

SUBMISSION

Queanbeyan City Council Submission on National Aviation Policy Green Paper December 2008

Introduction:.....	2
Airport Investment – Planning for Responsible Growth	3
Advisory panels	3
Contribution to Infrastructure.....	4
Master Plans	4
Non aeronautical Development	5
Aviation Emissions and Climate Change	6
Noise Impacts.....	7
Noise Information	7
Australian Standard	7
Roles and Responsibilities	8
Aviation Infrastructure	10

Introduction:

It is noted that the Australian Government's aim is:

"to give industry the certainty and incentive to plan and invest for the long term, to maintain and improve our excellent aviation safety record, and to make clear commitments to travellers and airport users, and the communities affected by aviation activity."

As a response to this statement, it is clear that Queanbeyan and its surrounding community is both positively and negatively affected by aviation activity from the Canberra International Airport. The positive is seen by economic benefits received by business reliant upon air freight and provided services to airport operation and employment opportunities provided by the Airport and dependant industries. Negative impacts include traffic issues around the Airport, redirecting investment away for planned commercial centres and housing development restrictions proposed by Canberra International Airport, and the implications of ANEFs which rely on forecasts which are viewed as highly optimistic. In particular, this latter issue has largely contributed to major shortage of urban release land and consequent implications for housing affordability and choice.

Of the ten (10) policy areas explored by the green paper, this submission will deal with those relevant to Queanbeyan City Council and its community, being:

- Airport investment – planning for responsible growth
- Airport emissions and climate change
- Noise impacts
- Aviation infrastructure

Airport Investment – Planning for Responsible Growth

The view that a new level of cooperation is needed with clear consultation and decision – making processes is supported.

Council has long been of the opinion that a proper consultative dialogue could be improved between airports and the communities around them on a variety of issues, not the least being impact of aircraft noise and restraints on community growth.

Consequently the proposed initiatives in relation to Principle 3 – Infrastructure as they relate to community engagement are generally supported.

In addition it is considered that a number of the consultative processes identified by the *Airport Development Consultation Guidelines* dated May 2007 should be codified in the Airports Act 1996 and its Regulations. This would give them some teeth rather than the current voluntary self regulating situation that currently exists.

Council supports the following initiatives that the Government proposes to work with the state governments and airport operators to aid in responsible growth and ensure expansion and growth are dealt with sensibly:

- Advisory panels
- Contribution to infrastructure
- Transparency in the master plan process
- Power for Minister to call for additional detail in precinct plans for areas which have been proposed for non-aeronautical development

Advisory panels

Council agrees in principle with this proposal as outlined in Principle 3 – Infrastructure. However membership of this body must include independent, respected and knowledgeable representatives including some from State, Territory and Local government, whose roles and responsibilities are clearly articulated and accepted within the broader aviation community. It should not be chaired by either Airport employees and/or their representatives, but should have an independent chair. Possibly this could be a representative from the Department of Infrastructure, Transport, Regional Development and Local Government.

Clarity as to the meeting and reporting timelines of the advisory panel must also be addressed.

A review of value and outcomes of advisory panels should also be required, and a sunset clause included for this review allowing a reasonable time for them to operate initially.

They should also be given regulatory status under the *Airports Act 1996* and its Regulations.

Contribution to Infrastructure

This matter has previously been raised in Council's submission to the Senate Inquiry into the Airports Amendment Bill in 2007. This included local examples of issues with impacts on infrastructure stemming from traffic problems on roads adjoining Canberra International Airport and which resulted in a working group being formed and remedial work being undertaken.

Any recommendations in regard to leased federal airports contributing to the infrastructure of surrounding areas should go beyond considering how this could be done. There is a strong argument based on equity considerations that Airports must contribute towards their proportion of any necessary upgrades of infrastructure by paying developer contributions in a similar manner and on a similar basis to those paid by major developments in New South Wales. This needs to be seriously considered in the forthcoming White Paper.

In the local context it also should be noted that Canberra International Airport has contributed both money and in kind assistance in relation to major road works designed to resolve the bottlenecks on the road system around the Airport.

Master Plans

Council experience is that there can be potential for a lack of transparency and bias in the preparation of these documents. This occurred with the exclusion of key data used for the projections of ultimate capacity for Canberra Airport in its Preliminary Draft 2008 Master Plan which limited the understanding of these projections. This restricts the capacity for community consultation and full responses to be made on a draft Airport Master plan.

Similarly this Preliminary Draft Master Plan lacked reasonable details in regard to the scale of future development. Again this restricts the capacity for community consultation and full responses to be made on this aspect of an Airport Master plan. It can also limit the Minister's ability when assessing a draft Master Plan to properly consider key provisions of the *Airports Act 1996* eg. sections 70(2) (a) and (d) and 71(2) (d).

