



Australian Government

Department of Infrastructure and Regional Development

File reference: 15/7083

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

Proposed Activity: Building Construction: Multi-storey building

Location: 472-494 Pacific Highway, St Leonards NSW

MGA 94 Coordinates: E333144; N6255834

Proponent: Mirvac Construction Pty Ltd

I refer to the application from Mirvac Construction Pty Ltd (the proponent), received by the Department on 8 September 2015 from Sydney Airport Corporation Ltd (SACL). This application sought an approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a multi-storey building at 472-494 Pacific Highway, St Leonards NSW, 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 Outer Horizontal Surface of the OLS above this site is at a height of 156 metres Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 156 metres. At a maximum height of 210.46 metres AHD, the building will penetrate the OLS by 54.46 metres.

Accordingly, the proposed construction of the building would 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. Details of the penetrations of prescribed airspace are provided in **Table 1**.

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

Activity	MGA 94 coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E333144; N6255834	210.46 metres	54.46 metres

I sought further information which was provided on 22 October 2015.

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.

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

In making my decision, I have taken into consideration the opinions of the proponent, the Civil Aviation Safety Authority, Airservices Australia, airlines and SACL.

In accordance with Regulation 14, **I approve** the controlled activity of the intrusion of the multi-storey building at 472-494 Pacific Highway, St Leonards NSW into prescribed airspace for Sydney Airport to a **maximum height of 210.46 metres AHD**.

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

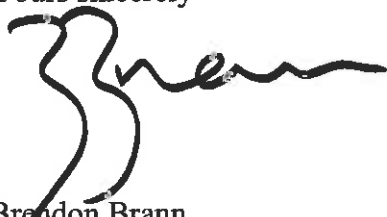
1. The building must **not exceed** a maximum height of **210.46 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. The building **must be obstacle lit by low intensity steady red lighting** at the highest 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 Manual of Standards Part 139 - Aerodromes (MOS Part 139). Characteristics for low intensity lights are stated in subsection 9.4.6 of MOS Part 139.
3. The proponent **must ensure** obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.

4. Separate approval **must be sought** under the Regulations for any cranes required to construct the building.
5. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

Pursuant to Regulation 16, I **revoke** the approval dated 9 July 2015 as it has been superseded by this approval.

Breaches of approval conditions are subject to significant penalties under sections 185 and 187 of the Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brann', with a large, stylized initial 'B'.

Brandon Brann
A/g Director, Airspace Protection
Aviation and Airports Division

23 October 2015