



Australian Government

Department of Transport and Regional Services

Deputy Secretary

File Reference: P2006/2555

Ms Jeanette Radcliffe
Committee Secretary
Senate Rural and Regional Affairs
and Transport Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600


Dear Ms Radcliffe

Attached please find the Department's reply to those questions on notice taken during the course of the 30 January 2007 public hearing into the Airports Amendment Bill 2006.

In reviewing the proof Hansard transcript we identified seven occasions where questions were either taken on notice or the Department undertook to provide specific information. Also, noting the level of interest accorded the approval process under the *Airports Act 1996* in relation to airport master plans, environment strategies and major development plans, we have identified examples of other legislation which adopt the same practice.

I apologise for the delay in providing this information.

Should you wish to clarify any of the matters raised in our responses please do not hesitate in contacting Mr Terry Conway on 6274 6214.

Yours sincerely



Mike Mrdak

20 February 2007

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Airports Amendment Bill 2006

Department of Transport and Regional Services

Question:

Topic: Examples of airports funding off-airport traffic infrastructure

Hansard Page: 68 (30/01/07)

Senator Heffernan (Chair) asked:

CHAIR—I understand all that, but does your planning stop at the airport gate and does that make a lot of sense?

Mr Mrdak—There is no doubt that we have limitations. Our regulatory powers stop at the airport boundary. We can only advise in relation to where we see potential impacts off airport. We attempt to see whether there is a way forward with the state and local government that the airport has done. In many cases, where major development plans have been approved the airports have gone to a lot of trouble to reach agreement with state and local authorities in relation to traffic access, and we can provide the committee with details of where airports have funded infrastructure outside the airport boundary for traffic access and the like. Some of the witnesses this afternoon have highlighted those, but we would be happy to give you some examples. A great deal of effort is being made to connect airport developments with off-airport infrastructure requirements.

Answer:

There are a range of recent examples (refer Attachment) where the Minister has included conditions in draft major development plans that he has approved to ensure that off-airport impacts are sensibly addressed and negotiated between the airports and the relevant state and local government planning agencies.

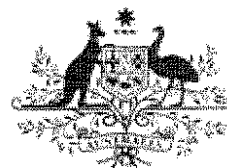
In addition to the Minister placing conditions on major development plan approvals, the airport operators have negotiated voluntarily with state and local government agencies a range of contributions to assist in addressing off-airport impacts associated with on-airport developments. Some specific examples are:

- (a) **Adelaide Airport** advised that it installed a monitored traffic light to service non-aeronautical development at a cost of over \$1m;
 - (b) **Melbourne Airport** advised that it funded road infrastructure improvements on Sharps Road, Tullamarine as part of the Laminex development;
 - (c) **Canberra Airport** advised that it has contributed \$1.8m to road and traffic infrastructure upgrades required to support the non-aeronautical development at Brindabella Business Park.
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MEDIA RELEASE

The Hon John Anderson MP

**Deputy Prime Minister
Minister for Transport and Regional Services
Leader of The Nationals**



**18 April 2005
A52/2005**

SYDNEY AIRPORT DEVELOPMENT TO GO AHEAD

The Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, has approved Sydney Airport's plan to build two multi-level car parking and commercial facility modules in the International Terminal Precinct.

Mr Anderson said that the development would consolidate airport parking, provide more efficient facilities for airport users and airline crews as well as creating additional car parking spaces to cater for increased passenger activity over the next 10 years.

The development will also provide commercial floor space for airport-related tenancies such as office space for aviation industry or border and security agencies or a hotel.

"Commercial development will be in stages to meet demand as it arises," Mr Anderson said.

The Sydney Airport major development plan has taken into account the opinions of the public, government agencies and other stakeholders, on a range of matters including the environment and local planning regulations.

"I have attached conditions to my approval which aim to reduce any adverse impact on the external road system arising from increased traffic and to protect the airport environment.

"The proposed development is in keeping with Sydney's role as the international gateway to NSW and Australia.

"Up to 150 jobs will be created during the construction period with additional job opportunities once the buildings are operational," Mr Anderson said.

Sydney Airport is required to make copies of the approved major development plan available to the public for inspection or purchase within 90 days of the Government's approval.

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Media Contacts

Paul Chamberlin (Minister Anderson's Office) 02 6277 7680

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CONDITIONS OF APPROVAL
SYDNEY AIRPORT
CAR PARKING AND COMMERCIAL FACILITIES
INTERNATIONAL TERMINAL PRECINCT
MAJOR DEVELOPMENT PLAN

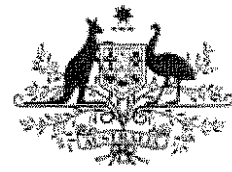
The conditions of the Government's approval of the Car Parking and Commercial Facilities MDP at Sydney Airport are as follows:

1. SACL continues to address traffic management issues with the NSW Government in a timely manner under the terms of the Memorandum of Understanding. If and when, it is determined by SACL and the NSW Government that traffic improvements are necessary to improve access to the airport as a result of the direct increase in traffic associated with the development, SACL is to negotiate in good faith with the NSW Government on funding a fair and reasonable share of the works;
2. SACL prepares within 18 months from the date of this letter an Airport Ground Travel Plan in consultation with relevant local and State authorities. The Plan will address amongst other things plans to endeavour to reduce dependence on car travel as outlined in the 03/04 Master Plan; and
3. SACL act consistently with the environmental safeguards proposed in the dMDP including the preparation of a Construction Environmental Management Plan in consultation with the Airport Environment Officer and implementation of the Stormwater Management Plan as indicated in the 2005 Environment Strategy.

