



New South Wales

State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026

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*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026*.

2 Commencement

This policy commences on 1 July 2026 and is required to be published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

4 Maps

The maps adopted by the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy—

- (a) *Albury Local Environmental Plan 2010*,
- (b) *Ballina Local Environmental Plan 2012*,
- (c) *Balranald Local Environmental Plan 2010*,
- (d) *Bathurst Regional Local Environmental Plan 2014*,
- (e) *Bayside Local Environmental Plan 2021*,
- (f) *Bellingen Local Environmental Plan 2010*,
- (g) *Bogan Local Environmental Plan 2011*,
- (h) *Camden Local Environmental Plan 2010*,
- (i) *Campbelltown Local Environmental Plan 2015*,
- (j) *Coffs Harbour Local Environmental Plan 2013*,
- (k) *Corowa Local Environmental Plan 2012*,
- (l) *Cowra Local Environmental Plan 2012*,
- (m) *Dubbo Regional Local Environmental Plan 2022*,
- (n) *Fairfield Local Environmental Plan 2013*,
- (o) *Forbes Local Environmental Plan 2013*,
- (p) *Gilgandra Local Environmental Plan 2011*,
- (q) *Goulburn Mulwaree Local Environmental Plan 2009*,
- (r) *Great Lakes Local Environmental Plan 2014*,
- (s) *Greater Taree Local Environmental Plan 2010*,

- (t) *Griffith Local Environmental Plan 2014,*
- (u) *Kempsey Local Environmental Plan 2013,*
- (v) *Lithgow Local Environmental Plan 2014,*
- (w) *Liverpool Local Environmental Plan 2008,*
- (x) *Liverpool Plains Local Environmental Plan 2011,*
- (y) *Lockhart Local Environmental Plan 2012,*
- (z) *Murray Local Environmental Plan 2011,*
- (aa) *Muswellbrook Local Environmental Plan 2009,*
- (ab) *Nambucca Local Environmental Plan 2010,*
- (ac) *Narrandera Local Environmental Plan 2013,*
- (ad) *Orange Local Environmental Plan 2011,*
- (ae) *Penrith Local Environmental Plan 2010,*
- (af) *Port Macquarie-Hastings Local Environmental Plan 2011,*
- (ag) *Queanbeyan-Palerang Regional Local Environmental Plan 2022,*
- (ah) *Singleton Local Environmental Plan 2013,*
- (ai) *State Environmental Planning Policy (Industry and Employment) 2021,*
- (aj) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021,*
- (ak) *State Environmental Planning Policy (Transport and Infrastructure) 2021,*
- (al) *Tamworth Regional Local Environmental Plan 2010,*
- (am) *The Hills Local Environmental Plan 2019,*
- (an) *Tweed Local Environmental Plan 2014,*
- (ao) *Urana Local Environmental Plan 2011,*
- (ap) *Wagga Wagga Local Environmental Plan 2010,*
- (aq) *Wentworth Local Environmental Plan 2011,*
- (ar) *Wingecarribee Local Environmental Plan 2010,*
- (as) *Yass Valley Local Environmental Plan (Parkwood) 2020.*

5 Repeal of Town and Country Planning (General Interim Development) Ordinance

Town and Country Planning (General Interim Development) Ordinance is repealed.

Schedule 1 Amendment of State environmental planning policies

1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

[1] Section 5.10 Consultation—who consults and procedure for consultation

Omit section 5.10(1).

Insert instead—

- (1) This section applies to development that—
 - (a) in the consent authority’s opinion, is contrary to the aims, objectives or principles of this chapter, and
 - (b) in the consent authority’s opinion, may have a significant environmental effect along the River Murray, and
 - (c) does not require development consent.
- (1A) A public authority or person must not carry out development to which this section applies unless the authority or person has consulted with a relevant agency.

[2] Section 5.10(2)

Omit “listed agency” wherever occurring.

Insert instead “relevant agency”.

[3] Section 5.10(3) and (4)

Insert after section 5.10(2)—

- (3) This section does not apply to development the River Management Plan identifies as being of a minor or routine nature.
- (4) In this section—

relevant agency means the following—

 - (a) an adjacent local council in Victoria,
 - (b) a government department in Victoria equivalent to the Department of Climate Change, Energy, the Environment and Water.

[4] Sections 5.11, 6.10, 6.55 and 6.64

Omit the sections.

[5] Section 5.12, heading

Omit “and Consultation”.

[6] Section 5.12(1)

Omit “and Consultation”.

[7] Section 5.12(3)

Omit the subsection.

[8] Section 5.12, Table

Omit “and Consultation” from the table heading.

[9] Section 5.12, Table

Omit the matter relating to **Consultation** from items 3, 4, 6, 8–13, 15–22 and 24–31.

[10] Section 6.54 Aboriginal places of heritage significance

Omit section 6.54(2) and (3).

Insert instead—

- (3) The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—
 - (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
 - (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[11] Section 6.66 Exemptions for Accelerated TOD Precincts

Omit “, 6.55” from section 6.66(1).

1.2 State Environmental Planning Policy (Housing) 2021

Section 96 Bush fire prone land

Omit section 96(2).

Insert instead—

- (2) In determining a development application for development under this part on land near relevant bush fire prone land, the consent authority must consider the following—
 - (a) the location of the development,
 - (b) the means of access to and from the location,
 - (c) the size of the existing population within the area,
 - (d) age groups within the population and the number of persons within the age groups,
 - (e) the number of hospitals and other facilities providing care to the residents of the facilities within the area and the number of beds within the hospitals and facilities,
 - (f) the number of schools within the area and the number of students at the schools,
 - (g) existing seniors housing within the area,
 - (h) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire,
 - (i) the adequacy of access to and from the site of the development for emergency response vehicles,
 - (j) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and the site,
 - (k) the requirements of Fire and Rescue NSW.

1.3 State Environmental Planning Policy (Industry and Employment) 2021

[1] Sections 2.25, 2.34 and 2.35

Omit the sections.

[2] Section 2.37

Omit the section.

Insert instead—

2.37 Airspace operations

- (1) The objectives of this section are as follows—
 - (a) to provide for the effective and ongoing operation of the airport by ensuring the operation of the airport is not compromised by proposed development that penetrates the prescribed airspace for the airport,
 - (b) to protect the community from undue risk from the operation of the airport.
- (2) This section applies to development that will penetrate the prescribed airspace.
- (3) Development consent must not be granted to development that will penetrate the prescribed airspace unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.
- (4) In this section—

OLS has the same meaning as in the *Airports (Protection of Airspace) Regulations 2026* of the Commonwealth.

prescribed airspace, for an airport, means the airspace—
 - (a) above a part of an OLS, or TIFPOP surface, for the airport, and
 - (b) declared under the *Airports (Protection of Airspace) Regulations 2026*, regulation 9 to be prescribed airspace.

TIFPOP surface has the same meaning as in the *Airports (Protection of Airspace) Regulations 2026* of the Commonwealth.

[3] Section 2.42 Heritage conservation

Omit section 2.42(2), (3) and (8).

Insert after section 4.42(7)—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[4] Section 3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

Omit section 3.15(2).

Insert instead—

- (2) The consent authority must not grant development consent to an application to display an advertisement to which this section applies unless—
 - (a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5, and
 - (b) the consent authority is satisfied the proposal is acceptable having regard to the impact statement.

[5] Section 3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

Omit the section.

[6] Schedule 4 Dictionary for Chapter 2

Omit the definition of *Transport and Arterial Road Infrastructure Plan Map*.

1.4 State Environmental Planning Policy (Planning Systems) 2021

[1] Chapter 4

Omit the chapter.

Insert instead—

Chapter 4 Concurrences and consultations

Part 4.1 Preliminary

4.1 Land to which chapter applies

This chapter applies to the State.

4.2 Interpretation

- (1) In this chapter—
 - ARTC* means the Australian Rail Track Corporation Ltd ACN 081 455 754.
 - electricity supply authority* has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 5.
 - observatory director* means the Director of the Research School of Astronomy and Astrophysics at the Australian National University.
 - World Heritage Advisory Committee* means the Willandra Lakes Region World Heritage Advisory Committee established under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, section 511.
- (2) Words and expressions used in this chapter have the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless otherwise defined.

4.3 Relationship with other environmental planning instruments

If there is an inconsistency between this chapter and another environmental planning instrument, whether made before or after the commencement of this chapter, this chapter prevails to the extent of the inconsistency.

4.4 Maps

- (1) A reference in this chapter to a named map adopted by this chapter is a reference to a map by that name—
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Two or more named maps may be combined into a single map and a reference in this chapter to a named map is a reference to the relevant part or aspect of the single map.
- (3) The maps adopted by this chapter must be kept electronically and made available for public access in accordance with arrangements approved by the Minister.

Part 4.2 Concurrences and consultations

Division 1 Airports, airspace operations and ports

4.5 Airspace operations

- (1) This section applies to development that will penetrate any of the following for an airport—
 - (a) OLS,
 - (b) PANS-OP Surface,
 - (c) TIFPOP Surface.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the relevant airport operator no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the relevant airport operator no later than 28 days after giving the notice.
- (3) This section does not apply—
 - (a) if the consent authority is the relevant airport operator, or
 - (b) to development to which section 4.6 or 4.7 applies.
- (4) In this section—

OLS, for an airport, means the Obstacle Limitation Surface shown on the Obstacle Limitation Surface Map for the airport.

PANS-OPS Surface, for an airport, means the Procedures for Air Navigation Services Operation Surface shown on the Procedures for Air Navigation Services Operation Map for the airport.

TIFPOP Surface, for an airport, means the Terminal Instrument Flight Procedure Obstacle Protection Surface shown on the Terminal Instrument Flight Procedure Obstacle Protection Map for the airport.

4.6 Defence aviation areas

- (1) This section applies to development in a defence aviation area that—
 - (a) exceeds the relevant height restriction, or
 - (b) is likely to generate plumes or air turbulence above the relevant height restriction, or
 - (c) involves buildings or objects that are hazardous to the—
 - (i) safety of an aircraft, or
 - (ii) communications, navigation or surveillance related to aviation.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Secretary of the Commonwealth Department of Defence no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Secretary no later than 28 days after giving the notice.
- (3) In this section—

defence aviation area means an area declared under the *Defence Act 1903* of the Commonwealth, section 117AC.

relevant height restriction means the height restriction specified in a declaration made under the *Defence Act 1903* of the Commonwealth, section 117AC for buildings, structures or objects within a defence aviation area.

