

KERR Donna

From: Safeguarding
Subject: FW: City of Salisbury South Australia - submission on NASF - Implementation Review
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From: Peter Jansen <PJansen@salisbury.sa.gov.au>
Sent: Thursday, 21 November 2019 2:48 PM
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Subject: City of Salisbury South Australia - submission on NASF - Implementation Review

General Manager
Aviation Environment
DITCRD

Thank you for the opportunity to provide comments on the Implementation of NASF. The City of Salisbury through these Administrative section comments hopes that the Salisbury experience is understood, and wishes you well in the process.

I will make comments against the Terms of Reference of the Implementation Review.

Has the NASF been embedded in legislation or regulations?

No at State level.

The City of Salisbury has introduced land use policy in its Development Plan since 1998. I refer the Implementation Review to Paragraph 3.2.2. in the attachment to this report.

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

Variable.

The State Department of Planning Transport and Infrastructure is believed to have adopted some of the Guidelines but not all, and there does not appear to be an explicit statement available to the public on which Guidelines are adopted, the reasons for its need, nor how the various Guidelines apply to sectors of the State Economy. The City of Salisbury has been aware of aviation policy for many years through it having Parafield Airport which is a general aviation airport, and RAAF Edinburgh defence base. Land use policy has considered operational matters of the two airports prior the NASF and has had some of its policies incorporated into the State land use policies over the years. Council considers it has an excellent working relationship with the two entities and has accepted the need to adopt the policies as far as possible despite the State's lack of involvement, progress and direction in these matters.

What impediments have there been to full implementation?

In SA the Development Plan which controls land use in all Councils requires the agreement and approval of the Minister for Planning to amend policy. Council cannot insert policy into the Development Plan on its own initiative. Council has always considered that aviation is an important national and state activity, which goes beyond Council boundaries and therefore should have a State overview. Council has been awaiting a State Position on the latest Guideline for Managing the Risk in Public Safety Zones at the Ends of Runways since its consultation release in June 2018. In the meantime Council has been trying to resolve development proposals, a land use rezoning of a large area south of the Edinburgh Defence base, and how future land use policy will be treated in the State's planning reform documents. To date, matters have been progressed in a policy vacuum from the State.

The application of the Defence base public safety zones if applied will affect a huge area which contains a significant amount of existing residential occupied land. The Guideline indicates that it will not apply retrospectively, but will apply to future applications. Council has been awaiting an explicit statement from the State that the Guideline will or will not apply to the Edinburgh base . It could improve the Guideline if it contains a list of excluded airports.

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 experience of the Council has been that it has taken a long time before the knowledge of the Guidelines worked its way into many government agencies. The major airports know of the Guidelines.
The public and developers do not know of the restrictions on land use near airports.

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

Council has been aware of the NASF since its initiation. This has developed in conjunction with our relationship with AAL and PAL. It has been frustrating in our dealings with State on the aviation policy proposed in the Planning Design Code to find that there is little appreciation or knowledge of the extensive prior work that Salisbury, West Torrens and other Councils have done in conjunction with the Airport Planning Coordination Forums and Consultative Committees. It was anticipated that the new planning system would enable interrogation of land with all the relevant aviation land use controls and linkages such as the AS 2021 only to find that information is not being provided in the Planning and Design Code and will need to be sourced elsewhere by developers.

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

I refer to the attachment with this email for an example of the potential impacts on land use planning decisions. It is the consideration of the Public Safety Zone south of the Edinburgh defence base and its extent and implications. I would also advise the Implementation Review of the items a – I listed in the attachment's Recommendation 4. Council would consider that these listed items would improve the value of the Public Safety Guideline and thereby increase its relevance to the community.

I reiterate impact of the incremental impact of all the Guidelines on land use around airports, particularly as it is magnified in the City of Salisbury case through it having two significant airports in its area.

Once again, the City of Salisbury wishes you well in your deliberations and trusts that the comments above add to your knowledge and help guide the Review.

Please direct any questions to myself

Thank you.

