



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Crane Operation – Tower Crane (TC5)

Location: 241-249 Wheat Road Cockle Bay, Sydney NSW

MGA 94 Coordinates E 333730; N 6250617.843

Proponent: DPT Operator Pty Ltd

I refer to the application from DPT Operator Pty Ltd (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 24 September 2021 from Sydney Airport Corporation Limited. This application (SACL Ref: 21/0653N) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a tower crane (TC5) at 241-249 Wheat Road Cockle Bay, Sydney NSW (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 Outer Horizontal Surface of the OLS above this site is at a height of 156 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 156 metres AHD. At a maximum height of 253.5 metres AHD, the crane will penetrate the OLS by up to 97.5 metres.

Accordingly, the proposed operation of the crane would constitute 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 proposed activity at the site that will intrude into prescribed airspace for Sydney Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Crane Operation (TC 5)	E 333730; N 6250617.843	253.5 metres	97.5 metres

The crane is to be used to construct a building that was approved by the Department on 8 October 2021 that will intrude 30 metres into prescribed airspace for Sydney Airport.

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 tower crane TC5 at 241-249 Wheat Road Cockle Bay, Sydney NSW into prescribed airspace for Sydney Airport to a **maximum height of 253.5 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-520 and SACL.

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

1. The crane **must not exceed** a maximum height of **253.5 metres AHD**.
2. The crane may engage in operations which will cause it to intrude into prescribed airspace **only** as follows:
 - from **29 January 2025 to 13 March 2026**.
3. The crane **must be obstacle marked** in alternating red and white bands of colour in accordance with subsection 8.110 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual of Standards 2019 (the MOS); or it is marked in conspicuous colour, or it should be lit with flashing white obstacle lighting during daylight hours.
4. The crane **must be obstacle lit** with medium intensity steady red lighting at night at the highest point of the boom as per section 9.31 of the MOS. Characteristics for low intensity lights are stated in Section 9.33 of the MOS.

5. The Proponent **must ensure** the obstacle lighting is monitored. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to section 9.36 of the MOS.
6. The obstacle lighting **must incorporate** an alarm system that will provide remote monitoring to notify the person responsible for their maintenance. The designated person **must be available** 24 hours per day, 7 days per week. Action **must be taken** to repair the obstacle lighting within 12 hours of the light not operating. The contact details of the person responsible for the monitoring of the obstacle lighting **must be sent** to Sydney Airport, and must be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting **must immediately contact** the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824. Once the obstacle lighting is again working, the person responsible for the maintenance of the obstacle lighting **must notify** the Sydney Airport Airfield Operations Supervisor.
7. The Proponent **must give** SACL at least two business days notice prior to the crane being erected above YSSY-CA-520 metres AHD. SACL needs to ensure that a Notice to Airmen (NOTAM) has been issued regarding the crane's height and location, in accordance with section 7.18 of the MOS.
8. 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-520.
9. The Proponent **must provide** SACL with surveyed details including the height of the crane after it is erected.
10. At the end of the project the Proponent **must notify** SACL of the dates and hours for the removal of the crane and give a minimum of two business days notice.

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
Domestic Aviation and Reform

14 October 2021

DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996
Summary of advice considered in the assessment process

Proposed Activity: Crane Operation – Tower Crane (TC5)

Location: 241-249 Wheat Road Cockle Bay, Sydney NSW

MGA 94 Coordinates E 333730; N 6250617.843

Proponent: DPT Operator Pty Ltd

Information considered in making my decision on this application included the following:

Airservices advised on 5 October 2021 in YSSY-CA-520:

I refer to your request for an Airservices assessment of TC5 at Cockle Bay Park, 241-249 Wheat Rd, Sydney.

Airspace Procedures

With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a height of 253.5m (832ft) AHD the tower crane will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Sydney aerodrome.

The tower crane will not affect the Sydney RTCC.

Note: procedures not designed by Airservices at Sydney aerodrome were not considered in this assessment.

Communications/Navigation/Surveillance (CNS) Facilities

We have assessed the proposal for any impacts to Airservices Precision/Non-Precision Navigation Aids, Anemometers, HF/VHF/UHF Communications, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links and have no objections to it proceeding.

Summary

Based on the above assessment, our view is that the proposed TC5 would not have an impact on any Airservices designed instrument procedures, CNS facilities or ATC operations at Sydney aerodrome.

CASA advised on 15 September 2021 received on 7 October 2021:

CASA has assessed the two proposed tower cranes at 241-249 Wheat Road Cockle Bay Park Redevelopment, Sydney Darling Harbour, NSW.

The luffing tower cranes TC4 and TC5 will operate to a maximum height of 253.5 m above AHD or approximately 251 m Above Ground Level and will penetrate the outer horizontal surface by 97.5 m. Each crane will be an obstacle when its height exceeds 156 m above AHD. TC4 is scheduled to be in place nominally from 22 October 2024 for approximately 6 months. TC5 is scheduled to be in place nominally from 29 January 2025 for approximately 15 months.

CASA recommends that when each tower crane is erected above 100 m AHD that:

- I. each crane is lit with a medium intensity steady red light at night at the highest point of the boom;*
- II. each crane is obstacle marked in alternating red and white bands of colour in accordance with section 8.110 of the Part 139 (Aerodromes) Manual of Standards (MOS), or lit with a flashing white obstacle light at the end of the boom during daylight hours;*
- III. the crane operator must advise Sydney Airport when the first crane is raised above 156 m;*
- IV. at a suitable time prior to the first crane being erected above 156 m above AHD, Sydney Airport needs to ensure that a NOTAM has been issued regarding the height and location of the crane in accordance with section 7.18 of the MOS.*

The crane operator/site manager is to ensure the obstacle lighting is monitored and any outage is reported to Sydney Airport.

Airlines: *had no comments.*

SACL advised on 24 September 2021:

At a maximum height of 253.5m AHD, the proposed tower crane will penetrate the OLS by approx. 97.5 metres. An obstacle light monitoring procedure has been requested from the proponent, and will be forwarded to the Department when received.

If the Department decides to approve the proposed tower crane, 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 tower crane erection, a certified surveyor is to notify (in writing) Sydney Airport's Manager, Airfield Spatial & Technical Planning of the finished height of the building.*

The proposed underlying development has been referred to the Department for a determination. Our Reference – 21/0651.



Sarah Tink
Director
Demand Management and Protection of Airspace
Domestic Aviation and Reform

14 October 2021