

ATTACHMENT A: EXTERNAL REFERRAL COMMENTS

- 1. Sydney Airport Response**
- 2. RMS response:**
- 3. TfNSW response:**
- 4. Water NSW**
- 5. NSW Police Response**

1. Sydney Airport Response



Australian Government

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

File reference: F22/1157-02

| TO | CC | FROM |
|---|---|--|
| Christopher Croucamp Scape Australia Management Pty Ltd propertymanagement@scape.com | Sydney Airport airspaceprotection@syd.com.au Civil Aviation Safety Authority airspace.protection@casa.gov.au Airservices Australia airport.developments@airservicesaustralia.com ifp@airservicesaustralia.com Randwick City Council council@randwick.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: 191-197 Anzac Parade, Kensington NSW

Coordinates: E 335818; N 6246062

Proponent: Scape Australia Management Pty Ltd for Perpetual Trustee Company Limited

I refer to the application from Scape Australia Management Pty Ltd on behalf of Perpetual Trustee Company Limited (the Proponent), received by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) on 22 June 2022 from Sydney Airport Corporation Limited (SACL). This application (SACL Ref: 22/0424) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of a building at 191-197 Anzac Parade, Kensington 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 Conical Surface of the OLS above this site is at a height of 54 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 54 metres AHD. At a maximum height of 57.92 metres AHD, the building will penetrate the OLS by 3.92 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 Sydney Airport.

| Activity | Coordinates | Maximum height (AHD) | Penetration of prescribed airspace |
|----------|---------------------|----------------------|------------------------------------|
| Building | E 335818; N 6246062 | 57.92 metres | 3.92 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 the time taken to receive the opinion of Airservices Australia, whose advice 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 191-197 Anzac Parade, Kensington NSW into prescribed airspace for Sydney Airport to a **maximum height of 57.92 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-641 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 **57.92 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.**
2. Separate approval **must be sought** under the Regulations for any equipment (e.g. 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 (e.g. cranes) be obtained prior to any commitment to construct.

3. 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-641.
4. On completion of construction of the building, the Proponent **must provide** SACL with the surveyed height of the building.
5. 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



Phil McClure
Assistant Secretary
Airports
Domestic Aviation & Reform

21 October 2022

2. RMS response:



Transport
for NSW

Our Reference: SYD21/00298/06
Council Reference: DA 20/2021 (CNR-40468)

21 June 2022

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

Dear Ms. Manns

**SECTION 4.56 MODIFICATION TO STUDENT ACCOMODATION
177-197 ANZAC PARADE, KENSINGTON**

Reference is made to Council's referral dated 3 June 2022, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) in accordance with clause 118 of *State Environmental Planning Policy (Transport & Infrastructure) 2021*.

TfNSW has reviewed the application and raises no objections to the proposed modifications provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Anzac boundary.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Hall'.

James Hall
Senior Land Use Planner
Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

Transport for NSW
27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta NSW 2150
P (02) 8265 6962 | W transport.nsw.gov.au | ABN 18 804 239 602

3. TfNSW response:

Transport for NSW



Mr Louis Coorey
Senior Environmental Planning Officer
Randwick City Council
30 Frances Street
Randwick NSW 2031

Dear Mr Coorey

Development Application for 191-197 Anzac Parade, Kensington (DA/20/2021/A)

Thank you for your correspondence via ePlanning portal (ref: CNR-40468) on 2 June 2022, requesting Transport for NSW (TfNSW) to review and comment on the above.

Protection of Sydney Light Rail Corridor

Comment

It is noted that the modification proposal includes provision of a lift overrun, fire stairs, balustrades, and mechanical plant to the rooftop of the building. It is advised that the conditions included in the TfNSW concurrence letter dated 31 March 2021 are still applicable for the proposed modification.

Recommendation

It is requested that the applicant be conditioned as outlined in the TfNSW letter dated 31 March 2021.

Design of Outdoor Terrace, Balconies, External Windows

Comment

It is noted that balustrades facing Anzac Parade have not been designed in accordance with the relevant ASA standard. It is advised that appropriate measures need to be in place to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, 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 CI 12090 ST Airspace and External Developments version 1.0, as part of this modification proposal. This would potentially avoid any further modification application associated with compliance of condition in relation to Balconies and Windows included in the Notice of Determination for the original development application.

Transport for NSW
20-44 Ennis Road, Milson Point NSW 2061 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602

OFFICIAL

If you require clarification on the above, please don't hesitate to contact Para Sangar, Senior Transport Planner, Land Use Planning and Development on 0466 024 892.

Yours sincerely



21/6/2022

Mark Ozinga

Senior Manager, Land Use Planning and Development
Customer, Strategy and Technology

Reference Objective CD22/03629

OFFICIAL

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4. Water NSW



Contact: Lauren Preston
Phone: 02 6022 5327
Email: lauren.preston@waterNSW.com.au

General Manager
Randwick City Council
192 Storey St
MAROUBRA NSW 2035

Our ref: S4551144680
File No: IDAS1134280
Your Ref: DA/20/2021/A

Attention: Louis Coorey

13 October 2022

Dear Sir/Madam

Re: Proposed modification to integrated development - DA/20/2021/A
under S4.55 of the *Environmental Planning and Assessment Act 1979*.
Work or activity described as: 80mm submersible pump
Located at: 177 Anzac Parade Kensington NSW 2033

I refer to Council's letter dated 02 June 2022 advising of the proposed modification or amendment to an integrated development proposal for the abovementioned property.

Based on a review of the information provided, WaterNSW confirms the existing **General Terms of Approval** (for work or activity requiring an approval under the *Water Management Act 2000*), **issued on 31 May 2021** remain valid for the amended proposal and no amendments to the existing General Terms of Approval are necessary.

WaterNSW should be notified if any further amendments result in more than minimal change to the proposed development or if additional works or activities are proposed.

Please direct any questions regarding this correspondence to Lauren Preston by email to lauren.preston@waterNSW.com.au.

Further information on approvals required under the *Water Management Act 2000* is located at: www.water.nsw.gov.au > [Water licensing](#) > [Approvals](#).

Yours sincerely

Martin Holland
Determining Specialist
WaterNSW

5. NSW Police Response

From: Benjamin O'Reilly <orei2ben@police.nsw.gov.au> **On Behalf Of** #EBCPO
Sent: Wednesday, 8 June 2022 10:47 AM
To: Louis Coorey <Louis.Coorey@randwick.nsw.gov.au>
Subject: RE: DA/20/2021/A [SEC=OFFICIAL]

Hi Louis,

I looked through the original DA and it appears to satisfactorily address CPTED concepts. I have no issues with this amendment.

Kind regards,

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