

Assessment – [Airport name] Airport draft Master Plan
 Airports Act 1996 - sections 71(2), 71(4), 71(5) 71(6), 71(7), 71A, 72, 76(1), 79, 80(1), 80(2)

| Matters considered by the Airport-Lessee Company when developing their Master Plan | |
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| Acronyms | |
| AES | Airport Environment Strategy |
| Airservices | Airservices Australia |
| ANEF | Australian Noise Exposure Forecast |
| dMP | draft Master Plan |
| MDP | Major Development Plan |
| OLS | Obstacle Limitation Surface |
| PANS-OPS | Procedures for Air Navigation Services – Operations Surfaces |
| pdMP | preliminary draft Master Plan |
| the Act | Airports Act 1996 |
| the Department | the Department of Infrastructure, Transport, Regional Development and Communications |
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Airports Act 1996 - contents of draft or final master plan

71(2) In the case of an airport other than a joint-user airport, a draft or final master plan must specify:

(a) the airport-lessee company's development objectives for the airport; and

(b) the airport-lessee company's assessment of future needs of civil aviation users of the airport, and other users of the airport, for services and facilities relating to the airport; and

(c) the airport-lessee company's intentions for land use and related development of the airport site, where the uses and developments embrace airside, landside, surface access and land planning/zoning aspects; and

(d) an Australian Noise Exposure Forecast (in accordance with regulations, if any, made for the purpose of this paragraph) for the areas surrounding the airport; and

(da) flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and

(e) the airport-lessee company's plans, developed following consultations with airlines that use the airport and local government bodies in the vicinity of the airport, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and

(f) the airport-lessee company's assessment of environmental issues that might reasonably be expected to be associated with implementation of the plan; and

(g) the airport-lessee company's plans for dealing with the environmental issues mentioned in paragraph (f) (including plans for ameliorating or preventing environmental impacts); and

(ga) in relation to the initial period (see subsection (3A)) of the master plan – a plan for a ground transport system on the landside of the airport that details:

- i. a road network plan; and**
- ii. the facilities for moving people (employees, passengers and other airport users) and freight at the airport; and**
- iii. the linkages between those facilities, the road network and public transport system at the airport and the road network and public transport system outside the airport; and**
- iv. the arrangements for working with the State or local authorities or other bodies responsible for the road network and the public transport system; and**
- v. the capacity of the ground transport system at the airport to support operations and other activities at the airport; and**
- vi. the likely effect of the proposed developments in the master plan on the ground transport system and traffic flows at, and surrounding, the airport; and**

(gb) in relation to the initial period (see subsection (3A)) of the master plan – detailed information on the proposed developments in the master plan that are to be used for:

- i. commercial, community, office or retail purposes; or**
- ii. for any other purpose that is not related to airport services; and**

(gc) in relation to the initial period (see subsection (3A)) of the master plan – the likely effect of the proposed developments in the master plan on:

- i. employment levels at the airport; and**
- ii. the local and regional economy and community, including an analysis of how the proposed developments fit within the planning schemes for commercial and retail development in the area that is adjacent to the airport; and**

(h) in relation to the initial period (see subsection (3A)) of the master plan--an environment strategy that details:

- i. the airport-lessee company’s objectives for the environmental management of the airport; and**

Regulation 5.02B(2) of the Airports Regulations 1997 (the Regulations) states that in specifying its objectives for the airport under subparagraph 71(2)(h)(i) of the Act, an airport -lessee company, must address its policies and targets for:

- (a) continuous improvement in the environmental consequences of activities at the airport; and**
- (b) progressive reduction in extant pollution at the airport; and**
- (c) development and adoption of a comprehensive environmental management system for the airport that maintains consistency with relevant Australian and international standards; and**
- (d) identification, and conservation, by the airport-lessee company and other operators of undertakings at the airport, of objects and matters at the airport that have natural, indigenous or heritage value; and**
- (e) involvement of the local community and airport users in development of any future strategy; and**
- (f) dissemination of the strategy to sub-lessees, licensees, other airport users and the local community.**

- ii. the areas (if any) within the airport site which the airport-lessee company, in consultation with State and Federal conservation bodies, identifies as environmentally significant; and**

Regulation 5.02B(3) of the Regulations states that in specifying under subparagraph 71(2)(h)(ii) of the Act, the areas within the airport site it identifies as environmentally significant an airport-lessee company must address:

