

## **Additional comments by Coalition Senators**

1.1 Coalition Senators do not oppose the passage of this bill. Coalition Senators welcome the initiatives that are given expression in this bill as an important step toward greater coordination and transparency in relation to development on airport land. However, Coalition Senators are concerned at the lack of clarity in the drafting of many of the provisions in the bill.

1.2 Coalition Senators note that this bill seeks to respond to concerns raised during the National Aviation Policy White Paper regarding the often poor consultation and engagement with communities regarding on-airport developments and the need for better integration of on-airport and off-airport planning. The policy intent is that the desire to address these concerns should be balanced against the need for ongoing infrastructure investment on airport land so as not to compromise the operation or viability of these important national and community assets.

1.3 Coalition Senators are aware that this policy is the product of extensive consultation throughout the National Aviation Policy Green Paper and White Paper process and, as a result, is broadly supported by a wide range of key stakeholders.

1.4 Coalition Senators therefore consider that it is extremely disappointing that the bill as currently drafted appears to add a new level of uncertainty around these two key issues of community consultation and transparent and integrated planning. Coalition Senators consider it is regrettable that an exposure draft of the bill was not circulated for comment before the bill was introduced into the Parliament. Had this been done, Coalition Senators are confident that most of the concerns raised during this inquiry would have been resolved. Coalition Senators acknowledge the Minister's in-principle agreement to make a small number of amendments to the bill and agree that these appear to address some of the issues raised during this inquiry. However Coalition Senators note that these amendments have not been presented for the consideration by this committee prior to the tabling of this report. Similarly, while Coalition Senators note that guidelines are foreshadowed in respect of certain provisions of the bill, these have yet to be drafted and are unlikely to be prior to the passage of the Bill.

### **Expanded master plan requirements**

1.5 Coalition Senators welcome the requirements for greater detail in airport master plans. At the same time, Coalition Senators note the concerns raised by a number of submitters regarding the lack of clarity around the level of detail and analysis that must be provided in order to satisfy the expanded requirements set out in the bill. Coalition Senators recognise that a lack of clarity may result in uncertainty, unrealistic requirements, and increased costs for airport lessees.

1.6 In particular, Coalition Senators note the concern expressed by airport lessees regarding the extent to which they will need to rely on the cooperation of state and

territory governments with regard to transport infrastructure planning and projects. For example, Sydney Airport Corporation Limited (SACL) told the committee that while it sees merit in the preparation of a ground transport plan, the provisions as currently drafted would require the airport to obtain details about how and when off-airport road and public transport infrastructure and services will be provided<sup>1</sup>. SACL is concerned that a state government may be unwilling or unable to provide an off-airport road network or public transport system that is adequate to accommodate the growth in aviation activity at an airport and that this unwillingness could be interpreted in such a way as to prejudice final approval of the master plan.<sup>2</sup>

1.7 Coalition Senators concur that the extent to which the approval of master plans may be delayed or compromised as a result of third party actions should be clarified. If an airport of the size and economic impact of Sydney Airport lacks confidence in the ability of the state government to meet the needs of the airport and the travelling public, Coalition Senators are concerned that smaller airports may face an unreasonable challenge in influencing an appropriate level of integration between off-airport and on-airport transport infrastructure.<sup>3</sup> While Coalition Senators consider that there should be an effective and ongoing dialogue between airport lessees and all levels of government in regard to the coordination of transport infrastructure, airport lessees should not be penalised for circumstances that are outside their control.

1.8 Coalition Senators agree with the report's finding that clear guidelines are required to clarify the expectations placed on airport lessees by paragraph 71(2) (h) and 71(3)(h) of the bill. Coalition Senators support the report's recommendation that the Department of Infrastructure and Transport should develop guidelines. Coalition Senators are not only of the view that such guidelines should be developed in consultation with key stakeholders, but also consider that the guidelines should be tabled in the parliament to allow the parliament an appropriate opportunity to satisfy itself that these concerns have been adequately addressed.

## **Recommendation 1**

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

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1 Sydney Airport Corporation Limited, *Submission 13*, p. 5.

2 Sydney Airport Corporation Limited, *Submission 13*, p. 6.

3 Sydney Airport Corporation Limited, *Submission 13*, pp 6.

## **Expanded major development plan requirements**

1.10 Coalition Senators also welcome the amendments in this bill designed to enable public consultation for all developments on airport land that will impact on surrounding areas. Coalition Senators consider that these amendments should address a key cause of concern for those communities. However, Coalition Senators are concerned that the threshold test of 'significant impact' in paragraph 89(1)(n) lacks precision.

1.11 Coalition Senators note that there is broad agreement across submitters to this inquiry that the questions set out in the Explanatory Memorandum to the bill to assist in determining if a proposed development is likely to have a significant impact on the local or regional community are too vague and open to effectively aid interpretation. Coalition Senators consider that this is another instance where clear guidelines are necessary to provide certainty to airport lessees and members of the community alike. Coalition Senators also consider that such guidelines should be tabled in the parliament to allow for an appropriate level of parliamentary scrutiny.

## **Recommendation 2**

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

## **Consultative mechanisms**

1.13 Coalition Senators welcome the provision for greater engagement between the community and all levels of government around airport planning and development. In particular, Coalition Senators welcome the establishment of Community Aviation Consultation Groups and Planning Coordination Forums.

1.14 Coalition Senators understand the Government's preference to allow flexibility, in the first instance, for these consultation forums to be tailored to the particular circumstances of the parties involved. However, Coalition Senators also recognise the significant concerns raised during this inquiry that, unless these consultative mechanisms are established on a more formal footing, there is a risk that they will not work to create the ongoing dialogue between the various parties that the Government envisages. In particular Coalition Senators note the concerns raised by a number of submitters that the structure, composition, agenda and reporting requirements of these forums should be spelt out either in legislation or regulations. Coalition Senators note that the Department of Infrastructure and Transport intends to

recommend that the Minister issue guidelines relating to the establishment of the consultation groups. Coalition Senators strongly support such a recommendation and consider that such guidelines should be developed in consultation with key stakeholders and subject to parliamentary scrutiny.

### **Recommendation 3**

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

**Senator Chris Back**

**Senator Julian McGauran**