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19 January 2007

The Secretary
Rural and Regional Affairs and Transport Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

Canberra International Airport submissions to review of Airports Amendment Bill 2006

Please find attached herewith two copies each of three (3) submissions from Canberra International Airport to the Airports Amendment Bill 2006 entitled:

- Compliance with State and Territory Planning Regimes
- Public consultation and approval periods
- ANEF and Aircraft Noise

Furthermore, I would also request the opportunity to present Canberra International Airport's views to the Standing Committee in person. I would thus appreciate it if you could provide details of the dates and times of the Standing Committee hearings.

Please do not hesitate to get in touch with Alex Ananian-Cooper from my office on 6275 2298 should you wish to discuss any of these submission further and to schedule an appearance before your Committee.

Yours sincerely

Stephen Byron
Managing Director

Encl.



CANBERRA INTERNATIONAL AIRPORT

SUBMISSION ON PROPOSED VARIATION TO AIRPORTS ACT

Compliance with State and Territory Planning regimes

Airports Act Planning Regime and Canberra International Airport

- Canberra International Airport is a major social, tourism, business, government and trade gateway for the region, indeed the nation. Accordingly, Canberra Airport has ensured that the Airport is strongly integrated into the metropolitan and sub-regional planning strategies.
- Since privatisation in 1998, Canberra International Airport has been subject to an extensive dual-layered planning regime that is more comprehensive and onerous than any other part of the ACT **and** at any other capital city airport.
- The proposed changes to the Airports Act which remove the second layer of planning (NCA) brings Canberra International Airport in line with other Australian Airports and with most state/territory planning regimes. Canberra International Airport warmly welcomes this removal of duplicate red tape.
- The Planning Regime under the *Airports Act 1996* requires all privatised airport development applications to be consistent with their Master Plan (20 year planning document prepared at least every five years) and, where significant, to be subject to a Major Development Plan which is subject to additional public consultation and governmental approval processes. An Airport Environment Strategy must also be prepared every five years.
- **The Airports Act planning regime is, in most cases, far more onerous than state and local planning regimes.** Long public consultation periods and the requirement to take into account and respond to any comment received from third parties ensure close consideration of the planning strategies and policies of surrounding jurisdictions.
- Further, the recent Consultation Guidelines published by the Department of Transport and Regional Services reinforces the relationship between airports and surrounding planning authorities by means of robust consultation, in many cases outside the formal regulated public consultation periods. Canberra International Airport already has a consultation regime and history that complies with and exceeds that identified in the Guidelines.

- Non aeronautical development drought-proofs airports
- The key point of contention raised by State, Territory and Local Governments in relation to development at airports is in regards non-aeronautical development. It is a key point to note that **in the highly volatile and risky aviation industry, non-aeronautical development assists airports to “drought-proof” their investments and maintain solvency.**
- Since the major airports have been privatised, the following issues (among others) have caused severe impacts on the aviation side of airport businesses in Australia:
 - GA fuel contamination crisis
 - Collapse of Ansett and its regional affiliates
 - September 11 and the ongoing security repercussions
 - Bali bombings (I & II)
 - Fuel prices
 - SARS
- Identifiable future threats to aviation in Australia include:
 - Further security-related incidents or threats
 - Avian Flu
 - Fuel prices
- In the case of Canberra International Airport, the collapse of Ansett led to a 40% reduction of aeronautical revenues overnight. We have been very open in stating publicly that without our non-aeronautical business, the Airport would not have been able to survive.
- Furthermore, the existence of **non-aeronautical revenue streams has allowed airports to obtain financing for major aviation infrastructure projects.** In Canberra, we have recently extended our main runway and plan on investing around \$150m in a new terminal building. This sort of investment would be impossible without non-aeronautical development. Put simply, the banks would not fund it.
- Thus, any further complication of the planning system for airports in relation to non-aeronautical development, especially should other planning jurisdictions be involved in the approvals process, will severely hamper the ability of airports to continue their substantial program of investment in aviation infrastructure, but in some cases may threaten their viability as a whole.

