

**This purpose of this version of the draft principles paper is to inform you of the responses received so far. Substantive comments and suggested amendments have been consolidated within this document.**

**At the meeting we will be working through the version distributed on 11 November and decisions can then be made collectively about proposed amendments.**

## **List of responses**

**Substantive comments incorporated into the attached from:**

- [South Australia](#)
- [Defence](#)
- [Tasmania](#)

**Supporting comments from:**

- Queensland: draft principles paper is supported as a reasonably balanced statement of what was agreed at the last meeting.

**Nil response from:**

- Northern Territory – NT Lands and Planning advised of a nil response.

**Comments to be provided at the meeting:**

- Victoria

**Awaiting responses from:**

- ACT
- NSW
- WA

# Principles for a national land use planning regime near airports, military airfields and flight paths

## Introduction

Civil airports are important national infrastructure assets. They are essential transport hubs and contribute significantly to the national economy as well as to the economies of the cities, regions, states and territories where they are located. Military airfields support critical pilot training for the Australian Defence Force and act as a staging base for military operations.

The operations and flying activities associated with Australia's airports and military airfields can have a large environmental footprint that may affect communities nearby. ~~Their noise impacts can be significant, ranging from mild annoyance to real, measurable effects on health and lifestyle. The need for maintenance of a~~ For example, noise impacts can distract or annoy nearby residents and the need for a safe operational environment free of potential risk to aviation operations can also impose constraints on some developments near airports.

Defence: Although research generally points to health impacts, research into what these are and the scale is still ongoing. Australian research thinks health impacts likely, but hard to quantify due to long-term and/or chronic nature of impacts.

Sites for airport and military airfields are scarce and finding new sites to replace existing airports and military airfields is difficult. Existing sites in many cases pre-dated significant urban development. More recently, urban expansion and densification has seen increasing examples of incompatibility between residential and industrial development with airport operations. Population growth, development demands and aviation industry activity growth will combine in most cities to make complementary planning more challenging and more important.

## Objectives

The Australian Government, in its December 2009 National Aviation White Paper, Flight Path to the Future, identified the development of a national land use planning regime for land near airports and flight paths as a priority to help safeguard Australian aviation and to protect communities from the negative environmental aspects aviation.

The *Principles for a national land use planning regime near airports and flight paths* (the Principles) are designed to assist with the implementation of the directions identified in the National Aviation White Paper as it pertains to safeguarding airports and their communities from inappropriate development. The Principles recognise that responsibility for land use planning rests primarily with state, territory and local governments but that a national approach could assist in improving planning outcomes in the vicinity of airports

and in other locations where the interaction between aviation operations and other land uses needs to be carefully managed.

The Principles will underpin the proposed national framework to safeguard airports and communities around them from inappropriate off-airport developments which could **reduce public amenity**, threaten public **health and** safety and the viability of airport operations.

The proposed national framework will provide guidance to state and territory governments which can in turn be used to guide local governments in assessing new **land uses and** developments around identified airports, and in any re-zoning applications in relation to such developments.

## Principles

### 1. *Identifying strategically important airports*

- 1.1. It is important to identify airports that should be safeguarded. Airports **and military airfields** that should be safeguarded are those which are strategically important and essential for economic, transport or social needs **or, in the case of military airfields, for national security purposes.**
- 1.2. Operators of identified airports should lead the preparation of planning documents that identify the airport's economic and strategic role, its operational plans and environmental impacts, as well as the airport's context within the region's planning regime.
- 1.3. The Commonwealth has identified 19 airports<sup>i</sup> under Part 12 of the *Airports Act 1996* as airports subject to Commonwealth planning control. These airports are required to prepare 20 year Master Plans, updated every five years, and will also be subject to any additional safeguarding measures agreed under the proposed national land use planning regime.
- 1.4. **[new para]** The Commonwealth has also identified **military-owned airfields**<sup>ii</sup> that will be similarly safeguarded. **Due to the unique nature of military flying, training and military operations, the safeguarding needs of military airfields may differ to those of civil airports. Some of these military airfields are also used by civil operators under joint-user or licensing arrangements.**
- 1.5. States and Territories are encouraged to consider equivalent approaches **for smaller airports and civil airfields.**  
**[Alternative:] An equivalent approach for strategically important airports identified by State and Territory governments would benefit the safeguarding of those airports.**

TAS: How the State and Territory governments or local government for that matter, should not be included in the principle – needs to be included in a 'heads of agreement' document that determines how the principles will be given effect to in each jurisdiction's planning regime. If it is to stay it could be reworded as suggested.

## 2. *Land use planning to better recognise the impacts of aircraft noise*

- 2.1. A suite of noise metrics should be considered for adoption to ensure that planning and development systems ~~fairly reflect contemporary~~ **consider** community expectations in relation to aircraft noise. Consideration should include both the establishment of appropriate criteria based on noise metrics to guide planning and development and the development of formal approaches for warning **prospective purchasers, developers and** communities of potential noise.

