



WESTERN SYDNEY AEROTROPOLIS

Master Plan Guidelines

Guideline to Master Planning in the Western Sydney Aerotropolis

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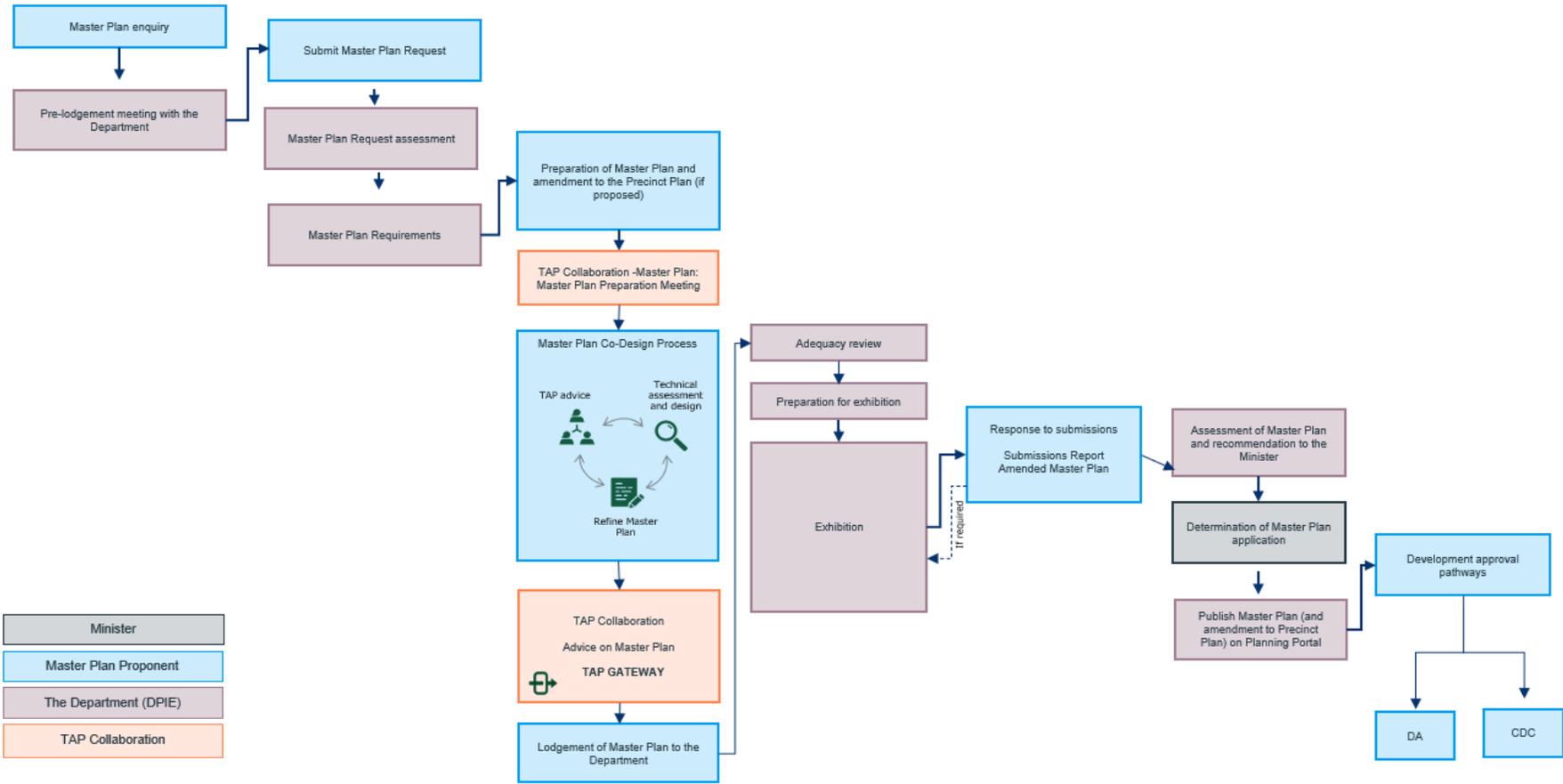
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It is noted that the Master Plan Guidelines may be affected by changes to legislation at any time and/or be subject to revision without notice because of ongoing refinement of the Western Sydney Aerotropolis and Master Plan framework.

