



Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of a building

Location: 89-91 George Street, Parramatta NSW

Coordinates: E 315623.782; N 6256564.199 (MGA 2020)

Proponent: Icon Project Management

I refer to the application from Icon Project Management (the Proponent), received by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) on 30 November 2022 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 89-91 George 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' and airspace declared in a declaration, under regulation 5, relating to the airport.

The declared Outer Horizontal Surface of the OLS above this site is at a height of 156 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 156 metres AHD. At a maximum height of 243 metres AHD, the building will penetrate the declared OLS by 87 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	Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 315623.782; N 6256564.199	243 metres	87 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

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.

Due to delays with our processes and the time taken to receive all the information that is relevant under the Regulations, a decision was not made within this timeframe. Therefore, under regulation 15(2) this proposal was taken to have been refused. However, as this information has now been received and the Department has now considered the application in full, I have re-made the decision.

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of a building at 89-91 George Street, Parramatta NSW into prescribed airspace for Bankstown Airport to a **maximum height of 243 metres AHD**.

In making my decision, I have taken into consideration the opinions of the Proponent, the Civil Aviation Safety Authority, Airservices Australia (advice number YSBK-CA-115) 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 **243 metres AHD, including 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 obstacle lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged as per Section 9.31 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual of Standards (MOS). Characteristics for medium intensity lights are described in Section 9.33 of the MOS.
3. The Proponent **must ensure** obstacle lighting is maintained in serviceable condition and any outage immediately notified to BAL.

4. The Proponent **must ensure** the obstacle lighting is monitored or BAL is to monitor the ongoing availability of the obstacle lighting. For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to Section 9.36 of the MOS.
5. Separate approval **must be sought** under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps 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 (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.

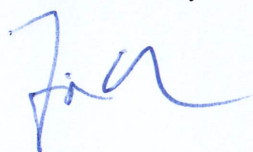
I note the Proponent advised that the crane proposed for the construction of the building would not exceed a height of 307.2 metres AHD and intrude prescribed airspace no earlier than 2028. I understand that a controlled activity application for the crane has not been brought forward and is not being considered at this time.

Airservices Australia advised on 28 September 2023 (advice number YSBK-CA-115 P2) that the crane at a maximum height of 307.2 metres AHD would not have an impact on Airservices Australia designed Airspace Procedures, the Sydney Radar Terrain Clearance Chart (RTCC), Communications, Navigation and Surveillance (CNS) facilities or Air Traffic Control (ATC) operations at Bankstown and Sydney aerodromes, or Westmead Hospital Helicopter Landing Sites (HLS).

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-115.
7. Following completion of the building, the Proponent **must advise** BAL, 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.
8. On completion of construction of the building, the Proponent **must provide** BAL with a written report from a certified surveyor on the finished height of the building.
9. A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

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

Yours sincerely



Jurgen Schob
A/g Director
Airspace Protection & Airport Safeguarding
Domestic Aviation & Reform

6 November 2023