



PERTH AIRPORT

4 August 2009

Mr Nicholas Dowie
Director – Planning Policy and Environment
Airports Branch
Department of Infrastructure, Transport, Regional Development and Local Government
GPO Box 594
Canberra
ACT 2601

Dear Mr Dowie

SAFEGUARDING AVIATION INFRASTRUCTURE – DISCUSSION PAPER

Please find attached Perth Airport's response in respect of the points raised in the above discussion paper.

Perth Airport is supportive of the Government's desire to safeguard airports from off-airport development that is incompatible with the safe and effective operations of an airport. We hope that you find our feedback useful in drafting policy to reach this objective.

If there are any questions regarding our submission or if the Government would like any further input from Perth Airport, please contact Brian Krause, our Aviation Business Development Manager on brian.krause@wac.com.au.

We look forward to the release of the Aviation White Paper.

Yours sincerely

BRAD GEATCHES

**CHIEF EXECUTIVE OFFICER
PERTH AIRPORT**

cc. Ms Karen Gosling

Perth Airport Response to Questions

1. Does the Australian Noise Exposure Forecast (ANEF) system provide an effective basis for planning in noise affected areas?

In the case of Perth Airport, the ANEF provides the mechanism for planning control in close proximity to the airport and if applied correctly via State Planning Policy (SPP5.1), then it provides sufficient planning control. The problems generally arise when developers are able to influence planning decisions by Local Government with regards to a development that could be inappropriate. Further even when development that is incompatible with current or future airport operations is rejected developer tend to appeal these decisions at The State Administrative Tribunal (SAT).

It is therefore still possible for inappropriate development to occur and as such, it would be sensible to strengthen the requirements for compatible development against the ANEF.

Perth Airport recommends that Federal legislation similar to the Airport (Protection of Airspace) Regulations be implemented to protect all Australian airports from incompatible land development within the ANEF contours. The ANEF contours used for this assessment must be ultimate capacity contours and not limited to contours in 20 years. It is our view that 20 year ANEF contours will allow inappropriate development in areas that will be impacted by aircraft noise post the 20 year period. Once built these developments will become constraints to the growth and operation of the airport beyond the 20 years.

There currently an EIA process for the assessment of changes to flight tracks, and thus changes in aircraft noise. This is through the *Environmental Protection and Biodiversity Conservation Act, 1999*, Section 160 of this act requires a referral and assessment where a change in airspace if likely to have a "significant environmental impact".

Recent experience in Perth indicates that the judgement of the community on what constitutes a significant impact may differ from that of those making the changes to the airspace. The guidance notes provided by the Department of Environment Water Heritage and the Arts are not expansive on the issue of noise impact.

Other deficiencies in the current system are that it does not allow for an assessment of the impact of gradual increases in existing flight tracks. Secondly it does not lead to a predictable and well considered planning process, rather it assess an action within the context of existing planning parameters.

It is the view of WAC that a predictable planning process in relation to aircraft noise that integrates with the ANEF type assessment but which extends further is in the interest of both the public and airports. The Department is encouraged to work with airports, State planning agencies and local government associations to develop such a system.

2. How effective is the ANEF system as a land use planning standard for greenfield developments around airports?

The ANEF can work if it is appropriately applied by the State and Local Government. However, there is a temptation to support development and that increases the risk of inappropriate development being allowed to the detriment of the airport and ultimately to the users of the development who are exposed to noise. As noted in the response to 1 above, we believe that the legislation could be strengthened to reduce this risk.

3. Are the acceptable levels of aircraft noise for particular develops identified in AS2021 consistent with current community expectations?

The community basically does not understand ANEF and relate it to current noise, not a forecast. The community understanding of AS2021 is probably even lower. This is a difficult issue to resolve. One way to help the understanding of this issue is to better advertise Airservices Australia as the appropriate body to take current noise issues. Airservices Australia could also do a better job of community consultation in addition to the the noise management committees of airports.

For example, there has recently been a substantial amount of community concern regarding changes in flight paths in Perth. At least some of this concern might have been eliminated if the affected communities were made aware of the planned changes and the reasons for those changes in advance.

Perth Airport would also support further validation of ANEF given that the metric is based on work conducted in the 1970's and therefore may no longer be aligned with current community expectations. The ANEF should however remain as the land use planning tool and the use of other information such as N70 should only be used to inform the community.

4. How can the current planning arrangement to address developments in noise-affected areas around airports and under flight paths be improved to take account of community expectations, while also providing for the reasonable growth of aviation activity at airports?

There is currently a disconnect between airport noise planning and community expectations which can only be solved by the availability of clear information and education on the issues to raise the awareness of what the planning provisions are about. Typically planning revolves around the greater good and therefore will never satisfy all of the people all of the time. This needs to be recognised at all levels of government to avoid undue politicisation of noise issues.

Recent experience in Perth suggests there is a requirement for better guidance on the significance threshold for Section 160 of the EPBC Act.

5. For developments around the major capital city and freight airports, should state governments have to refer residential development within a defined buffer zone to the Commonwealth Transport Minister or Secretary for approval?

Perth Airport is of the view that the Minister or Secretary does need to get involved in this level of approval within defined ANEF noise zones. Whilst it is noted that appropriate regulations are often in place they are often poorly enforced being overly influenced by parochial interests. Airports are nationally significant transport infrastructure that must be protected against incompatible development.

6. Should the current protection of airspace regulatory provisions be strengthened and broadened to cover all CASA-Certified and Registered aerodromes?

The protection of airspace legislation (Airports Act 1996 and Airports (Protection of Airspace) Regulations regarding *prescribed airspace and controlled activities* should be expanded to apply to all Australian airport not just Federal airports and regulations need to established to define requirements regarding reflected sunlight, smoke, dust, steam, gases and other particles.

