

# Western Sydney Alliance



Submission To:

**THE AUSTRALIAN SENATE RURAL AND REGIONAL  
AFFAIRS AND TRANSPORT COMMITTEE**

Subject:

**INQUIRY INTO THE  
AIRPORTS AMENDMENT BILL 2006**

JANUARY 2007

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## SUMMARY OF THIS SUBMISSION

- ❑ This document presents a submission by the Western Sydney Alliance to the Australian Senate Rural and Regional Affairs and Transport Committee regarding that Committee's Inquiry into the Airports Amendment Bill 2006.
- ❑ The Alliance has considered the Bill, and supports its general content and provisions, that are consistent with its stated purpose which is, in effect, to provide greater certainty in the strategic planning and development assessment process.
- ❑ The Alliance is concerned, however, that the Bill appears to continue to define and acknowledge Sydney West Airport (that is Badgerys Creek Airport) as an airport under the terms of the Act.
- ❑ Sydney West (Badgerys Creek) Airport is opposed by an overwhelming majority of the general community, and by virtually all political parties at the Federal, State and Local level.
- ❑ The Airports Act 1996 preceded the formal EIS assessment process associated with the then proposed Sydney West (Badgerys Creek) Airport, and the overwhelming public opposition to such an airport that was identified during that process.
- ❑ The Airports Act 1996 also preceded the following actions by the Federal Government:

In December 2000, the Federal Government deferred further consideration of Badgerys Creek and the second Sydney airport issue, subject to a further review of Sydney's future airport need, to be undertaken during 2005 – a review which if it did take place has not resulted in any further demand for a second Sydney airport; and

Since the formal EIS process, the Federal Government has made a number of very clear public statements, indicating that it no longer intends to build a second Sydney airport at Badgerys Creek.

- ❑ Despite this, the Badgerys Creek site remains formally reserved for future airport use, and that use is in large part formalised Part 1 Section 6 of the Airports Act 1996.
- ❑ **Accordingly, through this submission, the Western Sydney Alliance:**

**SUPPORTS THE PURPOSE, GENERAL CONTENT AND PROVISIONS OF THE AIRPORTS AMENDMENT BILL 2006,**

**But consistent with the purpose of the Bill,**

**CALLS FOR THE BILL TO BE REVISED TO INCLUDE THE DELETION OF PART 1, SECTION 6 OF THE AIRPORTS ACT 1996, WHICH SAYS:**

**for the purposes of this Act, Sydney West Airport is taken to be an airport at a particular time even if, at that time, it is:**

- (a) merely intended to be developed for use as an airport; or**
- (b) being developed for use as an airport.**

**and**

**CALLS FOR THE DELETION OF ANY OTHER REFERENCES TO SYDNEY WEST AIRPORT CURRENTLY INCLUDED IN THE AIRPORTS ACT 1996.**

## **1 THE WESTERN SYDNEY ALLIANCE**

The Western Sydney Alliance comprises the Mayors, Councils and communities of Western and Southwestern Sydney Councils. The Alliance was formed in 1997 to deal with a number of serious concerns regarding the proposed development of a second Sydney airport at Badgerys Creek in Western Sydney.

Members of the Alliance over the past decade have included Baulkham Hills Shire Council, Blacktown City Council, Blue Mountains City Council, Camden Council, Campbelltown City Council, Fairfield City Council, Holroyd City Council, Parramatta City Council, Penrith City Council, and Wollondilly Shire Council.

## **2 BADGERYS CREEK AIRPORT**

The proposal to build a second Sydney airport at Badgerys Creek in Western Sydney had its general origins in a number of preliminary studies in the 1970's, and its more specific grounding in the site selection EIS process competed in 1985. The question of Sydney's long term airport capacity was then impacted by the decision of the Hawke Federal Government to construct a third runway at Sydney Kingsford Smith Airport – a project that was competed in 1994.

The Badgerys Creek Airport proposal then re-emerged in the years leading up to the Sydney 2000 Olympics, on the premise that without a second major airport, Sydney would not be able to cope with the aircraft and passenger movements that the Games would generate – a concern that was to prove to be totally unfounded.

During the subsequent assessment process, an extensive catalogue of negative and very serious environmental and social impacts were identified in submissions made by the Western Sydney Alliance, the NSW Government, and many others to the formal EIS process. The overwhelming majority of the more than 20,000 submissions made to the Badgerys Creek EIS process expressed very strong opposition to the airport proposal. It was, and remains, the view of the Alliance that a second Sydney airport at Badgerys Creek would not solve any of the environmental or operational issues associated with Sydney's existing airport, but would in fact simply impose the negative environmental and health impacts of an unnecessary second airport on young and vulnerable communities in Western and Southwestern Sydney. In December 2000, following a lengthy and controversial EIS process, the Commonwealth Government announced that no immediate action would be taken regarding the development of a second Sydney airport, and that the matter would be deferred for further consideration in 2005.

