

8 May 2013

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Proposed Planning Policy – Canberra Airport
Department of Planning and Infrastructure
PO Box 5474
Wollongong NSW 2540

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Dear Sir/Madam,

Draft Ministerial Direction –development near Canberra Airport

We act on behalf of ML Holdings P/L as owner of a large (406 hectare) holding to the west of Sutton. Approximately half our client's property is affected by the 20 ANEF contour.

On behalf of our clients we strongly object to the draft Ministerial s117 Direction – development near Canberra Airport. Our objection is based on the following concerns. In summary, the draft Direction under no circumstances is either reasonable or justifiable. It is not reasonable to effectively prohibit any future rezoning in this area nor has there been any justification as to why this should occur.

Our client has made previous representations to Yass Valley Council concerning the potential rezoning of this land for the purposes of rural living. Further submissions will be made to Council following the making of the Yass Valley Local Environmental Plan 2012 which we understand to be imminent.

The effective prohibition on any future dwellings in the form of what is anticipated to be rural/environmental living zoning will significantly compromise a balanced approach that may in effect be an otherwise preferred and appropriate planning outcome for the land. The absence of any discretion to be justifiably inconsistent with the draft s117 Direction will preclude that from occurring. That is an unreasonable burden that has not been justified by the Department.

Unlike other areas also affected by the draft s117 Direction where there may be the suggestion by Government of a potentially greater conflict between aircraft noise and density of housing, our clients land is only partly affected and within the northern most edge of the 20 ANEF contour. The risk of any land use conflict in what is otherwise anticipated to be low density rural living is likely to be negligible.

Accordingly, it is both reasonable and appropriate to rely on the existing planning controls and s117 Direction for aircraft noise in terms of any requirements for say noise attenuation and to allow for a departure from the draft s117 Direction where it can be justified. Given the likely low density and the fringe location of the land relative to the 20 ANEF contour footprint, a departure would be both reasonable and justified. Accordingly, we recommend that the draft s117 Direction be amended in order to provide for variations where it results in an acceptable

planning outcome and the continued safeguarding of residential amenity by way of the AS 2021 standards for aircraft noise. This is expected to be the case with any rezoning of our clients land.

There is no certainty in the proposed s117 Direction for Council, State Government, land holders or the broader community. This is an unacceptable outcome that will only hinder decisions on long term planning, and provides no confidence or certainty for investments in the development of new release areas.

By not referring to a particular ANEF contour nor providing any strategic discretion for any variation the proposed s117 Direction will effectively fetter and constrain the role and ability of Yass Valley Council and the Department of Planning and Infrastructure to make proper long term planning decisions and/or rezone land for future housing. That is, the proposed s117 Direction effectively 'delegates' the decision on where housing should be located to those who have the authority to adjust, revise and adopt new ANEF contours with no reference at all to either NSW State Government, Council or land holders. In practice, this is a right of veto to the Commonwealth and Canberra Airport. This cannot be regarded as an acceptable outcome for NSW.

There is no justification for the draft s117 Direction. There is no justification nor any valid argument as to why the current s117 Direction on aircraft noise that is deemed suitable for every other airport across the state is not suitable for Canberra Airport.

Unlike almost all other s117 Directions, the draft s117 Direction provides no discretion for any departure or inconsistency. In effect, as a prohibition on future residential development it provides no discretion on what might otherwise be a reasonable and acceptable planning solution. This is at complete odds with a balanced approach to planning.

In conclusion there is no justifiable basis for the draft s117 Direction. It is excessively onerous and completely inconsistent with the Departments own current policy position that applies to the rest of NSW in terms of managing land use and aircraft noise. There is no reasonable basis for its adoption.

Providing certainty and a planned approach to the range of future housing needs including in this instance, rural living whilst still acknowledging the role of Canberra Airport is not achieved by the proposed s117 Direction. The better approach is to continue to rely on the existing s117 Direction that applies to aircraft noise.

On behalf of our client we thank the Department for the opportunity to comment and look forward to your advice on the matters raised.