Airports as key growth drivers for the region

- In short, Airports today are like the seaports of yesteryear. Airports are major generators of economic and social wealth to a region and are a gateway of their own. It is inconceivable to contemplate that all commercial development around seaports or train stations were constrained or restricted – transport hubs are natural magnets for business. Indeed, the term ‘Aerotropolis’ has recently been coined to describe this worldwide phenomenon. As such, **a vibrant Airport will greatly enhance the city it serves, and the ability to build on the Aerotropolis concept will allow an airport to contribute in a stronger, more meaningful manner to the wellbeing of the city as a whole.**
- It is noted that Canberra International Airport is integrated into the key ACT Government Development Strategy, the Canberra Plan, which includes the Economic White Paper and The Canberra Spatial Plan (ACT Government planning regime). The Canberra Spatial Plan clearly identifies Canberra International Airport as an “employment node within the ACT” and notes that it is an “asset for the ACT and surrounding NSW”. Further, the map on page 21 of the Spatial Plan identifies Canberra Airport as a Priority 1 “future employment corridor” and as an “activity node”, defined as capable of providing 5-10% of the total Territory employment.
- This is provided in greater detail at pages 15-19 of Canberra International Airport’s published approved 2005 Master Plan (attached).
- Further, the airport is also integrated into the National Capital Plan (Commonwealth administered planning regime for Canberra and the principal plan for Canberra).
- In reviewing the Airports Act, Canberra International Airport contends that Government must ensure that the vision of Australian Airports as vibrant economic and social gateways remains alive.

Poor State, Territory and Local Government performance in planning

- The States and Territories, as well as local Government have a poor track record of performance in planning, especially in managing the relationship with airport infrastructure.
 - General planning performance is often related as below-par. See attached 2006 National Planning Report Card (Planning Institute of Australia), which shows sub-standard performance across Australia.
 - Issues such as water demonstrate a particular inability on the part of States and Territories to plan effectively in relation to major infrastructure to support economic and social growth. The Engineers Australia 2005 Report Cards for each of the States and Territories also raised concerns on the quality of maintenance and development of infrastructure in the States and Territories around Australia.
 - Further, in relation to airports, local councils, State and Territory Governments across Australia have proven incapable of stopping residential creep under flight paths, putting at risk not only the continued unrestricted operations of many of the nation's airports but also the living amenity of thousands if not millions of the nation's inhabitants. The aircraft noise issue is discussed more fully in a separate Canberra International Airport submission to this Inquiry.

Attachment 1: Canberra International Airport, 2005 approved Master Plan, pages 15-19

Attachment 2: Planning Institute of Australia, 2006 National Planning Report Card



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Public Consultation and Approval Periods

- Canberra International Airport is concerned by the new provisions on consultation and approval periods for Master Plans, Major Development Plans and Environment Strategies.
- The proposed new timeframes are inherently uncertain, in particular given the unlimited stop-the-clock provisions that in some cases may lead to significantly increased time required before a final decision is made in relation to a document.
- Compared with other Commonwealth, State and Territory legislation, time periods for project approvals are particularly long.

Examples of Commonwealth and State/Territory Legislation

- For example, the draft consultation guidelines for the **National Capital Authority** (published August 2006) provide the following timeframes for public consultation:
 - 30 business days for general amendments to the National Capital Plan
 - 15 business days for site-specific amendments to the National Capital Plan
 - 5 business days for minor amendments to the National Capital Plan
 - 15 business days for Development Control Plans
 - 10 business days for other development applications that require consultation under the National Capital Plan
 - No stop-clocks.
- The 2006 Planning reform project for the **ACT Government**, governed by ACT Planning (ACTPLA) proposes the following:
 - 20 working days from lodgement to approval for code assessable applications
 - 30 working days from lodgement to approval for Merit assessment applications and Impact assessment applications (includes EIS) where no representations received
 - 45 working days from lodgement to approval for Merit assessment applications and Impact assessment applications (includes EIS) where representations are received.

- Note that public consultation for development applications are 21 calendar days and this is part of and within the timeframes above.
 - No stop-clocks at the discretion of applicants
- ACT Legislation, as with most other States and Territories, also provides call-in powers, whereby the relevant Minister can decide to approve a development, waiving or curtailing public consultation and dismissing objections, where the project is in the national/state/territories interest.
 - The above timeframes, that are broadly representative of timeframes existing around Australia, are significantly less than those proposed under the revision of the Airports Act.

