



Reg No.: 26/0105
Your Reference: SSD-79307765
To: NSW DEPARTMENT OF PLANNING HOUSING
AND INFRASTRUCTURE

Friday, 6 February 2026

Request for advice on proposal

Dear Sir / Madam,

Proposed Activity: OLS ENQUIRY: EIS -
Location: WATERLOO METRO QUARTER
DEVELOPMENT
Proponent: NSW DEPARTMENT OF PLANNING
HOUSING AND INFRASTRUCTURE
Date: 06/02/2026

The proposed development has a height of 116.9mAHD:

Northern Precinct:

Building 1A: 116.9mAHD

Building 1B: 107.5mAHD

Central Precinct:

Building 2: 104.2mAHD

Note: This height should be inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

This site lies within Sydney Airport's Obstacle Limitation Surface (OLS) Conical surface, which at this location has a height of 63m AHD.

Any proposed development designed to be taller than 63m AHD, would be considered a controlled activity and be subject to the Federal Airports (Protection of Airspace) Regulations 1996.

Airspace Protection

Part 12 of the *Airports Act 1996* (Airports Act) and the Airports (Protection of Airspace) Regulations 1996 (the Regulations) establishes a regulatory regime for the protection of airspace at and around

Sydney Airport

federal leased airports. The object of this regulatory regime is to protect airspace at and around airports in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of airports. The Airports Act and the Regulations are administered by this Department.

The protected airspace under the Airports Act is known as 'prescribed airspace'. Buildings and structures (such as cranes and concrete pumps) that intrude into prescribed airspace are defined as a "controlled activity". Controlled activities **must not** be carried out unless an approval has been obtained under the Regulations. Under the Regulations, building authorities or proponents are required to refer potential controlled activities to the relevant airport to assess the impact on the safety, efficiency or regularity of air transport operations. Decisions made under the Regulations are separate and in addition to any State/Territory or Local Government planning regulations.

Airport Safeguarding

The National Airport Safeguarding Framework (NASF) is a national land use planning framework that established principles and guidelines to inform planners' consideration of potential aviation implications when assessing development proposals, rezoning requests and developing strategic land use plans.

Key considerations under NASF recognize that the safety, efficiency and operational integrity of airports should be protected by all governments and planners. Responsibility for land use planning primarily rests with State, Territory and Local Governments while responsibility for the regulation of flight safety and airport planning for the FLAs rests with the Australian Government. NASF recognises that harmonisation, as far as practicable, between land use planning and aviation policy will assist in improving planning outcomes near airports and under flight paths. Governments at all levels should work cooperatively to ensure an appropriate balance is maintained between the social, economic and environmental needs of communities and the effective use of land on and around airports.

NASF Guidelines relevant for consideration in rezoning proposals for development include:

- Guideline A: aircraft noise
- Guideline B: Windshear and Turbulence
- Guideline C: wildlife strikes
- Guideline E: lighting distraction for pilots
- Guideline F: airspace protection
- Guideline H: strategic helicopter sites.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Construction Methodology

Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.

Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Application Process

When the Controlled Activity application is received, Sydney Airport will assess and collate the data pertinent to the property development and or construction equipment, then invite submissions from CASA, Airservices Australia, Council and sometimes Airlines. CASA and Airservices will make recommendations, once these recommendations are received, Sydney Airport collates all recommendations and send them in a package to The Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts (DITRDCSA).

Under the Airspace Regulations, DITRDCSA will provide the determination (approval or refusal) for buildings and cranes which infringe Prescribed Airspace for any of the 21 Federally Leased Airports.

Sincerely,



Robert King
Airspace Protection Manager

Note:

1. a person who conducts a controlled activity otherwise than with an approval commits an offence against the Act.
 - s. 183 and s. 185 Airports Act 1996.
 - Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.