

**SENATE STANDING LEGISLATION COMMITTEE ON
RURAL & REGIONAL AFFAIRS & TRANSPORT**

Inquiry into the Airports Amendment Bill 2010

SUBMISSIONS RECIEVED

SUB NO.	SUBMITTER
1	Essendon Airport Pty Ltd
2	City of Kingston
3	Townsville City Council
4	City of Belmont
5	City of Armadale
6	South West Group
7	City of Moonee Valley
8	Canberra Airport
9	Australian Mayoral Aviation Council (AMAC)
10	Hobart International Airport Pty Ltd
11	Sydney Metro Airports - Bankstown and Camden
12	City of Perth
13	Sydney Airport Corporation Limited (SACL)
14	Adelaide and Parafield Airports
15	Australian Airports Association (AAA)
16	Queensland Airports Limited (QAL)
17	Camden Council
18	Australian Local Government Association (ALGA)
19	Brisbane Airport Corporation Pty Ltd (BAC)
20	Perth Airports Municipalities Group (PAMG)
21	City of Cockburn
22	NT Government Department of Lands and Planning
23	Southern Sydney Regional Organisation of Councils (SSROC)
24	City of Melville
25	WA Government Department of Planning
26	WA Government Department of Local Government
27	Bankstown City Council
28	Mr Andrew Barr MLA

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 1

SUBMITTER

Essendon Airport Pty Ltd

27 July 2010

Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam

Airport Amendment Bill 2010

Thank you for the opportunity to make this submission to the Senate Standing Committee on Rural and Regional Affairs and Transport in relation to the *Airports Amendment Bill 2010 (Bill)*.

This submission sets out certain matters in the Bill about which we are particularly concerned. We also note that Essendon Airport Pty Ltd is a member of the Australian Airports Association and we understand that the AAA has made, or will be making, a more detailed submission regarding the Bill and its impact on the operation of airports and aviation activity generally.

Before setting out our concerns regarding particular provisions of the Bill, I would like to raise 2 key issues:

- Firstly, that the development and planning process proposed by the Bill would make on-airport planning more expensive and protracted than it already is, and would disadvantage Essendon Airport and the businesses operating from it when compared with surrounding sites; and
- The provisions of the Bill which require an MDP for alterations to runways are far too broad and would adversely impact on the safe and efficient operation of airports.

Master Plan amendments

The Bill proposes a number of amendments to the matters to be addressed in a Master Plan, which will add to the regulatory burden to be borne by airports in their preparation¹. This includes the requirement to provide information on the likely effect of proposed developments on the local and regional community, including an analysis of how the proposed development fits within the planning schemes for the commercial and retail development in the area that is adjacent to the airport.

¹ Schedule I, Part I, Item 1 and Item 4

We would hope that this does not signify an intention to deny development that may adversely impact on developments outside the airport, simply because a development is located within the boundaries of the airport.

As a separate matter, we also note that the Victorian Planning Scheme does not allocate zoning to Essendon Airport, there is no Airport Overlay or other notation to alert owners of adjacent land that development in areas surrounding the Airport are affected by Commonwealth Law (such as the *Airports Act 1996*, *Civil Aviation (Building Control) Regulations 1998* or the *Airports (Protection of Airspace) Regulations 1996*). If planning matters affecting airports are to be properly regulated, the inclusion within Planning Schemes of appropriate Airport Overlays needs to be addressed.

Runway modifications and changes to flight paths

The Bill introduces the requirement for a major development plan for altering a runway in any way that changes the flight paths or the patterns or levels of aircraft noise². The drafting as currently proposed is far too broad and fails to consider that routine aviation related maintenance activities often result in temporary closure of a runway and changes to the arrival approach and departure path of aircraft.

Routine aviation related activities include patch repair of runways, taxiways and aprons, crack sealing, runway resurfacing, line marking, jet blast protection and the repair, maintenance and upgrade of aviation navigation aids. The timing of these activities may be imposed by regulatory authorities. It is impractical for an airport-operator to apply for an MDP in these circumstances and, if required to do so, would likely adversely impact on the safe operation of the airport, or necessitate the closure of the airport until the need for, or approval of, an MDP is determined.

Further, the need to close runways or change flight paths (on a temporary or permanent basis) may arise due to the requirements of third parties in relation to infrastructure located on or near the airport site. As an example, Essendon Airport expects that it will need to temporarily restrict access to both of its runways to facilitate the upgrade of a major water supply pipeline by Melbourne Water Corporation. The requirement to either prepare an MDP, or apply for an exemption to the requirement to obtain an MDP, to undertake the maintenance, replacement or installation of critical community infrastructure would result in unnecessary delays and expenditure.

An airport may also be required to shorten a runway on a temporary or permanent basis if an obstacle is erected outside the airport that impacts on "Prescribed Airspace", notwithstanding Part 5 of the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. Where this does occur, the airport may be required to shorten the runway until the obstacle is removed to ensure the safe operation of the aerodrome.

Further, changes to a runway may be dictated by amendments to the Manual of Standards for Aerodromes and other rules and regulations that apply to aerodrome standards, or where an

² Schedule 1, Part 2, Item 40

aerodrome is altering its infrastructure to meet current standards. In the case of changes imposed by the Civil Aviation Safety Authority, CASA undertakes a public consultation process prior to the notification of the change, so the requirement to obtain an MDP would largely be duplicating a consultation process that had already occurred.

We submit that the inclusion of proposed paragraph 89(1)(ba) in the amended Airports Act should be reconsidered. The requirement to prepare an MDP to deal with existing runway infrastructure is unduly onerous and will adversely affect the safe and efficient operation of airports.

* * *

We would be happy to consult with the Committee and the Government in the development of amendments to the Bill to address the concerns outlined in this submission.

Yours sincerely

Mark Maskiell
Chief Executive Officer
Essendon Airport Pty Ltd

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

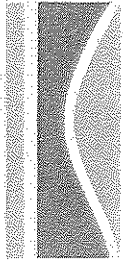
Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 2

SUBMITTER

City of Kingston



City of
KINGSTON

27 July 2010

Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
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Parliament House
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Dear Sir / Madam

Re: Airport Amendments Bill 2010

The purpose of this submission is to provide some suggestions in relation to the Committees review of the Airports Amendments Bill 2010 related specifically to the nature of the proposed Amendments.

- 1. The City of Kingston remains of the view that an Independent Planning Panel Process should be established formally under the Airports Act that 'directly' advises the Federal Minister in relation to submissions on Draft Master Plans or Major Development Plans as defined in the Airports Act.**

Council has consistently maintained that an independent expert review process should occur upon receipt of submissions to a Draft Master Plan or Major Development Plan whereby an expert body is appointed by the Minister to provide advice on the detailed matters contained within submissions. Such a process would parallel that which is routinely required for Planning Scheme Amendments in Victoria through the Planning Panel process identified in Part 3 of the Victorian Planning and Environment Act 1987. The establishment of such a process would provide the Minister and his/her Department with the ability to engage professionals with planning, environmental, retail economic and transportation expertise to report back to the Minister on significant airport planning initiatives.

- 2. The City of Kingston believes that it is important that the provisions at Section 81 and 94 of the Airports Act which relate to what the Minister 'must have regard to' in deciding whether to approve a draft Master Plan or Major Development Plan should explicitly include the provisions of State and Local Planning Schemes.**

A minor related issue is that it would seem pre-emptive to title Section 81 and 94 with 'Approval of draft by Minister' or 'Approval of major development plan by Minister' when these sections provide the Minister with ability to either approve or refuse the plan.

Council believes that without being explicit in these specific locations within the legislation it is not clear that the Minister must have regard to State and Local Planning Scheme in his/her decision making to refuse or approve (or as we recommend below amend) a draft Master Plan or Major Development Plan.

3. In addition to the above comments made relating to specifically Sections 81 (2) and 94 (2) it remains apparent that the Minister may not have the power to formally make an 'Amendment' to a Master Plan or Major Development Plan as a condition of its approval.

Council believe that a provision similar to that in the Victorian Planning and Environment Act that provides the State Planning Minister with an ability to modify Planning Scheme Amendments, is necessary so as to give the Federal Minister rights to amend a Master Plan rather than determine to refuse an inappropriate draft Master Plan or Major Development Plan. Without such a provision the Airport Lessee Company seems able to continue to operate based on an earlier approved Master Plan or Major Development Plan which may result in the continuance of a fundamental inconsistency with the intentions of State or Local Planning Policy which appears inconsistent with the intentions of the Airports Amendments Bill 2010.

4. Further modifications are recommended to ensure that compliance is achieved in relation to following the approved Master Plan and / or a Major Development Plan through a component of the legislation that creates strict financial penalties for non compliance.

In addition it is not clear despite jurisdictional considerations why the Airport Lessee Company or 'a person' as defined in the draft legislation cannot be charged with an offence and be subject to a monetary infringement for a breach to the environment strategy in a final master plan based on the drafting of the suggested new provision at Section 83A.

Given the subjectivity of many of the planning / development related decisions made by the Airport Lessee Company it is considered that a substantive penalty should be available if non compliance with a Master Plan / Major Development Plan can be demonstrated. The basis for recommending this modification is due to the substantial subjectivity still involved in determining complex questions around how a land use may be defined. Council believe that if a substantive penalty could be triggered for a decision that could be proven to be inconsistent with an Airport Master Plan / Major Development Plan clarity as a minimum would be sought by the Airport Lessee Company from the Federal Minister prior to risking a financial penalty for non compliance.

5. It is considered that a Gaming Premises / Gaming Venue should be included as an activity listed under the proposed provision at Section 71A that lists 'incompatible development'.

Acknowledging that the intent of the draft revised legislation is to cover the Airport Master Planning process for all designated airports it is recognised that the list of 'incompatible development' activity could not be substantially expanded. At present the draft legislation seeks to identify residential dwelling, community care facility, pre-school, a primary, secondary, tertiary or other educational institution (except an aviation educational facility) and hospital (except for emergency medical treatment to persons at the airport) as a incompatible developments.

Kingston do, however, consider that substantive public policy arguments could be advanced for including gaming related activities as an 'incompatible development' on airport land.

We hope that the above suggestions are beneficial in relation to the review being undertaken by your committee and would be pleased to expand upon the basis for the above submission should this assist the committee.

Yours sincerely

John Nevins
CHIEF EXECUTIVE OFFICER

10/70272

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 3

SUBMITTER

Townsville City Council

PLANNING AND DEVELOPMENT

STRATEGIC PLANNING



Date >> 28 July 2010

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Dear Sir / Madam

SUBMISSION - AIRPORTS AMENDMENT BILL 2010

I refer to the Rural and Regional Affairs and Transport Legislation Committee's request for submissions associated with the proposed Airports Amendment Bill 2010.

Please be advised that Townsville City Council has reviewed the Airports Amendment Bill 2010, and provides the following comments by way of a submission.

Whilst Council does not object to Option C being the preferred option, Council has reservations with respect to the provision of detailed information in relation to the first five years of the master plan and a ground transport plan. Council concerns relate to ensuring that roads outside the airport (under Council control) are able to accommodate any future amendments proposed by the ground transport plan.

Further concerns that are raised by Council include:

- Council is provided with a formal opportunity to make comment on any proposed development within the airport land;
- Council recommends that the proposed development within airport land, whilst overriding the Planning Scheme, complies with the respective development requirements identified within the Planning Scheme;
- Consideration be given to future development to ensure that development upon airport land does not detrimentally affect adjacent land uses; and

PLANNING AND DEVELOPMENT

STRATEGIC PLANNING



- Townsville City Council is presently undertaking the development of a new Planning Scheme, Council would like the opportunity to make comment on future airport master plans to ensure minimal conflict occurs between potential future land uses.

Should you require further clarification regarding matters raised in this letter, please contact Cameron Finter.

Yours sincerely

Cameron Finter

Strategic Planning Officer
City Plan Unit

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 4

SUBMITTER

City of Belmont

Council Ref : 14/009
 Customer Ref :
 Enquiries : Juliette Gillan

29 July 2010

Ms Jeanette Radcliffe
 Committee Secretary
 Senate Standing Committee on Rural and Regional Affairs and Transport
 PO Box 6100
 Parliament House
 Canberra ACT 2600
 Australia

Dear Ms Radcliffe

AIRPORTS AMENDMENT BILL 2010

The City of Belmont covers an area of 40 square metres and is located approximately 5.8 kilometres south east of the Perth Central Business District. To the northeast of the City is the Perth International Airport, the majority of which is located within the City limits.

Given that the Airport takes up one third of the City's total area, the development of the site for aeronautical and non-aeronautical uses is a key interest of the Council and its ratepayers – both existing and future. This importance is reflected in Council's Strategic Plan 2010 which incorporates two Strategies with specific reference to Perth Airport.

STRATEGY	PURPOSE	OUTCOME	TIMEFRAME
Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to businesses seeking to establish operations in the City.	The purpose of this strategy is to promote the best use of commercial and industrial land by guiding new or developing businesses to the most appropriate locations or land uses	There will be increased congruence between desired land uses, as outlined in the Local Planning Scheme and actual land use by business and/or industry.	Ongoing.
In partnership with Westralia Airports Corporation support the business development of the airport.	The growth of the business sector on airport land is a benefit to the City of Belmont as a whole. Where possible and appropriate, the airport's Commercial Services section should be assisted in maximising the growth potential of the airport resulting in the optimal development of an extensive range of commercial and industrial land at the airport, including the large industrial lots, in a consistent manner	The commercial and industrial areas of the airport land will be developed to achieve the maximum potential for the district.	Ongoing.

	which integrates with the wider City.		
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It is the City's view that the provision of appropriate planning controls and infrastructure is a vital catalyst for development both within the City and at the Airport. The choice of location for large developments can directly affect several thousand families and indirectly thousands more. The variety of businesses that can be attracted to the location and the standards that apply will also affect future local employment opportunities. The attractiveness and functionality of the City of Belmont is of key importance to the Airport and vice versa, as both will impact on the success or otherwise of each other. As such the City is pleased to be given the opportunity to comment on the Airports Amendment Bill 2010.

In regard to the various options and clauses outlined in the Explanatory Memorandum and Amendment Bill, the City's comments are detailed in italics following specific extracts from the Explanatory Memorandum below.

Option B: Tighter regulation of planning and development on leased federal airports to facilitate better integration of on-airport and off-airport planning

Option B would consist of all of the elements of the current regime, augmented by additional requirements to fulfil planning integration objectives. A formal mechanism, through a Planning Coordination Forum, requiring airports to facilitate consultation and coordination with relevant State, Territory and local government authorities on planning matters would be applied. A requirement for airports to convene a regular Community Aviation Consultation Groups would also be implemented.

Comment – Option B is more administratively onerous than Option C but should be considered as a long term alternative should the non-legislative establishment of effective Planning Coordination Forums and the Community Aviation Consultation Groups fail.

Option C: A balanced approach involving regulatory change to facilitate investment in aeronautical infrastructure and better integration of on-airport and off-airport planning

Option C would encompass the measures for improved regulatory oversight in Option B, but would provide for the Planning Coordination Forums and the Community Aviation Consultation Groups to be established non-legislatively.

Comment – No details have been provided of how and when the forums are to be established and what measurements/ reporting will be put in place to ensure the forums are effective.

The specific details of the changes to the legislation would be as follows. Airport-lessee companies will be required to provide detailed information in relation to the first five years of the master plan including:

- a ground transport plan on the landside of the airport;
- the likely effect of the proposed developments set out in the master plans on employment at the airport and on the local and regional economy and community.
- including an analysis of how the proposed developments fit within the planning schemes for commercial and retail development in the area adjacent to the airport; and

- detailed information on the proposed use of precincts at the airport that are to be used for purposes not related to airport services.

Comment – While the areas highlighted in the dot points are strongly supported it is unclear why the detailed information is only required to be provided in relation to the first five years of the Master Plan. It is strongly recommended that these matters should be reviewed or addressed anew each time the master plan is reviewed in the same way that environmental matters are to be revisited.

As airport environment strategies are better articulated in a strategic planning sense with airport master plans, the airport environment strategy will be incorporated into the master plan. This will allow airports to undertake only one approval process, thereby lowering compliance costs. The cycle for updating and renewing the environment strategy will be aligned with the master planning process.

Comment – Strongly supported. This will reduce the double ups currently occurring.

The current major development plan triggers will be improved to more effectively address developments that will have significant impact on the local or regional community. Proposed developments with significant community impact, regardless of size or cost, will be subject to the optimal level of public comment to enable members of the community and other stakeholders to have input into the proposed developments that may be contentious or may cause concern within the local area.

Comment – There needs to be clear guidelines produced as to what a significant community impact is and how it is triggered. The questions raised in the discussion paper are a little non-specific (refer comments on clauses regarding the Item 42 examples).

There will be mechanisms for the airport-lessee company to seek exemption from the major development plan process for aeronautical-related developments.

Comment – No objection.

Further, the airport-lessee companies may be able to seek a reduction in the public consultation period to not less than 15 business days, if the draft major development plan aligns with the details of the proposed development set out in the final master plan and the proposed development does not raise additional issues that would have a significant impact on the local or regional community.

Comment – There is no objection to the possibility of a reduced consultation period but 15 working days is far too short. It is suggested a minimum of 20 working days should be applied (that would be consistent with the Western Australian Planning Commission's reduced advertising period of 28 days for some Planning Scheme amendments). There should also be a provision that where an issue arises during the reduced advertising period that indicates there are additional issues that would have a significant impact, that the Minister can extend the advertising period to the full 60 days.

Under Option C a range of development types regarded as incompatible with airport operations, such as long-term residential development, residential aged or community care facilities, nursing homes, hospitals and schools would be prohibited. However, airports would have the opportunity to demonstrate the existence of exceptional circumstances to the Minister to seek the Minister's approval to proceed with the development.

Comment – It is questionable whether all the 'incompatible' uses are incompatible under all circumstances as applied to Perth Airport. However, given that they can be approved under exceptional circumstances they are not prohibited outright. Notwithstanding that, it may be worthwhile removing the blanket prohibition as it only has the effect of increasing administrative burdens and a belief in the wider community that airports and communities are basically incompatible with each other. A better approach would be to require a major development plan for those landuses rather than a blanket prohibition.

Option D: Accredit State/Territory Government planning laws to apply to airports but allow the Commonwealth Minister to exercise decision making power

Option D would involve the Commonwealth Government negotiating and signing bilateral agreements with the eight State and Territory governments to accredit relevant State and Territory planning assessments under the Airports Act. Under this option, planning issues that would require the Commonwealth Minister to make a decision would be assessed under the relevant State or Territory planning process and the relevant agencies would provide a recommendation to the Commonwealth Minister. State and Territory agencies would make their recommendations on the basis of the relevant State or Territory legislation. The Commonwealth Minister would retain the option of accepting or rejecting any recommendation.

Comment – Not supported.

Recommendations

Option C represents the greatest net benefit.

Both options B and C would provide for better integration of airport planning into the planning frameworks that apply to surrounding communities and regions. This would not only improve suburban amenity, but would further embed airports in strategic planning of urban centres as economic hubs. Better planning of ground transport links in particular will have major flow-on benefits across all sectors of Australia's economy, which rely directly or indirectly on efficient linkages along transport and supply chains.

Option C alone, however, will also promote additional investment in airport infrastructure by streamlining regulatory requirements in relation to high priority aeronautical infrastructure developments at airport sites.

Option C also satisfies the 'one in, one out' principle, in that it involves a relaxation of certain regulatory requirements in relation to major development plans in the current legislative framework. This offsets new proposed regulatory requirements in respect of master plans and some non-aeronautical developments.

Option D would represent a significant departure from existing practice and was not advanced by any of the stakeholders during the consultation process.

Comment – Agreed that Options B and C provide for better integration. Options A and D should be discarded from consideration. The City is supportive of the preferred Option C (less regulatory than B) proceeding however some of the details need to be clarified. The effectiveness of C should also be reviewed after a 10 year period and if it is shown to be ineffective (particularly in terms of community engagement) Option B should then be considered as a fallback plan – this will give the added incentives to airport operators to make the new system work.

OPTION C

Amendment Bill Clause Comments

Part 1 – Master Plan Amendments

Item 1 Paragraph 71(2)(h)

5. Subsection 71(2) sets out what a draft or final master plan must contain for airports other than joint-user airports. Existing paragraph 71(2)(h) is repealed. New paragraphs (ga), (gb), (gc) and a revised paragraph (h) are inserted.

6. In addition to the items listed in existing subsection 71(2), a master plan is required to contain, in relation to the first five years of the master plan, the following:

- a ground transport plan on the landside of the airport;
- detailed information on proposed developments (set out in the master plan) that are to be used for commercial, community, office or retail purposes or for any other purpose not related to airport services. The developments contemplated in this paragraph include construction of retail outlets, supermarkets and the like, buildings and other facilities for recreation or sporting events, theatre halls for cultural performances, construction of business parks and other types of offices not related to carrying out aviation business. These examples are non-exhaustive. A draft or final master plan is required to provide detailed information on these types of proposed developments;
- the likely effect of the proposed developments set out in the master plan on employment levels at the airport and on the local and regional economy and community including an analysis of how the proposed developments fit within the planning schemes for commercial and retail development in the area adjacent to the airport.

Comment – The City is very supportive of the additions under amended subsection 71(2). However reference to only the first five years of the master plan should be deleted as the requirement should stay with any version of a master plan. Also, clarification is required as to how the amended clause is applied to existing adopted/endorsed master plans.

7. Paragraph (ga) provides that a ground transport plan on the landside of the airport should provide details on the following:

- road network plan; and
- facilities for moving people (including passengers, employees and other airport users) and freight at the airport (these facilities include the airport's road infrastructure, road connections and car parking facilities in addition to transport vehicles); and
- linkages between those facilities [mentioned in paragraph (ii)], 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.

Comment – Strongly supported.

9. Paragraph (h) provides for the inclusion of the airport environment strategy in a draft or final master plan. The airport environment strategy should detail the items enumerated in (i) to (ix) of paragraph (h). These items are taken from the existing section 116 (contents of draft or final

environment strategy) which is now being repealed in view of the annexure of an environment strategy in the master plan.

Comment – Strongly supported.

Item 5 – Subsection 71(6)

15. Existing subsection 71(6) provides that, in specifying an objective or proposal covered by specified paragraphs in subsections 71(2) and 71(3), a draft or final master plan must address the extent (if any) of consistency with the planning schemes in force under a law of the State or Territory in which the airport is located. Existing subsection 71(6) is amended to include another paragraph which provides that if the draft or final master plan is not consistent with those planning schemes, the draft or final master plan must contain justification for the inconsistencies.

Comment – Strongly supported. However the subsection could be expanded further to require that landuse classifications and definitions are consistent with planning schemes

36. New section 71A dealing with incompatible developments is inserted into the Act. Under subsection 71A(1), an airport-lessee company intending to develop an incompatible development on the airport must identify any proposed incompatible development in the master plan.

37. An 'incompatible development' is defined to be a development of any of the following facilities

- a residential dwelling (except accommodation for students studying at an aviation education facility at the airport);
- a community care facility;
- a pre-school;
- a primary, secondary, tertiary or other educational institution (except an aviation educational facility);
- a hospital (except a facility with the primary purpose of providing emergency medical treatment to persons at the airport and which does not have in-patient facilities).

38. A redevelopment of any of the facilities listed above, if the redevelopment increases the capacity of the facility, is also an incompatible development. A redevelopment of a facility existing prior to the commencement of this Act, if the redevelopment increases the capacity of the facility, is also an incompatible development (see item 75, application provision on incompatible developments in Part 3 on transitional provisions).

Comment – As previously detailed, it is questionable whether all the 'incompatible' uses are incompatible under all circumstances as applied to Perth Airport. However, given that they can be approved under exceptional circumstances they are not prohibited outright. Notwithstanding that, it may be worthwhile removing the blanket prohibition as it only has the effect of increasing administrative burdens and a belief in the wider community that airports and communities are basically incompatible with each other. A better approach would be to require a major development plan for those landuses rather than a blanket prohibition.

Items 28 and 29 – Section 72

40. These are consequential amendments resulting from the annexure of an environment strategy into a master plan.

Comment – Section 72 'Planning period' of the Act specifies that "A draft or final master plan

must relate to a period of 20 years. This period is called the planning period." The consequential amendment referred to adds a second clause which states "However, the environmental strategy in a draft or final master plan must relate to a period of 5 years."

The planning period and the environmental strategy should relate to the same period of time. It is strongly recommended that the planning period and the review period for environmental strategies be amended to a consistent timeframe of 10 years.

Item 34 – At the end of section 81

49. A new subsection 81(10) is inserted to provide that the Minister's approval of a draft master plan that contains an incompatible development does not stop the Minister from refusing to approve, under Division 4, a major development plan for the incompatible development.

50. A master plan may foreshadow an incompatible development with a clear statement of the prohibition and that a subsequent approval process will be undertaken. Information about a incompatible development could also be included in a minor variation to a master plan.

Comment – As previously commented, it seems a pointless exercise to identify a blanket prohibition for 'incompatible development' and then allow them to be dealt with as a minor variation. If they really are incompatible they should be major variations or, where the use need not be considered incompatible, it should be identified in a master plan as being appropriate it should not be treated as 'incompatible' but should be dealt with the same as any other development type.

Item 42 – After paragraph 89(1)(n)

65. New paragraph 89(1)(na) is inserted which provides that a development of a kind that is likely to have a significant impact on the local or regional community is a major airport development. As is currently the case with the existing major development plan trigger on significant environmental or ecological impact, proposed developments with significant community impact, regardless of size or cost, will be subject to the optimal level of public comment to enable members of the community and other stakeholders to have input into the proposed developments that may be contentious within the local area. In determining whether the proposed development is likely to have a significant impact on the local or regional community, the following are examples of issues that may be considered:

- Will the proposed development impact on the amenity of the local or regional community?
- Will the proposed development increase traffic in the immediate surrounds of the airport?
- Will the proposed development likely create increased noise in the area?
- Will the proposed development create areas of risk for individuals within, or adjacent to, the airport?
- Will the proposed development likely cause significant concern by the local or regional community?

66. Administrative guidelines on what may constitute 'significant impact on the local or regional community' will be provided to relevant industry stakeholders.

67. A new paragraph 89(1)(nb) is inserted. If the Minister has given approval to the airportlessee company to undertake a major development plan in relation to an incompatible development (in accordance with new section 89A), that proposed development becomes a major airport development that will require a major development plan.

OPPORTUNITY

Comment – The intent of the clause is highly applauded. However, the questions raised above as the example questions by which to ascertain if there is a significant impact on a local or regional community are too vague and open for interpretation. While the administrative guidelines referred to may clarify this point there is concern that unless the criteria are clear substantial problems will be encountered by both airport operators and the general public in trying to apply/interpret this requirement.

Item 47 – After paragraph 91(1)(g)

85. Section 91 provides for the contents of a major development plan. New paragraph (ga) is inserted to require that a major development plan must set out the likely effect of the proposed development on:

- (i) traffic flows at the airport and surrounding the airport; and
- (ii) employment levels at the airport; and
- (iii) the local and regional economy and community, including an analysis of how the proposed developments fit within the local planning schemes for commercial and retail development in the area adjacent to the airport.

Comment – Excellent amendment. Very supportive of clause.

Item 49 – Subsection 91(4)

87. Existing subsection 91(4) provides that a major development plan, or a draft major development plan, must address the extent (if any) of consistency with the planning schemes in force under a law of the State or Territory in which the airport is located. Existing subsection 91(4) is amended to include another paragraph which provides that if the major development plan, or a draft of the plan, is not consistent with those planning schemes, the major development plan or its draft must contain justification for the inconsistencies.

Comment – Excellent amendment. Very supportive of clause.

Item 53 – After subsection 92(1)

91. New subsections 92(2A) and (2B) are inserted into the Act. These provisions allow the Minister to shorten the 60-business-day consultation period to a shorter period of not less than 15 business days.

Comment – The 15 business day shortened timeframe is too short. Suggest a minimum of 20 working days (that would be consistent with the Western Australian Planning Commission's reduced advertising period of 28 days for some scheme amendments). There should also be a provision that where an issue arises during the reduced advertising period that indicates there are additional issues that would have a significant impact, that the Minister can extend the advertising period to the full 60 days.

92. An airport-lessee company or another person with the written consent of the airportlessee company may request the Minister to shorten the public consultation period. The Minister may, by written notice, approve the request if the Minister is satisfied that:

- the draft major development plan aligns with the details of the proposed development set out in the final master plan; and
- the development proposal does not raise additional issues that have a significant impact on the local or regional community.

Comment – Where the Minister agrees to shorten the public consultation period the Minister should be required to publicly release information on why the draft major development plan aligns with the details of the proposed development set out in the final master plan; and why

the development proposal does not raise additional issues that have a significant impact on the local or regional community.

Item 54 – At the end of subsection 94(3)

94. Subsection 94(3) provides for the matters that the Minister must have regard to in deciding whether to approve a draft major development plan. New paragraph (f) is added so that in relation to an incompatible development, the Minister must have regard to paragraphs (f)(i) to (iv) in addition to the matters listed in (aa) to (e).

95. In making a decision whether to approve a draft major development (which relates to an incompatible development), the Minister will have regard to these additional matters:

- Whether the exceptional circumstances which the airport-lessee company claims will justify the development of the incompatible development – The Minister will make a judgment on the existence of 'exceptional circumstances' on a case by case basis. Every proposal for the development of an incompatible development will be considered on its merit based on the exceptional circumstance of every airport.
- The likely effect of the incompatible development on the future use of the airport site for aviation-related purposes – Consistent with the primary object of the Airports Act which is to promote the sound development of civil aviation in Australia, regard will be given as to whether the development (of the incompatible development) will limit the future flexibility in the use of the airport site for aeronautical-related purposes.
- The likely effect of the incompatible development on the ground transport system at, and adjacent to the airport – One of the concerns of the Government in relation to incompatible development is the creation of additional congestion in roads at or near the airport.

Comment -

The amendment proposes to add at the end of subsection 94(3) "(f) if the plan relates to an incompatible development:

(i) whether the exceptional circumstances that the airport-lessee company claims will justify the development of the incompatible development at the airport; and

(ii) the likely effect of the incompatible development on the future use of the airport site for aviation related purposes; and

(iii) the likely effect of the incompatible development on the ground transport system at, and adjacent to, the airport."

It is recommended that another clause (iv) be added that relates to amenity issues (such as that attempted by proposed Section 89(b)).

I trust the above comments are of assistance. Should you have any queries or require any clarification on the points made please contact the City's Manager Planning Services Juliette Gillan.

Yours faithfully

STUART COLE
CHIEF EXECUTIVE OFFICER

City of Belmont
OPPORTUNITY

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 5

SUBMITTER

City of Armadale

**OFFICE OF THE
CHIEF EXECUTIVE OFFICER**

Our Ref: PH/N/1
Enquiries to: John Erceg

29 July 2010

Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Sir

SUBMISSION: AIRPORTS AMENDMENT BILL 2010

The City of Armadale lodged a submission to the recent Senate Enquiry into Airservices Australia and its effectiveness in managing aircraft noise. The purpose of the submission was to express extreme concern about the lack of consultation of our citizens with regard to changes to aircraft flight paths to and from Perth Airport and the potential deleterious affect of aircraft noise on parts of our hills community.

Although Commonwealth owned airports leased to private companies, such as Perth Airport, are required to prepare Master Plans that strategically address noise impacts , the current planning framework is clearly not working as it was intended.

That is because not all developments on airport sites fall within the trigger criteria that would require broad community consultation and the fact that airports aren't currently required to consult regularly and widely with communities and local planning authorities.

It is pleasing therefore, that the Airports Amendment Bill seeks to address this anomaly by recognising the importance of balancing the legitimate concerns of affected communities for consultation and transparency with a regulatory environment that is conducive to increased infrastructure investment.

Of the four options proposed in the Airports Amendment Bill 2010 to put the necessary reforms in place, the City of Armadale supports Option C, which proposes the establishment of Planning Coordination Forums and Community Aviation Consultation Groups to ensure local governments and affected communities are consulted about strategic airport growth, leading to better targeted and coordinated investments in amenities such as connecting roads. This approach would also enable airports to canvas support for their developments at these planning forums and consultative group meetings.

The opportunity provided for comment on the Airports Amendment Bill 2010 is greatly appreciated and the City looks forward to a positive outcome that addresses present shortcomings.

Yours sincerely

I MACRAE
EXECUTIVE DIRECTOR DEVELOPMENT SERVICES

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

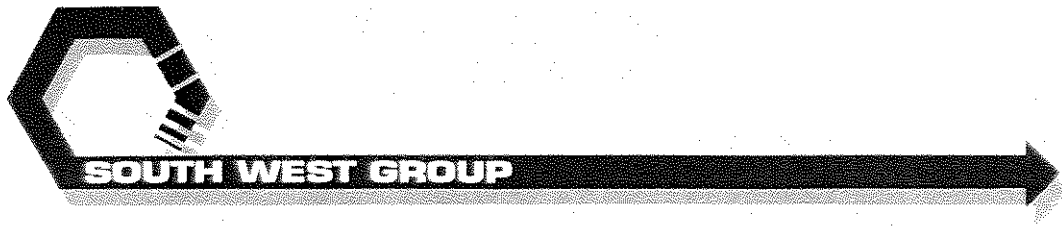
Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 6

SUBMITTER

South West Group



SOUTH WEST GROUP

The South West Group, formed in November 1983, is a Voluntary Regional Organisation of Councils (VROC). It comprises the Cities of Cockburn, Fremantle, Melville, and Rockingham, and the Towns of East Fremantle and Kwinana. The South West Group is managed by a Board consisting of the Mayors and CEOs of its member local government authorities.

The South West Group seeks to work with these six local governments and through cooperation with industry, community and the other spheres of government to capture a wide range of opportunities to enhance economic growth as well as supporting a diversity of quality lifestyles whilst servicing and sustaining cohesive, productive communities in an enviable environmental setting.

The South West Group will be persuasive, forward looking and influential in representing, supporting and promoting Local Government interests that affect the growth and sustainable development of South Metropolitan Perth.

