

botany bay

canterbury

city of sydney

hurstville

kogarah

marrickville

sandwick

rockdale

sutherland shire

waverley

woollahra



SSROC

southern sydney regional
organisation of councils

19 January 2007

Senator the Hon. Bill Heffernan
Chair
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator Heffernan

Re: Inquiry into the *Airports Amendment Bill 2006*

The Southern Sydney Regional Organisation of Councils (SSROC) would like to thank the Senate Committee on Rural and Regional Affairs and Transport for the opportunity to provide a submission on the proposed amendments to the 1996 *Airports Act*.

Kingsford Smith or Sydney Airport is Australia's gateway to the world, being the major tourist entry point to the country and the primary airport serving NSW and the city of Sydney. A key piece of infrastructure in the Sydney region, the future development and planning of Sydney Airport has the potential to impact neighbouring businesses, communities and individuals and is therefore of particular interest to nearby councils and communities.

The expansion of activities at Sydney Airport is of particular interest to councils, especially the development and operation of non-aviation activities on the site. Noise, curfews and aircraft movements are also of interest. Recent analysis undertaken by the operators of Sydney Airport, Sydney Airport Corporation Limited, as part of its master planning process, noted that 'by 2023/24 Sydney Airport is projected to handle 68.3 million passengers and 412,000 aircraft movements, of which 377,650 are expected to be passenger aircraft', which is likely to have significant impacts on the local community. The additional commercial and retail development that has been proposed will impact upon local business and may negatively affect traffic in an already congested area of Sydney.

SSROC and its member organisations are therefore keen to ensure that local communities are provided the opportunity to input into the planning and development of Commonwealth leased airport sites.

With this in mind, this submission outlines a range of concerns that councils in the southern Sydney region have expressed about the proposed amendments to the *Airports Act 1996*.

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These include:

- The reduction in consultation times for Master Plans, Major Development Plans and Environmental Strategies.
- The increase in the limit of construction costs, from \$10 million to \$20 million for developments requiring a Major Development Plan.
- No legislated requirement for airport operators to consider State and local planning instruments when developing Master Plans or Major Development Plans, and therefore no subsequent requirement to contribute to local infrastructure through Section 94 contributions.
- The increase in non-aviation use developments on airport sites and the need for greater certainty for councils and communities as to the type of development that is permissible on airport land.

Should you or you colleagues on the Committee have any questions about this submission or its contents please do not hesitate to contact me on 02 9300 6459 or at lj@ssroc.nsw.gov.au.

Yours sincerely



Lucy Jenkin
Environment, Planning and Transport Officer
Southern Sydney Regional Organisation of Councils

1. Introduction

The SSROC is a voluntary grouping of councils established in 1986. Its aim is to achieve sustainable solutions to the challenges facing the southern Sydney region through the sharing of resources, cooperation in policy development and regional advocacy.

Councils represented are:

- City of Botany Bay
- Canterbury City Council
- Hurstville City Council
- Kogarah Council
- Marrickville Council
- Randwick City Council
- Rockdale City Council
- Sutherland Shire Council
- City of Sydney
- Waverley Council
- Woollahra Municipal Council

Together these eleven Councils represent more than one million people.

SSROC undertakes a wide range of continuing programmes and special projects, utilising both local government resources and grant funding and has become a key element in the structure of governance in the region.

Bordering the Sydney Airport site, SSROC councils have concerns with a number of elements of the proposed *Airports Amendment Bill 2006*. These are discussed below.

2. Public comment and consultation

The *Airports Amendment Bill 2006* outlines a series of changes to the Public Comment sections of the *Airports Act 1996* (See s79, s84A, s92, s95A, and s124). These Sections define the requirements for public exhibition and comment periods for airport Master Plans, Major Development Plans and Environment Strategies. The documents are required when operating and seeking approval for development on airport land.

Designed to streamline the “public comment and assessment periods” the reduction in public exhibition and consultation times from 90 days to 45 for draft plans and from 30 days to 15 for minor variations will reduce the opportunities for the public to comment on airport planning and planning processes and also reduce the extent to which councils and other interested parties could comment upon, and seek to influence, the activities of Sydney Airport.

The apparent streamlining of comments and assessment periods will inhibit councils from consulting widely with their communities, as well as limiting council debate by restricting the opportunity for the issues to be raised at a full council meeting. This will mean that any comments made by councils on behalf of the community may not have been fully considered by that community’s elected representatives.

SSROC therefore asks the Committee to recommend the removal of those sections of the *Airports Amendment Bill 2006* that seek to decrease consultation times for master plans, major development plans and environmental plans and their modifications.

