



Airports (Protection of Airspace) Amendment Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 July 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Paul Fletcher
Minister for Urban Infrastructure

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1 Name

This instrument is the *Airports (Protection of Airspace) Amendment Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	29 July 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Airports Act 1996*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Airports (Protection of Airspace) Regulations 1996

1 Before regulation 1

Insert:

Part 1—Preliminary

2 Subregulation 3(1)

Insert:

Act means the *Airports Act 1996*.

Airports Regulations means the *Airports Regulations 1997*.

3 Before regulation 5

Insert:

Part 2—Prescribed airspace

4 Before regulation 6A

Insert:

Part 3—Matters affecting whether activities are controlled activities

5 Before regulation 7

Insert:

Part 4—Notification and approval of controlled activities

6 Subregulation 7(1) (note)

Repeal the note, substitute:

Note 1: A person may commit an offence against section 183 of the Act, and remedial orders may be made under section 187 of the Act, if a controlled activity is carried out other than in accordance with an approval.

Note 2: Certain controlled activities are declared to be exempt from Division 4 of Part 12 of the Act and do not require the Secretary's approval (see Part 5 of these Regulations).

7 Subregulation 7(2) (note)

Repeal the note.

8 Regulation 8

Before “A building”, insert “(1)”.

9 At the end of regulation 8 (after the note)

Add:

- (2) Subregulation (1) does not apply in relation to a proposal for a building activity that would, if undertaken:
 - (a) constitute a controlled activity; and
 - (b) be exempt from Division 4 of Part 12 of the Act under regulation 16A (exemptions for controlled activities in relation to Sydney West Airport).

10 Subregulations 9(1) and (1A)

After “applies to”, insert “an application for approval of”.

11 After regulation 16

Insert:

Part 5—Exemptions for controlled activities**16A Exemptions for controlled activities in relation to Sydney West Airport**

- (1) For the purposes of paragraphs 183(1)(d) and 187(1)(b) of the Act, a controlled activity for prescribed airspace for Sydney West Airport is declared to be exempt from Division 4 of Part 12 of the Act if the controlled activity is covered by subregulation (2), (3) or (4).

Activities involving buildings etc. no more than 10 metres high

- (2) A controlled activity is covered by this subregulation if:
 - (a) the activity is referred to in paragraph 182(1)(a), (b) or (c) of the Act; and
 - (b) the building, structure or thing referred to in that paragraph intrudes into the prescribed airspace for Sydney West Airport but does not extend above ground level by more than 10 metres; and
 - (c) the activity is not carried out after 31 December 2025.

Activities involving temporary buildings etc.

- (3) A controlled activity is covered by this subregulation if:
 - (a) the activity is a controlled activity for prescribed airspace for Sydney West Airport; and
 - (b) the activity is referred to in paragraph 182(1)(a), (b) or (c) of the Act; and
 - (c) the activity does not continue for more than 12 months; and
 - (d) the activity is not intended to result in, and does not involve the alteration of, a building, structure, or other thing, that:
 - (i) intrudes into the prescribed airspace for Sydney West Airport; and
 - (ii) is intended to remain in place for longer than 12 months; and
 - (e) the activity is not carried out after 31 December 2025.

Activities covered by airport plan for Sydney West Airport

- (4) A controlled activity is covered by this subregulation if:
 - (a) an airport plan for Sydney West Airport is in force; and

- (b) the controlled activity is, or comprises part of, a development covered by Part 3 of the airport plan; and
- (c) the activity is not carried out after 30 June 2026.

Part 6—Miscellaneous