MEDIA RELEASE

The Hon John Anderson MP

**Deputy Prime Minister
Minister for Transport and Regional Services
Leader of The Nationals**



**11 February 2005
A18/2005**

ANDERSON APPROVES IKEA STORE AT ADELAIDE AIRPORT

The Australian Government has approved Adelaide Airport's plan to develop an IKEA homewares store on Sir Donald Bradman Drive, subject to conditions.

The Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, announced the approval today. The Australian Government is responsible for approving major developments on federally leased airports, such as Adelaide, rather than the states or local authorities.

"The Adelaide IKEA will be a two storey building facing Sir Donald Bradman Drive. It will stock furniture, kitchen equipment, lighting, floors and products for children. It will include a 400 seat restaurant, a Swedish food market, a cafe and a specialist child minding area," Mr Anderson said.

"The new store will create about 300 full and part time jobs.

"The Government has imposed conditions on the development. In particular, Adelaide Airport will be required to work closely with the South Australian Government and local authorities to ensure that the development does not have an unacceptable impact on the traffic around the airport. The airport will be required to negotiate in good faith to fund any fair and reasonable traffic mitigation measures that may be required," Mr Anderson said.

IKEA is an international retailer of furniture and homeware products with 202 stores in 32 countries, including six in Australia.

Adelaide Airport is required to make copies of the approved major development plan available to the public for inspection or purchase within 90 days of the Government's approval. The plan was open for public consultation between July and October 2004.

The conditions of the approval are attached

Media Contacts

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**CONDITIONS OF APPROVAL
ADELAIDE AIRPORT
IKEA RETAIL DEVELOPMENT**

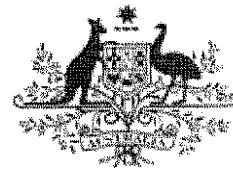
The conditions of the Government's approval of the IKEA MDP at Adelaide Airport are as follows:

1. The construction environmental management plan should include a requirement for staff or contractors involved directly in construction works that extend beyond the landfill component to undergo cultural heritage induction training prior to commencement of construction works.
2. The detailed design of the project should include measures to reduce the volume and rate of runoff, such as stormwater retention and reuse and/or the use of permeable paving in the car park.
3. AAL is required to work closely with the South Australian Government and local government to ensure that implementation of the IKEA MDP does not result in unacceptable traffic impacts and negotiate in good faith to fund any fair and reasonable mitigation measures.
4. AAL is required to act consistently with the environmental safeguards proposed in the draft major development plan, and with the Environmental Management Strategy in force for the airport.
5. AAL must consult CASA during construction of the proposed development and comply with any safety requirements specified by that agency. Additionally, AAL must advise the Department of any changes to the approved MDP arising from the need to comply with CASA standards.
6. AAL must keep Airservices Australia informed of the construction plans as crane height activity will, or may, require a NOTAM to be issued during the construction period.

MEDIA RELEASE

The Hon John Anderson MP

**Deputy Prime Minister
Minister for Transport and Regional Services
Leader of The Nationals**



**24 January 2005
A9/2005**

ANDERSON APPROVES MAWSON CONNECTOR ROUTE

The planned Mawson Connector from Main North Road to Port Wakefield Road in northern Adelaide has taken another step forward, with the Australian Government's approval of its route through Parafield Airport. The Government has also approved the development of a new enterprise park within the airport site.

The Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, announced the approvals today. The Australian Government is responsible for approving major developments on federally leased airports, such as Parafield, rather than state governments or local authorities.

"The Mawson Connector will be an arterial road that links Main North Road, the Salisbury Highway and Port Wakefield Road. It will include a new public transport interchange that will serve the Mawson Lakes area," Mr Anderson said.

"My approval of the route through Parafield Airport opens the way for the South Australian Government to complete the Main Street-Main North Road section of the connector by June 2007, as scheduled.

"I have also approved the establishment of a site for a new enterprise park on the airport site, the Cross Keys Enterprise Park, subject to stringent conditions.

"The enterprise park could attract a range of commercial and industrial activities, including logistics and distribution facilities. The park will be planned and constructed over the next three years in response to demand.

"The development of the enterprise park and its associated infrastructure will provide Parafield Airport with an additional source of non-aviation revenue, which will support its important role as a general aviation airport and pilot training facility," Mr Anderson said.

The airport is required to make copies of the approved major development plan available to the public for inspection or purchase within 90 days of the Government's approval. The plan was open for public consultation between May and July 2004.

The conditions of the approval are attached.

