

Response to  
Canberra Airport Master Plan  
Preliminary Draft of February 2009

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8 May 2009

Canberra Airport  
2 Brindabella Circuit  
Brindabella Business Park ACT 2609

Attention: Ms Kathy Aves  
Email: info@canberraairport.com.au

Dear Ms Aves

**Re: Canberra Airport Master Plan - Preliminary Draft – February 2009**

I refer to the Canberra Airport Master Plan (*CAMP2009*) as published by the Canberra Airport Group as part of meeting the requirements of the *Airports Act* and the subsequent public consultation of which this is a response.

Principally the *CAMP2009* has been developed to meet the following objectives as required by the *Airports Act*.

1. Ensure the Airport is operated and developed in a safe, comfortable, secure and environmentally sustainable manner;
2. Develop Canberra Airport as a multi-modal transport hub for passenger and freight connections;
3. Develop a culture of excellence based on customer service and quality;
4. Ensure that the design of the Airport reflects its role as a gateway to the National Capital;
5. Maximise the economic growth of the Airport and the surrounding Region;
6. Provide a business environment that allows the Airport and its associated businesses to reach their potential;
7. Being in a position to meet the needs of Sydney Airport users, including overflow domestic and international passenger and freight services;
8. Develop non-aeronautical land to support future aeronautical infrastructure development;
9. Adopt best available technology to improve all-weather utilisation of the Airport;
10. Respond to the needs of the community; and
11. Be open and accountable.

After consideration and review, The Preliminary Draft of February 2009 is rejected due to the following:

- a) It is believed the plan fails to adequately address the majority of the objectives and in doing so does not meet the requirements of the *Airport Act* ;
- b) Is propositioned around unsubstantiated claims in respect to Aircraft Noise;
- c) The Canberra Airport Master Plan is in conflict with the Aviation Green Paper as published by the Federal Government in December 2008;
- d) Has been developed and submitted prior to outcomes of the EPBC Act submission that was released on 5 May 2009 (three days prior to closing of the consultation on the *CAMP2009*); and

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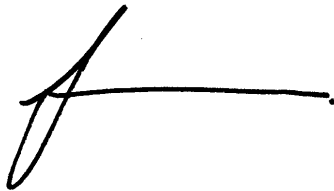
- e) The Canberra Airport Master Plan contains numerous conflicts of facts, unsubstantiated statements and assumptions. Consequently its value and purpose is questioned.

The Canberra Airport Master Plan-Preliminary Draft February 2009 should be:

- Withdrawn immediately until it adequately addresses the concerns of the community;
- Immediately withdraw the notion of and continuance of the High Noise Corridor; and
- Institute noise abatement / flight curfew for all air operations between the hours of 2300 and 0600.

I thank you for the opportunity to comment as part of the public consultation and look forward to a favourable and compliant response.

Regards  
Yours Sincerely



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Cr Tim Overall, Mayor Queanbeyan City Council  
Cr Ian Marjason, Mayor Palerang Council

## Introduction

The Canberra Airport Master Plan-Preliminary Draft February 2009 fails to provide a substantiated case for its expansionist framework. The Master Plan in whole is predicated around assumptions, such as the hypothesis of a doubtful business study (reference Review of Canberra Airport Preliminary Draft Master Plan and the 'High Noise Corridor' Concept: Access Economics 20 March 2009), dubious environmental claims (aircraft noise) and incoherence of assumptions and facts.

The following report details the concerns as revealed through the review of the Canberra Airport Master Plan Preliminary Draft 2009

It is apparent from the attached review, that the *CAMP2009* is based on assumptions, and unsubstantiated claims presented as fact and will have long term effects on the community without due diligence or representations for **all** members of the community. The self imposed controls of the airport as proposed are to benefit the commercial interests of the Airport and will significantly affect residents contained within the airport's self imposed High Noise Corridor (HNC).

