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29 November 2018

Director, Industry and Infrastructure Policy
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Director

Re: Proposed amendments to State Environmental Planning Policy (Three Ports) 2013

Thank you for the opportunity to comment on the proposed amendments to State Environmental Planning Policy (Three Ports) 2013 (Three Ports SEPP).

While almost all of the proposed amendments outlined in the *Explanation of Intended Effect* document are directly relevant to NSW Ports (as the operator of Port Botany and Port Kembla), Sydney Airport makes the following comments concerning some of the amendments proposed in Parts 1 and 2.

Part 1: Proposal to rezone land near Hale Street, Botany

Given the road safety-related reasons relating to freight-related articulated trucks, Sydney Airport does not oppose this proposed rezoning.

Part 1: Proposal to include land near Wentworth Avenue, Botany in the Three Ports SEPP

As this would expand the area of land zoned for airport and port-related land uses, this proposal is supported.

Part 2: Protecting land at Port Botany for freight and container uses

Maintaining an adequate stock of appropriately zoned employment lands is essential to provide for economic growth, productivity gains and increased competitiveness. This is particularly so near nationally significant economic infrastructure such as Australia's capital city airports and ports, including Sydney Airport and Port Botany.

As outlined in the Greater Sydney Commission's (GSC) Eastern City District Plan (the area of which includes Sydney Airport and Port Botany):

"Research has identified a benchmark of three square metres of urban services land per person. The research found that in the Eastern City District, the per person amount is below the benchmark in 2016, and the per capita amount is anticipated to reduce further between 2016 and 2036."

We are also aware that, for Port Botany, the need to regulate lot size is also a vitally important requirement, even in cases where the zoning of land does not change.

The proposals in the draft SEPP outlined in Options 1, 2 and 3 are therefore strongly supported.

National Airports Safeguarding Framework

A number of airport-related planning matters are outlined in the national land use planning framework called the National Airports Safeguarding Framework (NASF).

The National Airports Safeguarding Advisory Group, comprising Commonwealth, State and Territory Government planning and transport officials (including from NSW), the Department of Defence, the Civil Aviation Safety Authority, Airservices Australia and the Australian Local Government Association, developed the NASF. It was agreed by Commonwealth, State and Territory Ministers at the Standing Council on Transport and Infrastructure meeting on 18 May 2012.

The purpose of the NASF is to enhance current and future safety, viability and growth of aviation operations at Australian airports. It achieves this by, in part, supporting and enabling:

- a) The implementation of best practice in relation to land use assessment and decision making in the vicinity of airports (including land covered by the Three Ports SEPP);
- b) Better understanding and recognition of aviation safety requirements and aircraft noise impacts in land use and related planning decisions; and
- c) The provision of greater certainty and clarity for developers and land owners.

The NASF aims to ensure airport and aviation-related requirements are recognised in strategic land use planning processes through the following guidelines:

- A: Measures for Managing Impacts of Aircraft Noise (noting that this guideline was the only one not endorsed by the NSW Government);
- B: Managing the Risk of Building Generated Windshear and Turbulence at Airports;
- C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports;
- D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation;
- E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports;
- F: Managing the Risk of Intrusions into the Protected Airspace of Airports;
- G: Protecting Aviation Facilities — Communication, Navigation and Surveillance;
- H: Protecting Strategically Important Helicopter Landing Sites
- I: Public Safety Areas

The GSC's Eastern City District Plan includes a commitment to recognise and give effect to the NASF, incorporating airspace protection (for example height), turbulence and wildlife safety measures.

We understand from the Department of Planning and Environment that it has not yet been decided how the NASF will be given effect to in NSW planning law, though a special SEPP; ministerial direction pursuant to section 9.1 of the *Environmental Planning and Assessment Act 1979* (NSW); or model provisions to be included in relevant council local environmental plans are assumed to be the available options. We feel that one of these options – and preferably the first – should be implemented as soon as possible. On this basis, there is no need to duplicate a future planning instrument by also recognising the NASF in the Three Ports SEPP.

If you would like further information, please feel free to contact Sydney Airport's Special Adviser – Government and Community relations on (02) 9667 6182 or at ted.plummer@syd.com.au.

Yours sincerely



Sally Fielke
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