4.7 Developments affecting Western Sydney Airport

- (1) This section applies to development in relation to the following that will affect Western Sydney Airport—
 - (a) airspace operations,
 - (b) air transport facilities,
 - (c) building wind shear and turbulence,
 - (d) lighting,
 - (e) wildlife hazards,
 - (f) wind turbines.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the operator for Western Sydney Airport no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the operator for Western Sydney Airport no later than 28 days after giving the notice.
- (3) In this section—

development in relation to airspace operations means development that is—
 - (a) on land shown on the Obstacle Limitation Surface Map within the meaning of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4, and
 - (b) a controlled activity within the meaning of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.

development in relation to air transport facilities means development on land identified as “Building Restricted Area” on the Building Restricted Area Map within the meaning of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4.

development in relation to building wind shear and turbulence means development—

- (a) on land identified as “Windshear Assessment Trigger Area” on the Lighting Intensity and Wind Shear Map, and
- (b) for which the distance from the runway centreline to the closest point of the building is not more than 35 times the height above runway level of the building.

development in relation to lighting means development—

- (a) on land identified as any of the following on the Lighting Intensity and Wind Shear Map—
 - (i) “6km Lighting Intensity Radius”,
 - (ii) “Light Control Zone”,
 - (iii) “Runway Boundary”,
- (b) for the purposes of the installation and operation of external lighting, whether coloured or white lighting, in connection with the following—
 - (i) development for the following purposes—
 - (A) classified roads,
 - (B) freight transport facilities,
 - (C) heavy industrial storage establishments,
 - (D) recreation facilities (major),
 - (E) recreation facilities (outdoor),
 - (ii) construction works likely to be obtrusive or create light spill outside the land on which the construction works are carried out.

development in relation to wildlife hazards means development for the following purposes on land in the 13km wildlife buffer zone within the meaning of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 4.19—

- (a) agricultural produce industries,
- (b) aquaculture,
- (c) camping grounds,
- (d) cemeteries,
- (e) eco-tourist facilities,
- (f) garden centres,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture,
- (i) livestock processing industries,
- (j) plant nurseries,
- (k) recreation facilities (major),
- (l) recreation facilities (outdoor),
- (m) sewage treatment plants,
- (n) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste,

- (o) water storage facilities.

Note— *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 4.19(3) specifies that development for the certain purposes is prohibited on land in the 3km wildlife buffer zone.

development in relation to wind turbines means development for the following purposes in the 3–30km zone within the meaning of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 4.20—

- (a) electricity generating works comprising a wind turbine,
- (b) large wind monitoring towers, within the meaning of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 4.20, that are not ancillary or incidental to the Western Sydney Airport.

Lighting Intensity and Wind Shear Map has the same meaning as in *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4.

Western Sydney Airport means the land comprising the Sydney West Airport as determined in accordance with the *Airports Act 1996* of the Commonwealth, also known as the Western Sydney International (Nancy-Bird Walton) Airport.

4.8 Hospital helicopter airspace

- (1) This section applies to development that—
 - (a) intrudes into hospital helicopter airspace, or
 - (b) the consent authority is satisfied is likely to generate plumes of air turbulence above the hospital helicopter airspace.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.
- (3) In this section—

hospital helicopter airspace means land identified as “hospital helicopter airspace” on the Strategic Helicopter Operations Map.

Strategic Helicopter Operations Map means the State Environmental Planning Policy (Planning Systems) 2021 Strategic Helicopter Operations Map.

4.9 Ports

- (1) This section applies to development on land identified as “Referral Area” on the Referral Area Map.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Port Operator no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Port Operator no later than 28 days after giving the notice.

- (3) In this section—

Port Operator has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 5.

Referral Area Map means the State Environmental Planning Policy (Planning Systems) 2021 Three Ports Referral Area Map.

Division 2 Biodiversity and conservation

4.10 Koala corridors

- (1) This section applies to development—
- (a) identified as “koala habitat corridor” on the Koala Corridors Map, and
 - (b) on land in the following growth areas—
 - (i) the Greater Macarthur Growth Area,
 - (ii) the Wilton Growth Area.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the impact of the development on the following—
- (a) the protection of the koala population in the relevant growth area,
 - (b) the maintenance and delivery of a koala habitat corridor,
 - (c) the movement of koalas between different koala habitat corridors.
- (4) In this section—
- Greater Macarthur Growth Area** has the same meaning as in *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.
- Koala Corridors Map** means the State Environmental Planning Policy (Planning Systems) 2021 Koala Corridors Map.
- Wilton Growth Area** has the same meaning as in *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.

Division 3 Bush fires

4.11 Bush fire prone land

- (1) This section applies to development on bush fire prone land.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority has—
- (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.
- (3) This section does not apply to the following—
- (a) a subdivision of land that could lawfully be used for—
 - (i) a residential purpose, or
 - (ii) a rural residential purpose,
 - (b) development for a special fire protection purpose,

- (c) development for which the consent authority—
 - (i) is satisfied complies with the relevant specifications and requirements in *Planning for Bush Fire Protection*, or
 - (ii) has been provided with a certificate by a qualified consultant certifying that the development complies with the relevant specifications and requirements of *Planning for Bush Fire Protection*.
- (4) In this section—
 - bush fire prone land** means land recorded as bush fire prone land on a map certified as a bush fire prone land map under the Act, section 10.3(2).
 - Planning for Bush Fire Protection** means the document prescribed by the *Environmental Planning and Assessment Regulation 2021*, section 271(1).
 - special fire protection purpose** has the same meaning as in the *Rural Fires Act 1997*, section 100B.
 - qualified consultant** means a person recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment.

Division 4 Heritage

4.12 Aboriginal places of heritage significance

- (1) This section applies to development on land identified as an Aboriginal place of heritage significance.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given notice, in writing or another way that may be appropriate, of the development to the local Aboriginal communities no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the local Aboriginal communities no later than 28 days after giving the notice.
- (3) In this section—
 - Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council or Minister after public exhibition and that may be identified on the Heritage Map, that is—
 - (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people, and may include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
 - (b) a natural Aboriginal sacred site or other sacred feature, including natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.
 - Heritage Map** means a Heritage Map adopted by an environmental planning instrument applying to the land on which the development will be carried out.

4.13 Willandra Lakes Region World Heritage Property

- (1) This section applies to development on land identified as “Willandra Lakes Region World Heritage Property” on the World Heritage Property Map.

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the World Heritage Advisory Committee no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the World Heritage Advisory Committee no later than 28 days after giving the notice.
- (3) In this section—

World Heritage Advisory Committee means the Willandra Lakes Region World Heritage Advisory Committee established under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, section 511.

World Heritage Property Map means the State Environmental Planning Policy (Planning Systems) 2021 World Heritage Property Map.

Division 5 Observatory and defence infrastructure

4.14 Definitions

In this division—

horizontal plane, in relation to a light fitting, means the horizontal plane passing through the centre of the light source of the light fitting, for example, the bulb.

outside light fitting means a light fitting that is attached or fixed outside, including on the exterior, of a building.

shielded light fitting means a light fitting that does not permit light to shine above the horizontal plane.

Siding Spring Observatory means the land owned by the Australian National University at Siding Spring and the buildings and equipment situated on that land.

4.15 Defence communications facility buffer land

- (1) This section applies to—
 - (a) the following development—
 - (i) a purpose that involves equipment capable of causing an electromagnetic emission to which AS/NZS CISPR 11:2011 *Industrial, scientific and medical equipment—Radio-frequency disturbance characteristics—Limits and methods of measurement* applies,
 - (ii) a class of development that causes or results in an electromagnetic emission that is likely to cause degradation to radio reception at the defence communications facility,
 - (iii) permanent radio transmitters,
 - (iv) power transmission lines of 66kV or more,
 - (v) electric powered railways, other than diesel-electric powered railways,
 - (vi) health services facilities,
 - (vii) motor body repair workshops,
 - (viii) veterinary hospitals, and
 - (b) on land—

- (i) identified as “Defence Communications Facility Buffer Land” on the Defence Communications Facility Buffer Map, or
 - (ii) in Zone E4 General Industrial and identified as “Defence Communications Facility Land—HMAS Harman” on the Defence Communications Facility Buffer Map.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Secretary of the Commonwealth Department of Defence.
- (3) In deciding whether to grant concurrence, the Secretary of the Commonwealth Department of Defence must consider whether the development will adversely affect the optimum operational capability of the defence receiver station.
- (4) In this section—
Defence Communications Facility Buffer Map means the State Environmental Planning Policy (Planning Systems) 2021 Defence Communications Facility Buffer Map.

4.16 Observatory infrastructure—consultation

- (1) This section applies to the following—
 - (a) development that is—
 - (i) on land less than 18km from the Siding Spring Observatory, and
 - (ii) likely to result in the emission of light,
 - (b) development for the following purposes on land 18km or more from the Siding Spring Observatory and in the Coonamble, Gilgandra or Warrumbungle Shire local government areas—
 - (i) dual occupancies, dwelling houses or secondary dwellings that, in the consent authority’s opinion, is likely to result in a dwelling that has—
 - (A) an outside light fitting, other than a shielded light fitting, or
 - (B) more than 7 shielded outside light fittings, or
 - (C) more than 5 shielded outside light fittings that are not automatic light fittings,
 - (ii) a purpose other than a purpose referred to in subparagraph (i) that, in the consent authority’s opinion, is likely to result in the emission of light of 50,000lm or more.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the observatory director no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the observatory director no later than 28 days after giving the notice.

4.17 Observatory infrastructure—concurrence

- (1) This section applies to—
 - (a) development on land less than 18km from the Siding Spring Observatory that is likely to result in one or more of the following—
 - (i) an outside light fitting, other than a shielded light fitting,
 - (ii) an outside light fitting emitting light of more than—

- (A) if the development is on land less than 12km from the Siding Spring Observatory—900lm, or
 - (B) otherwise—1,800lm,
 - (iii) more than 4 shielded outside light fittings,
 - (iv) light of more than 7,200lm being emitted, or
 - (b) development—
 - (i) on land 18km or more from the Siding Spring Observatory, and
 - (ii) on land in one or more of the following local government areas—
 - (A) Coonamble,
 - (B) Gilgandra,
 - (C) Warrumbungle Shire, and
 - (iii) that is likely to result in the emission of light of 1,000,000lm or more.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider—
- (a) the potential adverse impacts on observing conditions at the Siding Spring Observatory and the measures proposed to mitigate the impacts, and
 - (b) whether the development is consistent with the *Dark Sky Planning Guideline* prepared by the Planning Secretary and published in June 2023, and
 - (c) whether public interest in permitting the development outweighs public interest in preserving the observing conditions at the Siding Spring Observatory.

Division 6 Pollution control and hazardous activities

4.18 Hazard risk areas

- (1) This section applies to land identified as the following on the Activity Hazard Risk Map—
- (a) “Botany Industrial Park Risk Area”,
 - (b) “High Pressure Gas Pipeline Risk Area”.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority has—
- (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.
- (3) In this section—
- Activity Hazard Risk Map*** means the State Environmental Planning Policy (Planning Systems) 2021 Activity Hazard Risk Map.

Division 7 Transport

4.19 Definitions

In this division—

future infrastructure corridor has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 4.

Future Infrastructure Corridor Map has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 4.

4.20 Development in future infrastructure corridor for previously permitted uses of land

- (1) This section applies to development—
 - (a) on land in a future infrastructure corridor, and
 - (b) that could be carried out on the land under an environmental planning instrument immediately before the land was included in a future infrastructure corridor, and
 - (c) for which the estimated development cost is more than \$200,000.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following—
 - (a) the need to carry out the development on the land,
 - (b) the timing of carrying out the development and the timing for constructing infrastructure in the future infrastructure corridor,
 - (c) the likely additional cost of constructing infrastructure in the future infrastructure corridor as a result of carrying out of the development.

4.21 Interim development in future infrastructure corridors

- (1) This section applies to interim development on land identified as “Interim Use” on the Interim Uses Map.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following—
 - (a) the period during which the land is proposed to be used for the interim development to which this section applies,
 - (b) the timing for the delivery of infrastructure on the land,
 - (c) the impacts of the interim development on the delivery of future infrastructure,
 - (d) the appropriate measures proposed to mitigate the impacts of the interim development on the delivery of future infrastructure,
 - (e) arrangement for access to the land by Transport for NSW for testing and works relating to future infrastructure,
 - (f) the removal of the interim development,

- (g) appropriate measures proposed to restore the land to the condition it was in before the commencement of the interim development.
- (4) This section does not apply to land that has been designated as a biodiversity stewardship site by a biodiversity stewardship agreement made under the *Biodiversity Conservation Act 2016*, Part 5, Division 2.
- (5) In this section—
interim development has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 4.7A(3).
Interim Uses Map has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 4.7A.

