



Airports Legislation Amendment (2015 Measures No. 1) Regulation 2015

Select Legislative Instrument No. 122, 2015

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 regulation.

Dated 23 July 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Warren Truss
Minister for Infrastructure and Regional Development

OPC60980 - B

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1 Name

This is the *Airports Legislation Amendment (2015 Measures No. 1) Regulation 2015*.

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.	25 July 2015

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subregulation 3(1) (paragraph (a) of the definition of *building authority*)

Repeal the paragraph, substitute:

- (a) for a building activity that is proposed to be carried out on an airport site for which there is an airport lease—means the airport building controller (within the meaning of the *Airports (Building Control) Regulations 1996*) for the airport site; or
- (aa) for a building activity that is proposed to be carried out on an airport site for which there is no airport lease—means the person appointed by the Secretary as the building authority for the airport site for the purposes of this paragraph; or

2 Subregulation 3(1) (definition of *proponent*)

Omit “proposes, under regulation 9,”, substitute “proposes”.

3 Paragraph 5(2)(a)

Repeal the paragraph, substitute:

- (a) if there is a final master plan for the airport—any changes to the OLS and PANS-OPS surfaces for the airport proposed in the final master plan; and

4 Subregulation 6(2)

Omit “an airport”, substitute “an airport, or, if there is no airport-operator company for the airport, the Secretary”.

5 Subregulation 6(4)

Omit “An airport-operator company complies with subregulation (2) if it”, substitute “An airport-operator company or the Secretary complies with subregulation (2) if the company or Secretary”.

6 Regulation 6A

Omit “subparagraph 182(f)(i)”, substitute “subparagraph 182(1)(f)(i)”.

7 Subregulation 7(2)

Omit “be given to the airport-operator company for the airport, or each airport, concerned at least 28 days before the proponent’s intended commencement of the controlled activity and must”.

8 After subregulation 7(2)

Insert:

- (3) The proponent must give the application to whichever of the following is applicable for each airport concerned:
 - (a) if there is an airport-operator company for the airport—the company;
 - (b) if there is no airport-operator company for the airport—the Secretary.
- (4) The proponent must give the application to the applicable person under subregulation (3) for each airport concerned at least 28 days before the proponent’s intended commencement of the controlled activity.

9 Regulation 8

Omit “for the airport.”, substitute “for the airport, or, if there is no airport-operator company for the airport, to the Secretary.”.

10 Subregulation 9(1A)

Omit “concerned”, substitute “concerned, or, if there is no airport-operator company for the airport, the Secretary.”.

11 Subregulation 9(2)

Omit “company,”, substitute “company or Secretary (as the case requires),”.

12 Subregulation 10(1) (note)

Omit “airport operator”, substitute “airport-operator company (if any) for the airport concerned”.

13 Subregulation 10(2)

After “company”, insert “for the airport concerned, or, if there is no airport-operator company for the airport, the Secretary.”.

14 Subregulation 10(3) (note)

Omit “airport operator”, substitute “airport-operator company (if any) for the airport concerned”.

15 Subregulation 10(4)

After “company”, insert “for the airport concerned, or, if there is no airport-operator company for the airport, the Secretary,”.

16 Subregulation 10(5)

After “company”, insert “or the Secretary (as the case requires)”.

17 Subregulation 10(6)

Omit “company must give the notice before the end of 7 days after it receives”, substitute “company or the Secretary (as the case requires) must give the notice before the end of 7 days after receiving”.

18 Subregulation 11(1)

Omit “carry out:”, substitute “carry out a controlled activity in relation to prescribed airspace for an airport for which there is an airport-operator company if:”

19 Paragraph 11(1)(a)

Omit “a short-term controlled activity at an airport if”, substitute “the activity is a short-term controlled activity and”.

20 Paragraph 11(1)(b)

Repeal the paragraph, substitute:

(b) the activity is not a short-term controlled activity.

21 Paragraph 13(b)

Omit “company;”, substitute “company (if any) for the airport;”.

22 Paragraph 14(5)(b)

Omit “airport operator”, substitute “airport-operator company (if any) for the airport concerned”.

23 Subregulation 15(1)

Omit “Before the end of 28 days after the Secretary receives notice of a proposal, or, if further information is requested under regulation 11, after the Secretary receives the further information, the Secretary must give written notice of his or her decision to:”, substitute “The Secretary must give written notice of his or her decision to approve or refuse to approve a proposed controlled activity to:”.

24 Paragraph 15(1)(b)

After “company”, insert “(if any)”.

25 After subregulation 15(1)

Insert:

- (1AA) If the application for approval of the activity is given to the Secretary by the proponent of the activity under paragraph 7(3)(b) (regardless of whether the application is also given to the Secretary by an airport-operator company under regulation 11), the Secretary must give the notice before the end of:
- (a) 49 days after the Secretary receives the application from the proponent; or
 - (b) if the Secretary requests further information in relation to the application under regulation 12—28 days after the Secretary receives the further information.
- (1AB) If the application for approval of the activity is given to the Secretary by one or more airport-operator companies under regulation 11 (and is not also given to the Secretary by the proponent of the activity under paragraph 7(3)(b)), the Secretary must give the notice before the end of:
- (a) either:
 - (i) if the application concerns only one airport—28 days after the Secretary receives the application from the airport-operator company for the airport; or
 - (ii) if the application concerns more than one airport—28 days after the Secretary receives the application from the first of the airport-operator companies for the airports concerned to give the Secretary the application; or

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- (b) if the Secretary requests further information in relation to the application under regulation 12—28 days after the Secretary receives the further information.

