



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

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TO	CC	FROM
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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity:	Construction of structures in three Subdivisions
Location:	Neighbourhoods 3, 4 and 5 of Googong Township NSW
MGA 94 Coordinates:	See Attachment A
Proponent:	PEET Limited

I refer to the application from Queanbeyan-Palerang Regional Council for PEET Limited (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 7 December 2021 from Canberra International Airport Pty Ltd (CIAPL). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion structures in three subdivisions, Neighbourhoods 3, 4 and 5, in Googong Township NSW (DA 2021.1549) (the site) into airspace which, under the Regulations is prescribed airspace for Canberra Airport.

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 Outer Horizontal Surface of the OLS above this site is at a height of 720 metres AHD and hence prescribed airspace above the site commences at 720 metres AHD. Due to the existing intrusion of the underlying terrain, at a maximum height of 822 metres AHD, or 20 metres above ground level (AGL), structures in these subdivisions will penetrate the OLS by up to 102 metres.

Accordingly, the construction of these structures will constitute 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 Canberra Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Construction of structures	See Attachment A	822 metres	102 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 structures in the three subdivisions, Neighbourhoods 3, 4 and 5, in Googong Township NSW (DA 2021.1549) into prescribed airspace for Canberra Airport to a **maximum height of 822 metres AHD**.

In making my decision, I have taken into consideration the opinions of the Proponent, the Civil Aviation Safety Authority, Airservices Australia's advice number CB-MA-020 P3 and CIAPL.

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

1. Structures in Neighbourhoods 3, 4, and 5 **must not exceed** a maximum height of **822 metres AHD**, or 20 metres AGL, **inclusive of all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval **must be sought** under the Regulations for any construction equipment (i.e. cranes, concrete pumps, etc.) or other structures within this site which will exceed a height of **822 metres AHD or 20 metres AGL**.

Construction cranes and 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 (i.e. cranes, concrete pumps, etc.) be obtained prior to any commitment to construct.

3. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting CB-MA-020 P3.

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

Yours sincerely



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

21 January 2022

CONCRETE SURVEYING
REGISTERED AND LICENSED SURVEYORS
AND MEASUREMENT TECHNOLOGISTS

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SCALE 1:6000 ON A2		SH 1 OF 1 REV A

- The information about sources and the associated digital data were prepared to assist researchers in identifying the sources of the data and to ensure that the data were not lost or misinterpreted.
- The survey information about the sources is contained in the three of survey and information must be changed when the survey. It is recommended that the survey data be verified if used as data.
- The survey plan should be revised to correspond with the digital survey dataset.

NOTES

- NEIGHBORHOOD 3
- NEIGHBORHOOD 4
- NEIGHBORHOOD 5

ON-ROADSIDE CHURN ARE ON THE INTERIOR PATHS AND HAVE BEEN PAINTED TO BEHOLD THEM A LOT OF 0.000000

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