The residents of the High Noise Corridor which are in excess of 2000 **deserve the same protection and respite as the remainder of the community**. The imposition of a High Noise Corridor will;

- **Directly affect the health of those residents;**
- **Proposes a restriction on the functionality of the NSW Government, both State and Local;**
- **Compromises all Development Approvals to date as issued under the NSW Environmental Planning and Assessment Act 1979;**
- **Will significantly affect the value of all investments within the areas bound and beyond the HNC;**
- **By its expansion the airport will be complicit in increasing and concentrating pollution from its activities onto an unwilling population within the HNC;**
- **Infringes on the Common Law Rights of freehold landholders in NSW in having planes fly as low as 400 - 500m above residential property some 28 km from the airport;**
- **The possibility of allowing flights below the ILS of the airport (in reviewing the 3 degree approach and the extent of the HNC and compensating for topography, planes continue to fly excessively low to the detriment of landholders and residents that have not been consulted; and**
- **As demonstrated, the *CAMP2009* is proposed on assumptions and inaccuracies contained within a Master Plan that has been prepared during a Green paper and prior to a White paper on the Aviation industry that will directly seek to control its activities, and has been prepared in the absence of real and transparent environmental data (noting the EPBC Act has been submitted following the *CAMP2009*)**

Underlying to the majority of the Canberra Airport Master Plan is the issue of aircraft noise and any impositions that it may create on the operations of the airport. The CAMP and the airport is very defensive of the need to maintain a High Noise Corridor as a way to avoid the impact to the community of the incredulous growth as "foreseen" by the Canberra Airport Group.

As the basis of the High Noise Corridor is **not valid** and the only **fair option** being the **reintroduction of noise sharing**, then the impact of noise and aircraft pollution onto the

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whole region community would need to be revealed and developed further. The *CAMP2009* does not adequately consider this, only concentrating its justifications and concentrating its noise and particulate pollution on an existing community. As the HNC is not valid, then the *CAMP2009* is not substantiated.

In the numerous attempts to protect the HNC the *CAMP2009* threatens the options as unacceptable for the majority of Canberra and Queanbeyan (whereas the inverse opinion to that is that the Canberra Airport Group is of the opinion that it is acceptable to the people that it affects).

The CAMP goes so far as to state (Ref Chapter 14) that to "*allow residential development under current and future flight paths ... a very real possibility that these flight paths (will need to) be dispersed over much of Canberra and Queanbeyan – that is, noise sharing.*"

Further to the above statement, the *CAMP2009* states (ref 6.5.2) that "*140,000 houses located in Canberra and Queanbeyan only 600 are located in the High Noise Corridor*".

The *CAMP2009*, in part says that the HNC is residential free and needs to remain so, then in another part admits that people do live there!

As demonstrated through this response, **Residential Development in NSW does exist under the flight paths, therefore through the very admission of the *CAMP2009* and the proposition, this advocates that Noise Sharing is the only alternative. That being the case as advised by the Airport, the High Noise Corridor is not substantiated and should be abolished immediately.**

**Detailed Response to the Canberra  
Airport Master Plan - Preliminary Draft –  
February 2009**

## **A: Requirements of the Airport Act**

***It is believed the plan fails to adequately address the majority of the objectives and in doing so does not meet the requirements of the Airport Act.***

The *CAMP 2009* does not adequately address:

*Objective 2: Develop Canberra Airport as a multi-modal transport hub for passenger and freight connections.*

*The integration of a number of passenger and freight modes of transport into a single location in Canberra offers significant opportunities. The concentration of road, rail and air services in one location offers a unique ability to seamlessly transfer between transport modes.*

*The provision of a new, substantially larger, multi-level terminal with international capabilities and multi-modal linkages (including freight facilities) is a key objective of the Master Plan as a logical and long-term strategy to further enhance the Airport's transport hub concept.*

*The new Airport terminal building has been designed to reflect Canberra Airport's role as a regional and national gateway and will reflect design concepts used by national institutions elsewhere in Canberra.*

The *CAMP2009* states that "*Canberra Airport also commits in this Master Plan to seek a complete prohibition of aircraft overflight of the Noise Abatement Areas at night, except where operationally required. This will extend to all operators the terms already agreed to by existing night freight and other operators to provide respite to residents of Canberra and Queanbeyan at night. Canberra Airport will not allow significant night freight operations to commence from Canberra Airport without this protection, either in the form of a Night Noise Agreement (as exists currently) with the individual airfreight operator or in the form of a broader restriction of overflight of the Noise Abatement Areas.*"

What the *CAMP2009* is attempting to do is position itself as a good citizen by only allowing night flights in the High Noise Corridor! As demonstrated further in Section B of this response, the concept of the High Noise Corridor is not valid on the admission of the Canberra Airport (the *CAMP2009* refers that the basis of the High Noise Corridor is to **remain residential free** otherwise it **would not be valid** and noise sharing would be required....then later admits that at least 600 houses exist in the High Noise Corridor in Jerrabomberra alone, notwithstanding the omission of all the residents in Fernleigh Park, Little Burra and Royalla). On this basis if there is no specific noise abatement which would be the outcome, then ability to provide 24 hours operations is not possible, hence proposal for a freight hub is not substantiated on this alone.

