



Australian Government

**Department of Infrastructure, Transport,
Regional Development, Communications, Sport and the Arts**

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TO	CC	FROM
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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

- Proposed Activity:** Construction of a building
- Location:** 459-461 Chapel Road, Bankstown NSW
- Coordinates:** E 318350.593; N 6245693.593 (MGA 94)
- Proponent:** Anglican Church Property Trust Diocese of Sydney

I refer to the application from Strategic Airspace on behalf of Anglican Church Property Trust Diocese of Sydney (the Proponent), received by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department) on 12 December 2025 from Bankstown Airport Limited (BAL). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 459-461 Chapel Road, Bankstown NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Bankstown Airport.

Under regulation 6(1), ‘prescribed airspace’ includes ‘the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport’.

The Inner Horizontal Surface of the OLS above this site is at a height of 51 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 51 metres AHD. At a maximum height of 104.5 metres AHD, the building will penetrate the OLS by 53.5 metres AHD.

Accordingly, the construction of the building constitutes a ‘controlled activity’ under Section 182 of the *Airports Act 1996* (the Act). Section 183 of the Act specifies that controlled activities cannot be carried out without approval. Details of the penetration of prescribed airspace are provided in Table 1.

Table 1: Height and location of the proposed activity that will intrude into prescribed airspace for Bankstown Airport.

Activity	Coordinates (MGA 94)	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 318350.593; N 6245693.593	104.5 metres	53.5 metres

Regulation 14 provides that a proposal to carry out a controlled activity must be approved unless carrying out the controlled activity would interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned. Regulation 14(1)(b) provides that an approval may be granted subject to conditions.

Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities, and impose conditions on the approval. I am the Secretary’s Delegate for the purposes of the Regulations.

Decision

As you may be aware, the Secretary is required under regulation 15(1AB) of the Regulations to make a decision about the proposal within 28 days of receiving the application. Due to delays in our processes a decision was not made within this timeframe. Therefore, under regulation 15(2) this proposal was taken to have been refused. However, the Department has now considered the application in full and I have re-made the decision.

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of a building at 459-461 Chapel Road, Bankstown NSW into prescribed airspace for Bankstown Airport to a **maximum height of 104.5 metres AHD**.

In making my decision, I have taken into consideration the opinions of the Proponent, the Civil Aviation Safety Authority (F25/31411.1), Airservices Australia (advice number YSBK-CA-188 P2) and BAL.

An Aeronautical Impact Assessment accompanied the application for a single hammerhead tower crane, proposed to a maximum height of 115.40 metres AHD. The assessment confirms that construction can proceed without penetrating PANS-OPS surfaces. Airservices Australia, in assessment YSBK-CA-188 dated 6 February 2026, identified no impacts at the proposed height. CASA’s assessment (F25/31411-1) dated 12 December 2025 notes that the crane would infringe the Bankstown Airport Inner Horizontal Surface by 64.4 metres and specifies lighting and marking requirements as mitigation measures.

The Department expects the proposed construction methodology to be implemented, including the use of a hammerhead tower crane for the construction of the building, not exceeding a maximum height of 115.40 metres AHD.

In accordance with regulation 14(1)(b), I impose the following conditions on my approval:

1. The building **must not exceed** a maximum height of **104.5 metres AHD**, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. The building **must be obstacle lit** with low intensity steady red obstacle lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius in accordance with Section 9.31 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual of Standards (MOS). Characteristics for low intensity lighting are stated in Section 9.32 of the MOS.
3. The proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately notified to BAL.
4. The Proponent **must ensure** the obstacle lighting is monitored. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to Section 9.36 of the MOS.
5. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSBK-CA-188 P2.
6. The Proponent **must advise** BAL at least two business days prior to the constructed height of the building reaching 51 metres AHD. From this date, the following lighting condition **must be met** at all times:
 - If at any time after the height of the building has reached 51 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent **must arrange** for the highest point of the building to be obstacle lit with a low intensity steady red light. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360 degree radius as per Section 9.31 of the MOS.
7. Following completion of the building, the Proponent **must advise** BAL, in writing:
 - a) that the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
 - b) the contact details of the person/position **responsible for the maintenance** of the obstacle lighting. These details **must be reviewed regularly** and kept up to date.
8. On completion of construction of the building, the Proponent **must provide** BAL with a written report from a certified surveyor on the finished height of the building.
9. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Braden Hartcher', written in a cursive style.

Braden Hartcher
Director – Vic/Tas Airports, Ownership and Leasing
Airports Branch
Domestic Aviation & Reform

24 February 2026