3. Increase in construction cost thresholds

SSROC welcomes the new s89 (4) which will require airport lessees to consider consecutive or concurrent projects to existing buildings as a major airport development therefore

requiring the submission of a Major Development Plan, with the associated public exhibition period and the 'demonstration' of due regard to those public comments.

However, the Bill proposes to raise the dollar threshold for construction costs, thereby increasing the amount of development that can occur on the airport site without the need for a Major Development Plan (and associated public exhibition and opportunity to comment). This threshold value is one of the factors determining when a Major Development Plan needs to be submitted, and the proposed increase of this threshold from the current amount of \$10 million to \$20 million may result in less opportunity for community involvement rather than more.

SSROC therefore seeks an agreement from the Committee that it will re-examine or remove the sections relating to this aspect of the *Airports Amendment Bill 2006*.

4. Consideration of State and local government planning controls

Unlike other land uses in New South Wales, the land occupied by Sydney Airport is not subject to the planning controls of local government or the New South Wales government. This means that planning and development on airport land is often undertaken without taking into consideration the regional, economic and environmental context or implications for the wider community.

In particular the development of regional and commercial space on airport land can often create an imbalance between residential and commercial interests within an area. This can be seen in the recent court cases following the development of bulky goods retailing at Brisbane Airport. Similarly, the development of such enterprises on airport land avoids contributing to the local community through compulsory development levies, which similar developments not on airport land would be required to pay under Section 94 of the NSW *Environmental Planning and Assessment Act 1997*.

Whilst the proposed amendments will require that airport Master Plans 'ensure that uses of the airport site are compatible with the areas surrounding the airport' the new legislation does not require airport operators to have regard for local and State planning. No changes have been made to the consultation section of the *Airports Act 1996* (s80), which only requires the airport operator to provide a written statement to the Minister, when submitting a draft Master Plan, of the names of the people consulted and a summation of the views of those consulted.

Councils within the SSROC region recognise the importance of Sydney Airport for both the local, regional and national economy of Australia, but asks airport operators to fully consider the impact development on airport land may have on the businesses and communities adjacent to it. SSROC therefore asks the Committee to include a clause in the *Airports Amendment Bill 2006* requiring airport operators to consider the local and State planning controls in their region when developing their 20-year Master Plans.

5. Non-aviation uses of airport land

Item 23 of the proposed *Airports Amendment Bill 2006* inserts a new subsection 70(2), which sets out the purpose of the final Master Plan as:

- a) 'To establish a strategic direction for the efficient and economic development of the airport over the planning period of the plan; and
- b) To provide for the development of additional uses of the airport site; and
- c) To indicate to the public the intended uses of the airport site; and
- d) To reduce potential conflicts between uses of the airport site, and to ensure that uses of the site are compatible with the areas surrounding the airport'.

What this subsection does not do however, is outline how an airport operator should ensure that these new purposes be achieved or provide local communities with certainty as to the types of non-aviation uses and developments that may be undertaken on airport land.

In addition to Item 23, the proposed changes to Section 71 of the original Act (see Items 24, 25, 28 and 29) will do nothing to clarify for communities and businesses the types of development that will be considered permissible on Commonwealth airport land. By changing the word 'proposals' to 'intentions' and 'uses and developments', in Section 71, an airport Master Plan becomes a statement of intent rather than a document outlining to the community specific details of development proposals on a particular airport site.

SSROC requests that airport operators provide certainty to local communities and businesses by outlining, as much as practicable, all proposed development on airport land and that the Minister for Transport and Regional Services detail what is considered appropriate non-aviation uses and developments for airport sites.

6. Conclusion and Recommendations

SSROC welcomes the intent of the Australian Government to amend the 1996 Airports Act.

SSROC feels however that some of the proposed amendments will reduce rather than streamline community input into planning and development on airport land, and will not clarify the issues of most concern to local communities, including what types of development are classified as allowable non-aviation uses, and what is an airport's role in contributing to local community life and community infrastructure.

SSROC and its councils would therefore ask that the Senate Committee on Rural and Regional Affairs and Transport to:

- Recommend the removal of those sections of the *Airports Amendment Bill 2006* that seek to decrease consultation times for master plans, major development plans and environmental plans and their modifications.
- Recommend that the legislation include requirements for airport operators to take into consideration state and local plans when developing master plans, major development plans and environmental plans.
- Recommend the removal of those sections of the *Airports Amendment Bill 2006* that seek to increase the construction costs threshold for the development and submission of a major development plan from \$10 million to \$20 million.
- Recommend that the Minister of Transport and Regional Services clarify what are considered appropriate non-aviation uses for airport sites.