

CHAPTER TWO

THE MASTER PLAN PROCESS

2.1 The Committee considered:

- a) the requirements of the *Airports Act 1996* as they relate to the development of an airport master plan;
- b) the purpose of airport master plans and major development plans;
- c) the ways in which the two planning processes are connected;
- d) the way in which the two planning processes have been interpreted by stakeholders; and
- e) the ministerial approval of the Brisbane Airport Master Plan.

The *Airports Act 1996*

2.2 The possible sale of federal airports was first announced in the 1994-95 budget. The proposed sale was based on the premise that competition in the management of airports would lead to efficiency gains.

2.3 In the context of the 1995-96 budget it was announced that the leasing of airports would be done in two stages, with Sydney, Melbourne, Brisbane and Perth airports being leased in the first stage. It was proposed to complete the first phase of leasing by 1996-97 followed by the remaining airports in 1997-98.¹

2.4 The initial legislation to achieve the privatisation of airports - the Airports Bill 1995 - was introduced in the House of Representatives on 27 September 1995. The legislation was reintroduced following the 1996 election, and the *Airports Act 1996* was assented to on 9 October 1996.

Purpose of the Act

2.5 The principal purposes of the Airports Act are set out in Section 2 of the Act and include the following:

- a) to promote the sound development of civil aviation in Australia;
- b) to establish a system for the regulation of airports that has due regard to the interests of airport users and the general community;

¹ Senate Rural and Regional Affairs and Transport Legislation Committee, Report on the Consideration of a Bill Referred to the Committee, Airports Bill 1996 and Airports (Transitional) Bill 1996, August 1996, p. 5.

- c) to promote the efficient and economic development and operation of airports;
- d) to ensure majority Australian ownership of airports; and
- e) to limit the ownership of airports by airlines.²

2.6 The Commonwealth granted the Brisbane Airport Corporation Limited (BAC) the lease for Brisbane Airport on 2 July 1997. The lease was granted for a period of 50 years with a further 49 year option.

Airport master plans

2.7 Under Section 75 of the Airports Act, when a company acquires or is granted an airport lease (and a final master plan for the airport is not in force at the time of acquisition) the company must provide the Minister with a draft master plan for the airport within 12 months.³ The draft master plan is required, under the Act to relate to a period of 20 years and it must be updated every five years.

2.8 In accordance with the requirements of the Airports Act, the Brisbane Airport Corporation submitted its Draft Master Plan to the Minister for approval on 29 June 1998.

2.9 Under Section 71 of the Airports Act, the matters which must be included in a draft master plan for an airport are as follows:

- a) the airport-lessee company's development objectives for the airport; and
- b) the airport-lessee company's assessment of the future needs of civil aviation users of the airport, and other users of the airport, for services and facilities relating to the airport; and
- c) the airport-lessee company's proposals for land use and related development of the airport site, where the proposals embrace airside, landside, surface access and land planning/zoning aspects; and
- d) forecasts relating to noise exposure levels; and
- e) the airport-lessee company's plans, developed following consultation with the airlines that use the airport and local government bodies in the vicinity of the airport, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and

² *Airports Act 1996*, Section 2, p. 2.

³ *Ibid*, Section 75, p. 66.

- f) the airport-lessee company's assessment of environmental issues that might reasonably be expected to be associated with the implementation of the plan; and
- g) the airport-lessee company's plans for dealing with the environmental issues mentioned in paragraph (f) (including plans for ameliorating or preventing environmental impacts); and
- h) if a draft environmental strategy for their airport has been approved - the date of that approval; and
- j) such other matters (if any) as are specified in the regulations.⁴

2.10 The Act does not set out the specific purpose or objectives of an airport master plan.

Major development plans

2.11 Prior to undertaking any major development at an airport, legislation requires the provision of a major development plan to be approved by the Minister for Transport and Regional Services. Under the Airports Act, the definition of "major airport development" includes the construction (or extension) of a runway and the construction (or major extension) of a passenger terminal.⁵