SA: There is no current requirement or legislation to undertake such a process in SA at this time. However, it is undertaken on a limited and informal basis in relation to Parafield Airport (discussed below) with the City of Salisbury requiring developers to distribute notices to prospective purchasers that they are buying near an airport.

- 2.2. Australian Standard AS2021-2000 (Acoustics - Aircraft noise intrusion - Building siting and construction) provides guidance to regional and local authorities, organisations and communities on the siting and construction of new buildings against aircraft noise intrusion and the acoustical adequacy of existing buildings in areas near airports. Incorporation of the AS2021-2000 guidance within planning systems can assist in ensuring the possible effects of aircraft noise are mitigated in new or modified buildings.

SA: Councils surrounding Adelaide Airport other than the City of Adelaide (within 20ANEF) do not apply AS2021. Our DPLG/DTEI joint proposals (currently being investigated) suggest only partial / limited application. We can only accept this principle to the extent that “guidance” does not imply full application of the Standard.

- 2.3. The Australian Noise Exposure Forecast (ANEF) contours provide a well established metric for land use planning around airports and should continue to play an important role. Yet there are limitations to the usefulness of the ANEF measure in assessing impact on communities in certain circumstances, particularly at smaller airports, near certain flight paths, and for understanding the impact of night-time noise.
- 2.4. ~~Land use planning regimes and~~ Public information can be enhanced by the incorporation of **supplementary** ~~alternative~~ measures of aircraft noise impact to supplement ANEFs such as:
- (a) frequency of event contours based on decibels (e.g. N70s, N65s and N60s);
  - (b) indicators of night-time noise; and
  - (c) broader descriptions of airports’ zones of influence that trigger notification requirements for residents.

SA: These metrics are noted to potentially widen the noise affected areas beyond ANEF contours. As SA is not seeking to adopt the full AS2021 / ANEF application around Adelaide Airport, more onerous requirements are not considered viable.

In addition, it is important that land use planning regimes make reference to a single set of criteria (ie ANEF) to ensure certainty and consistency of measurement and assessment for development applications. 'Alternative measures' (ie non-ANEF) are only recommended where the ANEF system is not considered a satisfactory method of measurements / assessment (eg some regional, non-strategic airports) but again, this would need to be reflected in the relevant Development Plan etc.

Availability of information for public information / understanding (as per 2.1 above) is supported, however, it is important that it does not conflict with the requirements of the planning system. The reference to 'land use planning regimes and ..' has therefore been deleted in this point.

TAS: Who will be producing the necessary mapping? I'd assume that the airport operator will take on this task. If so, should this be stated similar to clause 1.2?

- 2.5. The supplementary measures described in 2.4 can be used to help guide [see comment 1] proposals for noise sensitive developments in the vicinity of airports and near flight paths, with increased scrutiny of rezoning proposals for industrial and rural lands exposed to, or likely to be exposed to, aircraft noise. Consideration of these issues in addition to the criteria in AS2021:2000 may help reduce community concern about aircraft noise [see comment 2]

Defence:

1. The purpose of each tool will need to be considered. Some of the tools are educational, others may be used to make land-use-planning decisions.
2. Care needs to be taken that the new supplementary tools do not conflict with the ANEF/AS2021:2000.

TAS: This is an explanatory clause not a principle.

- 2.6. In addition to their use for land use planning, these tools and the following can be used to improve the description of aircraft noise and improve community understanding of its potential impact:
- (a) single event contours based on decibels; and
  - (b) flight path location and activity diagrams.

SA: SA DTEI supports use of critical aircraft (most noisy) single event noise contours to define buffer zones for residential development should not occur in relation to regional airports.

### 3. *Safeguarding community and aviation safety through a national regime*

3.1. Appropriate protection of airspace is essential to ensure safe operations around airports and to ensure that the economic potential of the airport is not constrained by developments which give rise to restrictions on operations.

3.2. At the Commonwealth level, the safeguarding provisions exist in the following legislation:

- (a) the *Airports (Protection of Airspace) Regulations 1996*<sup>iii</sup> establish a system for the protection of airspace around the leased federal airports in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of airports;
- (b) the *Defence (Area Control) Regulations 1989* protect airspace around the identified Defence airfields; and
- (c) Part 139 of the *Civil Aviation Safety Regulations 1998*<sup>iv</sup> requires airport operators to monitor the airport and land in its vicinity for structures and activities that may infringe protected airspace.

States and Territories are encouraged to consider equivalent approaches for the protection of smaller airports and civil airfields that reinforce these provisions by improving developers' and planners' knowledge of them.

SA: It is not considered necessary for states / territories to implement "equivalent approaches" as this becomes duplication. SA currently reinforces the role of the Commonwealth regulations through Development Regulations Schedule 8 referral requirements.

TAS: refer to comment under draft principle 1.5 above.

3.3. A nationally consistent land use planning framework to protect airport airspace around airports and military airfields could assist with: ~~A national land use planning regime would assist with:~~

SA: Wording amended to clarify that this principle specifically refers to airspace protection in accordance with the Commonwealth requirements (building heights/thermal plumes/ lighting etc).

