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The Office of the Chief Executive

29 January 2007

Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Via email: rrat.sen@aph.gov.au

To the Committee Secretary,

Village Building Co. Submission on the *Airports Amendment Bill 2006*

The Village Building Co. is concerned about the effect of the proposed *Airports Amendment Bill 2006* in diminishing public consultation. The amendments appear to reduce the amount of public consultation required in producing a new set of ANEF contours for an airport. This seems contrary to the intent of the recently developed Guidelines for Public Consultation, published by the Federal Minister for Transport in December 2006. This greatly compounds the inadequate technical review of new ANEF contours by Airservices Australia, who do not closely scrutinise the traffic assumptions on which the ANEF is based. Airport operators are private companies. The public, and affected businesses are at a distinct disadvantage in the public consultation process because of the technical nature of many issues that arise. Rather than rectifying this equity imbalance, the amendments will widen the gap.

Property developers and local and state planning bodies rely on the application of AS2021 when purchasing or processing properties for potential residential development, and this in turn relies on the production of reliable ANEF contours. It is in this context that our concern about the *Airports Amendment Bill* arises. ANEF contours have impacts on businesses operating outside the boundaries of airports whose viability is important to local communities. In freeing up the commercial operations of Airports, care must be taken not to introduce massive regulation of the housing industry in a manner that goes way beyond the planning framework of AS2021 adopted by every major planning jurisdiction in Australia.

The Village Building Co.

The Village Building Co. is an award winning building and development company which operates in Brisbane, the Sunshine Coast, Wollongong, Coffs Harbour and Canberra. The company has developed 11,000 houses and home-sites over the past 19 years, providing affordable, quality homes. The company brings jobs and community facilities to each region it operates in and we have been unduly hampered in providing Queanbeyan with residential development that properly complies with AS2021, because of inadequate scrutiny of Airport ANEFs.



Background to this submission

The Village Building Co is the proponent for the residential rezoning of a parcel of land known as Tralee. The land is adjacent to Jerrabomberra. For the past four years, the rezoning proposal has been the subject of an aggressive campaign by the Canberra Airport to quarantine areas to the South of the Airport from residential development, in spite of the proposals compliance with Australian Standard AS2021. The Airport is seeking to quarantine a massive area of land – equal in size to the total residential area of Canberra, even though it complies with all State, local and Federal regulations, standards and noise guidelines including AS2021.

The entirety of the proposed housing area falls outside the current ultimate capacity ANEF 20 contour, and is therefore considered acceptable for residential development under AS 2021. Weakening public consultation on ANEF processes, can undermine a predictable and nationally adopted land use planning standards for housing in the vicinity of airports.

After four years, rezoning has not occurred and the Tralee rezoning proposals have been delayed by media campaigns run by Canberra Airport against the development, and their redrawing of ANEF contours on two separate occasions during the four year rezoning process. Its latest RNP based ANEF has been with Airservices for over two years but remains secretive and undisclosed, while the Airport try to use it behind closed doors to affect current NSW Planning decisions.

In 2002, Canberra Airport drafted their “Ultimate Capacity” ANEF, vastly increasing the area within the ANEF 20 contour compared with the previous 1998 contour. These contours assumed traffic levels 20% higher at Canberra Airport than Sydney’s current levels. In 2005 they again lodged an updated ANEF with Airservices Australia, incorporating alterations apparently based on potential future use of Required Navigation Performance technology and an offset approach. This updated map has not been made available to other affected parties. Advice from our experts (which we would be happy to provide to the Committee) is that both the existing and newly proposed contours developed by Canberra Airport are inconsistent with any reasonable assumptions about future airport growth or operations. However we are unable to make any properly informed comment on the newly created contour map or its underlying assumptions, and it is not available to us. In the meantime it is being used to press the NSW Planning Minister to use it in decision making without it being subject to any public scrutiny.

It is in this context that the Village Building Co wishes to raise the following concerns about the *Airports Amendment Bill*:

Australian Noise Exposure Forecasts

VBC is pleased that Item 7 inserts a definition of “Australian Noise Exposure Forecast”. The provision should however be more explicit in its definition, as “a manner approved by the Minister” does not indicate the boundaries within which the Minister might make such an approval. This leaves the process lacking public scrutiny and accountability and able to ignore established Federal Policies on aircraft noise.



