

Introduction

On 30 September 2010, the Airports Amendment Bill 2010 was referred for inquiry to the Rural Affairs and Transport Legislation Committee (the Committee) on the recommendation of the Senate Selection of Bills Committee.

On 18 November 2010 the Committee delivered its report on the Bill and made two formal recommendations on the Bill. These two recommendations covered the development of guidelines covering the preparation of airport master plans and the Committee's view on the passage of the Bill.

Government Response

Further to the Committee's report, the Government also made three additional recommendations on the Bill covering the proposed establishment of additional guidelines and a revision to regulation of those guidelines. The Government's response to the Committee's recommendations is set out in the Government's final response to each of the recommendations in the report is now outlined below.

Senate Rural Affairs and Transport Legislation Committee Inquiry

Report on the Airports Amendment Bill 2010

The Committee recommends the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the level of detail and analysis to be included in airport master plans in order to satisfy the requirements set out in paragraph 71(2)(f) and 71(3)(b) of the Airports Amendment Bill 2010.

Response

The Government accepts this recommendation.

Master Plan Amendment Guidelines were approved by the Hon Anthony Albanese MP, Minister for Transport and Infrastructure, in January 2011, following consultation with key stakeholders.

Recommendation 2

The Committee recommends that, subject to the amendments forwarded by the Department of Infrastructure and Transport in correspondence to the Committee dated 15 November 2010, the Bill be passed.

Response

The Government supports this recommendation and the Airports Amendment Act 2010 received Royal Assent on 17 December 2010.

January 2012

Introduction

On 30 September 2010, the Airports Amendment Bill 2010 was referred for inquiry to the Rural Affairs and Transport Legislation Committee (the Committee) on the recommendation of the Senate Selection of Bills Committee.

On 18 November 2010 the Committee delivered its report on the Bill and made two formal recommendations on the Bill. These two recommendations covered the development of guidelines covering the preparation of airport master plans and the Committee's concurrence, noting some minor technical amendments, to the passage of the Bill.

Coalition senators also made three additional recommendations on the Bill covering the proposed establishment of additional guidelines and in relation to registration of these guidelines on the Federal Register of Legislative Instruments.

The Government provided initial advice to the Committee on these recommendations on 23 June 2011 pending the completion of consultation with key stakeholders on the preparation of the proposed guidelines.

The Government's final response to each of the recommendations in the report is now outlined below.

Formal Recommendations

Recommendation 1

The Committee recommends the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the level of detail and analysis to be included in airport master plans in order to satisfy the requirements set out in paragraph 71(2)(h) and 71(3)(h) of the Airports Amendment Bill 2010.

Response

The Government accepts this recommendation.

Master Plan Amendment Guidelines were approved by the Hon Anthony Albanese MP, Minister for Transport and Infrastructure, in January 2012, following consultation with key stakeholders.

Recommendation 2

The Committee recommends that, subject to the amendments foreshadowed by the Department of Infrastructure and Transport in correspondence to the Committee dated 15 November 2010, the Bill be passed.

Response

The Government supports this recommendation and the Airports Amendment Act 2010 received Royal Assent on 17 December 2010.

Additional Recommendations

Additional Recommendation 1

Coalition Senators recommend that the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the level of detail and analysis to be included in airport master plans in order to satisfy the requirements set out in paragraph 71(2)(h) and 71(3)(h) of the Airports Amendment Bill 2010. For the avoidance of doubt, such guidelines should be registered on the Federal Register of Legislative Instruments and subject to the tabling and disallowance requirements of the *Legislative Instruments Act 2003*.

Response

As indicated in the response to Recommendation 1, the Government supports and has implemented the recommendation to develop these guidelines.

However the Department of Infrastructure and Transport's legal advice confirms the guidelines are not legislative instruments for the purposes of the *Legislative Instruments Act 2003* and therefore, registering the guidelines on the Federal Register of Legislative Instruments is not considered appropriate.

The Department will publish the guidelines on its website.

Additional Recommendation 2

Coalition Senators recommend that the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the range of developments that may be considered to be of a kind that is likely to have a significant impact on the local or regional community for the purposes of paragraph 89(1)(n) of the Airports Amendment Bill 2010. For the avoidance of doubt, such guidelines should be registered on the Federal Register of Legislative Instruments and subject to the tabling and disallowance requirements of the *Legislative Instruments Act 2003*.

Response

The Government accepts the recommendation to develop guidelines in consultation with key stakeholders.