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Master Plan process in summary



1 Introduction

1.1 What is a master plan in the Aerotropolis?

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) establishes an optional master planning process for certain land within the Western Sydney Aerotropolis, providing landowners with the opportunity to access an alternative development approval pathway in defined circumstances.

A master plan's primary purpose is to:

- apply place-based development guidance to sites that are of strategic importance to the Aerotropolis due to size or catalytic potential,
- provide a mechanism to amend the Precinct Plan while remaining generally consistent with the principles of the Aerotropolis planning framework,
- create a complying development pathway for nominated development in large-scale precincts, where upfront strategic assessment can suitably manage identified risks.

Clause 43(3) of the Aerotropolis SEPP states that the Minister may only approve a master plan if:

- the Minister is satisfied that it is consistent with the master plan guidelines,
- the Minister has considered whether the master plan is consistent with a development control plan that is applicable to the land, and
- the Minister is satisfied that the master plan is consistent with a Precinct Plan that applies to the land, or is satisfied that the inconsistency with the Precinct Plan is otherwise consistent with the master plan guidelines.

Pursuant to clause 43(7) of the Aerotropolis SEPP, this document is taken to be the master plan guidelines (the Guidelines).

The Guidelines establish the steps in the preparation of a master plan for proponents, the community, councils, and government agencies.

The Department of Planning, Industry and Environment (the Department) will also publish supplementary guidance material, as required, to supplement the Guidelines and support the delivery of master plans in the Aerotropolis.

1.2 Who can prepare a master plan?

To qualify for the preparation of a master plan, the criteria specified under clause 43 of the Aerotropolis SEPP and any further matters identified in this Guideline must be satisfied.

Proponents may nominate sites under 100ha only where it can be demonstrated that the site can meet the following criteria:

- Strategic alignment – facilitating development in the Aerotropolis in line with the Western Sydney Aerotropolis Plan (WSAP) along with investment certainty;
- Economic benefit – provide for significant capital investment in the medium term and the creation of a significant number of new jobs;
- Public benefit – provide significant public, social and environmental benefits such as improvement of public open space, surface water quality or biodiversity corridors, provision of community facilities and affordable housing;
- Design excellence – provide for high quality urban design or sustainability outcomes such as incorporating high measures of energy reduction and environmental benefit in appropriate locations and for certain buildings;

- Delivery of infrastructure – timely and efficient delivery or alignment and sequencing of required infrastructure; and
- High likelihood of delivery – proponent/master planner has the skill set, experience and financial capacity to deliver and realise planned public and economic benefits of the master plan.

1.3 Relationship of master plans to the Aerotropolis Planning Framework

Table 1 describes the position of master plans within the hierarchy of the Aerotropolis Planning Framework and how they relate to each other.

Table 1. Aerotropolis statutory planning framework

Statutory planning framework		
Western Sydney Aerotropolis Plan (WSAP)	Government Strategic Planning Framework	<p>Purpose:</p> <ul style="list-style-type: none"> • Vision, Structure Plan, planning objectives and principles for the Aerotropolis • Aligns with the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> and the <i>Western City District Plan</i> • Informs precinct plans and master plans in the Aerotropolis <p>Development applications must demonstrate consistency with the Western Sydney Aerotropolis Plan (section 275C of the EP&A Regulations). The master planning process is not a mechanism to amend the WSAP.</p>
Aerotropolis SEPP	Environmental planning instrument created under the Environmental Planning and Assessment Act 1979 (EP&A Act)	<p>Purpose:</p> <ul style="list-style-type: none"> • Objectives and key controls for development in the Aerotropolis • Zones land broadly to permit or prohibit land uses • Framework for precinct plans and master plans • Provides for complying development • Provides authority for the master plan to guide development standards for complying development <p>Development applications and applications for a Complying Development Certificate must comply with the Aerotropolis SEPP (sections 4.15 and 4.26 of the EP&A Act). The master planning process may propose a concurrent amendment to the SEPP, including the enablement of complying development. Any master plan will be required to also demonstrate compliance with other applicable SEPPs.</p>
Precinct Plan	Mandatory plan required under Part 7, Division 1 of the Aerotropolis SEPP.	<p>Purpose:</p> <ul style="list-style-type: none"> • Strategic vision and place-based objectives, performance criteria, precinct scale structure planning • Aligns with the Western Sydney Aerotropolis Plan <p>Development applications must demonstrate consistency with the precinct plan (section 275C of the EP&A Regulations and section 41 of the SEPP), however, the master planning process may propose a concurrent amendment to the precinct plan, where it can be demonstrated it is consistent with the Aerotropolis Planning Framework and that the master plan achieves a superior planning outcome.</p>

