



File reference: 10/14748

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

- PROPERTY DEVELOPMENT:
- Discovery Point site: 1 Magdalene Terrace (also referred to as 1 Princes Highway)
- Wolli Creek, NSW

I refer to the above application, submitted to the Department on **20 October 2010** by Sydney Airport Corporation Ltd (SACL) on behalf of Discovery Point Pty Limited (Australand) (the proponent), being for a mixed use development of 15 multi-storey buildings at 1 Magdalene Terrace, Wolli Creek, NSW for approval for nine (9) of these buildings under the Airports (Protection of Airspace) Regulations 1996 (the Regulations).

Additional information was sought from SACL in relation to this application.

This application (25 October 2010)					
Building reference (9 of 15)	Location (to bldg centre (MGA))	Proposed number of levels	Proposed Height (m AHD)	Penetrates OLS at 51m by (m)	
Bldg 1b	E329336.05 N6244163.03	2	20.75		
Bldg 1c	E329373.17 N6244157.34	13	55.3	4.30	
Bldg 2	E329367.76 N6244100.70	21	79.65	28.65	
Bldg 3	E329308.52 N6244099.53	8	40.0		
Bldg 4	E329310.00 N6244174.69	13	55.3	4.30	
Bldg 5	E329264.35 N6244120.16	16	62.4	11.40	
Bldg 6	E329475.23 N6244243.65	12	50.5		
Bldg 7	E329514.51 N6244260.62	12	50.5		
Bldg 8	E329505.73 N6244309.94	16	62.4	11.40	
Bldg 9	E329480.72 N6244335.28	8	40.0		
Bldg 10	E329476.06 N6244378.11	16	62.4	11.40	
Bldg 11	E329453.85 N6244279.19	13	55.3	4.30	
Bldg 12	E329433.16 N6244326.88	13	55.3	4.30	
Bldg 13	E329411.92 N6244267.25	21	79.65	28.65	
Bldg 14	E329362.55 N6244207.63	5	42.7		

This is the third revised request for approval on this site since 2008. The proponent has indicated in an email to SACL (23 November 2010) that it is the final application for approval for this site.

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 Inner Horizontal Surface of the Obstacle Limitation Surface (OLS) for Sydney (Kingsford Smith) Airport at 51 metres AHD and would infringe by up to 28.65 metres.

The currently proposed operation is not a short term activity in accordance with the Regulations and therefore constitutes 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.

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

I am required under Regulation 14 to approve a proposal unless carrying out the proposal 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 I may impose conditions on an approval.

In making my decision, I have reviewed the information and assessments submitted by the proponent, SACL, the Civil Aviation Safety Authority (CASA), Airservices Australia (Airservices) and the airlines. Details of advice are included at **Attachment A**, and form part of this decision document. Having taken into consideration the information submitted, I conclude that I must **approve the proposal with conditions**.

In accordance with this Regulation 14(1)(b) **I impose the following conditions:**

Conditions for the proponent

- The buildings are those identified by building number, location and height in Table 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; and
- The maximum height of buildings 5, 8 and 10 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; and
- 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; and
- **Buildings 2 and 13** must be obstacle lit with medium intensity flashing red obstacle lights in accordance with the Manual of Standards for Part 139-Aerodromes, of the Civil Aviation Safety Regulations 1998 (CASR Part 139 MOS), Chapter 9, Section 9.4 (<http://casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139m09.pdf>); and
- Additionally **Building 10** is to be obstacle lit with medium intensity steady red obstacle lighting in accordance with the Part 139 MOS; and
- The obstruction lights must operate 24 hours and be maintained in working order at all times by the proponent; and

- A **separate application** must be submitted to SACL for any equipment or crane to be used that **exceeds 51 m AHD** for the construction of each building within this development.
- **Construction of this building must commence within two years** of the date of this approval, if not, the approval will be considered invalid and an updated approval will be required. Reassessment is required due to the operational and technological changes over time and their synergy with the changing built environment.
- The proponent must notify SACL upon completion of construction of each building in the development.
- The proponent must provide SACL with the finished building height (in metres AHD) upon completion with its geo coordinates at its highest point or to the building centre, so that SACL can update its plans and other records for Sydney Airport and its surrounds. The data is to be properly surveyed and verified as accurate provided to SACL on completion of each building.

Conditions for SACL

- SACL must establish an obstacle light monitoring program in accordance with Manual of Standards Part 139-Aerodromes, Chapter 9, Subsection 9.4.10.
- SACL must **monitor the height of the completed buildings** in order to ensure compliance with this approval.
- SACL is to report any non-compliance to the Department.

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
Section Head
Aerodrome Precincts
Aviation and Airports Division

15 December 2010

- **PROPERTY DEVELOPMENT:** 9 multi-storey mixed use buildings
- **MGA94 coordinates:** as per table on Page 1(to centre of site)
- **Discovery Point site**
- **1 Magdalene Terrace** (also referred to as 1 Princes Highway)
- **Wolli Creek, NSW**

