

30 August 2024

Bankstown TOD Team  
Planning, Land Use Strategy, Housing and Infrastructure  
Department of Planning, Housing and Infrastructure

By email: [bankstowntod@dpie.nsw.gov.au](mailto:bankstowntod@dpie.nsw.gov.au)  
CC: [Dean.Spanos@dpie.nsw.gov.au](mailto:Dean.Spanos@dpie.nsw.gov.au)

Dear Sir/Madam

## Re: Bankstown TOD Rezoning Proposal

I am writing further to your email of 29 July 2024 in relation to the public exhibition of the Bankstown TOD Rezoning Proposal, part of the NSW Government Transport Oriented Development (TOD) Program.

The Draft Bankstown TOD Rezoning Proposal, prepared by the Department of Planning, Housing and Infrastructure, builds on the vision of the Bankstown City Centre Master Plan adopted by the City of Canterbury Bankstown in 2021.

The Rezoning Proposal includes an update of planning controls in the Bankstown City Centre to determine areas of the precinct that are suitable to support more homes. The Rezoning Proposal represents a significant increase in building heights within the Bankstown City Centre.

Please accept the following as a submission from Aeria Management Group (AMG), the operator of Bankstown Airport Proprietary Ltd (BAPL), on the Bankstown TOD Rezoning Proposal.

### Development within Prescribed Airspace

Under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*, the airspace around specific airports (including Bankstown Airport) is declared as Prescribed Airspace. This protects the airspace to allow aircraft to arrive and depart safely.

The *Airports (Protection of Airspace) Regulations 1996* and any requirements and approvals necessitated under the Regulations take precedence over any current or proposed planning policy.

Prescribed Airspace is the airspace above either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigational Services – Aircraft Operations (PANS-OPS) surface.

Under the *Airports (Protection of Airspace) Regulations 1996*, all structures (whether permanent or temporary) which intrude into prescribed airspace will constitute a controlled activity and will require prior approval from the Secretary of the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA).

Bankstown Airport's prescribed airspace over the majority of the Bankstown City Centre starts at 51.0 m AHD (this is the OLS). Any development or structure which exceeds this height needs prior approval, as a controlled activity within prescribed airspace. Responsibility for obtaining a controlled activity approval prior to commencing any activity (which could result in a controlled activity) rests with the proponent, which must apply for such approval in writing to BAPL.

For a controlled activity, BAPL will seek comment from the Civil Aviation Safety Authority (CASA) and Airservices Australia and provide this to DITRDCA, along with its own opinion. DITRDCA will determine whether to approve or refuse such a controlled activity.

In assessing the acceptability of any controlled activity application, BAPL, CASA and Airservices Australia will take into consideration the cumulative impact of the proposed activity in combination with other ongoing or approved controlled activities. CASA has indicated that proponents will be required to provide an aeronautical study as part of any such applications.

Developments (permanent structures) must not penetrate the PANS-OPS – which is established at 108.0m AHD over the majority of the Bankstown City Centre. Under Regulation (9) of the *Airports (Protection of Airspace) Regulations 1996*, temporary (up to three months) controlled activity penetrations of the PANS-OPS (including the erection of temporary cranes) may be permitted but only with the prior approval of DITRDCA.

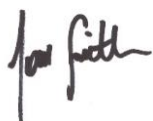
#### Summary of AMG Position on Bankstown TOD Rezoning Proposal

AMG welcomes the opportunity to provide comment on the Bankstown TOD Rezoning Proposal, and wishes to bring the following to your attention:

- The *Airports (Protection of Airspace) Regulations 1996* and any requirements and approvals necessitated under the Regulations take precedence over any current or proposed planning policy
- The proposed planning policy for increased building heights within the Bankstown City Centre will result in the potential for significantly more development to exceed 51.0 m AHD (the OLS covering the majority of the Bankstown City Centre)
- Relevant authorities including DITRDCA, Airservices Australia and CASA must still see all requests for assessment for any obstacles which penetrate the lowest limit of prescribed airspace (the OLS)
- No development which exceeds the OLS (including the erection of temporary cranes) can be undertaken without the prior approval of DITRDCA and such development proposals should include an aeronautical study. Responsibility for obtaining such approval prior to commencing any activity rests with the proponent.
- The cumulative impact of development above the OLS and its impact of aviation safety will need to be continually considered
- Developments (permanent structures) must not penetrate the PANS-OPS surface – which is established at 108.0m AHD, over the majority of the Bankstown City Centre. Temporary (up to three months) controlled activity penetrations of the PANS-OPS (including the erection of temporary cranes) may be permitted but only with the prior approval of DITRDCA.

Thank you for the opportunity to comment on the proposed planning policy changes.

Kind Regards,



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Aeria Management Group

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