



Briefing Note
Western Sydney Airport
Chronology of Events

INTRODUCTION

The purpose of this briefing note:

Council resolved at the Council meeting of 22 February 2022 as follows:

6. *Receive a briefing note outlining the chronology of events surrounding the SEPP and when Council became aware of key matters. Further that this briefing note be made publicly available on council's website.*

The aim of this briefing note is to respond to the Council resolution.

Background

The Western Sydney Aerotropolis precinct sits within the Liverpool and Penrith Local Government Areas; however, the impacts and opportunities of the Western Sydney Airport will be beyond this boundary and extend into Wollondilly.

The materials placed on exhibition as part of the NSW Government's consultation alluded to controls that would restrict noise sensitive development in the vicinity of the new airport. Council and Council staff have consistently advocated for greater clarity on the planning controls that would apply to Wollondilly.

Early copies of the drafted legislation were shared with Council Staff in 2020 under *Parliamentary in Confidence* and as such were not able to be shared broadly. Multiple iterations were drafted prior to the finalisation of the legislation.

Planning Note 1: On 1 March 2022, State Environmental Planning Policies underwent a consolidation process. Provisions previously contained within State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 now sit under Chapter 4 Western Sydney Aerotropolis of the new [State Environmental Planning Policy \(Precincts – Western Parkland City\) 2021](#).

Summary of Key Advocacy

For more than four years, Council and Council staff have consistently requested and advocated for the NSW State Government to:

1. Engage with Wollondilly residents early and undertake a genuine consultation process;
2. Clearly identify and protect the land that would be affected by the Western Sydney International (Nancy-Bird Walton) Airport through the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*;
3. Align legislation and planning documents to appropriately capture the impact on Wollondilly; and
4. Provide the data relating to the Aerotropolis and which land is impacted

CHRONOLOGICAL HISTORY OF ADVOCACY AND ACTIONS

Date	Event / Action	Summary or Link
19 June 2017	A report to Council providing an overview of the proposed Western Sydney Airport. It included historical information	<p>Agenda PE1: https://www.wollondilly.nsw.gov.au/assets/Uploads/PE1-Western-Sydney-Airport-Ordinary-Meeting-Agenda-19-June-2017.pdf</p> <p>Minutes: https://www.wollondilly.nsw.gov.au/assets/Uploads/Ordinary-Meeting-Minutes-Monday-19-June-2017.PDF</p>
25 May 2018	Council staff distributed a flyer at a range of locations to advise the community of the <i>Forum on Western Sydney Airport</i> (FOWSA) information session.	<p>Flyers were placed at the following locations:</p> <ul style="list-style-type: none"> • The Community Events Noticeboard within the Silverdale Shopping Precinct; • The Community Noticeboard within the shopping precinct at Warragamba; • The Noticeboard in the Warragamba Neighbourhood Centre; • On the display board at the Warragamba Post Office; • On the display board in The Oaks Newsagency; • In the window of The Oaks Post Office; • On the Community Notice Board outside Foodworks in the Oakdale shopping village; • Front counter of a local business; and • In a display area in the Oakdale shopping village
15 June 2018	Council Staff submitted advice to the Department of Planning, Industry & Environment	<p>Council Staff advised the Department of Planning, Industry & Environment</p> <p><i>.... the airport will have significant direct and indirect impacts on Wollondilly Shire. Given these impacts on people, infrastructure, and liveability, clear thought and advice needs to be provided on whether the draft LUIP expands beyond borders of the growth area, and if it does, how is this managed through the suite of other documents prepared by the State (ie, refer to Figure 1 in LUIP). There will be to be a clear line of sight for all strategic planning documents, and where these apply. Will the technical documents only apply to the same land as the LUIP, and the Growth Area, or do they extend further? It is assumed that a state environmental planning policy will apply to land within Wollondilly based on the ANECs, flight movements, and obstacle height limits. In this regard, the line of site for these documents becomes blurred. Section 5.1 needs to be reconsidered on this basis."</i></p>

