

17 January 2017

Director Environment and Building Policy
Department of Planning and Environment
PO Box 39
Sydney NSW 2001

Dear Director

Re: NSW coastal reforms

Thank you for the opportunity to comment on the NSW Government's draft coastal reforms and, in particular, the draft *State Environmental Planning Policy (Coastal Management) 2016* (the draft SEPP).

Sydney Airport generally supports the draft coastal reforms. There are, however, two issues we wish to raise concerning the draft SEPP.

1. The draft SEPP purports to apply to Commonwealth land

The Sydney Airport site is owned by the Commonwealth and is defined in the *Airports Regulations 1997*. As well as land on which the runways, taxiways, passenger terminals and other aviation-related infrastructure are located, the airport site includes waters up to around 75 metres from the shoreline. This includes areas in Botany Bay, the Cooks River and the Alexandra Canal.

Any proposed development or building activity occurring on the airport site that is likely to affect the environment is thoroughly assessed under Commonwealth legislation, including the *Airports Act 1996* (the *Airports Act*), the *Airports (Environment Protection) Regulations 1997*, the *Airports (Building Control) Regulations 1996* and the *Environment Protection and Biodiversity Conservation Act 1999*.

To avoid duplication, section 112 of the *Airports Act* provides that state laws relating to land use planning or the regulation of building activities do not apply to the airport site. As the draft SEPP is such a state law, it would therefore not apply to the Sydney Airport site. It is therefore anomalous that the maps issued by the Department of Planning and Environment (DPE) with the draft SEPP defining the "coastal environment area" and "coastal use area" include all the Commonwealth waters and a strip of airport land around 100 metres wide. This can be seen in the maps shown in **Attachment A**. This anomaly should be corrected.

2. The environmental impacts of coastal development need to be balanced with other factors in the planning process

It is conceivable that, in future, some airport-related development may need to extend beyond the airport boundary into areas where the draft SEPP would apply. Were that to occur, consent would be required from the NSW Government and/or relevant local council.

As currently drafted, clause 14 (Development on land within the coastal environment area) and clause 15 (Development on land within the coastal use area) of the draft SEPP would appear to prevent the consent authority from considering other factors, such as the safety, economic, social or other benefits of a proposed development. This could result in essential airport and aviation-related development being automatically rejected.

For example, a proposal to install high intensity approach lights at the southern end of Sydney Airport's parallel north-south runway could, in part, require support structures to be erected in Botany Bay, some of which would extend beyond the airport boundary. The fact these lights are designed to improve the safety of aircraft landing in low visibility conditions and enhance airport efficiency would not be relevant considerations under the draft SEPP and it would be likely such a development would be refused under clauses 14 or 15 as currently drafted.

Also, should dredging parts of Botany Bay at the mouth of the Mill Stream be required to manage sandbanks that create habitat for wildlife in an area that is very close to active runways, the fact such work was designed to minimise the risk of birds, bats and other wildlife being struck by aircraft would not be a relevant consideration.

This issue could be easily rectified by allowing the consent authority to consider other factors, such as the social and economic impacts or benefits associated with the proposed development, as well as any environmental impacts.

Such a change would be consistent with the objects of the *Environmental Planning and Assessment Act 1979* and *Coastal Management Act 2016*, both of which seek to ensure the economic, social and environmental impacts of proposed development are considered in the decision-making process.

If you would like further information, please feel free to contact Sydney Airport's Head of Government and Community Relations, Mr Ted Plummer, on (02) 9667 6182 or ted.plummer@syd.com.au.

Yours sincerely



Kerrie Mather
Managing Director & Chief Executive Officer

Enc: Maps issued by DPE with the draft SEPP defining the "coastal environment area" and "coastal use area"

Maps issued by DPE with the draft SEPP



Map defining the "coastal environment area"



Map defining the "coastal use area"