

Appendix E

Planning Laws and Regulations



PLANNING LAWS AND REGULATIONS

Sydney Airport is subject to a range of airport specific, and general laws and regulations. The key planning laws and regulations that apply at Sydney Airport are set out in this Appendix.

E1 Airport master planning

The *Airports Act 1996* (the Act) requires the Master Plan to identify Sydney Airport's intentions for land use and related development of the airport site where the uses and developments embrace – airside, landside, surface access, and land planning/zoning aspects.

This Master Plan has been prepared in accordance with the requirements of the Act.

A master plan must include the strategic direction for efficient and economic development at the airport and to indicate to the public the intended uses of the airport. A master plan must cover a period of 20 years and ordinarily, be reviewed every five years. A master plan must be displayed for public comment for 60 business days and must include:

- Development objectives and assessment of future needs
- Intentions for land use
- Australian Noise Exposure Forecast and the airport's intentions for managing noise
- Flight paths
- Airport environment strategy
- Ground transport plan
- Commercial activities
- Economic contributions

The *Airports Regulations 1997* provides land use, planning and building controls for Commonwealth leased airports. Part 5 of the regulations states that the master plan must set out proposals in a similar format to that required by state or territory legislation (as described above), specifically:

'For Section 71 of the Act, an airport master plan must, in relation to the landside part of the airport, where possible, describe proposals for land use and related planning, zoning or development in an amount of detail equivalent to that required by, and using terminology (including definitions) consistent with that applying in land use planning, zoning and development legislation in force in the State or Territory in which the airport is located'.

The land use definitions (see Appendix B) and terminology used in NSW planning legislation have been used, where appropriate, to provide a level of detail and transparency.

Additionally the Airports Regulations specify that for Subsection 71(5) of the Airports Act a master plan must address:

'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'.

E2 Airport developments

Construction of new development at the airport is subject to a robust development assessment process that provides a system for approving building activities. The *Airports (Building Control) Regulations 1996* establishes a system for approving appropriate building activities on the airport site.

Regulation 2.05 of the *Airports (Building Control) Regulations 1996* requires an application for approval of a building activity to include a statement describing how the proposed building activity is consistent with both the Master Plan and the Environment Strategy.

Building activities at the airport require a building activity approval from the Airport Building Controller (ABC) who is advised by the Airport Environment Officer (AEO). Both the ABC and the AEO are independent officers employed by the Commonwealth Department of Infrastructure, Regional Development and Cities.

In addition, a corresponding consent must also be granted by Sydney Airport. In this way, all proposed developments are assessed using the same process so as to determine whether the development is consistent with the Master Plan. This facilitates the independent assessment of development within the airport environment. Sydney Airport has an internal process for assessing development proposals which is described in more detail in section E3 below. A statutory assessment of the environmental impacts created by a new development is also undertaken by the AEO.

Where proposed works are deemed to require a Major Development Plan (MDP), an environmental assessment is carried out and community consultation is undertaken prior to seeking (pursuant to Division 4 Part 5 of the Act, including Section 89), approval from the Minister for Infrastructure and Transport. Major Development Plans may only be approved if they are consistent with the master plan in force for the airport.

E3 Development assessment at Sydney Airport

Development at Sydney Airport is managed under a regulatory framework set by the Act and associated regulations as well as the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

3.1 Regulatory processes

The planning and development process for lodging, assessing and approving works at Sydney Airport is summarised in the flow chart attached at [Figure E3-1](#).

The *Airports (Building Control) Regulations 1996* require that carrying out a building activity, as defined in Section 98 of the Act (described as development in this Master Plan), must have written consent of the airport lessee company (Sydney Airport Corporation Limited). Prior to Sydney Airport's written consent, the planning and development process must be followed (refer to [Figure E3-1](#)). Key aspects of this process are:

- Consultation with Sydney Airport planning and development as to the need for a major development plan (MDP), Sydney Airport development application, application for Sydney Airport consent or an exemption
- Application under the *Airports (Building Control) Regulations 1996*
- Determine whether the development is consistent with Section 32 of the Act
- Determine the development's consistency with the Master Plan and Environmental Strategy
- Consultation with internal and external stakeholders, in particular, local government, regarding developments in proximity to boundaries as well as state government agencies

Pursuant to the Act and *Airports (Building Control) Regulations 1996*, Sydney Airport's written consent must also be accompanied by the consent of the ABC before works commence. Works of a minor nature may be expected only after consultation with the ABC. ABC applications are made pursuant to the Act and *Airports (Building Control) Regulations 1996* and focus primarily on:

- Consistency of the development with the Master Plan
- Compliance with the Building Code of Australia

- A statutory assessment of the environmental impacts created by new developments, which is assessed by the airport environmental officer through the airport building controller, in accordance with the *Airport (Building Control) Regulations 1996*

Environmental impact assessment is regulated by the EPBC Act, the *Airport (Environmental Protection) Regulations 1997* and the [Sydney Airport Environmental Strategy 2019-2024](#).

