



WESTERN SYDNEY AEROTROPOLIS

## Explanation of Intended Effect

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Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis

*State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*

*State Environmental Planning Policy (Western Sydney Employment Area) 2009*

*State Environmental Planning Policy (State and Regional Development) 2011*

October 2021



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# Acknowledgment of Country

We acknowledge and pay our respects to the Traditional Custodians of Country within the Aerotropolis, the Dharug people.

We extend that respect to many others who have custodial obligations for Country and have been connected to this place for many generations including the Dharawal and Gundungurra.

We acknowledge other surrounding groups that came to this Country to do business including the Darkinjung, coastal Sydney, Wiradjuri and Yuin people. We recognise that the Gandangara, Deerubbin and Tharawal Local Aboriginal Land Councils have land holdings and responsibilities to communities within this area.

We also acknowledge and respect the vibrant and diverse Aboriginal population that call Western Sydney home. They have been established in the Western Parkland City for many generations and have strong cultural values associated with this Country. This document seeks to empower these voices and create culturally safe spaces within the Aerotropolis for generations to come.

We look forward to seeing Country and culture embedded into the future built environment to create places for listening, learning and celebrating the world's oldest living culture.

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## Introduction

This Explanation of Intended Effect (EIE) provides an overview and background into the proposed amendments to several State Environmental Planning Policies (SEPPs) relating to the Western Sydney Aerotropolis. *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (the Aerotropolis SEPP) commenced on 1 October 2020. The Aerotropolis SEPP establishes statutory planning controls for the Western Sydney Aerotropolis (the Aerotropolis) to help deliver the vision for the area, as established under the Western Sydney Aerotropolis Plan (WSAP).

As more information comes available through the more detailed Precinct Planning, several amendments have been identified to the Aerotropolis SEPP to ensure strategic vision and statutory controls align.

This document explains the intended effects of the proposed amendments to three key SEPPs relevant to the Aerotropolis, as required under section 3.30 of the *Environmental Planning and Assessment Act 1979*.

Most of the proposed changes relate to the Aerotropolis SEPP and seek to amend various provisions under the SEPP relating to permissible and prohibited development, airport safeguarding, adjustments to zone boundaries and the introduction of complying development provisions. Changes are also proposed to *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) and *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as they relate to land and development within the Aerotropolis.

In particular, the proposed amendments respond to:

- The recommendations made by the Independent Community Commissioner;
- Submissions made by landowners, the community, industry, local councils and other stakeholders in response to the draft Aerotropolis Precinct Plans (exhibited 10 November 2020 to 12 March 2021); and
- A general review of the Aerotropolis Planning Framework (**Figure 1**) and necessary amendments to the Aerotropolis SEPP to reinforce the WSAP.

The public are invited to comment on all matters in this Explanation of Intended Effect.

### Independent Community Commissioner

In May 2021, the Minister for Planning and Public Spaces appointed Professor Roberta Ryan as Independent Community Commissioner to assist in understanding and addressing the concerns of small landowners in the Aerotropolis.

The role of the Commissioner includes:

- Addressing landowners' concerns;
- Advising how to help people on environmentally constrained land and those needing support on compassionate grounds;
- Making recommendations to address community concerns on land acquisitions; and
- Connecting landowners with other agencies and government stakeholders.

On 27 August 2021, the Commissioner provided her recommendations to the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP, to address key issues raised by the community.

The Commissioner's recommendations, where a recommendation can be initiated immediately, have been supported. In other cases, they provide important directions and approaches to gain community support for the planning and coordination of the Aerotropolis. Further investigation is required to ensure funding and resources are available for a coordinated government response.

The Commissioner's recommendations fall under the following three categories:

1. Communications, engagement and ongoing support;
2. Response to specific landowner impacts; and
3. Governance

A number of the recommendations made in response to specific landowner impacts can be addressed through the planning framework, such as the Aerotropolis SEPP or the Precinct Plan. This EIE proposes a number of amendments to the Aerotropolis SEPP that directly respond to the Commissioner's recommendations, these are:

- Amendments to the Environment and Recreation zone for some properties in the Wianamatta-South Creek Precinct to revert the zone back to the RU4 Primary Production Small Lots as per the *Liverpool Local Environmental Plan 2008*. This relates to land zoned Environment and Recreation to the east of Wianamatta-South Creek, adjoining the Kemps Creek and Rossmore Precincts (Recommendations 10, 25).
- Appropriately identify land to be acquired for publicly accessible open space on the Land Reservation Acquisition Map under the Aerotropolis SEPP. This will provide a clear land acquisition pathway under the *Land Acquisition (Just Terms Compensation) Act 1991*. This follows further detailed analysis of the Open Space Network. The final Precinct Plans will reflect the final publicly accessible Open Space Network to be acquired for the initial precincts of the Aerotropolis (Recommendations 11, 12, 14).
- Additional provisions to retain the permissibility of land uses that were previously permissible prior to the commencement of the Aerotropolis SEPP in 2020. For example, if the previous zoning allowed the construction of single dwellings, subject to development controls, the new provision will ensure this use remains permissible regardless of the new zone applied by the Aerotropolis SEPP. The proposed clause includes matters for the consent authority to consider in order to facilitate the transition of Aerotropolis as envisaged by the WSAP (Recommendation 15).
- To ensure a sustainable future for Luddenham Village the Aerotropolis SEPP will incorporate changes to the Village to facilitate the Luddenham Village Plan when finalised, including an amendment to support the sustainability of Luddenham Village and the required supporting land uses (Recommendation 22).

The full list of recommendations proposed by the Commissioner are available on the Department of Planning, Industry and Environment's website.

## Planning framework within the Aerotropolis

Planning for and around the Aerotropolis involves a number of statutory plans and strategic policies. A number of planning documents were finalised on 13 September 2020, including the WSAP and the Aerotropolis SEPP. **Figure 1** illustrates the key aspects of the planning framework and the status of each element as at October 2021 and identifies how this Explanation of Intended Effect connects to other elements of the Aerotropolis Planning Framework.

Element	Purpose	Status
<b>Western Sydney Aerotropolis Plan</b> Government Strategic Planning Framework	<ul style="list-style-type: none"> <li>Vision, Structure Plan, planning objectives and principles for the Aerotropolis</li> <li>Aligns with the Region Plan and District Plan</li> <li>Informs Precinct Plans and Master Plans in the Aerotropolis</li> </ul>	Finalised
<b>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</b> Planning instrument created under EP&A Act	<ul style="list-style-type: none"> <li>Objectives and key controls for development in Aerotropolis</li> <li>Zones land broadly to permit or prohibit land uses</li> <li>Framework for precinct and master planning</li> </ul>	Finalised Proposed amendment subject to this EIE
<b>Precinct Plan</b> Mandatory plan created under Aerotropolis SEPP	<ul style="list-style-type: none"> <li>Aligns with the WSAP</li> <li>Finer grain structure planning and principles for precinct development</li> <li>Development applications must be consistent with this plan</li> </ul>	Draft exhibited in November 2020 – March 2021 Anticipated to be finalised late 2021
<b>Master Plan</b> Optional plan created under Aerotropolis SEPP for large sites (over 100ha)	<ul style="list-style-type: none"> <li>Aligns with Precinct Plans</li> <li>Unlocks a complying development pathway by setting detailed development and design criteria for permitted development</li> </ul>	Guidelines to be published late 2021
<b>Development Control Plan (DCP) Phase 1 and Phases 2</b> Guideline created under EP&A Act	<ul style="list-style-type: none"> <li>Guidance and fine grain development considerations</li> <li>Development objectives, performance outcomes and benchmark solutions</li> </ul>	Phase 1 DCP finalised Phase 2 DCP to be exhibited September 2021 Anticipated to be finalised late 2021

Figure 1: Western Sydney Aerotropolis Planning Framework

## Cumberland Plain Conservation Plan

Parts of the Aerotropolis are subject to the Draft Cumberland Plain Conservation Plan (CPCP) (**Figure 2**). The CPCP will provide biodiversity certification under the NSW *Biodiversity Conservation Act 2016* and strategic assessment under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for some of the land within the Aerotropolis. These biodiversity approvals are required to deliver urban development in the growth area.

The CPCP complements existing biodiversity certification approvals that operate over part of the Aerotropolis. Strategic conservation planning undertaken as part of the CPCP and the existing biodiversity certification order will also support the area's important conservation values and facilitate a vibrant, green and liveable city.

The CPCP was on public exhibition from 26 August to 2 November 2020. The Department of Planning, Infrastructure and Environment received over 500 submissions and is finalising the CPCP considering these submissions. A CPCP update including a submissions report and updated mapping is scheduled for release this year.

The proposed Aerotropolis amendment does not seek to amend the draft CPCP, and the Aerotropolis SEPP will reflect the CPCP once finalised.

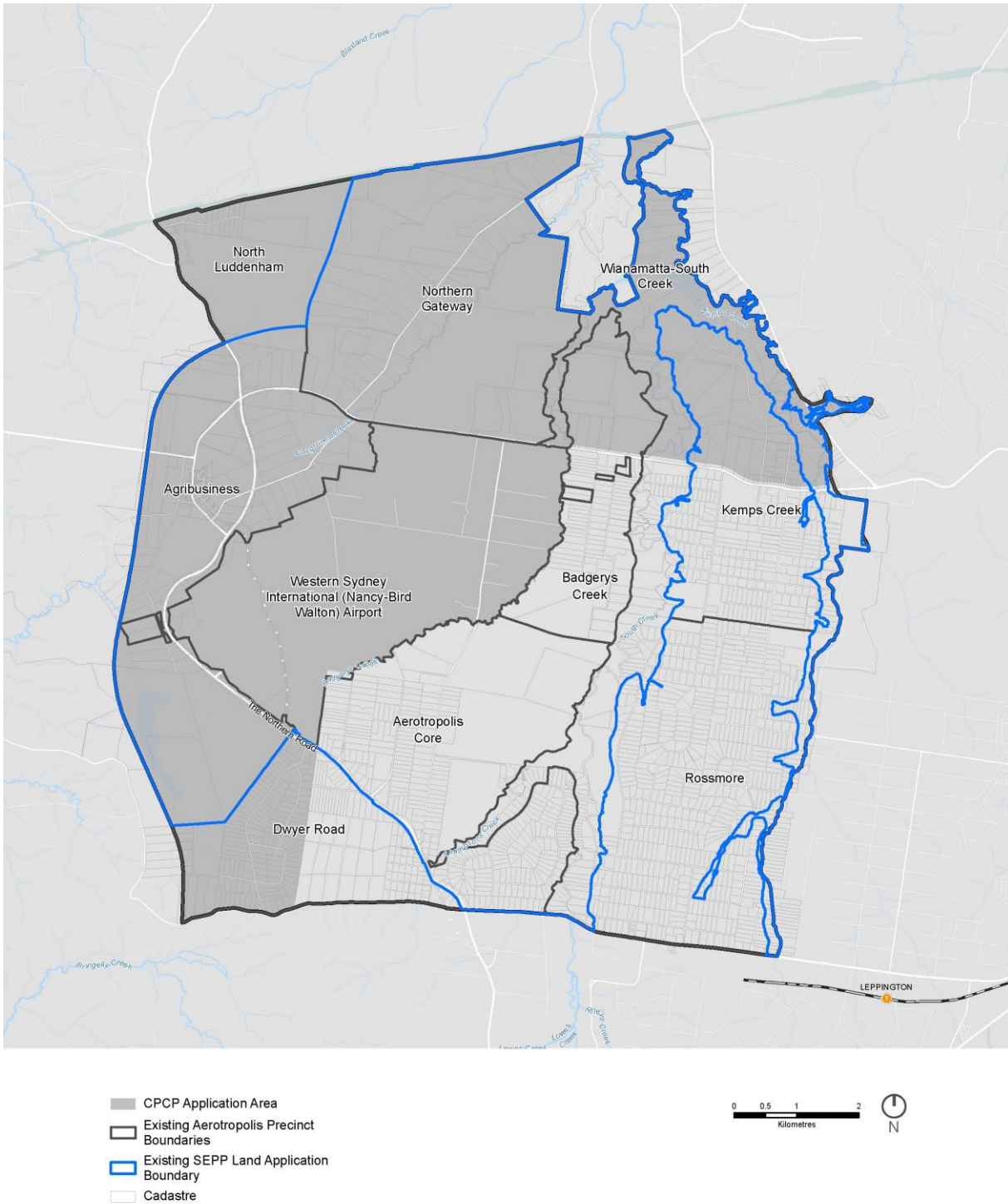


Figure 2: Land in the Aerotropolis subject to the proposed Cumberland Plain Conservation Plan





# State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The Aerotropolis SEPP applies to land in the Western Sydney Aerotropolis. It aims to facilitate development in the Aerotropolis and that development is undertaken in accordance with the objectives and principles of the WSAP, and is compatible with the long-term growth, development and operation of the Western Sydney International (Nancy-Bird Walton) Airport (Western Sydney Airport).

The Aerotropolis SEPP includes provisions applying to all land within the Western Sydney Aerotropolis as well as surrounding areas to safeguard the future 24-hour operation of the Western Sydney Airport and to preserve land for future transport corridors.

The Aerotropolis SEPP also identifies nine precincts under its application, of which five are initial precincts: Aerotropolis Core, Agribusiness, Northern Gateway, Badgerys Creek and the Wianamatta-South Creek. To date, all initial precincts have been rezoned under the Aerotropolis SEPP and Precinct Plans have been exhibited. The four non-initial precincts, namely North Luddenham, Kemps Creek, Dwyer Road and Rossmore, are yet to be rezoned under the Aerotropolis SEPP and their zoning continues to be specified under their relevant local government area's Local Environmental Plan.

The following sections of the document identify the changes proposed to the relevant components of the Aerotropolis SEPP.

## Part 1 Preliminary

Part 1 of the Aerotropolis SEPP provides the operational parameters of the SEPP, setting out the aims of the SEPP, land to which the policy applies and the relationship of the Policy with other environmental planning instruments and contains provisions which alter the application of some other Environmental Planning Instruments within the Aerotropolis.

### Changes to the alignment of the Agribusiness Precinct and North Luddenham Precinct Boundary and application of the Aerotropolis SEPP to certain land

The northern boundary of the Agribusiness Precinct is defined by the Outer Sydney Orbital (Stage 1) recommended corridor that was exhibited in 2018 by Transport for NSW and is now embedded in the Transport Corridors Map under the Aerotropolis SEPP. The corridor provides space for the future Outer Sydney Orbital and M12 Motorway between the interchange north of the Western Sydney Airport and west to The Northern Road.

As part of the M12 development approvals process, the detailed design of the M12 clarified the design for the major interchange of the M12 and the Outer Sydney Orbital, with the new design being able to accommodate the Outer Sydney Orbital in a smaller footprint. The new design is more compact and enables the M12 to be built as an early stage of the ultimate Outer Sydney Orbital and M12 integration. Subsequently, Transport for NSW have advised that the recommended corridor for the Outer Sydney Orbital can be narrowed (**Figure 3**).