Media Contacts

Bill McKinley (Minister Anderson's Office)

02 6277 7680



Media Release

John Anderson

Deputy Prime Minister • Leader of The Nationals
Minister for Transport and Regional Services

**CONDITIONS OF APPROVAL
PARAFIELD AIRPORT
CROSS KEYS PRECINCT
MAJOR DEVELOPMENT PLAN**

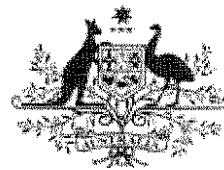
The conditions of the Government's approval of the Cross Keys Precinct MDP at Parafield Airport are as follows:

1. A surface water management plan is prepared for the Cross Keys Precinct to ensure impacts of stormwater off-site are minimised, including impacts on the vernal springs. The plan should be approved by the Airport Environment Officer (AEO), prior to the commencement of construction. The plan is to state the water quality objectives that need to be met, performance criteria, monitoring and reporting arrangements, corrective action where performance is below standard, responsibility and timing.
2. PAL to consult and seek agreement from the Kaurna People to the mitigation measures proposed to address archaeological sites.
3. PAL to undertake further investigation into the Nardoo meadow, and potential impacts that may occur as a result of the proposed development, and develop mitigation measures if required.
4. A targeted survey to be undertaken for the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listed threatened species and proposed mitigation strategies developed if listed species are found in the area.
5. A fauna survey to be conducted prior to construction commencing and mitigation measures developed if required.
6. A Waste Management Plan to be developed before construction activities take place and include responsibilities on tenants. This plan should be undertaken to the satisfaction of the AEO.
7. A Landscape Plan to be developed prior to construction in order to reduce the visual impact of the development on the surrounding areas. This plan should be undertaken to the satisfaction of the AEO.
8. Noise related issues associated with the proposed development to comply with all relevant noise standards detailed under the *Airports Act 1996* and Regulations to the satisfaction of the AEO.
9. The Mawson Connector construction to comply with the appropriate approvals from the AEO and ABC as required by the *Airports Act 1996* and Regulations.
10. PAL agree to the requirements of Airservices to pay for the relocation/removal and appropriate environmental assessments in the event of the relocation of the Non-directional Beacon (NDB).
11. PAL must consult CASA during construction of the proposed development and comply with any safety requirements specified by that agency. Additionally, PAL must advise the Department of any changes to the approved MDP arising from the need to comply with CASA standards.

MEDIA RELEASE

The Hon Jim Lloyd MP

**Minister for Local Government,
Territories and Roads**



22 December 2004

L75 2004

ESSENDON AIRPORT RETAIL AND OUTLET CENTRE

The Australian Government has approved Essendon Airport's plan to build a retail and outlet centre on Bulla Road, near the Tullamarine Freeway, subject to extensive conditions.

The approval was announced by the Acting Minister for Transport and Regional Services, Jim Lloyd. The Australian Government is responsible for approving major developments on federally leased airports, such as Essendon, rather than the states or local authorities.

"Essendon Airport is planning to build a retail and outlet centre, which will consist of a single story shopping mall and three other buildings. The individual retail outlets in the centre will sell clothing, homewares and bulky goods," Mr Lloyd said.

"The Government has approved the development because it will bring income and employment to the local area, including 870 direct and a further 780 indirect jobs. It will provide the airport with an additional source of non-aviation income, which will help support its role as a vital part of the aviation industry in Victoria.

"The Government has imposed extensive conditions on the development. In particular, Essendon Airport is required to fund a series of traffic mitigation measures as early as possible, preferably before the opening of any part of the proposed development for business.

The Government has also required Essendon Airport to ensure that the plans for the development accommodate public transport facilities. We have urged the airport to develop an integrated transport plan to promote the use of public transport, cycling and walking as ways of getting to the new centre," Mr Lloyd said.

Essendon Airport is required to make copies of the approved major development plan available to the public for inspection or purchase within 90 days of the Government's approval. The plan was open for public consultation between January and April 2004.

The conditions imposed by the Government are attached.

Media Contacts

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M E D I A R E L E A S E

**Minister for Local Government, Territories and Roads
THE HON. JIM LLOYD MP**

CONDITIONS OF APPROVAL

ESSENDON AIRPORT BULLA ROAD PRECINCT RETAIL AND OUTLET CENTRE MAJOR DEVELOPMENT PLAN

The conditions of the Government's approval of the Bulla Road MDP at Essendon Airport are as follows:

