



Submission on

***Safeguards for airports and
communities around them***

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by:

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1.0 – Background

The Village Building Company (“VBC”) is the registered proprietor of Tralee and a proponent for the residential and employment development of South Jerrabomberra, to the south of Canberra Airport.

Since privatisation, Canberra Airport has manipulated input data to create progressively larger Australian Noise Exposure Forecast (ANEF) contours in order to effect the sterilisation of large tracts of land from residential development. This has culminated with the endorsement of the Practical Ultimate Capacity ANEF for Canberra Airport by Airservices Australia (AsA) in mid 2008, following a Federal Court action brought by VBC against AsA. The Practical Ultimate Capacity ANEF has not yet been included in an approved Master Plan, although it was included in the rejected 2008 Draft Master Plan for Canberra Airport and the recently released 2009 Preliminary Draft Master Plan.

As a land owner, VBC has an interest in any changes that would affect land use planning policy and decision making processes for areas surrounding federal airport infrastructure. As such, VBC has made many submissions on aviation issues, particularly the *Towards a National Aviation Policy Issues Paper* and the *Nation Aviation Policy Green Paper – Flight Path to the Future*. Furthermore, VBC has lodged submissions directly to Canberra Airport on preliminary draft master plans and preliminary draft major development plans.

This submission will focus only on the “Planning for compatible development” issue and the comments relating to the ANEF system and land use planning for around surrounding airports.

Context of Discussion Paper

The current “*Safeguards for airports and the communities around them*” discussion paper claims to have evolved from the *National Aviation Green Paper* and in particular the issue of “*safeguarding future aeronautical needs from inappropriate development in surrounding areas*”¹.

The Department of Infrastructure, Transport, Regional Development and Local Government (“the Department”) has development of this Discussion Paper specifically based on an initiative identified in Chapter 8 – Airport Infrastructure of the Green Paper. However, it appears that this Discussion Paper has been prepared in isolation to other initiatives identified in the “*Aviation noise impacts – options for the way forward*” section of Chapter 10 – Noise Impacts in the Green Paper. In particular the following recommendations from Chapter 10 of the Green Paper seem to have been ignored in the development of the current Discussion Paper:

“The Government proposes: ...

- *To work with state governments to ensure land-use planning and operational restrictions on noisy aircraft are consistent with maintaining curfew-free access;*
- *...*
- *Noting the work that has already been done to insulate homes in Sydney and Adelaide from aircraft noise; to finalise existing noise minimisation projects, based on the current criteria. Any future insulation projects will be assessed against world’s best practice noise attenuation and abatement initiatives, including those for night-time noise;*
- *...*
- *To investigate more appropriate roles for airlines, airport operators, governments, planning agencies and the community in aircraft noise management and mitigation;*
- *To continue to develop a new noise information framework to ensure information on noise exposure patterns is readily available in a form that is easily understood by a broad audience, building on initiatives such as the Transparent Noise Information Package (TNIP) and Airservices new online flight path information tool, WebTrak; and*

¹ National Aviation Green Paper, page 169

- *To work through the Council of Australian Governments and other appropriate forums to ensure a national land-use planning regime is put in place near airports and under flight paths to avoid noise-sensitive developments being located in these areas and to protect communities from excessive levels of aircraft noise.”²*

The current discussion paper contains detailed analysis of the Australian Noise Exposure Forecast (ANEF) system and its applicability to land use planning decisions in areas surrounding airports. However, it seems inappropriate for the discussion paper to discuss this issue in complete isolation to the other initiatives raised in the Green Paper.

Consultation

The consultation framework for this Discussion Paper seems to be very limited in its scope and time period. The release of the Discussion Paper was not widely advertised, as there was not a Media Release by either the Minister or the Department that accompanied its publication.

We have received advice that the Discussion Paper was emailed to all those that provided a submission on the previous Issues Paper and Green Paper. It is also known that the private Airport Lessee companies were provided a copy of the Discussion Paper a number of days prior to it being officially published on the Department’s website.

We also understand that there was no direct involvement of the State Governments in the preparation of this Discussion Paper. This is contrary to the stated initiatives in the Green Paper, which indicated that the Department would work with COAG on issues relating to the planning around airports. As the State Governments have the responsibility of land use planning controls in these areas it seems that such discussions should have occurred prior to the publication of the document.

We also understand that many local councils with responsibility for land use planning decisions near airports were not advised of this Discussion Paper. The consultation undertaken by the Department on this Discussion Paper appears to be biased towards the aviation industry and against the planning authorities and the development industry.

The consultation timeframe for this Discussion Paper was limited to just one month, which is a very short consultation window and does not encourage the wider community to consider and respond to these important and complex issues.

² National Aviation Policy Green Paper, page 196.

2.0 – Airport Noise Impacts

2.1 The ANEF System and Its Applicability to Greenfield Developments

The ANEF system is the most stringent land use planning tool for areas in the vicinity of airports in the world. As a land use planning system, it is unsurpassed. It provides certainty to airport lessees, the public, and planning authorities and provides confidence to industry to invest in the infrastructure required for development. The ANEF and Australian Standard AS 2021 have been adopted by all major planning authorities around Australia for regulating land uses around all major airports and many smaller and regional airports.

The ANEF system was not however designed for describing the effects of aircraft noise to a layperson. This issue was considered at length in *“Expanding Ways to Describe and Assess Aircraft Noise”* (2000) produced by the Department of Transport and Regional Services, as it was then called. This paper considered metrics in addition to the ANEF for describing the effects of aircraft noise, whilst retaining the ANEF system as a land use planning system. Recently, endorsed Master Plans have included plans that use these additional metrics to assist the lay person to understand the impacts of aircraft noise. The continued use of these metrics seems appropriate.

As the Green Paper acknowledges, new noise information frameworks need to be developed *“to ensure information on noise exposure patterns is readily available in a form that is easily understood by a broad audience”* (page 196). This however does not necessitate the removal or changing of the current ANEF system, nor its role in relation to providing guidance in the land use planning decision making processes.

The impact of aircraft noise in greenfield areas will be similar to existing developed areas. Background noise in greenfield areas will increase from rural levels to urban levels as soon as any development commences.

2.2 Unsupported claims in the Discussion Paper

In “Planning for compatible development” section on Page 6 of the Discussion Paper contains a number of vague generalisations and claims that do not appear to be supported by any factual evidence. This suggests that the Department has an agenda against the ANEF system and presenting a case for the review of AS 2021. In particular the document contains the following comments:

- *“developments under flight-paths, even some distance from the runway, often lead to complaints about aircraft noise and calls to restrict airport operations”³*

The Discussion Paper provides no data on complaints around existing major airports to indicate the geographic spread of these complaints, nor any analysis of the complaints to indicate whether they are justifiable complaints or not. Furthermore, the Discussion Paper does not indicate the level or nature of complaints from developments in areas complying with AS 2021-2000.

The Discussion Paper provides no commentary or evidence as to how complaints made by the community have led to changes in airport operations or whether any such complaints are from areas inside or outside the 20 ANEF contour.

