development on land containing acid sulfate soils**

Omit clause 15 (5) (c).

### [2] **Clause 20**

Omit the clause. Insert instead:

#### **20 Reclamation of land**

The Council must not grant consent to an application to reclaim land below high water mark within the local government area of Wyong unless it has taken into consideration the impact of the development on the natural environment and the use of the waterway for recreational purposes.

### [3] **Clause 32 Development of heritage items**

Insert at the end of clause 32 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### [4] **Clause 33 Notification and exhibition of certain heritage development applications**

Omit clause 33 (2).



**[5] Clause 34 Development of known or potential archaeological sites**

Omit clause 34 (1) (b). Insert instead:

- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

**[6] Clause 34 (2) (b)**

Omit the paragraph. Insert instead:

- (b) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

**[7] Clause 39 Consent—environmental protection zone**

Omit clause 39 (1).

**[8] Clause 39 (2)**

Omit “In deciding whether to grant concurrence to development within Zone No 7 (d) in pursuance of subclause (1), the Director shall take”.

Insert instead “Consent to the development of land, including consent to the alteration, enlargement or rebuilding of any existing building or work within Zone No 7 (d) or 7 (e), must not be given unless the consent authority has taken”.

**[9] Clause 39 (3)**

Omit “In deciding whether to grant concurrence to development within Zone No 7 (e) in pursuance of subclause (1) the Director shall take”.

Insert instead “In deciding whether to grant consent to development within Zone No 7 (e), the consent authority must take”.

**[10] Clause 45 Acquisition and development of land reserved for roads**

Insert before clause 45 (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[11] Clause 45 (2) (b) (ii)**

Omit “under subclause (3)”.

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**[12] Clause 45 (3)**

Omit “and the concurrence of the RTA”.

**[13] Clause 45 (4)**

Omit the subclause.

**[14] Clause 49 Relocation of major roads**

Omit clause 49 (1) and (3).

### 3.198 Yallaroi Local Environmental Plan 1991

**[1] Clause 14 Subdivision for intensive agriculture pursuits in Zone No 1 (a)**

Omit clause 14 (d).

**[2] Clause 16 Residential use of rural land**

Omit clause 16 (4).

**[3] Clause 22 Environmentally sensitive land**

Omit “it has first consulted with the Soil Conservation Service and” from clause 22 (3).

**[4] Clause 25 Heritage items**

Insert at the end of clause 25 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[5] Clause 27 Heritage advertisements**

Omit clause 27 (1) (b).

### 3.199 Yarrowlumla Local Environmental Plan 1993

**[1] Clause 20 Heritage items**

Insert at the end of clause 20 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 22A Notification of demolition to the Heritage Council**

Omit the clause.

**[3] Schedule 2 Cluster housing**

Omit “has given the Environment Protection Authority notice of the development application and the Council” and “after taking into account any submission made by that Authority to the Council about those matters within 28 days after the notice is sent” from paragraph (b) of the matter relating to Lots 1 and 2, DP 772168, Parish of Carwoola.

**3.200 Yarrowlumla Local Environmental Plan 2002****[1] Clause 47 What controls apply to the development of heritage items and relics?**

Insert at the end of clause 47 (3):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 50 Notice to the Heritage Council**

Omit the clause.

**[3] Schedule 6 Cluster housing**

Omit “has given the Environment Protection Authority notice of the development application and the Council” and “after taking into account any submission made by that Authority to the Council about those matters within 28 days after the notice is sent” from paragraph (b) of the matter relating to lots 1 and 2, DP 772168, Parish of Carwoola.

**3.201 Yass Local Environmental Plan 1987****[1] Clause 20 Development along the Barton Highway**

Omit the clause.

**[2] Clause 24A Acquisition and development of land reserved for roads**

Insert before clause 24A (1):

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

**[3] Clause 24A (2) (b) (ii)**

Omit “under subclause (3)”.

**[4] Clause 24A (3)**

Omit “and the concurrence of the RTA”.

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**[5] Clause 24A (4)**

Omit the subclause.

### **3.202 Young Local Environmental Plan 1991—Urban Lands**

**[1] Clause 15 Heritage items**

Insert at the end of clause 15 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 18 Heritage advertisements**

Omit clause 18 (1) (b).

### **3.203 Young Local Environmental Rural Plan 1993**

**[1] Clause 23 Heritage items**

Insert at the end of clause 23 (2):

**Note.** The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**[2] Clause 26 Heritage advertisements**

Omit clause 26 (1) (b).

BY AUTHORITY

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