*Objective 7: Being in a position to meet the needs of Sydney Airport users, including overflow domestic and international passenger and freight services.*

*Given the curfew imposed on Sydney Airport, the 80 movements per hour cap, restrictions on aircraft parking, and rapidly increasing demand for flights, Canberra Airport is expected to play an important longer-term role in meeting the overflow aviation needs of the Sydney region. By providing easy access, excellent infrastructure and competitive pricing, Canberra Airport expects to*

*attract passenger and freight operations from Sydney. This is likely to include a 24-hour domestic and international freight operation and overflow passenger services.*

This proposition is based on being able to provide 24 hour operation and the lack of a curfew being in place in Canberra.

Canberra Airport is located in mainly an urbanised environment with only one significantly free approach being from the North North East.

**Canberra Airport should provide the same protection of amenity offered to Sydney for the same reasons.** The pretence as proposed within the *CAMP2009* are invalid and not consistent with the objectives as proposed within the Aviation Green Paper, that is to consider the Community needs. The promotion of this objective by the Canberra Airport Group is based on adjectives such as "likely" and "expects to" and are desires of the Canberra Airport Group that are not founded in facts but is hopeful of an outcome that has not been consulted adequately with the community that it would have the greatest impact to.

To support the Canberra Airport Group's ambitions for the Canberra Airport the absence of a curfew or noise abatement is seen as advantageous to their operations and not to the benefit of the community. The *CAMP2009* attempts to install confidence in their plans by attempting to address the needs of the community by advocating the need for the High Noise Corridor as a means to mitigate the operations and affects of 24 hour operation onto the community.

The *CAMP 2009* goes so far as stating that if the High Noise Corridor is not supported then Noise Sharing will be the outcome for the community at whole 24/7. The juxtaposition of not having 24 hour operation or not having the imposition of aircraft noise throughout the night is not even considered.

The issue of Aircraft Noise and the management of such are critical in the establishment of the Canberra Airport Master Plan and is discussed and further elaborated in Section B of this reponse.

*Objective 8: Develop non-aeronautical land to support future aeronautical infrastructure development:*

*Increasingly, businesses are recognising the role of airports as economic drivers for their region and are demanding a presence on or near major airports. Commercial development in response to this demand and the alternative revenue streams (i.e. independent of airlines) it delivers has enabled the Airport to fund major aviation infrastructure developments such as runway and terminal upgrades. Commercial land will be put to productive use where commercially possible, considering surrounding land uses and transport linkages, by incorporating a wide range of activities, including office and retail.*

The *CAMP 2009* proposes a position that "Commercial land will be put to productive use where commercially possible, considering surrounding land uses and transport linkages, by incorporating a wide range of activities, including office and retail."

The current developments and the projected objectives of land use around the airport are being proposed for the benefit of the airport yet this is based on a falsehood that the current developments are to the benefit of the community.

Developments so far have been inconsistent with ACT Planning and have been developed to the needs of the Canberra Airport Group without recognising the economic need, the lack of public transport or any consistency with the Master Planning of ACT's Commercial Centres.

Chapter Ten of the *CAMP2009* details the propositions the planning principles of the Canberra Airport Group outline as a fact for their planning decisions. The Master Plan attempts to direct a belief that the development of the Airport into a place "*incorporating a wide range of activities, including office and retail*" is an outcome consistent with the visions of Canberra's early planners. The Master Plan states that "*Canberra's early planners located the airport close to the city centre and parliamentary triangle and away from residential areas, giving the airport...scope for long term sustainability*". The *CAMP2009* states that such growth and expansion at the airport is critical to its long term growth.

The perceived alignment to Canberra planning is an attempt to legitimise its development ambitions as consistent to existing community plans. It is a long established fact that the Canberra Planning never envisioned any commercialisation at the airport. Canberra through successive planning regimes prior and since self government have supported the concept of town centres for commercial and business activities and generally the populations dependant on that economic base residing around those centres. This commenced with the City Centre, expanding to Woden Town Centre, Belconnen and then Tuggeranong. Development to date has been an extension and interpretation of the original Griffin Plan.