- (a) raising awareness of Commonwealth and State/Territory requirements within local government;
- (b) harmonising, as far as practicable, State and Territory land use planning regimes with the safeguarding provisions in Commonwealth airspace protection legislation;

- (c) establishing similar provisions under state and territory planning regimes for non-Commonwealth airports identified by states and territories;

SA: Refer 3.2 comment – it is not considered necessary for states / territories to implement “equivalent approaches” as this becomes duplication. However, it is acknowledged that the SA planning system could reinforce the Commonwealth provisions more effectively – eg significant regional airports to include Building Heights Maps in their development plans to trigger referrals.

- (d) ~~reducing administrative inefficiency for proponents and local governments; and [deleted by Defence]~~  
[Alternative:] increase administrative efficiency for proponents and local governments;
- (e) ensuring timely notification to the appropriate decision-making body of any proposals which may impact on aviation operations and thereby reduce unnecessary delays in development processes.

Defence: But could increase necessary delays. Defence would need to establish a policy of objecting to inappropriate development in ‘unacceptable’ areas and may need to follow through on this objection in the face of community, business or political opposition.

- (f) Introducing effective systems to notify current and future landowners about the presence of aircraft noise, public safety zones and other safeguarding measures.

Defence: make 3.3 a stand-alone segment entitled ‘A national land use planning regime.

- 3.4. ~~The Commonwealth should work with States and Territories should consider establishing to undertake a detailed examination of the implications of and arrangements for the identification of appropriate risk-based [note Defence comment below] Public Safety Zones (PSZs) near the end of runways.~~  
[Alternative:] Arrangements for the identification of appropriate risk-based Public Safety Zones (PSZs) near the end of runways should be established in State and Territory planning systems.  
Identified PSZs would assist in assessing approaches where new or extended runways are planned, or where new residential or commercial developments or increased population density is proposed in the vicinity of airports.

SA: Wording amended to reflect the White Paper. It has been understood from the outset that the Commonwealth would lead this. SA has previously commented on the difficulties involved in introducing PSZs over established residential areas and that that implementation of a PSZ would go beyond the joint DPLG/DTEI measures proposed to restrict population increase in the 30/35ANEF at Adelaide Airport.

Defence: What is 'appropriate' and why 'risk based'? Will Defence and civilian airport operators need to own PSZ land?

TAS: refer to comment under draft principle 1.5 above.

- 3.5. Guidance material should be developed and made widely available on other aspects of development which could affect safety and efficiency of aviation operations, including:
- (a) windshear and mechanical turbulence effects of new constructions on or near airports;
  - (b) bird and other wildlife hazards to aviation from off-airport wildlife attractants;
  - (c) wind turbine developments, with regard to the potential for electromagnetic interference as well as the potential physical obstruction for aircraft;
  - (d) structures and certain activities that may affect the integrity of aviation safety infrastructures such as navigation aids and radar; and
  - (e) high intensity lighting, lasers and other similar potential visual distractions to pilots near airports.
  - (f) Structures such as high tension power lines, transmission towers and gas fired power stations that may also affect aircraft safety.

The Commonwealth will work in close collaboration with States and Territories in developing appropriate guidance. States and Territories are encouraged to work with local governments to ensure the material is recognised in state and local government arrangements and is promoted to prospective developers and decision makers.

SA: SA notes that these elements are all included in Development Plans via the BDP Building near Airfields module (although protecting en-route airspace from windfarms is a separate issue). However, SA DPLG / DTEI acknowledge that in some cases, Development Plans need to be strengthened with provisions that more directly address measurement and implementation of air safety requirements as well as providing general guidance for better understanding to fully satisfy this principle.

TAS: refer to comment under draft principle 1.5 above.

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<sup>i</sup> The 19 airports subject to the planning provisions of the Commonwealth *Airports Act 1996* are Sydney (Kingsford Smith), Bankstown and Camden (NSW); Melbourne, Essendon and Moorabbin (Vic); Brisbane, Gold Coast, Townsville and Archerfield (Qld); Adelaide and Parafield (SA); Perth and Jandakot (WA); Hobart and Launceston (Tas); Canberra (ACT); and Darwin and Alice Springs (NT).

<sup>ii</sup> The Department of Defence is the owner/operator of the following major airfields: Williamtown, Richmond, Nowra and Wagga Wagga (NSW); East Sale, Point Cook and Avalon (Vic); Townsville, Amberley, Oakey and Scherger (Qld); Edinburgh and Woomera (SA); Pearce, Gingin, Learmonth, and Curtin (WA); and Darwin (NT).

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<sup>iii</sup> The *Airports (Protection of Airspace) Regulations 1996* are made under the *Airports Act 1996*. The Act and Regulations are administered by the Commonwealth Department of Infrastructure and Transport.

<sup>iv</sup> The *Civil Aviation Safety Regulations 1998* are made under the *Civil Aviation Safety Act 1998*. The Civil Aviation Safety Authority administers the Act and Regulations.

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