



Transport for NSW/Sydney Airport Corporation Limited

Sydney Gateway Road Project

Environmental Impact Statement/ Major Development Plan

Chapter 3 Statutory context and approval requirements



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Chapter 3

Statutory context and approval requirements

This chapter provides a summary of the approval requirements under relevant legislation, including the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) and the *Airports Act 1996* (Cth) (Airports Act), and the application and assessment process for the project. An assessment of the consistency of the project with other relevant statutory requirements is also provided, particularly in relation to planning and development at Sydney Airport.

The SEARs and MDP requirements addressed in this chapter are listed below. Full copies of the SEARs and MDP requirements, and where they are addressed in this document, are provided in Appendices A and B respectively. The chapter also addresses relevant the requirements of clause 2.04(1) of the Airports (Building Control) Regulations 1996 (Cth). A full copy of the requirements under the Airports (Building Control) Regulations as they relate to an application for building approval are provided in Appendix C.

Reference	Requirement	Where addressed
General standard SEARs		
2.1	The EIS must include, but not necessarily be limited to, the following: (p) statutory context of the proposal as a whole, including: <ul style="list-style-type: none">• how the proposal meets the provisions of the EP&A Act and EP&A Regulation	Section 3.4 and Appendix C
	<ul style="list-style-type: none">• a list of any approvals that must be obtained under any other Act or law before the proposal may lawfully be carried out	Sections 3.2 to 3.5
Major development plan requirements		
91(1)	A major development plan, or a draft of such a plan, must set out: (ca) whether or not the development is consistent with the airport lease for the airport;	Section 3.7
	(d) if a final master plan for the airport is in force – whether or not the development is consistent with the final master plan;	Section 3.6.1
5.04 ¹	For subsection 91(3) of the Act, a major development plan must address the obligations of the airport-lessee company as sublessor under any sublease of the airport site concerned, and the rights of the sublessee under any such sublease, including: (a) any obligation that has passed to the relevant airport-lessee company under subsection 22(2) of the Act or subsection 26(2) of the Transitional Act (b) any interest to which the relevant airport lease is subject under subsection 22(3) of the Act, or subsection 26(3) of the Transitional Act	Section 3.7

Note: 1. The requirements of clause 5.04 (Contents of a major development plan) of the Airports Regulations 1997 are called up by clause 91(3) of the Airports Act

3. Statutory context and approval requirements

3.1 Overview

The project is subject to approval under NSW and Commonwealth legislation. Parts of the project on Sydney Airport land (shown on Figure 1.3 and Figure 2.6) are major airport development in accordance with the *Airports Act 1996* (Cth) (Airports Act). A major development plan (MDP), approved by the Australian Minister for Infrastructure, Transport and Regional Development, is required before a major airport development can be undertaken at a leased airport.

Parts of the project located on other land (shown on Figure 1.3 and Figure 2.6) have been declared State significant infrastructure in accordance with the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) and *State Environmental Planning Policy (State and Regional Development) 2011*. As State significant infrastructure, these parts of the project need approval from the NSW Minister for Planning and Public Spaces. An environmental impact statement (EIS) is required to support the application for approval for State significant infrastructure under the EP&A Act. It is noted that the project was gazetted as critical State significant infrastructure (under section 5.13 of the EP&A Act) on 15 May 2020.

The relationship between the different approval processes is shown on Figure 3.1. Further information is provided in the following sections.

