



New South Wales

State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020*.

2 Commencement

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

3 Maps

The maps adopted by the following are amended or replaced, as the case requires, by the maps approved on the making of this Policy—

- (a) *Blacktown Local Environmental Plan 2015*,
- (b) *Penrith Local Environmental Plan 2010*,
- (c) *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect an amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Western Sydney Employment Area) 2009

[1] Clause 3 Aims of Policy

Omit “or environmental conservation” from clause 3(2)(c).

Insert instead “, environmental conservation or recreation”.

[2] Clause 4 Land to which Policy applies

Omit “This Policy”. Insert instead “Except as provided in subclause (2), this Policy”.

[3] Clause 4(2)

Insert at the end of the clause, before the note—

- (2) This Policy does not apply to the land marked “X” that is within the boundary of the land identified on the Land Application Map as the Broader Western Sydney Employment Area.

[4] Clause 4, note

Insert after paragraph (j)—

- (k) Precinct 12 (Mamre Road),
(l) Precinct 13 (Mamre West).

[5] Clause 6 Consent authority

Omit “referred to in Part 3A of the Act (Major infrastructure and other projects)” from the note to clause 6.

Insert instead “that is State significant development, under Part 4 of the Act”.

[6] Clause 8A

Insert after clause 8—

8A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development to be carried out in accordance with this Policy or with a consent granted under the Act, an agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
- (a) to a covenant imposed by the relevant council or that the relevant council requires to be imposed, or
- (b) to a biodiversity certification conferred under Part 8 of the *Biodiversity Conservation Act 2016*, or
- (c) to a private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
- (d) to a relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
- (e) to the relevant provisions of a land management (native vegetation) code (and the necessary mandatory code compliant certificate) with respect to a set aside area under Part 5A of the *Local Land Services Act 2013*, or

- (f) to a conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (g) to a property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
 - (h) to a Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
 - (i) to a planning agreement within the meaning of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of a public authority under a registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

[7] Clause 9 Land use zones

Insert after clause 9(d)—

- (e) RE1 Public Recreation,
- (f) RE2 Private Recreation.

[8] Clause 11 Zone objectives and land use table

Insert in alphabetical order in item 3 in the matter relating to Zone IN1 General Industrial in the Land Use Table—

Building identification signs;
Business identification signs;
Environmental facilities;
Environmental protection works;
Recreation areas;
Recreation facilities (indoor);
Storage premises;
Vehicle body repair workshops;
Vehicle repair stations;

[9] Clause 11, Land Use Table, Zone IN2 Light Industrial

Insert in alphabetical order in item 3—

Recreation areas;
Recreation facilities (indoor);
Storage premises;
Vehicle repair stations;

[10] Clause 11, Land Use Table, Zones RE1 Public Recreation and RE2 Private Recreation

Insert after the matter relating to Zone SP2 Infrastructure—

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide a transition between industrial development and the Wianamatta-South Creek Precinct.
- To provide land for the development of services and facilities by public authorities for the benefit of the community.

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Car parks; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes; Roads; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable development that does not increase the risk of natural hazards of the surrounding land (including, but not limited to, bush fire and flooding).

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Building identification signs; Car parks; Community facilities; Environmental facilities; Environmental protection works; Food and drink premises; Function centres; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4 Prohibited

Any development not specified in item 2 or 3

[11] Clause 12 Unzoned land

Omit the clause.

[12] Clause 15 Centre-based child care facilities

Insert “except for clause 33D(4),” after “of this Policy,”.

[13] Clauses 18(1), 22, 26(2) and (3), 27(4)(b) and (5), 29(3) and 32(3)(b) and (4)

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

[14] Clause 33A Development near zone boundaries

Omit clause 33A(2). Insert instead—

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The *relevant distance* is—
 - (a) in the case of a boundary to land zoned E2 Environmental Conservation—20 metres, or
 - (b) in any other case—50 metres.

[15] Clause 33A(3)(a)

Omit the paragraph.

[16] Clauses 33B–33L

Insert after clause 33A—

33B Development of land within or adjacent to transport investigation area

- (1) Consent must not be granted to development in the area marked “Transport Investigation Areas A and B” on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.
- (2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—
 - (a) the practicability and cost of carrying out transport projects on the land in the future, and
 - (b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, transport projects on the land in the future, and
 - (c) without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of transport projects on the land in the future, and
 - (d) in relation to Transport Investigation Area A—current or future development and operation of an intermodal terminal, including whether the development for which consent is sought is likely to impede access to or from an intermodal terminal.
- (3) In this clause—

capital investment value has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

intermodal terminal means an area of land used to transfer freight between at least two modes of transport.

33C Development within the Mamre Road Precinct

- (1) Consent must not be granted to development on the land identified on the Land Application Map as Precinct 12 (Mamre Road) that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.

- (2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on—
 - (a) the compatibility of the proposed development with the delivery of an integrated freight network, including use of fire access roads and connection to the fire access roads of adjoining land, and
 - (b) the operation of an integrated freight network, including whether the development is likely to impede access to or from the integrated freight network, and
 - (c) the practicability and cost of carrying out transport projects on the land in the future.
- (3) In this clause—

capital investment value has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

integrated freight network means a network of transport corridors within the Mamre Road precinct that allow freight to be transported from an intermodal terminal (within the meaning of clause 33B) to development sites in the Mamre Road precinct.

