

Modernising Airspace Protection—Public Consultation Paper

Department of Infrastructure and Regional Development

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## Modernising Airspace Protection—Public Consultation Paper

The Property Council of Australia is pleased to provide comments to the consultation paper on Modernising Airspace Protection (the Paper).

The Property Council is the peak body representing the interests of owners and investors in Australia's \$670 billion property industry.

Our members are long-haul investors cities who champion coordinated land-use and infrastructure planning to deliver better urban development and economic growth outcomes.

The Property Council is supportive of the discussion to modernise airspace protection to improve accountability and transparency. There is a concern, however, that the reforms proposed do not consider the growth of cities in relation to the operation of airports and, in doing so, fail to reach a balanced outcome.

Specifically, the Reform Proposal One key outcomes are welcomed yet it is difficult to see how the proposals will achieve these key outcomes. The proposals, if progressed, may impact on the development potential of land in the vicinity of any federally leased airport in Australia.

The following comments are made in relation to Reform Proposal One:

**Establishment of prescribed airspace must consider the economic development and growth of cities**

The introduction of a more criteria based-consultative process may perpetuate the protection of non-essential airspace and may further restrict development that does not impact the safety or efficiency of airport operations.

Notably there is little consideration on how prescribed airspace will impact economic development around the airport.

The use of technical criteria to determine prescribed airspace may be a more appropriate to balance the economic growth and development of cities with the safety and efficiency of airport operations. Safety based technical criteria - such as Continuous Decent Approach and Continuous Climb Operations - that reflect actual flight paths to minimise prescribed airspace requirements while balancing development opportunities.

In addition, when determining prescribed airspace, consideration of Other Surfaces must be limited. For example, other surfaces such as the Radar Terrain Clearance Charts (RTCC) should not be included into prescribed airspace as it would include airspace not used for aircraft movements. These vast areas that establish a patchwork of island and channels that an aircraft may travel if necessary but will limit development height, regardless if this height would affect aircraft operations.

**To deliver more transparency and accountability, the timing and the nature of the consultation should be reconsidered**

To improve efficiency and accountability, consultation prior to submitting a Declaration should be made mandatory and be broadened to include land holders within the area.

This consultation must take into account current and future land use taken into consideration during the early stages of planning and design of airspace

Any proposed volume increases to the prescribed airspace, above that required by Commonwealth regulations, should be justified by the airport lessee in the context of future land use planning and economic development considerations as far as practical.

It is recommended that the proponent include this justification of any changes when submitting a Declaration.

**The proposed changes for temporary intrusions to airspace are impractical**

The current approval process for temporary intrusions prior to a development application is complicated and difficult to navigate by both developers and councils.

Improving this process would make significant steps towards modernising the approach to airspace proception.

Notably, the sequencing of approvals 90 days prior to the lodgement of a development application is impractical for both the developer and councils as:

- The longer application process increases the holding costs of development land unnecessarily - in some states, such as Queensland, the prior approval will increase the length of the assessment process for more than double the length of the assessment process for a development as most code assessable applications are decided in less than 90 days.
- Any changes required by the Council to the of building envelope, floor space ratios or building footprint for example, would necessitate the proponent to re-apply for the temporary intrusion approval and then wait another 90 days before re-submitting the development application or amendments.

The intent for an in-principle pre-approval is valid, but the timeframe for consideration is excessive and does not recognise that construction plan is yet to be developed. A modernised approach to temporary intrusions could require an airport operator to define prescribed airspace for short-term construction intrusions in high density areas surrounding the airport.

If the airspace is defined and prescribed, then an assessment by CASA and Airservices should be a matter of confirming currency of data, a comparison of position against the prescribed airspace and a report. If the airspace is geo-referenced on a map or GIS, this should not take more than one day to process - any longer would appear excessive.

Furthermore, the suggestion that approval for temporary intrusions into airspace would be limited to 3 months, with no extensions granted, is impractical.

This timeframe is insufficient for construction of most high-rise buildings with industry experience suggesting that practical timeframe is closer to 9 months.

An alternative approach could require an application for temporary intrusion based on the critical path once it has been determined by the construction plan. An opportunity to extend the permit in the case of unavoidable circumstances- such as extended periods of bad weather- should be available.

The permit would then be issued for a time that is fit-for-purpose rather than a set-period with no ability to be 'rolled over'.

### Going forward

The Property Council is supportive of the discussion to modernise airspace protection and urge reforms to consider how the growth of cities can be balanced with the operation of airports.

If you would like to discuss this submission further, please contact Rebecca Douthwaite, Policy Manager, Housing & Planning, on 02 9033 1936.

Regards,

A handwritten signature in black ink, appearing to read 'G Byres', with a stylized flourish at the end.

Glenn Byres

Chief of Policy and Housing  
Property Council of Australia