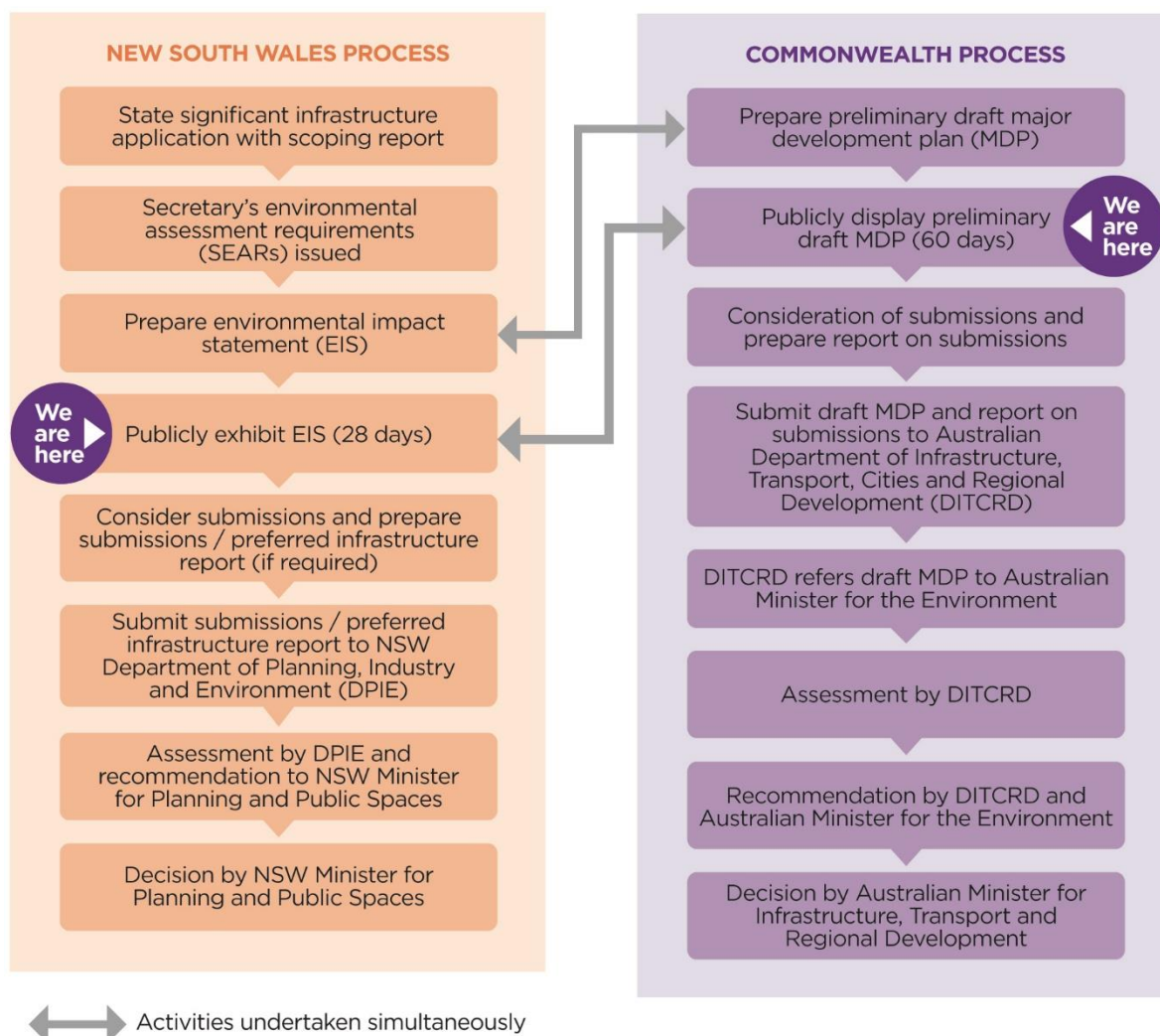


Figure 3.1 Approval processes

3.2 Airports Act 1996

The Airports Act and associated regulations establish a system for the regulation of Australian airports that has due regard to the interests of airport users and the general community. The Airports Act and associated regulations apply to airports formerly owned and operated by the Federal Airports Corporation and provide the regulatory arrangements for airports subject to the Act, including the assessment and approval process for developments at these airports.

The Airports Act applies to Commonwealth-owned land leased to Sydney Airport Corporation for the operation of Sydney Airport (Sydney Airport land). It does not apply to land owned freehold by Sydney Airport Corporation.

3.2.1 Major airport development

The key requirements of the Airports Act in relation to the approval and assessment of those parts of the project located on Sydney Airport land are described below.

Approval requirements

Section 89 of the Act defines major airport development. Under sections 89(1)(h) and (j), major airport developments include constructing or extending a road or vehicular access facility, where:

- The construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
- The cost of construction exceeds the threshold amount (\$25 million).

One of the reasons the project is being proposed is to enable the airport to handle the projected increases in passengers and air freight, and associated road traffic, predicted over the next 20 years. In addition, the total cost of the project would also exceed \$25 million.