³ Safeguards Discussion Paper, page 2, paragraph 2

- *“public expectations have changed in recent years with increased community pressure to impose operational constraints on airports or oppose airport growth”⁴*

The Discussion Paper does not provide any evidence or further commentary on how public expectations have changed. It would be reasonable to expect that since privatisation of the major airports by the Commonwealth Government, that public perception of airports would change with the introduction of private enterprise. Dr Rob Bullen of Wilkinson Murray comments: *“I know of no case where new developments, consistent with the existing Australian planning guidelines in Australian Standard 2021, have resulted in changes to airport operations. Indeed, I do not believe that any significant new noise controls, such as the introduction of a curfew, have been introduced at any Australian airport in the last 10 years.”⁵*

With the introduction of private ownership, many Airports have undertaken significant non-aviation development on airport land, in many cases to the detriment of the surrounding community, with no local government control and little or no consultation with the affected community.

Additionally, many Airport Lessees have produced Airport Master Plans, as required by the *Airports Act*, which have included overly optimistic aircraft movement growth predictions. For example, the Canberra Airport’s Master Plans contains growth predictions that would result in a four-fold increase in aircraft movement within the next 50 years. The community surrounding airports are concerned about the impact of such extravagant growth of a private enterprise with inadequate community consultation or environmental or social impact assessment being undertaken.

In the case of Canberra Airport, it is the Airport Lessee’s growth agenda, inadequate community consultation and quantification of impacts that is resulting in the community pressure. The Department needs to recognise this and implement approach changes to ensure that communities are better consulted. Furthermore, Airport Lessee development proposals, such as increased operation, need to be subjected to the same level of environmental impact assessment that is applied to other major infrastructure items such as ports and mines.

2.3 “Limitations” with the ANEF system

Despite there being no evidence provided to indicate that the ANEF is not meeting the State and Local Government expectations for use as a planning control, nor any evidence provided that significant number of noise complaints have resulted from developments constructed in accordance with the ANEF and AS 2021 requirements, the Discussion Paper proclaims a list of limitations with the current system.

Based on advice from highly regarded aviation industry experts, each of the five limitations outlined in the Discussion Paper are analysed in detail:

- *“The system is a “one size fits all” approach which does not take into account local circumstances – large airports are treated the same as small airports; greenfield airports are treated the same as built out airports”.*

The ANEF determination methodology is consistent, however the results produced are based upon local circumstances, therefore for the Discussion Paper to claim that this is a “one size fits all” approach is incorrect. The ANEF contours are developed using the following information specific to the airport: aircraft movement projections; runway configurations; operating times (eg day or night); aircraft used; flight paths and local topography. Therefore, the results produced are truly local representations of the forecast noise exposure around a particular airport.

⁴ Safeguards Discussion Paper, page 6, paragraph 2

⁵ Wilkinson Murray Report, 24 June 2009, page 1

If a “one size fits all” approach was adopted as mentioned by the Discussion Paper, then this would simply specify a particular radius around the airport and limit development within this area regardless of airport size or noise exposure. Such an approach is inappropriate and is not used as a planning control, nor useful to community understanding.

The Discussion is further incorrect in that it suggests that the ANEF does not account for differences between large airports and small airports. Whilst it is correct that the ANEF methodology is the same for all airports, it is not correct to assume that the results are a “one size fits all” approach. As mentioned above, the resultant ANEF contours are unique to the specifics of the airport. Therefore, at a small airport using light aircraft on an infrequent basis the ANEF contours would be quite small, whilst at a large airport operating large aircraft at frequent intervals the ANEF would be much larger. The ANEF system is designed to accommodate all airports by identifying areas with the same ANEF noise exposure. Significant evidence indicates that the reaction of residents around large and small airports is the same, for the same ANEF noise exposure.

The inclusion of the comparison between greenfield and built out airports in this section of the Discussion Paper seems confusing. Noise exposure contours are exclusive of the development history around an airport; therefore the issue of greenfield versus built out airports relates to the community consultation processes and how the information is presented. As for greenfield versus built-up airports, AS 2021 does make a specific distinction – notes 4 and 5 to Table 2.1 indicate that while development in “unacceptable” areas is never recommended, it may be conceivable in built-up areas under certain conditions but should never be countenanced in greenfield areas.

Any proposal to move away from the a standardised approach, to one that makes further undefined allowance for “local conditions” at specific airports would open the way for local interests. These local interests would be seeking either stronger or weaker controls, to place pressure on planning authorities, resulting in potentially inequitable, and certainly inconsistent, outcomes. This is the antithesis of the “need for a nation-wide cooperative land use planning approach” identified on page 6. Furthermore, such an approach would result in more complaints and a decrease in community understanding because each airport would have noise exposure footprint developed completely independently and be based upon political decisions as a result of many different pressure groups.

In regards to developments surrounding airports, there is no reason to believe that future communities in areas that are currently “greenfields” would react differently to aircraft noise. It would be difficult to devise a definition of “greenfields”, as it is not clear whether all developments on previously undeveloped land would be considered to be greenfields development; or whether there would be a size limitation; or a definition based on proximity to existing development. If such an approach was adopted then a question of equity would arise because why should some developments be considered differently to others when the impact of aircraft noise is the same at a similar ANEF contour?

- *“Experience has shown that ANEF contours do not provide a complete picture of the areas where residents are likely to have an adverse reaction to aircraft noise”*

Australian Standard, AS 2021, is based on a large amount scientific data, some of which is quoted in the Standard. This research shows that a relatively small number of people will be seriously affected by aircraft noise outside the 20 ANEF contour. The impact of this can be reduced by providing more information to describe the impact of aircraft noise. Some of the more recently prepared Airport Master Plans are providing such information.

However, to extend the restrictive land use planning controls beyond the requirements of AS 2021 would be a very poor way to reduce adverse reaction to aircraft noise for very limited community benefit. It is naïve to assume that planning controls can be produced that would result in an “aircraft noise compliant free” society, as because by their very nature, all humans react differently.

The imposition of more restrictive land use planning controls would result in far more negative outcomes, than positive ones. Some of the potential negative community outcomes include:

- The sterilisation of more land in the vicinity of airports, which would unnecessarily drive up the cost of residential land (decreasing house affordability – a key concern of both the Commonwealth and State Governments);
- Increased requirements for road, rail and other transport infrastructure to facilitate transport around the more widely dispersed metropolitan areas (State Governments likely to request additional fund from the Commonwealth Government to meet these costs);
- Increased usage of fossil fuels and CO₂ emissions as a result of the more widely dispersed metropolitan areas, thereby resulting in a negative environmental outcome;
- Lower metropolitan residential densities, as higher density housing is ideally located around key transportation and employments hubs; and
- Potential for costs to the Commonwealth Government related to having to retrofit existing communities within the new, large aircraft noise exposure areas. This would be a program similar to that in place around the Sydney and Adelaide Airports.

Therefore, a much broader assessment of the impacts that would result from a change to the current land use planning system around airport must be undertaken by both the Commonwealth Government and the State Governments, and involve extensive community consultation. This assessment must consider a full cost benefit analysis to ensure that private airport lessee companies are not obtaining financial benefit at the expense of the wider community.

- *“The contours do not easily correlate to a publicly understandable “decibel” level”*

The suggestion that the ANEF contours are limited because they do not correlate to “decibel” levels is a false conclusion. The lack of community understanding of the ANEF system reflects more on failings of the Department and private Airport Lessees, than the wider community. As discussed at the recent Victorian Royal Commission into the February 2009 Bushfires, Government agencies have an important role in educating the community about the controls that are in place and providing information in a simple and usable format to allow residents to make their own decisions about whether they should move into an area. The Department’s recent initiatives such as the TNIP program and WebTrak are a positive step forward in informing and educating the community. Some Airport’s are also starting to incorporate this type of material in their Master Plans.

