

Toowoomba Regional Council

Subordinate Local Law No. 6 (Aerodromes) 2022

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 6 (Aerodromes) 2022*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 6 (Aerodromes) 2017* which provides for the regulation of the use and operation of aerodromes controlled by the local government.
- (2) The purpose is to be achieved by—
 - (a) protecting the public against risk of injury and the community against damage; and
 - (b) ensuring that activities at the aerodromes are undertaken in an orderly and safe manner and do not create a hazard to public health or a threat to property; and
 - (c) controlling the public use of the aerodromes to the extent that the use is consistent with the rights, expectations and safety of the local community; and
 - (d) protecting the obstacle limitation surfaces (OLS) and minimising hazards to aircraft; and
 - (e) providing for—
 - (i) fees and charges for the rights described in paragraph (c); and
 - (ii) the powers and authority of persons authorised by the local government for the purposes of this local law; and
 - (iii) penalties for breaches of the local law; and
 - (iv) liability arising out of use of the aerodromes.

3 Authorising local law

The making of the provisions of this subordinate local law is authorised by *Local Law No. 6 (Aerodromes) 2017* (the **authorising local law**).

4 Definitions—the dictionary

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in the schedule defines particular words used in this subordinate local law.

Part 2 Use and operation of an aerodrome

5 Use of buildings and facilities — Authorising local law, section 9(2)

- (1) For section 9(2) of the authorising local law, this section prescribes conditions for the use of buildings, facilities and amenities at an aerodrome.
- (2) A person using a building, facility or amenity at an aerodrome—
 - (a) must not wilfully or negligently damage the building, facility or amenity; and
 - (b) must take reasonable steps in response to a threat of another person intentionally damaging the building, facility or amenity; and
 - (c) must not permit an unauthorised person to access the building, facility or amenity; and
 - (d) must take reasonable steps to minimise the risk of unlawful interference with the building, facility or amenity (including security threats); and
 - (e) must take reasonable steps to minimise a security threat to the building, facility or amenity, for example, a security threat to any critical air traffic facility, aeronautical navigation facility, telecommunications facility or surveillance facility; and
 - (f) must not smoke at, or in the vicinity of, the building, facility or amenity; and
 - (g) must ensure that, after the use of the building, facility or amenity by the person, the building, facility or amenity is left in good and serviceable condition; and
 - (h) must ensure that the use and operation of the building, facility or amenity is carried out so as not to cause a nuisance or disturbance to—
 - (i) any adjoining property; or
 - (ii) any property in the immediate vicinity of the aerodrome; and
 - (i) must—
 - (i) take all necessary actions to protect other users of the building, facility or amenity, including members of the public generally, from injury or loss; and
 - (ii) comply with any reasonable direction of an authorised person about the use of the building, facility or amenity; and
 - (j) must indemnify, and save harmless, the local government from any loss, damage, injury or death, or any claim for any loss, damage, injury or death whatsoever or howsoever arising, either directly or indirectly, from the use of the building, facility or amenity.
- (3) A person using a building, facility or amenity at an aerodrome must not change, or alter, the building, facility or amenity by—
 - (a) making any addition to the building, facility or amenity; or
 - (b) removing the building, facility or amenity; or
 - (c) changing the position of the building, facility or amenity.
- (4) If a person using a building, facility or amenity at an aerodrome damages the building, facility or amenity, the person must reimburse the local government in respect of the reasonable costs and expenses incurred by the local government in—

- (a) repairing and maintaining the damage to the building, facility or amenity; and
- (b) keeping the building, facility or amenity in a safe condition.
- (5) The local government may recover costs and expenses incurred by the local government under subsection (4) as a debt payable to the local government.