Under section 89(1)(na) major airport developments also include development of a kind that is likely to have a significant impact on the local or regional community. The project is considered to have the potential for significant impacts on the community.

As a result of the above, the project is considered to be a major airport development for the purposes of the Airports Act.

Section 90 of the Act provides that major airport development must not be carried out except in accordance with an approved MDP.

As the airport-lessee company under the Airports Act, Sydney Airport Corporation is seeking approval for the project where it is subject to the Airports Act.

Assessment process and requirements

Purpose and contents of an MDP

Section 91(1A) of the Airports Act defines the purpose of an MDP, which is to '*...establish the details of a major airport development that:*

- (a) relates to the airport; and*
- (b) is consistent with the airport lease for the airport and the final master plan for the airport.'*

The required contents of a MDP are set out in by section 91(1) of the Airports Act (see Appendix B). These requirements, and how they are addressed in this document, are shown in Appendix B. MDPs are approved (with or without conditions) or refused by the Australian Minister for Infrastructure, Transport and Regional Development.

In deciding whether to approve a MDP, the Minister must have regard to the matters set out in section 94(3) of the Airports Act. These matters, and how they have been addressed in this document, are shown in Appendix B. The matters set out in section 94(3) include the extent to which the MDP achieves the purpose defined above. As this document establishes the details of the project that relate to Sydney Airport (see section 2.1, Chapter 7 (Project description) and Chapter 8 (Construction)) and demonstrates that the project is consistent with the airport lease (see section 3.7) and the Sydney Airport Master Plan (see section 3.6.1), it achieves the purpose of a MDP.

Public comment and submission of a draft MDP

As the airport-lessee company under the Airports Act, Sydney Airport Corporation is responsible for exhibition and submission of the MDP. The consultation and exhibition requirements are defined by sections 92 and 93 of the Airports Act and include:

- Advising relevant authorities (as defined by section 92(1A)) of the intention to give the Minister a draft MDP (for this project, relevant authorities include the NSW Minister for Planning and Public Spaces; the NSW Department of Planning, Industry and Environment; and Bayside, Inner West and City of Sydney councils)
- Placing a notice in newspapers and on Sydney Airport's website in accordance with the notice requirements of section 92(1)(a)
- Making copies of the draft MDP available for inspection for a period of 60 business days (or a shorter period if approved by the Australian Minister for Infrastructure, Transport and Regional Development) and inviting comments
- Submitting the draft MDP to the Australian Minister for Infrastructure, Transport and Regional Development with copies of the comments and a report summarising the comments in accordance with the requirements of 92(2)(b)
- When consultation with government agencies, the aviation industry and other stakeholders (as defined by section 93(1)(b)) occurs prior to publication of a notice about the MDP, the draft MDP submitted to the Minister must be accompanied by a written statement providing the names of the persons consulted and a summary of the comments made (in accordance with section 93(2)).

In accordance with the Australian Government's *Major Development Plan Assessment Guidelines* (Department of Infrastructure and Transport, 2011), an exposure draft MDP was provided to the Department of Infrastructure, Transport, Cities and Regional Development for review. The exposure draft was referred to the Department of the Environment and Energy for the Australian Minister for the Environment to determine the appropriate environmental assessment methodology. The exposure draft MDP was also provided to Airservices Australia and the Civil Aviation Safety Authority for review and comment.

A summary of the views expressed by stakeholders during this initial consultation stage will be submitted to the Australian Minister for Infrastructure, Transport and Regional Development with the draft MDP (in accordance with the requirements of section 93(2) of the Airports Act).

The combined EIS/preliminary draft MDP was placed on exhibition in accordance with the above requirements.

Assessment and approval

DITCRD reviewed the draft MDP and comments report on behalf of the Australian Minister for Infrastructure, Transport and Regional Development, taking into account the matters defined by section 94(3) of the Airports Act (see Appendix C). DITCRD was also, on behalf of the Minister for Infrastructure, Transport and Regional Development, required to seek advice from the Australian Minister for the Environment under section 160(1) of the EPBC Act (refer to section 3.3.2). The Minister also considered the views of Airservices Australia and the Civil Aviation Safety Authority.

The draft MDP was approved on 23 September 2020.

Sydney Airport Corporation is required to advertise the approval and make the final MDP available for inspection by members of the public for at least 180 days.

