

ATTACHMENT 3

Federal Leased Airports

1. If a building or structure penetrates 'prescribed airspace' of a federal leased airport, a 'controlled activity' approval is required from the Australian Department of Infrastructure and Transport pursuant to the *Airports Act 1995* (the Act).
2. Controlled activities are defined in section 182 of the Act and include the following:
 - structures such as buildings, antennas and cranes; and
 - in some circumstances, activities causing non-structural intrusions into the protected airspace of artificial light, reflected sunlight, air turbulence, smoke, dust, steam or other gases or particulate matter.
3. Carrying out a controlled activity without approval is an offence under Section 183 of the Act punishable by a fine of up to 250 penalty units.

Step 1

4. On receipt of a proposal to construct a building or other structure, such as aerials, chimneys, power poles etc, the planning authority will examine prescribed airspace charts developed by the airport. In some jurisdictions, these charts may be incorporated into Development Plans, Local Environment Plans, or similar legal instruments.
5. This examination will show if the building will penetrate prescribed airspace. If in doubt, the planning authority will seek advice from the airport.

Step 2

6. If your building does penetrate prescribed airspace, it is referred to the airport. If your building does not penetrate prescribed airspace, the planning authority will not refer it to the airport and will continue to apply its normal processes to the application.

Step 3

7. The airport will seek comments from the Civil Aviation Safety Authority (CASA), Airservices Australia, airlines and the planning authority.

Step 4

8. The airport will forward the application to the Department of Infrastructure and Transport, including comments from CASA, Airservices Australia, airlines and from the planning authority.

Step 5

9. Within 28 days of receiving your building proposal, the Department of Infrastructure and Transport will make a decision, unless further information is required.
10. In making a decision, the Department of Infrastructure and Transport:
 - will consider the effect the building, aerial or structure will have on the safety, efficiency or regularity of existing or future airport operations, taking into account the comment of the proponent, the airport, CASA, Airservices, the planning authority and any other matters Department of Infrastructure and Transport considers relevant.

- may issue an approval subject to conditions.
 - must not approve a building, aerial or structure if CASA has advised that it would have an unacceptable effect on the safety of existing or future airport operations.
11. If the building does not penetrate prescribed airspace, no approval from the Department of Infrastructure and Transport is needed. However, advisory notes will be added to any planning authority consent flagging the need for Department of Infrastructure and Transport approval for future extensions, aerials, masts and the like.

Step 6

12. On receipt of approval from the Department of Infrastructure and Transport will make a decision, the planning authority will proceed with its normal process for consideration of applications.

Defence airfields

13. Around Defence airfields, the Defence (Areas Control) Regulations 1989 (the D (AC) R) apply.
14. If a building or structure penetrates height restrictions prescribed in the D (AC) R, an approval is required from the Department of Defence (Defence).
15. The height restrictions may limit the height of new structures or additions to existing structures to ground level or to heights of 7.5, 15, 45 or 90 metres above ground level in accordance with the gazetted D (AC) R map.

Step 1

16. On receipt of a proposal to construct a building or other structure, such as aerials, telecommunications facilities, power poles etc, the planning authority will examine the applicable height restrictions.
17. This examination will assess if the building will penetrate the height restrictions. If in doubt, the planning authority will seek advice from Defence.

Step 2

18. Where the planning authority determines that a structure is likely to exceed the D(AC)R, a formal application under the D(AC)R will need to be made to Defence.
19. Where a structure is unlikely to exceed the D(AC)R, no application under the Regulations will be required and normal planning authority assessment processes can continue.
20. If the planning authority is uncertain whether or not the proposal will exceed the D(AC)R, it should seek advice from Defence.

Step 3

21. Defence will assess the proposal for impacts on aviation safety and Defence operations.

Step 4.

22. Under the Regulations Defence may approve, approve subject to conditions or reject an application to exceed the D(AC)R.
23. If Defence approves the application Council processes can continue (subject to any subsequent approval incorporating Defence conditions).

24. If Defence rejects the application, Council should refuse the proposal or should seek amendments to make the proposal compliant with the D(AC)R.

Other Airports – aerodromes certified or registered under Part 139 of the Civil Aviation safety Regulations (CASR)

25. Pursuant to CASR Part 139, the operator of a certified or registered aerodrome must inform CASA if it becomes aware that a proposed building or other structure is likely to infringe the airport's OLS.
26. CASA may make a written determination that the proposed structure is a hazardous object. CASA must give a copy of its determination to the proponent and to the planning authority whose approval is required for the construction of the proposed structure.

Step 1

27. On receipt of a proposal to construct a building or other structure, such as aerials, telecommunications facilities, power poles etc, the planning authority will examine OLS (and if any, PANS-OPS) charts developed by the aerodrome operator. The relevant planning authority can often be a council located at some distance from the aerodrome, not just the council within whose jurisdiction the aerodrome is sited.
28. In some jurisdictions, these charts may be incorporated into Development Plans, Local Environment Plans, or similar legal instruments.
29. If the examination shows that the proposed structure is likely to infringe the OLS or PANS-OPS surfaces, the planning authority will seek advice from the aerodrome operator. If the building or structure does not penetrate OLS or PANS-OPS surfaces, the planning authority will not refer it to the aerodrome and will continue to apply its normal processes to the application.

Step 2

30. The aerodrome operator must refer any proposed structure to CASA if it becomes aware that it is likely to infringe the OLS or any PANS-OPS surfaces.

Step 3

31. If CASA determines that the proposal will be a hazardous object it must give notice of its determination to the proposal's proponent and the planning authority. The determination must include advice on any conditions that would reduce the risk from the proposed structure to acceptable levels, without affecting the regularity or efficiency of aerodrome operations. This means that making changes to aerodrome operations, such as displacing thresholds, is not an option.
32. Conditions that CASA propose would normally relate to advice on marking and/or lighting the proposed structure.

Step 4

33. The planning authority should consider approving the proposal with conditions recommended by CASA , if CASA has determined that the although the proposal will be a hazardous object , the risk can be mitigated, without affecting aerodrome operations in any way, by imposing conditions such as requirements for lighting and/or marking.
34. It is also open to planning authorities to approve proposals if it is able to establish through a safety study that the hazard from a proposal can be mitigated such that the safety and operating efficiency of the aerodrome is not affected. If that proves to be the case, then the mitigation measures identified should be conditions of the proposal's approval. Authorities should ensure that such a safety study addresses the recommendations of CASA and any other aviation safety agencies where appropriate i.e. Airservices and Defence.
35. The planning authority should not approve the proposal if CASA has determined that the proposal will create an unacceptable risk to aviation safety.