



Building Newsflash

Local Councils

Building Certifiers

Building Designers

Architects

COMMONWEALTH DEFENCE REGULATIONS

Purpose

The purpose of this newsflash is to advise building certifiers, designers and practitioners of Regulations restricting the height of buildings and structures in the proximity of military airfields around Australia and in particular, Queensland.

Background

Safe aircraft operations at Defence airfields are not only concerned with Defence operations and requirements, but also essential for the safety of the local community.

It is important for aircraft safety to ensure that airspace around airfields is free of obstructions. Similarly, the effective operation of navigation aids and radio communication facilities around airfields require an absence of obstructions. These obstructions can take a variety of forms including man-made structures, such as buildings or towers, or natural obstructions such as trees and hills.

The Commonwealth Department of Defence is progressively applying Defence (Areas Control) Regulations to Defence airfields around Australia. In Queensland, the Regulations have recently been gazetted for RAAF Base Amberley and earlier for the Army Aviation Centre Oakey and RAAF Bases Scherger and Townsville. Similar restrictions apply around major civil airports under the provisions of the *Airports Act 1996*, Part 12.

Legislation

The height restrictions may limit the height of new structures or additions to existing structures to ground level or to heights of 7.5, 15, 45 or 90 metres above ground level. The Regulations do not prohibit all buildings or structures exceeding these heights, but rather provides a mechanism whereby the Department of Defence can assess against technical criteria and topographical conditions, the impact of each proposal on the safe operation of Defence aircraft and any civil aircraft utilising the Defence airfields. In most cases, construction will be able to proceed as originally planned or with some modification to the siting or design.

However, in some cases it will be necessary to prohibit a proposed construction which exceeds the height applicable to the site. The Regulations do not affect existing structures.

The Regulations confer powers in association with the height restrictions, such as a right of entry on land and authority to order removal of a building or structure. The Administrative

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

Interpretation

While the height restrictions normally range anywhere between 0 and 150 metres above ground level, only five height restriction zones are used; 0, 7.5, 15, 45 and 90 metres. The zones take into account the proximity of the land to the airfield or navigational aids, the elevation of the land, existing higher structures or hills nearby and local weather anomalies. Generally, areas located closer to the ends of the runways, and/or close to radio and navigational aids, would be affected by the more restrictive height zones.

Owners of lands affected by height restrictions at ground level or 7.5 metres above ground level have been contacted by mail by the Department of Defence. When a development proposal will exceed the relevant height restriction under the Regulations, the proposal will need separate approval from Defence before making a development application to the relevant local government.

All affected local governments have been contacted by the Department of Defence and have indicated they will consider inclusion of the height restrictions and references to the Regulations in their planning schemes.

Contact Officer

Full text of the Regulations can be found at the Defence (Areas Control) Regulations Reprinted as at 31 July 1994, accessible through the Defence website at www.defence.gov.au/deo, or could be purchased from the Government Info Shop, City Plaza, cnr Adelaide and George Streets, Brisbane. Telephone (07) 3229 6822 Fax. (07) 3229 1387.

Requests for approval for specific developments or queries regarding restrictions on land may be made to:

Erwin Wegner
Manager Land Use Assessment
Dept. of Defence
R4-3-079
Canberra ACT 2600

Phone: 02 6266 7739
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Email: erwin.wegner@defence.gov.au