It is arguable as to whether the wider community understands the “decibel” level system in any more detail than the ANEF system. Both systems are based on complex mathematical and logarithmic calculations and are not used in common or everyday discussions.

- *“ANEFs do not capture areas under very busy flight paths used by light aircraft, such as training circuits, which can be more annoying to some individuals than a small number of loud events”*

For general aviation airports with highly trafficked training circuits there is a small amount of evidence that additional controls may be warranted. This is based upon the high frequency, extended duration and low height that training circuits are flown.

However, it is important to separate the issues of major airports, operating large aircraft for passenger and freight services, from general aviation airports with flight training centres that use highly concentrated

training circuits for extended periods. A similar issue relates to areas surrounding military airports, where operational requirements may result in periods of very high activity or the operation of large and noisy aircraft.

The Australian Standards committee should review these situations and consider appropriate refinement to the ANEF calculation methodology to cater for these specific circumstances. The appropriate refinements may include a separate calculation (formulae) for flight training circuits and military operations, or the addition of a multiplying factor to the current calculation.

However, these limited situations should not be used to justify a free-for-all in which land use planning decisions are determined by whichever side shouts loudest. In the absence of further research, the ANEF system should continue to be applied.

- *“Aircraft noise does not stop at a contour line on a map”*

This is true statement, and would remain correct regardless of the metric used as the land use planning control. For example, if the N70 contour was adopted as a land use control, this would also be represented as a line on a map.

This is not a unique problem with aircraft noise, but an issue experienced with all land use planning controls. Extent of flood controls or wildfire management zones are all represented as a line on a map, but this does not restrict flood or fire damage to only areas within these lines.

As with all aspects of land use planning, the location of lines on a map is a balance of many competing priorities and objectives. If the objective was to ensure no aircraft noise complaints were received, then airports would need to be located in unpopulated areas and well away from metropolitan areas. In which case, would there be a great demand for the services they provide?

From a review of the public submission received on both the Issues Paper and the Green Paper, there did not seem to be an overwhelming case presented to suggest that the balance provided by the current ANEF system is not meeting community expectations.

One important limitation that the Department has not raised in this Discussion Paper is the current process used for the determination of ANEF contours for an airport. This is despite a substantial number of submissions on both the Issues Paper and the Green Paper highlighting this as the real problem.

Currently, ANEF contours are produced by consultants on behalf of the private Airport Lessees. These private Airport Lessees provide the input assumptions for this modelling, such as aircraft types, flight paths, runway operations and most importantly times of operations. The airport’s consultant inputs this data into a computer model to produce the ANEF contours.

The AsA endorsement process includes undertaking a “technical accuracy” check that only involves a check to ensure that the consultant used the computer model correctly. There is no assessment of the validity or reasonableness of the assumptions provided by the private Airport Lessee.

Therefore, as a land use planning control, the most significant limitation that the ANEF system has is the operating assumptions upon which the contours are based. If the Government were to ensure that the input data was independently verified and checked before producing ANEF contours, then a number of the other so called “limitations” and credibility issues with the ANEF system would be resolved.

2.4 Suggested Options for enhancement

Despite the Discussion Paper purporting to present a discussion as to whether the existing system is adequate or not, the Department clearly presents a biased position against the current system without even presenting a compelling case for change. *“The Government considers that it would be beneficial to develop and implement additional strategies for assessing and managing aircraft noise at much greater distances from airports than has conventionally been the case.”*⁶

To support their position, the Department is pushing a number of options:

- *“Reviewing the ANEF system and clarifying whether it is solely a tool for land use planning or whether it has a role in describing noise exposure patterns around airports;”*

The Australian Standard, AS 2021, is very clear in specifying that its objective is *“concerned with land use planning and building treatments in the vicinity of an airport”*⁷. Therefore, the role of AS 2021 and the ANEF are clearly related to land use planning. This is further reinforced by the Department’s policy that the ANEF is the appropriate instrument for informing land use planning decisions around airports, through the requirements of the *Airports Act*.

The Department has previously investigated this question in the *“Expanding Ways to Describe and Access Aircraft Noise Discussion Paper”* in March 2000. The conclusions of this discussion paper were that the ANEF system was the most appropriate system for informing land use planning decision making, and was already the most stringent control in the developed world.

- *“A full review of AS2021 as a planning guide for state and local governments;”*

The vast majority of submissions on the Issues Paper and Green Paper do not request a review of AS2021 for land use planning purposes.

- *“In addition to the ANEF, provision of comprehensible noise information, such as flight path location and activity diagrams and N70s, enabling individuals to gain a clearer understanding of aircraft noise exposure patterns around airports which enables them, for example, to factor this information into decisions about house purchase;”*

The provision of appropriate information, in a readily understandable format, is important to ensure that individuals are provided with an adequate appreciation of the likely impact of aircraft noise in a specific area.

When providing this information, it is important to ensure that it is accurate and concise; otherwise there is an opportunity for various parties to incorrectly portray the information to suit their particular agenda. This information should be provided by the airport lessees in their Airport Master Plans.

- *“Ensuring that supporting the current and future operations of airports is one of the objectives of planning, and establishing arrangements for that objective to be balanced with others in planning and development decisions;”*

AS 2021 already achieves this goal. Airservices Australia’s policy document *“The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airport”* (Sept 2001) states that, *“it is considered that the public interest is best protected by ensuring that the long-term*

⁶ Safeguards Discussion Paper, page 7, paragraph 5

⁷ Australian Standard AS 2021 page 5

*viability of the aerodrome is preserved wherever possible by planning in accordance with the guidance material contained in this document. The land-use recommendations in Appendix B are **most readily applicable to new development on undeveloped land around aerodromes.***” This document specifies that the ANEF system is most appropriate for dealing with greenfield development sites and was designed for this purpose.

This proposed “enhancement” would elevate airport operations above all other considerations within a local government planning system. Such an approach would not result in a balanced approach to land use planning decisions. Additionally, as airports are operated by private Airport Lessees, this would provide an unfair commercial advantage at no cost to the Airport Lessee, and result in the wider community having to pay for this cost.

Additionally, this “enhancement” would require careful analysis to determine what current and future needs are in the “national interest” and which are for the financial benefit of the Airport Lessee. Canberra Airport’s current proposal for a freight hub is an example, because is the establishment of this freight critical to the national interest, or it is purely a corporate growth objective of the Airport Lessee.

- *“Developing stronger arrangements for protection of corridors under flight paths, particularly avoiding residential and other noise-sensitive development in such corridors;”*

This point raises many questions. The Discussion Paper does not identify or suggest any “stronger arrangements” that could be implemented and what the relevant benefits and impacts of such mechanisms would be.

Additionally, the Department mentions “under flight paths” in a number of documents, such as the Green Paper and this Discussion Paper, however there is no clear definition of what this means. The definition given in the Green Paper for “flight path” is any route where any aircraft flies. Using this definition, residential development would be severely restricted throughout all metropolitan and regional areas in Australia. Such a crude definition does not consider the noise mitigating impact of aircraft altitude. The ANEF system provides adequate protection of corridors under flight paths by assessing the noise impacts of future projections of aircraft using these corridors.

