



National Aviation Policy: Green Paper

Submission to the Department of Infrastructure, Transport, Regional Development and Local Government

February 2009

NATIONAL AVIATION POLICY: GREEN PAPER SUBMISSION

City Futures Research Centre
University of New South Wales
Sydney NSW 2052
www.cityfutures.net.au

Submission to the Department of Infrastructure, Transport, Regional
Development and Local Government in relation to Airport Planning and
Development

Author: Robert Freestone

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INTRODUCTION

This submission to the Department of Infrastructure, Transport, Regional Development and Local Government (DITRDLG) relates primarily to Section 8 of the Green Paper dealing with 'Airport Investment – Planning for responsible growth'. It concentrates on issues of airport area development and governance.

The author is connected to the *Airport Metropolis Research Project* (Australian Research Council LP0775225) being managed by the Queensland University of Technology (under Chief Investigator Associate Professor Douglas Baker, School of Urban Development, QUT). However the views expressed in this submission do not necessarily represent those of QUT or the industry partners in this research project.

SUMMARY

This submission summarises, restates and attempts to consolidate the key planning issues and recommendations canvassed in the Green Paper. There are many details and aspects to address, and bridges to cross, as reflected in the minutiae of submissions to both the Issues and Green Papers. This submission considers the general terrain covered in the discussion of airport planning and infrastructure by ultimately identifying five fundamental questions worthy of more explicit consideration:

- Is this a list of ideas still in search of a truly integrated framework?
- How effective will call-in provisions be as a community safeguard?
- What will be the roles and powers of the expert advisory panels and the community consultation committees?
- What off airport obligations are envisaged for airports?
- Where is the recognition of airport regions?

SUBMISSION TO THE 2008 ISSUES PAPER

A submission by the City Futures Research Centre to the Issues Paper in June 2008 offered several ideas for consideration and further development and research. The main recommendations were:

- Need for airport master plans to sit compatibly within a hierarchy of broader local area, sub-regional, metropolitan, state and national plans
- Desirability of airport region planning strategies with significant state involvement
- Need to codify and expand consultative mechanisms with the community
- Formalisation of planning focus meetings with local and state government stakeholders
- Memorandums of understanding and negotiated agreements
- Amendments to the *Airports Act* to incorporate more explicit consideration of off-airport issues
- Utilisation of the Regulations under *Airports Act* to enhance guidelines for more cooperative land use planning.

In complementing submissions by other stakeholders, a number of these ideas appear to be echoed in the Green Paper. The current submission reiterates a number of these earlier ideas, in particular the desirability of coordinated airport region planning strategies with significant state involvement.

THE GREEN PAPER

The 200 page Green Paper released in December 2008 covers ten key areas:

- 1 Aviation Safety
- 2 Aviation Security
- 3 International Aviation
- 4 Domestic and Regional Aviation
- 5 General Aviation
- 6 Industry Skills and Productivity

- 7 Consumer Protection
- 8 Airport Infrastructure
- 9 Aviation Emissions and Climate Change
- 10 Noise Impacts

From a Sydney standpoint, the initial major impressions evident in media coverage concerned the intent to identify additional capacity for the Sydney region, but not at Badgerys Creek; show cause mechanisms for pricing misbehavior; relaxation of foreign ownership controls for airlines; and the the decision to include domestic aviation in the national emissions trading scheme.

Responses to planning and development issues appear to have been more muted, surprisingly the controversy attaching to various landside developments in the lead up to the paper's release, and perhaps suggesting tacit support for the consultative direction indicated. Key stakeholders have foreshadowed additional submissions in response to the Green Paper.

The content of this submission is confined to Chapter 8 on infrastructure and to a lesser extent Ch 10 on noise impacts. These are the chapters of the Green Paper that address the coverage of planning and development issues canvassed in the Issues Paper.

THE FOUR KEY PRINCIPLES OF THE GREEN PAPER

The Green Paper expresses four key principles:

1. **Safety** is the number one priority for the Australian aviation industry and the Government.
2. The aviation industry is a key driver of broader **economic prosperity** and a strategic approach based on properly-functioning, competitive markets is required to secure the industry's future and promote the best interests of the travelling public and businesses that rely on the aviation sector.
3. A **coordinated approach to airport infrastructure** investment is required to allow the industry to reach its potential.
4. A **responsible approach is required to managing the impacts** of aviation, including emissions and noise, and the environmental impacts of airport developments.

The third of these speaks most directly to planning issues but all are relevant.

A COORDINATED APPROACH TO AIRPORT INVESTMENT

"The Government will work to ensure that an appropriate balance is maintained between the social, economic and environmental needs of the community and the development of [airports]".

