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

Andrew Watson
Project Officer
Department of Planning, Housing and Infrastructure
Parramatta NSW 2150

Via: Andrew.Watson@planning.nsw.gov.au

Dear Mr Watson

Scoping Report: 135 Badgerys Creek Road (SSD-77458970)

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) is informed that the NSW Department of Planning, Housing and Infrastructure (DPHI) is in the process of consulting key stakeholders for the Secretary's Environmental Assessment Requirements (SEARs) for a mixed-use residential and commercial development (the Proposal) at 135 Badgerys Creek Road, Bradfield, NSW (subject site).

The Australian Government is committed to safeguarding long-term parallel runway operations at Western Sydney International (Nancy-Bird Walton) Airport (WSI) and the subject site is located within close proximity to WSI and may therefore be subject to a number of considerations and constraints including, but not limited to: airport safeguarding and airspace protection; and the Western Sydney Aerotropolis Precinct Plan and State Environmental Planning Policy (Precincts – Western Parkland City) 2021. The Department has reviewed the scoping report and provides the following comments and recommendations.

Airport Safeguarding

The Environmental Impact Statement (EIS) for the Proposal must include a comprehensive assessment of the proposal against the relevant principles and guidelines of the National Airport Safeguarding Framework (NASF), including:

- Guideline A: Aircraft Noise
- Guideline B: Building Generated Windshear and Turbulence
- Guideline C: Wildlife Strike Risk
- Guideline E: Pilot Lighting Distraction
- Guideline F: Protected Airspace Intrusion
- Guideline G: Communications, Navigation and Surveillance
- Guideline I: Public Safety Areas

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Further information on NASF is available via the following link: [National Airports Safeguarding Framework principles and guidelines | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#).

Airspace Protection

The *Airports Act 1996* (Airports Act) and the Airports (Protection of Airspace) Regulations 1996 (APARs) establishes a framework for the protection of airspace at and around the Federal Leased Airports, including WSI. Part 12 of the Airports Act defines buildings and structures (such as cranes and concrete pumps) that intrude into prescribed airspace as a 'controlled activity'.

I note the Proposal includes buildings and structures that will intrude into prescribed airspace. The APARs require any proposed development that may impact on prescribed airspace must be referred to the relevant airport for assessment of potential aviation safety risks. As such, details of any potential controlled activities expected for the Proposal, including the type and anticipated timing of the controlled activity, must be identified and assessed to ensure the Proposal does not adversely impact on the safety, efficiency or regularity of air transport operations into and out of WSI. Decisions under the APARs are only issued by an authorised delegate and should not be pre-empted.

The Department is responsible for administering the Airports Act and APARs. These safety assessment processes are separate and in addition to any State/Territory and Local Government regulations.

Further information is available via the following link: [Protection of airspace | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#).

Other

WSI is a significant economic and transport infrastructure asset and the future viability of the airport is a key consideration for the Department. Land-use planning and development within the vicinity of WSI should be consistent with the principles and guidelines of NASF and not adversely impact on aviation safety, efficiency and/or regularity air transport operations at WSI.

The Department understands the Western Sydney Airport Co Limited, the airport lessee company, will also be providing comments on the scoping report to DPHI. The Department recommends all items raised by the WSA Co be addressed by the Proponent. The Department also encourages the Proponent to engage with WSA Co to ensure any potential risks to aviation safety can be properly assessed prior to determination of the project. The appropriate contact for WSA Co is Ms Natasha Williams, Planning Manager, who can be contacted via planning@wsaco.com.au.

Thank you for providing the Department the opportunity to comment on the Proposal. I would be grateful if DPHI could continue to keep both the Department and WSA Co Limited informed as this development application progresses through the NSW State Significant Development process.

If you require any further information, please contact us via safeguarding@infrastructure.gov.au.

Yours sincerely,

Danny Namgyal
A/g Assistant Secretary
Western Sydney Airport Regulatory Policy

10 January 2025