1. There must be no adverse impact from the proposed development on any navigation aids or operational activities at the airport.
2. Essendon Airport Pty Ltd (EAPL) must consult the Civil Aviation Safety Authority (CASA) during the construction of the proposed development, and comply with any safety requirements specified by that agency. Additionally, EAPL must advise my department of any changes to the approved major development plan arising from the need to comply with CASA standards.
3. EAPL must ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately. I note in this regard that the MDP already provides that public transport buses could use the same passenger drop off point as the facilities already planned for charter buses.
4. Fulfilment of the following:
 - 4.1 EAPL to fund the following traffic mitigation measures, as set out in section 2.4.3 of the draft MDP submitted to the Minister. The funds should be available so as to promote the early completion of the measures, preferably before the opening of any part of the proposed development for business:
 - o a right turn lane provided for westbound traffic exiting onto Bulla Road and a signalised intersection constructed at the ramp intersection; and
 - o modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and
 - o the ramps serving the eastbound freeway carriageway to be realigned and a roundabout constructed at their intersection with Bulla Road; and
 - o the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.
 - 4.2 EAPL to fund modifications to First Avenue to turn it into a court fully separated from the freeway off ramp, or as otherwise agreed with the Moonee Valley City Council. I note in this regard that EAPL has already made an undertaking to fund this work;
 - 4.3 within two years from the date of the development opening for business, EAPL to commission, in consultation with the Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and
 - 4.4 based on the result of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/ or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the

findings of the independent assessment, fund a minimum 20% of their fair cost, or any other reasonable amount that may be agreed;

- 5 If EAPL becomes aware, or has drawn to its attention by the Moonee Valley Council or a State authority, that car parking at the development is not sufficient and is impacting on the functioning of the external road system, then EAPL must without delay consult with Council and/or the State authority with a view to commissioning an independent study of car parking demand and taking appropriate measures to resolve the problems identified. In doing so, EAPL must act in good faith and must fund any fair and reasonable measures recommended by the study and agreed by Council and/ or the State authority, as appropriate.

Senate Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Airports Amendment Bill 2006
Department of Transport and Regional Services

Question:

Topic: Airport investment in aeronautical infrastructure

Hansard Page: 69 (30/01/07)

Senator O'Brien asked:

Senator O'BRIEN—You keep talking about investment in aeronautical infrastructure. Do you mean the amount that has been paid for the leaseholds or the amount that has been paid for runways and terminals? Or do you mean the amount that has been paid for development of every sort on airport land?

Mr Mrdak—No, Senator. It is reflecting the development that has taken place in aeronautical infrastructure—runways, taxiways, aero pavement, apron and terminals.

...

Senator O'BRIEN—Those figures are available, are they, and you can provide those to us?

Mr Mrdak—We can provide those.

Answer:

Development Obligations

Lessees for 10 airports (Adelaide, Brisbane, Melbourne, Perth, Alice Springs, Darwin, Canberra, Gold Coast, Hobart and Launceston) committed to invest approximately \$700 million in aeronautical infrastructure over the first 10 years of the leases – refer Attachment A. This obligation is split into two five-year periods (Period One and Period Two). There were no specific development obligations under the sale agreements for the remaining leased airports.

All 10 lessees have exceeded their Period One obligations with six lessees – Melbourne, Adelaide, Darwin, Hobart, Launceston and Perth – having exceeded their 10 year obligations. The remaining four airports are expected to meet their Period Two obligations, given the significant aeronautical investment taking place at each of them.

Investment by Airports in Aeronautical Infrastructure

Noting that the operator of a privatised airport has a statutory obligation under the *Airports Act 1996* to use the airport site as an airport, continued investment in aeronautical infrastructure is necessary. Attachment B details the levels of aeronautical investment that has been occurring at three of those leased airports for which there were no development obligations.

Airport Development Expenditure at Major Airports

Airport	Sale Phase ¹	Expenditure to 30 June 2004	Expenditure to 30 June 2005	Expenditure to 30 June 2006	Period One Commitment ²	Period Two Commitment ³	Total Commitment	Commitment Met?
Adelaide	2	\$72.3m	\$72.3m	\$72.3m	\$41.4m	\$22.6m	\$64.0m	Y
Alice Springs	2	\$0.5m	\$1.8m	\$2.7m	\$1.2m	\$1.9m	\$3.1m	N ⁴
Brisbane	1	\$82.1m	\$179.0m	\$223.9m	\$44.4m	\$292.9m	\$337.3m	N ⁵
Canberra	2	\$32.2m	\$39.6m	\$50.7m ⁶	\$11.0m	\$46.9m	\$57.9m	N ⁷
Gold Coast	2	\$19.2m	\$23.4m	\$27.0m ⁸	\$19.2m	\$8.5m	\$27.7m	N ⁹
Darwin	2	\$4.2m	\$21.6m	\$21.6m	\$3.3m	\$2.7m	\$6.0m	Y
Hobart	2	\$1.8m	\$7.8m	\$7.8m	\$3.8m	\$1.7m	\$5.5m	Y
Launceston	2	\$3.0m ¹⁰	\$3.5m	\$3.5m	\$2.2m	\$0.9m	\$3.1m	Y
Melbourne	1	\$107.8m	\$107.8m	\$107.8m	\$78.3m	\$29.0m	\$107.3m	Y
Perth	1	\$64.8m	\$111.3m	\$111.3m	\$54.6m	\$33.3m	\$87.9m	Y
TOTAL	—	\$387.6m	\$568.1m	\$628.6m	\$259.4	\$439.6	\$699.8m	—

¹ Phase 1 was completed in 1997 and phase 2 in 1998. The date of sale affects the deadline for completion of Period One and Period Two obligations.

