



Australian Government

Department of Infrastructure and Regional Development

File reference: 14/6281

TO: Mr Matthew Rosel NSW Department of Planning & Environment matthew.rosel@planning.nsw.gov.au On behalf of: Ms Holly Palmer City Plan Sydney hollyp@cityplan.com.au	Cc: Peter Bleasdale Sydney Airport Corporation Limited peter.bleasdale@syd.com.au Michael Turner Sydney Airport Corporation Limited michael.turner@syd.com.au Airport Relations Airservices Australia airport.developments@airservicesaustralia.com Joe Hain Civil Aviation Safety Authority Joe.Hain@casa.gov.au North Sydney Council council@northsydney.nsw.gov.au	FROM: Flysafe Airspace Protection flysafe@infrastructure.gov.au
---	---	---

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

Proposed Activity: Building Construction: Property Development

Location: 6-16 Atchison Street, St Leonards NSW

MGA 94 Coordinates: E 333 089, N 6 256 050

Proponent: City Plan Sydney

I refer to the application from City Plan Sydney (the proponent), received by the Department on **18 August 2014** 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 property development at **6-16 Atchison Street, St Leonards 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 **181.3 metres AHD**, the building will penetrate the OLS by **25.3 metres**.

Accordingly, the proposed construction of the development 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 development at the site that will intrude into prescribed airspace for Sydney Airport

Activity	MGA 94 coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 333 089, N 6 256 050	181.3 metres	25.3 metres

Attachments A1-A2 show the location and height of the building which will intrude into prescribed airspace at the site.

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

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.

In making my decision, I have taken into consideration the opinions of the proponent, the Civil Aviation Safety Authority, Airservices Australia, airlines and SACL.

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 **181.3 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, exhaust flues etc.
2. The building **must** be obstacle lit with medium intensity steady red obstacle lighting in accordance with the Manual of Standards for Part 139 (Part 139 MOS) of the Civil Aviation Safety Regulations 1998, section 9.4.
3. The obstacle lights are to be arranged so that they indicate the points or edges of the object to ensure the object can be observed in a 360° radius.
4. 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.
5. 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.

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

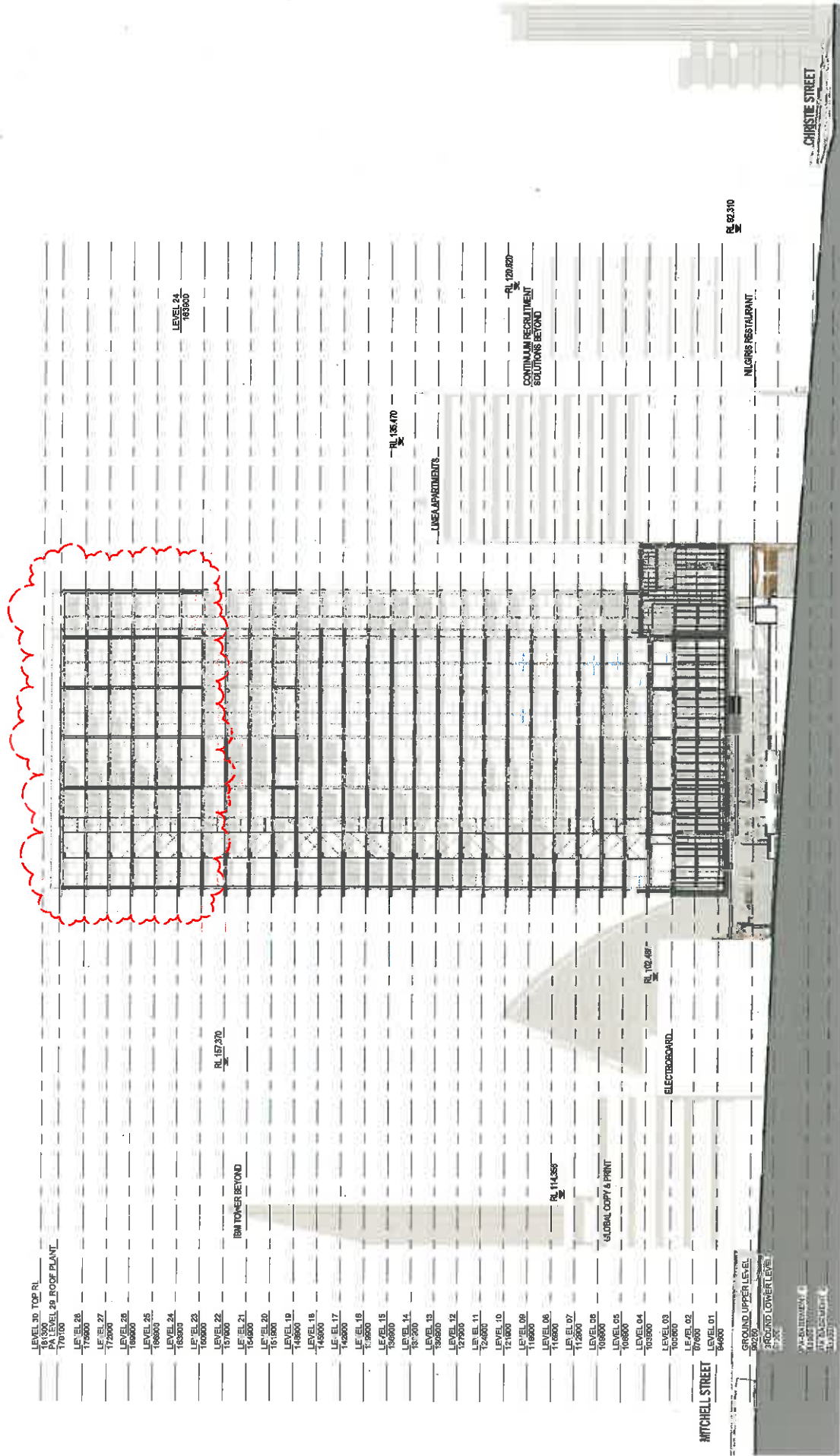
Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Strickland', with a stylized, flowing script.

Susan Strickland
Director, Airspace Protection
Aviation and Airports Division

27 August 2014





NORTH ELEVATION

Proposed Mixed Use Redevelopment - 6-16 Atchison St, St Leonards

HOLDMARK

224-4 GIFFNOCK AV.,
MACQUARIE PARK
NSW 2113
P: (02) 9889 5540
F: (02) 9868 5829
e: info@holdmark.com.au
www.holdmark.com.au

ROBERTSON + MARKS

DAVID MATTHEWS 3140 JOHN TAYLOR STREET, SUITE 1000, BIRMINGHAM, AL 35203
1-800-4-A-RCH
1-617-252-1938 1-617-293-1738
www.marcia.net.au
marcia@marcia.net.au