

**CANBERRA AIRPORT PTY LIMITED SUBMISSION CONCERNING TERM OF
REFERENCE 1(f) TO THE STANDING COMMITTEE ON STATE DEVELOPMENT
INQUIRY INTO THE NSW PLANNING FRAMEWORK**

Executive Summary

Canberra Airport believes that the following main points should be adopted by the Standing Committee:

- That there be co-ordination between the Commonwealth, NSW and ACT Governments concerning the regulation of developments in proximity of Airports, consistent with the principles set out in the Commonwealth's Aviation Green Paper. The Commonwealth, NSW and ACT Governments and airport operators should commence discussions on such co-ordination as soon as possible. Such discussion, and hopefully co-ordination, are critical given the significant disconnect between the Commonwealth and NSW Governments on what developments should be permitted in the vicinity of Airports. While the Commonwealth may have authority in relation to national aviation infrastructure, airports, air safety, air navigation, flight paths, and noise insulation, that authority can be directly constrained by planning decisions of NSW. In this context, it is not unreasonable to state that the Commonwealth and NSW have a responsibility to discuss and agree, with airport operators, a co-ordinated approach to planning around Airports.
- That the Standing Committee acknowledges the importance of protecting aviation infrastructure from any operational restrictions as a result of developments in the proximity of Airports. Canberra Airport submits that the simplest way to ensure that such infrastructure is protected is to require that no residential developments are permitted under existing flight paths. The focus of amending the planning regime as it applies to airports should be to separate planes and flight paths from houses and schools. Canberra Airport submits that such an approach would result in the best social, economic and environmental outcomes.

- That the Standing Committee acknowledges the importance of ensuring that investment in aviation infrastructure is not reduced by uncertainties around the use of such infrastructure due to restrictions which may arise out of inappropriate land use planning decisions. In particular, the Standing Committee should note the importance of ensuring that where an airport currently operates without any curfew, all efforts are undertaken to ensure that future development and land use does not compromise that position.
- That the Standing Committee acknowledges and agrees with the principle contained within the Commonwealth's Aviation Green Paper that State Governments should work with the Commonwealth to ensure that land use planning is consistent with maintaining curfew-free access for relevant airports.
- That the Standing Committee acknowledges that building under flight paths cannot be justified where there are other Greenfield sites for development. In this regard, the Standing Committee should confirm the previous findings of the Independent Review Panel and object to any proposal for residential development at Tralee and Environa.
- That the Standing Committee acknowledges the importance of airports as transport, social and economic hubs. Airports have become the shipping ports of the 21st century – they are the primary economic and social gateway for the region, employing thousands of people and having a massive economic impact.

Where Canberra Airport is now

Canberra Airport has a simple aim - to develop the airport as a first class facility by responding to the needs of business and the community, to serve the region's evolving transportation, business and development needs and to maximise the needs of a wide range of aviation and other businesses.

Following the additional capabilities developed through the extension and strengthening of the main runway in 2006, Canberra Airport is the only curfew free major airport between Brisbane and Melbourne – a critical capability given the increasing congestion issues at

Sydney Airport. Notwithstanding Canberra Airport's status as a curfew-free airport, Canberra Airport is committed, and has put in place procedures, to continue to do everything possible to minimise the impact of aircraft noise on the community. In this regard, Canberra Airport is continuing to consult with the community and industry, and will continue to refine the relevant procedures to ensure that the needs of the community continue to be met.

However, Canberra Airport is at a crossroads, a crossroads generated by planning decisions which are in the process of being made by the NSW Government.

With the decision by the NSW Planning Minister to continue with the approval process to permit developers to build homes under flight paths at Tralee and Environa, not only is it likely that noise will have a direct impact on more residents in the Queanbeyan/Canberra region, but there is also a real possibility (and perhaps even a probability) that Canberra Airport's curfew-free status and its critical role in Australia's aeronautical network would be put at risk, while members of the Canberra community would be forced to noise share where currently they have none. The Standing Committee should note that the developer of Tralee and Environa and the Queanbeyan City Council have previously called for a curfew to be imposed at Canberra Airport. In 2004 the Queanbeyan City Council commenced a petition to impose a curfew at Canberra Airport, while the developer has on a number of occasions supported the introduction of a curfew at Canberra Airport. Their proposal for land appears to be based on the notion that they will build the houses first, and then the residents will force the introduction of a curfew to further protect their investment.

Given this, the importance of the recommendations to be made by this Standing Committee cannot be underestimated – they have the potential to dictate the future investment made at airports, the future uses of airports, as well as the future noise exposure of residents in both Queanbeyan and Canberra.

