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Rozelle Village Development

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Introduction

The Sydney Morning Herald has reported that Airservices Australia has advised that the proposed residential towers to be erected on top of Balmain Leagues Club would infringe the airspace, as specified in the International Civil Aviation Organisation Procedures for Air Navigation Services - Aircraft Operations (ICAO PANS-OPS, Doc 8168)^[2]. It is also understood that the building would also penetrate the Obstacle limitation Surfaces (OLS) by 24m.^[7] AusALPA is strongly opposed to any development that infringes the safety zones established at or around airports, including the PANS-OPS surfaces.

PANS-OPS

The PANS-OPS protection surfaces are imaginary surfaces in space which guarantee the aircraft a certain minimum obstacle clearance, when the aircraft is flying in instrument meteorological conditions (i.e. pilots are flying by reference to his flight instruments). For obvious safety reasons, in such circumstances, pilots must be assured of obstacle clearance.

These surfaces may be used as a tool for local governments in assessing building development. Buildings may (under certain circumstances) be permitted to penetrate the OLS, but only after careful safety considerations and with the agreement of all the key industry and the community stakeholders.

Australia is a signatory to the Chicago Convention. The applicable standards prescribed in the International Civil Aviation Organisation's Standards and Recommended Practices Annex 14^[1] and the PANS-OPS have been adopted to the maximum extent possible taking the Australian aviation operating environment into account.

ICAO Annex 14 notes that:

- (1) *"The objectives of the specifications in this chapter (CHAPTER 4. OBSTACLE RESTRICTION AND REMOVAL) are to define the airspace around aerodromes to be maintained free from obstacles so as to permit the intended aeroplane operations at the aerodromes to be conducted safely and to prevent the aerodromes from becoming unusable by the growth of obstacles around the aerodromes. This is achieved by establishing a series of obstacle limitation surfaces that define the limits to which objects may project into the airspace.*
- (2) *Objects which penetrate the obstacle limitation surfaces contained in this chapter may, in certain circumstances, cause an increase in the obstacle clearance altitude/height for an instrument approach procedure or any associated visual circling procedure or have other operational impact on flight procedure design. Criteria for flight procedure design are contained in the "Procedures for Air Navigation Services — Aircraft Operations (PANS-OPS) Doc 8168".*

Airports (Protection of Airspace) Regulations 1996

These ICAO requirements for obstacle limitation surfaces and obstacle free zones have been enacted into Australian regulations in the “*Airports (Protection of Airspace) Regulations 1996*”.

According to the Regulations:

The object of these Regulations is to establish a system for the protection of airspace at, and around, airports in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of airports.

Section 9 “Intrusion into PANS-OPS airspace” of the Airports (Protection of Airspace) Regulations 1996 specifies:

(1) Sub-regulation (1A) applies to a proposed controlled activity (other than a short-term controlled activity) that consists of the erection of a building, structure or thing if:

(a) The building, structure or thing would, if erected, intrude into PANS-OPS airspace for the airport concerned;

(1A) If this sub-regulation applies to a proposed controlled activity, the airport-operator company for the airport concerned must give written notice that the building, structure or thing will, if erected, intrude into PANS-OPS airspace for the airport to:

*(a) the proponent of the controlled activity; and
(b) the building authority concerned.*

The notice must be given before the end of 7 days after the application for approval of the controlled activity is given to the airport-operator company, and must inform the proponent and the building authority that the application cannot be approved.

Airservices Australia has advised in its letter to the New South Wales Department of Planning and Infrastructure ^[5] that the proposed development has not been approved.

There is a provision within ICAO Annex 14 (4.2.20 Recommendation) that:

New objects or extensions of existing objects should not be permitted above the conical surface and the inner horizontal surface except when, in the opinion of the appropriate authority, an object would be shielded by an existing immovable object, or after aeronautical study it is determined that the object would not adversely affect the safety or significantly affect the regularity of operations of aeroplanes.

An aeronautical study would need to consider carefully the additional hazard and associated risk to the aircraft of the penetration of these obstacle surfaces and, even if permitted, what mitigation measures would be required.