Statutory planning framework

Master Plan

Optional plan created under Division 2 of the Aerotropolis SEPP for large or strategic sites (subject to criteria specified in Aerotropolis SEPP)

A master plan provides a unique set of planning controls, including subdivision layout, infrastructure provision, land use outcomes and three dimensional building envelopes to allow development to proceed on large sites. Once a master plan approval has been given, subsequent development application requirements can be streamlined and complying development approved based on consistency with the master plan.

Purpose:

- Aligns with precinct plan (or where an amendment to the precinct plan is sought to achieve a superior planning outcome but remains consistent with the Aerotropolis Planning Framework);
- Place based site-specific guidance and fine grain development considerations;
- Development objectives, performance outcomes and benchmark solutions, including:
 - Public domain concept - including street plan/cross sections, subdivision, reserves, open spaces, transport corridors
 - Precinct scale commitments / measures – transport and environmental outcomes
 - Development standards to control built form
 - Staging and implementation (such as who is responsible for delivery of public domain and required infrastructure and services upgrades to ensure orderly development).
- Unlocks a complying development pathway by setting detailed development and design criteria for permitted development.

A proponent can only lodge a master plan where a relevant precinct plan is in place.

Preparation of a master plan may include formulation of complying development controls for specified developments and standard conditions for complying development (such as land use exclusions).

Complying development must be consistent with the relevant master plan (section 45 of the SEPP).

Development applications must consider the relevant master plan (section 44 of the SEPP).

These Guidelines support the process for the preparation of master plans. Study requirements will be prepared to address policy and land use outcomes specific to the site.

Statutory planning framework

Aerotropolis Development Control Plan (DCP)

Development control plan created under the EP&A Act.

Content:

- Guidance and fine grain development considerations
- Development objectives, performance outcomes and benchmark solutions

Master plans and any subsequent development applications must be consistent with the DCP, except where an inconsistency is approved as part of a master plan (clause 43(3)(c)). Any inconsistency will need to be justified as part of the master planning process and the Minister is required to consider the nature of the inconsistency before approving the master plan.

Complying development must comply with relevant development standards specified in the DCP unless an inconsistency is approved as part of an approved a master plan.

2 Master plan process

There are seven (7) stages in the master planning process:

- Stage 1 – Pre-lodgement
- Stage 2 – Master plan requirements
- Stage 3 – Drafting of master plan
- Stage 4 – Exhibition
- Stage 5 –Response to submissions
- Stage 6 – Determination
- Stage 7 – Implementation.

2.1 Pre-lodgement meeting

The pre-lodgement stage is an opportunity for the proponent to meet the Department regarding the intent of the proposed master plan and to ascertain the information required to be submitted with the master plan request.

Upon receipt of the request for pre-lodgement meeting from the proponent, the Department will schedule a pre-lodgement meeting with the proponent and any other relevant agency. The invited agencies may form part of the eventual Technical Assurance Panel (TAP).

