

SUBMISSION BY MARRICKVILLE COUNCIL
ON THE JUNE 2009 AUSTRALIAN GOVERNMENT DISCUSSION PAPER:
SAFEGUARDS FOR AIRPORTS & THE COMMUNITIES AROUND THEM

JULY 2009

Introduction

In its submissions on the *National Aviation Policy Issues Paper* and *National Aviation Policy Green Paper*, Council expressed support for the development of a *National Aviation Policy* and welcomed the dialogue and debate generated by this process. It follows that Council supports the development of the discussion paper: *Safeguards for Airports & the Communities Around Them*.

Council's submission adopts the basic structure of the *Safeguards* paper, adopting main headings (capitalised) as they appear in the paper. The other headings (lower case) have been added by Council. Whilst Council's has considered all matters in the discussion paper, most of the discussion below has been reserved for matters of concern to Council.

Most matters of concern to Council relate to the *Planning for compatible development* section of the discussion paper. Council's comments here raise the critical issues of the need for a second Sydney airport and the significant noise, economic, land use, land transport and safety risk impacts imposed by Sydney Airport on the Marrickville Local Government Area (LGA). Most of these comments have been made in 2008 and 2009 in Council's submissions on the *Sydney Airport Runway End Safety Area (RESA) Major Development Plan (MDP)*, the *National Aviation Policy Issues Paper*, the *Sydney Airport Preliminary Draft Master Plan (PDMP) 2009-2029* and the *National Aviation Policy Green Paper*. These comments have been restated below with additional comments added to respond to specific issues raised in the *Safeguards* paper.

PART A: SAFEGUARDS FOR OPERATIONS AT AIRPORTS

THE NEED FOR A CO-ORDINATED APPROACH

Stakeholder participation

Council has agreed with the *Green Paper* statement that a new level of co-operation is required between Federal, state and local government on airport planning and development, with clear consultation and decision-making processes. Although Council has raised issues in the past with Sydney Airport Corporation Limited (SACL) and the Australian Government over inadequate consultation processes and practices, it is evident there has been improvement in this area recently.

Council has supported the *Green Paper* initiative to refine proposals for effective working arrangements between all levels of government in airport planning. Council supports the proposed establishment of Airport Planning Advisory Panels and improved assessment of the impact of airport development on surrounding infrastructure, including how airports might contribute to this infrastructure. Council also supports the strengthening of the airport Master Planning process and a review of the airport Major Development Plan process to ensure there is proper consultation.

Council staff have recently had discussions with staff from the Department of Infrastructure, Transport, Regional Development and Local Government on how existing development assessment and stakeholder participation processes could be improved, and how the proposed Airport Planning Advisory Panels process might work.

Council sees the Sydney Airport Community Forum (SACF) as a valuable and effective forum for information exchange between stakeholders and strongly supports its continued operation. SACF could continue to operate within a national framework of Airport Planning Advisory Panels and could provide a role model this framework. Council has recently argued that the valuable role played by SACF's part-time Aviation Community Advisor be expanded by making this position full-time. The Advisor continues to provide important information to SACF representatives on a range of airport-related planning and technical matters, including safety.

In its submission on the Sydney Airport RESA project, Council expressed its opposition to further privatisation of airports in Australia. The main rationale for such opposition is that privatisation can lead to over-emphasis on the profitability of airports at the expense of management of the significant noise, economic, land use, land transport and safety risk impacts imposed by airports on surrounding communities.

EXAMPLES OF SAFEGUARD APPROACHES

The examples of safeguard approaches adopted by airport and surrounding communities in Australia and overseas have been noted.

PART B: ISSUES & OPTIONS FOR SAFEGUARDS

PLANNING FOR COMPATIBLE DEVELOPMENT

Need for a second Sydney airport

Council has raised the need for a second Sydney airport as the most important long-term issue in its submissions on *Issues Paper*, *Green Paper*, *RESA MDP* and *Sydney Airport PDMP*. Council acknowledges and accepts that airports are Australia's economic and social gateways to the world and that investment in airports should continue. However, Council also shares the Government's concerns about excessive capacity pressures on Sydney Airport.

The *Green Paper* statement quoted on Page 1 of the *Safeguards* discussion paper states that all levels of government "... take responsibility for safeguarding airports from off airport development that is incompatible with the future safe and effective operations of an airport." Given the fact that Sydney Airport has grown up within an already established and densely settled part of inner-Sydney, Council believes that it is the scale of operations at Sydney Airport that is not compatible rather than the nature and scale of development that surrounds it.