The developer, Mr Ian Wright, submitted on 19 December 2011, a “feasibility study”, prepared by the consultants, Ambidji, to Airservices into amending PANS-OPS surfaces applicable to Runway 16R VOR and Localiser Instrument Approaches at Sydney Airport. In the letter replying to his submission^[6], Airservices advised Mr Wright that this was considered “adequate for (*his*) consultation with industry and community shareholders”. It, however, advised that:

As previously advised, you should note the following:

- *The Government’s position is not to support any proposal to amend PANS-OPS surfaces where such an amendment could affect the safety, efficiency or regularity of air transport.*
- *The onus is on you to garner the support of all the key stakeholders including airline operators that fly to Sydney, the Civil Aviation Safety Authority, Sydney Airport and community.*
- *There are no established processes through which to progress requests to amend a PANS-OPS surface (by modifying aircraft arrival procedures) and Airservices cannot provide any certainty about timeframes or outcomes.*

Importantly, you must provide documented evidence that all relevant industry stakeholders have been consulted and include copies of support and/or comment from authorised representatives in affected airlines, airports, industry, and community forums as a prerequisite to any approach to government for amendment to the PANS-OPS surfaces.

As key industry stakeholder representing 5000 commercial pilots in Australia, including many of the pilots that operate aircraft into Sydney Airport, AusALPA has yet to be consulted. It will, however, like other key stakeholders, including SACL, remain opposed strongly to this proposed amendment to the PANS-OPS surfaces.

References

- [1] ICAO, (2009). *Annex 14, Chapter 4*
- [2] ICAO, (2006). *Aircraft Operations Volume II: Construction of Visual and Instrument Flight Procedures (PANS-OPS) Doc 8168.*
- [3] CASA, (2011). *Briefing Document to Draft Regulations*
- [4] CASA, (2012). *CASA Manual of Standards Part 139, Chapter 7: Obstacle Limitation Surfaces*
- [5] Airservices Australia letter to the NSW Department of Planning and Infrastructure re: *Exhibition of Project Application for Rozelle Village/Balmain Leagues Development off Victoria Road, Rozelle (MP11_0015)* dated 9 May 2012
- [6] Airservices Australia letter to Mr Ian Wright re: *Rozelle Village Development Feasibility Study* dated 30 March 2012
- [7] SACL letter to NSW Department of Planning and Infrastructure re: *Exhibition of Project Application for Rozelle Village/Balmain Leagues Development off Victoria Road, Rozelle (MP11_0015)* dated 11 May 2012

Attachments

- [A] Airservices Australia letter to the NSW Department of Planning and Infrastructure re: *Exhibition of Project Application for Rozelle Village/Balmain Leagues Development off Victoria Road, Rozelle (MP11_0015)* dated 9 May 2012
- [B] Airservices Australia letter to Mr Ian Wright re: *Rozelle Village Development Feasibility Study* dated 30 March 2012
- [C] SACL letter to NSW Department of Planning and Infrastructure re: *Exhibition of Project Application for Rozelle Village/Balmain Leagues Development off Victoria Road, Rozelle (MP11_0015)* dated 11 May 2012



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Chris King
Contact Officer - MP11_0015
NSW Department of Planning & Infrastructure
GPO Box 39
Sydney, NSW 2011

Dear Chris

**RE: Exhibition of Project Application for Rozelle Village/Balmain Leagues
Development off Victoria Road, Rozelle (MP11_0015)**

I refer to the above exhibition of the proposed Rozelle Village Development from Wednesday 18 April 2012 until Monday 18 June 2012.

At a maximum height of RL 144.90m the proposed Rozelle Village Development will penetrate Sydney Airport Prescribed Airspace and is deemed to be a Controlled Activity under Part 12 of the Airports Act 1996. The proposed development will, if erected, intrude into PANS-OPS airspace for Sydney Airport and cannot be approved under Section 9 of the Airports (Protection of Airspace) regulations 1996.

You should also note that following previous discussions and correspondence with the Managing Director, Rozelle Village Development, regarding the above proposal Airservices provided the attached advice.

Should you have any questions or concerns regarding this advice, I can be contacted on (02) 6268 5101 or by e-mail at: joseph.doherty@airservicesaustralia.com

Regards

A handwritten signature in blue ink, appearing to read "J. Doherty".

