

29 November 2019

Mr J Wolfe

General Manager, Aviation Environment

Department of Infrastructure, Transport, Cities and Regional Development

GPO Box 594

CANBERRA ACT 2601

Dear Mr Wolfe,

Canterbury Bankstown Council's submission to the NASF Review

Thank you for the opportunity to comment on the review of the National Airports Safeguarding Framework (NASF).

Following a review, Canterbury Bankstown Council raises the following issues that the National Airports Safeguarding Advisory Group should address to improve the implementation of the NASF:

1. Modernise the Airspace Protection Framework

Council requests that the National Airports Safeguarding Advisory Group review the Airports Act 1996 and the NASF (Guideline F) to address the following issues:

- Issue 1: The airspace protection regime must consider the economic development and growth of the City of Canterbury Bankstown.
- Issue 2: The airspace protection regime must bring certainty to the development process.
- Issue 3: The application of Commonwealth and State planning legislation must be consistent in relation to the airspace protection regime.
- Issue 4: The airspace protection regime must clarify whether the Department and aviation authorities have sufficient resources to process applications within 90 days.
- Issue 5: The airspace protection regime should supply the prescribed airspace plans in a GIS data format that is useful for Council.
- Issue 6: The airspace protection regime should ensure there is a process to independently check and validate the prescribed airspace plans.

The attached submission (dated March 2017) to the Consultation Paper *Modernising Airspace Protection* outlines Council's issues in more detail.

2. Implement a Practical Approach to Windshear Protection

Council recognises the need to safeguard future development around the airport from unintended consequences such as turbulence and windshear.

However, the National Airports Safeguarding Advisory Group should ensure the NASF (Guideline B) does not create an ad hoc approach to the implementation of the guideline, namely applicants would need to prepare technical reports for individual development applications, and Council would need to assess the technical reports for individual properties.

The preferred option is to have the Department of Infrastructure, Transport, Cities and Regional Development identify the properties within the Zone of Influence and buffer areas using the proposed 1:35 ratio calculations, and then develop 'deemed to satisfy' development controls for affected properties.

Like the OLS referral process, if a variation is sought by an applicant, a development application and supporting technical report would be referred to the airport lessee company for concurrence.

The attached submission (dated February 2017) to the Guideline B Review outlines Council's issues in more detail.

If you wish to discuss these matters further, please contact Council officer My Kyou Won Rhee on 9707 9489.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mitchell Noble', with a stylized, flowing script.

Mitchell Noble
Manager Spatial Planning

17 March 2017

Mr C Downsborough
Department of Infrastructure & Regional Development
General Manager, Aviation Environment
GPO Box 594
CANBERRA ACT 2601

Dear Mr Downsborough,

**Canterbury–Bankstown Council's Submission to the
Public Consultation Paper: *Modernising Airspace Protection***

Thankyou for the opportunity to comment on the Public Consultation Paper:
Modernising Airspace Protection.

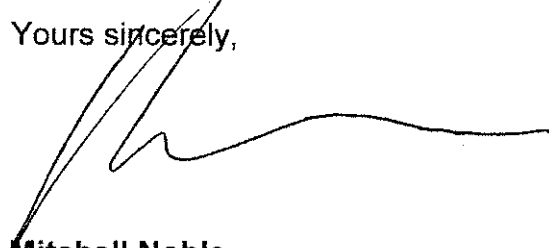
Following a review, Council raises the following issues that the Department of Infrastructure & Regional Development should address as part of Reform Proposal 1 (Modernising Airspace Protection under the Airports Act 1996):

- Issue 1: The airspace protection regime must consider the economic development and growth of the City of Canterbury–Bankstown.
- Issue 2: The airspace protection regime must bring certainty to the development process.
- Issue 3: The application of Commonwealth and State planning legislation must be consistent in relation to the airspace protection regime.
- Issue 4: The airspace protection regime must clarify whether the Department and aviation authorities have sufficient resources to process applications within 90 days.
- Issue 5: The airspace protection regime should supply the prescribed airspace plans in a GIS data format that is useful for Council.
- Issue 6: The airspace protection regime should ensure there is a process to independently check and validate the prescribed airspace plans.

The attachment outlines Council's submission in more detail.

If you have any enquiries or require further information, you can contact Council officer Kyou Won Rhee on 9707 9489.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mitchell Noble', written over the closing 'Yours sincerely,'.

