

# **ATTACHMENT A**

**DEPARTMENT OF INFRASTRUCTURE AND  
REGIONAL DEVELOPMENT RESPONSE**



**Australian Government**

**Department of Infrastructure and Regional Development**

*File reference: 14/2718*

<b>TO:</b> <b>Philip Jamieson</b> City of Sydney Council <a href="mailto:pjamieson@cityofsydney.nsw.gov.au">pjamieson@cityofsydney.nsw.gov.au</a>	<b>Cc:</b> <b>Peter Bleasdale</b> Sydney Airport <a href="mailto:peter.bleasdale@syd.com.au">peter.bleasdale@syd.com.au</a> <b>Airport Relations</b> Airservices Australia <a href="mailto:airport.developments@airservicesaustralia.com">airport.developments@airservicesaustralia.com</a> <b>Joe Hain</b> Civil Aviation Safety Authority <a href="mailto:Joe.Hain@casa.gov.au">Joe.Hain@casa.gov.au</a> <b>Bill Mackay</b> City of Sydney Council <a href="mailto:bmckay@cityofsydney.nsw.gov.au">bmckay@cityofsydney.nsw.gov.au</a> <b>Michael Watson</b> NSW Government <a href="mailto:Michael.watson@business.nsw.gov.au">Michael.watson@business.nsw.gov.au</a>	<b>FROM:</b> <b>Flysafe</b> Aerodromes Precincts <a href="mailto:flysafe@infrastructure.gov.au">flysafe@infrastructure.gov.au</a>
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**DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996:**

**Proposed Activity:** Building construction: Multi-storey building  
(Application seeking variation of location)

**Location:** 115 - 119 Bathurst Street, Sydney NSW

**MGA Coordinates:** E 334 239.487, N 6 250 278.658

**Proponent:** City of Sydney Council

I refer to the decision dated **23 October 2013** approving an application under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a multi-storey building at **115 - 119 Bathurst Street, Sydney NSW (the site)**, into airspace which, under the Regulations, is prescribed airspace for Sydney Airport. On **4 December 2013**, the proponent sought through Sydney Airport Corporation Ltd (SACL) a variation of the building location of 80 metres to the south from the previous approval. The height of the building remains at the previous approved height of **260.05 metres AHD**.

‘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’ (see subregulation 6(1)).

The outer horizontal surface of the OLS above this site is at a height of **156 metres AHD** and hence prescribed airspace above the site commences at **156 metres AHD**. At a maximum height of **260.05 metres AHD** the proposed building will penetrate the OLS by **104.05 metres AHD**.

Accordingly, the construction of the building would constitute a “controlled activity” under Section 182 of the *Airports Act 1996* (the Act). Section 183 of the Act requires 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 building at the site that will intrude into prescribed airspace for Sydney Airport and details of the penetration of prescribed airspace

Building	MGA 94 coordinates	Maximum height (AHD)	Penetration of prescribed airspace
115 - 119 Bathurst Street, Sydney NSW	E 334 239.487, N 6 250 278.658	260.05 metres	104.05 metres

Attachments A1-A3 show the location, coordinates and height of the proposed building which will intrude into prescribed airspace at the site.

I sought additional information which was provided on 30 April 2014.

Under the Regulations, the Secretary is empowered to make decisions in relation to the approval of controlled activities, and the imposition of conditions on approvals. I have been delegated the Secretary’s powers under the Regulations.

**Decision**

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. Paragraph 14(1)(b) provides that an approval may be granted subject to conditions.

In making my decision, I have taken into consideration the opinions of the proponent, SACL, the Civil Aviation Safety Authority, Airservices Australia and airlines.

Pursuant to paragraph 14(1)(b), I have decided to **approve the proposal, subject to the conditions set out below**.

**I impose the following conditions on my approval:**

1. The building must not exceed a maximum height of **260.05 metres AHD**, inclusive of the building maintenance unit, all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, roof top garden plantings, etc.
2. The building must be obstacle lit at night with medium intensity flashing red obstacle lights, in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS), Chapter 9, Section 9.4. The obstacle lighting must be installed at the highest point of the building and located so that it can be observed in a 360 degree radius.

3. Any changes to the proposed height and location of the building must be reassessed by SACL.
4. A separate controlled activity application must be submitted to SACL for any equipment/crane to be used on the site that will intrude into prescribed airspace.
5. The proponent must arrange for a certified surveyor to notify SACL of the finished height (in metres AHD) and the coordinates of the building.

Pursuant to Regulation 16, I **revoke** the approval dated 23 October 2013 as it has been superseded by this approval.