2.12 The Committee notes that there is no information provided by the legislation regarding the primary purpose of a major development plan and its relationship to the master plan. The Act does state that a major development plan, or a draft of such a plan must set out:

- a) the airport-lessee company's objectives for the development; and
- b) the airport-lessee company's assessment of the extent to which the future needs of civil aviation users of the airport and other users of the airport, will be met by the development; and
- c) a detailed outline of the development, and
- d) if a final master plan for the airport is in force - whether or not the development is consistent with the final master plan; and
- e) if the development could affect noise exposure levels at the airport - the effect that the development would be likely to have on those levels; and
- f) the airport-lessee company's plans, developed following consultations with the airlines that use the airport, local government bodies in the vicinity of

⁴ Ibid, Section 71, pp. 62-63.

⁵ Ibid, Section 89, p. 75.

the airport and - if the airport is a joint user airport - the Department of Defence, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant Australian Noise Exposure Forecast (ANEF) levels; and

g) an outline of the approvals that the airport-lessee company, or any other person, has sought, is seeking or proposes to seek under Division 5 or Part 12 in respect of elements of the development; and

h) the airport-lessee company's assessment of the environmental impacts that might reasonably be expected to be associated with the development; and

j) the airport-lessee company's plans for dealing with the environmental impacts mentioned in paragraph (h) (including plans for ameliorating or preventing environmental impacts); and

k) if a draft environmental strategy has been approved - the date of the approval; and

l) such other matters (if any) as are specified in the regulations.⁶

Purpose of an airport master plan

2.13 Evidence presented to the Committee indicated that there is a great deal of uncertainty about the primary purpose of an airport master plan. Stakeholders' varying interpretations regarding the purpose of a master plan is evident in community concerns. The evidence indicates a great deal of ambiguity with regard to how a master plan and the associated planning processes differ from those in relation to a major development plan.

2.14 The Brisbane Airport Corporation presents its Master Plan as a framework for the development of Brisbane Airport for the next 20 years as well as a statement of intent in relation to planning activities for the benefit of government, potential investors and the community.⁷

2.15 The BAC acknowledges that an approved master plan (final master plan) is a requirement under the Act, but also argues that approval of its Draft Master Plan does not mean automatic approval of any significant development at the airport. Apart from the requirements of the Master Plan, BAC argued that, prior to undertaking any major development at the airport, including new runways or passenger terminals, it is necessary to obtain separate Commonwealth development approvals. These approvals

⁶ Ibid, Section 91, pp. 79-80.

⁷ Brisbane Airport Corporation Limited, *Master Plan 1998*, pp. 18-19.

are subject to environmental impact assessment as well as consultation with industry and the public in accordance with Commonwealth legislation.⁸

2.16 The Department of Transport and Regional Services presented a similar view about the purpose of master plans:

The master plan is designed to set out their proposed operations and development of the site over a 20-year horizon. It sets out where they may locate future infrastructure for some of the non-aeronautical, commercial type development zones and the like and the planning schemes for those areas in the same way the regional plan or a site plan would do for any development off-airport required by a local government authority.⁹

2.17 When asked for an opinion on whether an airport-lessee (in this case BAC) should be obliged to include proposals for alternative runways in a master plan, the Department indicated that:

At Brisbane airport, given that they intend to put in a new runway some time in the next decade, then it would be reasonable to expect that the preferred option should be reasonably well disclosed in that master plan. I would not expect necessarily to see a raft of options that said 'We could have a runway going this way, but we may have one going that way.' It is, after all, a planning document.¹⁰

2.18 The Royal Australian Planning Institute (RAPI) suggested that an airport master plan should be viewed as a planning document, and that the plan itself should not be viewed as an end in itself, but as part of a dynamic process.¹¹

2.19 In relation to the purpose of a master plan, Mr Christopher Buckley, President of the Queensland Division of RAPI, stated that:

.... it is entirely appropriate in our view as a division and as an institute, and certainly from my own professional background, that a master plan be viewed as a framework and that it be used as a basis for future detailed investigations.¹²

2.20 Mr Buckley also put forward the view that it was necessary to balance the right of the community to be informed about the impacts of a development, with the rights of the of the agency who prepared the plan to be able to proceed with development with some certainty.

