



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Local Government**

Airport Development Consultation Guidelines

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The aim of these Guidelines is to promote a shared understanding of how consultation processes in relation to land use, planning and developments at the leased federal airports should be managed.



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GLOSSARY

AES	airport environment strategy ¹
Airports Act	<i>Airports Act 1996</i>
ALC	airport-lessee company ²
landside	the part of the airport grounds, and the part of the airport buildings, to which the non-travelling public has free access
MDP	major development plan ³
Minister	the Minister for Infrastructure, Transport, Regional Development and Local Government
MP	master plan ⁴
stakeholder	a person or organisation such as a member of the public, airport user, or a government department or agency that has an interest in, or may be affected by, on-airport land use development

PURPOSE⁵

1. These Guidelines have been developed to assist ALCs managing and operating Australia's leased federal airports, regulated under the Airports Act, in the process of stakeholder consultation. They outline a suggested approach to effective consultation and have been developed in collaboration with ALCs, differing spheres of Australian Government (i.e. Federal, State, Territory and relevant local governments) and selected aviation industry carriers and peak bodies (refer Attachment).
2. The aim of the Guidelines is to promote a shared understanding of how consultation processes in relation to land use, planning and developments at the leased federal airports should be managed – with particular emphasis on the preparation of MPs, AESs and MDPs.
3. These Guidelines are not intended to be prescriptive, nor provide an exhaustive list of information on matters that should be taken into account, or dictate the types of consultation that should be undertaken. These Guidelines seek to provide a useful reference to ALCs on mechanisms for ensuring that an appropriate level of effective consultation occurs. While the methods of consultation detailed are based on generally recognised practices and procedures, it is acknowledged that other methods may be equally appropriate.

¹ Means an environment strategy under Division 2 of Part 6 of the Airports Act

² Means an 'airport-lessee company' as defined by the Airports Act and for the purposes of this document an airport-management company, where appropriate.

³ Means a major development plan under Division 4 of Part 5 of the Airports Act.

⁴ Means a master plan under Division 3 of Part 5 of the Airports Act.

⁵ These Guidelines have no legal standing and are not intended to substitute for qualified legal advice.

PUBLIC COMMENT & ASSESSMENT PERIODS

4. The following summarises the public comment and assessment periods under the Airports Act for MPs, AESs, MDPs and any variations to these documents:

Public comment on draft	60 business ⁶ days
Assessment/Approval of draft.....	50 business days
Public comment on minor variation (not applicable for AESs)	15 business days
Assessment/Approval of minor variation.....	50 business days
Publication of approved final plan/strategy or variation.....	50 business days

GOALS OF A CONSULTATION PLAN

5. The conduct of an effective consultation program does not necessarily mean that all interested parties will be satisfied with the outcome. Rather, it is about ensuring that a proposal has been fully explored, concerns identified and alternatives considered. Stakeholder consultation and education should be viewed as an integral part of the airport planning/environmental management process, with the major goals of a consultation strategy being:
- i) information goals – to inform stakeholders about on-airport land use, planning and developments; get input on alternative approaches and options; who will be responsible for making decisions; and what the ALC has done, is doing and plans to do;
 - ii) ALC goals – to build and maintain transparent and stakeholder focused relationships;
 - iii) legal goals – to meet the ALC’s legal and regulatory obligations; and
 - iv) process goals – to provide stakeholders with the opportunity to influence the views of key decision makers.
6. Parties involved in a consultation process need to be aware that:
- i) ultimately the decision whether to approve or refuse to approve a draft MP, AES or MDP under the Airports Act is a statutory decision made by the Minister under that Act; and
 - ii) subject to meeting all statutory approval processes, final approval for those airport developments that do not require a MDP is a matter for the ALC.

⁶ A *business day* is defined in the Airports Act as being a day that is not a Saturday, a Sunday, a public holiday in the place where the MP, AES or MDP is being considered or a day between 27 and 31 December.

Benefits of consultation

7. Simply distributing information without regard for the complexities and uncertainties of the issues does not ensure effective consultation and communication. A well considered and clearly articulated consultation plan will help ensure that messages and actions are constructively formulated, communicated and received. It may involve targeted approaches to key stakeholders as well as public engagement.
8. While the benefits of effective, educative consultation may be wide and varied, the primary benefits include:
 - i) providing a conduit for information exchange between stakeholders and ALCs;
 - ii) gaining different ideas, perspectives and viewpoints;
 - iii) providing an opportunity to identify specific areas of misunderstanding, disparity and agreement;
 - iv) ensuring an informed understanding with regard to the impacts of any proposed development;
 - v) demonstrating a commitment to transparency and accountability; and
 - vi) fostering a sense of ownership in the process for the parties consulted by having views and alternative options considered carefully and responded to.