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

- **Airservices** advised on **17 August 2010** that:
 - *"At a revised maximum height of 79.65m (262ft) AHD the proposed development would not impact on Precision/Non-Precision Nav Aids, HF/VHF Comms, A-SMGCS, Radar, PRM or Satellite/Links. At a maximum height of 71.1m (34ft) AHD, the proposed property development would not affect any sector or circling, nor any approach or departure from Sydney airport.*
 - *However large crane operations on this site have the potential to cause issues for our Navigation Surveillance and Communications systems. Airservices Australia will need to do a complete assessment to determine any impact."*
- **CASA** had determined on **22 October 2010** that:
 - *It is recommended that Buildings 2 and 13 be obstacle lit with medium intensity flashing red obstacle lighting (as per MOS Chapter 9 Section 9.4 <http://casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139m09.pdf>) and building 10 be obstacle lit with medium intensity steady red obstacle lighting.*
 - *The cranes will have to be assessed when details are provided later, however Airservices Australia have already indicated they have concerns in this regard.*
- **Airlines'** comments are as follows:
 - **Jetstar, Qantas and Rex** raised no objections to the property development.
 - **Virgin Blue** advised that *"Based on AsA's assessment Virgin Blue Group has no objection to this Property Development at 1 Magdalene Tce, Wolli Creek. This is provided that the conditions in the assessment are met (i.e. the crane does not exceed a maximum height of 79.65 (AHD)."*
- **SACL** advised on **25 October 2010** its recommendations for conditions to be imposed on any approval in the interests of safety, efficiency and regularity of air transport operations at Sydney Airport including:
 - *"The maximum height of buildings 2 and 13 may not exceed 79.65m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.*
 - *The maximum height of buildings 5, 8 and 10 may not exceed 62.4m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.*
 - *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 etc.*
 - *Buildings 2 and 13 are to be obstruction lit (medium intensity flashing red obstacle lights) in accordance with Part 139 of the Manual of Standards issued by the Civil*


ATTACHMENT A

Summary of advice considered in the application process

Aviation Safety Authority. The obstruction lights must operate 24 hours and be maintained in working order at all times by the proponent.

- *Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996, for any cranes required to construct the buildings. 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, therefore SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.*
- *The proponent must notify SACL upon completion of construction of the buildings.*
- *Finished building heights must be provided to SACL upon completion (in AHD), so that it can update its plans and other records for Sydney Airport and its surrounds.*
- *Location of obstruction lighting must be provided."*

For further information on aviation impacts please contact Mr Peter Bleasdale of Sydney Airport on 02 9667 9246.


Dilip Mathew
15 December 2010

File No.: 10/00101
Reg No.: 10/0348
Your Ref.:

16 December, 2010

Mr Chris Pope
Discovery Point Pty Ltd
Level 3 1C Homebush Bay Drive
RHODES NSW 2138

Dear Chris,

**PROPERTY DEVELOPMENT - DISCOVERY POINT, 1 MAGDALENE
TERRACE, WOLLI CREEK**

I refer to your recent application for information on obstacles in regard to the above development.

Height Restrictions

The PROPERTY DEVELOPMENT at DISCOVERY POINT, 1 MAGDALENE TERRACE, WOLLI CREEK lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.

In this instance, I, Peter Bleasdale, as an authorised person of the Civil Aviation Safety Authority (CASA), under Instrument Number: CASA (BC) 01/1998, and in my capacity as A/Manager CADD Services, have no objection to the erection of the following buildings:

- Building 1B: 2 levels – 20.75m above Australian Height Datum (AHD)
- Building 3: 8 levels – 40.0m above Australian Height Datum (AHD)
- Building 6: 12 levels – 50.5m above Australian Height Datum (AHD)
- Building 7: 12 levels – 50.5m above Australian Height Datum (AHD)
- Building 9: 8 levels – 40.0m above Australian Height Datum (AHD)
- Building 14: 5 levels – 42.7m above Australian Height Datum (AHD)

The approved heights are inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.

Should you wish to exceed these heights, a new application must be submitted.

Should the height of any temporary structure and/or equipment be greater than 50 feet (15.24 metres) above existing ground height (AEGH), a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

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Corporation Limited**
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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.

SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.

Information required by SACL prior to any approval is to include:

- the location of any temporary structure or equipment, ie. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- the swing circle of any temporary structure/equipment used during construction;
- the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment ie. construction cranes, intended to be used in the erection of the proposed structure/activity;
- the period of the proposed operation (ie. construction cranes) and desired operating hours for any temporary structures.

Any application for approval containing the above information, should be submitted to this Corporation at least 35 days prior to commencement of works in accordance with the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, which now apply to this Airport.

For further information on Height Restrictions please contact Ms Lynne Barrington on (02) 9667-9217.

Under Section 186 of the Airports Act 1996, it is an offence not to give information to the Airport Operator that is relevant to a proposed "controlled activity" and is punishable by a fine of up to 50 penalty units.

The height of the prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). In accordance with Regulation 9 of the Airports (Protection of Airspace) Regulations Statutory Rules 1996 No. 293, "a thing to be used in erecting the building, structure or thing would, during the erection of the building, structure or thing, intrude into PANS OPS airspace for the Airport, cannot be approved".

Bird and Obstacle Hazard Management

The area in which the proposed development is located is immediately adjacent to Runway 16R/34L and 07/25. To minimise the potential for bird habitation and roosting, the Proponent must ensure that the following plans are prepared prior to construction commencing:

- Landscape Plan which only includes non-bird attracting plant species;
- Site Management Plan which minimises the attractiveness for foraging birds, i.e. site is kept clean regularly, refuse bins are covered, and detention ponds are netted.
- The proposed development incorporates anti-bird roosting measures to discourage bird habitation

The Proponent must consult with Sydney Airport Corporation Limited on the preparation of each plan.

All trees to be planted shall not be capable of intruding into the Obstacle Limitation Surface when mature.

Planning for Aircraft Noise and Public Safety Zones

Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices Australia on 13 March 2009 (Sydney Airport 2029 ANEF).

Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.

Yours faithfully



Peter Bleasdale
A/Manager CADD Services
Sydney Airport

CC: Joseph Chan – Senior Planning Manager, SACL