

**23 May 2013**

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The following is a response to the Draft Planning Proposal (DDP) in respect to Draft Ministerial Section 117 relating to Development restrictions near Canberra Airport. The response is submitted by the undersigned, who are one of many existing residents of properties that would be directly affected by the proposed changes (the Affected Residents who live on the Affected Properties).

### **The Impact of the Planning Proposal**

We note in the notification letter that the DPP "has been developed to protect Canberra Airport's major economic status in the region" and by logical extension, Canberra Airport's economic benefit. Further, the supporting literature acknowledges that the restrictions proposed in the DPP exceed those recommended in the relevant Australian standard which ordinarily allows housing around airports up to ANEF 25.

Accordingly, the conclusion to be drawn is that the intention of this proposal is to protect the economic investment of the Canberra Airport Group by exceeding Australian Standards and extinguishing the rights of local land owners to realise potential future economic benefits through the potential redevelopment of their properties for residential housing at some future stage.

The extinguishment of these rights has the following direct and significant economic impacts on the Affected Residents:

1. The proposed unilateral action by the Department was not public information when the Affected Residents purchased their properties. Indeed, an expectation of the latent potential for future development would have been reasonably factored in the prices paid.
2. The action proposed within the DPP would forever reduce the resale value of each Affected Property by forever restricting the potential future use.
3. The basis for determination of the Affected Properties will create a scenario in which there will exist significant difference between the comparative values of neighbouring properties, due to government planning legislation, even though there is no discernible difference in the levels of aircraft related noise experienced by people on both properties.

## **The Flawed and Unrealistic Nature of the Baseline Data Relied upon by Govt**

In developing the DPP the government has relied upon ANEF contours produced and supplied by the Canberra Airport Group. It is in Canberra Airport Group's interest to bias the data in favour of their commercial intent. Reliance on data used for evaluation provided by a Group who would benefit from the decision is something one would frown upon, even in a third world country.

Analysis of the data reveals that is fundamentally flawed in the following areas:

1. The ANEF contours upon which the DPP is based were produced by consultants REHEIBN AOS. This report was originally published on the Canberra Airport website but was removed several years ago. The report produced desktop noise impact studies based on operational parameters that include the following:
  - Maximum Practical Capacity: 285,000 flights per annum
  - Aircraft types that include B747-400 and B777-300
2. By way of comparison, Gatwick airport, London's second airport, handled 256,000 movements in 2012. Gatwick services a population catchment of over 8 million people.
3. Based on extrapolation of Canberra's recent average population growth, it will be more than 300 years before Canberra's population reaches half that.
4. The base data includes an assumption that Canberra will develop as a freight hub for international and domestic air freight. This simply ignores economic reality. International freight in Australia is mostly consumed by people in the capital cities. Diverting these aircraft to hub in Canberra is simply inefficient, as it adds additional time to market and additional road/rail freight costs. Freight operations survive by eliminating inefficiency, not by adding to it.
5. Australian capital cities each have existing international airports that have invested heavily in existing airfreight infrastructure. These are commercial entities that require return on investment. They are unlikely to sit idly whilst a competitor attempts to take their customers.
6. To gain economies of scale, international freight agencies employ the largest of aircraft. These aircraft were included within the data sets used to calculate the ANEF contours. The obvious lack of validity to the business case for international airfreight hubbing through CBR directly implies lack of validity to the ANEF contours.
7. The Canberra Airport Master Plan factors a potential declaration of Canberra as a second airport to Sydney within its Master Planning data set. All levels of Government and each of the major airline operators in Australia have decried this as "laughable". Indeed, there is no other example in the world of a city's second airport being so far removed from the city itself, as is proposed within the Master Plan.
8. Almost half of the projected movements presented in the Canberra Aircraft Master Plan relate to general aviation aircraft. These aircraft present no significant noise concern to local residents but do inflate the reported movement numbers, for the purposes of supporting the airport's preferred ANEF contours and local building development restrictions.

### **A summary of the foregoing**

- The DPP proposes changes to planning regulations, with such changes significantly impacting the value of properties owned by the Affected Residents who each acquired those properties before such proposed restrictions were made public;
- In determining which properties would be affected, the Department has relied upon noise contour information provided by the Airport itself, who is also the beneficiary of the outcome;
- The restrictions proposed by the Department are uniquely restrictive to the Affected Residents, are in excess of the restrictions recommended in the Australian Standard and (appropriately) not applied elsewhere in Australia;
- The basis for determination of those contours is demonstrably wrong and unrealistic.

### **Minimum Actions Required of the Department in respect to the DPP**

1. Respect the rights of the residents to retain the future economic benefits of their properties,
2. Conform to the planning standards applied elsewhere in Australia, and,
3. Terminate the planning proposal in respect to the ANEF20 contours.

If the Airport's hold over government is too strong to enable cancellation of the proposal, the appropriate action for the department would be as follows:

1. Engage a truly independent consultancy to develop ANEF contours based on actual and likely future movements at CBR. Such analysis should include, as a minimum:
  - a. analysis of other airports around the world with similar population densities and similar projected growth rates to more reasonably predict future air traffic demand by frequency and aircraft size, and in consideration of the actual nature of airline competition in Australia rather than blindly applying an average historical passenger growth rate and a range of unrealistic assumptions,
  - b. consultation with domestic and international air freight companies, to verify the commercial veracity of the proposed "freight hub", including definition of the nature of the most likely future demand and the response of the capital city airports to the competition for freight revenues, given the extensive capital each has invested in air freight infrastructure.

The government can then review the actual impact of a valid ANEF contour set to determine whether further planning action is actually appropriate.

2. In the event the department decides to proceed with the proposal, this action will amount to the compulsory acquisition of rights associated with properties owed by the Affected Residents. The appropriate course of action in such a case is to compensate owners in the amount of the present value of the potential future loss of economic benefit caused by this unilateral action. Initial inquiries indicate fertile ground for a class action for discriminatory treatment on Constitutional grounds.

We are truly disturbed by the notion our elected government would prejudice the economic interests of residents in favour of a local corporation on the basis of such fragile supportive data. We are further disturbed by the direct economic impact this decision would have on our personal economic interests. Despite the short response period offered for public discourse we have noted the strength and breadth of local concern and would implore your department to reconsider its position on this matter.

Yours sincerely,

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