Concerns about consultation

9. For varying reasons some ALCs and stakeholders could have concerns about certain consultation processes, such as:
 - i) the comment/feedback provided may be contrary to their views or interests;
 - ii) issues and responses may not fit easily with their present thinking;
 - iii) the process could be dominated by a particular group or groups;
 - iv) the process will be overwhelmed by the number of conflicting views; and
 - v) a balanced outcome that meets the needs of all groups is unlikely due to competing demands.
10. Despite such apprehensions, consultation must be conducted in a way that genuinely engages other viewpoints. It must not be seen as a process that occurs after the 'real' decision has been made. Similarly, consultation should not be used to manipulate support or to meet minimum process standards (i.e. "Yes, we did consult"). Rather, genuine consultation should be looked upon by all parties as an opportunity to obtain further ideas and options before a proposal has been finalised and may involve recurrent interaction with affected sectors of industry, the community, government agencies and other key stakeholders.

When to consult

11. An important factor in meeting the aim and objectives of the Guidelines is that consultation is seen as a continual process (i.e. there is a culture of consultation) which provides for stakeholders to be kept informed about developments at the leased federal airports. That is, the consultation process should extend beyond what is required under the Airports Act and embrace all significant on-airport building activities.
12. Further, given the key economic, social and transportation function airports provide it is considered that the sharing of information within the community helps manage expectations, breakdown potential barriers and develop good neighbourly relations.

Preparatory Consultation

13. While consultation should be viewed as an on-going process, at a minimum it is seen as constructive for ALCs to initiate discussions with the various categories of persons set out in sections 80 (regarding MPs), 93 (MDPs) and 125 (AESs) of the Airports Act⁷ well before entering into the public comment process on the development of these documents. When considering whether to approve or refuse to approve a draft Plan or Strategy, the Airports Act provides that the Minister must have regard to those consultations undertaken in preparing that document.

Public Comment

14. Under sections 79 and 84A (regarding MPs), 92 and 95A (MDPs) and 124 (AESs) of the Airports Act ALCs are to invite public comment on the draft version of their Plan or Strategy.
15. Under the Airports Act, an ALC must publish a notice in a newspaper, circulating generally in the State or Territory in which the airport is located, advising that a draft Plan or Strategy has been prepared. This notice is to state that, for the relevant number of days required by the Airports Act, copies of the draft document will be available in an accessible electronic format via the airport web site at no cost, specify where paper copies can be inspected and purchased and, invite written comments. In order to facilitate recognition, it is preferable for each newspaper notice to include the respective airport logo and for the text to be in a prominent and easily found area of the newspaper and be of a size that is able to be read easily.
16. Where the variation is minor, there are no factors set out in the Airports Act which the Minister must have regard to in determining whether to approve, or refuse to approve, that variation. However, noting that ALCs are to invite public comment even where a minor variation is being sought to a MP or MDP, it is considered

⁷ Such as a State or Territory government, an authority of a State or Territory, a local government body and, an airline or other user of the airport concerned.

that it is the intention of the Airports Act that the Minister have regard to those consultations and the resultant outcomes.

17. In addition to meeting the consultation requirements provided for by the Airports Act, ALCs should be proactive in seeking out and adopting more extensive consultation structures, such as having independently chaired consultative committees; organising public meetings to facilitate information dissemination and exchange; arranging for displays and exhibitions such as stands in shopping centres and libraries where copies of the proposed Plan or Strategy could be made available; distributing information bulletins to houses/businesses in neighbouring areas, being mindful of possible multi-lingual needs; maintaining interactive web pages; and keeping the community informed through print and electronic media.

STAKEHOLDER PERSPECTIVES

Minister

18. In considering whether to approve or refuse to approve a draft MP, MDP or AES, one of the Australian Government expectations is that stakeholder consultation will be both recent and sound, in order to ensure that the evolving expectations of those with an interest in the on-airport land use proposal have been appropriately addressed in the draft Plan or Strategy prior to it being submitted for consideration.
19. Bearing in mind that an object of the Airports Act is “*to establish a system for the regulation of airports that has due regard to the interests of airport users and the general community*”, under sections 79, 84A, 92, 95A and 124 of the Airports Act ALCs, when submitting a draft Plan or Strategy for the Minister’s consideration, are to:
 - i) provide copies of those comments; and
 - ii) demonstrate that they have had due regard to those comments in preparing the draft Plan or Strategy.
20. It is proposed that adopting the definition of ‘due regard’ used in the *Australia/Eastern USA Shipping Conference (1975)* 8 ALR 353 is an appropriate working basis. Accordingly, the Minister must be satisfied that the ALC gave “*regard which is adequate in all the circumstances*” to the comments received. Relevant to this would be matters such as how the issues raised in the consultations were dealt with by the ALC, whether the ALC considered properly those comments received, whether the comments were accepted or not into the draft Plan or Strategy and the grounds for rejecting particular comments. It does, however, need to be remembered that having due regard to public comment does not mean that the draft documents must automatically be changed to reflect those comments.