The Green Paper states a basic position that "The Government will work to ensure that an appropriate balance is maintained between the social, economic and environmental needs of the community and the development of [airports]". The general commitments which flow from this stance are explicitly expressed. In the planning arena these include dealing with planning issues around airports in an integrated, considered way, and promoting a proper dialogue between airports and the communities around them on issues such as the impact of aircraft noise.

A philosophy of **balanced planning** is espoused: "a new level of cooperation is required between federal, state and local government on airport planning and development, with clear consultation and decision-making processes". Various ramifications ensue:

- For **airport operators**, it is essential that local planning schemes support the development of the airport and prevent development which would impact on current and future operations.
- For **planning authorities**, it is important to secure more effective input to airport development processes.
- For **communities**, it is important to have a say through community engagement processes. The Green Paper acknowledges the importance and dual legitimacy of both continued investment in airport infrastructure and the interests of the wider off-airport community.

" A new level of cooperation is required between federal, state and local government on airport planning and development, with clear consultation and decision-making processes".

The accent is on what planning theorists might term "collaborative" planning. The Green Paper is sprinkled with keywords and phrases like "new partnerships", "improved coordination", "better integration", and "a greater sense of shared commitment to the development of the airport site".

The thrust is toward forging a consensus in planning with different stakeholders bringing different expectations and stakeholds to the table. The rhetoric and idealism of the report is upbeat and generalized. The detail about how to actually bring about a convergence of interests is still a bit thin, and this is where discussion and debate must be redirected.

Several key elements of a more effective planning regime are enumerated in the Green Paper:

- processes for the approval of non-aeronautical and aeronautical development to be refined
- changed arrangements for assessing plans and development proposals
- better cooperative arrangements with the states and territories to better integrate airport planning and development and regulatory oversight with local and state and territory planning and regulatory arrangements
- more consultative arrangements with communities
- a clearer framework for protecting airport operations from inappropriate development around airport sites
- the Minister still to retain final decision-making authority for land use planning and development.

The accent here is on reviewing many of the key procedures and protocols of the Airports Act without any abrogation of ultimate federal control and responsibility.

KEY INITIATIVES

Six key initiatives are foreshadowed:

- Strengthening the Master Planning process
- Revising the thresholds for Major Development Plans
- Closer scrutiny of non-aeronautical development
- Identification of non-compatible land uses
- An airport safeguarding framework
- Better managing impact of aircraft noise on local communities

Each of these embodies an array of projected actions and reforms, with current detail limited:

Master Planning

Providing more transparency and detail in master plans, and folding in transport impact studies and airport environmental strategies.

Major Development Plans (MDPs)

Replacing the current single \$20m threshold for MDPs by identifying a range of other 'triggers' for smaller projects which might nonetheless of significant community interest.

Closer scrutiny of non-aeronautical development

Through Ministerial requests for more detailed precinct plans setting out the nature of the proposed development in the precinct, identifying its impacts on and off-airport, and proposals for addressing those impacts.

Identification of non-compatible land uses

Implication is of listing of land uses which should be prohibited or restricted on airports. Note that the ones mentioned in the Green Paper – like housing, schools and childcare centres – are not the direct factory outlets, office blocks and showrooms about which there has been most community reaction.

A national airport safeguarding framework

This appears to relate primarily to protecting airport operations from inappropriate development around airport sites. It is a catch all, involving:

- Rationalising existing regulations and planning policies influencing off-airport planning decisions, such as airspace protection and managing noise impacts
- national airspace protection legislation to prevent intrusion into airspace
- Designation of public safety zone areas around airports
- Guarding against encroachment of development around airports

On aircraft noise

Responsibility for aircraft noise management is seen as shared across key industry stakeholders in different ways. The intention - again a little vague in terms of detail - is to work with state and local governments to implement more effective land-use management options and revise the quality and clarity of noise data to be provided to the public, with airports playing a key role.

KEY ACTIONS FORESHADOWED

Beyond the initiatives summarized above, but to some extent embracing them, four key projected actions can be identified in the Green Paper:

- Airport Planning Advisory Panels
- Community consultation groups
- Ministerial call-in powers
- Production of additional reports

The three new players in airport planning are foreshadowed:

Airport Planning Advisory Panels

Drawn from industry, community and government, for each of the major airports, to provide independent expert analysis and advice to the Minister, especially on master plans and major development plans

Community consultation groups

Independently-chaired and funded by each airport to foster effective community engagement in airport planning issues. This build on but formalizes the various advisory panels and consultative groups already in place in some Australian airport regions (although the efficacy of existing arrangements as a model needs to be scrutinised).