Significant Impact on the Local or Regional Community Guidelines were approved by the Hon Anthony Albanese MP, Minister for Transport and Infrastructure, in January 2012, following consultation with industry stakeholders.

As outlined in the response to Additional Recommendation 1, the guidelines will not be registered on the Federal Register of Legislative Instruments but will be made available on the Department's website.

Additional Recommendation 3

Coalition Senators recommend that the Department of Infrastructure and Transport develop guidelines in consultation with key stakeholders to clarify the structure, composition, agenda and reporting requirements of Community Aviation Consultation Groups and of Planning Coordination Forums. For the avoidance of doubt, such guidelines should be registered on the Federal Register of Legislative Instruments and subject to the tabling and disallowance requirements of the *Legislative Instruments Act 2003*.

Response

The Government accepts the recommendation to develop these guidelines in consultation with key stakeholders.

Community Aviation Consultation Group and Planning Coordination Forum Guidelines were approved by the Hon Anthony Albanese MP, Minister for Transport and Infrastructure, in February 2011.

As outlined in the response to Additional Recommendation 1 the guidelines will not be registered on the Federal Register of Legislative Instruments but have been promulgated widely and are available on the Department's website.



Master Plan Amendments - Guidelines

Airports Act 1996

s71(2)(ga)

s71(2)(gb)

s71(2)(gc)

s71(2)(h)

s71(3)(ga)

s71(3)(gb)

s71(3)(gc)

s71(3)(h)



January 2012

INTRODUCTION

An airport master plan is the principle blueprint for the future coordinated development of the airport and should establish the strategic vision for the economic and efficient use of the airport over the planning period. In December 2010 amendments to the *Airports Act 1996* (the Act) that were foreshadowed in the December 2009 National Aviation Policy White Paper came into force. These amendments strengthen the requirements of airport master plans.

The Government recognises that airport lessee companies are now well experienced in drafting master plans and that the basic concepts and requirements for master plans are well established and understood by airport lessee companies. Most airports have now been through three master plan cycles under the Act requirements.

These guidelines have been drafted to assist airport lessee companies in addressing the new requirements for a master plan in accordance with the amendments to the Act. They outline the objectives of the master plan amendments and explain how the changes to airport master planning complement other airport planning initiatives and legislative requirements stemming from the National Aviation Policy White Paper. These guidelines relate only to the implementation of subsections 71(2)(ga); 71(2)(gb); 71(2)(gc); 71(2)(h); 71(3)(ga); 71(3)(gb); 71(3)(gc); and 71(3)(h) of the *Airports Act 1996* (the Act).

PURPOSE OF THE GUIDELINES

These guidelines are designed to provide operators of the leased federal airports (including joint user airports) with guidance on meeting the requirements of the Airports Act for master plans, particularly in relation to the following:

- a ground transport plan;
- more detailed information on proposed developments for the next 5-year cycle;
- analysis of 'fit' with planning schemes adjacent to the airport; and
- incorporation of an environment strategy.

Given the diversity in size and operation of leased federal airports, the level of detail required to address the requirements for a master plan will vary. A judgement will need to be made about the level of detail required, taking into consideration the scale of activity at the airport, local and regional circumstances, and the extent to which airport activity affects the community.

Airport lessee companies are advised to commence the master planning process and consultation early. This should include consultation with agencies that provide specialised input or advice into the master planning process such as the Civil Aviation Safety Authority (CASA), Airservices Australia (Airservices) and the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC). Early commencement will provide for a reasonable time for any issues arising during consultation to be addressed and ensure the master plan is submitted within the timeframe required by the statutory provisions of the Act.

The key objectives for the amendments include:

- facilitating integration between on- and off-airport networks and planning;
- providing greater clarity for the community and airport stakeholders around development and operation intentions;
- greater alignment between the environment strategy and airport planning; and
- complementing the Government's initiative to enhance engagement between the leased federal airports and relevant stakeholders.

The amendments also support the existing role of a master plan as set out in s70(2) of the Act, that is:

- establishing a strategic direction for the airport;
- providing for the development of the airport site;
- indicating to the public the intended uses of the site;
- reducing potential conflicts between uses of the site; and
- ensuring that uses of the site are compatible with areas surrounding the airport.

CONSULTATION

Leased federal airports are required to undertake regular and ongoing consultation with airport users, state/territory governments, local authorities, and the community to improve information sharing and strengthen planning and development outcomes.