21. Similarly, the Minister expects that consultation is undertaken with all stakeholders and that prudent consideration is given to comments received during the consultation period, with the stakeholders' comments adequately summarised and the ALC's response appropriately documented (e.g. in table form). This information, along with copies of the public comment provided during the consultation period, forms part of the package that the Minister has regard to when considering whether to approve or refuse to approve a draft MP, MDP or AES under the Airports Act.
22. It is anticipated that stakeholders will involve themselves in the consultation processes provided by ALCs rather than attempt to sway opinion by approaching independently the Australian Government or its agencies.

Australian government agencies

23. While under the Airports Act the Minister must have regard to the views of the Civil Aviation Safety Authority and Airservices Australia when deciding whether to approve a draft MP or MDP, it is considered desirable that the views of other affected Australian Government departments and agencies also be sought in a timely manner. For example, the Australian Customs Service, the Australian Federal Police, the Australian Quarantine and Inspection Service, the Department of Defence (where appropriate), the Department of Health and Ageing and, the Department of Immigration and Citizenship have varied roles at airports and should be apprised of on-airport developments.
24. Similarly, the Department of Environment, Heritage and the Arts has a role to play at the leased airports with the Minister, under the *Environment Protection and Biodiversity Conservation Act 1999*, required to seek the advice of the Minister for the Environment, Heritage and the Arts before deciding whether or not to approve a draft MDP.

Note : – Should an ALC refer an initial draft MDP to the Minister for Environment, Heritage and the Arts for advice, under the EPBC Act, then the ALC is required to include with that draft copies of all public submissions.

State/Territory and local government

25. Detailed and meaningful consultation with State/Territory and local government organisations is seen as a critical component of the consultation process and one that ALCs must ensure occurs. There is a need for these governments, which provide complementary off-airport infrastructure, to be fully aware of an ALC's proposals, have an opportunity to provide comments and options and be engaged in the consultation process. Consistent with the Airports Act, this information forms part of the package that the Minister has regard to when considering whether to approve or refuse to approve a draft MP, MDP or AES.
26. Development on airport land can affect broader regional planning and have an impact on infrastructure outside the airport. Therefore, before a MP or MDP can

be approved, consultation on these matters should take place with State/Territory and local governments and a report be prepared for consideration with the MP or MDP.

27. For those developments that do not need the Minister's approval under the Airports Act, it is anticipated that ALCs would embrace a consultation framework that is not too dissimilar from the approach taken for MDPs.
28. To assist in meeting the above outcomes, ALC's, the respective State and Territory governments and affected local governments are encouraged to work collaboratively, possibly by way of a Memorandum of Understanding, in order to create a cooperative working environment. Local planning authorities could also, if they choose, undertake an assessment of a draft MDP against their planning schemes and present the outcomes of this assessment as part of any submission they provide to the ALC. The provision of this information would ensure that the ALC is fully aware of those issues that would need to be addressed had the proposal been subject to State or Territory planning processes.
29. In their dealings with State/Territory and local governments ALCs also need to be mindful of regulation 5.02(2) of the Airports Regulations 1997 which states:
5.02(2) For section 71 of the [Airports] Act, an airport master plan must, in relation to the landside part of the airport, where possible, describe proposals for land use and related planning, zoning or development in an amount of detail equivalent to that required by, and using terminology (including definitions) consistent with that applying in, land use planning, zoning and development legislation in force in the State or Territory in which the airport is located.
30. The *Airports Regulations 1997* will in the future place a similar requirement on ALCs with regard to an airport MDP.

Community

31. The local community has an expectation that it will be consulted effectively about issues that affect it and seeks clear statements of proposals and their potential impacts and high quality information on projects – in spite of the occasional need for commercial in confidence restrictions.
32. Effective consultation must address diversity in the local community, such as age, education, language, cultural background and access capability in the information provided and the consultative fora utilised.

Industry

33. Industry expects that its views and input will be sought at an early stage, possibly during the preparatory phase of a draft MP, AES or MDP. This is appropriate given the pivotal nature of an airport's operations on airport based businesses. The long term operating plans of these companies may, in part, depend upon a degree

of certainty with regard to the manner in which an airport is developed. Accordingly, unexpected changes to an airport's plans may impact adversely upon those businesses.