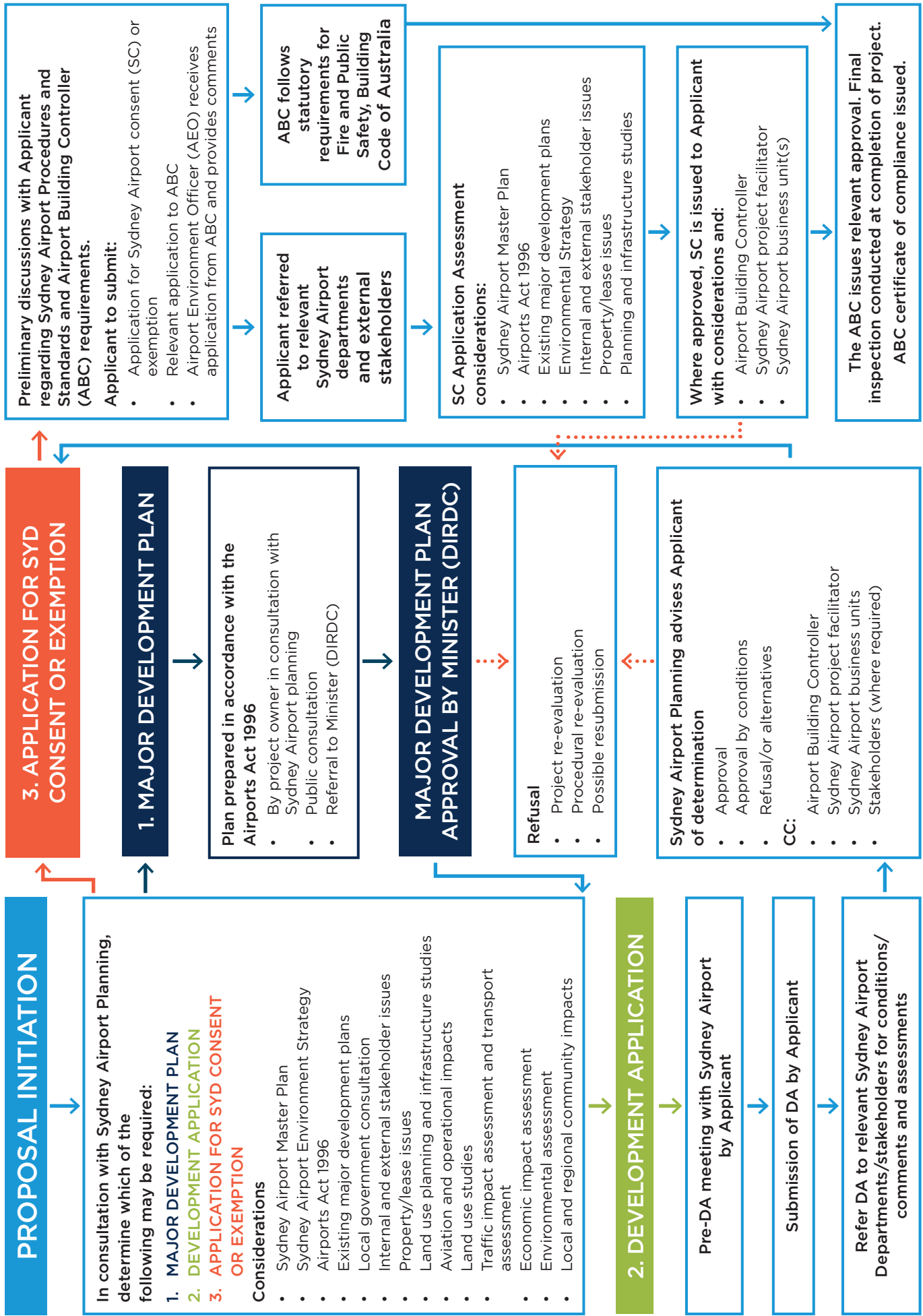


Figure E3-1: Sydney Airport planning and development process

3.2 Development standards

In addition to assessing proposals on regulatory compliance, proposals are also assessed on their performance in relation to a range of aviation, infrastructure, planning and environmental studies.

