

Tourism & Transport Forum (TTF)

Safeguards for airports & the communities around them: Discussion Paper

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Introduction

The Tourism and Transport Forum (TTF) welcomes the opportunity to provide comment on the Commonwealth Government's Discussion Paper: *Safeguards for airports and the communities around them*.

TTF is a national, member-funded CEO forum, advocating the public policy interests of the top 200 corporations and institutions in the Australian transport, property, tourism & infrastructure sectors.

TTF's aviation members include all of the capital city airports in Australia as well as Alice Springs, Bankstown, Cairns, Gold Coast, Mackay, Mount Isa, Newcastle and Townsville airports. TTF also represents Air New Zealand, Emirates, Etihad Airways, Jetstar, Qantas, Singapore Airlines, United Airlines, Virgin Blue, Fintrax Payment Services Australia, AWPL Retail Solutions, and key industry players across the land transport, accommodation, attractions, major events and nature-based tourism sectors.

As essential pieces of Australia's economic infrastructure, safeguarding the growth and development of airports from inappropriate off-airport development is critical.

TTF and our members therefore welcome the Minister's leadership in this area and industry is committed to working in close consultation with government to develop a national airport safeguarding framework to facilitate the safe and unhindered operation of airports into the future.

Development around airports has been a key policy concern for TTF and our members for some time now, which was illustrated in TTF's response to the National Aviation Policy Green Paper, for the simple fact that inappropriate or ill-considered developments can create significant safety and commercial risks for airports, airlines and the wider tourism industry.

In this regard, TTF strongly endorsed the Aviation Green Paper's recognition that it does not make sense to allow new noise-sensitive developments to occur in noise affected areas as well as the importance of maintaining a north-south and east-west network of curfew free airports around the country.

A case in point is a residential development, approved in 2004, in close proximity to a runway at Perth Airport within the 20-25 ANEF. Despite Perth Airport's objections (on the grounds that more residents would be subject to aircraft noise) the development went ahead. Noise complaints are now being made by residents from that development.

A similar situation has been unfolding for the past decade near Canberra Airport where Queanbeyan City Council is pushing ahead with a residential development at Tralee, south of the airport, which is supported by Planning NSW and the NSW Government. This development not only threatens the long term viability and curfew free operation of

Canberra Airport, it will also be a major commercial constraint on the regional economy and an imposition on current and future residents.

Furthermore, in Brisbane there are a number of proposals (some of which have been approved) for noise sensitive developments, largely residential, under current and future airport flight paths within the ANEF 20. The most significant is a proposal for a 25,000-resident development in Northshore (Hamilton) under the centre line of the new parallel runway. Once built, the new runway will have a significant noise impact on those residents.

TTF therefore strongly supports any effort by the Federal Government to work with local and state governments to achieve balanced, sustainable and responsible planning around airports.

In this regard, TTF's response to the discussion paper focuses on "Planning for compatible development", "Protection of operational airspace" and "Public safety zones".

Planning for compatible development

TTF understands there will always be some degree of tension between the community and industry over noise. However, this can be far better managed by ensuring there are appropriate buffer zones around airports, industry and government have appropriate tools to inform land use planning, and that accessible and easy to understand noise information is provided to the public.

Existing mechanisms to prevent inappropriate development are ineffective at protecting the community from aircraft noise exposure and the ongoing operational capacity and efficient use of airport infrastructure.

“I have a very firm view that decision makers should not facilitate the building of houses directly under flight paths where there will be a real impact in terms of future growth.” – The Hon Anthony Albanese MP, 2 December 2008.

The Minister’s statement above highlights the need for effective strategies to manage and mitigate the impact of aircraft noise around airports. This is important not only in respect to land use planning around airports, but also in relation to ensuring current and future residents around airports are fully informed about the extent and impact of aircraft noise, now and into the future.

Greenfield Development

TTF strongly supports measures to better integrate state and local planning with the growth and development objectives of airports and airlines.

The Australian Noise Exposure Forecast (ANEF) and Australian Standard AS2021 have not been designed to assess the suitability of greenfield sites for development. The ANEF was in fact adapted to provide information on insulation requirements in brownfield sites.

As the Aviation Green paper rightly stated, “it does not make sense to allow new noise-sensitive developments to occur in areas where they will lead to public concerns that may affect the long-term viability of the airport.”¹

While the circumstances at each Australian airport are different, including the relationships with state and local governments, there are clear examples (as noted above) where noise sensitive developments, which either exist or are planned, can threaten the long-term viability of airports.

