



New South Wales

State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Miscellaneous) 2022

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*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Miscellaneous) 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Miscellaneous) 2022*.

2 Commencement

- (1) This Policy commences on the day on which it is published on the NSW legislation website, except as provided by subsection (2).
- (2) Schedule 1.2 commences on 1 July 2022.

3 Repeal of Policy

This Policy is repealed on 2 July 2022.

4 Maps

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

- (a) *Liverpool Local Environmental Plan 2008*,
- (b) *Penrith Local Environmental Plan 2010*,
- (c) *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 2,
- (d) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4.

Schedule 1 Amendment of State Environmental Planning Policy (Precincts—Western Parkland City) 2021

1.1 Amendments commencing on publication of State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Miscellaneous) 2022

[1] Section 4.13 Additional permitted uses for particular land

Omit “consent or,” from section 4.13(1)(a). Insert instead “consent, or”.

[2] Section 4.13A

Insert after section 4.13—

4.13A Previously permitted development

- (1) This section applies to development that—
 - (a) is of a kind prohibited under the Land Use Table on particular land, and
 - (b) immediately before 1 October 2020, was of a kind permitted with or without development consent, other than a complying development certificate, on the land.
- (2) The development is permitted with development consent on the land unless the land is in SP2 Infrastructure Zone.
- (3) In deciding whether to grant development consent, the consent authority must consider whether the development—
 - (a) will result in further fragmentation of land holdings, and
 - (b) will intensify a use of the land that is prohibited under the Land Use Table on the land, and
 - (c) is compatible with existing and permitted development on surrounding land.
- (4) This section applies subject to provisions of this Chapter other than the Land Use Table.

[3] Section 4.14 Subdivision

Insert at the end of the section—

- (2) Development consent must not be granted for the subdivision of land shown on the Luddenham Village Minimum Lot Size Map unless the resulting lots are not less than the minimum size shown on that Map in relation to the land.

[4] Chapter 4, Land Use Table

Omit “Recreation facilities (indoor);” and “Recreation facilities (outdoor);” from Agribusiness Zone, item 4.

[5] Chapter 4, Land Use Table, Mixed Use Zone, item 4

Insert “Biosolids treatment facilities;” and “Sewage treatment plants;” in alphabetical order.

[6] Chapter 4, Land Use Table, Mixed Use Zone, item 4

Omit “Sewage systems;”.

[7] Section 4.17 Aircraft noise

Insert after section 4.17(4)—

- (4A) Subsection (2) does not apply to development for the purposes of subdivision of land in an ANEF or ANEC contour of 20 or greater if the development application was made before 1 October 2020.

[8] Section 4.18 Building wind shear and turbulence

Omit section 4.18(2). Insert instead—

- (2) This section applies to development—
- (a) on land shown as the “Windshear Assessment Trigger Area” on the Lighting Intensity and Wind Shear Map, and
- (b) that penetrates the 1:35 surface.
- (2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body.

[9] Section 4.19 Wildlife hazards

Insert after section 4.19(4), definition of *relevant development*, paragraph (c)—

- (c1) cemeteries,

[10] Section 4.19(4), note

Insert at the end of the subsection—

Note— The 3 km and 13 km wildlife buffer zones are not buffer areas for the purposes of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, clause 1.19.

[11] Section 4.20 Wind turbines

Omit “large” before “wind turbine” in section 4.20(4).

[12] Section 4.20(5), definition of “large wind turbine”

Omit the definition.

[13] Section 4.20(5), note

Insert at the end of the subsection—

Note— The 3 km and 3–30 km zones are not buffer areas for the purposes of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, clause 1.19.

[14] Section 4.21 Lighting

Insert “as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary”” after “land shown” in section 4.21(2).

[15] Section 4.22 Airspace operations

Omit section 4.22(3)(b). Insert instead—

- (b) the relevant Commonwealth body does not object to the development.

[16] Section 4.22(4)

Omit the subsection.

[17] Section 4.23 Public safety

Insert “Service stations;” after “Residential accommodation;” in section 4.23(2).

[18] Section 4.23A

Insert after section 4.23—

4.23A Operation of certain air transport facilities

- (1) The objective of this section is to regulate development that may impact the operation of certain air transport facilities.
- (2) Development consent must not be granted to development on land shown as the “Building Restricted Area” on the Building Restricted Area Map unless the consent authority—
 - (a) has consulted the relevant Commonwealth body, and
 - (b) is satisfied that the development will not adversely impact the operation of communication and air traffic control facilities or structures associated with the Airport’s air transport facilities.