33D Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
 - (a) to prevent certain noise sensitive developments from being located near the Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from the Airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of the Airport do not hinder, or have other adverse impacts on, the ongoing, safe and efficient operation of the Airport.
- (2) This clause applies to development—
 - (a) on land that is—
 - (i) in the vicinity of the Airport and its flight paths, and
 - (ii) in either an ANEF contour of 20 or greater or an ANEC contour of 20 or greater, and
 - (b) that the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority—
 - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and
 - (c) must be satisfied that the development will meet the indoor design sound levels set out in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.
- (4) Despite another provision of this Policy, development consent must not be granted to development on land to which this clause applies for the purposes of a place of public worship, a centre-based child care facility or a TAFE establishment or for residential development.

- (5) In this clause—
ANEC contour means a contour on the Australian Noise Exposure Concept Map for the Airport, published on the Department’s website.
ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Airport prepared by the Department of the Commonwealth responsible for airports.
AS 2021:2015 means AS 2021:2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.
- (6) For the purposes of this clause, a reference to ANEF in AS 2021:2015 is taken to include a reference to ANEC.

33E Airspace operations

- (1) The objectives of this clause are as follows—
- (a) to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development that penetrates the prescribed airspace for the Airport,
 - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the prescribed airspace, before granting development consent, the consent authority must consult with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—
- (a) the development will penetrate the prescribed airspace but it has no objection to its construction, or
 - (b) the development will not penetrate the prescribed airspace.
- (4) To avoid doubt, the consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be constructed.
- (5) In this clause—
OLS and *PANS-OPS surface* have the same meanings as in the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth.
prescribed airspace means the airspace—
- (a) above any part of either an OLS or a PAN-OPS surface for the Airport, and
 - (b) declared under regulation 5 of the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth relating to the Airport, under section 181(1) of the *Airports Act 1996* of the Commonwealth.
- relevant Commonwealth body* means—
- (a) the airport-operator company for the Airport (within the meaning of the *Airports Act 1996* of the Commonwealth), or
 - (b) if there is no airport-operator company for the Airport—the Secretary of the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the prescribed airspace.

33F Development of land adjacent to Airport

- (1) The objectives of this clause are as follows—
 - (a) to provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development in close proximity to the Airport,
 - (b) to protect the community from undue risk from that operation.
- (2) This clause applies to development on land, any part of which is less than 13 kilometres from a boundary of the Airport.
- (3) The consent authority must not grant consent for development to which this clause applies unless the consent authority is satisfied that the proposed development will not attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft.

33G Water recycling and conservation

- (1) This clause applies to land—
 - (a) that is serviced by a water recycling facility, or
 - (b) that will be serviced by a water recycling facility as soon as the facility becomes operational.
- (2) A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling facility will be provided to the development.
- (3) However, the consent authority may grant consent if it is satisfied that the development will be provided with recycled water from a water recycling or water conservation system approved by the Minister and specified in the Table to this clause.

Table of approved systems

Note. On the commencement of this Policy, the Table was blank.

33H Earthworks

- (1) The objectives of this clause are as follows—
 - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
 - (b) to allow earthworks of a minor nature without separate development consent.
- (2) Development consent is required for earthworks unless—
 - (a) the work is exempt development under this Policy or another applicable environmental planning instrument, or
 - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
 - (a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,

- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of fill material and the destination of excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,
- (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- (i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,
- (j) the visual impact of earthworks as viewed from the waterways.

Note 1. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Note 2. *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* requires development consent for the “Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square metres”.

33I Development on flood prone land

- (1) This clause applies to development requiring consent that is carried out on flood prone land.
- (2) Consent is not to be granted to the carrying out of development to which this clause applies unless the consent authority has taken into consideration whether or not—
 - (a) the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (b) the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and
 - (c) the development will enable safe occupation of the flood prone land, and
 - (d) the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, and
 - (e) the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
 - (f) the development is compatible with the flow conveyance function of the floodway, and
 - (g) the development is compatible with the flood hazard, and
 - (h) in the case of development consisting of the excavation or filling of land, the development—
 - (i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and

- (ii) will adversely impact or alter flood behaviour.

Note. Clause 33H contains other matters that the consent authority must consider before granting development consent for earthworks.

33J Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of the Western Sydney Employment Area,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in

writing before any work is carried out that it is satisfied that the proposed development—

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the relevant council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) 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 under the *Heritage Act 1977* applies)—

- (a) notify the Heritage Council of its intention to grant consent, and

- (b) take into consideration a response received from the Heritage Council within 28 days after the notice is sent.

(8) **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and an Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration a response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration a response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Policy, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have a significant adverse effect on the amenity of the surrounding area.

33K Consent for clearing native vegetation

- (1) A person must not clear native vegetation on land in Zone E2 Environmental Conservation or Zone RE1 Public Recreation without development consent.

