

NASAG

▀ National Airports Safeguarding Advisory Group



National Airports Safeguarding Framework 2019 Implementation Review

Report

October 2021

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Executive Summary

The National Airports Safeguarding Advisory Group (NASAG) was established in 2010 as a cross jurisdictional advisory body to progress work on developing a national approach to land use planning around airports in Australia. The group is chaired by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications, and is comprised of state and territory planning and transport departments, Department of Defence, the Civil Aviation Safety Authority (CASA), Airservices Australia (Airservices), and the Australian Local Government Association (ALGA).

In 2012, Ministers of the then Standing Council on Transport and Infrastructure endorsed the first iteration of the National Airports Safeguarding Framework (NASF) which included seven overarching Principles and six Guidelines.

Between 2012 and 2018, three additional Guidelines were endorsed by the Ministers and added to the NASF. Current NASF Guidelines consider aviation-related issues such as aircraft noise, building induced windshear and turbulence, wildlife hazard management, wind turbines, pilot lighting distraction, airspace protection, protection of air navigation equipment, protection of strategic helicopter landing sites, and public safety areas near the end of runways. NASF has implications for the general public as well as those working in town planning, residential or commercial development, building, development and aviation related industries.

With a view to ensuring the functionality and currency of the NASF, an external implementation review process was agreed to by NASAG in 2019. This report provides a summary of the NASF Implementation Review process undertaken in 2019, and captures NASAG's Recommendations for further action on airport safeguarding following consideration of this information. Due to COVID-related resourcing limitations this report has been delayed 18 months. Recognising the amount of time that has elapsed since jurisdictions first provided a status update on implementation of the NASF in 2019 the opportunity to provide a 2021 update on implementation was provided as part of the final drafting process. These jurisdictional updates, provided on a voluntary basis, are included in the Appendices to this report.

Public consultation conducted as part of the review sought comments from NASAG members, the aviation industry, and over 600 local government and community stakeholders regarding the implementation of the NASF to date. The consultation period ran for 12 weeks and 42 submissions were received.

Key matters raised during consultation included:

Awareness of airport protection issues continues to increase, with land use planning decisions increasingly referencing NASF and consideration of its implications.

Each of the states/territories have incorporated some form of planning requirements into their respective planning frameworks relating to at least two of the nine NASF guidelines. However, for local governments, the incomplete introduction of planning mechanisms to address NASF-related issues continues to be a hindrance in the consideration of development applications in the vicinity of airports.

Industry bodies and local governments indicated that a jurisdiction not introducing NASF-related provisions into high level planning policy, or providing clear policy direction on the use of the NASF, is a fundamental obstacle to implementation of the framework.

The lack of understanding within the building/development industry regarding safety implications of development near airports continues to be a challenge.

Across many submissions, it was suggested that industry/planning bodies could benefit from a targeted education program on the NASF guidelines, and the economic benefits that airports bring to communities through economic development and employment.

The establishment of airports as statutory referral authorities would be beneficial in providing supporting technical expertise for planners when assessing potential risks to or from aviation activities.

The review found that increasing awareness of the NASF since 2012 has yielded positive results for communities and airports. Moving forward, there are opportunities to further expand awareness and increase the uptake of the NASF through industry networking, legislative/policy approaches, and education activities for practitioners and industry. These themes have been reflected in the eight Implementation Review Recommendations to be taken forward by NASAG.

1	Commonwealth/State/Territory Ministers endorse an intergovernmental agreement to standardise a national approach to airport safeguarding.
2	National Airports Safeguarding Advisory Group (NASAG) continue to oversee implementation of the National Airports Safeguarding Framework (NASF).
3	NASAG to implement a schedule for ongoing review of all NASF Guidelines to ensure the currency and functionality of the framework.
4	Australian Government to include provisions relating to consideration of the NASF in legislation at the 22 federally leased airports by 2027.
5	State/Territory governments to include provisions relating to consideration of the NASF in their respective planning regimes by 2027.
6	State/Territory governments to develop and disseminate clear policy/guidance on the status of the NASF (for that individual jurisdiction), and how it should be applied to large and small airports.
7	Airports to initiate a process for regular consultation/engagement with local government on NASF issues.
8	Australian/State/Territory governments, peak aviation industry bodies, peak planning bodies to contribute to the development of NASF educational materials for use by planning practitioners, local government, tertiary institutions, and the building/development industry.

Background

Development of National Airports Safeguarding Framework (NASF)

In June 2009, the then-Australian Government Department of Infrastructure, Transport, Regional Development and Local Government released a Discussion Paper titled *Safeguards for Airports and the Communities around Them* for public consultation. The Discussion Paper identified the need for a nation-wide cooperative approach to land use planning that protects both aviation operations to and from the airport, and the interests of surrounding communities.

Eight key safeguarding elements were identified for discussion:

- Planning for Compatible Development;
- Protection of Operational Airspace;
- Turbulence and Windshear;
- Wildlife Hazards;
- Wind Turbines;
- Technical Facilities;
- Lighting and Pilot Distractions; and
- Public Safety Zones.

Following on from this Discussion Paper, the Government released the *Flight Path to the Future* White Paper in December 2009. Chapter 9 of the White Paper presented the Government's position regarding airport safeguarding. Specifically, the Government committed to working with state, territory and local governments to:

- develop a national land use planning regime to minimise sensitive developments located in areas affected by aircraft operations;
- undertake a detailed examination of the implications of public safety zones in the vicinity of airports;
- improve and enhance land use planning arrangements and supplementary public information relating to the impacts of aircraft noise;
- improve access to guidance material for airports and off-airport planning authorities on the potential windshear and mechanical turbulence effects of new constructions;
- develop national guidelines for wildlife hazard management in and around airports to minimise bird strike and other wildlife hazards;
- develop national guidelines to address technical and navigation issues relating to wind turbine developments, with regard to the potential for electromagnetic interference as well as the potential physical obstruction for aircraft;
- establish consultative processes to ensure that the potential effect of any new windfarm on aviation operations is considered and addressed prior to approval; and
- strengthen airspace protection arrangements around airports.

In early 2010, the Government established the National Airports Safeguarding Advisory Group (NASAG) to progress these initiatives. The following organisations were invited to be members of NASAG:

- Commonwealth, state and territory planning and transport departments;
- the Department of Defence (Defence);

- the Civil Aviation Safety Authority (CASA);
- Airservices Australia (Airservices); and
- the Australian Local Government Association (ALGA).

NASAG met for the first time in May 2010 and initially focussed on developing the National Airports Safeguarding Framework (NASF). The initial framework consisted of a set of guiding principles, as well as six noise and safety guidelines. In early 2012, the Government invited interested stakeholders to comment on the draft framework.

The NASF was finalised based on these submissions, and then submitted for consideration to the Standing Council on Transport and Infrastructure (SCOTI), comprising of the Australian and state and territory Ministers responsible for transport and infrastructure issues. On 18 May 2012, SCOTI Ministers agreed to the implementation of the Framework’s Principles and Guidelines (A-F)¹.

In late 2016, NASAG provided new Guideline G: Protecting Aviation Facilities—Communications, Navigation and Surveillance (CNS) to the Transport and Infrastructure Senior Officials Committee (TISOC) and Transport and Infrastructure Council (TIC) for endorsement. In November 2018, Guideline H: Protecting Strategically Important Helicopter Landing sites (SHLS) and Guideline I: Public Safety Areas (PSA) were endorsed by NASAG.

This agreement represents a collective commitment from governments to ensure that an appropriate balance is maintained between the social, economic and environmental needs of the community, and the safe and efficient use of airports.

NASF Overview

The purpose of the NASF is to enhance the current and future safety, viability and growth of aviation operations, by supporting and enabling:

- the implementation of best practice in relation to land use assessment and decision making in the vicinity of airports and strategic helicopter landing sites;
- assurance of community safety and amenity near airports and strategic helicopter landing sites;
- better understanding and recognition of aviation safety requirements and aircraft noise impacts in land use and related planning decisions;
- the provision of greater certainty and clarity for developers and land owners;
- improvements to regulatory certainty and efficiency; and
- the publication and dissemination of information on best practice in land use and related planning that supports the safe and efficient operation of airports and strategic helicopter landing sites.

The NASF currently consists of seven guiding principles and nine guidelines. The Principles recognise that responsibility for land use planning rests primarily with State, Territory and Local Governments, but that a national approach can assist in improving planning outcomes near airports and under flight paths. Responsibility for the regulation of flight safety, however, rests with the Commonwealth so the Principles must involve a co-operative approach to land use planning. Agencies at both State and local government level should work with airport operators and relevant Commonwealth agencies to achieve a satisfactory outcome for both communities and airport operations.

¹ At this time, the New South Wales and Western Australia governments noted that they did not support Guideline A due to the inclusion of supplementary noise metric information.