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

### **Recommendation**

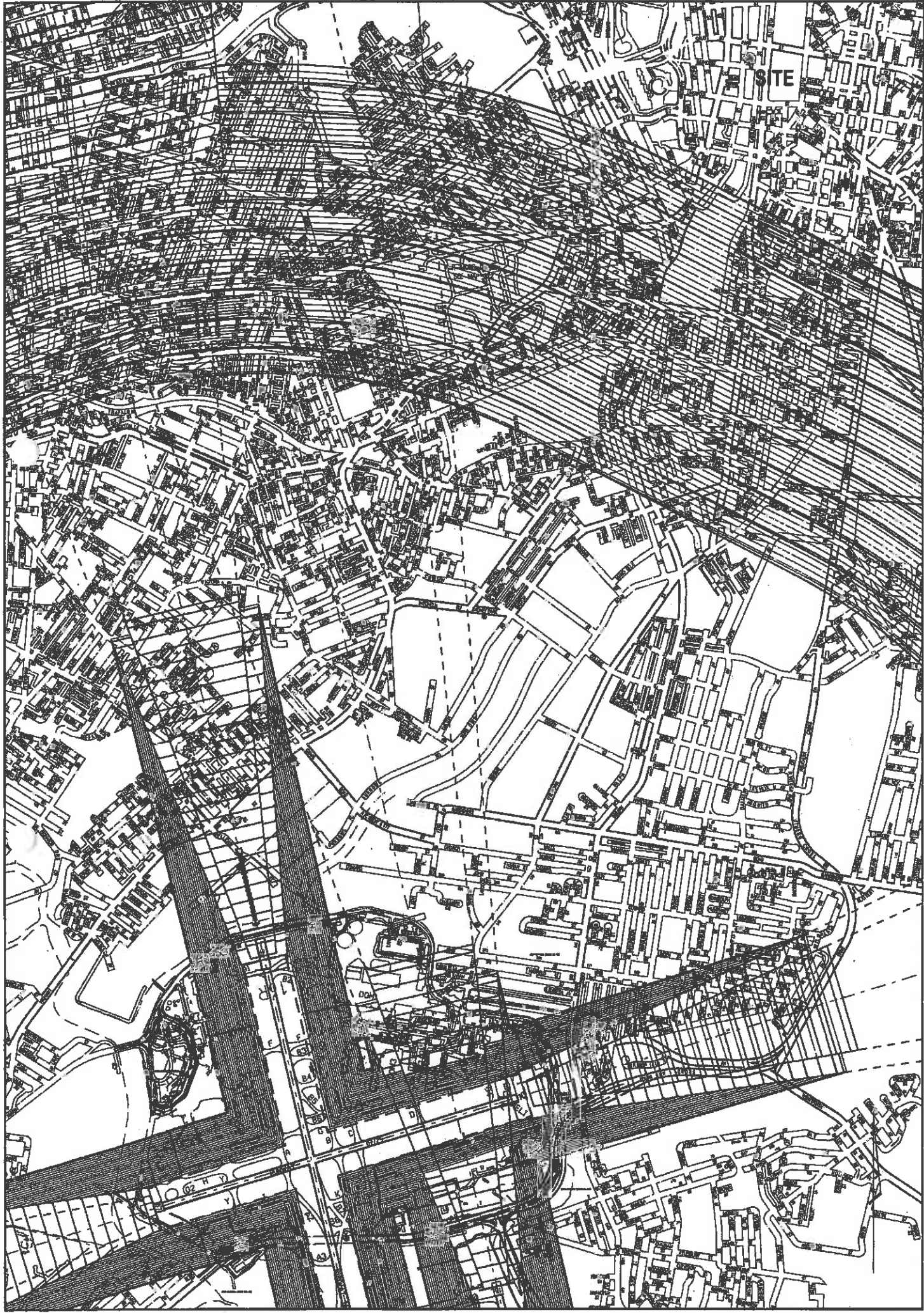
I recommend that the proponent should seek an approval under the Regulations for any equipment or cranes to be used on the site that will intrude into prescribed airspace at an early date and before entering into a commitment to construct any building at the site.