Ministerial call-in powers

This appears to relate mainly to the consideration of sensitive proposals which might not otherwise be subject to the Major Development Plan process.

Additional reports coming

Over the next 12 months between this Green Paper and the final White Paper in the second half of 2009, some other key documents will be forthcoming, including strategies and plans to address specific airport related issues such as aircraft noise and traffic linkages, best practice community consultation models, and the safeguarding of future aeronautical needs from inappropriate development in surrounding areas.

QUESTIONS FROM A BROADER PLANNING PERSPECTIVE

While much detail is still to be developed and the Government has flagged a consultative process through 2009 in that process, several questions arise as to this preliminary statement, as summarized below:

- Is this a list of ideas still in search of a truly integrated framework?
- How effective will call-in provisions be as a community safeguard?
- What will be the roles and powers of the expert advisory panels and the community consultation committees?
- What off airport obligations are envisaged for airports?
- Where is the recognition of airport regions?

Briefly enumerating each of these in term:

A package of ideas still in search of a truly integrated framework?

There is the strong impression of a long and somewhat diffuse list of suggestions that do not seem to present as an integrated whole. One objective of this submission has been to try and bring these ideas together into a coherent whole. Several crucial ideas are floated but not developed. For example, there is a mention of COAG [Council of Australian Governments] as an effective forum in relation to noise but nothing else.

How effective will call-in provisions be as a community safeguard?

The very mechanisms touted as responsive to community needs are those which in other jurisdictions are challenged as undemocratic [for example, Part 3A under the NSW Environmental Planning and Assessment Act].

Need to codify roles of the expert advisory panels and the community consultation committees?

The composition and powers of these bodies will need scrutiny, and the airports in particular will demand this and new or changed obligations which might be involved. The statements in the Green paper however indicate a convergence of roles around the representation of community interests which needs to be clarified. Moreover, there is no sense of any strategic or spatial framework in which they will operate and as a yardstick by which they can assess the quality of major development proposals, either on or off-airport.

Airport obligations in surrounding areas?

This issue also needs clarification, especially given the controversy relating to excision under the federal *Airports Act* of any required payments of developer infrastructure levies for major airport construction as conventionally required under state planning legislation. Although airports make sizeable contributions to local authorities *in lieu*, there is a lack of transparency about payments and a community perception, possibly misperception, that airports are not contributing comparably to other developers. The Green Paper flags an examination of just “how the leased federal airports might contribute to [surrounding transport and community] infrastructure”, although just what is being suggested here is not developed.

Where is the recognition of airport regions?

A major disappointment of the Green Paper in terms of planning and development is that it still largely treats the airport in very traditional fashion as disconnected from the broader metropolitan and regional fabric. The important role of aviation as a driver of off- but near-airport economic development is muted. Beyond the airport boundary, the

interest conveyed by the Green Paper narrows very sharply to noise, building height, and flightpaths. In this sense it is a very unbalanced vision. The opportunity should not be lost to shift the vision of planning the airport in its urban context on from just preventing incompatibility towards promoting compatibility.

The approach taken in areas surrounding major world airports is commended for further investigation. In the area around Amsterdam Schiphol airport, private-public partnerships and cooperation of different levels inject a collaborative approach to regulation and development. For example, a current initiative is revision of a regional spatial economic plan (RFVS) to provide some mutual guidance for forward planning on the nature and location of airport-related employment zones, metropolitan rail expansion, cater for the planning turn to mixed use development, and development of regional open space. A regional forum of provincial, city, municipal and airport members will approve the “Langetermijnvisie 2030” as both a shared long term vision for the airport and surrounding area, and a statement which protects their own interests.

WILL IT WORK?

The Green Paper foreshadows a greater public scrutiny of airport development, particularly non-aeronautical proposals, although critics would argue that this comes more than a decade after the *Airports Act* unleashed the first great wave of development which sparked the most community interest and concern, and development which will continue under the existing regime through 2009.

The Green Paper seeks to strike a better readjustment to a whole suite of balances - between airport and community, development and environment, aeronautical and non-aeronautical – but remains firmly within the provisions of the *Airports Act* and all that represents as a privatisation of transport infrastructure and urban space more generally. A challenge for the government will be to negotiate amendments to the primary legislation forged at the height of cross-party acceptance of neo-liberalist philosophies into a new era demanding of more public scrutiny and involvement.

The fact that the Green Paper is also a federal government document highlights that any subsequent implementation of planning reforms will likely apply only to the 22 airports in the federally leased network.