



## Australian Government

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

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TO	CC	FROM
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#### DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

**Proposed Activity:** Construction of a building

**Location:** 104-116 Regent Street, Redfern NSW

**MGA 94 Coordinates:** E 333515; N 6248169

**Proponent:** Wee Hur (Australia) Pty Ltd

I refer to the application from Wee Hur (Australia) Pty Ltd (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 4 August 2021 from Sydney Airport Corporation Limited (SACL). This application (SACL Ref. 21/0542) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 104-116 Regent Street, Redfern 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 Conical Surface of the OLS above this site is at a height of 83 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 83 metres AHD. At a maximum height of 87.15 metres AHD, the building will penetrate the OLS by 4.15 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 Sydney Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 333515; N 6248169	87.15 metres	4.15 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**

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of a building at 104-116 Regent Street, Redfern NSW into prescribed airspace for Sydney Airport to a **maximum height of 87.15 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 YSSY-CA-496 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 **87.15 metres AHD, including all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. 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.
3. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-496.
4. On completion of construction of the building, the Proponent **must provide** the SACL airfield design manager with a written report from a certified surveyor on the finished height of the building.

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

Yours sincerely

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