

Sunsetting Airports Regulations Stage 2: Control of On-Airport Activities

Consultation paper response

September 2022

Name:	City of Cockburn
Confidential submission:	No
Industry type:	Government Body (Local Government)
If you ticked other above, please specify:	N/A

Responding to this paper

In acknowledgement of the size and scope of this submission paper, respondents are welcome to provide responses to aviationreform@infrastructure.gov.au via other formats. However, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) recommends the use of this submission paper to assist with analysing and reviewing of submissions.

Please provide submissions or direct your questions to aviationreform@infrastructure.gov.au.

Privacy and confidentiality

Written submissions **will be made publicly available** in full on the Department's website unless you clearly indicate that you would like all or part of your submission to remain in confidence.

Any personal information respondents provide to the Department will be used for purposes related to considering issues raised in the consultation paper, in accordance with the *Privacy Act 1988*. You are also welcome to provide submissions confidentially.

Introduction

Please provide relevant background information to help the Department to understand your perspective. Relevant factors may be who you are or what organisation you are from, and what your interests are in responding to the sunseting review of the Airports (Control of On-Airport Activities) Regulations 1997 (the Regulations).

The City of Cockburn (The City) is a Western Australian local government located in the southern suburbs of the Perth metropolitan area.

The City is interested in and provides comments below in this submission to the Federal Government on the review of the sunseting *Airports (Control of On-Airport Activities) Regulations 1997* as the Jandakot Airport is located within the City's municipal boundaries within the suburb of Jandakot.

Jandakot Airport is managed privately under lease by joint venture Dexus and CBUS Super, who secured management of the land in early 2022 from Jandakot Airport Holdings.

1: Liquor control in airports outside NSW

1. How appropriate do you think the current regulatory settings are for liquor in leased federal airports outside NSW? What works well? What needs to be fixed?	<p>The current regulatory setting within the Regulations allows for State legislation to apply for airports outside of NSW as detailed under Part 1A.</p> <p>Transitional provisions apply to liquor controls at the Jandakot Airport referring to the State <i>Liquor Control Act 1988</i>.</p> <p>The liquor licence process under the <i>Liquor Control Act 1988</i> administered by the WA State Department of Local Government, Sport and Cultural Industries (DLGSC) allows for advertising of liquor licence applications for a period of 14 days in which members of the public are able to make submissions. This process does not have any consultation with the City (local government) and that has potential to have some issues.</p> <p>Without comprehensively reviewing the processes within the Regulations and <i>Liquor Control Act 1988</i>, there is a strong need to ensure applications for liquor licences within the airport give consideration to the potential impact on external land uses, particularly sites at the edge of airport landholdings that may abut residential and other sensitive land uses.</p>
2. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?	With regard to the liquor control elements of the Regulations, the Department could either remake with changes to address improvements and/or references to out-of-date legislation or sunset of regulation to allow for State legislation to be used and land uses and relevant liquor licences.
3. Are there any modifications of state or territory liquor laws, or other provisions of the Regulations relating to the control of liquor outside NSW (Part 2 or Schedule 1 of the Regulations), that are no longer required? If so, what are they and why?	No – see response at Q1.
4. Are there any modifications of state or territory liquor laws, or other provisions, that are out of date or ineffective and so require updating? If so, what are they and why? What is the nature of the update required?	No – see response at Q1.
5. What disparate requirements (for example, different requirements that apply to different airports within a state or territory, or to different parts of an airport such as the terminal area only) need harmonisation, if any? What would be the impacts of this harmonisation?	Currently, Airports in Western Australia lists Perth Airport and Jandakot Airport within differing sections of the Regulations. For consistency and transparency, where applicable, streamlining matters under Part 2 of the Regulations could be appropriate.