- (a) any relevant recommendation of the Australian Heritage Council; and**
- (b) any relevant recommendation of the Department of Environment regarding biota, habitat, heritage or similar matters; and**
- (c) any relevant recommendation of a body established in the State in which the airport is located, having responsibilities in relation to conservation of biota, habitat, heritage or similar matters.**

- iii. the sources of environmental impact associated with airport operations; and**

Regulation 5.02B(4) of the Regulations states that in specifying the sources of environmental impact under subparagraph 71(2)(h)(iii) of the Act, an airport-lessee company must address:

- (a) the quality of air at the airport site, and in so much of the regional airshed as is reasonably likely to be affected by airport activities; and**
- (b) water quality, including potentially affected groundwater, estuarine waters and marine waters; and**
- (c) soil quality, including that of land known to be already contaminated; and**
- (d) release, into the air, of substances that deplete stratospheric ozone; and**
- (e) generation, and handling, of hazardous waste and any other kind of waste; and**

- (f) usage of natural resources (whether renewable or non-renewable); and
- (g) usage of energy the production of which generates emissions of gases known as 'greenhouse gases'; and
- (h) generation of noise.

- iv. the studies, reviews and monitoring to be carried out by the airport-lessee company in connection with the environmental impact associated with airport operations; and

Regulation 5.02B(5) of the Regulations states that in specifying under subparagraph 71(2)(h)(iv) of the Act, the studies, reviews and monitoring that it plans to carry out, an airport-lessee company must address:

- (a) the matters mentioned in subregulation 5.02A(2) [any areas identified as sites of indigenous significance] and subregulation 5.02B(3) [any areas identified as environmentally significant] and 5.02B(4) [the sources of environmental impact]; and
- (b) the scope, identified by the airport-lessee company, for conservation of objects and matters at the airport that have natural, indigenous or heritage value; and
- (c) the approaches and measures identified by airport-lessee company as its preferred conservation approaches and measures; and
- (d) the professional qualifications that must be held by a person engaged in carrying out the monitoring; and
- (e) the proposed systems of testing, measuring and sampling to be carried out for possible, or suspected, pollution or excessive noise; and
- (f) the proposed frequency of routine reporting of monitoring results to the airport environment officer (if any) for the airport, or to the Secretary.

- v. the time frames for completion of those studies and reviews and for reporting on that monitoring; and

- vi. the specific measures to be carried out by the airport-lessee company for the purposes of preventing, controlling or reducing the environmental impact associated with airport operations; and

Regulation 5.02B(6) of the Regulations states that in specifying under subparagraph 71(2)(h)(vi) of the Act, the measures that it plans to carry out for the purposes of preventing, controlling or reducing environmental impact, an airport-lessee company must address:

- (a) the matters mentioned in sub-regulations 5.02B(2) to (4); and
- (b) the means by which it proposes to achieve the cooperation of other operators of undertakings at the airport in carrying out those plans.

- vii. the time frames for completion of those specific measures; and

- viii. details of the consultations undertaken in preparing the strategy (including the outcome of the consultations); and

- ix. Any other matters that are prescribed in the regulations; and

Regulation 5.02A(2) states the environment strategy must specify any areas within the airport site to which the strategy applies that the airport-lessee company for the airport has identified as being a site of indigenous significance, following consultation with:

- (a) any relevant indigenous communities and organisations; and**
- (b) any relevant Commonwealth or State body; and**

Regulation 5.02A(3) states the environment strategy must specify the airport lessee company's strategy for environmental management of areas of the airport site that are, or could be, used for a purpose that is not connected with airport operations; and

Regulation 5.02A(4) states the environment strategy must specify:

- (a) the training necessary for appropriate environment management by persons, or classes of persons, employed on the airport site by the airport-lessee company or by other major employers; and**
- (b) the training programs, of which the airport-lessee company is aware, that it considers would meet the training needs of a person mentioned in paragraph (a); and**

Regulation 5.02B(7) states an airport-lessee company, in specifying the company's strategy for environmental management under subregulation 5.02A(3), must address the matters in subregulations 5.02B(2) - (6).

(j) Such other matters (if any) as are specified in the regulations.

Paragraphs (a) and (h) do not, by implication, limit paragraph (j).

