New South Wales

State Environmental Planning Policy— Development on Kurnell Peninsula

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning. (9038664)

CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning

State Environmental Planning Policy—Development on Kurnell Peninsula

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Environmental Planning and Assessment Act 1979

1   Name of Policy

This Policy is *State Environmental Planning Policy—Development on Kurnell Peninsula*.

2   Aims of Policy

The aim of this Policy is to permit certain development on parts of Kurnell peninsula where the noise levels are between 20 and 25 ANEF, being development that is currently prohibited under *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)*.

3   Land to which Policy applies

This Policy applies to land to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* applies including, in particular, the land identified as Kurnell village on the map marked "State Environmental Planning Policy—Development on Kurnell Peninsula" and deposited in the head office of the Department of Infrastructure, Planning and Natural Resources.

4   Amendment of State Environmental Planning Policy No 17—Kurnell Peninsula (1989)

Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) is amended as set out in Schedule 1.

Schedule 1   Amendments

(Clause 4)

[1]   Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

> *ANEF*, in relation to land, means the Australian Noise Exposure Forecast for the land, as notified to the Council from time to time by Airservices Australia.
>
> *Australian Standard 2021* means Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia on 10 August 2000.
>
> *Kurnell village* means the land identified as Kurnell village on the map marked "State Environmental Planning Policy—Development on Kurnell Peninsula" and deposited in the head office of the Department.

[2]   Clause 23 Aircraft noise—restriction on development

Omit clause 23 (1) (a). Insert instead:

> (a)   for residential purposes, where the noise level exceeds 25 ANEF, or

[3]   Clause 23 (2) (a)

Omit "(including development which would increase residential densities) in areas".

[4]   Clause 23 (3) and (4)

Insert after clause 23 (2):

> (3)   Nothing in this clause prevents the granting of consent for the reasonable repair, renovation, alteration, extension of or addition to an existing building, if there will be no resulting reduction in the degree of insulation of the building interior from noise.
>
> (4)   This clause does not apply to the carrying out of development for residential purposes, or for the purpose of schools, on land within Kurnell village.

[5]   Clause 23AA

Insert after clause 23:

23AA   Aircraft noise—restriction on certain development on land in Kurnell village

(1)   This clause applies to the carrying out of development for residential purposes, or for the purpose of schools, on land within Kurnell village.

(2)   The Council must not consent to the carrying out of development:

   (a)   for residential purposes, where the ANEF exceeds 20, or

   (b)   for schools, where the ANEF exceeds 20,

   unless it is satisfied that the development meets Australian Standard 2021 regarding interior noise levels.

(3)   Nothing in this clause prevents the granting of consent for the reasonable repair, renovation, alteration, extension of or addition to an existing building, if there will be no resulting reduction in the degree of insulation of the building interior from noise.

[6]   Schedule 6 Complying development—general provisions

Omit "is between 20 and 25" where occurring. Insert instead "exceeds 20".