² Period One commitment is in line with Schedule 11 of each Sale Agreement.

³ Period Two commitment is in line with Schedule 11 of each Sale Agreement. No extensions to Period Two have been granted to date.

⁴ Alice Springs Airport's Period One commitment was not met by the end of the first five-year period due to a downturn in passenger traffic and aircraft movements for reasons including terrorism, disease and the Iraq war. An extension to Period One was granted until 30 June 2007 on the basis of these reasons.

⁵ Period Two finishes 30 June 2007.

⁶ Figure to be confirmed.

⁷ Period Two finishes 30 June 2008.

⁸ Figure to be confirmed.

⁹ Period Two finishes 20 June 2010 due to an extension to Period One. The one-year extension to Period One was granted due to a downturn in passenger traffic and aircraft movements for reasons including terrorism, disease and the Iraq war resulting in Gold Coast Airport being unable to meet its Period One commitment.

¹⁰ The final Period One expenditure figure for Launceston Airport was \$3.0m, not \$2.7m as reported in the Department's 2004–2005 Annual Report.

Examples of further Aeronautical Expenditures
(data provided by respective airports)

Archerfield (since privatisation – June 1998)

Maintenance & Repair	\$1.76M
Upgrading existing infrastructure (e.g. runway & taxiway)	\$1.52M
Capital expenditure for helicopter rescue facility, terminal building & hangar complex	\$5.20M
Security upgrade	\$1.35M (Commonwealth funding = \$1.10M)
	\$9.83M

Bankstown (2006 only)

Airside access roads	\$9.70M
Freight facilities	\$16.29M
Maintenance/augmentation of facilities	\$5.41M
	\$31.40M

Essendon (since privatisation – August 2001)

Airside/property maintenance	\$6.00M
Aircraft hangars	\$7.20M
Mandated security	\$1.90M
	\$15.10M

Separate to the above, the major airports have also committed themselves to further significant levels of aeronautical investment, which includes:

- (a) Sydney airport's taxiway, runway and terminal upgrades worth over \$100 million to facilitate the new 555 seat Airbus A380;
- (b) a \$500 million development program at Melbourne airport to accommodate recent strong growth in international passenger traffic and the new double-decker Airbus;
- (c) Brisbane airport's major aeronautical facilities expansion program (i.e. a new parallel runway, expanded international and domestic passenger terminals, expanded on-airport road network and surface transport systems) that could require investment in the order of \$1.5 billion over the next 10 years;
- (d) Canberra's proposed \$150 million taxiway, terminal redevelopment and runway expansion programme; and
- (e) a proposed \$100 million expansion to Gold Coast Airport terminal.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Airports Amendment Bill 2006

Department of Transport and Regional Services

Question:

Topic: Trigger for approved major development plans

Hansard Page: 70 (30/01/07)

Senator McEwen asked:

Senator McEWEN—What percentage of major development plans under the current legislation have exceeded \$10 million or have not met the master plan and therefore get to DOTARS or the minister's office?

Mr Mrdak—A number of major development plans do not trigger the \$10 million; they trigger an environmental threshold.

...

Mr Williams—Overall, there have been about 30 in terms of major development plans since 1997. Certainly in the last couple of years there has been a ramping up of development. We can provide the committee with a list of all the approved MDPs and we can try to break out the ones that have been triggered via the monetary threshold or via the environmental threshold.

Answer:

The attached table details those major development plans that have been approved by the Minister and shows the legislative trigger under section 89 of the *Airports Act 1996* requiring submission of the major development plan. A copy of section 89 is also attached.

Approved Major Development Plans

Airport / Development

Approval Date

Section 89 Trigger

2007

Hobart / checked baggage screening facility	12 February 2007	89(d)
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2006

Gold Coast / Tugun Bypass	20 February 2006	89(h), (m) & (n)
Melbourne / DHL Danzas Air and Ocean Freight facility.....	1 March 2006	89(e)
Melbourne / reject shop distribution centre.....	1 March 2006	89(e)
Canberra / runway extension, minor variation.....	4 April 2006	89(b)
Canberra / factory outlet centre	26 April 2006	89(e)
Brisbane / multi-level car park	20 June 2006	89(e) & (h)
Perth / Coles Myer distribution centre.....	24 July 2006	89(e)
Perth / BGC Brickworks.....	15 August 2006	89(e) & (m)
Brisbane /international terminal extension	5 September 2006.....	89(d)
Brisbane / international terminal concourse works.....	5 September 2006.....	89(d)
Brisbane / Gateway Upgrade	13 September 2006.....	89(j) & (m)
Brisbane / northern access roads project.....	27 September 2006.....	89(h) & (m)

2005

Parafield / Cross Keys works	19 January 2005	89(h) & (n)
Adelaide / IKEA store.....	1 February 2005	89(e)
Sydney KSA / car park international precinct.....	13 April 2005	89(e) & (h)
Essendon / Bulla Road minor variation	13 October 2005.....	89(e)