Due to the nature of the airport environment, development standards relating to each development are assessed on aviation-related standards not normally found in local planning ordinances. However, common planning standards and practices are applied to airport development where it is prudent to do so.

Sydney Airport's development standards are typically based on the list of documents and issues shown in [Table E3-1](#). Each development is assessed on its performance against each of these issues and corresponding guidelines and benchmark documents, in addition to the Land Use Plan (refer to [Chapter 13.0](#) of the Master Plan).

Table E3-1: Development Standard

Issue	Area	Sydney Airport guidelines and benchmark documents
Airside infrastructure	Aviation	MOS 139, ICAO Annex 14
Navigation surveillance systems	Aviation	Airservices Australia Navigational Aid Surface Drawings, MOS 172
Aircraft noise	Aviation	Building siting and insulation AS2021-2000 - Aircraft Noise Intrusion - Building, Siting and Construction
Obstacle limitation surface	Aviation	Airports (Protection of Airspace Regulations)
Runway end safety	Aviation	MOS 139
Lighting	Aviation	MOS 139
Bird hazard	Aviation	Wildlife management plan
Dust hazard	Aviation	Airport works plans
Aviation security	Aviation	Transport security program
Radar reflectivity and navigational aids	Aviation	Assessed on a case by case by Airservices Australia
Master grading	Infrastructure	Services master plan
Utilities	Infrastructure	Services master plan
Advertising and signage	Planning	Sydney Airport Master Plan; SEPP 64 principles
Land use	Planning	Sydney Airport Master Plan
Road traffic generation, traffic and transport management	Planning	Ground transport strategy, RTA guide to traffic generating development
Utilities protection	Planning	New southern railway, underground fuel and gas pipelines, SWSOOS, services master plan
Contaminated sites	Environmental	Contaminated sites register
Heritage	Environmental	Environment strategy and heritage management plan
Fuel storage	Environmental	Above-ground fuel storage policy
Asbestos	Environmental	Work health and safety standards
Environmentally sustainable development	Environmental	Environment strategy

3.3 External consultation

Table E3-2 outlines a list of the agencies consulted on an ongoing basis. Note that agencies are consulted where there is a requirement for specific input on a particular issue. Other agencies not appearing below may also be consulted

Table E3-2: External Consultation

Consulted Body	Reason
Department of Planning and Environment (NSW)	Consultation regarding major on-airport developments
Airlines and tenants	Consultation regarding major on-airport developments
Local government authorities	Stakeholder consultation with local government on development interface issues on the airport boundary, including major developments
Airservices Australia and Civil Aviation Safety Authority	Radar/Navigational/OLS interference issues
Roads and Maritime Services	Trunk road access, advertising signage, traffic generating developments
Sydney Water Corporation	Potable water, trade waste, heritage (Alexandra Canal), air rights, SWSOOS
Sydney Ports Corporation	Port Botany/airport interface issues
Ausgrid	Electrical supply – network issues on-site/off-site
Joint User Hydrant Installations	Pipeline protection – hydrant installation and pipeline
Airport Link Company	New southern railway tunnel protection
APA Group	Moomba Gas pipeline protection
Department of Environment, Population and Energy	Heritage matters

