



CONSULTATION: DRAFT NATIONAL AIRPORTS SAFEGUARDING FRAMEWORK

15 March 2012

ABOUT UDIA

The Urban Development Institute of Australia (UDIA) is the peak body representing the property development industry throughout Australia. Established at a state level in 1963, the Institute evolved to become a national body with a number of state-based divisions in 1970. UDIA aims to secure the economic success and future of the development industry in Australia, recognizing that national prosperity is dependent on our success in housing our communities and building and rebuilding cities for future generations.

Our members cover a wide range of specialist and industry fields, including: Developers, Valuers, Planners, Engineers, Architects, Marketers, Researchers, Project Managers, Surveyors, Landscape Architects, Community Consultants, Environmental Consultants, Lawyers, Sales and Marketing Professionals, Financial Institutions, State and Local Government Authorities, and Product Suppliers.

The property development industry is one of the major drivers of the Australian economy, directly accounting for 7.3% of Australia's GDP and employing 975,700 Australians.

INTRODUCTION

The Urban Development Institute of Australia (National) welcomes the opportunity to provide this submission to the Department of Infrastructure and Transport on the Draft National Airports Safeguarding Framework.

This submission will focus solely on Guideline A – *Measures for Managing Impacts of Aircraft Noise*. Guideline A has been deemed to have significant potential consequences for the urban development in cities across Australia.

It should be mentioned from the outset that UDIA has serious concerns about aspects of the consultation process. For one, the time between the release of the consultation draft on 21 February and the deadline for submissions on 15 March was insufficient. Although we are conscious that the Department is subject to its own deadlines, aircraft noise is a highly technical subject area which deserves an extended consultation period.

Another concerning aspect of the consultation draft involves Attachment 2: Indicative Aircraft Noise Contours. Our primary concern in regard to these maps is the absence of the N60=6 contour. The absence of this contour is disappointing and misleading considering the draft recommends restrictions on noise-sensitive development at non-curfew airports where there are more than 6 events predicted between the hours of 11pm to 6am which create a 60 dB(A) or greater noise impact.

The maps in Attachment 2 are also rudimentary. For example, the map for Sydney seems to be out of proportion. While this is acknowledged with the Consultation Draft stating that each

‘diagram has been produced for illustrative purposes only’, UDIA believes that a Consultation Draft proposing significant changes to land use planning needs to represent its modelling on accurate and detailed maps.

In short, the UDIA would like to make following key points:

- The Australian Noise Exposure Forecast (ANEF) as defined by the Australian Standard AS2021 should be retained as the land use planning tool in all jurisdictions
- The use of a series of supplementary metrics in addition to the ANEF will lead to an uncertain and inconsistent process informing land use planning in the vicinity of airports
- The proposed system will increase the amount of land sterilised for development, adversely affecting the supply and affordability of housing
- Homes situated outside the existing contours, but within the proposed contours will be devalued
- While UDIA believes the Commonwealth has a positive role to play in improving planning systems, planning decisions should remain the domain of the State and Territory Governments

THE CURRENT SYSTEM

For 30 years land use planning in the vicinity of airports has been regulated by the application of Australian Standard 2021 [AS 2021] which is based on the ANEF contour system. As the Consultation Draft rightfully points out “ANEF contours are a well established land use planning tool recognised by most jurisdictions and incorporated into land use planning decisions.’ From the perspective of the development industry, the ANEF contours have established a high degree of consistency, certainty as well as rare case of planning uniformity across Australia.

The Consultation Draft suggests that there are problems with relying solely on ANEF and that the system needs to be supplemented by additional measures. These measures are the N70=20, N65=50, N60=100 and N60=6 (for non-curfewed airports). The Draft maintains that, ‘It is likely that no single standard will be appropriate for all airports but the concepts that follow can readily be adapted to meet local conditions.’

UDIA disputes the claim that no single standard is appropriate for all airports and we do not believe that the use of four different contours (and a fifth for non-curfewed airports) working in conjunction with each other will provide an acceptable degree of certainty for land use planning around airports. We thus maintain that the adoption of a system of multiple metrics is incompatible with the following stated purposes of the National Airports Safeguarding Framework:

- The provision of greater certainty and clarity for developers and land owners
- Improvements to regulatory certainty and efficiency

The Draft Proposal has described the different methodologies involved for each measure (including ANEF). From the industry's perspective, the current system is a scientifically sound and defined in an Australian Standard, but the proposed supplementary contours are subjectively defined and not based on any technical analysis. The report states that the quantum of events nominated for the N70, N65 and N60 event contours respectively, aligns broadly to known areas of sensitivity around existing airports (Attachment 1 page 13), but there is no indication of any technical assessment to back this statement.

The point needs to be made that sensitivity to aircraft noise is highly subjective. The Draft Proposal reinforces this point - 'Like the 20 ANEF, there is no 'magical line' at the 20xN70, 50xN65 or 100xN60 contours that suddenly see aircraft noise change from being unacceptable to acceptable.' To illustrate this point, in November 2011 almost 50% of all aircraft noise complaints in Sydney were received from outside the proposed new metrics.

The Consultation Draft confirms that supplementing ANEF will not eradicate complaints. Even under a new system, complaints will continue to be filed from outside of the various contours. Aversion to aircraft noise is highly subjective. While UDIA supports the role ANEF has played in protecting communities and airports over the last three decades, we do not believe that the Consultation Draft's proposals will result in less complaints or better planning outcomes.

When the ANEF contour system was originally developed around 4,000 aircraft noise-affected individuals were interviewed by Australia's National Acoustic Laboratories to determine a measure of noise threshold for affected households. Such a methodology is sound. If the Federal Government is intent on reviewing noise management and land use planning around airports, a better approach would be to engage the National Acoustic Laboratories to do a similar review and recast the ANEF contours.

