

Defence (Areas Control) Regulations (Amendment) 1998 No. 60

EXPLANATORY STATEMENT

STATUTORY RULES 1998 NO. 60

Issued by the Authority of the Minister for Defence

Defence Act 1903

Defence (Areas Control) Regulations (Amendment)

The Defence (Areas Control) Regulations (the Principal Regulations), made under the Act, enable restrictions to be placed on the heights of buildings and other objects in the vicinity of Defence airfields. These restrictions are necessary for safe aircraft operations, and for the effective operation of radar installations and other air navigation aids, which require obstruction-free approaches to airfields.

The Principal Regulations confer powers in association with the restrictions (such as a right of entry on land). Notice must be given to owners whose land becomes subject to the Principal Regulations, and provision is made for compensation to the owners of interests in land where the value of those interests is diminished by reason of the land becoming affected by the restrictions. Provision is also made for the approval of buildings and structures that would otherwise infringe the restrictions.

The Administrative Appeals Tribunal is empowered to review decisions or directions made or given under the Principal Regulations.

Previously, the Principal Regulations applied to the Defence airfields at Nowra in New South Wales, Learmonth and Pearce/Gingin in Western Australia, Edinburgh in South Australia, Scherger in Queensland, Tindal in the Northern Territory and East Sale in Victoria. The Statutory Rule amends the Principal Regulations to extend the cover to Royal Australian Air Force (RAAF) Base Darwin in the Northern Territory.

The Statutory Rule applies the Principal Regulations to RAAF Base Darwin by adding to the Principal Regulations a new Schedule 13, which contains 13 plans identifying the areas affected. Consequential amendments are also made to Schedules 1, 2, 3, 4 and 5 of the Principal Regulations, which contain the key to the hachurings used in Schedule 13, covering Darwin.

The effect of the amendments made by the Statutory Rule is to establish the same range of height restrictions at Darwin as at the other prescribed airfields. Depending on operational requirements in each area delineated by the plans contained in Schedule 13, approval may be required for any building, buildings higher than 7.5 metres, buildings higher than 15 metres, buildings higher than 45 metres or buildings higher than 90 metres.

As part of the arrangements for the amendment of the Principal Regulations to cover Darwin, there was consultation with the relevant Northern Territory Government and Local Government authorities. As Darwin is a joint user airfield, there was also consultation with the Federal Airports Corporation. This consultation is in addition to the requirement for public notification, which will be undertaken now the amendments are approved.

The Statutory Rule comes into operation on the date of gazettal.