E4 Consistency with State environmental planning policies

4.1 Consistency with State environmental planning policies

State Environmental Planning Policy	Relevance to Sydney Airport
<p>State Environmental Planning Policy No 33—Hazardous and Offensive Development (SEPP 33)</p>	<p>SEPP 33 aims to identify potentially hazardous or offensive development and, in determining whether a development is hazardous or offensive industry, requires measures to be employed to reduce the impact of such development.</p> <p>Any proposed development of a hazardous or offensive nature on Sydney Airport requires development consent. Supporting information may include a hazard analysis prepared in accordance with relevant requirements.</p>
<p>State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)</p>	<p>The objectives of SEPP 55 include the remediation of contaminated land for the purpose of reducing the risk to human health or another aspect of the environment. Under SEPP 55, a consent authority must not grant consent to a development unless it has considered whether the land is contaminated and whether it is suitable, or can be made suitable, for the proposed use.</p> <p>Sydney Airport has legislative requirements and internal processes to manage contaminated sites to achieve objectives similar to the aims and objectives of SEPP 55. These objectives are documented in Sydney Airport Environment Strategy.</p>
<p>State Environmental Planning Policy No 64—Advertising and Signage (SEPP 64)</p>	<p>SEPP 64 aims to ensure outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable location, and is of high quality design and finish.</p> <p>Consistent with the aims of SEPP 64, Sydney Airport considers issues of road safety, amenity, character and finish when assessing proposals for advertisements and signage within the airport.</p>
<p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</p>	<p>The Vegetation in Non-Rural Areas SEPP aims to protect the biodiversity values of trees and other vegetation and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>Vegetation at the airport consists predominantly of mown grassed areas with occasional low to open shrubland and woodlands, man-made wetlands and planted native and exotic trees. The Sydney Airport Environment Strategy 2019-2024 identifies two native plant community types occurring on the airport, their location and protection/ management measures.</p> <p>Management of vegetation at the airport is carried out in accordance with DIRDC's land clearing guidelines and the airport's replanting offset program. As part of the five year biodiversity action plan in the Environment Strategy 2019-2024, Sydney Airport proposes to develop an airport wide vegetation strategy which incorporates biodiversity offsets.</p>

State Environmental Planning Policy	Relevance to Sydney Airport
Coastal Management State Environment Planning Policy	<p>Sydney Airport acknowledges the introduction of the Coastal Management Act 2016 and the associated updates to the Coastal Management SEPP – the State Environmental Planning Policy (Coastal Management) 2018.</p> <p>The Coastal Management SEPP divides every part of the ‘coastal zone’ of NSW into one of three management areas. These are:</p> <ul style="list-style-type: none"> • The coastal wetlands and littoral rainforests area • The coastal environment area • The coastal use area <p>The purpose of a coastal management program is to ‘set the long-term strategy for the co-ordinated management of land within the coastal zone’. The focus of the program is to achieve the objectives of the Coastal Management Act. These objectives are wide-ranging and include:</p> <ul style="list-style-type: none"> - Protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience - Recognise the coastal zone as a vital economic zone and to support sustainable coastal economies - Facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making - Promote integrated and co-ordinated coastal planning, management and reporting - Facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone. <p>The coastal area around Sydney Airport is identified by the NSW Government as a ‘coastal use area’. The management objectives for the ‘coastal use area’ (set out in the Coastal Management Act) envisage that there will be urban development (with bulk and scale) on adjacent land.</p> <p>Sydney Airport is surrounded by waterways (including the coastal area). To minimise the impact of airport operations on surface water quality in adjacent waterways, we work closely with airport tenants, operators and contractors to manage activities that have the potential to impact on water quality and continue to identify opportunities to improve water quality. We have prepared a draft Stormwater Quality Management Plan which aims to improve the quality of stormwater leaving the airport site.</p> <p>The flood study mentioned in Master Plan 2039 is directly aimed at addressing the impacts of rising sea levels. Flood studies will be undertaken under the Climate Risk Assessment and Adaptation Plan. Sydney Airport has committed to periodic reviews and updates of the Adaptation Plan to ensure it evolves in response to new science, new global, Australian or aviation policies and new information. These documents identify risks associated with potential future climate scenarios and actions required to fully prepare for a climate resilient future.</p>

State Environmental Planning Policy	Relevance to Sydney Airport
<p>State Environmental Planning Policy (Three Ports) 2013</p>	<p>Three Ports SEPP identifies Port Botany as a State significant area for the development of port related facilities and development that supports the operations of Port Botany. Three Ports SEPP recognises the proximity of Sydney Airport and seeks to provide for development at Port Botany that does not, by its nature or scale, constitute an actual or potential obstruction or hazard to aircraft.</p> <p>Land to the east of Sydney Airport within the State Environmental Planning Policy is zoned primarily General Industry (IN1) and Special Activities (SP1).</p> <p>The proposed zoning of land on the eastern side of Sydney Airport recognises the proximity to SEPP (Port Botany). Sydney Airport also recognises the height and scale of development envisaged within SEPP (Port Botany) and its potential impacts on airport operations.</p>
<p>Sydney Regional Environmental Plan No 33—Cooks Cove (SREP 33) (Deemed State Environmental Planning Policy)</p>	<p>Under SREP 33, 20 hectares of the Cooks Cove northern precinct has been within a Trade and Technology Zone (TTZ). In part, the TTZ aims to:</p> <ul style="list-style-type: none"> • Rezone land at Cooks Cove to encourage trade and technology uses, and to attract global-reach businesses which strengthen Sydney’s international competitiveness, and • Capitalise on the physical proximity of the Cooks Cove site to Sydney Airport and Port Botany to create trade-focussed development <p>Sydney Airport has long argued the importance of protecting employment lands in the vicinity of the airport. Sydney Airport therefore opposes current proposals to rezone the TTZ to permit residential development, including 25-storey towers.</p>

