



Australian Government

Department of Infrastructure and Regional Development

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

Proposed Activity: Building Construction: Multi-storey buildings

Location: 130-150 Bunnerong Road, Pagewood NSW

Proponent: Meriton Group

I refer to the application from City of Botany Bay, received by the Department on 6 July 2015 from Sydney Airport Corporation Ltd (SACL). This application sought an approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for a property development at 130-150 Bunnerong Road, Pagewood NSW, into airspace which, under the Regulations, is prescribed airspace for Sydney Airport. The Department approved the proposal on 19 November 2015, based on the masterplan for the project, with conditions.

However, Meriton Group has subsequently sought clarification of the scope of the 2015 approval in the context of detailed planning processes with Bayside Council for the buildings within the masterplan. The Department then sought clarification from the Civil Aviation Safety Authority (CASA) and it provided advice regarding the controlled activity and its recommendations regarding mitigation. CASA confirmed its previous recommendation that the four most prominent buildings must be lit, and clarified that all the other buildings within the masterplan area do not require lighting.

‘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’ (see subregulation 6(1)).

The Inner Horizontal Surface of the OLS above this site is at a height of 51 metres Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 51 metres. At a maximum height of 91 metres AHD, the buildings will penetrate the OLS by up to 40 metres.

Accordingly, the proposed construction of the buildings would constitute a “controlled activity” under Section 182 of the *Airports Act 1996* (the Act). Section 183 of the Act requires that controlled activities cannot be carried out without approval. Details of the penetrations of prescribed airspace are provided in **Table 1**.

Table 1: Maximum height and location of the proposed buildings at the site that will intrude into prescribed airspace for Sydney Airport

Activity	Location	Maximum height (AHD)	Penetration of prescribed airspace (AHD)
Buildings	130-150 Bunnerong Road, Pagewood Block Numbers set out in the Masterplan: UB1 UB2 UB3 UB4 UB5W UB5C UB5E	Up to 91 metres	Up to 40 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. Paragraph 14(1)(b) provides that an approval may be granted subject to conditions.

Under the Regulations, the Secretary is empowered to make decisions in relation to the approval of controlled activities, and the imposition of conditions on approvals. I have been delegated the Secretary’s powers under the Regulations.

Decision

In making my decision, I have taken into consideration the opinions of Meriton, advice from the Civil Aviation Safety Authority of 19 January 2017, Airservices Australia advice SY-CA-197 P2 and SACL.

In accordance with Regulation 14, **I approve** the controlled activity of the intrusion of multi-storey buildings at 130-150 Bunnerong Road, Pagewood NSW, within the blocks identified in Table 1, into prescribed airspace for Sydney Airport to a **maximum height of 91 metres AHD**.

In accordance with this Regulation 14(1)(b), I impose the following conditions on my approval:

1. The buildings must **not exceed** a maximum height of **91 metres AHD**, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Buildings B3 and B6 in Urban Block UB5C and buildings A3 and A6 in Urban Block UB5W **must** be obstacle lit by low intensity steady red lighting during darkness at the highest point of the building. Obstacle lights are to be arranged so as to at least indicate the points or edges of the building to ensure the building can be observed in a 360° radius as per subsection 9.4.3 of the Manual of Standards Part 139-Aerodromes (MOS Part 139). Characteristics for low intensity lights are stated in subsection 9.4.6 of MOS Part 139.
3. The proponent **must** ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.
4. Separate approval **must be sought** under the Regulations for any cranes required to construct the buildings. 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) should be obtained prior to any commitment to construct.
5. At the completion of the construction of the buildings, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the buildings.

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 Environment
Aviation and Airports Division

23 January 2017