Contacts:

Chris Fitzhardinge
Director South West Group

Joanna Ong
Executive Officer South West Group

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BOORAGOON WA 6954

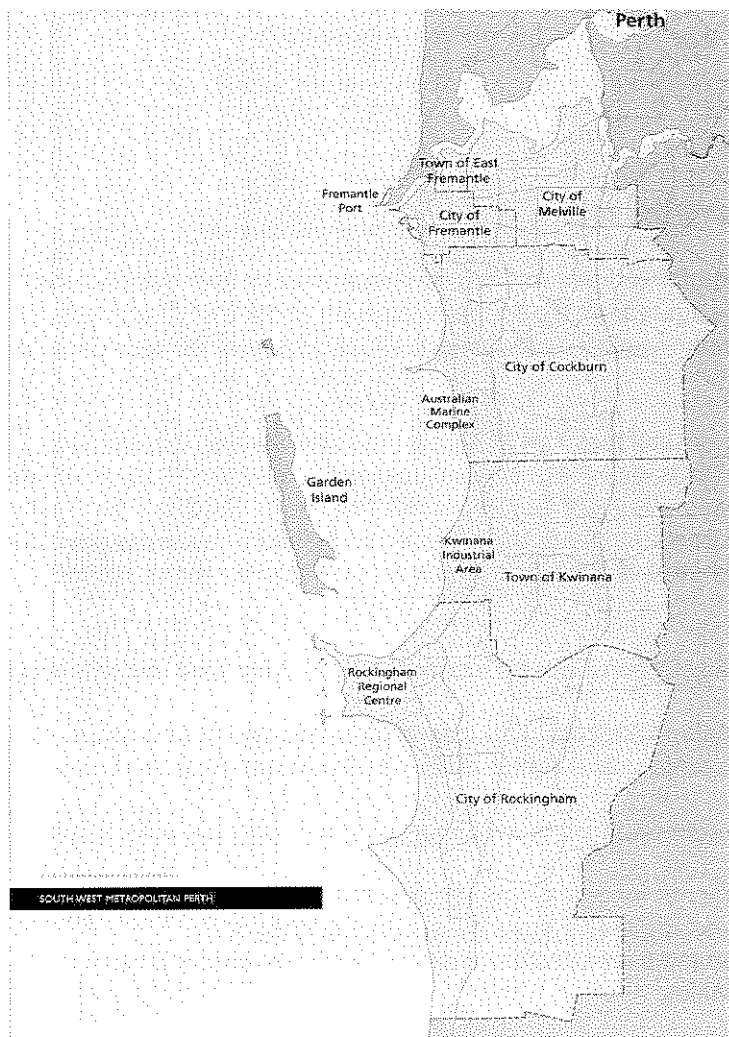
Fax: +618 9364 0285

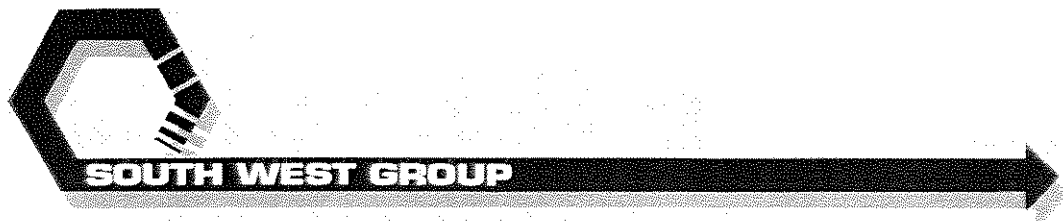
Web: www.southwestgroup.com.au
www.employkwinana.com.au
www.sabahtrade.com.au

SOUTH METROPOLITAN REGION

KEY INFORMATION

Area	619.4 square kilometres (approximately 50 km long by an average 12km width)
Location	South Western Quarter of Metropolitan Perth bounded by the Canning River, Swan River, Fremantle Harbour, Cockburn Sound, Warnbro Sound and generally 2 km east of the Kwinana Freeway alignment.
Economic Infrastructure	Fremantle Port, Australian Marine Complex, Kwinana Industrial Area, HMAS Stirling, Jandakot Airport
Current Population June 2009	353,582 (ABS 3218.0 2010)
Population Growth 2004 to 2009	2.8% (ABS 3218.0 2010)
Projected Population 2020	424,400 (Based on ABS and WAPC information)
Participation Rate	66.4% (ABS 6291.0.55.001 April 2010)
Employed	178,300 (ABS 6291.0.55.001 April 2010)
Unemployment Rate	5.9% (ABS 6291.0.55.001 April 2010)
Indigenous Population	1.4% (Census 2006)
Overseas Born Population	31.5% (Census 2006)
Personal Income	\$8,696 million (ATO 2006/07)
Building Approvals	\$2,653 million (ABS July 2009 to March 2010)
Registered Motor Vehicles	233,131 (ABS as at 31/3/2006)





A Co-operative venture of the municipalities of:
Cockburn, East Fremantle, Fremantle, Kwinana, Melville & Rockingham

Date: July 30, 2010
Contact: Chris Fitzhardinge (08) 9364 0631
Reference: SWG Airport Amendment Bill 2010

The Committee Secretary
Senate Standing Committee on Rural and Regional Affairs
And Transport
PO Box 1600
Parliament House
CANBERRA ACT 2600

AIRPORTS AMENDMENT BILL 2010

The South West Group acknowledges the important contribution that the Airports have made and should continue to make to the Australian economy. The South West Group also accepts that non aviation development should support the operation and expansion of Airports.

There are however important matters that should be resolved within the Airports Amendment Bill 2010 and that should be explicitly addressed by providing a statutory role for local governments to oversight development. This is required to adequately deal with a wide range of concerns have been identified by local governments in the South West Corridor which reflect similar positions of local governments around Australia.

The National Aviation Policy Green Paper (December 2008) identified the following key action areas:

- 1) Improving consultation with state and local authorities and cooperation between airport operators and state and local governments on land use planning
- 2) Integrating investment on airports with improved road and rail links to and from airports
- 3) Improving mechanisms for guiding development around airports to ensure that aircraft noise issues are fully addressed in planning and
- 4) Developing mechanisms for effective dialogue between airport operators and their local communities

The National Aviation Policy Green Paper included the proposal that non aviation

developments on airports be subject to local planning laws and the introduction of developer contributions for infrastructure support costs. The Paper also included the establishment of community consultation groups for each major airport with an independent chair.

The amended Aviation Act does not appear to provide the basis for statutory engagement in local planning processes for non aviation developments.

The following explicit provisions action should be included in the new Aviation Amendment Bill:

- 1) Mandating establishment of a community consultative committee with an independent chair to assist with resolving community issues with the operation and development of Airports. Selection of the chair should require consultation with state and effected local governments
- 2) Statutory provisions requiring non aviation development to be subject to local planning laws
- 3) Mandatory costing of the impacts of Airport development beyond the Airport boundary and identification of the funding sources for the additional costs including noise attenuation, transport infrastructure and provision of buffers
- 4) Amendment of the Region Scheme Plans to have the entire area within the Airport boundary zoned "Public Purposes Commonwealth Government" or equivalent.
- 5) Clear identification within the legislation to require negotiation of effective access to the Airport Precinct including assessment of a direct connection to major roads and negotiation with the Local and State Governments to identify cost sharing arrangements. The timing of the provision additional access should be provided in parallel with Airport development
- 6) Identification of clear time frames for the aviation and non aviation development so that impacts can be assessed within the context of adjoining development
- 7) Clear identification of the impact of expanded noise generating activity such as helicopter activity on adjoining residents
- 8) Requiring economic impact assessment for the airport land and the adjoining local government areas and providing objective evaluation and guidance on the viability and sustainability of options for retail and commercial activities, traffic and transport, infrastructure, the natural environment and environmental health issues for the Airport, the adjoining Local Governments and the subregion, including in particular the impacts on commercial centres in the vicinity.

Whilst the Explanatory Memorandum discusses many of these issues there does not appear to be sufficient strength in the Bill to resolve the issues.

The Airports (Building Control) Regulations 1996 provide for the Airport Building Controller to be a local government body amongst other options. This should be the first option considered.

Many of these issues would be resolved if the Airport Building Controller appointed was the local government or a body comprising a group of local governments impacted by the Airport.

Irrespective of which entity is appointed as the Airport Building Controller there should be an obligation on the Airport Building Controller to consult affected local governments on any development that would normally be submitted to that local government if the land was under the control of that local government.

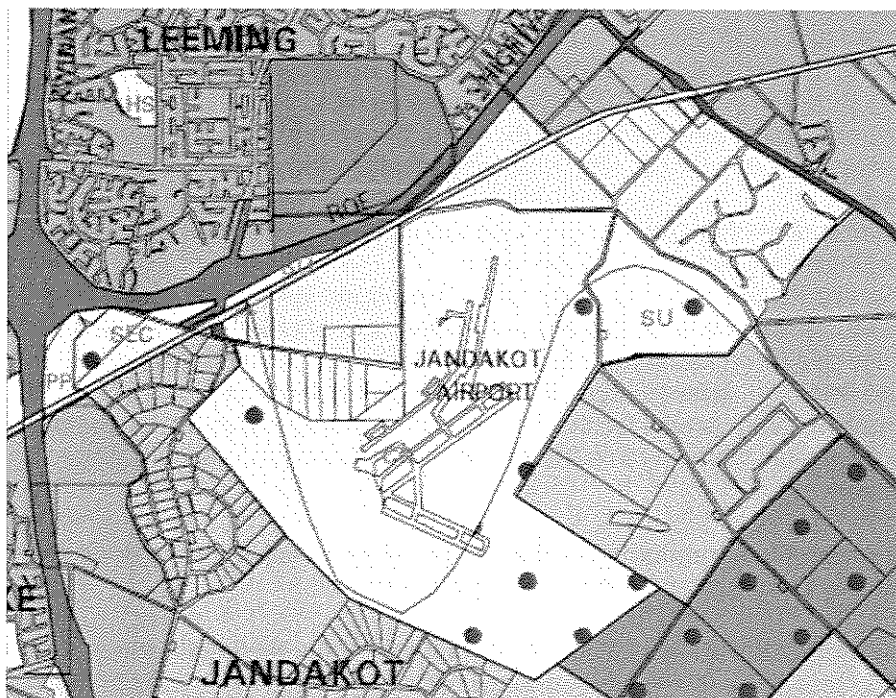
There appears to a flaw within the existing Airports Regulations 1997 where each Airport site is defined by the alienated land excluding any road ways. Does this provide confusion where the Airport Building Controller is approving works within road ways such as those that appear to exist in the attached Region Scheme relating to Jandakot Airport?

Background on the South West Group is attached.

Yours sincerely

Chris Fitzhardinge
Director South West Group

2009 METROPOLITAN REGION SCHEME



**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 7

SUBMITTER

City of Moonee Valley

26 July 2010

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

Dear Ms Radcliffe

Re: Inquiry into Airports Amendment Bill 2010

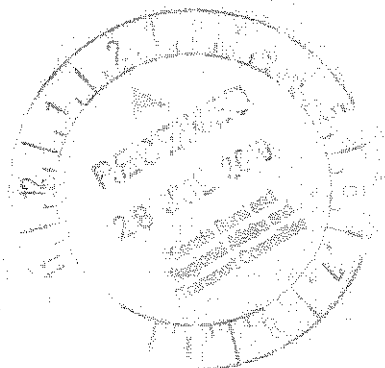
Thank you for advising Council on the National Aviation Policy White Paper. In particular we note changes in relation to the planning regulatory framework, and the requirements for airport master plans and major development plans.

Council supports the proposed amendment to the Bill in principal; specifically where it intends to provide more of a focus on the implications of future developments on local infrastructure and land uses. Council also supports better transparency regarding future land uses at airports, particularly where non-aeronautical uses are proposed.

Council would appreciate ongoing correspondence in relation to the Bill and the outcomes of the Legislation Committee Inquiry.

Yours sincerely,

Anthony Smith
Acting Chief Executive



**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 8

SUBMITTER

Canberra Airport



AL:mmm
Our ref: LEG:ACTS

28 July 2010

Committee Secretary
Senate Standing Committee on
Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Email: rrat.sen@aph.gov.au

Dear Committee Members

Inquiry into Airports Act Amendments 2010

Canberra Airport believes that on the whole the National Aviation Policy White Paper was a document that attempted to strike a balance between development, aeronautical investment, the rights of surrounding communities, and the commercial interests of airlines and airport operators.

While the implementation of this policy will take some time, the Airports Amendment Bill 2010 does attempt to fairly implement a number of the policy decisions made in the National Aviation Policy White Paper. However, notwithstanding this, there are still a number of issues arising out of the proposed amendments that need clarification, change or even deletion. In particular, Canberra Airport makes the following comments:

General Comment

- As a general comment, many of the proposed amendments appear to make development, both in relation to aeronautical and non-aeronautical services, significantly more difficult than they were previously. The placing of such hindrances on infrastructure investment appears contrary to the general policy settings adopted by Commonwealth and State Governments over the past couple years (including through the Commonwealth's own Development Assessment Forum) – particularly during the worst of the GFC when there was an emphasis on undertaking infrastructure investment as soon as possible.

- This is not to say that we disagree that there has to be community consultation or that major developments should be subject to scrutiny - rather our primary concern with the proposed amendments is that they result in greater uncertainty than there was before, and with uncertainty comes disincentives to investment. If nothing else we would ask that there are clear guidelines, criteria, and timeframes around the relevant triggers and decisions to be made under these amendments.
- During the White Paper there was much discussion about the introduction of a national land use planning regime for developments around airports – this regime was to both protect airports from inappropriate developments and to provide certainty to local governments and developers. Canberra Airport believes that this is an absolutely essential requirement that needs to be implemented by the Government as a matter of urgency. As the White Paper noted, airports are scarce economic resources and there needs to be a national land use planning regime around airports urgently before these economic assets are hindered by incompatible developments around them.
- For completeness, Canberra Airport notes that it agrees with the submission made by the Australian Airports Association.

Clause 1 - Master Plan Process

- Canberra Airport believes that it is important that the incorporation of the Airport Environment Strategy into Master Plan does not result in the Commonwealth Environment Minister being able to place conditions on the Master Plan by imposing conditions on the Airport Environment Strategy.

While we understand that this is not the intent of the Commonwealth, it would be preferable if this point was dealt with expressly given the already lengthy Master Plan development process.

Clause 27 - Childcare facilities

- Consistent with the stated intention of the Commonwealth, it needs to be stated expressly that child care facilities are not “incompatible developments”.

As the proposed definition of “incompatible development” could be read to cover child care (either as a “pre school” or as a “community care facility”) – contrary to the stated intention of the Commonwealth – drafting needs to be included to make it clear that child care facilities are not “incompatible developments” for the purposes of the Act.

Clause 27 and 46 - Terminology of “incompatible developments”

- We agree entirely with the comments in Australian Airports Association about the pejorative terminology used in relation to the concept of “incompatible developments”.

As you can appreciate, it would be very easy for third parties to attack a Master Plan (which is now required to specify these type of developments) or a Major Development Plan simply on the basis that the relevant plan contains developments which are “incompatible” according to the terminology of the Act.

This is a significant issue for airport operators when in reality, the proposed amendments do not make any development incompatible at all – rather, all the amendments do is:

1. confirm that some developments are prima facie consistent with airport development and operations; and
 2. implement a more rigorous regime for other developments.
- In these circumstances, in our opinion these developments should be referred to as “Hurdle Developments” or “Review Developments” – titles that don’t indicate incompatibility, but rather indicate that these developments will be subject to a higher level of scrutiny.

Clause 27 - Scope of “incompatible developments”

- We note that the scope of developments covered by the definition of “incompatible developments” is potentially very wide.

To ensure that the scope of “incompatible developments” does not result in absurd results (such as the exclusion of training related to security or defence) the proposed section 71A needs to be amended to make it clear that “incompatible developments” (or a relevant sub-set of them) can occur as ordinary Airports Act developments where they relate primarily to security, policing or defence matters.

In this regard, it needs to be remembered that the proposed carve out for “aviation educational facility” is not wide enough to cover many of the activities undertaken in relation to security, policing or defence. These types of uses and activities must surely be compatible with, and permitted on, airport sites.

- In common with other airports and the Australian Airports Association, we have real concerns about the introduction of the phrase “or other types of educational institution” in the definition in “incompatible developments”. It is unclear to us what this phrase is intended to capture, and the phrase could potentially capture a large range of activities that were never intended to be excluded from airports such as apprenticeships, corporate training, guard training, child care facilities and internships.

In our opinion this phrase needs to be deleted – there is no need on a policy level to unnecessarily expand the scope of the “incompatible development” definition as it relates to schools when there is no doubt that schools, preschools, high schools and tertiary schools are already covered without the need of an uncertain and unclear phrase acting as a “catch all” to the definition.

- We also had concerns about the inclusion of “community care facility” in the definition of “incompatible development” – the current definition is potentially very wide, and while it includes some specific facilities related to aged care and health, it could just as well cover anything from an aero club, to a dentist, or a doctor’s surgery to a first aid room. In our opinion there needs to be clear guidance as to the scope of this category of “incompatible development”.

Clause 40

- As noted by the Australian Airports Association, clause 40 needs to be altered so it is clear that simple routine maintenance activities or minor upgrades to runways and taxiways do not automatically lead to MDPs.

Clause 42 - The “Significant Impact” trigger for the MDP Process

- While the Commonwealth has committed to providing guidelines on how the “significant impact” MDP trigger will be used – our concern is to try to ensure that there is real certainty as to when this trigger will be brought into play. In particular:
 1. To avoid unnecessary referrals by the Airport Building Controller to the Department, it is critical to know when it will not apply; and
 2. We believe that the Minister should have a discretion to not apply this MDP trigger when the relevant development relates to aeronautical services only. This is consistent with the policy intent of the National Aviation Policy White Paper to try to encourage the continued investment in aeronautical infrastructure in Australia.

Clause 45 - Waiving of the MDP Process

- We agree with the Australian Airports Association that the waiving of the MDP process for aeronautical investment does not appear to work – in particular, we have difficulty identifying any aeronautical development that, when undertaken, would not increase the operating capacity at the Airport. Indeed, why would anyone undertake any aeronautical investment if it was not intended to increase operating capacity at the Airport?
- However, we also query why the waiving of the MDP process only applies in relation to construction or extending a terminal or taxiway – surely it should apply to aeronautical services in general so as to encourage investment in these services consistent with the policy intent of the White Paper. This seems little reason to exclude other aeronautical services from this waiving of the MDP process.

Clause 53

- Clause 53 needs to be amended so that it is clear that the proposed streamline consultation process for MDPs is available provided where there are no new issues raised with the relevant development that have not already been raised during the Master Plan process. As drafted, for the streamline consultation process to apply, the relevant development must have no significant impacts, regardless of whether those impacts were raised during the Master Plan process. This is contrary to our understanding which was that provided significant consultation was undertaken on a development at the Master Plan stage, there would be a limited requirement to go through that same consultation at the MDP stage.

We would welcome the opportunity to provide the Committee with any further information that they require in relation to these amendments.

Yours sincerely

Andrew Lecce
General Counsel

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 9

SUBMITTER

Australian Mayoral Aviation Council (AMAC)



Australian Mayoral Aviation Council

Submission to
the Senate Standing Committee on Rural and Regional Affairs
and Transport

Airports Amendment Bill 2010

Dated: 28 July 2010

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Australian Mayoral Aviation Council

Submission to the Senate Standing Committee on Rural and Regional Affairs and Transport Airports Amendment Bill 2010

Introduction

This submission to the Inquiry is by the Australian Mayoral Aviation Council, (AMAC). AMAC represents the interests of Local Government Councils and their communities from throughout Australia that have airports located within their area or whose communities are impacted by the activities of those airports. Member Councils represent some 3.25 million residents nationally.

Intent of the Bill

The key areas in which the Bill amends the Act are set out as follows:

- strengthening the requirements for airport master plans and major development plans to support more effective airport planning and better alignment with State, Territory and local planning;
- in relation to the first five years of a master plan, requiring additional information such as a ground transport plan and detailed information on proposed developments to be used for purposes not related to airport services (e.g. commercial, community, office or retail purposes);
- restructuring the triggers for major development plans including capturing proposed developments with a significant community impact;
- prohibiting specified types of development which are incompatible with the operation of an airport site as an airport. However, an airport-lessee company will have the opportunity to demonstrate to the Minister that such a development could proceed through a major development process because of exceptional circumstances;
- integrating the airport environment strategy into the master plan requiring only one public comment period for the combined document recognising that an airport environment strategy is better articulated in the context of the airport's master plan. Transitional provisions are included to address how the expiry dates of environment strategies will be aligned with the expiry dates of master plans; and
- clarifying ambiguous provisions and making housekeeping amendments to update certain provisions of the Airports Act.

Preamble

AMAC has voiced its support for the endeavours of the government to establish a framework and a strategic direction for aviation in Australia and recognises the opportunity to promote the delivery of safe and efficient air travel for the benefit and protection of both the travelling public and the general community.

AMAC also recognises and accepts the major role airports and aviation play in both the state, national and global context.

AMAC also accepts that under existing commercial lease arrangements the operation of airports is a business with an expectation that there will be reasonable returns on investment.

AMAC does contend however that, in planning and development terms, airport operators and their tenants have, to date, operated in a far more favourable regulatory environment than competition outside of the airport boundary. Further, the primary planning focus by airport operators has been on generating revenue with no regard for the impact on surrounding businesses and communities.

Strengthening the requirements for airport master plans and major development plans to support more effective airport planning and better alignment with State, Territory and local planning.

AMAC has consistently expressed concern that, while there are requirements in relation to Master Plans, Major Development Plans and Building Approvals on airport land, land use planning descriptors on airports allow a high, and contentious degree, of flexibility. Certainly there is a demonstrable flexibility in the permissibility of airport developments not available under planning instruments that are applicable to off-airport project applications.

The degree to which the process for identifying the permissibility of on-airport development is required to conform to local planning requirements will be critical. A high degree of conformity will ensure the effective Master Planning of the entire community with the inclusion and integration of the airport into its community rather than in spite of it. It will also ensure a level playing field for business in accordance with national competition principles.

AMAC, through previous submissions on the National Aviation Green Paper has endorsed an integrated approach to transport planning for major airports.

The volume and mix of traffic generated by airport operations has a direct impact on the surrounding transport network and on residents who also utilize the same network on a daily basis.

The projected growth of our cities together with the projected growth in aviation activity at our major airports will mean increased pressure and conflict.

To this point airport operators have generally adopted an isolationist approach while State governments with the primary responsibility for major road and public transport infrastructure have largely adopted a similar approach. At the same time local government, whose residents bear the brunt of this increasing conflict, and whose own public assets are often degraded by those seeking to escape the conflict, have not been given a meaningful voice in addressing this issues.

Once again effective, meaningful and respectful consultation involving all tiers of government and effected communities is, and will remain, essential.

The Explanatory Memorandum accompanying the Bill puts forward four options:

- **Option A: the Status quo** – Definitely not supported as the system is inequitable, is exclusive and, put simply, does not work.
- **Option B: Tighter regulation of planning and development on leased federal airports to facilitate better integration of on-airport and off-airport planning** – The description of this option captures what is required. The establishment of proposed Planning Co-ordination Forums with an effective charter is supported. The proposition that Airport Master Plans be required to address ground transport requirements and to justify variances between on and off-airport planning requirements is also supported. Any such justification should not only be on planning grounds but should also address the economic impact on existing businesses both on and off-airport.
- **Option C: A balanced approach involving regulatory change to facilitate investment in aeronautical infrastructure and better integration of on-airport and off-airport planning** – The need for facilitated investment in aeronautical infrastructure is acknowledged while an integrated approach to planning has already been supported.

What is strenuously opposed under this Option is the proposition that Planning Forums and Consultation Groups be established non-legislatively.

History provides clear evidence that a voluntary framework has not worked. In any case a voluntary arrangement relies on the goodwill of the parties. It is suggested that, where difficult decisions are to be made on matters with a significant positive or negative consequence for either party, goodwill will almost certainly finish second.

AMAC contends that the composition, structure, charter and obligations of these bodies must be clearly spelt out and be re-enforced and accountable through legislation or regulation.

AMAC would concede that, where a major development is specifically for aeronautical purposes and the development will have no impact on surrounding community or business interests, the time required for consideration of the application could be modified. However such modification must be restricted to developments with a direct aeronautical function such as navigation aids, control towers and the like.

- **Option D: Accredited State/Territory Government planning laws to apply to airports but allow the Commonwealth Minister to exercise decision making powers** – The difficulty, time and cost involved in securing this option is appreciated. It is anticipated that a properly structured integrated approach might be achieved through the Forums and Groups proposed by the White Paper provided they have an effective charter, are adequately resourced and are representative of all of the relevant parties. However, if that approach founders then this Option, or a derivation of it, may be the only way to deliver a positive outcome.

In relation to the first five years of a master plan, requiring additional information such as a ground transport plan and detailed information on proposed developments to be used for purposes not related to airport services (e.g. commercial, community, office or retail purposes).

AMAC has consistently expressed the view that there must be absolute surety that the primary focus for on-airport land use is catering for aviation related infrastructure. Non-aviation development must not be permitted to compromise or jeopardise the primary function of the airport.

Further to this, planning and development do not occur in five-year blocks. While it may be appropriate to provide detailed plans with a five-year horizon, such plans should not be static but should present a rolling five-year program with adequate opportunity for appropriate consultation and input and provide for timely and meaningful feedback.

Restructuring the triggers for major development plans including capturing proposed developments with a significant community impact.

Genuine communication, consideration and feedback remain critical to any positive outcome.

The proposition that all on-airport developments are publicly notified is supported.

The proposition that there should be consultation and third party assessment requirements in relation to proposed developments with a community impact is supported while a rigorous process in relation to developments with a significant community impact is absolutely essential.

Prohibiting specified types of development which are incompatible with the operation of an airport site as an airport. However, an airport-lessee company will have the opportunity to demonstrate to the Minister that such a development could proceed through a major development process because of exceptional circumstances.

Incompatible development should be exactly that. Incompatible in this sense means that there is conflict between the development activity and airport operations or that either or both will need to modify their behaviour to accommodate the other, often to the detriment of one or both parties.

Integrating the airport environment strategy into the master plan requiring only one public comment period for the combined document recognising that an airport environment strategy is better articulated in the context of the airport's master plan. Transitional provisions are included to address how the expiry dates of environment strategies will be aligned with the expiry dates of master plans.

Agreed providing there is an appropriate time period for comment and a provision for meaningful feedback.

Clarifying ambiguous provisions and making housekeeping amendments to update certain provisions of the Airports Act.

Agreed.

Conclusion

Any amendments to airport legislation need to recognise that the core business of aviation is a unique commercial activity, however, non-aviation commercial development is not.

The businesses operated on-airport by commercial lessees compete with businesses in other parts of the city in which the airports are located. It is therefore both equitable and appropriate that the planning constraints for on-airport development are measured against those applying to competitors.

Further, the land-based activities of airports must integrate into the communities in which they operate. They must not be allowed to receive consideration only when airport operations are sufficiently impacted by conflict with surrounding activities as to affect the economy of the airport operator.

Should the Committee wish any of the matters raised in this submission further clarified then AMAC will be pleased to do so.

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 10

SUBMITTER

Hobart International Airport Pty Ltd



26 July 2010

Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Via email: rrat.sen@aph.gov.au

**RE: Hobart International Airport Pty Ltd Airport Amendments Bill 2010
Submission**

Hobart International Airport Pty Ltd ("HIAPL") welcomes the opportunity to make a submission to the Senate Standing Committee on Rural and Regional Affairs and Transport in relation to the Airport Amendments Bill 2010 ("the Bill").

HIAPL welcomed the Government's release of the National Aviation White Paper Policy, and strongly supported the consultative approach taken to develop the Paper, we would however like to state that there was no consultation undertaken in the development of the Bill and that had there been consultation, a number of the issues outlined in this submission may have been avoided altogether.

HIAPL makes this submission in respect to the amendments outlined in the Bill and the terms at which they are currently drafted. In drafting this submission, it is apparent that many of the regional issues outlined in the Bill are of greatest direct relevance to HIAPL.

HIAPL is a capital city Airport, however the current size of the operation and the passenger and aircraft movement through the Airport make it more comparable to regional Airports throughout mainland Australia. In consideration of the size and nature of Hobart Airport, it is critical to state that resources are limited, and areas of the Bill that impose significant resource implications are of greatest concern.

Two key areas of concern within the Bill are the increased resource burden on Airport planning and development processes through the additional requirements, and the ambiguity of the terminology detailed in the Bill leading to a lessened level of certainty in all planning and development for the Airport.



Master Plans

HIAPL supports the inclusion of the Airport Environment Strategy into the Master Plan process, however would like to state that there should be mechanisms built into the Master Plan approval process that prevents delay in approval on Master Plan due to Airport Environment Strategy issues.

In relation to the introduction of additional Master Plan requirements and in particular, analysis of ground transport and off-airport development inclusions, this will add significant work to the current comprehensive planning process, and HIAPL would request that more definitive details are placed around the level of analysis required.

In reducing the timeframe for public consultation in the Master Plan process, HIAPL would support this approach, particularly if the Preliminary Draft Master Plan is deemed not to have any new or contentious issues that require extensive public consultation. Again, the reduction of this timeframe will assist in expediting the planning and development process, one which would be welcomed by HIAPL.

In reference to the Bill referring to an extension of Master Plan approval timeframes, HIAPL would propose that the current 50 days (plus stop-the-clock provisions) is more than adequate in approval time, and that the timeframes should rather be reduced to assist in timely planning and development.

In relation to commercial development on Airport, HIAPL holds great concern over the reference to “incompatible development”. HIAPL appreciates the concern over incompatible development on Airports, but would suggest that incompatibility only comes with an inability to use the Airport for its intended purpose.

Incompatible Developments

The use of “incompatible” and “exceptional circumstance” terminology without further definition provides great ambiguity to the Airport and could also present restrictions in growing both aeronautical and non-aeronautical business on Airport. HIAPL would support further definition on incompatible developments, and in particular the reference to child care facilities and schools.

Major Development Plans

In relation to Major Development Plans (“MDP”), HIAPL would like to see greater clarity in reference to runway MDPs to the term “altering”. HIAPL would suggest it is unreasonable to require an MDP for routine maintenance on runways and strongly oppose this.

The use of the terminology “significant social impact” is also of concern to HIAPL, this objective measure requires clear definitions and guidelines and HIAPL would



strongly suggest that consultation with relevant parties be undertaken in the development of those definitions and guidelines.

HIAPL supports the intent in the Bill to provide the Minister to waive the need for an MDP on aeronautical development. However, HIAPL suggests that most Airport developments are undertaken to extend the operating capacity of the Airport in some form, as a result they would not support the inclusion of the requirement around waiving of an MDP if it can be demonstrated that the development will not "increase the operating capacity of the Airport" as this is unreasonable and defies logic.

Summary

In conclusion, HIAPL now goes through complex and costly processes in relation to a range of planning and development, HIAPL would not like to see further impost on the Airport in undertaking such important future development. Any impost to the Airport which is limited in human resource becomes a burden on the paying passenger and this is not something that HIAPL supports.

HIAPL welcomes the opportunity to provide further input to the Committee and the Government in development of the Bill to assist in the development and implementation of sensible policy for the future development of Airports.

Yours Sincerely,

Brett Reiss
Chief Executive Officer
Hobart International Airport

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 11

SUBMITTER

Sydney Metro Airports - Bankstown and Camden

**Submission to the Senate Standing Committee
on Rural and Regional Affairs and Transport**

Inquiry into

'Airports Amendment Bill 2010'

Bankstown Airport Limited and Camden Airport Limited (BACA) thank the Senate Standing Committee on Rural and Regional Affairs and Transport for the opportunity to place a submission before the Committee.

Context

For the Committee's benefit Bankstown Airport and Camden Airport are classified as General Aviation (GA) airports and facilitated approximately three hundred thousand (300,000) and fifty five thousand (55,000) movements respectively in FY 2009 / 10.

Located within the geographical confines of the Sydney Basin the airports' support a range of activity including flight training, charter operations, recreation & sports, freight and emergency services. They do not currently provide for any form of Regular Public Transport (RPT) and both airports have limitations on the size of aircraft that can operate on them.

Both airports were privatized in December 2003 and as such became subject to the *'Airports Act 1996'* and associated Regulations. The *'Airports Act 1996'* applies to all privatized airports and there is no distinction between the airports, notwithstanding the disparity of operations for instance between Sydney Airport and Bankstown Airport or Camden Airport.

Business Overview

In contrast to the larger airports which have balanced aeronautical and non aeronautical revenue, the majority of GA airports rely on non aeronautical activity to contribute the majority of revenue to the business. In the case of Bankstown Airport and Camden Airport non aeronautical related revenue contributes eighty eight percent (88%) of total revenue as aviation revenue in itself does not generate sufficient receipts to meet aviation specific capital expenditure, loan servicing or return on investment. In our particular case non aeronautical activity at Bankstown Airport also cross subsidizes Camden Airport.

It is in this context that our submission will focus on matters that will impact on our business and that of the other GA airports.

Overall Intent of the Airport Amendment Bill 2010

For BACA many aspects of the Airport Amendment Bill 2010 ('the Bill') add further restrictions to Airport Leasing Companies (ALC's) ability to develop and operate the airports effectively and efficiently. For GA airports the passing of the Bill in its present form may in the long term be detrimental to the GA industry which has been stagnant for over ten years.

In particular our main concerns are that the Bill will:

- Continue the 'one size fits all' legislative approach to airport regulation.
- Introduce a greater element of external interpretation which in turn reduces 'certainty' for both aviation and non aviation activity.
- Change the intent and form of Airport Master Plans and Major Development Plans causing detrimental outcomes
- Heavily qualify any procedural gains for ALC's to render them of little or no use.

Inappropriate for General Aviation Airports

In an effort to improve airports relations with the community and governments, the Bill establishes higher levels of compliance aimed predominantly at the major airports as their operation has a greater impact with the community as well as State and Local Governments. However when passed the Bill applies equally to all airports including GA airports via its 'one size fits all' approach.

This approach continues a 25 year old framework of regulation established for airports managed by the Federal Airports Corporation (FAC) as far back as 1986. The one size fits all airport framework was developed at a time when the Australian Government and the FAC subsidised operations at GA airports.

GA Airports now operate as standalone businesses. There are no Government or Head Office direct subsidies. The '*Airports Act 1996*' regime and bureaucracy that administers airports should better reflect this reality. A common legislative framework and bureaucracy for the airports does little to promote efficiency for the GA sector.

The proposed Bill increases the cost of running GA airports but does not increase revenue capability. This is not a sustainable outcome particularly in the longer term.

BACA would propose that the Bill should exclude GA airports or specifically introduce measures to support GA airports including:

- Amend the Head Lease by side deed for GA airports to
 - eliminate Ex Gratia Land Tax & Ex Gratia Council Rates
 - create performance standards for Airport Environment Officer & Airport Building Controller
 - support GA airport cost recovery
- Support GA airports as niche freight and passenger service providers.



SYDNEY METRO AIRPORTS

BANKSTOWN & CAMDEN

As an example the following table is provided to the committee to quantify the disparity between Sydney and Camden airports to which the Bill will apply equally.

Airport Activity Levels 2009

	Sydney Airport	Camden Airport
Movements	290,000	53,000*
Landed tonnes	14.5 M tonnes**	0.012 M tonnes
Passengers	33 M	0
Aeronautical Revenue	\$343 M	< \$0.2 M
Cost of Airport Master Plan & Environment Strategy as a percentage of Aero Revenue	1.45%**	160%
Distance from GPO	9 Kilometres	52 Kilometres

* Arrival / Departure 21,000, Circuits 32,000

** Estimated \$5M cost

Notwithstanding that the two airports listed above are at the extreme ends of the industry, the current legislation and proposed Bill does not differentiate between the airports. If the Bill is passed without amendment, Camden Airport will be required to meet the changes contained in the Bill including producing a Master Plan requiring higher levels of compliance at greater expense.

In the context that the current Airport Draft Master Plan and Airport Environment Strategy for Camden Airport, the cost to date is equivalent to 1.6 times of the annual aeronautical revenue for that airport. Arguably the 'one size fits all' approach of the Bill is not justified in many cases on either a needs or fiscal basis.

Increased Levels of Interpretation

Several areas of the Bill introduce new 'triggers' for Major Development Plans (MDP) where it is considered a development is likely to have a significant impact on the local or regional community. These 'triggers' are open to interpretation.

For example the guidelines for what constitutes a MDP are to include the following principles:

- impact on the amenity of the local or regional community
- increase traffic in the immediate surrounds of the airport
- likely create increased noise in the area
- create areas of risk for individuals within, or adjacent to, the airport

- likely cause significant concern by the local or regional community

Notwithstanding that 'administrative guidelines' will be supplied as to what constitutes 'impact', 'likely' etc, it is BACA's concern that this terminology will be subject to interpretation which in turn will lead to uncertainty, inconsistency and potential legal action to test the meanings of the terms by either MDP's proponents or opponents to the proposal.