4.2 Consistency of Master Plan with relevant Local Environmental Plans

4.2.1 Introduction

Local Environmental Plans (LEPs) are prepared under Part 3 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and provide the statutory planning provisions and development controls for a local government area (LGA).

On 21 September 2005 a Standard Instrument – Principal Local Environmental Plan (LEP template) for all local government areas within the state of NSW was introduced by the NSW Minister for Planning and Environment. The *Bankstown Local Environmental Plan 2015* (BLEP) was developed in accordance with the standard instrument.

The Sydney Airport site is located within the Bayside and Inner West LGAs. These LGAs were formed following Council amalgamations in 2016, and until new comprehensive LEPs for these Councils are made, the previous Council's LEPs apply. These are:

- Botany Bay LEP 2013
- Rockdale LEP 2011 (which form Bayside Council)
- Marrickville LEP 2011 (which along with Ashfield and Leichhardt Council, formed Inner West Council)

The relevant associated provisions under each LEP are outlined in this appendix, together with an assessment of the consistency of the Master Plan's land use zones with the relevant provisions.

4.2.2 Land Use Definitions on Sydney Airport

Land use definitions for LEPs are required to meet the definitions in the NSW Standard LEP template. Definitions of terms used for the Sydney Airport Master Plan are provided in [Appendix G](#).

4.2.3 Bayside Council

The relevant zoning provisions of Botany Bay LEP 2013, and the Rockdale LEP 2011, as they relate to the Airport Site and adjoin land are detailed below.

Botany Bay LEP 2013

The relevant zoning provisions of Botany Bay LEP, as they relate to Sydney Airport and its land use zones, are detailed below.

Zone SP2 Infrastructure (Airport)

The airport site is zoned SP2 Infrastructure (Airport) under the Botany Bay LEP 2013, specifically for airport use. The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses and
- To prevent development that is not compatible with or that may detract from the provision of infrastructure

Environmental protection works in this zone are permitted without consent. Land uses permitted with consent in this zone include development for the airport or development ordinarily incidental or ancillary to development for the purpose of an airport.

The Master Plan has divided this portion of the land into the following separate zones to accurately reflect on-site activities. These zones include:

- AD1 – Aviation Activities and Aviation Support Facilities
- AD2 – Airport Terminal and Support Services
- AD3 – Airport Logistics and Support
- AD4 – Utilities Reservation
- AD5 – Aviation Reservation
- BD1 – Business Development
- BD2 – Enviro-Business Park
- EC1 – Environmental Conservation

Each zone provides for specific types of land uses related to airport operations and other development that is considered ancillary or incidental to airport operations, including the business, industrial and commercial land uses. The aviation related land uses are therefore consistent with the SP2 Infrastructure (Airport) zoning under Botany Bay LEP 2013.

Zone SP2 Infrastructure (Railway) and (Classified Road)

Adjacent to the SP2 Infrastructure (Airport) zone along the northern and eastern perimeter of the airport are areas of land zoned either SP2 Infrastructure (Railway) or SP2 Infrastructure (Classified Road) under the Botany Bay LEP. These major transport network services provide a buffer between the airport and adjacent industrial and business development zones, and also provide access to Port Botany. The objectives of these zones are to provide for infrastructure and related uses, and to prevent development that is not compatible with or that may detract from the provision of infrastructure. Environmental protection works are permitted without consent in this zone. Land uses permitted with consent in this zone include development for the purpose of a railway or development ordinarily incidental or ancillary to development for the purpose of a railway.

The zones specified under the Master Plan will not conflict with or prevent the efficient operations of SP2 Infrastructure (Railway) or (Classified Road) zones.

IN1 General Industrial

A large parcel of land located to the north of the airport site between Coward Street and Qantas Drive is zoned IN1 General Industrial. There is also a small portion south of General Holmes Drive on the western side of McFall Street. The objectives of this zone include to provide a wide range of industrial and warehouse land uses, encourage employment opportunities, minimise any adverse effect of industry on other land uses and to support and protect industrial land for industrial uses. A wide range of employment uses are permitted with consent in the IN1 General Industrial zone.

