

STATUTORY RULES

1965/6 No. 6

REGULATIONS UNDER THE AIR NAVIGATION ACT 1920-1963.*

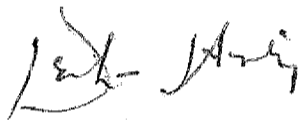
I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Air Navigation Act* 1920-1963.

Dated this thirteenth
day of January, 1966

CASEY

Governor-General.

By His Excellency's Command,



Minister of State for Civil Aviation.

AIR NAVIGATION (BUILDINGS CONTROL) REGULATIONS

1. These Regulations may be cited as the Air Navigation (Buildings Citation. Control) Regulations.

2. In these Regulations, unless the contrary intention appears, "object" Interpretation. includes a tree or other natural obstacle.

3.—(1.) A person shall not, except in accordance with an approval given under these Regulations, construct within an area to which this regulation applies a building or other structure. Prohibition of the construction of buildings in specified areas.

Penalty: Five hundred pounds or imprisonment for six months.

(2.) In this regulation, "an area to which this regulation applies" means an area described in the First Schedule to these Regulations by reference to the plan in the Fourth Schedule to these Regulations bearing the number specified in the description.

4.—(1.) A person shall not, except in accordance with an approval given under these Regulations, construct within an area to which this regulation applies a building or other structure having a greater height above the ground than twenty-five feet. Prohibition of the construction of buildings more than 25' in height in specified areas.

Penalty: Five hundred pounds or imprisonment for six months.

* Notified in the *Commonwealth Gazette* on 20 January, 1966
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(2.) In this regulation, “an area to which this regulation applies” means an area described in the Second Schedule to these Regulations by reference to the plan in the Fourth Schedule to these Regulations bearing the number specified in the description.

5.—(1.) A person shall not, except in accordance with an approval given under these Regulations, construct within an area to which this regulation applies a building or other structure having a greater height above the ground than one hundred and fifty feet.

Prohibition of the construction of buildings of more than 150' in height in certain areas.

Penalty: Five hundred pounds or imprisonment for six months.

(2.) In this regulation, “an area to which this regulation applies” means an area described in the Third Schedule to these Regulations by reference to the plan in the Fourth Schedule to these Regulations bearing the number specified in the description.

6.—(1.) An application for approval to construct a building or other structure, the construction of which is prohibited under regulation 3, 4 or 5 of these Regulations without approval, shall be in writing and shall be lodged with the Director-General.

Application for approval.

(2.) An application for approval shall state the nature and the proposed situation of the building or other structure, its height above the ground and the purposes for which it will be used.

(3.) The Director-General may, by notice in writing, require an applicant to furnish him such further information in respect to the application as is required by the notice.

7.—(1.) The Director-General or a person authorized in writing by the Minister for the purposes of this regulation may grant an approval to construct a building or other structure, the construction of which is prohibited under regulation 3, 4 or 5 of these Regulations without approval.

Grant or refusal of approval.

(2.) The Minister may refuse an application for approval or may grant an application for approval subject to such conditions with respect to the construction of the building or structure or with respect to the marking of the building or structure as are specified in the approval.

(3.) After the grant of an approval under this regulation, the Minister may, by notice in writing served on the person to whom the approval has been given—

- (a) impose conditions with respect to the marking of the building or other structure;
- (b) revoke any or all of the conditions subject to which the approval was given;
- (c) vary the conditions with respect to the marking of the building or other structure; and
- (d) impose conditions additional to those conditions,

and the conditions as so imposed, altered or added to from time to time shall be deemed to be the conditions subject to which the approval is granted.

(4.) The Minister shall not—

- (a) refuse an application for approval;
- (b) grant an application for approval subject to conditions; or
- (c) impose conditions with respect to the construction of a building or other structure or with respect to the marking of a building or other structure,

unless he is satisfied that the building or other structure, if erected, or the building or other structure if erected otherwise than in accordance with the conditions, as the case may be, will or may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity of the aerodrome situated within the area in which it is proposed to construct the building or other structure.

8. A person to whom an approval is granted under the last preceding regulation, shall comply with the conditions, if any, subject to which the approval is granted.

Penalty: Five hundred pounds or imprisonment for six months.

Penalty for failing to comply with conditions subject to which an approval is granted.

