



Australian Government

Department of Infrastructure, Regional Development and Cities

File reference: F17/968-13

TO	CC	FROM
Glen Francis Statewide Planning Pty Ltd g.francis@statewideplanning.com.au	Mr David Binskin Sydney Metro Airports David.Binskin@bankstownairport.com.au Civil Aviation Safety Authority airspace.protection@casa.gov.au Airservices Australia airport.developments@airservicesaustralia.com ifp@airservicesaustralia.com City of Parramatta council@cityofparramatta.nsw.gov.au	Flysafe Airspace Protection flysafe@infrastructure.gov.au

DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of a building
Location: 116 Macquarie Street & 7 Charles Street, Parramatta NSW
MGA 94 Coordinates: E 315698.926, N 6265433.203
Proponent: Statewide Planning Pty Ltd

I refer to the application from Statewide Planning Pty Ltd (the Proponent), received by the Department of Infrastructure, Regional Development and Cities (the Department) on 23 November 2017 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 116 Macquarie Street & 7 Charles 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 162.47 metres AHD, the building will penetrate the OLS by 6.47 metres AHD.

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 315698.926, N 6265433.203	162.47 metres	6.47 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.

Decision

As you may be aware, the Secretary is required under regulation 15(1AB) of the Regulations to make a decision about the proposal within 28 days of receiving the application. I am the Secretary's Delegate for the purposes of the Regulations. Due to delays in our processes a decision was not made in this timeframe. Therefore, under regulation 15(2) this proposal was taken to have been refused. However, the Department has now considered the application in full and I have re-made the decision.

In accordance with regulation 14, I **approve** the controlled activity for the intrusion of a building at 116 Macquarie Street & 7 Charles Street, Parramatta NSW into prescribed airspace for Bankstown Airport to a **maximum height of 162.47 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-066 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 **162.47 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** the obstacle lighting is monitored for ongoing availability.
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-066.

5. At the completion of the construction of the building, a certified surveyor is to notify (in writing) Bankstown Airport of the finished height of the building.

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

I apologise for the delay in finalising this approval.

Yours sincerely



Craig Downsborough
Director, Airspace Protection
Aviation and Airports Division

10 January 2018