Regulation 5.02(1) following matters are specified:

- a) any change to the OLS or PANS-OPS surfaces that is likely to result, if development proceeds in accordance with the master plan;**
- b) for an area of an airport where a change of use of a kind described in subregulation 6.07(2) of the Airports (Environment Protection) Regulations 1997 is proposed:**
 - i. the contents of the report of any examination of the area carried out under regulation 6.09 of those Regulations; and**
 - ii. the airport-lessee company's plans for dealing with any soil pollution referred to in the report.**

71 (4) The regulations may provide that the objectives, assessments, proposals, forecasts and other matters covered by subsection (2) or (3) may relate to one or more of the following:

- (a) the whole of the planning period of the plan;**
- (b) one or more specified periods that are included in the planning period of the plan;**
- (c) subject to any specified conditions, a specified period that is no longer than the planning period of the plan.**

71 (5) The regulations may provide that, in specifying a particular objective, assessment, proposal, forecast or other matter covered by subsection (2) or (3), a draft or final master plan must address such things as are specified in the regulations.

Regulation 5.02(3) states a draft or final Master Plan must:

- a) address any obligation that has passed to the relevant airport-lessee company under subsection 22(2) of the Act or subsection 26(2) of the Transitional Act; and**
- b) address any interest to which the relevant airport lease is subject under subsection 22(3) of the Act or subsection 26(3) of the Transitional Act.**

71(6) In specifying a particular objective or proposal covered by paragraph (2)(a), (c), (ga), (gb) or (gc), a draft or final master plan must address:

- (a) the extent (if any) of consistency with planning schemes in force under a law of the State in which the airport is located; and

- (b) if the draft or final master plan is not consistent with those planning schemes – the justification for the inconsistencies.

71(7) Subsection (6) does not, by implication, limit subsection (5).

71(8) In developing plans referred to in paragraph (2)(e), an airport-lessee company must have regard to Australian Standard AS2021 – 2015 (“Acoustics – Aircraft noise intrusion – Building siting and construction”) as in force or existing at the time.

Draft or final master plan must identify proposed sensitive developments

71A(1) A draft or final master plan must identify any proposed sensitive development in the plan.

71A(2) A *sensitive development* is the development of, or a redevelopment that increases the capacity of, any of the following:

- (a) a residential dwelling;
- (b) a community care facility;
- (c) a pre-school;
- (d) a primary, secondary, tertiary or other educational institution;
- (e) a hospital.

71A(2A) A *sensitive development* does not include the following:

- (a) an aviation educational facility;
- (b) accommodation for students studying at an aviation educational facility at the airport;
- (c) a facility with the primary purpose of providing emergency medical treatment and which does not have in-patient facilities;
- (d) a facility with the primary purpose of providing in-house training to staff of an organisation conducting operations at the airport.

71A(3) In this section:

***aviation education facility* means any of the following:**

- (a) a flying training school;
- (b) an aircraft maintenance training school;
- (c) a facility that provides training in relation to air traffic control;
- (d) a facility that provides training for cabin crew;
- (e) any other facility with the primary purpose of providing training in relation to aviation related activities.

***Community care facility* includes the following:**

- (a) a facility that provides aged care within the meaning given by the *Aged Care Act 1997*
- (b) a retirement village within the meaning given by the *Social Security Act 1991*;

(c) a facility that provides respite care within the meaning given by the *Aged Care Act 1997*.

Planning period

72 A draft or final master plan must relate to a period of 20 years. This period is called the *planning period*.

New draft master plan to be submitted before expiry of old plan

76(1) If a final master plan (the original plan) is in force for an airport, the airport-lessee company must give the Minister, in writing, a draft master plan for the airport:

- (a) no later than:
 - i. in the case of Sydney (Kingsford Smith) Airport, Sydney West Airport, Melbourne (Tullamarine) Airport, Brisbane Airport or Perth Airport—5 years after the original plan came into force; or
 - ii. in the case of any other airport—8 years after the original plan came into force; or
- (b) within a longer period that the Minister specifies in a written notice to the airport-lessee company.

The planning period for the draft master plan must begin immediately after the expiry of the original plan

Public comment and advice to State etc.

79(1A) Before giving the Minister a draft master plan for an airport under section 75, 76 or 78, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft master plan:

- (a) the Minister, of the State in which the airport is situated, with responsibility for town planning or use of land;

- (b) the authority of that State with responsibility for town planning or use of land;

- (c) each local government body with responsibility for an area surrounding the airport.