The Government expects that airport lessee companies will engage with state/territory governments and local authorities in determining future planning. This engagement is fundamental to the successful long-term development of the airport.

Airport lessee companies are responsible for facilitating and managing consultations in relation to activities on airport land and the requirements of the regulatory framework. The Government expects that airport consultation groups such as the Community Aviation Consultation Groups and Planning Coordination Forums will provide a useful forum for discussion on proposed developments on the airport site and any likely community impacts. The Community Aviation Consultation Group in particular is one mechanism that can be used to engage with the community on airport planning, operations and related issues, such as aircraft noise during the master plan process and an ongoing basis. However, Community Aviation Consultation Groups and Planning Coordination Forums do not have a formal role in the master plan process and do not replace broader public consultation as required in the regulatory framework.

GROUND TRANSPORT PLAN

Sections 71(2)(ga) and 71(3)(ga) of the Act provides that a ground transport plan should include details of :

- a road network plan; and

- facilities for moving people (including passengers, employees and other airport users) and freight at the airport (these facilities would include the airport's road infrastructure, road connections, car parking facilities, public transport services, and facilities for taxis and private coach or shuttle services); and
- linkages between the road network and public transport system at the airport and the road network and public transport system outside the airport; and
- the arrangements for working with State or local authorities or other bodies responsible for the road network and ground transport system ('Other bodies' may include private companies operating public transport services connecting the airport to off-airport transport system); and
- the capacity of the ground transport system to support airport operations and other airport activities; and
- the likely effect of the proposed developments set out in the master plan on the ground transport system and traffic flows at and surrounding the airport.

The ground transport plan is to outline how it is proposed to maximise the efficient movement of people (employees, passengers and other airport users) and freight at the airport over the next five years.

The discussion in a ground transport plan might include:

- the rationale for the plan,
- any changes to previous ground transport plans and the rationale for these changes;
- the airport's vision for the development of the network over time;
- and an explanation of how the elements of the plan work together in an overall strategy.

The ground transport plan should be prepared with regard to the airport's development proposals and in particular should address any transport network upgrades or changes required to meet the pattern of developments proposed over the next five years.

The primary focus of the ground transport plan is on the network and facilities on the airport site, but the plan must also indicate how these link with the network and facilities outside the airport. The plan must also demonstrate the airport's arrangements for working with relevant state or local authorities. This does not require the airport to take on any responsibilities in relation to funding or undertaking any work outside the airport, but should provide the basis for coordinated planning for the work necessary to address the needs of both the airport and the surrounding areas.

Schematic maps and diagrams will be important to illustrate the future ground transport plan for the airport.

The extent of the analysis and description expected in a ground transport plan will depend on the scale of activity at the airport and its implications for the transport network. A major airport with high numbers of passenger movements and freight activity will clearly have more extensive impacts and generate greater challenges for transport planning than a secondary airport with predominantly

general aviation uses. Even at the secondary airports however, other commercial developments on the airport may have transport implications.

Airports should work with state/territory authorities to ascertain the best information that can be provided in the master plan about proposals for future development of the transport network around the airport. If there is no agreement from the state/territory authorities to provide more updated information, the airport would be expected to work from documents already in the public domain. Airport consultation groups such as the Planning Coordination Forums and to a lesser extent, Community Aviation Consultation Groups, are a mechanism for airports and state/territory representatives to discuss ground transport issues and on-and-off airport networks.

GREATER DETAIL ON DEVELOPMENTS

Subsection 71(2)(gb) of the Act requires the inclusion of detailed information in relation to proposed developments not related to airport services for the first five years of a master plan. Subsection 71(2)(gc) requires the inclusion of information about the likely effect of the developments proposed in the master plan on employment levels at the airport, the local and regional economy and the community. These provisions have been introduced to give the community a better basis to assess and respond to the proposed master plan.

Other sections of the master plan address a 20-year planning horizon. It is accepted that the airport will not be able to give a clear forecast of the scale nature and timing of development over that period. In the absence of some clear indication of proposed development however, it would be difficult for the community to make informed responses to the master plan. It is more realistic to expect the airport to set out with some clarity the development it proposes for the next five years. The picture of proposed development can then be updated in accordance with the normal five-year cycle for master planning.

To meet the requirements, it may be useful for the airport to set out plans for each precinct to be used for non-aviation purposes.