The issue of Sydney's future airport capacity, and that of the 1800 hectare Badgerys Creek site reserved by the Federal Government to provide future airport capacity, remains unresolved. The uncertainty generated by this ongoing hiatus continues to have very serious implications for the people of Western Sydney, and for planning in the region.

## **3 THE AIRPORTS AMENDMENT BILL 2006**

### **3.1 PURPOSE OF THE BILL**

According to the Parliament of Australia Senate web site:

*The purpose of the Airports Amendment Bill 2006, which amends the Airport Act 1996, is to improve the land use planning system in place at the leased federal airports through increasing the focus on strategic planning, simplifying planning controls and improving development assessment processes.*

*The Bill also implements a number of recommendations arising from the June 2000 Senate Committee Inquiry into the Development of the 'Brisbane Airport Corporation Master Plan', aligns the planning arrangements for Canberra Airport with those from other federal airports and provides for greater flexibility for further updates of some day-to-day on-airport activities.*

This submission is made in the context of the stated purpose of the Bill, particularly in the important matter of providing certainty in the strategic planning and development assessment process in areas subject to the impact of the proposed Sydney West (Badgerys Creek) Airport.

### **3.2 GENERAL PROVISIONS OF THE BILL**

The Alliance has reviewed the general content and provisions of the Bill, which in the main appear to support the Bill's stated objective of providing certainty in the strategic planning and development assessment process. The Alliance very strongly supports the objective of providing improved certainty and surety in these important processes, and for this reason supports the general content of the Bill.

### **3.3 SYDNEY WEST AIRPORT**

The Alliance is very seriously concerned, however, that the Bill appears to continue to define and acknowledge Sydney West Airport (that is Badgerys Creek Airport) as an airport under the terms of the Act. The balance of this submission deals with that important matter.

Sydney West Airport, in effect Badgerys Creek Airport, has been essentially discredited by an extensive EIS process; formally rejected by an overwhelming majority of public, private and political stakeholders. As identified in this submission, the current Federal Government has also indicated in a number of public statements that it does not intend to build an airport at Badgerys Creek.

However, Sydney West Airport remains very clearly and formally defined as an airport in the Airports Act 1996 – the Act now subject to amendment by the Airports Bill 2006.

## **4 THE AIRPORTS ACT 1996 - SYDNEY WEST AIRPORT**

A very significant parcel, approximately 1800 hectares, of Commonwealth owned land at Badgerys Creek in Western Sydney remains reserved for future airport use.

This reservation is, at least in very large part, entrenched by the provisions of the Airports Act, 1996.

Section 6 of that Act defines "Sydney West Airport", which is in effect the land owned by the Commonwealth at Badgerys Creek, as an "airport site" under the Act.

Part 1, Section 6, of the Act says:

*For the purposes of this Act, Sydney West Airport is taken to be an airport at a particular time even if, at that time, it is:*

- (a) merely intended to be developed for use as an airport; or*
- (b) being developed for use as an airport.*

In this respect, the 1996 Act retains a provision that has been overtaken by the overwhelming public opposition that emerged from the EIS process undertaken in the late 1990's, and importantly by the Federal Government's own subsequent, and in our view very correct, statements that it no longer intends to build an airport at Badgerys Creek.

## **5 THE FEDERAL GOVERNMENT'S STATED INTENTIONS RE SYDNEY WEST AIRPORT**

In December 2000, in part following the overwhelming level of public opposition expressed during the formal EIS process, and in part also in response to a reassessment of the capacity and potential of Sydney's existing airport systems following the Sydney 2000 Olympics, the Federal Government deferred any further consideration of Sydney West, or Badgerys Creek, Airport, subject to a review of Sydney's future airport need in 2005.

While there is no public indication that that review took place, or if it did to what extent, since the December 2000 deferral, the Federal Government has made a number of public statements indicating in very clear terms that it does not intend to build a second Sydney airport at Badgerys Creek.

In December 2003, then Federal Transport Minister John Anderson issued a press release indicating that the Federal Government:

*“has no plans to build a second Sydney airport, and that this decision provides security for residents of Western Sydney who have long been concerned about the possibility of a future new airport in their area”*

During the 2004 federal election campaign, the subsequently re-elected Federal Coalition issued the transport policy document *“Building Our National Transport Future”*, which included the statement that:

*“a re-elected Coalition Government will not build a second Sydney airport”*

Despite these very clear statements and undertakings, the 1800 hectare Commonwealth site at Badgerys Creek site remains reserved for future airport use.

This reservation is reflected, and formalised, in Part 1, Section 6, of the Airports Act 1996, as described above.

That Act, of course, preceded the Badgerys Creek EIS process; the overwhelming opposition to the proposed Sydney West Airport that was identified during that process, and the Federal Government’s own subsequent statements that it no longer intends to build an airport at Badgerys Creek.

