

5 December 2019

Mr Jim Wolfe  
Chair  
National Airports Safeguarding Advisory Group  
Department of Infrastructure, Transport, Cities and Regional Development  
GPO Box 594  
Canberra ACT 2601

Via email: [safeguarding@infrastructure.gov.au](mailto:safeguarding@infrastructure.gov.au)

Dear Jim,

I am writing to you in response to the Department's request for feedback on the National Airports Safeguarding Framework (the Framework) implementation review (the Review). The AAA sees the Review as an important opportunity for the airport sector to comment on the performance of the NASF across Australian jurisdictions.

### **The Australian Government retains a critical role in airport safeguarding**

Greater co-ordination of land-use, transport and infrastructure planning between all levels of government are required to resolve land use conflicts. Competing land uses between different types of transport and other infrastructure and pressure for higher-density redevelopment around airports is leading to significant encroachment pressure on airports.

Australian Government's *Inquiry into Freight and Supply Chain Priorities* identified the safeguarding of existing airports (and other freight facilities) against encroachment of non-compatible land uses and the protection of land for future facilities and corridors as a priority area for critical action for governments across Australia.<sup>1</sup> However, stakeholder feedback during the inquiry identified that jurisdictional strategies for protecting freight corridors and strategic facilities from encroachment were inadequate.<sup>2</sup>

The AAA views safeguarding of land and airspace around airports to permit relatively unrestricted passenger and freight operations as vital to the efficiency of Australia's transport system and for our international competitiveness as an origin and destination for passengers and freight. The Australian Government has a critical role to play in maintaining the effectiveness of airports as part of the national transport system.

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<sup>1</sup> Department of Infrastructure, Transport, Cities and Regional Development (2018), *Inquiry into Freight and Supply Chain Priorities*, Canberra, p. 12.

<sup>2</sup> *Ibid.* p. 26.

## Implementation of the Framework has stalled

Despite agreement by Australian transport ministers in 2012 to adopt the Framework into their state and territory planning systems, the AAA's member airports conclude that implementation of the Framework has stalled. While most jurisdictions have referenced the Framework in their strategic planning policy documents, the AAA is not aware of legislative changes to planning laws and planning schemes that embed the Framework into jurisdictional planning systems.

The slow pace of adoption of the NASF by jurisdictions remains frustrating for airport operators. The experience of AAA airport members concludes that some planners at local and state/territory levels see the Framework as another set of guidelines they will consider at their discretion. It is reported that some jurisdictions have 'cherry-picked' the Framework to adopt only some of the NASF guidelines, rather than all nine guidelines *en bloc*. For example, Queensland has currently not integrated Guidelines B and H into its planning system; while there is some contention over the use of the aircraft noise management measures (Guideline A), particularly in NSW.

The Transport and Infrastructure Council (TIC) endorsed 2019 *National Freight and Supply Chain Strategy National Action Plan* calls for the Australian Government to "identify and protect key freight corridors and precincts from encroachment" by 2024 through the use of the Framework.<sup>3</sup> To deliver this action, the AAA proposes that TIC members work together on a 'second round' of Framework implementation to ensure the Framework is embedded in each government's relevant aviation and planning legislation. Measures could include:

- development through TIC of 'model' planning provisions on airport safeguarding for compulsory adoption by jurisdictions into state and territory planning schemes, and
- a stronger role for the Australian Government in airport safeguarding, which is outlined later in this submission.

## The Framework's adoption into jurisdictional planning systems is patchy

In most jurisdictions (NSW, Tasmania, Victoria, Western Australia) the Framework is already referenced in strategic planning policy documents. It is noted that South Australia (2019) and Tasmania (2017) have only recently amended their strategic planning policies to add references to the Framework into the decision-making criteria for development applications affecting airports.

In consultation with members, the AAA found that some jurisdictions have either released discussion papers on implementing the Framework (Western Australia), or were developing options for implementation (NSW). In the case of recent reforms to the Victorian planning system, the AAA considers this to be a missed opportunity to give NASF appropriate and greater recognition. Member airports of the AAA have also indicated that the many reviews of state planning systems, particularly around planning for airports, have delivered little in the way of concrete actions and outcomes.

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<sup>3</sup> Transport & Infrastructure Council (2019), *National Freight and Supply Chain Strategy National Action Plan*, Canberra, August, p. 17.