[19] Section 4.24 Flood planning

Insert after section 4.24(4)—

- (4A) Subsection (4) does not apply to development carried out by or on behalf of a public authority.

[20] Section 4.25 Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain

Omit section 4.25(2). Insert instead—

- (2) This section applies to land—
 - (a) in the Environment and Recreation Zone, or
 - (b) shown as “existing native vegetation” on the High Biodiversity Value Areas Map.

[21] Section 4.25(5)(f)

Omit the paragraph.

[22] Section 4.25A

Insert after section 4.25—

4.25A Clearing of native vegetation

- (1) This section applies to land shown as “existing native vegetation” on the High Biodiversity Value Areas Map.
- (2) Development consent must not be granted to development on the land unless the consent authority is satisfied that the development will not result in clearing of native vegetation.
- (3) Development for public utility undertakings, other than electricity generating works and water recycling facilities, may be carried out without development consent on the land.
- (4) A public authority, or a person acting on behalf of a public authority, must not carry out development comprising the clearing of native vegetation on the land unless the authority or person—
 - (a) has given written notice to the Planning Secretary, and
 - (b) considered submissions received from the Planning Secretary within 21 days after the notice is given.

[23] Section 4.28 Warragamba Pipelines

Insert “as “Warragamba Pipeline”” after “shown”.

[24] Sections 4.28A and 4.28B

Insert after section 4.28—

4.28A Sydney Science Park

- (1) This section applies to land identified as “Sydney Science Park” on the Sydney Science Park Map.
- (2) Development consent must not be granted to development for the purposes of residential accommodation on the land if the development will result in—
 - (a) the total number of dwellings on the land being more than a number specified in Column 1 of the following table, and
 - (b) the gross floor area of all buildings on the land used for purposes other than exhibition homes, exhibition villages and residential accommodation being less than the area specified opposite that number in Column 2.

Column 1	Column 2
0	10,000m ²
750	35,000m ²
1,500	75,000m ²
2,250	150,000m ²

- (3) Development consent must not be granted to development on the land if the development will result in more than 3,400 dwellings on the land.
- (4) Development consent must not be granted to development on the land if the development will result in the gross floor area of all buildings on the land used for the purposes of retail premises being more than 30,000m².

4.28B Aboriginal cultural guidelines

Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered *Recognise Country: Draft Guidelines for development in the Aerotropolis* published in October 2021 on the Department’s website.

[25] Section 4.30 Application of Part

Insert at the end of the section—

- (2) This Part does not apply to development on land to which a master plan applies if the consent authority is satisfied that the master plan adequately provides for assessment of the design quality of the development.

[26] Section 4.31 Design review panel

Omit “\$20 million” from section 4.31(1)(b). Insert instead “\$30 million”.

[27] Section 4.31(1)(c)

Omit the paragraph. Insert instead—

- (c) development with a site area of at least 10,000m²,

[28] Section 4.31(3), definition of “design review panel”

Omit “by the consent authority”.

[29] Section 4.32 Architectural design competition

Omit section 4.32(1). Insert instead—

- (1) This section applies to development in relation to a building that has, or will have, a height above ground level (existing) greater than 40m or 12 storeys.

[30] Section 4.32(3)

Insert after section 4.32(2)—

- (3) Section (2) does not apply to development if the consent authority—
- (a) has consulted the Government Architect NSW, and
 - (b) is satisfied it is appropriate in the circumstances, taking into account the following—
 - (i) the impact of the development on view corridors,
 - (ii) the location of the development in relation to major roads,
 - (iii) the visual prominence of the development.

[31] Part 4.6, heading

Insert “and complying” after “Exempt”.

[32] Part 4.6, Division 1, heading

Insert before section 4.34—

Division 1 Preliminary

[33] Section 4.34 Application of Codes SEPP

Insert in alphabetical order in section 4.34(2)—

applicable land means land shown on the Land Application Map, other than land in SP2 Infrastructure Zone.

[34] Part 4.6, Division 2, heading

Insert after section 4.34—

Division 2 Exempt development

[35] Section 4.35 Application of Part 2, Division 1 of Codes SEPP

Omit “, 39B” from section 4.35(1).

[36] Section 4.35(9A)

Insert after section 4.35(9)—

- (9A) For the purposes of subsection (9), land in a zone under this Chapter is taken to be in a residential zone.

[37] Section 4.35(14)

Insert after section 4.35(13)—

- (14) Development specified in the Codes SEPP, Part 2, Division 1, Subdivision 39B is exempt development only if carried out on land in the Agribusiness Zone.

