

Development in the Western Sydney International Airport Protected Airspace under State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Purpose of State Environmental Planning Policy (Precincts – Western Parkland City) 2021

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 commenced on 1 October, 2020 and was introduced by the NSW Department of Planning Industry and Environment with the purpose of setting the planning framework for the Western Sydney Aerotropolis. This SEPP was on 1 March 2022 combined with other relevant policies as a chapter (Chapter 4) in State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (the SEPP).

Any proposed development on land to which the SEPP applies is required to give consideration to and meet the requirements of the SEPP. The SEPP includes a number of development controls which are intended to safeguard the future operations of the airport. These development controls include measures to protect the immediate airspace around the airport.

Protected Airspace – Obstacle Limitation Surface

Protection of the airspace around the Airport will be achieved through what is known as an 'Obstacle Limitation Surface' (OLS). The OLS is a conceptual (imaginary) surface associated with a runway, that identifies the lower limits of the aerodrome airspace above which objects (including buildings) become obstacles to aircraft operations

The OLS serves the purpose of reducing impact on the operations of the future airport from potential obstructions which could include:

- Permanent structures, such as buildings, intruding into the protected airspace;
- Temporary structures such as cranes intruding into the protected airspace;

- Any activities causing intrusions into the protected airspace through glare from artificial light;
- Reflected sunlight, air turbulence from stacks or vents, smoke, dust steam or other gases or particulate matter.

Obstacle Limitation Surface Map

The SEPP includes an Obstacle Limitation Surface Map which identifies land affected by the Obstacle Limitation Surface with the OLS shown according to the Australian Height Datum (AHD). Any future development on land shown as being affected by the OLS on this map is required to meet the relevant Planning Controls in the SEPP related to airspace operations.

Western Sydney Airport has developed an online mapping tool which interprets some of the planning protection overlays referred to in Part 3 of the SEPP, on any particular parcel of land in the vicinity of the Airport. The Tool shows the maximum height at which a building may be constructed on land within the Aerotropolis, without breaching the obstacle limitation surface and becoming an obstacle or hazard to aircraft operations.

To see which safeguarding layers may apply to your land use the following link and enter your property details:

<https://westernsydney.com.au/your-airport/airport-safeguarding>

Implications of the Obstacle Limitation Surface on Landowners – what does this mean for land owners?

Under the SEPP, if any development proposed on land affected by the OLS Map is deemed a Controlled Activity then the consent authority (being the authority responsible for determining whether or not a proposed development should be approved) must consult with the relevant Commonwealth Body before consent is granted for the proposed development.

After consulting with the Commonwealth Body, the consent authority must not issue consent to that development unless the Commonwealth Body has advised that:

- The development will penetrate the prescribed airspace but it does not object to the development; or
- The development will not penetrate the prescribed airspace.

It is important to note that even if a proposed development or activity does not require approval from Council, then a Controlled Activity Approval from the Commonwealth Body is still required if it will exceed the OLS limit.

What Activities require approval as a Controlled Activity?

Activities which are deemed to be controlled activities in relation to a prescribed airspace for the purposes of the SEPP are listed in the Commonwealth *Airports Act 1996* and include the following:

- a) *Constructing a building, or other structure, that intrudes into the airspace;*
- b) *Altering a building or other structure, so as to cause the building or structure to intrude into the prescribed airspace;*
- c) *Any other activity that causes a thing attached to, or in physical contact with, the ground into the prescribed airspace;*
- d) *Operating a source of artificial light where:*
 - i. *The intensity of the light emitted exceeds the level ascertained in accordance with the regulations; and*
 - ii. *The light is capable of blinding or confusing pilots of aircraft operating in the prescribed airspace;*
- e) *Operating prescribed plant, or a prescribed facility, that reflects sunlight, where:*
 - i. *The intensity of the reflected sunlight exceeds the level ascertained in accordance with the regulations; and*
 - ii. *The reflected sunlight is capable of blinding spots of aircraft operating in the prescribed airspace;*
- f) *An activity that results in air turbulence, where:*
 - i. *The level of turbulence exceeds the level ascertained in accordance with the regulations; and*
 - ii. *The turbulence is capable of affecting the normal flight of aircraft operating in the prescribed airspace;*
- g) *An activity that results in the emission of smoke, dust or other particulate matter, where:*

- i. *The emission exceeds the level ascertained in accordance with the Regulations; and*
 - ii. *The smoke, dust or particulate matter is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules;*
- h) *An activity that results in the emission of steam or other gas, where:*
 - i. *The emission exceeds the level ascertained in accordance with the regulations; and*
 - ii. *The steam or gas is capable of affecting the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules.*

Note: Paragraphs (d), (e), (f), (g) and (h) do not apply to:

- (a) *An ordinary domestic or household activity; or*
- (b) *Anything arising out of the operation of an aircraft*

Useful Resources

- NSW Department of Planning and Environment [Aviation Safeguarding Guidelines](#) – Western Sydney Aerotropolis and surrounding areas, November 2022
- Western Sydney Airport Corporation Fact Sheet – [Development in the Obstacle Limitation Surface](#)

Further Enquiries

For any further questions regarding the operation of the SEPP (Precincts – Western Parkland City) 2021 please contact the NSW Department of Planning and Environment

Email: aerotropolis@dpie.nsw.gov.au

Phone: Between 9am-5pm, Monday to Friday on 1300 420 596 and ask for the Western Sydney Aerotropolis tea

