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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of three buildings – Buildings A, B and C

Location: 83–99 North Terrace, Bankstown NSW

Coordinates: Building A - S 33.932778; E 151.034444 (Lat. Long)
Building B - S 33.917031; E 151.035
Building C - S 33.916389; E 151.621944

Proponent: Barings

I refer to the application from Barings (the Proponent), received by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (the Department) on 8 January 2025 from Bankstown Airport Limited (BAL). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a buildings (A, B and C) at 83–99 North Terrace, Bankstown NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Bankstown Airport.

The proposed development was previously approved by the Department on 28 September 2018 for four buildings to a maximum height of 105.3 metres above the Australian Height Datum (AHD) (Building B). This application seeks to vary the approval to increase the height of the buildings for Buildings A, B and C only, and to remove Building D. The Proponent has been amended to Barings.

Under regulation 6(1), ‘prescribed airspace’ includes ‘the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport’.

The Inner Horizontal Surface of the OLS above this site is at a height of 51 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 51 metres AHD. At a maximum height of 107.95 metres AHD, Buildings B and C will penetrate the OLS by 56.95 metres AHD.

Accordingly, the construction of the building constitutes a ‘controlled activity’ under Section 182 of the *Airports Act 1996* (the Act). Section 183 of the Act specifies that controlled activities cannot be carried out without approval. Details of the penetration of prescribed airspace are provided in Table 1.

Table 1: Height and location of the proposed activity that will intrude into prescribed airspace for Bankstown Airport.

Activity	Coordinates (Lat. Long)	Maximum height (AHD)	Penetration of prescribed airspace
Building A	S 33.932778; E 151.034444	93.6 metres	42.6 metres
Building B	S 33.917031; E 151.035	107.95 metres	56.95 metres
Building C	S 33.916389; E 151.621944	107.95 metres	56.95 metres

Regulation 14 provides that a proposal to carry out a controlled activity must be approved 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. Regulation 14(1)(b) provides that an approval may be granted subject to conditions.

Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities, and impose conditions on the approval. I am the Secretary’s Delegate for the purposes of the Regulations.

Decision

As you may be aware, the Secretary is required under regulation 15(1AB) of the Regulations to make a decision about the proposal within 28 days of receiving the application. Due to delays in our processes a decision was not made within this timeframe. Therefore, under regulation 15(2) this proposal was taken to have been refused. However, the Department has now considered the application in full and I have re-made the decision.

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of three buildings A, B and C at 83–99 North Terrace, Bankstown NSW into prescribed airspace for Bankstown Airport to a **maximum height of 93.6 metres AHD for Building A and 107.95 metres AHD for Buildings B and C.**

In making my decision, I have taken into consideration the opinions of the Proponent, the Civil Aviation Safety Authority (F15/3963.56), Airservices Australia (advice number YSBK-CA-167) and BAL.

The Department requested further information (construction methodology), from the Proponent under Regulation 12(1) to enable a determination to be considered including the constructability of the buildings. On 17 September 2025, this advice was provided to BAL. The Proponent stated:

- TC1 Stage 1 – 108.2m AHD
- TC2 Stage 1 – 108.2m AHD

A mobile crane will be used to relocate both tower cranes, change the heads to operate as hammerheads and increase the heights to;

TC1 Stage 2 – 118.01m AHD for 3 months

TC2 Stage 2 - 127.87m AHD for 3 months.

In both stages the TCs will have a jib length of 60m.

It is proposed that during Stage 2, TC2 will infringe PANS-OPS for a period that will **not exceed three months**. The Proponent was asked to provide a construction plan confirming sufficient contingency was built into the plan to circumvent delays and further PANS-OPS intrusion and would not exceed three months. BAL has provided support for TC2 to infringe PANS-OPS for a period not exceeding three months.

I consider the provided construction methodology as sufficient to enable a determination for this application. For the avoidance of doubt, this approval is for Buildings A, B and C only – the proposed crane activity will require separate approval as per paragraph 5 below.

In accordance with regulation 14(1)(b), I impose the following conditions on my approval:

1. The buildings **must not exceed** a maximum height of:

- **93.6 metres AHD for Building A; and**
- **107.95 metres AHD for Buildings B and C**

including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

2. **Buildings B and C** must be obstacle lit by medium intensity steady red obstacle lighting during the hours of darkness and periods of low visibility at the highest point of each buildings. Obstacle lights are to be arranged in accordance with Section 9.31 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual of Standards (MOS). Characteristics for medium intensity lighting are stated in Section 9.33 of the MOS.

3. The proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately notified to BAL.

4. The Proponent **must ensure** the obstacle lighting is monitored. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to Section 9.36 of the MOS.

5. Separate approval **must be sought** under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the buildings. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.

The construction methodology has been addressed in this decision.

6. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSBK-CA-167.

7. The Proponent **must advise** BAL at least two business days prior to the constructed height of the buildings reaching 51 metres AHD. From this date, the following lighting condition **must be met** at all times:
 - If at any time after the height of the buildings has reached 51 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent **must arrange** for the highest point of the building to be obstacle lit with a medium intensity steady red light at night. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360-degree radius as per Section 9.31 of the MOS.
8. Following completion of the buildings, the Proponent **must advise** BAL, in writing:
 - a) that the future owner(s)/manager(s) of the buildings **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
 - b) the contact details of the person/position **responsible for the maintenance** of the obstacle lighting. These details **must be reviewed regularly** and kept up to date.
9. On completion of construction of the buildings, the Proponent **must provide** BAL with a written report from a certified surveyor on the finished height of the buildings.
10. A separate assessment and approval under the Regulations will be required for any further addition to the height of the buildings (including the installation of antennas) as it will increase the penetration of the OLS. In addition, any changes will require a new application.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

CASA further states that infringement of PANS-OPS surfaces for more than 3 months (or less than 3 months without mitigation) by a crane would present an unacceptable risk to the safety of air transport operations at Bankstown Aerodrome.

In accordance with regulation 16, I revoke the original approval of 28 September 2018 as it is superseded by this approval.

Yours sincerely



Grace Ryan
A/g Director
Airspace Protection & Airport Safeguarding
Domestic Aviation & Reform

24 November 2025