State Planning Policy
Strategic airports and aviation facilities

Practice note 3—approval responsibilities

Role of airport manager
The airport manager (owner or lessee) manages, maintains and improves the airport and can provide details of operational airspace, aviation facility requirements and Australian Noise Exposure Forecast (ANEF) information.

Most strategic airports will have an airport master plan. While master plans are mandatory for Commonwealth airports privatised under the Airports Act 1996, operators of all strategic airports, or those displaying significant growth potential, are encouraged to prepare master plans.

Master plans are prepared in a consultative framework by airport operators. They include ANEFs, Obstacle Limitation Surface and Procedures for Air Navigation Services–Aircraft Operational Surfaces (PANS-OPS) for civilian airports and civil and military PANS-OPS for airports operating as a joint civil and military airport endorsed by the relevant Commonwealth agency.

Role of local government
The state interest is to be appropriately reflected in planning schemes by including suitable provisions to achieve the State Planning Policy outcomes. Where the state interest has not been adequately reflected in a planning scheme, the local government must assess development applications against this state interest in the State Planning Policy. If there is an inconsistency between the State Planning Policy and a local planning scheme, the State Planning Policy prevails to the extent of the inconsistency.

Under the Commonwealth’s Airports (Protection of Airspace) Regulations 1996, local governments must advise managers of Commonwealth privatised airports of development applications made for ‘controlled activities’ under Commonwealth legislation.

For non-Commonwealth strategic airports, the local government should notify the airport manager when they become aware of a potential infringement into the operational airspace of an airport.

Local government areas containing or impacted by strategic airports and/or aviation facilities are required to include overlay maps within their planning scheme indicating the constraints as depicted in the Code for the protection of strategic airports and aviation facilities.

The requirements of the state interest will apply to self-assessable and assessable development under Schedule 7 of the Sustainable Planning Regulation 2009, a planning scheme or a State Planning Regulatory Provision.

The local government will assess the development applications under IDAS to ensure that the proposals have minimum adverse impacts on the operational airspace and public safety area of the airport and developments are designed and located to comply with the noise requirements of the AS 2021 (as adopted on 7 July 2000) within the 20 ANEF contours or greater.
The key considerations in development assessment are:

- **operational airspace**—for impacts on operational airspace, the local government will include assessment of physical obstructions in the airspace and impacts from building, structures, plumes, airborne particles, transient intrusions, wildlife and lighting.
- **noise**—the local government will assess whether the development is designed and located to comply with the noise requirements of the AS 2021 (as adopted on 7 July 2000) within the 20 ANEF contours and greater.
- **public safety area**—the local government assessment must include assessment of any incompatible uses and possible consequential risk impacts to public safety.

Based on the assessment and any applicable advice received from Civil Aviation Safety Authority and Airservices Australia, the Commonwealth Department of Infrastructure and Transport and Department of Defence and airport managers, the local government will either approve (with or without conditions) or refuse the development applications.

The Civil Aviation Safety Authority and The Department of Defence require that all tall structures (30 metres high within 30 kilometres of the airport and 45 metres high elsewhere) are registered with Royal Australian Air Force Aeronautical Information Services.

**Role of state government**

The Queensland Government reviews planning schemes and amendments to ensure that the state interest has been appropriately reflected in those schemes. The state interest checks are undertaken in accordance with the requirements of the *Sustainable Planning Act 2009*.

The Department of Transport and Main Roads can provide advice about implementing and interpreting this state interest and on reflecting it in a planning instrument and/or development assessment.

The Department of State Development, Infrastructure and Planning can provide advice on reflecting the state interest in a local planning instrument and the operation of the Integrated Development Assessment System (IDAS).

**Role of Commonwealth agencies**

**Commonwealth Government**

The Commonwealth is responsible for implementing the standards and recommended practices adopted by the International Civil Aviation Organisation. This responsibility is primarily delegated to Civil Aviation Safety Authority and Airservices Australia through the Department of Infrastructure and Transport. The Commonwealth also maintains the Australian Transport Safety Bureau’s investigation of aircraft accidents and incidents.

The Commonwealth has sold long-term leases (up to 99 years) to private operators at certain airports under the *Airports Act 1996*. In Queensland, these airports include Archerfield, Brisbane, Coolangatta, Mount Isa and Townsville (civil airport component only).

