



9 February 2010

Committee Secretary
Senate Standing Committee on
Rural and Regional Affairs and Transport
Po Box 6100
Parliament House
Canberra ACT 2600

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Sydney NSW 1230

Re: Inquiry into the effectiveness of Airservices Australia's management of aircraft noise

The Urban Development Institute of Australia is the peak body representing Australia's urban development sector. UDIA NSW has more than 500 members in NSW, representing all aspects of development industry. UDIA NSW is pleased to make this submission on behalf of its members to the Senate Inquiry into the effectiveness of Air Services Australia's management of aircraft noise.

Aviation services are a vital element of Australia's urban landscape, due to the heavy reliance on all aspects of the Australian economy on air travel and freight. Aviation services also impact on the amenity of urban areas surrounding and approaching major airports and flight paths.

UDIA NSW notes that the Committee's terms of reference are to consider whether Airservices Australia:

- a) has conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise;
- (b) engages with industry and business stakeholders in an open, informed and reasonable way;
- (c) has adequate triggers for public consultation under legislation and whether procedures used by Airservices Australia are compliant with these requirements;
- (d) is accountable, as a government-owned corporation, for the conduct of its noise management strategy;
- (e) has pursued and established equitable noise-sharing arrangements in meeting its responsibilities to provide air traffic services and to protect the environment from the effects associated with aircraft for which it is responsible;
- (f) requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise; and
- (g) any other related matter.

In response to these terms of reference, UDIA NSW wishes to make the following submission in consideration of Whether Airservices Australia:

- a) has conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise;
- b) engages with industry and business stakeholders in an open, informed and reasonable way;
- d) is accountable, as a government-owned corporation, for the conduct of its noise management strategy;

Public Consultation and the ANEF System

In response to terms of reference a) UDIA NSW believes that the ANEF has and continues to provide an effective basis for planning in noise affected areas. The ANEF provides certainty for all stakeholders and in the case of determining potential future built form outcomes, allows developers to design buildings with appropriate levels of mitigation, if required. UDIA NSW is not aware of any evidence to suggest that the ANEF system has not been effective.

UDIA NSW does have concerns with the process in which the ANEF contours are determined. The contours have the potential to significantly impact surrounding land use, such is their inherent value in providing the desired level of certainty. It is therefore critical that the inputs used to determine the contours are provided in an open and transparent way and are subject to independent review.

The current process provides that private airport operators with the capacity to determine their own inputs into the ANEF methodology, in the absence of any independent review. This process provides that the ANEF system is exposed to potential abuse from operators who stand to gain from overstated airport use, and therefore expanded curtilage.

Improve the Integrity of the ANEF System

In response to terms of reference b) UDIA NSW believes that fundamental to any framework for land use planning for airports and surrounding areas is the need to provide certainty for both regulators and landholders. In this regard, UDIA NSW contends that that the Commonwealth Government must be responsible for undertaking a rigorous review of the inputs provided for the ANEF contours. The lack of transparency in regard to the inputs for the ANEF constrains the value of the system in ensuring that certainty of land use is provided for all stakeholders impacted by aircraft noise.

The ANEF framework uses assumptions to build contours. These assumptions are collected by Airservices Australia from Airports and remain largely untested. Therefore, there is an issue with respect to integrity of ANEF system as the assumptions are not robustly investigated and then independently validated. This may result in air noise contours being over or understated. Business and stakeholder consultation should be a key pillar of validation and interrogation of the system.

We believe that the ANEF framework is probably the best way of managing aircraft noise but further improvements can be made to boost integrity of the system.

Improve Community and Business Consultation

In response to terms of reference d) UDIA NSW believes that land use in the vicinity of airports is driven by demand, and demand is driven by amenity. It is therefore important to recognise that community expectations in regard to aircraft noise are not necessarily best informed by contours on a map, but through the provision of accurate, targeted and easily understandable information about the impacts of aircraft noise, so that consumers can make informed decisions about their housing choices.

Airservices Australia is responsible for promoting the interests of the aviation services sector but it is also responsible for regulating the sector. Community and business consultation is vital to ensure that this duality of roles does not create significant internal conflicts. With respect to the ANEF framework, we believe that businesses and communities could play a role in assisting with the validation of the assumptions underpinning the framework. To the best of our knowledge this does not exist at present.

Duality of Roles

In further response to terms of reference d) Airservices Australia has significant impact on land use decisions surrounding airports. At the same time, they also directly regulate land use within airports. It is vital that the duality of roles do not distort highest best use land use planning decisions.

We are aware of an instance where Commonwealth, State and local government planning consent has been given to land surrounding (but not adjacent) to an airport. The land complied with the ANEF noise contour requirements; however Airservices Australia opposed the development consent claiming that future residents would call for flight paths to be moved.

We would welcome earlier engagement in the planning process from Airservices Australia and recommend that approvals be granted on the basis of the ANEF System that is currently available.

It is vital that investment decisions can be made with certainty. This should apply to investments in land use within and surrounding airports. Instruments used for regulatory decisions also need to provide the level of certainty required by investors.

In Conclusion, UDIA NSW makes the following recommendations:

1. That the Australian Noise Exposure Forecast (ANEF) System be retained as the principal basis for land use planning in noise affected areas subject to the increased use of information available in airport masterplans on aircraft noise.
2. That the Commonwealth Government be given the responsibility for undertaking a rigorous, independent assessment of the input data used to determine ANEF contours to ensure the integrity of the system is maintained.
3. AirServices Australia should only make comments that are consistent with Commonwealth policy.