



Australian Government

Department of Infrastructure and Regional Development

File reference: F17/87-21

TO:	Cc:	FROM:
<p><b>Mr Andy Nixey</b> NSW Planning and Environment <a href="mailto:andy.nixey@planning.nsw.gov.au">andy.nixey@planning.nsw.gov.au</a></p> <p>on behalf of the Proponent - <b>Lend Lease (Millers Point) Pty Ltd</b></p>	<p><b>Sydney Airport Corporation Limited</b> <a href="mailto:AirspaceProtection@syd.com.au">AirspaceProtection@syd.com.au</a></p> <p><b>Airservices Australia</b> <a href="mailto:airport.developments@airservicesaustralia.com">airport.developments@airservicesaustralia.com</a> <a href="mailto:IFP@airservicesaustralia.com">IFP@airservicesaustralia.com</a></p> <p><b>Civil Aviation Safety Authority</b> <a href="mailto:Airspace.Protection@casa.gov.au">Airspace.Protection@casa.gov.au</a></p> <p><b>City of Sydney Council</b> <a href="mailto:council@cityofsydney.nsw.gov.au">council@cityofsydney.nsw.gov.au</a></p>	<p><b>Flysafe</b> Airspace Protection <a href="mailto:flysafe@infrastructure.gov.au">flysafe@infrastructure.gov.au</a></p>

#### DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996:

**Proposed Activity:** Building Construction: Multi-storey Residential building  
**Reference:** State Significant Development Application SSD 6964  
**Location:** R4A, 51A Hickson Road Barangaroo NSW  
**Coordinates:** E333608, N6251670  
**Proponent:** Lend Lease (Millers Point) Pty Ltd

I refer to the application from NSW Planning and Environment (on behalf of the proponent), received by the Department on 28 December 2016 from Sydney Airport Corporation Ltd (SACL). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a multi-storey residential building at the R4A, 51A Hickson Road Barangaroo NSW (the site), into airspace which, under the Regulations, is prescribed airspace for Sydney Airport.

‘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 Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 156 metres. At a maximum height of 250 metres AHD, the building will penetrate the OLS by 94 metres.

Accordingly, the proposed 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 penetrations 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

Activity	MGA 94 coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E333608, N6251670	250 metres	94 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. Paragraph 14(1)(b) provides that an approval may be granted subject to conditions.

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**

In making my decision, I have taken into consideration the opinions of the proponent, the Civil Aviation Safety Authority, Airservices Australia advice number SY-CA-402 and SACL.

In accordance with Regulation 14, I **approve** the controlled activity of the intrusion of a multi-storey building at R4A, 51A Hickson Road Barangaroo NSW into prescribed airspace for Sydney Airport to a **maximum height of 250 metres AHD**.

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

1. The building **must not exceed** a maximum height of **250 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 flashing red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged so as to at least indicate the points or edges of the building to ensure the building can be observed in a 360° radius as per subsection 9.4.3 of the Manual of Standards Part 139-Aerodromes (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 139.
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 monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of MOS Part 139.
4. The proponent **must** ensure obstacle lighting is maintained in serviceable condition and any outage immediately reported to SACL.

5. Separate approval **must be sought** under the Airports (Protection of Airspace) Regulations 1996 for any 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 Airports (Protection of Airspace) Regulations. Therefore, approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
6. At the completion of the construction of the building, a certified surveyor **is to** notify (in writing) the SACL airfield design manager of 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



Craig Downsborough  
Director, Airspace Protection  
Aviation and Airports Division

17 February 2017