- *“Considering more conservative criteria for noise-sensitive developments under flight-paths, particularly in relation to development of greenfield sites or where other options are available; and”*

The Discussion Paper provides no commentary to indicate the background behind this “enhancement”, although it would be interesting to understand the Department’s reasoning as to why greenfield development should be subjected to more conservative criteria. There is no research available to suggest that future communities in areas that are currently “greenfield” would react differently to aircraft noise.

Furthermore the term “greenfields” in this enhancement is not defined. It is not clear whether all developments on previously undeveloped land would be considered to be greenfields development; or whether there would be a size limitation; or a definition based on proximity to existing development.

The ANEF system should be consistently applied to all proposed developments.

- *“Considering 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.”*

Currently, all leased airports under the control of the Airports Act are required to prepare and have approved an ANEF contours plan for the airport. All State Governments have adopted the ANEF contours as the land use planning control for land in the vicinity of airports. The Discussion Paper has not provided examples where this current approach has been deficient, or where inappropriate land use planning outcomes have occurred.

Therefore, the Discussion Paper has not presented a case to support this “enhancement”, and it appears that it is a continuation of the theme to give airports preeminence, over all other considerations, in the land use planning decision making process.

3.0 – Responses to Specific Questions

3.1 Does the ANEF system provide an effective basis for planning in noise affected areas?

The ANEF system has been used to regulate land use planning around airports for over 20 years, and there is no evidence to suggest that the current system has not been effective.

The Discussion Paper has picked up on a number of comments in the submissions on both the Issues Paper and Green Paper regarding the provision of better information on aircraft noise. This is a separate issue to the effectiveness of the ANEF system as a land use planning control. In recent years, the Department has implemented a number of new initiatives, such as TNIP and WebTrak, to provide more information to the community on aircraft noise. Additionally, a number of more recent Airport Master Plans contain information on aircraft noise impacts in an understandable format of the community surrounding the airport.

The biggest threat to the ongoing effectiveness of the ANEF system is the legitimacy of the ANEF contours produced by privately leased airports and the endorsement process of Airservices Australia (AsA). Currently, AsA does nothing more than ensure that a computer model has been used correctly before the endorsement of an ANEF produced by a private airport operator. Given the importance and the impact on the surrounding community, the Commonwealth Government needs to conduct a rigorous and independent assessment of the input data provided by these private companies to ensure that the resultant ANEF contours charts provide an accurate and realistic projection of future noise impacts.

Currently, the development of ANEF contours is prone to exploitation by the private airport development companies who can manipulate the input data without providing any justification. The development of ANEF contours involves a lot of detailed formulae and data, which can make it prone to gaming. For example, changing a daily flight from an MD80 aircraft at 06:50 to a new-generation B737 at 07:10 can change the contours significantly. Two recent examples of gaming in Preliminary Draft master Plans were Canberra Airport overstating flights at night and Sydney Airport understating flights between 06:00 and 07:00. Due to the high ANEF weighting on flights between 7pm and 7am, this allows the airports to skew flight times to suit its agenda. These examples do not demonstrate a problem with the ANEF system as such (it is the most scientific tool available), but an indication of why it is extremely important that there is an independent review.

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

The ANEF system is very effective as land use planning standard for greenfield developments around airports. For these types of developments, the ANEF system can be utilised to ensure that appropriate land use arrangements can be incorporated into the initial master planning.

Additionally, the use of the ANEF system ensures that the appropriate measures to address aircraft noise intrusion to sensitive uses (such as houses, schools, etc) are incorporated into the original design and construction. The provision of the appropriate insulation in the original construction is much more cost effective than having to retrofit existing buildings at some point in the future.

The Discussion Paper does not provide any evidence to support any claim that future residents within a greenfield development would react any differently to an existing residents in a similar noise exposed area.

As mentioned previously in this submission, the term “greenfield development” is vague and does not clearly indicate the scale or nature that is meant by the Department.

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

In answering this question, the evidence of community expectations will be addressed, as well as the ongoing applicability of AS 2021.

Community Expectations

Since early 2008, the Department has released both the Issues Paper and the Green Paper which have attracted close to 600 submissions (in total). Of these submissions, there was not a significant call for changes to the current ANEF system for land use planning purposes. Quite the contrary, with all State Governments, a number of Airports and many industry groups expressing support for the current land use planning controls, or requesting that input data should be independently verified.

This latest Discussion Paper provides no new evidence or commentary to indicate that there is widespread community discontent with the current ANEF system for land use planning, it provides no documented cases where the current ANEF system has failed and does not take account of the views of all State Government that have expressed support for the current ANEF system.

Community expectations are difficult to define, as there will be many different expectations with a community. Therefore, which one is truly representative of the general view of the community? On this matter Access Economics commented: *“The phrase ‘community expectations’ is used frequently in the discussion paper. Again, the market answers this question: if a person decides to buy a house near an airport, fully aware of the ANEF and noise issues, then that house must have been viewed by that person as acceptable, given the various pros and cons of owning that house. Importantly, the ‘community’s expectations’ should be determined by observing people who are actually making decisions on where to live, spending their own money. Hence, it is necessary to apply the concept of ‘consumer sovereignty’ when defining ‘community expectations’ – see Facts and Furphies in Benefit-Cost Analysis: Transport, BTRE Report 100 (<http://www.bitre.gov.au/publications/24/Files/r100.pdf>, p2 and p193) for discussions of ‘consumer sovereignty’.”*⁸

However, given the number of submissions recently received by the Department on the previously released documents, it would be reasonable to conclude that there is not significant community concern with the current ANEF system by the fact that 85% of submissions made no comment on this matter.

This latest Discussion Paper has not provided any new evidence or case studies to illustrate that the community expectations are any different to the views that were expressed on the Issues Paper or the Green Paper.

Ongoing Applicability of AS 2021

Australian Standard, AS 2021, has been reference as the control for land use planning and building insulation of areas surrounding, and on, airports for over 20 years. In this time, the Standard has been reviewed and updated by the appropriate Standards Review Committee. Additionally, the Commonwealth Department has considered and reconfirmed in 2000 that it was the appropriate control for the regulation of land use around airports.

The Discussion Paper has provided no evidence to suggest that the ANEF system no longer serves the wider community interest for the control of development around airports.

AS 2021 provides the minimum requirements for protection from aircraft noise intrusion based on a balanced approach. This approach is designed to ensure that an adequate level of protection is provided for the majority of the population. Such an appropriate will never satisfy everyone, however it is unreasonable

⁸ Access Economics Report, 29 July 2009, page 2

to adopt any approach that would. Most standards are designed to identify the minimum requirements necessary to protect against a specific occurrence, such as occupational health and safety standards. There is nothing preventing an individual going beyond the requirements of an Australian Standard, if they feel they are particularly sensitive to a particular matter.

3.4 How can the current planning arrangements 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?

The answer to this question will address the key points raised individually, including community expectations, clarification of the concept of community and the concept of reasonable aviation growth.

Community Expectations

As discussed in the response to Question 3, there has not been overwhelming evidence in the submissions received on the Issues Paper or Green Paper to suggest that the ANEF system is not meeting community expectations in regard to the current planning arrangements around airports.