4.22 Development in or near rail corridors

- (1) This section applies to development—
 - (a) in or adjacent to a rail corridor if the development—
 - (i) is likely to have an adverse effect on rail safety, or
 - (ii) is located within 5m of an exposed overhead electricity power line that is used for the purposes of railways or rail infrastructure facilities, or
 - (iii) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
 - (iv) involves the use of a crane in air space above a rail corridor, or
 - (b) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—
 - (i) within, below or above a rail corridor, or
 - (ii) within 25m, measured horizontally, of a rail corridor, or
 - (iii) within 25m, measured horizontally, of the ground directly below a rail corridor,
 - (iv) within 25m, measured horizontally, of the ground directly above an underground rail corridor.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following matters—
 - (a) the potential effects of the development, whether alone or cumulatively with other development, on—
 - (i) the safety and structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor,
 - (b) what measures are proposed, or could reasonably be taken, to avoid or minimise the potential effects.
- (4) This section does not apply to development that relates to a rail corridor owned by or vested in ARTC or the subject of an ARTC arrangement.
- (5) In this section—
ARTC arrangement has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Part 2.3, Division 15.

4.23 Development involving access via level crossings

- (1) This section applies to development that involves any of the following—
 - (a) a new level crossing,
 - (b) the conversion into a public road of a private access road across a level crossing,
 - (c) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing as a result of the development.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider—
 - (a) rail safety or operational issues associated with the development, and
 - (b) the implications of the development for traffic safety—
 - (i) including the costs of ensuring an appropriate level of safety, and
 - (ii) having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development.

4.24 Development on land in or near infrastructure investigation areas

- (1) This section applies to development—
 - (a) on land within or directly adjoining an infrastructure investigation area, and
 - (b) that has an estimated development cost of more than \$200,000.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following matters—
 - (a) the practicability and cost of carrying out transport projects on the land in the future,
 - (b) the structural integrity or safety of, or ability to operate, transport projects on the land in the future,
 - (c) the land acquisition costs and the costs of construction, operation or maintenance of transport projects on the land in the future,
 - (d) for development identified as “400m Metro Station Referral Zone” on the Infrastructure Investigation Areas Map—
 - (i) the appropriateness of the development in relation to the locations of proposed train stations, including the service capability of the proposed stations and the need for sustainable transport, and
 - (ii) the time by which the proposed development will be carried out, and
 - (iii) the time by which the proposed stations will be built, and
 - (iv) the effect of the proposed development on proposed stations.
- (4) This section ceases to have effect on 31 December 2030.
- (5) In this section—

infrastructure investigation area has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 4.12.

Infrastructure Investigation Areas Map has the same meaning as in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 4.12.

4.25 Development on land within future underground infrastructure corridors

- (1) This section applies to development—
 - (a) on land within a future underground infrastructure corridor, and
 - (b) that has an estimated development cost exceeding \$200,000, and
 - (c) that involves—
 - (i) the erection of a building with a height of at least 10m, or
 - (ii) an increase in the height of a building so that the building is at least 10m, or
 - (iii) the penetration of existing ground to a depth of at least 2m below ground level (existing).
- (2) Development must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence to proposed development under this section, the Development Coordination Authority consider the following matters —
 - (a) the practicability and cost of carrying out public transport projects on the land in the future,
 - (b) the structural integrity or safety of, or ability to operate, public transport projects on the land in the future,
 - (c) the operation or maintenance of public transport projects on the land in the future.
- (4) In this section—

future underground infrastructure corridor means land identified as “future underground infrastructure corridor” on the Future Underground Infrastructure Corridor Map.

Future Underground Infrastructure Corridor Map means the State Environmental Planning Policy (Transport and Infrastructure) 2021 Future Underground Infrastructure Corridors Map.

4.26 Development on land reserved for proposed classified roads

- (1) This section applies to development for the following purposes on land reserved for the purposes of a classified road, but before the land is declared to be a classified road—
 - (a) subdivision that results in the creation of an additional lot with dwelling entitlements,
 - (b) development with an estimated development cost exceeding \$200,000,
 - (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following matters—
 - (a) the need to carry out development for the purposes of a classified road or a proposed classified road,
 - (b) the imminence of acquisition of the land by Transport for NSW,
 - (c) the likely additional cost to Transport for NSW resulting from the carrying out of the proposed development.

4.27 Excavation in or near major road corridors

- (1) This section applies to development involving the penetration of ground to a depth of at least 3m below ground level (existing) on land that is, or immediately adjacent to, the railways, roads and associated projects described in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Schedule 2.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following matters—
 - (a) the impact of the ground penetration on—
 - (i) the structural integrity of the road or project, and
 - (ii) the cost of the road or project,
 - (b) the measures proposed, or that could reasonably be taken, to avoid or minimise the potential impact.

4.28 Excavation in or near future infrastructure corridors

- (1) This section applies to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—
 - (a) within, below or above a future infrastructure corridor, or
 - (b) within 25m, measured horizontally, of a future infrastructure corridor, or
 - (c) within 25m, measured horizontally, of the ground directly below a future infrastructure corridor,
 - (d) within 25m, measured horizontally, of the ground directly above an underground future infrastructure corridor.
- (2) Development consent must not be granted unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider the following matters—
 - (a) the potential effects of the development, whether alone or cumulatively with other development, on—
 - (i) the safety and structural integrity of existing or proposed infrastructure in the future infrastructure corridor, and
 - (ii) the safe and effective operation of existing or proposed future infrastructure in the future infrastructure corridor,

- (b) the measures proposed, or that could reasonably be taken, to avoid or minimise the potential effects.

4.29 Large advertisements near or visible from classified roads

- (1) This section applies to an advertising structure that—
 - (a) has a display area of more than 20m² or is more than 8m above ground, and
 - (b) is within 250m of a classified road and a part of the advertising structure is visible from the classified road.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider—
 - (a) the impact of the advertising structure on traffic safety, and
 - (b) the Guidelines within the meaning of *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3.
- (4) This section does not apply to development for which the Minister is the consent authority.

4.30 Traffic generating development

- (1) This section applies to development specified in Schedule 7, table, Column 1 that involves the following—
 - (a) new premises of the relevant size or capacity,
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.
- (3) This section does not apply to a development application—
 - (a) to carry out development for the purposes of residential accommodation on land identified as “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, and
 - (b) lodged after 27 November 2024.
- (4) Subsection (3) ceases to have effect on 30 December 2027.
- (5) In this section—

Accelerated Transport Oriented Development Precincts Rezoning Areas Map has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, Schedule 10.

relevant size or capacity means—

 - (a) for development on a site that has direct vehicular or pedestrian access to any road, except as provided by paragraph (b)—the size or capacity specified opposite that development in Schedule 7, table, Column 2, or

- (b) for development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access, measured along the alignment of the connecting road, is within 90m of the connection—the size or capacity specified opposite that development in Schedule 7, table, Column 3.

Division 8 Water and energy infrastructure

4.31 Electricity infrastructure

- (1) This section applies to development involving one or more of the following—
 - (a) the penetration of ground to a depth of at least 3m below ground level (existing) on land within a 10m radius of the centreline of the following electricity supply corridors, or parts of the corridors—
 - (i) the part of the Picnic Point to Haymarket corridor, as approved by the Minister on 1 February 2002, that runs between Sydney Park and Haymarket,
 - (ii) the Haymarket to Surry Hills corridor, as approved by the Minister on 21 December 2001,
 - (iii) the City West Cable Tunnel corridor, as approved by the Minister on 21 February 2007,
 - (b) the penetration of ground to a depth of at least 0.5m below ground level (existing) on land within a 15m radius of the centreline of the Potts Hill to Alexandria underground transmission cable circuit, as approved by the Minister on 14 May 2020,
 - (c) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of a part of an electricity tower,
 - (d) the installation of a swimming pool if a part of the swimming pool is—
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level (existing), or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
 - (e) the placement of power lines below ground level (existing), unless an agreement for the placement of the power lines is in force between the electricity supply authority and the council for the land below which the power lines are to be placed,
 - (f) development carried out—
 - (i) within, or immediately adjacent, to an easement for electricity purposes, whether or not the electricity infrastructure exists, or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the electricity supply authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the electricity supply authority no later than 28 days after giving the notice.

- (3) This section does not apply to development specified in subsection (1)(f) if the development involves one or more of the following only—
 - (a) internal alterations to a building,
 - (b) a change of use of an existing building,
 - (c) a change to the hours of operation specified in the development consent,
 - (d) a subdivision that does not involve construction work.

4.32 High pressure pipelines

- (1) This section applies to development adjacent to land in a pipeline corridor.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the relevant pipeline operator no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the relevant pipeline operator no later than 28 days after giving the notice.
- (3) In this section—
 - pipeline corridor*** means land—
 - (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the *Pipelines Act 1967*, or
 - (b) within 20m of the centreline, measured radially, of a relevant pipeline, or
 - (c) within 20m of land the subject of an easement for a relevant pipeline.
 - relevant pipeline*** means the following pipelines for gas, petroleum or other liquid fuels—
 - (a) the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the *Pipelines Act 1967*,
 - (b) the Clyde to Gore Bay pipeline.

4.33 Warragamba pipelines

- (1) This section applies to development on land identified as “Warragamba Pipeline” on the Warragamba Pipelines Map.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider whether the development will adversely affect—
 - (a) the quantity or quality of water in the Warragamba pipelines controlled area declared in accordance with the *Water NSW Act 2014*, section 54, or
 - (b) the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.
- (4) In this section—
 - Warragamba Pipelines Map*** means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Warragamba Pipelines Map.

Division 9 Waterways, water sources and waterfront land

4.34 Definition

In this division—

River Murray has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 5.

4.35 Sydney Drinking Water Catchment

- (1) This section applies to development on land in the Sydney Drinking Water Catchment.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider—
 - (a) the NorBE Guideline, and
 - (b) whether the development will have a neutral or beneficial effect on water quality in the Sydney Drinking Water Catchment.
- (4) This section does not apply if the consent authority is satisfied the development will have no potential impact on water quality.
- (5) In this section—

NorBE Guideline has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Part 6.5.

Sydney Drinking Water Catchment has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

4.36 Oyster aquaculture

- (1) This section applies to development that, in the consent authority's opinion, will have an adverse impact on—
 - (a) development for the purposes of oyster aquaculture, or
 - (b) a priority oyster aquaculture area within the meaning of *State Environmental Planning Policy (Primary Production) 2021*, Chapter 2.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.

4.37 River Murray—Fixed or floating structures

- (1) This section applies to development—
 - (a) on land to which *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 5 applies, and
 - (b) comprising a fixed or floating structure in or over navigable waters within the River Murray.

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.
- (3) In this section—
navigable waters has the same meaning as in the *Marine Safety Act 1998*.