As well as the public at large, NASF has implications for those working in town planning, residential or commercial development, building construction or related industries, and the aviation industry.

NASF Principles

Principle 1	The safety, efficiency and operational integrity of airports should be protected by all governments, recognising their economic, defence and social significance.
Principle 2	Airports, governments and local communities ² should share responsibility to ensure that airport planning is integrated with local and regional planning.
Principle 3	Governments at all levels should align land use planning and building requirements in the vicinity of airports.
Principle 4	Land use planning processes should balance and protect both airport/aviation operations and community safety and amenity expectations.
Principle 5	Governments will protect operational airspace around airports in the interests of both aviation and community safety.
Principle 6	Strategic and statutory planning frameworks should address aircraft noise by applying a comprehensive suite of noise measures.
Principle 7	Airports should work with governments to provide comprehensive and understandable information to local communities on their operational requirements and potential impacts.

² Includes local residents, landowners, businesses and developers operating in the vicinity of airports.

NASF Guidelines

NASF Guidelines	
Guideline A	Measures for Managing Impacts of Aircraft Noise
Guideline B	Managing the Risk of Building Generated Windshear and Turbulence at Airports
Guideline C	Managing the Risk of Wildlife Strikes in the Vicinity of Airports
Guideline D	Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers
Guideline E	Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports
Guideline F	Managing the Risk of Intrusions into the Protected Operational Airspace of Airports
Guideline G	Protecting Aviation Facilities - Communication, Navigation and Surveillance (CNS)
Guideline H	Protecting Strategically Important Helicopter Landing Sites
Guideline I	Managing the Risk in Public Safety Areas at the Ends of Runways

Previous Reporting

2013—12-month update

In May 2013, SCOTI considered NASAG's 12-month update on the implementation of the NASF in jurisdictions. During preparation of the update, it was evident that NASF was not yet in full operation in any jurisdiction. The update therefore focussed on the progress made to date in implementing NASF into jurisdictions' respective planning regimes.

NASAG developed a communication strategy and associated NASF Factsheet that was released to key stakeholders and the public in August 2014.

2015—3-year update

In August 2015 TIC members considered NASAG's 3-year update on the operation and implementation of NASF. This report indicated that in order to implement the guidelines jurisdictions would need to review key policies, legislation and regulatory provisions. At this time, some jurisdictions indicated a preference to use NASF as advisory guidance rather than have it formally referenced in legislation.

Key points to note from the update report included:

- All jurisdictions indicated that some use was being made of the NASF.
- There is increased awareness of airport protection issues at the local and state levels with land use decisions increasingly referencing the Framework and considering its implications.
- In relation to Guideline A (noise), the Commonwealth sought a review by Standards Australia of Australian Standard AS 2021-2000 Acoustics - Aircraft Noise Intrusion – Building Siting and Construction (AS2021). The review was finalised in March 2015 with the release of AS2021-2015.

- In June 2014 Standards Australia agreed to an additional aircraft noise project involving the development of an Information Handbook for describing and explaining aircraft noise impacts. This project was completion by the end of 2015.
- The NASAG prepared a revision to Guideline A to reflect what is contained in the updated Standard and Handbook.
- To share information on good practice NASAG developed a communication strategy and associated NASF Factsheet, released and circulated to key stakeholders and the public in August 2014.

Review Process

In March 2019, at the 24th NASAG meeting, members agreed that it would be timely for a review of NASF implementation to be undertaken.

Terms of Reference and a timeframe for the review were agreed at the 25th NASAG meeting in August 2019. In early September 2019, interested stakeholders were invited to provide submissions. Information was published on the NASF web portal, and included in the Australian Airports Association newsletter.

Terms of Reference

The main objective of the Review is to evaluate how well the NASF is meeting its stated purpose to improve community amenity and ensure recognition of aviation safety requirements in land-use planning decisions.

The Review sought comments from members of NASAG, the aviation industry and over 600 local government and community stakeholders on the NASF implementation progress. Feedback was sought on the following matters:

- Whether the NASF has been/is being embedded in legislation/regulations;
- Whether the NASF is reflected in policy, guidance and any other planning advice;
- What impediments (if any) have there been to full implementation;
- The level of awareness, consideration and use of the NASF principles and Guidelines A to I by relevant government agencies, public and private airport operators;
- The level of industry and community stakeholder awareness and familiarity with the NASF framework and guidelines; and
- Any specific case studies to illustrate the impact of NASF on land use planning decisions.

The consultation period for submissions ran for 12 weeks from 2 September to 22 November 2019. During this period, 42 submissions were received.

Following NASAG's consideration of this Implementation Review Report, recommendations will be prepared for consideration at the Infrastructure and Transport Senior Official Committee (ITSOC) and Infrastructure and Transport Ministers' Meeting (ITMM).

Submissions Received – List of Stakeholders

Stakeholder	Type of Stakeholder
Bureau of Meteorology	Australian Government
Hume Residents Airport Action Group	Community Group - Victoria
Australian Mayoral Aviation Council (AMAC)	Council – National body
Camden City Council	Council – New South Wales
Tweed Shire Council	Council – New South Wales
Wollondilly Shire Council	Council – New South Wales
City of Sydney, NSW	Council – New South Wales
Sutherland Shire Council, NSW	Council – New South Wales
Canterbury Bankstown Council, NSW	Council – New South Wales
Livingstone Council	Council - Queensland
Townsville City Council	Council - Queensland
Brisbane City Council	Council - Queensland
Gladstone Regional Council	Council - Queensland
City of Playford	Council – South Australia
City of West Torrens	Council – South Australia
City of Salisbury	Council – South Australia
Northern Midlands Council	Council - Tasmania
Brimbank Council	Council - Victoria
Moreland City Council	Council - Victoria
City of Moonee Valley	Council - Victoria
City of Cockburn	Council – Western Australia
City of Stirling	Council – Western Australia
Archerfield Airport	Leased Federal Airport
Sydney Airport	Leased Federal Airport
Essendon Fields Airport	Leased Federal Airport
Sydney Metro Airports (Bankstown and Camden)	Leased Federal Airport
Australian Pacific Airports Corporation Ltd (Melbourne and Launceston)	Leased Federal Airports
Queensland Airports Limited (Gold Coast, Townsville, Longreach, Mount Isa)	Leased Federal & private airports
Avisure	Industry - Consultant
Australian Airline Pilots' Association (AusALPA)	Industry - Peak Body
Australian Airports Association	Industry - Peak Body

Implementation Advice from NASAG Members

The 2019-20 review highlights progress towards implementation of the NASF in each jurisdiction continues. This supports the NASAG's view that since the 2009 Safeguarding Discussion Paper there has been significant progress made to increase awareness of aviation-related planning issues nationally.

Internationally, the NASF concepts have been integrated into land use planning documents in Christchurch (New Zealand) and in the United Kingdom.

This section summarises the input received from NASAG members as part of the Implementation Review.

Commonwealth

Airports are a vital part of the nation's infrastructure, drivers of the local economy and essential employment hubs. The Australian Government continues its belief that a more informed and integrated land use planning approach is important in balancing the interests of the local economy and the effective use of airports with the preservation of the amenity and safety of surrounding communities.

The Australian Government recognises that responsibility for land use planning on non-Commonwealth land rests primarily with State, Territory and local Governments. Regulation of airspace and flight safety rests with the Australian Government, as well as on-airport planning for the 22 leased federal airports³ and Defence aerodromes.

A key priority for Defence is to work closely with relevant State, Territory, local governments, planning agencies and industry and to actively seek amendments to the relevant planning legislation, instruments and policies around Defence sites in order to mitigate the impacts of encroachment on Defence's activities. The establishment of NASAG has provided an additional avenue for Defence to engage with relevant State and Territory agencies at a strategic level on encroachment issues around our airfields. Defence applies the relevant NASF Guidelines to military airfields, and certainly refers to NASF Guidelines when assessing and providing comments to State, Territory and Local Government planning authorities on a range of complex land planning strategies, development applications and strategic plans.

Through its role as Secretariat to NASAG, the Australian Government led drafting and consultation on the technical guidance documents within the NASF, and will maintain the currency of these documents through regular review and the continued provision of Secretariat services to NASAG.

To this effect, as agreed at the 25th NASAG meeting on 21 August 2019, the Australian Government will lead further NASAG analysis of Guideline B (windshear), and reviews of Guidelines C (bird and wildlife strike) and D (windfarms).

Commonwealth implementation of NASF has occurred at various levels:

- Work with the 22 leased federal airports to raise awareness of NASF-related issues is ongoing. The Department of Infrastructure, Transport, Regional Development and Communications (the Department) has conveyed an expectation to airport operators that airports located on Commonwealth land will implement the practices recommended in the NASF Principles and Guidelines as part of ongoing airport planning.

³ Including Nancy Bird (Western Sydney) Airport currently under construction.