Land zoned IN1 General Industrial adjoins land zoned proposed to be zoned AD1 (Aviation Activity and Aviation Support Facilities) and AD3 (Airport Logistics and Support) zones under the Master Plan which are considered to be complementary land uses to contribute towards an aviation-related commercial/light industrial hub.

B5 Business Development

Land to the north-east of the Airport site, between land zoned IN1 General Industrial and Wentworth Avenue is zoned B5 Business Development. A portion of the railway that elsewhere is zoned SP2 Infrastructure (railway) is also part of this B5 zone. There is another small portion of land zoned B5 east of the site, near the intersection of Botany Road and the M1. The objective of this zone is 'to enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres'.

This zone adjoins land proposed to be zoned AD1 (Aviation Activity and Aviation Support Facilities), AD2 (Airport Terminal and Support Services), AD3 (Airport Logistics and Support) on the Airport site. Uses that are permissible with consent under these zones comprise aviation-related activities, including aviation support facilities, passenger transport terminals and support services as well as a business development. These uses are considered to be complementary with the objectives, and permissible uses within the B5 zone.

B4 Mixed Use

A parcel of land east of the Airport site, on the eastern side of Botany Road is zoned B4 Mixed Use. The objective of this zone is to provide a mixture of compatible land uses and to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. Uses permissible on this site include a range of commercial and retail uses, as well as shop top housing and apartment buildings. As this zoned land is east of both General Holmes Drive and Botany Road, and the B5 Business Development zone, this is considered to be a transition zone to residential zones further east.

IN2 Light Industrial

On the eastern side of Botany Road, south of Wentworth Avenue, land is zoned IN1 Light Industrial. The objectives of this zone include providing a wide range of light industrial, warehouse and related used, encourage employment opportunities and to support the viability of centres, to minimise any adverse effect of industry on other land uses and support and protect industrial land for industrial uses. This is near land proposed to be zoned BD1 Business Development and EC1 Environmental Conservation, and is considered to be a compatible zoning.

R2 Low Density Residential

A small portion of land zoned R2 Low Density Residential is located between the IN2 zoned land and Southern Cross Drive. Although this use is generally not consistent with the Airport zones and industrial and business uses in the vicinity, this is likely a legacy area given the age of some of the housing stock, and established when conflicting land use zones was not as regulated as today.

SP1 Special Activity (Recreation Facility)

On the southern side of Southern Cross Drive, east of Botany Road, is part of the Botany Water Reserves including the Mills Stream. This is zoned SP1 Special Activity (Recreation Facility) and objectives of this zone includes to provide for sites with special natural characteristics that are not provided for in other zones, and facilitating development that is in keeping with the special characterises of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land. This is a State significant landscape heritage item and also of regional importance as a major recharge source for the Sydney basin aquifer.

B7 Business Park

East of the Airport site, and on the southern side of Bay Street and the Mill Pond waterway, is an area of land zoned B7 Business Park. The objectives of the zone include providing a range of office and light industrial uses, to encourage employment opportunities and enable other land uses that provide facilities or services to meet the day to day needs of workers. This is considered to be a consistent use with the operations of the airport, and could provide for a range of support employment activity, which are considered to be uses complementary to the airport site.

RE1 Public Recreation

The southern-most parcel of land adjoining the eastern boundary of the airport site, south of General Holmes Drive, and adjoining the Mill Stream and Botany Bay foreshore, is a parcel of land zoned RE1 known as Sir Joseph Banks Park, and is approximately 26 hectares. Objectives of the zone include to enable land to be used for public open space or recreational purposes, provide a range of recreational setting and activities and compatible land uses, and protect and enhance the natural environment for recreational purposes. The EC1 zone in this portion of the site provides a buffer to airport operations in the west and minimises the potential for land use conflicts between land zoned under the Botany Bay LEP and the Master Plan. Given the environmental characteristics of this land, this zone is considered appropriate and not a conflicting use for the airport.

Rockdale Local Environmental Plan 2011

The relevant zoning provisions of Rockdale LEP, as they relate to Sydney Airport and its land use zones, are detailed below.

