

15 October 2010

Ms Jeanette Radcliffe
Committee Secretary
Senate Standing Committee on Rural Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Ms Radcliffe,

Re: Airports Amendment Bill 2010

The Urban Taskforce is a non-profit organisation representing Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

The Urban Taskforce has previously provided comprehensive comment to the Department of Infrastructure, Transport, Regional Development and Local Government on the Government's paper - *Development of a National Aviation Policy Statement* and on the *National Aviation Policy Green Paper*. Our comments have mostly focused on the challenges faced by the development industry and planning authorities when considering urban development in the vicinity of Commonwealth owned airport sites.

We have also made submissions to the Senate Committee inquiry into the effectiveness of Airservices Australia's Management of Aircraft Noise. Our submission to this inquiry highlighted the fact that despite the benefits of using the Australian Noise Exposure Forecast (ANEF) as a planning tool, the way that these contours are established continues to be a concern to the development industry. Furthermore, the Senate Committee was advised that this matter has also received attention in the Federal Court of Australia.¹

That is, the Federal Court confirmed that it is apparent that the assumptions used as the major inputs for the generation of the ANEF contours are not only variable, but also not checked by Airservices Australia as part of their endorsement process. That is, Airservices Australia's role is one that focuses on the checking of the mathematical translation of assumptions into contours. However, whether the assumptions used are valid is not the role of Airservices Australia when determining if an ANEF for an airport should be endorsed.

It is of great concern that the practice of Airservices Australia when determining whether an ANEF may be endorsed "is not to assess any of the data in a qualitative way or to seek to determine the likelihood of the assumptions behind the relevant data actually occurring".²

ANEF contour maps have the potential to dramatically impact on the development potential of land in the vicinity of an airport and we do not think that it is appropriate that the maps can be prepared by the operator of the airport, based on their forecasts of a possible future operating environment without extensive testing of assumptions and validation of predictions.

For example, operators of Canberra Airport when revising their master plan made the assumption that Canberra airport will have the same ultimate aircraft movements as Sydney's Kingsford Smith Airport. Furthermore, heavier aircraft movements at noise sensitive times were factored into the assumptions. This overestimation of aircraft movements and bias to noisier aircraft at sensitive times

¹ *The Village Building Co Limited v Airservices Australia* (2007) FCA 1242.

² *Urban Taskforce Australia Ltd.* ABN: 21 102 685 174 | GPO Box 5396 Sydney NSW 2001

multiplies the impacts on the ANEF charts. Essentially, unrealistic assumptions have the affect of over estimation of impact and hence land use restriction.

The Senate Committee inquiry into the effectiveness of Airservices Australia's Management of Aircraft Noise released its findings and made a number of important recommendations regarding the management of aircraft noise and airport planning in general. For instance, the Senate committee:

- reconfirmed the suitability of the ANEF system for land use planning in areas affected by aircraft noise;³
- found that Airservices Australia and the Department of Infrastructure, Transport, Regional Development and Local Government do not review the airport operator's projections for future growth that are used as a basis for calculating ANEF contours;⁴
- agreed that without independent assessment of the commercial forecasts and review of whether the future projections are reasonable, that airport operators may overstate the forecasts and impact of aircraft noise at no disadvantage to themselves, but at a potential cost to local communities;⁵
- found that there is merit in placing the noise assessment process on a more robust and defensible footing to provide greater confidence to the wider community that the forecasts are reasonable and conservative;⁶ and,
- recommended that the government revise the current process through which noise forecasts are developed to establish an independent body charged with the coordination of the process and the review of the accuracy and reasonableness of the data upon which the forecasts are made.⁷

When introduced to the House of Representatives 24 June 2010, Parliament was advised that the *Airports Amendment Bill 2010* was to give effect to legislative reforms announced in the National Aviation Policy White Paper, particularly in relation to the planning regulatory framework and the requirements for airport master plans and major development plans. If this is the case, then we would expect that the Bill and/or subordinate legislation would consider the recommendations of the Senate Committee, particularly those noted above. Unfortunately our review of the Bill and Explanatory Memorandum indicates that this is not the case.

Our assessment of the proposed amendments to the *Airports Act* is that it fails to adequately respond to the recommendations of the recent Senate Committee Inquiry into the effectiveness of Airservices Australia's management of aircraft noise. Furthermore it does not properly address reforms announced in the National Aviation Policy White Paper. In particular, the Bill does not introduce a mechanism for the establishment of a new independent body to ensure a more robust process for the endorsement of ANEF contours to provide more certainty for land use planning around airports.

These comments are offered to encourage constructive dialogue and we ask that you accept these comments as our contribution to this debate. We are always able to provide a development industry perspective on policy and we would welcome the opportunity to meet and discuss these issues in more detail.

Yours sincerely
Urban Taskforce Australia

Aaron Gadiel
Chief Executive Officer

³ The Senate Rural and Regional Affairs and Transport References Committee, *The effectiveness of Airservices Australia's management of aircraft noise* (2010) [4.57].

⁴ *ibid* [4.60].

⁵ *ibid* [4.62].

⁶ *ibid* [6.30]-[6.32].

⁷ *ibid* [6.34].