

27 February 2009

National Aviation Policy Statement  
Department of Infrastructure, Transport,  
Regional Development and Local Government,  
GPO Box 594  
CANBERRA ACT 2601

Email: [aviationstatement@infrastructure.gov.au](mailto:aviationstatement@infrastructure.gov.au)

Dear Sir or Madam,

**Re: National Aviation Policy Green Paper**

The Urban Taskforce is a non-profit organisation representing Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

The Urban Taskforce has previously provided comment to the Department of Infrastructure, Transport, Regional Development and Local Government on the Government's paper-*Development of a National Aviation Policy Statement* and we now provide further comment on the *National Aviation Policy Green Paper*.

It is worth noting that many of the Urban Taskforce concerns raised during the earlier consultation process have been acknowledged in this green paper. In particular, it is encouraging to see that the Government recognises the challenges faced by the development industry and planning authorities in the vicinity of Commonwealth owned airport sites and hence the need for collaboration between all levels of government when considering development on and/or in the vicinity of airport sites. Be that as it may, consultation and collaboration on planning matters is not a sufficiently definitive solution to complex airport infrastructure and land use issues.

Our comments focus on land use planning and development issues and in this regard our comments may be grouped into the general categories of:

- importance of airports;
- certainty for development in the vicinity of airports;
- consideration of off-site impacts when managing land use on airport sites;
- commonwealth planning approval;
- reliability of the ANEF system;
- sterilisation of land in the vicinity of airports; and
- the future of the Badgerys Creek Airport site.

**1. We need airports**

It is obvious, but worth stating that we need airports. Aviation and airports are vitally important entry points and essential for business and tourism growth. If we do not invest and expand airport infrastructure, we will not be able to meet future business and tourism travel demand nor will we be able to cater for technological advancements such as new-generation aircraft.

The contribution that air cargo makes to economic activity should not be underestimated. It has been shown that nations with good air cargo connectivity have competitive trade and production advantage.<sup>1</sup>

Furthermore, investment in airport and supporting infrastructure is significant and we should ensure that the opportunity that this provides is maximised. The presence of an airport and the additional infrastructure that it attracts must be seen as an advantage and valued.

## **2. The ANEF system provides certainty**

The Australian Noise Exposure Forecast (ANEF) system can be an effective planning tool when considering land use in the vicinity of airports. If we are able to look beyond the questionable assumptions upon which the ANEF is generated, the ANEF system does provide clarity and certainty for developers.

A developer may use the ANEF system to consider the need for specialised building elements to meet acoustic standards. With this clear knowledge the decision to invest and return on investment can be determined.

**Should an alternative planning system be considered, it must provide an equivalent level of clarity and certainty as that provided by the ANEF system.**

## **3. Airport Planning must integrate consideration of on-site land use with off-site environmental impact.**

To be of any real value, airport planning strategies must consider on-site airport development in the context of the locality. The consideration of airport land use in isolation does not encourage good planning outcomes for the people residing, working and schooling in the area. Other factors such as the changing commercial and social environment brought about by additional expansion at the airport can also be easily overlooked. The current system that separates the approval functions for airports on Commonwealth land does not encourage a holistic land use planning approach.

In the case of Commonwealth land, approval for on-site airport development is divorced from the impact on communities in the vicinity of the airport. Two levels of government are involved in the planning process, which is often the cause of conflict between the different levels of government and the community.

It is inappropriate that those who will experience the greatest level of impact due to airport land use do not have an approval role. That is, the Commonwealth can approve development on an airport site including the expansion of airport operations leaving the state planning authorities to manage off-site impacts.

It must be noted that investment in airport and supporting infrastructure is significant and we should ensure that the opportunity that this provides is maximised. **The presence of an airport and the additional infrastructure that it attracts must be acknowledged and land use planning must be encouraged to value and leverage off these advantages.**

## **4. Improved cooperation between tiers of government is not the solution**

The Urban Taskforce agrees with the sentiment that there is a need to improve the planning system to better consider land use and development in the vicinity of airports. The Green Paper makes it very clear that the Commonwealth will have the final say on airport development in relation to Commonwealth land, but as a consolation to state and local planning authorities offers the possibility of better "cooperation" and "refined working arrangements" between all levels of government.

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<sup>1</sup> Kasarda, J. and Green, J. 2005. Air cargo as an economic development engine: A note on opportunities and constraints. *Journal of Air Transport Management* 11 (2005) 459-462

Sidestepping an open and honest review of who should actually have the final say on airport development, particularly in relation to major airports on Commonwealth land is disappointing. It is not enough to acknowledge that there is a need for better integration between local, state and Commonwealth governments when considering airport development and supporting ground infrastructure. The suggestion that there is a need for the formation of further advisory panels and expanded community consultation processes in addition to those that already exist in the current planning system is no great comfort. Expanded committees and advisory panels will just create further conflict, protracted negotiations and uncertainty when seeking to determine appropriate land uses on and in the vicinity of airports.

**In reality, airports are essential and critical points of entry, no different to seaports and like seaports; such developments can be properly assessed and determined by state planning authorities.**

#### **5. The way that ANEF Charts are generated is unreliable and open to manipulation**

Aircraft noise must be properly considered and appropriate planning must be undertaken to permit development that is suited to local environmental conditions. Appropriate planning does not mean that valuable land in the vicinity of airports should have their development potential restricted by the inappropriate use of the ANEF.