9.—(1.) Where—

- (a) there is, in an area to which regulation 3 of these Regulations applies, a building, other structure or object that constitutes or may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity of the aerodrome situated within that area;
- (b) there is, in an area to which regulation 4 of these Regulations applies a building, other structure or object having a greater height above the ground than twenty-five feet that constitutes or may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity of the aerodrome situated within that area; or
- (c) there is, in an area to which regulation 5 of these Regulations applies a building, other structure or object having a greater height above the ground than one hundred and fifty feet that constitutes or may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity of the aerodrome situated within that area,

Removal of, or marking of hazards to air navigation.

the Minister may, by notice in writing—

- (d) direct the removal within a time specified in the notice of the whole or a specified part of the building, structure or object; or
- (e) give directions with respect to the marking, whether by way of lights or otherwise, of the building, structure or object in such manner as the Minister considers is necessary to ensure that the existence of the building, structure or object is visible by day or by night to aircraft flying in the vicinity of the aerodrome situated within that area.

(2.) The powers conferred by the last preceding sub-regulation may be exercised in relation to a building or structure whether or not approval has been given under these Regulations to the construction of the building or structure.

(3.) A notice under sub-regulation (1.) of this regulation may be addressed to the person who owns the land on which the building or structure is erected or the object is situated or to the person in occupation of that land or to both of those persons.

(4.) A notice under sub-regulation (1.) of this regulation may be served—

- (a) by leaving it with, or tendering it to, the person, or to each of the persons, to whom it is addressed;
- (b) by posting it in a prepaid registered letter to the person, or to each of the persons, to whom it is addressed at his last known place of abode; or
- (c) where a person to whom the notice is addressed cannot be found and the place of abode of the person is unknown—by affixing it in a conspicuous position on or near to the object to which the notice relates.

(5.) A person shall comply with the requirements in a notice served on him under this regulation.

Penalty: One hundred pounds or imprisonment for three months.

10. Where a person fails to comply, within the time specified in a notice served on him under the last preceding regulation, with a requirement in the notice, the Minister may, by notice in writing under his hand, direct such persons as are specified in the notice to enter upon the land on which the object concerned is situated and carry out the requirement which has not been complied with.

Provisions applicable where notice is not complied with.

11. Where, under these Regulations, a building, other structure or object has been removed from any land or has been marked, any person who suffers loss or damage, or incurs expense, in or as a direct result of the removal or marking, is entitled to compensation from the Commonwealth.

Compensation to owners, &c.

12.—(1.) A person authorized in writing by the Minister may enter upon any land for the purpose of—

- (a) ascertaining whether the provisions of these Regulations are being complied with;
- (b) ascertaining whether the conditions to which an approval given by the Minister under these Regulations is subject are being complied with;
- (c) determining the terms of a notice to be served under regulation 9 of these Regulations;
- (d) ascertaining whether the requirements in a notice served under regulation 9 of these Regulations are being, or have been complied with; or
- (e) gaining access to an area specified in a Schedule to these Regulations.

Minister and authorized persons to have certain powers.

(2.) The Minister may authorize any necessary action and the use of any reasonable force for the purpose of preventing a contravention of, or securing compliance with, these Regulations.

13. A person shall not wilfully make a false or misleading statement in or in connexion with an application under regulation 6 of these Regulations.

False statements.

Penalty: One hundred pounds or imprisonment for three months.

THE SCHEDULES.








FIRST SCHEDULE.

Regulation 3.

Item No.	Area
1.	The area of land in the vicinity of the aerodrome known as Sydney (Kingsford Smith) Airport in the State of New South Wales delineated by cross hachuring on Plan No. 1 in the Fourth Schedule to these Regulations.
2.	The area in the vicinity of the aerodrome known as Sydney (Kingsford Smith) Airport in the State of New South Wales delineated by cross hachuring on Plan No. 2 in the Fourth Schedule to these Regulations.
3.	The area of land in the vicinity of the aerodrome known as Bankstown Airport in the State of New South Wales delineated by cross hachuring on Plan No. 3 in the Fourth Schedule to these Regulations.
4.	The area of land in the vicinity of the aerodrome known as Bankstown Airport in the State of New South Wales delineated by cross hachuring on Plan No. 4 in the Fourth Schedule to these Regulations.
5.	The area in the vicinity of the aerodrome known as Moorabbin Airport in the State of Victoria delineated by cross hachuring on Plan No. 5 in the Fourth Schedule to these Regulations.
6.	The area in the vicinity of the aerodrome known as Moorabbin Airport in the State of Victoria delineated by cross hachuring on Plan No. 6 in the Fourth Schedule to these Regulations.
7.	The area in the vicinity of the aerodrome known as Adelaide Airport in the State of South Australia delineated by cross hachuring on Plan No. 7 in the Fourth Schedule to these Regulations.








