

28 November 2023

Aviation White Paper Project Office
Department of Infrastructure, Transport, Regional Development, Communications and
the Arts
Email: aviationgreenpaper@infrastructure.gov.au

Dear Sir/Madam

Aviation Green Paper

The City of Cockburn (the City) is a West Australian local government located in the southern suburbs of the Perth metropolitan area. The City is interested in and provides comments below in this submission to the Federal Government on the review of the Aviation Green Paper. Within the City's municipal boundary is Jandakot Airport which is located within the suburb of Jandakot. Jandakot Airport is managed privately under lease by joint venture, who secured management of the land in early 2022. In the future, the City's residents may also be affected by noise associated with the flight paths of Perth's third runway.

The following comments have been provided on the relevant issues pertinent to the City.

Chapter 6

Airport development planning processes and consultation mechanisms

6.1 Noise	
Key Issues	
	<ul style="list-style-type: none">• How best to facilitate growing demand for aviation while managing community impacts
	<ul style="list-style-type: none">• Effective land use planning is the best way to reduce the impact of noise on the population while managing urban expansion but responsibility for that is dispersed in government.
	<ul style="list-style-type: none">• The airports, airlines and GA operators who profit from aviation have an important role to play in managing the community impacts generated by their investments and activities.
	<ul style="list-style-type: none">• The projected growth in drone use at lower altitudes will cause new, and different types, of noise impacts new governance arrangements need to be established to respond to this.

#	Questions
1	<p>Do you have comments on how the operation and effectiveness of the Noise Complaints Information Service could be improved?</p> <p>Comment: There have been several instances where the length of time for a response to be received by a complainant has resulted in the complainant contacting Local Government to lodge a Noise Complaint.</p> <p>Anecdotally this appears to be a result of complainants in Western Australia feeling unheard, possibly due to the time discrepancy between the East and West coasts of Australia, or possible due to a longer than anticipated response time for messages to be acknowledged as received.</p>
2	<p>How could the Australian Noise Exposure Forecast, and use of the ANEF in Government planning processes, be improved?</p> <p>Comment: The Australian Noise Exposure Forecast is complex and difficult to understand. Its application to general aviation may also be problematic as it may not account for the impact upon the community of increased frequency lower noise events.</p>
3	<p>What are appropriate, modern noise metrics that should be used to communicate aircraft noise impacts?</p> <p>Comment: The N Contours are more easily understood and communicated to members of the public.</p> <p>For Jandakot Airport, the use of “Busy Day” and “Ultimate Capacity” modelling also conveys that the impact may vary depending on the day as well as the developing operational capacity of the airport.</p>
4	<p>How can governments better communicate with potential purchasers of properties which will be affected by aircraft noise in the future?</p> <p>Comment: The current mechanism within the State’s planning framework to ensure potential purchasers are notified of aircraft noise impacts, is by placing a notification on the Certificate of Title. Outside of this process, awareness comes down to the potential purchaser’s own due diligence.</p> <p>To increase the awareness, the Federal Government could provide funding for the State Government(s) to publicly advertise through media platforms, the</p>

	<p>resources available to potential purchasers to undertake their due diligence and making such resources like Property Interest reports more affordable and accessible.</p> <p>At the Local Government level, the City has signage in noise effected areas.</p> <p>A combination of notification on title and signage is the current method of informing potential purchasers, but inconsistently applies. A requirement for both methods, including easier and more affordable access to property interest reports could contribute to a better understanding of the noise being likely in the future or of increased activity in the future.</p> <p>This would also ensure that the potential noise impact is communicated <i>before</i> the title is provided to prospective landowners. It would also allow clearer more consistent communication to residents that are not landowners such as nursing home or park home residents and those renting or leasing the sites in both residential and commercial situations.</p>
5	<p>How can new and different types of noise impacts from projected growth in drone use best be managed?</p> <p>Comment: Better communication of restrictions/limitations on drone use by CASA may assist community members seeking to use them to understand safety requirements.</p> <p>Better engagement across levels of government may be necessary to ensure that messaging is consistent and safety requirements well understood.</p>
6	<p>Do these processes provide sufficient opportunity for impacts on the community to be identified and taken into account? How can they be improved?</p> <p>Comment: There needs to be clearer communication on how Federal, State and Local Government planning frameworks will be used to control drone and emerging aviation technology.</p> <p>Development Approval at Local Government level for land uses that adopt drone and other emerging technologies is appropriate. This can assist all stakeholders to ensure that the local development context is considered, and that the local community are able to more easily contribute to community engagement.</p>
7	<p>What can be done to proactively mitigate noise impacts by better informing residents and land-use planners?</p>