Zone SP2 Infrastructure (Airport)

The portion of the airport site located within the Rockdale LGA is zoned SP2 Infrastructure (Airport), which permits development for airport purposes. Development that is ordinarily ancillary to airport purposes is permissible with consent in this zone. The Master Plan has zoned this land for five (5) separate purposes. These are:

- AD1 - Aviation Activities and Aviation Support Facilities
- AD2 - Airport Terminal and Support Services
- AD3 - Airport Logistics and Support
- BD1 - Business Development
- BD2 - Enviro-Business Park

The provisions of the Rockdale LEP that relate to land adjoining Sydney Airport are discussed below.

Zone RE1 Public Recreation

Land zoned RE1 Public Recreation, known as Kyeemagh Reserve, is located on the western side the Cooks River between Muddy Bay and Botany Bay. Another parcel RE1 zoned land further north of the land zoned under the SREP (Cooks Cove) site known as Cahill Park, is located along the foreshore of the Cooks River, west of the Airport site. Another parcel of RE1 zoned land adjoins the Cooks River between Muddy Bay and Botany Bay, known as Kyeemagh Reserve and Beach. The objectives of this zone are to enable land to be used for public open space or recreational purposes, provide for a range of recreational activities and compatible uses, and to protect and enhance the natural environment for recreation purposes. The types of uses that are permissible in the zone include recreational facilities, community facilities, child care centres and kiosks.

The western sector of the airport site adjacent on the opposite of the Cooks River to Cahill Park is proposed to be zoned BD1 (Business Development) and AD1 (Aviation Activity and Aviation Support Facilities) and under the Master Plan. The part of the Airport site on the opposite side of the Cooks River of Kyeemagh Reserve is proposed to be zoned AD1 (Aviation Activity and Aviation Support Facilities).

The separation achieved by the Cooks River ensures that the proposed zonings will not conflict with the public recreation areas. Amenity impacts on existing open space areas will remain unchanged from the existing zones

Clause 6.3 Development in areas subject to aircraft noise

The provisions of Clause 6.3 of Rockdale LEP 2011 place specific controls on developing land within areas directly affected by aircraft noise. That is, land in proximity to the airport site and within an ANEF contour of 20 or greater. The provision directs council to ensure the guidelines provided in Australian Standard *AS 2021:2015 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* are incorporated in the design and construction of buildings that are affected by noise and vibration associated with airport operations.

Marrickville Local Environmental Plan 2011

The relevant zoning provisions of Marrickville Local Environmental Plan 2011 (Marrickville LEP), as they relate to Sydney Airport and its land use zones, are detailed below.

Infrastructure (Air Transport Facilities)

A portion of the northern sector of the airport site, around Alexandra Canal, is located within the Inner West LGA and subject to the Marrickville LEP 2011. Sydney Airport is zoned SP2 Infrastructure (Air Transport Facilities) under Marrickville LEP. The Master Plan has zoned this land for three (3) separate purposes. These are:

- AD1 – Aviation Activity and Aviation Support Facilities
- AD2 – Airport Terminal and Support Services
- AD3 – Airport Logistics and Support

The objective of the SP2 (Infrastructure) zone is ‘to provide for infrastructure and related uses, to prevent development that is not compatible with or that may detract from the provision of infrastructure and to protect and provide for land used for community purposes’.

Under the SP2 Infrastructure (Air Transport Facilities) zone, home occupations are permitted without consent. Roads and any development that is ordinarily incidental or ancillary to development for the purpose of air transport facilities is permitted with consent in the SP2 Infrastructure (Air Transport Facilities) zone). All other land uses are prohibited in this zone.

The Master Plan proposes to zone this land as AD1 (Aviation Activity and Aviation Support Facilities), AD2 (Airport Terminal and Support Services) and AD3 (Airport Logistics and Support) which permit uses that are fundamental to airport operations.

Zone IN1 General Industrial

Sydney Airport owns a freehold parcel of land north of Airport Drive and Alexandra Canal, which is within the airport boundary. This freehold land does not fall within the Commonwealth’s landholding of the airport. This land is therefore governed under the provisions of the NSW EP&A Act and Marrickville LEP and is zoned IN1 General Industrial under Marrickville LEP.

The purpose of the IN1 zone is to provide for industrial and warehouse uses, to encourage employment, minimise adverse effect of industry on other land uses, and to protect industrial land in proximity to Sydney Airport and Port Botany. For the adjoining land subject to the Master Plan, the zone AD3 – Airport Logistics and Support is to apply, which permits uses that support airport operations.

