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REPORT OF PROCEEDINGS BEFORE**

STANDING COMMITTEE ON STATE DEVELOPMENT

INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

At Queanbeyan on Tuesday 19 May 2009

The Committee met at 9.30 a.m.

PRESENT

The Hon. A. Catanzariti (Chair)

The Hon. M. R. Mason-Cox
Reverend the Hon. F. J. Nile
The Hon. M. J. Pavey
The Hon. C. M. Robertson
The Hon. M. S. Veitch

CHAIR: Good morning everybody. Welcome to the fourth public hearing of the Standing Committee on State Development's inquiry into the New South Wales planning framework. This is the second of our hearings at regional locations. The Committee will also be holding further public hearings at Tamworth, Ballina and Albury. Before we commence, I would like to make some comments about procedural matters, the first on broadcasting guidelines. In accordance with the Legislative Council guidelines for the broadcast of proceedings, only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table by the door. I remind everyone that any messages for Committee members or witnesses must be delivered through the Committee clerks and I ask people to turn off their mobile phones.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. I therefore request that witnesses avoid the mention of any individuals unless it is absolutely essential to address the terms of reference. I welcome everyone who is in attendance today at this public hearing. I remind you not to attempt to participate in the hearing by way of comment or interjection during a witness's evidence. The Committee will have no option but to clear the public gallery if the hearing is interrupted or disrupted.

LORENA BLACKLOCK, Strategic Planning Coordinator, Queanbeyan City Council, PO Box 90, Queanbeyan, affirmed and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you do take any questions on notice today the Committee would appreciate if the response to those questions could be sent to the Committee secretariat within 21 days of the date upon which the questions are forwarded to you. Before we commence with questions, is there anything you would like to add to your submission by way of an opening statement or are you happy to go straight to questions?

Ms BLACKLOCK: I am happy to go straight to questions.

CHAIR: What is your council's view on the planning issues related to the Canberra Airport?

Ms BLACKLOCK: There are two parts to council's response on that. One relates to the actual development on the airport land and also what happens on land that is adjoining the airport and under the flight paths. In terms of development and what happens on that airport, council's position is that it should be subject to the territory or local planning controls rather than being under the Commonwealth so that local issues and planning hierarchy that has been set for the regional area are considered and adhered to. In terms of the development adjoining and adjacent to airports, council's position is that the system that is supported for addressing aircraft noise or identifying aircraft noise are matters that need to be considered are supported, so the current section 117 ministerial direction for development near licensed aerodromes is supported by council and adhered to in rezoning and land use planning processes.

CHAIR: Does the council see the supply of sufficient zoned residential land as a reasonable mechanism to manage housing affordability?

Ms BLACKLOCK: That is one of the mechanisms. The other relates to the actual costs and supply of infrastructure to support residential zoned land. There are a lot of costs associated with releasing new residential land, particularly where it is not in the area adjoining existing residential areas. Sewage treatment plants, water infrastructure, road infrastructure have to be built to service that. That all impacts on housing affordability. Supply is definitely one of the drivers for affordability.

CHAIR: In your opinion how can the New South Wales planning system be improved to better deal with the cross-border issues?

Ms BLACKLOCK: Cross-border issues in terms of?

CHAIR: You have the Australian Capital Territory on one side and New South Wales on the other; are there any issues that you feel need improving on?

Ms BLACKLOCK: Consistency between the two jurisdictions would assist; the ability to levy for infrastructure or demand that is created on one side that is used on the other side for different services, facilities, schools, hospitals, those kinds of things, road infrastructure. Currently it is fairly difficult to actually have agreements between particularly the Australian Capital Territory and New South Wales. It does happen between local government areas but not necessarily across the States. That is one thing in terms of infrastructure costs and services. Other cross-border issues that affect Queanbeyan relate to water supply and provision, and the pricing of it. The other issue is road networks and road connections. In terms of improving, that is looking at ways that both jurisdictions can actually come to the table and discuss what contributions or plans each other have. At the moment council is very well involved with the Australian Capital Territory in looking at road networks.