“community”

The Discussion Paper does not provide a definition of the term “community”; therefore it is difficult to determine whether the Department is considering the total population in a certain vicinity of the airport or whether there is a bias towards the aviation industry interests. A number of comments contained in the Discussion Paper indicate that the Department may be favouring the interests of the aviation industry over the interests of the general populous.

The use of vague, undefined terms such as “noise affected area” and “under flight path” does not encourage informed debate within the community on these matters. By not including specific definitions of these terms, the Discussion Paper leaves it open for interest groups to push their own agendas regarding what development should or should not be undertaken. As mentioned previously, the Discussion Paper does not make the case that the current ANEF system is inadequate at defining “noise affected areas”.

“reasonable growth of aviation”

The Discussion Paper does not provide an explanation of “reasonable growth of aviation activity at airports”; therefore this leaves it open to interpretation as to what level of airport activity should be planned for. As mentioned above, the current Airservices Australia (AsA) ANEF endorsement process does not assess of the reasonableness of the input assumptions used for the determination of the ANEF contours. As a result, the current endorsement process does not ensure that the land use planning control for areas surrounding airports is based upon a reasonable prediction of the airports usage.

Without confidence in the basis for the land use control, its credibility is questionable. Therefore, it is recommended that prior to any consideration of modification of the ANEF system; the Commonwealth Government should undertake a thorough, independent review of the endorsement process. This review should also include a review of all airport ANEFs to ensure that these are based upon practical and realistic aircraft movement growth scenarios and are not just an individual Airport Lessees corporate ambitions.

3.5 For developments around 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?

This question contains a number of key issues that need to be addressed individually, including the separation of powers between the States and Commonwealth, understanding of the buffer areas and what impacts such a referral to the Commonwealth would have to the existing system.

Constitutional Powers & COAG

Under the provision of the Commonwealth of Australia Constitution, the Commonwealth Government is not granted any powers in relation to the control of land use on land under the control of State Governments. Therefore, the Commonwealth Government's powers are limited to controlling land use within the boundaries of leased airport land.

The State Governments are the responsible government for the control of land use within their jurisdiction. The State Governments use legislation to enable Local Government to exercise this power, as the planning authority at a local level.

The State Governments, through planning legislation and regulation, recognise and identify that the control of land use requires a balanced approach. When determining any development proposal there are many conflicting issues that need to be considered, some of which can be resolved and some that can't.

All State Governments expressed support for the ANEF system in their submissions to the *Towards a National Aviation Policy Issues Paper*; however these comments were particularly ignored in the preparation of the *Aviation Policy Green Paper*. Additionally, in the summary of submissions made on the Green Paper published on the Federal Department's website, the summaries of the State Government submissions have been misrepresented to downplay the State Governments strong and continuing support for the ANEF system.

In the Aviation Policy Green Paper, one of the initiatives identified in the Noise Impacts Chapter was to work with the Council of Australian Governments (COAG) to discuss the options for changes to the land use planning decision making processes surrounding airports.

To date, it appears that no such discussions have commenced. Therefore, given the Constitutional restrictions on the Commonwealth, it appears inappropriate for the Federal Department to public release a discussion paper suggesting that the Federal Minister have a power of veto over a State issue without prior liaison with the States.

The Discussion Paper does not provide any evidence or case studies to indicate that the current land use planning controls are ineffective or require change. No examples are provided to illustrate where State or local governments have made land use planning decisions that have resulted in changes to airport operations or resulted in an increased level of complaints.

"defined buffer zone"

The Discussion Paper does not explain what would constitute a "defined buffer zone"; nor does it identify what the Commonwealth Department would consider or add to the land use decision making process. If the "defined buffer zone" was to be the existing ANEF contours, then the land use controls are specifically identified in AS 2021. Therefore, how would the Commonwealth Department value-add to the State Government's constitutional role? It appears that the only role the Commonwealth Department could have would be to pursue the economic interests of a private company that leases federal land to the detriment of the broader community.

If an alternate, arbitrary boundary was invented by the Commonwealth Department and adopted by the State Governments, again how was this value-add to the decision making process? The likely outcome of such an approach would be that decisions are made based upon “who shouts the loudest” rather than sound planning principles and wider community benefits.

Referral to Commonwealth

Giving the Commonwealth Transport Minister or Secretary a veto over State Government’s constitutional role would seem to place the aviation industry interests above all other relevant planning considerations. The current ANEF system provides a balance between the long term viability of the aviation industry and other issues, such as residential amenity, housing affordability and the economic sustainability of the wider community (such as jobs in the construction industry).

CB Richard Ellis has commented that “land use planning is fundamentally about tradeoffs and a balanced outcome to land use decisions. No one land use type or owner of land has a preeminent ‘as of right’ authority over planning decisions made by Government, State and Local. This seems to be the substantive position of DOTARS representing airports. Airports are a commercial industry group like all others who are not entitled to an expectation of in effect a right of ‘veto’ over planning decisions. There is certainly no case or precedent for planning powers over a land use decisions by the State and by inference local government, to be deferred to the Commonwealth Government. It would seem to be a Constitutional matter.”⁹

If referrals to the Commonwealth Transport Minister or Secretary were implemented, their role would have a limited assessment role. The Commonwealth would be considering a single issue (aircraft noise), whereas the relevant planning authority has to consider a vast range of competing priorities. The Commonwealth would not have the expertise available in all necessary disciplines to adequately assess proposals. Additionally, it is not clear from the Discussion Paper what would be referred to the Commonwealth, the Discussion Paper only indicates “residential” therefore there would no requirement to refer developments of schools, hospitals or other land uses currently outlined in AS 2021 to the Commonwealth? At what stage would referral to the Commonwealth be required: at the rezoning stage, at the subdivision stage, at the individual residential development stage, or at all of them?

With the current housing affordability and economic stimulus priorities of the Commonwealth Government, the Discussion Paper does not clearly present a case to indicate that this proposal would result in a net benefit to the entire community. Furthermore, the Discussion Paper does not clearly identify how a new Commonwealth referral requirement would not bog down the land use planning and further impact on the house affordability issues within all Australian capital cities.

It is also important to consider that in submissions to the Aviation Policy Issues Paper and Green Paper, a large number of State and Local Governments questioned why the Commonwealth Government retained the land use planning controls for non-aviation related developments on privately leased airports. These submissions expressed serious concerns with the extent, nature and scale of non-aviation related developments at these privately lease airports to the detriment, economic and socially, to the wider community. Many State and Local Governments recommended that the Commonwealth relinquish the land use planning controls for non-aviation development on airports site to the local planning authority because it seems the Commonwealth Government has limited expertise in this area. Therefore, it seems that the Department has ignored these submissions in the development of this Discussion Paper.

⁹ CB Richard Ellis Letter, 31 July 2009, page 1

Appendix 1 – Access Economics Pty Limited Report

Access Economics submission on Safeguards for airports and the communities around them

This submission provides comments on the July 2009 Departmental discussion paper, *Safeguards for airports and the communities around them*. This submission focuses on planning and aircraft noise issues (as summarised in the five questions on page 9 of the discussion paper) and does not address other aspects of the discussion paper, such as wildlife, wind turbines and turbulence.

