



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

MGA 94 Coordinates: E 333740; N 6250594.11

Proponent: DPT Operator Pty Ltd

I refer to the application from Strategic Airspace on behalf of 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 (21/0651) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building 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 186 metres AHD, the building will penetrate the OLS by 30 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 333740; N 6250594.11	186 metres	30 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 241-249 Wheat Road, Cockle Bay, Sydney NSW into prescribed airspace for Sydney Airport to a **maximum height of 186 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-518 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 **186 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** with medium intensity steady red lighting during the hours of darkness and periods of low visibility at the top of the western side of the building as per section 9.31 of the MOS. Characteristics for low intensity lights are stated in section 9.33 of the MOS.
3. 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.
4. The Proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately reported to SACL.
5. Following completion of the building, the Proponent **must advise** SACL in writing:
 - a) that the future owner(s)/manager(s) of the building **have been informed** of their **obligation to maintain** the obstacle lighting in accordance with conditions of this approval; and
 - b) the contact details of the person/position **responsible for the maintenance** of the obstacle lighting. These details **must be reviewed regularly** and kept up to date.

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-518.
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
Domestic Aviation and Reform

8 October 2021