4.38 River Murray lands

- (1) This section applies to development—
 - (a) on land to which *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 5 applies, and
 - (b) that, in the consent authority's opinion, is contrary to the aims, objectives or principles in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, section 5.1 or 5.2 or Part 5.2, and
 - (c) that may have a significant environmental impact on the River Murray.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to a relevant agency no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the relevant agency no later than 28 days after giving the notice.
- (3) In this section—
relevant agency means the following—
 - (a) an adjacent local council in Victoria,
 - (b) a government department in Victoria that is equivalent to the Department of Climate Change, Energy, the Environment and Water.

Division 10 Other development

4.39 Kosciuszko Alpine Region

- (1) This section applies to development on land within the Alpine Region within the meaning of *State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 4.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has—
 - (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
 - (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.

4.40 Places of public worship

Development consent must not be granted to development for the purposes of places of public worship unless the consent authority has—

- (a) given written notice of the development to the Development Coordination Authority no later than 14 days after receiving the development application, and
- (b) taken into account comments received from the Development Coordination Authority no later than 28 days after giving the notice.

4.41 Residential accommodation in Appin (Part) Precinct and North Appin Precinct

- (1) This section applies to development for the purposes of residential accommodation on land identified as the following on the Land Application Map—
 - (a) “Appin (Part) Precinct”,
 - (b) “North Appin Precinct”.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence, the Development Coordination Authority must consider whether the development will have sufficient access to wastewater infrastructure and roads.
- (4) In this section—
Land Application Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Greater Macarthur Growth Area Land Application Map.

4.42 Arrangements for designated State public infrastructure

- (1) This section applies to any of the following development in an urban release area—
 - (a) a subdivision of land that would create a lot smaller than the minimum lot size permitted on the land immediately before the relevant date,
 - (b) a subdivision of land where no minimum lot size was specified for the land immediately before the relevant date.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has obtained the concurrence of the Development Coordination Authority.
- (3) In deciding whether to grant concurrence under subsection (2), the Development Coordination Authority must consider the following matters—
 - (a) the impact of the subdivision on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (b) the cumulative impact of the subdivision with other development that has been, or is likely to be, carried out in surrounding areas on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (c) the steps taken to address the impacts, including whether a planning agreement has been, or will be, entered into to contribute to designated State public infrastructure.
- (4) This section does not apply to—
 - (a) a lot identified in the certificate as a residue lot, or

- (b) a lot resulting from a subdivision of land under a development consent granted in accordance with—
 - (i) subsection (2), or
 - (ii) *Byron Local Environmental Plan 1988*, clause 99, before its repeal, or
 - (iii) *Dubbo Local Environmental Plan 2011*, clause 6.1, before its repeal, or
 - (iv) *Queanbeyan Local Environmental Plan 2012*, clause 6.1, before its repeal, or
 - (v) *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*, clause 6.1, before its repeal, or
 - (vi) a provision that was in force immediately before the commencement of *State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026*, Schedule 3, or
 - (c) a lot proposed to be reserved or dedicated for public open space, public roads, public utility undertakings, educational establishments or other public purposes, or
 - (d) a subdivision of land for the sole purpose of rectifying an encroachment on a lot, or
 - (e) land in an urban release area if all or part of the land is in a region within the meaning of the Act, Part 7, Division 7.1, Subdivisions 4 and 5.
- (5) In this section—
- designated State public infrastructure*** means public facilities or services of the following kinds that are provided or financed by the State, or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State—
- (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) land required for regional parks and public spaces,
 - (d) land required for social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.
- relevant date*** means the following—
- (a) for land that became, or became part of, an urban release area under *Singleton Local Environmental Plan 1996 (Amendment No 45)*—19 December 2008,
 - (b) for land identified as “Googong” on the Urban Release Area Map—24 December 2009,
 - (c) for land identified as “Rise Bilambil Heights” on the Urban Release Area Map—9 July 2010,
 - (d) for land identified as “Nicholas Drive” on the Urban Release Area Map—10 December 2010,
 - (e) for land that became, or became part of an urban release area under *Singleton Local Environmental Plan 1996 (Amendment No 64)*—24 December 2010,
 - (f) for land identified as “Perricoota Road” on the Urban Release Area Map—28 January 2011,

- (g) for land identified as “South Jerrabomberra” on the Urban Release Area Map—29 March 2019,
- (h) for all other land in an urban release area—the day the land became, or became part of, an urban release area.

urban release area means land identified as “Urban Release Area” on the Urban Release Area Map.

Urban Release Area Map means the State Environmental Planning Policy (Planning Systems) 2021 Urban Release Area Map.

Part 4.3 Consultation requirements for modifications of consents

4.43 Definitions

In this part—

approval means an approval required under the Act, section 4.46(1).

authority means the following—

- (a) the Development Coordination Authority,
- (b) a concurrence authority,
- (c) a consultation body.

concurrence authority means an authority from which the consent authority must obtain concurrence under Part 4.2 or another Act.

consultation body means a body with which the consent authority must consult under Part 4.2 or another Act.

relevant entity means the following—

- (a) a local Aboriginal community to which section 4.12 relates,
- (b) a local council in Victoria,
- (c) a government department in Victoria equivalent to the Department of Climate Change, Energy, the Environment and Water,
- (d) a pipeline operator,
- (e) an airport operator,
- (f) an electricity supply authority,
- (g) Secretary of the Commonwealth Department of Defence,
- (h) the ARTC,
- (i) the observatory director,
- (j) the World Heritage Advisory Committee.

former concurrence authority means an authority from which the consent authority must, before 1 July 2026, obtain concurrence before granting development consent.

former consultation body means a body with which the consent authority must, before 1 July 2026, consult before granting development consent.

modification application means an application made under the Act, section 4.55(1A) or (2) to modify a development consent.

4.44 Modifying consents—generally

- (1) This section applies to a modification application that will modify a development consent in a way that, if the modification application was a development application, would give rise to—

- (a) a concurrence or consultation requirement under—
 - (i) Part 4.2, or
 - (ii) another Act, or
 - (b) a requirement to obtain an approval.
- (2) Consent must not be granted to the modification application unless the consent authority has—
 - (a) given written notice of the modification application to the relevant authority no later than 14 days after receiving the application, and
 - (b) taken into account comments received from the relevant authority no later than 28 days after giving the notice.
- (3) This section does not apply to a modification application to which section 4.45 applies.

4.45 Modifying consents subject to conditions from approval, concurrence and consultation

- (1) This section applies to a modification application if—
 - (a) the development consent to which the modification application relates is the subject of a condition imposed—
 - (i) as a result of a decision by a concurrence authority or former concurrence authority, or
 - (ii) as a result of comments received from a consultation body or a former consultation body, or
 - (iii) for consistency with the general terms of an approval, and
 - (b) the proposed modification will affect the condition.
- (2) Consent must not be granted to a modification application unless the consent authority has—
 - (a) given written notice of the modification application, no later than 14 days after receiving the application, to the following—
 - (i) for development consent the subject of a condition imposed as a result of a decision by, or comments from, a relevant entity—the relevant entity,
 - (ii) otherwise—the Development Coordination Authority, and
 - (b) taken into account comments received from the relevant entity or the Development Coordination Authority no later than 28 days after giving the notice.

Part 4.4 Savings and transitional provisions

4.46 Savings provision relating to certain development applications

The following applications lodged, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026*, Schedule 1.4[1] must be determined as if that policy had not commenced—

- (a) a development application,
- (b) a modification application.

[2] Chapter 5 Consultation

Omit the chapter.

[3] **Schedule 7**

Insert after Schedule 6—

**Schedule 7 Traffic generating development to be referred to Development Coordination Authority—
Chapter 4**

section 4.30

Note— The development specified in Column 1 may involve the erection of new premises or an enlargement or extension of existing premises. If the development involves an enlargement or extension of existing premises, the relevant size or capacity specified in the table is the additional size or capacity of the premises resulting from the enlargement or extension.

Column 1	Column 2	Column 3
Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Airports or heliports; Freight transport facilities; Mining and extractive industry, including the transport of materials; Service stations with heavy vehicle refuelling or maintenance services; Waste and resource management facilities	Any size or capacity	Any size or capacity
Car parks, including car parks ancillary to other development; Development for a purpose other than purposes specified in this table; Residential accommodation	200 or more car parking spaces	50 or more car parking spaces
Commercial premises, other than premises specified elsewhere in this table	10,000m ² in gross floor area	2,500m ² in gross floor area
Educational establishments	50 or more students	50 or more students
Food and drink premises, other than take away food and drink premises with drive-through facilities; Shops	2,000m ² in gross floor area	500m ² in gross floor area
Hospitals	200 or more beds	100 or more beds
Industry	20,000m ² in site area or, if the site area is less than the gross floor area, gross floor area	8,000m ² in site area or, if the site area is less than the gross floor area, gross floor area
Service stations without heavy vehicle refuelling or maintenance services	—	Any size or capacity

Column 1	Column 2	Column 3
Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments
Take away food and drink premises with drive-through facilities	200 or more motor vehicles per hour	Any size or capacity
Liquid fuel depots; Transport depots; Warehouse or distribution centres	8,000m ² in site area or, if the site area is less than the gross floor area, gross floor area	8,000m ² in site area or, if the site area is less than the gross floor area, gross floor area

1.5 State Environmental Planning Policy (Precincts—Central River City) 2021

[1] Section 3.19 Development for previously permitted uses of land

Omit section 3.19(1)(b) and (2).

[2] Part 3.4 Development controls—general

Omit “Sections 3.21 and 3.22 do” from Part 3.4, note.

Insert instead “Section 3.21 does”.

[3] Section 3.22 Referral to Department after release of precinct

Omit the section.

[4] Section 3.24 Public utility undertakings and clearing of native vegetation

Omit “the Department of Planning and Infrastructure” from section 3.24(2)(a).

Insert instead “the Development Coordination Authority”.

[5] Section 3.24(2)(b)

Omit “that Department”.

Insert instead “the Development Coordination Authority”.

[6] Section 4.25 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit section 4.25(b).

[7] Appendix 4 State significant precinct—Sydney Olympic Park site

Omit section 31(5).

Insert instead—

(5) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[8] Appendix 5 North Kellyville Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[9] Appendix 7 Alex Avenue and Riverstone Precinct Plan 2010

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[10] Appendix 9 Schofields Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—

- (i) the place, and
- (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[11] Appendix 10 The Hills Growth Centre Precincts Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[12] Appendix 11 Blacktown Growth Centres Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[13] Appendix 12 Hawkesbury Growth Centres Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

1.6 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

[1] Section 4.60 Views of other bodies about development in Precincts

Omit the section.

[2] Section 4.61

Omit the section.

Insert instead—

4.61 Development within Waterways Zone

Development consent must not be granted to development on land within the Waterways Zone unless the consent authority has considered the effect of the development on the following—

- (a) navigational safety,
- (b) the operation of the Port of Sydney.

[3] Section 5.14 Matters for consideration

Omit “, the requirements of TfNSW concerning” from section 5.14(b).

[4] Section 6.20 Development of land near Sydney Airport runways

Omit the section.

[5] Section 7.15 Matters for consideration

Omit paragraph (b).

Insert instead—

- (b) traffic and parking generated by the development and the measures to facilitate the use of public transport,

[6] Appendix 2 State significant precinct—Luna Park site

Omit “, after consultation with the Roads and Traffic Authority,” from Part 2, section 2(7)(a).

1.7 State Environmental Planning Policy (Precincts—Regional) 2021

[1] Section 4.21 Heritage conservation

Omit section 4.21(6).

[2] Section 4.27 Consultation with National Parks and Wildlife Service

Omit the section.