Joseph Doherty
Airport Development Manager

9 May 2012



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Ian Wright
Managing Director
Rozelle Village Development
Level 3, 115 Pitt Street
Sydney NSW 2000

Dear Mr Wright

RE: Rozelle Village Development Feasibility Study

I refer to your request for a feasibility study into amending PANS-OPS surfaces applicable to Runway 16R VOR and Localiser Instrument Approaches at Sydney Airport. The request, prepared by Ambidji, seeks to amend PANS-OPS to accommodate a proposed development on Victoria Road, Rozelle, Sydney, to a revised maximum height of 479ft/145.9m.

We have undertaken a preliminary review of the proposal, as prepared by Ambidji 19 December 2011, and consider it to be adequate for your consultation with industry and community stakeholders.

Costs for Airservices' formal review of this proposal for amendment of the PANS-OPS surfaces, subject to support from stakeholders, (and potentially redesign of the affected instrument approach procedures) are estimated to be in the vicinity of \$35,000. This work has been prioritised within the existing work program and is subsequently scheduled to be concluded by October 2013.

Your proposal is suitable for industry consultation, which you could undertake as a parallel activity to Airservices review and/or design of a new set of draft procedures (and PANS-OPS surfaces). Consequently, the time required for your industry consultation, would be absorbed while waiting for Airservices to conclude review/design work.

As previously advised, you should note the following:

- The Government's position is not to support any proposal to amend PANS-OPS surfaces where such an amendment could affect the safety, efficiency or regularity of air transport.
- The onus is on you to garner the support of all the key stakeholders including airline operators that fly to Sydney, the Civil Aviation Safety Authority, Sydney Airport and community.
- There are no established processes through which to progress requests to amend a PANS-OPS surface (by modifying aircraft arrival procedures) and Airservices cannot provide any certainty about timeframes or outcomes.

Importantly, you must provide documented evidence that all relevant industry stakeholders have been consulted and include copies of support and/or comment from authorised representatives in

affected airlines, airports, industry, and community forums as a prerequisite to any approach to government for amendment to the PANS-OPS surfaces.

As a minimum, you will need to consult with and seek support for your proposal from the following stakeholders:

- Affected airlines operating at Sydney airport including:
 - Qantas Group -including Jetstar and Qantaslink (Tony Wheelens, General Manager Group- Government and Industry Affairs, Qantas Airways Ltd, 197-201 Coward St, Mascot NSW 2020)
 - Virgin (Jane McKeon, Group Executive , Government Relations, Virgin Australia, PO Box 1034, Spring Hill QLD 4004)
 - Regional Express (Gary Filmer, CEO, regional Express, PO Box 807, Mascot NSW 1460)
 - Brindabella (Geoff Boyd, CEO, Brindabella Airlines, 5 Rayner Rd, Canberra Airport ACT 2609)
 - Aeropelican (Ian Vanderbeek, CEO, Private Bag 2004, Newcastle Airport, Williamtown NSW 2318)
 - Toll (Noel Prosser, GM Aviation , PO Box 1526, Eagle farm QLD 4009))
 - Tiger (Andrew David, CEO, Tiger Airways, PO Box 2101, Gladstone Park VIC 3043)
 - International airlines
 - Charter operators

- Board of Airline Representatives of Australia Inc. - (Warren Bennett, Executive Director, BARA, GPO Box 198, Sydney NSW 2001).
- Regional Aviation Association of Australia - (Paul Tyrrell, CEO, RAAA, Unit 11, 26-28 Winchcombe Ct, Mitchell ACT 2911)
- NSW Regional Airspace and Procedures Advisory Committee (RAPAC) - (Convenor c/o RAPAC Secretariat , Civil Aviation Safety Authority, GPO Box 2005, Canberra ACT 2601)
- Sydney Airport Corporation Limited (SACL) - (Kerrie Mather, CEO, SACL, Locked Bag 5000, Sydney International Airport, NSW 2020).
- Sydney Airport Community Forum (SACF) - (Peter Fitzgerald, Chair, c/o Department of Infrastructure and Transport, GPO Box 594, Canberra ACT 2601)
- Civil Aviation Safety Authority (CASA) - (Peter Cromarty, Executive Manager, Airways and Aerodromes Airspace and Aerodrome Regulation Division, CASA, GPO Box 2005, Canberra ACT 2601.)