Adequate detail is the precursor for effective consultation. This view is also supported in the *Airport Development Consultation Guidelines* dated May 2007. Consequently it is considered that the *Airport Act 1996* and its Regulations should be amended to introduce a Regulation which sets out guidelines in regard to the extent of information that should be included in Preliminary Draft Master Plans in relation to section 71(2)(c), and in relation to Major Development Plans.

Much of the critical information for Preliminary Draft Master Plans is prepared and provided by airport-lessees which undermine the perceived objectivity of such information.

To ensure that planning and development mechanism have credibility and are objective it is recommended that a Regulation be introduced which requires certain checks and balances to be observed when preparing Preliminary Draft Master Plans, Major Development Plans and the like. It is considered appropriate that such a Regulation specify the minimum type and level of information required to be included within a Draft Master Plan or Major Development Plan.

The engagement of the community and the consideration of submissions need independent review. Currently the process is that submissions are sent to the Airport operator who summarises and collates submission information sending this to the Department of Infrastructure Transport, Regional Development and Local Government. This process potentially lacks independence and is considered inappropriate as it is in direct contrast to the majority of planning assessment processes throughout Australia whereby the approval authority must assess and determine an appropriate response to submissions. It also further reduces any credibility in the assessment process and may discourage submissions as they are not made to an independent assessment authority.

Non aeronautical Development

Council raised issues regarding the scale and lack of detail of non aeronautical development in its submission on Preliminary Draft 2008 Master Plan Canberra International Airport. It has also raised the issues and impacts on non aeronautical development as a key concern in previous submissions to the *Senate Inquiry into the Airports Amendment Bill* in 2007, to the White paper on National Aviation in July 2008 and to the recent *Inquiry into the NSW Planning Framework*.

For many airports the substantial amount of non-aeronautical development has caused major concern.. At present substantial commercial developments on airport land adjacent to urban areas may proceed without reference to state, territory or local government planning policy. This is despite the fact that these developments can be very large with potentially major impacts on external infrastructure and facilities including the maintenance of retail and commercial centre hierarchy within a region and associated traffic management issues.

In the case of Canberra International Airport, while the Commonwealth has administrative responsibility, the use of these facilities for commercial activity unrelated to the normal operation of an airport puts at jeopardy the efforts of the National Capital Authority, the Territory and Queanbeyan City Council to deliver a proper land use planning strategy for Canberra and Queanbeyan region.

While it is appropriate for the Commonwealth to administer airport related matters, it is not appropriate that the Commonwealth approve the development of substantial non-airport related commercial development other than on the recommendations of advisory panels which have been established in accordance with the principles recommended above.

The prohibition of future non-aeronautical facilities or uses that are likely to be incompatible with the effective and efficient operations of airports is supported.

Aviation Emissions and Climate Change

The green paper advises that civil aviation contributes approximately 2% of the total global emissions. The sustainability of aviation and airport operations and the considerations of climate change is something lacking at present. These matters are not addressed in Airport master plans and should form a component. Other industries have already been addressing their carbon footprint including the property development industry where energy efficient and water saving practices have already been instilled. The aviation industry should be no different.

In its submission on the Preliminary Draft Master Plan 2008 for Canberra International Airport, Council made reference to recent academic papers examining the relationship between increases in air traffic and green house gas emissions. This included one which looks at Canberra Airport in the context of the Preliminary Draft Master Plan 2008¹.

Its findings raises significant concerns with the green house gas emission levels that will result from increased usage and the implication of these findings is that should the Airport's plans for Canberra Airport be realised, and aviation emissions included in the accounting framework under the ACT Climate Change Strategy, the Territory's emission reduction target is unlikely to be achieved.

Council urges the Department in its work to develop an effective policy framework to respond to climate change to consider these papers and other relevant work as well as their recommendations.

¹ <http://www.tai.org.au/documents/downloads/WP109.pdf>

Noise Impacts

Noise Information

The recommendation in Principle 4 – Environment under Noise impacts to continue to develop a new noise information framework is supported.

As such it is agreed that there is a need for easily understood and transparent aircraft noise information.

Consequently Council supports the internet flight tracking system “Webtrak” used by Airservices. This appears to provide accurate and current date on aircraft movements. This system and the data collected should be used as an audit and validation of the flight paths and ANEFs that have been outlined in Airport master plans or endorsed by Airservices.

Needed with this is an explanation of what is the minima acceptable noise impact and to specify the circumstances in which the minima are enforced?

In addition the Commonwealth Government needs to work with State Governments to ensure that local governments under Planning Legislation provide reference to sources of information on aircraft noise on zoning certificates i.e. known as section 149 certificates in NSW.

Australian Standard

Confirmation of the status the current Australian Standards for noise mitigation is required. If the Standard is appropriate then all parties need to operate within its guidelines and not pursue their own more restrictive standards such as Canberra International Airport’s High Noise zone which has occurred in Queanbeyan.