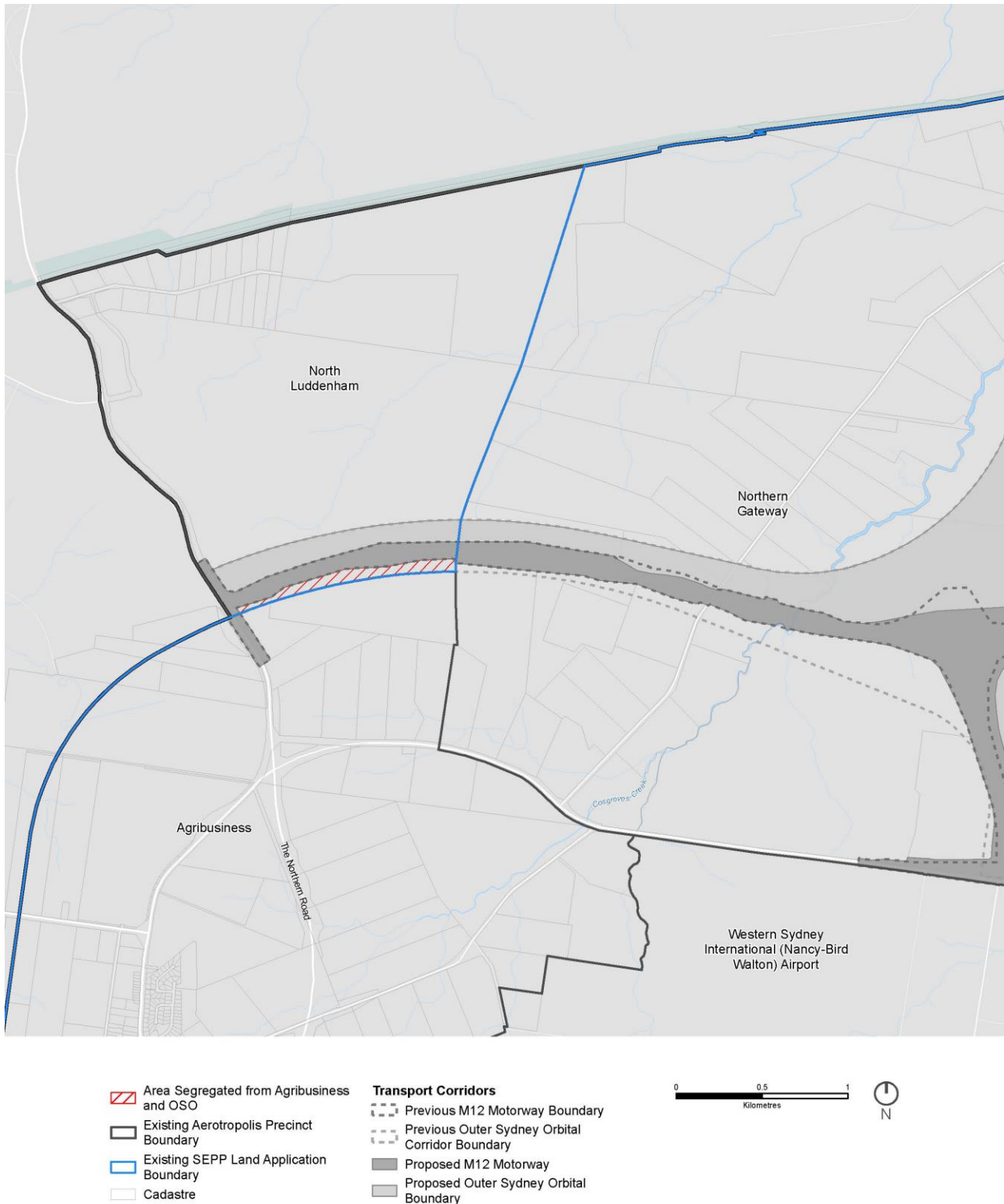


Figure 3: Change to recommended Outer Sydney Orbital (Stage 1) corridor

As a consequence, a portion of land (7.96 hectares) on the southern border of the North Luddenham Precinct (a non-initial precinct that is yet to be rezoned) will be segregated from the remainder of the North Luddenham precinct when the road and freight rail infrastructure is

delivered (**Figure 3**). The land is currently zoned RU2 Rural Landscape under the *Penrith Local Environmental Plan 2010*.

If the land no longer required for the Outer Sydney Orbital is left segregated prior to the release of the North Luddenham Precinct, there is a risk it will be sterilised from development potentially compromising the development outcomes of the northern section of the Agribusiness Precinct. To retain the Outer Sydney Orbital corridor as the logical boundary between the two precincts, it is proposed the Agribusiness Precinct boundary be redrawn up to the southern edge of the narrowed Outer Sydney Orbital corridor to support the orderly development of land.

The land to be incorporated into the Agribusiness Precinct is proposed to be zoned a mix of Enterprise and SP2 Infrastructure – Stormwater Infrastructure (**Figure 4**), as this is consistent with the vision for the portion of the Agribusiness Precinct under the WSAP. Due to the presence of the 1 in 100 year flooding event for some of the land, this will be identified on the Flood Planning Map in the Aerotropolis SEPP. Development controls will be applied to this land as is consistent with the remainder of the Agribusiness precinct under the Aerotropolis SEPP.

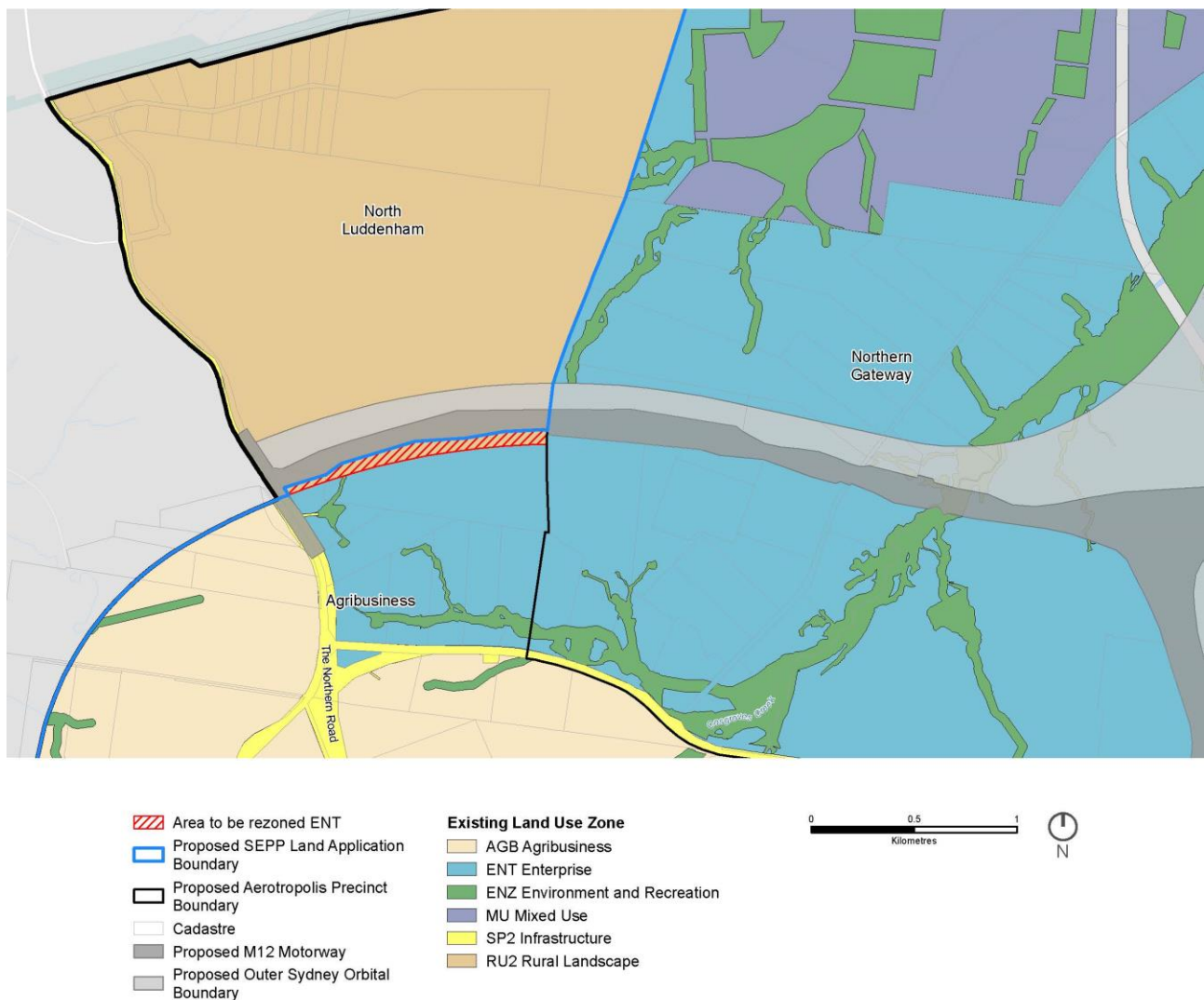


Figure 4: Proposed rezoning of land in the new portion of Agribusiness Precinct

To implement these changes, the Land Application Map (**Appendix A**), Aerotropolis Boundary Map (**Appendix B**), Land Zoning Map (**Appendix C**), Flood Planning Map and High Biodiversity Value Areas Map (when the identification of CPCP land has been finalised) will be updated in the

Aerotropolis SEPP. The *Penrith Local Environmental Plan 2010* will also be updated to reflect this rezoning and change in application of the Aerotropolis SEPP.

## Changes to the Wianamatta-South Creek Precinct and application of the Aerotropolis SEPP

In response to the Independent Community Commissioner's recommendations to consider the rationalisation of Environment and Recreation zoned land and the views of affected landowners, it is proposed to replace the Environment and Recreation land use zone for a portion of land south of Elizabeth Drive, along the eastern edge of Wianamatta-South Creek and the entirety of Kemps Creek (**Figure 5**).

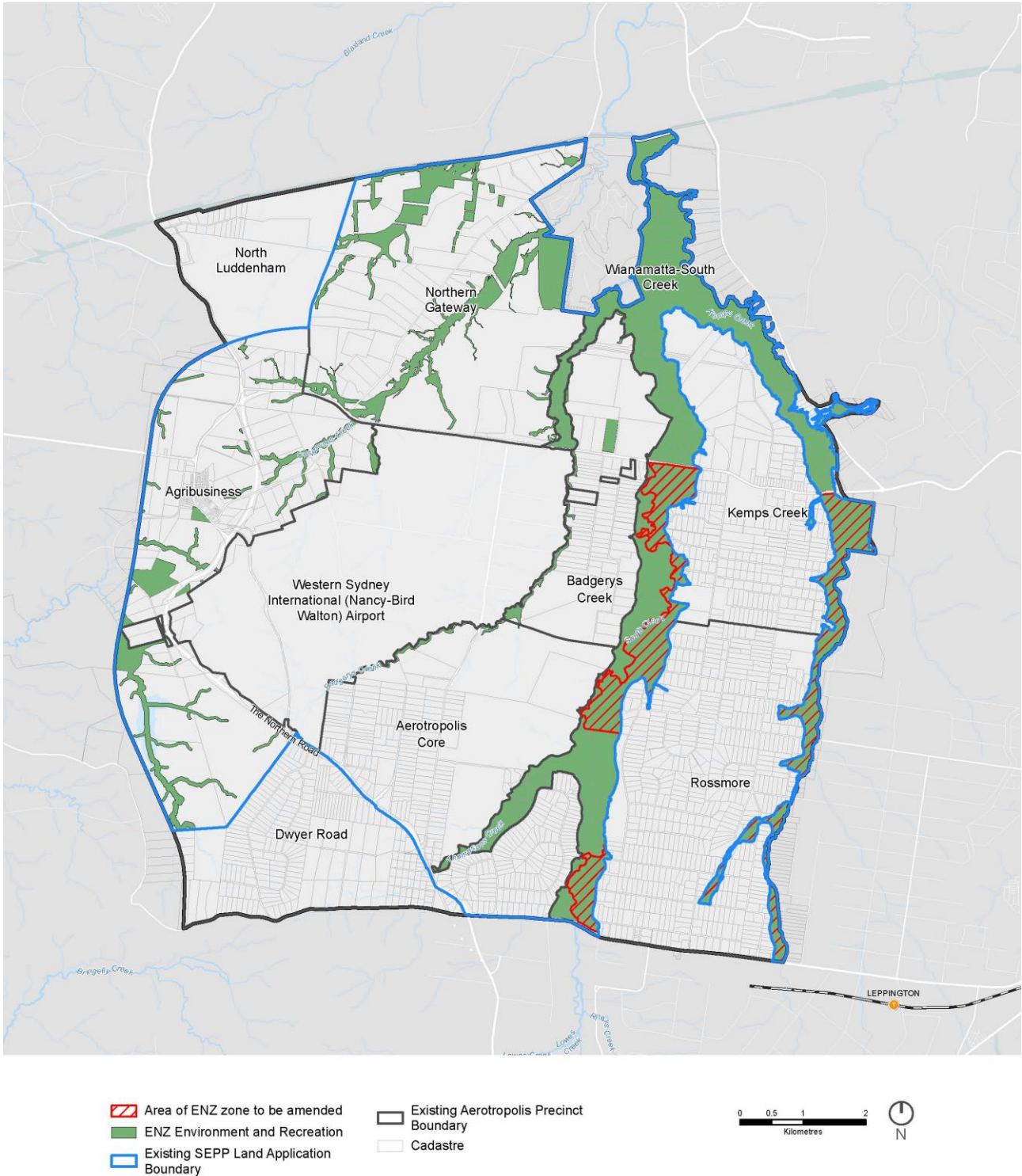


Figure 5: Land no longer to be zoned Environment and Recreation in response to ICC recommendations

The land will remain within the Wianamatta-South Creek Precinct as it is mapped in the Aerotropolis SEPP’s Aerotropolis Boundary Map but divide the precinct into two (Figure 6). The western portion of the precinct would remain as an initial precinct with the majority being zoned for Environment and Recreation. The eastern portion, however, will be regarded as a non-initial precinct and the land use zone will return to the RU4 Primary Production Small Lots zone from the

Liverpool City Council Local Environmental Plan 2008 that applied to the land prior to the commencement of the Aerotropolis SEPP.