[38] Part 4.6, Division 3

Insert after section 4.37—

Division 3 Complying development

4.37A General requirements

To be complying development under this Division, the development must not be development in relation to which the consent authority must consult with the relevant Commonwealth body under Part 4.3 before granting development consent.

4.37B Application of Codes SEPP, Parts 3 and 4

- (1) Development specified in the Codes SEPP, Part 3 is complying development if it—
- (a) is carried out on applicable land, and
 - (b) does not result in an increase to the gross floor area of the existing building.
- (2) Development specified in the Codes SEPP, Part 4 is complying development if it—
- (a) is carried out on applicable land, and
 - (b) does not result in the increase to the gross floor area of the existing building, and
 - (c) does not result in additional dwellings.

4.37C Application of Codes SEPP, Parts 4A, 5 and 5B

- (1) Development specified in the following provisions of the Codes SEPP is complying development if carried out on applicable land—
- (a) Part 4A, Division 1, Subdivisions 1 and 2,
 - (b) Part 5, Division 1, Subdivisions 5, 6 and 12.
- (2) Development specified in the following provisions of the Codes SEPP is complying development if carried out in the Western Sydney Aerotropolis—
- (a) Part 4A, Division 1, Subdivision 6,
 - (b) Part 5, Division 1, Subdivisions 1 and 9.
- (3) Development specified in the Codes SEPP, Part 5, Division 1, Subdivisions 2 and 3 is complying development if the development—
- (a) is carried out in the Western Sydney Aerotropolis, and
 - (b) is not carried out on land in the 13 km wildlife buffer zone under section 4.19, and
 - (c) is not relevant development within the meaning of that section.
- (4) Development specified under the Codes SEPP, Part 5, Division 1, Subdivision 4 is complying development if the development—
- (a) is carried out in the Western Sydney Aerotropolis, and

- (b) does not cause plumes with a peak vertical velocity of more than 4.3m per second, and
 - (c) does not emit flares.
- (5) Development specified under the Codes SEPP, Part 5, Division 1, Subdivision 11 is complying development if the development—
- (a) is carried out in the Western Sydney Aerotropolis, and
 - (b) does not require a cut or fill greater than 1m from ground level (existing).
- (6) Development specified under the Codes SEPP, Part 5B is complying development if the development—
- (a) is carried out in the Western Sydney Aerotropolis, and
 - (b) the container recycling facility is fully enclosed, to ensure the risks to the operation of the Airport from wildlife are mitigated.

4.37D Application of Codes SEPP, Parts 6–8

- (1) Development specified in the Codes SEPP, Part 6, Division 1 is complying development if the development is carried out on applicable land.
- (2) Development specified in the Codes SEPP, Parts 7 and 8 is complying development if carried out on land shown on the Land Application Map.
- (3) For the purposes of subsection (1), the Western Sydney Aerotropolis is taken to be in a zone to which the Codes SEPP, Part 5B applies.

4.37E Application of Codes SEPP, Parts 4A and 5 with lighting restrictions

- (1) Development specified in the Codes SEPP, Part 4A, Division 1, Subdivision 3 is complying development if carried out on applicable land.
- (2) Development specified in the Codes SEPP, Part 4A, Division 1, Subdivision 4 is complying development if carried out in the Western Sydney Aerotropolis.
- (3) Development specified under the Codes SEPP, Part 5, Division 1, Subdivision 7 is complying development if the development is carried out on land in the Enterprise, Agribusiness or Mixed Use Zone.
- (4) Subsections (1)–(3) apply to development carried out on land within the “6km Lighting Intensity Area” shown on the Lighting Intensity and Wind Shear Map subject to the following modifications—
 - (a) for land in “Zone A” shown on the Lighting Intensity and Wind Shear Map—there must not be external lighting,
 - (b) the external lighting must not exceed the following intensity—
 - (i) for land in “Zone B” shown on the Lighting Intensity and Wind Shear Map—50 candelas,
 - (ii) for land in “Zone C” shown on the Lighting Intensity and Wind Shear Map—150 candelas,
 - (iii) for land in “Zone D” shown on the Lighting Intensity and Wind Shear Map—450 candelas,
 - (c) the external lighting must consist of shielded light fittings that do not permit light to shine above the horizontal plane.

[39] Section 4.38 Precinct plans

Insert after section 4.38(3)—

- (3A) A precinct plan may contain other matters the Planning Secretary considers appropriate.