	<p>Comment:</p> <p>Increase consultation to the wider community with respects to advertising the draft Airport Master Plan. Simply putting an advert in the newspaper to seek the community’s attention doesn’t go far enough to be proactive in seeking feedback.</p> <p>Compulsory advertising should be required for example, for those properties located within the 20 Australian Noise Exposure Forecast (ANEF) frame area as depicted in Figure 1, contained in <i>West Australian Planning Commission (WAPC) State Planning Policy 5.3 Land Use Planning in the Vicinity of Jandakot Airport</i>.</p> <p>By widening the advertising catchment group and more direct targeting, the community can be better informed of the airports development and how it may affect them.</p> <p>Furthermore, please also refer to the comments in question 4 above.</p>
9	<p>What can be done to facilitate increased adoption and implementation of the National Airports Safeguarding Framework principles for land planning to optimise land-use activity and reduce community impacts?</p> <p>Comment:</p> <p>Improving communication of the National Airports Safeguarding Framework to State and Local Government could assist to improve support to implement these principles into land planning mechanisms.</p> <p>Clear communication to the community of the areas that are likely to be affected by aviation (including drone) noise and the need for land users to mitigate for that noise may assist.</p> <p>It has been the City’s experience that where it has been clearly communicated that an area is affected by future noise and that noise mitigation is required, there has been a higher level of acceptance by the community.</p> <p>Where it is clearly and consistently communicated to developers that these requirements will be applied, there has been recognition that there is a need for ground level land-uses to act to control community wellbeing impacts.</p>

6.2 Community consultation mechanisms	
Key Issues	
	<ul style="list-style-type: none"> The Airports Act requires community consultation for planning documents: Master Plans and Major Development Plans (MDP) for when they propose large projects where costs are above a monetary threshold or impacts are significant.
	<ul style="list-style-type: none"> Ongoing consultation on the impacts of airport operations occurs via CACGs established for 19 of the 22 LFAs.

- The Australian Government is seeking greater airport-led consultation about projects such as new runways that would lead to airspace changes, and increased influence on how airports conduct community engagement.
- Contemporary community expectations on better practice community engagement may not be easily provided for in the current land-use planning framework.

#	Questions
13	<p>How can the existing consultation framework be improved to facilitate efficient planning and development, while preventing environmental harm and ensuring continued access for aviation users?</p> <p>Comment:</p> <p>It is good to see some recognition that the current Commonwealth framework around land use planning in airports is generally inconsistent with State/Territory planning requirements. The City has in the past experienced friction between land use decisions at Jandakot Airport and nearby residents. For example, a tavern was approved directly abutting rural/lifestyle properties. The City did not have the expectation that this portion of Jandakot Airport would be used as a tavern, and the City received almost no consultation on the issue.</p> <p>This often leaves local governments in a position of having to defend itself against land use decisions that were not its own when residents make complaints. The City’s Development Services team were completely unaware of the proposed tavern and were caught off-guard when the City started getting Elected Member questions and community enquiries from adjoining landowners who had been contacted as a result of a liquor licence proposal.</p> <p>The existing consultation framework could be improved by mandating certain engagement procedures for local governments, and perhaps a binding objection right for local government?</p> <p>For example, if a Local Government Area objects to a proposal or forms the view that a land use is contradictory to the masterplan, then determination by another independent body should be required as often occurs under the Western Australian State planning framework. Admittedly, this would be difficult to coordinate at a federal level as different states have different planning requirements. However, the Green Paper does acknowledge inconsistencies with state planning laws.</p> <p>The current Jandakot Airport Master Plan (JAMP) is consistent to the extent of state and local planning frameworks with respect to zoning compatibility and meeting the objectives of state planning policy for Activity Centres. However, it’s</p>

