

Sydney Airport – National Airports Safeguarding Framework (NASF) – Implementation Review

Issue	Sydney Airport's comments
Overarching comment	<p>Despite having been agreed by the NSW Government more than seven years ago, little has been done to implement and give effect to the NASF and its guidelines in state or local planning or other laws. This remains frustrating for Sydney Airport because some decision makers tend to see the NASF as having little or no force, and simply a set of guidelines that may or may not be considered.</p> <p>While there are some encouraging signs that this may be changing, and some local councils are certainly seriously and effectively addressing some of the key NASF-related issues, uniform action to implement the NASF in NSW is needed now. Sydney Airport has a good relationship with planners at Bayside, Inner West, City of Sydney and Randwick City Councils.</p> <p>As indicated below, some NASF guidelines address issues that cannot be resolved through the state or local planning system and require other legislative or regulatory action by the state.</p> <p>It's also important to note that there are actions the Commonwealth should be taking to properly implement the NASF which it has to date not supported (see comments concerning Guideline B).</p>
Implementation progress	<p>The NSW Greater Sydney Commission (GSC) is the primary strategic planning body for the Sydney metropolitan area. The GSC prepared, and the NSW Government has adopted, the <i>Greater Sydney Region Plan 2056</i>.</p> <p>The text supporting "Planning Objective 16 – Freight and logistics network is competitive and efficient" says that:</p> <p style="text-align: center;"><i>A state-wide approach to implementing the National Airports Safeguarding Framework is being developed by the NSW Department of Planning and Environment, to improve amenity and safety, and support ongoing aviation at Sydney, Bankstown and Camden airports, at the RAAF Base Richmond, as well as the future Western Sydney Airport.</i></p> <p>Planning Strategy 16.1 – also commits government to managing the interfaces of industrial areas, trade gateways and intermodal facilities by:</p> <p style="text-align: center;"><i>Recognising and giving effect to the National Airports Safeguarding Framework, incorporating airspace protection (for example height), turbulence and wildlife safety measures.</i></p> <p>While Sydney Airport was advised verbally several months ago that a number of options to implement the NASF in a manner consistent with the <i>Greater Sydney Region Plan 2056</i> are being considered by the NSW Department of Planning, Industry and Environment (formerly known as the Department of Planning and Environment), nothing has yet been announced.</p> <p>Sydney Airport considers the following options are available to recognise and give effect to the NASF and its guidelines through the NSW planning system under the existing <i>Environmental Planning and Assessment Act 1979</i> (the EP&A Act):</p>

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	<ul style="list-style-type: none"> • Adopt an <i>Airports Safeguarding State Environmental Planning Policy</i> that addresses all relevant NASF matters in a consistent manner across the state • Adopt model provisions for councils to include in their new local environmental plans (LEPs)¹ • Issue a Local Planning Direction under section 9.1(2) of the EP&A Act requiring consent authorities to have regard to the NASF and its guidelines when considering development applications or planning proposals affecting land in the vicinity of airports.
Specific comments on NASF guidelines	
Guideline A: Measures for Managing Impacts of Aircraft Noise	<ul style="list-style-type: none"> • It is noted that, when the NASF was adopted in 2012, the NSW Government disappointedly expressed reservations concerning Guideline A and so it is not supported in NSW. This stance is not expected to change.
Guideline B: Managing the Risk of Building Generated Windshear and Turbulence at Airports	<ul style="list-style-type: none"> • Sydney Airport included Windshear Assessment Envelopes in its recently approved Master Plan 2039 (see Map 31). This has been communicated to relevant local councils (Bayside and Inner west) so they can consider including the map in their new LEPs or future development control plans. • Sydney Airport deals with development applications or proposed activities that are referred to it on a case-by-case basis. For example, proposals to berth next generation large container vessels at docks at Port Botany which are close to Sydney Airport's parallel north-south runway have generated concern given possible turbulence and/or wind shear impacts. While Sydney Airport works closely with NSW Ports and stevedoring companies concerning such proposed activities, the fact NASF Guideline B is not recognised in the NSW planning system is an issue of concern. • The Commonwealth should act to ensure developments or activities that will likely result in unacceptable air turbulence and/or windshear impacts on aircraft are, for the purposes of the <i>Airports Act 1996</i> (the Act) "controlled activities", thus requiring approval by the department, in consultation with CASA, Airservices and the relevant airport operator. This could easily be done using the regulation-making power available under section 182(f)(i) of the Act.²
Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports	<ul style="list-style-type: none"> • Sydney Airport works closely with relevant local councils to manage wildlife hazards on and off the airport and prepared and circulated a Toolkit for councils to use in 2014. Feedback received at the time was negative, with some councils emphasising the fact it was a "guideline" only and not mandatory. • A recent issue has arisen with respect to Sydney Water discharging untreated sewage into the Mill Stream, adjacent to the parallel north-south runway. This tends to attract birds (including large species (such as pelican and ibis) to a highly sensitive area adjacent to the runway. Previously, Sydney Water was licensed by the NSW Environment Protection Authority (EPA) to lawfully discharge the sewage. While Sydney Airport has made representations to the NSW Government to cease this activity, the issuing of a new licence is under consideration. There is no requirement for the EPA to consider aviation-related matters when making its environment protection licensing decisions. This could easily be rectified by an amendment to section 45 of the <i>Protection of the Environment Operations Act 1997</i>.
Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation	<ul style="list-style-type: none"> • To Sydney Airport's knowledge, this guideline is yet to be acted upon by the NSW Government.

¹ Most councils in the Sydney metropolitan area, and certainly all of those in the vicinity of Sydney Airport, have already commenced processes to prepare new LEPs

² While the Commonwealth has promulgated a regulation to control turbulence caused by the emissions of gases from vents or chimneys, it has not for other types of air turbulence or wind shear

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Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports	<ul style="list-style-type: none"> To Sydney Airport's knowledge, this guideline is yet to be acted upon by the NSW Government.
Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports	<ul style="list-style-type: none"> While the <i>Airports Act 1996</i> and <i>Airports (Protection of Airspace) Regulations 1996</i> provide a statutory scheme to regulate intrusions into prescribed airspace, Sydney Airport is aware that, several years ago, the department consulted airports on ways to modernise the existing framework. Submissions were made by Sydney and other airports with a range of recommended changes, none of which have yet been acted upon. The department is urged to restart the process at the earliest opportunity and progress the recommendations already before it.
Guideline G: Protecting Aviation Facilities — Communications, Navigation and Surveillance (CNS)	<ul style="list-style-type: none"> To Sydney Airport's knowledge, this guideline is yet to be acted upon by the NSW Government.
Guideline H: Protecting Strategically Important Helicopter Landing Sites	<ul style="list-style-type: none"> To Sydney Airport's knowledge, this guideline is yet to be acted upon by the NSW Government.
Guideline I on Public Safety Areas	<ul style="list-style-type: none"> To Sydney Airport's knowledge, this guideline is yet to be acted upon by the NSW Government.