Jobs, growth and capital expenditure

Since 1998, Canberra Airport has invested over \$600 million in the airport, playing a major role in the economic growth in the Queanbeyan and Canberra region. Since 1998 the number of airport businesses has grown from 70 to over 180, and the number of jobs has similarly increased significantly – there is no question that the airport has been a stimulus for employment in the wider Queanbeyan region.

This employment growth is in addition to both the ongoing employment of over 500 construction workers and the engagement of some 950 business in the operation of the airport. Indeed, a recent study by independent consultants URS, commissioned by the Tourism Transport Forum, estimated that investment in the airport has direct benefits to 109 different industries and has resulted in over:

- \$1.75 billion in gross output;
- \$735 million in value added; and
- \$400 million in wage and salary income to Australian workers.

The airport is a huge economic contributor and convenient transport node for Queanbeyan, Canberra and the surrounding area.

Over the coming years, Canberra Airport has proposed to undertake the following further significant capital expenditure projects at the Airport:

- the development of a domestic and international freight hub – in this regard the importance of Canberra Airport's role in Australia's freight network was acknowledged by the Commonwealth of Australia in its National Aviation Policy Green Paper. In this paper the Commonwealth noted that it was important to maintain:

“a north-south and east-west network of non-curfew airports. This is crucial to maintaining access for airlines and air freight services to major airports such as Brisbane, Cairns, Canberra, Melbourne and Perth....”page 193 of the Green Paper

Further details of the Freight Hub and its implications for the Airport can be found in Canberra Airport's Preliminary Draft Master Plan;

- in 2009 Canberra Airport expects to embark on a massive new terminal construction program in three stages, with possible future growth opportunities further into the future. The new terminal building will for the first time offer dedicated facilities for regular international flights, which are expected to commence in 2010. Upon the expected completion of Stage 3, current plans indicate that the following amenities for the travelling public and other airport users will be provided:
 - Separated departures and arrivals levels;
 - Up to two multi deck car parks;
 - Up to 44 check-in counters;
 - Up to 6 baggage collection carousels;
 - Up to 8 contact aerobridges for aircraft;
 - International processing facilities including border agency facilities;
 - Significant retail and food and beverage outlets; and
 - Airline club lounges on separate levels.

Canberra Airport sees the development of the terminal essential given that a growth rate forecast of 4.2% per annum in passenger numbers is expected over the next 20 year period and that the existing terminal is already operating at, and during peak hours beyond, capacity. This growth is expected to continue notwithstanding the global financial crisis as international services commence, as competition increases on the Canberra-Sydney route, as Virgin Blue and Tiger airways services at Canberra Airport continue to grow, and as new routes by new and existing low cost carriers are developed;

- the construction of additional airline apron capacity to both the south and north west of the terminal;
- the extension of Taxiway Bravo;
- the construction of additional aprons on the Fairbairn side of the airport;
- the development of aviation facilities along the east side of Taxiway Alpha;
- the relocation and construction of a new Canberra Airport traffic control tower; and
- the expansion of fuel farms and aviation fuel transfer facilities.

The above list of capital expenditure projects is not exclusive and further details of Canberra Airport's capital expenditure can be found in Canberra Airport's 2009 Preliminary Draft Master Plan.

The investment being made in the airport is significant, will continue to drive the creation of jobs for the foreseeable future, and is being undertaken without any Government funding or assistance. It is not an exaggeration to say that the investment is important to continue driving economic development in the region. In this regard, the Queanbeyan Age noted that:

"The Queanbeyan Business Council and the Capital Region BEC have both indicated their support for the hub, believing it would be a tremendous boost for Queanbeyan's light industrial sector" Friday, February 6, 2009

However, these growth rates, the development of the freight hub, the introduction of international services and indeed the undertaking of all capital investment is premised on Canberra Airport having a positive and constructive relationship with the surrounding community, certainty around land use planning and development requirements, and Canberra Airport remaining curfew-free. All of these basic requirements are being put at risk through the decision to continue with the approval process for the Tralee and Environa developments.

In this regard, Canberra Airport notes the Commonwealth Government's position, as stipulated in the Green Paper, that:

“State and local governments will need to work in partnership with airports to ensure zoning is consistent with noise exposure information, in addition to introducing appropriate land use planning around airports and under flight paths.” Page 190 of the Green Paper

Later, the Commonwealth notes that it wishes to work with State and Territory Governments to:

“ensure land use planning and operational restrictions on noisy aircraft are consistent with maintaining curfew free status” page 196 of the Green Paper