Types of development permissible with consent in the IN1 zone include (but are not limited to) dwelling houses, general industries, light industries, neighbourhood shops, and takeaway and food and drink premises. While permissible with consent in the IN1 zone, development consent in relation to dwelling houses only applies to alterations or additions to existing dwellings. It is also noted that a number of airport related uses, such as air transport facilities, airstrips and passenger transport facilities, are prohibited in the IN1 zone.

Existing development within the IN1 zone comprises a number of uses prohibited under Marrickville LEP, including animal boarding or training establishments, commercial premises, child care centres, and air transport facilities. Aviation-related uses within the AD3 zone would not unreasonably intensify the use of this area beyond what currently exists. In addition, there are no sensitive land uses adjoining or in proximity to this portion of the airport site.

A portion of the IN1 zoned land is owned by Sydney Airport but is not zoned under the Master Plan and is not subject to the requirements of the Act or the Master Plan.

RE1 Public Recreation

Land zoned RE1 Public Recreation is located adjacent to the airport site, to the north of Alexandra Canal. A small portion of this land is located adjacent to land zoned AD1 (Aviation Activity and Aviation Support Facilities) and AD2 (Airport Terminal and Support Services) under the Master Plan. The objective of the RE1 zone is to enable land to be used for public open space or recreational purposes, provide a range of recreational settings and activities, community facilities, services and compatible land uses, and to protect and enhance the natural environment for recreational purposes.

The location of the RE1 zone on the opposite side of Alexandra Canal, coupled with the purpose of the zone, minimises the potential for land use conflicts between this land and the airport site. In addition, RE1 zoned land provides a buffer between residential development to the north and airport operations.

Zone SP2 Infrastructure (Rail Infrastructure Facilities, Air Transport Facilities and Stormwater Management Systems)

Land within the Marrickville portion of the site is zoned SP2 Infrastructure and includes land for purposes including rail infrastructure facilities, air transport facilities and stormwater management systems. The objective of the SP2 Infrastructure zone is to 'provide for infrastructure and related uses, prevent development that is not compatible with or that may detract from the provision of infrastructure and to protect and provide for land used for community purposes'.

Alexandra Canal to the north of the airport is zoned SP2 Infrastructure for the purpose of stormwater management systems. Port Botany freight line and Airport Drive are zoned SP2 Infrastructure (Rail Infrastructure Facilities and Air Transport Facilities respectively). This zoning supports airport operations and is therefore consistent with the AD2 zone under the Master Plan.

Development in areas subject to aircraft noise

Marrickville LEP 2011 contains provisions, in section 6.5, relating to development on land that is near the airport, has an ANEF contour of 20 or greater and where the consent authority considers the land to be affected by aircraft related noise. This provision places specific controls on development within these areas and requires the consent authority to consider the following:

- Whether the development will result in an increase in the number of dwellings or people affected by aircraft noise
- The location of the development in relation to the criteria contained in Australian Standard *AS 2021:2015, Acoustics Aircraft Noise Intrusion - Building Siting and Construction*
- Satisfaction that the development will meet the indoor design sound levels in relation to the criteria provided in Australian Standard *AS 2021:2000, Acoustics - Aircraft noise intrusion - Building Siting and Construction*

Marrickville LEP 2011 contains provisions relating to the protection of airspace operations to direct the consent authority when assessing development applications to have regard to whether the proposed development will penetrate the limitation or operations surface. Development consent must not be granted if the consent authority and commonwealth body are satisfied that the proposed development will penetrate the limitation or operations surface.

4.2.4 Commercial and retail development in areas adjacent to Sydney Airport

The Act requires the Master Plan to include an analysis of how the proposed developments in the Master Plan fit within the planning schemes for commercial and retail development in the area that is adjacent to the airport.

Chapter 10.0 of the Master Plan (Commercial Development Plan) describes the type of commercial and retail development that may occur on the airport site over the planning period for the Master Plan, including the first five years.

Sydney Airport has a strong track record of delivering appropriate commercial activities/developments that enhance the passenger and other airport user needs. Sydney Airport's commercial planning activities comprise only 5.8 percent of allocated land. The majority of proposed future commercial development is expected to involve hotel accommodation for passengers, offices for aviation related businesses and general retail for passengers, their 'meeters and greeters', staff and related aviation service providers.

Therefore, having regard to the commercial and retail developments that are permitted by the various LEPs operating in areas adjacent to the Airport and given the type of commercial and retail development Sydney Airport anticipates will occur on the airport site over the planning period (including the next five years), the proposed on-airport developments fit within the planning schemes for areas adjacent to the Airport.