The recent expansion of a business park and retail centre at the Canberra Airport highlight the consequence of a significant unplanned growth in an area that never had the supporting infrastructure of roads or an accessible population. This resulted in significant traffic problems for many years until a massive capital injection was required by the ACT Government to support the airport in a major road upgrade. This cost was borne in part by the ACT tax payers who were required to compensate an activity that was against the Capital Plan as paid and supported by the very community the airport proposes it represents.

The continuation of unchecked growth at the airport comes at significant cost to the ACT community by removing the provision of those buildings in the existing town centres where the previous good planning built infrastructure to support it.

The continuation of the rapid and expansive growth of the airport into realms that exceed the original intent of the sale of the Commonwealth asset, further degrades the small revenue base of the ACT Government as land costs, betterment taxes and the like that would normally result from the construction at ACT Town Centres, but is now being undertaken at the airport, deprives the ACT of vital revenue. This becomes a loss to the very community that the airport portrays within their *CAMP2009* as representing.

The continuance of the Commonwealth supporting the inconsistent growth at the Airport outside the control of the ACT Community and at a substantial loss of revenue to the community should be considered as inconsistent with Objective 10 whilst serving the needs of Objective 9.

Furthermore, the *CAMP2009* quotes "the Canberra Plan – Towards our Second Century (2008) ref section 4.2.1 as a way to legitimise its planning. The reference by the *CAMP2009* to this is questioned as the ACT Government document does not actually say what is contained within the CAMP other than saying that future priorities should include planning for the Canberra International Airport! The Canberra Plan is actually silent on supporting any expanded commercial activity at the airport.

Section 4.1 and 4.2 simply highlight that the Canberra Airport operates autonomous to any central ACT planning control.

*Objective 10: Respond to the needs of the community:  
The community has an ongoing expectation that Canberra Airport meets local demand for additional flights, as well as a reasonable expectation that Airport growth will not adversely impact on its residential amenity via increased levels of aircraft noise. Canberra Airport will grow the Airport in response to community and business needs, while continuing to strongly oppose inappropriate residential development under flight paths. Canberra Airport also commits to investigating further noise respite measures for existing residents of the region.*

Through this objective the *CAMP 2009* seeks to expand its function whilst not adversely affecting residential amenity via increasing levels of aircraft noise.

The Canberra Airport Group attempts to nullify community concerns through a series of unsubstantiated claims and doubtful data through its proposals on Aircraft Noise (section 14).

Section C of this response expands in detail the concerns of Aircraft Noise as promulgated by the *CAMP2009*.

*Objective 11: Be open and accountable:  
Canberra Airport has always been open with its stakeholders, including the broader regional community, as to current and future planned developments at Canberra Airport. Canberra Airport commits to remaining open and accountable to the community, and it is intended that this, and all future Master Plans, underpin this commitment.*

The *CAMP 2009* extols such values as being open with all stakeholders "including the broader regional community, as to current and future planned developments at Canberra Airport", in order to be "open and accountable"

The Canberra Airport Group has not addressed the needs of the regional community, either through this consultation or in its current operations through its view of managing aircraft noise.

Repeatedly through the *CAMP2009*, references are made to past activities of consultation, actively representing the community interests, all whilst having to serve the goal of the airport.

The Canberra Airport has and continues to marginalise and represent selective views of the community under the guise of being fair and accountable.

Consultation has only occurred where the outcome would be to the benefit of the Canberra Airport Group and its commercial aspirations. To date consultation has only been when it is aware that general concern may be to the detriment of its ambitions. There has been no consultation with regard to its expansion activities as explained within Objective 9.

Consultation with the affects of aircraft noise have been limited and selective as there is genuine concern that the community will object, as it has in response to the expansion. The Canberra Airport Group refers to consultation with Queanbeyan City Council and Jerrabomberra, however it fails to mention any consultation with residents outside these communities and councils that are also affected by the implications of the airport imposed High Noise Corridor, namely residents of Royalla, Little Burra, Mount Campbell and Fernleigh Park to name a few, nor has there been any mention of consultations with Palerang Council.