Development Assessment Forum (DAF) Leading Practise Model

- Canberra International Airport recommends that the revisions to the Airports Act closely consider the Leading Practise Model as published by the Development Assessment Forum (DAF), noting that DOTARS had a leading role in the development of this Model and funded the project.
- Among other recommendations, the DAF Model recommends:
 - Single point of assessment.
 - Compliance with clear response times (ie: no stop-clock provisions)
 - Limitation of third-party appeals
 - Call-in powers available to councils/ministers for applications of local/state/territory significance
 - Realistic timeframes on public comment, and in some cases, no requirement for public comment at all.
- Canberra International Airport embraces moves by the State, Territory and Commonwealth jurisdictions to encompass the recommendations of DAF and strong urges consideration of these recommendations in the revision to the Airports Act in the context of Master Plan, Major Development Plan and Airport Environment Strategy approvals and variations.

Key recommendations

- The proposed changes to the Airport Act should include:
 - Call-in powers for the Minister to make prompt decisions on aviation matters of national or regional significance
 - Further reduction in public consultation and DOTARS assessment timeframes to better reflect state/territory precedent.
 - Remove any stop-clock provisions that add huge uncertainty to the planning process
 - Ensure single point of assessment by DOTARS and minimise requirement for assessment under EPBC Act by the Department of Environment and Heritage

- Specifically in terms of the Airports Act, Canberra Airport contends that the timeframes be as follows (broadly following the National Capital Authority guidelines):
 - Master Plans/Environment Strategies: 30 business days public consultation and 30 business days for a decision.
 - Major Development Plans: 15 business days public consultation and 15 business days for a decision.
 - Minor Variations to Master Plans/MDPs: 5 business days public consultation and 5 business days for a decision.



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ANEF and aircraft noise

Airports are critical infrastructure

- First and foremost, **Airports must be recognised as critical pieces of regional and national transport infrastructure and major economic drivers to their region. As such, their existing and future capabilities must be protected:**
 - It is crucial to maintain airports' ability to operate unrestricted (where restrictions are not already in place).
 - Government must utilise the precautionary principle and act proactively to prevent situations where curfews and restrictions are placed on airports due to community political pressure on aircraft noise.
 - Overnight operations, in particular express freight, are an essential part of the nation's economy, and is demanded by business and the public at large. Major airports must be able to cater to these flights – ie: no curfews. This can only be achieved by restricting new residential development in the vicinity of airports.

ANEF system flaws – additional information required in Master Plans

- Since its privatisation, Canberra International Airport has continually and publicly questioned the ability of the ANEF system referred to in the Airports Act to be an adequate means of describing aircraft noise impact on the community in the vicinity of an airport. From our experience, ANEF levels do not coincide with levels of community complaints about aircraft noise.
- Canberra International Airport **applauds the recognition by the Commonwealth Government of the deficiencies in the ANEF system** by requesting airports to provide additional information in Master Plans, notably the flight tracks modelled as part of an ANEF contour.
- However, the ANEF system, under Australian Standard AS2021, is the standard designed for the insulation of buildings from aircraft noise – it is not a land-use planning tool and it does not suit airports where land under the flight paths remains free of residential and other noise-sensitive development. It does not suit airports that wish to remain curfew-free and maintain night time operations. It also does not suit airports which have flight paths over key marginal electorates.

- A letter from Standards Australia to the Department of Transport and Regional Services in 2000 (see attached) confirms the role of AS2021 as a standard for acoustic insulation of buildings against aircraft noise rather than a scientific land use planning standard. The letter also clearly states that:

“setting acceptability criteria [on aircraft noise issues][...] is normally the role of Government because such decisions can rarely be made on a purely scientific basis and generally have a political dimension.”

and

“...It was never intended that the Standard be used for the purpose of aircraft noise management.”

- **ANEF contours are never constant**, and thus land-use planning decisions made on the basis of an ANEF contour are rendered irrelevant once a new ANEF is endorsed.
- Thus, Canberra International Airport calls on the Commonwealth, in the context of the revisions to the Airports Act, to develop a **comprehensive policy on aircraft noise in the vicinity of airports including development of an Australian Standard on land use planning around airports**, especially the encroachment of new residential development.

