



WESTERN SYDNEY AIRPORT

GUIDELINES FOR OBTAINING APPROVAL TO CARRY OUT BUILDING ACTIVITIES AUTHORISED BY PART 3 OF THE AIRPORT PLAN

1. WSA Co Limited (WSA Co)

1.1. WSA Co was established in August 2017 to build the Western Sydney Airport (**Airport**). WSA Co must build the Airport so that it is operational no later than the end of 2026 and in accordance with its obligations under the:

- (a) Project Deed between WSA Co and the Commonwealth of Australia (Commonwealth);
- (b) [Airport Plan](#); and
- (c) [Airports Act 1996](#) (**Airports Act**) and associated regulations.

2. WSA Co as Airport Lessee Company (ALC)

- 2.1. WSA Co is the Airport Lessee Company for the Airport, as defined in section 5 of the Airports Act.
- 2.2. In addition to its obligations to construct the Airport, WSA Co must also carry out a consent role in its capacity as ALC for building activity on the Airport site.

3. Building activity on the Airport site

3.1. Building activity on the Airport site (as defined in section 98 of the Airports Act) is governed by Part 5 of the Airports Act and the *Airports (Building Control) Regulations 1996* (**Building Control Regulations**).

3.2. Building activities include:

- (a) constructing or altering buildings or other structures;
- (b) undertaking, constructing or altering earthworks;
- (c) undertaking, constructing or altering engineering works, electrical works or hydraulic works (whether or not in relation to buildings or other structures);
- (d) demolishing, destroying, dismantling or removing:
 - i. buildings or other structures; or
 - ii. earthworks; or
 - iii. engineering works; or
 - iv. electrical works; or
 - v. hydraulic works;
- (e) undertaking land clearing.

Temporary works such as site compounds and stockpile areas also constitute a building activity.

3.3. Building activity may be either:

- (a) exempt pursuant to clause 2.24 of the Building Control Regulations;
- (b) authorised by Part 3 of the Airport Plan; or
- (c) consistent by Part 2 of the Airport Plan.



- 3.4. This guide applies to building activity that is either exempt under clause 2.24 of the Building Control Regulations or authorised by Part 3 of the Airport Plan. For building activity that is not authorised by Part 3 of the Airport Plan, please contact WSA Airport Planning team at planning@wsaco.com.au.

4. The Airport Plan

- 4.1. The Airport Plan sets out the concept for the development of the Airport and provides for the initial development of the Airport as a greenfield site. The Airport Plan consists of two main parts – the Concept Design (Part 2) and Specific Development (Part 3).
- 4.2. Part 2 of the Airport Plan sets out the Government’s development objectives, long-term development concept for the Airport, an indicative airport layout and the land use planning framework for the Airport. Development on the Airport site is only permissible where it meets the planning objectives and permissible uses outlined for each zone.
- 4.3. Part 3 of the Airport Plan authorises the Stage 1 Development of the Airport including earthworks, stormwater infrastructure, construction of the northern runway, terminal, roads and other facilities and infrastructure required for the construction and operation of the airport. Other activities that are authorised by Part 3 of the Airport Plan include:
- (a) access roads;
 - (b) asphalt plant;
 - (c) blasting;
 - (d) chemical storage;
 - (e) concrete batching plant;
 - (f) contaminated groundwater treatment;
 - (g) contaminated soil treatment;
 - (h) crushing, grinding or separating;
 - (i) extractive activities;
 - (j) fencing;
 - (k) laydown areas;
 - (l) maintenance facility;
 - (m) site offices and other construction facilities;
 - (n) supply of water for construction; and
 - (o) construction of a temporary fuel farm.
- 4.4. Part 3 also includes conditions relating to how the developments on the Airport site are to be undertaken and operated.

5. Exempt building activity

- 5.1. Given the relatively minor nature of exempt building activity, a full building activity application is not required. Accordingly, if your proposed building is listed in clause 2.24 of the Building Control Regulations then you may apply for ALC consent in accordance with the ALC exemption form.
- 5.2. If the ALC issues its consent to the proposed exempt building activity then you also must apply to the ABC for an exemption permit. To do this you must register in the Airport Building Control Online (**ABCO**) (www.infrastructure.gov.au) and follow the procedures set out in ABCO. If the ABC approves the exempt building activity it will issue an exemption permit.
- 5.3. You are required to keep a record of all plans for the exempt building activity and of details of all work undertaken for one year after the completion of the exempt building activity.



6. Building activity that is authorised by Part 3 of the Airport Plan

- 6.1. If your proposed activity is authorised by Part 3 of the Airport Plan and is not exempt under clause 2.24 of the Building Control Regulations you must obtain:
 - (a) ALC consent (Stage 1); and
 - (b) ABC approval (Stage 2).
- 6.2. Once the building activity is completed, a compliance certificate must be obtained before the building can be occupied or the work can be used (Stage 3).
- 6.3. Applications for ALC Consent and ABC Approval may be lodged concurrently, however ABC Approval will not be issued until ALC Consent has been granted.

7. Stage 1 – ALC Consent

- 7.1. An application for ALC consent to a building activity on the Airport site must be made in accordance with the ALC Building Activity Consent Form and Application Checklist.
- 7.2. As detailed in the Building Activity Application Checklist, the following information must be submitted, as a minimum:
 - (a) Scope of Work;
 - (b) Site and Location Plans;
 - (c) Plans and Drawings of the Proposed Work;
 - (d) Design Certifications;
 - (e) An assessment of the Proposed Work's consistency with the Airport Plan;
 - (f) Environmental Assessment of the Proposed Work;
 - (g) If the proposed work is a Preparatory Activity (as defined in the Airport Plan), a completed Preparatory Activities Approval Form (PAAF);
 - (h) Environmental Control Map;
 - (i) Land Disturbance Permit (where relevant).

