



## Australian Government

### Department of Infrastructure, Regional Development and Cities

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

**Proposed Activity:** Construction of a building

**Location:** 2 - 10 Phillip Street, Parramatta NSW

**MGA 94 Coordinates:** E 315189; N 6256294

**Proponent:** Parramatta City Council

I refer to the application from Parramatta City Council (the Proponent), received by the Department of Infrastructure, Regional Development and Cities (the Department) on 5 February 2018 from Bankstown Airport Limited (BAL). This application sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 2 - 10 Phillip Street, Parramatta 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 Outer Horizontal Surface of the OLS above this site is at a height of 156 metres AHD and hence prescribed airspace above the site commences at 156 metres AHD. At a maximum height of 208 metres AHD, the building will penetrate the OLS by 52 metres.

Accordingly, the construction of the building constitutes 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 the proposed activity that will intrude into prescribed airspace for Bankstown Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 315189; N 6256294	208 metres	52 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. 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 2 - 10 Phillip Street, Parramatta NSW into prescribed airspace for Bankstown Airport to a **maximum height of 208 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 BK-CA-053 P2 and BAL.

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 **208 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 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 Manual of Standards Part 139 – Aerodromes (MOS). Characteristics for medium intensity lights are stated in subsection 9.4.7 of the MOS.
3. The Proponent **must ensure** obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert Bankstown Airport reporting staff of any outage. For detailed requirements for obstacle lighting monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS.
4. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting BK-CA-053 P2.

5. Separate approval **must be sought** under the Regulations for any construction equipment (i.e. cranes) required to construct the building. The Department notes that a proposal for a tower crane at 233m AHD has been assessed by Airservices Australia and would have no impact on Airservices procedures at Bankstown Airport or Westmead Hospital Helicopter Landing Site.
6. At the completion of the construction of the building, a certified surveyor is to notify (in writing) BAL 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

 March 2018