- In recent years, the Department has included consideration of the NASF in its examination of master plans and major development plans for the leased federal airports. During these processes, CASA and Airservices also provide comments on NASF issues within their sphere of work.
- In the broader context, the Department regularly engages with state and local government to provide comment on development and planning proposals and potential aviation-related impacts.
- The Western Sydney Unit of the Department is a key contributor in the policy work undertaken by the Western Sydney Planning Partnership (a key commitment of the Western Sydney City Deal) for land use planning around the new airport in western Sydney. Consideration of NASF-related issues such as wildlife strike, glare, plumes and noise are part of this work.
- The Government proactively engages with industry and state/territory and local governments to explain aviation safety requirements and the risk to aviation safety that high-rise developments in central business districts (CBDs) may pose.

As part of a legislative sunset process, the Department is undertaking a review of the regulation of protected airspace. This work will include consultation on a more public and transparent process to establish protected airspace near capital city airports to provide greater certainty around allowable building heights for on and off airport development.

Under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*, the Department assesses proposals for activities (such as construction cranes and tall buildings) that will intrude into prescribed airspace. Decisions made by the Department on these activities take into account advice from the relevant airport, industry, Airservices and CASA.

The government took on a lead role to secure the 2015 review of Australian Standard AS2021 (aircraft noise intrusion) and development of the Australian Standards noise information handbook.

Department of Defence

NASAG has provided an avenue for strategic engagement by Defence with relevant State and Territory agencies on encroachment issues around its aerodromes.

Defence's experience is that relevant State, Territory and local government agencies have adopted some of the Guidelines but not all, and there does not appear to be a list available on which Guidelines have been adopted and by what jurisdiction. Defence recognises that it is up to state and local government planning authorities as to which aspects of the guideline they choose to implement. Defence will continue to use the public safety guideline to raise awareness with state and local government planning authorities of the need for military public safety zones for our major airbases and advise on compatible land uses as a reference tool for considering public safety risk. Airservices remains committed to confirming/supplying data for ground-based infrastructure in order to assist airports and jurisdictions in managing airspace and communication, surveillance and navigation equipment related land use planning issues.

Australian Capital Territory

Whether the NASF has been/is being embedded in legislation/regulations

The ACT has a dual planning regime. The Australian Government (through the National Capital Authority) and ACT Government (through the Environment, Planning and Sustainable Development Directorate) share planning responsibility in the ACT.

The Australian Government, through the National Capital Plan, is responsible for Canberra's role and functioning to serve its national purposes, and for specific land use planning and approval in defined areas of the ACT. The ACT Government, through the Territory Plan, is responsible for planning and development matters on all other Territory land.

The National Capital Plan (NCP) incorporates some general policies around aircraft noise, protected airspace, airport obstacle limitation surface and bird strike but does not specifically identify the National Airports Safeguarding Framework (NASF).

The NASF has yet to be formally embedded into the ACT's Territory Plan. The Territory Plan guides planning and development in the ACT and is used to manage development in the ACT, particularly how land is used and what can be built, the assessment of development applications, the development of new estates and the management of public land.

The ACT planning system is currently being reviewed to develop a simplified system with greater certainty and improved design and quality outcomes. It is intended that NASF will be incorporated into the 'revised' Territory Plan in 2022, subject to consideration by the Government. Notwithstanding, NASF advice is being provided on specific development applications and rezoning proposals in the vicinity of Canberra Airport.

Whether the NASF is reflected in policy, guidance and any other planning advice

The ACT Planning Strategy 2018 incorporates a description and the purpose of the NASF, together with the following specific implementation actions:

- Action No. 2.6.3—Incorporate appropriate provisions for the National Airports Safeguarding Framework in the review of the Territory Plan.
- Action No. 2.6.4—Plan for complementary and compatible economic development opportunities around Canberra Airport.

The Planning Strategy outlines the strategic vision for planning in the ACT and provides the framework for a range of actions that will allow the city to respond to ongoing growth and change.

Action No. 2.6.4 refers to the work current being undertaken by the Environment, Planning and Sustainable Development Directorate on the Eastern Broadacre planning project that is assessing areas on the eastern side of Canberra and in the vicinity of Canberra Airport for potential employment generating uses and development. NASF advice is being provided on specific development applications and rezoning proposals in the vicinity of Canberra Airport.

What impediments (if any) have there been to full implementation

The incorporation of NASF into the Territory Plan was intended to have occurred concurrently with rezoning for development areas arising from the Eastern Broadacre Strategic Assessment. The strategic assessment is being progressed under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999. Given the delays experienced by this project, NASF's implementation is not intended to form part of the 'revised' Territory Plan in 2022, subject to agreement by the Government.

The level of awareness, consideration and use of the NASF principles and Guidelines A to I by relevant government agencies, public and private airport operators

There is a high level of awareness of the NASF within relevant government agencies and within the planning and land authority, which assesses and determines development applications. Canberra Airport is acutely aware of NASF and reference the principles and the guidelines in their draft 2020 airport master plan. The draft master plan states, "Canberra Airport has adopted and considers all relevant NASF Guidelines when assessing on-airport development, including Airport operations and encourages the ACT to formally incorporate NASF into the Territory Plan".

The level of industry and community stakeholder awareness and familiarity with the NASF framework and guidelines

Industry and community respectively have a medium and low-level awareness of the NASF. This is, in part, because the areas surrounding Canberra Airport and its flight paths are generally rural or non-residential land. The major urban area of Canberra is more distant from the airport and not generally affected by aircraft noise.

New South Wales

Local Environmental Plans (LEPs) guide planning decisions for local government areas. They do this through zoning and development controls that provide a framework for the way land is used. Standard LEP clauses 7.4 and 7.6 address the NASF-related issues of airspace and aircraft noise.

Some Councils have chosen to include additional clauses relating to other aviation issues such as strategic helicopter landing sites⁴, and the NASF as a whole⁵.

Section 9.1 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) enables the Minister to direct Councils to address provisions to achieve or give effect to principles specified in the direction when preparing planning proposals. The Minister's Directions are contained in s 117 of the EP&A Act and include Direction 3.5 relating to Development near Regulated Airports and Defence Airfields and Direction 7.8 for implementation of the Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan.

The NSW Department of Planning, Industry and Environment (DPIE) is currently working to standardise the Development Control Plans across NSW. A section 'Airport Overlays' has been proposed as a part of the

⁴ Clause 7.17A and Map KYS-010 of the Liverpool Local Environmental Plan 2008 (LEP)

⁵ Clause 3J.4 of the Botany Bay Development Control Plan 2013.

Standard Template to allow Councils to address their concerns and propose measures for managing the impacts on airports.

DPIE staff seconded into the Western Sydney Planning Partnership will undertake the planning for the 11,200 hectares of land around Western Sydney International (Nancy-Bird Walton) Airport. DPIE are working closely with representatives of the Airport and the Department of Infrastructure, Transport, Regional Development and Communications to ensure appropriate mechanisms are implemented into the planning framework to safeguard the operations of the new airport.

Whilst the NSW government does not support Guideline A of the NASF, no noise sensitive development is permitted within the ANEC/ANEF 20 or above contours for the airport. This is more conservative than the requirements specified under AS2021 (2015).

DPIE has developed a paper, *Safeguarding Strategically Important Helicopter Landing Sites in NSW – Implementation of NASF Guideline H – Protecting Strategically Important Helicopter Landing Sites (SHLS)* to encourage planning authorities to incorporate the principles of Guideline H: Protecting Strategically Important Helicopter Landing Sites into their planning framework, safeguarding SHLS identified by Health Infrastructure and NSW Ambulance as requiring protection.

DPIE has also aided NSW Health and NSW Ambulance in their review of the document *Guidelines for Hospital Helicopter Landing Sites*. Proposed amendments include reference to and consistency with NASF Guideline H.

A *Wind Energy Guideline* was developed by DPIE to provide the community, industry and regulators with guidance on key planning considerations relevant to large-scale wind energy proposals in NSW. The Guideline includes a section on aviation safety noting – wind energy projects need to consider the potential safety hazards for aircraft through intrusions of wind turbines into the airspace and potential effects on navigation instruments.

DPIE considers development and availability of the Development Impact Assessment Portal Tool, identified in clause 31 of NASF Guideline G: Protecting Aviation Facilities—Communications, Navigation and Surveillance, to be vital to the successful roll out of this Guideline. The tool would assist government and proponents in determining the location of a Communication, Navigation or Surveillance (CNS) facility, whether a development will have an impact on a CNS facility and whether referral to Airservices and/or the airport operator is required.