The purpose of the pre-lodgement meeting with the Department is to:

- Provide feedback to the proponent as to whether the proposed development meets the relevant criteria to proceed through a master plan pathway or if there are any issues that need to be resolved prior to making the master plan request;
- Present initial thoughts on the master plan and future development consent pathway;
- Confirm what information must be included in the master plan request;
- Identify how the proposed master plan may propose to amend or vary the SEPP, Precinct Plan or DCP and necessary responses and/or actions;
- Identify whether the proposed outcome will generate additional demand on infrastructure and services, and the potential funding mechanisms for the delivery of State, local and other infrastructure noting that the preparation of a master plan does not exempt the proponent from the payment of developer contributions or the provision of essential infrastructure;
- Review the opportunities, constraints, impacts and proposed mitigation measures; and
- Provide initial advice on whether sites under 100ha may meet the minimum criteria as identified in Clause 1.2 of these guidelines.

2.2 Master plan requirements

2.2.1 Preparation of Master Plan Request

Following the pre-lodgement meeting, the proponent shall write to the Minister for Planning and Public Spaces seeking permission to prepare a master plan.

The proponent is required to prepare a formal master plan request.

The request to prepare a master plan application should be a succinct document that will provide sufficient information and detail to assist the Department:

- Identify key issues, cumulative impacts, risks, and benefits;

- Carry out an assessment of whether the site meets the criteria if it is under 100ha; and
- Prepare master plan requirements.

2.2.2 Master Plan Requirements

The Department may issue standard master plan requirements which may be land use or industry specific and published on the Department's website. Depending on the nature of the master plan request, the Department may rely on the standard requirements, however, may also choose to further consult with key agencies and Council to ensure that the requirements are fit for purpose. If further consultation is required, these stakeholders will be requested to provide their technical feedback within 21 days, with a target to issue the requirements within 28 days of the request, subject to the receipt of all required information.

The master plan requirements will include a timeframe for submitting the master plan to the Department for consideration. Following the issue of the master plan requirements the proponent will continue to refine the master plan concept to inform the TAP process in Stage 3.

2.2.3 The TAP, agreement on timeframes, milestones and costs

Preparation of the master plan will be overseen by a Technical Assurance Panel (TAP) to ensure alignment with the vision and intended outcomes for development in the Aerotropolis. The TAP process will give the Minister confidence the proposed development contemplated by the master plan is appropriate, sustainable and consistent with State and local government authorities' expectations. The TAP will:

- where appropriate provide input into the master plan requirements (but only in certain circumstances and if identified as required in the pre-lodgement meeting);
- coordinate and resolve interface issues with other government agencies and public authorities, including interdependencies with State Government agencies, public authorities and Council led infrastructure delivery, such as transport projects and water and sewer;
- provide 'whole of agency' advice (including any amendments to the precinct plan) to the master plan proponent and the Department prior to it being submitted to the Department for public exhibition; and
- if requested, provide further advice on the master plan to the Department following exhibition.

The TAP Chair will be determined and appointed by the Department. The Department will work with the proponent and Chair to prepare an agreed set of timeframes and identify key milestones. Depending on the scale of the master plan, the Department may also appoint a project manager to work with the Chair on delivery of the master plan up to the point of submission to the Department for Assessment.

There will be a fee for the TAP process which will be determined by the Planning Secretary. The fee for the TAP process will be payable prior to the first TAP collaboration meeting.

There is a separate fee for the master plan assessment which will be payable prior to formal exhibition of the master plan.

Proponents are requested to contact the Department for a fee schedule prior to lodging the master plan.

2.3 Drafting of master plan

2.3.1 TAP Collaboration

The TAP collaboration has been incorporated into the master plan process to provide an opportunity for early and holistic resolution of key issues and the ability for master planners to seek the input of stakeholders during the preparation of the master plan. It is intended to be a co-design process where the master planners and the TAP can work together to achieve the optimum outcome for a site. The TAP will provide the proponent with coordinated agency advice and feedback on technical issues and design excellence. A series of collaboration and co-design sessions will be held with the TAP to work through and resolve issues to ensure a decision ready application.

The TAP will be convened in accordance with an agreed Terms of Reference and a probity officer appointed where necessary to oversee the process.

TAP Collaboration will usually comprise at least three phases.

Phase 1 - Master Plan Preparation Meeting

The master plan preparation meeting is an initial meeting with the TAP which provides the proponent the opportunity to present a draft master plan and raise any issues or questions that require TAP guidance or technical input.