Note. In addition to a consent of the relevant council required under this clause, it may be necessary to obtain other consents or authorisations for the clearing of native vegetation. See, for example, the *Biodiversity Conservation Act 2016*.

- (2) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation caused by the clearing of the vegetation—
 - (a) that there is no reasonable alternative available to the disturbance of the native vegetation,

- (b) that any impact of the proposed clearing on biodiversity values is avoided or minimised,
 - (c) that the disturbance of the native vegetation will not increase salinity,
 - (d) that native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction,
 - (e) that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation,
 - (f) that the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.
- (3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land zoned E2 Environmental Conservation have regard to the objectives for development in that zone.
- (4) This clause does not apply to or in respect of action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993*, the *Surveying and Spatial Information Act 2002* or the *Sydney Water Act 1994*.

33L Stormwater, water quality and water sensitive design

- (1) The objective of this clause is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.
- (2) Before granting development consent to development on land to which this Policy applies, the consent authority must take into consideration whether—
- (a) water sensitive design principles are incorporated into the design of the development, and
 - (b) riparian, stormwater and flooding measures are integrated, and
 - (c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and
 - (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and
 - (e) the development will have an adverse impact on—
 - (i) the water quality or quantity in a waterway, including the water entering the waterway, and
 - (ii) the natural flow regime, including groundwater flows to a waterway, and
 - (iii) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and
 - (iv) the stability of the bed, banks and shore of a waterway, and
 - (f) the development includes measures to retain, rehabilitate and restore riparian land.

- (3) For the purposes of subclause (2)(a), the *water sensitive design principles* are as follows—
- (a) protection and enhancement of water quality, by improving the quality of stormwater runoff from catchments,
 - (b) minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes,
 - (c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity,
 - (d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.

[17] Clause 34, heading

Omit “provision”. Insert instead “provisions”.

[18] Clause 34

Insert at the end of the clause—

- (2) Except for the amendment made to clause 12, the amendments to this Policy made by *State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020* do not apply to or in respect of a development application (including a staged development application) made (but not finally determined) before the commencement of *State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020*.

[19] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering—

Use of certain land at 707–711 Mamre Road, Kemps Creek

- (1) This clause applies to land at 707–711 Mamre Road, Kemps Creek, being Lot X, DP 421633 that is identified as “7” on the Additional Permitted Uses Map.
- (2) The consent authority may consent to development on land to which this clause applies for the purposes of rural supplies, with a maximum floor area of 950m².
- (3) The consent authority may consent to development on land to which this clause applies for the purposes of landscaping material supplies, and a plant nursery with a growing and propagation area not exceeding 1600m².

[20] Schedule 5

Insert after Schedule 4—

Schedule 5 Environmental heritage

(Clause 33J)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Eastern Creek	Southridge	1 Southridge Road	Lot 1551, DP 1180982	Local	I1
Kemps Creek	Brick farmhouse	282 Aldington Road	Lot 142, DP 1033686	Local	I4
Kemps Creek	Gateposts to Colesbrook	269–285 Mamre Road	Lot 8, DP 253503	Local	I3
Kemps Creek	“Bayley Park”, house	919–929 Mamre Road	Lot 35, DP 258414	Local	I2
Prospect	Great Western Highway (former alignment)	Reservoir Road/Tarlinton Place/Yallock Place/Honeman Close		State	I60

[21] Dictionary

Omit the definitions of *artificial waterbody*, *building height* (or *height of building*), *clearing native vegetation*, *food and drink premises*, *hazardous industry*, *hazardous storage establishment*, *home-based child care*, *industrial retail outlet*, *industry*, *native vegetation*, *offensive industry*, *offensive storage establishment*, *pub*, *public utility undertaking*, *restricted premises*, *take away food and drink premises*, *transport depot* and *warehouse or distribution centre*.

[22] Dictionary

Insert in alphabetical order—

Airport means the Western Sydney International (Nancy-Bird) Walton Airport.

flood prone land means land impacted up to the level of the probable maximum flood and identified in a map adopted by the relevant council or published by the Government.

heritage conservation area means an area of land of heritage significance—

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5, and includes heritage items situated on or within that area.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Heritage Map means the State Environmental Planning Policy (Western Sydney Employment Area) 2009—Heritage Map.

Schedule 2 Amendment of Blacktown Local Environmental Plan 2015

Schedule 5 Environmental heritage

Omit the matter relating to Item no I23 from Part 1.

Schedule 3 Amendment of Penrith Local Environmental Plan 2010

[1] Schedule 1 Additional permitted uses

Omit clause 8.

[2] Schedule 1, clause 17(1)

Omit subclause (1). Insert instead—

(1) This clause applies to so much of the land at 19–105 Capitol Hill Drive, Mt Vernon, being Lot 1672, DP 855001, Lot 4132, DP 857093 and Lot 902, DP 1149077 that is—

- (a) identified as “16” on the Additional Permitted Uses Map, and
- (b) to which this Plan applies.

[3] Schedule 5 Environmental heritage

Omit the matter relating to Item nos 104–106 from Part 1.