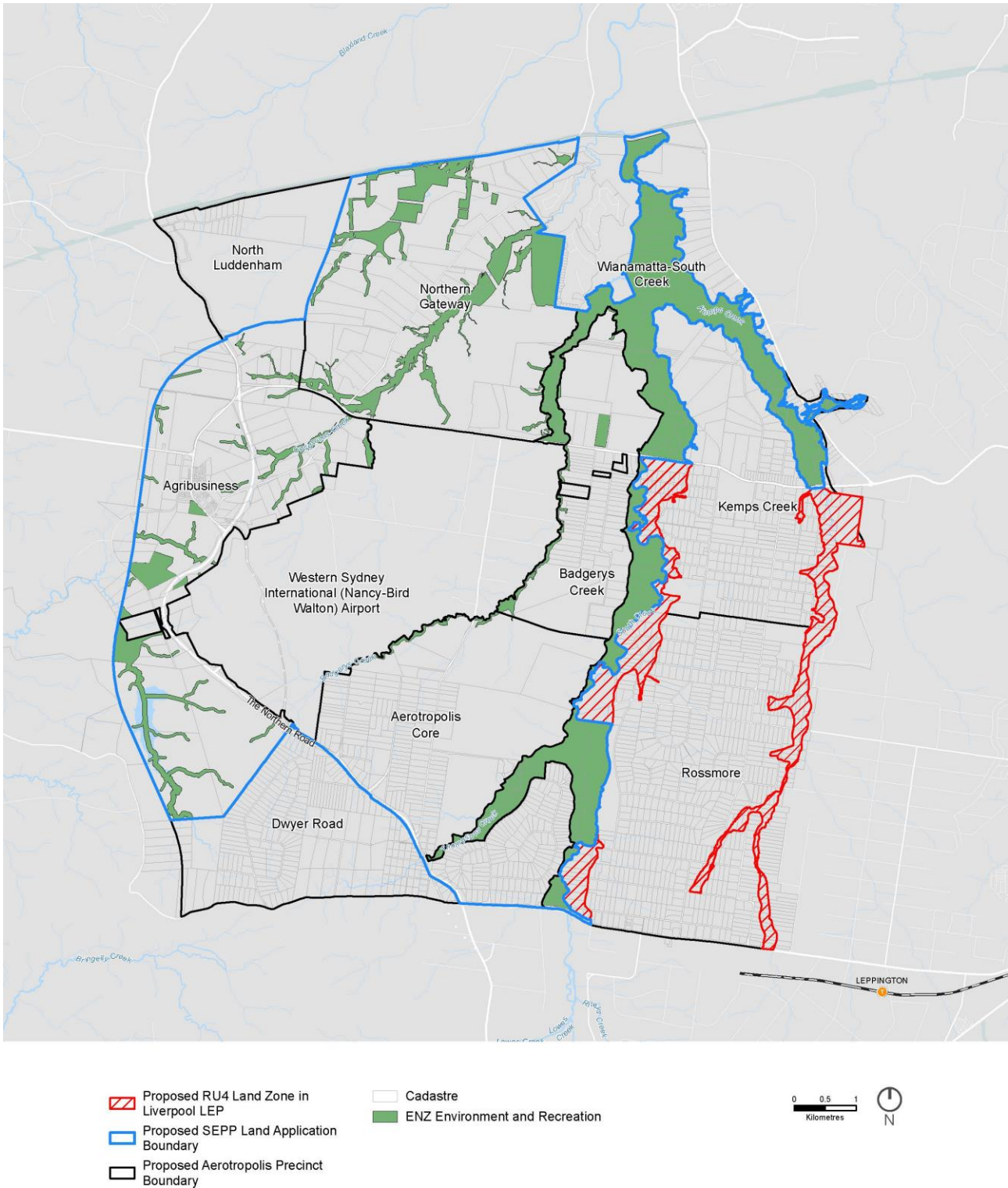


Figure 6: Wianamatta South Creek Precinct land identified as non-initial and removal of majority of the Aerotropolis SEPP application

For the land where the Environment and Recreation zone is replaced with the RU4 Primary Production Small Lots land use zone, the identified land will be removed from the application of the land use zones and majority of the development controls set out in the Aerotropolis SEPP – in

effect the land will be returned to the application of the Liverpool Local Environmental Plan 2008. The Aerotropolis SEPP will only apply to the land for broader matters such as the protection of airport operations and transport corridors in accordance with clause 5 of the Aerotropolis SEPP.

The Land Application Map (**Appendix A**), Western Sydney Aerotropolis Boundary Map (**Appendix B**), Land Zoning Map (**Appendix C**), Flood Planning Map and High Biodiversity Value Areas Map (when the identification of Cumberland Plain Conservation Plan land has been finalised) will be updated in the Aerotropolis SEPP. The *Liverpool Local Environmental Plan 2008* and *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) which previously applied to the subject land, will also be updated to reflect the proposed amendment.

The final Precinct Plan for Wianamatta-South Creek precinct will reflect the change to the precinct's land use planning.

## Part 2 Permitted or prohibited development

Part 2 of the Aerotropolis SEPP provides the objectives of each land use zone and defines the permissible and prohibited land uses for each of the land use zones that apply across the initial precincts of the Aerotropolis. Part 2 also contains general provisions relating to subdivision, demolition, and the temporary use of land within the Aerotropolis.

### Acquisition of the Open Space Network

The draft Aerotropolis Precinct Plans that have been publicly exhibited (but not yet finalised and adopted), identified land for open space in accordance with the WSAP to ensure sufficient land is reserved to provide open space opportunities for the future population and deliver a city that is supported by community infrastructure. While this represents a future vision, there is no immediate requirement to deliver the Open Space Network. Land for open space will, however, need to be acquired over time to support the growth and the changing nature of the Aerotropolis. The government has committed all land required for the Open Space Network will be acquired.

In response to submissions and recommendations from the Commissioner, a review of the Open Space Network has been undertaken which has resulted in a 42% reduction in the land identified for open space.

To clearly show which land is to be acquired for the Open Space Network, the Land Reservation Acquisition Map in the Aerotropolis SEPP will be expanded to show precisely the land proposed to be acquired (**Appendix D**). Clause 52 of the Aerotropolis SEPP will also be amended to identify an acquisition authority for land to be acquired for the Open Space Network. If land is not identified in the Land Reservation Acquisition Map it is no longer needed as part of the Open Space Network. Any land that is identified as part of the Open Space Network will retain its current land use zone.

The final Precinct Plans and Aerotropolis SEPP will reflect the final Open Space Network to be acquired for the initial precincts of the Aerotropolis.

### Acquisition of land for Stormwater Infrastructure

The WSAP advocates for the Aerotropolis to become a cool green place that retains water in the landscape. To achieve this outcome, for a stormwater system that promotes waterway health and water recycling, the planning framework needs to provide sustainable outcomes in the long term.

The future stormwater system requires space for creation and management of dams and storm water detention systems and needs to identify land for the protection of riparian corridors. In order to achieve this, there is a need for the identification and acquisition of land for stormwater infrastructure to ensure an integrated water cycle management approach.



Similar to the requirements for the Open Space Network, lands for stormwater infrastructure, namely water detention basins are not needed now but will need to be acquired over time.

To clearly identify land to be acquired for the delivery of water detention basins, land will be rezoned to SP2 Infrastructure – Stormwater Infrastructure. Clause 52 of the Aerotropolis SEPP will also be amended to identify an acquisition authority for land to be acquired for this infrastructure.

The Land Zoning Map (**Appendix C**) and Land Reservation Acquisition Map (**Appendix D**) in the Aerotropolis SEPP will be amended to reflect these changes. The Land Reservation Acquisition Map in **Appendix D** shows the land proposed to be acquired.

It is further intended that the final Precinct Plans and Aerotropolis SEPP will reflect the final locations of water detention basins to be acquired for the initial precincts of the Aerotropolis.

### Enabling previously permissible uses

In response to the Commissioner's recommendations regarding transitional land uses and clarification of existing use rights, a new clause will be incorporated into the Aerotropolis SEPP and apply to land zoned Enterprise, Mixed Use, Agribusiness and Environment and Recreation. This new clause will seek to retain land uses that were permissible under the relevant local environmental plan prior to the commencement of the Aerotropolis SEPP in 2020.

Under this proposed clause, development activity permissible prior to rezoning under the Aerotropolis SEPP will be permitted. For example, if the previous zoning allowed a rural industry, the new provision will ensure this use remains permissible even if the new zone applied by the Aerotropolis SEPP does not have rural industry listed as a permitted use. Development proposed under a previously permissible land use will still need to comply with the Aerotropolis SEPP considerations to ensure any new development does not hinder the creation of the Aerotropolis.

In particular, development that is proposed using the previously permissible land use table will require the consent authority to consider:

- If the proposed development would further fragment land;
- If the proposed development would substantially increase the intensification of the land and previously permissible use;
- If the land surrounding the proposed development has been, or proposed to be, developed in accordance with the Aerotropolis SEPP land use zones;
- If the proposed development compromises airport safeguarding.

The land use zones under the Aerotropolis SEPP will continue to apply, providing a clear direction for the future development of the Aerotropolis. Enabling previously permissible uses reflects the fact the Aerotropolis will grow and transition to a city over time. The new clause seeks to make allowances for uses that were previously permissible on the land. It will be the responsibility of the landowner to consider the intended nature of the precinct and manage any possible land use conflicts on adjacent sites under the assumption that adjacent sites will transition over time when they are applying for approval for new development.

The provision of the *Environmental Planning and Assessment Act 1979* relating to existing uses rights will not be changed. This means those with existing approvals to use their land can continue with no need for further development applications.

## Part 3 Development controls – Airport safeguards

Part 3 of the Aerotropolis SEPP contains a range of airport safeguarding provisions. The intent of the airport safeguarding is to ensure compatibility of land uses surrounding the airport in areas most affected by aircraft noise and to facilitate the safe operation of the airport with regard to a range of development matters.

A core objective for the planning for the Aerotropolis is to protect the community from the 24-hour airport operations. The Aerotropolis planning framework includes objectives and controls to make sure there are no regrets decisions about investment in new development today that will be affected by airport noise tomorrow.

It is important these controls are maintained to protect the community from the operation of the airport.

## Development in ANEC/ANEF 20+ contour

To prevent the intensification of noise sensitive development in areas most affected by aircraft noise, when made in 2020, the Aerotropolis SEPP prevented the further subdivision of land subject to an ANEF or ANEC contour of 20 or greater. There were a number of development applications that had been lodged with local councils that were yet to be determined when the SEPP commenced. The commencement of the SEPP meant these development applications could not be approved. Therefore, to ensure a fair and reasonable consideration of requests for subdivision prior to commencement of the Aerotropolis SEPP, subdivision applied for prior to the commencement of the Aerotropolis SEPP (1 October 2020) is to be permitted with consent. It is recognised this will enable additional lots to be developed.

## Building restricted area

A Building Restricted Area is a term that describes the land that is located close to airport runways (**Figure 7**) where protection of communication, navigation and surveillance facilities that support safe aircraft navigation is essential.

The Western Sydney Airport, endorsed by the Commonwealth Government, now has a defined area that is subject to the Building Restricted Area, and the Western Sydney Airport Company (WSA Co) has requested that the Aerotropolis SEPP be amended to reflect this area and its protection.

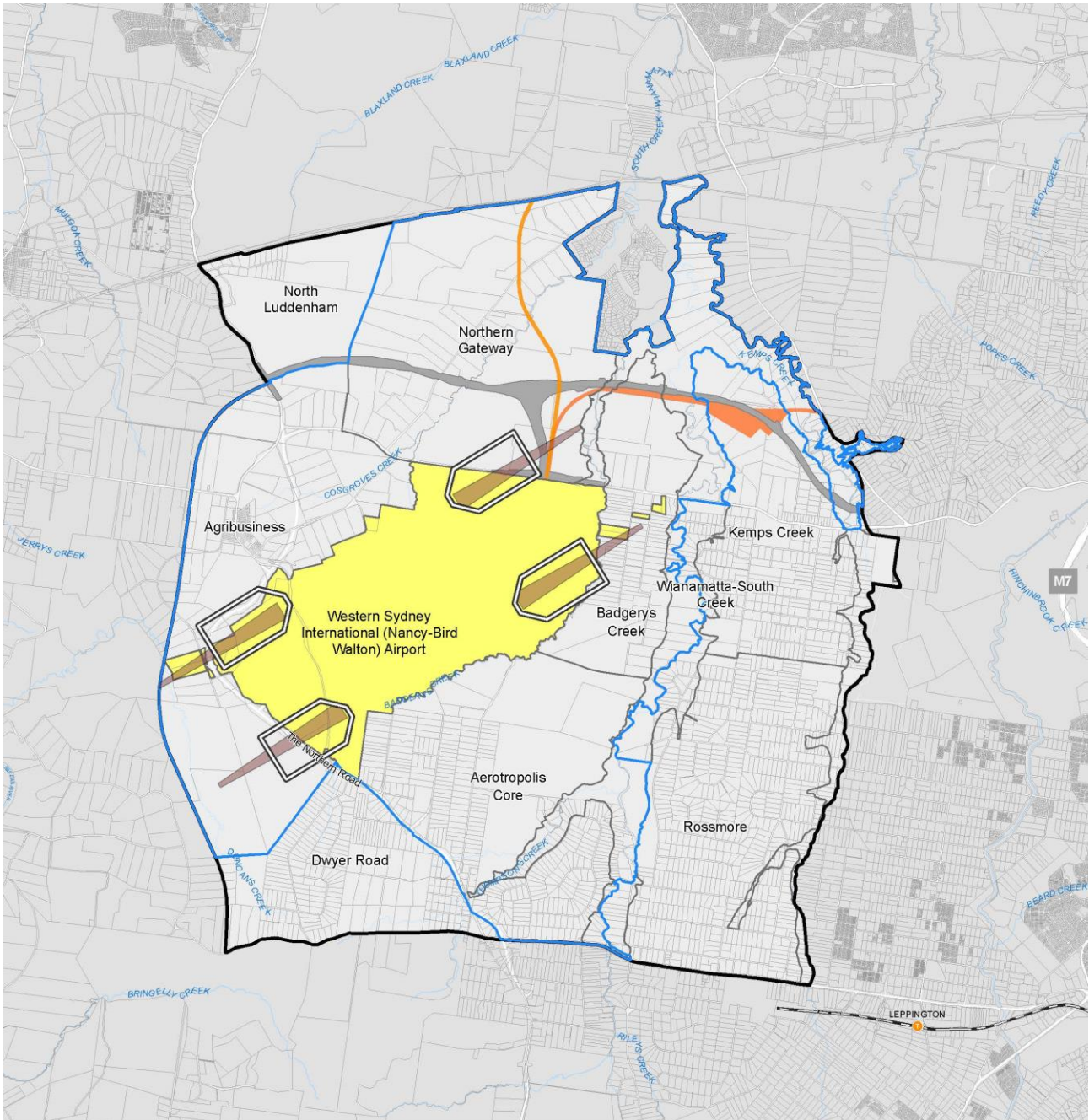
A new clause will be included in the Aerotropolis SEPP to require a consent authority to seek confirmation from the relevant Commonwealth body that the development will not impact on the communication, navigation and surveillance facilities within an identified area, to be known as the Building Restricted Area (**Figure 7**).

The consent authority will need to consult with the relevant Commonwealth body and consider a written assessment of the likely impact on the facility.

Regarding the written assessment, there is no requirement for the proponent to prepare/engage any specific technical expertise in respect to Building Restricted Areas. Instead, if the proposal does infringe on a Building Restricted Area, the application is to be referred to WSA Co who will seek specialist engineering advice from Airservices Australia.

To implement this clause a new map identifying the Building Restricted Area will be added to the Aerotropolis SEPP (**Appendix E**).

Further information on communication, navigation and surveillance facilities and their respective building restricted areas is provided in National Airport Safeguarding Framework Guideline G and its supporting attachments available on the Commonwealth's Department of Infrastructure, Transport, Regional Development and Communications website (<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-safety/aviation-environmental-issues/national-airports-safeguarding-framework/principles>).



- |   |                            |
|---|----------------------------|
| Proposed SEPP Land Application Boundary | Public Safety Areas        |
| Proposed Aerotropolis Precinct Boundary | SP2 Infrastructure         |
| Cadastre                                | <b>Transport Corridors</b> |
| Building Restricted Area                | Rail Alignment             |
|   | East- West Rail Link       |
|   | Proposed M12 Motorway      |



Figure 7: Building Restricted Area identified by Western Sydney Airport

## Clarification of buffer zones in the Aerotropolis in relation to complying development

The Explanation of Intended Effect will provide clarification regarding the application of a buffer zone in the Aerotropolis SEPP, specifically the Wildlife Buffer Zone and Wind Turbine Buffer Zone, and whether or not these 'buffer zones' should be interpreted as a 'buffer area' under Clause 1.19(e)(i) of the *State Environmental Planning Policy (Exempt and Complying Codes Development) 2008* (Codes SEPP).

Clause 1.19 of the Codes SEPP identifies land on which complying development is not permitted, including land identified by an environmental planning instrument as being within a buffer area. The Codes SEPP does not define what a 'buffer area' is specifically, which has led to the misinterpretation that a 'buffer zone' as identified in the Aerotropolis SEPP prohibits complying development within 30 kilometres of the Western Sydney International (Nancy-Bird Walton) Airport.