Mitchell Noble
Manager Spatial Planning

The NEW City of **CANTERBURY BANKSTOWN**

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Submission to the
Public Consultation Paper:
*Modernising Airspace
Protection*

Preamble

Prior to the NSW council amalgamations and the creation of the new City of Canterbury–Bankstown, the former Bankstown City Council and the NSW Department of Planning & Environment commissioned a study:

- To examine the airspace constraints over the Bankstown Central Business District (CBD).
- To investigate the possibility of maximising the airspace over the Bankstown CBD, without adversely affecting the safety of aircraft operating in the area.
- To seek a method which would allow a pre-approved building height in the Bankstown CBD without the need for referrals to the Department of Infrastructure & Regional Development and airport operator in relation to airspace height applications.

The intended outcomes are to provide greater certainty in Council's ability to plan for the economic development and growth of the Bankstown CBD, and to provide greater certainty in the development process.

Strategic Airspace Pty Ltd prepared the study. The study findings include:

1. Bankstown Airport's Prescribed OLS and PANS–OPS plans, which were approved and declared by the Department of Infrastructure & Regional Development in 2016, are based on charts drawn in 2013 and are out-of-date.
2. The airport operator does not propose to update the 'declared airspace' charts until after the plans for the Western Sydney Airport are declared, which could be some time in the future.
3. Bankstown Airport's declared PANS–OPS plan does not agree with the PANS–OPS instrument flight procedures.

Firstly, it does not show any restrictive surfaces in relation to departure procedures, and there is no separate plan covering these procedures. This gives the impression in some areas that higher heights are available when in fact they are not.

Secondly, it includes protection surfaces for PANS–OPS procedures which were deleted by Airservices Australia more than one year before the approval and declaration. This gives the impression in some areas that higher heights are available when in fact they are not.

4. The designers of Airservices Australia's PANS–OPS instrument flight procedures are proposing to change the Circling Minima for Category A and B aircraft, a surface shown on the airport's PANS–OPS plan as being declared airspace. The proposed change would result in a reduction of the relevant surface from 135.9 metres Australian Height Datum (AHD) to 108.1 metres AHD — a difference of 27.8 metres or approximately 9 storeys of a building (and the economic value attached).

The proposal to reduce the minima came about as a result of deleting an approach procedure to Bankstown Airport (the one that continues to be erroneously shown on the airport's PANS–OPS chart) as outlined below:

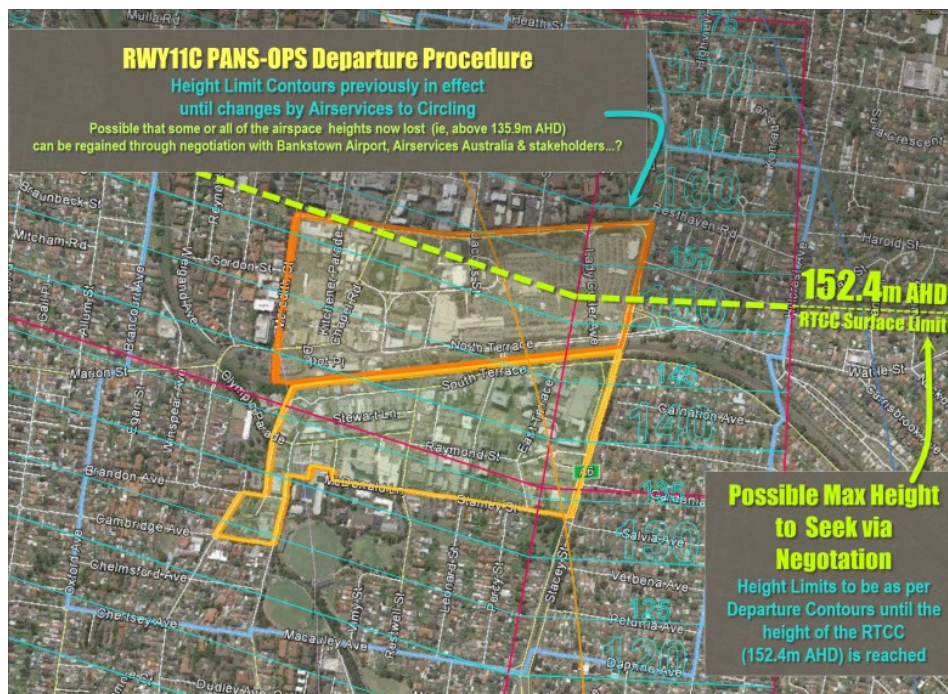
- (a) Airservices Australia calculated the revised reduced circling minima on the lowest height possible based on the height of the tallest buildings (for which they have data) in the circling area. It is not known whether Airservices Australia referred to the current height approvals granted by the Department of Infrastructure & Regional Development, which may have resulted in a higher minima.
- (b) The designers of Airservices Australia's PANS–OPS instrument flight procedures highlighted they have been using the reduced height for internal evaluations of airspace height applications since July 2016.
- (c) It is extremely rare to reduce an airspace height constraint, especially if the airspace was previously considered safe. The reduction may not provide any necessary or measurable increase to safety.
- (d) This reduction, below what is already declared and indicative of maximum permissible obstacle heights within accepted safety levels, adds uncertainty to the development process and may result in additional costs, time and effort for proponents and Council to determine the allowable building heights.