3.2.2 Other approvals required

Airspace protection

The Airports Act and the Airports (Protection of Airspace) Regulations 1996 (Cth) (the Airspace Regulations) provide for the definition and protection of the airspace at and around airports, which include the OLS and PANS-OPS (see Chapter 2 (Location and setting)). Any activity that intrudes into the prescribed airspace is a 'controlled activity'. Controlled activities, which need to be approved under the Airports Act, include:

- Permanent structures (such as buildings) that intrude into the prescribed airspace
- Temporary structures or other objects (such as cranes) that intrude into the prescribed airspace
- Any activities causing intrusions into the prescribed airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

Intrusions into the PANS-OPS surface are prohibited.

Certain construction activities and/or works in particular locations undertaken as part of the project may result in temporary intrusions into the OLS and other protected surfaces. Further information on these activities and how they would be managed is provided in section 8.2.5. Controlled activity approvals would be obtained for these works.

Short-term controlled activities (less than three months) within the OLS require approval from Sydney Airport Corporation. Short-term controlled activities (less than three months) within the PANS-OPS, and long-term controlled activities (more than three months) within the OLS, require approval from the Secretary of DITCRD. The Civil Aviation Safety Authority and Airservices Australia must be consulted in relation to all controlled activity applications. Where the application relates to a long-term controlled activity the local council must also be consulted. Works that would intrude into the prescribed airspace cannot commence until a controlled activity approval has been obtained. A controlled activity approval cannot be granted for long-term works that intrude into PANS-OPS airspace. The project would not involve any intrusions of the PANS-OPS.

Further information about the potential impacts on the prescribed airspace is provided in Chapter 11 (Airport Operations).

Building activity approvals

The approval process and requirements for building activities are defined by the Airports (Building Control) Regulations 1996 (Cth) (Airports (Building Control) Regulations).

The project is also subject to the submission of an application for a building permit(s) to the Airport Building Controller in accordance with the Airports (Building Control) Regulations. The Airport Building Controller (DITCRD) is the approval authority for building activity approvals. In addition, a corresponding consent must also be granted by Sydney Airport Corporation. Works of a minor nature may be exempted after consultation with the Airport Building Controller. The requirements that must be taken into account when considering an application for consent are defined by clause 2.04 of the Airports (Building Control) Regulations (see Appendix B).

3.3 Environment Protection and Biodiversity Conservation Act 1999

3.3.1 Approval requirements

Under the EPBC Act, proposed actions (ie activities or projects) with the potential to significantly impact matters protected by the EPBC Act must be referred to the Australian Minister for the Environment to determine whether they are controlled actions and require approval from the Minister. The following matters are defined as protected matters by Part 3 of the EPBC Act:

- Matters of national environmental significance
- The environment of Commonwealth land
- The environment in general if they are being carried out by a Commonwealth Government agency.

There are no matters of national environmental significance with the potential to be significantly affected by the project. The project is not being carried out by a Commonwealth Government agency. However, the project has the potential to affect the environment of Commonwealth land directly (for those parts of the project located on Sydney Airport land) or indirectly (for those parts of the project located on other land).

This document has not identified any significant impacts on the environment of Commonwealth land as a result of the project. As a result, a referral in accordance with Part 7 is not considered to be required.

3.3.2 Minister's advice in relation to authorisation of a MDP

Section 160(1) of the EPBC Act requires that before a Commonwealth agency or employee of the Commonwealth gives an authorisation of an action (which includes major airport development), they must obtain and consider advice from the Australian Minister for the Environment. Section 162 provides the requirements for assessment of an action.

In accordance with section 161(1), actions where advice from the Minister is required must be referred to the Australian Minister for the Environment. Section 162 provides the requirements for assessment of an action referred under section 161(1).

Section 163(1) requires the Minister to give the following advice:

- (a) *whether the agency or employee should give the authorisation;*
- (b) *what conditions (if any) should be attached to the authorisation (if possible) to protect the environment;*
- (c) *any other matter relating to protection of the environment from the action.*

As part of the assessment of the draft MDP, DITCRD will, on behalf of the Minister for Infrastructure, Transport and Regional Development, seek advice from the Australian Minister for the Environment under section 160(1) of the EPBC Act.