⁸ Ibid, p. 19.

⁹ Department of Transport and Regional Services (DoTRS), Evidence, RRAT, 10 December 1999, p. 152.

¹⁰ Ibid.

¹¹ Royal Australian Planning Institute (RAPI), Evidence, RRAT, 15 November 1999, p. 2.

¹² Ibid, p. 3.

2.21 The Australian Airports Association put forward a similar argument when describing an airport master plan as:

... simply a statement of intent to the government, business and the community. It highlights and indicates in general terms how environmental issues will be managed.

Airport master plans of all shapes and sizes are living documents. They evolve as markets and technology change, driven by future airline operational initiatives and investment created demand.¹³

Criticism in relation to the master plan

2.22 The Committee notes, that whilst the legislation states that "an airport master plan is intended to be indicative of the airport lessee's intentions and views in respect of the future of the airport"¹⁴ it provides no information or guidance with regard to the specific purpose of a draft master plan.

2.23 It is clear from submissions and witnesses that there are differing views in the community about the purpose of master plans.

2.24 Mr Damien Cronin, a representative of the Hipwood Road Residents' group, stated that whilst he understood that the legal intent was not to set in concrete the position of runways, the community's perception was that the master plan did have this outcome.¹⁵ Indeed, this did not seem to be simply a perception restricted to Mr Cronin and members of the general public. Both the BAC and the Federal Department of Transport indicated in their evidence to the Inquiry that, if an airport corporation had received approval in a master plan under the Airports Act for a particular runway configuration, then it followed that the airport corporation would have a reasonable commercial expectation to be able to construct that particular runway in the future.¹⁶

2.25 The proposition was put to the Committee in a number of submissions and by several witnesses that under the current legislation an approved master plan prevents the consideration of other development options - including runways - other than those approved in the final master plan.

Relationship between a master plan and a major development plan

2.26 The relationship between an airport master plan and a major development plan as required by the Act, is not well appreciated by the community at large. There is also significant debate amongst sections of the community about the legal status of the Brisbane Airport Master Plan.

¹³ Australian Airports Association, Evidence, RRAT, 15 November 1999, pp. 87-88.

¹⁴ *Airports Bill 1996*, Explanatory Memorandum, Clause 58, p. 22.

¹⁵ Mr Damien Cronin, Evidence, RRAT, 15 November 1999, p. 42.

¹⁶ Brisbane Airport Corporation (BAC), Evidence RRAT, 15 November 1999, p. 138 and DoTRS, Evidence, RRAT, 10 December 1999, pp. 161-162.

2.27 The Committee is of the view that the Department of Transport and Regional Service's argument advanced in paragraph 2.17 above, is too limited an outline of alternative approaches to the development of a master plan. The Department argues that the Brisbane Airport Corporation should advance a single preferred runway for the future development of Brisbane Airport because the alternative would have necessarily advanced a raft of options that said "We could have a runway going this way, but we may have one going that way"¹⁷.

2.28 A different way of looking at this issue was that a draft Master Plan could have publicly examined in detail all alternative runway options before then proceeding to a preferred runway option. This in fact is the burden of much of the community criticism of the BAC's approach to what is, in the Committee's view, a superficial analysis of runway options in its original draft Master Plan. The community's view therefore is clearly one which argues for a public and transparent approach to the examination of different runway alternatives – rather than simply arriving at a single preferred runway option as a *fait accompli*.

2.29 As previously noted, whilst the Airports Act does set out what is to be contained in both an airport master plan and a major development plan, the Act provides no explanatory information about the relationship between these two plans.