While developing the land use planning policy for use around Western Sydney International (Nancy-Bird Walton) Airport, it became clear that clauses 49 and 50 of NASF Guideline I: Public Safety Areas (PSAs) suggest that only minor or local roads would be considered acceptable within PSAs. Most airports, particularly federally leased airports, include major roads and rail infrastructure that could extend into a PSA. DPIE considers it would be appropriate for a review of Guideline I to determine whether this is the intent and, if so, what mitigation measures will be implemented to ensure the airports can be adequately accessed by appropriate transport infrastructure whilst not comprising risks to public safety.

The DPIE has undertaken a comprehensive internal education program to inform staff of the NASF Guidelines and requirements when assessing proposals that could potentially affect the safe and efficient operation of an airport or SHLS.

DPIE was the key drafter of NASF Guideline H. During this process, consultation took place with relevant NSW stakeholders to inform the preparation of the guideline. Representatives from NSW Health Infrastructure, Ambulance NSW, CASA, Avipro, NSW Police, Westpac Lifesaver Rescue Helicopter, CHC Helicopter Services, Toll helicopters, NSW Rural Fire Service, National Parks and Wildlife Service and Liverpool City Council were consulted and participated in a DPIE led workshop. Additional consultation also occurred with the Australian Transport Safety Bureau, the Australian Aviation Wildlife Hazard Group, City of Parramatta Council's Strategic Planner and Penrith City Council's Development Assessment Manager.

Following TIC endorsement of the guideline, DPIE, Ambulance NSW and NSW Health Infrastructure worked to develop a comprehensive list of SHLS for NSW.

DPIE has undertaken significant industry consultation regarding the NASF guidelines including the Urban Development Institute of Australia; Property Council of Australia; Urban Taskforce and the Australian Airports Association.

Northern Territory

Recommendations relating to NASF guideline-specific issues are addressed through clause 6.9 (Land In Proximity to Airports) of the NT Planning Scheme. Provisions relating to Guidelines A, C and E are reflected in relevant regional land use and area plans, which contain land use policy with respect to land near airports.

Incorporation of Guideline H into the NT Planning Scheme is currently in progress in consultation with hospitals and helicopter operators. Adoption of Guideline B will be reviewed as trigger area templates proposed by the Guideline are updated. The Northern Territory supports the endorsement of Guideline I as it relates to civilian aviation facilities. The NT has previously expressed concern over recommendations of Guideline I regarding the establishment of Military PSZs for land near Defence Airports, which would likely affect Katherine and Darwin airports. The Northern Territory will continue to work with Defence and the Commonwealth to resolve issues around implementation.

Queensland

Queensland is well advanced in implementation of the Framework. No legislative changes have been required to implement the NASF in Queensland, as government policy and legislation already supports the protection of state-wide aviation infrastructure.

The NASF has been implemented primarily through the Queensland State Planning Policy (SPP). The SPP took effect in December 2013 and is supported by a comprehensive guideline and practice notes to assist local governments to reflect policy requirements in planning and development assessment decision-making processes. The SPP is supported by the SPP Interactive Mapping System that includes mapping layers for all aviation interests.

Specifically, the SPP requires local government to ensure their planning schemes:

- identify strategic airports and aviation facilities and associated protected surfaces such as obstacle limitation surface, or height restriction zone (Defence airfields), public safety areas, wildlife hazard buffer zones, lighting area buffer zones, Australian Noise Exposure Forecast (ANEF) contours and building restricted areas to facilitate compatible development surrounding airports and aviation facilities;

- protect strategic airports by ensuring development does not compromise aircraft safety, operational airspace, risk to public safety and mitigates impacts from aircraft noise; and
- include an example development code for assessing development applications located within mapped airport environs overlays.

The SPP does not include windshear planning constraints but notes that this matter will be considered in the next review of the SPP, subsequent to further development of the windshear policy at NASAG level. Queensland's advice to date is that further work on windshear is required to ensure the relevant technical information can be expressed in a way that is simple to understand and can be implemented in a land use planning context.

Queensland continues to work closely with the Commonwealth and other jurisdictions to progress implementation of Guideline H regarding development and implementation of a national approach to PSA's at runway ends. Queensland will also work collaboratively with Airservices Australia to trial the Development Impact Assessment Portal once developed.

South Australia

State Planning Policy 11 (Strategic Transport Infrastructure) provides that Planning and Design Code policy should provide guidance on the NASF and ensure that, where relevant, this is reflected in the Code. As the inaugural Code is largely a transition of existing policy from the SA Planning Policy Library (SAPPL) and current Development Plans, there may be elements of NASF that will not initially be incorporated.

As part of the development of the Urban Development Code, a range of policies have been proposed which are directly relevant to the NASF and land use and development around airports under the jurisdiction of the Federal Government across metropolitan Adelaide, in particular Adelaide and Parafield Airports.

The South Australian Government (in particular the Department of Planning, Transport and Infrastructure) has received feedback from the Adelaide and Parafield Airports Planning Coordination Forum which indicates that further work is required in relation to transitioning airport policies to the Code.

It is proposed that the South Australian Government and the Commission will continue to work with key airports stakeholders in relation to transitioning to the Code to include a more contemporary policy, mapping and assessment environment for key safeguarding issues.

It should be noted the Commission does not propose to implement new land use and development policies (e.g. in relation to 'public safety zones') without first consulting the Federal and South Australian governments in relation to these strategic matters. These matters are not considered transitional.

Tasmania

The State Planning Provisions' (SPP) Safeguarding of Airports Code currently address:

- NASF Guideline A - Measures for Managing Impacts of Aircraft Noise;
- elements of NASF Guideline D - Managing the Risk of Wind Turbine Farms as Physical Obstacles of Air Navigation; and

- NASF Guideline F - Managing the Risk of Intrusion into the Protection Airspace of Airports.

Tasmanian Planning Policies (TPPs), which will provide the overarching policy guidance for land use and development in Tasmania, are expected to be the relevant instruments through which future application of NASF Guidelines will be considered. The TPPs will guide the allocation of planning zones, including to protect airports through any future rezoning proposals. The Tasmanian Government will commence the preparation of the TPPs in early 2020.

There may be future opportunities to refine the SPPs Safeguarding of Airports Code to address certain aspects of the remaining NASF Guidelines. Any revisions made to the Code will be considered in terms of their spatial application and thresholds for managing use and development.

Victoria

The Transport Integration Act 2010 (TIA) recognises that land use planning and transport planning are interdependent. Strategic land use decisions are brought under the Act's policy framework by the creation of interface bodies. All planning authorities under the Planning and Environment Act 1987 are interface bodies under the TIA. This means that land use agencies are required to take account of the TIA when making decisions that impact on the transport system. Equally, the TIA requires all Victorian transport agencies to work together towards the common goal of an integrated and sustainable transport system.

In addition, the Victoria Planning Provisions (VPP) is a set of standard planning provisions that provide the framework, standard provisions and state planning policy for all Victorian planning schemes. The VPP already includes policies in the State Planning Policy Framework (SPPF) for metropolitan, regional and rural planning, airport development, airport environs and wind turbines.

Amendment VC128 implemented the NASF as a policy reference document in Victoria's planning system in October 2015. Subsequently in November 2015, Amendment VC107 updated references to the Australia Standard AS2021:2015 in the Melbourne Airport Environs Overlay, Airport Environs Overlay and Ministerial Direction - The Form and Content of Planning Schemes.

Webpages were published online in November 2015 on the Department of Environment, Land, Water and Planning (DELWP) website to support planning for airports and environs safeguarding and the dissemination of NASF information and guidance. The first phase of the Victorian Government's Smart Planning program delivered a new standalone planning website at in December 2016, with refreshed airports planning content. Victoria engages the public and practitioners on NASF-related updates via the planning website and Matters subscriber service, including the present NASF Implementation Review.

Victorian representatives on the National Airports Safeguarding Advisory Group (NASAG) reaffirmed their commitment to NASAG and NASF in a June 2017 reply to the then Secretary, Department of Infrastructure and Regional Development.

The Minister for Planning has agreed to review the planning provisions that protect Melbourne Airport's operations and environs following the outcome of the Melbourne Airport Master Plan 2018 and third runway process. The Minister has also agreed to implement the updated NASF Guidelines (G, H, I) in state planning policy, via a future amendment. This is subject to further consultation being undertaken with relevant federal and state agencies and local government, including through the ministerial review process.

The review process is expected to provide advice to the Minister for Planning on improvements to the Victoria Planning Provisions and related guidance regarding the safeguarding of Melbourne Airport (and all airport) environs.

The Minister for Planning more recently undertook a ministerial amendment to the Greater Geelong Planning Scheme, Amendment C392 gazetted in October 2019, which included consideration of NASF. Victoria's support for consideration of N contours in planning decisions remains subject to their role remaining only to further inform strategic planning decisions. The Melbourne Airport Environs Overlay and the Airport Environs Overlay apply the Australian Noise Exposure Forecast for the assessment of statutory planning permit applications.