This reduction also suggests there is a disjointedness between the Regulations; the intent of the prescribed (and declared) airspace plans; the changing nature of the PANS–OPS instrument flight procedures; the possible failure of Airservices Australia to pay due recognition to the prescribed airspace plans and current height approvals; and Council's ability to plan for the economic development and growth of the city.

Figure 1 shows the Departure Surface contours which are not shown on the Bankstown Airport's PANS–OPS surfaces plan. The current surface plan erroneously indicates the entire area has a maximum permissible obstacle height of 135.9 metres AHD, when in fact the airspace height constraints are lower due to the protection requirements of the departure procedure.



Figure 2 shows the maximum potentially achievable height limits across the Bankstown CBD.



Key Issues

The City of Canterbury–Bankstown is home to the Bankstown Airport and a neighbour to the Sydney Airport.

Council supports the policy objective of the Public Consultation Paper: *Modernising Airspace Protection* (Reform Proposal 1), which is to create a modern, nationally consistent and transparent airspace protection regime at major airports.

Council sees this as an opportunity to cooperatively improve the processes to provide certainty for all stakeholders around major airports, and to address the following issues:

Issue 1: The airspace protection regime must consider the economic development and growth of the City of Canterbury–Bankstown.

The current airspace protection regime does not address the impacts of airspace protection in the broader context of the economic development and growth of cities.

The City of Canterbury–Bankstown is the largest council in NSW, with a population of 350,000 people. The gross regional product is \$13.1 billion and the city is home to 101,348 jobs. The city is also home to 113,500 dwellings.

The release of the NSW Government's Draft South District Plan confirms the city will be a place of significant growth to 2036. The Draft Plan proposes that Council deliver 13,250 extra dwellings in the next 5 years. To accommodate the proposed dwelling and job targets, Council will need to make significant changes to the built form of the city, namely:

- identifying land for housing and employment expansion;
- establishing a development framework which encourages the renewal of buildings in the Bankstown CBD and the suburban centres that surround Bankstown Airport;
- providing upfront planning of key development sites; and
- increasing building heights in the Bankstown CBD and the suburban centres that surround Bankstown Airport.

However, the current airspace protection regime makes it difficult for Council to plan for the economic development and growth of the city, particularly in relation to building heights.

For example, the NSW planning system requires Council to consult the Department of Infrastructure & Regional Development and the airport operator in relation to proposals to increase building heights at the rezoning stage. However, the Department has confirmed it cannot give permission at the rezoning stage.

According to the Department, current legislation does not allow blanket shielding at the rezoning stage. The reason is the Commonwealth Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 require all penetrations of the prescribed airspace to be approved on a case-by-case basis, subject to safety assessments and advice from the Civil Aviation Safety Authority and Airservices Australia. This would occur at the development application stage. The result is:

- Firstly, as the Department does not accept referrals for rezoning applications, Council's environmental planning instrument (which includes building height standards) is approved by the State Government without the Department's input.
- Secondly, resolving proposals to increase building heights at the development application stage creates an ad hoc approach to the implementation of legislation, namely proponents need to prepare technical reports for individual development applications, and the Department and the airport operator would assess the technical reports for individual properties.

Recommendations:

- Reform Proposal 1 must ensure the overall policy intent and objectives of the airspace protection regime recognise the importance of the economic value of the cities and regions that surround and support the aviation operations of airports.
- Reform Proposal 1 must modernise the current OLS referral process to include rezoning applications.
- The Department of Infrastructure & Regional Development must provide proactive leadership in reviewing strategic planning proposals early in the development process and not at the end when development applications are lodged.