Residential encroachment and other incompatible land uses around airports ultimately increase pressure to apply airport curfews, which TTF and industry are strongly opposed to.

¹ National Aviation Policy Green Paper, pg. 191.

From TTF's perspective, the use of airport curfews is not only a major commercial constraint on airlines and airports, but also the wider tourism and transport sectors.

Furthermore, greenfield developments under or near airport flight paths also raise the need for noise sharing, which, in many respects, is an unfair burden to place on those communities previously unaffected by aircraft noise as well as airlines and airports.

Therefore, sensible and pragmatic land use planning by state and local governments is a critical element in managing aircraft noise around airports. TTF strongly supports any effort to work collaboratively with airports, planning authorities and governments to achieve this. However, where this does not occur TTF believes the Federal Government should be able to intervene.

Notwithstanding the Federal Government's power to draft legislation to control planning and development around airports, Part 12 of the *Airports Act 1996* already provides a mechanism whereby the Federal Government can regulate off airport development.

Part 12 of the *Airports Act* makes it possible for the Secretary of the Department of Infrastructure, Transport, Regional Development and Local Government to:

- (a) declare areas of prescribed airspace, commencing at ground level, under or adjacent to flight paths around an airport "in the interests of the safety, efficiency and regularity of future air transport operations into or out of the airport"; and
- (b) refuse development approval if he is satisfied that the construction "would interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of" that airport, or grant approval subject to conditions that he is satisfied would avoid that interference.

Therefore the existing regime already provides a mechanism by which the federal government could, without amending the law, prevent or regulate the construction of noise sensitive developments.

Invoking such a provision would therefore enable the federal government to ensure land use planning around airports is compatible with current and future airport operations and prevent developers and state and local governments from eroding buffer zones, where they exist, around airports.

The issues affecting Canberra, Brisbane and Perth Airports referred to on page 1 present excellent examples of where there would be significant value in the federal government exercising such powers.

Despite industry, including TTF, voicing significant concerns with the NSW Government over Village Building Company's proposal for a residential development at Tralee in the high noise corridor south of Canberra Airport, Queanbeyan City Council and Planning NSW remain committed to the project going ahead.

What is particularly concerning is that there is overwhelming evidence against residential development at Tralee (and anywhere under the Canberra Airport's flight paths), because of the impact of aircraft noise on current and future residents.

Furthermore, an Independent Panel of Inquiry, established in 2006 by the former Planning Minister Frank Sartor, strongly and unambiguously recommended against developing land under the current flight paths. The Inquiry also identified an alternative NSW area, in Googong, which would provide upwards of 25 years of future residential land supply. However, the advice to reject residential development under flight paths has been continuously ignored.

Put simply, any future imposition of a curfew directly threatens future investment and planning certainty which would be detrimental to the economic contribution that Canberra Airport makes to the regional economy as well as to the state of NSW.

The same holds true for Brisbane Airport should residential development at Hamilton go ahead.

Safeguarding airports and protecting communities

TTF strongly supports the development of a nationally consistent legislative framework to ensure current and future owners of noise affected property are fully informed about the impacts of aircraft noise.

While industry goes to great lengths to inform the community about aircraft noise and manage their expectations as best they can, TTF believes federal, state and local governments should play a greater role in this.

Airport operators are required to develop extensive documentation and public engagement programs around Airport Master Plans, Major Development Plans and Environmental Impact Statements which inform the public about current and future impacts of aircraft noise.

However, it cannot be left to the airport operator alone to ensure that property owners around airports, and particularly those under flight paths, remain aware in perpetuity of these impacts.

In this regard, local and state governments must ensure that developers and purchasers are fully aware of the impacts of aircraft noise, not just now, but also into the future. TTF believes legislation is required to ensure that developers and agents have a continuous duty of disclosure to prospective purchasers of property, not just to protect the operational viability of the Airport, but more importantly to ensure buyers are making informed decisions.

For example, the *Planning (Urban Encroachment – Milton Brewery) Act 2009* (QLD) provides provisions whereby sellers and/or agents of properties within a defined area near the Milton

Brewery in Queensland are required to disclose certain information to prospective buyers about the impacts of the brewery, including noise, odours, light and other emissions.

It would be appropriate to develop similar legislative requirements to ensure potential purchasers of property within a defined area around airports are properly informed about the impacts of aircraft noise, both now and into the future.