Peter Jansen

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ITEM	1.3.2		
	POLICY AND PLANNING COMMITTEE		
DATE	18 June 2018		
PREV REFS	Policy and Planning Committee	1.4.2	16 Feb 2009
	Policy and Planning Committee	1.5.4	19 Sept 2011
	Policy and Planning Committee	1.3.1	16/03/2015
	Policy and Planning Committee	1.3.3	16/02/2015
HEADING	National Airports Safeguarding Framework - Proposal for Public Safety Zones		
AUTHOR	Peter Jansen, Strategic Planner, City Development		
CITY PLAN LINKS	<p>1.4 Have well planned urban growth that stimulates investment and facilitates greater housing and employment choice.</p> <p>1.2 Be the place of choice for businesses to invest and grow within South Australia, nationally and internationally.</p> <p>Choose an item.</p>		
SUMMARY	<p>The National Airport Safeguarding Framework has a number of Guidelines that seek to protect the operations of airports and the communities around them. The latest Draft Guideline is now out on consultation and affects areas around Parafield Airport and the Edinburgh RAAF Base. The draft Guideline identifies Public Safety Zone areas that will require land use control to minimise hazards and the congregation of people at the end of runways of airports. In the case of Parafield Airport an area of 1km length is applied. For Edinburgh RAAF Base an area extending 4.5km is applied. It is considered that there are significant impacts on the communities around the airports, including the need for Council to consider the Guideline in the Development Plan Amendment that has been out on public consultation. It is recommended that a submission be made on the draft Guideline flagging a range of issues for consideration, including the impact upon development of potentially affected properties.</p>		
RECOMMENDATION	<ol style="list-style-type: none"> 1. The information be received. 2. That upon completion of the public consultation stage for the current Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment (DPA), the requirements for and implications of the proposed National Airports Safeguarding Framework Public Safety Zones be considered as part of Council's review of the DPA. 		

3. That the Minister for Planning and the Department of Transport Infrastructure and Planning be advised that the proposed Planning and Design Code should include relevant airport related matters and the NASAF Guidelines and Department of Defence controls where considered appropriate, in recognition of the importance of aviation to the State economy, that it affects multiple communities and is not a single Council issue, and accordingly requires a standardised policy approach and leadership from the State Government on these matters.
4. The General Manager City Development be delegated the authority to make a submission on the Draft Guideline – Managing the Risk in Public Safety Zones at the Ends of Runways, incorporating the commentary under paragraph 4.1 of the report to the 18 June 2018 Policy and Planning Committee meeting (Agenda item 1.3.2) summarised as relating to the following matters:
 - a. The need for NASAG to investigate land value impacts on existing land owners and businesses within the designated areas if Public Safety Zones are applied.
 - b. Recognition of the need for authorities (including Councils) to have access to relevant information and expertise, and the need for funding for modelling to understand the relevance to specific airports.
 - c. NASAG obtain legal advice regarding councils’ potential legal liability.
 - d. How changing operations at airports are consulted on, managed and incorporated into the identified public safety zones.
 - e. Rights and triggers for Councils and Authorities to impose future restrictions on airports should the Public Safety Zones result in unreasonable impacts upon affected properties.
 - f. Clear and unambiguous information is relayed to the affected communities and businesses by the Federal authorities that this is a result of a Federal direction.
 - g. Recognition and acceptance by the Federal Government that compulsory acquisition, compensation and relocation is available to the affected property owners and occupiers from Federal funding, with an agreed framework of eligibility.
 - h. Recognition that a long term Council Development Plan Amendment has been significantly impacted as a result of this Guideline.
 - i. Recognition by the Federal Government, NASAG, and the State Planning Ministers that the incremental release of the various Guidelines, and regulations for the protection of airports have a significant incremental and increasing impact on the communities around airports, and are multiplied in the City of Salisbury due to the presence of two significant airports in the City.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Draft Guideline - Managing the Risk in Public Safety Zones at the Ends of Runways
2. Fact Sheet

3. Frequently Asked Questions
4. Potential Affected Areas Maps
5. March 2015 Report and attachments to Policy Planning Committee

1. BACKGROUND

- 1.1 The Federal Government in response to its obligations arising from the Convention on International Civil Aviation formed the National Airports Safeguarding Advisory Group in 2010 which has been preparing a National Airports Safeguarding Framework. The Framework takes the form of various Guidelines which are agreed upon by the State Planning Ministers and incorporated into the respective planning systems as appropriate.
- 1.2 There have been a number of Guidelines prepared and adopted and relate to
 - 1.2.1 Managing Aircraft Noise
 - 1.2.2 Managing Windshear and Turbulence
 - 1.2.3 Wildlife Strikes
 - 1.2.4 Wind Turbines Farms
 - 1.2.5 Lighting
 - 1.2.6 Intrusions into Protected Airspace
 - 1.2.7 Communications, Navigation, Surveillance protection
 - 1.2.8 Helicopter Landing sites
- 1.3 A new draft Guideline – *Managing the Risk in Public Safety Zones at the Ends of Runways* is now out on consultation. (Refer Attachment 1)
- 1.4 Consultation closes on 12th July 2018.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Development Services
- 2.2 External
 - 2.2.1 Parafield Airport Ltd

Parafield has indicated at the Airport forums that the Guideline should reflect a model that is best suited based on each airports usage and fleet mix statistical risk analysis. This may result in a different model than those preferred in the draft Guideline, particularly for airports with flight training.
 - 2.2.2 Department of Defence

The Department of Defence (DoD) has recently informed Council staff via email that it now considers civil airport Public Safety Zones (like the Queensland Model) are not suited for military airfields, and that it supports the approach of the USA Model. A meeting is arranged with staff and the DoD for 18th June 2018, and a verbal update of any new information will be provided at the Committee meeting.