The precinct plan could for example include:

- an indication of the nature of key developments for the precinct;
- any supporting developments, including parking and other developments to support employees such as childcare, recreational, and food and beverage facilities;
- the scale of proposed development;
- and the number of employees or customers who would be expected to attend the precinct.

If necessary, an upper envelope might be described for the scale of development, employees and visitors. It may also be useful to set out a range of uses that would not be permitted in the precinct eg major retail. This sort of information would allow the community and stakeholders to make a more informed assessment of the impacts of the proposed development and its alignment with planning for the surrounding areas. It may also assist in future consideration of whether an MDP

would be required for developments likely to have a significant impact on the local or regional community.

Individual airports will need to determine the appropriate level of detail required to address the requirements, taking into consideration the scale of the activity at the airport, local and regional circumstances, and the extent to which airport activity affects the community. The extent of detail provided under this subsection may also be relevant to the Minister's consideration of a request under subsection 92(2B)(b) of the Act to shorten the consultation period for a major development plan.

ENVIRONMENT STRATEGY

Section 71(2)(h) of the Act outlines the detail required in an environment strategy. It is crucial that airport lessee companies take account of the environmental values of the site and their environmental responsibilities under their lease agreement with the Commonwealth in planning for land uses in the airport master plan.

The Act requires that the airport lessee company provide an assessment of the environmental issues associated with implementing the master plan and its plan for dealing with those environmental issues (s71(2)(g)). This is expected to be a higher level assessment and discussion for the life of the master plan, leaving the specific detail to the contents of the environment strategy.

The environment strategy should be incorporated into the master plan as an annexed document. This will allow for the environment strategy to be provided to the Department of Sustainability, Environment, Water, Population and Communities for comment.

The environment strategy should set identifiable and measurable goals for the first 5 years of the master plan and outline how these goals will be measured. The Department assesses progress with the implementation of the airport environment strategies through annual environment reports provided to the Secretary by airport lessee companies.

CONTACT DETAILS

For further information on these guidelines, or other issues relating to the leased federal airports, please contact the Airports Branch, Department of Infrastructure and Transport on (02) 6274 7111 or www.infrastructure.gov.au. The Department encourages airport lessee companies to contact the Department to seek review and comment on an exposure draft of the draft master plan.



“Significant Impact on the Local or Regional Community”

Guide

Airports Act 1996 s89(1)(na)



January 2012

The Department of Infrastructure and Transport would welcome additional contact from stakeholders if further queries about the significant impact on the local or regional community trigger arise.

4 POSSIBLE SIGNIFICANT COMMUNITY IMPACTS

A proposed development may have both positive and negative elements for nearby communities. The overall outcome involves a judgement that balances a range of competing considerations and impacts. The major development plan process, including the public consultation process, helps to ensure the range of impacts are identified and the balance of considerations assessed. If the cumulative effects of negative elements are significant, it is important that they be examined and options for amelioration addressed through the public consultation process. This ensures a balanced assessment of a proposal is undertaken which allows for input from all interested parties where appropriate.

Possible Community Impacts:

Proposed developments can impact on a local or regional community in a number of different ways. These impacts may include but are not exclusive to:

- noise, odour, dust or other physical intrusions;
- noticeable traffic impacts such as increased traffic congestion at certain times or an increase in heavy vehicle traffic;
- impacts on public transport linkages or services;
- commercial impacts affecting the viability of business centres in the surrounding areas;
- lighting impacts on residential areas or other businesses;
- hazardous materials or dangerous goods;
- impact on implementation of local and regional planning schemes, including land use and transport planning;
- impacts on the safety, security or amenity of local communities; and
- impediments to emergency planning and response access or services.

What should be considered?

Airport Lessee Company:

Airport lessee companies, as managers of the airport site, should, in addition, carefully consider possible community impacts if:-

1. the type of development is of known concern to the community or government (for example, has an issue been identified in a Ministerial approval of a master plan or raised concerns in discussions at planning forums);
2. the proposed development is in conflict with planning schemes for the local and regional communities surrounding the airport; or

3. the type of development has raised substantial community concerns (for example, have comparable developments attracted adverse community reaction in the past or raised concerns in community consultation groups).

Additional Stakeholder Considerations:

Impacts may result from one element of a proposed development rather than the development as a whole. Intermittent and cumulative effects need to be considered and if the proposed development is to be undertaken in stages over a period of time, the impacts of the development once completed need to be considered, even if the potential impacts will not be evident in the first instance.