[3] Section 5.36 Heritage conservation

Omit section 5.36(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[4] Appendix 4 State significant precinct—Rise Bilambil Heights site

Omit section 15.

[5] Appendix 5 State significant precinct—Calderwood site

Omit section 27(6).

Insert instead—

(6) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

1.8 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 3.19 Development for previously permitted uses of land

Omit section 3.19(1)(b) and (2).

[2] Part 3.4 Development controls—general

Omit “Sections 3.21 and 3.22 do” from Part 3.4, note.

Insert instead “Section 3.21 does”.

[3] Sections 3.22, 4.18, 4.21, 6.44 and 8.3

Omit the sections.

[4] Section 4.19 Wildlife hazards

Omit section 4.19(2)(a).

[5] Section 4.20 Wind turbines

Omit section 4.20(3) and (4)(a).

[6] Section 4.22

Omit the section.

Insert instead—

4.22 Airspace operations

- (1) This section applies to development that is—
 - (a) on land shown on the Obstacle Limitation Surface Map, and
 - (b) a controlled activity within the meaning of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority is satisfied the development will not—
 - (a) compromise the safe operation of the airport, or
 - (b) cause undue risk to the community.

[7] Section 4.23A Operation of certain air transport facilities

Omit section 4.23A(2).

Insert instead—

- (2) Development consent must not be granted to development on land identified as “Building Restricted Area” on the Building Restricted Areas Map unless the consent authority is satisfied the development will not adversely impact—
 - (a) the operation of communication and air traffic control facilities, or
 - (b) the structures associated with the Airport’s air transport facilities.

[8] Section 4.25A Clearing of native vegetation

Omit “the Planning Secretary” from section 4.25A(4)(a).

Insert instead “the Development Coordination Authority”.

[9] Section 4.25A(4)(b)

Omit “the Planning Secretary”.

Insert instead “the Development Coordination Authority”.

[10] Section 4.26 Heritage conservation

Omit section 4.26(9).

Insert instead—

(9) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[11] Section 4.28

Omit the section.

Insert instead—

4.28 Warragamba Pipelines

Development consent must not be granted to development on land identified as “Warragamba Pipeline” on the Warragamba Pipelines Map unless the consent authority is satisfied the development will not adversely affect—

- (a) the quantity or quality of water in the Warragamba Pipelines controlled area declared in accordance with the *Water NSW Act 2014*, section 54, or
- (b) the operation and security of water supply pipelines from the Warragamba Dam to Prospect Reservoir and associated infrastructure.

Note— The *Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines*, published by Water NSW in September 2021, are relevant to development on land to which this section applies.

[12] Section 5.33 Heritage conservation

Omit section 5.33(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[13] Section 6.25 Heritage

Omit section 6.25(3).

[14] Section 7.15 Signage

Omit section 7.15(2) and (3).

Insert instead—

- (2) Development consent must not be granted to the erection of signage unless the consent authority is satisfied the signage is consistent with any signage policy prepared by the Trust.

[15] Appendix 1 State significant precinct—Edmondson Park South site

Omit section 33(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—

- (i) the place, and
- (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[16] Appendix 2 Oran Park and Turner Road Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[17] Appendix 3 Leppington Town Centre Precinct Plan

Omit section 5.10(7)–(9).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[18] Appendix 4 Liverpool Growth Centres Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[19] Appendix 5 Camden Growth Centres Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[20] Appendix 6 Campbelltown Growth Centres Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[21] Appendix 7 South East Wilton Precinct Plan

Omit section 5.1A.

Insert instead—

5.1A Consideration of development applications

Development consent must not be granted to the subdivision of land in Zone 1 Urban Development unless the consent authority is satisfied the subdivision is generally consistent with the South East Wilton structure plans.

[22] Appendix 7, section 5.10(8)

Omit the subsection.

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and

- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[23] Appendix 8 North Wilton Precinct Plan

Omit section 5.1A.

Insert instead—

5.1A Consideration of development applications

Development consent must not be granted to the subdivision of land in Zone 1 Urban Development unless the consent authority is satisfied—

- (a) the subdivision is generally consistent with the North Wilton structure plans, and
- (b) there is no mining lease, within the meaning of the *Mining Act 1992*, over the land.

[24] Appendix 8, section 5.10(8)

Omit the subsection.

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[25] Appendix 9 Wilton Town Centre Precinct Plan

Omit section 5.1A.

Insert instead—

5.1A Consideration of development applications

Development consent must not be granted to the subdivision of land in Zone 1 Urban Development unless the consent authority is satisfied—

- (a) the subdivision is generally consistent with the Wilton Town Centre structure plans, and
- (b) there is no mining lease, within the meaning of the *Mining Act 1992*, over the land.

[26] Appendix 9, section 5.10(8)

Omit the subsection.

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance—

- (a) conduct an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and
- (b) consider the effect of the proposed development on the heritage significance of—
 - (i) the place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[27] Appendix 10 Appin (Part) Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance, consider the effect of the proposed development on the heritage significance of—

- (a) the place, and
- (b) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[28] Appendix 10, sections 6.4 and 6.5

Omit the sections.

[29] Appendix 11 Gilead (Part) Precinct Plan

Omit section 5.10(8).

Insert instead—

(8) Aboriginal places of heritage significance

The consent authority must, before granting development consent to development in an Aboriginal place of heritage significance, consider the effect of the proposed development on the heritage significance of—

- (a) the place, and
- (b) any Aboriginal object known to be, or reasonably likely to be, located at the place.

[30] Appendix 11, sections 6.3 and 6.4

Omit the sections.

1.9 State Environmental Planning Policy (Primary Production) 2021

Section 2.27 Consultation with Secretary of Department of Industry

Omit the section.

1.10 State Environmental Planning Policy (Resources and Energy) 2021

Section 2.22 Transport

Omit section 2.22(2)–(4).

1.11 State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Part 2.3 Development controls

Omit Division 5, Subdivision 2.

[2] Section 2.77 Determination of development applications

Omit section 2.77(1)(b)–(d).

Insert instead—

- (b) take those risks into consideration.

[3] Section 2.97 Development involving access via level crossings

Omit section 2.97(2)–(6).

Insert instead—

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered—
 - (a) the implications of the development for traffic safety—
 - (i) including the costs of ensuring an appropriate level of safety, and
 - (ii) having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and
 - (b) the feasibility of access for the development that does not involve use of level crossings.

[4] Section 2.98 Development adjacent to rail corridors

Omit section 2.98(2) and (3).

Insert instead—

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered the *Development Near Rail Corridors and Busy Roads – Interim Guideline* published in December 2008 by the Department.

[5] Section 2.99 Excavation in, above, below or adjacent to rail corridors

Omit section 2.99(2)–(5).

Insert instead—

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered the *Development Near Rail Corridors and Busy Roads – Interim Guideline* published in December 2008 by the Department.

[6] Sections 2.118 and 3.22

Omit the sections.

[7] Section 2.121

Omit the section.

Insert instead—

2.121 Excavation in or immediately adjacent to corridors

- (1) This section applies to development involving the penetration of ground to a depth of at least 3m below ground level (existing) on land that is, or immediately adjacent to, the roads and road projects described in Schedule 2.
- (2) Before determining a development application, or an application for modification of a consent, for development to which this section applies, the consent authority must consider—
 - (a) the *Development Near Rail Corridors and Busy Roads – Interim Guideline* published in December 2008 by the Department, and
 - (b) the implications of the ground penetration for the structural integrity of the road or project, and
 - (c) the cost implications for the road or project of the ground penetration.

[8] Section 2.122 Traffic-generating development

Omit “Column 1 of the Table to Schedule 3” from section 2.122(1).

Insert instead “the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*, Schedule 7, table, Column 1”.

[9] Section 2.122(2)(a)

Omit “Column 2 of the Table to Schedule 3”.

Insert instead “Planning Systems SEPP, Schedule 7, table, Column 2”.

[10] Section 2.122(2)(b)

Omit “Column 3 of the Table to Schedule 3”.

Insert instead “Planning Systems SEPP, Schedule 7, table, Column 3”.

[11] Section 2.122(3)

Omit “TfNSW” wherever occurring.

Insert instead “Development Coordination Authority”.

[12] Section 2.122(4) and (5)

Omit the subsections.

Insert instead—

- (4) This section does not apply to a development application—
 - (a) for development for the purposes of residential accommodation on land identified as “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, and
 - (b) made after 27 November 2024.
- (5) Subsection (4) ceases to have effect on 30 November 2027.
- (6) In this section—

Accelerated Transport Oriented Development Precincts Rezoning Areas Map has the same meaning as in *State Environmental Planning Policy (Housing) 2021*.

[13] Section 2.122A Traffic-generating development—exemption for Accelerated TOD Precincts

Omit the section.

[14] Section 3.58 Traffic-generating development

Omit section 3.58(2)–(4).

Insert instead—

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered the following—
 - (a) the accessibility of the premises, including—
 - (i) the efficiency of movement of people and freight to and from the premises and the extent of multi-purpose trips, and
 - (ii) the potential to minimise the need for travel by car,
 - (b) any potential traffic safety, road congestion or parking implications of the development.

[15] Section 4.2 Definitions

Omit section 4.2(2), definitions of *infrastructure investigation area*, *Infrastructure Investigation Areas Map* and *Interim Uses Map*.

[16] Section 4.7 Development in future infrastructure corridor for previously permitted uses of land

Omit section 4.7(2)–(4).

[17] Section 4.7A Interim development in future infrastructure corridors

Omit section 4.7A(4) and (5).

[18] Section 4.7A(7)

Insert after section 4.7A(6)—

- (7) In this section—
Interim Uses Map means the State Environmental Planning Policy (Transport and Infrastructure) 2021 Future Infrastructure Corridors Interim Uses Map.

[19] Section 4.9 Excavation in, above, below or adjacent to future infrastructure corridors

Omit section 4.9(2)–(5).

Insert instead—

- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered the *Development Near Rail Corridors and Busy Roads – Interim Guideline* published in December 2008 by the Department.

[20] Section 4.11 Development on land within a future underground infrastructure corridor

Omit section 4.11(2)–(5).

Insert instead—

- (2) Development consent must not be granted to development to which this section applies unless the consent authority is satisfied the development is consistent with the underground corridor technical guidelines.

[21] Section 4.11 Development on land within or adjoining an infrastructure investigation area

Omit the section.

Insert instead—

4.12 Development on land within or adjoining an infrastructure investigation area

- (1) This section applies to development—
 - (a) on land within or directly adjoining an infrastructure investigation area, and
 - (b) that has an estimated development cost of more than \$200,000.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered the impact of the development on the delivery of future infrastructure.
- (3) In this section—

infrastructure investigation area means land shown as “infrastructure investigation area” on the Infrastructure Investigation Areas Map.

Infrastructure Investigation Areas Map means the State Environmental Planning Policy (Transport and Infrastructure) 2021 Infrastructure Investigation Areas Map.

[22] Section 5.2 Definitions

Omit section 5.2(1), definition of *Referral Area Map*.

[23] Section 5.17

Omit the section.

Insert instead—

5.17 Port Operator to be notified of certain development applications

- (1) This section applies to development on land identified as “Referral Area” on the Referral Area Map.
- (2) Development consent must not be granted to development to which this section applies unless the consent authority has considered the effect of the proposed development on—
 - (a) the practicability, cost, structural integrity and safety of future port expansion or dredging works within navigation channels, and
 - (b) ship movements to, from or within the port to which the development relates.
- (3) In this section—

Referral Area Map means the State Environmental Planning Policy (Planning Systems) 2021 Three Ports Referral Area Map.