The Department of Infrastructure and Transport has responsibility under the *Air Navigation Act 1920* for civil aviation policy, aviation security and air safety investigation. In addition, the department has overriding...
responsibility to develop policy settings and regulatory arrangements for environmental matters, such as aircraft noise, aircraft engine emissions and fuel spillage from aircraft. This department’s role also includes regulation of privatised Commonwealth airports under the *Airports Act 1996* to ensure they are operated in a safe, efficient and environmentally sustainable manner.

The Department of Infrastructure and Transport can advise on policy requirements of prescribed airspace and controlled activities around airports regulated under Commonwealth legislation. It also assesses applications for approving structures around Commonwealth airports with advice from the Civil Aviation Safety Authority and Airservices Australia.

**Airservices Australia**

Airservices Australia has responsibility under the *Air Services Act 1995*, and as delegated under the *Air Navigation Act 1920*, to provide air traffic services and facilities to ensure safe and efficient air navigation by providing and maintaining Australia’s network of aviation facilities.

Interference with Airservices Australia’s communications can invoke powers available under the *Australian Communications and Media Authority Act 2005* and its regulations. Local governments are encouraged to seek advice from Airservices Australia on any development that has the potential to impact an aviation facility’s building restricted area as depicted in practice note 7. Airservices Australia can provide assistance in identifying the location and specific protection requirements for aviation facilities within its jurisdiction.

Airservices Australia can also provide advice regarding the ANEF contours for airports.

**Civil Aviation Safety Authority**

The Civil Aviation Safety Authority has responsibility under the *Civil Aviation Act 1988*, Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998 for the safety regulation of civil aviation in Australia. Among other things, it conducts surveillance to ensure airport and aircraft operators meet their responsibilities under the civil aviation legislation.

In the interest of aviation safety, the Civil Aviation Safety Authority can declare a building or structure as being a hazardous object and direct that such obstacles should be lit or marked in a way that is visible to aircraft. If such advice is not complied with, it has powers under Commonwealth legislation to curtail aircraft operations at the relevant airport.

The *Airspace Act 2007* establishes the head of power for the Civil Aviation Safety Authority to regulate and administer Australian-administered airspace. It has sole responsibility for the classification, designation and regulation of the design of all Australian-administered airspace. This responsibility is exercised through the Office of Airspace Regulation within the authority.

The Civil Aviation Safety Authority has developed assessment tools and measures that assist proponents of developments to ascertain whether their proposed development or associated activities will adversely impact upon operational airspace.
It can undertake assessments for plume rise at the pre-lodgement stage or early stages of the IDAS process. It is therefore recommended the proponent contact the authority for further information and review the website for the draft Advisory Circular (AC) 139-5(1) to assist in addressing their information requirements and assessment processes.

The role of the Office of Airspace Regulation is to regulate Australian airspace according to the *Airspace Act 2007* and the Airspace Regulations 2007 and to meet the Commonwealth Government commitment expressed in the Australian Airspace Policy Statement 2012.

This is to:

- ensure that Australian airspace is administered and used safely, taking into account:
  - protection of the environment
  - efficient use of that airspace
  - equitable access to that airspace for all users of that airspace
  - national security
- continue the reform of Australia's airspace and move towards closer alignment with the International Civil Aviation Organization system and adoption of proven international best practice.

The Office of Airspace Regulation has worked to the reform Australia's airspace to move towards closer alignment with the International Civil Aviation Organization system and adoption of proven international best practice.

As part of this framework, the Commonwealth Government have responded in part by introducing modernised air traffic management infrastructure and systems to enhance air safety at and around Australian airports.

**Department of Defence**

The Department of Defence operates military airfields and shares the operation of joint user airfields. It can advise on the requirements to protect military airfields and facilities and administers the Defence (Areas Control) Regulation 1989 under the *Defence Act 1903* to ensure obstruction free airspace surrounding military airfields.

In relation to military airfields and joint user airfields, local governments should liaise with the department to ensure the height restriction zones are appropriately reflected in planning schemes.

Local governments should map Department of Defence interests in the planning scheme overlays to make the community aware of their requirements in protecting the department's interests in defence airfields.

If structures taller than the height shown in the height limitation zones are proposed, the local government should refer the development applications to the Department of Defence for advice and potential approval under the Defence (Areas Control) Regulation 1989.

Note this process sits outside of IDAS approval timeframes.

Local governments should also seek third party advice in respect to aircraft noise, wildlife hazards, extraneous lighting and public safety areas.
The Department of Defence prepares, endorses and provides ANEF information for military airfields and can provide information to local governments on extraneous lighting, bird strike control and explosive ordnance safeguarding where applicable. It can also provide advice about specific protection requirements for aviation facilities within its jurisdiction.