The aviation industry is economically important, but also generates a great deal of noise pollution. It is an ongoing policy challenge to balance the economic importance of this industry with the noise pollution it generates. The government also faces similar policy challenges in areas such as carbon pollution, air pollution and salinity. The broad thrust of policy for these different types of pollution is to minimise pollution in a manner that has the least possible impact on the economic benefits generated by the pollution-emitting industries. As such, the discussion paper appears to differ from traditional approaches to the issue of pollution. Rather than the onus being on the emitting industry to reduce its emissions, the discussion paper places the onus of managing aircraft noise pollution onto the rest of the community.

The focus of policy should instead be on minimising noise pollution as much as possible, in a manner that has the smallest possible impact on the economic benefits generated by the aviation industry. In turn, that could lead to a more positive approach to policy formulation, such as encouraging an accelerated adoption of new-generation aircraft and new technology (such as RNP), rather than a negative approach of vetoing residential developments.

That noted, the remainder of this submission addresses the questions raised on page 9 of the discussion paper.

Any treatment of land around airports should allow more of a role for the market to resolve competing land uses, rather than relying on prescriptive regulations and vetos. If the aviation industry seeks to quarantine large tracts of land for aviation uses, it can simply go and offer to buy that land at the going market rate – this would be a ‘polluter pays’ approach. If some people are more susceptible to noise than the average person represented in AS2021 (such as the ‘very busy flight paths used by light aircraft’ example given in the discussion paper) then they can sell their house to a person that is less susceptible, and so forth. Non-market approaches could result in the aviation industry receiving a ‘free kick’ by being able to place restrictions on land owned by others, at no cost to the aviation industry.

While a ‘line on a map’ can seem arbitrary – with one location ‘acceptable’ and a location 100 metres away being ‘unacceptable’ – ultimately, when people decide to buy a house in a location that may be border-line, they would make the decision based on the price of the house, whether it suits their budget and lifestyle, and many other factors. Allowing the market for land to function will go a long way to ensuring an optimal allocation of land between aviation and other uses, and AS2021 is a useful tool for ensuring buyers and sellers in the real estate market are well-informed. But ultimately, people will also factor in a wide range of other issues when buying a house. The aim of policy should be to ensure the market is well-informed, rather than being prescriptive about land use. Along with an ANEF, energy efficiency star ratings are another example of ensuring the residential real estate market is well-informed.

Commercial-in-Confidence

The phrase ‘community expectations’ is used frequently in the discussion paper. Again, the market answers this question: if a person decides to buy a house near an airport, fully aware of the ANEF and noise issues, then that house must have been viewed by that person as acceptable, given the various pros and cons of owning that house. Importantly, the ‘community’s expectations’ should be determined by observing people who are actually making decisions on where to live, spending their own money. Hence, it is necessary to apply the concept of ‘consumer sovereignty’ when defining ‘community expectations’ – see *Facts and Furphies in Benefit-Cost Analysis: Transport, BTRE Report 100* (<http://www.bitre.gov.au/publications/24/Files/r100.pdf>, p2 and p193) for discussions of ‘consumer sovereignty’.

Giving the Minister or Secretary a veto over state governments would seem to place aviation industry interests above all else. Rather, there needs to be a balance between the (admittedly economically important) aviation industry and other important issues, such as housing affordability, low-cost housing options and housing construction jobs. As noted above, it would be an unusual approach to give a polluter greater rights than (let alone a veto over) the rest of the community. That approach would provide no incentives to the aviation industry to reduce their noise emissions. If the Government were to have a veto, the buffer area would need to be very small and only cover the immediate vicinity of the airport, given that a veto power such as this would create a highly interventionist power and a very heavy-handed regulatory system of land use around airports. There would also need to be an appeal process, which further complicates matters.

ANEF is based on a considerable amount of science, drawing on many decades of acoustic research. Any revision or replacement should be subject to the same level of scientific rigor (or better). The Canberra Airport’s ‘High Noise Corridor’ has no scientific basis.

ANEF is built on a considerable amount of detailed data and complex formulae, which creates scope for manipulating the inputs to achieve a desired result. For example, changing a daily flight from an MD80 aircraft at 6:50am to a new-generation B737 at 7:10am can change the ANEF contours significantly. This is not a problem with ANEF as such – as noted above, it is the most scientific tool available, but like any complex computer model the inputs can be adjusted to achieve a desired output. Hence, the inputs used to create an ANEF need to be independently reviewed to ensure the inputs are plausible. The current Airservices Australia ‘technical accuracy’ check is insufficient – it only examines the accuracy of the calculations, taking the inputs as given. Two recent examples of questionable assumptions in PDMPs were: (i) Canberra Airport overstating wide-body flights at night (ie before 7am); and, (ii) Sydney Airport understating flights between 6am and 7am. Due to the quadruple weighting on flights before 7am versus after 7am in the AS2021 calculations, these assumptions had large impacts on the resulting ANEF.

Like any model, the data and formulae underpinning the ANEF (as detailed in AS2021-2000) can continue to improve – an obvious area for improvement is to ensure the A380 aircraft is added to the database and to ensure aircraft no longer in production and unlikely to still be in use in 20 years (such as the MD80 and B757) are removed. The 6am-7am hour is a particularly busy hour in the aviation industry and could perhaps be treated differently to the other ‘night’ hours (if the evidence on sleep disruption/noise impacts before 6am versus before 7am supports this). The acoustic performance of building materials (such as double-glazed windows) may have also improved over the past decade. These tweaks to the data and formulae would be worthwhile refinements in any future update or revision of AS2021. However, any wholesale changes to AS2021 would need to be based on rigorous science.

If the acceptable levels in AS2021 were changed, compensation would become an issue for land that was acceptable in the current AS2021 and unacceptable in the revised AS2021

Commercial-in-Confidence

(essentially, the reverse of a 'betterment levy'). Again, 'community expectations' should be rigorously measured using impartial sources such as actual real estate transactions, Airservices' noise monitors and surveys of households, to confirm (econometrically) whether the community's sensitivity to noise impacts has indeed increased over the past decade. Dubious data sources such as noise complaint logs and submissions to a PDMP are little better than anecdotal and should not be used in any robust analysis of changes in the community's sensitivity to noise.

The use of 'greenfield' in the discussion paper is ambiguous. At various places in the discussion paper it is unclear whether it is referring to greenfield airport developments or greenfield residential developments.

In the case of a greenfield airport development: where an airport (or major expansion of an existing airport) is built, affecting land owners that were not previously subject to aircraft noise, compensation is an issue. For a greenfield airport to be socially optimal, the aviation industry should still want the new infrastructure, even after factoring in compensation for the land owners in the immediate vicinity of the airport. People who buy a house near an existing airport would not be entitled to compensation, as the fact was known and incorporated into the house price at the time of purchase. Either way, ANEF is still the best information available to quantify noise issues and to inform the real estate market. The main issue for houses near greenfield versus built out airports is the change in the ANEF since the person bought the house, rather than the absolute ANEF. Hence, looking at both the **absolute level** of the ANEF and the **change in** the ANEF helps to better understand the impacts of greenfield developments (or major new developments at existing airports). A map that shows the **change in** the ANEF as a result of a new development (such as a proposed new freight hub or runway extension) would be a useful addition to Master Plans and Major Development Plans.