Victoria continues to advocate for Commonwealth authorities and agencies to provide authoritative planning application 'referral' advice and progress the development of the Development Impact Assessment Tool. The tool has previously been discussed at NASAG and its development will resolve the issues that Victoria and presumably other jurisdictions encounter when directing proponents to seek early consultation with the Commonwealth regulator on proposals (for example, impacts on airspace and flightpath safety requirements).

Western Australia

Western Australia (WA) supports the Framework, as a guidance document, with the exception of Guideline A in its current form.

The Department of Planning, Lands and Heritage (DPLH), on behalf of the Western Australian Planning Commission (WAPC), is currently undertaking the preparation of a state-wide airport policy and supporting guidelines. The proposed policy will aim to balance and protect strategic airport operations and community safety and amenity in the vicinity of airports.

This work will also include consideration of the appropriate integration of the NASF guidelines into State and local planning frameworks. It is anticipated that a new airport policy will complement the existing State Planning Policy (SPP) 5.1: Land Use Planning in the Vicinity of Perth Airport and SPP 5.3: Land Use Planning in the Vicinity of Jandakot Airport.

Australian Local Government Association

Airports are critical elements of defence, passenger, and logistical infrastructure. For regional communities they are important transport hubs for social and economic connections to services including health and education beyond these communities.

Local governments are generally responsible for managing planning and development around airports and also lease, manage or own airports of varying scales of operations. As such local governments have an important role in ensuring the future operations and safety of airports as well as balancing this with economic and social impacts on existing and future residents and businesses.

In general, the Australian Local Government Association's (ALGA) understanding is that the NASF has been working well where the relevant principles have been incorporated into State Government planning policies or guidelines that councils must consider in preparing local or regional planning documents.

This approach has therefore provided consistency and certainty for councils, developers and residents. However, whilst this is the preferred approach and it needs to be understood that there can be a "lag" time between changes to the NASF, updates to State Planning Policies and final incorporation into local government planning documents, the latter often involving community consultation. In addition, in some jurisdictions only parts of the NASF framework might apply, given the scale and nature of airport operations.

From advice provided to ALGA there has been variable uptake by State Governments. This situation is not ideal, given the importance of aviation to the State economy, that it affects multiple communities and is not a single Council issue. It is also critical for the new Western Sydney Airport that appropriate protections are in place to protect airport operations and planning for future development.

ALGA supports a standardised policy approach and leadership from state and territory governments to incorporating the NASF into relevant planning policies, to assist Councils with planning and development decisions.

Summary of Responses

Is the NASF being embedded in legislation/regulations?

Since the 2015 update provided to the TIC, implementation of this element is yet to be achieved across all jurisdictions. The difficulties faced by jurisdictions are recognised, particularly those brought about by Constitutional issues and the politics of Federation. While acknowledging the complexities of the topics covered, the overwhelming response in submissions received was the NASF is still currently the appropriate mechanism to enable a standardised national approach to airport safeguarding.

At the time of writing each of the seven states/territories have some form of legislative requirement relating to at least two of the nine NASF guidelines. For some this is legacy legislation, dating back to work undertaken with the Federal Airports Corporation on airspace and noise, for others it has meant the development and introduction of legislation on aviation-specific issues such as those included in the NASF.

Comments provided at the local government level indicate incomplete introduction of regulatory mechanisms at the state/territory level. It is unclear whether this is due to the timeframe taken to develop and implement such changes, or competing social/economic priorities for governments of the day.

Within the submissions received, the view that until the NASF is enshrined in all overarching jurisdiction planning legislation full implementation cannot be achieved. Support was expressed for a greater role for the Australian Government involving a single Commonwealth legislative approach to facilitate the implementation of the NASF.

Is the NASF reflected in policy, guidance and any other planning advice?

Again, in the majority of jurisdictions there are some policy references to NASF-related issues. However, there is a widely held belief that there is opportunity for state governments to take the lead to implement the NASF through planning policy for all areas in the vicinity of airports rather than the current LGA led basis experienced in some jurisdictions. There is also widespread frustration that some legislative approaches do not have statutory “teeth” due to the lack of supporting policy/regulation requiring statutory planners to implement the NASF Principles and Guidelines.

This is evident in Victoria where, while consideration of the NASF is referenced in the key policy document, there are no underpinning controls that actually require statutory planners to apply the NASF. Feedback from local government within this jurisdiction was that while the inclusion of wording relating to the NASF was a positive step by the Victorian Government, the current state of play presents a limited legislative protective measure and over relies on policy mechanisms that have limited or no legal enforcement.

What impediments (if any) have there been to full implementation of the NASF?

Submissions indicated that a jurisdiction not introducing NASF-related provisions into high level planning legislation, or providing clear policy direction on the use of the NASF is a fundamental obstacle to implementation of the Framework. Councils cite that they have encountered an unwillingness by state

counterparts to action input/feedback provided during policy consultation where councils have advocated for the inclusion of NASF guidance.

Some Councils noted they have written to their relevant state Minister seeking recognition of the importance of aviation to the State economy. They further requested a standardised approach and leadership by the State on the inclusion of airport related matters, the NASF Guidelines and aviation-related Department of Defence controls.

Several submissions indicated that where a jurisdiction's approach to NASF is "guidance only", where the jurisdiction may or may not choose to use it, there is a distinct lack of uptake in the wider planning picture. There was suggestion that incentivising jurisdictions/Councils to use the guidelines, could improve acceptance and uptake.

Case Study—North Esk Irrigation Scheme Dalness Dam (Tasmania)

Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports

Launceston Council received an application for the North Esk Irrigation Scheme, which included a 5,200 mega litre dam, to be constructed approximately 9 kilometres north-east of Launceston Airport.

Many existing airports are surrounded by areas attractive to wildlife, especially birds. Aircraft bird strike poses a risk to the safety of aircraft in flight or on the ground. Most strikes occur on or in the vicinity of airports, where aircraft fly at lower elevations. The risk of a strike relates to the level and form of wildlife activity within the boundary of an airport and in surrounding areas. Wildlife attracted to land uses around airports can migrate onto the airport or across flight paths, increasing the risk of strikes.

Land uses such as agriculture, wetlands, dams, and landfill sites can attract a high number of birds, which increase the risk of interactions with aviation activity. Land use planning decisions and the way in which existing land use is managed in the vicinity of airports can greatly influence bird strike risk.

While the project triggered assessments under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999, Tasmanian Water Management Act 1999, Threatened Species Protection Act 1995 (Tas) and the Nature Conservation Act 2002 (Tas), current Tasmanian planning legislation/policy does not include consideration of the NASF, more specifically the issue of aviation-related bird and wildlife strike. As a result, there is no referral mechanism that would have enabled Launceston Airport to provide advice/comment on the potential for increased bird strike risk arising from the proposed dam.

Guideline C advocates that there is a need to strengthen arrangements to address the risk of off-airport wildlife hazards to ensure Australia is in step with its local and international obligations.

It is essential that new land uses and changes to land zoning within a 13 km radius of an airport are regularly monitored and action plans created (through cooperation between the airport and local council) to mitigate any unacceptable increase in the risk of bird/wildlife strike.

From an industry perspective, it is unclear what “full implementation” looks like due to a lack of a transparency around a clear strategy or timeline from NASAG or mandated by SCOTI/TIC in their agreement of the NASF. The Australian Airline Pilots Association expressed the view that in order for NASF to increase the safety and viability of Australian airports, and support the integration of on-site and off-site land use planning, it must federally legislated and administered by a single agency/Department.

Others have noted that while consideration of NASF has been included in overarching planning policy the practical reality is the current underpinning regulatory mechanisms do not allow this to take place. Where NASF has been incorporated into legislation/policy a lack of clear guidance of how to consider the framework at the local level is a hindrance to implementation.

Industry and government agencies expressed the view that the lack of legislative reinforcement is particularly hampering implementation of the NASF particularly at non-federally leased airports with the effectiveness of key meteorological equipment increasingly impacted. Such impacts represent a potential risk to the safe operation of large and small aviation facilities.

The level of awareness, consideration and use of the NASF Principles and Guidelines by relevant government agencies, public and private airport operators

Encouragingly, since the 2015 implementation report, there has been an increase in the profile of the NASF at the local government level within some jurisdictions. Councils in these states recognise the need to consider aviation-related matters within land use planning and indicate they are working to incorporate these into local planning policy and master planning for council owned airports.

Where aviation-related issues are raised during development and planning applications, planning panels are increasingly referencing the framework in their decisions.

A high level of awareness is evident for agencies and airport operators in Queensland where NASF-related issues have been included in planning/transport policy since 1992⁶. The Australian Airports Association (AAA) has also advocated for the adoption of NASF amongst its aviation members.

