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

**SUBMISSION re:
Safeguards for Airports and the Communities around them.**

Planning for Compatible Development

There appears to be an assumption that it is development encroaching on aerodromes that is creating a problem for government. You should also address the reverse scenario.

I own and live in a State Listed heritage building. I have an obligation under NSW State Legislation to preserve my home.

My home was constructed **before** aeroplanes were invented.

My home was constructed some 60 years **before** the local airfield began **illegal** operation.

The local aerodrome was constructed and began operation **without** obtaining the necessary council approval.

I provided documentary evidence to the local council that the aerodrome was an illegal use.

What was the outcome? **Absolutely Nothing.**

The aerodrome continues to upgrade its status with the Commonwealth Government and should many of these proposed safeguards be introduced it will be able to control the land within a 15km radius of the aerodrome. There is obviously no desire on the part of the Commonwealth Government departments concerned to curtail their expansionist ideals. These proposed safeguards, which may well be appropriate for operational airports, will be used by hundreds of small airfields to increase their own power where non should exist.

Airservices and CASA have a vested interest in the promotion of aerodromes and flying. As Commonwealth agencies they over-rule State and Local government. What is best at the local level can easily be ignored in the business of Commonwealth empire building.

Residents Rights vs Aerodrome Development.

It is noted that a mine or smelter is required to purchase any land within a nominated buffer zone but a privately owned small aerodrome can expand without any development approval or EIS by using a Master Plan which has the potential to ruin the lives and property values of those in the vicinity of the airport without any compensation being paid.

Where an aerodrome is privately owned and is not a certified airport it is operated as a commercial venture. Such aerodromes should be required to respect the fact that the land around them is also privately owned and that those land owners should have equal rights to permissible development and protection under the EP&A Act. We now live in a more enlightened era and should not be allowing these small aerodromes to dictate what will happen in their vicinity unless they are prepared to buy up a buffer zone of land to be impacted by their activity.

There should be more control applied to aerodromes that are not controlled by the Commonwealth Airports Act – this would mainly be non-certified airports. These smaller aerodromes should be made more accountable for any new development in terms of its impact on surrounding land owners. Land owners in the vicinity of non-certified airports should not be forced to subsidise the profits what is just another commercial business.

What is the definition of an Airport

As one who has lived adjacent to what was until recently an authorised landing area (ALA) I would like to take this opportunity to make some comments on the anomalies that occur where airports are concerned.

The definition of an airport is so broad that it appears to allow a privately owned aerodrome with a couple of mown grass strips to be treated in the same way as major international airport.

The planning law should be amended to ensure that small aerodromes are treated as though they are like any other commercial business in terms of planning law and are not allowed to hide behind the Commonwealth regulations. Our local airfield has not increased its activity in 20 years and yet it is constantly striving to receive the same consideration in planning terms as Sydney airport.

Master Plans/ANEF Contours/Obstacle Limitations

These appear to permit small aerodromes to achieve massive expansion with no planning approval. Some years ago our local airfield produced such a Master Plan which was only withdrawn due to the massive public opposition it attracted.

An airfield can use the maximum capacity scenario to disrupt the lives of thousands of people living in the vicinity of the aerodrome. In our case, as part of the Master Plan, the local council was asked to place affectations on the 149 certificates of thousands residence within a 3km radius of the airfield. Here was an airfield that had not increased its movements in 20 years, had no RPT service or air traffic control and yet when the opportunity presented itself the proposed Master Plan was used as an opportunity to allow for a massive expansion.

Maximum Capacity

Our local aerodrome could probably claim 400,000 movements under a maximum capacity Master Plan. This would be an unacceptable and inappropriate expansion on the current 25,000 movements. It would however cause the placement of affectations on all surrounding properties, limiting the development opportunities for other private landowners just so that the airport owners could reserve the right to development which would be unlikely to proceed.

On the other hand this could make the aerodrome very attractive to a third party such as an international flying school which could be keen to utilise the maximum capacity modelled as part of the Master Plan.

In this case a major flying school could be established without having to undergo any rigorous assessment by the local council and without giving local residents any opportunity to comment. Any right of appeal by the local council or residents to the Land & Environment Court would also be lost.

Maximum Capacity Master Plans should be subject to much closer scrutiny and should not be permitted for aerodromes that do not even have a control tower or an RPT service. This type of airport should not be allowed to claim to be critical infrastructure and above planning law.

Commonwealth vs State Law

It is very difficult to determine which laws apply to airport developments and activity. This confusion is used to muddy the waters by our local aerodrome and council.

None of the runways at our local airfield ever obtained development consent and yet they were constructed after the introduction of NSW State Planning law. When we challenged this lack of

approval and the subsequent claim of existing use rights the history of the airfield underwent several revisions in an attempt to back-up the claims. Documentary evidence (including legal opinion) submitted to our local council to refute the existing use rights claim was ignored.

The modus operandi for other developments at the aerodrome was for them to be commenced and after a short time to be followed by a promotional article in the local newspaper. When challenged the local council would ask for a DA but the assessment would state there would be no additional impact on residents as the activity had already commenced.

It took years to get our local council to take some sort of responsibility for development at our local airfield. AirServices would point us to the local council who would in turn point us back to AirServices. Eventually a request to our local State MP produced a ruling from the NSW Minister for Planning.

It would be helpful to have the Commonwealth/State/Local Government relationship clearly defined so that those living in the vicinity of airports/airfields can access a document that defines who is responsible for what.

Bird Strike/Control

Our State Listed Heritage item overlooks a lagoon which provides a habitat for bird life. This water feature is hundreds of years old and obviously predates the aerodrome. For anyone to suggest that this be removed in order to control the bird life in the vicinity of the aerodrome is ludicrous.

CONCLUSION

My local aerodrome was sited in the full knowledge that both an historic house and the associated lagoon were located in the vicinity. Why should my environment, which has remained unchanged for hundreds of years, be sacrificed for an aerodrome which commenced operation illegally, constructed its runways without council approval and has no RPT operation or air-traffic control? **Such aerodromes do not deserve and should not receive the benefit of any Commonwealth safeguards.**

Heather Berry
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