Replacement of a Master Plan

2.30 Section 78 of the Airports Act sets out the conditions to be met where an original master plan is to be replaced. Section 78 states:

- 1) If a final master plan (the ***original plan***) for an airport is in force, the airport-lessee company for the airport may give the Minister a draft master plan that is expressed to replace the original plan. When the draft plan becomes a final master plan, the original plan ceases to be in force.
- 2) If a final master plan (the ***original plan***) for an airport is in force, the Minister may, by written notice given to airport-lessee company for the airport, direct the company to give the Minister a draft master plan that is expressed to replace the original plan. The company must comply with the direction:
 - a) within 180 days after the day on which the notice was given; or
 - b) if the Minister, by written notice given to the company, allows a longer period - within that longer period.

When the draft plan becomes a final master plan, the original plan ceases to be in force.

17 DoTRS, Evidence RRAT, 10 December 1999, p. 152.

3) A company that intentionally or recklessly contravenes subsection (2) is guilty of an offence punishable on conviction by a fine not exceeding 250 penalty units.¹⁸

Legal status of the Master Plan

2.31 During the Inquiry, the Committee received evidence from Mr Wayne Swan, MP and Mr Kevin Rudd, MP.¹⁹ In evidence presented to the Committee, both Mr Swan and Mr Rudd asserted that s.94(5) of the *Airports Act 1996* had the effect of preventing substantive changes to an approved airport Master Plan at the Major Development Plan stage. However, the Committee notes, if there was an inconsistency between a Major Development Plan and a Master Plan, then the Master Plan must be amended to provide for that option.

2.32 Mr Swan argued in evidence to the Committee that the parallel runway proposed in the Master Plan was "locked in forever", and that situation would, by implication make the major development plan irrelevant.²⁰ In evidence, Mr Swan made the following comments about the status of the Master Plan:

When people come here and suggest, as I heard them say before, that this whole thing can change later on, that is not true. Section 94(5) simply says that no major development plan can be inconsistent with the master plan.

... from the day this thing was published, the whole process was being locked in forever - not for next week, not for next year, not for the year after, but forever.²¹

2.33 Mr Rudd argued that the approval of the current Master Plan sets up the expectation there will not be any substantial deviation from the parallel runway concept. Mr Rudd based his argument on the fact that if a different runway option were put forward, it could not be approved under Sections 94(4) and 94(5) of the Act²². He stated in evidence:

The logic is transparently clear; the only way in which a non-parallel runway option could be advanced is to knock over the existing ministerial approval of the master plan that recommends the parallel runway. But, as Mr Elliott has already said here in evidence this morning in response to questions from Senator Mackay, the corporation already has an expectation

¹⁸ *Airports Act 1996*, Section 78, pp. 66-67.

¹⁹ Mr Wayne Swan, MP, Evidence, RRAT, 15 November 1999, pp 100-117 and Mr Devin Rudd, MP, Evidence RRAT, 10 December 1999, pp 171-187 and M Kevin Rudd, MP, Submission No. 92, pp. 3-4 and Mr Wayne Swan, MP, Submission No. 146 p. 3.

²⁰ Mr Wayne Swan, MP, Evidence, RRAT, 16 November 1999, p. 106.

²¹ *Ibid*, p. 103.

²² Mr Kevin Rudd, MP, Evidence, RRAT, 10 December 1999, p. 172.

that this would not occur - that in fact the existing final master plan would hold.²³

2.34 The Department of Transport and Regional Services provided evidence to the Committee which argued against this position. The Department stated:

What we have said in our second submission is that, while it is not possible to put in a major development plan that is inconsistent with the master plan, there are plenty of opportunities to change a master plan.

Thus section 78 of the act provides either for the airport operator to change the master plan or, should it be necessary, for the minister to ask for a new master plan, so there is a process to change the master plan should any analysis of runway options reveal that there are better options than those prepared in the current master plan.²⁴

2.35 Both BAC and the Department of Transport and Regional Services also supplied the Committee with legal advice they had obtained independently which was contrary to the views of both Mr Rudd and Mr Swan.