Should the Australia Standard be confirmed a number of matters also need to be addressed. This arises because currently there is a high degree of scepticism about the standard due to the role that airport-lessees have in determining which ANEF to use. This is due to the nature of the inputs to be provided in preparing an ANEF, and the restricted role of AirServices Australia in endorsing it for technical accuracy as well as the lack of mandatory public consultation associated with it

To address this it is suggested that the following changes be made in regard to the Regulations to the *Airports Act 1996*:

- Provisions to further define the role of Airservices Australia (or alternatively some other expert body) in endorsing an ANEF chart before presentation as part of a preliminary Draft Master Plan. This role should include consideration of the type of ANEF that should be produced for a particular Airport, and the reasonableness of all assumptions underlying the ANEF calculations;

- AirServices or another government agency should be assigned a role in which a detailed analysis of the forecasts that are adopted by airports to produce draft ANEFs (such as achievability of forecast flights, impacts of fuel costs, tourism, and the future availability of resources etc);
- A provision to ensure that the results of Airservices Australia’s considerations are available to the public during the period of public consultation in relation to a preliminary Draft Master Plan; and
- In the case where a new ANEF chart is prepared other than as a part of a new Master Plan, this should be part of a new preliminary Draft Master Plan, rather than a new Draft Master Plan. The preliminary Draft Master Plan would be subject to the provisions for public comment as described in Sections 79 and 80 of the *Act*, before being presented to the Minister for approval, together with a certificate demonstrating that the Airport has had due regard to those comments in preparing the Draft Master Plan.
- The consequences of the current system include:
 - Imposition of costs that may never have been necessary. For example the private residential sector may have to comply with AS2021, despite the fact that forecast air movements in, for example 2050, may never be realised.
 - Uncertainty of planning horizon beyond 20 year period for critical factors such as the future availability and cost of fossil fuels, the future of the airline industry, technological advancements and the like. A planning horizon of 15 – 20 years is a much more certain time horizon in which to plan for and parallels the current 20 year planning period required by *the Airports Act 1996*.
 - Creation of potential litigation eg *Village Building Company Limited v Canberra International Airport Pty Ltd & Ors* [2003] FCA 1195, *Village Building Company Limited v Canberra International Airport Pty Ltd & Ors* [2004] FCAFC 240, and *Robin Pty Ltd v Canberra International Airport Pty Ltd* [1999] FCA 1019, all of which raised issues concerning Canberra International Airport’s 2050 ANEF. Making this section of the *Act* more explicit in the Act could avoid this in the future.

Additionally noise attenuation where ANEF are expanded without justification and so affect new parts of established areas should be the responsibility of Airport Operators.

Roles and Responsibilities

The comment on page 190 regarding the Roles and Responsibilities: State government and local government need to work in partnership with airports, to ensure the zoning is consistent with the Noise Exposure information is supported in principle in the context of the above. This requires the presentation and use of realistic noise exposure information. The current master plan process allows for

ultimate capacity projections to be made without due justification or access to the data behind the projections.

Avoiding noise sensitive development in Greenfield areas near airport flight paths:

- There needs to be an agreement on where the boundaries for development are. Flight paths cover more significant tracts of land than the current ANEF 25 system does although these include flights which are considerably above the ground such as in the case of Canberra. Also agreements have to be reasonable and consider the costs and benefits as well as other relevant issues associated with the fixing of boundaries.
- Land use can currently be planned around these contours and then be stymied by a change in ANEF or definitions of affected land. This needs to be clarified and agreed upon and then all parties need to adhere to the agreement made.

The idea raised regarding the acquisition of land affected by aircraft noise is worthy of investigation. This is particularly the case where airport master plans propose and have endorsed new ANEFs that increase the affected land. Options for acquisition and or compensation should be considered.

The option presented on page 196 for a forum to put in place a national land-use planning regime for land near airports and under flight paths is welcomed and should:

- Be representative of the stakeholders involved, and
- Address the practicality and likely achievement of projections in the airport master plan.

One of the recommendations of Principle 4 – Environment in the Noise impacts section relates to maintaining curfew arrangements for Sydney, Gold Coast Adelaide and Essendon. No mention is made of Canberra and it has been Council's long standing position that a curfew should be applied to this Airport from 11pm to 6am seven days a week given the Airports stated intention to:

- To provide the necessary infrastructure to grow so that it can support a similar number of flights to that currently being experienced by Sydney, and
- To become a 24 hour freight hub.

These alone would suggest that the curfew issue for Canberra be reconsidered.

Aviation Infrastructure

Planning regime for aviation infrastructure needs to be strategic. Some suggestions to achieve this include the need for:

- Understanding of hierarchy of airports
- Strategy on key locations for second airport(s) for Sydney, and their capacity
- Freight options & freight hubs must be considered on a national scale and ensure transport infrastructure can be provided and the most appropriate location selected for national interest and not just airport operations
- Stepping back to look at the Australia wide perspective rather than just airport by airport as occurs which the current master planning process.