



Australian Government

Department of Infrastructure, Regional Development and Cities

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TO Mr Ian Thompson Thompson GCS Pty Ltd ithompson@thompsonsgcs.com For The Star Entertainment Group	CC 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 Sydney Council council@cityofsydney.nsw.gov.au	FROM Flysafe Airspace Protection flysafe@infrastructure.gov.au
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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of a building

Location: 20-80 Pymont Street, Sydney NSW

MGA 94 Coordinates: E 333055, N 6251090

Proponent: Thompson GCS Pty Ltd for Star Entertainment Group

I refer to the application from Thompson GCS Pty Ltd on behalf of the Star Entertainment Group (the Proponent), received by the Department of Infrastructure, Regional Development and Cities (the Department) on 1 September 2017 from Sydney Airport Corporation Limited (SACL). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 20-80 Pymont Street, Sydney NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Sydney Airport.

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 237 metres AHD, the building will penetrate the OLS by 81 metres AHD.

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 Sydney Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 333055, N 6251090	237 metres	81 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.

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. I am the Secretary’s Delegate for the purposes of the Regulations.

Due to the time taken to receive all the information that is relevant to the making of a decision, 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 at 20-80 Pyrmont Street, Sydney NSW into prescribed airspace for Sydney Airport to a **maximum height of 237 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 SY-CA-385 P2/P3/P4, airlines 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 **237 metres AHD**, inclusive of 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 to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS).

3. The Proponent **must ensure** obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS.
4. The obstacle lighting **must be** maintained in serviceable condition and any outage immediately reported to the aerodrome operator.
5. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting SY-CA-385 P2/P3/P4.
6. Separate approval **must be sought** under the Regulations for any construction equipment (i.e. cranes) required to construct the building.
 - I note the cranes associated with the construction of this building is proposed to operate at a maximum height of 285 metres AHD, and that the initial Airservices assessment indicated that the cranes would intrude into both the OLS and RTCC surface for Sydney Airport. On 1 March 2018, Airservices confirmed that it will be implementing changes to the RTCC surface that would mean that the cranes will no longer impact the RTCC. An approval for the cranes intrusion into the OLS will be considered when the RTCC changes are finalised by Airservices.
7. On completion of construction of the building, the Proponent must provide (in writing) a report from a certified surveyor on the finished height of the building to SACL's Airfield Design Manager.

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

I apologise for the delay in finalising this approval.

Yours sincerely



Craig Downsborough
Director, Airspace Protection
Aviation and Airports Division

22 March 2018