The fundamental concern that Canberra Airport has about the current integration of airport development requirements with State land use and development requirements, is that the State laws have allowed a situation to develop where, contrary to the views of the Commonwealth Government, Canberra Airport, Airservices Australia, Qantas, and Virgin Blue (amongst others) and the 2006 Independent Panel appointed by the NSW Government itself, the NSW Government is in the process of approving a development in a greenfields site under airport flight paths, where such development will almost certainly effect the curfew-free status of the airport, the ability of the airport to participate in any national freight network, and the development of and investment in further aviation infrastructure. Airservices Australia noted that:

“Airservices Australian has ample experience from dealing with communities around airports Australia-wide to know that aircraft noise is very likely to become a major issue for potential future residents of “Tralee” should the proposal go ahead. If this occurs there would then be pressure for relief measures, such as placing restrictions on the operations of the Airport and for the “sharing” of noise by spreading the tracks over areas currently protected by the Noise abatement procedures. The latter option would be particularly unfair to the current residents of those areas who may have purchased their properties in the expectation that they would not be subjected to unacceptable aircraft noise” Airservices Australia 8 October 2002

The current NSW land use system:

- has permitted the very situation to occur which the Commonwealth Government, Airservices Australia and Independent Review Panel says should not;
- appears to be permitting an outcome which will almost certainly cause the community distress;
- will almost certainly detrimentally effect aviation operations at the Airport; and
- will almost certainly curtail further aviation expansion and investment.

Furthermore, this situation has developed notwithstanding statements to the contrary from the present relevant Commonwealth Minister, NSW Planning Ministers, the ACT Chief Minister and former Federal Labor Shadow Ministers. For example, the NSW Planning Minister in 2003 (the Hon. Craig Knowles) noted that he would support an:

“outcome which will not compromise airport operations or result in unsustainable impacts on existing or future residential areas..” Letter to Canberra Airport, August 2003

While the NSW Planning Minister in 2002 (the Hon. Andrew Refshauge) stated:

“Please be assured that I will not allow any rezoning in the vicinity of Canberra Airport which would compromise the Airport’s role.” Letter to Canberra Airport, October 2002

The NSW Planning Minister in 2008 (Hon. Frank Sartor) also acknowledged at a meeting in May 2008 that Canberra Airport needed a residential-free corridor south of the Airport whilst Queanbeyan needed 10,000 new residential sites (including urban infill). The outcome of this meeting was that planning consultants Parsons Brinckerhoff were commissioned to examine the potential for housing in the Queanbeyan area. A copy of this report is available on request – but the point of the report was that there were many other options available for residential development at or around Queanbeyan other than Tralee. That is, there was no need to develop under flight paths – there were other options available to the Queanbeyan City Council.

Meanwhile the previous Federal Labor Shadow Minister for Primary Industries, Resources, Forestry and Tourism noted that:

“I am opposed to any planning proposal that would endanger the future operations of Canberra airport and, in this context, residential development at Tralee is not smart.” Letter to NSW Minister for Planning June 15 2006

Integration and Protection of Infrastructure

To avoid the type of situation that is arising in relation to the Tralee development, Canberra Airport supports, and believes that the NSW Government should support, two key points set out in the Commonwealth’s Aviation Green Paper. These key points are as follows:

- **Prevention** - That it is essential that local planning schemes support the development of the airport and prevent development which would impact on current and future operations. That is, there is an underlying concern to protect the operation of critical national infrastructure.
- **Co-operative Arrangements** - That co-operative arrangements be developed with the State and Territories to better integrate airport planning and development and regulatory oversight with local and State and Territory planning and regulatory arrangements, whilst ensuring reasonable provision for the protection and development of the airports.

Canberra Airport agrees with the approach of the Commonwealth Government and looks forward to discussing with the NSW and ACT Governments ways in which to better integrate NSW planning requirements with the Airports Act and the Master Plan process for airports so as to ensure that decisions such as those taken with regard to the development at Tralee could be avoided in the future.

While Canberra Airport understands that detailed discussions need to occur between stakeholders to develop such an integrated system, Canberra Airport is of the strong view that roundtable discussions between the Commonwealth, the NSW Government, the ACT Government and Canberra Airport need to commence as soon as possible. It is Canberra Airport’s hope that substantial ground could be made at these meetings during the 60 business day consultation period for Canberra Airport’s Preliminary Draft Master Plan.

