

3 February 2009

City of West Torrens Response to National Aviation Policy Green Paper

Introduction

Adelaide Airport and the aviation industry are an integral part of the business and community life of West Torrens at an economic, environmental and social level. Adelaide Airport, which is located wholly within the City of West Torrens, has some 4,000 to 5,000 workers on site on a daily basis and with a large amount of investment planned in the coming years, this figure will increase significantly.

Council acknowledges that Adelaide Airport is a valuable asset to its community and the State of South Australia however, it is fair to say that the airport operations impact significantly upon our community in many ways; both positively and negatively. It is further acknowledged that capital city airports are no longer just a piece of transport infrastructure; they are becoming destinations in their own right by way of non-aviation related developments and are becoming 'airport cities'.

West Torrens Council has a solid working relationship with Adelaide Airport Limited and understands the need to protect this vital piece of infrastructure but at the same time we also are cognisant of the need to ensure, to the extent possible, that airport operations and developments do not have an adverse impact on the surrounding community.

To this extent my Council is pleased with Key Principle 4 Initiative of the 'Green Paper' in that the Government proposes that "A responsible approach is required to managing the impacts of aviation, including emissions and noise, and the environmental impacts of airport developments."

This submission addresses some of the issues outlined in the 'Green Paper' however; it does not address all of the issues as many are outside the realm of responsibility of local government.

Chapter 8 – Aviation Infrastructure A more effective planning regime.

The Green Paper calls for a number of changes to the planning regime to effect greater planning coordination between the Australian Government, the States and Territories and airports.

Under the proposal, the Commonwealth Minister would retain final decision-making authority for land use planning and development on-airport. In addition, it is proposed that the Minister be given the power to establish expert Airport Planning Advisory Panels for each of the major airports to assess, at the Minister's request, airport Master Plans and Major Development Plans. The Panel's role would be to provide expert independent analysis and advice to the Minister. On reading, it does not appear that the panel will comment on non-aviation development of a minor scale.

In our previous submission to the Hon Anthony Albanese MP on the Government's Aviation Policy Council called to have Section 112 of the Airports Act 1996 removed, as it specifically excludes the application of State and Territory laws in relation to land use, planning and building controls at airports. As it currently stands, this section diminishes the ability of State and Local Government to adequately and strategically plan for their communities and if this section of the Airports Act was removed, it would ensure that non aviation development would be assessed in accordance with the requirements of the state planning regime, which gives planning powers in South Australia to local government through their Development Assessment Panels, which contain independent members.

Council considers that planning processes must integrate airports into their economic strategies but this cannot occur without certainty about development intentions on airports. Consequently, it is critical that the Commonwealth Government ensures that processes are put in place that require non aviation development on airport land to integrate and comply with state planning legislation and planning processes so that such development of airport land complements the surrounding area.

The City of West Torrens currently has an agreement with Adelaide Airport Ltd (AAL) for AAL to forward development proposals for non aviation development to Council for comment. Our experience has been that proposals are often sent through with minimal information to make an effective assessment of the proposal. By comparison the standard of information is well below what is required of a warehouse in an industrial or commercial zone under state planning regulations.

Another concern in the current system is that Council is required under State legislation to refer development proposals within defined localities around the airport to the Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG), which has the power to direct refusal or impose conditions should the planning authority decide to issue approval. For non aviation development on airport land, AAL will refer proposals to Council for comment. In these circumstances, Council does not have the powers to direct refusal or impose conditions, it can only raise concern or provide comments which AAL may have regard to, when assessing a proposal.

Consequently, our preference is for the removal of Section 112 of the Airports Act to encourage greater integration of the planning regime.

Should the Federal Government proceed with the recommendation contained in the Green Paper, Council would be supportive of the establishment of Airport Planning Advisory Panels.

It is considered that these Panels should be established to provide advice to the Minister about whether a proposed development (aviation and non aviation) should be approved, approved with conditions, or refused. Ideally the Panels should comprise not only independent experts and representatives from each local Council adjoining the Airport site but also State Government representatives. It is critical that local councils are represented to ensure that the local interests have been adequately considered in the assessment process.

Chapter 8 – Aviation Infrastructure

Safeguarding future aeronautical needs from inappropriate development in surrounding areas.

The Green Paper seeks to provide greater control over development in proximity to airports through the establishment of a Public Safety Zone (PSZ) to prevent building in areas where there is a risk to the public and safeguarding airports from off-airport development that is inconsistent with future operations and development of airports. The Australian Government will progress this initiative through the release of a detailed discussion paper.

Council's administration has had some initial discussion with CASA, DTEI and AAL about the implications in establishing a PSZ within the West Torrens Development Plan. No commitment has been given at this stage.

If this approach were adopted, Council's Development Plan would need to be amended to ensure that new dwellings are Non-Complying.

The issue of compensation would need to be considered, given that property owners within a PSZ would be restricted from undertaking new development.

Chapter 10 - Noise Impacts

Aircraft noise management remains a critical concern to the community when it comes to airport operations. The paper states that the Australian Government considers that noise management is a shared responsibility amongst key industry stakeholders, stating that State and local governments have responsibility for ensuring that zoning is consistent with noise exposure data.

Currently, there is no national mandate to prevent sensitive development occurring near an airport or under a flight path. The current standard is the use of the Australian Noise Exposure Forecast (ANEF). The report states that submissions argue that this system is no longer able to provide appropriate protection (level of accuracy).

Council recognises and supports the Governments intention that options to address noise impacts around airports such as; by limiting the operation of noisy aircraft – particularly at night; improving insulation and implementing other noise amelioration programs; will assist in reducing the impact of aircraft noise on communities.

The Green Paper states that the Australian Government proposes to maintain the existing curfew for Adelaide Airport and this is strongly supported by Council as well as the Governments proposal to continue to develop a new noise information framework to ensure information on noise exposure patterns is readily available and in a form that is easily understood by a broad audience.

Council is also supportive of the Government's proposal to work through the Council of Australian Governments 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.

Rate equivalent payments

In a matter not covered by the Green Paper with regard to payments made to Councils for rating purposes in accordance with clause 26.2 of the Head Lease between the Commonwealth and operators of privatised Airports, legislative amendments to the Airports Act 1996 are required in order to make 'ex-gratia payments in lieu' a statutory obligation that can be enforced by the Council and not be subject to avoidance behaviour by the Airport operator.

Conclusion

This submission has addressed issues relevant to the City of West Torrens and the community it represents and we thank the Hon Minister for the opportunity to comment. Council applauds the Government for bringing together all aspects of aviation policy into a single statement and we look forward to the release, and the opportunity to comment further on, the 'Aviation White Paper' due for release in the latter half of 2009.