



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: University of New South Wales Health Translation Hub,
Kensington UNSW

MGA 94 Coordinates: E 336981; N 6245589.932

Proponent: UNSW Estate Management

I refer to the application from AVIPRO for UNSW Estate Management (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 2 July 2021 from Sydney Airport Corporation Limited (SACL). This application (SACL Ref. 21/0426) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at University of New South Wales Health Translation Hub, Kensington UNSW (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 99 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 99 metres AHD. At a maximum height of 126.22 metres AHD, the building will penetrate the OLS by 27.22 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 336981; N 6245589.932	126.22 metres	27.22 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 University of New South Wales Health Translation Hub, Kensington UNSW into prescribed airspace for Sydney Airport to a **maximum height of 126.22 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-471, 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 **126.22 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 lights during the hours of darkness on all 4 outer top corners of the building (The north west, south west, south east and north east corners of the building that are at approximately 126.22 metres AHD). Characteristics for medium intensity lights are stated in subsection 9.33 of Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual of Standards 2019 (the MOS).
3. If at any time after the height of the building has reached 99 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent must arrange for the highest point of the building to be obstacle lit with medium intensity steady red lights during the hours of darkness. The obstacle lights must be arranged to ensure the lighting can be observed in a 360 degree radius as per Chapter 9 Division 4 of the MOS.
4. The proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately notified to SACL.

5. The proponent **must liaise** with NSW Health Infrastructure (Aviation Consultant) to ensure appropriate placement of obstacle lighting from a helicopter pilot perspective (including night vision aided) and appropriate light fittings.
6. 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.
7. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-471.
8. 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



Sarah Tink
Director
Demand Management and Protection of Airspace
Aviation and Airports

30 July 2021