Issues which may be discussed at these meetings include:

- The role of relevant State planning authorities, whether formal or informal, in the development of the Master Plan.
- The development of a long term settlement plan for the Canberra and Queanbeyan region, where such a settlement plan would taken into account the aviation operations and flight paths of Canberra Airport. In this regard, Canberra Airport is of the view that the population of the region could increase to in excess of 1 million residents without any need to build under or near flights paths. Such a settlement plan could also enshrine a flight path corridor (where such a corridor could be derived from the existing High Noise Corridor).
- Discussions around whether State legislation should be amended so that in each relevant Development Application the applicant would be required to detail how the development is consistent with, and will not effect, the development of aviation infrastructure at an airport. It is important to note that Canberra Airport does not propose that airports be given any special advantage or treatment with regards to their commercial developments on the airport site. Canberra Airport accepts that commercial developments at an airport (such as offices, retail and other non-aeronautical uses) should not be able to be used as a reason to prevent or limit development outside of the airport site. Canberra Airport's concern is to ensure, consistent with the principles set out in the Commonwealth's Green Paper, that aviation infrastructure and investment is not compromised by outside developments. That is, Canberra Airport's concern is that the planning regime protects the core infrastructure and operations of an Airport – not that it protects an Airport in relation to its more general commercial developments.
- Consideration given to a 'show cause' process. Under this process, if any party, including the airport operators and the wider community, was of the opinion that a certain development would detrimentally affect the operation of, future investment in, or development of, aviation infrastructure at an airport, the developer would need to 'show cause' as to why the development would not have such an affect. For privatised

Commonwealth Airports the relevant Commonwealth Minister, as the representative of the ultimate owner of the relevant airport, would make the final decision as to whether a proposed development would detrimentally affect the operation of, future investment in, or development of, aviation infrastructure at the relevant airport.

- The process to review and make determinations to solve any disputes that may occur with regards to development within the proximity of an airport. Canberra Airport believes that whatever dispute resolution process is adopted, that process would need to ensure that planning and land use decisions were made on the basis of good planning and having regard to all the facts and not on the basis of political or commercial short term gain. These decisions and their potential affects are far too important for that.

In any event, Canberra Airport believes that the first step that should be taken in any review of the NSW planning regime, as it applies to airports, is to take up the offer provided by the Commonwealth in its Aviation Green Paper, and to work with the Commonwealth and the ACT Governments to ensure that an appropriate regime is established to plan the use of land in the vicinity of airports and under flight paths with a view to avoiding future noise problems.

The Commonwealth and NSW will need to work co-operatively to ensure that critical national aviation infrastructure is protected while planning and land use is not stifled.

Aircraft Noise – the Canberra and Queanbeyan Story so far.....

Without doubt, a key concern of Governments, airports and the community is that new developments should not be permitted in areas which will be subject to aircraft noise. The Commonwealth Government noted in its Aviation Green Paper:

“It does not make sense to allow new noise sensitive developments to occur in areas where they will lead to public concerns that may affect the long-term viability of the airport. In particular, there is every reason to avoid noise sensitive development in green field sites near airport flight paths”. Page 191 of the Green Paper

In Canberra Airport's opinion, this is precisely the situation which the current NSW Government is in the process of approving.

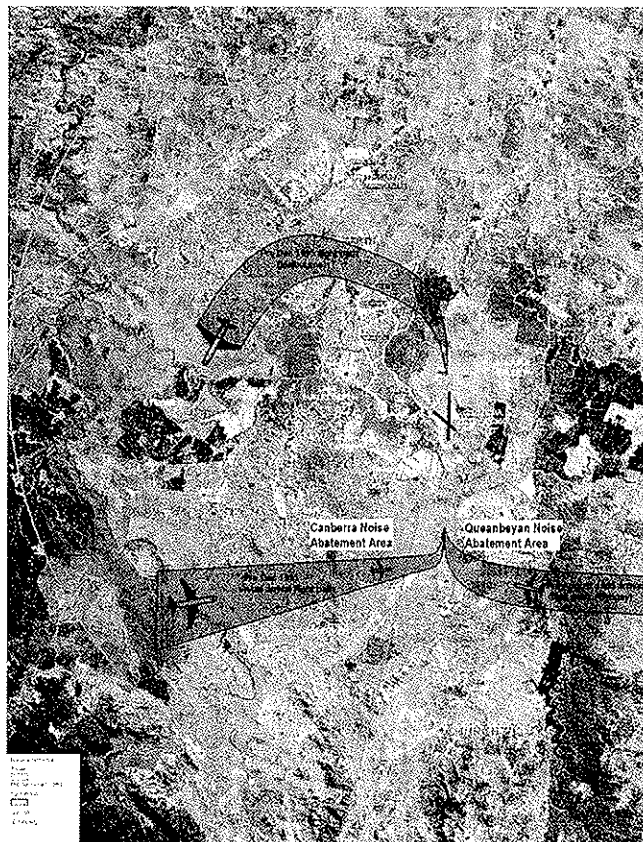
Pre-1995 Arrangements

Prior to the implementation of noise abatement procedures at Canberra Airport in 1995, many jet and non-jet aircraft arrived and departed over substantial numbers of residents in Tuggeranong and North Canberra in the ACT, and Jerrabomberra, Karabar and South Queanbeyan in NSW. These visual procedures are illustrated in Figure 1.