Yours sincerely

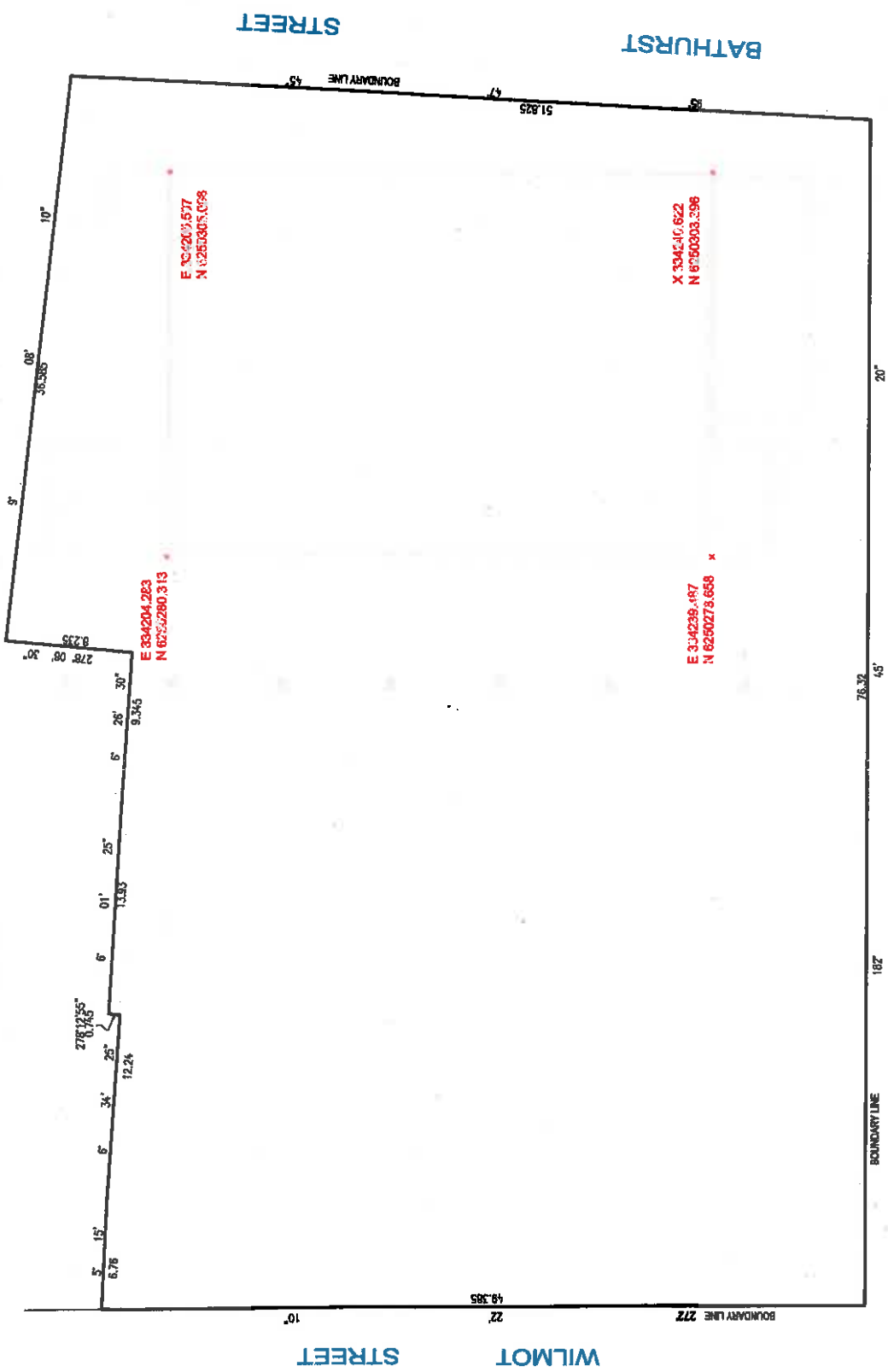


Scott Stone  
General Manager, Aviation Environment  
Aviation and Airports

2 May 2014



ARCHITECTURAL PLAN SUPPLIED BY BDMV  
FILE REF DA-2230



CONSULTING SURVEYORS		RATIO: 1:200		DATE	
DENNY LINKER & CO.		DATE:		13.12.13	
SYDNEY		DRAWING: MA/DW		ISSUE	
5th FLOOR 17 RANDLE STREET		REF. 131105		DWG. I.D.:	
SURRY HILLS N.S.W. 2010		No.:		SHEET SIZE	
PH. (02) 9212 4655 FAX (02) 9212 5254				A2	
PLAN SHOWING MGA CO-ORDINATES OF PROPOSED BUILDING AT No 115 BATHURTS STREET SYDNEY <u>ROOF LEVEL</u>					
DATE	BY	REVISION	ISSUE		

PLAN 131105.MGA No.115 BATHURTS.MGA CO-ORDS.V131105-MGA.LR006.dwg