Council is pleased that the Australian Government proposes to identify additional capacity for the Sydney region as part of its policy of support for a second airport for Sydney. A suitably located second airport is needed to reduce unacceptable aircraft noise and other impacts from Sydney Airport now and into the future. Development of a second airport is the only permanent solution to the long-standing and ongoing issue of aircraft noise in Inner-Sydney. Council also believes aircraft movements at the existing Sydney Airport should be *reduced* as the second airport is developed. In time, the airport at the Mascot site should become Sydney's *secondary* airport, with the new airport becoming Sydney's *primary* airport.

Aircraft noise impacts

Council has argued for many years that existing aircraft noise impacts from Sydney Airport are intolerable and unacceptable. Council has expressed serious concerns about increases in aircraft movements into the future, as is provided by the *Sydney Airport Masterplan 2009-2029*.

Council has been pleased that the Australian Government has recognised there is broad community support for the maintenance of the existing legislated curfew and cap on movements at Sydney Airport. However, as Council is of the view that existing impacts are unacceptable, it would like to see the curfew *extended* and the movement cap *reduced*.

Specifically, Council has requested the Australian Government to:

- Limit the total aircraft movements at Sydney Airport to no more than 300,000 per year;
- Reduce the hourly cap at Sydney Airport from 80 to 70 flights per hour; and
- Extend the curfew at Sydney Airport from 11:00pm-6:00am to 10:00pm-7:00 am.

Council supports the proposal to limit the operation of noisy aircraft and to phase out marginally-compliant older aircraft, as outlined in the *Green Paper* and *Sydney Airport Masterplan 2009-2029*. Whilst Council acknowledges the noise amelioration benefits of larger and quieter aircraft, it remains concerned that these benefits will be far outweighed by additional noise from the substantial increase in aircraft movements forecast over the next 20 years.

Council has agreed with the *Green Paper* statement that a more balanced approach to aircraft noise management is required to ensure quality of life for communities. Council does not however agree that a motive for managing noise impacts should be to avoid unreasonable constraints on future airport development. In the case of Sydney Airport, quality of life for the thousands of people in the long-established, densely-developed communities surrounding airport should assume greater importance than 'unconstrained' operation of the airport. It is for this reason that Council has argued for *increased* constraints on the existing airport and the development of a suitably located *second* airport.

Council supports the noise sharing arrangements provided by the Long Term Operating Plan (LTOP) for Sydney Airport but is concerned that *actual* aircraft movements over populated areas to the north of the airport often exceed LTOP targets. Council is also concerned that as the number of aircraft movements increases into the future, the physical ability of Sydney Airport to meet LTOP targets will be further and further constrained. Within 20 years, it will be difficult, if not impossible, for LTOP or any other meaningful noise sharing arrangement to be implemented. It is apparent that to maintain LTOP noise sharing arrangements, a strict aircraft movement capacity cap is needed.

The Australian Government has advised that the original Sydney Airport Noise Amelioration Program has been completed. The fact that Sydney Airport's noise footprint will increase over the next 20 years has prompted Council to write to the Minister for Infrastructure, Transport, Regional Development and Local Government advocating the expansion of this program. According to this program, residential buildings within the 30 Australian Noise Exposure Index (ANEI) contour and public buildings within the 25 ANEI contour are eligible for insulation.

Council has expressed its support for the *Green Paper* proposal for industry-funded noise amelioration programs in high noise exposure zones. This implies that the Australian Government is committed to expanding the Sydney Airport Noise Amelioration Program as Sydney Airport's noise footprint increases and new buildings fall within high-noise zones. Council would also like the Australian Government to expand the program into marginally affected areas by providing partial insulation, such as insulation of bedrooms, of houses and other buildings that fall just outside high-noise zones.

Council has agreed with the *Green Paper* statement that access to transparent and easily-understood aircraft noise information has been lacking in the past. Council has been pleased with recent moves by SACL and the Australian Government to improve clarity, transparency and access to this information. Council supports the Government's intention to develop a new noise information framework.

Council is aware of the limitations of the Australian Noise Exposure Forecast (ANEF) as a noise indicator, as is outlined in the *Safeguards* discussion paper, and supports simultaneous use of other indicators such as N70 and respite periods. Council supports a review of Australian Standards (AS) 2021 as a means of improving its effectiveness and agrees there is a need to distinguish between airports on Greenfields sites and 'built-out' airports in the application of AS 2021.