The ANEF in a Master Plan should relate to a specific future point in time (such as 20 years into the future) and be consistent with the environmental approvals in place. A case in point is the Canberra Airport PDMP 2009, which provided an ANEF map relating to a wide future timeframe of 'between 2050 and 2060', and assumed aircraft depart and arrive from a relocated runway threshold, the relocation of which has not been approved. The relocation of the runway threshold is another example of an input into the ANEF calculations which does not fall within the scope of Airservices' 'technical accuracy' assessment.

For greenfield residential developments, provided the data, inputs and timeframes underpinning the ANEF are realistic, and noise sensitivity is not econometrically proven to have increased over time, there would seem to be no need to use 'more conservative criteria' for greenfield developments than already provided for in AS2021. A better policy approach would be to place more pressure on the aviation industry to reduce its noise pollution emissions rather than imposing any 'more conservative criteria' on the rest of the community.

Access Economics, 29 July 2009

Appendix 2 – CB Richard Ellis (V) Pty Limited Letter

24 July 2009

The Village Building Company
Unit 7 Argyle Corner
92 Hoskins Street, Mitchell
ACT

Attention: Ken Ineson

Dear Ken,

Aviation discussion paper

We refer to the recently released Aviation discussion paper. In relation to the Discussion Paper, we note the following:

Firstly, land use planning is fundamentally about tradeoffs and a balanced outcome to land use decisions. No one land use type or owner of land has a preeminent 'as of right' authority over planning decisions made by Government, State and Local. This seems to be the substantive position of DOTARS representing airports. Airports are a commercial industry group like all others who are not entitled to an expectation of in effect a right of 'veto' over planning decisions. There is certainly no case or precedent for planning powers over a land use decisions by the State and by inference local government, to be deferred to the Commonwealth Government. It would seem to be a Constitutional matter.

It is rather simplistic of the Discussion Paper to conclude that greenfield locations ought to be treated differently to built up urban areas. There is often proper and legitimate planning reasons why urban/residential development occurs in what might otherwise be described as in the vicinity of an airport. It cannot be that greenfield areas take on a more stringent threshold test than built up urban areas simply because they are a new urban release.

Whilst the operating environment of an airport is acknowledged, the degree of affectation ought not be seen as essentially a prohibition on development. It is a matter to account for like many other planning features. By example, in NSW, the planning response and extent of flooding has evolved from an absolute (ie say 1% flood event line) to a merit risk based assessment. The principle of a merit based approach that reflects the diversity of urban settings nationally let alone across NSW.

It seems somewhat naïve for the Discussion Paper to suggest that communities should take into account or put another way, carry the burden for growth in airports. Like all other industries, why is it not incumbent on operators of airports to better manage their operations, have a cap placed on the extent of external impacts and be obliged to minimize if not reduce noise levels. It seems a rather old paradigm for DOTARS to be assuming that airports will just continue on doing what they do. Whilst the externalities of an airport are in some ways unique, much has been written about

the principle of restricting off site environmental impacts and the burden of responsibility to in this case, airports. Airports and DOTARS ought to be accountable for addressing such.

Similarly it is not equitable for communities to carry the burden if a commercial enterprise. Should it be that airports burden and constrain/hinder the rights of individuals, then the relevant issues is that of compensation. This is in effect is the cost of `doing business`. The freehold land title system certainly in NSW attracts certain rights. It is rather superficial of the Discussion Paper to not acknowledge the wider land economy operating in other areas that fundamentally impact on the use and value of land in the vicinity of airports

The Discussion Paper appears very airport industry centric paper. It reflects a considerable lack of understanding or discounting of the broader planning and development context that airports need to operate in and not separate to.

We believe the issues of jurisdiction; equity; and external impacts of airports are all matters that industry groups and the States should raise as concerns with the Commonwealth.

For your consideration.

Yours sincerely
CB Richard Ellis (V) Pty Ltd

Mark Grayson
Director – CBRE Town Planning

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Appendix 3 – Wilkinson Murray Pty Limited Report

24 June 2009

WM Project Number: 02147
Our Ref: VBC310709 RB Safeguards
Fax/Email: kineson@villagebuilding.com.au

Ken Ineson
The Village Building Company
7 / 92 Hoskins St
MITCHELL ACT 2911

Dear Ken

Re: Comments on discussion paper "Safeguards for airports and the communities around them"

As requested, this letter provides comments on the above discussion paper, produce by the Federal Department of Infrastructure, Transport, Regional Development and Local Government. My comments are restricted to issues and options listed under "Planning for compatible development", as described in Section A and expanded on in Section B, pages 6 – 8. This heading is used to discuss issues related to land use planning and aircraft noise.

Part A: Statement of the Issue

The paper is concerned with "safeguards" for airports and communities, and it is therefore important to identify the threat from which they are to be protected. For airports the threat of concern is that "developments under flight-paths, even some distance from the runway, often lead to complaints about aircraft noise and calls to restrict airport operations" (p2), and this appears to be the motivation for seeking additional "safeguards" in relation to noise.

I know of no case where new developments, consistent with the existing Australian planning guidelines in Australian Standard 2021, have resulted in changes to airport operations. Indeed, I do not believe that any significant new noise controls, such as the introduction of a curfew, have been introduced at any Australian airport in the last 10 years. Complaints are often registered by people living in areas "some distance from the runway", and these can be a source of concern for the airport. I believe there are ways to reduce this level of complaint, but the geographical spread of complaints precludes options such as restrictive land use planning for addressing this issue.

Page 6, paragraph 2 indicates that "public expectations have changed in recent years with increased community pressure to impose operational constraints on airports or oppose airport growth", and this is presumably the reason why consideration is given to supplementing existing land use controls near airports.

Once again I know of no evidence that this is the case, and some evidence that it is not. A study of reaction to aircraft noise around Jandakot Airport in the mid 90s found similar levels of reaction, for the same ANEF noise exposure, to that found in the NAL survey in 1979 / 80. At Sydney, the only airport in Australia for which complaint statistics are publicly available, complaints have reduced significantly since September 11 2001, with no commensurate reduction in noise exposure.

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In short, in the case of aircraft noise impacts I do not believe the requirement for changes to the existing system of safeguards for airports and communities is as strong or as pressing as is implied by the discussion in this document. Nevertheless, under the current system there are certainly people who experience negative impacts due to aircraft noise, and there are certainly cases where complaints and other action by residents cause problems for airport operators. Potential ways of reducing these impacts, without unacceptable additional cost to the community, are discussed below.

“Limitations” of the ANEF System

As indicated in the paper, the major tool for controlling land use planning around Australian airports is the ANEF system, based around Australian Standard 2021. A number of “limitations” of this system are noted (p 7). The “limitations”, with my comments, are as follows.

- *The system is a “one size fits all” approach which does not take into account local circumstances – large airports are treated the same as small airports; greenfield airports are treated the same as built out airports.*

Comment: The ANEF system does not differentiate between large and small airports because significant evidence indicates that the reaction of residents around large and small airports is the same, for the same ANEF noise exposure. As for greenfield vs built-up airports, AS 2021 does make a specific distinction – notes 4 and 5 to Table 2.1 indicate that while development in “unacceptable” areas is never recommended, it may be conceivable in built-up areas under certain conditions but should never be countenanced in greenfield areas.