3. REPORT

3.1 The Draft Guideline (Attachment 1) essentially proposes that:

- 3.1.1 State and Local planning authorities are responsible for development proposals based on adopted policies that have been incorporated into planning schemes.
- 3.1.2 Public Safety Zones are designated areas of land at the end of runways within which restrictions apply to developments to ensure the number of people and hazardous materials are controlled and minimised to reduce the risk to the community in the event of an accident on take-off or landing.
- 3.1.3 The dimensions of a Public Safety Area are typically determined by statistical chance of an accident occurring at a particular location. There is no current International Civil Aviation Authority standard or methodology recognised as best practice. As such, implementation of Public Safety Areas around the world has not been uniform.
- 3.1.4 The Guideline is not intended to apply retrospectively to existing development, but is intended to ensure there is no risk from new development, with new or replacement development, changes of use, and rezoning of land being discouraged unless it results in reducing the number of people living, working or congregating within the Public Safety Area.
- 3.1.5 Potentially incompatible land uses could be considered for approval in a Public Safety Zone if a qualified risk report is prepared for the Planning Authority.
- 3.1.6 Transport infrastructure such as roads and rail within Public Safety Areas should also be considered for its risks.
- 3.1.7 The Public Safety Zones may be applied through the identification of an area of land based on the Queensland model, the UK model, or an assessment of public risk on a case by case basis. The City of Salisbury has applied both of these assessment models in its Development Plan policy. (Refer to Attachment 4)
- 3.1.8 As the City of Salisbury also contains the Department of Defence RAAF Edinburgh Base, it is necessary to consider the Public Safety Zones that are sought to apply to military airfields. In the absence of the Australian Defence guidelines, it is recommended in the Draft Guideline that the US Department of Defence apply is used. The affected area is made of three areas of differing levels of land use control, with a total length of 4.5km (Refer to Attachment 4). This model is now supported by the Department of Defence.

3.2 Current City of Salisbury situation

- 3.2.1 The City of Salisbury has been responsible in its previous considerations of the two significant airports within its area, and has been aware of airport related matters for many years. Council has adopted various planning policies and previous NASAF Guidelines and included Public

Safety Zones as opportunities arose. This has often been in the absence of any State Government guidance.

3.2.2 Authorised Development Plan Amendments that have considered this issue include:

- Burton/Direk Residential Plan Amendment Report 1998
 - This considered residential opportunities as a result of changed noise contours, and included the public safety area in considerations.
- Direk Plan Amendment Report 2007
 - This considered rezoning Deferred Industry to Industry and included policies protecting Edinburgh operations such as building heights, lighting, hazardous materials, noise, and a public safety area identification for the secondary runway.
- Rural (Aircraft Noise)/Direk West Sector Industry DPA 2011
 - This converted a portion of Rural Aircraft Noise Zone to Industry and included policies on building heights, noise, hazardous materials, and land use restrictions for a public safety area for the main runway.
- Mixed Use (Bulky Goods, Entertainment and Leisure) Zone DPA 2014
 - This adopted a risk based analysis to develop the land use policies for building location, heights, and lighting for the Kings Road site opposite the Parafield Airport.
 - A development application for use of this land has considered airport operations in the assessment of the application.
- Mawson Lakes DPA 2016
 - This incorporated a Public Safety Area based on the Queensland model over the University sports grounds to the southwest of Parafield Airport.

3.2.3 The current Development Plan Amendment that is affected by this proposed Guideline is the *Rural (Aircraft Noise) Direk Industry and Residential Interface DPA* which is out on public consultation. This DPA proposes to use the Queensland model for the land use policy over land to the south of the RAAF Base, and also incorporates building heights, land use controls for hazardous materials, noise assessment and building position and use controls.

3.2.4 Attachment 4 seeks to inform of the main areas that have already been identified for public safety areas, and the newly impacted areas based on the Guideline directions.