This level of uncertainty will increase the development risk with both aviation and non aviation activity and will make developments less commercially attractive. This will lead to less investment in supporting infrastructure to the detriment of the GA industry and a prolonged continuation in the use of aging and inefficient airport facilities which runs contra to broader Government policy to promote and stimulate economic activity.

Changes Causing Detrimental Consequences

BACA has concerns that the Bill in its current form may create commercial and technical consequences that impact detrimentally on aeronautical and non aeronautical development as well as essential maintenance requirements. In particular BACA has concerns with the need for Airport Master Plans to:

a. Align with State and Local Government Ground Plans

- Airport Master Plans are based on a twenty year horizon and there is a concern that State and Local Governments plans may not match the vision of ALC's.
- There is concern that State or Local governments may attempt quash or unduly disrupt a development through either a perception or a false premise that it would be detrimental to the community because of traffic levels, noise levels, or any other 'significant' concern.
- There is apprehension that State or Local Governments may attempt quash or unduly disrupt a development as it may compete with their existing or proposed commercial developments.

b. Maintenance works

In addition to the current 'triggers' for an MDP with airside development, the Bill requires a MDP when 'altering a runway' which includes if closing a runway, changes to the flight paths or the pattern or levels of aircraft. As such major maintenance works will now require an MDP because these works effectively close a runway for an extended period and the traffic patterns are impacted during such works. These works include:

- Runway re-sheet where one runway is closed or severely restricted for some weeks
- Runway lighting works where one runway is closed or severely restricted for some weeks
- Major Off Airport Developments where large building cranes are required for an extensive period and impact on flight patterns

The requirement for MDP's for such tasks creates an onerous cost impost and potential delay in the provision of essential maintenance works.

Streamlined Gains for ALC's

The Bill does contain improvements to the processes that could allow the Minister in respect of specific aeronautical developments to exempt ALC's from carrying out a MDP or implement a

reduced public consultation period. However the Bill requires the satisfaction of several stringent hurdles to achieve these benefits and as the developments captured in these changes are by their nature 'major' it is unlikely that the improved process proposed by the Bill will ever be achieved.

Conclusion

BACA understands that legislation requires review and appropriate change to meet contemporary requirements.

Concurrently the Government should also recognize that the impact of the Bill does not differentiate the disparity in airports operation and the unintended outcomes of the Bill is that GA airports will not be able to implement growth strategies to economically sustain business beyond current levels.

As such BACA would seek a recommendation from the Committee that GA airports be excluded from the Bill.

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 12

SUBMITTER

City of Perth



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29 July 2010

Committee Secretary
Senate Rural and Regional Affairs
and Transport References Committee
Email: rrat.sen@aph.gov.au

Dear Sir/Madam

INQUIRY INTO AIRPORTS AMENDMENT BILL 2010

I refer to the inquiry into the *Airports Amendment Bill 2010*.

The City of Perth supports the objective of the *Airports Amendment Bill 2010* to provide for improved planning at Australia's airports to facilitate better integration and coordination with off-airport planning and continued investment in Australia's airport infrastructure and land transport links. In particular, the improvement of the major development plan process to more effectively address developments that will have significant impact on the local or regional community.

The City of Perth supports:

- the preparation of administrative guidelines on what may constitute 'significant impact on the local or regional community' for relevant stakeholders;
- the insertion of a new paragraph that will require a major development plan to set out the likely effect of the proposed development on:
 - (i) traffic flows at the airport and surrounding the airport; and
 - (ii) employment levels at the airport; and
 - (iii) the local and regional economy and community, including an analysis of how the proposed developments fit within the local planning schemes for commercial and retail development in the area adjacent to the airport.

The formulation of the administrative guidelines and analysis of the impact of proposed developments on existing commercial and retail development however should take into account the need for broader consultation beyond areas adjacent to the subject airport. Any proposed commercial development should consider the role and function of existing commercial centres, in particular the primary employment, retail and service functions in the Perth central business district. Accordingly, the City of Perth would welcome consultation on major development plans proposing significant increases in commercial floor space on the Perth Airport site.

Yours sincerely

SARAH STARK
MANAGER SUSTAINABLE CITY DEVELOPMENT

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 13

SUBMITTER

Sydney Airport Corporation Limited (SACL)



Inquiry into the *Airports Amendment Bill 2010*

*Submission to the Senate Standing Committee on Rural
and Regional Affairs and Transport*

Sydney Airport Corporation Limited

JULY 2010

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Background

On 24 June 2010 the Senate referred the *Airports Amendment Bill 2010* (the Bill) for inquiry and report.

This Bill amends the *Airports Act 1996* (the Act) to give effect to the legislative reforms announced in the Australian Government's National Aviation Policy White Paper, particularly in relation to the planning regulatory framework and the requirements for master plans and major development plans.

Sydney Airport Corporation Limited's roles and responsibilities

Under the Act, Sydney Airport Corporation Limited (SACL) is the airport-lessee company for Sydney Airport. SACL's general roles and responsibilities at Sydney Airport are to:

- manage Sydney Airport operations as a whole, and ensure the effective delivery and coordination of airport-related services and facilities. SACL operates the International Terminal (T1) and the Multi-user Domestic Terminal (T2) as well as the associated gates, departure and holding lounges, aerobridges, car parks, baggage handling and other passenger facilities. The Qantas Domestic Terminal (T3) at Sydney Airport is operated by Qantas.
- provide and maintain all necessary on-airfield infrastructure such as runways, taxiways, aprons, aircraft parking bays, airside lighting, airfield visual aids and ensure Sydney Airport complies with all necessary aviation safety standards.
- manage certain aviation security arrangements, including passenger and checked baggage screening, security patrols and surveillance, physical security and electronic access control systems, and security quality control and coordination.
- manage road traffic within the international and domestic terminal precincts in close cooperation with surrounding roads (which are managed by the RTA) and provide on-airport car parking.
- coordinate initial response to airport incidents and emergencies.

The Act also requires SACL to prepare a master plan for Sydney Airport, in consultation with the community and other key stakeholders. In part, the purposes of a master plan are:

- to establish the strategic direction for efficient and economic development at the airport over a 20 year period;
- to indicate to the public the intended uses of the airport site; and
- to reduce potential conflicts between users of the airport site, and to ensure that uses of the airport are compatible with the areas surrounding the airport.

Following an extensive community and stakeholder consultation process, the Sydney Airport Master Plan 2009 was approved by the Minister for Infrastructure, Transport, Regional Development and Local Government on 19 June 2009. The planning period for the master plan covers the 20 year period 2009 to 2029.¹

¹ The Master Plan 2009 can be downloaded from <http://www.sydneyairport.com.au/SACL/Master-Plan.html>

Aviation activity at Sydney Airport

Sydney Airport is Australia's major gateway to the world. Servicing 44 airlines and with 45% of all Australia's international airline passengers arriving in Sydney, it is also our nation's busiest airport. In 2009, Sydney Airport saw 33 million passengers pass through its terminals, accommodated just under 290,000 aircraft movements and handled 647,000 tonnes of freight.

Sydney Airport is busier than any train station in Sydney and handles more passengers than Central, Town Hall or Wynyard stations. Last year, the daily average usage was just over 90,000 passengers. In addition, there are 12,000 people who work at the airport on any given day and approximately 30,000 people who meet, greet or farewell passengers. This means that just over 132,000 people use Sydney Airport daily.

As outlined in the approved Master Plan 2009, this level of aviation activity is forecast to grow over the next 20 years. Specifically:

- passengers are forecast to grow by 4.2% per year to 78.9 million in 2029;
- aircraft movements are forecast to grow by 2% per year to 427,400 in 2029; and
- air freight is forecast to increase by 3.8% per year to 1,077,000 tonnes in 2029.²

The economic significance of Sydney Airport

The significant and growing level of aviation activity at Sydney Airport underpins the airport's role as an employer and economic driver of state and national importance. Sydney Airport today makes a direct contribution of \$8 billion to NSW Gross State Product. With flow-on impacts taken into account, the airport's economic contribution increases to \$16.5 billion and is forecast to rise to more than \$27 billion by 2015/16. This is equivalent to 6% of the NSW economy and 2% of the Australian economy. Around \$7.4 billion is also contributed directly to household incomes every year – that is, more than \$142 million is injected into family budgets each and every week.³

This substantial economic contribution translates into well paid jobs. It is estimated that Sydney Airport provides or generates more than 75,000 jobs directly and about 131,000 jobs indirectly, making a total of around 206,000 jobs. This year alone, it is estimated that these jobs will deliver around \$257 million in payroll tax revenue to the NSW Government, or around \$1.3 billion over the next five years and considerably more over the next 20 years. As a result of this forecast growth in the airport's economic contribution, the total number of jobs provided or generated by Sydney Airport is expected to rise to more than 338,000 by 2015/16.

Comments concerning the Bill

The Bill implements some of the Australian Government's aviation policy as outlined in the *National Aviation Policy White Paper* released by the Minister for Infrastructure, Transport, Regional Development and Local Government in December 2009. SACL notes and appreciates the extensive consultation undertaken by the Government during the development of the White Paper (which included the release of an Issues Paper and Green Paper). SACL has also appreciated the willingness of the Department of Infrastructure, Transport, Regional Development and Local Government to brief airports on the Bill following its tabling in the House of Representatives in June 2010.

² *Sydney Airport Master Plan 2009*, Chapter 5.

³ URS Australia Pty. Ltd., *The Economic Impact of Growth at Sydney Airport*, 2008.

However, there are some aspects of the Bill that were either not raised during the Green/White Paper process or that have been drafted in such a way as to have unintended consequences. Had airports (and other stakeholders) been consulted during the drafting of the Bill, these unintended consequences could have been avoided prior to the Bill being introduced to Parliament.

SACL also notes that the Bill empowers the Government to intervene more easily and more often with respect to airport development and related matters, and in a way that will be difficult to predict given the proposed broader and in some cases vaguely worded definitions and discretionary powers provided in the Bill. This is particularly the case with respect to the definitions of what constitutes major airport development. This will have the effect of increasing the regulatory risk associated with the aviation industry and appears to be inconsistent with the objectives of light-handed regulation.

If enacted, some provisions in the Bill will likely result in minor on-airport development becoming 'major airport development' for the purposes of the Act, thus requiring the preparation and Ministerial approval of a major development plan (MDP). The process for preparing MDPs is already highly complex and costly, and involves the preparation of four separate versions: an Exposure draft MDP, a Preliminary Draft MDP, a Draft MDP and a Final MDP. SACL notes that the preparation of an 'Exposure draft MDP' – which the Department of Infrastructure, Transport, Regional Development and Local Government has advised airports to prepare in certain circumstances so it can be referred to the Department of Environment, Water, Heritage and the Arts for comment – is not even mentioned in or required by the Act.

By way of example, using the Bill's Explanatory Memorandum as a guide, when deciding what constitutes a 'significant impact on a local community', airports should ask themselves: 'will the proposed development increase traffic in the immediate surrounds of the airport?'. If the answer is 'yes', it is likely that the development should be considered as a 'major airport development'. This has the potential to capture a wide range of minor developments that were previously and properly not subject to the MDP process. Consider a development proposal involving a fast food outlet, small service station or minor airfreight handling facility. As each would result in at least some increased traffic in the immediate surrounds of the airport, they would become major airport developments and be subject to the preparation of the abovementioned four MDP versions, a public comment period of at least 60 business days and, ultimately, the approval of a senior Cabinet Minister. However, had that same development been proposed for a site across the road from the airport, it would likely be subject to a simple development application, a public comment period of between 14 and 30 days and approval by a mid-level town planner at the local council, who would probably be acting under delegated authority.

The Bill will also make the task of preparing master plans more complex and costly, though SACL notes this is partially offset by the decision to integrate airport environment strategies with master plans.

As highlighted in the report prepared for Infrastructure Partnerships Australia and the Tourism & Transport Forum *Assessing the Impact of Airport Privatisation*⁴, airport privatisation and the master planning process have been a marked success. The trend to complicate the development approvals and master planning processes for airports is in contrast to that which has been apparent over recent years in all States and Territories to simply, clarify, standardise and expedite development assessment and approval processes in all other areas of the economy, especially where it involves the provision of critical and/or nationally important infrastructure. SACL believes it is important to ensure that excessive re-regulation does not become over-regulation, which would increase regulatory risk and undermine the ability of airports to provide, in a timely and commercially viable manner, the vital aviation infrastructure that Australia will so clearly need in the future as aviation activity continues to grow.

Detailed comments concerning specific provisions in the Bill are included at **Attachment A**.

⁴ The report can be downloaded at <http://www.ttf.org.au/Content/airportprivatisation08.aspx>

Detailed comments concerning specific provisions in Airports Amendment Bill 2010

Proposed section in Bill	Issue	Comments
Amendments concerning airport master plans and environment strategies		
section 71(2)(ga)	Inclusion of five year ground transport plans in 20 year master plans	<p>This provision would require airports to include in future master plans a ground transport plan that relates to the first five years of the master plan's 20 year planning period. As the first major airport in Australia to prepare a Ground Travel Plan in 2006⁵, Sydney Airport Corporation Limited (SACL) acknowledges that the preparation of ground transport plans has merit. The preparation of such plans will help to ensure that, in future, better coordination is achieved between the provision of aviation infrastructure and the necessary supporting landside ground transport infrastructure.</p> <p>However, as the successful preparation of such plans will fundamentally rely on information that can only be provided to airports by third parties – in this case the various road and public transport agencies of state governments – there is a concern as to how the Australian Government will assess the content of the five year ground transport plan when assessing the overall draft master plan.</p> <p>As currently drafted, the provision effectively requires the airport to obtain details about how and when <u>off-airport landside</u> road and public transport infrastructure and services will be provided. The provision of such off-airport infrastructure and services is, of course, predominantly the responsibility of state governments (and in some cases local governments).⁶ In contrast, the provision of aviation and airport-related infrastructure (which can be located airside or landside) is predominantly the responsibility of airports. This clear division of responsibility was established when the Government granted long-term leases for Australia's major airports to privately-owned airport lessee companies between 1997 and 2003.</p> <p>With this in mind, SACL would be concerned if a state government (for whatever reason) was unwilling or unable to provide an off-airport landside road network and/or public transport system that was adequate to accommodate the growth in aviation activity at an airport, as forecast in the airport's master plan. This is a particularly relevant issue for Sydney Airport. For example, when approving the Airport Rail Link (which links the Sydney CBD to Sydney Airport and includes four privately operated stations, two of which are located beneath the airport's terminals), the NSW Government</p>

⁵ SACL's Airport Ground Travel Plan can be downloaded at <http://www.sydneyairport.com.au/SACL/Airport-Ground-Travel-Plan.html>

⁶ However, it should be noted that the airport sites leased by the Commonwealth sometimes include that part of the landside road network in the immediate vicinity of the airport terminals and/or the airport boundary. For example, in Sydney's case, Airport/Qantas Drive, Keith Smith Avenue, roads in the vicinity of the International Terminal and some other roads all lie within the leased airport area and are therefore SACL's responsibility.

Proposed section in Bill	Issue	Comments
		<p>contractually prevented itself from freely developing or substantially upgrading an alternative subsidised land based public transport route between the Sydney CBD and Sydney Airport.⁷ This resulted in the NSW Government progressively withdrawing public bus services from the airport to the point where today, there is only <u>one</u> bus route servicing the airport's three terminals, and it doesn't even pass through the CBD or the area where most airport workers live. The Government has, to date, been unwilling to provide any additional public bus services to and from the airport. Passengers and airport workers are also discouraged from using the train because to do so, they must pay a premium which results in their train fare being around 400% higher than normal CityRail fares. Taken together, this illustrates the NSW Government's failure to provide an adequate public transport system at the airport.</p> <p>With respect to the road network surrounding airports, the lead time for the delivery of NSW road infrastructure will, in many instances, be much longer than the five year period covered by the ground transport plan. In the case of Sydney Airport, delivery of the necessary motorway infrastructure is subject to significant external risks and constraints. For example, completion of the M5 East duplication and M4 Extension – both of which are necessary to support growth in aviation activity at Sydney Airport <u>and</u> maritime activity at the Port Botany – is, at best, more than five years away. The NSW Government has also indicated it will not proceed with construction of the M4 Extension unless the Australian Government and/or private sector provide the necessary funding.</p> <p>While any future ground transport plan for Sydney Airport will clearly identify this failure to provide an adequate public transport system and the ongoing delays in enhancing the motorway network, SACL would be concerned if the NSW Government's unwillingness and/or inability to provide the necessary off-airport landside ground transport infrastructure and services was interpreted by the Australian Government in such a way as to prejudice the final approval of the master plan or to invalidate the underlying transport assumptions and conclusions on which it is based. To do so would put at risk a major portion of a master plan, which would subsequently require variation or amendment in response to any change by the State Government to its transport policies or strategies or to the timeframe within which transport infrastructure projects are delivered.</p> <p>To the extent that SACL must rely upon known or unknown ground transport projects, even after consulting with 'state or local or other bodies', the development of a ground transport plan therefore becomes a key risk to the master planning process. This is due to the implication that, if such projects are <u>not</u> delivered by the state government, the master plan will need to be substantially altered and/or proposed land use zonings changed to match the capacity of the off-airport ground</p>

⁷ The Contract Summary can be downloaded at http://www.wwg.nsw.gov.au/NSW_Projects/new_southern_railway_stations_agreement

Proposed section in Bill	Issue	Comments
		<p>transport infrastructure and services that the state government had indicated a willingness to provide at the time of consultation. In such circumstances, this would effectively act as a state government imposed brake on growth in aviation activity at Australia's major airports, an outcome that would clearly be against the national interest.</p> <p>SACL stresses that this is a very real risk. For example, in recent years, the NSW Government has announced and then deferred or cancelled a range of ground transport projects including:</p> <ul style="list-style-type: none"> • M4 East Extension • M5 East duplication • North west rail line • South west rail line • Hurstville to Strathfield Rail Line • Chatswood to Parramatta rail line • Fast train to Newcastle • Fast train to Wollongong • Western Metro • North west Metro • Rozelle Metro • F6 North • Rail extension to Bondi • Liverpool Y Link rail line • F3 link to the M2 or Westlink M7 • Thirroul rail tunnel • Blacktown – Wetherill Park Bus Transitway • Parramatta – Strathfield Bus Transitway <p>A more realistic approach would be for airports to include in their master plan the forecast airport-related vehicle traffic at each point where the airport interfaces with the road network in the surrounding area, as well as the forecast demand for the various modes of public transport.</p> <p>Ground transport plans should also make it clear that as state or local authorities are responsible for the landside road network and public transport system, those authorities should also be responsible for and be held accountable for providing effective <u>implementation</u> arrangements.</p> <p>This objective could be progressed in a practical sense through application of the new Capital Cities Planning System requirements which COAG adopted in December 2009. COAG agreed that:</p> <p style="text-align: center;"><i>Capital city strategic planning systems should ... provide for nationally-significant infrastructure (both new and upgrade of existing), including transport corridors, international gateways [and] intermodal connections .</i></p> <p>The COAG Reform Council will independently review the consistency of capital city strategic plans with the above (and other) national criteria during 2010 and 2011.</p>

Proposed section in Bill	Issue	Comments
section 71(2)(gb)	Inclusion of five year detailed proposed development plans in 20 year master plans	<p>This provision would require the 20 year master plan to include within it a more detailed master plan or quasi-precinct plan covering the first five years.</p> <p>In effect, this would require the master plan to identify specific proposed developments for each individual allotment of land within the airport site. This is contrary to the general principles of land use zoning, whereby a range of uses are identified as being permissible within a particular zone. When linked to the proposed ground transport plan, this new requirement would result in airports needing to produce a detailed five year development plan which would include specific details on the footprint, design, height and use of any proposed building, as well as the likely transport, environmental, employment, economic and community impact of that building. For airports, such detailed assessment is usually undertaken when preparing a preliminary draft major development plan, prior to it being exhibited for public and stakeholder comment.</p> <p>Further, if such a detailed assessment identified a need to make changes to any of the abovementioned features of the building or its proposed use, the master plan would again need to be varied or amended, resulting in additional costs and regulatory uncertainty for airports. At the time airports are preparing their master plan, they may not know precisely what type of development may be required, or demanded by prospective tenants in five years time (for example, due to external demand factors). This makes meaningful impact analysis difficult to undertake.</p> <p>SACL refers the Committee to Chapter 15 of the Sydney Airport Master Plan 2009⁸, which indicates that the actual timing for each of the specific developments proposed for the first five years of the plan's 20 year planning period in various parts of the airport "...will depend on the realisation of the demand triggers, SACL's assessment of prevailing and forecast market conditions, the carrying out of any necessary environmental assessment and approvals processes and the outcome of stakeholder consultation processes." The likely environmental and ground transport implications of these developments are outlined in Chapter 5 of the Sydney Airport Environment Strategy 2010 – 2015.⁹</p> <p>SACL believes this provision will only work in a practical sense if the requirement to include 'detailed information' in the proposed five year development plans is interpreted in such a way as to allow airports to present a five year plan which includes a broad range of development options, each of which is consistent with the permissible uses within the particular zoning.</p> <p>If additional detail is required then the minor variation provisions should <u>only</u> be triggered by substantive changes.</p>

⁸ which can be downloaded at <http://www.sydneyairport.com.au/SACL/Master-Plan.html>

⁹ which can be downloaded at <http://www.sydneyairport.com.au/SACL/Environment--Environment-Strategy.html>

Proposed section in Bill	Issue	Comments
section 71(2)(gc)	<p>Inclusion of five year employment, economic and community impact analysis</p> <p>Alignment with local planning schemes</p>	<p>As with proposed section 71(2)(gb), an airport may not know precisely what kind of development, or what mix of developments, will proceed on any particular site at the time it is preparing its master plan. Such decisions will necessarily depend on the range of abovementioned criteria. As such, the detailed aspects of employment, environmental or community impact would not be known. Changing the use of the land, even if the new use was still consistent with the zoning as expressed in the master plan (for example from an office building to a hotel), may trigger the need to revise the impact analysis and, more than likely, vary or amend the master plan itself.</p> <p>External factors such as changes in adjoining local government land use zonings, as well as supply/demand factors will also influence the analysis. Such analysis is based on a range of known factors and assumptions, and can, over a relatively short period of time, change.</p> <p>An analysis of how "...the proposed developments fit within the planning schemes for commercial and retail development in the area that is adjacent to the airport" may, in some instances, result in an unfair comparison because many of the developments that are located on airports are necessarily airport-specific or related thus attracting different development standards. For example, an on-airport hotel would require less car parking than that proposed in local planning schemes for an off-airport hotel because of the air passenger market catchment and ability to use the airport's pre-existing car parks.</p>
section 71(2)(h)	<p>Inclusion of five year airport environment strategy in 20 year master plan</p>	<p>The inclusion of the five year airport environment strategy (AES) in the 20 year master plan has merit and is supported.</p> <p>However, it should be noted that, as an unamended section 116 (contents of draft or final environment strategy) of the Act is simply being moved to become the new section 71(2)(h), the AES will still be required to contain the specific actions, policies and targets that the airport proposes to undertake or meet over the first five years of the master plan planning period to address the range of ground-based environmental aspects and impacts associated with the operation of the airport.</p> <p>Therefore, as with the proposed five year ground transport plans, five year detailed development plans and five year employment/economic/community impact analysis, the linking of relevant actions, policies and targets to specific developments proposed in the master plan will need to be interpreted flexibly. This is because, at the time the master plan is prepared, an airport will not necessarily know exactly what kind of development will proceed on any given site or precisely when it will proceed. Such decisions will depend on a range of factors, as outlined in Chapter 15 of the Sydney Airport Master Plan 2009 and as listed above. It is also the case that innovative and environmentally sustainable service provision can sometimes be costly, thus requiring long lead times and certainty over the future demand for such services.</p>

Proposed section in Bill	Issue	Comments
		<p>As a result, the detailed environmental impacts associated with particular developments will not necessarily be known with precision at the time the master plan is being prepared. Changing the use of the land – even if the new use was still permissible in the relevant zone – may trigger a need to revise this environmental analysis and, more than likely, amend the master plan itself. This would create regulatory uncertainty as well as be time consuming and costly.</p>
Sections 71(6) and 91(4)	Analysis concerning the alignment of state and local planning laws, and justification for any inconsistencies	<p>The Bill would require airports to undertake a detailed analysis of a range of off-airport local and state planning laws and schemes, with a view to identifying and justifying any inconsistencies with the proposed on-airport planning scheme.</p> <p>With respect to Sydney Airport, SACL notes the following existing general inconsistencies:</p> <ul style="list-style-type: none"> • The periods for public comment under the <i>Airports Act 1996</i> are not comparable with those operating off-airport. For example the NSW <i>Environmental Planning and Assessment Act 1979</i> (for both the major project and development application processes) are 30 days compared to 60 business days or more under the <i>Airports Act 1996</i>.¹⁰ In the case of council areas adjoining Sydney Airport, the public comment period can be as short as 14 days; • State planning laws have been recently reformed to reduce bureaucracy and streamline development assessment processes for major projects. Conversely, the amendments proposed in the Bill would increase complexity in the development assessment process for airports; and • Local environmental plans, which in terms of land use zoning are equivalent to an airport master plan, do not prescribe specific developments as the Bill would require airports to do.
Section 71(10)	Definition of 'airport service'	'Airport service' is loosely defined. The language should be more specific and include supporting developments, including (but not limited to) hangars, airport car parks and hotels.
Amendments concerning major development plans		
Section 89(1)(ba)	A development that consists of altering a runway	<p>This amendment – which was not foreshadowed in either the Aviation Issues, Green or White papers – is flawed and will result in unintended consequences. It would catch any runway alteration, and not just those that would affect flight paths or aircraft noise. And there is no definition of what constitutes "altering" - does it extend, for example, to simple routine maintenance such as surface repair, runway resheeting or the installation of new or the maintenance of existing runway lighting? In practical terms this amendment, if enacted in its present form, could result in essential maintenance work that</p>

¹⁰ for example, see

http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=717X16ikH_A%3d&tabid=203&language=en-AU

Proposed section in Bill	Issue	Comments
		<p>would cause part of a runway to be unavailable for only a short period of time being extensively delayed by a lengthy major development plan process, thereby potentially compromising aviation safety.</p> <p>As with the Australian Airports Association, SACL would not object to a requirement that runway developments that significantly affected flight paths or increased aircraft noise on an ongoing rather than simply temporary basis should be classified as major airport development and therefore subject to approval of a major development plan.</p>
section 89(1)(na)	A development of a kind that is likely to have a significant impact on the local or regional community	<p>The vague nature of this proposed amendment is of concern as it has the potential to create significant regulatory uncertainty for airports. No definition is provided as to what constitutes 'significant impact'. While SACL understands administrative guidelines will be prepared to assist airports when making such judgements, this amendment would, if enacted, give the Minister the power to call in virtually every development at an airport. As such, clarity is needed and airports should be consulted before these guidelines are finalised.</p> <p>For example, if the Bill's Explanatory Memorandum is used as a guide, to assist when deciding what constitutes a significant impact on a local community, airports are to ask themselves 'Will the proposed development increase traffic in the immediate surrounds of the airport?'¹¹. Of itself, this has the potential to capture any new development because, as outlined in the main body of this submission, it would (for example) result in a fast food outlet, small service station or minor airfreight handling facility being subject to the preparation and Ministerial approval of a major development plan.</p> <p>This provision could also result in an additional burden being placed on Departmental officers as airports consult the Minister each time a development is conceived in order to ensure that development is not 'at risk' of requiring the preparation of a major development plan.</p>
Section 89(5)	Major development plan not required in certain circumstances	<p>This provision would empower the Minister to determine, in certain defined circumstances, that a proposed development does not constitute major airport development, thus removing the need to prepare a major development plan.</p> <p>SACL notes the following relevant extract from the National Aviation Policy White Paper:</p> <p><i>"... the Australian Government proposes to remove the triggers for lodgement of a major development plan for aeronautical-related developments, such as building a new or extending an existing passenger terminal, or a taxiway that does not affect runway configuration. Such proposals have historically attracted minimal interest in the public</i></p>

¹¹ refer page 26 of the Explanatory Memorandum to the Bill.

Proposed section in Bill	Issue	Comments
		<p><i>consultation processes. Proposal would still be subject to all applicable safety and security controls.</i>¹²</p> <p>However, the reality of the proposed new section 89(5) is that the same triggers for lodgement of a major development plan will continue to exist as before, though with additional discretion provided to allow the Minister to excuse a proposed development subject to it meeting a number of defined tests. These tests are outlined in proposed section 89(5)(b).</p> <p>SACL is of the view that the language used in these tests will result in many, if not in all proposals, still being classified as major airport development, thus requiring preparation of MDPs. Such an outcome would undermine the achievement of the abovementioned White Paper policy objective.</p> <p>The requirement for the Minister to be satisfied, on reasonable grounds, that the development will not increase the operating capacity of the airport is a good example. 'Operating capacity' thresholds can be nebulous and open to misinterpretation. Increasing operating capacity is not limited to the provision of new infrastructure (such as runways, taxiways, rapid exit taxiways etc.) An airport can increase its operating capacity by a range of non-infrastructure means, such as by optimising check-in services or installing more efficient scanning equipment. Unless the meaning of 'operating capacity' is clarified, some non-infrastructure innovations and initiatives at airports, some of which could be relatively minor, could be classified as major airport development, and therefore subject to preparation and Ministerial approval of a major development plan. SACL doubts this to be the Government's intention in proposing this clause.</p> <p>Further, in line with SACL's understanding of the intent of the White Paper, the relaxation of major development plan triggers should be extended to other relevant airport services and/or aeronautical-related developments (such as hangars, maintenance facilities, freight facilities and catering facilities) and not be limited to terminals and taxiways as is currently proposed.</p>
Section 91(1)(ga)	Additional contents for major development plans	This proposed amendment will expand the existing required contents of major development plans. In SACL's case, it will be difficult to understand regional traffic flows because it is not apparent that future modelling will be undertaken by the NSW Government. Since the study area thresholds for the impact analysis are not defined, this provision will be difficult to implement in practice.
Section 94(6)	Timeframe for assessing draft major development plans	The Bill creates an option allowing a 10 business day extension to the existing 50 business period during which the Minister has to assess draft major development plans or master plans before they are deemed to be approved. Given the existing 'stop the clock' provisions, this provision is unnecessary. While SACL's preference is that the clause be removed, as an alternative, and

¹² see page 165

Proposed section in Bill	Issue	Comments
		<p>assuming the intention is to create flexibility in the assessment period, the period after which approval is deemed to have been given could be reduced from 50 to 40 business days, with the option of extending that by 10 business days.</p>

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 14

SUBMITTER

Adelaide and Parafield Airports



Adelaide Airport Management Limited
ABN 77 077 201 131
Registered Land Agent 224 839

28 July 2010

Ms Jeanette Radcliffe
Committee Secretary
Senate Standing Committee on
Rural & Regional Affairs & Transport
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Radcliffe

Re: Inquiry into Airports Amendment Bill 2010 ("the Bill")

Thank you for your invitation of 6 July 2010 to submit comment on the subject matter of your enquiry namely the above Bill.

Adelaide Airport Limited (AAL) as the operator of Adelaide Airport and Parafield Airport (through its wholly owned subsidiary Parafield Airport Limited) is a major stakeholder in the aviation industry and accordingly has a vital interest in this significant piece of proposed legislation.

AAL as a member of the Australian Airports Association ("the AAA") has had the benefit of sighting the detailed submission made by the AAA to your committee on certain aspects of the Bill. AAL adopts and supports in totality the points made by the AAA in its submission. Accordingly the members of your committee should treat the views expressed by the AAA in its submission as being the views of AAL in respect of the Bill.

By way of emphasis AAL would like to reinforce the concerns raised by the AAA with the increase in the level of discretion conferred upon the Minister by the Bill. As indicated by AAL in the consultation stage "certainty" in the planning process is the cornerstone of any major development of infrastructure.

It is the view of AAL that the extent of discretion conferred upon the Minister is in direct contradiction of this fundamental precept and introduces a degree of subjectivity that is unhelpful, and will in some cases prove fatal, to particular projects.

AAL would therefore respectfully submit that the members of your committee should give particular attention to this important issue.

Should you require any further detail or clarification in relation to any of the above matters please feel free to contact me (08) 8308 9300 or John McArdle (08) 8308 9221. Once again AAL thanks you for the opportunity to make a contribution to the finalisation of this important proposed legislation.

Yours sincerely


Phil Baker
Managing Director
Adelaide and Parafield Airports

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 15

SUBMITTER

Australian Airports Association (AAA)

AIRPORTS AMENDMENT BILL 2010 – Australian Airports Association Submission

Introduction

The Australian Airports Association (“the AAA”) welcomes the opportunity to make this submission to the Senate Standing Committee on Rural and Regional Affairs and Transport in relation to the Airports Amendment Bill 2010 (“the Bill”).

The AAA is a non-profit organisation founded in 1982 and represents the interests of over 270 airports Australia-wide, from the local country community landing strips to the major international gateway airports. There are a further 85 Corporate members representing aviation stakeholder companies and organisations that provide goods and services to airports.

The Charter of the Association is to facilitate co-operation among all member airports and their many and varied partners in Australian aviation, whilst maintaining an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians.

In making this submission, the AAA particularly notes that all airports subject to regulation under the Airports Act 1996 (“the Act”), each of which is vitally interested in the amendments to that Act that would be made by the Bill, are members of the Association.

To a considerable degree, the AAA’s submission reflects a consensus view amongst most or all affected airports.

However, it may be that an individual member airport has a different view on issues discussed in this submission. Should that be the case, we would expect that particular airport to raise those issues in their own individual submission and we would ask, and are confident, that the Committee would give any such submission the full consideration it deserves.

Background

The amendments proposed in the Bill generally derive from announcements made in the Government’s National Aviation Policy White Paper released on 16 December 2009. The AAA and its members welcomed the Government’s initiative in compiling a National Aviation Policy and valued the extensive consultative process that was conducted in the course of its development.

That is not to say that the AAA and its members necessarily welcome all of the policy positions and announcements set out in that White Paper. There are some areas of contention and disappointment for some or all airports. However, the AAA and its members fully recognise that it is the proper role of Government to formulate and take policy decisions even where they may not please all stakeholders. Accordingly, the AAA does not seek in this submission to reopen the various policy decisions underlying the individual amendments proposed in the Bill. Nor does it seek to comment on those proposed amendments that it views as uncontentious or merely technical.

Rather in this submission the AAA seeks instead to comment on various of the amendments with the aim of highlighting and seeking a remedy for difficulties that are perceived in the implementation of the amendments in the terms in which they are currently drafted.

In this regard the AAA notes that, in contra-distinction to the process followed in the development of the White Paper, there was no consultation whatsoever with affected parties in the development of the Bill. The AAA believes that some of the difficulties highlighted below could well have been resolved had such consultation occurred. The AAA now looks to the Committee to effect that consultation and resolution.

