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General Manager  
Aviation Environment  
Department of Infrastructure, Transport, Cities and Regional  
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GPO Box 594  
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Dear Mr Wolfe

### **Implementation Review of the National Airports Safeguarding Framework**

I am writing to advise you of the work undertaken by the Department of Planning, Industry and Environment on behalf of the NSW Government, to implement the National Airports Safeguarding Framework (NASF) into the NSW planning framework.

At the National Airports Safeguarding Advisory Group (NASAG) meeting on 21 August 2019, it was requested that Government agencies provide an update on how the NASF guidelines are being implemented into their planning system. Please find attached an overview of how the NSW Department of Planning, Industry and Environment is implementing the NASF framework (Attachment A) set out in accordance with the NASF Implementation Review Terms of Reference.

If you have any questions or would like to discuss these comments in further detail, please call Deanne Frankel on 0476 830 505.

Yours sincerely,

**David McNamara**  
Director, Aerotropolis

## NATIONAL AIRPORTS SAFEGUARDING ADVISORY GROUP

### IMPLEMENTATION REVIEW

#### Whether the NASF has been/is being embedded in legislation/regulations

##### Standard Local Environmental Plan

Local Environmental Plans (LEPs) guide planning decisions for local government areas. They do this through zoning and development controls which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and also ensure local development is undertaken appropriately. The standard instrument LEP program was undertaken to create a common format and content for the NSW LEPs. In the development of the standard instrument a list of standard clauses was developed that provided local plan making authorities with the option to include the clause if it was relevant to their local government area. Included in this list, were two standard clauses addressing development in the vicinity of an airport.

##### *Standard Clause 7.4 Airspace Operations*

- This clause addresses airspace operations with the objective to:
  - provide for the effective and on-going operation of the airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface (OLS) or the Procedures for Air Navigation Systems Operations Surface (PANS-OPS) for that airport; and
  - protect the community from undue risk from that airport operation.

##### *Standard Clause 7.6 Development in Areas Subject to Aircraft Noise*

- This clause addresses development in areas subject to aircraft noise with the objective to:
  - prevent certain noise sensitive developments from being located near an airport and its flight paths;
  - assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings; and
  - to ensure that land use and development in the vicinity of that airport do not hinder the safe and efficient operation of that airport.

##### *Additional Customised Clause - Liverpool Local Environmental Plan 2008 (Appendix 1)*

In addition to clauses addressing protection of airspace operations and development in areas subject to aircraft noise, Liverpool City Council has implemented an additional requirement. Clause 7.17A and Map KYS-010 in the Liverpool Local Environmental Plan 2008 (LEP) provides protection for strategically important helicopter landing sites (SHLS) in their local government area. Clause 7.17A – Hospital Helicopter Airspace notes that development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority:

- Refers the application for development consent to the chief executive of the relevant local health district;
- Considers any submissions to the consent authority by the chief executive within 21 days of the referral; and
- Is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.



Map KYS-010 of the Liverpool LEP incorporates a surveyed flight path from the HLS located at Liverpool Hospital. A case study providing an insight into the processes that Liverpool Council undertook to achieve SHLS protection is provided in Appendix 1.

#### Section 9.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 9.1 directions apply to planning proposals to amend Council's LEPs. Section 9.1 directions enable the Minister to direct Councils to address provisions which will achieve or give effect to principles specified in the direction when preparing planning proposals.

#### *Section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields*

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or provision relating to land near a regulated airport, including a defence airfield. The objectives of this direction are to:

- ensure the effective and safe operation of regulated airports and defence airfields;
- ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
- ensure development, if situated in noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

#### *Section 9.1 Direction 7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan*

This direction applies to Council's within the OLS and ANEC contours for Western Sydney (Nancy-Bird Walton) International Airport. The objective of the direction is to ensure development is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan which, amongst other things, incorporates requirements to safeguard the operations of Western Sydney (Nancy-Bird Walton) International Airport. This direction will be updated when the next stage of the plan is released.

### Development Control Plans

Development Control Plans (DCPs) are non-statutory plans made under the Environmental Planning and Assessment Act 1979 that guide development in certain areas. DCPs provide detailed guidance about the desired planning outcome to be achieved by development and contain specific controls to guide certain types of development that supports primary planning instruments.

#### *Standard Development Control Plan – draft DCP Guide*

The NSW Department of Planning, Industry and Environment (DPIE) is currently working to standardise the Development Control Plans across NSW. The package will be exhibited for wider consultation over the next of couple of weeks.

It is proposed that standardisation will be achieved via use of Standard Template and Standard Definition across the state. A section "Airport Overlays" has been proposed as a part of the Standard Template to allow Councils to address their concerns and propose measures for managing the impacts on airports. Also, some definitions on the topic have been included in the definitions package to bring consistency in terms and definitions.



