



Australian Government  
Department of Infrastructure and Transport

# “Significant Impact on the Local or Regional Community” Guide

*Airports Act 1996 s89(1)(na)*



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# 1 INTRODUCTION: THE PLANNING FRAMEWORK FOR THE LEASED FEDERAL AIRPORTS

Planning and development on leased federal airport sites is regulated under Commonwealth law, and is not subject to state, territory or local government planning laws.<sup>i</sup> Under the Commonwealth *Airports Act 1996* and associated regulations, the leased federal airports are subject to a range of obligations to manage and mitigate the impacts of planning and development at the airport.

The airports are required to develop five year 'master plans, following extensive public consultation. Airports are required to show due regard to community views expressed in those consultations. In addition, specified categories of major airport developments require additional Ministerial approval following the release of a major development plan and further public consultation.

Development at the leased federal airports must be consistent with the airport master plan which details:

- the planning objectives
- the desired character of developments;
- principles of development control; and
- procedural matters.

As of December 2010, new airport master plans must also include surface vehicle access plans with measures to mitigate vehicle or traffic impacts.

The airports are also subject to environmental regulations and are required to have strategies in place to manage impact such as:

- ground generated noise;
- air pollution;
- soil pollution;
- storm water impacts; and
- groundwater impacts.

Other possible impacts of airport development are regulated by the Civil Aviation Safety Authority, such as light and reflectivity effects from buildings on airports. While primarily aimed at ensuring the safety of aircraft, this also minimises adverse lighting impacts on the community.

A further measure to address impact on the local or regional community is a requirement for the airport to prepare a major development plan where such a community impact is likely to be 'significant.' The policy background to this major development plan 'trigger' is set out in the Australian Government's December 2009 National Aviation Policy White Paper, *Flight Path to the Future*.

The White Paper indicated that the Government would:

introduce a new Major Development Plan trigger that will be activated by any development with a significant community impact, regardless of size or cost. As is currently the case with the existing Major Development Plan trigger of environmental significance, this will ensure that developments that have significant community impacts will be subject to the optimal level of public comment and independent scrutiny, and will enable the community and local stakeholders to have input into developments that may be contentious within the local area. The trigger would be supported by guidance as to planning matters the Minister would be likely to regard as requiring the consultation and scrutiny of a Major Development Plan process.<sup>ii</sup>

Note: This requirement, as outlined above, has now been given legislative effect through s89(1)(na) of the *Airports Act 1996*.

This guide provides information to assist in determining whether a proposed development may have a 'significant impact on the local or regional community.'

## 2 RELATIONSHIP TO OTHER PROVISIONS IN THE AIRPORTS ACT

Developments that may generate a significant community impact may be captured by other major development plan triggers, such as those for developments that are "likely to have significant environmental or ecological impact" (s89(1)(m)), or where the "cost of construction exceeds \$20 million" (s89(1)(e)). Other MDP triggers continue to apply and are not intended to be negated by reference to s89(1)(na).

## 3 PURPOSE OF THIS GUIDE

The information in this guide is designed to assist industry stakeholders including airports, developers, and the public with an understanding of the factors that may be relevant to determining whether a proposed development triggers the 'significant impact on the local or regional community' clause which is s89(1)(na) of the *Airports Act 1996*. This guide aims to provide more transparency about the approach to be implemented in determining what may be a significant community impact or not, recognising that judgement will always be required on the particular circumstances of a proposal.

Given the diversity of operating environments of the leased federal airports, locational differences, and unique community settings, it is not feasible to prescribe all scenarios that could result in a significant community impact in detail. Therefore, this guide does not provide a prescriptive list of all possible scenarios as these matters will always need to be considered on a case by case basis by those involved in decision making at an airport.

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

## 4 POSSIBLE SIGNIFICANT COMMUNITY IMPACTS

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

### Possible Community Impacts:

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

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

### What should be considered?

Airport Lessee Company:

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

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

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

#### **Additional Stakeholder Considerations:**

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

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

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

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

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

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

## **5 HOW THE TRIGGER IS APPLIED**

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

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

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

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

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

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

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

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

## 6 ROLE OF AIRPORT BUILDING CONTROLLERS

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

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

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

## 7 CONTACT DETAILS

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

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

<sup>ii</sup> The full text of the White Paper is available at [infrastructure.gov.au/aviation/nap](http://infrastructure.gov.au/aviation/nap).