Issue 2: The airspace protection regime must bring certainty to the development process.

Council currently processes around 1,200 development applications per year. Based on experience, the Department of Infrastructure & Regional Development and the airport operator can take up to 12 months to respond to Council's referrals of development applications. This is inconsistent with the NSW planning system, which requires Council to determine development applications within 40 days from the lodgement date.

Over time, this issue will exacerbate as referral numbers are likely to increase.

The reason is Reform Proposal 1 will require Council to refer all development applications which propose to penetrate the OLS. In the case of Bankstown Airport, the limit of the relevant OLS (the Inner Horizontal Surface) is 51 metres AHD. In practice, this would mean every application (e.g. garden sheds, front fences and swimming pools) would require an airspace height application to be submitted to the Department via the airport operator.

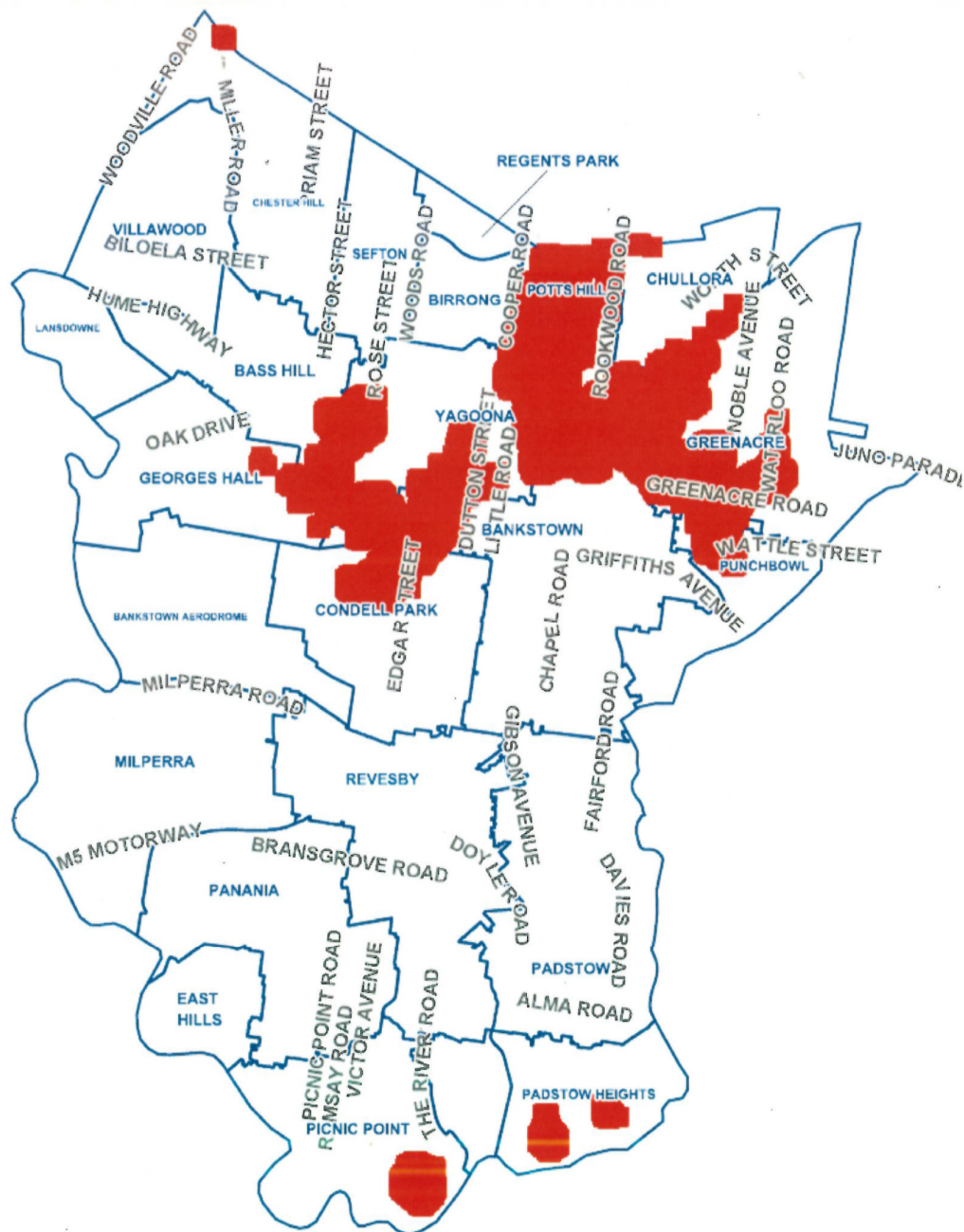
Figure 3 shows the areas in the former City of Bankstown where the existing ground level is greater than the OLS height limit of 51 metres AHD. It would be resource intensive and costly to refer all development applications where the proposed height is less than the highest height already approved, particularly in areas where:

