

10 February 2007

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

Dear Sir/Madam,

**Inquiry into the Airports Amendment Bill 2006: Further Supplementary Submission**

I write to address the question in M/s Martain's email dated 7 February 2007 as well as to clarify other aspects of the Council's evidence to Inquiry

Altogether this further supplementary submission will address:

- Council's position on a Curfew for Canberra International Airport
- Council's motives in making a submission and appearing before the Committee
- A statement alleged to have been made by Mayor Pangallo
- Floor space limitations applying to the Airport
- The Tralee Proposal and Aircraft Flights
- AS 2021 and the ANEF Regime
- Airport Forecasts
- 50 Year Planning Horizon.

However before doing so Council thanks you for this opportunity.

***Council's position on a Curfew for Canberra International Airport***

As indicated in M/s Martain's email the Chair during the hearing raised the question of a curfew and Council's support of one.

Council does not believe that this issue is relevant to the Inquiry's Terms of Reference. Nevertheless the following comments are made in relation to this matter.

Council has supported a curfew for Canberra International Airport similar to that operating for Kingsford Smith Airport in the past although this was not part of Council's submission on the Airports Amendment Bill 2006, nor is it a matter proposed to be addressed by the Bill.

The major reason for support of a similar curfew is Canberra International Airport's stated desire (see page 27 of the February 2005 Final Master Plan) to establish a 24 hour freight hub at the Airport, which would obviously increase aircraft movements during sensitive night time hours.

Obviously aircraft noise from night freighters is likely to have a much greater impact upon the sleeping patterns of residents given the lower night background noise levels.

Currently aircraft movements are voluntarily restricted between 11pm and 6am. Council simply seeks to build on this.

Queanbeyan City Council has previously acknowledged the economic importance of the Canberra International Airport and does not consider opposing the proposed 24 hour freight hub which would allow additional night freight flights as undermining its economic importance.

### ***Council's motives in making a submission and appearing before the Committee***

At the Inquiry there was some suggestion that Council's position was motivated by "jiggery-pokery" or trickery.

This is simply not the case.

Queanbeyan City Council is affected by most activities at Canberra International Airport, whether they are commercial developments or aircraft movements. In this regard this Council has a legitimate right to comment on the proposed Bill, which if supported in its current form will result in further impacts upon the City of Queanbeyan.

Also considerable Council resources have been put into its four submissions on this Bill and these raise issues far broader than those relevant to Canberra International Airport or to the proposed Tralee development.

### ***Floor space limitations applying to the Airport***

In its written and verbal submissions on Items 120 and 170 of the Bill: "Excluding Canberra Airport from the operation of the National Capital Plan", Council raised the issue of commercial floor space limitations currently applying via Amendment 44 of the National Capital Plan and it being lifted if these Items were to proceed (see pages 7, 8 14 and 15 of Council's written statement).

Mr Byron of Canberra International Airport submitted that this was wrong and that there was not a floor limitation in the National Capital Plan. Minister Corbell in his evidence confirmed that the National Capital Plan does currently provide a square metre limit on the total amount of commercial office space permitted at the airport and that this limit is 120,000m<sup>2</sup>.

I refer you to Amendment 44 on the National Capital Authority's web page: [http://www.nationalcapital.gov.au/planning\\_and\\_urban\\_design/national\\_capital\\_plan/amendments.asp](http://www.nationalcapital.gov.au/planning_and_urban_design/national_capital_plan/amendments.asp)

***A statement alleged to have been made by Mayor Pangallo***

During the hearing the matter was raised about whether or not Mayor Pangallo had made a statement to the effect that if people do not like aircraft noise then they will not buy at Tralee.

Mayor Pangallo has indicated that he has not made a comment in the sort of context or tone that the above seems to have been made in. However at the same time he has made many statements on this type of matter over the years that it has been made an issue.

### ***The Tralee Proposal and Aircraft Flights***

A number of submissions raised the issue of the Tralee development which was said to be within the flight paths. Certainly Tralee is overflown in the same way as many urban areas in Australia although in the case of Tralee this occurs at considerable heights. In this regard Mr Byron stated that departure aircraft fly about 3,800 to 4,500 feet or 1,158 to 1,372 metres above the ground while arrival aircraft fly between 320 to 450 metres above the ground.

In regard to this development it also needs to be noted Council is the regulatory authority and not the proponent.

It is also important to note that the Tralee development is not within Canberra International Airport's current ultimate capacity Australian Noise Exposure Forecasts (ANEFs) which projects noise exposure to the Year 2050.

Further, even if these were to move in a westerly direction, it is extremely likely that the development would continue to comply with the requirements of the relevant Australian Standard AS 2021 and Ministerial Direction No. 12 (issued by the NSW Minister for Planning) which is a more stringent version of the Australian Standard (Attachment 1).

In any case the developer has indicated to Council that if the development proceeds or parts of it proceed, then all dwellings will be constructed to AS 2021, even though this is not required.

Council is also currently exploring ways that prospective purchasers can be advised of aircraft noise issues through section 149 or zoning certificates.

### ***AS 2021 and the ANEF Regime***

In evidence to the Inquiry Mr Byron of Canberra International Airport submitted that the Australian Standard is a standard for acoustic installation, not land use planning, while in its written submission Canberra International Airport called for a comprehensive policy on aircraft noise in the vicinity of airports including development of an Australian Standard on land use planning around airports.