General observations

Before turning to detailed provisions in the Bill, there are two general comments that should be made:

- *First, the Bill would make the development planning process for affected airports more intrusive, more expensive and more time consuming than it already is. This contrasts with the trend of recent years evidenced in all States and Territories, with the active support of the Commonwealth and oversight from the Council of Australian Governments, to simply, clarify, standardise and expedite development assessment and approval processes in all other areas of the economy, especially where it involves the provision of critical and/or nationally important infrastructure. There is a real risk that, if these contrasting trends persist, Australia's most important airports will become a developmental "island", resulting in them being subject to development approval processes that are far more cumbersome than those applying to other major infrastructure providers and operators. As such, Australia's major airports will be disadvantaged in providing, in a timely and commercially viable manner, the vital national infrastructure that is so clearly required.*
- *Second, the Bill would dramatically increase the already very high level of discretion and judgment conferred by the current Act upon the Minister. It would significantly add to the heavy use of undefined and value-laden terminology already to be found in the Act and thereby deny both the community and affected airports any reasonable prospect of anticipating with any confidence how particular provisions may be applied. The AAA notes that this problem stems essentially from various of the imprecise policy decisions reflected in the White Paper. As noted above, the AAA does not seek to reopen those policy decisions here, beyond noting the adverse impact that they have on the attainment of understandable and predictable legislation.*

Detailed comments

1. Master Plans

The Bill proposes to expand the range of matters that are to be included in an airport's Master Plan.

One of these changes¹ would simply move the existing "free-standing" Airport Environment Strategy into the Master Plan without necessarily increasing the regulatory burden on airports. The AAA supports this move in principle, as it offers the opportunity for more efficient and comprehensive and less expensive consultation between airports, their local communities and relevant Government authorities.

At the same time, however, the AAA would be very concerned if the increased complexity of airport Master Plans resulting from this change operated in practice to unduly complicate the assessment process, delay the approval of airport Master Plans or result in more onerous conditions than those experienced under the present bifurcated processes. In particular, we would be concerned if the incorporation of the Environment Strategy allowed the Commonwealth Environment Minister to place any conditions or other requirements on the broader Master Plan through their involvement in the Environment Strategy, or if the Environment Department did not afford such matters the same priority as they receive from the Transport Department, thereby delaying the whole process.

The AAA notes that, with this and other changes in the Bill, the original concept of an airport Master Plan as providing a strategic overview of future development at the airport is increasingly changing to require much more detailed documentation of the initial five years of development. There is a risk that this trend will simply result in more time-consuming, costly and unproductive bureaucracy as inevitable changes to foreshadowed developments trigger requirements for an ongoing flow of Master Plan variations.

The other new matters required to be included in a Master Plan² will clearly add to the regulatory burden borne by airports in their preparation. On passage of the Bill it would be necessary for a Master Plan to specifically address the ground transport system on-airport and as it relates to that off-airport; proposed on-airport developments that are unrelated to "airport services"; and likely effects of on-airport developments on employment at the airport and on the local and regional economy and community.

The AAA does not contend that it is inappropriate for each of these matters to be dealt with in a Master Plan. But it does note that it is far from clear what degree of analysis will be required by the Minister to meet the statutory requirement for "detailed information" or exposition of "likely effect". Airports would obviously be concerned if the level of analysis demanded under these new provisions was unreasonably complex. Master Plans are intended to be long-term, predictive and strategic documents, with individual major developments forecast in them requiring separate approval under the Major Development Plan process. It is at that latter stage that more detailed examination is appropriate.

¹ Schedule 1, Part 1, Item 1 - new section 71(2)(h) and Item 4 - new section 71(3)(h)

² Schedule 1, Part 1, Item 1 - new sections 71(2)(ga), (gb) and (gc) and Item 4 - new section 71(3)(ga), (gb) and (gc)

The AAA would also hope that the proposed new requirement to predict the likely effect of an on-airport development on the local economy and community does not signal a predisposition to refuse to approve any development that has any adverse off-airport effect. Inefficient off-airport businesses should not be insulated from competing and more efficient businesses simply because they may be located within the boundaries of an airport. Local communities deserve access to competitive and efficient suppliers of goods and services, wherever they may be located.

With respect to the proposed new "ground transport plans", during the Master Plan process airports will need to obtain from State and Territory governments details of how and when those governments intend to deliver the landside road and public transport infrastructure and services that are required to complement growth in aviation activity at airports.³ This approach has theoretical merit in terms of the need to better coordinate the provision of aviation infrastructure by airports with the provision of supporting landside ground transport infrastructure by State and Territory governments and the AAA expects that airports will work through the new Planning Coordination Forums – on which relevant state government transport agencies will be represented – to achieve such coordination.

However, in practice, should a State or Territory government be unwilling to provide a landside road network and/or public transport system that is adequate to facilitate growth in aviation activity at an airport, that government would effectively be undermining one of the fundamental purposes of the Master Plan: that is, demonstrating how the future needs of civil aviation users of an airport will be met over a 20 year period. At least for Australia's major airports, this would be contrary to the national economic interest.

The AAA would be concerned if, in such circumstances, any unwillingness on the part of a State or Territory government to provide the necessary landside infrastructure and services for which it was responsible was interpreted by the Australian Government in such a way as to prejudice the final approval of the Master Plan or, indeed, to invalidate transport assumptions or conclusions post-approval.

2. "Incompatible" Developments

The Bill proposes the creation of a new statutory concept of "incompatible development"⁴. Any development falling within the definition of this condemnatory term must be foreshadowed in a Master Plan. Despite approval of a Master Plan containing such a prediction, the proponent will not be able to proceed to the preparation of a more detailed Major Development Plan unless the Minister has permitted such on the basis that there are "exceptional circumstances". And of course, like all other existing developments that require a Major Development Plan, it will not be able to proceed to implementation unless the Minister approves that Plan.

³ see par 8, p18 of the Explanatory Memorandum)

⁴ Schedule 1, Part 2, Items 27 and 46

The AAA believes that the term "incompatible development" is both inaccurate and undesirable. None of the developments listed within the definition of that term⁵ is inherently incompatible with the operation of an airport. A development that prevented the airport being used as an airport would be "incompatible", but none of the listed developments necessarily fall into that category. This is evident from the terms of the provision itself. For example, while an educational institution is said to be "incompatible", an "aviation educational facility" is not. And while a "community care facility" is prima facie "incompatible", it will somehow become "compatible" if the Minister decides that there are (undefined) "exceptional circumstances" that justify its development.

The AAA is not just concerned with the inappropriate use of the label "incompatible" as a matter of English usage; its greater concern is that this pejorative label is likely to effectively "kill off" any development, no matter how sound it may be, by generating a groundswell of opposition simply by reason of the "incompatible" nomenclature and without regard to the merits of the proposal.

At the same time, the AAA accepts that the current Minister, and perhaps some future portfolio Ministers, may validly hold the view, albeit that it is subjective, that some types of developments generally should not proceed on an airport site as a matter of policy. But this does not mean that these new provisions are required (whether with or without the "incompatible" terminology).

This is because decisions based on such opinions can already be legally made under the current law. An almost identical range of developments has been prescribed in the Airports Regulations 1997⁶ for the purposes of section 89(1)(o) of the Act. This has the effect of requiring that they cannot proceed without Ministerial approval for a Major Development Plan. That is, the essence of the policy set out in the White Paper on this matter has already been implemented in the present Regulations and no further amendment of the Act is required - especially one in such pejorative terms.

In any event, the AAA notes that, while there is a close correlation between the list in the Regulations of developments that require a Major Development Plan and those listed in the definition of "incompatible developments" (for which a Major Development Plan will be able to be prepared only if the Minister accepts that there are "exceptional circumstances", but which can equally not be implemented without approval of a Major Development Plan), there are some important differences which should be resolved.

The Regulations require that a child care facility (except a facility that caters principally for the children of persons working at the airport) be subject to a Major Development Plan. Such a development is not expressly listed as an "incompatible development". While we understand that this was a deliberate exclusion, we are concerned that such facilities might nevertheless be argued to be a "pre-school" (for which neither the Regulations nor the Bill provides a definition) or a "community care facility" (for which both the Regulations and the Bill provide only a non-exhaustive definition).

⁵ Schedule 1, part 2, Item 27

⁶ Regulation 5.02A

The AAA submits that, if the incompatible development provisions remain, the exclusion of child care facilities from the definition of "incompatible developments" should be made express.

The AAA is also concerned that the definition of "incompatible developments" included in the Bill extends the range of developments that require Major Development Plans beyond the scope of what was stated in the White Paper and beyond that which the Government included in the Regulations. The White Paper referred simply to "schools". The Regulations refer to "a primary, secondary or tertiary educational institution (except an aviation educational facility)". However, the Bill now proposes to expand this yet further so that it covers "a primary, secondary, tertiary or other educational institution (except an aviation educational facility)".

The AAA submits that this extension to "other educational institution" (which was not foreshadowed in any of the Government's Aviation Issues, Green or White Papers) should be deleted.

Furthermore, and regardless of whether the reference to "other educational institution" is retained or deleted, in order to ensure that unintended and unwarranted outcomes are avoided it should be made clear that developments associated with education in airport operation, security and defence related matters are not "incompatible developments" – the current carve out for "aviation educational facility" is unlikely to be wide enough to cover activities in relation to such matters.

And if, contrary to the AAA's submission, the extension to "other educational institution" is retained, an appropriately precise definition should be included to avoid the creation of unnecessary uncertainty.

3. Time Limits

The Act currently sets time limits within which the Minister is required to approve or not approve a Master Plan or a Major Development Plan. Failing to take a decision within the specified time would result in a deemed approval. These time limits are subject to a "stop-the-clock" mechanism so that, if the Minister requires additional information to allow a proper decision to be made, the time taken by the proponent airport to provide that information does not count towards the time limit. At 50 business days, each of these time limits is already extensive by reference to contemporary State and Territory planning regimes. Despite this, the Bill proposes⁷ to allow the Minister to extend these time limits even further, to up to 60 business days. The AAA believes that the time-limits should be reduced, not increased, to reflect best-practice in State and Territory regimes applicable in the economy more generally.

⁷ Schedule 1, Part 2, Items 33, 36, 55 and 57

4. *Additional Developments requiring a Major Development Plan*

The Bill proposes the following to add to the list of developments that require a Major Development Plan:

*“altering a runway, including altering a runway in any way that changes:
(i) flight paths; or
(ii) the patterns or levels of aircraft noise”⁸*

The AAA is concerned that this amendment is fundamentally flawed and will result in unintended consequences. It would catch any alteration of a runway, and not just those that would affect flight paths or aircraft noise. And there is no definition of what constitutes “altering” - does it extend, for example, to simple routine maintenance such as surface repair, or the installation of new or the maintenance of existing runway lighting? The AAA would not object to a requirement that runway developments that significantly affected flight paths or increased aircraft noise on an ongoing rather than simply temporary basis should only proceed after a Major Development Plan was proposed. But this proposed amendment (which was not foreshadowed in any of the Government’s Aviation Issues, Green or White Papers) goes so far beyond that as to be simply unreasonable. In practical terms it could result in essential maintenance work that would cause part of a runway to be unavailable for a short period being extensively delayed to allow for a lengthy Major Development Plan process. thereby potentially compromising aviation safety.

The Bill also proposes that a Major Development Plan will be required for:

“a development of a kind that is likely to have a significant impact on the local or regional community”.⁹

The AAA is concerned at the lack of precision in this terminology, and the fact that it extends to developments where the community impact is positive rather than negative. At the same time, however, the AAA accepts that some developments that are likely to have a major ongoing adverse community impact may require the rigour of the Major Development Plan process and would not object to redrafting along these lines.

The AAA notes that the Explanatory Memorandum for the Bill proposes that “administrative guidelines on what may constitute ‘significant impact on the local or regional community’ will be provided to relevant industry stakeholders”. The AAA believes that:

- *such guidelines should not only be “provided to” stakeholders but “developed in close and cooperative consultation with” such persons;*

⁸ Schedule 1, par 2, Item 40

⁹ Schedule 1, part 2, Item 42

- *the guidelines should clearly specify those developments that are not to be regarded as having a significant effect on the community and that will not therefore trigger a requirement for a Major Development Plan. Failing this, there is a risk that the imprecision in the Bill may cause Airport Building Controllers to refer every development to the Department for confirmation as to whether or not it was a development that might cause a "significant impact" ; and*
- *consistent with the policy intent of the White Paper to encourage investment in aeronautical investment, the Minister should retain a discretion to not apply this trigger where the relevant development relates to aeronautical services only.*

5. Waiver of the Major Development Plan Requirement

The Bill signals an endeavour to allow the requirement for a Major Development Plan to be waived in certain cases. These are where the Minister is satisfied that constructing or extending a terminal or constructing or extending a taxiway:

"will not

- (i) increase the operating capacity of the airport; or*
- (ii) change flight paths; or*
- (iii) change the patterns or levels of aircraft noise; or*
- (iv) unduly increase the noise heard by, or unduly cause a nuisance to, the community adjacent to the airport".¹⁰*

While the AAA welcomes the intent apparently underlying this proposal, its drafting is legally and practically ineffective.

From a legal perspective, a new or extended taxiway only requires a Major Development Plan if it "significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft". Accordingly, if a Major Development Plan is required for such a development, the Minister will never be able to be satisfied that it will not "increase the operating capacity of the airport" and will therefore never be able to waive the requirement for a Major Development Plan. Conversely, if the development would not increase the operating capacity of the airport, a major Development Plan will not be required and there will be nothing to waive.

And from a practical perspective, it is beyond realistic expectation that a commercial airport operator would ever construct a new terminal or taxiway, or undertake a terminal or taxiway extension, that would not "increase the operating capacity of the airport".

¹⁰ Schedule 1 Part 2, Item 45

Accordingly, the AAA believes that:

- *this provision should be amended so as to delete the requirement that the Minister be satisfied that the development would not increase operating capacity. Instead, the Minister should be able to waive the requirement for a Major Development Plan where satisfied that any one of the three remaining criteria is met; and*

the provision should be expanded to apply in relation to aeronautical investment in general, and not just to terminal and taxiway works.

6. Reduction in Public Consultation Process

The Bill also signals another change with an apparently welcome intent. It is proposed that the usual 60 business-day public consultation period for a Major Development Plan should be able to be reduced to a period of not less than 15 business-days where the Minister is satisfied that the draft Major Development Plan aligns with the details of the development set out in the airport's Master Plan and:

"the proposed development does not raise any issues that have a significant impact on the local or regional community."¹¹

While this is a sensible proposal in principle, the AAA believes that it does not go far enough. As a matter of necessity, the process leading to the approval of the relevant Master Plan will have involved extensive consultation with the local or regional community and community views about the impact of the proposed development on that community will have been aired and considered by the Minister. When development moves on to the Major Development Plan stage, those same issues will remain. As the provision is currently drafted, the Minister could not reduce the consultation period even where he was satisfied that all issues of community concern had been heard and considered during the Master Plan process.

Accordingly, the AAA suggests that this provision be amended so that the Minister can reduce the public consultation period to a period not less than 15 business days where it appears that the draft Major Development Plan raises no significant new issues not raised at the Master Plan stage. This would be reasonable given the additional detail to be required for the first 5 years covered by a Master Plan and would still give the community at least 3 weeks to express or re-express its concerns. If new issues did in fact emerge contrary to expectation, the Minister would still have the option of issuing a "stop-the-clock" notice to ensure that he or she had access to all necessary information to allow a proper consideration of those concerns.

¹¹ Schedule 1, Part 2, Item 53

Conclusion

Without seeking to reopen the substance of those policy decisions previously announced by the Government in the National Aviation Policy White Paper and now sought to be implemented in the Bill, the AAA believes that there are significant defects in the Bill that warrant its amendment.

The existing Master Plan and Major Development Plan processes are complicated and, as a result, expensive for airport operators to comply with. This expense is necessarily built into the airport's charges to airlines and other airport tenants, and is eventually borne by fare-paying passengers and the community more generally. Exacerbating this situation when it is not necessary to do so in order to give effect to Government policy should be avoided.

The AAA and its affected members would be happy to consult with the Committee and the Government in the development of detailed amendments to the Bill that would allow the Government's policy intent to be implemented without any unnecessary or unintended adverse consequences.

Finally, the AAA notes that, in commenting upon the proposed amendments to the Airports Act which are the subject of the Committee's current inquiry, it has not yet seen other legislative proposals that might flow from the White Paper process which might affect its members' interests. To that extent, it must at this stage reserve its position with respect to any such proposals, including any interaction between such proposals and the amendments to the Airports Act being considered by the Committee.

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 16

SUBMITTER

Queensland Airports Limited (QAL)

29 July 2010

Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2601

By Email: rrat.sen@aph.gov.au

Dear Sir/Madam

RE: Inquiry into Airports Amendment Bill 2010

Thank you for the opportunity to provide written comment on the Rural and Regional Affairs and Transport Legislation Committee inquiry into Airports Amendment Bill 2010.

Queensland Airports Limited (QAL) operates Gold Coast, Townsville and Mount Isa Airports. The comments we put forward are on behalf of these three airports.

QAL is a member of the Australian Airports Association (AAA) and support their written submission to the inquiry.

We would like to take this opportunity to reinforce our position relating to "incompatible developments" as outlined in the Airports Amendment Bill. Unfortunately there were retrospective changes to the definition of what constitutes an incompatible development after the release of the Aviation White Paper. There was no consultation with airport operators in relation to the reference changes made by the Government.

The Aviation White Paper released on 16 December 2009 refers to incompatible developments as being *"activities that are likely to be incompatible with the long-term operation of an airport as an airport. These include long-term residential development, residential aged or community care facilities, nursing homes, hospitals and schools."*

Unfortunately, subsequent information received from the Department of Infrastructure, Transport, Regional Development and Local Government after the release of the Aviation White Paper now defines "incompatible developments" as *"a primary, secondary, tertiary or other types of educational institution"*. Furthermore, information from the Department states *"a redevelopment of any of the above facilities, that increases the capacity of the facility"* is also deemed "incompatible". There was no industry consultation on these changes.

When the *Airports Amendment Bill 2010* was introduced to the House of Representatives on 24 June 2010, the second reading speech given by the Hon. Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government, stated: *"There are a range of activities that are likely to be incompatible with the long-term operation of an airport as an airport. These activities include long-term residential developments, residential aged or community care facilities, nursing homes, hospitals and schools. These incompatible developments will be prima facie prohibited unless the airport is able to demonstrate to the Minister that there are exceptional circumstances for taking the development to the next stage."*

The inclusion of "tertiary education facility" into the list of developments termed incompatible causes significant concern to Gold Coast Airport in particular, where Southern Cross University (SCU) has already established its operation. The "Building A" was completed and officially opened in early 2010 by then Deputy Prime Minister Julia Gillard MP. Approval was received in October 2009 for the commencement of "Building B". Both developments were approved following extensive community and industry consultation and the submission of MDPs to the Minister.

At the official opening of SCU's Gold Coast Airport campus, then Deputy Prime Minister Gillard reinforced the Government's commitment to this development during her speech: *"I'm very pleased that as a Federal Government we were able to support this development with \$7.7 million of investment"..." This building has already generated jobs for the local community"..." It will provide employment for local individuals"..." it will mean that academics are here generating new knowledge which can be used in the local community"..." The presence of a university campus is good for economic development"..." It's good for social development in a community."*

The Federal Government has clearly highlighted their financial contribution to the SCU development at Gold Coast Airport in addition to approving the MDPs presented.

The most recent MDP approved for "Building B" was part of the ongoing development plan of SCU. Gold Coast Airport received extensive community support, as well as support from all levels of government (local, state and federal) and the local business community. The Federal Minister for Infrastructure, Transport, Regional Development and Local Government also positively acknowledged Gold Coast Airport's extensive community consultation in regard to this development. At the time of approval, Gold Coast Airport acknowledged the Minister's desire that SCU submit future plans on a campus-wide basis and SCU is developing a site master plan, an approach to generate long term planning certainty.

It should be noted that the development area of SCU is also geographically located some distance from the aviation precinct, and in fact is much further away from the runway than other aviation education facilities on the airport. It is also located further away than many single and multi-unit residential developments adjacent to the airport complex.

The completed and approved MDPs for the SCU buildings examined in detail the issues of noise and safety relative to the airfield operations and concluded that the University location was acceptable land use based on current standards. Based on these approved MDPs, the term "incompatible" with airport operations, in the context of the Southern Cross University campus at Gold Coast Airport, is not accurate.

Yours sincerely

Dennis Chant
Managing Director

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

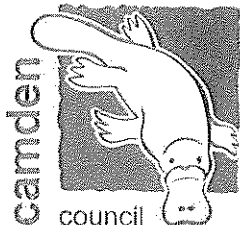
Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 17

SUBMITTER

Camden Council



Camden Council
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PO Box 183, Camden 2570 ABN: 31 117 341 764
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Email: mail@camden.nsw.gov.au

Binder: Camden Airport

29 July 2010

Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2600

To the Committee Secretary

Airports Amendment Bill 2010 Submission

Council is generally accepting of the key areas in which the Bill amends the Act. These issues are:

- Strengthening the requirements for airport master plans and major development plans to support more effective airport planning and better alignment with State, Territory and local planning;
- In relation to the first five years of a master plan, requiring additional information such as a ground transport plan and detailed information on proposed developments to be used for purposes not related to airport services (eg. commercial community, office or retail purposes);
- Restructuring the triggers for major development plans including capturing proposed developments with a significant community impact;
- Prohibiting specified types of development which are incompatible with the operation of an airport site as an airport; and
- Integrating the airport environment strategy into the master plan requiring only one public comment period for the combined document recognising that an airport environment strategy is better articulated in the context of the airport's master plan.

However, Camden Council has some concerns regarding:

- Airport-lessee companies being able to seek exemption from the major development process for aeronautical development;
- Airports having an opportunity to demonstrate the existence of exceptional circumstances to proceed with some development that would be regarded as incompatible with airport operations;
- The non legislative establishment of Planning Coordination Forums and Community Aviation Consultation Groups.

Camden Council requests that local planning provisions are acknowledged and reflected in airport master plans and that with regard to any exemptions that the local Council is given an opportunity to comment.

While the setting up of Planning Coordination Forums and Community Aviation Consultation Groups is a way forward, Council is unsure how this will be achieved if it

is not a legislative requirement. Council however supports the setting up of these forums and groups.

Camden Council is grateful for the opportunity to make a submission to the Inquiry into the Airports Amendment Bill 2010 and supports any positive step towards more effective integration of the airport planning process with State, Territory and local governments. If you require any further information from Council please contact Mary-Anne Madden [redacted] 4 [redacted]

Yours sincerely

[redacted]
Mary-Anne Madden
Senior Project Officer - Strategic Planning

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

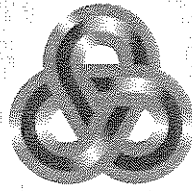
Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 18

SUBMITTER

Australian Local Government Association (ALGA)



29 August 2010

Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir

Inquiry into the Airports Amendment Bill 2010

The Australia Local Government Association (ALGA) represents the interest of more than 560 councils at the Federal level. Its membership is made up of the associations of local government in each State and Territory. The ACT Government is also a member in its role as the local authority in the Australian Capital Territory.

ALGA's interest in the *Airports Amendment Bill 2010* is at a policy level while matters relating to specific airports may be brought forward to the Committee separately by individual councils and State and Territory local government associations.

Airports in the role of aviation infrastructure alone serve as significant transport and economic hubs, handling over 120 million passenger movements in 2008-09 and generating thousands of jobs both directly and indirectly. This important role of airports needs to be integrated into regional and local planning for both the efficient operation of the aviation industry and the local communities surrounding airports.

Airports when first established were on the outskirts of cities and included large tracts of vacant land. These sites have now been largely enveloped by urban growth. The new commercial owners of airports have recognised the value of airport land not used for aviation purposes and are now developing it for various non aviation commercial purposes. Activities such as retail centres and office complexes that generate large employment and traffic flows have been developed on airport land. In some cases these developments result in traffic movements as large as or even larger than the aviation activities at the airport site.

The ALGA position in relation to airport planning, as expressed consistently to the Government over recent years, remains that:

- the aeronautical elements of airports are key parts of the nation's infrastructure and their planning is a matter for the Australian Government;

- non-aeronautical commercial developments do not constitute key national infrastructure and do not justify being excluded from state and local planning regimes and should be consistent with state and local plans, including taking account the impact of the proposed development on nearby businesses; and
- commercial developments on airport land should contribute to the cost of infrastructure requirements off airport land and the impact on local communities should be taken into account as part of an approval process.

It is therefore pleasing to read in the Minister's second reading speech for this legislation his statement that:

"The primary role of the leased Federal airports is to provide aviation infrastructure that serves the Australian community"

ALGA welcomes this important distinction between aviation and non aviation commercial activities and the need to treat these developments differently in the planning process.

As developments on airport land are taking place on leased Commonwealth land they are not subject to local or state planning regimes. This has meant that major developments are happening within council areas without local or state planning approval and adversely impacting on local communities, transport and other infrastructure.

The Minister noted in his second reading speech for this legislation that the need to strengthen airport master planning and its relationship to local communities was a recurring theme in submissions and meetings in the development of the Aviation White Paper. This is hardly surprising given the impact of some of these developments on surrounding communities and local economies.

In response to this input the Government is proposing five new requirements set out in the draft legislation to address these issues as well as changes in triggers for major development plans. The five new provisions for airport master plans are:

- a requirement to include a ground transport plan which has detailed information on the airport's road network and transport facilities and shows how it connects with the road and public transport system outside the airport;
- details of proposed land use in the first five years of the plan covering aviation infrastructure and non-aeronautical developments;
- information on the number of jobs likely to be created, anticipated traffic flows, and the airport's assessment of the potential impacts on the local and regional economy and community;
- detailed analysis on how proposed developments align with state, territory and local government planning laws, as well as a justification for any inconsistencies; and
- inclusion of environmental strategies.

The legislation as proposed means a Minister must give reasons for any decision to allow developments not consistent with state and local government planning.

ALGA welcomes these proposed changes in airport master planning as a significant step forward and recognition by the Federal government of the role airports play in local economies, communities and transport systems. They are consistent with previous calls for ministerial accountability by ALGA.

However, despite these changes, decision making for commercial non aeronautical development remains with the Commonwealth Minister and local planning can still be overridden.

The draft legislation does not address another ALGA concern that relates to the lack of any provision for developers of non aeronautical commercial developments of airport land to make a contribution to the provision of supporting infrastructure off the airport site.

As the Committee would be aware, Commonwealth land, such as airports, is excluded from paying council rates. ALGA accepts that there may be a case for key national infrastructure, such as the aeronautical facilities, to be exempted from the payment of council rates and local charges but there is no logical reason why a non-aviation commercial facility on airport land should be exempt while an identical facility on non airport land would be required to pay rates and make developer contributions for infrastructure enhancements.

It is common practice for councils and states to seek "developer contributions" when approving major facilities to help pay for the necessary upgrading of any associated infrastructure required by the development. There is no requirement for developments on airport land to make a contribution for off-airport land infrastructure but there is an expectation that states and local government will provide the necessary infrastructure.

ALGA asks that the Committee examine this anomaly and give consideration to the scope for charging commercial developments on airport land the equivalent of rates and developer contributions which could be passed to councils.

ALGA would be happy to expand on this submission before the Committee if required.

Yours sincerely

Adrian Beresford-Wylie
Chief Executive

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

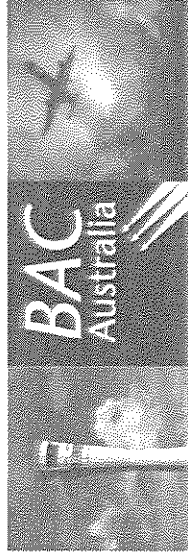
Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 19

SUBMITTER

Brisbane Airport Corporation Pty Ltd (BAC)



Make the most of life.

BRISBANE AIRPORT CORPORATION PTY LTD (BAC) SUBMISSION TO SENATE COMMITTEE ON RURAL & REGIONAL AFFAIRS AND TRANSPORT – AIRPORTS AMENDMENT BILL 2010

INTRODUCTION

- This document is provided in response to the invitation by the Senate Rural & Regional Affairs and Transport Committee to make submissions on the proposed *Airports Amendment Bill 2010 (Bill)*.
- BAC is generally supportive of the outcomes intended by the Bill, which largely reflect the intended policy intents of the Australian Government's *National Aviation Policy White Paper* released in December 2009.
- BAC, as a member of the Australian Airports Association (AAA), is also aware that the AAA is making a submission to the Senate Committee on Rural & Regional Affairs and Transport. BAC supports the AAA submission, in particular the concerns expressed about the possibility of the Commonwealth Minister for the Environment seeking to impose conditions on the broader master plan document when an airport environment strategy is referred to that Minister for comment.

- This response is in 2 parts – Part 1 contains the more significant issues that BAC considers should be addressed in reviewing the Bill; Part 2 contains less significant matters, such as typographical, grammatical or interpretation issues that warrant consideration.
- The acronym “ALC” is used throughout this document to refer to “airport lessee companies” and “Act” refers to the *Airports Act 1996*.
- In the interests of making this submission as concise as possible, BAC has not commented on all items in the Bill. Rather, the approach has been – with a few exceptions – to only highlight those issues which are of concern to BAC.
- BAC thanks the Committee for the opportunity to comment on the Bill, and any queries about this response can be directed to:

Mr Mark Willey
Executive Manager, Airport Planning
Brisbane Airport Corporation Pty Ltd
PO Box 61
HAMILTON CENTRAL QLD 4007
Ph: 07 3406 3000
Email: mark.willey@bnc.com.au

DETAILED RESPONSE

PART I – SIGNIFICANT ISSUES

Item No.	Section amended/added	BAC comment
1	71(2)(gb)	<p>We note the requirement to include “<i>detailed information on the proposed developments</i>” that are to be used for the purposes set out in this paragraph. BAC is concerned at the breadth of this new requirement.</p> <p>A master plan should be the overarching planning document for the airport, rather than a document which sets out in detail what an ALC proposes to undertake (or permit to be undertaken by others). Such an approach is consistent with the purpose of a master plan, as described in s70 of the Act.</p> <p>When a master plan is prepared, ALCs should be reviewing and assessing the land uses intended for particular precincts across the airport. In many (if not most) cases, it is not possible to give “detailed information” about developments that might happen over time (beyond, say, 1 – 2 years), particularly those types of development that are responsive to prevailing economic conditions and emerging market trends.</p> <p>ALCs will inevitably receive development proposals throughout the 5-year “life” of a master plan, and some of the specific activities in those proposals may not even have been contemplated at the time the master plan was prepared. The rigid requirements of this new subsection should not remove the flexibility of ALCs to respond to such proposals. At worst, in the absence of such flexibility, ALCs could be forced to undertake frequent minor variations to their master plans to accommodate these proposals.</p> <p>Finally, in some cases, there may be commercial sensitivities associated with particular information that an ALC – or a third party the ALC is dealing with – may not wish to disclose at the time a master plan is prepared.</p>

1 & 47	71(2)(gc)(ii) & 91(1)(ga)(iii)	<p>BAC notes the requirement to describe how a proposed development “fits within” the planning schemes for commercial and retail development in areas adjacent to the airport. This term is potentially ambiguous. BAC suggests that it is more appropriate to use existing language in the Act, such as “extent of consistency”.</p> <p>In addition, as not all proposed developments will be for “commercial or retail development”, we suggest that the words “in the case of a commercial or retail development” be inserted after the word “including”.</p> <p>Accordingly, the subparagraph could read:</p> <p><i>“the local and regional economy and community, including, in the case of a commercial or retail development, an analysis of how the proposed developments fit within the extent of consistency with planning schemes for commercial and retail development in the area that is adjacent to the airport; and”</i></p>
9, 70, 71	4, 215, 216(1)(a)(ii) & (b)(ii)	<p>BAC notes that the term “aerodrome” is to be inserted into the Act for the first time, although the term has not been defined. We also note that the term is, however, defined in the <i>Civil Aviation Act 1988</i>, in section 3 as follows:</p> <p><i>“aerodrome means an area of land or water (including any buildings, installations and equipment), the use of which as an aerodrome is authorised under the regulations, being such an area intended for use wholly or partly for the arrival, departure or movement of aircraft.”</i></p> <p>Is it the Government’s intention to apply this definition in interpreting that term as it appears in the Act? If so, we assume that the Government intends it to include runways, taxiways, aprons, passenger terminals, hangars and other airside buildings (such as freight facilities). It would be of assistance if the interpretation of this term was clarified in the Act.</p>
27	71A(1)	<p>This proposed amendment requires ALCs to identify “any proposed incompatible development”.</p>

		<p>Currently, the master plan for Brisbane Airport sets out a range of uses that are permitted within various precincts across the airport. For example, some precincts permit developments for use as educational and/or training facilities.</p> <p>It is not clear whether a general statement that a particular type of “incompatible development” is permitted – for land use planning purposes – within a particular part of the airport would satisfy the requirements of s71A(1).</p> <p>Certainly, given the 20-year planning period of a master plan, it is not practicable to provide detailed <u>information</u> about all proposed incompatible developments that might take place during the planning period, beyond describing permitted or intended uses in certain precincts across the airport.</p> <p>To take an example, the master plan for Brisbane Airport might indicate that educational and/or training facilities may be constructed within a particular precinct (over the 20-year planning period of the master plan). Is it the Government’s intention that if a prospective tenant approaches an ALC for a <i>specific facility</i> (say, for example, a technical college to train apprentice chefs), the ALC would need to amend its master plan to disclose that particular “incompatible development”? BAC suggests that such an approach would be administratively burdensome and inconsistent with the intent of a master plan as an “umbrella” planning document.</p>
27	71A(2)(d)	<p>This amendment defines a series of educational institutions which constitute “incompatible development”. It includes “primary, secondary, tertiary or other educational institution”.</p> <p>BAC is concerned that the Government has sought to expand the triggers beyond what was recently introduced into the <i>Airports Regulations 1997 (Regulations)</i> as additional types of “major airport development”. The Regulations cause “a primary, secondary or tertiary educational institution” to be “major airport development”.</p> <p>The Bill goes on to add “or other” educational institution to the list of triggers. BAC believes that this amendment does not accurately reflect what was intended in the <i>National Aviation Policy White Paper (White</i></p>

Paper). The White Paper (on page 163) described the sorts of activities the Government considered to be incompatible with the long-term operation of an airport, including “schools”.

BAC can well understand and supports the policy intent of not placing schools (primary or secondary) – as sensitive noise receptors – in areas that will be subjected to higher levels of aircraft noise. However, BAC considers that it is not appropriate to cast the net so widely that any type of educational or training institution would require a major development plan to be prepared and approved.

For example, a developer has constructed a facility within what is known as the ‘Da Vinci Precinct’ at Brisbane Airport. This very significant development was undertaken in the context of a well-documented and well-publicised land use intent for that precinct which included a campus-style facility that could include using the buildings for educational or training purposes, not restricted to aviation related training activities.

The retrospective application of a requirement for preparation of an MDP before a particular use can be carried out (even though the building has been constructed with all appropriate approvals) is onerous and does not – in BAC’s view – contribute to the desired policy outcome of the Government.

In any event, the absence of statutory guidance about what constitutes an “educational institution” could also cause confusion and regulatory uncertainty. The Government has prescribed what constitutes a “community care facility” – by reference to various Commonwealth legislation. The same should apply to the way the term “educational institution” is to be interpreted under the Act. Without such guidance, every educational activity (including possibly training activities carried out by ALCs themselves) could be caught by this requirement.

Speaking more broadly about the so-called “incompatible developments” that will require major development plans, BAC understands the Government’s policy intent in terms of long-term community infrastructure, but the new provisions should not require major development plans for what could be considered more short-term or interim land uses. This includes the use of a building (including an existing building) in an area that may not be required for aeronautical purpose until after the initial term of the airport lease expires, if at all.