- the OLS limit is substantially below the PANS–OPS surfaces;
- the location is far from critical airspace required for approaches and departures to the airport; and
- buildings are generally approved to a given height (at least as high as the tallest building already approved).

If referrals continue to take up to 12 months to resolve, this would result in costly delays to economic development and growth in the city; costly delays in the development process which may add pressure to housing affordability; and ongoing uncertainty in the development process.

It is understood that a recommended international practice is to mark areas where the terrain penetrates the OLS on the OLS plan. However, this is not a requirement in Australia. If this were the case, the OLS plan would highlight the areas (shown red) in Figure 3.

Figure 3: Areas (shown red) within the former City of Bankstown where the terrain exceeds 51 metres AHD.



Recommendations:

- Reform Proposal 1 should allow pre-approved building heights in certain areas without the need for referrals to the Department of Infrastructure & Regional Development and the airport operator. The pre-approved building heights would occur in two stages:

- Stage 1: Allow a pre-approved building height in the Bankstown CBD to align with the future land use and built form changes proposed by the NSW Government's Draft South District Plan. Council is currently assessing a proposal to allow a building height up to 106 metres AHD in the Bankstown CBD.

To maximise the potential economic value of the Bankstown CBD and increase certainty in the development process, the preferred option is to have a pre-approved building height that is up to the limits of the PANS–OPS surfaces.

This could be achieved by conducting an aeronautical safety study for review by the Department of Infrastructure & Regional Development and aviation agencies. A review by CASA may also propose lighting conditions that would apply to buildings in certain situations (e.g. any building that is taller than existing buildings or on a boundary of the special pre-approved area).

- Stage 2: Allow a pre-approved building height in the suburbs that surround Bankstown Airport to align with existing buildings that have approval to penetrate the OLS. For these areas, the Department of Infrastructure & Regional Development has approved building heights up to 78 metres AHD.

The pre-approved building height could be agreed most easily if it does not infringe the height limits of the PANS–OPS surfaces. In addition, the special pre-approved building height areas should be shown on the OLS plan with the denomination of Special Approval Heights.

Where a proposal seeks a variation, the development application and supporting technical report would be referred to the Department of Infrastructure & Regional Development and the airport operator for concurrence.

- The Department of Infrastructure & Regional Development must review and improve its internal OLS referral process between the Department, CASA and Airservices Australia.

Issue 3: The application of Commonwealth and State planning legislation must be consistent in relation to the airspace protection regime.

The NSW planning system allows exempt and complying development, where private certifiers issue approvals within 14 days. Exempt and complying developments do not require private certifiers to refer proposals to the Department of Infrastructure & Regional Development or the airport operator for comment, even if the proposals penetrate the OLS.

This highlights the inconsistency in the application of the airspace protection regime under Commonwealth and State planning legislation.

Recommendation:

- Reform Proposal 1 must resolve the inconsistency between Commonwealth and State planning legislation in relation to the airspace protection regime.

Issue 4: The airspace protection regime must clarify whether the Department and aviation authorities have sufficient resources to process applications within 90 days.

According to Reform Proposal 1, the timeframe for the submission of an application for a controlled activity would be 90 days prior to the lodgement of a development application.

The issues with this proposal are:

- This proposal assumes a proponent will have the development plans advanced to a point ready for a development application (and perhaps more detailed if crane information are to be included).
- During the assessment of the development application, Council may require the proponent to amend the submitted plans. It is unclear whether this amendment would trigger the need to modify the application already determined by the Department.
- There is the potential for multiple applications for the same development being active at the one time or for partially assessed applications needing to be discarded, causing administrative delays for aviation authorities.

- The Department of Infrastructure & Regional Development should confirm whether the Department and aviation authorities have sufficient resources to process applications within 90 days, and whether the Department and aviation authorities can process proposed modifications to the applications in a timely manner.