These areas are directly impacted by the High Noise Corridor and are therefore conveniently omitted within the *CAMP2009*, therefore again falsifying the Objective through yet an attempt to win over the population as a whole through the pretence of "doing the right thing by the community".

## **B: Aircraft Noise**

The Canberra Airport Master Plan – Preliminary Draft 2009 is weighted heavily and underpinned with its case for the High Noise Corridor as a means to protect its expansionist objectives.

The case as put forward within Chapter Fourteen of the *CAMP2009*, goes so far as to position itself with ultimatums, and proposition that the High Noise Corridor should continue at the sufferance of a few to protect the amenity of the majority.

Chapter Fourteen highlights an example of the Master Plans inconsistency and falsehood. Examples of some questionable statements are:

*"flight paths to the north and south of the Airport were maintained free from residential development"*

This is not correct as ABS Census information confirms that upward of 2000 people live in the area as defined in the High Noise Corridor (South) such as in Fernleigh Park, Mount Campbell, Little Burra and Royalla.

Further to the initial statement within the *CAMP2009* stating the areas within the flight paths free from residential development, the *CAMP2009* advises (6.5.2);

*"140,000 houses located in Canberra and Queanbeyan, only 600 are located in the High Noise Corridor and less than 800 houses have any meaningful exposure to aircraft noise"*

**The *CAMP2009* cannot decide if the High Noise Corridor is Residential free, has 600 houses and exposes 800 houses? Again, this demonstrates the inadequacy of the data being presented falsely as fact!**

*"complaints from future Tralee and Environa residents will mean that the aircraft noise protection offered to residents in Canberra and Queanbeyan will be at risk"*

The *CAMP2009* only proposes a position that Tralee and Environa if approved would place the HNC at risk, however the *CAMP2009* is totally silent on the fact that residential development exists beyond this area in Fernleigh Park, Mount Campbell, Little Burra and Royalla.

*"residential development in the High Noise Corridor should not be approved."*

The *CAMP2009* fails to recognise that the NSW Government has approved long before the establishment of a HNC and continues to approve under the NSW Environmental Planning and Assessment Act 1979 residential development in these areas.

Canberra Airport makes numerous references justifying the current provision and expansion of the High Noise Corridor that the area must remain residential free. It states that the HNC exists in an area that is largely free of residential development, however the report then acknowledges that some 600 houses alone exist within the HNC in Jerrabomberra, although the *CAMP* confuses the issue stating that 800 houses are affected by aircraft noise (ref 6.5.2)

There is no mention or recognition that according to ABS Census, the areas encapsulated within Royalla, Burra, and Googong, possibly including residential developments such as Mount Campbell and Fernleigh also reside within the so called HNC and amount to another 1600 + population base (ABS Census 2006 – anecdotal evidence could suggest that these numbers would actually now be higher).

The Plan propositions that the High Noise Corridor protects the interests of 99.5% of the population, although **it does not explain the basis of this percentage and what is defined as the region that it represents**. This statement in itself is not acceptable for the remaining population irrespective of what that percentage maybe.

It is totally unacceptable for a private entity to project its pollution on 1 household let alone on thousands that may reside outside the ACT borders.

The juxtaposition and proposition that the HNC is not affecting residents is a far from accurate portrayal and is one clouded in a selective snapshot.

Furthermore, the *CAMP2009* comments that the HNC was established following community consultation. Polling of the affected residents in the areas described above will reveal testimonials that there has never been any consultation with these disenfranchised people. This statement again dispels the Objective of the Canberra Airport Group about being open and accountable to the Community, Objective 10!

The Canberra Airport's position on noise extends itself to impose a restriction on NSW residential developments. The plan only focuses on the plans of Tralee, however totally ignores the fact that hundreds if not more Residential Approvals existed prior to the sale of the airport and continue to be approved by the NSW Government through the Local Councils of Palerang and Queanbeyan.

The airport in allowing or advocating low flying aircraft over houses from Royalla to Fernleigh Park is an act of pollution, be it noise or particulate on these residents that was not part of the DA that has been granted nor would have been considered as part of the Environmental Impact Statement that would have been undertaken in the developments. This could imply that the Canberra Airport's operations are complicit to pollution that was not considered within the responsibilities of the NSW Environmental Planning and Assessment Act 1979 and place themselves and the NSW Government in breach of the determinations of all Development Approvals as issued within the concerned areas.

