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Controlled activities on terrain that intrudes into a Secondary Surfaces Application Process Flowchart

Flowchart consists of the following floating boxes:

- Section 7 applies in relation to a controlled activity if:
 - the terrain on which the activity is carried out intrudes into a secondary surface; and
 - the activity is not carried out in relation to primary airspace; and
 - if the activity is an activity referred to in paragraph 182(1)(a), (b) or (c) of the Act—the height of the building, structure or thing referred to in that paragraph is no more than 30 metres above ground level.
- Key terms include:
 - **Act:** *Airports Act 1996*
 - **AOC:** Airport Operator Company for the relevant Leased Federal Airport
 - **Department or Dept.:** The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
 - **Delegate:** An employee of an AOC or Dept. to whom the Secretary of the Department has delegated certain functions and powers under subsection 26(1) and (2).

Reading from the left side of the flowchart:

1. The main pathway begins at 'Application (7 & 12)'
 - Applicant prepares an application in consultation with the relevant AOC.
 - An application must set out the:
 - the proposed controlled activity
 - the proposed location of the activity
 - the proposed duration of the activity
 - the purpose of the activity
 - the proposed maximum height (AHD and AGL) of the proposed building, structure or thing; and any temporary structure or equipment intended to be used in the erection of the proposed building, structure or thing.
2. 'Application Received'
 - A decision is to be made within 40 working days beginning on the first working day after the day the application is received (18(1)).
 - The Secretary may extend the period for making a decision in relation to an application by a further period of not more than 10 working days (18(2)).
 - a. The flowchart branches off the main path to provide alternative courses of action. One of the following 3 options may be pursued, if relevant:
 - i. The AOC may refer the application to CASA, Airservices and Defence for advice (14(2))
 - ii. The application may be referred to the secondary surfaces application process
 - iii. The application may be referred to the sensitive controlled activities application process.
3. If none of the 3 options are pursued at point 2a above, the flowchart continues along the main path, whereby an application progresses to the 'AOC Delegate's Approval (17 & 26(2)(a)(ii))'.
4. 'Notification of decision (19(2))'

- Notification provided to the applicant, CASA, Airservices, Defence (if a joint-user airport) and the Building Authority.

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Secondary Surfaces Application Process Flowchart

Flowchart consists of the following floating box:

- Key terms include:
 - **AOC:** Airport Operator Company for the relevant Leased Federal Airport
 - **Department or Dept.:** The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
 - **Delegate:** An employee of an AOC or Dept. to whom the Secretary of the Department has delegated certain functions and powers under subsection 26(1) and (2).

Reading from the left side of the flowchart:

5. The main pathway begins at 'Application (12)'
 - Applicant prepares an application in consultation with the relevant AOC.
 - An application must set out the:
 - the proposed controlled activity
 - the proposed location of the activity
 - the proposed duration of the activity
 - the purpose of the activity
 - the proposed maximum height (AHD) of the proposed building, structure or thing; and any temporary structure or equipment intended to be used in the erection of the proposed building, structure or thing.
 - An application must be accompanied by:
 - an assessment from Airservices Australia obtained by the AOC
6. 'Application Received'
 - A decision is to be made within 40 working days beginning on the first working day after the day the application is received (18(1)).
 - The Secretary may extend the period for making a decision in relation to an application by a further period of not more than 10 working days (18(2)).
7. Within 10 working days of receiving an application, 'AOC invites authorities to make submissions in relation to the activity (14(1))' and simultaneously 'AOC notifies applicant of the date that the application would be deemed to be refused (12(6))'.
 - Authorities to be invited to make submissions include CASA and Defence (if the airport is a joint-user airport).
8. 'AOC's Assessment' - the main pathway splits:
 - a. 'AOC Delegate's Consideration' leads to 'AOC Delegate's decision on an application (17)' and the flowchart terminates at 'Notice of Decision (19(2))'.
 - Notification of decision to the Applicant, CASA, Airservices, Defence (if a joint-user airport) and the Building Authority.
 - b. Alternatively, within 30 working days of receiving the application (15(2)), 'AOC to give the application and submissions to Dept. Delegate for consideration (15)' leads to 'Dept. Delegate's decision on application (17)' and the flowchart terminates at 'Notice of Decision (19(1))'.
 - Notification of decision to the Applicant, AOC, CASA, Airservices, Defence (if a joint-user airport) and the Building Authority.