3.3 Impacts on City of Salisbury

3.3.1 The primary impacts for the Parafield Airport locality are (refer Attachment 4):

- Extension of Public Safety Zones beyond the Kings Road site into the Industry Zone in Salisbury South for the main runways to the north east.
- Identification of Public Safety Zones into the Residential Zone in Parafield Gardens for the secondary runways to the west.
- Identification of Public Safety Zones that reach into the Commercial Zone and Industry Zone in Para Hills West along Main North Road, for the secondary runways to the east.
- Potential impact on a development application for a site opposite the airport on Kings Road that has been the subject of a Development Plan Amendment which considered airport requirements and applicable Guidelines at the time.
- Approximately 370 additional properties are affected.

3.3.2 The primary impacts for the RAAF Edinburgh Base locality (refer Attachment 4):

- The USA Defence model is significantly larger and more detailed than the Queensland Model and extends south of the main runway for 4,580m, and is 915m wide.
- There are three areas within the potential area of decreasing control away from the runway.
- The 'Clear Zone' should have no structures of any kind. Agriculture is the recommended use.
- APZ 1 (Accident Potential Zone 1) prohibits large congregations of people or storage or handling of hazardous material.
- APZ 2 (Accident Potential Zone 2) allows for some manufacturing uses and the like that have low staff requirements, but still limits activities with hazardous materials and high public congregations. Dwelling density of five dwellings per hectare is allowed (very low density).
- The USA Defence model overlays current Urban Employment Zone land, Primary Production Zone, Residential Zone, Open Space Zone, and Neighbourhood and Local Centre Zones.
- Approximately 40 properties are in the Clear Zone, 370 properties in the APZ 1 Zone, and 1950 properties in the APZ 2 Zone – a total of 2360 properties.
- Current residential density of the existing residential areas in the APZ 2 Zone area is in the order of 15 dwellings per hectare.
- The proposed model is significantly different to the Queensland Model that has been used in the preparation of the DPA currently on public consultation that is seeking to change the Primary Production Zone to Urban Employment Zone.

3.4 Implications

3.4.1 The Draft Guideline, if eventually adopted, would have serious implications for residents and owners of residential, retail, commercial

- and industrial properties within the areas identified for Parafield Airport and Edinburgh RAAF Base as per Attachment 4.
- 3.4.2 The actual current risk is not changed by the identification of these areas, however, the long term land use implications are significant.
- 3.4.3 The Draft Guideline indicates that it will not apply retrospectively to existing development, but is intended to ensure there is no risk from new development or replacement development. The Frequently Asked Questions associated with the Draft Guideline (refer Attachment 3) comments that the introduction of a Public Safety Zone should not affect the value of properties around airports, and refers to a study that looked at house prices relative to aircraft noise.
- 3.4.4 The requirements of Draft Guideline, if adopted, would eventually be incorporated into the Development Plans of councils, which has a potentially significant impact on land value depending on the allowed uses within zones. It is considered that acoustic impacts are very different from land use restrictions when assessing property value. This is not articulated in the draft Guideline or supporting documentation.
- 3.4.5 There would be significant impost on current land owners should restrictions be imposed on the developments within the affected areas. In the absence of any reports on this in the Guideline, it is assumed that there would be a significant difference in land value from current values as the transition of land uses occurs in accordance with the proposed Guidelines controls.
- 3.4.6 The current *Rural (Aircraft Noise) Direk Industry and Residential Interface DPA* out on public consultation has proposed policy based on the Queensland Model for public safety zones. It seeks to convert Primary Production Zone land to Urban Employment, and identifies portion of a site to be incorporated into the existing Neighbourhood Centre on Waterloo Corner Road with the remainder to become Residential in accordance with noise contours. The USA Department of Defence Model as considered in the Draft Guideline if applied to the Edinburgh Airport would stifle proposed policy and zone changes and require Council reconsideration of the draft DPA now out on public consultation.
- 3.4.7 This position by the Department of Defence is significantly different to its previously stated position in previous dealings with rezonings. The previous position was to support the Queensland model. (Refer to Attachment 5)
- 3.4.8 The State position on the impact of the draft Guideline is unknown at the time of this report.
- 3.4.9 Different countries have adopted various models of Public Safety Zones which have different identified affected areas. It appears that authorities are able to investigate their own preferred models, but in the absence of access to aircraft knowledge and operational information, and a risk analysis for each airport, a template has been offered for consideration in this draft Guideline.