While such provisions may not prevent noise complaints from continuing, it would ensure the community is more aware of the impacts, particularly at those airports with existing residential development close to, and under, flight paths.

Tools for land use planning

As the discussion paper highlights, the Australian Noise Exposure Forecast (ANEF) system as a tool to inform land use planning has a number of limitations, including:

- The system is a 'one size fits all' approach which does not take into account local circumstances - large airports are treated the same as small airports; greenfield airports are treated the same as brownfield or built out airports;
- ANEF contours do not provide a complete picture of the areas where residents are likely to have an adverse reaction to aircraft noise;
- The contours do not easily correlate to a publicly understandable 'decibel' noise level; and
- Aircraft noise does not stop at a contour line on a map.

A key industry concern is the fact that the ANEF system treats all airports the same, including curfew airports and non curfew airports, likewise with greenfield airports and as built airports.

TTF understands that AS2021 and the ANEF system were adopted from the Noise Exposure Forecast (NEF) technique developed in the United States in the 1960s. Its application in Australia (ANEF) was informed by a relatively small survey of people who had already been subjected to noise by living under or nearby flight paths as well as the frequency of operations at airports in the early 1980s. It would be fair to say that since that time aircraft movements at airports have significantly increased, aircraft technology has improved dramatically (and therefore reduced noise) and aircraft noise is a much bigger issue.

It is also important to recognise that AS2021, which underpins the ANEF system, was originally developed as a criterion for acoustic insulation of buildings, not as a land use planning tool, largely for brownfield airports – those already surrounded by development. The ANEF also averages out the noise impact on an area over a whole year. Therefore, if an area is subject to extremely high noise for a certain period, it is then averaged out over the entire week, giving the impression that noise in the area is not significant.

There is a growing body of evidence to suggest there is a disconnect between community expectations and what AS2021 considers an acceptable level of noise impact for residential and noise sensitive developments. The experience highlighted on page 1 in respect to Perth Airport supports this. Also, an Australian Government paper² found that in Sydney 90 per cent of complaints came from residents who lived outside the ANEI³ 20 contour.

Furthermore, the Badgerys Creek Environmental Impact Statement clearly rejected AS2021 when it recommended that all greenfield residential housing had to be outside the 15 ANEF⁴, ten points below the current standard. However, ultimately ANEF 15 was still deemed an unacceptable level of noise impact for the community.

Furthermore, the ANEF does not provide aircraft noise information to communities in a form that they can readily relate to or understand. This is important for both current residents and those who may be considering moving to an area which is affected by aircraft noise.

TTF also understands that the ANEF does not take into account the application of future air traffic management technology, some of which is being trialled by Airservices Australia. These technologies will change flight tracks and descent profiles of aircraft and therefore shape the location of noise contours, and ultimately reduce the impact of aircraft noise on communities.

TTF strongly supports a detailed review of both the ANEF system and Australian Standard AS2021. TTF also supports the provision of comprehensive noise information such as the flight path location and activity diagrams and N70s with wider application to include railways and roads, not just airports.

While TTF does not have comment on what a better land use planning tool might look like or involve, Queensland University of Technology (QUT) is developing a land use planning tool for airports under its 4-year collaborative research project *Airport Metropolis: Managing the Interfaces*. TTF strongly recommends the Department engage QUT in this regard.

Response to discussion paper questions

1. *Does the ANEF system provide an effective basis for planning in noise affected areas?*

While circumstances differ at different airports, TTF does not consider that the ANEF system is an effective planning standard for noise affected areas, particularly given aircraft noise does not stop at a line on a map, nor do the ANEF levels in AS2021 reflect community expectations. However, given the ANEF system is the only tool available to inform land use planning in respect to aircraft noise, it should be retained with stronger enforcement until such time that a proven alternative is available.

² Department of Infrastructure, Transport, Regional Development and Local Government, *Expanding Ways to Describe and Assess Aircraft Noise*, March 2000, pg. 2.

³ The ANEF refers to forecasted aircraft traffic numbers for a future year, the ANEI refers to observed traffic numbers in a past year.

⁴ Badgerys Creek Environmental Impact Statement, Volume 1, Main Report, Line 5, Paragraph 5, pp. 10-23.

2. *How effective is the ANEF system as a land use planning standard for greenfield developments around airports?*

Similarly, TTF does not consider that the ANEF system is an effective planning standard for greenfield developments near airports. By way of example, the Badgerys Creek EIS recommended that residential housing was acceptable up to the ANEF 15, not ANEF 25 as AS2021 states. Furthermore, the experience at Canberra, Brisbane and Perth Airports demonstrates that the ANEF system is not an effective tool to inform land use planning for greenfield development. However given the ANEF system is the only tool available to inform land use planning in respect to aircraft noise, it should be retained with stronger enforcement until such time that a proven alternative is available.