Media

34. The media has a role to play in informing the public. It is important that material available to the media is factual, correct and is provided in a rational, consistent and non-inflammatory manner.

CONSULTATION APPROACHES

35. There is a range of consultation approaches that may be used in order to achieve effective dialogue with affected stakeholders, such as:
 - i) public meetings – formalised proceedings aimed at presenting information to a large audience. These are highly visible and can be effective in enabling a wide range of views to be aired. There is a need to ensure that those who are most confident in putting their views across do not dominate the meeting, thereby discouraging interaction. Appointment of an experienced and respected chairperson/facilitator (including the use of independent chairpersons), coupled with suitable venues and at suitable times, may help ensure an effective exchange of information.
 - ii) stakeholder meeting – meetings with groups/individuals who share a common interest, where specific issues of concern can be discussed in more detail than at public meetings.
 - iii) focus group meetings – could bring together, in an informal atmosphere, people from diverse areas to help identify and analyse issues of concerns.
 - iv) on-site meetings – enables interested individuals to gain a more practical understanding of the issues involved, and may also include visits to see a similar operation in practice.
 - v) permanent or ad hoc consultative committees – provides on-going advice and feedback on proposals and could be utilised as a liaison/public relations tool.
 - vi) submissions – preferably written (to avoid misrepresentation), to enable stakeholders to register their views and concerns. If a submission format is supplied by an ALC, it may include or be supplemented by a questionnaire.
 - vii) individual discussions – provides a quick and efficient means of disseminating and receiving information, but limits the spread of information.
36. The choice of techniques will depend on a number of factors, including:
 - i) the particular nature and location of the project, and the reasons leading stakeholders to be involved;

- ii) the nature of the stakeholder groups involved and their willingness to participate;
- iii) the likely impact that any development will have on the local community and environment; and
- iv) statutory time-lines.

37. Effective communication can also be facilitated by:

- i) identifying source materials that are referred to and provide access to those documents – for example, technical studies or reports such as economic impact statements and road traffic studies

Note : – the Australian Government expects that where extracts from a document are quoted, that document will be adequately referenced and the whole document made available as part of the public consultation process.

- ii) using the media to disseminate information;
- iii) providing additional information by way of newsletters, pamphlets, videos or through the internet;
- iv) exhibiting information at the airport passenger terminal(s) as well as in off-airport public buildings such as shopping centres and local libraries; and
- v) acknowledging receipt of individual and specific submissions, as opposed to the ‘form letter’ response.

CONCLUSION

- 38. Effective and on-going interaction with stakeholders is seen as an integral part of an ALC’s consultation process, as it facilitates the dissemination of information, enables stakeholder input, may assist with the timely resolution of conflicts and generates solutions which are well understood and equitable.
- 39. It is preferable that the concerns of stakeholders be dealt with at the outset of any project, before they grow to become controversial issues requiring time and resource intensive resolution. Through proper planning and the implementation of effective consultation processes, involving all stakeholders, potential issues that may require additional communication and consultation with affected stakeholders should be identified.
- 40. ALCs and those stakeholders identified at sections 80, 93 and 125 of the Airports Act should work collaboratively to ensure that early consideration is given to the environmental, economic and social goals within an airport’s immediate region. Similarly, all supporting data is to be current, as well as accurate, with data gaps noted.

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ATTACHMENT — Organisations Consulted in Preparing Guidelines

Aircraft Owners and Pilots Association of Australia (AOPA)

Airservices Australia (AA)

Australian Airports Association (AAA)

Australian Customs Service (ACS)

Australian Federal Police (AFP)

Australian Local Government Association (ALGA)

Australian Mayoral Aviation Council (AMAC)

Australian Quarantine and Inspection Service (AQIS)

Australian Transport Council (ATC)

Australia's 22 leased federal airports – i.e. the operators of Adelaide, Alice Springs, Archerfield, Bankstown, Brisbane, Camden, Canberra, Coolangatta (Gold Coast), Darwin, Essendon, Hobart, Hoxton Park, Jandakot, Launceston, Melbourne, Moorabbin, Mt Isa, Parafield, Perth, Sydney (KSA), Tennant Creek and Townsville airports

Board of Airline Representatives of Australia (BARA)

Civil Aviation Safety Authority (CASA)

Department of Defence (DoD)

Department of Environment, Heritage and the Arts

Department of Health and Ageing (DHA)

Department of Immigration and Citizenship (DIAC)

Department of Infrastructure, Transport, Regional Development and Local Government

National Capital Authority (NCA)

Qantas

Regional Express (Rex)

Standing Committee on Transport (SCOT)

Sydney Airport Community Forum (SACF)

Virgin Blue