

Matthew Rosel

From: Bleasdale, Peter <peter.bleasdale@syd.com.au>
Sent: Thursday, 9 August 2018 11:59 AM
To: Matthew Rosel
Subject: 18/0474 - PEMULWUY PRECINCT 3, EVERLEIGH ST, REDFERN - property development - SSD 8135
Attention: Mr Mathew Rosel
Attachments: 18_0474 Referral to Secretary for Determination.pdf; 18_0474 Notice to Proponent Controlled Activity Referred to Secretary.pdf

Hi Mathew,

The proposed development - PEMULWUY PRECINCT 3, EVERLEIGH ST, REDFERN - SSD 8135 – has been referred to the Department for a determination (see attached).

Regards

Peter Bleasdale
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Thursday, 9 August 2018
Reg No.: 18/0474

TO: The Secretary

Dear Sir/Madam,

Application for approval of a controlled activity pursuant to s.183 Airports Act
- Referral to the Secretary under Reg 11(2) of the *Airports (Protection of Airspace) Regulations 1996*

Proposed Activity: PROPERTY DEVELOPMENT
Location: PEMULWUY PRECINCT 3, EVERLEIGH ST, REDFERN
Proponent: NSW PLANNING & ENVIRONMENT

Sydney Airport has received the **attached** application for approval by the Secretary.

The controlled activity is as set out in **Schedule 1**.

Sydney Airport is required to invite submissions from CASA & Airservices within 7 days of receiving the application. Sydney Airport therefore sought submissions regarding the proposed activity from those entities. Their submissions (if received) are set out in **Schedule 2**.

Where submissions have not been received from any one of the prescribed entities, this has been stated in Schedule 2. You may of course wish to contact such entities, the Proponent or Sydney Airport for further information under Regulation 15(1). In that case the time for giving notice of your decision is extended to 28 days from when you receive such information. Sydney Airport requests that you advise it of any such requests for information.

Sydney Airport's comments on the application are set out in **Schedule 3**.

We look forward to your notice of determination of the application and reasons for your decision having regard to the matters set out in Regulation 13 and the effect that the controlled activity, if carried out, would have on the efficiency or regularity of existing or future air transport operations into or out of Sydney Airport.

Yours Sincerely



Peter Bleasdale
Airfield Design Manager

SCHEDULE 1

DETAILS OF APPLICATION FOR APPROVAL OF CONTROLLED ACTIVITY BY SECRETARY

CONTROLLED ACTIVITY DETAILS			
REGISTRATION NO	18/0474	DATE	20/06/2018
DESCRIPTION	PROPERTY DEVELOPMENT		
LOCATION	PEMULWUY PRECINCT 3, EVERLEIGH ST, REDFERN		
MGA94 CO-ORD E	333467	MGA94 CO-ORD N	6248453
START DATE	13/07/2018	FINISH DATE	
BCR (m)	45.72	GROUND HGT (m) (AHD)	24
OLS (m)(AHD)	95.7	CONICAL	
DEV/EQUIPT HGT (m) (AEGH)	72.57		
DEV/EQUIPT HGT (m) (AHD))	96.57		
PENETRATION (m)	0.87		

APPLICANT DETAILS			
APPLICANTS REF NO	SSD 8135	FILE NO	
APPLICANT	NSW PLANNING & ENVIRONMENT	PROPONENT	NSW PLANNING & ENVIRONMENT
CONTACT	Mr Matthew Rosel	CONTACT	Mr Matthew Rosel
ADDRESS		ADDRESS	
SUBURB		SUBURB	
POSTCODE	0	POSTCODE	0
PHONE	8275 1323	PHONE	8275 1323
EMAIL	matthew.rosel@planning.nsw.gov.au	EMAIL	matthew.rosel@planning.nsw.gov.au

SCHEDULE 2

REGULATORY BODIES' SUBMISSIONS ON THE PROPOSED ACTIVITY

1. CASA

As yet, CASA have not provided a response.

2. Airservices

26/07/2018

I have received your proposal and commenced the Airservices assessment which will take approximately 6 weeks for completion.

If you have any questions, please contact the Airport Developments team and quote assessment code: YSSY-CA-098

Please note that all completed Airservices assessments are also forwarded to CASA.

SCHEDULE 3

SYDNEY AIRPORT'S COMMENT OF THE PROPOSED ACTIVITY

If CASA requires obstacle lighting as a condition of approval, Sydney Airport will seek advice from the Proponent on how this requirement will be met. Additional comments may be sent from Sydney Airport at that time; we request the determination be made following the submission of our additional comments.

Sydney Airport does not support the development of any structure that intrudes into the Obstacle Limitation Surfaces as defined by the International Civil Aviation Organization (ICAO). The Obstacle Limitation Surfaces were developed to ensure the safety of aircraft operations in the vicinity of airports, and these surfaces should be protected to maintain the safety of present and future aircraft operations.

Furthermore, Sydney Airport believes that the approval of developments that penetrate the OLS allows for the increase in height of other adjacent potential developments using the shielding principle, which compounds the issues surrounding Airspace Protection.

At a maximum height of 96.57m AHD, the proposed development will penetrate the OLS by approx. 0.87 metres.

Sydney Airport believes that shielding does not apply.

If the Department decides to approve the proposed development, we recommend that the following minimum conditions be imposed on that approval, which the Department is entitled to do under r14 (3) of the Regulations.

We believe that these conditions are in the interests of the safety, efficiency and regularity of air transport operations at Sydney Airport:

- At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the buildings. 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 Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Thursday, 9 August 2018

Reg No.: 18/0474

TO: NSW PLANNING & ENVIRONMENT

Notification to Proponent Controlled Activity Referred to Secretary

Dear Sir/Madam,

Application for approval of a controlled activity pursuant to s.183 Airports Act

Notice to Proponent under Reg 11(3)(b) of Referral to the Secretary of the Department of Infrastructure under Reg 11(2) of the *Airports (Protection of Airspace) Regulations 1996*

Location: PEMULWUY PRECINCT 3, EVERLEIGH ST, REDFERN

Sydney Airport received an application for approval of a controlled activity by the Secretary of the Department of Infrastructure dated 20/06/2018 from you.

Attached is a copy of a letter from Sydney Airport to the Secretary dated 9 August 2018 with your application and other prescribed material, being submissions from certain regulatory entities as prescribed by the Regulation 10(2). The Secretary is required by Regulation 15 (1) to give written notice of his decision to you within 28 days of the date of Sydney Airport's letter to the Secretary.

Where submissions have not been received from any one of the prescribed entities, this has been stated. The Secretary may contact such entities, the proponent or Sydney Airport for further information under Regulation 15(1) in which case the time for giving notice of the Secretary's decision is extended to 28 days from when the Secretary receives such information.

The Secretary will give written notice of his determination of your application and the reasons for his decision having regard to the matters set out in Regulation 13. The Secretary must approve a proposal 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 Sydney Airport. The Secretary may approve a proposal subject to conditions.

If you wish to contact the Department they may be reached through Flysafe@infrastructure.gov.au

NOTE:

1. a person who conducts a controlled activity otherwise than with or in accordance with an approval commits an offence against the Act. s. 183 and s. 185 Airports Act 1996.
- Penalty: 250 penalty units.
2. if a structure is not authorised, the Federal Court may order a person to carry out remedial works, mark or light, or reduce the height of or demolish, dismantle or remove a structure.

The Secretary must not approve a proposal if CASA believes that it would have an unacceptable effect on the safety of existing or future air transport operations into or out of Sydney Airport.

Yours Sincerely



Peter Bleasdale
Airfield Design Manager