2.36 BAC received legal advice from Mallesons Stephen Jacques. Mallesons stated in their advice that there was no foundation for the proposition "that all major development plans must be automatically approved where the development is identified in an approved final master plan under the *Airports Act 1996*." ²⁵

2.37 Senior General Counsel, for the Australian Government Solicitor, also advised the Department of Transport and Regional Services that "what subsection 94(5) does is prevent the Minister from approving a Major Development Plan inconsistent with the approved Master Plan".²⁶ The Department received legal advice from the AGS that refuted the assertion that "there was little or no future opportunity for review or revocation of things (such as the second runway) contained in a Master Plan once it was approved by the Minister".²⁷

2.38 In the light of these conflicting arguments in relation to the legal status of the Master Plan, the Committee wrote to the Attorney-General seeking advice with regard to the evidence provided. The Attorney-General declined to provide the advice required and suggested instead that the Committee seek its own legal advice in relation to the matter.

2.39 Subsequently, the Committee sought independent legal advice from Professor Dennis Pearce, Emeritus Professor, Centre for International and Public Law,

²³ Ibid.

²⁴ Ibid, p. 159.

²⁵ See legal advice to the Committee at Appendix 3.

²⁶ Ibid.

²⁷ Ibid.

Australian National University. Professor Pearce agreed to review the evidence presented, to examine the *Airports Act 1996* and provide advice regarding whether Section 94(5) of the Act has the effect of preventing changes to an airport master plan after its approval by the Minister for Transport and Regional Services.

2.40 In providing this advice, Professor Pearce had regard to the evidence received by the Committee, namely:

- a) advice provided to Brisbane Airport Corporation Limited by Mallesons Stephen Jaques;²⁸
- b) advice provided to the Department of Transport and Regional Services by the Australian Government Solicitor²⁹; and
- c) evidence provided to the Committee by Mr Wayne Swan, MP and Mr Kevin Rudd, MP³⁰.

2.41 Professor Pearce's advice to the Committee reads in part³¹:

The provisions of the Act are clear as to their meaning. Section 94(5) prevents a major development plan making provision for developments that are inconsistent with a final master plan. What will be "inconsistent" will depend on the detail that is included in the master plan. For example, the mere fact that a master plan provides for a single runway at an airport does not mean that a major development plan cannot propose the construction of another. Section 89 expressly provides that such action falls within the description of major development. But the position would be different if the master plan itself provided that there was to be one and only one runway. A proposal to construct another would be inconsistent with this prescription.

Applying this reasoning to the matter in hand, the fact that the master plan specifies the site of the proposed third runway would appear to prevent a major development plan proposing a different site. So to provide would be inconsistent with the master plan and would breach s 94(5).

However, none of this prevents a proposal for a replacement of the final master plan pursuant to s 78 being brought forward by the airport lessee. Such a proposal could include a new site for the proposed third runway.

2.42 Professor Pearce's advice went on to state that:

²⁸ Ibid.

²⁹ Ibid.

³⁰ Mr Wayne Swan, MP, Evidence, RRAT, 15 November 1999, pp. 100-117 and Mr Kevin Rudd, MP, Evidence RRAT, 10 December 1999, pp. 171-187.

³¹ See legal advice to the Committee at Appendix 3.

... Mr Swan and Mr Rudd were correct in their assertion that a master plan is set in concrete insofar as its amendment by a major development plan is concerned. However, they were not correct in claiming that the master plan could never be altered. Section 78 allows the replacement of the Brisbane airport master plan and this can occur before the 5 year life of the present plan has expired"³².

2.43 Professor Pearce concluded his advice by stating that:

The legal advices from the Australian Government Solicitor and Mallesons Stephen Jacques copies of which have been furnished to the Committee are consistent with the views that I have set out above.³³

Committee comment

2.44 The advice provided by Professor Pearce confirms the view formed by the Committee that an airport master plan is an overarching document designed to identify the options for future development at an airport. Where specific infrastructure proposals are not identified in an existing master plan, but are subsequently brought forward, there is a requirement to amend the existing master plan; a process which is enabled by Section 78 of the Airports Act.