SECOND SCHEDULE.

Regulation 4.

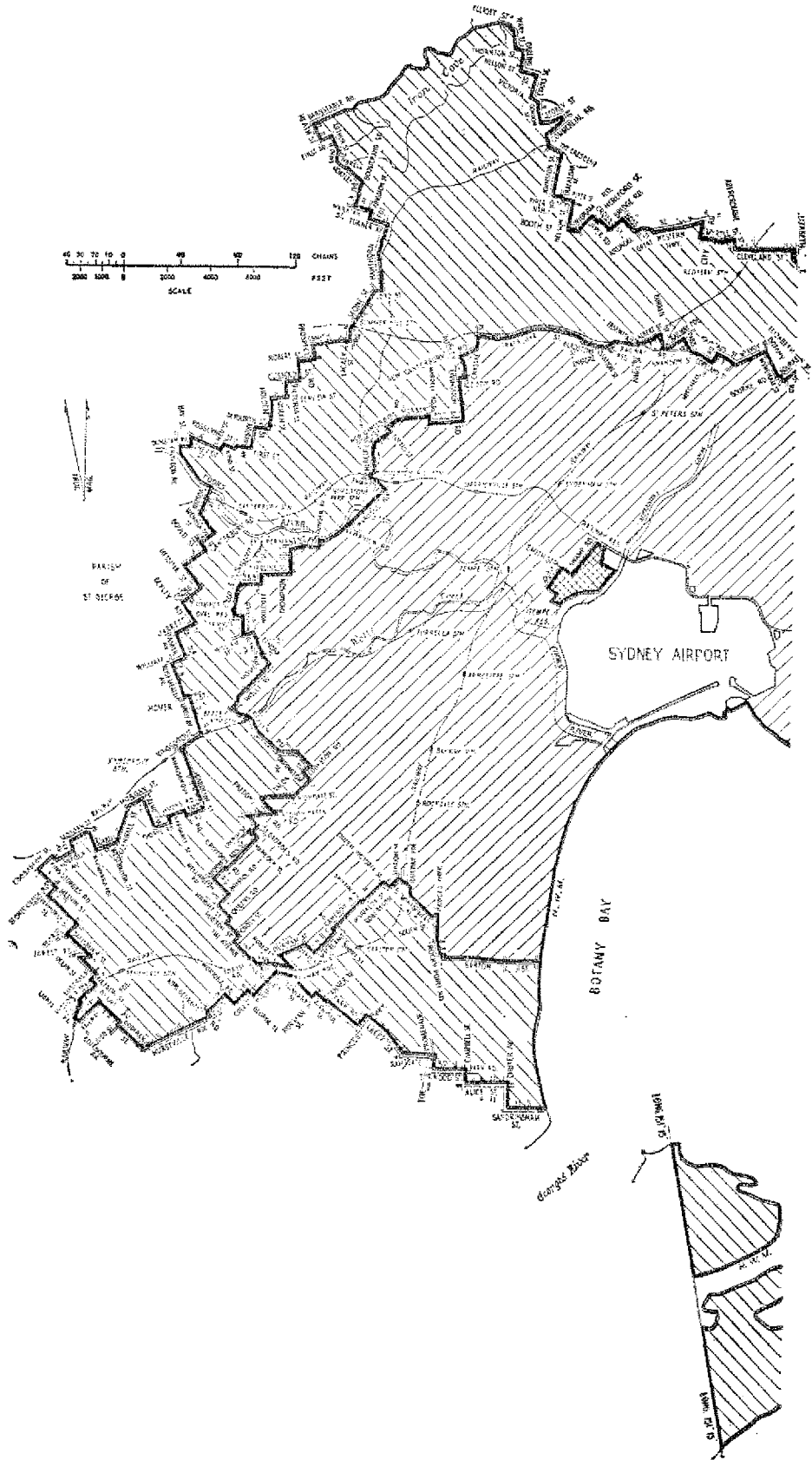
Item No.	Area
1.	The area of land in the vicinity of the aerodrome known as Sydney (Kingsford Smith) Airport in the State of New South Wales delineated by oblique hachuring, thus  , on Plan No. 1 in the Fourth Schedule to these Regulations.
2.	The area in the vicinity of the aerodrome known as Sydney (Kingsford Smith) Airport in the State of New South Wales delineated by oblique hachuring, thus  , on Plan No. 2 in the Fourth Schedule to these Regulations.
3.	The area of land in the vicinity of the aerodrome known as Bankstown Airport in the State of New South Wales delineated by oblique hachuring, thus  , on Plan No. 3 in the Fourth Schedule to these Regulations.
4.	The area of land in the vicinity of the aerodrome known as Bankstown Airport in the State of New South Wales delineated by oblique hachuring, thus  , on Plan No. 4 in the Fourth Schedule to these Regulations.
5.	The area in the vicinity of the aerodrome known as Moorabbin Airport in the State of Victoria, delineated by oblique hachuring, thus  , on Plan No. 5 in the Fourth Schedule to these Regulations.
6.	The area in the vicinity of the aerodrome known as Moorabbin Airport in the State of Victoria delineated by oblique hachuring, thus  , on Plan No. 6 in the Fourth Schedule to these Regulations.
7.	The area in the vicinity of the aerodrome known as Adelaide Airport in the State of South Australia, delineated by oblique hachuring, thus  , on Plan No. 7 in the Fourth Schedule to these Regulations.