Elsewhere, in some jurisdictions there still appears to be limited understanding by local government planners of the application of the NASF guidelines, even within Councils that are close to or have boundaries with the airports. The suspicion is that turnover of Council planning staff means that the transfer of corporate knowledge regarding the specifics of the NASF framework to new staff does not always occur, as it is not considered as “core” work. In response to this, a critical acknowledgement by Councils that understanding and implementation of the NASF is core business within the planning framework is required.

⁶ Queensland State Planning Policy - SPP 2/92: Planning for Aerodromes and Other Aeronautical Facilities

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⁷ Queensland State Planning Policy - SPP 2/92: Planning for Aerodromes and Other Aeronautical Facilities

Case Study—Development Proposal for a New School (Victoria)

Guideline A: Measures for Managing Impacts of Aircraft Noise

The City of Hume Council received an application for the development of a parcel of land in a semi-rural area to the north of Melbourne (Tullamarine) Airport on an alignment between the existing north - south runway and a proposed second north -south runway. The proposal was for an education centre (primary school), comprising 600 students at the primary school, 66 students at the early learning centre, and 48 staff.

In making its decision, Council considered the following aviation related documentation:

- the State objective to strengthen the role of Melbourne (Tullamarine) Airport within Victoria's economic and transport infrastructure to protect its ongoing operation;
- the National Airports Safeguarding Framework;
- the Melbourne Airport Master Plan;
- the Melbourne Airport Strategy (and associated Environmental Impact Statement); and the Melbourne Airport Environs Overlays.

The application was not approved on several grounds, including concerns about the lack of amenity created by aircraft noise may not be conducive to primary school educational activities, and safety with respect to a concentration of people in a high-risk aircraft crash zone. The applicant appealed the decision with the Victorian Appeals and Administrative Tribunal (VCAT).

On aviation-related issues the VCAT hearing panel found:

Notwithstanding the demonstrated need, and acceptable attributes of the proposal, the decision to refuse a permit turns on the nature and size of the proposed use that has the potential to impact on the ongoing and future operation of the Melbourne (Tullamarine) Airport in the long term.

The proposed school would bring over 700 children and staff into an environment that will be increasingly impacted by noise associated with the operation of Melbourne (Tullamarine) Airport. The airport is a critical piece of infrastructure whose longevity and future expansion are to be protected from incompatible land uses.

Establishing a large noise-sensitive primary school and early learning centre with over 700 students and staff on land wedged between other parts of the subject property where a school is prohibited, and on that part of the land that will be increasingly exposed to significant levels of aircraft noise, is unacceptable. Put simply, this is a worthy proposal, in an unsuitable location.

Summary of Responses outside the Terms of Reference

A large number of submissions did not address the Terms of Reference directly. This approach provided a useful overview of individual stakeholder experiences and views on the practical application of individual guidelines or the NASF as a whole.

Some of the views/experiences shared by stakeholders include:

- The highly technical nature of the NASF makes it difficult for jurisdictions and their land use planners to develop a full appreciation of the Framework and the Guidelines unless they are regularly involved in assessing airport-related development applications.
- Direct translation of the NASF principles and guidelines into practice is not effective due to a lack of clear guidance of how to consider them at the local level. Clear promotion of the NASF framework and guidelines to key stakeholders, through a variety of media and forums would assist in improved uptake and understanding.
- Given that airports are critical economic and infrastructure assets, current tertiary/vocational training provides limited planning context for key strategic assets such as airports, meaning that graduate planners are not adequately equipped to manage the complex strategic and statutory planning and policy issues in this space.
- The matters covered by the NASF guidelines are technical and specialised. Training and education of council planners on a regular basis (new and changing staff) is required, as well as the introduction of new planning controls, policies and strategies which can be easily interpreted.
- Through their interaction with state and local government planning bodies, Australian Airports Association's (AAA) members have identified the need for planners to be better educated on the Framework and the need for structured professional development on the application of the Guidelines when assessing development applications that may impact airports.
- The AAA as the airport industry body is equipped to engage with tertiary institutions and industry representative bodies to continue to educate these bodies about the NASF. Providing ongoing education to town planners working in councils with airports to address the turnover of employees and maintain an airport safeguarding knowledge bank.
- Commonwealth agencies interpret and apply the NASF Guidelines to airports and on-airport development more stringently than councils do to off-airport development. Rather than considering the guidelines as "guidance", there is a Commonwealth expectation that they are stringently applied as rules or regulations. What should have provided additional weight in terms of safeguarding the airport has not actually had that effect and results in continued poor on-airport planning.
- The establishment of airports as statutory referral authorities could provide supporting technical expertise for planners in assessing potential risks to or from aviation activities. If there is no assessment

trigger or mandatory referral for specialist advice, these matters are less likely to be properly considered by planners when assessing planning applications.

- The shortcomings of the Australian Noise Exposure Forecast metric as an easily understood noise information tool and its inability to clearly convey the everyday impact of aircraft noise rather than just an average annual picture continues to frustrate airports and the community.
- Military airfields also contribute significantly to the economies of the regions where they are located. References to airports in the NASF Principles document are intended to include military airfields. However, no mention is made of joint-user aerodromes such as Townsville, in Queensland.
 - Townsville Airport is a “joint user” airport facility that is presently owned by the Department of Defence but part of the site has been leased to Townsville Airport Limited for passenger operations. Council believes that the framework should acknowledge those airports that have joint use arrangements, given that there are a number of these operating within Australia.
- The Australian Government should take action to make safeguarding proposals 'Controlled Activities' under the *Airports Act 1996* (Cth). Proposals would require referral from the responsible planning authority to CASA, Airservices Australia and the relevant airport operator prior to submitting to the Department of Infrastructure, Transport, Regional Development and Communications (the Department) for approval.
- The regulation making powers under s182(f)(i) of the *Airports Act* may be the appropriate mechanism for this. Using the 'Controlled Activities' power in the Act, the Department could play an important role in airport safeguarding by regulating development proposals and activities with potentially adverse effects.
- The assessment, mitigation and enforcement of the safety consequences of all relevant developments should be ceded, by jurisdictions, to CASA as an independent decision-maker.

Next Steps - Moving Forward

Initial progress on the roll out of NASF was at first quite slow. This was largely due to the complexity of the subject matter and the non-standardised approach to planning across the jurisdictions. More recently, the pace has picked up and we are seeing positive work undertaken in several jurisdictions. Since the last implementation report in 2015, engagement on the NASF and awareness of the Guidelines in industry and the wider community has begun to gain momentum.

The Department of Defence and the Commonwealth continue to work with jurisdictions to resolve issues around implementation.

Some of the submissions received during the review painted a somewhat negative picture on the current state of implementation, but many more were supportive of the intent of the framework and provided potential options to move this work forward in a positive manner.

In each jurisdiction, there are different ways in which the NASF can be incorporated into legislative and regulatory arrangements – for example, through a specific state planning policy or through incorporation in regional planning and local government regulatory processes. A key consideration for each jurisdiction is to consider ways to ensure that local governments, developers and industry practitioners are aware of these requirements, incorporate them into their own documentation, and take them into account in their day-to-day planning and decision-making processes.

Options that NASAG may wish to consider are summarised below.

- Ongoing monitoring of guideline functionality (example between 2021-2024 Guidelines B, C and D will be reviewed by NASAG).
- For the leased federal airports, the Framework be bedded down in Commonwealth legislation (in some form) by April 2027 (15 years post SCOTI agreement).
- A formal intergovernmental agreement to standardise a national approach to airport safeguarding.

ALGA supports a standardised policy approach and leadership from State/Territory governments to incorporating the NASF into relevant planning policies, to assist councils with planning and development decisions. To this effect:

- Consideration of the NASF to be included in all jurisdiction's legislation by May 2022 (10 years post SCOTI agreement).
- Jurisdictions should adopt model planning provisions for councils to include in their new local planning/development documents.

Private building certifiers operating within the planning activities of local councils but not including aviation issues in their assessment of development applications is of increasing concern. To address this gap:

- Introduce a mandated level of assessment for development within operational airspace for single detached dwellings.

- Educational material on aviation related issues is developed for use by the Australian Institute of Building Surveyors to improve the level of industry awareness and encourage consideration of NASF issues.

Education – proactive vs reactive

- State/territory – clear policy/guidance information developed and disseminated to appropriate line areas on what the status of the NASF is (for that individual jurisdiction) and how to apply it
- Local government - regular engagement between LGAs and airports on local NASF issues
- Ongoing education/training sessions implemented by jurisdictions to better equip LGAs in the application of the NASF
- Industry – NASAG could develop NASF educational information for development/building and other industry groups (cranes, helicopters, telecoms etc.)
- Higher education – NASAG/AAA work with Planning Institute of Australia/Society of Engineers/Universities to develop accredited aviation/NASF modules for inclusion in course curriculum. Provide opportunities for students to reinforce this learning through short-term airport placements

The increasing awareness of the NASF since 2012 has had positive results for communities and airports. Moving forward there are opportunities to increase the uptake of NASF and further expand awareness through industry networking, legislative/policy approaches, and education activities for practitioners and industry.

