

Memo

To: David Tierney

CC: Sean Macken, Gordon Kirkby, Ben Craig, Department of Planning and Environment

From: Ted Plummer

Date: 7 April 2016

Subject: Prescribed airspace – Victoria Rd, Marrickville Planning Proposal

David

As promised at the meeting at the Department of Planning and Environment (DPE) on 8 February 2016, following receipt of the relevant site specific information from Ben Craig, we have prepared charts showing the precise location of Sydney Airport's prescribed airspace in relation to the Victoria Rd, Marrickville precinct (the precinct).

As indicated in Sydney Airport's 26 November 2015 submission to DPE, there are three relevant airspace protection surfaces. These are attached:

- **Chart A** showing the Obstacle Limitation Surface (OLS);
- **Chart B** showing the Procedures for air navigation services – aircraft operations (PANS- OPS) surfaces; and
- **Chart C** showing the Precision Approach Path Indicator (PAPI) system¹ surfaces.

As previously noted, airlines may also have developed what are called "engine-out procedures" that may be relevant and also need to be taken into account.²

The heights shown in the charts are in metres Australian Height Datum (AHD). The height above actual ground level of each of the three surfaces would need to be calculated across the precinct. This in turn would enable the allowable height of any future building or other structure (including a crane) to be calculated on a case by case basis.

A building or structure that intrudes into these surfaces is a "controlled activity" for the purposes of *Airports Act 1996* and, as such, requires Commonwealth approval.

With respect to future development in the precinct, the *Airports (Airspace Protection) Regulations 1996* (the Regulations) provide that:

1. *"The Secretary [of the department] must approve a proposal unless carrying out the controlled activity would interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned."*

¹ The PAPI system provides visual guidance to help a pilot maintain the correct approach glide slope to an airport's runway.

² Under Civil Aviation Order 20.7.1B, operators of aircraft having an all-up weight in excess of 5,700kg are required to consider obstacle clearance requirements in the event of an engine failure. The specific procedures applicable to meeting these requirements are a matter for the aircraft operator concerned.

[Regulation 14(2)]".

2. *"If a controlled activity would, if carried out, result in a building, structure or thing intruding into PANS-OPS airspace, the Secretary may approve a proposal for the activity only if:*
 - (a) *the activity is a short-term controlled activity ; and*
 - (b) *the airport-operator company (if any) for the airport concerned supports the approval."*

[Regulation 14(5)]

3. *"A short-term controlled activity means a controlled activity:*
 - (a) *that is not expected to continue longer than 3 months; or*
 - (b) *that consists of the erection of a building, structure or thing that is not intended to remain in place for longer than 3 months."*

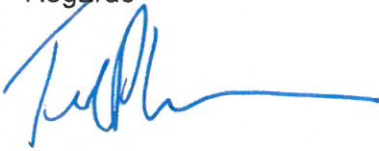
[Regulation 3(1)]

Without pre-empting any future decision making process for an application for approval of a short-term controlled activity, a future proponent would need to have regard to the fact the precinct lies very close to or beneath Sydney Airport's runway approach and take off surfaces. In such cases, given the proximity and number of low flying aircraft, it should not be assumed that approval to carry out a short-term controlled activity, such as the erection of a construction crane, would be granted. Indeed, similar applications in other like areas around the airport have previously been refused due to their location.

While we acknowledge this issue is more relevant to the development application stage, than it is to the planning proposal stage, it may assist if the future development control plan (DCP) for the precinct addresses this issue to ensure land owners and/or proponents of future development are aware of this potential development constraint.

Happy to discuss further.

Regards



Ted Plummer



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