The purpose of the Wildlife and Wind Turbine buffer zones is to safeguard the Western Sydney International (Nancy-Bird Walton) Airport, managing development to mitigate and reduce risks posed by wildlife and wind turbines.

To provide clarity, it is proposed the Aerotropolis SEPP be amended to clarify that the identified Wildlife and Wind Turbine buffer zones are not to be interpreted as a buffer area under Clause 1.19(e)(i) of the Codes SEPP. No changes are proposed to the extent of the Wildlife Buffer Zone and Wind Turbine Buffer Zone as mapped under the Aerotropolis SEPP.

## Part 4 Development controls – General

Part 4 of the Aerotropolis SEPP contains development controls relating to a variety of planning matters including flood prone land, vegetation clearing, heritage items and transport corridors.

### Development by a Public Authority below the flood planning level for public infrastructure

As part of the Precinct Planning work, it has been identified some public infrastructure is appropriate to be delivered below the flood planning level, where it will not impede floodwater or impact flood levels for adjoining property or the catchment. Clause 26(4) limits the approval of development that will affect flood behaviour. The restrictiveness of clause 26(4) of the Aerotropolis SEPP does not enable the delivery of public infrastructure.

It is proposed this clause be amended to provide an exemption to clause 26(4) for infrastructure delivered by or on behalf of a public authority. This will allow infrastructure such as some stormwater infrastructure, pedestrian and cycle paths to be developed below the flood planning level where appropriate.

### Additional protection of land to meet biodiversity certification requirements in Aerotropolis Core and Badgerys Creek Precincts

As part of the Precinct Planning process, a need was identified for additional lands containing existing native vegetation to be protected in the Aerotropolis Core and Badgerys Creek Precincts to meet the biodiversity certification requirements set out under the Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres Biodiversity Certification Order).

**Figure 8** identifies additional land in the Aerotropolis Core and Badgerys Creek Precincts which will be identified under the Aerotropolis as High Biodiversity Value Areas and trigger the need for any development on this land to meet the requirements set out in clause 27 of the Aerotropolis

SEPP which preserves trees and vegetation in Environment and Recreation Zone and Cumberland Plain.

The additional High Biodiversity Value Area land will be rezoned to Environment and Recreation (**Figure 8**) in line with other areas of High Biodiversity Value in the Aerotropolis.

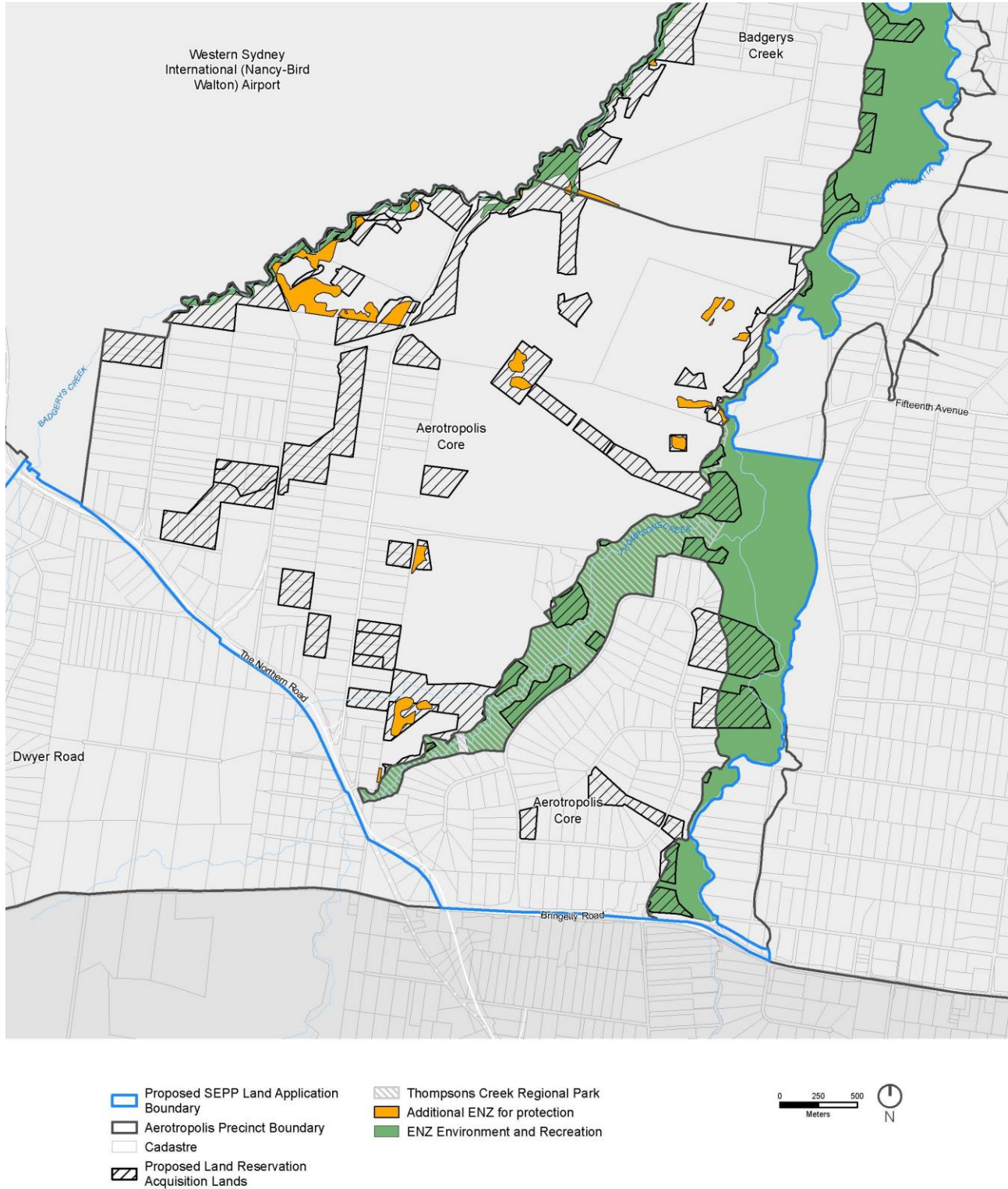


Figure 8: Land in the Aerotropolis Core and Badgerys Creek Precincts to be rezoned to Environment and Recreation to protect the existing native vegetation in conjunction with clause 27 of the Aerotropolis SEPP

The Land Zoning Map (**Appendix C**) and Land Reservation Acquisition Map (**Appendix D**) and the High Biodiversity Value Areas Map (when the CPCP is finalised) will be updated in the Aerotropolis SEPP and include the additional land for biodiversity certification requirements under the Growth Centres Biodiversity Certification Order.

The final Precinct Plans will reflect the additional land to be protected for biodiversity certification obligations in the initial precincts of the Aerotropolis.

### Vegetation clearing undertaken by a Public Authority

Currently, in areas not covered by the Growth Centres SEPP (**Figure 9**), development for public utility undertakings such as pedestrian paths (other than electricity generating works or water recycling facilities), requires consent where the development comprises the clearing of native vegetation. In the remaining areas of the Aerotropolis, clause 18A of the Growth Centres SEPP still applies, as per clause 8 of the Aerotropolis SEPP.

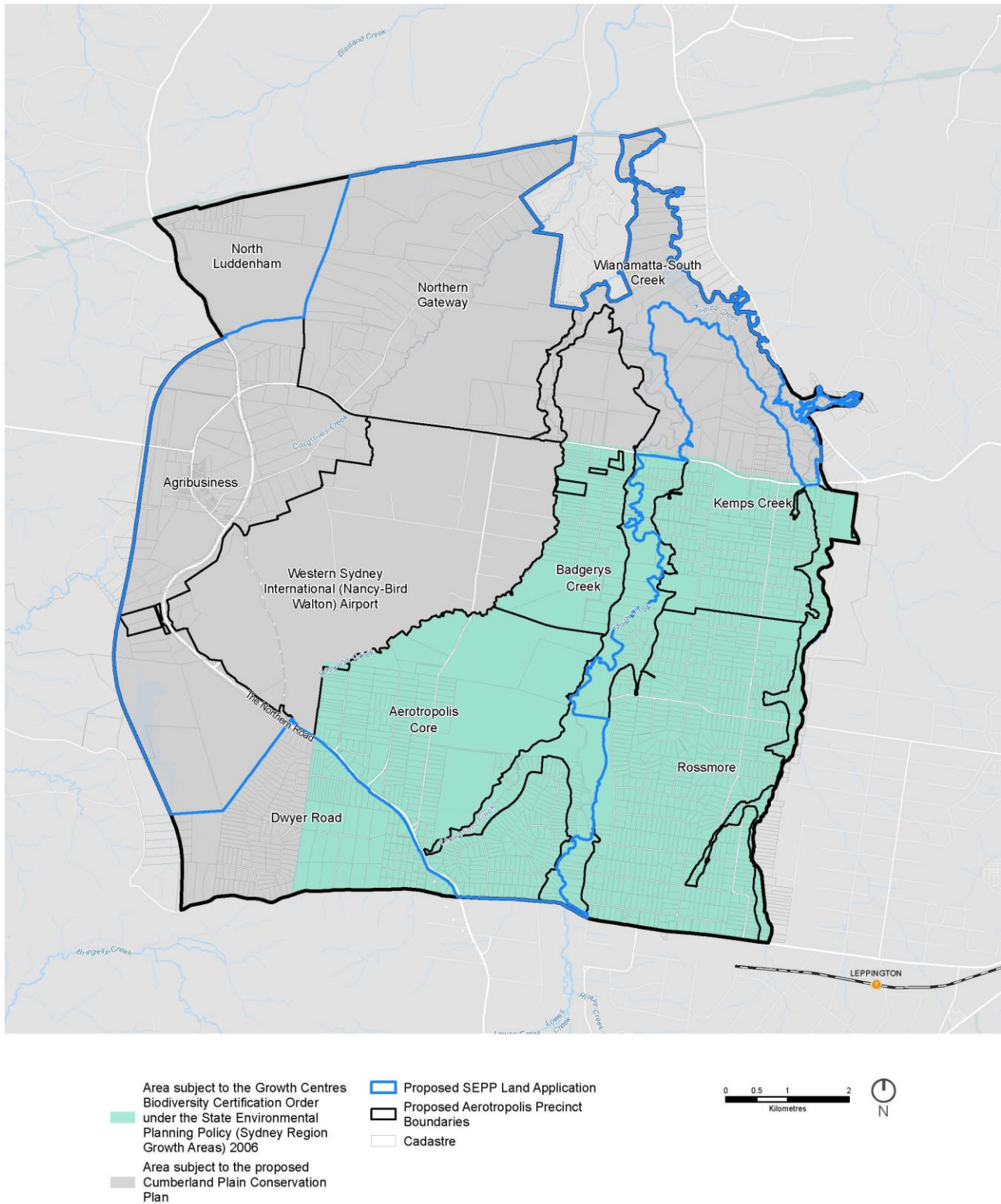


Figure 9: Land in the Aerotropolis not covered by the State Environmental Planning Policy (Sydney Growth Centres) 2006

It is proposed the Aerotropolis SEPP be amended to include an additional clause, consistent with clause 18A of the Growth Centres SEPP, which will permit public authorities to clear land in the Aerotropolis. This will require written notice from a public authority that they intended to carry out

development to achieve specified outcomes. The public authority will need to provide their advice to the Department of Planning, Industry and Environment (DPIE) and take into consideration any response to the notice received within 21 days.

## Connection to country

As part of the commitment to a landscape led approach, the Aerotropolis SEPP aims to –

*... recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development*

To support this aim, DPIE is developing the *Western Sydney Aerotropolis Recognise Country Guideline* which will:

- assist with the implementation of the overarching objective of the WSAP to Recognise Country – Acknowledge Traditional Custodians and provide opportunities to connect with country, design for country and care for country in the Aerotropolis;
- provide detailed guidance for landowners, proponents, and consent authorities to implement the statutory and non-statutory planning requirements for the Western Sydney Aerotropolis; and
- implement and align with the Connecting with Country Draft Framework and the Designing with Country discussion paper prepared by the NSW Government Architect Office.

The Guideline is intended to be read alongside Section 2 ‘Recognise Country’ of the Phase 2 Development Control Plan (DCP) where the triggers and thresholds for the application of the Guidelines are available.

It is proposed the Aerotropolis SEPP include a new clause which will require a consent authority to be satisfied that relevant development proposals have duly considered the Guideline. It is intended the Guidelines will be considered for development that have the potential to change the landscape, such as subdivision, major industrial or commercial buildings. They will not apply to dwellings within subdivisions or auxiliary development.

The draft Guideline and Phase 2 Development Control Plan are available on the DPIE website.

## Changes to Transport Corridors

Transport for NSW has progressed the technical assessment and detailed design of several transport corridors and has requested DPIE amend these transport corridors in the Aerotropolis SEPP.

These corridors include:

- M12;
- Outer Sydney Orbital Stage One;
- Luddenham Road; and
- Sydney Metro Station in Aerotropolis Core Precinct

The Transport Corridors Map (**Appendix F**) will be updated to reflect these changes to correctly apply clause 29 to these corridors. Clause 29 seeks to preserve land for future transport infrastructure enabling efficient delivery of infrastructure when required.

The final Precinct Plans and Aerotropolis SEPP will reflect the amended Transport Corridors Map.

## New Part – Complying Development

At the time of making the Aerotropolis SEPP, it was recommended the complying development provisions under *State Environmental Planning Policy (Exempt and Complying Development*



Codes) 2008 (Codes SEPP) would not be enabled in the Aerotropolis so as to more closely manage development in line with the WSAP, and to ensure development would not conflict with airport safeguarding measures. As a result, complying development cannot currently be undertaken across the Aerotropolis, as per Part 6 of the Aerotropolis SEPP.

As part of the Precinct Planning process, and after consideration of feedback received from the community, it is proposed the Aerotropolis SEPP be amended to enable some complying development under the Codes SEPP, where it is considered the codes:

- Do not risk airport safeguarding;
- Do not risk compromising the vision for the Aerotropolis managed through the Aerotropolis SEPP and Precinct Plan;
- Do not discourage higher level use of land over time; and
- Are relevant to development types that are permitted across the Aerotropolis.

Details on the proposed complying development to be permitted in the Aerotropolis is provided in **Appendix G**. It is proposed the complying development pathway can also be utilised where development is considered 'previously permissible development' as proposed under Part 2 of the Aerotropolis SEPP on condition that airport safeguarding development controls are met.

## Part 7 Precinct Plans and Master Plans

Part 7 of the Aerotropolis SEPP governs the planning framework with regards to Precinct Plans and master plans. It establishes the requirements for a Precinct Plan and need for development to be consistent with a Precinct Plan. It also provides the framework for the Minister for Planning and Public Spaces to approve a Master Plan for sites with an area of 100 hectares or greater.

### Making and amending a Precinct Plan

#### **Western Parkland City Authority to consider a Precinct Plan prior to approval by the Minister for Planning and Public Spaces**

The Western Parkland City Authority (WPCA) has a role in the Western Parkland City to deliver, coordinate and attract investment to the Western Parkland City. Precinct Planning plays a critical role in delivering the Aerotropolis which will be a core driver of investment in the Western Parkland City.

The WPCA's key interests in Precinct Planning in the Aerotropolis are to ensure:

- Development in the Aerotropolis provides for great places to do business and live;
- Timely provision of infrastructure to support urban development; and
- The plans provide the framework for economic growth and development, including promoting investment and job intensive land uses.