7. How might state, territory and local government planning rules help protect airports from encroachment by unsafe intrusions into airspace?

Along with appropriate legislation as noted above, an improvement in the understanding at a Local Government Planning level is required to ensure that the key elements that impact on the airport are understood and planning approvals appropriately conditioned.

8. Should there be a consistent industry standard for mechanical turbulence and wind shear? If so, should the standard be proscriptive or allow for a case by case assessment?

9. Should expert modelling reports on turbulence and wind shear be mandatory for developments in close proximity to runways and who should bear the cost?

Perth Airport considers that the natural wind shear as a result of the hills would far outweigh anything produced by buildings; therefore a requirement to formally assess developments adds work and cost without adding value. We do not favour a one size fits all perspective on this issue.

10. Given variable regional circumstances for birds and flying foxes, would a recommended standard zone (e.g. 15km radius) be appropriate?

A generic buffer should exist for minor airports with a bespoke buffer developed for major airports.

11. What other planning issues might arise in safeguarding against birdstrike?

National guidelines and regulations are required but need to go further where Threatened Species (such a birds) pose a threat to aircraft. Environmental legislation makes it is an offence to harass, disturb their environment such as food sources or destroy the bird where as all of these actions are required under aviation safety requirements. It is patently silly to require airports to preserve bird habitats in a way that would encourage more birds into the airport area where they can potentially be a risk to aircraft.

Where there is a conflict between environmental legislation and aviation safety legislation then aviation safety should take precedence. Carnaby's Black Cockatoo is an issue at Perth Airport and it is not possible to comply with both environmental and aircraft safety requirements. Wildlife Hazard controls need to extend beyond the airport boundary regarding bird hazard management in particular. This would include for example grain handling facilities, landfill sites etc.

12. What guidance do state, territory and local governments require on the siting of wind farms and the potential impacts on aviation?

13. Should developers of wind farms be required to provide CASA with a report on the potential impacts on aviation and aviation infrastructure of the turbines?

Further research is required in order to establish what issues apply to all wind turbines. We would favour a requirement that CASA review all proposals for wind farms so that they can be assessed and discussed with the relevant airports. Expert advice included in submissions seeking approvals for wind farms must be accredited by CASA to ensure that it is not an uninformed assessment presented for approval. Legislation to give CASA the authority determine the marking and lighting requirements for obstacles such a turbines should be established.

14. **Should development of technical facilities near aerodromes (say within 5 km) require automatic referral to CASA for assessment of impact on radar and navigation systems?**
15. **What additional guidance do state, territory and local governments require on the siting of technical sites and the potential impacts on radar and navigation systems?**

We believe that it would be difficult for CASA to do this. It may be more appropriate that these issues be referred to Airservices Australia as they operate the impacted facilities have the technical expertise to make this assessment. Clear guidance must be provided to state, territory and local governments on what factors are important in considering the potential impacts of technical sites. If this is not readily available, then further research is required to document these issues.

16. **Are CASA's current requirements sufficient, and what additional guidance might state, territory and local governments require regarding lighting and pilot distractions?**

Comments under Item 6 above apply.

17. **Should an approach based on the identification of public safety zones (PSZ) be introduced to help ensure that new developments around the ends of runways do not lead to undue levels of risk?**

Perth Airport is generally supportive of the concept of PSZ but questions the use of international crash data because Australia does not have snow, ice, etc which are major contributors to aircraft crashes overseas. Therefore, we would support the use of Australian crash data or data from countries with similar regulatory and safety culture in addition to similar weather conditions to establish PSZ requirements.

While PSZ has the potential to be of benefit in protecting airports against inappropriate developments off airport, these benefits would need to be critically weighed against the costs required to implement and adjust the PSZ as the airport grows. It is already difficult to defend the ANEF contour and the limitations that creates on off airport development. Therefore, further consultation is required as more detailed proposals are developed. As with many issues related to planning issues for airports, without seeing the proposed details, it is difficult to critically assess the benefit of PSZ.

18. **For which airports might such public safety zones be identified – all airports or only major airports with regular airline traffic?**

Depending on the acceptable risk it is likely that the airports with low air traffic may only have minimal PSZ.

19. **What methodology and criteria should be applied in defining the boundaries of a PSZ?**

Key to the establishment of PSZ is a decision on acceptable risk. Commonly, acceptable risk varies depending on whether "taking on the risk" is voluntary or involuntary. Placing a child in a day care centre adjacent to an airport is a voluntary action therefore the acceptable risk should be commensurately higher. Also key to an understanding is that price of land adjacent to airports is discounted, in part due to noise and in part due to risk. Therefore individuals derive a benefit from accepting a higher risk, again pointing to a higher risk tolerance.

Given the above the figure of 1:100,000 quoted in the paper appears overly conservative. It should be realised that sterilisation of land for particular uses comes at a cost which will ultimately be paid for by consumers.

20. What sort of additional controls might be imposed for new developments in identified PSZs?

PSZ can not be understood as one particular area, their calculation should have a component of exposure, for a constant air crash risk using a car park produces a much lower annual fatality risk than living in a residential aged care facility. Therefore a PSZ should be used as a land use planning tool to limit the exposure element of the annual fatality risk calculation.

21. What sort of steps might be taken to ensure the identification of a PSZ does not unduly affect the value and enjoyment of existing properties within the zone?

All of these questions should be considered with a case by case risk-based assessment. A blanket solution is unlikely to assist in resolving the issues and is likely to instead add significantly to the negative image of airports generally.