



Airports Legislation Amendment (Sydney West Airport Measures No. 1) Regulations 2018

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 29 March 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Paul Fletcher
Minister for Urban Infrastructure and Cities

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1 Name

This instrument is the *Airports Legislation Amendment (Sydney West Airport Measures No. 1) Regulations 2018*.

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.	7 April 2018

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Building Control) Regulations 1996

1 Before subregulation 2.24(1)

Insert:

Exempt building activities on airport sites generally

2 Subregulation 2.24(1) (note)

Repeal the note.

3 After subregulation 2.24(1)

Insert:

Additional exempt building activities on airport site for Sydney West Airport

(1A) For the purposes of subparagraphs 99(1)(e)(i) and (3)(e)(i) of the Act, building activities that occur wholly or partly before the Sydney West Airport completion day and are, or are incidental to, any of the following are exempt from Subdivision C of Division 5 of Part 5 of the Act:

- (a) installation of an underground high-voltage transmission cable;
- (b) construction of points of transition, of an underground high-voltage transmission cable from underground to above ground, on or near the boundary of the airport site for Sydney West Airport;
- (c) construction of access roads and crossing structures to facilitate:
 - (i) a building activity that is described in paragraph (a) or (b); and
 - (ii) access for maintenance;
- (d) removal of an above-ground high-voltage transmission line.

This subregulation does not limit the operation of subregulation (1) in relation to the airport site for Sydney West Airport.

Notifying airport building controller of exempt building activity

4 Before subregulation 2.24(3)

Insert:

Certifying safety of building repaired or altered because of emergency

5 Before subregulation 2.24(4)

Insert:

Keeping and inspecting records relating to exempt building activities

6 At the end of Part 3

Add:

3.17 Special exemptions for Sydney West Airport from Subdivision D of Division 5 of Part 5 of the Act

- (1) For the purposes of paragraphs 106(1)(e) and (4)(e) of the Act, buildings, structures, earthworks, engineering works, electrical works, hydraulic works or eligible alterations (as defined in section 105 of the Act) resulting from building activities to which subregulation 2.24(1A) applies are exempt from Subdivision D of Division 5 of Part 5 of the Act.

Note: Subregulation 2.24(1A) declares that certain building activities at Sydney West Airport are exempt from Subdivision C of Division 5 of Part 5 of the Act.

- (2) This regulation does not limit the operation of regulation 3.16 in relation to the airport site for Sydney West Airport.

Airports (Environment Protection) Regulations 1997**7 After subregulation 2.03(1)**

Insert:

- (1A) Paragraphs (1)(b) and (e), and the rest of these Regulations so far as they are affected by either of those paragraphs, apply in relation to Sydney West Airport and a time before the first final master plan comes into force for that airport as if:
- (a) the words “a final master plan” were omitted from those paragraphs; and
 - (b) the words “an airport plan” were substituted.

8 After subregulation 5.04(2)

Insert:

- (2A) Paragraph (2)(c) applies to consideration, of an application for approval of a local standard for Sydney West Airport, before the first final master plan comes into force for that airport as if:
- (a) the words “the objectives and proposed measures set out in the environment strategy” were omitted from that paragraph; and
 - (b) the words “an airport plan for the airport” were substituted.

9 After subregulation 5.09(2)

Insert:

- (2A) Paragraph (2)(g) applies to consideration of an application relating to Sydney West Airport before the first final master plan comes into force for that airport as if:
- (a) the words “the objectives and proposed measures set out in the environment strategy” were omitted from that paragraph; and
 - (b) the words “an airport plan for the airport” were substituted.

10 After subregulation 6.03(1)

Insert:

- (1A) Paragraph (1)(b) applies in relation to Sydney West Airport and a report for a financial year, or other reporting period, ending before the first final master plan is in force for that airport as if:

- (a) the words “achieving the policies and targets of the environment strategy” were omitted from that paragraph; and
- (b) the words “complying with the conditions in an airport plan for the airport” were substituted.

11 Regulation 6.12

Before “A report”, insert “(1)”.

12 At the end of regulation 6.12

Add:

- (2) Paragraph (1)(a) applies to a report of an examination carried out in relation to Sydney West Airport before the first final master plan comes into force for that airport as if:
 - (a) the words “the final master plan (if any)” were omitted from that paragraph; and
 - (b) the words “an airport plan” were substituted.

13 After subclause 2.05(3) of Schedule 4

Insert:

- (3A) This clause applies to noise generated from ground-based aircraft running at Sydney West Airport before the first final master plan is in force for that airport as if:
 - (a) the words “express provision in the final master plan” were omitted from paragraph (2)(b); and
 - (b) the words “the conditions in an airport plan” were substituted in paragraph (2)(b); and
 - (c) the words “final master plan (if any)” were omitted from paragraph (3)(e); and
 - (d) the words “conditions in an airport plan” were substituted in paragraph (3)(e).

14 Subclause 2.05(4) of Schedule 4

Omit “regulation”, substitute “clause”.

15 After subclause 4.01(2) of Schedule 4

Insert:

- (2A) Paragraph (2)(b) applies to a measurement of noise generated at, over or under Sydney West Airport before the first final master plan is in force for that airport as if:
 - (a) the words “detailed in the final master plan (if any)” were omitted from subparagraph (ii) of that paragraph; and
 - (b) the words “required by the conditions in an airport plan” were substituted.