2: Consumer trading hours

6. How appropriate do you think the current regulatory settings are for consumer trading hours in leased federal airports? What works well? What needs to be fixed?	<p>It should be noted that consumer trading hours would be best considered alongside the elements which are to be reviewed in the next stage (Stage 3) of the sunseting review in regard to land use.</p> <p>In terms of town planning, the City of Cockburn Town Planning Scheme No.3 (TPS3) is used for approvals of land uses which are accompanied (conditioned) with hours and days of operation as proposed by the applicant, or as considered appropriate given the surrounding conditions.</p> <p>Similar to the comments provided in Q1, discretion by decision makers should be used where applications for consumer trading hours are being considered where they will impact third parties.</p> <p>With regard to Jandakot Airport to date, the land uses which occur on the airport land with respective consumer trading hours have not been an issue, or triggered complaints being raised with the City's Environmental Health unit. However, with the rapid expansion of commercial development within the airport and the encroachment of surrounding urban development, land use conflicts are becoming a more prominent issue.</p>
7. What is your preferred sunseting option (sunseting without remaking, remaking without substantive changes, or remaking with changes)? Why?	<p>Remaking with changes – this option would allow for the Regulations to be amended to reflect changes which have occurred throughout the years.</p> <p>Specifically, the changes could address trading authorisations approved prior to privatisation, and perhaps consider if the trading hours remain appropriate.</p>
8. Should the Regulations include any new provisions (e.g. exemptions to consumer trading hours for Western Sydney International (Nancy-Bird Walton) Airport)? What would be the impact on your operations if the provisions were or were not included?	<p>Given that Dexis and CBUS Super are the lease holders of the Jandakot Airport land, they provide leases to operators within the airport, and therefore, control the land use and development on the land generally in accordance with the Jandakot Airport Master Plan.</p> <p>When considering the existing businesses operating on the airport land, changes to the regulations could impact current lease agreements and given this, transitional arrangements may need to be considered and applied, where appropriate and/or required.</p>
9. If you think it is appropriate for exemptions to continue to apply (or new exemptions to apply) under the Regulations to state or territory consumer trading restrictions, should these apply to the whole of the airport site, or only the terminal area? Why? Would your views be different if any change only impacted new businesses trading on the airport site?	<p>It may be more appropriate that there are various exemptions applicable to different sections of the airport land. For example, centrally located uses genuinely associated with the airport would have more scope for approval through exemptions, whereas other uses filling the surrounding surplus land should have a higher level of consideration to allow for assessment of that potential land use conflicts or where the proposed use is likely to compromise The City's network of activity centres.</p>
10. Are there any provisions in the Regulations relating to consumer trading hours (e.g. exemptions to state laws) that are no longer required? If so, what are they and why?	<p>No comment.</p>

11. Are there any provisions in the Regulations relating to consumer trading that are out of date or ineffective and so require updating? If so, what are they and why? What is the nature of the update required?	No comment.
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3: Landside vehicle parking

12. Should the Parking Infringement Notice Scheme (PINS) framework continue in its current form? Why?	N/A – the Jandakot Airport is not listed as a PINS airport.
13. What are the benefits (or issues) to your business of the current arrangements at the airport you are located at or manage? (PINS or non-PINS)	N/A – The City does not enforce or manage landside vehicle parking within the Jandakot Airport land.
14. What additional changes would make the PINS work better if it was retained?	N/A – the Jandakot Airport is not listed as a PINS airport.
15. What benefits (or issues) would there be from the use of state and territory regulations?	<u>Benefits:</u> the benefits from the use of state and territory legislation, more specifically, planning legislation would be that car parking requirements would be captured as demand from proposed land uses, as occurs outside of airport land. There would also be greater consistency in the application of standards across the municipal area, potentially reducing the competitive advantage some uses are unreasonably afforded within the airport landholding.