[40] Section 4.38(5A)

Insert after section 4.38(5)—

- (5A) Before approving a precinct plan, the Minister must consult the Western Parkland City Authority about the following matters—
- (a) whether the plan appropriately provides for creating active, vibrant and sustainable communities and locations that support—
 - (i) national and global business, and
 - (ii) the Airport,
 - (b) whether the plan appropriately supports the economic growth and development of the Western Sydney Aerotropolis by—
 - (i) encouraging investment, and
 - (ii) providing for land uses that generate employment opportunities,
 - (c) whether the infrastructure proposed by the plan is likely to be developed in an efficient and timely way.

[41] Section 4.38(7) and (8)

Insert after section 4.38(6)—

- (7) A precinct plan may be amended and this section applies to the amendment of the precinct plan in the same way as it applies to a precinct plan.
- (8) In this section—
Western Parkland City Authority means the Western Parkland City Authority constituted by the *Western Parkland City Authority Act 2018*.

[42] Section 4.39 Development must be consistent with precinct plan

Insert at the end of the section—

- (2) Subsection (1) does not apply if—
 - (a) the consent authority has considered a written request from the applicant that seeks to justify an inconsistency by demonstrating that—
 - (i) the inconsistency is minor, and
 - (ii) consistency with the plan is unreasonable or unnecessary in the circumstances, and
 - (iii) sufficient environmental planning grounds justify the inconsistency, and
 - (b) the consent authority is satisfied that—
 - (i) the applicant's written request adequately addresses the matters required to be demonstrated by paragraph (a), and
 - (ii) the development is consistent with the strategic vision and general objectives for the precinct.
- (3) The consent authority must keep a written record of its assessment of the matters in the applicant's written request that were required to be demonstrated by subsection (2)(a).

[43] Section 4.41 Master plans

Insert after section 4.41(1)—

(1A) A master plan may only apply to land to which a precinct plan applies.

[44] Section 4.41(2)(a)

Omit the paragraph.

[45] Section 4.41(3)(b)–(d)

Omit section 4.41(3)(b). Insert instead—

- (b) if satisfied that the master plan is consistent with the master plan guidelines, and
- (c) if the Minister has considered whether the master plan is consistent with a development control plan or draft development control plan that applies to the land, and
- (d) if satisfied that—
 - (i) the master plan is consistent with a precinct plan that applies to the land, or
 - (ii) the inconsistency is appropriate, taking into account the master plan guidelines.

[46] Section 4.41(6A)

Insert after section 4.41(6)—

(6A) A master plan may be amended and this section applies to the amendment of the master plan in the same way as it applies to a master plan.

[47] Section 4.41(7), definition of “master plan guidelines”

Omit “1 October 2020”. Insert instead “24 December 2021”.

[48] Section 4.50 Relevant acquisition authority

Omit section 4.50(2), table. Insert instead—

Type of land shown on Map	Authority of the State
Land marked “Stormwater Infrastructure”	Sydney Water Corporation
Land marked “Regional park”	Planning Ministerial Corporation
Land in SP2 Infrastructure Zone and marked “Transport corridor”	Transport for NSW

[49] Section 4.51 Savings and transitional provisions

Omit section 4.51(2)–(5).

[50] Schedule 1, heading

Insert “—**Western Sydney Aerotropolis**” after “uses”.

[51] Schedule 1

Omit “(When this Policy was made, this Schedule was blank)”. Insert instead—

1 Use of certain land in Mixed Use Zone

Development for the purposes of exhibition homes is permitted with development consent on land in the Mixed Use Zone if the exhibition homes are for the purposes of the public exhibition and marketing of new dwellings

that are permitted with or without development consent in the Mixed Use Zone.

2 Use of certain land at Sydney Science Park

- (1) This section applies to land at Sydney Science Park, identified as “Area 1” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) agricultural produce industries,
 - (b) biosolids treatment facilities,
 - (c) dual occupancies,
 - (d) dwelling houses,
 - (e) exhibition homes,
 - (f) exhibition villages,
 - (g) secondary dwellings,
 - (h) semi-detached dwellings,
 - (i) sewage treatment plants.

3 Use of certain land at Luddenham Village

- (1) This section applies to land at Luddenham Village, identified as “Area 2” on the Additional Permitted Uses Map.
- (2) Development for the following purposes is permitted with development consent—
 - (a) dual occupancies,
 - (b) dwelling houses,
 - (c) hotel or motel accommodation,
 - (d) registered clubs,
 - (e) secondary dwellings,
 - (f) serviced apartments.
- (3) Subsection (2) applies only if the lot is not less than the minimum lot size for the land shown on the Luddenham Village Minimum Lot Size Map.