Phase 2 - Master Plan Co-Design Process

After the master plan preparation meeting, the proponent will collaborate with the TAP in order to address specific matters as required by the master plan requirements and issues that arise during discussion with the TAP. This may involve a series of iterative and collaborative design processes and meetings with the TAP as required to formulate the master plan elements and ensure a resolved and progressed master plan application. The collaboration and co-design guidance from the TAP will support and guide the proponent throughout the active drafting stage.

The TAP will undertake a design review and advise if, in the opinion of the TAP, whether design excellence standards are likely to be met by part of, or all the future development subject to the master plan that would satisfy Part 5 of the SEPP. The master plan would be required to be assessed and approved against Part 5 of the SEPP at the assessment stage in order for any exemption to be granted.

The proponent must consider all feedback from the TAP during the co-design process in preparing the draft master plan.

Phase 3 - Draft master plan meeting and TAP advice

Prior to the draft master plan meeting, the proponent must submit the draft master plan, including complying development controls, to the TAP for formal review and feedback.

If the draft master plan is deemed satisfactory by the TAP, they will prepare written advice to the Department.

Tap advice must be received before the proposal progresses to Stage 4 Exhibition.

The TAP advice will:

- Include a recommendation confirming whether the draft master plan meets the expectations of the TAP;
- List any key issues identified in the collaboration sessions and outline the TAP's position and recommendations; and
- Document the proponent's participation with the TAP.

The proponent must submit the TAP advice as part of its formal lodgement package to the Department.

2.3.2 Content of the master plan

The master plan and associated technical investigations are to be prepared to a high standard. Preparation of the master plan must be consistent with these Guidelines and the content must adequately address the requirements of any relevant Environmental Planning Instrument and the issued master plan requirements. Further guidance may be published by the Department on the structure and content of the master plan, including what is required if a concurrent precinct plan or DCP amendment is proposed.

The master plan must:

- Clearly present the future development being sought through the master plan, supported by plans, images and photomontages;
- Set out the intended pathways for future development consent, such as which areas will be subject to Complying Development and which areas will be subject to DAs;
- Provide a justification and evaluation of the project, having regard to the economic, environmental, and social impacts of the project and the principles of ecologically sustainable development;
- Be supported by technical information and investigations;
- Be technically robust and include an accurate assessment of the likely impacts of the proposal with justification of those impacts and their mitigation methods;
- Be sufficiently detailed and resolved for components or sections of the proposed master plan that seek to be undertaken as complying development;
- Be as succinct as possible and written in language that is clear and easy to understand; and
- Reflect and address stakeholder, agency and community inputs (if required by the master plan requirements) and views.

Evidence of any pre-lodgement discussions, negotiations and/or agreements between parties on key issues and scope of work to be completed should be provided in the master plan that is submitted for assessment.

2.3.3 Complying development controls

The master plan must contain development controls applying to complying development, in accordance with clause 43 of the Aerotropolis SEPP, if complying development is proposed. The Department may publish further guidance on the structure and layout of the complying development schedule.

The complying development controls must include:

- Land uses that can be carried out as complying development on land to which the master plan applies;
- Land or land use based exclusions;
- Criteria (thresholds) for complying development;
- Development controls for complying development, which may comprise:
 - Development standards – Prescriptive standards similar to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or
 - Performance-based development controls– Discretionary controls similar to controls provided for under *State Environmental Planning Policy (Activation Precincts) 2020*

- Conditions of Complying Development Certificates.

Depending on the desired planning outcome, the complying development controls may apply either to specific land uses or to specific locations within the master plan site.

The complying development controls should consider the following matters:

- Development types (uses), locations, staging (if any), building class to be carried out as complying development;
- Locations not suitable for complying development which may be due to prohibitions, planning constraints or exclusions in the Aerotropolis SEPP; and
- Key development controls and parameters for each complying development type/building/zone, which may include (but not limited to), three dimensional design controls for building height, floor space ratio, site coverage, any key building design principles (setbacks, articulation, separation, general design language, street activation), deep soil zones, landscaping and planting, traffic and parking strategy, stormwater, and servicing strategy and/or capability.