	<p>the approval process of implementing the non-aviation land uses and its consultation with local government that is lacking.</p> <p>This is discussed more in Question 15 below.</p>
14	<p>Are Community Aviation Consultation Groups (CACG) working for the community? What are good aspects, and what can be improved?</p> <p>Comment:</p> <p>The City has representation on the Jandakot Aviation Consultation Group (CACG) and from the City's experience the undertaking of their operation mainly focuses on noise related issues. There is little or no discussion on development proposals (they are only minuted later). This has been raised with the group.</p> <p>Improvement needs to be made within this area, with more transparent discussion around proposed development proposals being considered on the airport site, their potential off-site impacts and what consultation process is being provided for interested parties.</p> <p>The consultation process should be made clear for interested parties, particularly from a local government perspective as suggested above, about mandating certain engagement procedures for local government and have a binding objection right for local governments when it comes to the decision making for proposals.</p>

6.3 Land use planning on-site at airports	
Key Issues	
	<ul style="list-style-type: none"> • The land-use planning framework for the 22 LFA's, which is contained in the Airports Act, does not reflect modern land-use planning practice or equivalent state/territory requirements.
	<ul style="list-style-type: none"> • Ensuring airports are resilient to the effects of climate change is an increasing priority, as is evidence of planning to meet a new zero 2050.
	<ul style="list-style-type: none"> • Privatisation of Commonwealth airports means airport operators need to generate a commercial return. This can undermine the provision of aeronautical services at these airports, where users are unwilling to pay commercial rates.

#	Questions
15	<p data-bbox="260 271 1385 389">How could the Australian Government improve regulation to facilitate efficient planning and development while preventing environmental harm and protecting airports for aviation use?</p> <p data-bbox="260 434 422 465">Comment:</p> <p data-bbox="260 477 572 510"><u>Traffic and Transport:</u></p> <p data-bbox="260 521 1430 815">From the City's transport perspective is that with variation in planning schemes as is experienced between the State's Metropolitan Region Scheme to a local planning scheme versus the independence of an airport site is that planning for the transport movements to, from and around airport sites is increasingly challenging. This problem is exacerbated with airport land being utilised for non-airport/aviation uses which can often have significant trip demands associated to it.</p> <p data-bbox="260 860 1422 1070">The planning of the complex transport networks in and around these sites to both keep it and the adjacent district efficient and safe can be problematic. A shift to require airport sites to comply with planning frameworks would be beneficial. In the context of the Aviation Green Paper, this is increasingly important as these sites propose intensification of uses moving forward.</p> <p data-bbox="260 1115 387 1149"><u>General:</u></p> <p data-bbox="260 1160 1390 1323">An ongoing balance must be struck between the land uses of core aeronautical activities and non-aeronautical activities (i.e., business parks/industrial development) on airport land and how the planning of these can best minimise the impact on the surrounding community.</p> <p data-bbox="260 1368 1425 1579">It is understood that the non-aeronautical business on airport land provide an income stream which in turn supports the aeronautical activities. However, it's the planning of these non-aeronautical activities that have the most impact on the surrounding community in terms of amenity, and its planning is not nearly enough integrated with the local planning framework.</p> <p data-bbox="260 1624 1422 1917">There is a presumption that airport operators will give primacy to airport operations, however with the privatisation of airports, the balance seems to be tipping more towards the income that can be generated by non-aeronautical activities. This does not appear to be the case with Jandakot at this point in time, but given the difficulties associated with creating new airports, it is a situation the City is closely monitoring based on the experiences and feedback it has received from similar airports on the eastern seaboard.</p>

