



New South Wales

# Environmental Planning and Assessment Amendment (Western Sydney Aerotropolis) Regulation 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP  
Minister for Planning and Public Spaces

## Explanatory note

The object of this Regulation is to make provision for development on land under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis land)* as follows—

- (a) to require a contributions plan to be approved by a council before a development application is determined,
- (b) to require a development application to be accompanied by an assessment of the consistency of the development with—
  - (i) the Western Sydney Aerotropolis Plan, published by the Department of Planning, Industry and Environment, and
  - (ii) any precinct plan that applies to the Aerotropolis land,
- (c) to require an application for a complying development certificate to be accompanied by a current Aerotropolis certificate issued under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*,
- (d) to require certain matters to be included in a planning certificate for Aerotropolis land.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.12, 4.16, 4.28, 10.7 and 10.13 (the general regulation-making power).

## **Environmental Planning and Assessment Amendment (Western Sydney Aerotropolis) Regulation 2020**

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Western Sydney Aerotropolis) Regulation 2020*.

### **2 Commencement**

This Regulation commences on 1 October 2020 and is required to be published on the NSW legislation website.

## **Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000**

### **[1] Clause 128**

Insert after clause 127—

#### **128 Special provision relating to complying development certificates for Western Sydney Aerotropolis**

An application for a complying development certificate for development in the Western Sydney Aerotropolis under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* must be accompanied by a current Aerotropolis certificate issued under that Policy.

### **[2] Clause 271**

Insert after clause 270A—

#### **271 Contributions plans for Western Sydney Aerotropolis**

- (1) For the purposes of section 4.16(11) of the Act, a development application in relation to land shown on the Land Application Map under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* must not be determined by the consent authority unless a contributions plan has been approved for the land to which the application relates.
- (2) However, a contributions plan is not required if—
  - (a) the development application is, in the opinion of the consent authority, of a minor nature, or
  - (b) the applicant has entered into a planning agreement with a planning authority under Part 7 of the Act for the matters that may be the subject of a contributions plan.

### **[3] Clause 275C**

Insert after clause 275B—

#### **275C Requirements for development applications for Western Sydney Aerotropolis**

For the purposes of section 4.12(1) of the Act, a person cannot apply to a consent authority for consent to carry out development on land in the Western Sydney Aerotropolis under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* unless the application is accompanied by an assessment of the consistency of the development with—

- (a) the Western Sydney Aerotropolis Plan as defined in that Policy, and
- (b) any precinct plan that applies to the land under that Policy.

### **[4] Schedule 4 Planning certificates**

Insert after clause 21—

#### **22 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020**

For land to which *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* applies, whether the land is—

- (a) in an ANEF or ANEC contour of 20 or greater as referred to in clause 19 of that Policy, or

- (b) shown on the Lighting Intensity and Wind Shear Map under that Policy,  
or
- (c) shown on the Obstacle Limitation Surface Map under that Policy, or
- (d) in the “public safety area” on the Public Safety Area Map under that  
Policy, or
- (e) in the “3 kilometre wildlife buffer zone” or the “13 kilometre wildlife  
buffer zone” on the Wildlife Buffer Zone Map under that Policy.