2004

Brisbane / Virgin Blue hangar	11 May 2004	89(e)
Melbourne / international mail sorting facility.....	16 June 2004	89(e)
Brisbane / direct factory outlet	25 June 2004	89(e)
Canberra / runway works.....	25 August 2004	89(b) & (n)
Gold Coast / runway works	8 November 2004	89(b), (m) & (n)
Melbourne / office development	12 November 2004	89(e)
Essendon / Bulla Road commercial-retail development	16 December 2004	89(e)

2003

Canberra / terminal expansion	4 November 2003	89(d)
Perth / Woolworths warehousing & distribution park	14 November 2003	89(e) & (m)

2002

Sydney KSA / two office buildings - int'l precinct.....	31 May 2002	89(e)
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2001

Brisbane / Qantas aircraft maintenance base	11 December 2001.....	89(e)
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2000

Coolangatta / international terminal	28 February 2000	89(e)
Brisbane / hotel and car park development.....	14 April 2000	89(e)
Melbourne / multi user domestic terminal.....	14 April 2000	89(e)

1999

Adelaide / multi user international terminal.....	14 December 1999	89(e)
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1998

Brisbane / airport rail link.....	29 August 1998	89(k)
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Section 89 of the Airport Act 1996 - Meaning of major airport development

- (1) For the purposes of this Division, a ***major airport development*** is a development that is carried out at an airport site and that consists of:
 - (a) constructing a new runway; or
 - (b) extending the length of a runway; or
 - (c) constructing a new building wholly or principally for use as a passenger terminal, where the building's gross floor space is greater than 500 square metres; or
 - (d) extending a building that is wholly or principally for use as a passenger terminal, where the extension increases the building's gross floor space by more than 10%; or
 - (e) constructing a new building, where:
 - (i) the building is not wholly or principally for use as a passenger terminal; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (f) constructing a new taxiway, where:
 - (i) the construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (g) extending a taxiway, where:
 - (i) the extension significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (h) constructing a new road or new vehicular access facility, where:
 - (i) the construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (j) extending a road or vehicular access facility, where:
 - (i) the extension significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (k) constructing a new railway or new rail handling facility, where:
 - (i) the construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (l) extending a railway or rail handling facility, where:
 - (i) the extension significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
 - (ii) the cost of construction exceeds \$10 million or such higher amount as is prescribed; or
 - (m) a development of a kind that is likely to have significant environmental or ecological impact; or
 - (n) if a final environment strategy is in force for the airport—a development which affects an area identified as environmentally significant in the environment strategy; or
 - (o) a development of a kind specified in the regulations.
- (2) Paragraphs (1)(a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l), (m) and (n) do not, by implication, limit paragraph (1)(o).
- (3) For the purposes of subsection (1), if:
 - (a) the parties to a transaction do not deal with each other at arm's length in relation to the transaction; and
 - (b) a cost arising out of that transaction is less than is reasonable;the amount of that cost is taken to be the amount of the cost that would have arisen if the parties had dealt with each other at arm's length.

Senate Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Airports Amendment Bill 2006
Department of Transport and Regional Services

Question:

Topic: Airport planning documents that have not been approved

Hansard Page: 70 (30/01/07)

Senator McEwen asked:

Senator McEWEN—Can you also tell us how many have been rejected?

Mr Williams—No proposals have been rejected.

Senator McEWEN—No MDPs or master plans?

Mr Williams—Some master plans have been rejected. We can provide details on that as well.

Answer:

The attached tables detail those airport master plans and airport environment strategies that had not been approved by the Minister.

The table also includes the decision of 11 February 2007 by the Minister for Transport and Regional Services, the Hon Mark Vaile MP, to not approve the draft major development plan submitted by the Sydney Airport Corporation Limited for construction of an outlet centre and bulky goods and discount store.

Airport Master Plans, Environment Strategies & Major Development Plans that were not approved

NOTE – In considering these land use and planning documents, the Department routinely seeks additional information from each proponent which may be in relation to one or more criterion under the Airports Act or could involve testing or validating the information presented. Similarly, as considered appropriate, advice is sought from relevant specialists in order to clarify issues of concern.

Airport Master Plans (MP)

<u>Airport</u>	<u>When</u>	<u>Status</u>	<u>Rationale</u>
Brisbane	August 1998	not approved	Initial MP rejected as it did not include an Australian Noise Exposure Forecast endorsed by Airservices Australia. A revised plan was submitted and subsequently approved.
Melbourne	August 1998	not approved	Initial MP rejected as it did not include an Australian Noise Exposure Forecast endorsed by Airservices Australia. A revised plan was submitted and subsequently approved.
Perth	August 1998	not approved	Initial MP rejected as it did not include an Australian Noise Exposure Forecast endorsed by Airservices Australia. A revised plan was submitted in February 1999 and subsequently approved.
Coolangatta	August 1999	not approved	The proposed runway extension encompassed NSW crown land controlled by the Tweed Shire Council. As Council opposed the extension the Minister rejected the plan. A revised plan was submitted in September 2000 (see below).
Coolangatta	November 2000	not approved	The replacement plan was again rejected as the Council was not in agreement with the proposed runway works. A further revised plan was submitted in May 2001 and subsequently approved.
Jandakot	November 1999	not approved	Primarily rejected over proposed 4 th runway, which was considered unacceptable both in terms of its likely effect on the use of land within the airport site and in surrounding areas. A revised plan was submitted in June 2000 and subsequently approved.
Archerfield	December 1999	not approved	Rejected on the basis that the draft Australian Noise Exposure Forecast did not provide a robust forecast of aircraft noise impacts. A revised plan was resubmitted June 2000 and subsequently approved.