26 Subregulation 15(2)

Omit “subregulation (1),”, substitute “subregulation (1AA) or (1AB) (as the case requires),”.

27 Subregulation 15A(2)

Omit “regulation 11,”, substitute “regulation 12,”.

28 Paragraph 17(2)(b)

Repeal the paragraph, substitute:

- (b) the airport-operator company (if any) for the airport concerned; or

Airports Regulations 1997

29 After paragraph 1.03(1)(s)

Insert:

- (sa) Sydney West Airport—that is, the place made up of the land described in Part 1.19A of Schedule 1;

30 At the end of Part 12

Add:

12.02 Boundaries of airport site for Sydney West Airport

For the purposes of subsection 180(2) of the Act, the land described in subitem (2) of Part 1.19A of Schedule 1 becomes part of the airport site for Sydney West Airport when it becomes a Commonwealth place, so long as the land satisfies paragraph (c) of the definition of *airport site* in subsection 5(1) of the Act.

31 After Part 1.19 of Schedule 1

Insert:

Part 1.19A—Sydney West Airport

(1) The land in the following New South Wales certificates of title.

Folio identifier	Description
1/838361	Lot 1 in Deposited Plan 838361, County of Cumberland, Parish of Bringelly
1/851626	Lot 1 in Deposited Plan 851626, County of Cumberland, Parish of Bringelly
2/C/1451	Lot 2 of Section C in Deposited Plan 1451, County of Cumberland, Parish of Bringelly
17/258581	Lot 17 in Deposited Plan 258581, County of Cumberland, Parish of Bringelly
22/258581	Lot 22 in Deposited Plan 258581, County of Cumberland, Parish of Bringelly
23/259698	Lot 23 in Deposited Plan 259698, County of Cumberland, Parish of Bringelly
32/259698	Lot 32 in Deposited Plan 259698, County of Cumberland, Parish of Bringelly
33/259698	Lot 33 in Deposited Plan 259698, County of Cumberland, Parish of Bringelly
7/3050	Lot 7 in Deposited Plan 3050, County of Cumberland, Parish of Bringelly
8/3050	Lot 8 in Deposited Plan 3050, County of Cumberland, Parish of Bringelly
9/226448	Lot 9 in Deposited Plan 226448, County of Cumberland, Parish of Bringelly
3/611519	Lot 3 in Deposited Plan 611519, County of Cumberland, Parish of Bringelly
11/226448	Lot 11 in Deposited Plan 226448, County of Cumberland, Parish of Bringelly
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Schedule 1 Amendments

Folio identifier	Description
1/129674	Lot 1 in Deposited Plan 129674, County of Cumberland, Parish of Bringelly
1/129675	Lot 1 in Deposited Plan 129675, County of Cumberland, Parish of Bringelly
1/996420	Lot 1 in Deposited Plan 996420, County of Cumberland, Parish of Bringelly
2/996420	Lot 2 in Deposited Plan 996420, County of Cumberland, Parish of Bringelly
28/217001	Lot 28 in Deposited Plan 217001, County of Cumberland, Parish of Bringelly
1/996379	Lot 1 in Deposited Plan 996379, County of Cumberland, Parish of Bringelly
2/996379	Lot 2 in Deposited Plan 996379, County of Cumberland, Parish of Bringelly

- (2) The land in that part of The Northern Road located in Luddenham within the Local Government Area of Liverpool and comprising approximately 15.44 ha:
- (a) bounded to the east by part of Lot 1 in Deposited Plan 838361, County of Cumberland, Parish of Bringelly; and
 - (b) bounded to the west by:
 - (i) part of Lot 1 in Deposited Plan 838361, County of Cumberland, Parish of Bringelly; and
 - (ii) part of Lot 102 in Deposited Plan 812653, County of Cumberland, Parish of Bringelly; and
 - (c) extending in a northerly direction to a line near the junction of The Northern Road and Eaton Road, specifically along the prolongation of the southern boundary of Lot 1 in Deposited Plan 851626, County of Cumberland, Parish of Bringelly bearing 278°31' (MGA) for a distance of 37.975 m; and
 - (d) extending in a southerly direction to a line:
 - (i) starting at the eastern common boundary corner of Lot 1 in Deposited Plan 838361, County of Cumberland, Parish of Bringelly and Lot 11 in Deposited Plan

1092165, County of Cumberland, Parish of Bringelly;
and

- (ii) ending at a southern boundary corner of part of Lot 1 in Deposited Plan 838361, County of Cumberland, Parish of Bringelly with that line having a bearing of $119^{\circ}23'30''$ (MGA) for a distance of 281.395 m.

Note: Unless otherwise stated, all lines are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in Gazette No. GN35 of 6 September 1995. All coordinates are expressed in terms of the Map Grid of Australia 1994 (MGA94) Zone 56.