Please contact me on (02) 6268 5101 if you wish to discuss this issue further.

Regards



Joseph Doherty

Airport Development Manager - Airport Relations
Government & Industry Affairs | Airservices

30 March 2012

// May 2012

Mr Chris King
Metropolitan and Regional Projects South
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Email: chris.king@planning.nsw.gov.au



Dear Mr King

Re: Exhibition of Project Application for Rozelle Village/Balmain Leagues Development off Victoria Road, Rozelle (MP11_0015)

Thank you for the opportunity to make a submission concerning the proposed Rozelle Village development.

Our interest in the proposed development relates to aviation safety and the need to protect the airspace around Sydney Airport.

For the purposes of the *Airports Act 1996*, the proposed development is a controlled activity. It is noted that Sydney Airport is yet to receive a formal application for approval to carry out a controlled activity from the proponent as required by regulations 7(2) and 9 of the *Airports (Airspace Protection) Regulations 1996*. If and when such an application is received, Sydney Airport is required to refer it to, and invite submissions from, the Civil Aviation Safety Authority, Airservices Australia, Leichhardt Council and various airlines. That said, Sydney Airport is pleased to make a submission to the NSW Department of Planning and Infrastructure at this stage of the process.

Background

International standards have been adopted which define two sets of invisible surfaces above the ground around an airport. The airspace above these surfaces forms the airport's protected airspace. These two surfaces are the:

- Obstacle Limitation Surface (OLS); and
- Procedures for Air Navigational Services-Aircraft Operations (PANS-OPS) surface.

The OLS is generally the lowest surface and is designed to provide protection for aircraft flying into or out of the airport when the pilot is flying by sight. The PANS-OPS surface is generally above the OLS and is designed to safeguard an aircraft from collision with obstacles when the aircraft's flight may be guided solely by instruments, such as in conditions of little or no visibility. For obvious safety reasons, in such circumstances, pilots must be assured of obstacle clearance.

Tall buildings and other obstacles in the vicinity of an airport or a flight path leading to or from an airport therefore have the potential to create hazards in the airspace and can seriously limit the safety of aviation operations into and out of the airport. The most critical areas of concern are the immediate approach and take-off areas, though obstacles further afield (such as multi-storey towers) can also cause problems.

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Impacts associated with the Rozelle Village development

The site of the proposed Rozelle Village development is around 200 metres to the east of the busy flight path used by aircraft approaching Sydney Airport from the north to land on Runway 16L. During 2011, this flight path was used by around 24,100 aircraft or an average of 66 per day. By 2029, it is forecast that it will be used by more than 42,000 aircraft or 115 per day. Aircraft departing from Runway 34L or arriving on Runway 16R use a flight path one kilometre further west and would also be affected by the proposed development.

At a maximum height of 180 metres AHD, the proposed building would penetrate the OLS by around 24 metres. The PANS-OPS surface would also be penetrated, though to a lesser extent and in a more complicated manner. It is understood Airservices Australia has provided the proponent with more detailed information on issues relating to the PANS-OPS surface.

Conclusion

The proponent commenced consulting Sydney Airport about airspace protection-related issues in late 2011. At that time, and in subsequent discussions, the proponent was advised that Sydney Airport does not support development proposals that penetrate the airport's protected airspace and, in particular, those that penetrate the PANS-OPS surface. As Sydney Airport's approved *Master Plan 2009* makes clear, this surface "...should not be infringed in any circumstances." It is also understood that the Commonwealth Department of Infrastructure and Transport has advised the proponent that any proposal to amend the PANS-OPS surface – that is, changing it to a height that would ensure the proposed building did not penetrate it – would not be supported. Despite being so advised, the proponent has nevertheless decided to continue pursuing the application in its current form.

Given the need to ensure aviation safety, and as the proposed development would infringe Sydney Airport's protected airspace, the construction of a building to this height is not supported. Sydney Airport would similarly not support a proposal to amend the OLS and PANS-OPS surface to accommodate a building of this height. A building of a lesser height that did not infringe the protected airspace would not raise these concerns.

If you would like any further information, please contact Sydney Airport's Manager Government and Community Relations, Mr Ted Plummer, on 9667 6182.

Yours sincerely



Kerrie Mather
Chief Executive Officer