2.45 A major development plan however, is a targeted proposal to implement a specific aspect of a master plan, for example, the construction or extension of a terminal or runway. There is a requirement at this stage of the process to undertake more detailed analysis of the environmental and social impacts of the new development. In addition to the requirement for further consultation with industry and the public, a major development plan would also be subject to an environmental impact assessment.

2.46 This view is consistent with the action of the Minister for Transport and Regional Services, the Hon John Anderson, MP in approving the Brisbane Airport Corporation's Master Plan.

ALP Senators' View

2.47 ALP Senators do not agree with the conclusions in paragraphs 2.44 to 2.46 above. Their view is outlined in paragraphs 2.48 to 2.52 that follow.

2.48 The Pearce advice contains two principal conclusions. First, Mr Swan and Mr Rudd are correct in asserting that Section 94(5) does not allow the Minister to approve a Major Development Plan which changes the content of an approved Master Plan. Second, to comply with Section 78 of the Act, a change to the content of an approved Master Plan can only be made by (a) drawing up a new Master Plan and (b) seeking to have it approved as a new plan by the Minister.

³² Ibid.

³³ Ibid.

2.49 The first conclusion appears to ALP Senators to fundamentally repudiate both the Department's and the BAC's repeated contention that despite the fact that the Brisbane Airport Master Plan (approved in February 1999) recommends the construction of a Western Parallel Runway, this recommendation could be amended when and if BAC move to the Major Development Plan stage of the approval process. It also confirms (as does other legal advice) that a Major Development Plan could not provide for any other runway option due to an obvious inconsistency with the western parallel runway option in the February 1999 Master Plan. The BAC also could not advance any such inconsistent options because, as every opinion of the section has noted, as the Minister is prevented by Section 94(5) from approving such options even if proposed in a future Major Development Plan.

2.50 Equally, the second conclusion reached in the Pearce advice does not, in the Committee's view, radically improve (or alter) matters from the perspective of those who are opposed to, and seek changes to, the current Master Plan. The Pearce advice confirms that Section 78 provides that approval to change an existing Master Plan can be sought under two circumstances:

- a) First, that the statutory five year life of an approved Master Plan has expired, in which case the proponent is required to submit a new Master Plan to the Minister for approval. In the case of the existing approved Master Plan for Brisbane Airport, that five years expires in February 2004 (although if in the meantime, the BAC secured approved of a Major Development Plan based on the existing Master Plan, the requirement for a fresh Master Plan is superseded).
- b) Second, within the statutory five year life of an approved Master Plan, the Pearce advice (see paragraphs 3 and 9 of the advice) confirms that the proponent could propose a new Master Plan if they so desire.

2.51 Therefore, it seems to the ALP Senators that while Section 78 technically allows flexibility in providing for preparation and submission of a new Master Plan by an operator, the grounds under which one is required are narrow in scope.

2.52 Finally, none of the above comments on Professor Pearce's advice affect claims by both the BAC and the Department to the effect that the BAC's commercial expectation that - having obtained approval of a Master Plan - that the BAC could now expect to proceed to construct a parallel runway³⁴ Hence, notwithstanding the requirements provided in Section 78 for submission of a new Master Plan, the assumed 'practical, real world' view of the principal participants in this debate is that the BAC, having an approved Master Plan, is entitled to proceed to construction in accordance with that Plan.

³⁴ BAC, Evidence RRAT, 15 November 1999, p. 137 and DoTSR, Evidence RRAT, 10 December, pp. 161-162.