[24] Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2

Omit the schedule.

Schedule 2 Amendment of local environmental plans

2.1 Albury Local Environmental Plan 2010

Clause 7.8 Airspace operations

Omit clause 7.8(2)–(5).

Insert instead—

- (2) This clause applies to development that will penetrate the Obstacle Limitation Surface for Albury Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.
- (4) In this clause—
Obstacle Limitation Surface, for Albury Airport, means the Obstacle Limitation Surface shown on the Obstacle Limitation Surface Map for Albury Airport.

2.2 Armidale Regional Local Environmental Plan 2012

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Armidale Regional Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.3 Ballina Local Environmental Plan 1987

[1] Clause 24A Development within Zone No 7 (c)

Omit clause 24A(2)(c) and (d).

Insert instead—

- (c) whether the proposed development would be more suitably undertaken on an alternative site.

[2] Clause 28 Tourist accommodation

Omit clause 28(4).

[3] Clause 34C Development of land at McLeans Ridges Road, Wollongbar

Omit clause 34C(3) and (4).

[4] Clause 36 Development on land identified on Acid Sulfate Soils Planning Maps

Omit clause 36(4)(b) and (c).

Insert instead—

- (b) the likelihood of the proposed development resulting in the discharge of acid water.

2.4 Ballina Local Environmental Plan 2012

[1] Clause 7.4 Drinking water catchments

Omit clause 7.4(3)(d) and (5).

[2] Clause 7.5 Airspace operations

Omit clause 7.5(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.5(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Ballina Byron Gateway Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.5 Balranald Local Environmental Plan 2010

[1] Clause 6.8 Development in Willandra Lakes Region World Heritage Property

Omit clause 6.8(3).

[2] Clause 6.8(4)(e)

Omit the paragraph.

Insert instead—

- (e) whether adequate measures will be implemented to minimise the impact of the development on the World Heritage Property.

[3] Clause 6.8(6), definitions of “consultation period” and “World Heritage Advisory Committee”

Omit the definitions.

2.6 Bathurst Regional Local Environmental Plan 2014

Clause 7.3 Airspace operations

Omit clause 7.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Bathurst Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.7 Bayside Local Environmental Plan 2021

[1] Clause 6.19 Development in areas of activity hazard risk

Omit the clause.

[2] Dictionary

Omit the definition of *Activity Hazard Risk Map*.

2.8 Bega Valley Local Environmental Plan 2002

[1] Clause 63

Omit the clause.

Insert instead—

63 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Development consent must not be granted to the following development unless the consent authority has considered a heritage impact statement for—
 - (a) development that is likely to have an impact on—
 - (i) a place of Aboriginal heritage significance, or
 - (ii) a potential place of Aboriginal heritage significance,
 - (b) development that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance.
- (2) A heritage impact statement must explain how the proposed development would affect the conservation of—
 - (a) the place or site, and
 - (b) any relic known to be, or reasonably likely to be, located at the place or site.

[2] Clause 86 Development in flight paths

Omit “, after consultation with the Civil Aviation Safety Authority, that” from clause 86(2).

[3] Clause 96 Residential development at Government Road, Eden

Omit “the consent authority must consider a traffic impact study for the entire proposed development that has been prepared in consultation with the local traffic committee.” from clause 96(1).

Insert instead “the consent authority must prepare and consider a traffic impact study for the entire proposed development.”.

2.9 Bega Valley Local Environmental Plan 2013

Clause 6.8 Airspace operations

Omit clause 6.8(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Merimbula Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—

- (a) compromise the operation of the airport, or
- (b) cause undue risk to the community.

2.10 Berrigan Local Environmental Plan 2013

Clause 6.8 Airspace operations

Omit clause 6.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Tocumwal Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.11 Blacktown Local Environmental Plan 2015

Clause 7.15 Blacktown Health and Education Precinct

Omit clause 7.15(1) and (2).

Insert instead—

- (1) Development consent must not be granted to development on precinct land unless the consent authority has considered the potential effects of the development on proposed future road and public transport infrastructure in the locality.

2.12 Bland Local Environmental Plan 2011

Clause 6.8 Airspace operations

Omit clause 6.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for West Wyalong Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.13 Blue Mountains Local Environmental Plan 2005

[1] Clause 44 Environmental impact

Omit clause 44(1)(b).

[2] Clause 74

Omit the clause.

Insert instead—

74 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Development consent must not be granted to the following development unless the consent authority has considered a heritage impact statement for—
 - (a) development that is likely to have an impact on—
 - (i) an Aboriginal place, or
 - (ii) a potential Aboriginal place,
 - (b) development that will be carried out on an Aboriginal object.
- (2) A heritage impact statement must—
 - (a) explain how the proposed development would affect the conservation of—
 - (i) the Aboriginal place, and
 - (ii) any Aboriginal object known to be, or reasonably likely to be located, at the site, or
 - (b) be prepared in accordance with guidelines published by the Secretary of the department in which the *National Parks and Wildlife Act 1974* is administered.

2.14 Bogan Local Environmental Plan 2011

Clause 7.8 Airspace operations

Omit clause 7.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Nyngan Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.15 Bourke Local Environmental Plan 2012

Clause 6.4 Airspace operations

Omit clause 6.4(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Bourke Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.16 Brewarrina Local Environmental Plan 2012

Clause 6.4 Airspace operations

Omit clause 6.4(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.4(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Brewarrina Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.17 Broken Hill Local Environmental Plan 2013

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Broken Hill Airport
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.18 Byron Local Environmental Plan 2014

Clause 7.1 Concurrence of Planning Secretary

Omit the clause.

2.19 Camden Local Environmental Plan 2010

[1] Clause 7.2 Airspace operations

Omit clause 7.2(2)–(6).

Insert instead—

- (2) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

[2] Clause 7.10 Use of certain land at Glenlee

Omit the clause.

2.20 Campbelltown Local Environmental Plan 2015

Clauses 7.24 and 7.28

Omit the clauses.

2.21 Canterbury-Bankstown Local Environmental Plan 2023

Schedule 1 Additional permitted uses

Omit “the State Emergency Service and” from clause 17(2)(c).

2.22 Central Coast Local Environmental Plan 2022

[1] Clause 7.4 Airspace operations

Omit clause 7.4(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.4(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Central Coast Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

[2] Schedule 1 Additional permitted uses

Omit clause 23(3).

2.23 Cessnock Local Environmental Plan 2011

Clause 7.4 Airspace operations

Omit clause 7.4(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.4(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Cessnock Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.24 Cobar Local Environmental Plan 2012

Clause 6.8 Airspace operations

Omit clause 6.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Cobar Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.25 Coffs Harbour Local Environmental Plan 2013

Clause 7.9 Airspace operations

Omit clause 7.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Coffs Harbour Regional Airport.

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.26 Cootamundra Local Environmental Plan 2013

Clause 6.8 Airspace operations

Omit clause 6.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Cootamundra Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.27 Corowa Local Environmental Plan 2012

Clause 7.8 Airspace operations

Omit clause 7.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Corowa Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.28 Cowra Local Environmental Plan 2012

Clause 7.7 Airspace operations

Omit clause 7.7(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Cowra Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.29 Dubbo Regional Local Environmental Plan 2022

Clause 7.7 Airspace operations

Omit clause 7.7(3) and (4).

Insert instead—

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airports, or
 - (b) cause undue risk to the community.

2.30 Edward River Local Environmental Plan 2013

Clause 6.10 Airspace operations

Omit clause 6.10(3), (4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.10(2)—

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.31 Eurobodalla Local Environmental Plan 2012

Clause 6.17 Airspace operations

Omit clause 6.17(3)–(7).

Insert instead—

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.32 Fairfield Local Environmental Plan 2013

Clause 6.13 Hospital helicopter airspace

Omit the clause.

2.33 Georges River Local Environmental Plan 2021

[1] Clause 6.7 Airspace operations

Omit clause 6.7(2), (3) and (4), definition of *relevant Commonwealth body*.

Insert after clause 6.7(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Sydney (Kingsford Smith) Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

[2] Clause 6.16 Development in areas of activity hazard risk

Omit “on land identified as “High Pressure Gas Pipeline Risk Area” on the Activity Hazard Risk Map” from clause 6.16(2).

Insert instead “in the risk area”.

[3] Clause 6.16(3) and (4)

Omit the subclauses.

Insert instead—

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied there are measures in place to adequately mitigate the impacts of exposure—
 - (a) to a high pressure pipeline, and
 - (b) on the following in the risk area—
 - (i) property,
 - (ii) the health and safety of individuals.
- (4) In this clause—
risk area means land identified as “High Pressure Gas Pipeline Risk Area” on the Activity Hazard Risk Map.

2.34 Glen Innes Severn Local Environmental Plan 2012

Clause 7.4 Airspace operations

Omit clause 7.4(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.4(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Glen Innes Severn Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.35 Gloucester Local Environmental Plan 2010

Clause 6.3 Industrial release area—satisfactory arrangements for the provision of State and regional roads

Omit the clause.

2.36 Great Lakes Local Environmental Plan 2014

[1] Clause 6.8, heading

Omit the heading.

Insert instead—

6.8 Managing flood risk in North Tuncurry Urban Release Area

[2] Clause 6.8(3)–(5)

Omit the subclauses.

Insert instead—

- (3) Development consent must not be granted to the subdivision of land to which this clause applies unless the consent authority has considered the following in relation to the proposed development—

- (a) flood planning levels,
 - (b) detention basin sizing,
 - (c) an overland flow path,
 - (d) emergency access and egress arrangement,
 - (e) detailed landform modelling,
 - (f) updated groundwater modelling, including groundwater outputs used to determine flood risk that include impacts of sea level rise on groundwater and any residual uncertainty,
 - (g) suitable risk-based freeboard selection taking into account groundwater modelling,
 - (h) the ability for a proposed stormwater management system to operate in a flood event.
- (4) Subclause (3) does not apply to a subdivision of land by the registration of the following plans under the *Strata Schemes Development Act 2015*—
 - (a) a strata plan,
 - (b) a strata plan of subdivision.

[3] Clause 6.9

Omit the clause.

Insert instead—

6.9 Consideration of road network

- (1) The objective of this clause is to ensure development will not have adverse impacts on the State road network.
- (2) This clause applies to land in the following zones—
 - (a) Zone R1 General Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone E1 Local Centre,
 - (d) Zone E3 Productivity Support,
 - (e) Zone E4 General Industrial.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the potential effects of the development on existing and proposed future road and public transport infrastructure in the locality.

2.37 Greater Taree Local Environmental Plan 2010

Clause 7.4 Airspace operations

Omit clause 7.4(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.4(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Greater Taree Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or

- (b) cause undue risk to the community.

2.38 Griffith Local Environmental Plan 2014

Clause 7.8 Airspace operations

Omit clause 7.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Griffith Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.39 Gunnedah Local Environmental Plan 2012

Clause 6.2 Airspace operations

Omit clause 6.2(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.2(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Gunnedah Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.40 Hawkesbury Local Environmental Plan 2012

[1] Clause 6.9 Additional requirements for subdividing in Pitt Town Heritage Area

Omit clause 6.9(2).

Insert instead—

- (2) Development consent must not be granted to the subdivision of land to which this clause applies unless the consent authority has, in addition to any other requirement specified by this plan, considered a heritage impact statement that explains how the development will affect the conservation of—
 - (a) the site, and
 - (b) any relic or Aboriginal object known to be, or reasonably likely to be, located at the site.

