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Dear Mr Dowie

SAFEGUARDS FOR AIRPORTS AND THE COMMUNITIES AROUND THEM

I refer to your invitation to provide comments on the 'Safeguards For Airports And The Communities Around Them' Discussion Paper. As the peak body representing around 4600 urban planners and related professions in Australia, the Planning Institute of Australia (PIA) has long been interested in the role of airports and the relationship to surrounding development, both on and off airport land. These concerns were expressed in our previous submissions of 25th February 2009 to the Aviation Green Paper and 27th June 2008 to the Development of a National Aviation Policy Statement.

The Aviation Green Paper identified the issue of safeguarding future aeronautical needs from inappropriate developments in surrounding areas. PIA agreed with the proposition that there would be benefits to airports, airlines and governments in having a clear regulatory environment for land use planning, both on and off airports, that safeguards the public and aeronautical infrastructure and provides for the safe operation of airports. PIA welcomes the release of the 'Safeguards For Airports And The Communities Around Them' Discussion Paper and provides the following comments in response to the issues and options contained within the Paper.

Planning for compatible development

- PIA agrees with the notion that supporting the current and future operations of airports is an important objective for planning in cities and regions. This objective should be established within State / Territory (all references henceforth to 'State' also include the Territories) and local planning frameworks to enable it to be balanced with other planning objectives when making planning and development decisions. It is important that States and local councils accept that airports are major transport interchanges and increasingly, major centres. They should be planned accordingly.
- The paper discusses widening the scope of areas for considering aircraft noise for new development. It seeks stronger arrangements for protection of corridors under flight-paths, including avoiding residential and other noise-sensitive development. With airports as the sole focus in mind this is a reasonable objective however, placing limitations on established areas may have significant impacts on individuals and communities.

Introducing new restrictions on development is likely to be problematic, particularly if those restrictions seek to reduce the existing development prospect of various sites. Property owners currently have certain opportunities to develop their land. Reducing these opportunities may give rise to calls for compensation or may cause some areas to become dilapidated over time as building stock is not updated or replaced.

In the case of new development in existing zoned land affected by aircraft noise, an appropriate response is to require new development to employ design, construction methods and materials to provide greater noise protection for future occupants / users. The impact on housing affordability must also be considered given increase costs of treatments such as double glazing. In newly noise affected land, grants to achieve noise protection of existing buildings may well be appropriate. The airports themselves should contribute to mitigating the impact they cause.

Regarding land currently zoned Rural or equivalent, it may be more appropriate to resolutely (this requires State government agreement) prevent affected areas / corridors from being rezoned to allow greater density or intensity of noise-sensitive development, rather than rezoning or placing other land use controls over the extended areas. This approach would not limit existing (rural) development rights enjoyed by property owners but would prevent changes that may increase the amount or type of development that may be noise-sensitive. An alternative approach, used by NSW in regard to the impacts of mining operations on adjoining properties, would be to require the airports to acquire a 'buffer' of land to protect their flight paths from intrusion by more intensive development.

It is the Institute's understanding that such measures could only be achieved through State and Territory legislation. In turn this is potentially the quid-pro-quo where airports, in order to protect their long-term aviation needs, may have to accept greater levels (as envisaged in the Government's Green paper) of scrutiny of the non-aviation development activity that occurs within their boundaries and make appropriate contributions to off-site infrastructure works where airport development contributes to the need to increase capacity.

- The use of more conservative criteria for preventing noise-sensitive development under flight-paths on greenfields sites is a reasonable approach. In addition to restricting development, it is also possible to require new development to employ design, construction methods and materials to provide greater noise protection for

future occupants / users. Again, the impact on housing affordability must also be considered.

- The discussion paper calls for special arrangements for State and local government consultation with the Commonwealth government on proposed developments around Federal airports so that the impacts on airport operations can be fully assessed and taken into consideration in decision-making. PIA supports this principle and encourages greater cooperation and integration of planning in relation to airports and areas affected by airports. What should be resolved, however, is at what scale such consultation/referrals should take place to reduce unnecessary delays to applications, particularly for minor development such as additions to existing dwellings.