27 & 46	71A & 89A	<p>BAC objects to the use of the term “incompatible development”. BAC believes that a modern airport should be able to provide a range of amenities to meet the needs of the airport community as well as the region that the airport serves. Given, the range of sizes, locations and contexts of leased Federal airports around Australia, a “one size fits all” approach is not necessarily appropriate.</p> <p>From a terminology perspective, it is somewhat incongruous to include in a planning document (the master plan) a list of land uses and planning outcomes the ALC intends for a precinct, where the list might include activities that the Act requires ALCs to describe as “incompatible”. This is likely to cause confusion to those reading a master plan, or indeed making submissions on a draft master plan or subsequent major development plan during a public comment period.</p> <p>Consideration should be given to terminology such as “assessable development”, which at least conveys the sense that the activity will be subject to some further assessment (namely a major development plan) before it can be carried out.</p>
40	89(1)(ba)	<p>BAC is concerned that there is no assistance in the Act about how the term “altering a runway” is to be interpreted. “Constructing” and “extending” a runway are currently major development plan triggers under the Act. However, a very broad interpretation of “altering” could mean that a range of activities might trigger the requirement for a major development plan.</p> <p>For example, BAC queries whether it is the Government’s intention that essential maintenance activities such as runway overlays (re-surfacing) would require a major development plan, where – for certain defined periods – the operating length of a runway has to be reduced. This new requirement could also compromise the ability of ALCs to undertake urgent, aviation safety-related maintenance work on runways, if such activities might be considered “alterations” because of the operational implications while that work is carried out.</p>

42	89(1)(na) & (nb)	<p>BAC notes the new “major airport development” triggers that have been proposed, in particular a development “that is likely to have a significant impact on the local or regional community”. It appears from the White Paper (page 164) that the Government’s concern with including this new trigger surrounded non-aviation related developments which were proceeding without the scrutiny of any public consultation process.</p> <p>Accordingly, BAC suggests that paragraph (na) be qualified so that it does not apply to capture aviation-related development at an airport.</p>
45	89(5)	<p>While this proposed section establishes a mechanism for the Minister to determine that certain activities are not “major airport developments”, there is no timeframe within which such a decision should be made. BAC suggests that a period of not more than 20 business days should be considered. Further, as is the case in other parts of the Act, if the Minister fails to respond within this time, there should be a deeming provision that applies (ie. the activity is deemed <i>not</i> to be a “major airport development”).</p> <p>Also, consistent with other approval processes contained in the Act, if the Minister’s decision is to not make the requested determination, then the Minister should be obliged to provide reasons for such a decision.</p>
45	89(5)(b)	<p>BAC notes the circumstances in which the Minister may decide that a development is not a “major airport development” for the purposes of the Act. It would seem that what is proposed in the Bill is not entirely consistent with what the Government outlined in the White Paper. The White Paper (on page 165) suggested the “removal of triggers for lodgement of a Major Development Plan for aeronautical developments”.</p> <p>In any event, BAC has a particular issue with subparagraph (i) of proposed s89(5)(b), which only allows the Minister to make a determination if the development will not “increase the operating capacity of the airport;”</p> <p>The reality is that most of the activities in s89(1)(c), (d), (f) & (g) will increase the operating capacity of the airport in some way. If the Government wishes to retain subparagraph (i) of s89(5)(b), then some materiality</p>

		<p>threshold should be introduced, such as a “significant” increase in operating capacity. This term is used elsewhere in the Act, including in s89(1)(m).</p>
46	89A	<p>As with the proposed s89(5), BAC suggests that:</p> <ul style="list-style-type: none"> • a timeframe (of say 20 business days) be included for the Minister to decide whether an ALC may prepare a major development plan for an “incompatible development” (and a deeming provision permitting the preparation of a major development plan if the Minister does not respond within this time); and • if the Minister refuses to give approval to prepare the plan, the reasons for that decision should be provided to the ALC.

PART 2 – LESS SIGNIFICANT ISSUES

Item No.	Section amended	BAC comment
1	71(2)(ga)(iii)	<p>BAC is comfortable with the requirement that a ground transport plan be described in a master plan, however it is important that the requirements of such a plan not be overly prescriptive or cumbersome.</p> <p>BAC notes the use of the phrase “<i>outside the airport</i>”, in terms of identifying road & public transport system linkages between on-airport and off-airport facilities. It is not clear from the drafting how far “outside the airport” an ALC must look in assessing the linkages. This could be cause for some confusion when the requirement is being interpreted by both the Department & ALCs, as well as State and local transport agencies.</p>
1	71(2)(ga)(v)	<p>The term “operations” is used in this subparagraph. We suggest that “airport services” might be more appropriate, given that it is defined at the end of the section (by new paragraph (10)).</p>
1	71(2)(gb)(i)	<p>This subparagraph requires detailed information about “commercial, community, office or retail” developments. Subparagraph (ii) goes on to make reference to “other purposes” not related to airport services.</p> <p>It is not clear whether (ii) is intended to qualify the language in (i). In other words, clarification is sought as to whether ALCs are required to give details of <u>all</u> retail or office developments at the airport, even those proposed within and around passenger terminal – such as an expansion of retail offerings within a terminal, or new or upgraded car parking facilities around a terminal.</p>
5	71(6)(b)	<p>BAC suggests that rather than an ALC having to provide “justification” for inconsistencies, it should provide an “explanation” for the inconsistencies. “Justification” implies a need to satisfy the Minister that it is</p>

		acceptable for a master plan to differ from State and local government planning schemes. ALCs have no control over the planning schemes of State and local authorities, and should not have to “justify” the difference.
32	78	As a drafting matter, BAC suggests that the clause would be clearer if drafted using language consistent with s77: “(5) For the purposes of a prosecution of an offence under subsection (3), it is irrelevant that, because of s77(1), the original plan remains in force for longer than 5 years after the original plan came into force.”
37	86A(2)	BAC suggests that the word “final” be inserted before “master plan” in line 1. Also, for consistency with the language of the heading to s76, the term “replacement master plan” should read “new master plan”. The concept of a “replacement master plan” is something contemplated by s78, and is different from the master plan that is submitted before a final master plan expires.
37	86(4)	The term “environment plan” should read “environment strategy”.
47	91(1)(ga)(iii)	As not all major development plans will be for “commercial or retail development”, we suggest that the words “in the case of a commercial or retail development” be inserted after the word “including”, so that the subparagraph would read: “(iii) the local and regional economy and community, including, in the case of a commercial or retail development, an analysis of how the proposed development...”

		Please also refer to our comments for items 1 & 47 in relation the use of the term "fits within".
49	91(4)(b)	Please refer to our comments above at item 5 about the use of the term "justification".
53	92(2B)(b)(i)	BAC notes the use of the phrase " <i>aligns with</i> " in this proposed new section, which phrase does not appear elsewhere in the Act. BAC suggests that, for consistency of language, the Government consider using the phrase " <i>is consistent with</i> ".
54	94(3)(f)(i)	For drafting clarity, we suggest that the subparagraph read as follows: " <i>(i) whether the exceptional circumstances claimed by the airport-lessee company will justify the development of the incompatible development at the airport; and</i> "

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 20

SUBMITTER

Perth Airports Municipalities Group (PAMG)

Perth Airports Municipalities Group Inc.

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29 July 2010

Ms Jeanette Radcliffe
Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Ms Radcliffe

AIRPORTS AMENDMENT BILL 2010

The Perth Airport Municipalities Group (PAMG) represents the interests of eleven local governments affected by the Perth International Airport and Jandakot Airport. Councillors and/or Council staff represent each Council.

The PAMG makes the following comments in regard to the Airports Amendment Bill 2010.

It is evident that the Airports Amendment Bill 2010 has been prepared taking into consideration the Airport Commissions, Developer Interests, State Governments, Local Governments and Community Groups. Overall, Option C as recommended is a 'balanced' option to provide a little more detail for Local and State Governments but also attempts to streamline the development approval process to reflect the interests of the Airport operators. While the Option foreshadows improvement in 'consultation' via Planning Coordination Forums and Community Aviation Consultation Groups; there is little detail as to how these will operate. Further detail is required on how and when the forums are to be established and what measurements/ reporting will be put in place to ensure the forums are effective. The effectiveness of C should also be reviewed after a 10 year period and if it is shown to be ineffective (particularly in terms of community engagement) Option B should then be implemented.

On more specific matters the following points are made:

- The detailed information that is only required to be provided in relation to the first five years of the Master Plan should be required on an ongoing basis. Transport

Member Councils:

Armadale • Bassendean • Bayswater • Belmont • Cockburn • Gosnells • Kalamunda • Melville • Mundaring • South Perth • Swan



and economic impacts of a master plan should be reviewed in the same way that environmental matters are to be revisited.

- Incorporation of the airport environment strategy into the master plan is strongly supported as it will reduce administrative burdens.
- The amendments to the major development plan triggers are supported. However, there needs to be clear guidelines produced as to what a significant community impact is and how it is triggered. The examples given in the discussion paper are not helpful.
- The ability of airport-lessee companies to seek a reduction in the public consultation period is supported however 15 working days is far too short. It is suggested a minimum of 20 working days should be applied. There should also be provision for the Minister to opt to extend the advertising period to the full 60 days if a significant issue arises during the reduced consultation period.
- For those development types highlighted as incompatible with airport operations, it may be worthwhile removing the blanket prohibition as the uses can be considered under other avenues. It is therefore questionable to refer to them as 'prohibited' as that only has the effect of increasing administrative burdens and a belief in the wider community that airports and communities are basically incompatible. A better approach would be to require a major development plan for those landuses rather than a blanket prohibition.
- The requirement of subsection 71(2) (ga) for a ground transport plan on the landside of the airport is supported.
- The requirement of subsection 71(2) (h) for the inclusion of the airport environment strategy in a draft or final master plan is supported.
- The amendment of subsection 71(6) to include another paragraph which requires a master plan to contain justification for any inconsistencies between the master plan and planning schemes is strongly supported. The subsection should also require that landuse classifications and definitions are consistent with planning schemes.
- Section 72 'Planning period' of the Act specifies that "A draft or final master plan must relate to a period of 20 years. This period is called the planning period." The consequential amendment referred to adds a second clause which states "However, the environment strategy in a draft or final master plan must relate to a period of 5 years." The planning period and the environmental strategy should relate to the same period of time. It is strongly recommended that the planning period and the review period for environmental strategies be amended to a consistent timeframe of 10 years.
- The intent of the addition (nb) to clause 89(1) is highly applauded. However, the example questions given to ascertain if there is a significant impact on a local or regional community are too vague and open for interpretation. While the administrative guidelines referred to may clarify this point there is concern that unless the criteria are clear substantial problems will be encountered by both airport operators and the general public in trying to apply/interpret this requirement.



- The addition of new paragraph (ga) after paragraph 91(1)(g) requiring that a major development plan set out likely effect on traffic, employment, and the local and regional community is an excellent amendment.
- The amendment of existing subsection 91(4) to include another paragraph (which requires justification if a major development plan is inconsistent with planning schemes) is supported.
- The addition of new subsections 92(2A) and (2B) allowing the Minister to shorten the 60-business-day consultation period to a shorter period of not less than 15 business days is not supported as the 15 business day shortened timeframe is too short. It is suggested that a minimum of 20 working days be applied consistent with the Western Australian Planning Commission's reduced advertising period of 28 days for some scheme amendments. There should also be a provision that where an issue arises during the reduced advertising period (which indicates there are additional issues that would have a significant impact), the Minister can extend the advertising period to the full 60 days.
- Where the Minister agrees to shorten the public consultation period the Minister should be required to publicly release information on why the draft major development plan aligns with the details of the proposed development set out in the final master plan; and why the development proposal does not raise additional issues that have a significant impact on the local or regional community.
- The Minister should also have regard to amenity issues when considering incompatible development.

Yours sincerely

Cr Glenys Godfrey
PAMG CHAIRPERSON &
MAYOR OF THE CITY OF BELMONT

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 21

SUBMITTER

City of Cockburn

Submission from the City of Cockburn

Economic Issues

While noting the economic importance of airports, there is a clear need to impose a certain level of control on non-airport related development. For instance, in the case of Jandakot airport within the City of Cockburn, it is proposing a very significant commercial expansion to the extent that it will likely become a major drawcard destination for the southern Perth Metropolitan Area. To concur with the issues which this Bill identifies, it is very important to ensure that (in Jandakot airport's case) its major retail and commercial development does not undermine the viability of existing or planned centres within the City of Cockburn. Across Australia we are seeing the lines between commercial and retail development become very blurred, so it is vitally important that floorspace controls and economic impact assessments be done so as to not cause the demise of other pre-existing centres especially. This would be in no one's interest.

In terms of WA, it is acknowledged that State planning policy is changing so as to 'remove' the anti-competitiveness of restricting retail and commercial floorspace across the Perth Metropolitan Area. However this is tempered by a clear caveat in terms of undertaking an economic impact assessment in order to demonstrate that major retail or commercial development can coexist and remain viable in conjunction with other existing or planned centres. To date Jandakot airport has not prepared such, and accordingly it will be important to ensure this requirement is imposed and able to be made immediately retrospective so that Jandakot airport does undertake this. Associated changes to its approved master plan may also result.

The nature of most, if not all, airports across Australia is that they are becoming 24 hour powerhouses of activity. This is particularly in terms of the commercial logistics industry, which benefits from having excellent access to airport services as well as the transport linkages which have already been developed by Local and State Government. But they do exist in an existing urban environment, and in the case of Jandakot airport within close proximity of existing residential and rural residential development.

Noting the tension between balancing economic imperatives with public amenity objectives, it is essential that a continued protocol occur in terms of dealing with the detailed planning of airport and associated retail and commercial areas especially. This needs to cover the preparation and adoption of structure plans for the precincts, development standards, zones and permitted uses and specifications for roads, drainages and other infrastructure. This collaborative approach is strongly supported by the City of Cockburn and the operators of Jandakot airport. The objectives for this under the Bill are also supported.

Traffic and Transport Issues

The need for appropriate analysis of on and off site traffic and transport considerations is vital. In respect of proposed access and development at all airports, there are a number of issues in terms of the traffic, transport and road system which need to be addressed. These include:

- That airport roads typically function as public roads, and must therefore integrate with and complement the existing surrounding road system. They consequently should be designed and constructed to a minimum standard, particularly for public safety;
- Traffic generation associated with airports can be tremendous, especially in terms of their objectives at becoming economic 'powerhouse'. Accordingly it is important to understand the off site impacts associated with traffic, and when airport operators should be required to significantly upgrade transport infrastructure which exists outside airport sites;
- Detailed traffic studies must accompany master plans, their amendment as well as major development proposals. At the least, this should model traffic, access requirements and upgrades to accommodate the traffic generation and transport impacts on the road feeder system and the freeway/highway system which are associated with an airport's expansion.

Environmental Issues

Similar to the State and Federal processes of environmental impact assessment, it is appropriate that the environmental acceptability of any proposal be determined relatively independent of non-environmental related matters. While this Bill seeks to integrate the environmental strategy aspects of the current Act to form part of the master planning process of airports, it is important that non-environmental priorities don't cloud judgement about whether or not environmental acceptability can be achieved. That is, a proposal is either environmentally acceptable or not, and that an impartial environmental assessment can stand up to scrutiny where it has been based on environmental issues.

Regards,

Mario Carbone
Senior Planning Officer

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 22

SUBMITTER

NT Government Department of Lands and Planning



Northern
Territory
Government

DEPARTMENT OF
LANDS AND PLANNING

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Ms Jeanette Radcliffe
Committee Secretary
Senate Rural and Regional Affairs and Transport Reference Committee
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rrat.sen@aph.gov.au

Dear Ms Radcliffe

I refer to your letter dated 6 July 2010 requesting submission on the Airports Amendment Bill 2010.

The principles as set in the draft bill are supported. The proposed amendments relating to the information to be included in the future into the preparation of masterplans for the airports will aid this Department in its endeavours to integrate the developments at the airports in the Northern Territory with the development happening around the airports. The inclusion of specific reference to "*consistency with planning schemes in force under a law of the state*" is also supported.

The inclusion of an environmental strategy into a masterplan that provide detailed information is supported and welcomed.

The sections dealing with "*incompatible developments*" clarifies the uses not allowed at airports but also allow the necessary discretions for specific airports to apply and prove special merit and circumstances for incompatible developments to occur.

It is suggested that the bill include generic reference to Territory to cover for the Northern Territory and Australian Capital Territory's planning laws.

Yours sincerely

DAVID RITCHIE

30 July 2010

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 23

SUBMITTER

Southern Sydney Regional Organisation of Councils (SSROC)



29 July 2010

Ms Jeanette Radcliffe
Committee Secretary, Senate Rural and Regional Affairs and Transport References Committee

By email: rrat.sen@aph.gov.au

Dear Ms Radcliffe,

Re: Airports Amendment Bill 2010

Southern Sydney Regional Organisation of Councils (SSROC) is an association of sixteen local councils in the southern area of Sydney. SSROC provides a forum for the councils to deal with common issues, particularly those that cross boundaries. Sydney (Kingsford Smith) and Bankstown airports are located within our region, and are key elements in our regional economy, with their operations and local supporting businesses providing many jobs and commercial opportunities. The region has a unique mix of industrial, commercial and residential land usage, some of which results in considerable noise and subsequent loss of amenity: much of our region is directly under the flight paths of aircraft arriving and departing. SSROC therefore has a keen interest in the operation and development of the airports, and welcomes the opportunity to comment on the proposed amendments to airports legislation.

The Explanatory Memorandum circulated by authority of the Minister highlights a number of key areas for improvement in the legislation. From the perspective of SSROC, the major issues that need to be addressed in further development of the legislation include:

1. Integration of airport plans with local area strategic plans – there is currently limited requirement or opportunity for plans to be integrated, or even simply aligned, since each plan is developed under a separate regulatory framework and to different timeframes. Yet there could be potential for good synergy between the two sets of plans if mechanisms existed to allow this to occur.
2. Integration of on- and off-airport transport plans – it is critical that airports, especially Sydney Airport, are supported by efficient and effective land-side transport options. Connections currently to Sydney Airport fall far short of global standards for a major international airport in relation to trains, buses and cars. This aspect of operations certainly needs to be covered in airport planning processes. It is also important to consider the needs of airport workers in transport planning, many of whom reside in the southern Sydney region, are currently charged high rail

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fares if they travel by train as a result of the levy, and who often need to travel at non-peak times.

In the southern Sydney region we are also expecting significant increases in rail and road freight as a result of expansion at Port Botany's Container Terminals. This will undoubtedly exacerbate the problems of road and rail congestion in the next few years, and highlights the import and increasingly urgent need for a more integrated approach to transport planning.

3. Alignment of Airport Environment Strategy with Airport Master Plans – incorporating the environmental strategy into the master plan should serve to put environmental considerations on a par with economic and social issues, and would represent an improvement to the current process. The scope of the environmental issues should also be subject to review as part of the process, to ensure that there are no serious omissions: for example, the recent draft Sydney Airport environment strategy did not appear to cover the impact of sea level rise, which would seem to be a major threat in the future. Noise considerations should also be covered (see separate point below).
4. Controls on non-aviation development within Airports – where there is development at an airport that is not related its core business of aviation, then the development needs to be considered within the broader context of the local area. Local planning authorities need to be informed of such development and given the opportunity to seek more detailed information, and where a potential conflict or synergy is identified, the chance to work to resolve the issues with the relevant stakeholders.
5. Controls on aviation-related development within Airports – aviation-related development is obviously the core of the master-planning process, and some such development does occur within the boundaries of an airport without significant impact beyond them. However, where airports are located close to developed areas as Sydney and Bankstown Airports are, almost all development will have some impact on the locality. Better consultation that includes advising stakeholders of on-airport aviation-development would alleviate concerns about developments that will have no or very little impact, and would improve relations between stakeholders. Where this type of development will have impacts beyond the airport itself, such a generating noise or traffic during construction works, broader consultation should occur and should be responsive to concerns.

SSROC is not generally supportive of the possibility of lessee companies gaining exemption from the major development plan process for aeronautical-related developments does not seem to be appropriate, since these developments might have serious impacts on the locality. Rather, the process should allow for a rapid assessment of impacts, and if it is considered that they would be confined to the airport site then an appropriate form of conditional approval should be given.

6. Noise issues – with much of our region directly under the flight paths of aircraft arriving and departing, aircraft noise is a major issue. From the perspective of residents, aircraft noise is endured in conjunction with noise from major roads that service the traffic generated by the airports, trucks and freight trains from Port Botany, and the noise associated with commercial and industrial activity around the Airport/Port Precinct.

Compounding the issue of noise in our region is that many of our residents work shift-work at either the Airport, Port or at major hospitals and as a result have irregular sleep patterns. The impact of noise on issues such as sleep and productivity is contentious, with some studies indicating risk to individual, social and economic development. The management and abatement of noise is therefore of considerable interest to our member Councils.

We would therefore recommend that all airport planning processes include consideration of noise impacts on the local community, and that this impact assessment should be made from the perspective of the residents' actual experience.

The recommended option C with its regulatory change and improved integration of on- and off-airport planning would be an improvement on the current process. However, it would depend heavily upon the Planning

Coordination Forum and the Community Aviation Consultation Groups operating effectively from the perspective of all stakeholders. This means permitting actual participation in planning processes by the stakeholders, and not simply a forum in which local residents and planning authorities can raise concerns that are noted but not influential. Provision of information by lessee companies as highlighted in the explanatory memorandum would be critical; modifying plans in response to issues raised during consultation would be equally critical.

The Planning Coordination Forum as put forward would provide a high-level forum for discussion and would be a positive change. However, on the basis of information provided to SSROC, it would not “ensure that planning decisions taken by airports are better integration planning objectives of State, Territory and local governments ...”: changes to relevant planning processes at each level of government would, and should, be required to ensure better integration. Similarly, there is no guarantee that local governments would be able to influence airport plans.

In conclusion, I would emphasise the need for the planning process to support the principles of sustainable development and put social and environmental considerations on a par with economics. This implies real participation by all key stakeholders in the process, facilitated by the governance framework.

Thank you for the opportunity to present this submission and I trust you will find these comments useful.

Yours sincerely,

David Lewis
General Manager
Southern Sydney Regional Organisation of Councils

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 24

SUBMITTER

City of Melville



30 July 2010

Enquiries: Peter Camilleri – 9364 0642
Our Reference: 2293195

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

Dear Sir / Madam

**CITY OF MELVILLE COMMENTS ON THE AIRPORTS AMENDMENT BILL 2010 –
SENATE INQUIRY JULY 2010**

The City of Melville's south-eastern boundary abuts the northern boundary of the Jandakot Airport and the City of Cockburn.

In October 2009 the City of Melville submitted comments in response to the *Jandakot Airport Master Plan 2009 Preliminary Draft*. A copy of the City's report to the Ordinary Meeting of Council is attached for your information.

The City's submission covered a range of substantial issues including governance, land use/activities planning, infrastructure and cost recovery/management.

The City's submission also highlighted the need for an update of governance, planning and cost-contributions parameters for airport corporations so as to ensure a more precise definition of the airports' responsibilities and their participation in and contributions to, the regulatory, planning and management frameworks of State and Local Government Authorities (LGA).

The City acknowledges that the proposed *Airports Amendment Bill 2010* recognises and in general addresses the main points of concern for LGAs abutting airports.

However the City also wishes to express concern that neither the *Airports Amendment Bill 2010* nor the accompanying *Explanatory Memorandum* provide sufficient definition of the instruments and processes needed to ensure the airports' regulatory or legislative basis for full and effective contribution to State and LGA planning and cost-management processes.

The City of Melville's submission on the *Jandakot Airport Master Plan Preliminary Draft 2009* acknowledged -

Jandakot Airport's positive contribution to the sub-region's economic development through its role as a Regional Specialised Activity Centre.

Nevertheless the submission also indicates that a number of proposals in the *Preliminary Draft* are likely to generate significant impacts for both the City of Melville and the sub-region.

In this context the submission recommends that Jandakot Airport work co-operatively with the City of Melville and other key stakeholders to ensure co-ordinated and mutually beneficial outcomes.

In general it is noted that the *Airport Amendment Bill 2010* and the *Explanatory Memorandum* specify provisions that have been the basis of local government concern in the context of strategic urban centres and transport planning.

In particular local governments have highlighted the significant inconsistencies arising between the scale and intensity of non-aeronautical developments, the flow-on impacts on LGAs of management and costs and the limitations imposed on integrated governance by the separate State / Commonwealth jurisdictions.

These management/costs impact particularly on major planning and infrastructure issues at both the district and sub-regional levels including for example -

- The impacts of traffic volumes and transport categories on local and regional transport infrastructure, as well as the equitable apportionment of responsibility for contributions for flow-on infrastructure maintenance costs.
- Commercial, retail, industrial and employment impacts of un-planned activity centres. This is partially addressed in recent draft Western Australian Planning Commission (WAPC) policies wherein Jandakot Airport is classified as a *Regional Specialised Activity Centre*. However no reciprocal mechanism (Commonwealth or airport corporations) exists to effectively implement the integration of the airports' planning and management framework with district and sub-regional planning and infrastructure management processes.
- Environmental management – the integration of environmental reporting is acknowledged however the proposed section 71(2)(h) and 71(3)(h) sub-section (h) should include an addition specification as follows -
 - (vii) the specific measures (if any) to be carried out by the airport-lessee company outside the airport site, in consultation with the relevant landholder, for the purposes of preventing, controlling or reducing the environmental impact associated with airport operations.
- It should be noted that the current *Airports (Building Control) Regulations 1996* provide for the appointment of an *Airport Building Controller* (Part 4 Airport building controller) and that this may be either
 - (a) an authority of the Commonwealth, or of the State or (b) a local government body.

This provision should be explored as a means of establishing the mechanism for managing the implementation of Commonwealth, State and LGA governance, planning, infrastructure, environmental and contributions-to-costs decisions. For example this agency could be a regional organization of councils.

The City of Melville appreciates the opportunity to provide this input and looks forward to contributing to processes as may be appropriate.

Yours sincerely

KYM DAVIS
MANAGER STRATEGIC URBAN PLANNING

Enc.

cc. Perth Airports Municipalities Group

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

Ward	: All
Category	: Strategic
Application Number	: N/A
Subject Index	: Strategic Urban Planning - Jandakot Airport Master Plan
Customer Index	: Jandakot Airport
Property	: N/A
Proposal	: N/A
Applicant	: N/A
Owner	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Peter Camilleri Acting Manager Strategic Urban Planning
Previous Items	: N/A

AUTHORITY / DISCRETION

DEFINITION

<input checked="" type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

Jandakot Airport is within the City of Cockburn but is governed by the Commonwealth Airports Act 1996.

The Airports Act 1996 (Section 79) requires the airport lessee to formulate a five year (5) *master plan* and to consult with local governments surrounding the airport.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

Subsequent to the final master plan the Airports Act 1996 [Section 91 (1A) (b)] requires the airport lessee to produce a *major development plan* consistent with the airport lease and the final master plan, and setting out objectives for, and a detailed outline of, the development. The *major development plan* must also ‘...address the extent of consistency with planning schemes in force under a law of the State or Territory in which the airport is located.’ [Section 91 (4)]

The *Jandakot Airport Master Plan 2009 Preliminary Draft* has been issued for public comment.

The *Jandakot Airport Master Plan 2009 Preliminary Draft* proposes developments for new aviation and non-aviation related land uses and activities with the potential to impact on some residential, environmental, infrastructure and activity centres issues, both existing and planned, within the City of Melville.

The *Jandakot Airport Master Plan 2009 Preliminary Draft* includes changes in proposed land uses to secure some areas of environmental significance for example exchanging Precinct 5 (commercial) for Precinct 1A (conservation).

The City of Melville will submit comments covering these issues to Jandakot Airport Holdings on the *Jandakot Airport Master Plan 2009 Preliminary Draft*.

Attachments:

[3096 Jandakot Airport Master Plan 2009 Precincts Map](#)

[3096 Jandakot Airport Master Plan 2009 Aviation Ultimate Development Plan](#)

[3096 Jandakot Airport Master Plan 2009 ANEF](#)

[3096 Jandakot Airport Master Plan 2009 N60 Contours](#)

[3096 Jandakot Airport Master Plan 2009 Traffic Flows](#)

[3096 Jandakot Airport Master Plan 2009 Rare & Endangered Flora](#)

[3096 Jandakot Airport Master Plan 2009 Ecological Corridor](#)

[3096 Jandakot Airport Master Plan 2009 Appendix 1 Traffic Forecasting](#)

BACKGROUND

Jandakot Airport comes under the jurisdiction of the Commonwealth Airports Act 1996, as well as the Airports (Environmental Protection) Regulations 1997 and other relevant Commonwealth legislation such as the Environment Protection and Biodiversity Conservation Act 1999.

The Airports Act 1996 requires the airport lessee to formulate a five (5) year master plan that is approved by the Minister.

The Jandakot Airport Master Plan 2009 Preliminary Draft has been circulated for comment to local governments surrounding the Jandakot Airport as required by the Commonwealth Airports Act 1996.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)****Contextual Overview**

In the sub-regional context Jandakot Airport has a catchment that includes;

- The local government areas of the City of Cockburn, the City of Melville and the City of Canning
- Bush Forever (Ken Hurst Park – City of Melville)
- The Jandakot Water Mound - a significant regional water catchment area
- Endangered flora – the *Caladenia huegelii* (Grand Spider Orchid) and the *drakae elastica* (Glossy-leaved Hammer Orchid) Endangered fauna – the *Calyptorhynchus latirostris* (Carnaby's Black Cockatoo)
- Fauna of conservation significance – the *Marcopus irma* (Western Brush Wallaby) and the *Isoodon obesulus fusciventer* (Southern Brown Bandicoot - Quenda)
- Resource Enhancement wetlands (Damplands)
- Major regional and sub-regional transport infrastructure and associated transport activities
- Major regional, sub-regional and district residential, commercial and industrial activity centres in the local government areas of Melville, Cockburn and Canning
- Rural land uses and rural / urban land use transition areas.

Key Development Issues

The Jandakot Airport Master Plan 2009 proposes the following developments:

Aviation

- Provision for a fourth runway
- Extensions to the existing main runway to 1,600 metres.
- Provision for extension of runway 12/30 to a length of 1,508 metres.
- Provision for enhanced helicopter training area and operation.
- Expansion of physical aviation capabilities
- Expansion of aviation operational capabilities by the airport's clients eg Royal Flying Doctor Service
- Expansion of aviation activities eg training, maintenance etc
- Expansion of complementary activities eg FESA
- The expansion of Residential Housing for Trainees.

Economic Development

- Urban land development for commercial buildings and associated transport, sewerage, drainage and telecommunications infrastructure
- Enhanced aviation-related businesses
- Establishment of commercial businesses
- Enhanced employment
- Enhanced financial contribution to the sub-region and the metropolitan region.

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(ATTACHMENT)**

Existing and proposed scale of commercial activities

Current	Estimated
40 businesses	Approx 190 businesses
1,000 employed	5,700 employed

Environmental management

- A new environmental conservation area - Precinct 1A.
- Topsoil from development areas to be used to rehabilitate sand mining area adjoining the airport ie areas 7 and 8 (note these are outside the airport boundary)
- Proposed environmental greenway linkages with Ken Hurst Park and other areas around the airport
- Proposed environmental management strategies for critical bio-diversity resources such as bush forever (Ken Hurst Park), Carnaby's Black Cockatoo, the Western Brush Wallaby and the Southern Brown Bandicoot (Quenda).

Proposed Commercial Precincts, Land uses and Activities

Land use

The zoning, objective and permitted discretionary land uses are consistent with the City of Cockburn's Town Planning Scheme No 3. The Jandakot Airport Master Plan 2009 states that -

'The uses in Precinct 4 will be based on the City of Cockburn's mixed business zone with the exception of Precinct 4C which will also include aviation uses.'(p.71)

'Precinct 4 was identified for commercial development under the approved Master Plan 2005 and is approximately 116 hectares in area. Precinct 4 is currently partially under construction and will include business, office, bulk retail, showroom, warehouse and storage uses consistent with the Master Plan 2005.' (p.70)

Summary of Proposed Land Uses

Precinct	Area	Type of activities
Precinct 4A	22ha	Existing commercial development Bulky goods and show rooms
Precinct 4B	9ha	Existing commercial development identified for office commercial land uses.
Precinct 4C	13ha	Commercial mixed uses and land aviation uses.
Precinct 4	72ha	Existing commercial development, ware house storage land uses.
Total Precinct 4	116 ha	
Local and convenience retail		Some retail services for airport-based work force eg convenience and day-to-day retail services for example, local or neighbourhood centre level retail facilities as per City of Cockburn Local Commercial Strategy.

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Precinct 5	40ha	Some new commercial area, warehouse storage land uses; exchanged for Precinct 1A previously conservation.
Precinct 6 and 6A	53ha	Conservation area but to be reviewed in 5 years for future commercial/aeronautical development subject to environmental objectives. Additional commercial /aeronautical development potential is for approximately 160,000m ² of warehouse and storage floor area, approximately 50 businesses and 1,072 employees.

Summary of Proposed Commercial Activities and Floorspace (m²) [NB it is not clear whether m² are net lettable area or gross lettable area]

Commercial Activity	m²
Business and office	40,000m ²
Bulk retail and showroom	80,000m ²
Warehouse and storage	470,000m ²
Ultimate potential businesses – • approx 190 businesses	Ultimate potential employees – • approx 5,700 employees

Metropolitan Planning Context

Although Jandakot Airport is under the jurisdiction of Commonwealth legislation it is also classified as a *Regional Specialised Centre* (within the City of Cockburn) by the State's *Directions 2031 Draft Spatial Framework for Perth and Peel* (June 2009), and the draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009)

The Role and Function of Specialised Centres

The attributes of specialised centres are explicit in the draft *State Planning Policy, Activity Centres for Perth and Peel* for example -

- b. Specialised centre ... have a focus on specific activities that generate a high number of work and visitor trips. They have significant economic and employment benefits, may lead to accumulation of similar activities and require excellent movement networks, including access to high-frequency public transport. They should only contain uses that are consistent with the growth of their primary functions; however, mixed uses that complement the role of these centres are encouraged, but should not be of a scale that will compete with other centres in the hierarchy. (*Appendix 2 Activity centre hierarchy* page 15)

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(ATTACHMENT)**

This statement underscores the intent of planning policy at both State and Commonwealth levels for example, although the Jandakot Airport is independent of both the Western Australian and local government fields of statutory and policy parameters it is also guided by the complementary intent of Commonwealth legislation (Airports Act 1996 Section 91 (4)) that requires the airport's major development plan to

'...address the extent of consistency with planning schemes in force under a law of the State or Territory in which the airport is located.'

The category of *Specialised Centre* therefore acknowledges the Jandakot Airport's contribution to the sub-region, specifically in the context of enhanced aviation and non-aviation activities that will increase substantially employment and economic development in the sub-region, and integrate the airport's functions and role into the WAPC's framework of activity centres for Perth and Peel.

In addition the *Jandakot Airport Master 2009 Plan Preliminary Draft* expresses the intent to comply with the City of Cockburn's local planning scheme and local commercial strategy guidelines for commercial land use zones and activities.

Local Government Context**The City of Cockburn Town Planning Scheme No3.**

Jandakot Airport is entirely within the City of Cockburn local government area. The *City of Cockburn Town Planning Scheme No3* provides some broad guidance for land use and development including,

(6.5) Jandakot Airport (JA)

(a) In considering any proposal for the subdivision, use or development of land within the boundaries of the Airport, referred to the local government by the lessee, the local government shall have regard to the *Jandakot Airport Master Plan* and *Environmental Strategy* for the airport land, approved by the Federal Government, when providing advice on a proposal.