13 & 18 June 2018	Council resolution regarding noise impacts from the Western Sydney Airport	https://www.wollondilly.nsw.gov.au/assets/Uploads/Ordinary-Meeting-Minutes-18-June-2018.pdf
15 October 2018	Council's Report on the public exhibition of the Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan Item 11.8 Western Sydney Airport Land Use and Infrastructure Implementation Plan	Agenda: https://agendasandminutes.wollondilly.nsw.gov.au/Open/2018/10/CO_20181015_AGN_2109.PDF Minutes: https://agendasandminutes.wollondilly.nsw.gov.au/Open/2018/10/CO_20181015_MIN_2109.PDF
25 October 2018	Council submission to the State Government on the Draft Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan.	Raised the matters in relation to: <ul style="list-style-type: none"> • Area to which the Western Sydney Airport Growth Area, State Environmental Planning Policy, Land Use and Infrastructure Implementation Plan and Technical Documents apply • Better connections and public transport (electrified rail) to Wilton • The role of Local Government • Proposed Precincts • Out of Sequence proposals • Noise Impacts • Urban Development Zone • Funding of Infrastructure • Health Services • A road map to make the Aerotropolis development ready.
8 November 2018	Council letter to the General Manager, Department of Infrastructure, Regional Development and Cities	<ul style="list-style-type: none"> • <i>A timeframe for the confirmation and implementation of the ANEF;</i> • <i>Creation of a mapping tool or equivalent that identifies individual lots affected by the multiple levels and 'scenarios' of noise exposure from the proposed Western Sydney Airport at ANEF levels, ANEC levels and maximum noise levels (LAMAx);</i> • <i>Clarification as to whether or not contact has been made with any or all affected landowners outlining the varying impacts of the proposed Airport ANEF on their properties and whether they have been advised as to the likely ANEC or ANEF contour they are situated within</i>
4 October 2019	Council submission to the Planning Partnership Office on the Draft SEPP and Ministerial Direction	In summary: <i>"...Wollondilly is not captured by the draft SEPP, there appear to be some important controls not captured by the Ministerial Direction, such:</i> <ul style="list-style-type: none"> - <i>Wildlife zoning (i.e., we are within the area covered by the text within the proposed documents but not part of the SEPP i.e., 13km) Therefore these</i>

		<p><i>important controls may not apply to Wollondilly;</i></p> <ul style="list-style-type: none"> - <i>Airport safeguarding (other matters listed not in the direction) – similar to above.</i> <p><i>... concern is still raised that the proposed amendments to the Ministerial Direction will not apply specifically to Wollondilly (although the Direction states Wollondilly, the specifics do not include important subject land). Without additional words the Ministerial direction ONLY applies to land in the <u>LUIP and the SEPP</u> (and we are not part of the SEPP or LUIP). I note the words below are not sufficient for the Direction – but highlight our concern.”</i></p>
22 November 2019	Council submission to the General Manager Aviation Environment at Department of Infrastructure, Transport, Cities and Regional development on the Review of Future Airports and Safeguarding Framework.	The Director Planning requested that the “ <i>State implement the airport’s safeguarding framework (rather than each individual Council). The State was not proposing to protect it at that time.</i> ”
6 December 2019 to 13 March 2020	Exhibition of Western Sydney Aerotropolis Planning Package (2 December 2019 until 13 March 2020).	<p>It included the following documents:</p> <ul style="list-style-type: none"> • Draft Western Sydney Aerotropolis Plan • Draft Western Sydney Aerotropolis DCP • Western Sydney Aerotropolis proposed SEPP Discussion Paper • Western Sydney Aerotropolis Summary • Aerotropolis SEPP Maps (1 of 2) • Aerotropolis SEPP Maps (2 of 2) <p>Western Sydney Aerotropolis Plan: Draft – for public comment (December 2019) stated (p. 44) the following</p> <p><i>“Development within the ANEC/ANEF 20 and above contour will adopt appropriate design and construction standards to reduce aircraft noise impacts.</i></p> <p><i>In existing residential areas or land approved for development, the ability to construct dwellings will not be removed and renovations to existing houses or minor extensions will still be allowed, subject to appropriate noise mitigation management measures.”</i></p> <p>Exhibition documents are still available on the NSW Planning Portal.</p>
15 January 2020	Council updated its website with all the relevant information that was provided by the State, for the State exhibition.	
18 May 2020	Council submission to State Government on wildlife assessment report.	Council staff again advocated that changes to the planning framework are the responsibility of DPIE to carry out these amendments to ensure it is done consistently for all councils.