Further, a DCP Guide is being developed to assist Councils in translating the information in Standard Template format. This guide is intended to serve as a 'one stop shop' and includes references to Government policies and strategic direction/desired outcomes for consideration for those writing Development Control Plans. NASF Guidelines have been referenced in the DCP guide along with other Government documents for consideration and will serve as a resource to assist Councils in drafting of the development controls

### *Example - Bayside Council's City of Botany Bay Development Control Plan 2013 (Bayside DCP)*

The Bayside DCP is a primary planning document that supports the Botany Bay Local Environmental Plan 2013 with detailed planning and design guidelines and development controls. Part 3J of Bayside Councils DCP, Development Affecting Operations at Sydney Airport, provides:

- a means of assessing the effect of aircraft noise on development proposals by utilising the endorsed Australian Noise Exposure Forecast (ANEF) chart that considers the long-term operating procedures and air traffic forecasts at Sydney (Kingsford Smith) Airport;
- guidance to applicants of the approval process required in areas impacted by Sydney (Kingsford Smith) Airport – Procedures for Air Navigation Systems Operations (PANS OPS) and Obstacle Limitation Surfaces (OLS);
- a procedure to determine whether or not an assessment for mechanical windshear impacts is needed for any development proposed to occur in the Bayside LGA; and
- general information and requirements of the National Airports Safeguarding Framework (NASF).

### **Western Sydney Aerotropolis**

DPIE staff have been seconded into the Western Sydney Planning Partnership to undertake the planning for the 11,200 hectares of land around Western Sydney International (Nancy-Bird Walton) Airport, to create the third city of Sydney – the Western Parkland City. Staff have worked closely with representatives of the Airport and the Department of Infrastructure, Transport, Cities and Regional Development to ensure appropriate mechanisms are implemented into the planning framework to safeguard the operations of the Airport. Whilst the NSW government does not support Guideline A of the NASF, no noise sensitive development will be permitted within the ANEC/ANEF 20 or above contours. This is more conservative than the requirements specified under AS2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

The mechanisms to safeguard the airport operations include incorporating appropriate NASF provisions into the Land Use and Infrastructure Implementation Plan and the proposed state environmental planning policy, Development Control Plan and section 9.1 direction for the Western Sydney Aerotropolis.

### **Whether the NASF is reflected in policy, guidance and any other planning advice**

#### **Safeguarding Strategically Important Helicopter Landing Sites (SHLS) in NSW**

NSW DPIE has developed a paper, *Safeguarding Strategically Important Helicopter Landing Sites in NSW – Implementation of NASF Guideline H – Protecting Strategically Important Helicopter Landing Sites* to encourage planning authorities to incorporate the principles of Guideline H into their planning framework, safeguarding those strategic helicopter landing sites (SHLS) that Health Infrastructure and NSW Ambulance have advised require protection. Whilst not government policy, the document:



- encourages the protection of SHLS in strategic land use planning decisions and Local Environmental Plans;
- provides guidance on those development applications/proposals that require referral due to their potential impact on the safe and efficient operations of a SHLS; and
- provides an opportunity for approval authorities to contribute to the development of standard conditions that can be applied to development consents to safeguard SHLS.

### NSW Wind Energy Guidelines

NSW DPIE developed the Wind Energy Guideline to provide the community, industry and regulators with guidance on the planning framework for the assessment of large-scale wind energy development proposals. The Guideline identifies the key planning considerations relevant to wind energy development in NSW and will assist stakeholders in the design and siting of wind energy development in NSW.

The Guideline includes a section on aviation safety noting – *wind energy projects need to consider the potential safety hazards for aircraft through intrusions of wind turbines into the airspace and potential effects on navigation instruments.*

### NSW Health Guidelines for Hospital Helicopter Landing Sites

NSW DPIE has aided NSW Health and NSW Ambulance in their review of their document *Guidelines for Hospital Helicopter Landing Sites*. Proposed amendments include reference to and consistency with NASF Guideline H.

### What impediments (if any) have there been to full implementation

#### Guideline A – Measures for Managing the impacts of Noise

The NSW Government does not support this Guideline as it sought to introduce new policy in respect of land use and development outcomes in the vicinity of airports that lacked adequate scientific rigour and community consultation. The Guideline would have resulted in significant new restrictions being applied to housing and communities in the vicinity of airports and was not considered superior to the existing policy of the Department which relies on the Australian Noise Exposure Forecast contours and Australian Standards.