Yours sincerely,
CBRE (V) Pty Ltd



Mark Grayson
Regional Director - CBRE Town Planning

Land Zoning Map with Canberra Airport Air Noise Exposure Forecast

Air Noise Exposure Forecast

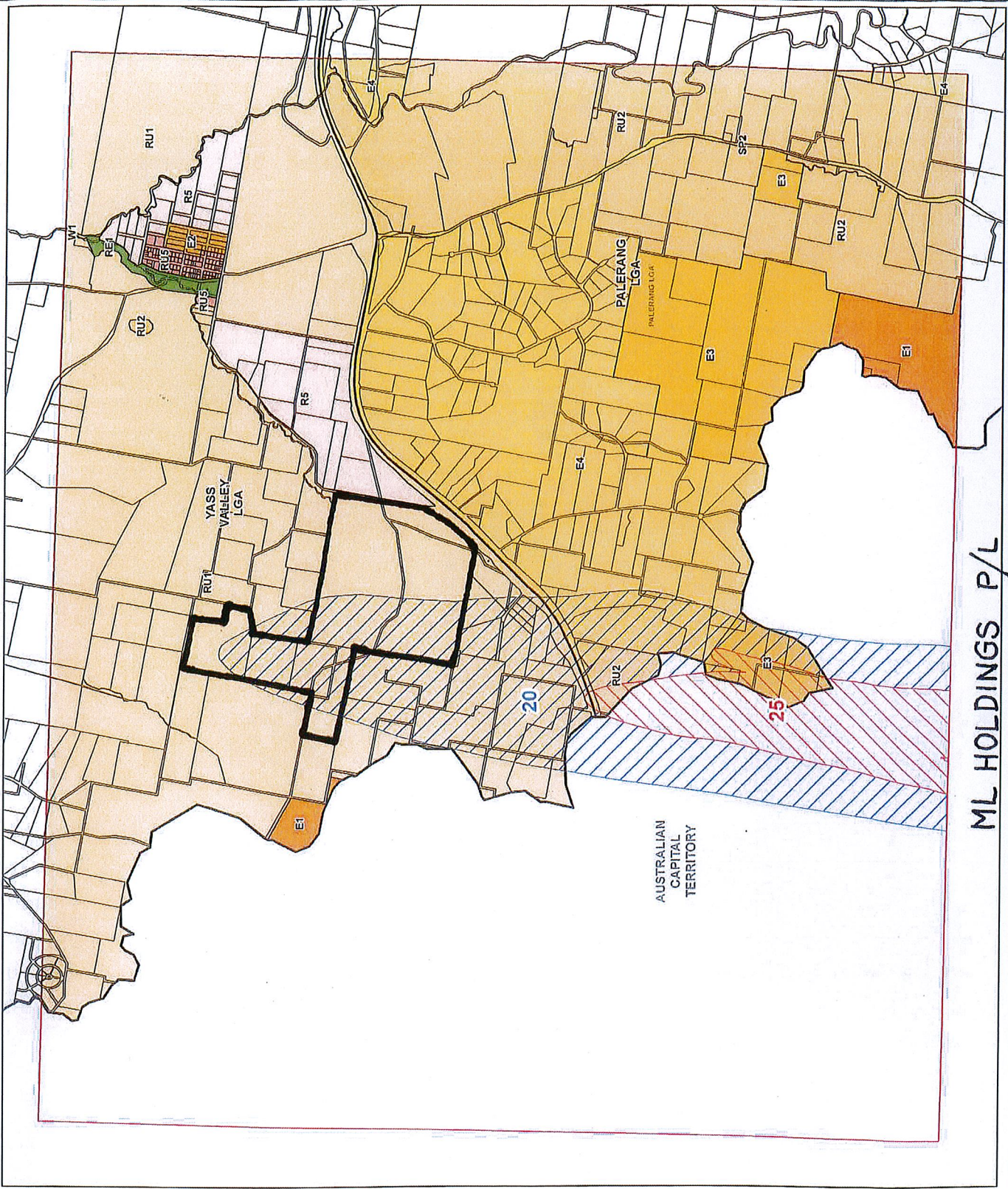
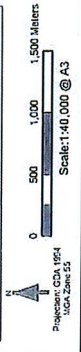
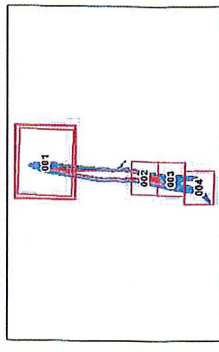
- ANEF 20
- ANEF 25

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RL1 Rural Landscape
- SP1 Special Activities
- SP2 Infrastructure
- WI1 Natural Waterways
- DM Deferred Matter
- Conservation Areas
- Future Investigation
- Residential Areas
- Buffer/Open Space
- Local Centres
- Employment Areas
- Schools
- Community/Recreation Area

Cadastre

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ML HOLDINGS P/L