3.4 Environmental Planning and Assessment Act 1979

3.4.1 Approval requirements

Transport for NSW is seeking approval for the project where it is subject to the EP&A Act.

Clause 94 of *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP) applies to development for the purpose of a road or road infrastructure facilities and provides that these types of works are permissible without consent if being undertaken by a public authority. The project is appropriately characterised as being for the purpose of a 'road' and 'road infrastructure facilities' under the Infrastructure SEPP.

Clause 14 of *State Environmental Planning Policy (State and Regional Development) 2011* declares development as State significant infrastructure if it is permissible without consent and specified in Schedule 3.

Clause 1 of Schedule 3 of *State Environmental Planning Policy (State and Regional Development) 2011* specifies infrastructure or other development that would be an activity for which the proponent is also the determining authority and would, in the opinion of the proponent, require an environmental impact statement to be obtained under Part 5 of the EP&A Act.

Transport for NSW formed the opinion that the project is likely to significantly affect the environment and would require preparation of an EIS. Consequently, the project is declared State Significant Infrastructure under Part 5, Division 5.2 of the EP&A Act. In addition, Transport for NSW requested the Minister for Planning and Public Spaces to declare the project as critical State Significant Infrastructure under section 5.13 of the EP&A Act. The project was gazetted as critical State significant infrastructure on 15 May 2020.

The project requires approval from the NSW Minister for Planning and Public Spaces under section 5.14 of the EP&A Act.

In November 2018, Roads and Maritime prepared a State significant infrastructure scoping report to support an infrastructure application for the project under section 5.15 of the EP&A Act.

The (then) Department of Planning and Environment issued the SEARs for the project on 15 February 2019. The SEARs identify the assessment requirements for the project. A copy of the SEARs and where they have been addressed in this document is provided in Appendix A.

The form and content requirements for an EIS are defined by Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (NSW) (the EP&A Regulation). These requirements, and how they are addressed by this document, are provided in Appendix C.

The assessment and approval process under Division 5.2 of the EP&A Act is shown in Figure 3.1, and is summarised below. Further information is available on the Department of Planning, Industry and Environment's website (www.planning.nsw.gov.au).

3.4.2 Assessment process

Public exhibition and submissions

The EIS/preliminary draft MDP was exhibited by the NSW Department of Planning, Industry and Environment between 20 November and 19 December 2019, and submissions were received by the Department.

At the end of the exhibition period, the Secretary of the Department of Planning, Industry and Environment provided copies of the submissions received to Transport for NSW, and directed Transport for NSW to provide a response to the issues raised in submissions.

Further information on the proposed approach to consultation during the exhibition period is provided in section 4.4.1.

Assessment and approval

Following review of the EIS/preliminary draft MDP and Transport for NSW's Response to Submissions Report, the Secretary prepared an assessment report for the purposes of the Minister's consideration of the application for approval.

The NSW Minister for Planning and Public Spaces approved the project with conditions on 27 August 2020.

The Minister's decision and the assessment report have been published on the Department of Planning, Industry and Environment's planning portal website.

3.5 Other NSW legislation

A number of approvals are not required for a project approved under Division 5.2 of the EP&A Act (in accordance with section 5.23 of the EP&A Act). Those approvals not required for the project are:

- Permits under sections 201, 205 and 219 of the *Fisheries Management Act 1994*
- Approvals under Part 4 and excavation permits under section 139 of the *Heritage Act 1977*
- Aboriginal heritage impact permits under section 90 of the *National Parks and Wildlife Act 1974*
- Various approvals under the *Water Management Act 2000*, including water use approvals under section 89, water management work approvals under section 90, and activity approvals (other than aquifer interference approvals) under section 91.

Under section 5.24 of the EP&A Act, approvals under other specified NSW legislation that may apply to the project cannot be refused and must be applied consistently with the approval for the State significant infrastructure. Those approvals include:

- An Environment Protection Licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (NSW) (POEO Act). In accordance with section 5.24 of the EP&A Act, such a licence cannot be refused for an approved project and is to be substantially consistent with any approval under Division 5.2 of the EP&A Act
- Consent from the relevant roads authority under section 138 of the *Roads Act 1993* (NSW) including to carry out work in, on or over a public road, dig up or disturb the public surface of a public road or connect a road to a classified road.