#### Guideline C– Managing the Risk of Wildlife Strikes in the Vicinity of Airports

A review of the guideline to update and respond to emerging issues will assist in its successful implementation. Examples of review opportunities include: requiring buffers to be mapped from the runways rather than aerodrome reference points, recognising that where internally enclosed some uses listed as incompatible may be able to be successfully implemented and addressing the importance of landscaping and building and site design in managing wildlife attraction.

#### Guideline D – Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers

With greater focus being placed on the provision of renewable energy sources (such as wind turbines), clearer direction needs to be provided on the potential impacts of these facilities on airport operations. This needs to include consideration of single wind turbines and the impacts of wind turbines on turbulence and CNS facilities in their vicinity. Clarification of the role of CASA, the airport operator and the Commonwealth in the assessment of wind turbines that don't penetrate operational airspace (OLS or PANS-OPS) is also required.



## Guideline G – Protecting Aviation Facilities – Communications, Navigation and Surveillance (CNS).

To assist government and proponents in determining the location of a CNS facility, whether a development will have an impact on a CNS facility and whether referral to Airservices and/or the Airport operator is required, it is considered necessary for the Development Impact Assessment Portal Tool identified in clause 31 of the Guideline to be developed by Airservices and made available. Without this tool it is very difficult to successfully implement this guideline.

## Guideline I – Managing the Risk in Public Safety Areas at the Ends of Runways

Whilst public passenger transport infrastructure (including bus, train and light rail stations) is listed as an incompatible use within PSAs, road and rail infrastructure is not separately listed. However, whilst undertaking land use planning around Western Sydney International (Nancy-Bird Walton) Airport it became clear that clauses 49 and 50 suggest that only minor or local roads would be considered acceptable within PSAs. As most airports, particularly federally leased airports, include major roads and rail infrastructure which could extend into an PSA it is considered appropriate for a review to be undertaken of the PSA to determine whether this is the intent and, if so, what mitigation measures should be implemented to ensure the airports can be adequately accessed by appropriate transport infrastructure whilst not comprising risks to public safety.

## [The level of awareness, consideration and use of the NASF principles and Guideline A to I by relevant government agencies, public and private airport operators](#)

### Internal Consultation within DPIE

The NSW Department of Planning, Industry and Environment (DPIE) has undertaken a comprehensive internal consultation program to inform DPIE staff of the NASF Guidelines and requirements when assessing proposals that could potentially impact on the safe and efficient operation of an airport or strategically important helicopter landing site.

DPIE has also undertaken internal consultation with metropolitan and regional teams on the implementation of NASF Guideline H, in particular how to commence discussions with local planning authorities to encourage the protection of SHLS in their local government areas. Part of this consultation includes discussion to develop standard conditions that can be placed on proposed development activities in the vicinity of a SHLS.

### External Consultation

DPIE representatives led the preparation of NASF Guideline H. Consultation was undertaken with key NSW stakeholders to inform the preparation of Guideline H. Representatives from NSW Health Infrastructure, Ambulance NSW, CASA, Avipro, NSW Police, Westpac Lifesaver Rescue Helicopter, CHC Helicopter Services, Toll helicopters, NSW Rural Fire Service, National Parks and Wildlife Service and Liverpool City Council were consulted and participated in a workshop. Subsequent consultation also occurred with the Australian Transport Safety Bureau, the Australian Aviation Wildlife Hazard Group, City of Parramatta Council's Strategic Planner and Penrith City Council's Development Assessment Manager.

Consultation also occurred between DPIE, Ambulance NSW and NSW Health Infrastructure to develop a comprehensive list of SHLS in NSW that require protection from proposals that may impact on the safe and efficient operation of that SHLS.



The level of industry and community stakeholder awareness and familiarity with the NASF framework and guidelines

DPIE has undertaken significant industry consultation regarding the NASF guidelines including the following industry organisations:

- Urban Development Institute of Australia;
- Property Council of Australia;
- Urban Taskforce; and
- Australian Airports Association.

Any specific case studies to illustrate the impact of NASF on land use planning decisions.

**Western Sydney Aerotropolis**

The Western Sydney Aerotropolis will make a significant contribution to 200,000 new jobs for Western Sydney by establishing a new high skill jobs hub across aerospace, defence, manufacturing, healthcare, freight and logistics, agribusiness, education and research industries. DPIE prepared the Stage 1 Land Use and Infrastructure Implementation Plan (Stage 1 Plan) for the Western Sydney Aerotropolis. The Stage 1 Plan provides an overview of proposed land uses and the sequence of development that will deliver Sydney's newest economic hub around Western Sydney Airport. The Stage 1 Plan also provides guidance on Aviation Safety and the NASF and implements safeguarding measures into the legislative framework. Further planning is currently being undertaken with new land use planning documents anticipated to be released for consultation in the coming months.