Recommendations for Future Work by NASAG

1	Commonwealth/State/Territory Ministers endorse an intergovernmental agreement to standardise a national approach to airport safeguarding.
2	National Airports Safeguarding Advisory Group (NASAG) continue to oversee implementation of the National Airports Safeguarding Framework (NASF).
3	NASAG to implement a schedule for ongoing review of all NASF Guidelines to ensure the currency and functionality of the framework.
4	Australian Government to include provisions relating to consideration of the NASF in legislation at the 22 federally leased airports by 2027.
5	State/Territory governments to include provisions relating to consideration of the NASF in their respective planning regimes by 2027.
6	State/Territory governments to develop and disseminate clear policy/guidance on the status of the NASF (for that individual jurisdiction), and how it should be applied to large and small airports.
7	Airports to initiate a process for regular consultation/engagement with local government on NASF issues.
8	Australian/State/Territory governments, peak aviation industry bodies, peak planning bodies to contribute to the development of NASF educational materials for use by planning practitioners, local government, tertiary institutions, and the building/development industry.

APPENDIX A - New South Wales 2021 Implementation Update

Whether the NASF has been/is being embedded in legislation/regulations

Standard Local Environmental Plan

Local Environmental Plans (LEPs) guide planning decisions for local government areas. They do this through zoning and development controls which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and also ensure local development is undertaken appropriately. The standard instrument LEP program was undertaken to create a common format and content for the NSW LEPs. In the development of the standard instrument a list of standard clauses was developed that provided local plan making authorities with the option to include the clause if it was relevant to their local government area. Included in this list, were two standard clauses addressing development in the vicinity of an airport.

Standard Clause 7.4 Airspace Operations

Addresses airspace operations with the objective to:

- provide for the effective and on-going operation of the airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface (OLS) or the Procedures for Air Navigation Systems Operations Surface (PANS-OPS) for that airport; and
- protect the community from undue risk from that airport operation.

Standard Clause 7.6 Development in Areas Subject to Aircraft Noise

Addresses development in areas subject to aircraft noise with the objective to:

- prevent certain noise sensitive developments from being located near an airport and its flight paths;
- assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings; and
- to ensure that land use and development in the vicinity of that airport do not hinder the safe and efficient operation of that airport.

Example – Liverpool Local Environmental Plan 2008

In addition to clauses addressing protection of airspace operations and development in areas subject to aircraft noise, Liverpool City Council has implemented an additional requirement. Clause 7.17A and Map KYS-010 in the Liverpool Local Environmental Plan 2008 (LEP) provides protection for SHLS in their local government area. Clause 7.17A – Hospital Helicopter Airspace notes that development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority:

- Refers the application for development consent to the chief executive of the relevant local health district;
- Considers any submissions to the consent authority by the chief executive within 21 days of the referral; and
- Is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.

Map KYS-010 of the Liverpool LEP incorporates a surveyed flight path from the HLS located at Liverpool Hospital. A case study providing an insight into the processes that Liverpool Council undertook to achieve SHLS protection is provided in Appendix 1.

Section 9.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 9.1 directions enable the Minister for Planning, Industry and Environment to prepare a direction for Councils when developing a planning proposal to address provisions which will achieve or give effect to such principles as are specified in the direction. A review of relevant s9.1 Directions (previously s117 Directions) highlighted inconsistencies between the terminology used in the legislation and aviation terminology. This resulted in an amendment to Section 9.1 Direction 3.5 to ensure consistency with other legislative documents.

Section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or provision relating to land near a regulated airport, including a defence airfield. The objectives of this direction are to:

- ensure the effective and safe operation of regulated airports and defence airfields;
- ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and
- ensure development, if situated in noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Development Control Plans

Development Control Plans (DCPs) are non-statutory plans made under the Environmental Planning and Assessment Act 1979 that guide development in certain areas. DCPs provide detailed guidance about the desired planning outcome to be achieved by development and contain specific controls to guide certain types of development that supports Council's primary planning instruments.

Standard Development Control Plan – draft DCP Guide

The NSW Department of Planning, Industry and Environment (DPIE) is currently preparing the Standard Development Control Plan – DCP Guide. This guideline will serve as a 'one stop shop' and includes references to Government policies and strategic direction/desired outcomes for consideration for those writing Development Control Plans. This will ensure those preparing DCPs will have greater visibility over Government documents that should be given consideration in drafting development controls.

The draft DCP Guide includes provisions regarding aviation safeguarding.

Example - Bayside Council's City of Botany Bay Development Control Plan 2013 (Bayside DCP)

The Bayside DCP is a primary planning document that supports the Botany Bay Local Environmental Plan 2013 with detailed planning and design guidelines and development controls. Part 3J of Bayside Council's DCP, Development Affecting Operations at Sydney Airport, provides:

- A planning approach that is capable of variation in the event of differing circumstances arising from changing aircraft operation procedures and traffic volumes associated with Sydney (Kingsford Smith) Airport;

- a means of assessing the effect of aircraft noise on development proposals by utilising an appropriately endorsed Australian Noise Exposure Forecast (ANEF) chart that considers the long-term operating procedures and air traffic forecasts at Sydney (Kingsford Smith) Airport;
- guidance to applicants of the approval process required in areas impacted by Sydney (Kingsford Smith) Airport – Procedures for Air Navigation Systems Operations (PANS_OPS) and Obstacle Limitation Surfaces (OLS);
- a procedure to determine whether or not an assessment for mechanical windshear impacts is needed for any development proposed to occur in the Bayside LGA; and
- general information and requirements of the National Airports Safeguarding Framework (NASF).

Whether the NASF is reflected in policy, guidance and any other planning advice

Safeguarding Strategically Important Helicopter Landing Sites in NSW

NSW DPIE has developed a paper, *Safeguarding Strategically Important Helicopter Landing Sites in NSW – Implementation of NASF Guideline H – Protecting Strategically Important Helicopter Landing Sites* to encourage planning authorities to incorporate the principles of Guideline H into their planning framework, safeguarding those strategic helicopter landing sites (SHLS) that Health Infrastructure and NSW Ambulance have advised require protection. This paper is not government policy. This document:

- encourages the protection SHLS in strategic land use planning decisions and Local Environmental Plans; and
- provides guidance on those development applications/proposals that require referral due to their potential impact on the safe and efficient operations of a SHLS.

NSW Wind Energy Guidelines

NSW DPIE developed the Wind Energy Guideline to provide the community, industry and regulators with guidance on the planning framework for the assessment of large-scale wind energy development proposals. The Guideline identifies the key planning considerations relevant to wind energy development in NSW and will assist stakeholders in the design and siting of wind energy development in NSW.

The Guideline includes a section on aviation safety noting – *wind energy projects need to consider the potential safety hazards for aircraft through intrusions of wind turbines into the airspace and potential effects on navigation instruments.*

What impediments (if any) have there been to full implementation

Guideline A – Measures for Managing the Impacts of Noise

The NSW Government does not support this Guideline as it sought to introduce new policy in respect of land use and development outcomes in the vicinity of airports that lacked adequate scientific rigour and community consultation. The Guideline would have resulted in significant new restrictions being applied to housing and communities in the vicinity of airports and was not considered superior to the existing policy of the Department which relies on the Australian Noise Exposure Forecast contours and Australian Standards.

The level of awareness, consideration and use of the NASF principles and Guideline A by relevant government agencies, public and private airport operators

Internal Consultation within DPIE

The NSW Department of Planning, Industry and Environment (DPIE) has undertaken a comprehensive internal consultation program to inform DPIE staff of the NASF Guidelines and requirements when assessing proposals that could potentially impact on the safe and efficient operation of an airport or strategically important helicopter landing site.

DPIE has also undertaken internal consultation with metropolitan and regional teams on the implementation of NASF Guideline H, in particular how to commence discussions with local plan making authorities to encourage the protection of SHLS in their local government areas. Part of this consultation includes discussion to develop standard conditions that can be placed on proposed development activities in the vicinity of a SHLS.

External Consultation

Consultation was undertaken with key NSW stakeholders to inform the preparation of Guideline H. Representative from NSW Health Infrastructure, Ambulance NSW, CASA, Avipro, NSW Police, Westpac Lifesaver Rescue Helicopter, CHC Helicopter Services, Toll helicopters, NSW Rural Fire Service, National Parks and Wildlife Service and Liverpool City Council. Subsequent consultation also occurred with the Australian Transport Safety Bureau, the Australian Aviation Wildlife Hazard Group, City of Parramatta Councils Strategic Planner and Penrith City Council's Development Assessment Manager.

Consultation also occurred between DPIE, Ambulance NSW and NSW Health Infrastructure to develop a comprehensive list of SHLS in NSW that require protection from proposals that may impact on the safe and efficient operation of that SHLS.

