

## Areas affected by Aircraft Noise under State Environmental Planning Policy (Precincts – Western Parkland City) 2021

### Purpose of State Environmental Planning Policy (Precincts – Western Parkland City) 2021

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 commenced on 1 October, 2020 and was introduced by the NSW Department of Planning Industry and Environment with the purpose of setting the planning framework for the Western Sydney Aerotropolis. This SEPP was on 1 March 2022 combined with other relevant policies as a chapter (Chapter 4) in State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (the SEPP).

Any proposed development on land to which the SEPP applies is required to give consideration to and meet the requirements of the SEPP. The SEPP includes a number of development controls which are intended to safeguard the future operations of the airport. These development controls include preventing certain types of noise sensitive development on land located within an ANEC or ANEF contour of 20 or greater.

### What are ANEC and ANEF Contours?

The Australian Noise Exposure Concept (ANEC) and Australian Noise Exposure Forecast (ANEF) are tools that are used to measure exposure to noise at major airports in Australia. These tools are used to inform land-use planning around an airport site and to assess the effects of aircraft noise.

An ANEC is a Noise Exposure Chart based on the runway direction and indicative flight paths for take-offs and landings. The SEPP includes an ANEC map which identifies noise exposure contours, displayed in representative units of 20, 25, 30 and 35+. The higher the contour numbers, the higher the levels of noise exposure.

An ANEF chart is a more refined ANEC, generated based on the final approved flight path design. ANEF noise contours are formally endorsed for technical accuracy and practical operational application by Airservices Australia (the government air navigation services provider). It is expected that the ANEF for Western Sydney Airport will be available once the flight paths have been finalised.

**Implications of the ANEF and ANEC Contours – what does this mean for land owners?**

The SEPP includes a Noise Exposure Contour Map which identifies the ANEC contours associated with the future operations of the airport. Under the SEPP, **Council or any other approval body (including private certifiers) must not grant consent** to any noise sensitive development on land that is within an ANEC or ANEF Contour of 20 or greater.

For the purposes of the SEPP, noise sensitive development includes the following:

- Centre based child care facilities;
- Educational establishments;
- Exhibition homes;
- Exhibition villages;
- Funeral homes;
- Hospitals;
- Information and education facilities;
- Places of public worship;
- Residential accommodation; (which includes granny flats and secondary dwellings)
- Respite day care centres;
- School based child care (other than an existing school)

The prohibition of the uses above in an area with an ANEC or ANEF contour of 20 or greater applies regardless of whether the use is permitted by the zoning of the land.

**What types of Residential Accommodation are prohibited in an ANEF or ANEC 20 or greater contour area?**

Residential Accommodation is considered a type of Noise Sensitive Development under the SEPP. As such, the SEPP prevents Council or any other approval body (including private certifiers) from granting consent to any type of residential accommodation (other than a single dwelling on vacant land) on land within an ANEC or ANEF Contour of 20 or greater.

This SEPP prohibits the following types of residential accommodation on land within an ANEC or ANEF Contour of 20 or greater:

- Attached dwellings;
- Boarding houses;
- Dual occupancies;
- Group homes;
- Hostels;
- Multi dwelling housing;
- Residential flat buildings;
- Rural workers dwellings;
- Secondary dwellings (commonly known as Granny Flats);
- Semi-detached dwellings;
- Seniors housing;
- Shop top housing

**Do the prohibitions under the SEPP apply to a ‘change of use’ of an existing building?**

The SEPP prevents consent from being granted to any form of noise sensitive development in an ANEC or ANEF contour of 20 or greater, both where it is proposed within a new building, as well as where it is proposed as a change of use to all or part of an existing building. For example, a proposal to convert an existing shed to a Secondary Dwelling would not be permitted on land that is within an ANEF or ANEC contour of 20 or greater.

**What types of Development are still permitted and what type of activity can you carry out on your land?**

The following uses are still permitted on land within an ANEC or ANEF contour of 20 or greater under the SEPP:

- A single dwelling on a vacant lot where permitted by the zoning of the land and provided that the consent authority is satisfied

that the development will meet the indoor design sound levels provided in the AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building siting and construction,

- Alterations or additions to an existing dwelling;
- Tourist and visitor accommodation and caravan parks where permitted by the zoning of the land,
- Any development that is not deemed noise sensitive development under the SEPP and is otherwise permitted by the zoning of the land.

### **Does the policy affect existing lawful development?**

The SEPP only applies to new/proposed development. It does not affect any existing, lawful development.

Any development application/Complying Development Certificate for a noise sensitive development that was approved prior to the SEPP commencing prior to 1 October, 2020 but has not yet been completed can still be undertaken.

### **Complying Development**

In NSW, certain types of development can be approved through what is known as a Complying Development Certificate (CDC). A CDC is a fast track type application that can be pursued where the development meets a set of pre-determined development standards and land requirements contained in a state policy and can be issued by Council or a private certifier.

Where the development, or the land on which the development is proposed does not meet any one of the standards contained in that state policy, then approval would need to be obtained via a development application submitted to Council.

The SEPP (Precincts – Western Parkland City) 2021 prevents both Council or a Private Certifier from issuing a Complying Development Certificate for any type of noise sensitive development listed under the SEPP.

### **Useful Resources**

- NSW Department of Planning and Environment [Aviation Safeguarding Guidelines](#) – Western Sydney Aerotropolis and surrounding areas, November 2022

If you wish to check where your property is in relation to the current noise contours, you can visit the following website, and turn on the ANEC Noise Contour layer:

<https://www.westernsydney.com.au/your-airport/airport-safeguarding>

### **Further Enquiries**

For any further questions regarding the operation of the SEPP (Precincts – Western Parkland City) 2021 please contact the NSW Department of Planning and Environment.

Email: [aerotropolis@dpie.nsw.gov.au](mailto:aerotropolis@dpie.nsw.gov.au)

Phone: Between 9am-5pm, Monday to Friday on 1300 420 596 and ask for the Western Sydney Aerotropolis team