Figure 1: Visual Arrival and Departure Paths (Pre- Noise Abatement Areas)

Prior to community requests to establish the Noise Abatement Areas in 1995, aircraft flew directly over much of Canberra and Queanbeyan. If the Noise Abatement Areas were to be removed, similar flight paths would result over Canberra.

(Flight Path Source: Airservices Australia)



Noise Sharing Patterns - Pre December 1995 flight paths
CANBERRA INTERNATIONAL AIRPORT

The residents of Tuggeranong, North Canberra, Jerrabomberra, Karabar and South Queanbeyan all, quite reasonably, objected to the level of noise and placed heavy pressure on their sitting Federal and State members to remedy the situation. The political response to the community outcry in 1995 was for the Commonwealth to work with Airservices Australia in the formulation and implementation of the Canberra and Queanbeyan Noise Abatement Areas.

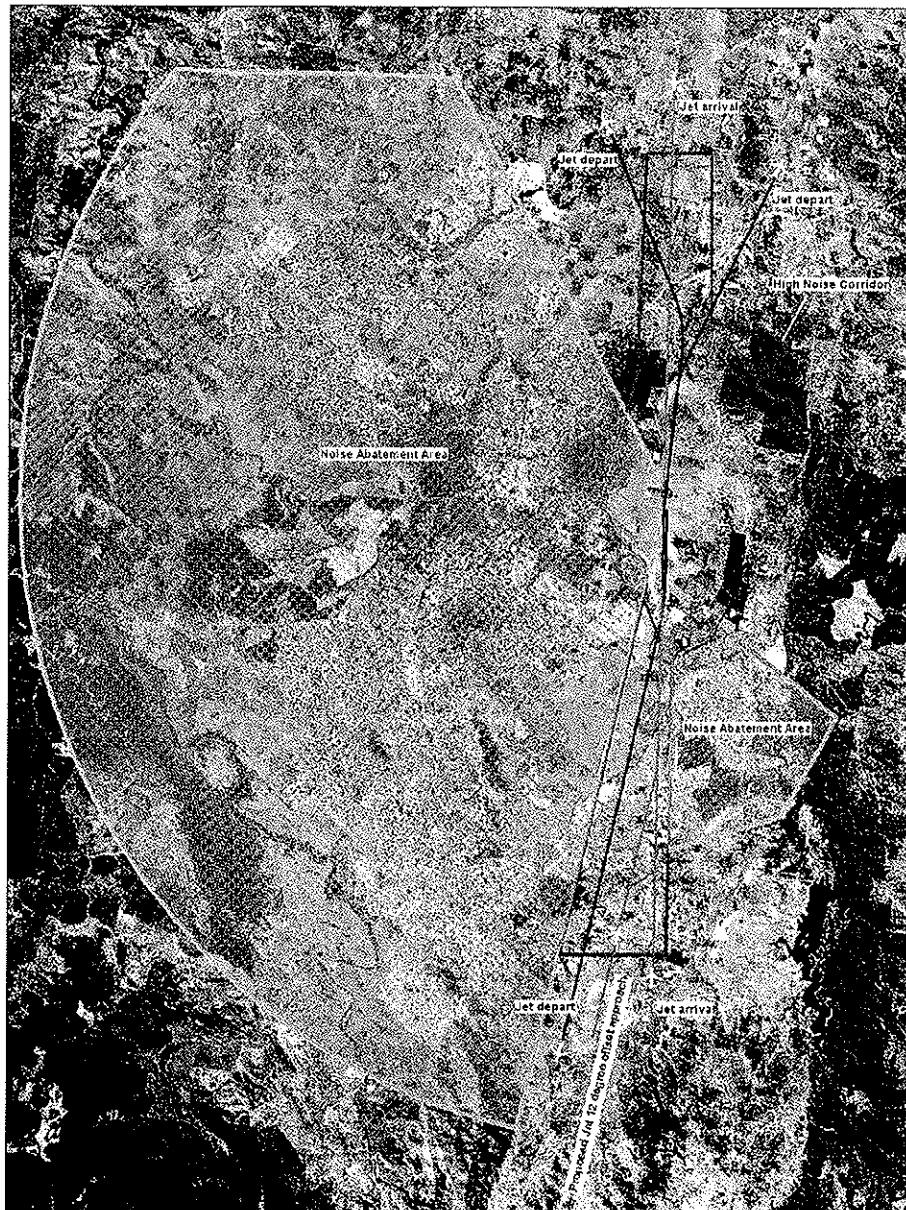
The Noise Abatement Areas established by Airservices Australia through this process are illustrated in green in Figure 2. The Noise Abatement Areas and associated procedures have delivered noise protection to over 99.5% of the residential suburbs of Canberra and Queanbeyan.