Recommendation:

- Reform Proposal 1 must clarify whether the Department of Infrastructure & Regional Development and aviation authorities have sufficient resources to process applications for a controlled activity within 90 days.

Issue 5: The airspace protection regime should supply the prescribed airspace plans in a GIS data format that is useful for Council.

According to Reform Proposal 1, the airport operator would publish declared details and provide the data to relevant government agencies. This must be in a GIS data format and may include charts, maps and building height limits.

Council supports this proposal provided the GIS data is in a format that is useful to Council, namely the PANS–OPS plans incorporate the protection surfaces for approaches (i.e. the approach and the missed approach surfaces) as well as departure procedures. This would allow non–specialists to determine the most restrictive height limits.

Reform Proposal 1 should also consider whether there is an appropriate method for ensuring the correctness (at least at the time of production) of the PANS–OPS plans. On occasions, it appears these plans are drawn up by the airport operator (or contractor) and are not always consistent with the rules and interpretations used by Airservices Australia.

In addition, the GIS data format should ensure:

- The prescribed airspace plan data accurately reflects the airspace in accordance with the current PANS–OPS instrument flight procedures.
- The height contours for sloping surfaces are shown at small intervals. At present, the Bankstown Airport PANS–OPS surfaces plan shows the sloping surfaces at large intervals (in some cases at 50 metres), which makes it difficult for non–specialists to determine a correct height in the gaps between intervals.
- There is consistent standards specified for the GIS data format to ensure different airports (e.g. Bankstown Airport and Sydney Airport) provide consistent GIS data.

The standards would need to incorporate rules and guidance on the data structures, the graphical presentations, the attribute or meta-data, and the methods of data transfer for initial loading and updates. The GIS data format would need to be based on some kind of open-specification to enable councils and consultants to have the same system, and should be available in a CAD format.

- Information on each surface (i.e. which procedure does a surface actually relate to) is provided so that it can be identified and referred to and, if necessary, queried and validated.
- Any codes are identified on the plans (e.g. on previous plans, the abbreviation 'HP' was not explained or identified in the legend).

Recommendation:

- Reform Proposal 1 should implement standards to ensure different airports provide a consistent GIS data format that is useful to Council.

Issue 6: The airspace protection regime should ensure there is a process to independently check and validate the prescribed airspace plans.

As noted in the Preamble, Bankstown Airport's Prescribed OLS and PANS-OPS plans, which were approved and declared by the Department of Infrastructure & Regional Development in 2016, are based on charts drawn in 2013 and are out-of-date.

The current plans refer to surfaces for an approach procedure that is no longer usable given the navaid that the procedure relies upon has been decommissioned. The navaid was removed prior to the declaration of the prescribed airspace.

There is a need to independently check and validate the plans to ensure it is consistent with the instrument flight procedures on which the plans are based. The technical quality assurance checks must be made and signed-off prior to submitting the plans to the Department for review and declaration.

Recommendation:

- Reform Proposal 1 must ensure there is a process to independently check and validate the prescribed airspace plans prior to submitting the plans to the Department of Infrastructure & Regional Development for review and declaration.

28 February 2017

Mr M Mrdak
Secretary
Department of Infrastructure and Regional Development
GPO Box 594
CANBERRA ACT 2601

Dear Mr Mrdak,

**Canterbury-Bankstown Council's Submission to the 2016 National
Airports Safeguarding Framework Guideline B Review**

Thankyou for the opportunity to comment on the 2016 National Airports
Safeguarding Framework Guideline B Review.

The City of Canterbury Bankstown is home to Bankstown Airport, and Council
recognises the need to safeguard future development around the airport from
unintended consequences such as turbulence and windshear.

However, the proposal creates an ad hoc approach to the implementation of
the guideline, namely applicants would need to prepare technical reports for
individual development applications, and Council would need to assess the
technical reports for individual properties.

The preferred option is to have the Department identify the properties within
the Zone of Influence and buffer areas using the proposed 1:35 ratio
calculations, and then develop 'deemed to satisfy' development controls for
affected properties.

Like the OLS referral process, if a variation is sought by an applicant, a
development application and supporting technical report would be referred to
the airport lessee company for concurrence.

If you wish to discuss this matter further, please contact Council's Strategic
Planner Mr Kyou Won Rhee on (02) 9707 9489.

Yours sincerely



Mitchell Noble
Manager Spatial Planning