(c) The referral of and processing of any proposals for the airport is to be undertaken in accordance with any informal or formal protocol established and agreed between the airport lessee and the local government.

The City of Cockburn Local Commercial Strategy (2006)

The *City of Cockburn Local Commercial Strategy* identifies both *Mixed Business* and *Mixed Use* areas.

The *Local Commercial Strategy* specifically acknowledges the potential of Jandakot Airport as a *Mixed Business* area, that is containing "Other Retail" activities such as showrooms and bulky goods.

The Strategy also suggests the need to moderate a tendency for the "Shop Retail" categories to drift into the *Mixed Business* areas.

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The role of “Shop Retail” is primarily to contribute to and support the diversity and viability of *Mixed Use* activity centres, for example *Regional Centres* such as Melville City Centre or *District Centres* such as the Bull Creek Shopping Centre.

The attraction of “Shop Retail” into *Mixed Business* areas is typically based on a combination of factors such as close proximity to major retail centres, availability of diverse floor space areas (m²), availability of parking and favorable lease and costs per m² of floor space.

The *City of Cockburn Local Commercial Strategy* provides a summary of the primary distinguishing characteristics for *Mixed Business* and *Mixed Use* areas, that also apply to Jandakot Airport, as follows:

Mixed Business Areas	Mixed Use Areas
Predominantly car-oriented rather than pedestrian-oriented.	Predominantly pedestrian-oriented rather than car-oriented.
Generally suitable for showrooms, some office buildings and a range of other large stand-alone commercial developments, including major chain fast-food outlets.	Pleasant and/or interesting to be in, forming part of an identifiable ‘central place’.
Generally not suitable for “Shop Retail” uses.	Suitable for a wide range of “Shop Retail”, office, restaurant, entertainment and other commercial uses in a ‘main street’ format.
Generally not suitable for integration with residential uses.	Not suitable for on-site parking between buildings and the street reserve.
Suitable for some on-site parking between buildings and the road reserve.	Suitable for integration with medium and/or high density residential development, which is highly desirable to impart some after hours liveliness.
In some cases suitable for service industrial as well as commercial uses.	Generally not suitable for showrooms or major chain fast-food outlets.

Appendix F Examples of Mixed Use and Mixed Business Development: City of Cockburn Local Commercial Strategy (2006)

This commercial land use and activity guidance reflects the intent for the preferred type of land uses and activities for Jandakot Airport. However the scale and intensity of the land uses and activities proposed in the *Jandakot Airport Master Plan 2009 Preliminary Draft* requires clarification through joint-agency processes as described in the City of Cockburn TPS No3.

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(ATTACHMENT)****Implications for the City of Melville****Environmental Health – (City of Melville Environmental Health Services)**

The *Jandakot Airport Master Plan 2009 Preliminary Draft* modelling of flight numbers and frequency for the period to 2029/30 shows that:

- a larger catchment is likely to experience noise levels over 60dB (from planes) more than 20 times on an average day
- catchments closer to the airport are likely to experience noise levels (from planes) at 60dB or more as many as 100 times daily.

In 2029/30 an estimated 590,650 movements including 76,000 helicopter operations are forecast.

The average daily movements at the airport will be 1,618 an approximate average of 67 movements per hour and more than one every minute.

The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the *Jandakot Airport Master Plan 2009 Preliminary Draft* and the following measures should be explored as a means of attenuating some of the impact

- The 'Fly Neighbourly' campaign should be maintained and strengthened to ensure that pilots are more answerable for not flying as per the approved flight paths and policies.
- A comprehensive study into the impacts of current and increased helicopter activity on approved flight paths in residential areas.
- Airservices Australia (ASA) should continue to maintain the complaint line and a good complaint management procedure.

The Natural Environment – (City of Melville Environmental Services)

From an environmental perspective the proposal to introduce a large commercial estate as well as extending the airport runway and roads facilities will have a negative impact on the local environment.

The airport zone is *Bush Forever site No 388* and home to a large area of excellent through to poor condition remnant bushland including rare orchid species, kangaroos, bandicoots, reptiles and visiting bird populations. The proposed plans will further degrade and fragment the existing habitats at the airport.

It is proposed that top soil and flora from *Precinct 5* (commercial) will be deposited at areas 7 and 8 (not part of the airport area) and contribute to these area's rehabilitation. Areas 7 and 8 are a degraded former sand mining site and are proposed to be rehabilitated with topsoil and flora from development areas as an offset for pristine bushland containing rare orchids and remnant *Banksia* woodland vegetation. Areas 7 and 8 are proposed as a linking habitat but are currently degraded and will not be able to significantly contribute to the environmental corridor linkages for up to 15 years.

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The degraded site is also proposed as a Carnaby's Black Cockatoo habitat and food source however it will take a minimum of 10 -15 years for trees to mature to the point where there is enough food for a flock of Carnaby's Black Cockatoos to graze.

Other general comments:

- The plan does not specify the timeframe for the revegetation project; ongoing support and funding will be essential to the success of this type of project.
- The report proposes changing conservation areas 6 and 6A to commercial uses and aviation development, subject to the effective rehabilitation of sites 7 and 8 (not part of the airport area).
- There is a lack of depth in the environmental plan. The environmental plan is mainly concerned with complying with legislation and overall management of the site, not specifically the rehabilitation project.
- The ecological corridor linking Ken Hurst Park through areas 1A and 1B to the former sand mining rehabilitation sites (areas 7 and 8) will be bisected by a new road which will again fragment and degrade at least the edge areas of the corridor.
- The report proposes transplanting rare spider orchids from development areas to other areas of bushland. This technique has been tried with limited success and is not the solution to protecting rare and endangered wildlife in the Perth area. It should be noted that fifteen percent of Western Australia's biodiversity is found in the Perth metropolitan region and more sustainable offset models should be developed for commercial land uses.
- There is no mention of mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed "corridor" to Jandakot regional park.

**Transport Infrastructure and Traffic – (City of Melville Traffic and Road Safety -
Engineering Design)**

The Jandakot Airport Master Plan 2009 Preliminary Draft indicates access to the Airport is to be provided via the following connections:

- Karel Avenue, via Karel Avenue extension (Hope Road)
- Berrigan Drive
- South Link – a newly constructed road linking Berrigan Drive (from Jandakot Road) to Karel Avenue
- East Link , a new road linking to Ranford Road, via Nicholson Road

It should be noted at this stage, that the South Link and East Link have considerable merit as they provide alternative traffic routes to the existing Hope Road. Should this road be blocked due to a crash or any other incident then this could lead to the following risks:

- Emergency access is lost – this has severe ramifications for the Royal Flying Doctor Service (RFDS).
- Access to RFDS by St John of God Ambulance is restricted.
- Evacuation due to a chemical spill or bushfire is limited.

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The new road links will alleviate much of these identified risks as the proposed road network affords increased flexibility for airport access. However it should be noted that a more direct connection, outside the immediate Master Plan site, to Fiona Stanley Hospital for Emergency vehicles has not been addressed in this Master Plan. For example, the connectivity between a future extension of Roe Hwy and the southern end of Murdoch Dr.

Traffic Forecasting

Traffic forecasts for 2016 and 2031 were undertaken in 2007 using a Paramics modelling system and at that time, several traffic scenarios were modelled. The results were published in the final report *Transport Planning for Jandakot airport Major Development Plan – August 2007* by Bruce Aulabaugh .

A summary of the forecasted traffic volumes for 2016 in the PM Peak Hour (the worst case scenario) is presented in **Appendix 1 Traffic Forecasting** and shows what traffic conditions are likely to be with or without the East Link. In the Natural Environment section of this report, it was identified that the East Link Road will have a negative impact on the local environment and was raised as a concern by the City of Canning.

More significantly, is the change in land use for Precinct 5 from Conservation to Commercial. This change will support warehouse and storage uses. Whilst this falls with the City of Cockburn's jurisdiction for Planning issues, it should be noted that traffic generated from the changed land use has not been quantified.

The *Jandakot Airport Master Plan 2009 Preliminary Draft* does not identify if traffic generated figures were remodelled and therefore, the traffic impacts of this change are unknown. It is recommended that Jandakot Airport Holdings (JAH) provide the City of Melville with updated traffic forecasts for 2016.

In addition these, and any other projected traffic generation changes need to be made available for input into the current traffic modelling as part of the South West Corridor and Peel Strategic Transport Review currently being carried out. (See also below regarding traffic forecasts to 2031)

The *Jandakot Airport Master Plan 2009 Preliminary Draft* shows the Development and Non-Development Traffic flows for the PM Peak. There is no mention of when these figures were modelled but suffice to say that Karel Avenue and Farrington Road will be affected as these routes both provide direct connectivity to Kwinana Freeway and South Street.

Not explored in the Master Plan is the increased demand for heavy vehicles to access the Jandakot Airport, transport goods for showrooms, bulky goods stores and warehouses, the proposed routes that these vehicles might take between Fremantle and Welshpool, and any likely impact this will have on the City of Melville road network.

The Commercial section of the Airport development will generate approximately 32,000 vehicular trips per day and the traffic related to Aviation component will generate approximately 4,000 vehicular trips per day.

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The *Jandakot Airport Master Plan 2009 Preliminary Draft* identifies the extent of road improvements required by 2016 to support the road network within the land owned by Jandakot Airport Holdings (JAH). These include the following:

- Queuing lengths on Karel Avenue approaching the Karel Avenue Extension /Berrigan Drive intersection currently (known as the Hope Road/Berrigan Drive intersection), are identified as an issue, particularly if there is a strong demand for a right turn in the evening peak hour into Berrigan Drive. JAH proposes to install traffic signals at the intersection and restrict green time in peak periods for traffic moving in/out of Berrigan Drive (north).
- To address congestion on Karel Avenue it is proposed to upgrade Karel Avenue (south) and Hope Road to a 4 lane arterial standard (additional investigation is required to determine the Karel Avenue/Roe Highway interchange upgrade requirements).
- Upgrade Karel Avenue bridge to 4 lanes and taper back to 2 lanes prior to Farrington Road. (Additional investigation is required to determine the Karel Ave/Roe Highway interchange upgrade requirements)

Of concern is the last point as this will leave approximately 100m of two lanes on Karel Avenue (south of Farrington Road) that will generate congestion as motorists try to merge into this narrowed section of Karel Avenue, given that north of Farrington Road is 4 lanes already.

JAH are responsible to fund and construct the all the infrastructure that falls within the Jandakot Airport land. Whilst some infrastructure outside of JAH area is normally under the responsibility of the City of Melville and Main Roads, JAH should be responsible for this infrastructure given that the significant traffic impact was generated by the proposed development of the airport.

It is therefore recommended that JAH fund the construction of lanes on Karel Avenue from the Bridge over the railway line to south of Farrington Road by 2016.

The need for upgrades to the road network affecting the City of Melville have not been discussed in any detail in the Master Plan. City officers are concerned with impacts on Karel Avenue, Farrington Road, South Street, Murdoch Drive, Findlay Street and North Lake Road as these routes provide direct connectivity to Kwinana Freeway, Murdoch Railway Station, Fremantle and Welshpool Industrial areas. It is anticipated that future congestion on Kwinana Freeway, South Street, Leach Highway, and Karel Avenue will lead to 'rat running' onto minor roads within the City of Melville. To alleviate the existing and future demands made on these roads

It is recommended that JAH actively examine the feasibility of a more direct access to Roe Highway and to Murdoch Drive, which may entail the extension of Roe Highway.

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Also not fully addressed in the Jandakot Airport Master Plan 2009 Preliminary Draft is the proposed change of Precinct 6 from Conservation to Commercial by 2029. This will significantly alter the modelled figures for 2031 and increase the forecasted traffic figures to over 40,000 vehicles per day.

It is recommended that JAH provide the City of Melville with updated traffic forecasts for 2031.

JAH indicated that they are committed to reducing green house gases and to this end have pursued the provision of *“regular shuttle bus services between the Airport and Murdoch Bus/Rail interchange while TransPerth bus services are being upgraded.”* The proposed routing will be via Karel Avenue, Farrington Road, Findlay Road, and South Street to the Murdoch Bus/Rail Interchange.

It is therefore recommended that Strategic Urban Planning consult with JAH on the feasibility of extending the proposed “CAT” bus service from Murdoch Train Station to Garden City and the Canning Bridge Precinct.

Land use and Activity Centres Planning

The basis of activity centres planning is the principle of optimizing the concentration of complementary urban, economic, infrastructure, social, and environmental factors in the context of a metropolitan spatial framework.

Through the draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009) the network of planned activity centres is further guided by governance objectives that aim for high levels of infrastructure and services integration and usage.

These objectives are in turn achieved through synergies between a mix of land uses and activities such as types of employment, commercial, retail, residential and community services.

This diversity of co-located infrastructure, services, land uses and activities in and around activity centres is a fundamental objective for all activity centres, and State and Local Government policies and statutes provide distinct management and governance guidelines that distinguish clearly the attributes and related planning parameters of centre typologies and their predominant roles and functions.

This provides the context for determining the appropriateness, proportion, scale and mix of land uses and activities in specific centres as defined in the draft *State Planning Policy, Activity Centres for Perth and Peel* (June 2009).

Similarly this approach also establishes the policy and planning context for assessing the appropriateness of the mix and scale of land uses and activities proposed in the *Jandakot Airport Master Plan 2009 Preliminary Draft*.

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It is important to acknowledge the substantial positive initiatives and the contributions of the economic, employment and skills development proposed by the Jandakot Airport's aviation and non-aviation land uses and activities.

It is also topical to discuss the types of activities, proportions and scale proposed, in particular the 40,000m² of *Business and Office* floor space, and the 80,000m² of *Bulk Retail and Showroom*, particularly in the context of provisions for these land uses and activities in adjoining centres and the airport's aviation focused primary functions.

This acknowledges that specific converging synergies define the predominant characteristics, roles and functions of *Commercial, Specialized* and *Industrial* activity centres.

A number of key activity centres within the City of Melville could be affected by the significant scale of some developments in the Jandakot Airport commercial precincts.

These include in particular the Melville City Centre - Booragoon, with a total of approximately 93,800m² of nla floor space, Myaree Industrial Area, with a total of approximately 277,100m² (nla), and O'Connor Industrial Area with a total of approximately 88,400m² (nla). (Department of Planning, 2007 Perth Employment Survey, Preliminary Results)

Also the Murdoch Activity Centre mixed use and medical precincts will have significant office / business floor space capacity and Murdoch University's eastern precinct has an estimated potential for approximately 300,000m² of education, office and business related activities.

It is clear from this overview that a land use and activity centres governance and planning gap exists and that a joint management model should be developed in order to ensure complementary and integrated planning within the sub-region.

STATUTORY AND LEGAL IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

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(ATTACHMENT)**

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The maintenance of a consistently applied commercial and industrial land uses and activities governance model is a critical pre-condition to planning, investing and managing viable and sustainable infrastructure, commerce, industry, employment and community services.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Unregulated development that introduces a significant scale of new land uses and activities, in the context of specific State Planning Strategy parameters for existing and proposed activity centres, in State and local government jurisdictions.	Medium	Non-statutory inter-agency framework to work towards achieving complementary development strategies.

POLICY IMPLICATIONS

The City of Melville contains a number of activity centres that are potentially influenced by the development proposals outlined in the *Jandakot Airport Master Plan 2009 Preliminary Draft*.

In particular impact on planning, land uses, and activities are likely to range in significance from the *Regional Melville City Centre – Booragoon*, the *Strategic Specialised Centre of Murdoch*, the *District* level centre of Bull Creek and the *Industrial* centres of Myaree and O'Connor.

Aviation related developments will also impact on residents within the airport flight-path catchment.

CONCLUSION

The sub-region to which Jandakot Airport is a significant contributor is characterized by –

- a *Strategic Specialised Centre* at Murdoch that comprises major hospitals, a *Mixed Use Activity Centre*, a major train station, Murdoch University and its commercial oriented eastern precinct, and the substantial development potential on land along the south-eastern portion of Murdoch Drive,
- the *Regional Melville City Centre – Booragoon* with major existing retail and substantial office potential,

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- major road transport routes such as Leach Highway, South Street, Kwinana Freeway, Roe Highway and the commuter railway to the Primary Centre of Rockingham and Mandurah.
- significant environmentally sensitive flora and fauna resources.

The joint-agency protocol model as expressed in the *City of Cockburn Town Planning Scheme No3* is especially relevant at the sub-regional level.

This illustrates the major scale of developments emerging within the sub-region and further highlights the need to ensure a co-ordinated approach to achieve optimal planning and implementation effectiveness for both individual agencies and jointly.

This approach provides a sound option given the range of jurisdictions, regulatory and policy instruments, and critical impacts on the land uses, economic planning and sustainability of activity centres, transport infrastructure and environmental resources within the Jandakot Airport catchment area.

It is considered that an inter-agency framework or process should be explored with the objective of establishing a co-operative basis for land use and activities planning to ensure complementary commercial development at the Jandakot Airport.

It is also considered that detailed structure planning for non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, should be formulated according to the intent in of the draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.

In this context centre planning according to assigned primary roles and functions, accompanied by relevant impact assessments, and including appropriate consultation with adjoining local government areas, should be key components of Jandakot Airport's development processes.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)****PREVIOUS OFFICER RECOMMENDATION (3096)****APPROVAL**

1. *That the City of Melville acknowledges the positive contribution to sub-regional economic development and employment as expressed in the developments proposed in the Jandakot Airport Master Plan 2009 Preliminary Draft.*
2. *That in response to advertising for comment on the Jandakot Airport Master Plan 2009 Preliminary Draft, Jandakot Airport Holdings be advised that the City of Melville submits the following issues for consideration;*

2.1 Environmental Health

- *The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the Jandakot Airport Master Plan 2009 Preliminary Draft.*
- *The 'Fly Neighbourly' campaign should be maintained and strengthened to ensure that pilots are more answerable for not flying as per the approved flight paths and policies.*
- *A comprehensive study be conducted into the impacts of current and increased helicopter activity on approved flight paths in residential areas.*
- *Airservices Australia (ASA) continue to maintain the complaint line and a good complaint management procedure.*

2.2 Environmental

- *The environment management plan should elaborate on the timeframe, management and resources for implementing sustainable rehabilitation projects associated with the development stages of the Jandakot Airport Master Plan.*
- *Due to the limited success of transplanting rare flora to rehabilitate other areas of bushland further consideration be given to develop a more sustainable offset model.*
- *Specific mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed "corridor" to Jandakot regional park be developed.*

2.3 Transport Infrastructure and Traffic

- *Jandakot Airport Holdings (JAH) should provide the City of Melville with updated traffic forecasts for 2016.*
- *Jandakot Airport Holdings should fund the construction of lanes on Karel Avenue from the bridge over the railway line to south of Farrington Road by 2016.*

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((ATTACHMENT))**

- *Jandakot Airport Holdings should actively examine the feasibility of a more direct access to Roe Highway and to Murdoch Drive, which may entail the extension of Roe Highway.*
- *Jandakot Airport Holdings should provide the City of Melville with updated traffic forecasts for 2031.*

2.4 Land use and Activity Centres Planning

- *Notwithstanding the roles and guidance defined by Commonwealth, State and Local Government jurisdictions it is clear that a gap exists in land use and activity centres governance. This suggests that an inter-agency management model should be explored in order to ensure complementary and integrated planning and development at the Jandakot Airport and within the sub-region.*
- *Detailed structure planning for non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, and appropriate impact assessments should be formulated according to the intent of the draft State Planning Policy Activity Centres for Perth and Peel (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.*

- 3. That the City of Melville advise the City of Cockburn, the City of Canning and the Western Australian Planning Commission of the issues addressed in the foregoing report (P09/3096).**

Following the Council Agenda briefing forum held on 29/9/09 and the Elected Member information Session held on 7/10/09 the recommendation contained in the report has been revised and is presented as follows.

OFFICER RECOMMENDATION (3096)**APPROVAL**

1. That the City of Melville acknowledges the positive contribution to sub-regional economic development and employment as expressed in the developments proposed in the Jandakot Airport Master Plan 2009 Preliminary Draft.
2. That in response to advertising for comment on the Jandakot Airport Master Plan 2009 Preliminary Draft, Jandakot Airport Holdings (JAH) be advised that the City of Melville submits the following issues for consideration;
 - 2.1 Environmental Health
 - The City of Melville does not support the increased number and frequency of flights estimated by the modelling provided in the Jandakot Airport Master Plan 2009 Preliminary Draft.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- The 'Fly Neighbourly' campaign should be maintained and strengthened to ensure that pilots are more accountable for not flying as per the approved flight paths and policies.
- A comprehensive study should be conducted into the impacts of current and increased helicopter activity on approved flight paths in residential areas.
- Air Services Australia (ASA) should continue to maintain the complaint line and an effective and responsive complaint management procedure.
- The number of flights per year should be capped at an agreed level significantly lower than 514,000 for fixed wing and 76,000 for helicopter flights unless it is shown that recommendations in the Jandakot Airport Master Plan 2009 are being met and that assessment is being made for other training circuits.
- Individual plane noise level assessment for an agreed noise emission range and maximum should be enforced with the "noisiest" planes having restricted flight times e.g. not permitted 0600-0800 hours and 1800-2200 hours Saturday and weekdays with further agreed limits for Sundays.

2.2 Environmental

- The environment management plan should elaborate on the timeframe, management and resources for implementing sustainable rehabilitation projects associated with the development stages of the Jandakot Airport Master Plan 2009 Preliminary Draft.
- Due to the limited success of transplanting rare flora to rehabilitate other areas of bush land further consideration should be given to develop a more sustainable offset model.
- Specific mitigation techniques to prevent the adverse impacts of the new road cutting through the proposed "environmental corridor" to Jandakot regional park should be developed.
- JAH should specify how much of the remaining bush land in a 20km radius of the airport is suitable habitat for Carnaby's Black Cockatoos and Grand Spider Orchids.
- JAH should specify how much of remaining bush land (both on and offsite) is permanently protected from development.
- JAH should clarify exactly who completed the surveys of Grand Spider Orchids and when they were completed and in which areas of the airport site.
- JAH should conduct annual surveys of *Caladenia huegelii* for the whole of the area to give an adequate estimate of the total population.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- JAH should present evidence, sourced from peer reviewed technical research, of the successful translocation of orchids over a five year period.
- JAH should provide bush land condition surveys for precincts 4 and 4A which will be subject to development so as to provide a comparison with the proposed conservation areas 1 and 1A.
- JAH should establish measures to protect, (and regularly monitor impacts on), the Jankakot Water Mound from the adverse affects of development.
- JAH should provide a detailed plan for determining the success measures for the rehabilitation in precinct 7 and 8 before further clearing and development of Precinct 5.
- JAH should provide a commitment to the timeframe for the rehabilitation of Precincts 7 and 8 and the provision for monitoring its ongoing success.
- Precincts 6 and 6A should be clearly identified as conservation areas in the 2009 Master Plan and should only be considered for future reclassification in the context of subsequent Master Plans subject to independent evaluation of the sustained success of the rehabilitation of areas 7 and 8.
- JAH should provide a commitment to protect the remaining “remnant bush land” from future development by means of a covenant (eg. Bush Forever Status).

2.3 Transport Infrastructure and Traffic

- The proposed developments in the Jandakot Airport Master Plan 2009 Preliminary Draft will generate direct and significant traffic and road infrastructure impacts. An infrastructure contributions agreement should be established between the JAH, the City of Melville, Main Roads WA and other Local Government Authorities as appropriate.

Under this agreement JAH should be responsible for contributions to the construction and maintenance of traffic and road infrastructure commensurate to the demand and maintenance impacts generated by the expansion of developments at Jandakot Airport.

For example: the upgrading of the Karel Avenue bridge to four lanes; and the upgrading of the approach and departure lanes near the Roe Highway interchange should be continued as four lanes to tie into the existing four lanes south of Farrington Road by 2016;

- JAH should actively examine of the feasibility of a more direct access to Roe Highway and to Murdoch Drive which will entail the extension of Roe Highway and additional linkages into Murdoch Drive.

**P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
(ATTACHMENT)**

- JAH should provide further traffic forecasting/modelling reports to 2016 and 2031 incorporating data that demonstrates the impact on roads within the City of Melville and covers transport routes such as Karel Avenue, South Street, Leach Highway and local distributor roads such as Farrington Road, Finlay Road and Murdoch Drive.

The traffic reports to be undertaken should incorporate:

- (i) assessment of demand generated by the proposed commercial land uses that includes Precinct 5 as well as the increased heavy vehicular movements accessing the Airport to transport goods to/from showrooms bulky goods stores and warehouses;
 - (ii) the proposed change of use for Precincts 6 and 6A from Conservation to Commercial should be incorporated in the updated traffic forecasts and impact assessments to 2031;
 - (iii) assessment of whether traffic signals at the intersection of South Street and Findlay Road should be provided to accommodate the introduction of the proposed shuttle bus service from the Airport to Murdoch station via Karel Avenue, Farrington Road and Finlay Road.
- In the context of additional traffic forecasting /modelling reports JAH should provide a risk assessment covering the possibility of a crash on Karel Avenue or Karel Avenue extension (Hope Road) that addresses:
 - (i) alternative emergency access
 - (ii) access by St John Ambulance or FESA
 - (iii) evacuation due to fuel or chemical spillages.

2.4 Land use and Activity Centres Planning

- Notwithstanding the roles and guidance defined by Commonwealth, State and Local Government jurisdictions it is clear that a gap exists in land use and activity centres governance. This suggests that a formal interagency management model should be explored and established in order to ensure complementary and integrated planning and development at the Jandakot Airport and within the sub-region
- JAH should conduct a comprehensive and integrated economic impact assessment of the aviation and non-aviation proposals contained within the Jandakot Airport Master Plan.
- The study area for the comprehensive and integrated economic impact assessment should include the airport land and the adjoining local government areas (the City of Cockburn, City of Melville and the City of Canning), and provide objective evaluation and guidance on the viability and sustainability of options for retail and commercial activities, traffic and transport, infrastructure, the natural environment and environmental health issues for Jandakot Airport, the adjoining Local Governments and the sub-region, including in particular the impacts on the Murdoch activity centre and other commercial centres in the vicinity.

P09/3096 JANDAKOT AIRPORT MASTER PLAN 2009 PRELIMINARY DRAFT (REC)
((ATTACHMENT))

- In order to facilitate co-ordinated planning and governance JAH should provide detailed structure planning reports for aviation and non-aviation land uses and activities, including scale and intensity of activities, staging and implementation schedules, and appropriate impact assessments formulated and administered according to the intent of the draft State Planning Policy Activity Centres for Perth and Peel (June 2009) and the relevant sections of the Commonwealth Airports Act 1996.
3. That the City of Melville advise the City of Cockburn, the City of Canning and the Western Australian Planning Commission of the issues addressed in the foregoing report (P09/3096).

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 25

SUBMITTER

WA Government Department of Planning



Government of **Western Australia**
Department of **Planning**

State Strategic Policy

Enquiries: Ashley Wilson 9264 7714

28th July 2010

Committee Secretary
Senate Rural and Regional Affairs and Transport Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Jeanette Radcliffe

Inquiry into Airports Amendment Bill 2010

Thank you for the invitation to make a submission regarding the proposed *Airports Amendments Bill 2010*. The Department of Planning (DoP) has reviewed the Bill and provides the following comments for your consideration.

Paragraphs 71(2)(h) and 71(3)(h)

The DoP is concerned with the five year planning timeframe for the matters outlined in (ga), (gb). The road network and public transport systems outside the airport are significant infrastructure items. Longer planning timeframes will be required to ensure adequate integration with the surrounding networks and the capacity of such networks are developed in a timely manner and not unduly impacted by development at airports.

The DoP suggests omitting point (ga)(iv) and replacing it with:

the arrangements for working with the State or local authorities
or other bodies responsible for the road network and the public
transport system and the relevant endorsed strategic plans.

It should be noted that the DoP is of the opinion that airport lessee companies and/or the Federal Government should take responsibility for capital and re-current funding agreements for private passenger, public transport and the freight demands they generate.

Regarding (h)(ii), the DoP suggests clarification be given as to who has the authority to declare what areas within the airport site are identified as environmentally significant.

Regarding (h)(iii), the DoP is concerned that the sources of environmental impact associated with airport operations are not specified. The DoP suggests that as a minimum the following environmental aspects associated with the operation of the airport are addressed:

- Environmental Management and Community Engagement
- Climate Change and Energy Management
- Water Management (stormwater quality, groundwater quality and water conservation)
- Air Quality
- Ground Transport
- Ground-Based Noise
- Biodiversity and Conservation Management



Government of **Western Australia**
Department of **Planning**

- Cultural Heritage
- Waste and Resource Management
- Soil and Land Management
- Spills Response

The DoP suggests omitting point (h)(vi) and replacing it with:

the specific measures to be carried out by the airport-lessee company for the purposes of preventing, controlling or reducing the environmental impact associated with any operations located within the airport precinct.

The DoP is also concerned that the effects of proposed developments within master plans on employment levels and the local and regional economies should be considered over the long term and not just the first 5 years of the master plan as proposed in (gc)(i) and (ii). This will ensure that adequate measures can be taken to address any issues and long term and irreversible impacts are avoided.

Subsection 71(6)

DoP supports the view that if a draft or final master plan is not consistent with planning schemes in force under a law of the State in which the airport is located there should be a justification for the inconsistencies. In addition to this, DoP suggests that a condition be put in place that ensures adequate discussions have taken place with relevant government agencies and stakeholders to mitigate any such inconsistencies.

Paragraph 83(A)(4)

The DoP suggests a contravention of subsection (2) or (3) is an offence.

Section 88

The DoP is concerned that the term 'exceptional circumstances' is not defined and suggests further clarification be given to this phrase.

Yours sincerely

Bruce Macdonnell
A/Director General

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 26

SUBMITTER

WA Government Department of Local Government

**Submission to the Inquiry into Airports Amendment Bill 2010 –
Department of Local Government, Western Australia**

Introduction

Western Australia is the largest Australian State, occupying one third of the continent and measuring 2,400km from north to south. Perth is the most isolated capital city in Australia, being 2,700km from its nearest neighbour, Adelaide, and closer to Jakarta than Canberra. Air travel and airports have great significance within this environment. Accordingly, the State has an interest in supporting and strengthening this industry for the benefit of the WA population.

Airports have significant impact on the communities situated within close to medium proximity. This includes issues to do with noise; land development implications; commercial competition; and environmental considerations, to name a few. This paper examines to what extent the Airports Amendment Bill 2010 supports the relationship between WA's airports and local governments. It will also look at how the provisions of the Bill will affect the communities of those local governments that are in close to medium proximity to the airports under consideration.

To do so, this paper will focus on the extent to which these proposed amendments align with recommendations relevant to the local government sector that were put forward in the State of Western Australia's 2008 Whole of Government Submission (the 2008 WA Submission) to the National Aviation Policy Green Paper. Four recommendations from that submission are relevant.

It is noted that the Airports Amendment Bill 2010 addresses only those airports which are Commonwealth-owned and which have been leased for 50 years (with a further 49-year option) to private companies. For WA this means that the proposed amendments apply only to the Perth and Jandakot airports. Consequently, some recommendations from the 2008 WA Submission that were relevant to local government do not apply.

Recommendation 1

The first applicable recommendation outlined in the 2008 WA Submission proposed that a written bilateral agreement be developed regarding how consultation and joint planning activity would be progressed. Whilst this Bill does not provide for developing a bilateral agreement, the amendments it contains do support greater consultation and joint planning between airports and affected local governments. For example, the amendments provide for:

- Certain developments of the type which the Government considers would normally be incompatible with the operation of an airport would constitute 'major airport developments'. As a result, such developments could only be carried out where they have been subject to a public consultation process.
- A development of a kind that is likely to have a significant impact on the local community is considered a major airport development. This triggers a requirement for the optimal level of public comment to

enable members of the community and other stakeholders to have input into the proposed developments.

- The public consultation period may only be shortened by written consent of the Minister as long as the Minister is satisfied that the development proposal does not raise additional issues that have a significant impact on the local community.

The Airports Amendment Bill 2010 then, does significantly provide for, and increases, consultation and joint planning on issues potentially affecting local government areas adjacent to airports. This will strengthen the position of local governments that may be negatively affected by airport developments. The Department supports these measures which will allow local governments and communities to make comment on and influence significant future developments.

Recommendation 2

The second relevant recommendation from the 2008 WA Submission proposed that detailed articulation should be encouraged for the immediate 3 to 5 year period in an airport's Master Plan, though simultaneously with improved consultation. As outlined in the above discussion on Recommendation 1, the amendments contained in the Bill do provide improved consultation opportunity for local governments.

Greater accessible detail of the Master Plan is also addressed within the amendments, which include proposed requirements that:

- A master plan is required to contain, in relation to the first five years of the master plan:
 - Detailed information on proposed developments that are to be used for any other purpose not related to airport services, and
 - The likely effect of the proposed developments set out in the master plan on employment levels at the airport and on the local and regional economy and community including an analysis of how the proposed developments fit within the planning schemes for commercial and retail development in the area adjacent to the airport.
- A major development plan must set out the likely effect of the proposed development on:
 - Traffic flows at the airport and surrounding the airport,
 - Employment levels at the airport.

These amendments will also have positive flow on effects because by meeting these new requirements, airports will be encouraged to consider the impact and consequences of their developments on surrounding local governments. Additionally, the greater sharing of information has the potential to facilitate better consultation between airports and local governments.

Recommendation 3

The third applicable recommendation from the 2008 WA submission proposed that ground transport plans should be made mandatory to ensure that Federal Airport lessees consider the impact of airport-based activity. It also stated that

the lessees should be required to contribute to related off-airport development of which they are a key benefactor.

The first half of this recommendation is met by the Bill, as the amendments require that a ground transport plan be produced as part of an airport's master plan. The amendments state that:

- A ground transport plan on the landside of the airport should provide details on:
 - Arrangements for working with the authorities responsible for the road network or ground transport system; 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.

A further provision is that:

- In making a decision whether to approve a draft major development, the Minister will have regard to the likely effect of the development on the ground transport system at, and adjacent to, the airport.

Measures such as these will be welcomed by local governments. For example, the additional requirement of a ground transport plan as part of an airport's master plan will assist in the management of traffic congestion in roads at or near an airport. However, local governments may be concerned that the Bill makes no mention of a requirement for airport lessees to contribute to related off-airport developments of which they are a key benefactor.

Recommendation 4

The last applicable recommendation from the 2008 WA submission proposed that the Commonwealth Government should provide model guidelines for land-use planning around major airports. This recommendation was made by the then Western Australian Department of Environment and Conservation in regard to noise impacts and relates to a matter of direct concern to local governments, especially those in proximity to an airport and under a flight path.

The Bill does not address the use of land beyond that of the airports concerned, and thus this recommendation has not been directly addressed. However one amendment states that:

- The Minister may determine that a development is not a 'major airport development', and therefore does not require a major development plan, if the Minister is satisfied, on reasonable grounds, that the development will not unduly increase the noise heard by, or unduly cause a nuisance to, the community adjacent to the airport.

This provision has the capacity to improve noise control to some extent. Where the Minister deems a development a 'major airport development', this would trigger related consultation requirements, at his or her discretion, with noise being a consideration.