THIRD SCHEDULE.

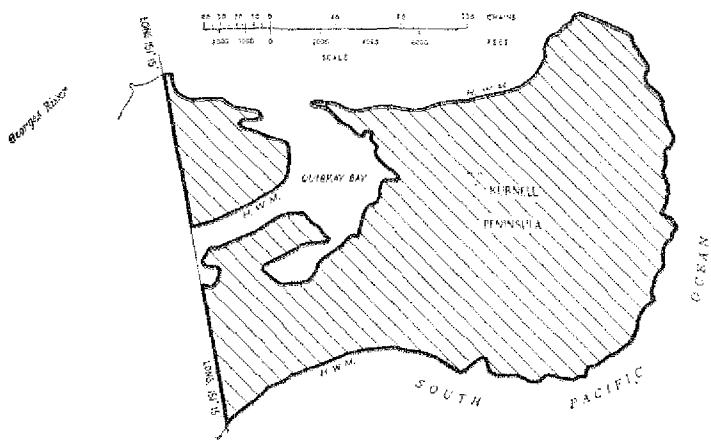
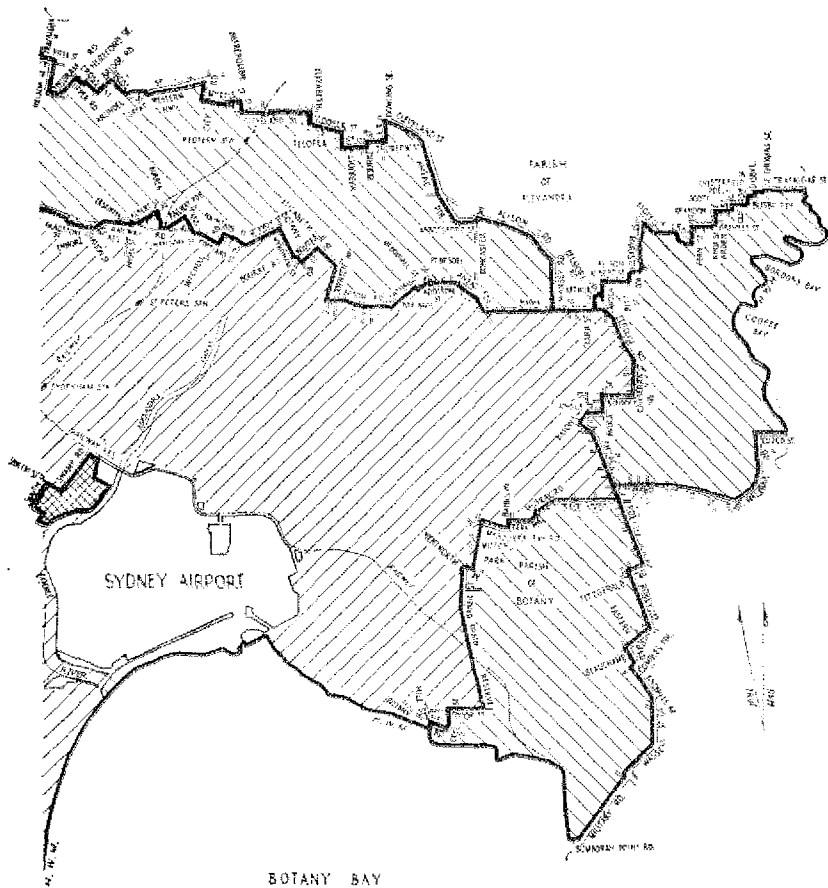
Regulation 5.