Canberra Airport has published the following on their website:

*Canberra Airport has been advised by Airservices Australia that **if residential development under the Airport's flight paths is allowed** to proceed, noise sharing may be a highly likely outcome. Noise sharing would involve the high levels of aircraft noise, which are **currently concentrated over mainly rural areas**, being spread widely across Canberra and Queanbeyan. The implementation by Commonwealth, State and Territory planning authorities of the High Noise Corridor **would prevent such residential development from gaining approval and prevent the real possibility of noise sharing**. Canberra Airport has been advised by Airservices Australia that **if residential development under the Airport's flight paths is allowed** to proceed, noise sharing may be a highly likely outcome. Noise sharing would involve the high levels of aircraft noise, which are currently concentrated over mainly rural areas, being spread widely across Canberra and Queanbeyan. The implementation by Commonwealth, State and Territory planning authorities of the High Noise Corridor would **prevent such residential development** from gaining approval and prevent the real possibility of noise sharing.*

Section 6.5.2 the *CAMP2009* states "140,000 houses located in Canberra and Queanbeyan, only **600 are located in the High Noise Corridor** and less than 800 houses have any meaningful exposure to aircraft noise"

**Houses do exist under flight paths**, as confirmed by the CAMP as well as ABS Census.

Again, this demonstrates the inaccuracy and inconsistency of the Canberra Airport's position as well as the dictating to another State and Local Government what they can and cannot do.

- **The HNC is currently located over rural residential areas.**
- **Residential development is already approved and existed both prior and since the imposition of the HNC.**
- **In accordance with the demonstration and proof of the existence of residential development, by the Airport's own admission, the HNC should be abandoned and Noise Sharing for the whole community be instigated.**

The proposals in the Master Plan are predicated on Australian Noise Exposure Forecasts (ANEF's) that are lacking detail, transparency and substance to the community. The proposed (and existing) High Noise Corridor is flawed in its lack of detail and especially lack of community consultation to those directly affected. There is some conjecture as to the validity of the ANEF in the first place and the detail of what the plans were based on.

The Masterplan continues to contain **conflicting information** about the basis of the High Noise Corridor. The Canberra Airport Group describes the High Noise Corridor as;

"Bounded by the Canberra and Queanbeyan Noise Abatement Areas, the High Noise Corridor extends north-south along the approach and departure flight paths of the main runway (Runway 17/35) to a distance of 8nm (**14.8km**) from the Airport. It also extends approximately 4nm (**7.4km**) to the east to protect the flight paths of turboprop aircraft on arrival to Runway 30."

All maps as depicted within the *CAMP2009* clearly illustrate the **High Noise Corridor extends up to 30 km south of the Airport.**

The Canberra Airport maintains that the ANEF is a sound instrument for planning, without recognition that the Commonwealth is cautious of its applications (The 1995 Senate Select Committee on Aircraft Noise in Sydney identified many deficiencies in the way in which aircraft noise information had been conveyed to the public through the reliance on the Australian Noise Exposure Forecast (ANEF) System).

The ANEF has been established with the **minimum of Noise Monitoring Stations** and at selective areas. To allow for a meaningful basis of the Noise Impacts, **further Noise Monitoring** is required within all areas of the Noise Corridor.

It is not apparent that the ANEF recognises the **diversity of the local topography** of the noise corridor. The ANEF used may cite that the altitude of over flights is appropriately high as demonstrated through Webtrack (approximately 1400m AMSL (average mean sea level), whereas this **fails to account for the topography** of residences that reside directly under those flight paths with their location being up to 990m, ie only 400 odd metres being the distance between residences and the planes flying over.

**The datum of the airport, the airport's reported flight altitude and the directly affected topography may be overlooked by the Master Plan.**

Furthermore, the Master Plan as published by the Airport and its propositions that the High Noise Corridor exist is based on their own understanding. The corridor was **imposed without consultation**, either to the existing residents nor to the NSW Government that approved all Development Approvals. The lack of transparency and the vague attempts of the Airport in imposing their own management has compromised and disenfranchised those

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people that legitimately purchased residential land in these areas. **Unknowningly these land owners rights have been circumvented by the Canberra Airport.**

This notion of implied rights by the Canberra Airport, especially considering the relationship of the overflights with the topography, planes flying at some 400 - 500 metres above freehold title could be seen as an infringement of common law and the landowner's right to use and enjoy property. Such judiciary views can be traced back to the legal maxim of Cujus Est Solum ejus est usque ad coelum et ad inferos. This maxim as founded within the Common Law contemplates that the landowner owns the land surface above and below (nee Airspace).