There is no intention that a development which would cause only minor or transient inconvenience would be caught by the provision. Equally, there is no intention that a proposed development would be caught just because of objection from an individual or individuals where the basis of objection does not represent a true concern in the community. Frivolous or vexatious objections will not be taken into account in assessing the 'significance' of the potential impact of a proposed development.

In assessing whether the impacts of the proposed development are significant, considerations taken into account will also include:-

- duration of impacts;
- time of the impacts;
- the scale of impact, both in terms of geographic coverage and numbers of people or businesses affected; and
- any mitigation strategies proposed to address possible impacts.

In addition, the nature and scale of a proposed development will affect the extent of any impacts outside the airport site. While the main impacts may be felt by the local community in the areas immediately around the airport, any impacts in the broader region which can reasonably be attributed to the development should also be taken into account such as impacts on transport surrounding transport corridors.

Existing levels of activity at an airport will already have some impact in the surrounding areas. The intention of the new provision is not to re-open debate on the use of the site as an airport or on existing patterns of activity. Developments that are part of supporting the established operations at the airport, and do not introduce any significant new impacts, are not expected to be caught by this trigger.

5 HOW THE TRIGGER IS APPLIED

Airport lessee companies are required to undertake regular and ongoing consultation with airport users, development proponents, state/territory governments, local government authorities and the public to improve information sharing and strengthen planning and development outcomes.

The Government recognises that many airport lessee companies have a range of existing consultative strategies in place, and have done so for some time, but the Government expects stronger ongoing proactive engagement by airport lessee companies with local agencies and the public.

Airport lessee companies are not the proponents of all developments at the airports, but as the head lessee they have responsibility for the overall development of the site and compliance with the Act and lease. They are best placed to facilitate and manage consultations in relation to all activities on airport land and requirements of the regulatory framework.

The Government expects that airport consultative groups such as Community Aviation Consultation Groups and Planning Coordination Forums will provide a forum for open and frank discussion on proposed developments on the airport site and any likely community impacts.

The community profile differs from airport to airport and locally based consultation mechanisms provide a strong platform for an airport and major stakeholders to develop a shared understanding of the interactions between the airport and the community. Regular and ongoing dialogue on matters such as the short, medium and long term physical and social planning for the area can strengthen the relationships and enhance the input into the statutory consultation on master plans, environment strategies and major developments.

A full understanding of the potential impacts of a proposed development will only emerge from discussions between the developer, community stakeholders, and planning authorities. An impact that was not initially obvious in the framing of a proposal may be identified through community comment and scrutiny by planning authorities.

Airport lessee companies should undertake early consultation with their local consultation groups to allow a reasonable time for issues to be worked through and to avoid delays to development schedules. Effective consultation arrangements will be an important part of the process of identifying whether potential impacts are significant enough to warrant a major development plan process.

Early and comprehensive discussions with the local community could result in compromise or alternative solutions that do not have significant community impact. Therefore, the consultation process is best applied early and the trigger is a tool that should be applied if consensus cannot be achieved through other mechanisms.

6 ROLE OF AIRPORT BUILDING CONTROLLERS

Airport Building Controllers (ABC) provide an important role at the leased federal airports through provision of building assessment and approval processes. Through this function, the ABC can refuse a building application approval if it is deemed that a MDP should have been prepared if there is likely to be a significant impact on the local or regional community. The ABC does not make the final decision on whether a proposal triggers an MDP under the significant impact on the local or regional community, but will refer the issue to the Department for advice and direction. The Department may discuss it with

the airport lessee company and may also engage the Minister who may wish to have further discussions with the airport lessee company prior to a final determination being made.

The airport lessee company has primary responsibility to ensure that the MDP process is followed irrespective of whether this is due to the significant impact on the local or regional community or any other trigger. If works proceed on a development that should have been through a MDP process, penalties may apply.

7 CONTACT DETAILS

For further information on this guide, or other issues relating to the leased federal airports, please contact the Department of Infrastructure and Transport on (02) 6274 7111 or visit www.infrastructure.gov.au.

ⁱ These airports are Townsville, Brisbane, Archerfield, Gold Coast, Sydney, Bankstown, Camden, Canberra, Melbourne, Essendon, Moorabbin, Launceston, Hobart, Adelaide, Parafield, Perth, Jandakot, Darwin and Alice Springs.

ⁱⁱ The full text of the White Paper is available at infrastructure.gov.au/aviation/nap.