A new clause in the Aerotropolis SEPP will enable the WPCA to proactively identify and contribute to the solutions of high profile and high-risk interface issues in the Aerotropolis, together with ensuring urban development outcomes are empowered by the timely provision of infrastructure.

The proposed new clause will, on defined matters, require referral of a draft precinct plan to the Western Parkland City Authority and have regard to any comments received from the WPCA, prior to the Minister for Planning and Public Spaces approving a Precinct Plan. This will enable the WPCA to have a role in the preparation and finalisation of future Precinct Plans in the Aerotropolis. It is proposed the matters for consideration for the WPCA to consider prior to providing comment on a Precinct Plan include:

- The appropriateness of the Precinct Plan to create active, vibrant and sustainable communities and locations that support national and global businesses and the Western Sydney Airport;
- Ability for infrastructure to be delivered in an efficient and timely manner to ensure the vision and objectives for the precinct can be realised; and
- The contribution of the Precinct Plan to the economic growth and development of the Western Sydney Aerotropolis, including that the Precinct Plan promotes investment and supports job-intensive land uses.

It is proposed Part 7 Division 1 of the Aerotropolis SEPP be amended to include this new clause and ensure that prior to the Minister approving a proposed Precinct Plan (or amendment), the WPCA must provide the Minister with written commentary on the Precinct Plans with respect to the matters for consideration.

### Amending a Precinct Plan

The Aerotropolis SEPP is silent on how a Precinct Plan may be amended. As a Precinct Plan is not an environmental planning instrument under the *Environmental Planning and Assessment Act 1979*, traditional means to alter a plan (i.e. a planning proposal) are not clearly aligned with a Precinct Plan enforced by the Aerotropolis SEPP.

As such, it is proposed the means to amend a Precinct Plan is stipulated in the Aerotropolis SEPP.

Consistent with the intended alignment between Precinct Plans and Master Plans as set out in the WSAP, it is considered appropriate there be a mechanism to amend a Precinct Plan. The new clause will need to provide for Master Plans to amend a Precinct Plan and relevant requirements such as:

- Where a Master Plan seeks to amend an adopted Precinct Plan, the proposed amendment to the Precinct Plan is to be exhibited concurrently with the Master Plan; and
- Exhibition, and Ministerial and the WPCA approval requirements will be as provided in clause 40 of the Aerotropolis SEPP.

### Ability for development to be inconsistent with a Precinct Plan and Master Plan

Considerable feedback was received during the consultation period on the draft Precinct Plans, regarding flexibility in the Aerotropolis SEPP to consider minor inconsistencies between a proposed development and an adopted Precinct Plan or Master Plan.

In NSW, the *Standard Instrument Local Environmental Plan* (Standard Instrument LEP) sets out development standards that need to be met when preparing a development application. Clause 4.6 of the Standard Instrument LEP provides flexibility in the application of development standards in certain circumstances allowing consent authorities, such as local councils, to approve a variation to development standards.

Proposed changes to clause 4.6 of the Standard Instrument LEP were exhibited from 31 March until 12 May 2021. DPIE is still reviewing submissions received during this period and is expected to finalise the clause later this year.

Changes to clause 4.6 of the Standard Instrument LEP are proposed to clarify and strengthen the requirements to vary a development standard. The objective of the updated clause is to achieve better outcomes for and from development by enabling flexibility in the application of development standards. Requests to vary a development standard will be required to demonstrate that the change is reasonable and will not result in additional environmental impacts.

It is proposed the newly adopted clause 4.6 of the Standard Instrument LEP be incorporated into Part 7 of the Aerotropolis SEPP for development proposed under both Precinct Plans and Master Plans, excluding development conducted as complying development under a Master Plan.

## Making and amending a Master Plan

### Expanding potential Master Planning application

To address issues raised regarding the limitations on sites that are able to access the Master Planning process, the conditions are proposed to be amended to expand the potential number of landowners able to Master Plan in the Aerotropolis.

It is proposed that land of less than 100 hectares that also meets the criteria set out in the Master Planning Guidelines, will be able to undertake the Master Planning Process. It is also proposed to remove the requirement that at least 70 per cent of the land must be owned by one person. The Master Planning Guidelines, which will be published alongside the finalisation of the Aerotropolis Precinct Plans and the amended Aerotropolis SEPP will set out additional criteria to guide potential Master Planners in what is expected of a Master Plan site. These criteria will include a variety of aspects, such as:

- **Strategic alignment** – facilitating development in the Aerotropolis in line with the WSAP along with investment certainty
- **Economic benefit** – provide for significant capital investment in the medium term and the creation of a significant number of new jobs
- **Public benefit** – provide significant public, social and environmental benefits such as improvement of public open space, surface water quality or biodiversity corridors, provision of community facilities and affordable housing
- **Design excellence** – provide for high quality urban design or sustainability outcomes such as incorporating high measures of energy reduction and environmental benefit
- **Delivery of infrastructure** – timely delivery of critical infrastructure
- **High likelihood of delivery** – prompt delivery of planned public and economic benefits through key skills such as the capacity and experience to deliver a Master Plan, financial capacity.

It is also proposed the ownership arrangements of 70 per cent for a Master Plan site also be removed, allowing a more diverse consideration of common land ownership arrangements such as joint ventures and option agreements. By encouraging a greater range of ownership arrangements, it is expected greater investment opportunities will be available in the Aerotropolis under the Master Planning process. However, proponents for a Master Plan will need to demonstrate significant engagement with all landowners and a high confidence of delivery.

### Requirement to be consistent with an adopted Precinct Plan

The Aerotropolis SEPP is silent on how Master Plans fit within the planning framework and Precinct Plans. While the Master Planning Guidelines will guide how to assess inconsistencies with a Precinct Plan, it is considered appropriate the Aerotropolis SEPP, being the overarching environmental planning instrument, clearly indicates if and when a Master Plan may be inconsistent with a Precinct Plan.

It is proposed that in addition to being satisfied a Master Plan is consistent with the Master Planning Guidelines and the relevant Development Control Plan, the Minister for Planning and Public Spaces must be satisfied the Master Plan is consistent with the relevant adopted Precinct Plan, unless it is demonstrated the inconsistency can be supported because the proposal will result in a better planning outcome for the Master Plan site, surrounding land and the broader

Aerotropolis. The Master Planning Guidelines will detail key areas for consideration on how this requirement can be satisfactorily met. These may include:

- Where a detailed site analysis and consultation identifies opportunities to deliver a greater public benefit, including environmental and/or public domain outcomes such as managing urban heat, the retention of remnant vegetation and enhancement of view corridors;
- Where a detailed site analysis and community consultation identifies opportunities to deliver enhanced place making that reflects cultural values and heritage;
- Where detailed site analysis identifies the need to address contamination and geotechnical matters such as soils, asbestos containing materials, farming, groundwater, and construction;
- A detailed site servicing strategy demonstrates opportunity to achieve more efficient and orderly delivery such as alignment of servicing and road corridors;
- Detailed traffic modelling identifies improvements to traffic and transport outcomes such as road performance, traffic generation, amenity impacts, network operations, Public Transport access;
- Detailed analysis of ways to improve management of land use interface issues such as between land use zones and managing temporal issues arising from temporary uses, construction and operations;
- Detailed response to bushfire management;
- Establishes design excellence considerations and evaluation criteria.

## Schedule 1 Additional permitted uses

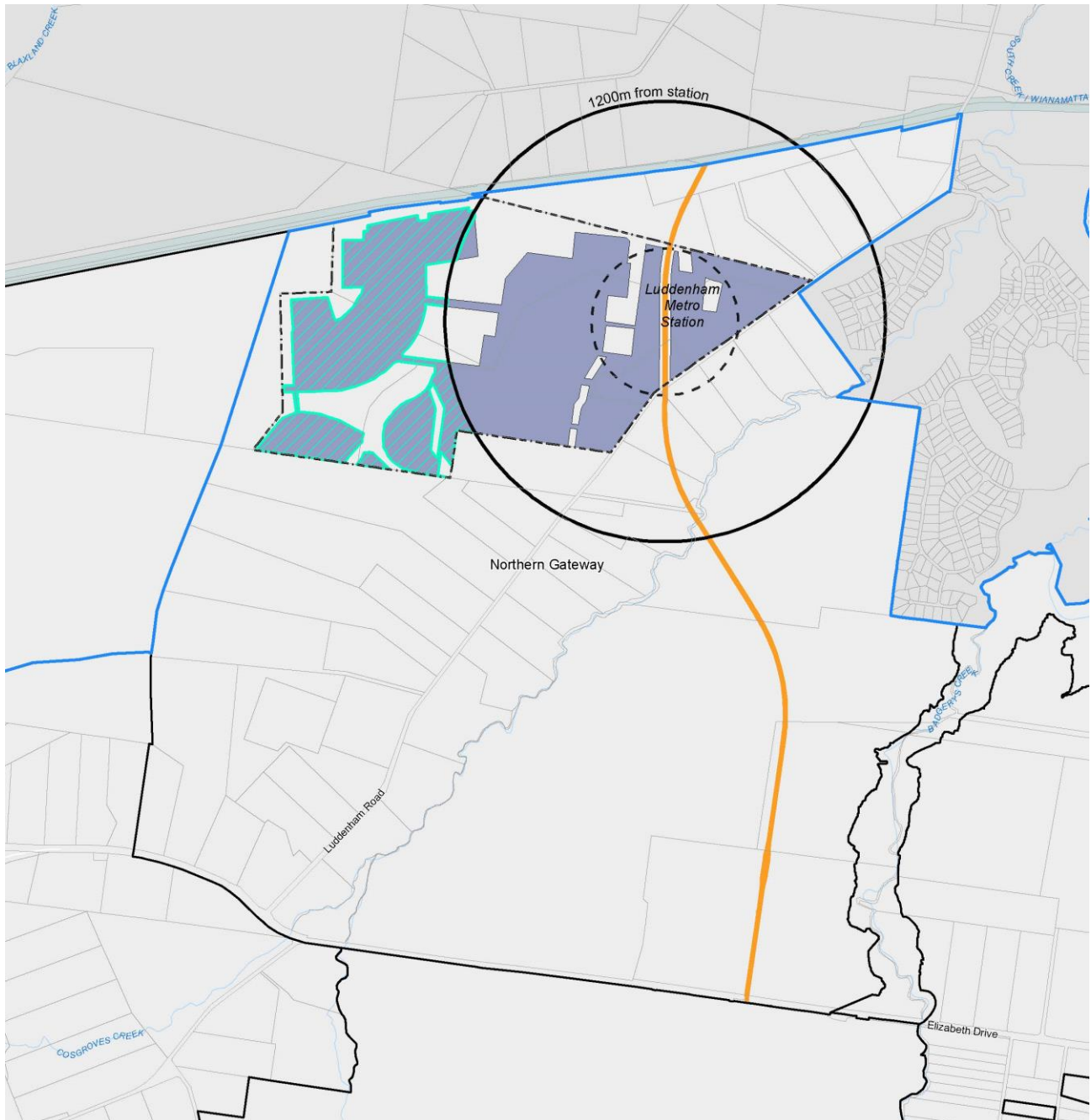
### Sydney Science Park

Sydney Science Park is located in the Northern Gateway Precinct and is one of the largest landholdings in the Aerotropolis. The Aerotropolis Initial Precincts were rezoned in September 2020 and included provisions within the Aerotropolis SEPP that until such time that a Precinct Plan is approved by the Minister, existing planning controls as contained under the *Penrith City Centre Local Environmental Plan 2010* remain in place.

To support logical and ordered development of this land, it is proposed single dwellings, semi-detached dwellings and dual occupancies be enabled in the Mixed Use land use zone outside of a 1.2 kilometre radius of the Sydney Metro Station within lands identified as Sydney Science Park (**Figure 10**). It is considered that single dwellings, semi-detached dwellings and dual occupancies and their low density nature, are not suitable within a closer proximity to sustainable modes of transport without impacting on the targets for sustainable transport usage in the Aerotropolis that are provided in the draft Precinct Plans. The proposed additional uses in this radius also allows for land within the 1.2km radius to realise the centre function of the area and support government investment in the public transport infrastructure.

These controls have been proposed to reflect the importance of creating a viable, active and attractive mixed-use centre around the new Sydney Metro station as soon as possible. The controls also complement the Station Precinct Enhancement Program identified in the draft Special Infrastructure Contribution.

A new map will be added to the Aerotropolis SEPP (**Appendix H – Additional Permitted Uses map**) which will identify the land to which single dwellings are not prohibited.



- |   |   |
|---|---|
|  Sydney Science Park Additional Permitted Uses | <b>Transport Corridors</b>  |
|  MU Mixed Use                                  |  Metro Station               |
|  Proposed SEPP Land Application Boundary       |  Metro Station referral zone |
|  Cadastre                                      |  Rail Alignment              |
|  Sydney Science Park Boundary                  |   |
|  Metro Station Buffer 1200m                    |   |
|  Proposed Aerotropolis Precinct Boundaries     |   |

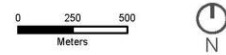


Figure 10: Extent of Sydney Science Park Additional Permitted Uses

## Luddenham Village

In response to the Commissioner's recommendation regarding Luddenham Village (Recommendation 22), the Western Sydney Planning Partnership has commissioned a Luddenham Village Plan and supporting technical studies to ensure a sustainable future for Luddenham Village. The commissioned works include the following:

- A process which enables the development and articulation of the role of Luddenham Village in the short, medium and long term.
- Developing the evidence-base which guides an understanding of the population scale, housing and land uses required to ensure its viability as a village with services such as schools and retail services.

The Luddenham Village Discussion Paper and supporting technical studies are available for review and comment as part of the exhibition of this Explanation of Intended Effect.

The amendment of the Aerotropolis SEPP, which will follow this Explanation of Intended Effect, and the final Precinct Plans will respond to feedback from the community and inform the Luddenham Village Plan late 2021.

### Change in boundary of Luddenham Village

As part of the commissioned works for the Luddenham Village Plan, an assessment will be undertaken regarding the possible extension of Luddenham Village to align with the existing residential zoned areas, as shown in **Figure 11**.

Possible changes to the extension of Luddenham Village are included in the draft Luddenham Village Plan and supporting technical studies that are available for review and comment as part of the exhibition of this Explanation of Intended Effect.

The amendment of the Aerotropolis SEPP, which will follow this Explanation of Intended Effect, and the final Precinct Plans will respond to feedback from the community and inform the final boundary of Luddenham Village.

### Change in prohibited land uses

To enable the transition of Luddenham Village to a local centre that will support the Agribusiness Precinct, it is proposed that some uses change from prohibited to permissible in the Luddenham Village as an Additional Permitted Use where they do not impact on airport operations. These land uses may include:

- Dwelling Houses;
- Dual Occupancy;
- Secondary Dwellings;
- Registered Clubs;
- Hotel or motel accommodation; and
- Service apartments.

Land in which these changes will apply will be identified in the new Additional Permitted uses map (**Appendix H**).

