

## **ATTACHMENT A: EXTERNAL REFERRAL COMMENTS**

### **Sydney Airport Response**



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Communications**

*File reference: F20/697-39*

TO	CC	FROM
Mr Jonathan Combley <b>Perpetual Corporate Trust Ltd</b> <a href="mailto:jonathan.combley@scape.com">jonathan.combley@scape.com</a>	<b>Sydney Airport</b> <a href="mailto:airspaceprotection@syd.com.au">airspaceprotection@syd.com.au</a>  <b>Civil Aviation Safety Authority</b> <a href="mailto:airspace.protection@casa.gov.au">airspace.protection@casa.gov.au</a>  <b>Airservices Australia</b> <a href="mailto:airport.developments@airservicesaustralia.com">airport.developments@airservicesaustralia.com</a> <a href="mailto:ifp@airservicesaustralia.com">ifp@airservicesaustralia.com</a>  <b>Randwick City Council</b> <a href="mailto:council@randwick.nsw.gov.au">council@randwick.nsw.gov.au</a> <a href="mailto:Louis.coorey@randwick.nsw.gov.au">Louis.coorey@randwick.nsw.gov.au</a>	<b>Flysafe</b> <b>Airspace Protection</b> <a href="mailto:flysafe@infrastructure.gov.au">flysafe@infrastructure.gov.au</a>

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

**Proposed Activity:** Construction of a building

**Location:** 1 Bunnerong Road, Kingsford NSW

**MGA 94 Coordinates:** E 336251; N 6244729.737

**Proponent:** Perpetual Corporate Trust Ltd

I refer to the application from Randwick City Council on behalf of Perpetual Corporate Trust Ltd (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 3 May 2021 from Sydney Airport Corporation Limited (SACL). This application (SACL Ref. 20/0528a) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 1 Bunnerong Road, Kingsford NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Sydney 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 Inner Horizontal Surface of the OLS above this site is at a height of 51 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 51 metres AHD. At a maximum height of 80.27 metres AHD, the building will penetrate the OLS by 29.27 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 Sydney Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 336251; N 6244729.737	80.27 metres	29.27 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 1 Bunnerong Road, Kingsford NSW into prescribed airspace for Sydney Airport to a **maximum height of 80.27 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 YSSY-CA-343, airlines and SACL.

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 **80.27 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 low intensity steady red 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 2019 (the MOS). Characteristics for low intensity lights are stated in subsection 9.32 of the MOS.
3. If at any time after the height of the building has reached 51 metres AHD, the crane(s) used to construct the building are removed and no other crane(s) are in place then the Proponent **must arrange** for the highest point of the building to be obstacle lit with low intensity steady red lighting during the hours of darkness. The obstacle lights **must be arranged** to ensure the lighting can be observed in a 360 degree radius as per Chapter 9 Division 4 of the MOS.
4. The proponent must ensure obstacle lighting is maintained in serviceable condition and any outage immediately notified to SACL.

5. The obstacle lighting **must incorporate** an alarm system that will provide remote monitoring to notify the person responsible for their maintenance. The designated person **must be available** 24 hours per day, 7 days per week. Action **must be taken** to repair the obstacle lighting within 12 hours of the light not operating. The contact details of the person responsible for the monitoring of the obstacle lighting **must be sent** to Sydney Airport, and will be kept up to date. In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting **must immediately contact** the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 02 9667 9824. Once the obstacle lighting is again working, the person responsible for the maintenance of the obstacle lighting **must notify** the Sydney Airport Airfield Operations Supervisor.
6. Following completion of the building, the Proponent **must advise** SACL, 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.
7. Separate approval **must be sought** under the Regulations for any equipment (i.e. 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) be obtained prior to any commitment to construct.
8. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSSY-CA-343.
9. On completion of construction of the building, the Proponent **must provide** the SACL airfield design manager with a written report from a certified surveyor on 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



Sarah Tink  
Director  
Demand Management and Protection of Airspace  
Aviation and Airports

12 May 2021

**RMS and Transport for NSW response (Transport for NSW sought in affiliation with RMS to provide one single response to the proposed development:**



Transport  
for NSW

Our Reference: SYD21/00874/4  
Council Reference: DA/311/2020/B

21 December 2021

Ms. Therese Manns  
General Manager  
Randwick City Council  
30 Frances Street  
Randwick NSW 2031

Attention: Louis Coorey

Dear Ms. Manns,

**SECTION 4.58 APPLICATION FOR MODIFICATION OF DA/311/2020  
PROPOSED MIXED-USE DEVELOPMENT  
1 BUNNERONG ROAD KINGSFORD**

Reference is made to the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* and concurrence under section 138 of the *Roads Act, 1993*.

TfNSW has reviewed the material and advises that the proposed modification has a negligible impact to the surrounding classified road network. As such, TfNSW has no further objections subject to previously provided TfNSW requirements dated 19 August 2020 and suggested condition in TAB A for Council's consideration.

For more information, please contact Vic Naidu, A/Senior Land Use Planner, via [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink that reads "Be Pegg".

Brendan Pegg  
A/Senior Manager Land Use Assessment Eastern  
Planning and Programs, Greater Sydney Division

## TAB A

### Design of Outdoor Terrace, Balconies, External Windows

#### Comment

It is not clear from the information provided in the modification proposal that the outdoor terrace area, balconies and external windows facing Anzac Parade are proposed not to have an opening facing the light rail corridor and Anzac Parade. It is advised that measures need to be proposed to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20 metres and face the rail corridor.

#### Recommendation

It is requested that the applicant designs outdoor terrace, balconies, external Windows facing the light rail corridor and Anzac Parade in accordance with Section 5.4 of the ASA standard T HR Cl 12090 ST Airspace and External Developments version 1.0.

## **NSW Police Response**

**From:** Benjamin O'Reilly <orei2ben@police.nsw.gov.au>

**Sent:** Monday, 31 January 2022 10:26 AM

**To:** Louis Coorey <Louis.Coorey@randwick.nsw.gov.au>

**Subject:** DA/311/2020/B 0 391-397A Anzac Parade, Kingsford [SEC=OFFICIAL]

Hi Louis,

I have reviewed DA/311/2020/B 0 391-397A Anzac Parade, Kingsford and have no issues to raise toward this DA.

Please let me know if you require anything else.

Kind regards,

Benjamin O'Reilly  
Senior Constable  
Crime Prevention Officer  
Maroubra Police Station  
Ph: 02 9349 9299