The level of industry and community stakeholder awareness and familiarity with the NASF framework and guidelines

DPIE has undertaken industry consultation regarding the NASF guidelines including the following industry organisations:

- Urban Development Institute of Australia;
- Property Council of Australia;
- Urban Taskforce; and
- Australian Airports Association.

Any specific case studies to illustrate the impact of NASF on land use planning decisions

Western Sydney Aerotropolis

The Western Sydney Aerotropolis will make a significant contribution to 200,000 new jobs for Western Sydney by establishing a new high skill jobs hub across aerospace, defence, manufacturing, healthcare, freight and logistics, agribusiness, education and research industries. The Planning Partnership prepared the Western Sydney Aerotropolis Plan, Phase 1 DCP and State Environmental Planning Policy (Western Sydney Aerotropolis) for the Aerotropolis which were finalised in September 2020, with the SEPP coming into effect

on 1 October 2020. Collectively the Western Sydney Aerotropolis Planning package implements aviation safeguarding and the NASF into the planning framework for land surrounding Western Sydney Airport. Aviation safeguarding has been further integrated into the draft precinct plans and Phase 2 DCP which is in development.

Liverpool Council

Liverpool City Council has implemented a clause in their Local Environmental Plan (Clause 7.17A – Hospital Helicopter Airspace) to provide protection for the flight paths associated with the SHLS at Liverpool Hospital. Appendix 1 provides a case study by Liverpool City Council on their experiences in protecting a strategically important helicopter landing site in their local government area.

Appendix 1

Protecting Helicopter Landing Sites - A Case Study from Liverpool City Council

In late 2015, concern was raised by council staff regarding proposed building height increases in the Liverpool city centre and how the proposed heights may encroach on emergency helicopter flight paths to Liverpool Hospital.

Background

Liverpool Hospital is the second largest hospital in NSW and one of the leading trauma hospitals in Australia. Liverpool

Hospital admits over 3000 trauma patients annually.

The NSW Ambulance Service bypass other hospitals in south west Sydney to transport patients directly to Liverpool when the specific 'serious injury' criteria is met. Many of these patients are transferred to Liverpool Hospital by helicopter.



Figure 1: Liverpool Hospital

The Need to Protect Helicopter Flight Paths

To ensure an effective and safe helicopter ambulance service is maintained, it is vital that helicopter flight paths (HFPs) are free from obstruction and protected through legislation.

In early 2016, council officers initiated an amendment to the Liverpool Local Environmental Plan (LEP) 2008 to protect hospital helicopter airspace. This triggered a review of the protective measures and legislative controls that could be implemented by Council to ensure the ongoing viability of the HFP for Liverpool Hospital.

An Amendment to the Liverpool Local Environmental Plan 2008

To protect hospital helicopter airspace, Council proposed to introduce a new clause into the LLEP 2008.

The amendment requires the consent authority to consider the impacts of the proposed development on the HFP.

The new clause also requires development applications (in certain locations) within the Liverpool City Centre to be referred to key authorities for consideration and comment.

This referral process ensures that potential issues can be resolved prior to any approval of the development.

Community Consultation and State and Federal Agency Consultation

The standard procedure for progressing an amendment to the LLEP is to consult with the community and with Federal, State agencies as well as other affected local governments.



Figure 2: Liverpool City Centre and the HFP

During this process, Council consulted with the Civil Aviation Safety Authority (CASA), Bankstown Airport Limited, NSW Ambulance, Department of Infrastructure and Regional Development, Fairfield Council and NSW Health (Liverpool Hospital). It was through this consultation process where minor modifications (where appropriate) were made to the proposed amendment.

There were no objections received from the public.

Conclusion

Following community consultation and state and federal agency consultation, the planning proposal was endorsed by Council in April 2017 and gazetted by then Department Planning Environment in September 2017.

Successes and Future Protections

Even though Council's are required to undertake a mandatory consultation midway through the process of any amendment to the LLEP, in this case Council engaged with stakeholders early in the process with Liverpool Hospital and Air Ambulance NSW to ensure a successful outcome was achieved.

In May 2017, Council prepared a submission to Draft Guidelines for the Protection of Helicopter Landing Sites (HLS). As part of Council's submission, it was recommended that the protection of strategically important HLS be developed into a state environmental planning policy (SEPP). It is still council officer's opinion that a SEPP be prepared to ensure that strategically important HLS are protected and that this protection is applied consistently across NSW.

APPENDIX B – Northern Territory 2021 Implementation Update

Since the NASF Implementation Review was conducted by NASAG in 2019, a new overlay at Clause 3.5 LPA – Land in Proximity to Airports has been introduced into the NT Planning Scheme 2020.

It is designed to graphically identify areas that may be subject to additional amenity impacts and/or restrictions due to its proximity to an airport, and to ensure that the use and development of land in these areas does not affect the safety and viability of the airport. The Overlay applies to land within Zones that surround the key NT airports and the use and development of land subject to this Overlay requires consent.

The new overlay replaced clause 6.9 (Land in Proximity to Airports) of the former NT Planning Scheme 2007, but retains the planning controls of the former clause, relating to:

- Guideline A for Managing Impacts of Aircraft Noise in new buildings;
- Guideline E for minimising distraction to pilots from lighting associated with development on land within flight approach paths; and
- Guideline C, which restricts uses of land that attract wildlife to land surrounding airports to minimise the risk of wildlife strike.

The areas that are subject to the provisions of overlay clause 3.5 LPA – Land in Proximity to Airports of the NT Planning Scheme 2020 are now also mapped with relevant mapping layers available at the NT Atlas and Spatial Data Directory https://www.ntlis.nt.gov.au/imfPublic/imf.jsp?site=nt_atlas.

APPENDIX C - Australian Capital Territory 2021 Implementation update

The ACT is currently undertaking a Planning System Review and Reform Project examining the whole planning system to deliver an improved and easier to use system. It is intended that National Airports Safeguarding Framework will be incorporated into the new Territory Plan that is being prepared and will go through relevant statutory processes and considerations by the Government.

APPENDIX D – Department of Defence 2021 Implementation Update

Defence is supportive of the National Airports Safeguarding Framework Principles and Guidelines that have been developed as part of NASAG and remains committed to the ongoing work of the group.

A key priority for Defence is to work closely with relevant State, Territory and Local Governments planning agencies and industry and actively seek amendments to relevant planning legislation, instruments and policies around Defence sites. Defence sees the benefit the guidelines deliver in relation to mitigating the impacts of encroachment on Defence's activities and applies the relevant NASAG guidelines in relation to land planning on military airfields. Defence also makes reference to the NASF guidelines when assessing and providing comments to State, Territory and Local Government planning authorities on a range of complex land planning strategies, development applications and strategic plans submitted to Defence for comment.

Some recent initiatives and application of the guidelines that Defence has undertaken include:

Measures for Managing the Impact of Aircraft Noise Guideline A

- Defence supports the intent of Guideline A to manage the impacts of noise around airports including assessing the suitability of developments.
- Defence has also followed the guidance when undertaking public consultation as part of the EIS requirement for the introduction of new capability such as the F35-A – Joint Strike Fighter.

Managing the Risk of Building Generated Windshear and Turbulence at Airports Guideline B

- Defence supports the intent of NASF Guideline B on windshear and turbulence and has recently applied the guideline to develop and provide comments regarding a number of industrial development application to the immediate South of RAAF Base Edinburgh.
- Defence has included the need for an appropriate Building Generated Windshear and Turbulence assessment report (in accordance with guideline B) as part of relevant Defence Aviation Area (DAA) applications for proposals at the end of runways. This requirement is consistent with the Defence Regulation 2016 which includes an approval process for objects that could be inherently hazardous to aviation within a declared DAA.
- Going forward, Defence has identified concerns about how Guideline B allows for the cumulative effect of concurrent developments and how to best assess their impact on the safety of operations, particularly in a new development greenfield areas. Defence will seek to have these concerns considered as part of the NASAG forward work plan.

Managing the Risk in Public Safety Areas at the Ends of Runways Guideline I

- Defence engaged an aviation consultant to review the Military Public Safety Zone (PSZ) at RAAF Base Amberley and to develop a bespoke model based on actual movements and aircraft types at that airfield.
- The study used a risk based methodology based on the Dutch GEVERS model for developing appropriate risk contours which has been extensively used by the Dutch military for Third-Party risk modelling and is also the go-to planning tool for PSA policy making in The Netherlands.

- The review of the PSZ at RAAF Amberley has been completed.
- The model has been sent to Queensland Department of Main Roads and Transport and Ipswich City Council for inclusion in the relevant SPP and planning scheme.
- Defence is now considering the development of similar bespoke PSZ models for RAAF Base Darwin and RAAF Base Townsville.