Item No.	Area
1.	The area of land in the vicinity of the aerodrome known as Sydney (Kingsford Smith) Airport in the State of New South Wales delineated by oblique hachuring, thus  , on Plan No. 1 in the Fourth Schedule to these Regulations.
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3.	The area of land in the vicinity of the aerodrome known as Bankstown Airport in the State of New South Wales delineated by oblique hachuring, thus  , on Plan No. 3 in the Fourth Schedule to these Regulations.
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5.	The area in the vicinity of the aerodrome known as Moorabbin Airport in the State of Victoria delineated by oblique hachuring, thus  , on Plan No. 5 in the Fourth Schedule to these Regulations.
6.	The area in the vicinity of the aerodrome known as Moorabbin Airport in the State of Victoria delineated by oblique hachuring, thus  , on Plan No. 6 in the Fourth Schedule to these Regulations.
7.	The area in the vicinity of the aerodrome known as Adelaide Airport in the State of South Australia, delineated by oblique hachuring, thus  , on Plan No. 7 in the Fourth Schedule to these Regulations.

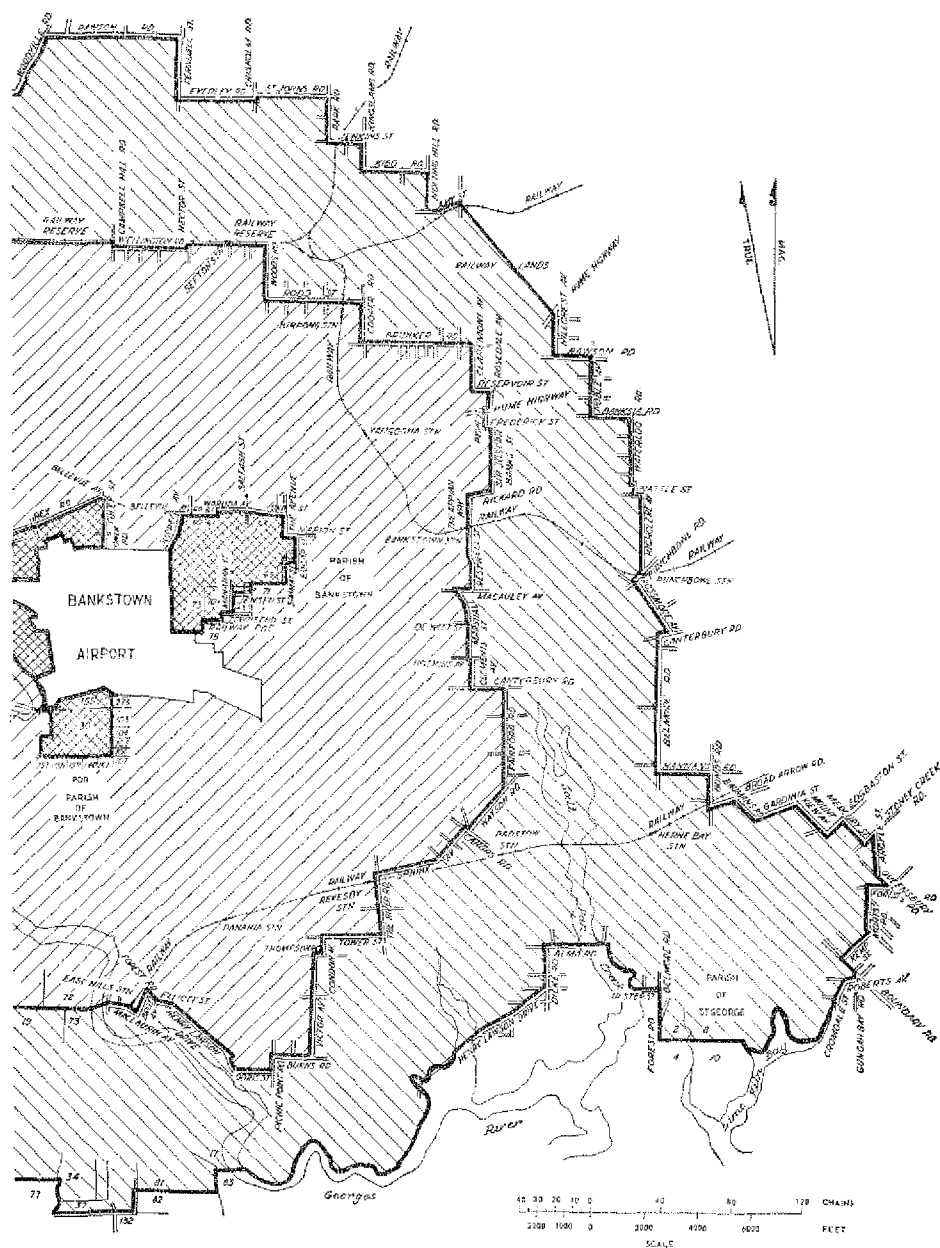
FOURTH SCHEDULE.
Plan No. 1.—Sydney (Kingsford Smith) Airport.