	<p><u>Jandakot Airport Master Plan (JAMP):</u> While the land in which the airport is located is owned by the Commonwealth Government and the airport subject to Commonwealth legislation, State and Local planning laws do not apply to airport sites. However, the JAMP where possible, describe proposals for land use planning and zoning in a format consistent with that used by the State and local government. This is as far as the consistency goes with local government planning.</p> <p><u>West Australian Planning Commission State Planning Policy 5.3 – Land use planning within the vicinity of Jandakot Airport (SPP 5.3)</u> SPP 5.3 primarily deals with aircraft noise and minimising its effects on the existing and future communities and protecting Jandakot Airport from encroachment by incompatible land uses. Its focus is solely on protecting the airport.</p> <p>There is a lack of planning integration of the Airport Master Planning process with that of the state and local planning framework. The non-aeronautical land uses contained within the Mixed Business Precincts for example, should have the same regulatory parameters imposed as do those assessed under the City of Cockburn’s Local Planning Scheme. Particularly for those land uses that require a separation buffer to sensitive land uses (i.e., residential dwelling(s)/uses).</p> <p>These also include the application to <i>State Planning Policy 4.1 Industrial Interface, State Planning 4.2 Activity Centres and State Planning Policy 5.4 Road and Rail Noise.</i></p> <p>Furthermore, for those land uses that require a buffer separation, the <i>Environmental Protection Authority (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses</i> should be applied to those relevant within the mixed business zone.</p>
16	<p>Is a monetary threshold still an appropriate mechanism for determining a ‘major airport development’ requiring an Major Development Plan (MDP)? What other significance tests could the Australian Government consider?</p> <p>Comment: It should be mandated within the Airport Master Plan planning process, that any land uses that require a buffer/separation distance to any sensitive land use or requires assessment under the relevant State Planning Policies listed above, that a Major Development Plan is required and/or compulsory advertising.</p>
17	<p>Do current master planning processes adequately account for climate risks and if not, how could they be improved?</p>

	<p>Comment:</p> <p>No, the current master planning process does not adequately account for climate risks, particularly at the local level. Environmentally sensitive sites surrounding the airport need to be better protected than cleared for development because an environmental offset has been granted in another municipality. This removes any local environmental benefit. Instead we are simply seeing traditionally heavily vegetated buffers rapidly transforming into large hardscaped industrial hubs.</p> <p>Furthermore, the environmental offsets also have a negative financial impact on the local authority in which they occur. The site(s) that the offsets are in, generally become sold from private ownership and subdivided off to be amalgamated with surrounding conservation reserves. This means the affected local government loses rate revenue, as what was once a privately owned land (which generated a yearly rate income), is transferred to Crown land which is not required to pay rates. This financial loss to the local government is in perpetuity. Nor is the local government compensated in any way for the loss of rate revenue.</p> <p>If environmental offsets are to occur, it should remain within the same local government as to where the clearing is being undertaken. Furthermore, if offsets result in a loss of rate revenue to the local government, appropriate compensation should be payable, held in reserve where monies can be only spent on environmental conservation.</p>
18	<p>Do the current master planning processes support all airport users, including general aviation?</p> <p>Comment:</p> <p>No, it doesn't. The City has been approached by eastern states airports that are seeing large sections previously dedicated to planes, that are being removed in favour of greater income generating commercial and industrial development.</p> <p>It is much more difficult to create new airports than business parks. Currently there is a reasonable balance at Jandakot Airport, but this could change very quickly due to the (understandable) commercial focus of the leaseholders.</p>
22	<p>What regulatory roles in particular do stakeholders see as critical for the Australian Government to lead to enable the advantages of new technologies while managing the risks?</p> <p>Comment:</p> <p>It is extremely important that information is communicated by the Australian Government to local government level.</p> <p>There is a need for more information on potential risks and likely mitigations that may be required in relation to new aviation technologies at a local government</p>

	<p>level. In the absence of good understanding across local government (Planning and Environmental Health), industries of the legislative frameworks for management of these emerging technologies, there is likely to be inconsistencies in the application of planning controls, potentially contributing to poor outcomes for applicants and the community.</p>
23	<p>How will priorities of government agencies need to evolve as the uptake of emerging aviation technologies continues?</p> <p>Comment: There needs to be a clear understanding of the role of each level of government in the planning and assessment of emerging aviation technologies, to ensure each level complements the others. A clearer delineation will ensure that there is no duplication of assessment and that, there is no missed opportunities to ensure appropriate land use planning mechanisms are implemented, ensuring aviation safety and community wellbeing.</p>

Should you wish to discuss any of the matters raised please contact the City's Strategic Planning Team on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]
[REDACTED]