The Airports Amendment Bill 2006 provides the opportunity to ensure that the relevant Act does in fact reflect current community attitudes and views, and importantly that it also reflects the now stated intentions and undertakings of the Federal Government.

## **6 THE NEED FOR CERTAINTY**

One of the stated purposes of the Airports Amendment Bill 2006, in amending the Airport Act 1996, is

*to improve the land use planning system in place at the leased federal airports through increasing the focus on strategic planning, simplifying planning controls and improving development assessment processes.*

The Alliance fully agrees with this, but believes that this stated purpose also requires the provision of clarity and certainty on the Badgerys Creek (or Sydney West) Airport issue.

The various public announcements made by the current Federal Government that it does not intend to build an airport at Badgerys Creek have had the effect of convincing the vast majority of the general public that a formal decision has in fact been taken in this regard.

Those living in areas subject to the impacts of any prospective airport at Badgerys Creek, and in particular those who now or in the future decide to become part of the many new residential developments subject to such impacts, have taken the Federal Government at its word. They have assumed that there will be no airport at Badgerys Creek, and no attendant environmental impacts – including air pollution and health impacts.

Yet despite this public perception, the reality is that the Badgerys Creek site remains reserved for future airport use. That airport reservation, which is inconsistent with the Federal Government’s own public statements and undertakings on the matter, is entrenched in large part by the existing formalisation of Sydney West Airport in the Part 1, Section 6, of the existing Airports Act.

The uncertainty caused by the continued retention of the Badgerys Creek site for future airport use, particularly given the Federal Government’s public statements that such an outcome will not eventuate, is a major and increasingly serious impediment to the planning and delivery of a sustainable future for the people of Western and Southwestern Sydney.

The amendment of the Airports Act 1996 to reflect current public views, and the position formally expressed by the Federal Government, would contribute in a very real way to the very necessary resolution of this uncertainty.

## **7 THE PUBLIC VIEW**

This submission has referred to the overwhelming public opposition to an airport at Badgerys Creek, expressed at the time of the formal EIS assessment process in the late 1990's.

A measure of the fact that this opposition has not diminished, but has if anything become more widely held by the general community, was provided by one of the outcomes of a recent public roundtable on airport and transport infrastructure need jointly coordinated by the Western Sydney Alliance and the Western Sydney Regional Organisation of Councils (WSROC).

The roundtable was conducted at Penrith City Council on 21 September 2006, and involved a very broad range of community, government and industry stakeholders.

One of the unanimous outcomes of the roundtable was for those present to:

**Call on the Federal Government to formally and unequivocally rule out any future airport at Badgerys Creek – and set in train a process to determine the best and most sustainable future use for the site**

This outcome confirms that the concept of an airport at Badgerys Creek, as reflected in the Airports Act 1996, continues to be opposed by an overwhelming and broad cross section of the community. This, and other outcomes of the roundtable, were conveyed to the Federal Government and Opposition by Alliance delegations in December 2006.

The opposition to an airport at Badgerys Creek, as expressed at the roundtable, is consistent with the Federal Governments own public statements that it no longer intends to build an airport at Badgerys Creek.

The Airports Amendment Bill 2006 provides the opportunity to ensure that relevant legislation is consistent with these two important realities.

## **8 THIS SUBMISSION**

In accordance with the position outlined above, this submission:

**Supports the general content and provisions of the Airports Amendment Bill 2006,**

**but consistent with the purpose of the Bill,**

**Calls for the Bill to be revised to include the deletion of Part 1, Section 6 of the Airports Act 1996, which says:**

**For the purposes of this Act, Sydney West Airport is taken to be an airport at a particular time even if, at that time, it is:**

- (a) merely intended to be developed for use as an airport; or**
- (b) being developed for use as an airport.**

**and**

**Calls for the deletion of any other references to Sydney West Airport currently included in the Airports Act 1996.**

## **9 CONCLUDING COMMENTS**

The Western Sydney Alliance would like to express its appreciation for the opportunity to make this submission the Rural and Regional Affairs and Transport Committee of the Australian Senate in relation to the Committee's Inquiry into the Airports Amendment Bill 2006.

The Alliance believes that removal of the increasing uncertainty surrounding the Sydney West (Badgerys Creek) Airport matter is of vital importance to the future of Western Sydney.

We also believe that the removal of this uncertainty is entirely consistent with public sentiment; the stated purposes of the Bill, and the Federal Government's own stated intentions not to build an airport at Badgerys Creek.

The Alliance would be very pleased to provide any further or more detailed information that may be of assistance to the Committee in its consideration of this important matter.

**Councillor Mark Pigram**  
**Holroyd City Council**  
**Chairman, Western Sydney Alliance**

**Councillor Pat Sheehy**  
**Mayor, Penrith City Council**  
**Deputy Chairman, Western Sydney Alliance**

**19 January 2007**