Other NSW legislation that would apply to the project includes:

- The *Land Acquisition (Just Terms Compensation) Act 1991* (NSW), which applies to the acquisition of any land by an Authority of the State that is authorised to acquire the land by compulsory process. The land requirements for the project, and the need for acquisition, are considered in section 7.11.2 and Chapter 19 (Land use and property)
- The *Contaminated Land Management Act 1997* (NSW) outlines the circumstances in which notification of the NSW Environment Protection Authority is required in relation to contamination of land. Contamination issues are considered in Chapter 13 (Contamination and soils).

3.6 Consistency with Sydney Airport planning

3.6.1 Sydney Airport Master Plan

As part of the airport planning framework under the Airports Act, leased federal airports are required to prepare a master plan. Section 70(1) of the Airports Act requires airports regulated by the Act to have a final master plan.

The *Sydney Airport Master Plan 2039* (SACL, 2019a) (the Master Plan) provides a 20-year plan for the development and operation of Sydney Airport. In accordance with the requirements of the Airports Act (section 70(2)), the Sydney Airport Master Plan:

- Establishes the strategic direction for efficient and economic development at Sydney Airport over the planning period
- Provides for the development of additional uses of the Sydney Airport site
- Indicates to the public the intended uses of the airport site
- Reduces potential conflicts between uses of the airport site, to ensure that uses of the airport site are compatible with the areas surrounding the airport
- Ensures that operations at Sydney Airport are undertaken in accordance with relevant environmental legislation and standards

- Establishes a framework for assessing compliance at Sydney Airport with relevant environmental legislation and standards
- Promotes continual improvement of environmental management at Sydney Airport.

The consistency of the project with key elements of the Sydney Airport Master Plan is considered in the following sections. Further information on consistency is provided in Chapters 5 (with respect to the strategic need for the project) and 9 to 26 (with respect to the potential impacts of the project).

Consistency with future transport planning

The Master Plan refers to the project (defined as ‘Sydney Gateway’ in the Master Plan), and notes that Roads and Maritime is preparing a concept design for the project, and is working with Sydney Airport Corporation on all aspects of project planning. The plan was developed with reference to the project potentially being part of the external road network (subject to approval) and it notes that the five year ground transport plan (that forms part of the Master Plan) has been developed to complement the project. The plan notes that:

- A Sydney Gateway connection will complement Sydney Airport’s planned infrastructure improvements
- The ground transport solutions proposed at Terminal 1 and Terminals 2/3 recognise the potential changes in traffic volumes and patterns resulting from the opening of WestConnex and any Sydney Gateway road connection
- Sydney Airport Corporation has been working collaboratively with the NSW Government on the development of ground access solutions
- The ground transport plan allows for widening of Qantas Drive and Airport Drive and a partial grade separated road at the entry to the Terminals 2/3 precinct.

The project is consistent with future planning for ground transport as described by the Master Plan’s five year ground transport plan. Further information is provided in Chapter 9 (Traffic, transport and access).

Land use zoning

The Master Plan’s land use plan provides the community and relevant stakeholders with an understanding of future activities that could be located on different parts of the Sydney Airport site, and guides future development at the airport. It divides the Sydney Airport site into eight zones, and provides objectives and permissible land uses for each zone.

To the west of Alexandra Canal, Sydney Airport land in the project site is zoned AD3 - Airport Logistics and Support. To the east of the canal, Sydney Airport land in the project site is zoned AD2 - Airport Terminal and Support Services, AD3 and BD1 – Business Development.

The Master Plan provides that roads are a permissible land use in all the above zones. Further information on land use within and around Sydney Airport, and the project’s consistency with the land use plan, is provided in Chapter 19 (Land use and property).

Environmentally sensitive areas

Environmentally sensitive areas are identified by the EC1 - Environmental Conservation zoning under the Master Plan’s land use plan. The Sydney Airport Wetlands (incorporating Engine Ponds East and West, Mill Pond and Mill Stream) are zoned EC1. The project would not directly impact the Sydney Airport Wetlands or land zoned EC1. The potential impacts of the project on environmentally sensitive areas are considered in Chapter 16 (Surface water) and 22 (Biodiversity).