4: Airside vehicles

16. Should airside vehicle controls be nationally consistent? Why?	Yes – ideally the airside vehicle controls should be consistent nationwide to allow for high levels of safety and security.
17. Would there be an impact on your operations if the airside vehicle control provisions within the Regulations were allowed to sunset?	<p>Jandakot Airport Holdings control access of vehicles and surface driving within the Jandakot Airport in accordance with <i>Airports (Control of On-Airport Activities) Regulations 1997</i>.</p> <p>Vehicles and drivers must be issued with an Authority for Use Airside (AUA) permit and an Authority to Drive Airside (ADA) permit.</p> <p>Should this Regulation sunset, there may be issues from the perspective of Jandakot Airport providing airside AUA and ADA permits, which is considered to be an appropriate way to assess and approval drivers and vehicles.</p>
18. What additional changes would make this part of the Regulations work better if it was retained?	No comment.

5: Gambling

19. How appropriate do you think the current regulatory settings are for gambling in leased federal airports? What works well? What needs to be fixed?	<p>The current regulatory settings under the Regulations for gambling at leased federal airports is appropriate where it is enforced and adhered to. However, as per the response below at Q20, the City considers that the gambling controls within Part 5 of the Regulations could be allowed to sunset without causing significant impacts.</p> <p>The City is not aware of any gambling activities which operate within the airport land.</p>
20. What is your preferred sunset option (sunset without remaking, remaking without substantive changes, or remaking with changes)? Why?	<p>Sunset without remaking to allow for WA State legislation to be used rather than the <i>Airports (Control of On-Airport Activities) Regulations 1997</i>. This may mean that gambling is not permitted, or no longer permitted within the Jandakot Airport land as per relevant WA State legislation.</p> <p>It is the City's understanding that Jandakot Airport Holdings do not enforce or apply infringement notices for gambling offences within the airport land, and therefore, the Regulations are redundant, and State legislation is appropriate to be applied.</p>
21. Would you support the lifting of the gambling prohibition? What impacts would an increase in gambling activities on leased federal airports have?	No – See response at Q20.
22. Would you support the transfer of regulatory responsibilities for gambling activities under existing authorities to the relevant South Australian and Victorian government authorities?	N/A – The City is in Western Australia.
23. Are there any provisions relating to the control of gambling (Part 5 of the Regulations), that are no longer required? If so, what are they and why?	See response at Q20.
24. Are there any provisions relating to the control of gambling (Part 5 of the Regulations), that are out of date or ineffective and so require updating? If so, what are they and why? What is the nature of the update required?	See response at Q20.

6: Smoking

25. Do the current smoking regulations adequately control smoking at leased federal airports?	<p>No - in the case of Jandakot Airport, the current smoking regulations do not control smoking within the airport land.</p> <p>It is the City's understanding that Jandakot Airport Holdings do not enforce or apply infringement notices for smoking offences within the airport land, and therefore, the Regulations are redundant, and State legislation is appropriate to be applied via the <i>Commonwealth Places (Application of Laws) Act 1970</i>.</p>
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26. Are the penalties appropriate for the contravention of smoking?	The City has not investigated the specific penalties which would be applied for infringement notices for contravention of smoking in airport land as per the Regulations and the Commonwealth <i>Regulatory Powers (Standard Provisions) Act 2014</i> .
27. What additional changes would make smoking provisions under the Regulations work better if it was retained?	N/A – see response at Q25.
28. Would state and territory governments need to make changes to their frameworks if smoking provisions under the Regulations were to sunset?	Unsure – The City is not aware of the changes (if any) which would be required to the relevant WA State legislation with regard to smoking laws.

7: Other comments

29. Do you have any other comments you would like to share with the Department in relation to the sunseting review of the Airports (Control of On Airport Activities) Regulations 1997?	<p>The City thanks the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the opportunity to provide comment on Stage 2 of this legislation review.</p> <p>From a building and planning perspective, the City looks forward to providing submission on Stage 3 of the sunseting review of <i>Airports (Control of On Airport Activities) Regulations 1997</i>.</p>
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