Council supports the role played by the Sydney Airport Community Forum (SACF) in providing a forum for debate and exchange of aircraft noise information. Council has become aware through SACF of the need for independent technical input into the development of ANEF maps to ensure their technical accuracy. Accuracy is essential as minor discrepancies in the location of ANEF contours can have significant insulation cost implications for local residents and businesses.

Council has also raised within its submissions on the *Sydney Airport PDMP and Green Paper* the need for greater acknowledgement of the contribution of aircraft ground running to total aircraft noise impacts, and the need to manage these impacts.

Land use planning & economic impacts

Council supports the Australian Government's commitment to responsible development of aviation infrastructure. Council agrees that this can be achieved by ensuring airport planning is more integrated with planning for surrounding areas and that community interests are given proper consideration in airport planning and development.

In its submissions on the *Aviation Policy Issues Paper, Green Paper* and *Sydney Airport PDMP*, Council pointed out that Sydney Airport's planning instruments and development proposals were not compatible with local and State instruments and proposals. Council expressed concern about the open-ended nature of Sydney Airport land use zones which were proposed in the *PDMP*. Although in most instances the zone title was considered appropriate, an examination of the list of permissible uses within each of the zones revealed a wide range of permissible uses, many not permissible in equivalent zones in State and local planning instruments. Council believes that Sydney Airport zoning should at least be consistent with (and ideally subject to) State and local zoning controls.

Council accepts that development near airports and under flight paths should be compatible with aircraft noise exposure, but has argued above the reverse also holds – that the activities of airports should be compatible with surrounding development. Council accepts and complies with the Ministerial Direction under the NSW Environmental Planning and Assessment Act 1979 that limits residential development and sets requirements for insulation in aircraft noise affected areas in accordance with Australian Standards (AS) 2021. Council also accepts and complies with the airspace restrictions set by Sydney Airport's Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS).

In developing a new Local Environmental Plan (LEP) for the Marrickville LGA, Council is obliged to meet NSW Government targets for the creation of new dwellings. Council has found it difficult to meet these targets because of the aircraft noise regulations and airspace restrictions. To meet the dwelling targets, it has been necessary for Council to locate most of these within ANEF 25-30 areas, notwithstanding that this is inconsistent with the abovementioned Ministerial Direction. These areas are suitable for new dwellings given their

proximity to Marrickville's major commercial centres and public transport services. Aircraft noise impacts for the new dwellings within 25-30 ANEF areas can be dealt with through compliance by property owners with AS2021. No new dwellings are proposed for 30+ ANEF areas. The issue of the Ministerial Direction is being taken up with the NSW Government as part of the development of the new LEP.

With regard to airspace restrictions, Council has since late 2007 been in dialogue with Airservices Australia, and since August 2008 with SACL, in an effort to define the precise impact of these regulations on building heights - particularly in areas proposed to accommodate new dwellings. Council has received some advice from SACL on OLS impacts, but still awaits advice from Airservices Australia on PANS-OPS impacts and additional advice from SACL on OLS impacts. It would greatly assist local planning processes if this information was more readily available, and with a gazettal date for the new LEP scheduled for 2010, timely receipt of this advice is becoming increasingly important.

A further restriction on residential development in Marrickville is a NSW Government requirement for retention of industrially zoned land. This requirement aims to provide for a range of businesses that service key industries such as Sydney Airport. This prevents the residential rezoning of some industrial sites, further limiting Council's ability to meet the NSW Government dwelling targets. In contrast, Sydney Airport zones are more open-ended, as explained above, allowing a wide range of uses within so-called 'industrial' zones.

Council is pleased to note there is recognition in the *Green Paper* that substantial commercial developments on airport land can undermine the economy of surrounding communities. Council recognises the legitimate need for commercial activity associated with Sydney Airport's core aviation function. However, Council has objected to previous MDPs for excessive stand-alone commercial developments that seemed more focused on maximising the profitability of the airport site rather than serve the needs of air travellers. Council is pleased that such proposals have not eventuated and there now appears to be general recognition that over-provision of commercial activity at airports is not appropriate.

Ground transport

Sydney Airport is one of the largest single trip generators in the region. Surrounding communities such as Marrickville suffer considerable noise, air pollution and congestion impacts from through-traffic generated by the airport. The ultimate solution to this problem is reducing the scale of operations (capacity) of the airport. In the shorter term, governments and airport operators need to develop planning policies and provide infrastructure that discourages access by private motor vehicle and encourages access by public transport, taxi, walking and cycling. Council would like to see a similar commitment by the Australian Government within the *Aviation Policy*.