It may be more appropriate, rather than a blanket referral requirement, that only development over a certain scale be referred to the Commonwealth, noting that many jurisdictions are moving to exempt and complying development for the types of development applications being considered here.

- In light of the comments above, this consultation should also extend to any policy changes in areas potentially affected by aircraft noise, rather than just focusing on development. This could address noise issues at the policy development stage and prevent future noise-sensitive development from occurring.
- Issues of compatibility of surrounding development will be more difficult to address in some locations than in others. Restrictions surrounding airports located within existing built-up areas may need to be balanced against other State and local planning objectives, including access to infrastructure, accommodating population growth and maintaining housing affordability. PIA does acknowledge however, the need for metropolitan, regional and local plans to take account of airports as significant centres. This cannot happen unless there is security of infrastructure contributions from the developer (in this case the airport and its development interests).
- What has not been addressed in the discussion paper in relation to compatibility is non-airport developments located on airport land. Both airports and surrounding communities must be safeguarded from incompatible activities developed on airport land. The economic, social and environmental wellbeing of surrounding communities can be affected by non-airport related development on airport land.
- As included in its submission to the Government's Green paper, PIA believes that there is a need for non-airport development to comply with and be integrated with surrounding metropolitan, regional or local planning legislation, processes and strategies. Proper planning processes should be undertaken for non-airport related development involving the airport authorities, State and local governments and the community, to ensure that both airport operations and the relationship of development to adjacent areas are appropriately safeguarded.
- As raised in the Green Paper and our previous submission, PIA agrees that there should be a list of categories of development, incompatible with airport operations, which should be prohibited or otherwise restricted on leased airport sites. Certainty needs to be provided to airport operators, planning agencies and the community and this would be an accepted mechanism to achieve this objective. The State governments should be consulted on this list. It may be appropriate to also consider

using this list when reviewing the types of development suitable for the areas surrounding airports.

- Based on the discussion paper, PIA supports a review of both the ANEF system and AS2021 to determine their effectiveness for land use planning and whether they align with current community expectations of acceptable levels of noise.
- The main issue from PIA's perspective is that proper planning approaches are used, and that appropriate infrastructure contributions are paid by the airports.

Protection of operational airspace

- PIA supports the development of a uniform policy guideline that protects approaches to major airports to prevent intrusion into airspace by buildings approved at State and local government level. This policy needs to be appropriately incorporated within State and local planning policy to ensure that it is addressed and to streamline planning processes by reducing the need to refer to multiple pieces of legislation.
- Where airport approaches are currently close to existing high development such as central business districts, the protection of airspace needs to also have regard to not unduly restricting future economic development of State importance.

Turbulence and wind shear

- PIA has no comment on this technical matter.

Wildlife hazards

- While birdstrike is clearly a safety issue for aircraft, establishing a 15km buffer for development / land use that may attract birds and bats is of concern. Numerous existing airports are located in close proximity to existing natural features and habitats of birds and bats, including mangroves, river systems and forests. PIA does not support destruction of existing habitats for such an extensive area surrounding an airport (more than 700km²), particularly for such a rare occurrence. This appears to be an issue that should be taken into better consideration in establishing new airports.
- In relation to preventing the development of new bird attracting activities such as landfill sites or wetlands, PIA supports the need for proximity to airports to be considered, however, based on other economic, environmental and social factors, maintaining a 15km buffer may not be practical in some circumstances.
- Restricting landscaping that attracts birds and bats on sites nearer to airports may be reasonable, but the restriction should relate to types of plants and should not prevent landscaping altogether. Planning has some control over landscaping, in some but not all circumstances, and so implementing such an action may not be that effective. The Commonwealth should liaise with surrounding local authorities to raise awareness of the issue, particularly in relation to local parks and open spaces.