6 Safety requirements — Authorising local law, section 10(1)

- (1) For section 10(1) of the authorising local law, this section prescribes procedures to be complied with to preserve and enhance safety at an aerodrome.
- (2) To preserve and enhance the safety of each of the airside area and the landside area at an aerodrome, a person using the aerodrome must comply with each of the following—
 - (a) local flying restrictions, including the requirements of each of the following—
 - (i) the *Civil Aviation Act 1988*;
 - (ii) the *Civil Aviation Regulations*;
 - (iii) the *Air Navigation Act 1920*;
 - (iv) the *Air Navigation Regulations*;
 - (v) Airservices Australia publications, including the En Route Supplement Australia (ERSA);
 - (b) if the person is using a callsign—the Aeronautical Information Package (AIP);
 - (c) each directive of each of the Department of Home Affairs and the Aviation and Maritime Security (AMS) Division, including, but not limited to, directives about the security of aerodromes and aircraft;
 - (d) each requirement of each of the following—
 - (i) the *Civil Aviation Act 1988*;
 - (ii) the *Civil Aviation Safety Regulations 1998*;
 - (iii) the *Civil Aviation Regulations 1988*;
 - (iv) Civil Aviation Orders;
 - (v) the Manual of Standards Part 139-Aerodromes;
 - (vi) the *Aviation Transport Security Act 2004*;
 - (vii) the *Aviation Transport Security Regulations 2005*;
 - (viii) *Local Law No. 6 (Aerodromes) 2017*;
 - (ix) Civil Aviation Advisory Publications (CAAPs) 92-1 (1) Guidelines for Aeroplane Landing Areas and 92-2 (2) Guidelines for the establishment and operation of onshore Helicopter Landing Sites;
 - (x) any other applicable Commonwealth, State or Local Government regulations;
 - (e) any current or future written agreement entered into between the local government and the person;

- (f) the “Fly Neighbourly” principles, as amended from time to time.
- (3) A person using the aerodrome must not do anything, when using the aerodrome, that is in breach of any legislation, regulation, rule or procedure.

7 Security requirements — Authorising local law, section 11(1)

- (1) For section 11(1) of the authorising local law, this section prescribes procedures to be complied with to preserve and enhance security at an aerodrome.
- (2) To preserve and enhance security at each of the airside area and the landside area at an aerodrome, a person using the aerodrome must comply with each of the following—
 - (a) local flying restrictions, including the requirements of each of the following—
 - (i) the *Civil Aviation Act 1988*;
 - (ii) the *Civil Aviation Regulations*;
 - (iii) the *Air Navigation Act 1920*;
 - (iv) the *Air Navigation Regulations*;
 - (v) Airservices Australia publications, including the En Route Supplement Australia (ERSA);
 - (b) if the person is using a callsign—the Aeronautical Information Package (AIP);
 - (c) each directive of each of the Department of Home Affairs and the Aviation and Maritime Security (AMS) Division, including, but not limited to, directives about the security of aerodromes and aircraft;
 - (d) each requirement of each of the following—
 - (i) the *Civil Aviation Act 1988*;
 - (ii) the *Civil Aviation Safety Regulations 1998*;
 - (iii) the *Civil Aviation Regulations 1988*;
 - (iv) Civil Aviation Orders;
 - (v) the Manual of Standards Part 139-Aerodromes;
 - (vi) the *Aviation Transport Security Act 2004*;
 - (vii) the *Aviation Transport Security Regulations 2005*;
 - (viii) *Local Law No. 6 (Aerodromes) 2017*;
 - (ix) Civil Aviation Advisory Publications (CAAPs) 92-1 (1) Guidelines for Aeroplane Landing Areas and 92-2 (2) Guidelines for the establishment and operation of onshore Helicopter Landing Sites;
 - (x) any other applicable Commonwealth, State or Local Government regulations;
 - (e) any current or future written agreement entered into between the local government and the person;
 - (f) the “Fly Neighbourly” principles, as amended from time to time.
- (3) A person using the aerodrome must not do anything, when using the aerodrome,

that is in breach of any legislation, regulation, rule or procedure.

Schedule Dictionary

Section 4

airside area see *Local Law No. 6 (Aerodromes) 2017*, schedule.

authorised person see *Local Law No. 6 (Aerodromes) 2017*, schedule.

landside area, of an aerodrome, means any area of the aerodrome other than the airside area of the aerodrome.

This and the preceding 6 pages bearing my initials is a certified copy of *Subordinate Local Law No. 6 (Aerodromes) 2022* made in accordance with the provisions of the *Local Government Act 2009* by Toowoomba Regional Council by resolution dated the day of 2022.

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Chief Executive Officer

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