Information regarding the planning for the Western Sydney Aerotropolis can be accessed on the Department's website:

[www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Aerotropolis](http://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Aerotropolis)

**Liverpool Council**

Liverpool City Council has implemented a clause into their Local Environmental Plan (Clause 7.17A – Hospital Helicopter Airspace) to provide protection for the flight paths associated with the SHLS at Liverpool Hospital. Appendix 1 provides a case study provided by Liverpool City Council on their experiences in protecting a strategically important helicopter landing site in their local government area.

## Protecting Helicopter Landing Sites

### A Case Study from Liverpool City Council

In late 2015, concern was raised by council staff regarding proposed building height increases in the Liverpool city centre and how the proposed heights may encroach on emergency helicopter flight paths to Liverpool Hospital.

#### *Background*

Liverpool Hospital is the second largest hospital in NSW and one of the leading trauma hospitals in Australia. Liverpool Hospital admits over 3000 trauma patients annually.

The NSW Ambulance Service bypass other hospitals in south west Sydney to transport patients directly to Liverpool when the specific 'serious injury' criteria is met. Many of these patients are transferred to Liverpool Hospital by helicopter.



Figure 1: Liverpool Hospital

#### *The Need to Protect Helicopter Flight Paths*

To ensure an effective and safe helicopter ambulance service is maintained, it is vital that helicopter flight paths (HFPs) are free from obstruction and protected through legislation.



In early 2016, council officers initiated an amendment to the Liverpool Local Environmental Plan (LLEP) 2008 to protect hospital helicopter airspace. This triggered a review of the protective measures and legislative controls that could be implemented by Council to ensure the ongoing viability of the HFP for Liverpool Hospital.

#### *An Amendment to the Liverpool Local Environmental Plan 2008*

To protect hospital helicopter airspace, Council proposed to introduce a new clause into the LLEP 2008.

The amendment requires the consent authority to consider **the impacts of the proposed development on the HFP.**

The new clause also requires development applications (in certain locations) within the Liverpool City Centre to be referred to key authorities for consideration and comment.

This referral process ensures that potential issues can be resolved prior to any approval of the development.

#### *Community Consultation and State and Federal Agency Consultation*

The standard procedure for progressing an amendment to the LLEP is to consult with the community and with Federal, State agencies as well as other affected local governments.

During this process, Council consulted with the Civil Aviation Safety Authority (CASA), Bankstown Airport Limited, NSW Ambulance, Department of Infrastructure and Regional Development, Fairfield Council and NSW Health (Liverpool Hospital). It was through this consultation process where minor modifications (where appropriate) were made to the proposed amendment.

There were no objections received from the public.

#### *Conclusion*

Following community consultation and state and federal agency consultation, the planning proposal was endorsed by Council in April 2017 and gazetted by then Department Planning Environment in September 2017.

#### *Successes and Future Protections*

Even though Council's are required to undertake a mandatory consultation midway through the process of any amendment to the LLEP, in this case Council engaged with stakeholders early in the process with Liverpool Hospital and Air Ambulance NSW to ensure a successful outcome was achieved.

In May 2017, Council prepared a submission to Draft Guidelines for the Protection of Helicopter Landing Sites (HLS). As part of Council's submission, it was recommended that the protection of strategically important HLS be developed into a state environmental planning policy (SEPP). It is still council officer's opinion that a SEPP be prepared to ensure that strategically important HLS are protected and that this protection is applied consistently across NSW.

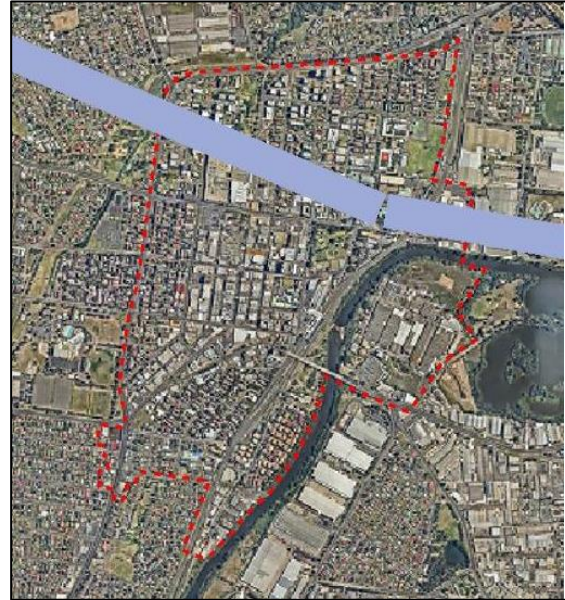


Figure 2: Liverpool City Centre and the HFP