Despite the benefits of using ANEF as a planning tool, the way that these contours are establishment has received attention in the Federal Court of Australia.<sup>2</sup> It is apparent that the assumptions used as the major inputs for the generation of the ANEF contours are not only variable, but also not checked by Airservices Australia as part of their endorsement process. That is, Airservices Australia's role is one that focuses on the checking of the mathematical translation of assumptions into contours. However, whether the assumptions used are valid is not the role of Airservices Australia when determining if an ANEF for an airport should be endorsed.

It is of great concern that the practice of Airservices Australia when determining whether an ANEF may be endorsed "is not to assess any of the data in a qualitative way or to seek to determine the likelihood of the assumptions behind the relevant data actually occurring".<sup>3</sup>

ANEF contour maps have the potential to dramatically impact on the development potential of land in the vicinity of an airport and we do not think that it is appropriate that the maps can be prepared by the operator of the airport, based on their forecasts of a possible future operating environment without extensive testing of assumptions and validation of predictions.

For example, operators of Canberra Airport when revising their master plan made the assumption that Canberra airport will have the same ultimate aircraft movements as Sydney's Kingsford Smith Airport. Furthermore, heavier aircraft movements at noise sensitive times were factored into the assumptions. This overestimation of aircraft movements and bias to noisier aircraft at sensitive times multiplies the impacts on the ANEF charts. Essentially, unrealistic assumptions have the affect of over estimation of impact and hence land use restriction.

Surely it is plainly obvious that it is in the interest of an airport operator to overstate the future operating environment of their airport as a means of creating artificially expanded exclusion zones in their vicinity.

**The preparation and finalisation of ANEF contours, including the formulation of the underlying assumptions, should not be handled by the airport operator.**

#### **6. The airport operations should not sterilise land**

ANEF and building regulation in the vicinity of airports (existing and future) should not focus on the exclusion of certain land uses. Building regulation should consider the desired internal acoustic environment for differing land uses in the vicinity of airports and then provide acceptable standards of construction to meet these requirements and/or the opportunity for the formulation of design solutions to meet acoustic goals for the desired land use. Essentially,

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<sup>2</sup> *The Village Building Co Limited v Airservices Australia* (2007) FCA 1242.

<sup>3</sup> *Ibid.*

no land use would be prohibited, instead, building regulation would seek to ensure that design and construction is appropriate for differing end uses.

Currently, reliance on ANEF, Australian Standards and overly conservative land use controls has encouraged low density, low-tech development in the vicinity of airports. As previously noted, these areas are serviced by high quality transport infrastructure and in the case of Sydney airport, are in close proximity to the Sydney CBD. This location should not be a sterile undesirable area with an over supply of warehouse and low-tech industry, but an extension of the Sydney business zone. Within this zone, all forms of land use should be permitted, provided such use occurs in appropriately designed buildings. There is no reason that office, retail, high tech manufacturing, warehousing and residential uses could not be located in the vicinity of airport development.

Land in the vicinity of airports should not be subject to additional and overly prescriptive development controls. In fact, this area should be viewed as an area of opportunity and commerce. This should be a district where intense, high quality industry and business activity is permitted. Within this area, appropriately designed and constructed residential development should also be permitted.

**Growth, commerce and industry must not be unrealistically restricted near airports and it is the role of planning to facilitate the right type of development in key locations.**

#### **7. The future for the Badgerys Creek must be articulated**

The Urban Taskforce accepts the argument put forward that Sydney Kingsford Smith Airport will soon reach capacity and that there is a need to secure a second airport site to guarantee future capacity. However, while the government states that an airport at Badgerys Creek is no longer an option, nothing definitive has been offered on the future use of the site.

A National Aviation Policy must include the Government's policy on a second airport for Sydney. This has been a critical, unresolved matter for over two decades.

The State Government has released significant areas of land in close proximity to the Badgerys Creek airport site for residential purposes and the State Government is committed to the provision of significant ground transport infrastructure to this location. **If the Badgerys Creek site is not to be for airport uses, then its time for land in the region to be used for other appropriate residential and/or employment generating activities.**

It should be noted that the Badgerys Creek airport site is adjacent to the Western Sydney Employment Lands Investigation Area and the South Western Sydney Growth Centre. The site could be readily included into current planning to determine its most appropriate use.

The possibility that Badgery's Creek may still be developed as an airport is depriving the community of job-creating development opportunities right now. For example, clause 6.18 of the recently exhibited *Draft Penrith Local Environmental Plan 2008 (Stage 1)* restricts development of land in the flight paths of proposed Badgery's Creek airport. If the airport is not going to proceed, why are land use regulators still sterilising development opportunities? We have drawn Penrith Council's attention to the Federal Government's policy position on the use of Badgery's Creek airport and asked for clause 6.18 to be deleted from the proposed plan. We ask, if the Federal Government is serious about Badgery's Creek not proceeding, for it to write to Penrith Council and the NSW Government asking for all airport related planning restrictions in connection with the Badgery's Creek airport site to be lifted, effective immediately.

These comments are offered to encourage constructive dialogue between government and the development industry and we ask that you accept these comments as our contribution to this debate.

We are always able to provide a development industry perspective on policy and we would welcome the opportunity to meet and discuss these issues in more detail.

Yours sincerely

**Urban Taskforce Australia**

A handwritten signature in black ink, reading "Aaron Gadiel". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

Aaron Gadiel  
Chief Executive Officer