Wind Turbines

- Currently a number of State policies include some reference to considering aircraft safety in the development of renewable energy facilities. If the Commonwealth considers that wind turbines, or another type of development, may pose some risk to aircraft safety it would be appropriate for the policy guidelines on wind farms currently being developed by the Commonwealth, include measures to enable State and local authorities to feature them within relevant policy documents. This would then prevent the need for the introduction of another referral for development, which may create unnecessary delays.
- Where development of renewable energy facilities is within a certain proximity to an airport it may be appropriate for those developments to be referred to the Commonwealth.
- With regard to the developers providing CASA with a report on the potential impacts on aviation and aviation infrastructure; this is a technical matter, however it should be noted that generally States are seeking to streamline development approval processes in response to amongst other things, COAG decisions. Adding additional steps outside the development assessment process is not desirable and so if this is determined to be a necessary requirement the Commonwealth should work with the States to incorporate this requirement into the development assessment process.

Technical facilities and Lighting and pilot distraction

- Similar to wind turbines, if development has the potential to adversely impact on radar and navigation systems or may distract pilots and in turn affect aircraft safety, the Commonwealth must work with the States to incorporate appropriate policy guidelines to address this issue. If referrals are required they should be incorporated within the development assessment process to ensure the process is as streamlined as possible.

Public safety zones and third party risk

- PIA supports the development of clear policy on the definition of public safety zones around airports which can be taken into account in local planning, with a view to ensuring that the community is not exposed to any undue level of risk from aircraft operations. This process should include reviewing existing planning policy as some of the types of development suggested may already be addressed and the impact of the PSZ may be limited.
- When there may be an impact on existing or new development, the affected community and local authority must be engaged in the process of determining public safety zones, again noting the role of State government statutory processes. This will provide them with an opportunity understand its implications. The relationship between the PSZ and the local development policy will also need to be resolved and should ideally be incorporated within the local policy to ensure development processes are streamlined.

Mechanisms for addressing airport safeguards matters within the planning system

- Most States and Territories are currently working to streamline their development systems to both improve development outcomes and reduce red tape. Multiple referrals and steps in the development process are aspects that are currently being reduced. PIA believes that where there are planning related aspects to aviation safety, that these should be incorporated appropriately within the relevant State and local policy. While this will add to the development assessment task, it is not desirable for applicants to have to interface with Federal legislation and referrals in addition to State and local processes. The Commonwealth will need to work with each State and Territory to consider how this may be enacted within each of their systems, as well as working with the affected local authorities and their policy tools.

Government coordination

- As addressed throughout this submission and within our previous submissions, PIA strongly urges the Government to urgently develop cooperative arrangements with the States and Territories to better integrate airport planning and development within its region.

Outstanding issues

- As raised within this submission and in the previous submissions by PIA, there remain concerns regarding non-airport development on airport land. PIA believes that non-airport development should comply with and be integrated with surrounding metropolitan, regional or local planning legislation, processes and strategies. While the relevant State/Territory legislation should also apply for commercial developments at airports as for other commercial sites in the region, States should be encouraged to recognise that airports are major centres and should be planned accordingly. This will only work if appropriate contribution regimes are established.
- PIA strongly believes that proponents of development on airport land must contribute to the measures required to support development both on and off site and mitigate impacts.

Summary

While aviation safety and safeguarding our airports is of critical importance, this must be considered alongside the economic, social and environmental needs of the surrounding communities.

Recommendations for changes that impact on planning and development must also be considered in line with other Commonwealth and State initiatives to reduce red tape and streamline development assessment. Adding further steps and separate processes into the development process should be avoided. This will require all three spheres of government to work together to develop policy that addresses the required issues within the local context.

Infrastructure contributions by the airports are essential to an appropriate planning regime for their future.

PIA welcomes the issues and ideas that the Government has put forward in the Discussion

Paper and has been pleased to provide the enclosed comments. PIA hopes that there will also be opportunity to comment further on these issues as the detail evolves, as well as on other matters arising from the Green Paper as provided in our previous submissions.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Stephen Johnston
Chief Executive Officer
31 July 2009