2.3.4 Provision of TAP Advice and Lodgement

Following the TAP collaboration, the TAP chair will issue formal advice to the proponent regarding the suitability of the master plan to progress to formal lodgement and exhibition. Upon receipt of the TAP advice a master plan must be lodged to the Department via the NSW Planning Portal for assessment within the specified timeframe.

2.4 Exhibition

2.4.1 Adequacy review

The Department will conduct an Adequacy Review to ensure that all requirements for the master plan have been addressed and that the master plan is consistent with:

- The Western Sydney Aerotropolis planning framework;
- These Guidelines;
- Advice provided by the TAP; and
- Any other obligations and/or requirements.

If the master plan is considered inadequate, the proponent will be provided with an opportunity to address outstanding matters.

The Adequacy Review is not an assessment of the master plan, and approval to proceed to exhibition is not an indication that the final master plan will be approved.

2.4.2 Preparation for exhibition

To facilitate public understanding of the proposed master plan, the proponent must provide an easy to understand, concise short summary document as part of the exhibition package.

The Department will prepare for the exhibition of the master plan in a target time frame of two weeks. Achieving this target will be likely where the proponent has prepared the master plan to be consistent with the advice of the TAP. This preparation will involve:

- Publishing the master plan package on the Planning Portal; and
- Notifying and advertising the public exhibition to relevant State agencies, neighbours likely to be affected by the master plan and any other relevant stakeholders.

2.4.3 Exhibition

Master plans are to be exhibited for community and stakeholder feedback for a minimum of 28 days.

The exhibition period will be amended to account for public holidays, school holidays and any other significant holiday period.

If the master plan proposes an amendment to the SEPP, precinct plan, DCP or site-specific design guide, this will be co-ordinated by the Department to ensure concurrent exhibition.

2.5 Response to Submissions

2.5.1 Response to submissions

Once the exhibition period has closed, the Department will issue a Request for Information (which may include TAP inputs) and will ask the proponent to prepare a concise and thorough Response to Submissions report. The proponent must address all comments and submissions from the exhibition period, ensuring that where appropriate, the master plan is revised to address the issues raised to enable further consideration by the Department.

In responding to the submissions, the proponent must submit an amended master plan that describes the changes made in response to the submissions received.

These amendments may be necessary to:

- Improve the design outcomes;
- Respond to advice provided by government agencies or issues raised in submissions by the community; and
- Further mitigate the potential impacts of the project.

The Department may also require amendments to the master plan or additional information to support the master, following its detailed review. The Department may require that this be prepared in consultation with relevant stakeholders. Master Plans may be re-exhibited if amendments result in a significant change.

2.6 Determination

2.6.1 Master plan assessment

The master plan will be assessed by the Department for its suitability and consistency with the master plan requirements, advice from the TAP (and seek further advice or clarification if required), and any relevant planning framework, including statutory and strategic standards and policies.

Staged master plans will be assessed against the same criteria but will consider the proposed staging of the master plan to ensure planned and coordinated development outcomes across the site.

The Department will provide a recommendation to the Minister to consider the master plan for approval. This approval will amongst other matters, include recommendations as to whether the proposed complying development pathway will be permitted for the master plan site.

If the master plan is not approved, the proponent will be advised and if applicable, the master plan returned.

2.6.2 Determination of master plan application

An assessment report and recommendation are provided by the Department to the Minister (or delegate) for determination.

The Minister may determine the master plan application by:

- Approving the master plan, subject to amendments or conditions; and
- Refusing the master plan.

After the master plan application is determined, the Department will:

- Publish the decision on the Planning Portal

2.6.3 Publishing the master plan

The master plan and (if required) the amendment to the relevant precinct plan will be published on the NSW Planning Portal. Any amendment to the SEPP will be published on the NSW Legislation website.

2.7 Implementation

2.7.1 Development approval pathways

Development within a master plan area may be delivered through:

1. Complying development, if provided for through the master plan process and the proposal is consistent with the complying development controls; and/or
2. Development application process under Part 4 of the EP&A Act where the proposal is inconsistent with the complying development controls; and
3. Other statutory approval process under the EP&A Act.