<p>7 & 18 August 2020</p>	<p>Information provide by staff to the PPO on the estimated number of dwellings potentially impacted by the ANEC Noise Contours.</p>	
<p>18 August 2020</p>	<p>Council staff submission to the State Government on aerotropolis information:</p>	<p><i>SEPP for Aerotropolis [SIC] wishes to protect airport operations beyond the Aerotropolis – which is a defined area and based on this we note the following:</i></p> <ul style="list-style-type: none"> • <i>Council has previously provided advice to PPO that the SEPP cannot apply beyond the 'lands application map' A timeframe for the confirmation and implementation of the ANEF;</i> • <i>Creation of a mapping tool or equivalent that identifies individual lots affected by the multiple levels and 'scenarios' of noise exposure from the proposed Western Sydney Airport at ANEF levels, ANEC levels and maximum noise levels (LAMA_x);</i> • <i>Clarification as to whether or not contact has been made with any or all affected landowners outlining the varying impacts of the proposed Airport ANEF on their properties and whether they have been advised as to the likely ANEC or ANEF contour they are situated within.</i> • <i>There has been no formal consultation with affected Wollondilly residents over the safeguarding controls, if the SEPP is used as the controlling EPI which is suggested in the text (and the comment throughout the document) this would present significant challenges.</i> • <i>Council expected that more specific consultation would be undertaken for safe guarding controls outside the Aerotropolis boundary to convey the implications clearly.</i> <p><i>The SEPP cannot require Wollondilly DAs to be referred to the WSA as the SEPP doesn't apply (pg 31</i></p>
<p>24 August 2020</p>	<p>The NSW State Government requested contact details to notifying landowners located outside the of the Aerotropolis but affected by the airport. The State Government provided spatial data to Council to identify the land affected. Council Staff provided landowner contact details to the State Government</p>	<p>Council staff noted in response: <i>...that providing the ownership data does not change our Council officer position, and that the making of any statutory plan without adequate consultation with our affected residents is very serious and significant issue, as recently outlined by Planning Directors, and per the recent joint Mayoral letter.</i></p>
<p>28 August 2020</p>	<p>The then Mayor wrote to the Minister for Planning and Public Spaces seeking proper consultation for our affected landowners.</p>	

<p>2 September 2020</p>	<p>The Mayor wrote to Federal Member for Hume and Minister for Energy and Emissions Reduction seeking proper consultation for our affected landowners.</p>	
<p>11 September 2020</p>	<p>Final Planning Package released by NSW Government including, including a finalisation report outlining consultation undertaken. The State Government notified WSA SEPP with a commencement date of 1 October 2020</p>	<p>Final Planning Package released by NSW Government including:</p> <ul style="list-style-type: none"> • Western Sydney Aerotropolis Plan Finalisation Report • Western Sydney Aerotropolis DCP – Phase 1 • Western Sydney Aerotropolis Plan 2020 • Western Sydney Aerotropolis State Environmental Planning Policy 2020 • Western Sydney Aerotropolis Structure Plan Map • Western Sydney Aerotropolis SEPP Maps <p>The finalisation report outlines consultation undertaken during the consultation period. This did not include consultation with affected residents outside the Aerotropolis boundary, see page 6-7 of the Western Sydney Aerotropolis Plan Finalisation Report for further details on the engagement approach Final Planning Package can be accessed via the NSW Planning Portal</p>
<p>23 September 2020</p>	<p>Letters sent to residents by NSW State Government for land in the affected area notifying of the finalisation of the Western Sydney Aerotropolis Planning Package.</p>	
<p>30 September 2020</p>	<p>The State Government notified an amendment to WSA SEPP deferring the commencement of clause 19(5)(b) to 26 April 2021.</p>	<p>Planning note 2: <i>Clause 19(5) tied the indoor design sound level requirement to land mapped on the OLS (Obstacle Limitation Surface). It was then repealed and not enacted following representations from Councils including Wollondilly.</i></p>
<p>1 October 2020</p>	<p>WSA SEPP comes into force.</p>	
<p>12 March 2021</p>	<p>Amendment to WSA SEPP notified omitting clause 19(5).</p>	<p>Planning note 2: <i>Clause 19(5) tied the indoor design sound level requirement to land mapped on the OLS (Obstacle Limitation Surface). It was then repealed and not enacted following representations from Councils including Wollondilly.</i></p>
<p>21 September 2021</p>	<p>At its September Council meeting, Council resolved to write to DPIE, the Minister and request Transition arrangements for Secondary Dwellings</p>	<p>Item 10.2 Mayoral Minute – Aerotropolis State Environmental Planning Policy resolved that Council:</p> <ol style="list-style-type: none"> 1. Writes to DPIE calling on urgent communication with the industry to raise awareness of the prohibition on secondary dwellings on land located above ANEC 20.