In 2007, Council wrote to SACL to state that it generally supports the intent of the 2007 *Sydney Airport Ground Travel Plan*, but would like to see a greater commitment to its implementation. In 2008, Council wrote to the NSW Government stating its opposition to major road-related transport infrastructure proposals, several of which would serve Sydney Airport. These include the F6, M4 East Extension and M5 Duplication. Council stated its preference for transport infrastructure funding to be diverted to equivalent public transport options. Council has taken this position as it considers existing levels of through-traffic in the Marrickville LGA and in the region to be unacceptable and would like to see traffic reduced in the long-term.

PROTECTION OF OPERATIONAL AIRSPACE

The main impact on the Marrickville LGA created by the protection of operational airspace has been the conflict between building height limitations and the need for Council to meet NSW Government dwelling targets. This has been discussed above in the section entitled *Land use*

planning & economic impacts. Airspace protection also imposes particular constraints on developments on a site-by-site basis, particularly in the St Peters, Sydenham and Tempe areas, located at the northern end of the main North-South runway, e.g. the recently approved IKEA development at Tempe.

TURBULENCE & WIND SHEAR

Council is not aware that any developments in the Marrickville LGA have raised specific turbulence and wind shear issues. This issue could continue to be adequately assessed through the existing development application referral process. To improve assessment of this issue, Council could integrate technical advice provided by the Australian Government into relevant planning instruments.

WILDLIFE HAZARDS

Council is aware that this is an important safety issue for Sydney Airport, but it would appear that all the large bird nesting sites in the vicinity of the airport are located outside the Marrickville LGA. Whilst potentially bird-attracting waste disposal facilities have existed in the past in the Marrickville LGA in the vicinity of the airport, these have ceased operation and no new waste facilities are proposed. Council is not aware of any other existing or proposed areas within the Marrickville LGA that have created or would create habitat for nesting birds in the vicinity of the airport runways.

WIND TURBINES

In past years, Council has discussed the idea of establishing a set of wind turbines as part of its renewable energy policy. Land adjacent to Sydney Airport's northern end, i.e. around Tempe, Sydenham and St Peters, would be inherently attractive due to availability of land and prevailing strong winds. No proposals have developed to the point of a development application, and Council has noted the airport safety risks outlined in the *Safeguards* discussion paper. Should such a proposal proceed to a development application, it would be assessed against aviation safety criteria via the existing development application referral process. To improve the assessment process, Council could integrate technical advice provided by the Australian Government into relevant planning instruments.

TECHNICAL FACILITIES

Council is not aware that any developments in the Marrickville LGA have raised specific issues in relation to the impact of technical facilities on airport communications systems. This issue could continue to be adequately assessed through the existing development application referral process. To improve assessment of this issue, Council could integrate technical advice provided by the Australian Government into relevant planning instruments.

LIGHTING & PILOT DISTRACTIONS

Council is not aware that any developments in the Marrickville LGA have raised specific lighting and pilot distraction issues. These issues could continue to be adequately assessed through the existing development application referral process. To improve assessment of this issue, Council could integrate technical advice provided by the Australian Government into relevant planning instruments.

PUBLIC SAFETY ZONES & THIRD PARTY RISKS

Council has expressed its support for the *Green Paper* statement that the Government is committed to maintaining and further improving aviation safety and security for passengers and communities surrounding airports. In its submissions on the *Issues Paper, Green Paper and*

Sydney Airport PDMP, Council raised serious concerns about safety from aircraft accidents as it applies to surrounding communities and was disappointed that most of the discussion of safety and security in these documents related to the aviation industry and airline passengers, not to surrounding communities. Council was also concerned that these documents did not include consideration of compensation for third parties, which includes surrounding communities, in the event of a civil aviation accident.

In the case of Sydney Airport, land use zoning is only a partial safety solution, as surrounding communities had developed well before the airport had grown to its current level of operation. The only solution to the accident risk issue is a capacity cap on Sydney Airport in the short term and development of a second airport in the longer term, with the airport at the Mascot site becoming a secondary airport with significantly reduced capacity, hence reduced accident risk.

Council would also like to reiterate the comment made on the *Issues Paper* and *Green Paper* that airport security measures should not unduly restrict appropriate public walking and cycling access to land surrounding airports.