Conclusion

The Department of Local Government views the Airports Amendment Bill as a positive step in improving relationships between the operators of Commonwealth owned airports and affected local governments. However, two additional areas could be addressed by the Bill. First, it is desirable that airport lessees be required to contribute to related off-airport developments of which they are key benefactors. This would contribute to greater consultation and joint planning between local governments and airports. It would also have the potential to fast track the development of infrastructure designed to improve access to airports. Secondly, it could be beneficial to develop model guidelines regarding land use planning around airports. Such guidelines could assist in matters such as coordinating aircraft flight plans with the needs of communities potentially affected by aircraft noise, taking into account noise impacts on sensitive facilities, such as child and aged care centres. The implementation of model guidelines could also further support the exchange of information and consultation between airports and local governments.

On balance, however, the Department of Local Government views the provisions of the Airports Amendment Bill 2010 as a positive contribution to the way in which local governments interact with and are recognised by the operators of Commonwealth owned airports.

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

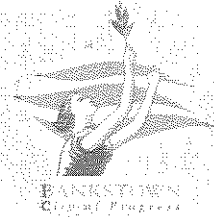
Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 27

SUBMITTER

Bankstown City Council



General Manager

6 August 2010

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

Dear Committee Secretary

Submission to the Senate Inquiry on the Airports Amendment Bill 2010

Bankstown City Council acknowledges with thanks the opportunity to make a submission to the Senate Inquiry on the Airports Amendment Bill 2010.

As a Council having a major general aviation airport within its boundaries, Council has significant issues and concerns that need to be taken into consideration by the Senate Committee, prior to enactment of the Bill.

Council recognises the major contribution of Bankstown Airport to the City's economy. However, significant ongoing development and expansion, both aviation and non-aviation, must occur in a way that is consistent with state and local planning regimes and effectively consider and mitigate the impacts of airport development on local communities, infrastructure and existing businesses.

Although the Bill appears to be a move in the right direction, Council is concerned that in certain key areas (e.g. airport master planning; consistency and integration of on-airport developments with state and local government planning laws and surrounding zones; and funding infrastructure upgrade and environmental mitigation), the policy statements are likely to result in little intended outcomes. In fact, they have the potential for status quo - as formal mechanisms to make them effective are missing.

In 2008 and 2009, Council made two comprehensive submissions to the National Aviation Policy Issues Paper and the Green Paper. Although the Green Paper had taken on board some of the important issues and Council's recommendations on these, subsequently some of these either failed to find their way into the National Aviation Policy White Paper or were inadequately addressed. As a result, these inadequacies persist in the Bill.

Council strongly advocates that, as part of its review of the Bill, the Senate Inquiry recommends necessary amendments to the Bill to address the significant outstanding issues and concerns raised in the attached submission from Council, including the need to statutorily:

- Enhance and ensure the level of state, local government and community involvement in the airport planning process and better integration of on-airport developments with state and local government planning laws and schemes.

- Further strengthen the airport master planning process, particularly to address the current overly flexible, and accommodating land use zoning.
- Make provision for the airport-lessee operators to contribute to the infrastructure upgrade and environmental mitigation costs arising from large scale commercial developments in airports. A provision similar to developer contributions used by the state and local governments could be the solution.
- Ensure that the general aviation character of major secondary airports such as Bankstown will be retained and regular passenger services from airports such as Bankstown will be excluded on safety and other grounds.
- Prevent excessive land use for retail/commercial development at the expense of future aviation infrastructure or aviation business needs.

Given the significant issues raised in this submission, Council requests that the matters raised by Council receive a fair hearing.

Yours sincerely

Luke Nicholls
General Manager

Attached: Submission



BANKSTOWN
City of Progress

Submission to

Senate Rural and Regional Affairs and Transport
References Committee

Inquiry into the Airports Amendment Bill 2010

Bankstown City Council

August 2010

Introduction

Bankstown City Council acknowledges with thanks the opportunity to make a submission to the Senate Inquiry on the Airport Amendment Bill 2010. As a Council having a major general aviation airport within its boundaries, Council has significant issues and concerns that need to be taken into consideration by the Committee and prior to enactment of the Amendment Bill.

As the Bill presents a rare and valuable opportunity to ensure that appropriate provisions are made to sustainably manage the growth and development of the nation's aviation infrastructure and facilities, it is considered an appropriate time to review and amend some of the major provisions in the Bill relating to planning and development control, transport and other infrastructure needs and mitigation of environmental impacts in privatised airports.

Background

The 313 hectare Bankstown Airport site, which is situated wholly within the City of Bankstown, was first earmarked in 1929 for development as a second or training aerodrome for Sydney. During World War II, it was used as an RAAF station and then as a base for the US Army Air Corps. In November 1948, after the selection of the present Mascot site as the site for Sydney's International Airport, the Department of Civil Aviation took control of the Bankstown site for use by training and charter aircrafts and for private flying and aircraft manufacture. Since then Bankstown Airport has progressively grown to become today one of the largest general aviation airports in Australia and the second busiest by number of aircraft movements.

The Federal Government's announcement in December 2000 about upgrading aviation activities at the airport for use as an overflow airport for Sydney Kingsford Smith Airport met with strong opposition from Bankstown Council and the community. Council and community groups organised protests and made representations against the proposal and the plan was subsequently shelved.

Under the 1996 Airports Act, airport lands are federal territory. As such neither State Governments nor local councils have any planning control over airport land. Since December 2000, Bankstown Council has made several unsuccessful representations to the former Federal Government on various issues including the right for Council to determine non-aviation development proposals in airport land. This remains Council's preferred position.

Bankstown Airport's steady growth over decades has obviously had an impact on the amenity of our City suburbs. Nevertheless, there has been a general level of community acceptance of the Airport in its current form. The Council itself has been committed to a policy of supporting the existing general aviation (GA) nature of Airport operations. In October 2003, Bankstown Airport, together with Camden and Hoxton Airports, was leased to a private consortium. The post privatisation changes now unfolding are being keenly followed by Council and the Bankstown community.

In August 2004, complying with the Airports Act 1996, a draft Master Plan was exhibited by the Bankstown Airports Ltd (BAL), who had purchased the Airport in 2003. Although the key objectives and aviation development concept proposed in the Plan included a commitment to retain Bankstown Airport's role as the premier GA (general aviation, including pilot training) facility in NSW, much of the actual focus of the Master Plan was on the 160 hectares of commercially developable land within the total site of 313ha. The Master Plan also clearly detailed the intention of the private owners to make Bankstown Airport a regional distribution, logistic and retail hub, well apart from general aviation.

Strategic Council Policy on the Airport

Council's comprehensive 2004 and 2009 submissions on the Bankstown Airport Draft Master Plans included, among others, a reiteration of its long-maintained policy that the general aviation character of the Airport should be retained, a request that the change in aviation mix proposed be reviewed and minimised, and that large-scale commercial development on airport land with impacts on local amenity, economy, infrastructure, traffic and environment be discarded. Other than gaining some minor concessions on noise management, flood control and consultation issues, most issues raised by Council and also by the NSW Government, who made a separate submission, in relation to commercial development and resulting excessive demand on existing infrastructure have largely remained unaddressed in the Airport Master Plan approved by the Federal Minister in 2005. The 2010 Master Plan is currently awaiting the Minister's approval.

The privatisation of Bankstown Airport and its 20-year Master Plan approved in 2005 poses an ongoing challenge for Council and its community to ensure that the growth and evolution of the Airport follows a path consistent with the objectives of the City.

Notwithstanding the above, it has been Council's policy to continue and build upon the mutual consultative arrangements that existed with the Airport prior to privatisation. Since 2004, Council and the Airport have maintained an effective working relationship. Bankstown City Council is the only council to conclude a memorandum of understanding (MOU) with the privatised airport within its local government area. This exemplifies an overall commitment on the part of both parties for cooperation and consultation on issues of importance between us.

Council representatives also participate in the quarterly deliberations of the Bankstown Airport Community Consultative Forum (BACCF), established as part of the Airport's master plan process and continuing since then. While this is a positive step, but the forum's effectiveness remains questionable for a number of reasons, which have been outlined in the following submission.

Council recognises the contributions of Bankstown Airport to the City's economy. However, significant ongoing development and expansion, both aviation and non-aviation, must occur in a way that is consistent with state and local planning regimes and effectively consider the wider effects of airport development on local communities, infrastructure and existing businesses.

Comments on specific provisions in the Airports Amendment Bill 2010

Part 1 - Master Plan amendments

1 Paragraph 71(2) (h)

Comment:

While the provision in (ga) for a ground transport plan is supported, mere requirements in 71(2) (h) (iv) for detailing "arrangements for working with the State or local authorities..." is likely to achieve very little or nothing, without any formal mechanism in place to ensure that this will occur, once the master plan is approved and implemented.

s. 71(2) (h) (iv) needs to be amended making consultation with the State and local council mandatory and provision included in the Bill to meaningfully and effectively use the input received and the outcome of such consultation is included in the master plan.

Re 71(2) (h) (vi) - the provision for unilateral assessment of the likely effect of the proposed developments should be replaced with a provision for assessment of the effects in conjunction with the state and local authorities. Alternatively, any such assessment included in the master plan need to be accompanied with comments or agreement from the State or local authorities, including measures to be implemented to address the impacts.

Re 71(2) (h) (gc) (ii) - Supported.

Re 71(2) (h) (vi) - Should be amended to read:

the specific measures to be carried out by the airport lessee company *in consultation with the state or local authorities* for the purpose of.....reducing the environmental impact

Re 71(2) (h) (viii) - Should be amended to read:

details of the consultations undertaken *with the State and local authorities* in preparing the strategy (including the outcome of the consultations);

27 After section 71

Re 71A (2) (a) - Should be amended to read:

(a) a residential dwelling.

The exception allowed to "accommodation for students studying at an aviation educational facility at the airport" has the potential for significant residential development at the airport. Bankstown Airport has nearly 20 aviation educational facilities or flying schools, including a university's flying school. Use of dwellings initially approved for students can in future be used by others or mixed tenants. Most airports have residential suburbs in close proximity, therefore there is no justification for allowing this incompatible development at the expense of safety.

71A (2) should be amended to add:

(f) a childcare facility including a long day care centre and a pre-school

33 Subsection 81(5)

Re 81(5) (b) - the last part should be amended to read:the Minister is taken, at the end of that period, to have refused to approve the plan under Section (2) (b).

The current provision in the Bill gives rise to serious concerns. Potentially, in an unforeseen circumstance, a master plan significantly in breach of the Act may get approved unintentionally, without any recourse to reverse it.

34 At the end of section 81

Re Section 81 (10) - Supported. However, to enhance, should be amended and read:

The Minister's approval of a draft master plan that contains an incompatible development or a development which in subsequent assessment is considered to be incompatible does not stop the Minister from refusing to approve.....for the incompatible development.

36 Subsection 84(3)

Re Subsection 84(3) (b) - the last part should be amended to read:

...the Minister is taken, at the end of that period, to have refused to approve the plan under subsection (2).

The current provision in the Bill gives rise to serious concerns. Potentially, in an unforeseen circumstance, a master plan significantly in breach of the Act may get approved unintentionally, without any recourse to reverse it.

Subdivision C - Approval process

47 After paragraph 91(1) (g)

Re 91(1) (g) (ga) (iii) - Should be amended to read:

The local and regional economy and community, including an analysis, *developed in conjunction with the State and local authorities*, of how the proposed developments.....in the adjacent area.

53 After subsection 92(1)

Re subsection 92(1) (2B) -

It should be omitted, as this has the potential to erode the rationale behind the major development process and the outcomes it is meant to ensure. It will also be inconsistent with standard norms of requirement for meaningful public consultation.

A major development always has the potential to have significant impact on the amenity, natural and built environment and the community. It therefore cannot be exempted from standard public consultation on any ground. Potentially, projects with significant impact may be canvassed for this exemption.

Re 92(1) (2B) (a) (ii) -

It is not understood who could be this proxy for the airport-lessee company and what is the justification for this.

Significant Outstanding Issues and Concerns

The following significant issues have remained unaddressed or ineffectively addressed through the 2008-09 National Aviation Policy development process and consequentially in the Airports Amendment Bill 2010.

1. Airport Planning and Development

Bankstown City Council remains concerned that, while during the last decade or so 22 major airports throughout the country including the Bankstown Airport have moved from public ownership to management by private lessee operators – the issues of land use, and planning control of non-aviation commercial development at these airports had not been seriously considered or appropriately addressed prior or subsequent to the privatisation of these airports.

It is Council's considered opinion that the fundamental problems with the current airport planning regime include:

- The continued exemption of commercial development at airports from assessment under the state and local planning laws— resulting in developments which may be inconsistent or incompatible with surrounding developments or local growth strategies.
- The absence of any developer contributions regime to ensure that Airport Lessee Companies (ALCs), and not the local ratepayers, pay for the enhanced infrastructure costs of their developments.
- The inadequate community consultation, lack of transparency and public accountability in the development approval process for developments worth less than \$20 million. Unlike other development control authorities, the Airport Building Controller is not required to give any public notice of such approvals sought and approved.
- The inadequate planning assessment, which fails to consider impacts of airport development on environment, amenity, infrastructure, properties and business in surrounding areas. The only requirement to publish these on the airport's website appears to be tokenistic and not likely to result in any tangible outcome.
- Ineffective master planning and development approval process resulting in unrestrained retail development at airports at the expense of future aviation expansion needs.
- The inadequate time given to the public (around 14 days) to consider and comment on major developments.
- Lack of transparency as to whether the Airport Lessee Company or Airport Building Controller takes into consideration the issues raised in submissions, and how this process is documented for the public's information.

Airport Master Planning Regime: Exclusion of State and Local Laws and Controls

The Airports Act 1996 expressly excludes the application of State, Territory, and local planning laws and controls to development on airports. The 2006 amendments to the Airports Act had presented an opportunity to address the issue but did not do so. In fact, the amendments reduced opportunities for consultation and input from the local communities in the airport development approval process.

Airport Planning Arrangements Contrary to that Adopted by COAG

The current arrangement for non-aviation developments on airport land is not only often inconsistent with state and local government planning regimes and having serious and adverse consequences, they are also inconsistent with an agreed national policy. The NSW Government in its January 2007 submission to the Airports Amendment Bill 2006 noted:

In 1997, the Council of Australian Governments (COAG) signed a Heads of Agreement on Commonwealth/State Roles and Responsibilities for the Environment. Under this agreement, all parties agreed that tenants and persons undertaking activities on Commonwealth land would be subject to State environment and planning laws. The only exception to this in relation to airports is aviation airspace management and on-ground airport management (see Appendix 1). The Commonwealth's failure to regulate the planning of non-aviation developments in a manner consistent with State Government planning regimes is therefore contrary to the position agreed by COAG.

Because of the deficiencies in the Airport Amendments Bill 2010, the risk is that airport master plans and major development proposals prepared with no effective requirement to comply with state planning legislation or local development control regimes can still

result in status quo, and continue to allow an unrestrained inappropriate developments on airport sites. This can then make them inconsistent or incompatible with off-airport developments surrounding the airports.

Council believes there is no public interest justification for exempting non-aviation development on airport land from assessment under the state and local planning laws that apply to every other development surrounding an airport.

While, given their national significance, Commonwealth control of aviation development at airports is justified and warranted, there is no similar justification for exempting non-aviation development from local planning laws and not subjecting these to the same rules and controls as applied to similar developments on off-airport properties.

It is also not in the public interest that rate payers must meet the cost of any significant transport and other infrastructure (e.g. flood mitigation) maintenance or upgrade required as a result of these commercial developments going into airport land because state and local government cannot make airports pay rates or development contributions as in other cases to fund the mitigation of impacts of those developments.

Economic or financial imperatives appear to be the principal driving factor for development proposals in the master plans for leased airports. Unfortunately, although a number of previous submissions raised this issue, there are no provisions in the Bill to allow review or appeal mechanisms in relation to decisions on these development proposals. The only attempt so far to challenge this through legal proceedings in the Federal Court was undertaken by the owners of Westfield and Centro against a major retail development proposal at Brisbane Airport, which was unsuccessful on constitutional grounds. Clearly, it is not a practical or affordable option for local councils or community groups to take similar proceedings involving constitutional issues to resolve their concerns.

Bankstown Airport occupies a huge tract of land in the middle of built-up suburbs. Council along with its community, especially those who reside in proximity to the Airport, are of the opinion that the community should be permitted to have an effective say in relation to land use proposals – particularly the non-aviation use of land and those that might result in further affectation on local living conditions and neighbourhood amenity. This is also consistent with Ecologically Sustainable Development (ESD) and Local Agenda 21 principles, both enshrined in various Commonwealth legislation and policies. These principles support the assumption that local government, with its grassroots understanding of local communities, is best equipped to deal with development decisions for local areas. The only way to effectively implement this is to allow local Councils the right to determine non-aviation development proposals on airports within their jurisdiction.

Ideally, the privatisation of airports should have been accompanied by a legislatively mandated and effective planning, management and regulatory regime to ensure developments on airports are consistent with developments in surrounding areas, however unfortunately this has not been the case. Notwithstanding a litany of well-argued submissions, including a number of previous submissions from Bankstown Council, to the 2006 Airports Amendment Bill and the 2008-09 National Aviation Policy process, the Airports Amendment Bill, although a move in the right direction, also fell short of addressing this issue.

It may be argued that the Commonwealth in passing on their privileged powers to the private lessee companies have effectively allowed a significant deviation from the original intent and purpose and may have exceeded the purpose for the compulsory acquisition of the airport sites.

Inadequate Community Consultation

The present regime of controlling development on privatised airports such as Bankstown Airport – as provided for in the Airports Act 1996 and as proposed in the current Bill – only allows limited public input during master planning and major development approval processes. For other development proposals, the Airport Building Controller administers the development approval process without any reasonable exposure to local community wishes and often without the benefit of utilising in such decisions detailed local environmental knowledge available with local councils.

Developments costing less than \$20 million (or staged to present as <\$20M) can now be undertaken at airports without the need for a major development plan and associated public exhibition and opportunity for public comment. This has the potential to strip communities of their right to have a say about development decisions that affect their amenity and life. Although the current bill provides for Ministerial intervention in some cases requiring a major development plan, it is not clear what will actually trigger such a decision.

Notwithstanding the fact that some sort of tokenistic consultation occurs, it seems submissions lodged by State and Local Government, community groups or individuals receive superficial or at best little consideration. Issues raised on individual planning proposals are rarely if ever assessed in a comprehensive and transparent manner or result in material changes to proposed developments.

Council recognises that the Airports Amendment Bill 2006 and the Airport Development Consultation Guidelines 2006 made some new requirements to make development plans more readily available to the community and councils, and made more explicit the expectation that ALCs demonstrate how they have given due regard to public comments on master plans, major development plans and airport environment strategies but there is no formal mechanism specified as to how the improved consultation should happen and how positive outcomes from this consultations will be ensured. The Guidelines are voluntary and 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 community.

The effectiveness of non-legislatively established Community Consultation Committees/Forums established in some airports including Bankstown has remained questionable and a review could reveal as to whether they simply act as a conduit for the airport to disseminate information about decisions already taken or about to be taken by the Airport or whether they constitute an effective two way consultation and communication process between the airport and stakeholders. In some cases at least, their meeting frequency results in many issues discussed subsequent to or towards the end of the decision making process, when the development is so far advanced that neither Council nor resident input is likely to influence the outcome.

Inadequate Planning Assessment and an Ineffective Master Planning Process

As a planning instrument the 1996 Airports Act has significant inadequacies and the master planning process under it is fundamentally flawed. Commonwealth control of land use on leased airports have practically become ineffective because master plans approved so far give airport lessee companies the sole control of what will be approved on their airports. The current provision for deemed approval of an airport master plan or major development plan if the Minister does not make a decision within the maximum time allowed to him tends to substantiate this concern.

Flood Management

Bankstown Airport is situated within the floodplains of the Georges River. A significant part of the site is already a flood hazard area susceptible to riverine and local flooding,

which has been exacerbated by a number of developments such as the Bunnings Warehouse, heavy equipment auction yards, and recent fillings on Airport land to market the land as flood-free, with off-site flooding implications.

The flooding implications of the proposed development in Bankstown Airport are of major concern to Council. Although modelling carried out by the Airport showed that filling within the Airport will result in an increase in peak flood level along an approximate 16 km stretch of the Georges River, the Airport chose to absolve itself simply by making qualitative statements in its Stormwater and Flood Management Strategy, including that this increase in peak flood level is insignificant.

A review by an independent consultant (LACWE 2007) of the Airport's Stormwater and Flood Management strategy document in conjunction with the Milperra Catchment Flood Study report and the NSW Floodplain Development Manual concluded that increase in flood levels will have an impact upon more than 500 existing residential properties that currently experience above floor inundation in a 1 in 100 year flood event. The potentially increased annual flood damage to these hundreds of properties, as a result of the proposed developments at the Airport, has been estimated to be in the range of millions of dollars.

Threat to Biodiversity

Several parts of the Bankstown Airport site have been identified as areas with threatened plant species and threatened vegetation communities listed under the Threatened Species Conservation Act 1997 (NSW) and there is also a potential biodiversity corridor along the eastern edge of the Airport site. Yet the Airport Master Plan only states that environment impacts "will be determined and assessed during the development approval process for individual projects."

Council considers that this is not the most suitable process for assessing or addressing environmental impacts given the significant volume of development that would be made permissible on more than half of the 313ha Airport site under the approved Master Plan and that a development costing below \$20 million can now be approved without any public consultation.

Council considers that a detailed environmental assessment of impacts, including cumulative impacts, should have been essential as part of the master plan process.

The above are examples of issues that will potentially remain unaddressed due to the deficiencies in the Airports Amendment Bill 2010.

Federal Planning Approval

Currently, the primary focus of the Airports Act is on regulating aeronautical matters, runways and terminals and this has resulted in a very inadequate land use planning and assessment regime for non-aviation development. This perhaps reflects the fact that planning assessment and development control usually has not been a Federal responsibility, which does not have a historical track record of expertise in this area. Apparently, the Department which undertakes the planning assessment of master plans and major development plans has little expertise in land use planning and very little local knowledge.

To achieve improved local area planning and environmental outcomes, it is essential to utilise available knowledge of ecosystems, site opportunities and constraints. Therefore, a reform of the current planning regime to put in place a statutory obligation for the ALCs to use a joint approach with the local government in the master planning and impact assessment of development seems to be the solution.

Overly-flexible and Accommodating Land Use Provisions in Master Plans

The Airports Amendment Bill 2010 falls short of effectively addressing this significant outstanding issue. In most cases, zonings in the currently approved master plans of airport are characterised by such overly-flexible generalities that they are ineffective. There is almost no conceivable development which would be prohibited by any of the master plans so far approved. Additionally, often they have a provision to go for any other type of development, if the ALC intends to do so. For example, a typical example of such provision in the master plan of a major airport, whose declared planning objective is to "maximise the strategic value of airport land", states:

"The land uses are intentionally broad to provide an overall vision for the airport's property whilst accommodating flexible resolutions to future opportunities."

Besides its flexible long list of uses, which may be approved in various zones, the Sydney Airport Master Plan also includes the provision that, *"Development uses which are not specified in a particular zone may be permitted on a case by case basis, following consideration by SACL [Sydney Airport Corporation Limited]....."*

The 2005 Bankstown Airport Master Plan is no different in its "broad range and mix of commercial and business development" including a long list of activities such as hotel, motel, hospital, childcare, bulky goods, transport terminal, depots, industry, and retail etc that would be allowed almost identically in all three zones identified in the master plan for non-aviation development. The Plan goes on further to add, *"Other employment generating development will be permitted within the zone in locations that are compatible with this commercial activity."*

Seemingly, the reason why almost no proposals, save for a Sydney Airport one rejected by the then Minister on public safety grounds because of proximity to runways, have so far been rejected is because there is no proposal which would not comply with the extraordinarily accommodating land use planning provisions of the airport master plans. Nothing is prohibited under the master plans and there is no provision within the master plans to reject any proposal. An example substantiating this is the then Minister's approval in 2006 of a \$100 million brick works on a 32 hectare site at Perth Airport, against stiff opposition from the community already heavily impacted by pollution from several other nearby brick works.

In its comprehensive 2004 and 2009 submissions to the Bankstown Airport Preliminary Draft Master Plans, Council expressed its serious concerns that the vagueness, the lack of detail and extremely broad range of uses that would be permissible in the non-aviation zones actually provides no certainty or little indication of the actual nature of land uses in future.

Uses like bulky goods, large retail premises, transport terminals and depots may have significant impact on surrounding residential and commercial communities, including significant community and environmental costs such as increased levels of traffic on the City's road network, noise affectation and economic impacts on established commercial centres. The siting of such major trip generating development in a dispersed location such as the Bankstown Airport is also inconsistent with State and local planning regimes.

Unfortunately, the 2010 Bill falls short of addressing this.

Incompatible Development

The exclusion of incompatible development on airport land is recognised and strongly supported. To further strengthen the principle of incompatible development and provide certainty to the process, the provision in the Bill may be reviewed and amended:

Recommendations:

1. The definition of incompatible development must include 'child care centres'. The term 'child care centres' includes long day care centres, which are also incompatible development similar to pre-schools.
2. Special provision which allows the Minister to approve incompatible development on airport land in certain circumstances be omitted.

Retail/Commercial Development at the Expense of Future Aviation Need

A look at the master plans of various privatised airports suggests a pattern of airport lessee companies (ALCs) using the master planning process to allocate the absolute minimum quantity of land they require to undertake aviation activities and develop the remainder for maximum commercial gain, in some cases even by dismantling existing aeronautical infrastructure such as runways. In the case of Bankstown Airport, the Master Plan has earmarked 160 hectares i.e. more than half (51%) of its total land (313 ha) for non-aviation commercial development.

Unrestrained large scale retail/commercial development can effectively tie up important vast tracts of airport land for long periods much of which may be required for expansion of aeronautical infrastructure in future and during the period of lease.

In this context, limiting the potential future aviation expansion at airports is inconsistent with the original purposes of compulsory acquisition of vast airport sites in the past. It is a short-sighted poor economic management approach, which is likely to impact on capacity, efficiency and viability of future air travel, training, aviation/aerospace business, and freight distribution needs.

An analysis by the NSW Government, quoted in its 2007 submission to the Senate Inquiry into the *Airports Amendment Bill 2006*, indicated that the forecast peak growth included in the Sydney Airport Master Plan could occur up to 10 years earlier. This is likely to bring forward the need for additional land for aviation purposes including aircraft parking. Council is concerned that this might rekindle the idea, once discarded in the face of strong opposition from Bankstown Council and its community, of using Bankstown as a spill over airport for Sydney Airport and also increases the likelihood that regional airlines may be displaced from Sydney Airport because of space limitations.

It may be argued that the Commonwealth in passing on their privileged powers to the private lessee companies have effectively allowed a significant deviation from the original intent and purpose and may have exceeded the purpose for the compulsory acquisition of the airport sites.

Development Approval Process with little Check and Balance and no appeal or judicial review: Inconsistency with National Competition Policy

Commercial non-aviation development on airport land should be subject to the same level of scrutiny, community consultation and planning assessment as similar developments under state or local planning laws and regimes.

Currently, the Minister or the Airport Building Controller is the sole determiner of a development proposal. There is no judicial review process. The process can hardly be considered transparent or accountable.

With the exception of a single case of rejection on safety grounds of a retail development close to a runway at Sydney Airport referred to earlier, the absence of any substantial

examples and evidence of significant amendment or rejection of a development proposal by the previous Ministers substantiates the ineffectiveness of the whole process.

The self-regulating form of development approval process in airports has cocooned development in airports and businesses from the rigors applied to all off-airport business. This is not a "level playing field", and creates unfair disadvantage to off-airport businesses in a way inconsistent with the National Competition Policy and the principles of competitive neutrality. It can lead to substantially detrimental impacts on the viability of existing off-airport businesses and retail centres and act as a disincentive for potential new investments there. Land use controls and regulation for non-aviation airport development should be consistent with the regulatory controls that apply to their competitors off-airport and rest of the community.

The master plan and major development plan processes need to be reformed so that land use planning in all leased airports is dealt with in a way that no non-aviation on-airport development enjoy a competitive advantage over similar development off-airport.

Council considers the Senate Committee's Inquiry into the Airports Amendment Bill 2010 as the appropriate time for addressing this long outstanding issue by allowing Local Government the right to determine development applications for all non-aviation uses on Airports.

If the Commonwealth is not prepared to allow local and state government to determine commercial developments in airports, a new regime of comprehensive assessment by an independent panel or the local council be introduced to assess the external and overall impacts of the development proposals as well as their compliance with state and local planning regimes. This assessment could then be the basis for approval or rejection of the proposal by the Airport Building Controller or the Minister, as the case may be.

Infrastructure Requirements of Development on Airport and Unmitigated Impact on Local and State Infrastructure, Environment and Properties

When approving major facilities, State and Local Government require by law *developer contributions* to contribute to the costs of providing the new or upgraded infrastructure that might be required by the development.

The standard practice is to levy the developer in proportion to the impact or infrastructure needs of their development and the levies contributed are invested in compensatory works and/or the provision of infrastructure, public services and community facilities. Currently, this is not applicable to developments on airport land due to Commonwealth's leasing (rather than sale) of the airports the lease provisions do not override the privilege of Constitutional exclusion from state planning laws enjoyed by the Commonwealth.

While exclusion from state planning laws for airports may have been acceptable to the community in the past, when airports were operated by the Commonwealth just as airports – predominantly for aviation activities and for common good, it is entirely unacceptable that this exemption should still continue for non-aeronautical, commercial exploitation of the airports for generating lucrative gains for private operators of airports, i.e. the ALCs. It also provides airport developments with an unfair cost and competitive advantage.

Exemption of ALCs from paying development contributions to state or local government provides a windfall gain to them at the expense of public benefit, leaving state and local governments to pay for the infrastructure required to service the proposal.

A 2002 Productivity Commission Report estimated that around 69 per cent of total revenue earned by privatised airports was from non-aviation activities. As reported in

Bankstown Airport's 2005 Master Plan, 80 per cent of the Airport's revenue is generated from non-aeronautical and property sources.

The 2005 Bankstown Airport Master Plan identified the necessary road infrastructure works that would be required as a consequence of full development of the Airport site. In its submission on the Bankstown Airport Preliminary draft Master Plan, the NSW Government estimated that the total cost of these road works, excluding property acquisition, will be in the tune of \$100 million and that none of these works is currently included in any State funded projects.

The 2010 Airport Amendment Bill does not include any effective statutory requirements to ensure the airports will mitigate the effect of developments on surrounding land and infrastructure or the need to contribute towards mitigation programs or infrastructure upgrades by the state or local government.

Council strongly urges that a provision be made that would require the airport operators to effectively consider the impact that developments on airport land can have on surrounding land and infrastructure and, where necessary, require contributions to infrastructure upgrades, maintenance, and effect mitigation.

Based on submissions from Council and other stakeholders, the 2008 National Aviation Policy Green Paper had taken this on board. Unfortunately, this failed to find its way in the subsequently issued 2009 White Paper and as a result did not get included in the current Bill.

Recommendations

1. Council proposes Section 112 of the Airports Act 1996 which excludes State and Territory planning laws for airports be removed from the Act to allow State Governments and local Councils the right to determine development applications for all non-aviation uses on airports.
2. Airport lessee companies be required to contribute to infrastructure maintenance and upgrade requirement costs, as required under state and local planning regimes.

In the event that Commonwealth does not find this practicable, an alternative would be to amend the Act to require the airport lessee companies to lodge all their DAs (development applications) with the local council as well as the Commonwealth department administering the Airports Act and give Council 60 days to prepare a full planning assessment of the proposal vis a vis State and local planning regimes to be lodged with the Commonwealth Minister and the Minister will be required to give due consideration of the matters raised in the assessment report when making his decision on the proposal.

3. Alternatively, Council proposes the Airports Act 1996 be amended to require:
 - Greater consistency between airport development policies and approval processes with the State and local government planning regimes.
 - Mandated obligation for the airport operators to use a joint approach with the local government in the master planning and impact assessment of development in privatised airports.
 - Defined consultation processes by airport operators with State, Local Government and the community.
 - Provision for referral of major development applications to an independent assessment panel, for example, a federal development assessment commission, to approve or reject any development proposal.

- Appeal mechanism for both the airport operator (as an applicant) and affected parties i.e. State or Local Government or communities where developments have a significant impact on them.
 - Land use planning control regime for leased airports that, consistent with national competition policy principles, ensure that no non-aviation on-airport development enjoy a competitive advantage over similar development off-airport.
 - Amend Section 112 of the Airports Act to allow the operation of a State law that imposes a financial impost, including local government rates, on land owned by the commonwealth but leased by a private company, as if the land was not a Commonwealth place. A provision such as this will provide better certainty to ALCs' obligation to pay Council rates and will make this enforceable by Councils.
 - Statutory obligations for funding infrastructure upgrade and impact mitigation requirements of developments on airport.
 - Statutory obligation to pay local government rates, charges, fees, including state and local government developer contributions.
3. Amend Section 112 of the Airports Act 1996 so that aeronautical developments on land shown in the master plan of airports as zoned for aviation uses shall be excluded from the operation of State or Territory laws relating to land use planning, but that all non-aviation development in an airport shall be subject to the relevant State/Territory and local land use planning laws and controls.
4. Alternatively, all non-aeronautical development on airports should be assessed by an appropriate Commonwealth Department with town planning assessment skills to ensure that such developments comply with the State or Territory legislation.

2. Aircraft Noise

Due to the impact of aircraft noise on their quality of life and value of their properties, both current aircraft noise and future forecast impose a considerable burden on communities surrounding airports. Likewise, the noise impact from aircrafts using Bankstown Airport has been a significant issue for many Bankstown residents as well as Council.

According to the 2005 Bankstown Airport 20-year Master Plan, forecast aircraft movements in 2024/25 will represent a 72 per cent increase on 2003/04 levels. The Master Plan also provides for introduction of regular passenger transport (RPT) flights, a significant increase in freight activity, and an increase in night time movements – including movements between 11pm–6am (otherwise known as curfew hours). Council's investigation, carried out for its 2004 submission on the Airport's preliminary draft master Plan (PDMP), indicated that noise levels from forecast activities will result in unacceptable impacts on many residents in our City and communities further afield.

To exacerbate, the 2010 Master Plan even proposed a further expansion of the noise affected area due to the forecast growth in aviation activities.

Council in its comprehensive submission to the Draft Master Plan had pointed out lack of detail information on aviation development proposals and their noise impacts on the community and inadequate exploration and consideration of potential mitigating measures. Council also advocated for imposing a curfew or at least night time activity caps on freight and other movements but these remained unaddressed.

Unfortunately, the Airport Noise Management Plan developed by the Bankstown Airport relies only on a voluntary *Fly Neighbourly* procedure by pilots and engine ground running.

recommended procedure to mitigate noise impacts on the community. These types of controls rely upon pilots complying with guidelines and the problem with these controls is that these are not enforceable and there are no sanctions for a breach of the guidelines. Flight track analysis, which uses a transponder (flight recorder) fitted to each aircraft that allows identification of pilots and aircrafts breaching noise abatement requirements. Apparently, no GA airport in Australia uses this system and introduction of it will require a decision from the Federal Government.

Aircraft Noise and Shortcomings of ANEF as a Tool

Under section 117 of the NSW Environmental Planning and Assessment Act 1979 Councils have a statutory obligation to incorporate appropriate provisions in their Local Environmental Plans (LEPs) controlling development near licensed aerodromes against increases in residential density and incorporation of insulation against aircraft noise – based on what might happen in 20 years time.