<p>5 October 2021</p>	<p>The Mayor wrote to the Minister for Planning and Open Space seeking an amendment to the prohibition on Secondary Dwellings and the need for an industry communication program as per 21 September 2021 Council resolution.</p>	<p>2. Urges the Minister for Planning to consider an amendment to Clause 19 of the Aerotropolis SEPP to allow secondary dwellings above ANEC 20 to be constructed to the same indoor design sound levels as dwelling houses.</p> <p>That we advocate for a two-year transitional arrangement in the new areas of Silverdale, Werombi and Wallacia where a SEPP to stop secondary dwellings was introduced https://agendasandminutes.wollondilly.nsw.gov.au/Open/2021/09/CO_20210921_MIN_2341.PDF</p>
<p>8 October 2021 to 5 November 2021</p>	<p>Western Sydney Aerotropolis Explanation of Intended Effect was placed on public exhibition by DPIE.</p>	<p>The exhibition included the following documents:</p> <ul style="list-style-type: none"> • Explanation of Intended Effect (EIE) • Aerotropolis Open Space Needs Study • Aerotropolis Open Space Needs Summary • Guideline to Existing Use rights <p>The EIE (page 15) provided the following clarification regarding subdivision of land: <i>To prevent the intensification of noise sensitive development in areas most affected by aircraft noise. When made in 2020, the Aerotropolis SEPP prevented the further subdivision of land subject to an ANEF or ANEC contour of 20 or greater. There were a number of development applications that had been lodged with local councils that were yet to be determined when the SEPP commenced. The commencement of the SEPP meant these development applications could not be approved. Therefore, to ensure a fair and reasonable consideration of requests for subdivision prior to commencement of the Aerotropolis SEPP, subdivision applied for prior to the commencement of the Aerotropolis SEPP (1 October 2020) is to be permitted with consent. It is recognised this will enable additional lots to be developed</i></p> <p>The Western Sydney Aerotropolis Explanation of Intended Effect is available on the NSW Planning Portal.</p>
<p>4 November 2021</p>	<p>Council staff submission on Explanation of Intended Effect for an Amendment to WSA SEPP.</p>	<p>Among other matters, staff reiterated the need for clear communications and engagement with residents on the impacts of the Aerotropolis, and that this includes Wollondilly residents and is not</p>

		limited to landholders within the aerotropolis boundary.
24 January 2022	The Mayor wrote to the Minister for Planning and Minister for Homes providing an overview of the current prohibitions and impacts the WSA SEPP is having on residents.	
22 February 2022	Council resolutions relating calling for this briefing note, a special community forum and a letter to all affected residents	Minutes, item 17.3 Notice of Motion – Western Sydney Aerotropolis SEPP: https://agendasandminutes.wollondilly.nsw.gov.au/Open/2022/02/CO_20220222_MIN_2352.PDF

ANNEX 1:

GLOSSARY OF TERMS

ANEC means Australian Noise Exposure Concept.

An ANEC for the airport was generated based on the runway direction and indicative flight paths for take-offs and landings. An ANEC is a cumulative noise measure which illustrates aircraft noise exposure based on various operational scenarios (source: [Australian Government, Department of Infrastructure, Transport, Regional Development and Communications](#)).

ANEF means Australian Noise Exposure Forecast.

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 (source: [Australian Government, Department of Infrastructure, Transport, Regional Development and Communications](#))).

DPE means NSW Government Department of Planning and Environment

DPIE means NSW Government Department of Planning, Industry and Environment (now DPE)

EIE means Explanation of Intended Effect.

FOWSA means Forum on Western Sydney Airport.

LUIIP means Land Use Infrastructure Implementation Plan.

Noise Sensitive Development is defined by the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (correct as of 22/03/2022) and means development for the following purpose –

- (a) Centre-based child care facilities
- (b) Educational establishments
- (c) Exhibition homes
- (d) Exhibition villages
- (e) Funeral homes
- (f) Hospitals
- (g) Information and education facilities
- (h) Places of public worship
- (i) Residential accommodation
- (j) Respite day care centres
- (k) School-based child care (other than in an existing school).

OLS means Obstacle Limitation Surface.

PPO means the Planning Partnership Office. *The NSW Government established a planning partnership with the growth councils – Liverpool, Penrith, Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury and Wollondilly – in conjunction with Blacktown to achieve more efficient and higher quality outcomes (Source: [Western Sydney City Deal](#))*

Residential Accommodation is defined by the Standard Instrument (correct as of 22/03/2022) and means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (repealed),
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Secondary Dwelling is a self-contained dwelling that is colloquially known as a “granny flat”.

SEPP stands for State Environmental Planning Policy.

Western Sydney Aerotropolis means land surrounding the Western Sydney Internal (Nancy-Bird Walton) Airport as defined by the maps contained in the *State Environmental Planning*

Policy (Precincts – Western Parkland City) 2021. The Western Sydney Aerotropolis includes land with the Liverpool and Penrith Local Government Areas.

The Western Sydney Airport is the catalyst for much of Western Sydney's future urbanisation. Propelled by Commonwealth Government investment in the new Airport as well as the Sydney Metro - Western Sydney Airport Line and road infrastructure, the Aerotropolis will be the beating heart of the Western Parkland City, connecting to Greater Parramatta and the Harbour CBD to realise the vision for Greater Sydney as a metropolis of three cities. (Source: [NSW Government Department of Planning and Environment](#))

Western Sydney Airport means the Western Sydney International (Nancy-Bird Walton) Airport.

WSA SEPP means the *Western Sydney Aerotropolis State Environment Planning Policy 2020*. This SEPP has now been consolidated into the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*.