79(1B) The draft plan submitted to the Minister must be accompanied by:

- (a) a copy of the advice given under section (1A); and

- (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

79(1) After giving the advice under subsection (1A), but before giving the Minister the draft master plan, the company must also:

- (a) cause to be published in a newspaper circulating generally in the State in which the airport is situated, and on the airport's website, a notice:
 - (i) stating that the company has prepared a preliminary version of the draft plan; and
 - (ii) stating that copies of the preliminary version will be available for inspection and purchase by members of the public during normal office hours throughout the period of 60 business days after the publication of the notice; and

- (iii) specifying the place or places where the copies will be available for inspection and purchase; and
- (iiia) in the case of a notice published in a newspaper—stating that copies of the preliminary version will be available free of charge to members of the public on the airport’s website throughout the period of 60 business days after the publication of the notice; and
- (iiib) in the case of a notice published in a newspaper—specifying the address of the airport’s website; and
- (iv) in any case—inviting members of the public to give written comments about the preliminary version to the company within 60 business days after the publication of the notice; and

(b) make copies of the preliminary version available for inspection and purchase by members of the public in accordance with the notice; and

(c) make copies of the preliminary version available free of charge to members of the public on the airport’s website:

- i. in a readily accessible format that is acceptable to the Minister; and
- ii. in accordance with the notice.

79(2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:

(a) copies of those comments; and

(b) a written certificate signed on behalf of the company:

- i. listing the names of those members of the public; and
- ii. summarising those comments; and
- iii. demonstrating that the company has had due regard to those comments in preparing the draft plan; and
- iv. setting out such other information (if any) about those comments as is specified in the regulations.

79(3) Subsection (2) does not, by implication, limit the matters to which the company may have regard.

Consultations

80(1) This section applies if:

(a) an airport-lessee company gives the Minister a draft master plan under section 75, 76 or 78; and

(b) Before the publication under section 79 of a notice about the plan, the company consulted (other than by giving an advice under subsection 79(1A)) a person covered by any of the following paragraphs:

- i. a State government;
- ii. an authority of a State;
- iii. a local government body;
- iv. an airline or other user of the airport concerned;
- v. any other person.

80(2) The draft plan submitted to the Minister must be accompanied by a written statement signed on behalf of the company:

- (a) listing the names of the persons consulted; and**
- (b) summarising the views expressed by the persons consulted.**

Assessment – [Airport name] Airport draft Master Plan
Airports Act 1996 - sections 81(2), 81(3), 81(4), 81(5)

Matters to be considered by the Minister when deciding whether to approve the Master Plan**Acronyms**

| | |
|------------------------|--|
| Airservices | Airservices Australia |
| ANEF | Australian Noise Exposure Forecast |
| CASA | Civil Aviation Safety Authority |
| dMP | draft Master Plan |
| pdMP | preliminary draft Master Plan |
| the Act | <i>Airports Act 1996</i> |
| the Department | the Department of Infrastructure, Transport, Regional Development and Communications |
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Airports Act 1996 - approval of draft by Minister

81(2) The Minister must:

- (a) Approve the plan; or**
- (b) Refuse to approve the plan.**

81(3)(a) In deciding whether to approve the plan, the Minister must have regard to the following matters:

(aa) the extent to which the plan achieves the purposes of a final master plan (see subsection 70(2));

(a) the extent to which carrying out the plan would meet present and future requirements of civil aviation users of the airport, and other users of the airport, for services and facilities relating to the airport concerned;

(b) the effect that carrying out the plan would be likely to have on use of land:

- i. within the airport site concerned; and**
- ii. in areas surrounding the airport.**

(c) the consultations undertaken in preparing the plan (including the outcome of the consultations);

(d) the views of the Civil Aviation Safety Authority and Airservices Australia, in so far as they relate to safety aspects and operational aspects of the plan.

81(4) Subsection (3) does not, by implication, limit the matters to which the Minister may have regard.

81(5) If the Minister neither approves, nor refuses to approve, the plan before the end of:

- (a) The period of 50 business days after the day on which the Minister received the draft plan; or**
 - (b) A longer period (of no more than an extra 10 business days) that the Minister specifies in a written notice to the airport-lessee company;**
- the Minister is taken, at the end of that period, to have approved the plan under subsection (2).**