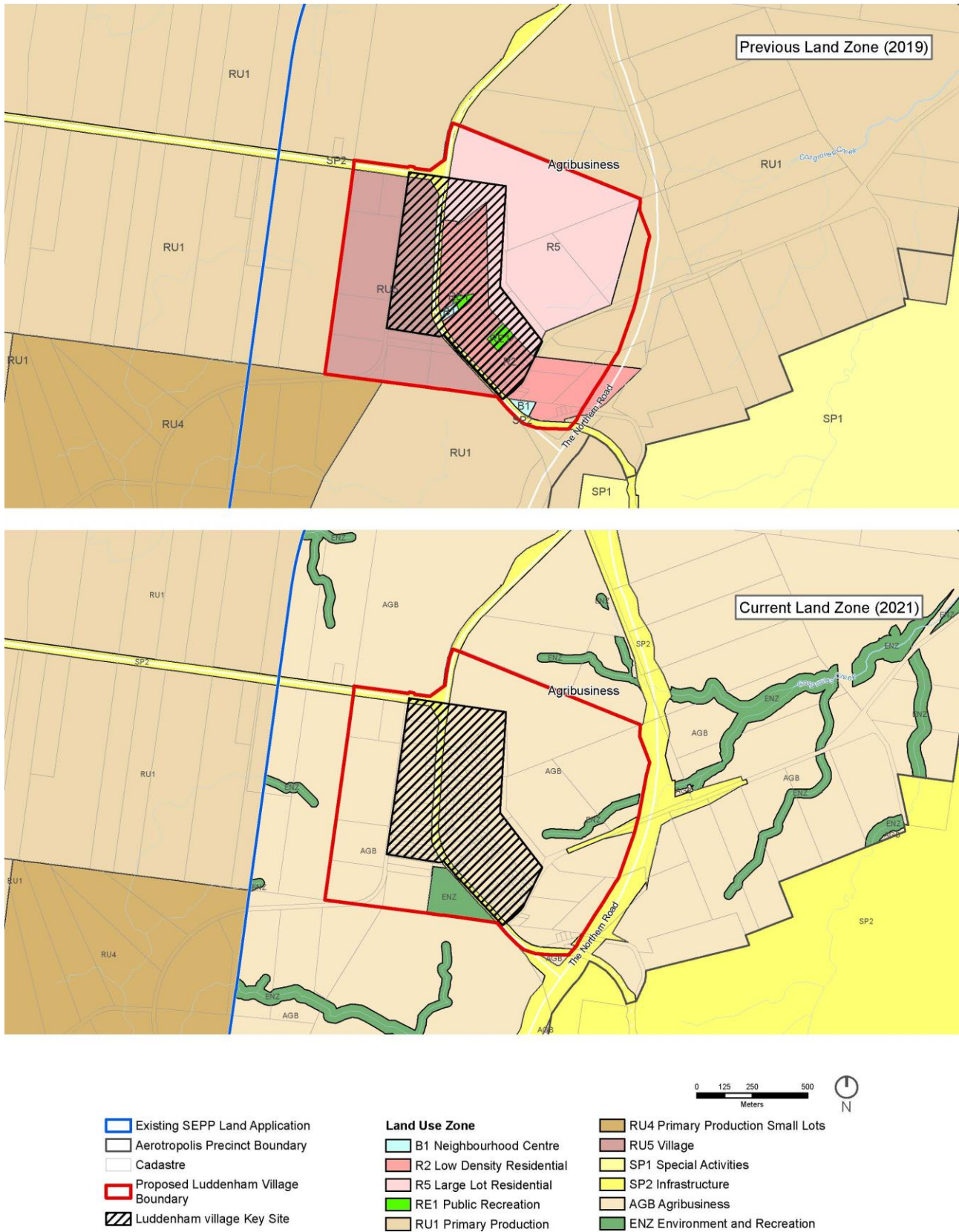


Figure 11: Proposed change in Luddenham Village boundary

## State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP applies to land within the Western Sydney Employment Area (WSEA). It aims to protect and enhance the WSEA for employment purposes by zoning land for employment, environmental conservation and recreation purposes, and providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities.

The WSEA SEPP divides the WSEA into 13 precincts, including Precinct 12 – Mamre Road.

### Zoning land in Mamre Road Precinct

The Mamre Road Precinct was rezoned under the WSEA SEPP on 11 June 2020. The precinct was rezoned as part of the WSEA SEPP as it adjoins the existing WSEA and is serviced by existing and planned infrastructure in the short term. The rezoning of the precinct supplied additional industrial land for Western Sydney to meet demand, that could be readily serviced and developed.

Certain lands (**Figure 12**) were initially excluded from the rezoning of the Mamre Road Precinct, as at the timing of rezoning, they were identified within the Wianamatta-South Creek Precinct of the Western Sydney Aerotropolis. Post exhibition review of the draft Aerotropolis SEPP found that a portion of these lands were outside of the environmentally constrained areas and directly adjoined the Mamre Road Precinct. It was determined that it was more appropriate to identify the unconstrained portion of land as a future stage of the Mamre Road Precinct, as servicing and transport connections were interconnected with the delivery of the Mamre Road Precinct. Subsequently, when the Aerotropolis SEPP was made the sites were included within the WSEA SEPP, however, the land use zone was retained as per the *Penrith City Centre Local Environment Plan 2010* until the appropriate land use could be determined.

As part of the draft Aerotropolis Precinct Plans and a following traffic and transport review to deliver the future upgrade of Mamre Road, the land is now proposed to be rezoned under the WSEA SEPP. The draft Aerotropolis Precinct Plan identified that land outside of the 1% AEP flood risk area and ephemeral creeks should be consistent with the surrounding land in the Mamre Road Precinct.

The land is proposed to be zoned under the WSEA SEPP (**Figure 12**):

- Part SP2 Infrastructure (Regional Road) to deliver the proposed Stage 2 Mamre Road upgrade and intersection with Abbots Road;
- Part IN1 General Industrial to be consistent with the surrounding Mamre Road zoning; and
- Part RE1 Public Recreation to be consistent with the rezoned properties to the north on the western side of Mamre Road. The RE1 zone will provide an amenity buffer between the future Wianamatta – South Creek Precinct and the IN1 zone.



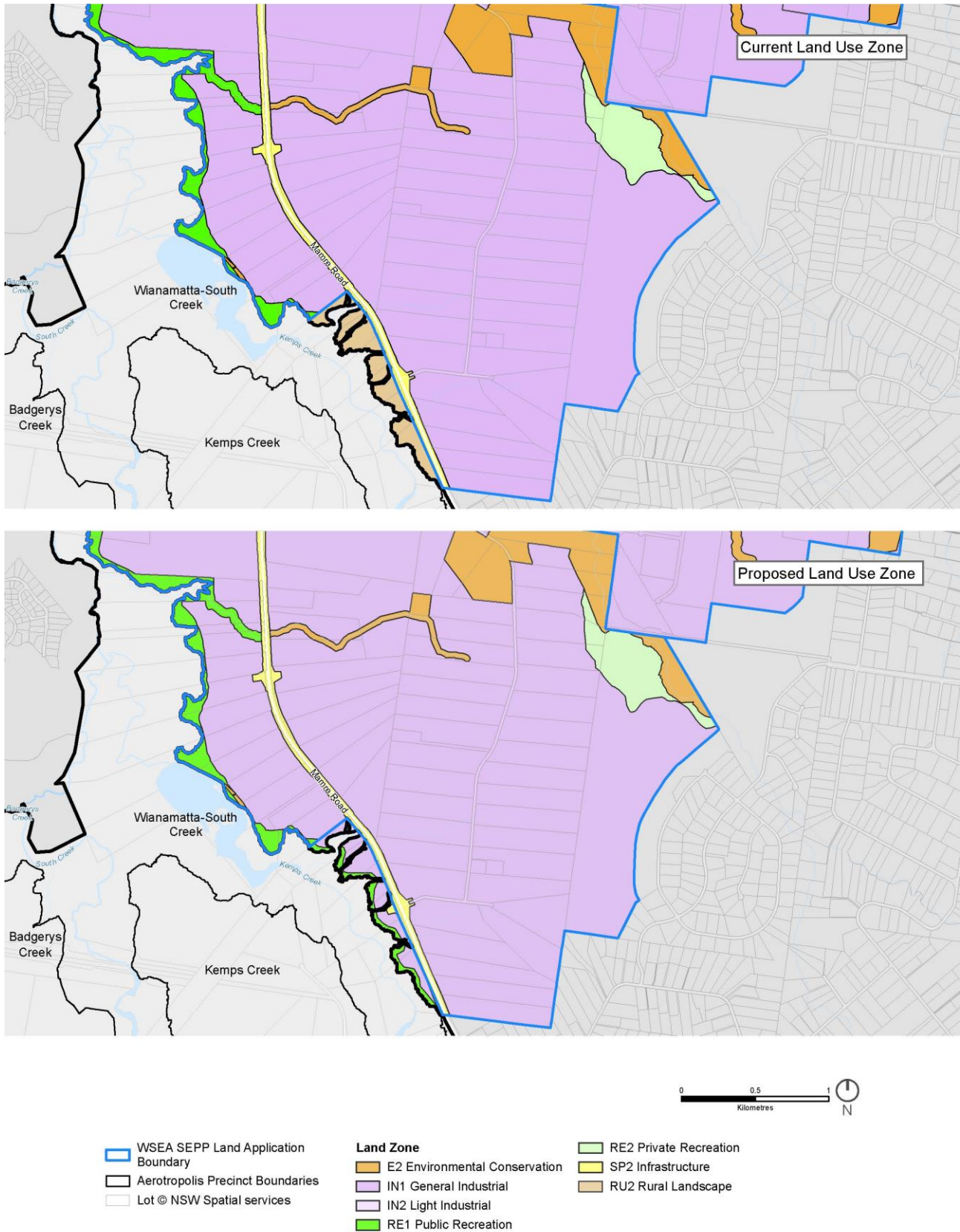


Figure 12: Land to be incorporated into Mamre Road Precinct

The Mamre Road Precinct Structure Plan establishes the general structure of the Mamre Road Precinct and is given statutory power through Section 217B of the *Environmental Planning and*

*Assessment Regulation 2000*. The amendment of the WSEA SEPP, which will follow this Explanation of Intended Effect, will respond to feedback from the community and correspondingly update the Mamre Road Precinct Structure Plan.

The Land Zoning Map (**Appendix I**) will be updated to rezone the land accordingly.

## State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies development that is State significant development (SSD), State significant infrastructure, critical State significant infrastructure and Regionally significant development. In particular, Schedule 1 of the SRD SEPP declares numerous categories of development to be SSD.

### State Significant Development in the Aerotropolis

Concern has been raised the statutory planning framework provided by the SRD SEPP and section 4.38(3) of the *Environmental Planning and Assessment Act 1979* (the Act) allows consent to be granted to State Significant Development that may be incompatible with the objectives and strategic intent of a particular land use zone.

Cases have emerged where SSD has been proposed in areas within the Aerotropolis that are not compatible with the vision set out in the WSAP and the Aerotropolis SEPP. To rectify this, it is proposed a clause be added to Schedule 1 of the SRD SEPP to ensure development cannot be declared as SSD unless consistent with the Aerotropolis SEPP. This approach is similar to the implementation of the *State Environmental Planning Policy (Build-to-rent Housing) 2021*, addressed in Schedule 1, clause 27 of the SRD SEPP.

It is proposed the new clause will not permit development on land in the Aerotropolis that is otherwise declared to be SSD under section 4.36 of the Act, if the proposed development is not consistent with the Aerotropolis SEPP.

## Next Steps

The Department of Planning, Industry and Environment welcomes community and stakeholder feedback on this Explanation of Intended Effect. Your feedback will help us better understand the views of the community and will inform the amendment to the environmental planning instruments as discussed in this document.

You can make a submission on the Explanation of Intended Effect by completing the online feedback form at:

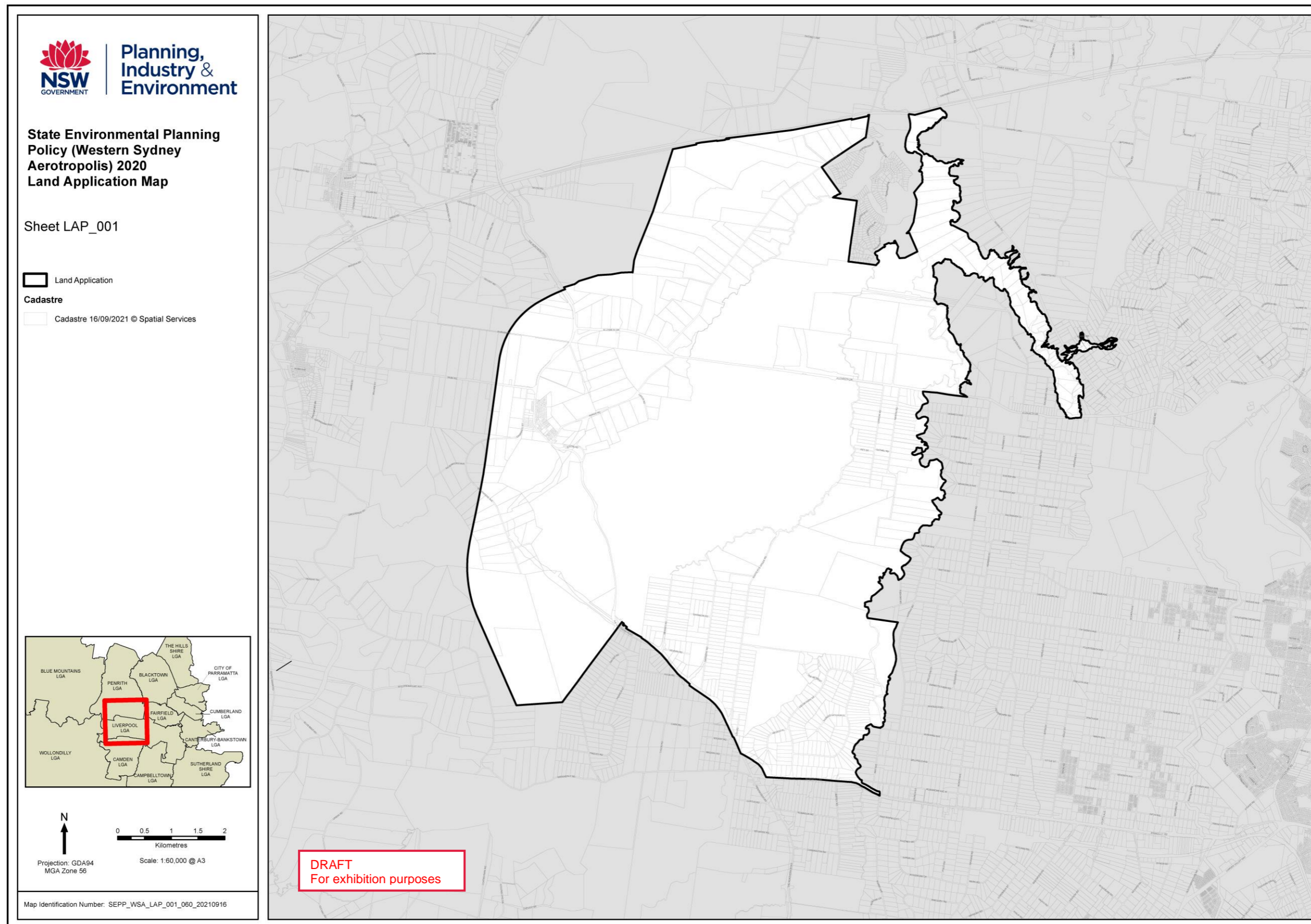
[www.planningportal.nsw.gov.au/draftplans/on-exhibition](http://www.planningportal.nsw.gov.au/draftplans/on-exhibition)

Submissions may address the issues raised in this Explanation of Intended Effect or provide additional input regarding the proposed Aerotropolis related amendments to the relevant environmental planning instruments. DPIE will publish a response to submissions following the close of the exhibition period.

