



Australian Government

Department of Infrastructure, Regional Development and Cities

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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of multi-storey buildings

Location: Waterloo Metro Quarter Over Station Development, Waterloo, NSW

MGA 94 Coordinates: E 333578, N 6247719

Proponent: Strategic Airspace Pty Limited for Sydney Metro

I refer to the application from Strategic Airspace Pty Limited for Sydney Metro (the Proponent), received by the Department of Infrastructure, Regional Development and Cities (the Department) on 2 January 2019 from Sydney Airport Corporation Limited (SACL). This application (SACL Ref.: 18/980) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of multi-storey buildings at Waterloo Metro Quarter Over Station Development, Waterloo, NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Sydney Airport.

This application seeks approval for multiple building intrusions across the site to a maximum height of 116.9 metres above the Australian Height Datum (AHD).

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 ranges from a height of 61 metres above the Australian Height Datum (AHD) at the south-western extent of the site to 73metres AHD at the north-eastern extent of the site. Hence prescribed airspace above the site commences at

61 metres AHD. At a maximum height of 116.9 metres AHD, the buildings will penetrate the OLS by up to 55.9 metres.

Accordingly, the construction of the buildings 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
Buildings	E 333578, N 6247719	116.9 metres	Up to 55.9 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 the opinions of the Civil Aviation Safety Authority (CASA) and Airservices Australia, whose advice is relevant under the Regulations to the making of the decision, a decision was not made within this timeframe.

Therefore, under regulation 15(2) this proposal was taken to have been refused. However, as this information has now been received and the Department has now considered the application in full, I have re-made the decision.

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of multi-storey buildings at Waterloo Metro Quarter Over Station Development, Waterloo, NSW (as described in the Sydney Metro City & Southwest: Waterloo Over Station Development Aeronautical Impact Assessment Report V2.1, prepared by Strategic Airspace Pty Limited, dated 1 November 2018) into prescribed airspace for Sydney Airport to a **maximum height of 116.9 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-146, airlines and SACL.

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

1. The buildings **must not exceed** a maximum height of **116.9 metres AHD**, this **includes all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.

2. The tallest building at the site (proposed Building A, at the northernmost extent of the site as indicated in the Aeronautical Impact Assessment V2.1 (AIA), dated 1 November 2018) **must be obstacle lit** by medium intensity steady red lighting during 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 Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 139.

The AIA indicates Buildings E,F and B will be shielded by Building A; based on this advice only Building A must be obstacle lit. **Further assessment will be required** if the building configurations for the site are changed.

3. The Proponent **must ensure** that the obstacle lighting has a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the building's obstacle lighting. The designated person **must be available** 24 hours per day, 7 days per week.

Immediate action **must be taken** to repair the obstacle lighting **and notify** Sydney Airport of any outage. Contact details for the person responsible for the obstacle lighting **must be provided** to Sydney Airport prior to the completion of the building construction and **must be kept up to date**.

In the event of obstacle lighting being inoperable, the person responsible for the maintenance of obstacle lighting **must contact** the Sydney Airport Airfield Operations Supervisor (on 0419 278 208 or 02 9667 9824) immediately. For more detailed requirements for obstacle lighting monitoring within the OLS of an Aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

4. Following completion of the tallest building, the Proponent **must advise** SACL, in writing, that the future owner(s)/manager(s) have been informed of their obligations to maintain the obstacle lighting in accordance with the conditions of this approval.
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 YSSY-CA-146.
6. As soon as construction commences, the Proponent must complete the Vertical Obstacle Notification Form for tall structures and submit the completed form to <VOD@airservicesaustralia.com>. For further information regarding the reporting of tall structures, please contact 02 6268 5622, email <VOD@airservicesaustralia.com> or refer to the web link:
<<http://www.airservicesaustralia.com/services/aeronautical-information-and-management-services/part-175/>>.
7. Separate approval **must be sought** under the Regulations for any equipment (i.e. 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 Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained **prior to** any commitment to construct.

8. Within seven days of completion of construction of each building, the Proponent **must provide** the airfield design manager at Sydney Airport 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



Sharyn Owen
Director, Airport Safeguarding
Aviation and Airports Division

20 February 2019