



File reference: 16/4131

<b>TO:</b> <b>Mr Ben Boyd</b> North Sydney Council <a href="mailto:council@northsydney.nsw.gov.au">council@northsydney.nsw.gov.au</a>  For  <b>Mr Tony Pizzolato</b> Aqualand North Sydney Development Pty Ltd <a href="mailto:tony.pizzolato@aqualand.com.au">tony.pizzolato@aqualand.com.au</a>	<b>Cc:</b> <b>Sydney Airport</b> <a href="mailto:airspaceprotection@syd.com.au">airspaceprotection@syd.com.au</a>  <b>Airport Developments</b> Airservices Australia <a href="mailto:airport.developments@airservicesaustralia.com">airport.developments@airservicesaustralia.com</a> <a href="mailto:pds.obs@airservicesaustralia.com">pds.obs@airservicesaustralia.com</a>  <b>Airspace Protection</b> Civil Aviation Safety Authority <a href="mailto:airspace.protection@casa.gov.au">airspace.protection@casa.gov.au</a>  <b>North Sydney Council</b> <a href="mailto:council@northsydney.nsw.gov.au">council@northsydney.nsw.gov.au</a>	<b>FROM:</b> <b>Flysafe</b> Airspace Protection <a href="mailto:flysafe@infrastructure.gov.au">flysafe@infrastructure.gov.au</a>
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**DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996:**

<b>Proposed Activity:</b>	Building Construction: Multi-storey building
<b>Location:</b>	168 Walker Street, North Sydney NSW
<b>MGA 94 Coordinates:</b>	E334282; N6254730
<b>Proponent:</b>	North Sydney Council for Aqualand North Sydney Development Pty Ltd

I refer to the application from North Sydney Council for Aqualand North Sydney Development Pty Ltd (the proponent), received by the Department on 6 June 2016 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 168 Walker Street, North Sydney 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 167.51 metres AHD, the building will penetrate the OLS by 11.51 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	E334282; N6254730	167.51 metres	11.51 metres

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 advice number SY-CA-315, and SACL.

In accordance with Regulation 14, **I approve** the controlled activity of the intrusion of the multi-storey building at 168 Walker Street, North Sydney NSW into prescribed airspace for Sydney Airport to a **maximum height of 167.51 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 **167.51 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. The proponent **must** advise Airservices at least 3 business days prior to the controlled activity commencing by emailing <[pds.obs@airservicesaustralia.com](mailto:pds.obs@airservicesaustralia.com)> and quoting “SY-CA-315”.
3. Separate approval **must be sought** under the Regulations for any cranes required to construct the building. 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 Regulations. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
4. 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.

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

Yours sincerely



**Craig Downsborough  
Director, Airspace Protection  
Aviation and Airports Division**

| July 2016