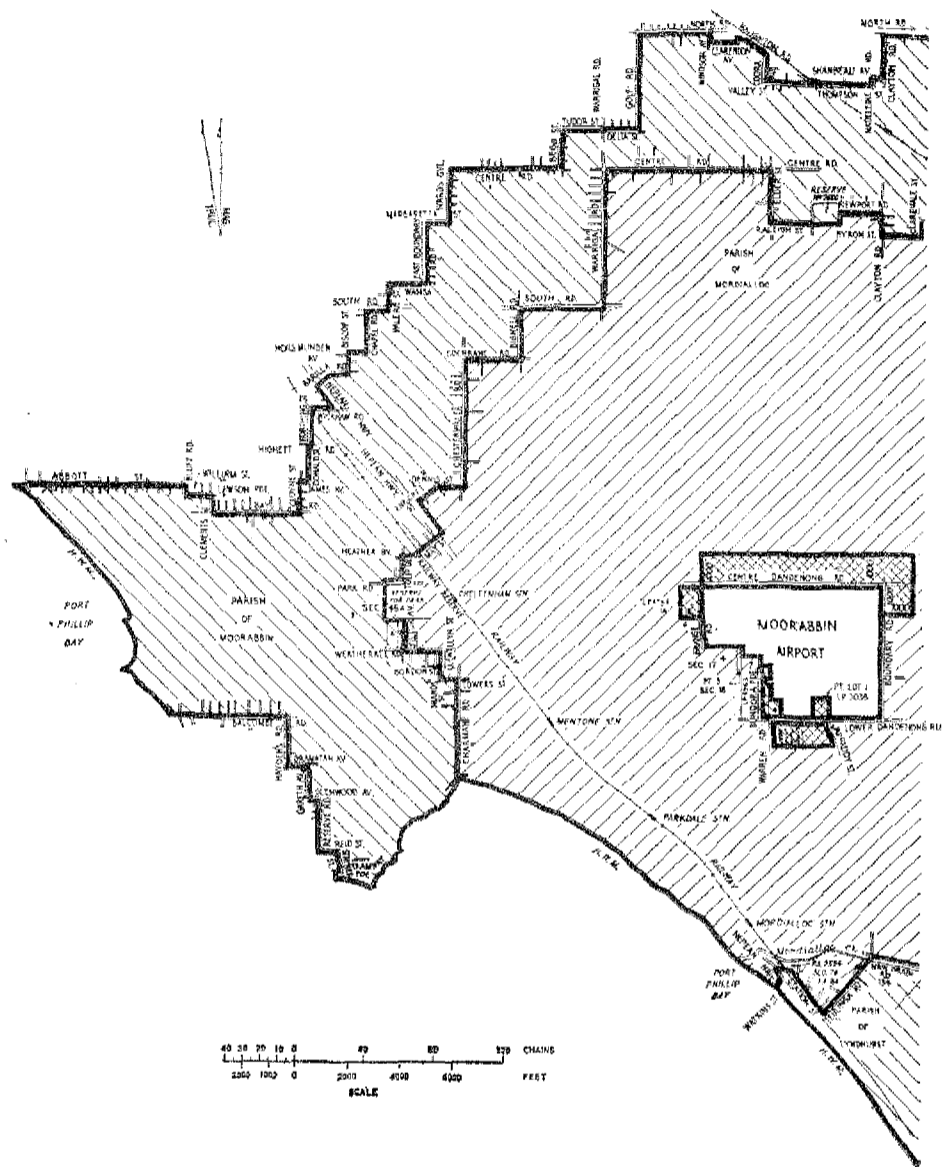
FOURTH SCHEDULE—continued.
Plan No. 2.—Sydney (Kingsford Smith) Airport.