Airport Environment Strategies (AES)

<u>Airport</u>	<u>When</u>	<u>Status</u>	<u>Rationale</u>
Brisbane	September 1998	not approved	Minister rejected the initial draft AES and requested the company resubmit a Strategy complying with statutory requirements. A revised AES was submitted in January 1999 and subsequently approved.

Major Development Plans (MDP)

<u>Airport</u>	<u>When</u>	<u>Status</u>	<u>Rationale</u>
Sydney	February 2007	not approved	The Minister's decision not to approve the outlet centre and bulky goods and discount store took into consideration issues raised by the Civil Aviation Safety Authority about the safety of the public on the proposed site and had regard to the potential impact the development could have on local ground traffic.

Senate Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Airports Amendment Bill 2006
Department of Transport and Regional Services

Question:

Topic: Application of transitional provisions to development on Hobart Airport
Hansard Page: 74 (30/01/07)

Senator O'Brien asked:

Senator O'BRIEN—In that case, will the legislation as it stands or the legislation as amended apply to that project?

Mr Mrdak—Under the transitional provisions in the schedule, the legislation as it currently stands would apply because that process has been out to public comment before the proposed enactment of this bill.

Senator O'BRIEN—So there is no ability to stop the clock then?

Mr Mrdak—There would not be. I will check that, Senator, but my understanding is that under the transitional provisions we are proposing in this bill that project would be assessed under the existing provisions of the act.

Answer:

Subject to subitem 173(1) of the Airports Amendment Bill 2006, the stop-clock provision in relation to a major development plan or a draft variation of major development plan, given for the Minister's approval, will not take effect until 28 days after the Act receives Royal Assent.

Accordingly should Hobart Airport give the Minister a major development plan for approval prior to commencement of the *Airports Amendment Act 2007* then the current arrangements, as detailed in the *Airports Act 1996* and which do not include a 'stop the clock' provision, would apply. However, should the Airport submit their major development plan after the commencement of the *Airports Amendment Act 2007* then the Minister would be able to invoke the 'stop the clock' provision, should it be determined necessary to seek any additional information from the proponent.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Airports Amendment Bill 2006

Department of Transport and Regional Services

Question:

Topic: Proponent putting forward consultation summary

Hansard Page: 76 (30/01/07)

Senator O'Brien asked:

Mr Williams—In regard to this issue about the proponent putting forward the summary, this does happen in other jurisdictions. For instance, in the ACT when a development goes forward, the proponent has to put forward a consultation summary, which would do the same sort of thing. Also in South Australia the proponent is responsible for putting in writing to the minister how they have responded to the submissions.

Senator O'BRIEN—Are those two cases that you refer to publicly available?

Mr Mrdak—We can give you those.

Answer:

Attachment A details the relevant extract from the ACT Planning and Land Authority – <http://www.actpla.act.gov.au/design-guide/book3.pdf>

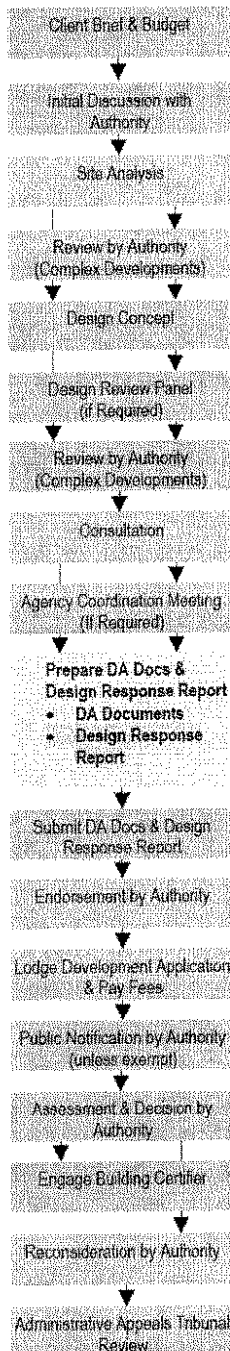
With regard to the referenced South Australian practices, the following is from page 18 of the Department for Transport, Urban Planning and the Arts publication titled “Guide to the Assessment of Major Developments or Projects”:

Does the proponent have to take account of the public comments? What is the proponents ‘response’ to submissions?

The proponent is responsible for responding in writing to the Minister on submissions received in relation to the proponent’s documents. Such responses are mandatory for an EIS and a PER but optional for a DR. Time constraints apply to the proponent in relation to its response to submissions on a PER or DR. For a PER the proponent must respond and has up to two months, while for a DR the proponent has 10 business days to respond if desired.