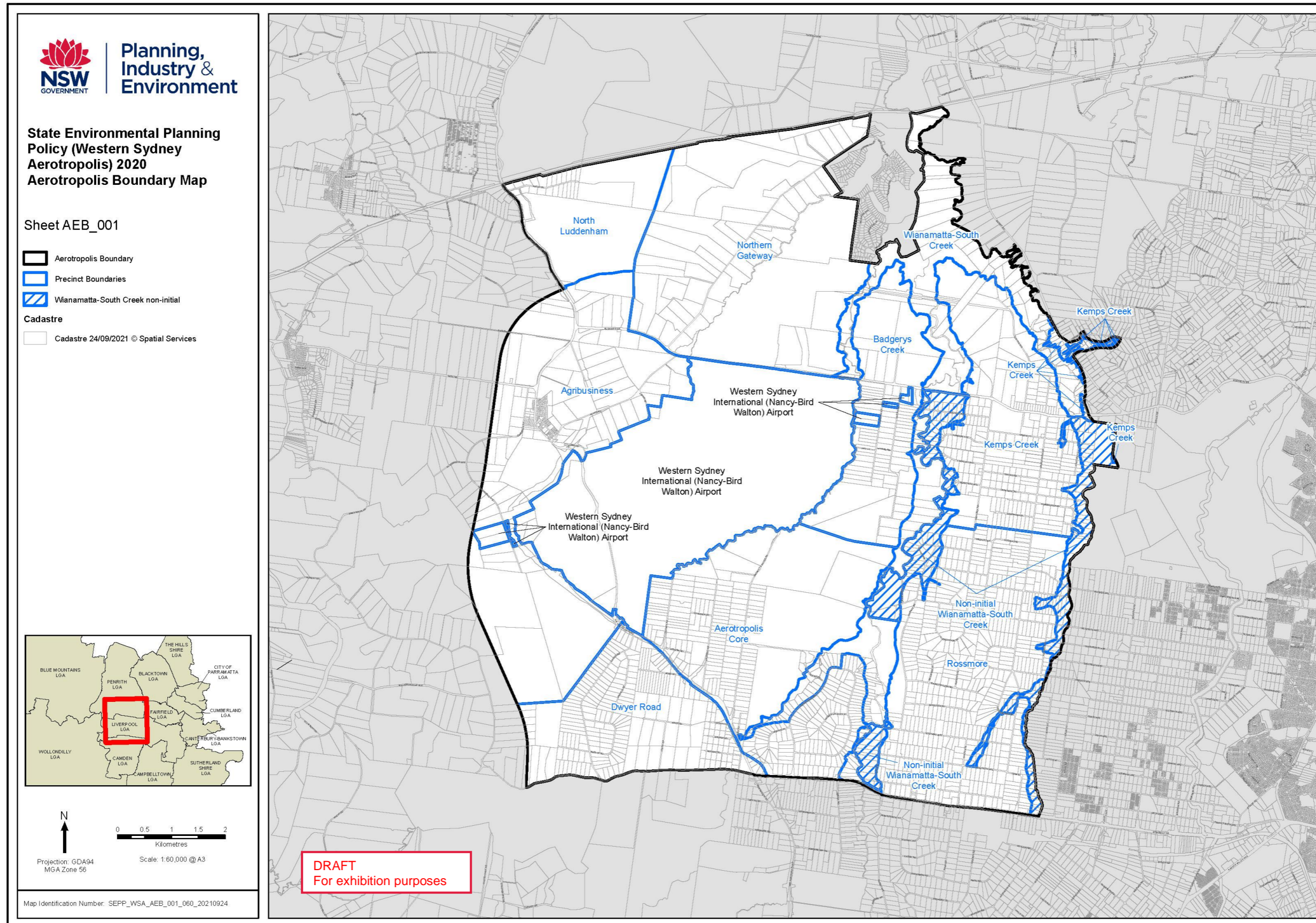
Following exhibition and engagement, the Aerotropolis SEPP will be finalised with the Precinct Plans later in the year.

# Appendices

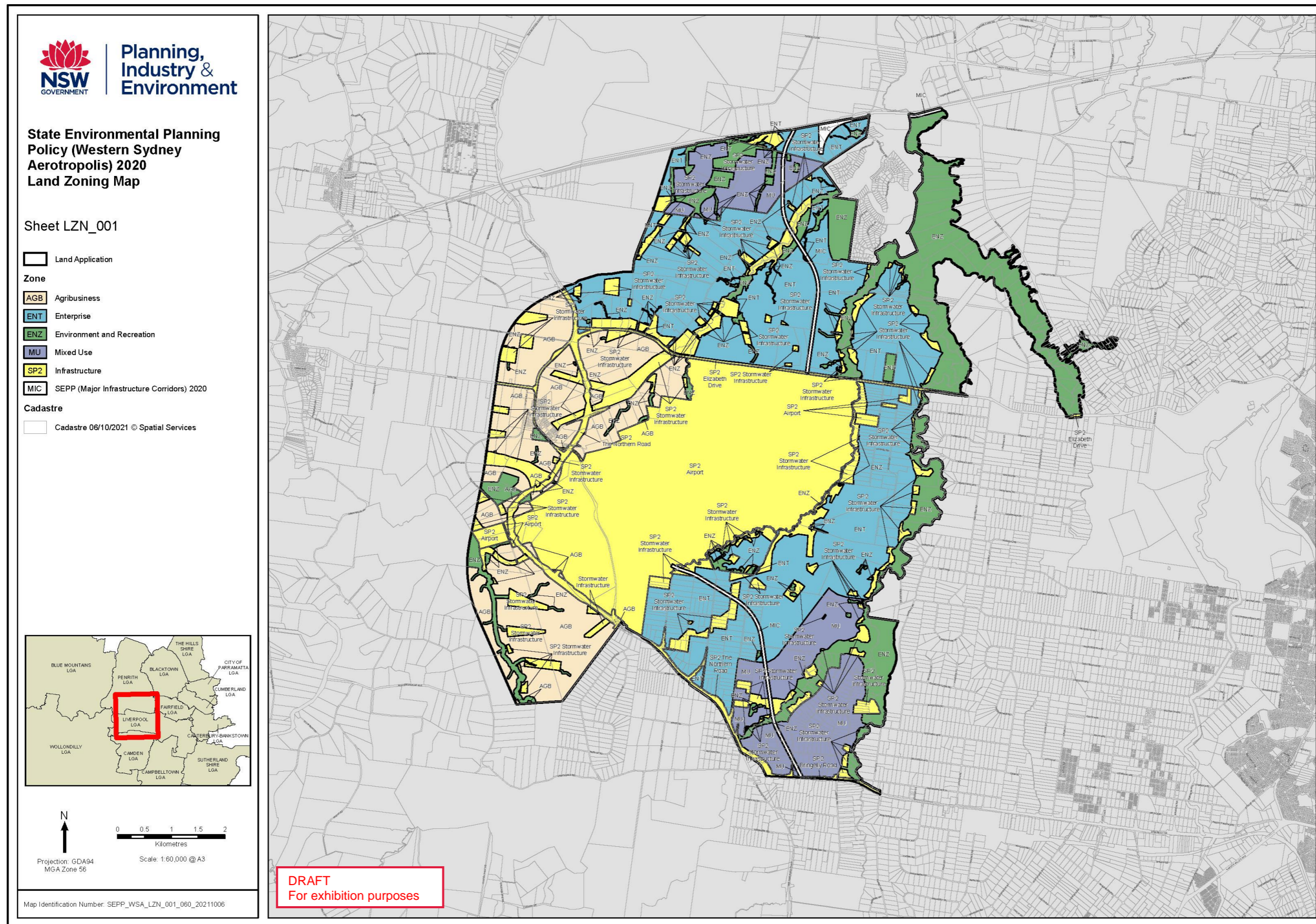
# Appendix A: Aerotropolis SEPP – Land Application Map



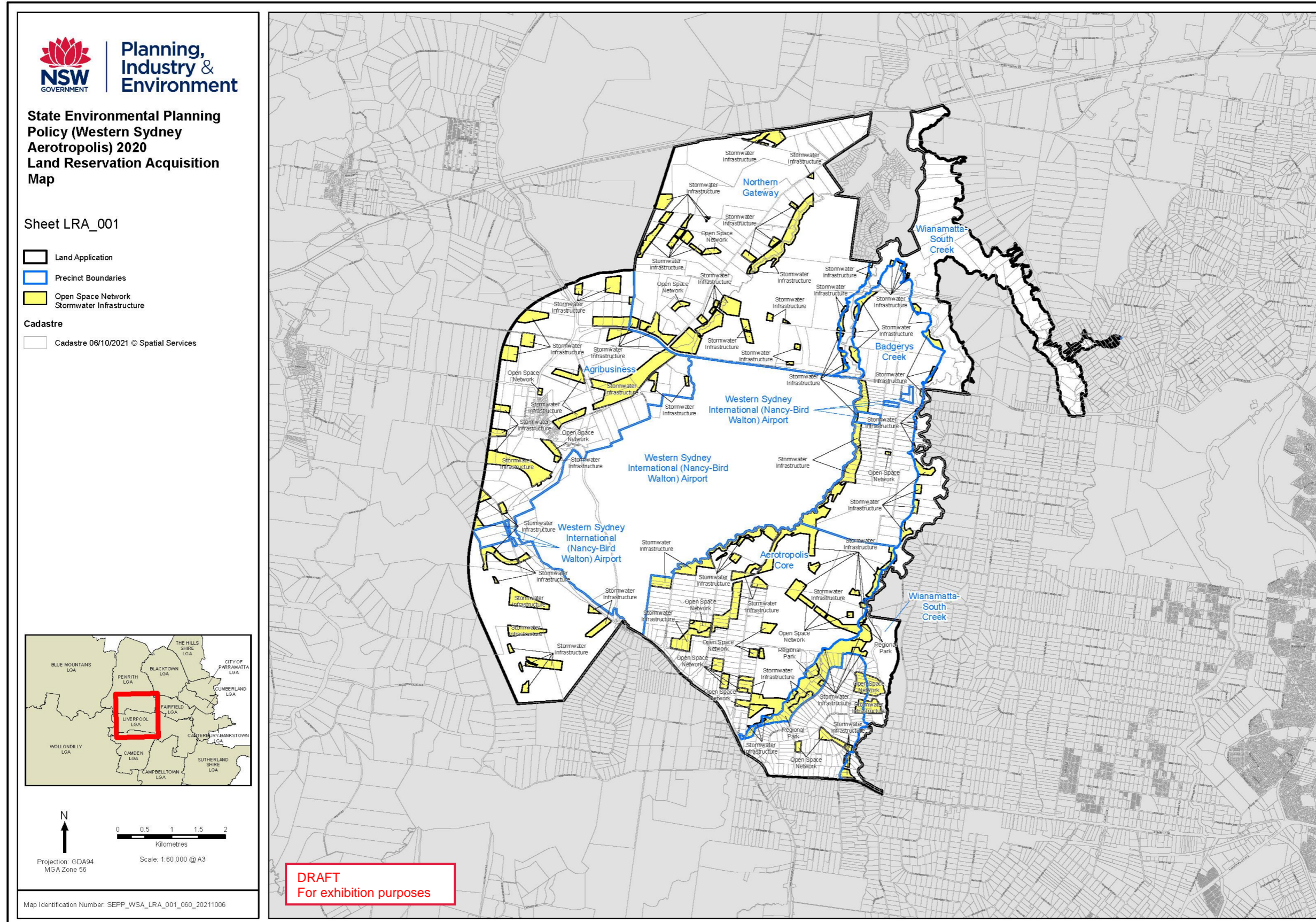
## Appendix B: Aerotropolis SEPP – Western Sydney Aerotropolis Boundary Map