COMPLAINTS AS THE PRIMARY BASIS FOR CHANGE

The Consultation Draft maintains that the chief reason for introducing supplementary aircraft noise metrics is that 'ANEF contours are not necessarily an indicator of the full spread of noise complaints.' According to the Consultation Draft, while people living within the 20 ANEF contour experience the highest aircraft noise exposure, in the case of Sydney Airport in 1998 some 90% of complaints were filed by residents living outside the 20 ANEF contour. This justification is particularly misleading. UDIA's New South Wales office reviewed the complaint statistics in the Sydney Airport Operation Plan and randomly picked two months November 2011 and July 2010.

- In November 2011 - 3,341 noise complaints were made in the Sydney metropolitan region. Of those 3,341 complaints, 1,660 complaints were logged from Kellyville and a further 1,239 complaints were logged from Eastlakes (representing 87% of the total complaints). The interesting fact is that all of these complaints were made by only 3 complainants. Even more interesting is the fact that Kellyville is located some 40km from the airport, well outside of the existing and proposed contours.
- In July 2010 – 2,142 complaints were made. Of those, 804 came from Kellyville, 153 from Eastlakes and 113 from Concord representing 50% of the overall complaints. These complaints were made by only 6 complainants.

To change a successful airport noise regulatory framework based on complaints is methodologically defective. The original research of a sample of residents that was conducted by the Australian National Acoustics Laboratory is a far more sensible approach. However, when the composition of the complainants is considered the justification for changing the framework is totally baseless.

THE CONSEQUENCES OF SUPPLEMENTATION

The Draft Proposal favors an approach whereby the ANEF continues to operate in conjunction with a collection of other noise measures, namely the N70=20, N65=50 and N60=100. This so-called “broader suite of assessment metrics” is meant to “allow for more informed strategic planning.”

It also recommends restrictions on noise-sensitive development at non-curfew airports where there are more than 6 events predicted between the hours of 11pm to 6am which create a 60 dB(A) or greater noise impact. From the maps in Attachment 2, it becomes clear that adoption of these supplementary contours will lead to greater sterilisation of land for development (even in the absence of the N60=6 contour).

UDIA is concerned that adopting an assortment of noise measures working in conjunction with each other will threaten the certainty which has existed under ANEF regime over the last 30 years. In fact, the language contained in the Consultation Draft indicates that a system of multiple metrics would be characterized by a lack of consistency and uncertainty. Throughout the Draft terms such as ‘case-by-case basis’, ‘where appropriate’ and ‘in some circumstances’ are found.

The current system affords developers, land owners, planning officials and airports with a certain outcome, devoid of ad hoc decision making. The lack of clarity and the multiple options in the proposed system may serve to politicize the approval process, a situation which is not in the best interest of any parties involved.

There is concern among the UDIA membership that the complexity of the proposed system will lead to further delays in what is already a time consuming planning system in most jurisdictions. There is similar concern that when faced with increasing complexities, planning officials are likely to err on the side of caution by rejecting development applications.

If enacted, the proposals will definitely lead to the sterilization of land and more complex planning processes, resulting in a net reduction in development activity. States and Territories across Australia are struggling to bring sufficient amount of land to the market and any further reduction in the potential land supply pipeline will only compound matters.

Scarcity of land undoubtedly has a flow on effect for the supply of housing. One need only visit the findings of the National Housing Supply Council’s 2011 *State of Supply* Report to conclude that Australia can ill afford further constraints to residential development. Furthermore, policy makers need to be conscious of the strong correlation between the undersupply crisis and the lack of affordable housing product across the country.

Consideration should also be given to homeowners living outside the ANEF 20, but within the boundaries of the proposed supplementary metrics. Such properties will experience devaluation due their new status as being located within a relevant aircraft noise contour.

THE COMMONWEALTH'S ROLE IN PLANNING

Although the Draft Consultation confirms that State/Territory and Local Governments are primarily responsible for land use planning, it is difficult to see how the proposed changes will not lead to planning officials seeking direction from the Federal Government. In fact, the Draft insists that a 'national approach can assist in improving planning outcomes near airports and under flight paths.'

While this so-called national approach may be alluding to unanimous adoption of the proposed changes by all the States and Territories, it is clear that the Commonwealth has been increasingly vocal on land use planning proposals near airports. In recent years the Commonwealth has raised objections to developments near airports at Kurnell in Sydney, Diggers Rest in Melbourne and the Race Course Precinct in Brisbane.

UDIA believes that the Commonwealth has a role to play in improving Australia's inefficient planning systems. The work of the COAG Reform Council on capital city strategic planning systems has been supported by UDIA. However, UDIA does not support the assignment of planning decision-making functions to the Commonwealth. This task largely resides with State/Territory and Local Governments and so it should remain.

The involvement of the Commonwealth in the planning process via the Environmental Protection Biodiversity Conservation Act (EPBC Act) is a case in point. While the goals of the Act are supported by UDIA, its application has resulted in duplication between State and Federal process, with significant implications for housing delivery and affordability. The ongoing reform to the EPBC Act is somewhat of an admission by the Commonwealth that the Act has resulted in an unnecessary additional layer of bureaucracy.

CONCLUDING COMMENTS

UDIA thanks Department of Infrastructure and Transport for the opportunity to provide this submission. UDIA would welcome the opportunity to discuss any aspect of this submission in greater detail. For further information, please contact UDIA National on 02 6230 0255 or at udia@udia.com.au.

Yours sincerely,



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