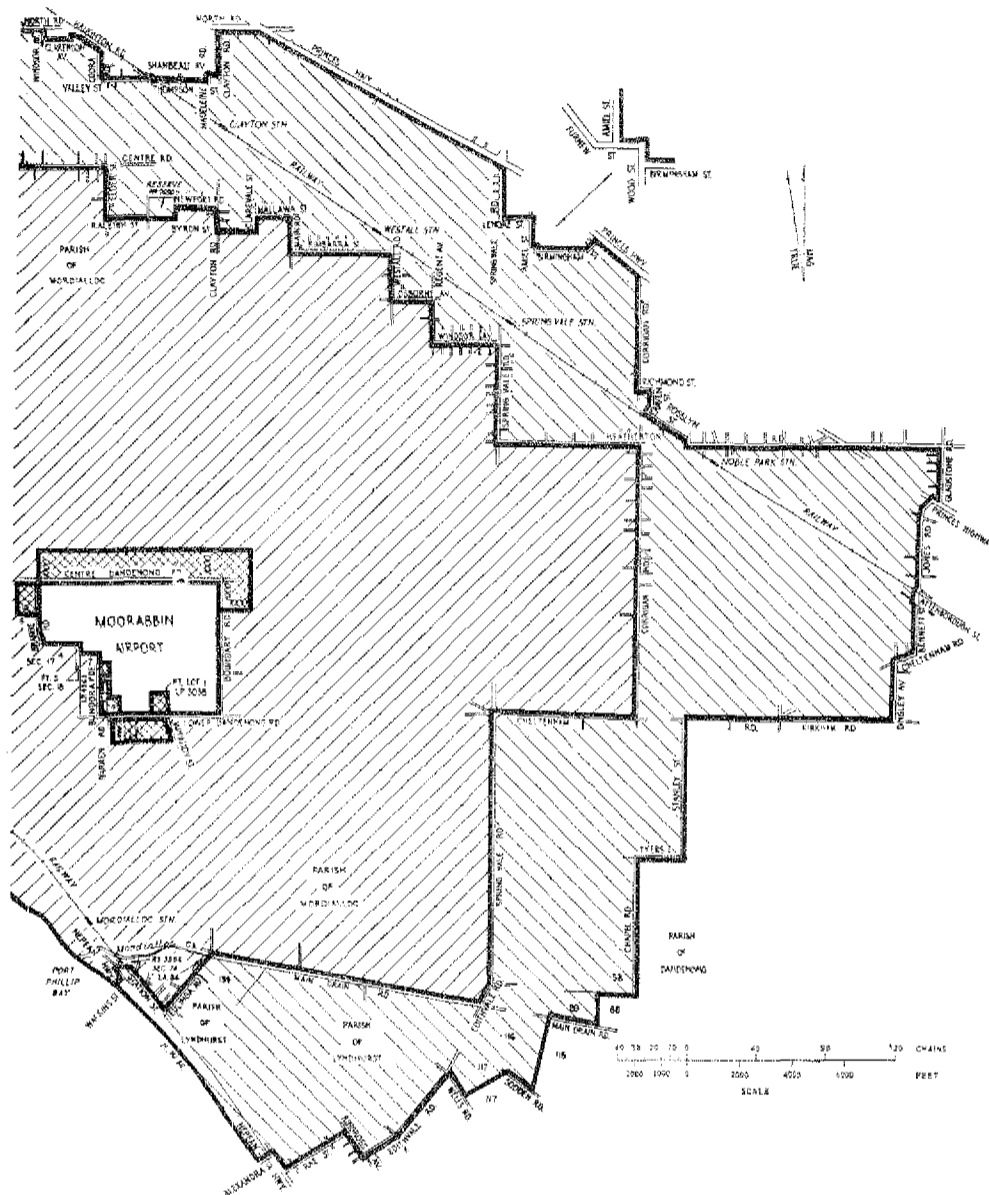
FOURTH SCHEDULE—continued.
Plan No. 4.—Bankstown Airport.