It therefore seems that the current ANEF approval process will remain similar to the past, in that Airservices Australia will assess the acceptability of an ANEF without proper scrutiny of the assumptions and without proper ability for outside parties to make proper comment. There are inherent difficulties with the lack of regulation about how this assessment is to be undertaken. While Items 26 and 30 require an ANEF presented in a Master Plan to be in accordance with regulations, if any, the current situation is that there are no such regulations. Current policy suggests that Airservices only reviews ANEFs presented by airports for technical accuracy in producing an accurate ANEF from Airport assumptions deemed to be accurate. There is no opportunity for proper public debate and input. This means that ASA assess the calculations, but not the underlying assumptions which provide the input data for the ANEF calculations. In relation to Canberra Airport, this has presented many difficulties.

The Canberra Airport's 2050 ultimate capacity forecast is based on wildly exaggerated assumptions about the projected growth in aircraft traffic. The Airport forecasts that by the year 2050 total traffic on Canberra's one jet capable runway will grow to 120% of the current traffic on Sydney's three jet capable runways. This is not justifiable in light of the relative populations of the two cities. Sydney's current population is approaching 4,000,000 whilst Canberra/Queanbeyan is projected to grow to about 500,000 by 2050, when ultimate capacity is projected to prevail. Canberra will never approach the current size of Sydney. The Canberra Airport bases its 2050 ANEF on 283 000 fixed wing aircraft movements per year. This is three and a half times the aircraft movements that actually occurred in 2002 (the year the ANEFs were drafted).

As a private company, an Airport is free to promote its perceived interests by exaggerating ANEF contours. It is our view that regulations should be drafted mandating the review for accuracy of the underlying assumptions of an ANEF, in order to circumvent such exaggeration and so that all interested parties have a proper role in the consultative process for developing a new ANEF.

Items 26 and 30 require a Master Plan to contain both an ANEF and "flight paths". Again, the meaning of this is to be contained within the regulations. The concept of a flight path has been manipulated by the Canberra Airport throughout the Tralee debate by claiming it is Federal Government policy to oppose houses under "flight paths", no matter how low the traffic volumes, and disregarding their distance from a runway. Clarification in the form of a legislative or regulatory definition would be useful.

Item 33 provides that information contained in a Master Plan can extend beyond the 20 year period of the Plan. The Explanatory Memorandum states that this is to allow ANEFs to be for a longer period. This is consistent with current practice, whereby ANEFs are often for the Airport's "ultimate capacity". That an ANEF might have such longevity makes technical and assumptive accuracy and public consultation of prime importance.

Public Consultation Processes

VBC views Item 39 as particularly problematic. It provides that if a new ANEF is endorsed, the Airport must present a new Draft Master Plan within 180 days. It also



provides that a company must produce “a Draft Master Plan that is expressed to replace the original plan.”

The current process is such that Airports revise their Master Plan every five years. The revision occurs in three stages:

- 1) a Preliminary Draft Master Plan is produced which is subject to public comment
- 2) a Draft Master Plan is produced which takes account of that comment
- 3) the Draft Master Plan is presented to the Minister for approval, after which it becomes the Master Plan.

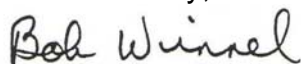
By explicitly stating that a new ANEF requires a new Draft Master Plan (rather than a Preliminary Draft Master Plan) it seems that any process for public comment on the revised document is being abandoned. The sole opportunity for comment would occur during the procedure for approving the ANEF, which is not required in the legislation and for which no regulations currently exist. The proposed process in the *Airports Amendment Bill* reduces the opportunity for formal public comment on a new ANEF. Given that these are now produced by private, profit making entities, removal of public input and scrutiny by the affected parties is inappropriate.

ANEFs have wide ranging impacts on the community at large. The ramifications of drawing new contours have far greater impact on the housing industry and on local government than on-airport activities and developments, which are covered by Master Plans. Master Plans are now to be subject to increased public scrutiny, and so too should ANEFs as they affect all persons and businesses living within their contours even at considerable distances from airports.

Although guidelines have been developed for how public consultation should take place, they do not have the force of law required to balance the position of an Airport in controlling the Master Plan process, against that of members of the public.

The Village Building Co. requests the opportunity to make an oral submission to the Committee in relation to these matters. The circumstances of the Tralee rezoning proposal provide a lens through which the necessity of placing checks and balances on airport power can be viewed. Whilst airports have been privatised, the regulatory culture has not properly adapted to the profit driven culture of airports and the need for balance in resolving potential or perceived conflicts of interest. Airports are capable of abuse of processes with major consequences for the housing sector, local government and surrounding communities. This amendment increases the scope for such abuse by diminishing accountability and transparency.

Yours sincerely,



R Winnel
Chief Executive