There already is an Australian Standard on land use planning around airports which is Australian Standard 2021. In regard to it the Department of Transport and Regional Services in its discussion paper "Expanding Ways to Describe and Assess Aircraft Noise" and dated March 2000 observes:

***“This paper is not an attempt to replace the ANEF system as a planning tool. The ANEF system continues to be the most technically complete means of portraying aircraft noise exposure and the Department is not proposing any changes to the land use planning principles and restrictions embodied in Australian Standard AS2021”.***

This is not to say that it cannot be improved by the provision of supplementary information as recommended by the discussion paper. As observed above Queanbeyan City Council is currently exploring appropriate measures to do this.

The excerpt from the above discussion paper also makes it clear that AS2021 is more than just a building insulation standard.

### ***Airport Forecasts***

In evidence Mr Byron also raised the issue of forecasts and submitted that at 31 December 2006 the Airport was ahead of their 1998 forecasts. This is not the case for aircraft movements.

The following table represents actual aircraft movements (as contained in AirServices Australia’s movement records) against the projected aircraft movements that are contained in either the 1999 or the 2005 approved Master Plans for Canberra International Airport. For comparison purposes the table also includes movements from Kingsford Smith Airport.

	<b>1998</b>	<b>2000</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05</b>	<b>2005</b>
<b>Projected</b>		136,327		90,281	93,296	150,483
<b>Actual</b>	130,199 <sup>1</sup>	129,370	87,366 <sup>2</sup>	75,346	76,452	77,306
<b>Actual as a proportion of projected</b>		95%		83.46%	81.95%	51.37%
<b>Kingsford Smith: Actual</b>		308,342	254,528	245,520	281,408	281,738

### ***50 and 20 Year Planning Horizons.***

The issue of planning for a 50 year time horizon was raised by Canberra International Airport at the Inquiry while criticising Council’s submission that the *Airports Act 1996* should not be amended to enable master plans nor associated ANEF’s to extend beyond the 20 year planning period.

Although longer periods may seem desirable there are good reasons why this is not achievable.

For example the above table demonstrates that predictions of aircraft movements may vary as much as 50% (see projected and anticipated for 2005). In this case the predictions were contained in Canberra International Airport’s approved 1999

<sup>1</sup> Indicated as actual in the 1999 Master Plan

<sup>2</sup> Indicated as actual in the 2005 Master Plan

Master Plan which means that this variation occurred within a seven year period let alone a 50 year one.

Other reasons for shorter periods with five yearly reviews of these shorter periods include those in Council's written statement to the Inquiry i.e.:

- Imposition of costs that may never have been necessary. For example the residential sector may have to comply with AS2021, despite the fact that forecast air movements in, for example 2050, may never be realised.
- Uncertainty of planning horizon beyond 20 year period for critical factors such as the future availability and cost of fossil fuels, the future of the airline industry, technological advancements and the like.
- A planning horizon of 15 – 20 years is a much more certain time horizon in which to plan for and parallels the current 20 year planning period required by the *Airports Act 1996*.
- Creation of potential litigation eg *Village Building Company Limited v Canberra International Airport Pty Ltd & Ors* [2003] FCA 1195, *Village Building Company Limited v Canberra International Airport Pty Ltd & Ors* [2004] FCAFC 240, and *Robin Pty Ltd v Canberra International Airport Pty Ltd* [1999] FCA 1019 all of which raised issues concerning Canberra International Airport's 2050 ANEF. Making this section of the Act more explicit in the Act could avoid this in the future.

Should you have any further enquiries please contact David Carswell of Council's Strategic Planning Section on 6298 0276.

Yours faithfully

DAVID CARSWELL  
MANAGER STRATEGIC PLANNING

Cc the Mayor  
Councillor Mavec  
General Manager

**Direction No.12 – Development near Licensed Aerodromes****Objective**

- To ensure the effective and safe operation of aerodromes, and
- To ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.
- To ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**Where this direction applies**

This direction applies to all councils.

**When this direction applies**

This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision relating to land subject to noise from a licensed aerodrome.

**What a council must do if this direction applies**

- (1) In the preparation of a draft Local Environmental Plan affecting land in the vicinity of a licensed aerodrome, the council shall:
  - (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
  - (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,
  - (c) for land affected by the OLS:
    - (i) prepare appropriate development standards, such as height
    - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome
  - (d) obtain permission from that Department of the Commonwealth, or their delegate, where a draft LEP proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission shall be obtained prior to a certificate under section 65 of the Act being issued.
- (2) Draft Local Environmental Plans shall not rezone land:
  - (a) for residential purposes, nor increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) as from time to time advised by that Department of the Commonwealth exceeds 25, or
  - (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
  - (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.
- (3) Draft Local Environmental Plans that rezone land:
  - (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or
  - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or
  - (c) for commercial or industrial purposes where the ANEF is above 30, shall include a provision to ensure that development meets AS 2021 regarding interior noise levels.

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- (4) A draft LEP may be inconsistent with this direction only if council can satisfy the Director-General that any particular provision or area should be varied or excluded having regard to the provisions of section 5 of the Environmental Planning and Assessment Act, and
- (a) the land has been identified in a strategy prepared by the council and approved by the Director-General, or
  - (b) the rezoning is justified by an environmental study, or
  - (c) the rezoning is in accordance with the relevant Regional Strategy prepared by the Department, or
  - (d) the rezoning is, in the opinion of the Director-General, of a minor significance
- (5) For the purposes of (4)(b), an environmental study has the same meaning as in s.57 of the Environmental Planning and Assessment Act.