The design of the Canberra and Queanbeyan Noise Abatement Areas has resulted in a concentration of flight paths of aircraft on arrival to or departure from Canberra Airport into defined corridors (Figure 2). In effect, the Noise Abatement Areas formed a canyon of airspace – with plateaus over each Noise Abatement Area, and then a canyon between them where aircraft descend to land at or climb on departure from the airport. These approach and departure paths are illustrated in Figure 2. It is important to note that the level of aircraft noise in the area between the noise abatement areas is now significantly greater than what was experienced over Canberra suburbs prior to 1995. This is both because flights occur over a much more concentrated area, and because the natural growth of the airport and greater competition in the aviation sector has ensured a greater number of flights and heavier aircraft than prior to 1995.

Figure 2: Canberra and Queanbeyan Noise Abatement Areas – established by Airservices Australia 1995

The Noise Abatement Areas protect residents from overflight by aircraft on approach to or departure from Canberra International Airport, giving the very low noise levels enjoyed by 99.5% of residents of Canberra and the sub-region. The result of this however has been a concentration of flights in the corridor between the Abatement Areas.

The jet arrival and departure paths are located entirely within the High Noise Corridor. To the south, the departure path and proposed approach path are aligned to minimise impact upon existing Jerrabomberra residents. To the north of the airport, the High Noise Corridor ensures there is ample opportunity in the future to keep the departure paths on a northerly alignment until they reach 5,000 feet, thus avoiding any adverse noise impact upon current and potential residential areas outside the corridor.



Canberra International Airport
Jet arrivals & departures

1915002

It is worth noting that the flight paths in place prior to the establishment of the Noise Abatement Areas pre-dated residential development in these areas and that people had chosen to live under the flight paths. Nevertheless, these residents then complained and by using their political clout in a marginal seat and were able to change the flight paths. This outcome was only viable because there was still a rural corridor (without housing) available for aircraft. Significant noise respite was therefore available for these residents. Future changes are close to impossible without noise sharing if residential development continues unhindered in the areas outside the protection of the Noise Abatement Areas.

Since the implementation of the Noise Abatement Areas, additional aircraft noise respite procedures have been enacted by Airservices Australia, again in response to the political demands of residents located in a marginal seat. These changes include:

- 1996 - the Jerrabomberra community achieved the movement of aircraft departure flight paths to the west. This measure was designed to deliver noise respite to Jerrabomberra residents by ensuring departing aircraft no longer fly over their community;
- 1998 - between 8:00pm and 7:00am (ie: overnight), aircraft on arrival to Canberra Airport are allocated runway 17 (arrival from the north and departure to the south) whenever possible. This procedure is designed to deliver noise respite, when operationally practical, to the Jerrabomberra community;
- 2005 – the implementation of Required Navigation Performance (RNP) curved approach procedures (the “Jerrabomberra by pass”); and
- the implementation of the Standard Instrument Departures (SID) and Standard Terminal Arrival Routes (STAR). These SIDS and STAR further concentrate aircraft operations within Canberra Airport’s High Noise Corridor.

The result of these changes has been that the impact of noise on Jerrabomberra residents has been significantly reduced as it has been possible to move this noise further to the west **overhead the rural properties of Tralee and Environs.**

In 2003 Airservices Australia also developed aircraft noise respite procedures in response to concerns with respect to the cross runway (runway 12/30). These procedures provide a measure of protection to the NSW communities of the Ridgeway, Wamboin and Carwoola, east of the Airport and the ACT communities of Pialligo and North Canberra.

As the number of day and night movements grows at Canberra Airport, and the size of aircraft increases, as well as growing freight traffic, aircraft noise at Canberra will increase to significantly higher levels. At the same time, as incomes increase, demand for higher environmental amenities, such as freedom from aircraft noise, will increase as they have done since the early 1970s. With the approach routes into Canberra Airport being in a marginal electorate, the political will to further limit aircraft noise upon residential areas is likely to be significant.

The point to note is that there has been a pattern of moving, restricting and altering flight paths and operations – including by moving noise over Tralee – to accommodate reasonable community concerns. This option will not be available to Canberra Airport and Airservices if Tralee and similar areas are developed. Given the history of aircraft noise at Canberra Airport, we also do not understand how it is that the NSW Government can believe that potential residents of Tralee will not complain about aircraft noise. Please note though – Canberra Airport is not opposed to Tralee being developed – we are only opposed to it being developed for residential purposes. We agree that Tralee would be an ideal site for light industrial, industrial or commercial uses.

