

  
Parliament of Australia  
Office of **Steve Georganas MP** Federal Member for Hindmarsh 

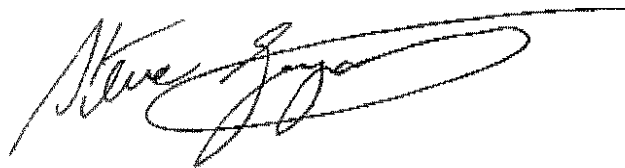
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Senate Rural and Regional Affairs and Transport Committee  
Department of the Senate  
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CANBERRA ACT 2600

**Submission to the Inquiry into the Airports Amendment Bill 2006**

Senator Heffernan

I thank the Senate Rural and Regional Affairs and Transport Committee for the opportunity to make this submission to the Inquiry into the Airports Amendment Bill 2006.

The content of this submission is drawn from perspectives held by interested residents, resident groups and associations within the Federal Division of Hindmarsh in relation to the operation of the Airports Act 1996 and the provisions of the Airports Amendment Bill 2006.



**Steve Georganas MP**  
Federal Member for Hindmarsh

17 January 2007

**Submission to the Inquiry into the Airports Amendment Bill 2006  
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## **Summary of residents' frustrations**

Residents' frustrations to date with the Airports Act 1996 and airport-lessee companies' development of airport land can be summarised as follows.

Limitations on developments by use of the master plan are undermined:

- colours, materials etc. of developments as prescribed by the master plan are not addressed in circulated planning documents;
- restrictions in use of developments can be ineffectual, as limits may only be observed in immediately post-development usage, not subsequent leases;
- an airport-lessee company submission to the Minister is not accessible by the public; incorporation of community objections to plan or development proposals may be ignored, down-played or misunderstood;
- the master plan can be misinterpreted by an airport-lessee company with impunity as there is insufficient recourse available to interested parties;
- major development restrictions (including necessity of consultation etc.) can be undermined through inaccurate accounting for or artificially breaking-up of (reducing overall costs of) developments – the Bill's provision does not assist residents wishing to comment on the consequences of major developments;
- neither the act nor the regulations adequately provide for the enforcement of the master plan or the limitation on non-complying developments.

## **Comments on provisions of Airports Amendment Bill 2006 (as identified by Item number within the Bill's Explanatory Memorandum)**

### **Item 23 – final master plans**

The proposed inclusion of the new subsection 70(2), which sets out the purpose of a final master plan as, among other items, to ensure that uses of the airport site are compatible with the areas surrounding the airport.

Residents have seen neither anything resulting from the Airports Act 1996 nor within the Airports Amendment Bill 2006 that will reduce their disappointment in developments taking place without due regard to the compatibility of any development with the surrounding area nor the concerns of residents or other interested parties raised regarding these developments.

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**Item 42, 43, 80 and 127; 58 and 100 – public comment**

The reduction of time within which interested parties can access, digest, prepare and submit comments on a draft master plan, draft major development plan and preliminary environment strategy from 90 calendar days (almost 13 weeks) to 45 business days (9 weeks) in the case of items 42, 43, 80 and 127, and from 30 calendar days (over 4 weeks) to 15 business days (3 weeks) in the case of a variation to a final master plan in item 58 and draft minor variation to a major development plan in item 100, are highly substantial and must have the effect of decreasing the potential for community involvement in the ongoing master plan development process.

That the reduction of time provided for public consultation is justified (in part) within the Explanatory Memorandum on the grounds that it brings the provision more into line with State/Territory planning systems suggests that the Ministers may in fact have shown particular interest in developments taking place on airport land observing state and local government planning systems, or acknowledges the need to show greater interest in the future in these systems, however the feedback from local government has thus far not substantiated any convergence.

Residents suspect there may be more useful areas in which the Act could give greater consideration to State/Territory planning systems and the requirements they place on development.

**Item 47, 63, 106 and 132 – demonstrated due regard to public comment**

The requirement that airport-lessee companies demonstrate that the company has had due regard to written comments on the draft master plan, draft variations to the final master plan, draft variation of a major development plan and draft environment strategy received from the public is most welcome.

Residents state that they do not receive copies of correspondence between the company and the Minister and consequently question whether they would ever be in a position to reflect on whether the company has fully understood their comment or whether the company's demonstrated due regard even addresses their comment.

Residents question whether "due" regard simply means that an airport-lessee company needs to provide the Minister with a reason for discounting written comments, irrespective of the severity of the issue on which the comment is made or the substance of the reason for discounting the comment.

**Item 72, 73 and 74 – meaning of major airport development**

**Submission to the Inquiry into the Airports Amendment Bill 2006  
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The demonstrated potential for a development's cost estimate to exclude many items, as in the case of the Cheap as Chips – Office / Warehouse Development within Burbridge Business Park, Adelaide Airport (prepared March 2005 by Rider Hunt, Melbourne), where items excluded from the cost estimate were listed on the estimate and included heating and cooling to warehouse, fire sprinklers to warehouse racking, gas supply, overhead cranes, blinds or curtains, cool rooms, development management fees, and leasing costs, just to name a few, undermines the perceived effectiveness of the current major development provisions.

Residents hope that provisions pertaining to major developments are applied in good faith and that these developments receive additional attention as envisaged by the Act.

While an amended meaning of a major airport development may in future cause the inclusion of all associated building activities in cost summaries, the doubling of the dollar value threshold from \$M10 to \$M20 may continue residents' exclusion from very large developments and consequently be of little value.

Residents have noted the potential circumvention of the Act's major development provisions through the breaking-up of very large developments into multiple stages that, individually, have been costed at under \$M10.

As already stated, residents hope that provisions pertaining to major developments are applied in good faith and that these developments receive additional attention as envisaged by the Act.

**Item 75 – contents of a major development plan**

Residents acknowledge that where a master plan limits development of land for the purpose of maintaining or achieving a particular mix of certain on- and off-airport land facilities, such as providing retail facilities for a particular market, a proposed major development may be intended to be used in accordance with a master plan and may initially be used in accordance with a master plan, but may subsequently be used counter to the master plan.

Residents question whether the master plan can be used to prohibit developments with an effect contrary to that desired by the local community not only prior to the development's completion, but also subsequent to the development's completion.

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17 January 2007