Noise complaints extend beyond ANEF 20

- In a 2006 Independent Panel of Inquiry Report, commissioned by the NSW Government, into land uses south of Canberra International Airport, the Panel stated that:
*“The Panel has found that: 1. Land use conflicts clearly do arise between the Airport’s operations (particularly 24 hour operations) and residential environmental amenity in noise affected areas, and those **noise affected areas go beyond the 20 ANEF contour line.**”*
- This is supported by the Department of Transport and Regional Services (DOTARS) Discussion Paper “Expanding Ways to Describe and Assess Aircraft Noise”
“... aircraft noise pressures at some airports are tending to increase, not decrease. A particularly problematic aspect of the issue is that the majority of complaints and pressures to restrict airport operations come from persons living in areas which the ANEF system indicates are suitable for residential development – that is outside the 20 ANEF”

- The Report of the 1995 Senate Select Committee on aircraft noise at Sydney Airport, “Falling on Deaf Ears” also heavily criticised the ANEF systems ability to inform the community on aircraft noise and predict complaints. A copy of part of this report is attached to this submission.
- In recognition of the inability of the ANEF to describe aircraft noise, and noting that Australian Standard AS2021 is for the acoustic insulation of buildings alone, Canberra International Airport believes that **further information on aircraft noise in Master Plans is warranted**, such as:
 - Map of existing flight tracks to/from the airport taken from a recent representative period. This shows current and potential future residents and other stakeholders exactly where aircraft are currently flying.
 - Use of Single Event contours to show exactly how loud a plane is at a certain location – ANEF contours are yearly averages and have no meaningful comparison in terms of noise impact experienced.
 - Identification of a zone in which no new residential development should be permitted.
 - Any other information required to give a full account of the current and potential future noise impact in the vicinity of the airport.

Use of ICAO Balanced Approach

- The provision of additional information on aircraft noise, particularly airport-specific information is supported by the International Civil Aviation Organisation (ICAO)’s **Balanced Approach to Aircraft Noise**, which advocates an airport-by-airport approach.
- As part of this, Canberra International Airport has chosen to identify and adopt a “**High Noise Corridor**”, an area of land unsuited to residential and other noise sensitive development. Canberra Airport’s position on aircraft noise, including the High Noise Corridor, is provided in very significant detail in the 2005 approved Master Plan following over five years of major stakeholder and public consultation. The Master Plan adopts the High Noise Corridor as the land use planning tool for Canberra International Airport.
- The Senate Select Committee Report into the Third Runway at Sydney Airport found that the **ANEF system was used to mislead residents in relation to the noise impact of the third runway at Sydney**. This clearly demonstrates the need for further information beyond ANEF contours (and the tracks modelled as part of the ANEF).

- It was acknowledged in the Senate Select Committee Report and it is widely known that significant levels of aircraft noise complaints emanate from areas that, according to the ANEF, are not impacted by Aircraft Noise (ie: outside ANEF20).

Airports to have a say in local planning in the vicinity of the Airport

- In a climate of increasing residential encroachment on airports around the country, it is prudent for a provision to allow for Airport involvement in the local planning regime around airports, where aircraft noise impact is probable.
- The Airport should be identified as a referral agency in the State/Territory/Local planning system, with full rights to veto a development on the grounds of excessive aircraft noise affectation.

Recommendations

- Canberra Airport recommends that the revised Airports Act acknowledge ICAO's balanced approach to Aircraft Noise, and recommend an airport-by-airport approach.
- Where the ANEF system is maintained in Airport Master Plans, Ultimate Capacity ANEFs should be produced and the ANEF15 contour provided.
- Canberra Airport recommends that the Airports Act requires additional aircraft noise information to be provided in Airport Master Plans, including current aircraft flight paths (in addition to the flight paths modelled in the ANEF) and the identification of a zone where no further residential development should be undertaken.
- Canberra Airport recommends that careful consideration be given to providing airports with certain controls over land use planning in the vicinity of airports, notably where a development has the potential to create significant future aircraft noise complaints or disturbance.
- In protecting existing airports from inappropriate neighbouring land uses, the Commonwealth should clearly enunciate a policy of no more curfews on existing airports to protect the nation's vital infrastructure.

- Attachment 1:** Letter of 7 November 2000
From Standards Australia to DOTARS
- Attachment 2:** Chapter 4, Canberra International Airport
Submission to Queanbeyan Land Release Inquiry
- Attachment 3:** Report dated August 2006
Of the Queanbeyan Land Release Inquiry
- Attachment 4:** Chapter 8 of “Falling on Deaf Ears” November 1995
Report of the Senate Select Committee on Aircraft Noise in Sydney