



Australian Government

Department of Infrastructure and Regional Development

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

Proposed Activity: Nine Multi-storey buildings

Location: 1 Magdalene Terrace (Discovery Point), Wolli Creek NSW

Proponent: JBA Planning

I refer to the application from JBA Planning (the proponent), received by the Department on **6 December 2013**, from Sydney Airport Corporation Ltd (SACL). This application sought an amended approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for Buildings 8, 9 and 10 at the mixed use development of 15 multi-storey buildings at **1 Magdalene Terrace, Wolli Creek, 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 inner horizontal surface of the OLS above this site is at a height of 51 metres AHD and hence prescribed airspace above the site commences at 51 metres AHD.

With a range of buildings ranging to a maximum height of 79.65 metres above the Australian Height Datum (AHD), nine (9) of the proposed buildings will penetrate the OLS by up to 28.65 metres.

Accordingly, the proposed buildings would each 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.

On 15 December 2010, the Department issued a controlled activity approval for proposed multi-story buildings at the site for a maximum height of **79.65** metres above the Australian Height Datum (AHD).

This application now seeks an approval because of proposed changes to the heights of Buildings 8 and 10.

Details of the penetration of prescribed airspace are provided in Table 1.

Table 1: Height and location of proposed buildings at the site that will intrude into prescribed airspace for Sydney Airport

Building	MGA 94 coordinates (Centre of building)	Maximum height (m AHD)	Penetration of prescribed airspace (m)
Bldg 1b	E329336.05 N6244163.03	20.75	0
Bldg 1c	E329373.17 N6244157.34	55.3	4.30
Bldg 2	E329367.76 N6244100.70	79.65	28.65
Bldg 3	E329308.52 N6244099.53	40.0	0
Bldg 4	E329310.00 N6244174.69	55.3	4.30
Bldg 5	E329264.35 N6244120.16	62.4	11.40
Bldg 6	E329475.23 N6244243.65	50.5	0
Bldg 7	E329514.51 N6244260.62	50.5	0
Bldg 8	E329505.73 N6244309.94	65.15	14.15
Bldg 9	E329480.72 N6244335.28	22.90	0
Bldg 10	E329476.06 N6244378.11	65.15	14.15
Bldg 11	E329453.85 N6244279.19	55.3	4.30
Bldg 12	E329433.16 N6244326.88	55.3	4.30
Bldg 13	E329411.92 N6244267.25	79.65	28.65
Bldg 14	E329362.55 N6244207.63	42.7	0

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 and SACL.

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

1. The maximum height of **buildings 2 and 13** must **not exceed 79.65m AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennae (of whatever type), construction cranes, rooftop gardens and trees etc.
2. The maximum height of **buildings 5**, must **not exceed 62.4m AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennae (of whatever type), construction cranes, rooftop gardens and trees etc.

3. The maximum height of **buildings 8 and 10** must not exceed **65.15m AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennae (of whatever type), construction cranes, rooftop gardens and trees etc.
4. The maximum height of **buildings 1C, 4, 11 and 12** may not exceed **55.3m AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes, rooftop gardens and trees etc.
5. **Buildings 2 and 13** must be obstacle lit with **medium intensity flashing red** obstacle lights at the highest point of the buildings that can be observed in a 360 degree radius in accordance with the Manual of Standards for Part 139-Aerodromes, of the Civil Aviation Safety Regulations 1998 (Part 139 MOS), Chapter 9, Section 9.4
6. **Buildings 8 and 10** must be obstacle lit with **low intensity steady red** obstacle lights at the highest point of the buildings that can be observed in a 360 degree radius in accordance with the Part 139 MOS Chapter 9, Section 9.4.
7. The obstruction lights must operate 24 hours and be maintained in working order at all times by the proponent.
8. The proponent must provide SACL with written advice by a certified surveyor of the finished building height (in metres AHD) of all buildings that penetrate the OLS.

Pursuant to Regulation 16, I **revoke** the approval dated 15 December 2010 which has been superseded by this approval.

I draw to the proponent's attention that **breaches of approval conditions are subject to significant penalties** under Sections 185 and 187 of the Act.

Yours sincerely



Dilip Mathew
Director- Airspace Protection
Aviation and Airports

20 December 2013