Master Plan approval process required under the Act

2.53 Under Section 81 of the Act, when the airport-lessee company provides the Minister with a draft master plan, the Minister must either approve the plan or refuse to do so. In deciding whether to approve the plan, the Minister must have regard to the following matters:

- a) the extent to which carrying out the plan would meet present and future requirements of civil aviation users of the airport and other users of the airport, for services and facilities relating to the airport concerned;
- b) the effect that carrying out the plan would be likely to have on the use of land:
 - i) within the airport site concerned; and
 - ii) in areas surrounding the airport;
- c) the consultations undertaken in preparing the plan (including the outcome of the consultations);
- d) the views of the Civil Aviation Safety Authority and Airservices Australia, in so far as they relate to safety aspects and operational aspects of the plan.

Summary of approval process undertaken in relation to Brisbane Airport Master Plan

2.54 The preliminary Draft Master Plan for Brisbane Airport was released for public comment on 17 March 1998. On 29 June 1998 (following the 90 day public comment phase) the Draft Master Plan was submitted to the then Federal Minister for Transport and Regional Development, the Hon Mark Vaile, MP for his approval.

2.55 Whilst the Minister was "satisfied that Brisbane Airport Corporation had met the minimum statutory requirement on nearly all aspects of the draft master plan"³⁵ the Minister announced on 29 August 1998 that he was rejecting the Master Plan based on the fact that Airservices Australia was not prepared to endorse the draft Australian Noise Exposure Forecast (ANEF) contained in the Plan.

2.56 In making the decision not to approve the Master Plan, the Minister also noted that:

Of the 4,183 public submissions BACL received on the draft plan, the major issue of concern was the construction of a new parallel runway and associated increase in aircraft noise.³⁶

³⁵ DoTRS, Submission No. 153, Attachment A, p. 4.

³⁶ Ibid, p. 3.

2.57 Airservices Australia's concerns were in regard to some technical aspects of the draft ANEF prepared by the Brisbane Airport Corporation. According to the Airservices Australia submission:

Airservices Environmental Services experts believed that there were errors or unsubstantiated assumptions in the input data and methodology used by [BAC's] consultants.³⁷

2.58 Following Minister Vaile's rejection of the Plan, BAC continued to liaise with Airservices Australia for several months until Airservices was satisfied with the technical accuracy of the input data, and the Master Plan was updated to include ANEF contours which had been validated and endorsed by Airservices Australia.

2.59 On 25 November 1998, BAC resubmitted its draft Master Plan to the Minister for Transport and Regional Services, the Hon John Anderson, MP. Mr Anderson approved the Brisbane Airport Master Plan on 12 February 1999.

2.60 Mr Anderson's approval was, however, given on the condition that BAC undertake further analysis of alternative runway options before submitting any proposal to build a parallel runway at the airport. In a press release dated 12 February 1999, Minister Anderson indicated that he had approved the Brisbane Airport Master Plan as a land use planning tool only. The Minister's media release reads in part:

My decision does not mean that the Brisbane Airport Corporation will be able to build a second runway without further debate. The airport will be required to obtain a separate approval, consistent with the Airports Act, if they want to build a second runway next century. The approval would entail a comprehensive environmental assessment.

I have further told the airport corporation that any runway proposal must explore fully the alternatives to a parallel runway, and provide the community with detailed information on the proposed flightpaths and their likely environmental impacts.³⁸

2.61 Under the Airports Act the Brisbane Airport Master Plan is required to be reviewed every five years. The current Master Plan for Brisbane Airport is scheduled to be reviewed in 2003/04.

2.62 As noted in paragraph 2.11 of this report, a major development plan is required prior to any construction being undertaken at the airport; this includes the building of, or extension to, a runway or a passenger terminal.

³⁷ Airservices Australia, Submission No. 154, p. 4.

³⁸ Media Release, Minister for Transport and Regional Services, the Hon John Anderson, MP, 12 February 1999.

Committee comment

2.63 Under the Airports Act, the Minister has the choice to either approve or not approve an airport master plan.

2.64 The Committee received strong representation from the community questioning the adequacy of the consultation process on the Draft Master Plan and the transparency of the assessment process for alternative runways. Given this representation and significant public opposition, the Committee believes the Minister should have approved the Draft Master Plan only after further and more adequate public consultation.