It is a severe infringement on the rights of freehold landholders to introduce such low flights (400 – 500m) over private freehold property without consultation, and without consideration within NSW State Approved Development Approvals and compromises the rights of amenity with respect to noise or particulate pollution.

**Noise controls that the Canberra Airport extols as important to the community of Canberra and Queanbeyan are equally applicable to the residents located in the current High Noise Corridor.**

**The protection of after hours noise intrusion as provided by a curfew for residents affected by Sydney Airport is equally valid for the residents affected by the Canberra Airport.**

## **C: Aviation Green Paper Conflict**

*The Canberra Airport Master Plan is in conflict with the Aviation Green Paper as published by the Federal Government in December 2008.*

### **Response:**

The Australian Government released a National Aviation Policy Green Paper in December 2008.

The Green Paper recognised the many concerns that the growth of the Australian Aviation Industry will impose on the community. The Green Paper seeks to clarify and establish a framework to monitor and manage the growth of local airports and their affect to surrounding communities.

The Aviation Green Paper is an important step in the development of a comprehensive national aviation policy, the Aviation White Paper. The process began with the release of an Issues Paper in April 2008 and is proposed to be completed with the release of the White Paper in the latter half of 2009.

The Canberra Airport Master Plan Preliminary Draft was subsequently released in February 2009 following the publication of the concerns expressed within the Aviation Green Paper, which closed for public comment in late February 2009.

The Canberra Airport Group releasing an Airport Master Plan essentially after the areas of executive and hence community concerns were publicised within the Green Paper could be viewed as an attempt to circumvent any improvements or restrictions that may be the eventual outcome of such a Green Paper.

The misalignment of these processes may result in the Canberra Airport Master Plan Preliminary Draft February 2009 circumventing the rights of the local community, which must be considered, as stipulated within the Green Paper. The Master Plan as proposed could fail to meet the basic objectives and principles of the Green Paper.

The Aviation Policy Green Paper was published in December 2008. The Canberra Airport Master Plan (Preliminary Draft) was published in February 2009. This Master Plan cannot consider any improvements that may be the outcome of the Green Paper and may be to the detriment of the community.

I draw particular reference to a number of important issues as expressed within the Aviation Policy Green Paper-December 2008 that could be in direct conflict with those as advocated within the Canberra Airport Master Plan Preliminary Draft February 2009.

The principle areas of concern or possible conflict are associated with the clearly stated objectives of the Green Paper to:

- **Promote** a proper dialogue between airports and the communities around them on issues such as the impact of aircraft noise;
- Consideration and assessment of **Aircraft Noise** on the Community;

As demonstrated within this response, there has been a failure to adequately address the impact of aircraft noise, either through consultation with ALL communities and the provision of clear data around aircraft noise.

## **D: Environmental**

*Has been developed and submitted prior to outcomes of the EPBC Act submission that was released on 5 May 2009 (three days prior to closing of the consultation on the CAMP2009)*

Section 15 of the *CAMP2009* describes the Environmental Management for the impact of the Airport.

This expansion of the airport's management has been centred solely on the direct impacts to the land upon which the Airport development is situated.

The *CAMP2009*, does **not** refer to any environmental impact studies of the operations of the airport, such as to land and its occupation within the current imposed High Noise Corridor. Aside from Noise Pollution, as discussed in detail in Section B of this report, the *CAMP2009* does not reference the affect of operating what it forecasts increasing concentration of aircraft at unacceptable heights above residential properties that are located within the High Noise Corridor.

As demonstrated throughout this report, there are upward of 3000 persons within the High Noise Corridor, with the majority of those inhabitants sourcing their water supply from harvested rainwater.

Within Section 15.4.7 of the *CAMP2009*, **Soil and Water Quality** the admission as follows is stated:

*"There is the potential that Airport operations may impact upon soil and water quality"*

The Canberra Airport fails to undertake a review of such an impact.

