



**Australian Government**

**Department of Infrastructure, Transport,  
Cities and Regional Development**

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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:** 74 Rickard Road, Bankstown NSW

**MGA 94 Coordinates:** E 318350.616; N 6245480.696

**Proponent:** Landrum & Brown for Archerfield Partners

I refer to the application from Landrum & Brown for Archerfield Partners (the Proponent), received by the Department of Infrastructure, Transport, Cities and Regional Development (the Department) on 13 August 2019 from Sydney Metro Airports Pty Ltd (SMA). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 74 Rickard Road, Bankstown NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Bankstown 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 Inner Horizontal Surface of the OLS above this site is at a height of 51 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 51 metres AHD. At a maximum height of 106.78 metres AHD, the building will penetrate the OLS by 55.78 metres.

Accordingly, the construction of the building 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 Bankstown Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 318350.616; N 6245480.696	106.78 metres	55.78 metres

I note that a crane, with a maximum height of 125 metres AHD, for the construction of the building has been approved by the Department on 18 November 2019.

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 74 Rickard Road, Bankstown NSW into prescribed airspace for Bankstown Airport to a **maximum height of 106.78 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 YSBK-CA-036 and SMA.

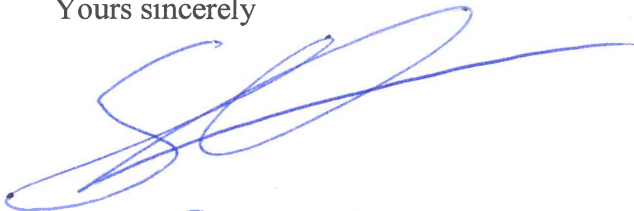
In accordance with regulation 14(1)(b), **I impose the following conditions on my approval:**

1. The building **must not exceed** a maximum height of **106.78 metres AHD**, this **includes 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** by medium intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Civil Aviation Safety regulations 1998 Manual of Standards Part 139 – Aerodromes (the MOS). Characteristics for medium intensity lights are stated in subsection 9.4.7 of the MOS.
  - If at any time after the height of the building has reached 51 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent **must arrange** for the highest point of the building to be obstacle lit with medium intensity steady red lighting during the hours of darkness. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of the MOS.

3. The Proponent **must ensure** the obstacle lighting has a remote monitoring capability, in lieu of observation every 24 hours, to alert Bankstown Airport reporting staff of any outage. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to subsection 9.4.10 of the MOS.
4. The Proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately reported to SMA.
5. Following completion of the building, the Proponent **must advise** SMA, 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. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSBK-CA-036.
7. On completion of construction of the building, the Proponent **must provide** 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



Sharyn Owen  
Director, Airport Safeguarding  
Aviation and Airports Division

18 November 2019