## **Things are better than before – but the Australian Government could play a bigger role**

As a general observation, the AAA believes that airport safeguarding has greatly improved since the adoption of the Framework by Australian governments in 2012, but more needs to be done by both the Australian Government and the jurisdictions to ensure that existing airports and future airports are not constrained by inappropriate development. This is consistent with the commitment contained in the Australian Government's *National Freight and Supply Chain Strategy National Action Plan*.

The Australian Government should take action to safeguard against proposed developments or activities that will result in unacceptable adverse effects on airport operations. This would require making these proposals 'Controlled Activities' under the *Airports Act 1996* (Cwth). Proposals would require referral from the responsible planning authority to the Department of Infrastructure, Transport, Cities and Regional Development (the Department) after consultation with CASA, Airservices Australia and the relevant airport operator. This could be achieved using the regulation-making powers under section 182(f)(i) of the Act.

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. Recent examples at Sydney Airport include actively managing the potential for conflicting transport activity at Port Botany (windshear effects from next-generation container ships)<sup>4</sup> and Sydney Water's discharge of untreated sewage adjacent to the north-south runway (creating potential bird strike hazards). While these have been managed respectively through either direct negotiation or external litigation, the lack of 'joined up' thinking on safeguarding airport infrastructure has created a growing level of risk for the safe long-term operation of Sydney Airport.

## **The planning profession does not consistently apply the framework**

In general, AAA member airports report mostly strong and constructive working relationships between planners at airports and their counterparts in adjacent local government areas (LGAs) and state government planning departments. This relationship often involves sharing of information, such as Airports passing on windshear assessment envelopes contained in airport Master Plans for incorporation into LGA planning schemes and development control plans.

However, the specific kinds of skill and education in the Framework required for planners to effectively assess airport-related development applications tends to be peripheral to the day-to-day operations of local/state government planning teams. The highly technical nature of the Framework 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.

In practice, the required skill and expertise in using the Framework is not always present when LGAs or in State and Territory government planning departments make decisions on development applications affecting airports. Feedback from AAA airport members has given examples of how planners at LGAs have inconsistently applied the Framework when assessing development applications, leading to poor outcomes for airports. Examples from Victorian AAA members relate

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<sup>4</sup> While the Commonwealth has promulgated a regulation to control turbulence caused by the emissions of gases from vents or chimneys, it has not for other types of air turbulence or wind shear

to the use of the Airport Environs Overlay (based on Guideline A of the Framework) were used as a proxy for defining a Public Safety Zone (Guideline I), rather than using the correct assessment tool.

To assist planners in using the Framework, the AAA has produced an Airport Practice Note on Airport Safeguarding.<sup>5</sup> The purpose of the practice note is to raise awareness of airport safeguarding issues within the planning profession and assist planners and planning authorities in understanding airports and how to safeguard their ongoing operation. The AAA is also developing further guidance material targeted at planning professionals to raise awareness and educate stakeholders on the importance of airport safeguarding. It is expected these new publications will be finalised in the first half of 2020.

### **Better education of planning professionals on airport safeguarding is needed**

Through their interaction with state and local government planning bodies, the AAA's airport 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 believes the Department, in conjunction with state counterparts, needs to take a leading role in embedding the necessary skills, knowledge and expertise required by planning professionals to appropriately apply the Framework and Guidelines. To achieve this, it may be worth considering measures such as:

- Planning Institute of Australia-accredited training on the Framework and Guidelines for state and local government planners and opportunities for planners working on airport-related development applications, and;
- Improving understanding of the Framework and the Guidelines by putting them into 'plain English' for a generalist audience wherever possible but retaining each guideline's specialised content in technical appendices.

The AAA generally considers the Framework and Guidelines to have delivered improved outcomes compared to before 2012. However, there is still room for improvement to reach the goal in the TIC-endorsed *National Freight and Supply Chain Strategy National Action Plan* to "identify and protect key freight corridors and precincts from encroachment" by 2024 by using the Framework.

I would welcome the opportunity to discuss any of these issues with you further and should you have any questions, please do not hesitate to contact me via Simon Bourke (Policy Director, AAA) on 02 6230 1110 or [sbourke@airports.asn.au](mailto:sbourke@airports.asn.au).

Yours sincerely,



Caroline Wilkie  
Chief Executive Officer

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<sup>5</sup> Australian Airport Association (2014), *Planning around Airports: Safeguarding for the future*, Airport Practice Note 5, Canberra.