[2] Clause 6.10 Certain development on Lot 1, DP 827148, Hawkesbury Valley Way, Clarendon

Omit the clause.

[3] Clause 6.15, heading

Omit “—concurrence of Planning Secretary”.

[4] Clause 6.15

Omit clause 6.15(2) and (3).

Insert instead—

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied the impact of the proposed development on the following species will be adequately managed—
 - (a) Cumberland Plain Land Snail,
 - (b) Green and Golden Bell Frog.

2.41 Hay Local Environmental Plan 2011

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Hay Aerodrome.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the aerodrome, or
 - (b) cause undue risk to the community.

2.42 Hurstville Local Environmental Plan 1994

Clause 31

Omit the clause.

Insert instead—

31 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Development consent must not be granted to the following development unless the consent authority has considered a heritage impact statement for—
 - (a) development that is likely to have an impact on—
 - (i) a place of Aboriginal heritage significance, or
 - (ii) a potential place of Aboriginal heritage significance,
 - (b) development that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance.
- (2) A heritage impact statement must explain how the proposed development would affect the conservation of—
 - (a) the place or site, and
 - (b) any relic known to be, or reasonably likely to be, located at the place or site.

2.43 Inverell Local Environmental Plan 2012

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Inverell Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.44 Kempsey Local Environmental Plan 2013

[1] Clause 4.2D Subdivision of certain land at Crescent Head

Omit Clause 4.2D(2) and (3).

Insert instead—

- (2) Development consent must not be granted to subdivision of the land to which this clause applies unless the consent authority is satisfied that the land will be adequately managed to ensure the ongoing viability of the natural ecosystems and native vegetation.

[2] Clause 7.7 Airspace operations

Omit clause 7.7(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.7(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Kempsey Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.45 Lake Macquarie Local Environmental Plan 2014

Clause 7.8 Airspace operations

Omit clause 7.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Lake Macquarie Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.46 Leeton Local Environmental Plan 2014

Clause 6.9 Airspace operations

Omit clause 6.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Narrandera-Leeton Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.47 Leichhardt Local Environmental Plan 2000

Clause 16 General provisions for the development of land

Omit clause 16(5).

2.48 Lismore Local Environmental Plan 2000

[1] Clause 16

Omit the clause.

Insert instead—

16 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Development consent must not be granted to the following development unless the consent authority has considered a heritage impact statement for—
 - (a) development that is likely to have an impact on—
 - (i) a place of Aboriginal heritage significance, or
 - (ii) a potential place of Aboriginal heritage significance,
 - (b) development that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance.
- (2) A heritage impact statement must explain how the proposed development would affect the conservation of—
 - (a) the place or site, and
 - (b) any relic known to be, or reasonably likely to be, located at the place or site.

[2] Clause 45 Water catchment and inundation area for proposed dam near Dunoon

Omit clause 45(2)–(4).

Insert instead—

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following—
 - (a) potential adverse impacts on the water quality within the catchment,
 - (b) potential incremental adverse impacts on water quality within the catchment,
 - (c) whether adequate safeguards and other measures have been proposed to protect the water quality within the catchment,
 - (d) whether the proposed development would detrimentally affect the future construction of dams on land to which this clause applies,
 - (e) whether the proposed development would be more suitably undertaken on an alternative site.

[3] Clause 45(5) and (6)

Omit “Rous Water” wherever occurring.

Insert instead “Rous County Council”.

2.49 Lismore Local Environmental Plan 2012

Clause 6.5 Airspace operations

Omit clause 6.5(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Lismore Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.50 Liverpool Local Environmental Plan 2008

[1] Clause 7.17A Hospital helicopter airspace

Omit clause 7.17A(2).

Insert instead—

- (2) This clause applies to development that—
 - (a) intrudes into hospital helicopter airspace, or
 - (b) is likely to generate plumes of air turbulence above the hospital helicopter airspace.
- (2A) Development consent must not be granted to development unless the consent authority is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.

[2] Clause 7.17A(3), definition of “hospital helicopter airspace”

Omit “the Key Sites Map”.

Insert instead “the Strategic Helicopter Operations Map”.

[3] Clause 7.17A(3)

Insert in appropriate order—

Strategic Helicopter Operations Map has the same meaning as in *State Environmental Planning Policy (Planning Systems) 2021*, section 4.8.

2.51 Liverpool Plains Local Environmental Plan 2011

Clause 7.5 Airspace operations

Omit clause 7.5(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.5(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Quirindi Airport.

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.52 Mid-Western Regional Local Environmental Plan 2012

Clause 6.8 Airspace operations—Mudgee Airport

Omit clause 6.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Mudgee Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.53 Moree Plains Local Environmental Plan 2011

[1] Clause 7.3 Airspace operations

Omit clause 7.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Moree Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

[2] Clause 7.5 Development in the vicinity of Moree Meteorological Station

Omit clause 7.5(4), (5) and (6), definition of *relevant Commonwealth body*.

Insert after clause 7.5(3)—

- (4) Development consent must not be granted for the erection of a building in a radar vector of Moree Meteorological Station unless the consent authority has considered the potential impacts of the development on the operation of the Moree Meteorological Station.

[3] Clause 7.7 Places of Aboriginal cultural significance

Omit the clause.

2.54 Narrabri Local Environmental Plan 2012

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(5).

Insert instead—

- (2) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.55 Narrandera Local Environmental Plan 2013

Clause 6.11 Airspace operations

Omit clause 6.11(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Narrandera Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.56 Narromine Local Environmental Plan 2011

Clause 6.9 Airspace operations

Omit clause 6.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Narromine Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.57 North Sydney Local Environmental Plan 2013

Clause 6.15 Airspace operations

Omit clause 6.15(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Sydney (Kingsford Smith) Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.58 Orange Local Environmental Plan 2011

Clause 7.9 Airspace operations

Omit clause 7.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Orange Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.59 Parkes Local Environmental Plan 2012

Clause 6.6 Airspace operations

Omit clause 6.6(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Parkes Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.60 Parramatta Local Environmental Plan 2023

[1] Clause 7.39 142–154 Macquarie Street, Parramatta

Omit clause 7.39(3) and (4).

[2] Clause 8.3 Development of land in or adjacent to public transport corridor

Omit the clause.

[3] Clause 9.5

Omit the clause.

Insert instead—

9.5 Consideration of road network

Development consent must not be granted to development for the purposes of residential accommodation in Melrose Park North or Melrose Park South that will result in more than 11,000 dwellings in the Melrose Park Precinct.

2.61 Penrith Local Environmental Plan 2010

[1] Clause 6.3A Concurrence of Planning Secretary

Omit the clause.

[2] Clause 7.32 Development of land in the transport investigation area

Omit the clause.

2.62 Penrith Local Environmental Plan No 201 (Rural Lands)

Clause 35 Development of certain land at Badgery's Creek

Omit “with the Water Board” from clause 35(4)(i).

2.63 Port Macquarie-Hastings Local Environmental Plan 2011

Clause 7.7 Airspace operations

Omit clause 7.7(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.7(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Port Macquarie Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.64 Port Stephens Local Environmental Plan 2013

[1] Clause 6.5 Infrastructure—Pacific Highway access

Omit “Transport for NSW and” from clause 6.15(2).

[2] Clause 7.4 Airspace operations

Omit clause 7.4(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.4(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for RAAF Base Williamtown Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.65 Queanbeyan-Palerang Regional Local Environmental Plan 2022

[1] Clause 7.8 Airspace operations

Omit clause 7.8(2).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Canberra Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

[2] Clause 7.17 Development near HMAS Harman

Omit the clause.

2.66 Randwick Local Environmental Plan 2012

Clause 6.8 Airspace operations

Omit clause 6.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Sydney (Kingsford Smith) Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.67 Richmond Valley Local Environmental Plan 2012

Clause 6.11 Airspace operations

Omit clause 6.11(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.11(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for—
 - (a) Casino Airport, or
 - (b) Evans Head Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airports, or
 - (b) cause undue risk to the community.

2.68 Shellharbour Local Environmental Plan 2000

[1] Clauses 75A and 75B

Omit the clauses.

Insert instead—

75A Development affecting Aboriginal places or sites of heritage significance

Development consent must not be granted to development that is likely to have an impact on a place of Aboriginal heritage significance, or that will be carried out on an archaeological site of an Aboriginal object that has Aboriginal heritage significance unless the consent authority has considered the effect on the heritage significance of—

- (a) the place or site, and
- (b) any Aboriginal object known to be, or reasonably likely to be, located at the place or site.

[2] Clause 84

Omit the clause.

Insert instead—

84 Development in vicinity of Illawarra Regional Airport

- (1) This clause applies to development on land affected by restrictions identified in the plan titled *Airport Height Limitation and Noise Exposure Forecast Plan* dated 17 April 1998 and held in the office of the Council.

- (2) Despite any other provision of this plan, development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the proposal is acceptable in relation to the following—
 - (a) building height,
 - (b) noise exposure,
 - (c) lighting,
 - (d) bird hazard management.

2.69 Shellharbour Local Environmental Plan 2013

Clause 6.7 Airspace operations

Omit clause 6.7(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.7(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Illawarra Regional Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.70 Shellharbour Rural Local Environmental Plan 2004

[1] Clause 49 Development affecting places or sites of known or potential Aboriginal heritage significance

Omit clause 49(1).

Insert instead—

- (1) Development consent must not be granted to the following development unless the consent authority has considered a heritage impact statement for—
 - (a) development that is likely to have an impact on—
 - (i) a place of Aboriginal heritage significance, or
 - (ii) a potential place of Aboriginal heritage significance,
 - (b) development that will be carried out on—
 - (i) an Aboriginal archaeological site, or
 - (ii) a potential Aboriginal archaeological site or relic that has Aboriginal heritage significance.
- (1A) A heritage impact statement must explain how the proposed development would affect the conservation of—
 - (a) the place or site, and
 - (b) any relic known to be, or reasonably likely to be, located at the place or site.

[2] Clause 61

Omit the clause.

Insert instead—

61 Development in vicinity of Illawarra Regional Airport

- (1) This clause applies to development on land affected by restrictions as shown in the plan titled *Airport Height Limitation and Noise Exposure Forecast Plan* dated 17 April 1998 and held in the office of the council.
- (2) Despite any other provision of this plan, development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the proposal is acceptable in relation to the following—
 - (a) building height,
 - (b) noise exposure,
 - (c) lighting,
 - (d) bird hazard management.

[3] Clause 75 Height of buildings

Omit clause 75(3)(b) and (c).

Insert instead—

- (b) the consent authority is satisfied that the proposed building is unlikely to constitute an obstruction or hazard to aircraft flying in the vicinity.

2.71 Shoalhaven Local Environmental Plan 1985

[1] Clause 20I

Omit the clause.

Insert instead—

20I Development affecting Aboriginal places of heritage significance

Before granting consent to development required by clause 20E that will be carried out in an Aboriginal place of heritage significance, the consent authority must consider the effect on the heritage significance of—

- (a) the place, and
- (b) any Aboriginal object known to be, reasonably likely to be, located at the place.

[2] Schedule 15 Provisions transferred from Illawarra Regional Environmental Plan No 1

Omit Schedule 15, clause 20.