In a city like Bankstown, improvements to the existing built environment can only occur through redevelopment and restrictions like this can prevent redevelopment from being viable. Therefore, it is essential that current and future aircraft noise information (e.g. ANEFs) is accurate, able to be scrutinised, and easy-to-understand by the community.

The ANEF system was developed in Australia in the 1980s primarily as a land use planning tool, a purpose it has served well. But ANEF is not a very useful tool for the provision of noise information to residents affected by aircraft noise. Because the Airports Act 1996 requires the production of ANEF contours only, most Australian airports are still providing this as both a land use planning tool and noise information for the community. Based on experience in Sydney and other major airports, the shortcomings of ANEFs as currently used as an approach to providing aircraft noise information to the public have been identified and are outlined below:

- An ANEF map is not a suitable noise information tool for use by a non-expert noise affected resident. Usually, ANEF maps are also particularly deficient as they provide noise information based on an annual average day, which is rarely a typical day and often does not relate closely to a person's actual experience.
- Also, usually no information on noise exposure patterns beyond the 20 ANEF is provided. But impact of aircraft noise does not stop at the outer most noise contour prepared by the ALCs, which is often 20 ANEF. In fact, evidence has been mounting in recent years that most complaints about aircraft noise at Australian airports came from residents living in areas outside the conventional (ANEF) noise contours.
- For some airports, community concern and noise complaints against location of flight paths can extend up to 30–40 km from the airport. This has been a key reason behind community demands for information on the location of, and the level of activity on flight paths. This type of information has proven to be useful both because it is much more comprehensible and because it generally extends to areas well outside those covered by the conventional contours.
- Since privatisation of airports, there has been a deviation from historic practice in the production of ANEFs. ANEFs are now produced by ALCs, rather than a government agency (Airservices).
- The 'endorsement' process for technical accuracy of ANEFs undertaken by Airservices Australia reportedly does no more than confirm that the modelling used to compute ANEFs has been run correctly and does not check the assumptions and choices upon which the result is dependent. This means

Airservices only reviews ANEFs prepared by ALCs for technical accuracy in producing an accurate ANEF from ALC's assumptions deemed to be accurate. There is no opportunity for public debate or input on these. This has the potential for the ALC to overstate the needs of the airport at no cost or other disadvantage to itself but with the consequence of imposing an unnecessary burden on the surrounding community.

- The inadequate technical review of ANEF contours by Airservices Australia who do not critically scrutinise the traffic assumptions on which the ANEFs are based is likely to put communities at a distinct disadvantage. The affected communities or the local council hardly have any access to the presumptions or procedures used and any effective opportunity to comment on their validity.

The long 20 year planning timeframe for forecasting aircraft movements and using these for ANEFs is also seen as a problem. There are past instances when even five year forecast of aviation activities have been found to be unreliable. But surprisingly, for example, ANEF for Perth Airport has a 50 year horizon. Given the uncertainties regarding the future situation in the aviation industry, including fossil fuel costs and security environment, forecast movement targets may never be achieved.

As a planning tool, the main purpose of ANEFs is to prevent long term residential encroachment in close proximity to airports. Therefore, its relatively longer time frame is acceptable but the noise information usually sought by public are often immediate or short term, which warrants the use of some other tools.

Aircraft noise information based on numbers and times of movements (e.g. N60 or N70 maps), location of flight paths, etc can be readily verified by an affected resident simply by keeping a log of the time each craft passes near their home, which then can be cross checked with the 'official' published data. On the other hand complex noise metrics generated by computer models, even if understood, cannot be easily verified by a member of the public.

Noise Complaint Services

It is not known whether there has been any formal evaluation of the effectiveness of the existing noise enquiry and the noise complaint services. Currently, the noise complaint services appear to be under promoted. The availability of this service needs to be promoted among communities surrounding and impacted by aircraft noise.

Recommendations

1. The Airports Act 1996 be amended to include requirements for airports, including major secondary and GA airports to:
 - (a) Review and remodel ANEF contours every five years and produce and publish revised ANEF and N60 or N70 contours every five years.
 - (b) Develop and make available to public detailed and easy-to-understand information including flight path maps, and respite charts on current and proposed flight paths within 30 nautical miles of an airport.
2. The 'endorsement' process for technical accuracy of ANEFs undertaken by Airservices Australia be enhanced and made comprehensive to also include a check for soundness of assumptions and forecasts used by airports for developing these.
3. Noise management experience gained at Sydney Airport through community and council participation and initiatives under its noise abatement and sharing regime

called the LTOP (Long Term Operating Plan), which included publishing of detailed flight path maps for the community, provision of 'respite' or break from aircraft noise, noise sharing between suburbs, and rotational use of runways should be considered for use in major secondary or GA airports including Bankstown, where practicable.

4. A curfew (11pm–6am) which effectively prohibits night time aircraft movements would be Council's preferred option for Bankstown Airport. However, if a curfew is not feasible, a night time movement cap be introduced in major secondary or GA airports like Bankstown to protect surrounding communities from excessive night time noise impact, particularly during 11pm–6am.
5. Major general aviation airports like Bankstown be statutorily required to undertake trial and use the flight tracking system in order to identify noise impacted areas and level of compliance with voluntary *Fly Neighbourly* guidelines and to generate information for future noise management plans.
6. More intensive airport–community–local government partnership approaches in noise management through provision of information in a comprehensible manner and undertaking genuine consultation.
7. Measures should be taken to promote the noise complaint service among communities surrounding and impacted by aircraft noise.

3. Emergency Management at Airports

According to the Bankstown Airport Master Plan approved in 2005, forecast aircraft movements will undergo a steady annual growth to achieve a 72 per cent increase in 20 years – from 247,398 movements in 2003/04 to 424,129 in 2024/25. Passenger movement forecast included in the Master Plan due to the proposed introduction of RPT (regular passenger transport) services will generate 288,000 passenger movements per annum through the Airport during 2009/10 to 2024/25.

In its 2004 submission to the Airport's preliminary draft master Plan (PDMP), Council noted that an overall emergency management framework must be established for the Airport prior to any substantial increase in aviation traffic and introduction of RPT movements. It is understood, the Airport operator intends to rely on external agencies to assist in any emergency incident at the Airport. Nevertheless, it is considered that an on-site emergency unit should be employed to provide the initial response during an incident. An overall emergency management framework, including protocols, is needed that would provide details as to how the Airport would manage an incident and allocate roles and responsibilities to various support services (e.g. SES, Fire Brigades, Police, Ambulance Services and the hospitals) to ensure adequate preparedness, response and recovery.

Recommendation

For secondary airports with considerable forecast growth in movements, including passenger movements:

- (a) A series of protocols, under an overall emergency management framework, need to be established that would provide details as to how the Airport would manage an incident and allocate roles and responsibilities to various emergency support services to ensure adequate preparedness, response and recovery.
- (b) The feasibility of establishing an on-site emergency response unit to provide initial response during an incident may be investigated.

**SENATE STANDING COMMITTEE ON
RURAL AND REGIONAL AFFAIRS AND
TRANSPORT**

LEGISLATION COMMITTEE

Airports Amendment Bill 2010

SUBMISSION

SUBMISSION NUMBER: 28

SUBMITTER



Andrew Barr MLA

MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR PLANNING
MINISTER FOR TOURISM, SPORT AND RECREATION
MINISTER FOR GAMING AND RACING

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Ms Jeanette Radcliffe
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Dear Ms Radcliffe

Thank you for your letter of 6 July 2010 about the Inquiry into Airports Amendment Bill 2010.

I note that the Amendment Bill gives effect to some of the legislative reforms foreshadowed in the National Aviation Policy White Paper, particularly those concerning the planning framework. The ACT Government provided detailed submissions to the Commonwealth in the preparation of the White Paper, through submissions made on the preceding National Aviation Policy Issues paper in 2008, and the Green Paper in 2009.

I support the intention of the Bill to improve the requirements for airport master plans and major development plans. However, I am concerned that the Bill does not go far enough to address the issues of concern with these plans and with the airport planning framework generally.

For instance, the Bill requires master plans and major development plans to address road and transport impacts 'outside' or 'surrounding' the airport. However, as detailed in the ACT Government's submission on the Green Paper, it is critical that the plans address the metropolitan implications of development on airport land, not just the impacts on the immediately surrounding area. The government's submission made a number of other recommendations regarding the content and detail of master plans and major development plans. It recommended (amongst other matters) that master plans contain sufficient information of proposed developments and document the changes between the current and proposed master plan. It also recommended that the triggers or thresholds for major development plans be reviewed. These issues do not appear to be covered by the Bill.

ACT LEGISLATIVE ASSEMBLY

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I note that the Bill requires airports to justify the provision of incompatible development such as residential dwellings, community care facilities and educational institutions on airport land. However, the ACT Government submission on the Green Paper also addressed this matter, calling for such uses to be prohibited at airports.

Please find attached a copy of the ACT Government submission on the Aviation Green Paper. The submission expands on the above issues and also addresses a range of other planning reforms that do not appear to be reflected in the Bill. These include the use of independent planning panels; closer scrutiny of non-aviation development; the need for sufficient information on the infrastructure implications of proposed development; the need for master plans to address climate change; and the arrangements for airports to contribute to the costs of off-site works required to support their growth.

Thank you for the opportunity to provide a submission to the inquiry. I trust this information is of assistance.

Yours sincerely

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30 JUL 2010





ACT Government Submission
National Aviation Policy Green Paper

February 2009

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Introduction

The ACT Government congratulates the Australian Government on its release of a comprehensive National Aviation Policy Statement, and welcomes the opportunity to provide comment on the Green Paper.

As indicated in the ACT Government submission on the previous National Aviation Policy Statement Issues Paper (2008), the ACT Government has a major interest and stake in National Aviation Policy. The development of the Aviation White Paper is one of the few opportunities Government has had to make a case for planning and other reforms in the regulation of Australian airports since the privatisation of the Federal Airports more than a decade ago.

The ACT Government recognises the role and contribution of the major airports to the economic and social wellbeing of the communities that they serve. The Canberra International Airport is a key economic driver for the ACT, and is a major gateway for the Capital Region. The ACT Government supports growth at the airport and in aviation services to the region – but notes that this must be achieved in a balanced and well planned way.

The ACT made a detailed submission to the Issues Paper. This submission reiterates key points from the previous submission, while providing additional information in relation to key issues such as planning, infrastructure, and noise.

The ACT Government looks forward to working closely with the Australian Government to streamline key elements of Aviation Policy as they relate to the ACT.

1. Aviation Safety

Provision of Emergency Services at Airport Precincts

The ACT Government submission to the Issues Paper noted that responsibility for provision of emergency services at non aviation (non airside) precincts of major airports may require review to ensure that appropriate force responses can be made to events as they occur. The increasing number of non aviation developments at airports such as office buildings, retail facilities and hotels increase the potential need for emergency service responses to incidents at these establishments.

In respect of the Canberra International Airport, Air Services Australia, Aviation Rescue and Fire Fighting Service has responsibility for aerodrome (airside), and the ACT Government non airside precincts. In terms of force capability, Air Services Australia does not provide a 24 hour service (with the ACT Government providing services after the airport closes), gives priority to aviation fire-fighting and rescue services and has limited capacity to deal with some specialised categories of urban fire fighting and rescue. For example, structural and high rise fires, hazardous materials and road accident rescue.

Similarly, the regulatory responsibilities of the jurisdictional brigades at airports (such as the ACT Fire Brigade) may need to be better defined. This particularly applies in regard to approving/enforcing safety measures within buildings on the airport precinct.

It is proposed that the Australian Government, in consultation with State/Territory governments, undertake a policy review of arrangements for provision of emergency services at non airside areas of major airports. Issues to be addressed would include legislative and regulatory requirements, force capability and funding issues associated with the provision of emergency services to airports, particularly those with significant growth in non-aviation uses.

2. Aviation Security

The ACT Government considers that the following principles should be considered in respect of developing future aviation security arrangements:

- Aviation safety including security should remain the key focus for government and industry.
- If airport throughput increases, the law enforcement capability and response should be reviewed and, if necessary, increased.
- There should be a consistent approach to passenger security screening regardless of aircraft type.
- There should be a consistent approach to passenger security screening regardless of flight type.
- New technologies should be evaluated and adopted as they become available. Any technological advances introduced into the aviation security environment have the capacity to impact on law enforcement resources due to an increase in detection of criminal offences.
- The costs of increased security and potential impact on the operation of regional airlines and thus regional tourism need to be minimised.

Wheeler Review

The Wheeler review recommended the formation of specially trained on site police units. The review called for co-operation between State and Federal police assigned to patrol the airports.

The ACT Government supports an Australian Government led review of implementation of the recommendations in the Wheeler review, specifically including the establishment and operation of the specialised Airport policing units.

3. International Aviation

The ACT Government submission noted that there is an existing proposal for Canberra International Airport to be fully designated as an unrestricted international airport enabling expanded opportunities for direct flights to some overseas destinations. This would provide significant benefits to the ACT and the surrounding

region for outbound and inbound passengers, improving business and tourism links to the region.

4. Domestic and Regional Aviation

Domestic Services

The ACT Government also wants to encourage increased competition by airlines from Canberra on domestic routes to all other Australian capital cities, both for business and private travel and inbound tourism.

The Canberra community has been disadvantaged by a lack of competition on some routes, resulting in high fares and a lack of choice and flexibility for customers. For example, on the direct Canberra to Sydney route, Qantas was the sole carrier for a number of years and this monopoly situation enabled Qantas to charge premium fares for both business and private travel. The re-introduction of a direct Virgin Blue service from Canberra to Sydney is understood to have improved this situation.

To maintain a competitive market into and out of Canberra Airport, the ACT Government supports the maintenance of a policy of 'best fare of the day' by Commonwealth Government Agencies.

Regional Air Services

The ACT Government recognises that regional air services play an important role in Australian travel because of the vast distances of some regional and remote communities from capital cities or major regional centres.

Canberra International Airport houses a number of regional air services that provide direct routes to regional destinations. For example, Brindabella Airlines provides a direct Canberra to Newcastle service.

Security is a key issue for regional airports. It is suggested that the same security and safety measures be adopted for regional services as for major capital city trunk routes.

5. General Aviation

The ACT Government submission identified that the privatisation of the major airports has had a significant impact on General Aviation (GA) operations at major airports as airports endeavour to maximise the return per square metre of developable land, and the return per landing or take-off.

At some time in the future, there may be a requirement to consider the relocation of existing GA operations from the Canberra International Airport; however the benefits of the current location of GA operations to the tourist and leisure markets would need to be assessed at that time.

The ACT Government has suggested that the Australian Government develop a specific policy on whether GA should continue to co-exist with passenger/freight/other services at major airports. The Green Paper does not contain any commitments or way forward on this issue other than (page 41) to 'improve

planning arrangements at Australia's leased federal airports to provide greater certainty to airport users on the future aeronautical uses of airports'.

Further direction is required from the Commonwealth on the provision made for GA at the primary and secondary airports.

6. Industry Skills and Productivity

Regional airlines have had difficulties recruiting and retaining pilots, with losses occurring to other domestic airlines.

As indicated under Regional Air Services, it is considered important that existing regional services be maintained and new regional services be established consistent with demand. The shortage of pilots for these services will have an effect and appropriate arrangements should be put in place to ensure a continuing pool of new pilots are available for the regional airlines sector.

An Australian training program for new pilots would ensure that there is an adequate pool for our domestic and international carriers, limiting the need to recruit from overseas.

It is suggested that the Australian Government, in consultation with State and Territory Governments and the Aviation sector, develop a national aviation pilot training program.

7. Consumer Protection

A recent report from Consumer Affairs Victoria (CAV) detailed the development of best practice airline and airport customer service charters, including the development of improved consumer protection in the form of voluntary passenger charters.

The CAV report found evidence to suggest that airlines do not always effectively handle complaints. The report provides details of an investigation into complaints against all four domestic airlines flying in and out of Victoria. CAV recommends developing voluntary airline customer service charters as has been done in the United States of America and to a lesser extent in Europe.

The ACT Government supports further consideration of this approach.

Disability Standards

The ACT welcomes the Green Paper's proposal to establish an *Aviation Disability Working Group* to work with groups representing people with a disability in order to find ways of improving access to aviation services.

The ACT Government submission on the Issues Paper also raised concerns about the Disability Standards for Accessible Public Transport 2002 in relation to airline

passengers with a disability. The ACT suggested that the Australian Government give consideration to amending the current Transport Standards to reflect a policy position that is consistent with international positions. Such a policy might be limited in its application to (larger) providers with an annual turnover of a preset amount.

These concerns have not been addressed specifically in the Green Paper. However, the Green Paper advises that the Australian Government proposes to detail its future strategy on disability access issues in the transport context, when it responds in early 2009 to the review of Transport Standards under the *Disability Discrimination Act 1992*. The ACT Government looks forward to this response.

8. Airport Infrastructure

The Green Paper includes broad planning initiatives which the ACT Government considers to be of merit, including:

- strengthening the master planning process to provide increased transparency;
- revising thresholds for major development plans;
- closer scrutiny of non-aviation development;
- identification of non-compatible land uses;
- safeguarding the aviation future uses of airports;
- better managing the impact of aircraft noise on local communities; and
- developing co-operative arrangements with the States/Territories and local government to better integrate airport planning with local planning policies.

However, the Green Paper lacks detail on each of these planning initiatives. The document foreshadows further engagement with States/ Territories and local Government (page 166) over the initiatives, although no program is provided. In particular, further detail is required on the proposed new triggers for major development plans, the operation of the proposed Airport Planning Advisory Panels, the proposed requirement for precinct plans for non-aeronautical development, use of Ministerial call-in powers and other initiatives.

These are all important matters, and accordingly, it is recommended that the Green Paper be revised and re-exhibited for comment. If this course is not favoured, then, at a minimum, the ensuing White Paper should include an implementation plan detailing each initiative, together with a timeframe for implementation and how the Commonwealth proposes to consult with the States/Territories and local Government.

Planning issues associated with airport growth should be elevated in the Green Paper, commencing with an acknowledgement of 'Planning' in the table of contents (eg: Chapter 8 should be titled Airport Infrastructure and Planning). Compared to other issues, the Green Paper does not provide adequate discussion about planning issues, in particular the impacts of airports on metropolitan spatial planning.

There was comprehensive discussion of airport planning issues within the ACT Government submission on the Issues Paper, together with many other submissions. The ACT Government submission raised concern with:

- the lack of scrutiny of airport development against local, State and Territory planning controls and the associated competitive advantage gained by airports;

- the significant impact of airport development on metropolitan planning; and
- the off-airport infrastructure costs associated with airport growth.

In particular, the ACT Government submission to the Issues Paper noted that the emergence of significant non-aviation developments on airport land without planning restrictions has the potential to distort the pattern of spatial planning in cities, leads to increased demand on local road infrastructure, challenges established planning strategies of directing growth into town centres well-served by public transport, and threatens the viability of existing centres. Such issues, however, are barely canvassed in the Green Paper, which fails to reflect their importance to Governments and the community.

Regulatory Regime and Non-Aviation Development

The ACT Government submission on the Issues Paper commented that the planning and development mechanisms under the Airports Act do not appear to be working effectively as they do not take account of the impact of airport development on metropolitan areas and communities. The submission identified the need for planning reforms. However, the Green Paper indicates that *"the Government intends to continue with regulatory arrangements which support investment"* (page 165). Elsewhere the document indicates that *"there is no intention to over-regulate"* (page 16). Even with a continuation of the current regulatory framework there remains a cogent argument for greater transparency in the airport planning and development approval process.

There is broad agreement that aviation uses, direct or indirect, and defence uses on airport land should be exempt from State and Territory planning laws. The ongoing issue for Governments and communities is the significant growth of non-aviation uses at airports and their impacts on metropolitan planning and local infrastructure. The significant issues associated with non-aviation growth are not discussed in the Green Paper, nor is the ACT Government proposal that such uses be subject to local planning controls.

The Green Paper indicates (page 16) that proposals for non-aeronautical development will be *'closely scrutinised'*, however, there is limited information on how this will be achieved. As indicated in the ACT Government submission, in August 2006, the State and Territory Planning Ministers and the Australian Local Government Association¹ recommended that non-aviation airport development be addressed in the following manner:

- That such development be planned as part of the region within which it is located and be subject to relevant state and territory planning laws, policies and procedures;

¹ The former Federal Minister for Transport declined to support this resolution. However, his Government did promulgate a set of guidelines encouraging airport owners to plan new developments as though they would have to meet the local planning requirements. Similarly, the Australian Transport Council (2007) and the Local Government and Planning Minister's Joint Committee (2008) have both supported the model of referring airport master plans and major planning proposals to an independent panel for review, with the non-aviation proposals to be assessed for their impact on local land uses, schemes and infrastructure.

- That any land the Australian Government may subsequently acquire and lease to an airport lessee that is put to non-aviation use be also subject to relevant state and territory planning laws, policies and procedures;
- That all master plans and major planning proposals at airports be subject to review by an independent panel which assesses the proposals, including their impact on surrounding land uses, relevant local government planning schemes and infrastructure; and
- Whilst non-aviation development control at airports remains with the Australian Government, it should provide clarification as to how it will enforce conditions of development approval placed on airport lessee companies and what role state and territory governments are expected to play in relation to these conditions.

Since it is apparent that non-aviation uses are not proposed to come under local planning control, the regulatory regime (whilst providing for continued Commonwealth responsibility) should provide mechanisms whereby the Federal Minister can take into account the local land use, planning, environmental and infrastructure impacts when considering airport master plans and major planning proposals. This should be achieved by the Australian Government amending the *Airports Act 1996* to require the Federal Minister to formally consider State, Territory and Local Government planning and environment policies of the jurisdiction in which an airport is located, during the assessment of airport master plans and major development plans.

Airport Master Plans

The ACT Government submission noted that airport master plans lacked sufficient detail to permit State, Territory and local governments and the community to properly assess the implications of proposed growth. The ACT Government also raised this issue during public consultation on the Canberra International Airport 2008 Master Plan, and this master plan was subsequently rejected by the Commonwealth for its lack of detail on key proposals. The Green Paper (page 167) accepts the need for the airport master planning process to be *'strengthened to provide greater transparency and certainty about future land uses at airports'* but gives limited direction on how this will be achieved.

The Green Paper identifies the need for master plans to provide a detailed articulation of planned developments in the immediate three (3) to five (5) year period. This initiative is supported. It also suggests a ground transport plan be prepared and that environmental strategies be incorporated into the master plan. The Green Paper indicates that the transport plan would consider issues such as public transport, car parking and access arrangements. However, it is important that this plan addresses the traffic and transport pressures associated with airport, particularly on the surrounding road network. Further, it should indicate how the airport will contribute to the costs of any required infrastructure works associated with airport growth.

The Green Paper indicates that the Government will consider the introduction of powers for the Minister to call for, consider and approve precinct plans for areas which are to be used for non-aeronautical development, setting out the nature of the development, its impacts on and off airport, and proposals for addressing the impacts. There is no further detail on this initiative such as when precinct plans will be

required, how they will be assessed, and how they will promote transparency of process and adequate community input. Any precinct plans should be considered by the Independent Airport Planning Advisory Panel, along with master plans and major development plans (see *Airport Planning Advisory Panels* below).

The ACT Government submission advocated full disclosure in airport master plans of proposed development activities, and the associated on and off airport needs. It requested master plans consider the strategic planning context and government planning policy context in the city in which airports are located. Various suggestions were made in the submission as to how information in master plans could be improved, however, none of these are reflected in the Green Paper. The suggestions included requiring master plans to:

- Provide sufficiently detailed information (same applies to major development plans) such as would be required for any off-airport master plan or significant development proposal. This includes details of current and future uses in each part of the airport including of the area take-up or floor space of each, proposed parking/ servicing/ access arrangements, transport and traffic issues, hours of operation, socio-economic and environmental impacts, and so on;
- Describe/list the changes from the previous approved master plan;
- Assess the local, metropolitan, and regional implications of the master plan and major development plans;
- Consider the impacts and relationships with adjoining and surrounding areas;
- Outline any Australian Government endorsement of a strategic direction indicated in the master plan;
- Provide detailed information about the infrastructure and service utility implications of the proposed development, including in relation to the timing of required works;
- Address contributions to off-site works and the process to engage with State and Territory Governments and Local Councils and service providers in planning for the new works
- Address impacts on any threatened or endangered ecological communities and species; and
- Address climate change issues.

In addition, it was suggested that an independent panel be appointed in each State/Territory to assess airport master plans and major development plans. This latter suggestion is reflected in the Green Paper and is addressed below.

Airport Planning Advisory Panels

The ACT Government submission recommended the use of expert and independent assessment panels for all airport master plans and major development proposals. The acceptance of this recommendation in the Green Paper is a positive step, although there is insufficient information on the role, function and composition of the panels.

The Green Paper suggests that the Panel would assess airport master plans and major development plans '*at the Minister's request*' (page 166). However, it is

recommended that all master plans and major development plans be considered by the panels. Further, that the panels operate as follows:

- The Australian Government Minister be given the power to establish expert and independent Airport Planning Panels;
- The panels consist of three (3) appointments by the Federal Minister for Transport, including the Chair of the panel, and at least two (2) from the State/ Territory Government, nominated by the Planning Minister in the relevant State/Territory;
- Any community representation on the panel having appropriate planning and/or aviation expertise;
- The panel being required to formally consider State, Territory and local Government planning and environment policies of the jurisdiction in which an airport is located, during assessment of airport master plans and major development plans;
- The panel considering the social, economic, environmental and other implications of airport projects; and
- The panel assessing any precinct plans for non-aviation development and infrastructure plans associated with master plans (see *Airport Related Infrastructure Requirements* below).

It is imperative that the role and functions of the panels be clearly defined and that sufficient weight is given to their decisions.

Major Development Plans

The ACT Government supports a review of the triggers for major development plans to ensure they do not allow proposals that may have significant community impacts to proceed without community consideration. The Green Paper indicates that thresholds may be developed so as to address the range of potential community impacts airport development may have, including environmental or economic impacts, impacts on access to the airport, traffic congestion, local transport networks and noise.

It is recommended that State, Territory and local Governments be consulted further in the development of these thresholds, due to their experience of the likely impacts of development proposals within their jurisdictions. Further, thresholds should be based on impact rather than cost estimates only, and should be cognisant of the cumulative impact of proposals. For instance a series of commercial developments may seem innocuous if presented as separate proposals. However, it is the sum of these proposals that has the potential for cumulative impacts on the surrounding environment, and other commercial centres.

Recognising that any defined triggers will not be able to encapsulate all local issues, the Green Paper proposes Ministerial call-in powers for major development plans that may have significant community impacts. It foreshadows the development of objective criteria for the use of the call-in powers, in consultation with other levels of government, the industry and the community. Such consultation is appropriate, however, consideration should also be given to how Ministerial call-in powers will promote transparency of process and adequate community input.

Community Consultation

The ACT Government submission advocated a strengthened consultative processes in order to keep the local community informed throughout the development and implementation phases of the airport master planning process.

The Green Paper proposes that airport lessees be required to establish community consultation groups to foster effective community engagement in the airport planning and operations issues. Canberra Airport already has such a group, although the frequency of meetings could be increased beyond the three (3) held annually and the Green Paper suggestion of an independent chair should be considered, as the Canberra Airport currently chairs these meetings. Thus the issue for the ACT is not necessarily about establishing another consultative group, but about improving the exchange and quality of information available to the community.

The ACT Government submission made a number of suggestions, few of which are reflected in the Green Paper. It is recommended that these matters be further considered in the development of the White Paper. These suggestions are as follows:

- Greater detail of current and future proposals in airport master plans;
- The preparation of reports (made available to the public) on how the issues raised by stakeholders on draft master plans and major development plans have been addressed in final master plans;
- Monitoring compliance with consent conditions on approved major development plans (with results made available to the public); and
- The holding of independently conducted public meetings on airport master plans having regard to the strategic and long term issues these can raise for Governments and the community as a whole. Presently, the only public briefings on master plans are those initiated by the airports themselves, under their own conditions. Independent public meetings could also be held for major development plans.

Integrated Management of Airports

The ACT Government submission advocated integrated management of airports across jurisdictions. It proposed the Australian Government establish a consultative process with States and Territories to provide the opportunity for consultation on airport master plans of other jurisdictions. The rationale for this was that issues arising at one airport can have significant impacts on others. An example is the proposed upgrade of the Sydney east-west runway for safety improvements, which was advised as resulting in diversion of flights to Canberra. The outcome of decisions on matters such as this may have economic, social and environmental consequences for the ACT Government, the city, the region as well as at a national level.

The initiative of integrated management of airports does not appear to be addressed in the Green Paper. It is recommended that appropriate arrangements be established to permit cross-jurisdictional consultation on airport planning.

Airport Related Infrastructure Requirements

The ACT Government submission noted that airport development has a significant

impact on state and territory planning and infrastructure delivery. Development at airports can place strain on existing road networks that may not be programmed for augmentation for many years, and hasten the need for upgrading of key services and infrastructure by both Government and utility providers alike.

However, there is rarely adequate engagement by the airports with the relevant local/State or Territory Government or service providers. Nor does there appear to be a willingness to fund the costs of work that might be required in order to enable, or mitigate the impacts of, the airport expansion. The Green Paper indicates that Government could improve approval processes by '*examining the impact of airport development on surrounding transport and community infrastructure and how the leased federal airports might contribute to this infrastructure*' (page 168). However, it does not provide any further detail or timeframes for implementation of this initiative.

Even if the Commonwealth Government does not intend to amend the *Airports Act 1996* to bring new airport developments under the planning control of local jurisdictions, it is essential that the Commonwealth devise a way to ensure that some or all of the off-site costs of new development is met by the airport rather than by local jurisdictions.

The ACT Government suggested that consideration be given to the development of an engagement strategy and infrastructure planning process to address the costs of off-airport works required to support future airport expansion. It recommended that:

- Airports identify off airport infrastructure demands and costs required to support airport developments, in master plans and major development plans;
- The Federal Minister for Transport have the responsibility to determine infrastructure funding arrangements in considering master plans and major development plans;
- A key outcome of such a process is an 'Infrastructure Plan' that identifies the infrastructure investment required and an agreed financial contribution by the relevant stakeholders. The plan would allow for the timely provision of infrastructure by allowing Governments to plan ahead of any requirements. In so doing, it would also be likely to minimise community criticism of road congestion around airports, particularly where such airports are centrally located; and
- The infrastructure plan is overseen/enforced by the Federal Government.

As with other key documents (master plans, major development plans, precinct plans), the infrastructure plan should be considered by the Airport Planning Advisory Panels. The Panel should have the ability to request an independent consultant to verify the estimated infrastructure demands and costs listed in the infrastructure plan.

Car Parking

The Green Paper re-confirms that the Federal Government has directed the Australian Competition and Consumer Commission (ACCC) to monitor parking fees at the five (5) major airports. As Canberra is not one of the five major airports, it is presumably not included in this review. However the issue of increased parking fees and concerns about airports' monopoly position in this regard, is also an issue for Canberra Airport. Accordingly, consideration should be given to including Canberra Airport in this review to ensure greater transparency and accountability for the car parking facilities

at this airport.

Other Initiatives

Identification of Incompatible Uses

The ACT Government supports the Commonwealth identification and prohibition of land uses such as residential, aged care, community care and public child care facilities, hospitals and schools that are incompatible with the operation of an airport. It is inconceivable that such uses continue to be permitted on the leased federal airport sites. It is exactly these uses that airports rightly object to in areas located in close proximity to airports.

Inappropriate Development around Airports

The ACT Government submission identified that off-airport developments such as tall buildings may compromise the safe and effective use of aviation infrastructure. It suggests the Australian Government provide clear, non-technical requirements that can be addressed through relevant planning and other regulations. The ACT supports the Green Paper proposals to develop clear regulations for safeguarding airports from off-airport development that is inconsistent with future operations and development of the airports. This would address such matters as airspace protection (building height), materials and land uses around airports, with the goal of safeguarding the public, and providing for the safe operation of airports.

The Green Paper foreshadows (page 169) the public release of a more detailed discussion paper on a national airport safeguarding framework. It notes that the framework would need to consider whether safeguarding provisions should apply to both new and existing development, or if it is to apply to existing development what criteria should be applied. There are likely to be constraints in imposing safeguards on existing developments surrounding airports, however there is scope to consider the inclusion of new safeguarding measures within ACT planning legislation, if appropriate. It is recommended that consultation occur with State/Territory and local Government in the preparation of this discussion paper.

Overall the Green Paper provides a step in the right direction by identifying reforms required to planning and development at airports. However, it lacks sufficient detail on each of the reform initiatives. Accordingly, it is recommended that the Green Paper be revised and re-exhibited for comment to provide State/ Territories and local government the opportunity to consider the detail of each proposed initiative. If this course is not favoured, then, at a minimum, the ensuing White Paper should address each initiative in detail, and provide a program for implementation. Further consultation is recommended with the States/ Territories and local government concerning all of the planning reform initiatives.

9. Aviation Emissions and Climate Change

As noted in the submission on the Issues Paper, the ACT Government is committed to working with the Australian Government, the States and the Northern Territory on a comprehensive emission trading system that will, in time, include ways to reduce aviation emissions.

The ACT's emission reduction target was developed to be compatible with targets adopted by the States and Territories, with Federal Labor's election policy and the policies of countries in the European Union. None of these targets address aviation emissions in the manner suggested by the Australian Institute report.

The ACT Government believes that airports should also be required to address aviation emissions issues in their Master Plans, including the development of proposals to reduce emission levels.

10. Noise Impacts

The Green Paper rightly acknowledges that current information on noise is too technical and often misunderstood by the local community who are seeking clear answers to their questions about how noise might affect them (page 192).

The Green Paper indicates the Government's view that it is possible to improve the general understanding of the impact of airport noise by revising the quality and clarity of information provided to the public and the framework under which this information is provided. It suggests a new framework for noise monitoring and reporting by airports, however, it is unclear whether the Commonwealth intends to enforce this or whether this will remain at the discretion of each airport operator. Consistent noise-monitoring and reporting procedures should be enforced across all airports by the Commonwealth.

The ACT Government submission noted that in terms of helping people better understand the effects of aircraft noise, it would be beneficial if airports were required to publish N70 diagrams in addition to Aircraft Noise Exposure Forecasts (ANEFs).² This suggestion is not addressed in the Green Paper.

The Green Paper advocates the maintenance of a north-south and east-west network of non-curfew airports which it indicates is crucial to maintaining access for airlines and air freight services to major airports such as Brisbane, Cairns, Canberra, Melbourne and Perth. The ACT Government supports the growth in aviation at Canberra International Airport, including its development as a potential freight hub, subject to consideration of the impacts on the community, metropolitan planning and infrastructure provision.

² N70 is an index which represents the number of aircraft events/movements which generate a noise level of 70dBA or higher at any given point. The N70 takes account of the accumulation of movements over time and is expressed as a number of events on an average day. Usually this is presented as the number of events above a specified noise level on an average day. The National Acoustic Laboratories work that led to the adoption of the ANEF identified 70dBA as the noise level at which there was a significant adverse response and correlation with people's reaction to noise.

The Green Paper foreshadows (page 196) working through the Council of Australian Governments and other appropriate forums to ensure a national land-use planning regime is put in place near airports and under flight paths to avoid noise-sensitive developments being located in these areas and to protect communities from excessive levels of aircraft noise. This initiative is also welcomed.