4 Use of certain land at Adams Road, Luddenham

- (1) This section applies to Lot 2, DP 623799, 205 Adams Road, Luddenham, identified as “Area 3” on the Additional Permitted Uses Map.
- (2) Development for the purposes of registered clubs is permitted with development consent.

[52] Schedule 2, heading

Insert “—**Western Sydney Aerotropolis**” after “**heritage**”.

[53] Schedule 2, Part 1, item I8

Omit the matter relating to the item.

[54] Schedule 3

Omit Schedule 3. Insert instead—

Schedule 3 Dictionary for Chapter 4

section 4.2

Additional Permitted Uses Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Additional Permitted Uses Map—Aerotropolis.

Aerotropolis Boundary Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Aerotropolis Boundary Map.

Airport means the Sydney West Airport under the *Airports Act 1996* of the Commonwealth, also known as the Western Sydney International (Nancy-Bird Walton) Airport.

applicable land, for Part 4.6—see section 4.34.

Building Restricted Area Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Building Restricted Area Map.

capital investment value has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

Codes SEPP, for Part 4.6—see section 4.34.

Flood Planning Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Flood Planning Map—Aerotropolis.

Heritage Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Heritage Map—Aerotropolis.

High Biodiversity Value Areas Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 High Biodiversity Value Areas Map.

Key Sites Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Key Sites Map—Aerotropolis.

Land Application Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Land Application Map—Aerotropolis.

Land Reservation Acquisition Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Land Reservation Acquisition Map—Aerotropolis.

Land Zoning Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Land Zoning Map—Aerotropolis.

Lighting Intensity and Wind Shear Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Lighting Intensity and Wind Shear Map.

Luddenham Village Minimum Lot Size Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Luddenham Village Minimum Lot Size Map.

master plan means a master plan approved by the Minister under section 4.41.

Noise Exposure Contour Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Noise Exposure Contour Map.

Obstacle Limitation Surface Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Obstacle Limitation Surface Map.

precinct plan means a precinct plan approved by the Minister under section 4.38.

prescribed airspace means the airspace—

- (a) above part of an OLS or PANS-OPS surface, within the meaning of the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, for the Airport, and

- (b) declared, under regulation 5 of the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, to be prescribed airspace.

Public Safety Area Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Public Safety Area Map.

relevant Commonwealth body means—

- (a) the airport-lessee company for the Airport within the meaning of the *Airports Act 1996* of the Commonwealth, or
- (b) if there is no airport-lessee company for the Airport—the Secretary of the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the prescribed airspace.

relevant land, for Part 4.6—see section 4.34.

the Act means the *Environmental Planning and Assessment Act 1979*.

Sydney Science Park Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Sydney Science Park Map.

Transport Corridors Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Transport Corridors Map.

Warragamba Pipelines Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Warragamba Pipelines Map.

Western Sydney Aerotropolis means the land shown on the Aerotropolis Boundary Map.

Western Sydney Aerotropolis Plan means the document entitled *Western Sydney Aerotropolis Plan* published by the Department on 1 October 2020 and available on the NSW planning portal.

Wildlife Buffer Zone Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Wildlife Buffer Zone Map.

Wind Turbines Map means the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Wind Turbines Map.

1.2 Amendment commencing on 1 July 2022

Section 4.50 Relevant acquisition authority

Insert at the end of the table to section 4.50(2)—

Land marked “Local Open Space and Drainage” Relevant council

Schedule 2 Amendment of other environmental planning instruments

2.1 Liverpool Local Environmental Plan 2008

[1] Clause 7.17 Airspace operations

Insert after clause 7.17(1)—

- (1A) This clause does not apply to development on land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 4.22 applies.

[2] Clause 7.18 Development in areas subject to potential airport noise

Insert after clause 7.18(1)—

- (1A) This clause does not apply to development on land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4 applies.

2.2 Penrith Local Environmental Plan 2010

[1] Clause 4.6 Exceptions to development standards

Omit “7.24,” from clause 4.6(8)(ca).

[2] Clauses 7.9, 7.24 and Schedule 1, clause 34

Omit the clauses.

2.3 State Environmental Planning Policy (Industry and Employment) 2021

Section 2.36 Development in areas subject to aircraft noise

Insert after section 2.36(2)—

- (2A) Despite subsection (2), this section does not apply to development on land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4 applies.

2.4 State Environmental Planning Policy (Planning Systems) 2021

Schedule 1 State significant development—general

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

Development in the Western Sydney Aerotropolis

Development on land shown on the Land Application Map under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4 if the proposed development—

- (a) has a capital investment value of more than \$30 million, and
- (b) does not involve development—
 - (i) prohibited under the Chapter, or
 - (ii) to which that Policy, section 4.13A applies.