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Sensitive Controlled Activities Application Process Flowchart

Flowchart consists of the following floating box:

- Key terms include:
 - **AOC:** Airport Operator Company for the relevant Leased Federal Airport
 - **Department or Dept.:** The Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
 - **Delegate:** An employee of an AOC or Dept. to whom the Secretary of the Department has delegated certain functions and powers under subsection 26(1) and (2).

Stage 1 – Permission to apply to carry out sensitive controlled activities

Subtext: *A person must not apply under section 12 for approval to carry out a sensitive controlled activity (section 6) unless the person has first been given permission under section 13.*

Reading from the left side of the flowchart:

1. The main pathway begins at 'Request for permission to apply (13(1) to (4))'
 - The request must set out:
 - the proposed sensitive controlled activity
 - the proposed location of the activity
 - the proposed duration of the activity
 - the proposed maximum height (AHD) of the proposed building, structure or thing; and any temporary structure or equipment intended to be used in the erection of the proposed building, structure or thing
 - one of the circumstances specified under paragraph 13(4)(e) that the applicant believes justify the making of an application under section 12 for approval to carry out the activity.
2. 'Assessment (13)'
 - The Secretary may give permission, if the Secretary is satisfied that the proposed activity would be a temporary controlled activity, and:
 - the activity is required to carry out emergency recovery works, emergency restoration works or public infrastructure works; or
 - it is reasonably likely that the activity could be carried out without any significant interference to airport operations; or
 - exceptional circumstances exist that justify permitting an application.
3. 'Delegate's decision (13(5) to (9))'
4. 'Notice of Decision (13(5) to (9))'

Stage 2 – Application for approval to carry out controlled activities

Stage 2 is represented by a separate flowchart to stage 1 and is located below stage 1 on the page. Reading from the left side of the flowchart:

9. The main pathway begins at 'Application (12)'
 - Applicant prepares an application in consultation with the relevant AOC.
 - An application must set out the:
 - the proposed controlled activity
 - the proposed location of the activity
 - the proposed duration of the activity
 - the purpose of the activity
 - the proposed maximum height (AHD) of the proposed building, structure or thing; and any temporary structure or equipment intended to be used in the erection of the proposed building, structure or thing.
 - An application must be accompanied by:
 - an assessment from Airservices Australia obtained by the AOC

- a copy of the notice given to the applicant under section 13 permitting the applicant to apply to carry out the activity
- 10. 'Application Received'
 - A decision is to be made within 40 working days beginning on the first working day after the day the application is received (18(1)).
 - The Secretary may extend the period for making a decision in relation to an application by a further period of not more than 10 working days (18(2)).
- 11. Within 10 working days of receiving an application, 'AOC invites authorities to make submissions in relation to the activity (14(1))' and simultaneously 'AOC notifies applicant of the date that the application would be deemed to be refused (12(6))'.
 - Authorities to be invited to make submissions include CASA and Defence (if the airport is a joint-user airport).
- 12. 'AOC's Assessment' - the main pathway splits:
 - c. 'AOC Delegate's Consideration' leads to 'AOC Delegate's decision on an application (17)' and the flowchart terminates at 'Notice of Decision (19(2))'.
 - Notification of decision to the Applicant, CASA, Airservices, Defence (if a joint-user airport) and the Building Authority.
 - d. Alternatively, within 30 working days of receiving the application (15(2)), 'AOC to give the application and submissions to Dept. Delegate for consideration (15)' leads to 'Dept. Delegate's decision on application (17)' and the flowchart terminates at 'Notice of Decision (19(1))'.
 - Notification of decision to the Applicant, AOC, CASA, Airservices, Defence (if a joint-user airport) and the Building Authority.