- 3.4.10 It also needs to be identified that this Draft Guideline is part of a suite of Guidelines and controls on communities around airports in order to protect airport operations. However, there has been no overall consideration by the Federal Government that the incremental imposition of the various Guidelines and controls has an incrementally increasing impact upon the communities, particularly if one Council area such as Salisbury contains two significant airports that require the application of these Guidelines and controls.
- 3.4.11 Communities around airports are limited and affected by various existing restrictions and controls over lighting, building heights, intrusions into airspace, windshear and turbulence minimisation, wildlife strike management, wind turbine locations, lighting controls, communications and navigation protection, helicopter landing sites, and aircraft noise.
- 3.4.12 When these Guidelines are combined, a significant number of properties are affected, and a large proportion are subject to more than one control. This is having an impact on the economic potential of many properties and is not being recognised or considered in the draft Guideline, the National Airports Safeguarding Framework, or the individual airports' Masterplans investigations or Defence (Aviation Area) Regulations.
- 3.5 Draft Guideline process
- 3.5.1 The Draft Guideline approval process is that the National Airport Safeguarding Group will consider public responses and then present the finalised Guideline to the Federal Transport and Infrastructure Council for endorsement. The Council is made up of Commonwealth, State, and Territory planning and transport representatives, Department of Defence, Civil Aviation Safety Authority, Airservices Australia, and the Australian Local Government Association. It is then a matter for each State to determine timeframes and approach for the introduction of the Public Safety Zones.
- 3.5.2 Council staff and the Aviation Consultation Committees have been prosecuting this issue (and other aviation related policy) to the State Planning Reforms for its consideration in the belief that it is the responsibility of the State to consider the impacts of the airports policy on the communities around them and are best positioned to impose a consistent and equitable policy framework.
- 3.5.3 The responsibility eventually transfers to councils in their Development Plans, but this can take some time to occur. This Draft Guideline has been in preparation for some time, and is likely to be the subject of differing acceptance across the country.
- 3.5.4 However, not taking into consideration the land use policy implications as a result of this Guideline could be a serious matter for councils. Even though the actual risk of aircraft accident is not changed by applying or not applying the Guideline, there are potential consequences if Council allowed developments to occur that were not compliant with the guidelines, and there was an accident within the designated areas affected by the guidelines. Noting also that this is in an over-arching context that the primary development policy document that councils must refer to

when assessing development applications is the Development Plan, and unless the guidelines are embodied in Development Plans, the ability of councils to apply the guidelines in development assessment is more limited.

4. CONCLUSION / PROPOSAL

4.1 It is considered that

4.1.1 Council should complete the public consultation stage of the Rural (Aircraft Noise) Direk Industry and Residential Interface Development Plan Amendment, and incorporate consideration of the Draft Guidelines in the further review of the DPA post-consultation.

4.1.2 DPTI and the Minister for Planning be advised that there must be consideration and inclusion into the Planning and Design Code of airport related matters and the NASAF Guidelines and Department of Defence controls as a recognition of aviation importance to the State economy, that it affects multiple communities and that a standardised approach and leadership is provided by the State on these matters.

4.1.3 A submission is made on the Draft Guideline with commentary based on this report, particularly:

- It is considered that there is a critical need for NASAG to investigate land value impacts within the designated areas if Public Safety Zones are applied, and not rely on airplane noise studies to provide a position on land value impacts as is the case in the draft Guideline. This study must also include consideration of the other restrictions that apply to properties as per the Framework Guidelines in order to understand the full impact of airport protection.
- Recognition that the consideration of various models of Public Safety Areas requires access to information that individual authorities do not have, and that expertise and funding be made available on modelling to understand the relevance of particular models to each airport.
- NASAG obtain legal advice to show that Councils that use the recommended templates are not liable for future litigation in the event of an aircraft accident.
- Recognition that changing operations occur at airports and how these might be consulted on, managed and incorporated into the identified public safety zones, and the provision of funding for the relevant authorities for the assessment and application of these amended impacts into its controls.
- Recognition that there must be reciprocal rights for councils and Authorities to require airports to have future restrictions imposed should the impost on the identified properties and communities around airports be increased to a level that is unreasonable, and that triggers for the imposition of further controls be identified.

- Clear and unambiguous information is relayed to the affected communities and businesses by the Federal authorities on the impact of the proposed Guidelines, including that this is a result of a Federal direction.
- Acceptance by the Federal Government that compulsory acquisition, compensation and relocation is available to the affected property owners and occupiers, with an agreed framework of eligibility, and promotion of this option to affected property owners and occupiers.
- Recognition that a long term DPA has been significantly impacted as a result of this Guideline.
- Recognition by the Federal Government, NASAG, and State Planning Ministers that the incremental imposition of the various Guidelines and regulations for the protection of airports have a significant incremental and increasing impact on the communities around airports, and are multiplied in the City of Salisbury due to the presence within the City of two significant airports. This is having an impact on the economic potential of a significant number of properties and businesses, and is not being considered in the context of a balance between community and airport needs.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 08.06.18