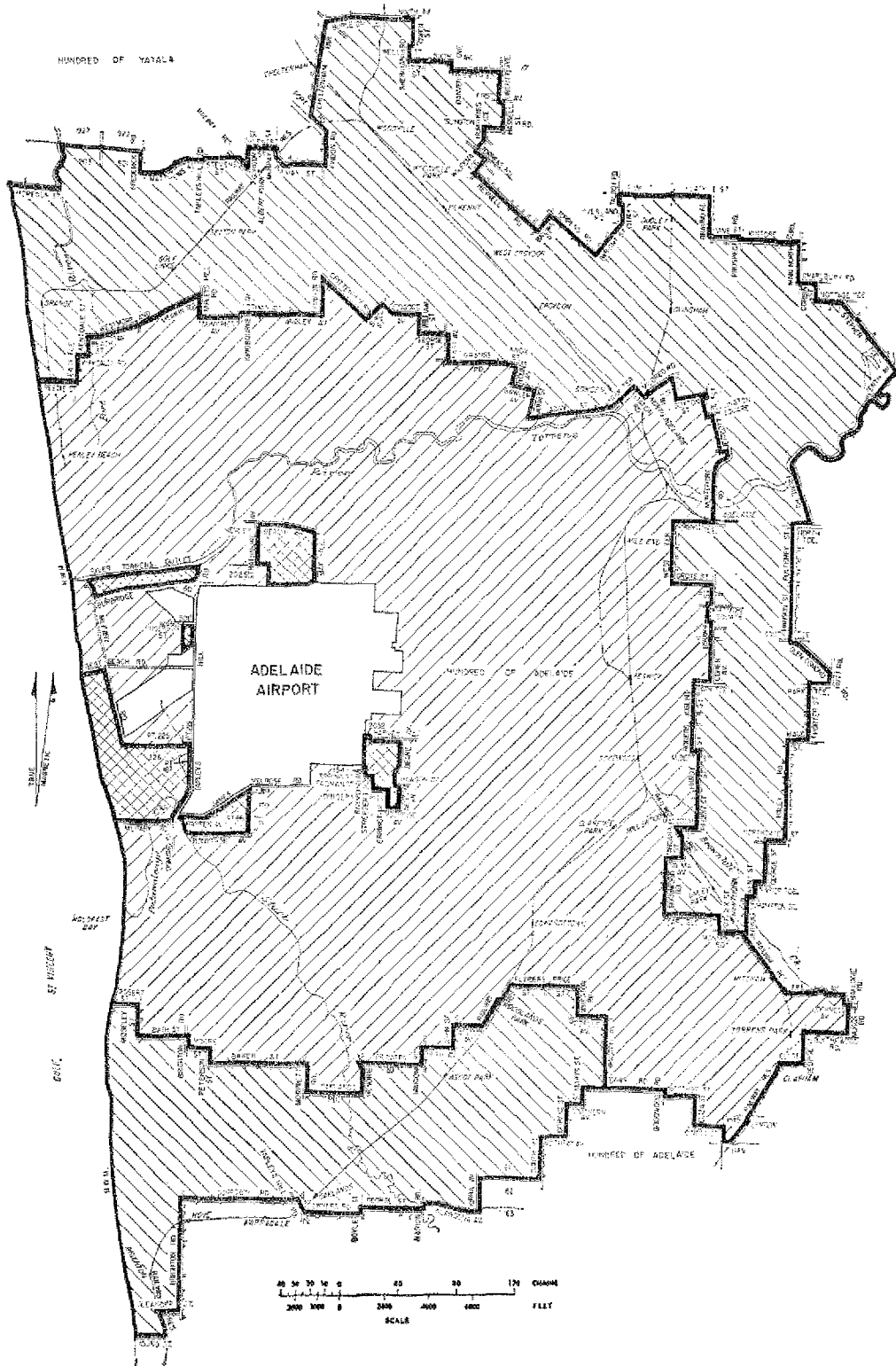
FOURTH SCHEDULE—continued.
Plan No. 5.—Moorabbin Airport.



FOURTH SCHEDULE—continued.
Plan No. 6.—Moorabbin Airport.



FOURTH SCHEDULE—continued.
Plan No. 7.—Adelaide Airport.



By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.