So where are we now?

As noted above, due in part to the vision of early planners and regulators, the majority of the community which surrounds Canberra Airport is free from the adverse impacts of aircraft noise. However, as the Standing Committee would be well aware, these good planning

measures are under serious threat.

As noted previously, the current planning and land use regulatory regime in NSW has permitted a situation where despite the September 2006 report by the Independent Review Panel, commissioned by the NSW Minister for Planning to investigate land release in Queanbeyan, strongly opposing residential development in Tralee, such a development is in the process of being approved by the current NSW Planning Minister and the Queanbeyan City Council. The Independent Review Panel noted:

“Residential use of land affected by aircraft noise should be avoided where Greenfields residential development opportunities exist (page 3)...The Tralee site should not be considered for residential development (page 4)...Once residential development occurs, however it is almost inevitable that conflicts will occur as private individuals seek to improve their amenity and living environment by seeking relief from aircraft noise (page 27) ...Allowing residential development in areas subject to significant aircraft noise is not considered an intrinsically sound planning outcome where other options exist (page 28)..”

To Canberra Airport, the decision of the current NSW Planning Minister to continue the approval process for Tralee appears a perplexing outcome. How is it that an Independent Review Panel appointed pursuant to NSW planning laws strongly opposes a land use, and yet under those same laws the relevant NSW Minister continues the approval process for such a land use? It should be noted also that the Queanbeyan 2031 Strategy, which has been approved, appears to also ignore the findings of the Independent Review Panel.

The question that the Standing Committee needs to consider is how could the Minister make that decision, and how could a position be reached where the Minister is able to ignore the findings of the Independent Review Panel appointed pursuant to the laws whose administration the Minister is responsible for? This is especially the case when the relevant developer, the relevant Local Council and the Local Member all agreed to be bound by the decision of the Independent Review Panel – and yet when the decision of the Panel was made,

a decision that comprehensively rejected the proposal to develop at Tralee, they all rejected the decision of the Panel, and continued to advocate for the development.

Councillor Frank Pangallo originally stated that:

“If the studies show that the Tralee development should not go ahead, well I will be the first one to oppose it” ABC Stateline interview

While the local member, Steve Whan, originally stated:

“I really think that the council has done the right thing here. Its gone to the State Government, its asked for permission to set up a commission inquiry which will be undertaken by an independent person to hear its side of the case, hear the developers side of the case and hear the airports side of the case and I think that is the fairest way to go ahead with the Tralee consideration” 2CC Radio

It may be argued that the planning process is continuing for the Tralee development on the basis of:

- **The Queanbeyan Region’s need for the sites at Tralee** - The previous NSW Planning Minister had noted that approximately 10,000 new sites (including in-fill) were needed within the Queanbeyan region to satisfy expected growth in the region. On the basis that approximately 3,500 – 4,000 sites will become available through urban in-fill (a conservative figure based on Queanbeyan City Council data), only 6000 – 6500 further sites are required. This site requirement for 6000 – 6500 new sites could be easily accommodated through development at Googong (already close to approval), a development which would not be subject to any of the aircraft noise issues which may effect Tralee and Environs; or
- **The development (or part thereof) occurring outside of the 20 ANEF contour** – as the Standing Committee would be aware, the current NSW planning regime places great store in the application of the ANEF as a test to determine whether development should occur where that development is proximity of an airport. The Minister may have

felt comfortable with the decision to continue with the development approval process on the basis that the development was in part outside of the 20 ANEF contour. However, Canberra Airport submits that the 20 ANEF contour is a measure that has been misused and misrepresented as being a contour beyond which aircraft noise is not a major issue. The ANEF system has been heavily criticised, including in the report of the Senate Select Committee on Aircraft Noise in Sydney (following the opening of the 3rd runway), *Falling on Deaf Ears*. Indeed, the Independent Review Panel itself noted:

“The Panel acknowledges that there are noise affected areas beyond the 20 ANEF Contour, and the amenity of these areas is compromised as a result, as evidence by submissions to the Inquiry by local Jerrabomberra residents...” page 27

And in its formal findings the Panel noted that:

“Land use conflicts clearly do arise between the Airports operations (particularly 24 hour operations) and residential environmental amenity in noise affected areas, and those noise affected areas go beyond the 20 ANEF Contour” page 28

The Commonwealth has also openly questioned the usefulness of the ANEF in determining whether development should or should not occur within a specified area. The Commonwealth, in its Aviation Green Paper, noted that it was necessary:

“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...” page 196 of the Green Paper

We also note that the NSW Planning Direction in relation to Badgerys Creek (issued under section 117) states that no residential development should occur over the 20 ANEF Contour. Why is it then acceptable to approve a Tralee development with approximately 50% of housing within the 20 – 25 ANEF contour?