3.6.2 Sydney Airport Environment Strategy

The *Sydney Airport Environment Strategy 2019-2024* (SACL, 2019b) (the Environment Strategy) forms part of the Master Plan. It includes:

- Objectives for environmental management of Sydney Airport
- Areas within the airport site that are considered to be environmentally significant
- Measures to be carried out to prevent or control the environmental impact associated with airport operations.

The Environment Strategy provides environmental action plans for key issues. The project would not affect the environmental action plans defined by the environment strategies. The mitigation and management measures provided in Chapters 9 to 26 are consistent with the actions described in the plans. The design, construction and operation of the project will be informed by and consistent with the plans.

Further information on consistency with the Environment Strategy is provided in Chapters 9 to 26 (with respect to the potential impacts of the project).

3.6.3 Approved MDPs

To date, four MDPs have been approved for developments at Sydney Airport. The consistency of the project with the approved MDPs is considered below.

Commercial office development international terminal MDP

This MDP allows for office development on a site at the northern section of the landside area of Terminal 1. The MDP was approved in May 2002. The first of the two approved office buildings is complete.

The project would not affect access to this site. It is consistent with the development that has been constructed and operated pursuant to this MDP.

Car parking and commercial facilities international terminal precinct MDP

This MDP allows for the construction of two multi-level car parks and two nine-level commercial buildings within the Terminal 1 precinct. It was approved in April 2005 and the facilities are now operational.

The project would not affect these facilities. It would change the way Airport Drive operates, and would improve traffic flows to and from Terminal 1. It is consistent with the developments that have been constructed and operated pursuant to this MDP.

Runway Safety Enhancement (Runway 25) MDP

This MDP allows for the construction of a runway end safety area at the western end of Sydney Airport's east-west runway, also known as Runway 25. It was approved in August 2008. Construction was completed in 2009.

The project would not affect this facility. It is consistent with the development that has been constructed and operated pursuant to this MDP.

T2/T3 ground access solutions and hotel MDP

This MDP allows for a number of works in the Terminals 2/3 precinct:

- Ground access works including new roadways, road widening and road realignment
- Expansion of the P3 car park and redevelopment of the P1 East carpark to provide additional parking for 1,500 vehicles and facilitate development of a pedestrian corridor
- A new ground transport interchange including a ground level bus facility and new multi-storey parking for about 4,000 vehicles

- A new hotel on Qantas Drive between Seventh and Ninth streets.

The MDP was approved in March 2015. The eastern part of the project is located directly adjacent to/within the Terminals 2/3 precinct, and has been designed taking the facilities proposed by the MDP into account. The Terminals 2/3 access has been designed to integrate with access to the carparks and the new ground transport interchange. The project is consistent with the development proposed by this MDP.

3.6.4 Sydney Airport planning objectives

Clause 2.04 of the Airports (Building Control) Regulations requires that consistency with the planning objectives for the airport must be considered as part of the assessment of applications for building approval on airport land.

The Master Plan defines the planning objectives for Sydney Airport. The project is considered to be consistent with these objectives as it would:

- Improve ground access to, from and past the airport
- Not impact Sydney Airport's operations
- Provide for future capacity requirements, and meet airline, passenger and other stakeholder requirements in relation to road access
- Be managed to ensure that potential environmental impacts are minimised and managed appropriately.

A detailed list of the planning objectives, and consideration of the consistency of the project with these objectives, is provided in Appendix D.

3.7 Consistency with the Sydney Airport lease and sub-leases

3.7.1 Consistency with the Sydney Airport lease

The project is consistent with the airport lease for Sydney (Kingsford Smith) Airport between the Commonwealth of Australia and Sydney Airports Corporation Limited (the original name of the airport lessee company), which includes toll-free public road access on Qantas Drive.

3.7.2 Consistency with sub-leases

Section 91(3) of the Airports Act and clause 5.04 of the Airports Regulations require a MDP to address the obligations of the airport lessee company as sub-lessor under any sub-lease of the airport site concerned and the rights of the sub-lessee under any such sub-lease.

The effects of the draft MDP on the obligations of Sydney Airport Corporation as sub-lessor, and the rights of any sub-lessee under any sub-lease of the airport site affected, have been considered and will continue to be addressed as part of the design and development of the project.