# Appendix C: Aerotropolis SEPP – Land Zoning Map

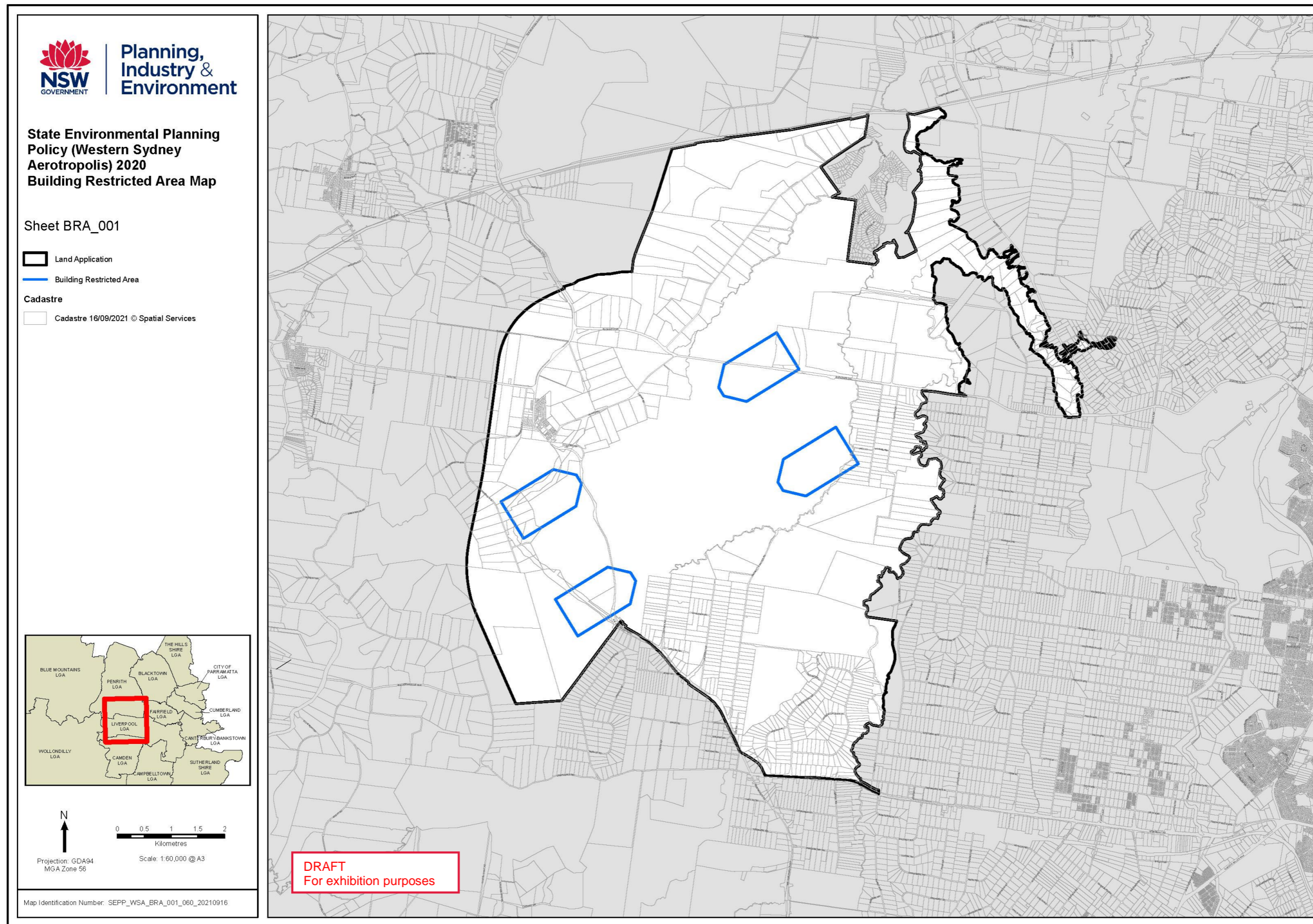


# Appendix D: Aerotropolis SEPP – Land Reservation Acquisition Map

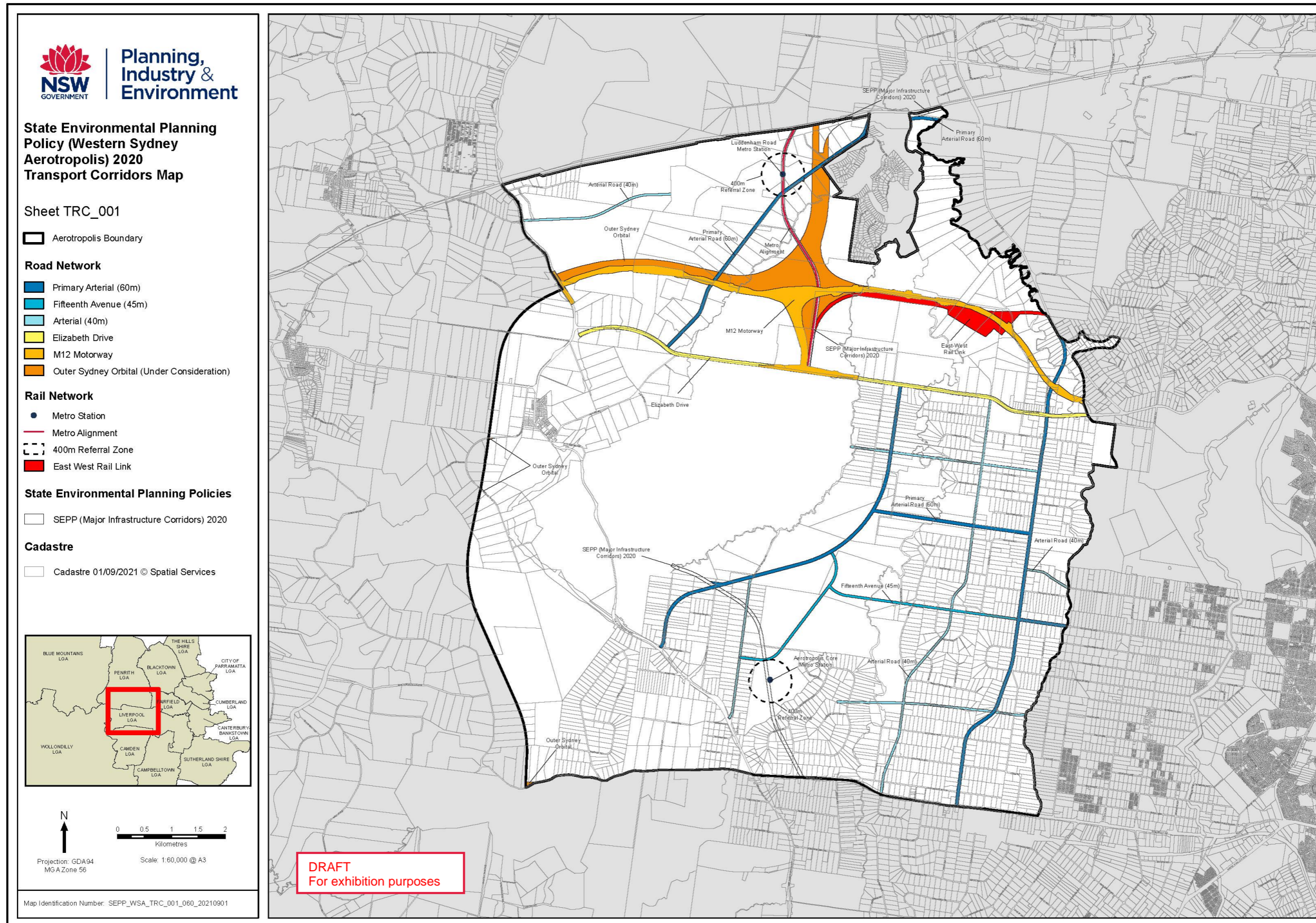




# Appendix E: Aerotropolis SEPP – Building Restricted Area Map



## Appendix F: Aerotropolis SEPP – Transport Corridors Map



## Appendix G: Aerotropolis SEPP – Complying Development permitted in the Aerotropolis

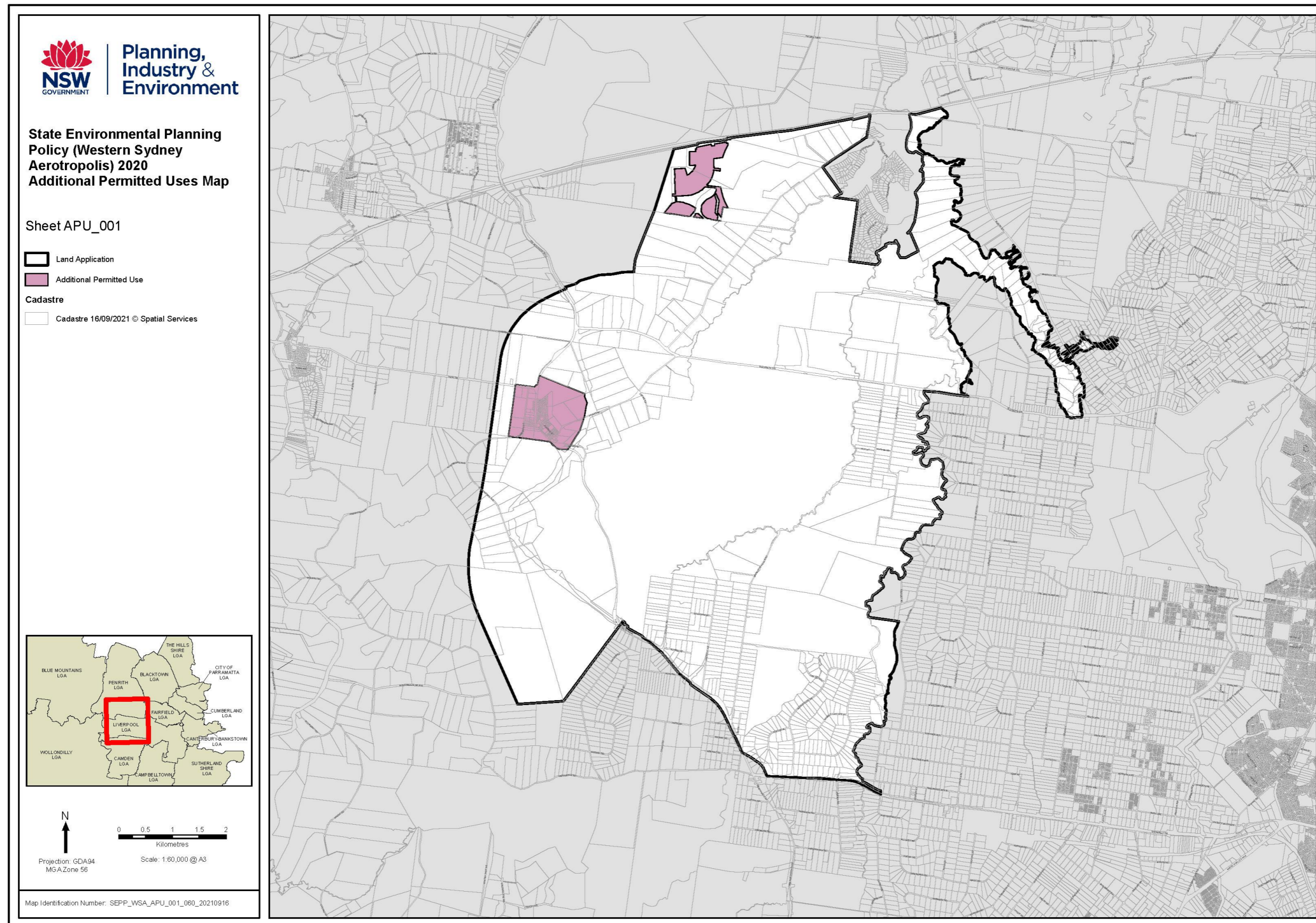
**Table 1: Proposed Complying Development Codes and additional provisions to be introduced to the Aerotropolis**

Code	Description of code under Codes SEPP	Proposed additional provisions
Part 3 Housing Code	Applies to land in prescribed residential zones. Allows erection of new dwellings and alterations and additions to dwellings subject to development controls.	Development specified under Part 3 of the Codes SEPP may be carried out as complying development across all zones (excluding SP2) within the Aerotropolis, providing that the works do not result in an increase in floor space or contradict airport safeguarding development controls.
Part 4 Housing Alteration Code	Internal alterations, external alterations and attic conversions are permitted as complying development subject to development standards and where residential uses is permissible. Must not result in any addition floor space or the creation of an additional dwellings. Relates to all residential uses.	
Part 4A General Development Code Division 1, Subdivision 1 Bed and breakfast accommodation	Allows bed and breakfast accommodation for no more than 4 guest rooms as complying development where use is permissible.	
Part 4A General Development Code Division 1, Subdivision 2 home businesses	A home business that involves the manufacture of food is development specified for the code.	
Part 4A General Development Code Division 1, Subdivision 3 Tents, marquees or booths for community events	The construction or installation of a tent, marquee or booth used for a community event subject to development controls relating to size.	<p>To ensure development does not impact on the operation of the Airport with regard to light emission and reflective surfaces external lighting:</p> <ul style="list-style-type: none"> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map should not exceed a maximum intensity of light of: <ul style="list-style-type: none"> <li>– 0 candelas in zone A</li> <li>– 50 candelas in zone B</li> <li>– 150 candelas in zone C</li> <li>– 450 candelas in zone D</li> </ul> </li> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map must be downlights or installed with shrouds.</li> </ul> <p>The code applies to business, industrial (other than “heavy industrial), open space or special purpose zone under Codes SEPP, meaning any subclause will specify that the code applies to the appropriate land use in the Aerotropolis</p>
Part 4A General Development Code Division 1, Subdivision 4 Stages and platforms for community events	The construction or installation of a stage or platform community event subject to development controls relating to size.	<p>To ensure development does not impact on the operation of the Airport with regard to light emission and reflective surfaces external lighting:</p> <ul style="list-style-type: none"> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map should not exceed a maximum intensity of light of: <ul style="list-style-type: none"> <li>– 0 candelas in zone A</li> <li>– 50 candelas in zone B</li> <li>– 150 candelas in zone C</li> <li>– 450 candelas in zone D</li> </ul> </li> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map must be downlights or installed with shrouds.</li> </ul>

		The code applies to business, industrial (other than “heavy industrial”), open space or special purpose zone under Codes SEPP, meaning any subclause will specify that the code applies to the appropriate land use in the Aerotropolis
Part 4A General Development Code Division 1, Subdivision 6 Waterway structures	Maintenance works to existing lawful boatsheds, jetties, marinas etc, subject to development controls.	
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 1 Building alterations (internal)	Allows internal alterations subject to size restrictions and compliance with BCA etc, to be undertaken as complying development for lawful commercial and industrial uses.	
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 2 Change of use	Allows change of use from one specified use to another, subject to development controls, including the requirements for the current use to be lawful.	Development specified under Part 5 Commercial and industrial alterations codes, Division 1, Subdivision 2 may be carried out as complying development with the exception of where the new use is classified as relevant development under clause 21 of the Aerotropolis SEPP and is located within the 13km wildlife buffer zone on the Wildlife Buffer zone map.
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 3 first use of premises	Allows first use of a building for specified commercial and industrial land uses where use is permissible in zone.	Development specified under Part 5 Commercial and industrial alterations codes, Division 1, Subdivision 2 may be carried out as complying development with the exception of where the new use is classified as relevant development under clause 21 and is located within the 13km Wildlife Buffer Zone on the Wildlife Buffer Zone map.
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 4 Mechanical ventilation systems	Construction or installation of mechanical ventilations system subject to location controls.	To ensure development does not generate emissions into the protected airspace (clause 24 of the Aerotropolis SEPP), any plumes must not: a. have peak vertical velocities of more than 4.3m/sec. or b. incorporate flares.
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 5 Shopfronts and awnings	An external alteration to, or the repair or replacement of, an existing shop front or awning subject to transparency levels, glazing amounts and distance from the kerb etc.	
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 6 Skylights and roof windows	Installation of a skylight or roof window on any use except for dwellings.	
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 7 Projecting wall signs	Business identification or building identification projecting wall signage subject to size and illumination controls in business and industrial zones. One sign per street frontage and site.	To ensure development does not impact on the operation of the Airport with regard to light emission and reflective surfaces external lighting: <ul style="list-style-type: none"> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map should not exceed a maximum intensity of light of: <ul style="list-style-type: none"> <li>- 0 candelas in zone A</li> <li>- 50 candelas in zone B</li> <li>- 150 candelas in zone C</li> <li>- 450 candelas in zone D</li> </ul> </li> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map must be downlights or installed with shrouds.</li> </ul> Development specified under Part 5 Commercial and Industrial Code, Division 1, Subdivision 7 is proposed to apply to the Mixed Use, Agribusiness and Enterprise zones within the Aerotropolis.
Part 5 Commercial and industrial alterations codes	Free standing pylon and directory board signage subject to size and illumination controls in business and industrial zones. One sign per street frontage and site.	To ensure development does not impact on the operation of the Airport with regard to light emission and reflective surfaces external lighting:

Division 1, Subdivision 8 Free standing pylon and directory board signs		<ul style="list-style-type: none"> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map should not exceed a maximum intensity of light of: <ul style="list-style-type: none"> <li>- 0 candelas in zone A</li> <li>- 50 candelas in zone B</li> <li>- 150 candelas in zone C</li> <li>- 450 candelas in zone D</li> </ul> </li> <li>• within the 6km lighting intensity radius as shown on the Lighting Intensity and Wind Shear Map must be downlights or installed with shrouds.</li> </ul> <p>Development specified under Part 5 Commercial and Industrial Code, Division 1, Subdivision 8 is proposed to apply to the Mixed Use, Agribusiness and Enterprise zones within the Aerotropolis.</p>
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 9 Ancillary development	Development, or the carrying out of works, that is or are ancillary to the use of land except for where the land contains a dwelling or is a flood-controlled lot.	Development specified under this Code must not be inconsistent with Part 3 of the Aerotropolis SEPP.
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 11 Driveways, hard stand spaces, pathways and paving	Construction of driveways and hard stand spaces subject to compliance with Development Control Plan, Australian standards and max cut/fill of 2m. Not permitted on land with a dwelling.	Cut and fill to a depth of 1m is considered to be appropriate under this code in the Aerotropolis.
Part 5 Commercial and industrial alterations codes Division 1, Subdivision 12 Fences	Construction of a fence not located on a road boundary and no more than 3m high and not solid.	A fence is not to be erected on any boundary to a proposed road as per a Precinct Plan or Master Plan.
Part 5B Container Recycling Facilities	Applies to prescribed business and industrial zones. Allows different types of container recycling facilities to be carried as complying development.	<p>Development specified under Part 5B Container Recycling Facilities applies to the Mixed Use, Agribusiness and Enterprise zones within the Aerotropolis.</p> <p>Development specified under this code must be fully enclosed so odour and waste is contained and does not cause wildlife attraction.</p>
Part 6 Subdivision Code, Division 1 Strata subdivision	Strata subdivision of residential and commercial developments.	
Part 6 Subdivision Code, Division 3 Subdivision certificates	Allows certifiers to issue subdivision certificates relating to this code.	
Part 7 Demolition code	Applies to all land and allows demolition of specified building uses subject to development standards.	
Part 8 Fire safety code	Applies to all land and allows installation of various fire safety systems subject to development standards.	

## Appendix H: Aerotropolis SEPP – Additional Permitted Land Uses Map



# Appendix I: WSEA SEPP – Land Zoning Map

