

14th March 2012

Mr Scott Stone
General Manager Aviation Environment
Department of Infrastructure and Transport
GPO Box 594
CANBERRA CITY ACT 2601

Dear Mr Stone,

Consultation: Draft National Airports Safeguarding Framework

The Urban Taskforce Australia has been approached by a number of our members expressing concern over the potential impact of the Draft National Airports Safeguarding Framework on development around airports. For over 30 years the ANEF system has defined where noise sensitive development should occur and state planning authorities and local governments have zoned land to allow urban consolidation to occur. The proposed introduction of 4 new noise controls being N70 = 20, N65 = 50, N60 = 100 and N60 = 6 for night time will lead to planning chaos as planners try to work out which of these measures to use.

Most worrying to the Urban Taskforce is the fact that the exhibition material for the draft framework did not indicate on the maps the most severe impact of the N60 = 6 noise contour on Brisbane, Canberra, Perth and Melbourne airports which all have significant development within the expanded contour when this is drawn. We have had respected acoustic engineers Wilkinson Murray draw up these contours based on material from each airports own masterplans. The result is to make over 1,000 square kilometres of development now in a zone deemed unsuitable for housing. This will impact on many proposed developments as well as the value of existing properties.

THE DELIBERATE EXCLUSION OF THE N60=6 CONTOUR ON YOUR MAPS AND ITS IMPACT ON VAST AREAS OF URBAN LAND MAKES YOUR PUBLIC EXHIBITION A MISREPRESENTATION OF THE FACTS AND MISLEADING TO ALL THOSE WHO WILL COMMENT. THE DRAFT FRAMEWORK SHOULD BE RE-EXHIBITED WITH THE N60=6 MAPS INCLUDED.

The N60 = 6 noise contour becomes even more critical as the federal Minister for Infrastructure and Transport has already stated in a letter to the NSW Minister for Planning and Infrastructure (2 May 2011) that "Specifically, where a new development would expose future residents to more than six 60 decibel events between 11pm and 6am, it is the Government's view that such development should not be approved." It appears that the most extreme of the draft controls has already been determined by the Government which undermines the integrity of the public exhibition process.

The Urban Taskforce also believes that a 3 week exhibition period for a change of regulation that could stop \$33 billion of development, based on the figures of one of our consultants, is far too short a period to genuinely engage in public consultation. This is especially so on the basis that dozens of local councils affected by the framework would need to pass their submission through their elected council.

THE SHORT 3 WEEK EXHIBITION PERIOD APPEARS TO BE AIMED AT MINIMISING GENUINE INVOLVEMENT OF LOCAL COMMUNITIES WHO WILL BE NEGATIVELY AFFECTED.

As a result of concerns raised by our members in a number of states the Urban Taskforce had reports prepared on your draft framework by 4 experts in the fields of economics, planning, acoustics and legal implications. With the tight framework these reports are necessarily brief but all raise very serious concerns about the thoroughness of the research behind the draft framework.

THE LACK OF EXPLANATION ABOUT THE SELECTION OF NEW NOISE MEASUREMENT CRITERIA OR ANY RIGOROUS JUSTIFICATION OF THEIR USE ALONG WITH THE LACK OF ANY REGULATORY IMPACT STATEMENT OR STATEMENT OF THE IMPACT ON CURRENT STATE PLANNING RULES ALONG WITH THE INACCURATE MAPS RAISES GREAT CONCERNS ABOUT THE QUALITY OF THE DRAFT FRAMEWORK.

Within the short timeframe available the Urban Taskforce has had the following reports prepared:

MacroPlanDimasi prepared a report on the property and financial implications of the draft framework.

CBRE prepared a report on the planning and property implications of the draft framework.

Wilkinson Murray prepared a report on the acoustic issues around the draft framework.

Gadens prepared a report on the legal implications of the draft framework.

All four have expressed considerable concern about the draft framework. We have included their reports in full along with a media release from the Urban Taskforce and some of the reactions from media outlets. Below are some highlights from the reports.

1. The draft noise contours if applied across Brisbane, Melbourne, Perth, Sydney and Canberra could stop 134,000 new dwellings worth \$33 billion. (MacroPlanDimasi)
2. Housing values within the expanded noise boundaries could drop in the order of 5%. (MacroPlanDimasi)
3. There is no technical justification or evidence to justify the adoption of the 70dBA and 60dBA levels as part of the planning process. (Wilkinson Murray)
4. There is no basis for principle 4 of treating areas differently from a noise or community reaction perspective. (Wilkinson Murray)
5. The supporting documentation lacks a technical basis. (Wilkinson Murray)
6. Noise complaints can be very misleading with a few serial complainers skewing results. (Wilkinson Murray)
7. A regulatory impact statement should have been prepared. (Gadens)
8. Multiple controls will lead to planning chaos and could lead to legal challenges. (Gadens)
9. The differentiation of future development and existing development is subjective. (Gadens)
10. A special regime for infill development is proposed without any clear rationale. (Gadens)

11. The draft framework does not take into account the Metropolitan Plan for Sydney or similar planning instruments for other Australian cities. (CBRE)

12. No supporting evidence is provided to the discussion paper. (CBRE)

13. The commonwealth may potentially be liable for compensation to landowners. (CBRE)

14. The maps in the exhibition material do not show the N60 = 6 contours which are the most important ones. (CBRE)

15. Some of the maps are inaccurate, the ACT border is wrong and Parramatta is in the wrong location. (CBRE)

16. There is no justification for relaxing standards in infill over Greenfield Development. (CBRE)

Clearly the above list and the more detailed statements in the reports demonstrate that the draft framework has not been thoroughly researched and is a badly flawed policy. If implemented it could lead to planning chaos around airports with multiple controls with likely disputes on which is selected. The economic impact to Australia is over \$33 billion based on the 5 biggest airports. There are also many smaller airports that would be affected. We have modelled the Gold Coast airport and the new noise contour would sterilise vast areas of land in Tweed Heads.

THE NEW NOISE CONTOURS DO NOT CHANGE THE ACTUAL NOISE LEVELS FROM AEROPLANES. ALL THEY DO IS INFORM HUNDREDS OF THOUSANDS OF PEOPLE THAT THEY LIVE IN AN AREA WHERE HOUSING SHOULD NOT BE APPROVED AND STOP ANY FURTHER DEVELOPMENT.

The Urban Taskforce is most concerned at the short exhibition period, at the lack of technical justification, the planning confusion that would flow from multiple controls and the fact that our experts cannot see why we need to change from the tried and proven ANEF system that has worked for the last 35 years in Australia.

OUR RECOMMENDATION IS TO REMAIN WITH THE ANEF SYSTEM FOR PLANNING AROUND AUSTRALIAN AIRPORTS.

Yours Sincerely,

Chris Johnson

Chief Executive Officer
Urban Taskforce Australia

Cc: The Hon Brad Hazzard MP

Minister for Planning and Infrastructure

Mr Neil McGaffin

Director
NSW Department Of Planning And Infrastructure

Mr Sam Haddad

Director General
NSW Department of Planning