Insert instead—

20 Development applications—high rise buildings

- (1) The clause applies to the following development—
 - (a) the erection of a building,
 - (b) increasing the height of a building, where the resulting building will have a height greater than 11 metres.
- (2) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
 - (a) the height, scale, bulk and density of the proposed building,
 - (b) the external appearance and materials used on the exterior of the proposed building,
 - (c) the relationship of the proposed building to the streetscape or landscape,

- (d) the effect of the proposed building on public amenity, including pedestrian amenity,
- (e) the effect of the proposed building on wind patterns and wind velocity in public places,
- (f) the effect of the proposed building on overshadowing of public places,
- (g) the effect of the proposed building on views from public places,
- (h) the effect of the proposed building on any item of the environmental heritage in the vicinity, and
- (i) the effect of reflections from the exterior of the proposed building on roads, public places and buildings in the vicinity.

2.72 Shoalhaven Local Environmental Plan 2014

Clause 7.9 HMAS Albatross airspace operations

Omit clause 7.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for the HMAS Albatross Military Airfield.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.73 South Sydney Local Environmental Plan 1998

Clause 50

Omit the clause.

Insert instead—

50 Development in the vicinity of Elizabeth Bay House

- (1) This clause applies to development at 26, 28, 30A, 30B or 32 Billyard Avenue, Elizabeth Bay.
- (2) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following matters—
 - (a) the impact of the proposed development on the historic and visual relationship between Port Jackson, the foreshore and Elizabeth Bay House,
 - (b) the views to and from Elizabeth Bay House and the McElhone Reserve,
 - (c) the impact of the bulk and height of, and the materials to be used in, the proposed development.

2.74 Sutherland Shire Local Environmental Plan 2006

Clause 54 Heritage

Omit clause 54(8).

Insert instead—

(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, including development referred to in subclause (2)(e), consider the effect of the proposed development on the heritage significance of—

- (a) the place, and
- (b) any Aboriginal object known to be, or reasonably likely to be, located at the place.

2.75 Sydney Local Environmental Plan 2012

[1] **Clause 6.62 Concurrence of Planning Secretary**

Omit the clause.

[2] **Clause 7.16 Airspace operations**

Omit clause 7.16(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.16(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Sydney (Kingsford Smith) Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.76 Sydney Local Environmental Plan (Green Square Town Centre) 2013

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for the Sydney (Kingsford-Smith) Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.77 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

Clause 6.3 Airspace operations

Omit clause 6.3(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.3(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for the Sydney (Kingsford-Smith) Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—

- (a) compromise the operation of the airport, or
- (b) cause undue risk to the community.

2.78 Tamworth Regional Local Environmental Plan 2010

Clause 7.6 Airspace operations

Omit clause 7.6(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.6(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Tamworth Regional Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.79 Tumut Local Environmental Plan 2012

Clause 6.9 Airspace operations

Omit clause 6.9(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Tumut Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.80 The Hills Local Environmental Plan 2019

Clause 7.16 Development on certain land at Castle Hill

Omit clause 7.16(2)–(5).

Insert instead—

- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the potential effects of the development on proposed road infrastructure in the locality.

2.81 Tweed City Centre Local Environmental Plan 2012

Clause 6.9 Airspace operations

Omit clause 6.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Gold Coast Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or

- (b) cause undue risk to the community.

2.82 Tweed Local Environmental Plan 2000

[1] Clause 37 Electricity transmission line corridor

Omit clause 37(3).

[2] Clause 44 Development of land within likely or known archaeological sites

Omit clause 44(1)(b).

2.83 Tweed Local Environmental Plan 2014

[1] Clause 7.8 Airspace operations

Omit clause 7.8(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.8(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Gold Coast Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

[2] Clause 7.8A Airspace operations—Murwillumbah Airfield

Omit clause 7.8A(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Murwillumbah Airfield.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.
- (4) In this clause—
Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Murwillumbah Airfield.

2.84 Upper Hunter Local Environmental Plan 2013

Clause 6.7 Airspace operations

Omit clause 6.7(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 6.7(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Scone Memorial Aerodrome.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—

- (a) compromise the operation of the airport, or
- (b) cause undue risk to the community.

2.85 Upper Lachlan Local Environmental Plan 2010

Clause 6.12 Airspace operations

Omit clause 6.12(2)–(5).

Insert instead—

- (2) This clause applies to development that will penetrate the Obstacle Limitation Surface identified on the Obstacle Limitation Surface Map for Crookwell Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.86 Wagga Wagga Local Environmental Plan 2010

Clause 7.11 Airspace operations

Omit clause 7.11(2)–(5).

Insert instead—

- (2) This clause applies to development that will penetrate the Obstacle Limitation Surface identified on the Obstacle Limitation Surface Map for Wagga Wagga Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

2.87 Walgett Local Environmental Plan 2013

Clause 6.4 Airspace operations

Omit clause 6.4(2)–(4).

Insert instead—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for the following—
 - (a) Collarenebri Airport,
 - (b) Lightning Ridge Airport,
 - (c) Walgett Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airports, or
 - (b) cause undue risk to the community.

2.88 Warringah Local Environmental Plan 2000

[1] Clause 80 Notice to Metropolitan Aboriginal Land Council

Omit the clause.

[2] Appendix A, Locality A2 BOORALIE ROAD

Omit the following from under the heading “Housing density”—

However, consent may be granted for development that will contravene these housing density standards but, if by more than 10 per cent, only with the concurrence of the Director.

The matters which shall be taken into consideration in deciding whether concurrence should be granted are—

- (a) whether non-compliance with the development standard in issue raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit or maintaining the planning controls adopted by this plan.

Insert instead—

Development consent may be granted to development that will result in housing density greater than the maximum housing density.

If the development will result in housing density more than 10% above the maximum housing density, the consent authority must consider the following—

- (a) the impact of the resulting housing density on State or regional environmental planning,
- (b) the public benefit of maintaining the planning controls adopted by this plan.

[3] Appendix A, localities A4, A5 and A7, Appendix B, localities B2 and B9 and Appendix C, locality C8

Omit the following from under the heading “Housing density” wherever occurring—

However, consent may be granted for development that will contravene these housing density standards but, if by more than 10 per cent, only with the concurrence of the Director.

The matters which shall be taken into consideration in deciding whether concurrence should be granted are—

- (a) whether non-compliance with the development standard in issue raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the planning controls adopted by this plan.

Insert instead—

Development consent may be granted to development that will result in housing density greater than the maximum housing density.

If the development will result in housing density more than 10% above the maximum housing density, the consent authority must consider the following—

- (a) the impact of the resulting housing density on State or regional environmental planning,
- (b) the public benefit of maintaining the planning controls adopted by this plan.

[4] Appendix C, locality C10

Omit the following from under the heading “Housing density”—

However, consent may be granted for development that will contravene this housing density standard but, if by more than 10 per cent, only with the concurrence of the Director.

The matters which shall be taken into consideration in deciding whether concurrence should be granted are—

- (a) whether non-compliance with the development standard in issue raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the planning controls adopted by this plan.

Insert instead—

Development consent may be granted to development that will result in housing density greater than the maximum housing density.

If the development will result in housing density more than 10% above the maximum housing density, the consent authority must consider the following—

- (a) the impact of the resulting housing density on State or regional environmental planning,
- (b) the public benefit of maintaining the planning controls adopted by this plan.

2.89 Wentworth Local Environmental Plan 2011

[1] Clause 7.11 Development in Willandra Lakes Region World Heritage Property

Omit clause 7.11(3).

[2] Clause 7.11(4)(e)

Omit the paragraph.

Insert instead—

- (e) whether adequate measures will be implemented to minimise the impact of the development on the World Heritage Property.

[3] Clause 7.11(6), definition of “consultation period”

Omit the definition.

2.90 Wollongong Local Environmental Plan 1990

[1] Clause 29A

Omit the clause.

Insert instead—

29A Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Development consent must not be granted to the following development unless the consent authority has considered a heritage impact statement for—
 - (a) development that is likely to have an impact on—
 - (i) a place of Aboriginal heritage significance, or
 - (ii) a potential place of Aboriginal heritage significance,
 - (b) development that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance.
- (2) A heritage impact statement must explain how the proposed development would affect the conservation of—
 - (a) the place or site, and
 - (b) any relic known to be, or reasonably likely to be, located at the place or site.

[2] Schedule 5 Restricted development

Omit “and the Director-General of the Department of Environment and Conservation” from Column 3.

2.91 Wollongong Local Environmental Plan 2009

Clause 7.9 Airspace operations

Omit clause 7.9(2)–(4) and (5), definition of *relevant Commonwealth body*.

Insert after clause 7.9(1)—

- (2) This clause applies to development that will penetrate the Limitation or Operations Surface for Illawarra Regional Airport.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development will not—
 - (a) compromise the operation of the airport, or
 - (b) cause undue risk to the community.

Schedule 3 Repeal of arrangements for designated State public infrastructure provisions

3.1 Albury Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “, 6.1” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.2 Ballina Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.3 Bathurst Regional Local Environmental Plan 2014

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.4 Bellingen Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.5 Bogan Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.6 Clarence Valley Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.7 Coffs Harbour Local Environmental Plan 2013

Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.8 Corowa Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.9 Cowra Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.10 Dubbo Regional Local Environmental Plan 2022

Clause 6.1 Concurrence of Planning Secretary

Omit the clause.

3.11 Forbes Local Environmental Plan 2013

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.12 Gilgandra Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.13 Glen Innes Severn Local Environmental Plan 2012

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.14 Goulburn Mulwaree Local Environmental Plan 2009

Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.15 Great Lakes Local Environmental Plan 2014

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.16 Greater Taree Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.17 Griffith Local Environmental Plan 2014

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 6.2.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.18 Kempsey Local Environmental Plan 2013

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.19 Lismore Local Environmental Plan 2012

Clause 7.2 Concurrence of Planning Secretary

Omit the clause.

3.20 Lithgow Local Environmental Plan 2014

[1] Clause 4.6 Exceptions to development standards

Omit “, 6.1” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.21 Liverpool Plains Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.22 Moree Plains Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.23 Murray Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.24 Muswellbrook Local Environmental Plan 2009

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.25 Nambucca Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit clause 4.6(8)(ca).

Insert instead—

(ca) clause 7.4.

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.26 Orange Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.27 Port Macquarie-Hastings Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.28 Queanbeyan-Palerang Regional Local Environmental Plan 2022

Clause 6.1 Concurrence of Planning Secretary

Omit the clause.

3.29 Singleton Local Environmental Plan 2013

Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.30 Tamworth Regional Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.31 Tweed Local Environmental Plan 2014

Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.32 Wagga Wagga Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “6.1,” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

[3] Clause 6.5 Lloyd Quarry site development

Omit “Despite clause 6.1, development” from clause 6.5(2).

Insert instead “Development”.

3.33 Wentworth Local Environmental Plan 2011

Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.34 Wingecarribee Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “6.1 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Arrangements for designated State public infrastructure

Omit the clause.

3.35 Yass Valley Local Environmental Plan (Parkwood) 2020

[1] Clause 4.6 Exceptions to development standards

Omit “6.2 or” from clause 4.6(8)(ca).

[2] Clause 6.1 Definitions

Omit the definitions of *designated State public infrastructure*, *urban release area* and *Urban Release Area Map*.

Insert instead—

urban release area has the same meaning as in *State Environmental Planning Policy (Planning Systems) 2021*, section 4.42.

Urban Release Area Map has the same meaning as in *State Environmental Planning Policy (Planning Systems) 2021*, section 4.42.

[3] Clause 6.2 Arrangements for designated State public infrastructure

Omit the clause.