2.7.2 Appeals

There are no appeal processes for the making of a master plan. However, the proponent may request an independent review of the master plan from the Independent Planning Commission (IPC) within 42 days of a determination of a master plan. The IPC will review the master plan and provide a recommendation to the Minister for consideration.

2.7.3 Amendments and review of a master plan

Amendments to an approved master plan can be initiated by the proponent after determination. However, amendments are intended to modify or change a component of the master plan already approved, not introduce a new master plan stage (this will require a new master plan).

A request for amendment to a master plan must be formally made in writing to the Department. The request for amendment should clearly describe the amendment request, justification, implications, mitigation and rationale.

Master plan amendments will be exhibited, incur an assessment fee (to be confirmed by the Planning Secretary) and determined by the Minister (or delegate), following assessment by the Department. The Department may need to seek further advice from the TAP or relevant State agency on the master plan amendment.

All future development consents that rely on an approved master plan must consider any updates, changes and evolutions of the overarching Western Sydney Aerotropolis Plan.

The Department will notify a proponent or landowner when a future planning applications related to a master plan may need to consider or respond to a relevant change to the Western Sydney Aerotropolis Plan where it directly affects the approved master plan area and/or master plan outcomes.

Appendix A: Dictionary

Terms used in these Guidelines are defined as follows.

Where terms are not defined, the definitions are in accordance with the EP&A Act or the Standard Instrument.

Term	Definition
Aerotropolis SEPP	<i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020.</i>
Aerotropolis Planning Framework	All relevant strategic and statutory planning documents for the Aerotropolis.
Complying development	Complying development is a combined planning (development consent) and construction (construction certificate) approval for straightforward development that can be determined through a fast-track assessment by a council or an accredited certifier.
Complying Development Certificate (CDC)	Same meaning as in section 4.27 of the EP&A Act.
Complying Development Controls	Development controls specific to complying development.
Development	As per the EP&A Act, development includes any of the following: the use of land; the subdivision of land; the erection of a building; the carrying out of a work; the demolition of a building or work; or any other act, matter or thing that may be controlled by an environmental planning instrument.
Development Application (DA)	An application for consent under Part 4 of the EP&A Act to carry out development (not including an application for complying development) such as change of use of land, subdivide land, or building, landscaping, and other work.
Development Consent	Same meaning as in section 1.4 of the EP&A Act, being consent under Part 4 to carry out development and includes, unless expressly excluded, a complying development certificate.
Ecologically sustainable development	Same meaning as in section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i> .
EP&A Act	<i>Environmental Planning and Assessment Act 1979.</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000.</i>
Independent Planning Commission (IPC)	As defined in Division 2.3 of the EP&A Act, being a NSW Government Agency constituted under the EP&A Act.
Master plan	An optional plan approved by the Minister under clause 43 of the Aerotropolis SEPP.
Milestone Agreement	A program for the development and finalisation of a master plan in the form of a Milestone Agreement. Key milestones, number of additional collaboration workshops and associated deliverables will be agreed along with the scope of works

Term	Definition
	for required technical studies. A Milestone Agreement will bind the proponent and the TAP to the agreed program.
Minister	Minister for Planning and Public Spaces (or equivalent).
Precinct plan	A precinct plan approved under clause 43 of the Aerotropolis SEPP.
Proponent	A government or non-government entity seeking to undertake a master plan.
State Environmental Planning Policy (SEPP)	Environmental planning instruments that address planning issues of State significance.
<i>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)</i>	The Aerotropolis SEPP applies to land in the Western Sydney Aerotropolis. It aims to facilitate development in the Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan, and to ensure development is compatible with the long-term growth, development and operation of the Western Sydney International Airport.
Submissions Report	A proponent prepared document that thoroughly details all submissions made in response the exhibition of a draft master plan and provides an assessment and response for each submission.
TAP	Technical Assurance Panel – a body convened by the Department to provide technical advice on the preparation of a master plan with a Chair appointed and representatives from across State and local government.
Western Sydney Aerotropolis Plan (WSAP)	A strategic plan that provides the vision, principles, and planning framework for the Western Sydney Aerotropolis.