

09486
3 September 2010

Mr Peter Bleasdale
Airfield Design Manager
Sydney Airport Corporation Limited (SACL)
1 Link Road
Sydney International Terminal
MASCOT NSW 2020

Dear Mr Bleasdale

**OBSTACLE LIMITATION SURFACE REFERRAL
NORTH SYDNEY COMMERCE CENTRE 177-199 PACIFIC HIGHWAY NORTH SYDNEY**

We refer to the above and further to a recent conversation with Joseph Chan of your office on this matter. As you may be aware, the Winten Property Group (Winten) is the proponent for a Part 3A Concept Plan for the proposed redevelopment of the site at 177-199 Pacific Highway, North Sydney. JBA Planning is acting on behalf of Winten throughout the planning process.

The Concept Plan proposal seeks approval for:

- demolition of the existing structures on the site;
- the building envelope for the commercial building and basement car park;
- up to a maximum Gross Floor Area (GFA) of 44,770m²;
- land uses;
- pedestrian and vehicle access arrangements; and
- a maximum of 112 car parking spaces to service the tenants of the commercial building.

The maximum height of the envelope is 195m AHD.

It should be noted that as the proposal is for a Concept Plan, approval is not sought at this stage for any construction. The NSW Department of Planning is the relevant planning authority assessing the application and the Minister for Planning is the approval authority.

The application was recently publicly exhibited, with exhibition having closed on 6 August 2010. We understand that neither SACL or any other relevant aviation-based authority was not consulted as part of the preliminary planning or exhibition process. A full copy of the exhibited application and its Environmental Assessment is enclosed for your review.

The planning process from hereon requires Winten to respond to issues raised during exhibition and respond to the key issues as raised by the Department of Planning. This part of the process may involve the preparation of what is termed a Preferred Project Report. In a letter received from the Department of Planning on 30 August 2010, Winten has been requested to provide (*inter alia*):

Evidence that the proponent has consulted with SACL during the preparation of the Preferred Project Report to ensure that the final submission has considered any SACL requirements.

We note that generally SACL and Commonwealth Department of Infrastructure approval is required for any building to be constructed above 156m AHD in the Outer Horizontal Surface plane (such as in North Sydney) as depicted in Figure 13.1 of the Sydney Airport Master Plan 2009. Our review reveals that the site is not otherwise mapped or is unaffected by other aviation zones or limitations.

In this regard we reiterate that at this stage a building is not proposed to be constructed as an approved envelope is merely being sought and that the subject site is entirely within the existing built context of the North Sydney CBD, with many existing or approved buildings sitting at or above both 156m AHD and 195m AHD.

To this end we understand that the referral (and potential approval) process will accordingly seek to address and resolve:

- Radar interference issues (including antennae, flagpoles, satellite dishes)
- Reflectivity of the future building surfaces which may affect the visibility of pilots
- Lighting and signage on top of future buildings which may affect the visibility of pilots
- Impact on future planned changes to flight paths

In conversation with Joseph Chan, we have been informed that the following information is required to allow for consideration of the proposal:

- Full set of documentation in support of the application;
- Co-ordinates (in eastings and northings) of the site in digital form – Microstation format of both the “before” and “after” scenarios;
- Mapping grid references using MGA94;
- The maximum height of the proposal;
- Existing ground level; and
- Rooftop elements likely to sit above the uppermost levels of the building.

As stated above, the maximum building height is proposed at 195m AHD, including areas for plant and lift overruns. The existing ground level around the perimeter of the site ranges from about 68.50m AHD to just over 71.30m AHD – see survey material provided in the application at Appendix D. We can also advise that the uppermost built form proposed is to 195m AHD only at this stage. Detailed design of the building and any rooftop antennae or fixtures above plant at this level is to be determined as part of a future design and planning exercise. The application documentation as well as a disc containing the co-ordinates and mapping grid references are enclosed.

We understand that your process from hereon requires the following steps:

- SACL refers the application to the Civil Aviation Safety Authority (CASA) and Air Services Australia, and some major airlines for comment within 7 days of receipt;
- These parties respond within an unregulated timeframe and based on its review of the application, SACL prepares a submission for the Commonwealth Department of Infrastructure’s determination / approval (this is to be submitted within 28 days of having received comments); and
- The Commonwealth Department of Infrastructure determines the application for the proposed height (considering the issues raised above).

We are lead to believe that this process can take up to 3 to 4 months for relatively routine matters and significantly longer for complex matters. We would urge a prompt turnaround and approval of the request on the basis of the points raised above, namely that the proposal:

- Is not for construction of a building;

- Is within the core of the North Sydney CBD and in the context of both that CBD as well as the Sydney CBD where numerous buildings presently sit at or above the OLS limit or at the height of the proposed envelope;
- Will not interfere with radar, pilot visibility or impact upon future planned changes to flight paths; and
- The proponent will satisfy all relevant aviation authority requirements as part of the design of the future building.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or oklein@jbaplanning.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'OKlein', with a stylized, cursive script.

Oliver Klein
Associate

Cc Andrew Smith (NSW Department of Planning)