



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**

File reference: F17/968-81

TO	CC	FROM
Cathy Pak-Poy Strategic Airspace Cathy.pakpoy@strategicairspace.com for Greg Hynd Ecove Site 2 Pty Ltd greg@ecove.com.au	Alan Collins Sydney Metro Airports alan.collins@smairports.com.au Peter Bleasdale Sydney Airport airspaceprotection@syd.com.au Civil Aviation Safety Authority airspace.protection@casa.gov.au Airservices Australia airport.developments@airservicesaustralia.com ifp@airservicesaustralia.com City of Canterbury Bankstown council@cbc.city.nsw.gov.au Strathfield Municipal Council council@strathfield.nsw.gov.au	Flysafe Airspace Protection flysafe@infrastructure.gov.au

DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of a building – Tower 2A

Location: Site 2, Australia Ave, Sydney Olympic Park NSW

MGA 94 Coordinates: E 321607; N 6253214

Proponent: Ecove Site 2 Pty Ltd

I refer to the application from Strategic Airspace on behalf of Ecove Site 2 Pty Ltd (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 8 December 2021 from Sydney Metro Airports (SMA) and Sydney Airport Corporation Limited (SACL). This application (SACL Ref. 22/0038) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at Site 2, Australia Ave, Sydney Olympic Park NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Bankstown and Sydney airports.

Under regulation 6(1), ‘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’.

The Outer Horizontal Surface of the OLS above this site is at a height of 156 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 156 metres AHD. At a maximum height of 176.5 metres AHD, the building will penetrate the OLS by 20.5 metres.

Accordingly, the construction of the building constitutes a 'controlled activity' under Section 182 of the *Airports Act 1996* (the Act). Section 183 of the Act specifies 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 activity that will intrude into prescribed airspace for Bankstown Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building (Tower 2A)	E 321607; N 6253214	176.5 metres	20.5 metres

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

Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities, and impose conditions on the approval. I am the Secretary's Delegate for the purposes of the Regulations.

Decision

As you may be aware, the Secretary is required under regulation 15(1AB) of the Regulations to make a decision about the proposal within 28 days of receiving the application.

Due to delays in our processes a decision was not made within this timeframe. Therefore, under regulation 15(2) this proposal was taken to have been refused. However, the Department has now considered the application in full and I have re-made the decision.

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of a building (Tower 2A) at Site 2, Australia Ave, Sydney Olympic Park NSW into prescribed airspace for Bankstown and Sydney airports to a **maximum height of 176.5 metres AHD**.

In making my decision, I have taken into consideration the opinions of the Proponent, the Civil Aviation Safety Authority, Airservices Australia's advice number YSBK-CA-084, SMA and SACL.

In accordance with regulation 14(1)(b), I impose the following conditions on my approval:

1. The building **must not exceed** a maximum height of **176.5 metres AHD**, **including all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. The building **must be obstacle lit** by medium intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged as per section 9.31 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual

of Standards (the MOS). Characteristics for medium intensity lights are stated in section 9.33 of the MOS.

3. The Proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately reported to SMA and SACL.
4. Following completion of the building, the Proponent **must advise** SMA and SACL, in writing:
 - a) that the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
 - b) the contact details of the person/position **responsible for the maintenance** of the obstacle lighting. These details **must be reviewed regularly** and kept up to date.
5. Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
6. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSBK-CA-084.
7. The Proponent **must report** all permanent obstacles 100 metres or more above ground level or that penetrate the OLS to the Aeronautical Information Service provider, Airservices Australia by emailing VOD@airservicesaustralia.com or telephoning 02 6268 5622.
8. On completion of construction of the building, the Proponent **must provide** SMA and SACL with a written report from a certified surveyor on the finished height of the building.
9. A separate assessment and approval under the Regulations **will be required** for any further addition to the building's height (including the installation of additional antennas) as it will increase the building's penetration of the OLS.

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

Yours sincerely



Grace Daniel
A/g Director
Airspace Protection & Airport Safeguarding
Domestic Aviation & Reform

4 February 2022