3. *Are the acceptable levels of aircraft noise for particular developments identified in AS2021 consistent with current community expectations?*

As identified above, TTF does not consider that the acceptable levels of aircraft noise for particular developments, especially residential, identified in AS2021 are consistent with current community expectations.

4. *How can the current planning arrangement to address developments in noise-affected areas around airports and under flight paths be improved to take account of community expectations, while also providing for the reasonable growth of aviation activity at airports?*

TTF believes that improving the current planning arrangements will be difficult given AS2021 was originally developed as an insulation standard. Therefore a fresh approach from an aircraft noise and land use planning perspective is needed. It is also important to provide clear information to the public on the issues and impacts of aircraft noise to raise the awareness and to allow people living near airports to make informed decisions.

While TTF does not have suggestions as to what a better land use planning standard might look like, Queensland University of Technology is undertaking work in this area, which the Federal Government should consider.

5. *For developments around the major capital city and freight airports, should state governments have to refer residential development within a defined buffer zone to the Commonwealth Transport Minister or Secretary for approval?*

TTF strongly supports any measures by which state and/or local governments are required to refer noise sensitive developments, such as residential housing, within a defined buffer zone to the Commonwealth Transport Minister or Secretary of the Department for approval.

Protection of Airspace

TTF understands that under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*, the airspace around federally leased airports may be declared as Prescribed Airspace to ensure the safe arrival and departure of aircraft using the airport.

Under this provision, activities that intrude into Prescribed Airspace, referred to as “controlled activities”, cannot be carried out without approval from the Department of Infrastructure, Transport, Regional Development and Local Government.

While Prescribed Airspace around airports is protected by the *Airports Act* and *Airports (Protection of Airspace) Regulations*, some of TTF’s members have expressed concern that this is not widely known or understood by developers, local government or the general public.

TTF also understands that there are instances where off airport development can also affect navigational aids, such as radar, which present significant safety concerns. Residential development at Greensquare in Sydney is a good example.

Therefore improvements to control land uses in the vicinity of airports need to be made to provide greater certainty and rigor in relation to protection of Prescribed Airspace. In this regard, TTF would welcome any action to ensure the protection of prescribed airspace is appropriately reflected in state planning policies and regulations.

Response to discussion paper questions

6. *Should the current protection of airspace regulatory provisions be strengthened and broadened to cover all CASA-Certified and Registered aerodromes?*

TTF would support the application of the protection of airspace regulatory provisions to cover all CASA-Certified and Registered aerodromes.

7. *How might state, territory and local government planning rules help protect airports from encroachment by unsafe intrusions into airspace?*

As discussed above, TTF considers it important to improve the understanding of local and state governments to ensure that the protection of airspace is understood and planning approvals appropriately conditioned. This could be done through working with state governments to ensure that provision for the protection of prescribed airspace are reflected in state planning policies and regulations.

Public safety zones

TTF supports the idea and principle behind public safety zones (PSZ) as a mechanism to manage risk, maximise the safety and efficiency of the airport, and assist planning authorities appropriately zone land and manage development.

TTF sees benefit in PSZ not only to help manage greenfield development around airports, but importantly to ensure that where development already exists there is no increase in population density or new noise sensitive developments.

Other than at local government owned aerodromes the airport operator has no jurisdiction outside of the airport boundary and any off airport PSZ would need to be developed with the cooperation of state, territory or local governments.

However TTF believes that PSZ should be driven primarily in the interests of safety, operational capacity and efficient airport and airline operations, not commerce or any consequent impact on land value.

Conclusion

Once again, TTF appreciates the opportunity to respond to the *Safeguards for airports and the communities around them* discussion paper.

TTF and industry are very committed to working with governments to ensure appropriate measures and tools are in place to protect communities from the impacts of aircraft noise and facilitate the unhindered growth and development of Australia's aviation and tourism industries into the future.

Should you wish to discuss anything further, please feel free to contact Ms Caroline Wilkie, National Manager – Aviation and Transport, on (02) 9240 2016 or at cwilkie@tff.org.au, or Flyn van Ewijk, Manager – Aviation and Climate Change, on (02) 9240 2007 or at fvanewijk@tff.org.au.

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