Further information concerning the ANEF and its failure as a planning tool can be found in Canberra Airport's Preliminary Draft Master Plan in Chapter 14.

The current Commonwealth Minister for Infrastructure, Transport, Regional Services and Local Government, stated in December 2008 in relation to residential development at Canberra Airport that:

"I have a very firm view... that decision makers should not facilitate the building of houses directly under flight paths where there will be, where there will be a real impact in terms of future growth." 2 December 2008

Yet again though, the approach of the NSW Government under the existing planning regime appears to be completely contrary to this view. Canberra Airport is not anti-development, anti-Queanbeyan or anti-NSW – Canberra Airport is just anti-bad planning decisions, planning decisions which appear to be able to be made under the existing planning regime for NSW.

What Happens Now?

If the proposed developments at Tralee and Environa occur, Canberra Airport believes that:

- It is inevitable that residents who move to Tralee or Environa will complain about aircraft noise, regardless of any note on title or particular noise forecasting tool used to justify the undertaking of the relevant development, and regardless of what those residents were informed of before they purchased their home.
- As a result of those complaints, the aircraft noise protection currently provided for the residents of Canberra and Queanbeyan will be at risk – there will be enormous pressure on Governments to change the existing noise abatement and mitigation strategies.

- Noise sharing will be introduced to move noise away from Tralee and Environa – ironically this will almost certainly result in noise being moved back to Jerrabomberra (noting that the Jerrabomberra Residents Association now supports the development at Tralee), when flight paths were originally changed to reduce the aircraft noise exposure at Jerrabomberra. It is expected that noise sharing would also be introduced over areas of Canberra which are not currently subject to any high level of aircraft noise.

- As a result of this noise sharing, it is not unreasonable to expect further complaints will be received, and that ultimately further operational restrictions will be placed on the airport and airport users. Initially these restrictions may simply require that current operators at the airport adopt different flight paths or procedures (all of which come at a cost, where no cost currently exists), while later it is possible (and depending on the political climate, probable) that a curfew will be imposed on the airport. In this regard, in November 2008 the Commonwealth Minister for Infrastructure, Transport, Regional Services and Local Governments stated:

“...I don’t support a curfew for Canberra Airport. I think we need to make sure though that if we get the planning right, and if we do that, then the airport – which is an important economic, piece of economic infrastructure for Canberra and for the region – can operate, but can operate in a way that is consistent with the interests, the broad interests of the community around the airport” 21 November 2008

There is no doubt that any curfew would effect the aviation growth at the airport including passenger and freight services. There is also no doubt that this result is fundamentally different from that espoused by the Commonwealth Government in its Aviation Green Paper – instead of protecting vital national infrastructure, the decision of the NSW Government, as permitted under the existing regulatory regime, would have the effect of restricting investment in, and the operation efficiency and capability of, that national infrastructure.

None of the above is to say that Canberra Airport should ignore community concerns and simply develop aviation infrastructure at will - Canberra Airport takes its responsibilities for the community very seriously and has committed to continue to work with Airservices Australia, aircraft operators and the community to deliver noise respite measures for the broader Canberra and the regional community. Three particular initiatives are worth mentioning:

- as part of Canberra Airport's consultation with the community, Canberra Airport obtained community and stakeholder consensus upon an agreed community standard where residential areas should not be located. Based on the minimum acceptable altitudes determined by Airservices Australia as necessary to protect residents from aircraft noise, and on the departure and arrival flight paths in areas such as significant adverse aircraft noise was identified – the High Noise Corridor. It is Canberra Airport's contention that the High Noise Corridor is the key measure outlined for the amelioration of the impact of aircraft noise, within which no further residential development should be permitted. Ideally, Canberra Airport believes that concepts such as the High Noise Corridor should be incorporated into any planning regime for development around airports. For completeness, Canberra Airport notes that the developer of Tralee expressed no opposition towards the High Noise Corridor concept during the period of community consultation. It was 12 months after consultation was completed, and after they had purchased an interest in the area, that they first expressed any objection to the High Noise Corridor;
- as noted in Canberra Airport's Preliminary Draft Master Plan, while Canberra Airport is willing and able to deliver a Freight Hub for the Canberra and Queanbeyan region, it will as part of any development insist upon the adoption of a ban on the overflight of the Noise Abatement Areas at night (except where operationally required); and
- as noted in Canberra Airport's Preliminary Draft Master Plan, Canberra Airport actively supports the expansion of Noise Abatement Areas over current and future residential areas of Gungahlin and Googong to protect residents from the adverse impacts of aircraft noise.