Furthermore, as part of its due diligence, the Canberra Airport Group is required to undertake a submission under Section 93 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Under Section 15.5, the *CAMP2009* states:

*"Canberra Airport has submitted a referral to the Department of Environment, Water, Heritage and the Arts for all works that may impact on the environment"*

The *CAMP2009* lists what they intend to include in their study, none of which includes areas impacted outside the airport.

As recorded on the Canberra Airport Website, the Canberra Airport Group made the submission available to the public from 5 May 2009 until 1 June 2009. Public submission on the *CAMP2009* closed on 8 May 2009.

**The statement by the Canberra Airport Group within the *CAMP2009* is incorrect as it had not made the submission at the time of publication of the Master Plan of 10 February 2009.**

**Furthermore, the publishing of the EPBC submission effectively after the close of the *CAMP2009*, makes the consideration of both simultaneously impossible.**

The Canberra Airport Master Plan, Preliminary Draft 2009 is therefore considered inadequate to assess the impact of its proposals onto the greater community and has failed to adequately assess its impact on the households that exist under the flight paths by imposition of the Canberra Airport and is directly responsible for the production of pollution to a significant portion of the community.

## **E: Fact or Fiction**

***The Canberra Airport Master Plan contains numerous conflicts of facts, unsubstantiated statements and assumptions. Consequently its value and purpose is questioned.***

The Canberra Airport Master Plan-Preliminary Draft February 2009 fails to provide a substantiated case for its expansionist framework. The Master Plan in whole is predicated around assumptions, such as the hypothesis of a doubtful business study (reference Review of Canberra Airport Preliminary Draft Master Plan and the 'High Noise Corridor' Concept: Access Economics 20 March 2009), dubious environmental claims (aircraft noise) and incoherence of assumptions and facts.

The Peer Review undertaken through the independence of the highly regarded Access Economics highlighted many issues where the basis of the fact underlining the Canberra Airport Master Plan and its stated similarities and emphasis on planned aircraft movements comparable to Gatwick Airport in the UK are unfounded!

Further to that detailed study, a number other questionable proposals within the *CAMP2009* are;

Freight Operations (ref 6.1.2): *"It is noted that due to significant noise abatement procedures in place to protect the community from night aircraft noise, no community complaints have been received for many years regarding regular or ad-hoc diversion freight services to and from Canberra Airport or from regular late-night scheduled passenger services. ..."*

This is a ludicrous assumption to legitimise the *CAMP2009* justification for increasing night time operations. It is inconceivable to use anecdotal or unsubstantiated claims that because no complaints had been received (which is questioned) for what it admits is ad hoc operations to date, this then gives reason to commence full 24 hour operations!

Additional parallel runway (ref 9.2): *"While the construction of this parallel runway is likely to be beyond the time period of this Master Plan" and "It is also noted that a parallel runway would increase the level of aircraft movements and noise levels within the High Noise Corridor over and above that contemplated in the current Ultimate Practical Capacity ANEF scenario."*

This proposes that planning should be allowed for one thing, in this instance the additional runway within this master plan, but the effects (aircraft noise) are not to be considered within this Master Plan! The Master Plan should be cognisant of all cause and effects.

Airspace Capacity (ref 9.3) *"it is predicated....will be expanded in the future"*

This hypothesis is again basing planning decisions on assumptions and does not consider the alternate.

Very High Speed Train (ref 9.9): *"it remains possible that a VHST between Canberra and Sydney will become a reality in the longer term"*

This assumption is basing the plan on a hypothetical and only contemplates the outcomes, but does not consider the ramifications if it does not. That is, if it never eventuates, are the

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proposals as acting as Sydney's second airport then valid? Are the plans for expansion then not needed? Therefore the planning is baseless.

*Aircraft Noise Chapter Fourteen, page 170 "The development of the High Noise Corridor, adopted and approved as the land use planning mechanism for Canberra Airport in previous Canberra Airport Master Plans, and the appropriate land uses within it, has been subject to extensive public and stakeholder consultation"*

This statement and basis for the HNC is incorrect. Testimonials from residents in the subsequent High Noise Corridor will attest that there was **no** consultation. The HNC was imposed without consulting affected households or communities. Long time residents (20 + years) have confirmed that their may have been occasional flights then a significant increase following the introduction of the High Noise Corridor. The reference to the "extensive public and stakeholder consultation" came as a surprise being advised only within the 2009 Preliminary Draft!