(<http://dataserver.planning.sa.gov.au/publications/27p.pdf>)

This following extract is of page 32 from the ACT Planning and Land Authority publication titled "Development Applications":



Design response report

A Design Response Report supporting a development application will be required for the following types of developments.

- All new multi-unit residential developments including dual occupancies
- All non-residential development in residential land use policy areas
- Non-residential development in areas other than residential land use policy areas of gross floor area greater than 1000 sq m

The Design Response Report is a record of all the steps undertaken in the pre-application phase including outcomes of consultation with neighbours and agencies together with a Statement of Design Intent and a Residential Sustainability Report. Typically your Design Response Report will include:

- Location and area of the block
- A brief description of the proposal
- Site and Context Study including
 - A statement against the requirements of the Territory Plan
 - Local Area Context Analysis
 - Neighbouring Development Context Analysis
 - Site Features and Context Analysis
 - Streetscape Character Study
 - Tree Survey (if required)
- Development Opportunities and Constraints Study
- Design Concept Documentation used during consultation
- Statement of Design Intent.
- Consultation Summary including
 - Records of consultation with neighbours and the Community
 - Records of consultation with Government Agencies and utility providers.
 - Summary of issues raised in consultation, and
 - Summary of responses to issues raised in consultation
- Residential Sustainability Report if development has residential components. Explanatory notes and a Residential Sustainability Report are provided in the *Achieving Sustainable Residential Development* guide.

The Authority has prepared a Design Response Report summary which will assist proponents in quickly entering the required information and guide them in determining the plans and evidence of consultation that are required. This schedule can be downloaded from the ACT Planning and Land Authority website by logging on at www.actpla.act.gov.au

This above is not dissimilar from the consultation arrangements provided for under section 93 of the *Airports Act 1996* and supplemented by the Airport Development Consultation Guidelines document released in December 2006.

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Airports Amendment Bill 2006

Department of Transport and Regional Services

Question:

Topic: Proponent putting forward consultation summary

Hansard Page: 76 (30/01/07)

Senator O'Brien asked:

Senator O'BRIEN—In the Airports Act case, is the developer's recital of the objections and the responses publicly available? If not, why not?

Mr Mrdak—It is not publicly available. It is part of the assessment we do for government. In some cases, the proponents may choose to release that documentation, but at this stage it is provided to the department for our assessment and advice to ministers.

Senator O'BRIEN—Why shouldn't it be transparent?

Mr Mrdak—There is no reason why not. I think that airport lessee companies may wish to make that information publicly available. Many do through, say, have consultation forums on the airport and the like. I would need to check how often that happens. There is no reason why the airport lessee company would not choose to make all that available.

Answer:

Most leased airports maintain a program of community consultation, particularly in order to address ongoing aircraft noise issues, but also to inform the community of developments at the airports. For example the Australian Government established the Sydney Airport Community Forum in July 1996, while Canberra and Bankstown Airports have established the Canberra Airport Aircraft Noise Consultative Forum and Bankstown Airport the Bankstown Airport Community Consultative Forum respectively. These forums meet about three to four times a year and can include representatives from the community, local councils, the aviation industry, airport management, and State and Federal Parliaments.

In addition it needs to be noted that when developing a draft airport master plan, environment strategy or major development plan, the airports are encouraged to convene public meetings in order to facilitate interactive communication and provide opportunities to consult and engage members of the public directly on the proposals detailed in the draft plan or strategy.

Senate Rural and Regional Affairs and Transport Legislation Committee

ADDITIONAL INFORMATION

Airports Amendment Bill 2006

Department of Transport and Regional Services

Topic: Automatic approval of major development plans

Hansard Pages: 7, 26, 30, 31, 33, 43, 61, 62, 69 & 71 (30/01/07)

It was mentioned on a number of occasions during the course of the Hearing that should the Minister for Transport and Regional Services not make a decision to approve, or not approve, an airport master plan, environment strategy or major development plan under the Airports Act 1996 then the plan/strategy would be automatically approved.

During this discussion, Senator O'Brien asked (page 31) "Do you know of any other approvals process which gives automatic approval after the elapsing of time and the approval process has not been completed?"

Answer:

Below are examples of legislation that use the 'automatic approval' approach applied in the *Airports Act 1996*.

Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)

Subsection 42(9) states that "If the Minister fails to comply with subsection (8), the Minister shall be deemed to consent to the grant of the licence", with subsection (8) stating that "Where the Land Council consents to the grant of the licence, the Minister shall determine whether he or she also consents to the grant, and shall notify the applicant and the Land Council, in writing ...".

Biodiversity Act 2004 (Qld)

Subsection 40(4) states that "If the chief executive does not give the applicant a notice as required under subsection (1) or (3) within 20 business days after receiving the application, the chief executive is taken to have approved the plan".

The Act requires people undertaking biodiscovery activities to obtain a collection authority and to enter benefit-sharing arrangements with the State. The 'plan' (i.e. the Biodiscovery Plan) is a document setting out information such as the timetable for each of the activities, the activities proposed to be carried inside/outside Queensland and the activities which the entity proposes to outsource.