I believe any further allowance for “local conditions” at specific airports would open the way for local interests, seeking either stronger or weaker controls, to place pressure on planning authorities, resulting in potentially inequitable, and certainly inconsistent, outcomes. This is the antithesis of the “nation-wide cooperative land use planning approach” desired by the writers of the paper.

- *Experience has shown that ANEF contours do not provide a complete picture of the areas where residents are likely to have an adverse reaction to aircraft noise.*

Comment: Much scientific data, including some quoted in AS 2021, show that a relatively small number of people will be seriously affected by aircraft noise outside the 20 ANEF contour. Methods of reducing this impact should be sought, and I believe some are available. However, the extension of restrictive land use planning controls such as those in AS 2021 is a very poor way to achieve this – it would skew planning decisions, unnecessarily drive up the cost of residential land, and ultimately achieve only a small reduction in overall noise impact.

- *The contours do not easily correlate to a publicly understandable “decibel” level.*

Comment: This is true, and points toward a more appropriate and cost-effective way to control the extent of noise reaction – give potential residents access to good-quality information to allow them to make their own decisions about whether they should move into an area.

- *ANEFs do not capture areas under very busy flight paths used by light aircraft, such as training circuits, which can be more annoying to some individuals than a small number of loud events.*

Comment: There is a small amount of evidence that this may be true, and if so, there is justification for treating general aviation airports in a different category to major airports. However, this is a case where further research is definitely warranted. In any case, this should not be used to justify a free-for-all in which land use planning decisions are determined by whichever side shouts loudest. As a first approximation, the land use planning advice in AS 2021 remains appropriate. However, for

general aviation airports a cautious approach would recommend some controls in areas just outside the 20 ANEF contour, in the absence of further information.

- *Aircraft noise does not stop at a contour line on a map*

Comment: Information programs are required to enlighten anyone who is under this impression.

Options for Enhancement of Current Arrangements

These are presented on page 7. My comments are as follows.

- *Reviewing the ANEF system and clarifying whether it is solely a tool for land use planning or whether it has a role in describing noise exposure patterns around airports.*

Comment: Such a review would be worthwhile. In addition to their role in land use planning, I believe the review would find that ANEF contours have a small but valuable role to play in describing noise exposure patterns – probably secondary to N70 contours. For land use planning ANEF contours remain fundamental.

- *A full review of AS 2021 as a planning guide for state and local governments.*

Comment: Such a review is probably overdue. It should be conducted by the appropriate committee of the Australian Standards Association. It should be noted that since the last review, the privatisation of Australian airports has seen the interests of various players re-aligned, and consideration should be given to the make-up of the committee to ensure all interests are fairly represented and independent technical input is obtained.

- *In addition to the ANEF, provision of comprehensible noise information ...*

Comment: As indicated above I strongly support this option as the fairest and most effective way to reduce noise impact for residents. I believe it also forms an important part of a strategy for reducing complaints, which depend largely on the effectiveness of the Airport's policy of engaging with the surrounding community. The tools for providing this information are already available, notably through descriptors discussed in the document "Expanding Ways to Describe and Assess Aircraft Noise", and the TNIP analysis program. The most important point for discussion would be in finding improved ways to deliver this information, such as through local government agencies and/or the internet, as is done currently for Sydney Airport. Exploring possibilities for delivering this information should form a large part of the discussion arising from this paper.

- *Ensuring that supporting the current and future operations of airports is one of the objectives of planning ...*

Comment: It is the job of planners to balance competing interests in determining future land use, and ensure an optimal outcome for the community. This includes provision for future infrastructure as well as providing optimal locations for residential land. To the extent that planners need advice or assistance in performing that role, any additional information in a more appropriate form (as described above) would be helpful. However, restrictions on the choices that planners are allowed to make are appropriate only where any other choice would be always and obviously detrimental to overall community interests. There is evidence that this is the case for areas within 25 ANEF – that is, in these areas aircraft noise is the dominant issue for most residents, overriding other concerns. Between 20 and 25 ANEF, aircraft noise is important for a number of people, and here it is appropriate that if planners wish to approve residential development it must include appropriate acoustic treatment. Outside 20 ANEF, aircraft noise is one of many community issues that will be

important for a relatively small number of residents. There is no justification for restricting planners' options for residential development in these areas.

- *Developing stronger arrangements for protection of corridors under flight paths ...*

Comment: The concept of a "corridor" is not well defined, and is open to manipulation. If the issue is protection from aircraft noise, then the area to be protected should be based on the level of noise. The ANEF system is designed to define a corridor requiring protection, based on the best available evidence, conservatively interpreted. There is in my view no reason to depart from this.

- *Considering more conservative criteria for noise-sensitive developments ...*

Comment: The phrase "where other options are available" in this point indicates an extremely simplistic conception of the planning process, whereby if a map shows an undeveloped area in the general vicinity of a noise-affected area, this constitutes another "available option" for development. In fact all areas have advantages and disadvantages in terms of issues such as proximity to employment, availability of services, ecological considerations, formation of coherent communities, consistency with proposed road and rail networks, etc. These issues may well be more important to future residents than aircraft noise, and they may be more important to the community than the extremely remote possibility that some controls could be exercised on an airport's operations at some stage in the indefinite future.

These are issues that are balanced as part of the normal planning process. It is not appropriate to privilege one issue – aircraft noise – above all others, unless it will truly be the dominant issue for residents and the community in that area. I believe there is very strong evidence that this is not the case outside 20 ANEF.

- *Considering special arrangements for state and local government consultation ...*

Comment: It is my understanding that mechanisms exist for an airport make submissions as part of the normal planning process when determining planning instruments. This submission can state the airport's views on potential impacts on its operations, which can then be "fully assessed and taken into consideration in decision-making". Perhaps there could be a requirement for a formal process of consultation with an airport to ensure that the airport's views are heard. I am not sufficiently close to the planning process to say whether this is necessary, but I suspect it already occurs.

Where safety issues are involved – for example a proposed development that penetrates an Obstacle Limitation Surface – I believe more coercive powers are probably justified. However, for noise issues I do not see why the normal planning process (including taking account of AS 2021) is not sufficient.

Questions

Based on the above discussion, my responses to the questions posed on p 8 of the paper would be as follows.

1. Yes, but the system could usefully be supplemented with a system for providing intelligible information on aircraft noise impacts to the community, and particularly to potential home purchasers.
2. There is no reason to treat greenfield developments in a different way to infill developments in already-developed areas, with the possible exception that under some very limited circumstances infill developments in "unacceptable" areas may be considered necessary.
3. There is no reason to believe they are not.
4. To take account of community expectations, the most significant improvement to the current system would be provision of useful, accurate information on aircraft noise. As described above, this work would not revolve around the tools for describing aircraft noise, which are now well developed, but around the systems for ensuring it is easily available, particularly to prospective residents. This would not be a trivial exercise – indeed it would be a world-leading development - and concentrating on how to effectively provide this form of mitigation would be the most valuable task for this part of the review.
5. The Commonwealth Transport Minister will not have expertise available in all the disciplines needed to assess a proposed planning instrument. Approval should be required only in the case of a safety-related issue. In other cases, the ANEF system provides a consistent, comprehensive and valid framework for land use planning restrictions based on aircraft noise.

I trust this information is sufficient. Please contact us if you have any further queries.

Yours faithfully

WILKINSON MURRAY PTY LIMITED



Rob Bullen

Director