



Reg No.: 20/0302

Tuesday, 28 April 2020

To: NSW PLANNING & ENVIRONMENT

### **Notice to Proponent of Property Development**

Dear Sir / Madam,

Application for approval of a controlled activity pursuant to:

*s.183 Airports Act - Notification of decision under Reg 15A (2) of the Airports (Protection of Airspace) Reg's 1996*

Proposed Activity: PROPERTY DEVELOPMENT  
Location: ORICA SOUTHLANDS WAREHOUSE, 28  
MCPHERSON ST, BANKSMEADOW  
Proponent: NSW PLANNING & ENVIRONMENT  
Date: 27/04/2020

Sydney Airport received the above application from you.

This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

The application sought approval for the PROPERTY DEVELOPMENT to a height of 20.4 metres Australian Height Datum (AHD).

In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 20.4 metres AHD.

The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

**Sydney Airport**

Should you wish to exceed this height a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

**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.

Information required by Sydney Airport prior to any approval is set out in Attachment A.

"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 (Regulation 6(1)).

The height of the prescribed airspace at this location is 51 metres above AHD.

**Planning for Aircraft Noise and Public Safety Zones:**

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Sincerely,



**Peter Bleasdale**  
Manager, Airfield Spatial & Technical Planning

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.

**Attachment A**

**Application for Approval of Crane Operation**

**[Sections s.182, 183, Airports Act 1996]**

**[Airports (Protection of Airspace) Regulations 1996 – Reg 7]**

**TO: Sydney Airport Corporation Ltd**

c/- Airport Design Services

Locked Bag 5000

Sydney International Airport

NSW 2020

Email: airspaceprotection@syd.com.au

**Application pursuant to airport (protection of airspace) regulations reg 7:**

- a) Pursuant to s. 183 of the *Airports Act 1996* and Reg 7 of the *Airports (Protection of Airspace) Regulations 1996*, the Proponent must apply through the Airport to the Secretary of the Department of Infrastructure and Regional Development for approval of the operation ("*controlled activity*") set out in the Schedule.
- b) An Application for approval must be given to the Airport at least 28 days before commencement of the operation.
- c) The operation must not commence without approval and must only proceed in compliance with any conditions imposed on such approval.
- d) Sydney Airport has delegated authority from the Secretary to determine "short term" operations (less than 3 months).
- e) The Airport is required to invite submissions from CASA and Airservices regarding the proposed operation.
- f) The Secretary and the Airport, as applicable, may request further information before determining an application.
- g) The "**Important Notes**" must be read and accepted.
- h) The Proponent must complete this Application and provide it to Sydney Airport, with a copy to the Council as part of the relevant Development Application.

**CERTIFICATE BY PROPONENT:**

**Sydney Airport**

I certify that the Application for approval is complete to the best of my knowledge.

Dated: .....

Signature of Proponent: .....

Title of signatory: .....

**Schedule to Application for Approval of Crane Operation**

**Information required by the Airports (Protection of Airspace) Reg's – Reg 7:**

**APPLICANT:**.....[Proponent]

**Of:** .....

**Contact:** .....

**Phone:** .....

**Email:** .....

**1. Description of proposed crane operation:**

.....

**2. Period of Operation:**

from .....to.....

**3. Days and hours of operation:**

days:.....

hours:.....

**4. Location:**

Address:.....

Mapping Grid of Australia (MGA94) co-ordinates:

.....E

.....N

**5. Details of crane height**

(i) maximum height: ..... metres above ground

(ii) maximum height: ..... metres AHD

(iii) resting crane height: ..... metres AHD

**6. Purpose of the crane operation:**

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**7. Reference to relevant Development Application:**

Council and DA reference:.....

**SAFETY CASE FOR ACTIVITY:** The Proponent proposes the following safety case:

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## **IMPORTANT NOTES TO APPLICATION FOR APPROVAL OF CRANE OPERATION WHICH IS A CONTROLLED ACTIVITY**

### **[Airports Act 1996]**

### **[Airports (Protection of Airspace) Regulations 1996]**

1. Section 182: defines "controlled activities" – includes intrusions by cranes into prescribed airspace.
2. Section 187: if a controlled activity is carried out without approval, or is carried out otherwise than in accordance with an approval, the Federal Court may order a person to carry out remedial work on a building, structure or thing; to mark it or light it or both; to reduce its height.
3. Section 183: a person who carries out a controlled activity without the approval of the Secretary or Airport commits an offence against section 183 of the Act.
  - a) Penalty: 250 penalty units for each such offence.
4. Regulation 8: a building authority that receives a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport
  - a) Penalty: 50 penalty units for each such offence.
5. If the activity is a short term activity (less than 3 months), the Airport will determine the application pursuant to delegated authority from the Secretary.
6. If the activity is a long term activity (greater than 3 months), the Secretary will determine the application.
7. If the activity is a long term intrusion into PANS-OPS, the application will not be approved. [Reg 9].
8. The Airport will give notice of the application to, and invite submissions from, the Civil Aviation Safety Authority of Australia (CASA) and Airservices Australia. [Reg 10].
9. Upon receipt of submissions from CASA and Airservices, the Airport will refer the application and any submissions from CASA and Airservices, as well as the Airport, to the Secretary, or will determine the application itself if it is a short term activity. The Secretary or the Airport will notify you in writing of their decision.
10. Neither the Secretary or the Airport will approve any activity if CASA advises that carrying out the activity would have an unacceptable effect on the safety of existing or future air transport operations into or out of the Airport. [Reg14(6)].