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1997B02704



Statutory Rules 1997 No. *K* 1

*200/*

## Airports (Building Control) Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,  
acting with the advice of the Federal Executive Council, make the  
following Regulations under the *Airports Act 1996*.

Dated *K* 1997.

*23 July/*

*K* WILLIAM DEANE/  
Governor-General

By His Excellency's Command,

*K*

*JOHN SHARP/*

Minister for Transport and Regional Development

### 1. Amendment

1.1 The Airports (Building Control) Regulations are amended as set  
out in these Regulations.

[Note: These Regulations commence on gazettal: see *Acts Interpretation  
Act 1901*, s. 48.]

**2. Regulation 2.02 (Application for approval to carry out building activity)**

2.1 Subregulation 2.02 (1):

Omit the subregulation, substitute:

**“2.02. (1) A person requiring a building approval must:**

- (a) apply in writing to the airport building controller for the airport site; and
- (b) pay a fee of:
  - (i) if the proposed building activity is the demolition of a structure—\$400; or
  - (ii) in any other case—an amount according to the total estimated cost of the proposed building or works, as set out in the table at the end of this regulation.”.

2.2 Add at the end:

“TABLE

FEES PAYABLE FOR BUILDING APPLICATIONS

Total estimated cost of proposed building or works (\$)	Fee payable for application (\$)
Up to 25,000	250
25,001 to 50,000	400
50,000 to 100,000	600
100,001 to 200,000	900
200,001 to 300,000	1200
300,001 to 400,000	1500
400,001 to 500,000	1800
500,001 to 1,000,000	2800
1,000,001 to 2,000,000	4000
2,000,001 to 3,000,000	5000
3,000,001 to 4,000,000	6000
4,000,001 to 5,000,000	7000

Total estimated cost of proposed building or works (\$)	Fee payable for application (\$)
5,000,001 to 10,000,000	10,000
10,000,001 to 20,000,000	20,000
20,000,001 to 30,000,000	30,000
30,000,001 to 40,000,000	40,000
40,000,001 to 50,000,000	50,000
50,000,001 or more	70,000".

### 3. Regulation 2.10 (Amendment of application)

3.1 Omit the regulation, substitute:

#### Amendment or withdrawal of application

“2.10. (1) At any time before the airport building controller has made a decision on an application for a building approval, the applicant may vary the application by:

- (a) giving the airport building controller written notice of the variation; and
- (b) paying the fee specified in subregulation (3).

“(2) However, subregulation (1) does not permit an applicant to vary an application in a way that would significantly alter the character, size or impact of the building activity, or the resulting development.

“(3) The fee is the total of:

- (a) \$200; and
- (b) if the estimated cost of the works, if constructed according to the application as varied, would be greater than that of the works if constructed according to the original application—the difference (if any) in the application fee payable for the original application and the application fee that would have been payable for the application as varied.

“(4) At any time before the airport building controller has made a decision on an application for a building approval, the applicant may withdraw the application by:

- (a) giving the airport building controller written notice of the withdrawal; and
- (b) paying a fee of \$200.

“(5) If an application is withdrawn, the airport building controller must refund the fee originally paid for the application.”.

#### **4. Regulation 2.16 (Variation of approval)**

4.1 Subregulations 2.16 (1) and (2):

Omit the subregulations, substitute:

“**2.16. (1)** At any time, the person carrying out a building activity under a building approval may apply to the airport building controller for the airport to vary the building approval, by:

- (a) giving the airport building controller written notice setting out the variation sought; and
- (b) paying the fee specified in subregulation (2A).

“(2) However, subregulation (1) does not permit an applicant to vary an approval in a way that would significantly alter the character, size or impact of the building activity, or the resulting development.

“(2A) The fee is the total of:

- (a) \$200; and
- (b) if the estimated cost of the works, if constructed according to the approval as varied, would be greater than that of the works if constructed according to the original approval—the difference (if any) in the application fee payable for the application for the original approval and the application fee that would have been payable for the application for the approval as varied.”.

**5. Regulation 3.02 (Application for issue of certificate of compliance)**

5.1 Add at the end:

“(2) If the building or works is not the subject of a building approval given by the airport building controller for the airport, then, before the airport building controller begins to investigate whether the building or works is to be treated as complying with these Regulations:

- (a) the airport building controller must estimate the time that will be required to carry out the investigation; and
- (b) the applicant must pay, for the application, a fee worked out by multiplying \$125 by the number of hours (taking any fraction of an hour as 1 hour) of the estimated time.

“(3) In making the estimate, the airport building controller must invite the applicant to comment on the investigation, and, in particular, the time likely to be required to carry out the investigation, and must take into account any comments made by the applicant.”.

**6. Regulation 3.10 (Variation of certificate of compliance)**

6.1 After subregulation 3.10 (1), insert:

“(1A) If the building, or works, is not the subject of a building approval given by the airport building controller for the airport, then, before the airport building controller begins to investigate whether the building or works is to be treated as complying with these Regulations:

- (a) the airport building controller must estimate the time that will be required to carry out the investigation; and
- (b) the applicant must pay, for the application, a fee worked out by multiplying \$125 by the number of hours (taking any fraction of an hour as 1 hour) of the estimated time.

“(1B) In making the estimate, the airport building controller must invite the applicant to comment on the investigation, and, in particular, the time likely to be required to carry out the investigation, and must take into account any comments made by the applicant.”.

**7. Regulation 5.01 (Fees)**

7.1 Omit the regulation.

**8. Regulation 5.02 (Review by Administrative Appeals Tribunal)**

8.1 Insert in the table after item 7:

“7A	Paragraph 3.02 (2) (a)— estimate of time that will be taken to investigate a building or structure for the issue of a certificate of compliance	the person that applied for the certificate”.
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8.2 Item 8:

Omit “certificate of fitness”, substitute “certificate of compliance”.

8.3 Item 9:

Omit “certificate of fitness”, substitute “certificate of compliance”.

8.4 Item 10:

Omit “certificate of fitness” (twice occurring), substitute “certificate of compliance”.

8.5 Insert in the table after item 10:

“10A	Paragraph 3.10 (1A) (a)— estimate of time that will be taken to investigate a building or structure for the variation of a certificate of compliance	the person that applied for the variation”.
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8.6 Item 10:

Omit “certificate of fitness” (twice occurring), substitute “certificate of compliance”.

**9. Schedule (Fees)**

9.1 Omit the Schedule.

[Note: The Note following the Schedule should also be omitted.]

**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1996 No. 292 as amended by 1997 No. 114.

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1997. 24 July