Additional information may be required subject to the nature of the proposed works.

- 7.3. The ALC's role in assessing whether to grant consent to the building activity is similar to a Council or other planning authorities' functions of assessing and determining a development application.
- 7.4. In assessing a building activity application, the ALC must have regard to:
 - (a) the consistency of the proposed building activity with the development authorised by Part 3 of the Airport Plan; and
 - (b) the ALC's planning objectives for the Airport.
- 7.5. In determining if the proposed building activity is consistent with Part 3 of the Airport Plan, the ALC will have regard to:
 - (a) the type, location, shape, size, height, density, design and external appearance of the development that will result from the proposed building activity; and
 - (b) if a building is intended to be constructed—the siting of the building in relation to the size, and shape, of the site it will occupy; and
 - (c) the relationship the results of the activity will have:
 - (d) to existing buildings and other structures on adjoining land at the airport; and
 - (e) to other approved development on adjoining land at the airport; and



- (f) if appropriate—the proposed means of entrance to, and exit from, the resulting development and, in particular, whether adequate provision has been made for loading, unloading, manoeuvring and parking of vehicles; and
 - (g) if appropriate—the management of travel of vehicles and pedestrians to and from the resulting development; and
 - (h) the impact the building activity, or resulting development, is likely to have on the environment and, if an adverse impact is likely, whether it is reasonably possible to protect the environment.
- 7.6. In determining an application for ALC consent to a proposed building activity at the Airport site, the ALC may grant an unconditional consent, grant consent subject to any condition that it considers appropriate or refuse consent. Any conditions imposed by the ALC must be complied with, in addition to any conditions that may be imposed by the ABC.
- 7.7. Upon receiving an application for a building approval, the ALC has 28 days (or if a longer period is agreed to that agreed period) to assess the application. After the expiration of the relevant time period the ALC must give written notice of its decision to the applicant and the building controller.
- 7.8. If however, at the end of the applicable period the ALC has not given written notice to the applicant, consent is taken to have been refused and you must not carry out the proposed building works.
- 7.9. In addition to ALC consent, the proposed building activity may need approval under the:
- (a) Airports (Environmental Protection) Regulations 1997; and
 - (b) Airports (Protection of Airspace Regulations) 1996.
- 7.10. Approvals under the abovementioned regulations will be discussed and addressed throughout this stage 1 of the application.

8. Stage 2 – ABC approval

- 8.1. An ABC is appointed by the Secretary of the Department of Infrastructure, Transport, Cities and Regional Development (**Department**) for each leased federal airport. The ABC is responsible for ensuring that building activities at leased airports meet the appropriate building and engineering standards. For the majority of work involving buildings, the relevant standards are the Building Code of Australia (**BCA**).
- 8.2. Once you have ALC consent for a package of design that is approved under the Contract, you must make an application to the ABC (which includes the payment of fees as stipulated in Schedule 1 Part 3 of the Building Control Regulations) for approval to carry out the proposed building activity. To do this you should register with the Airport Building Control Online (**ABCO**) and follow the procedures set out in ABCO.
- 8.3. It is imperative that the application to the ABC includes the same plans/drawings as were submitted with the application for ALC consent otherwise the ABC cannot properly consider your application.
- 8.4. The ABC will assess the proposed building activity for compliance with the BCA and where there is no standard applicable to the building activity then a recognised international standard or performance objective determined by engineering assessment in accordance with the BCA.



8.5. If the ABC approves the proposed building activity it will issue either:

- (a) a building permit - if the proposed building activity is the construction or alteration of a building;
- (b) a works permit - if the proposed building activity is the construction or alteration of works (works includes earthworks, engineering works, electrical works and hydraulic works); or
- (c) a demolition authorisation - if the proposed building activity is the demolition, destruction, dismantling or removal of a building, or works.

9. Stage 3 - Compliance Certificates

9.1. Before any building can be occupied or any work can be used you must obtain a certificate of compliance. An application for a compliance certificate must be made to the ABC. The application must be made to using ABCO.

9.2. The ABC will only issue a certificate of compliance if it:

- (a) has received an application for a certificate of compliance with all the required attachments;
- (b) is satisfied that the building or works as completed:
 - (i) are in accordance with the plan and specification submitted to the ABC with the application for the building activity approval that approved the building or works;
 - (ii) has been constructed in accordance with the BCA or any other standards specified by the ABC in the approval for the building or works;
 - (iii) comply with the requirements of clause 3.05 of the Building Control Regulations in relation to occupancy of the building;
 - (iv) comply with 3.06 of the Building Control Regulations in relation to use of the work.

9.3. The ABC is taken to have refused to issue a certificate of compliance if it has not given you notice of its decision before the end of 14 days after receiving the application for the issue of a compliance certificate.

10. Remedial directions

10.1. If a person carries out a building activity on the Airport site without an approval, a remedial direction may be given to that person requiring the person to:

- (a) stop work;
- (b) carry out remedial work; or
- (c) demolish, dismantle or remove,

the unapproved work.

10.2. It is an offence for a person not to comply with a remedial direction.

11. Contact

11.1. For any queries regarding the ALC consent process please email Kirk Osborne (kosborne@wsaco.com.au) or Dayle Bennett (dbennett@wsaco.com.au) with your query and contact details and we will contact you at our earliest convenience.