



## **Airports (Major Airport Developments) Determination 2021**

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I, Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, make the following determination.

Dated                    25 March 2021

Michael McCormack  
Deputy Prime Minister and  
Minister for Infrastructure, Transport and Regional Development

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## 1 Name

This instrument is the *Airports (Major Airport Developments) Determination 2021*.

## 2 Commencement

This instrument commences on the day after it is registered.

## 3 Authority

This instrument is made under subsection 89(8) of the *Airports Act 1996*.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) building activities;
- (b) major airport development.

In this instrument:

*Act* means the *Airports Act 1996*.

**base building fit-out** means all fixtures, fittings and finishings that are not tenant fit-out.

**base services** means electricity, gas, telecommunications, water, sewerage, mechanical, fire protection and other like services.

**earthworks** includes excavating, embanking, levelling, filling, tunnelling and drilling.

**GST** has the same meaning as in section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999*.

**site establishment** means constructing or installing buildings, structures, amenities or equipment at a construction site for use during construction, for example site offices and toilet facilities.

**tenant fit-out** means fixtures, fittings and finishings attached to a building that:

- (a) are provided according to the specifications of a tenant under a lease;
- (b) are or become the property of a tenant under a lease; or
- (c) a tenant has a right or duty to remove under a lease.

**trunk infrastructure** includes gas mains, electricity substations, and infrastructure for the delivery of water, sewerage and telecommunications services, that is designed to be shared to a significant degree with other developments.

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## **5 Costs associated with an activity or thing**

For the purposes of this instrument, the following costs are included within costs associated with an activity or thing in sections 6 and 7:

- (a) all material, equipment, labour and freight costs; and
- (b) all taxes (excluding GST).

## **6 Costs included in cost of construction**

- 1) For the purposes of paragraph 89(7)(a) of the Act, the cost of construction includes costs associated with the following:
  - (a) site establishment;
  - (b) undertaking earthworks;
  - (c) constructing the following (if applicable):
    - (i) footings;
    - (ii) structure;
    - (iii) cladding;
    - (iv) roofing;
  - (d) constructing or installing base services;
  - (e) builders' margins; and
  - (f) for a development that consists of constructing a new building:
    - (i) constructing car parking facilities for use by the building's occupants or visitors; and
    - (ii) installing base building fit-out.

- 2) Despite subsections (1), a cost that is not included in the cost of construction because of section 7 is not included in the cost of construction for the purposes of paragraph 89(7)(a) of the Act.

Note: Subsection 89(2A) of the Act provides that, for the purposes of the Act, constructing a thing includes carrying out all associated building activities.

## **7 Costs not included in cost of construction**

For the purposes of paragraph 89(7)(b) of the Act, the cost of construction does not include costs associated with the following:

- (a) design fees, legal fees and financial consultant fees;
- (b) construction contingencies;
- (c) installing tenant fit-out and tenant-supplied items, including signage;
- (d) obtaining permits, approvals or authorisations (however described);
- (e) site remediation;
- (f) constructing trunk infrastructure;
- (g) financial incentives offered to attract tenants;
- (h) car parking to which subparagraph 6(1)(f) does not apply;
- (i) landscaping, external paving and fencing; and
- (j) GST.