CHAIR: Do you have much dialogue between yourselves and the Australian Capital Territory as far as getting together to discuss issues that may arise?

Ms BLACKLOCK: In terms of planning issues? There are quarterly meetings with both sides of planning staff and also involvement, I believe, with the council's mayor and the Chief Minister but not quite as often.

The Hon. MELINDA PAVEY: Following on from the Chair's questions, page 6 of your submission details recommendations relating to land use adjacent to airports, namely, changes to section 149 certificates, the standard instrument local environmental plan [LEP] regarding construction on sites within Australian noise exposure forecast [ANEF] 20 and acquisition by airports of land identified and expanded ANEFs as being within ANEF 25. Can you explain the rationale for each of these recommendations?

Ms BLACKLOCK: In terms of the 149 certificate, which is a zoning certificate that is supposed to provide information to potential purchasers of land, the recommendation to make it mandatory to refer to whether a site is within a ANEF 20 or not is to make sure the owner or the potential purchaser is aware that they are buying land within the ANEF 20 and will be subject to aircraft noise and where they can actually get information about that aircraft noise from, so it is an information exercise.

The Hon. MELINDA PAVEY: Buyer beware?

Ms BLACKLOCK: Yes, that is that recommendation. In terms of the standard instrument—which is the local environmental plan standard template now, because all the standard clauses now have to be applied throughout all of New South Wales in the local environmental plans—the intention there to have the mandatory clause, which requires construction in accordance with the Australian Standard 2021, where the land is in ANEF 20 or above is to make it more apparent that there are actual construction requirements if you are within that area.

Again, this is bringing it to the forefront to make sure people understand that if they have land within this affected area, these are the requirements that need to be adhered to in developing the land. In terms of the last point where council is recommending that where a lease is reviewed or extended to cater for projected or ultimate capacity of airports the land that is affected by ANEF 25 or above, where it is expanded, that this land should be listed for acquisition because basically it is an absolute constraint in those areas for residential development or another measure agreed to by the affected owners. The rationale behind that is the expansion has basically extinguished the rights of the landholders to do anything further with the property so in terms of—

The Hon. MELINDA PAVEY: Equity?

Ms BLACKLOCK: Basic equity and catering to public interest and looking at land use planning from that more strategic approach, expanding an area for projected capacity that may or may not actually be achieved so there needs to be some degree of commitment in terms of requiring the landowner to compensate. Their investment can be taken more seriously where there is a high probability that that capacity will be reached some time in the future. We are talking about a 25-year planning horizon, so there is a long period between that or it may not happen.

The Hon. MELINDA PAVEY: One of the interesting things in your submission was the three separate standard instrument local environment plans to reflect the different circumstances of rural, coastal and metropolitan areas. Can you expand on the level of difference between the three such templates?

Ms BLACKLOCK: There are three different types. Basically the metropolitan one deals primarily with built environments. The regional and coastal ones deal with some built environments, but also they have issues relating to rural lands, coastal protection, natural resource issues and things like that. The actual focus of the planning instruments in regional and coastal areas is quite different from the metropolitan and urban context. In terms of reflecting the planning controls, councils such as Queanbeyan do not have a high emphasis on particular multitudes of residential type zones. There is also a mix between looking at rural residential type developments and maintaining diversity, protecting agricultural lands—which tends to be under threat from further expansion of rural areas—looking at water catchments and things like that, which do not necessarily happen in the city. The coastal one is different from the regional one, in that there are a lot more different landforms and features. It is different for what is actually happening on the ground.

The Hon. MATTHEW MASON-COX: You have quarterly staff meetings with the Australian Capital Territory staff. How effective have those meetings been in relation to cross-border issues?

Ms BLACKLOCK: In information sharing, each State is aware of any up and coming land releases or new initiatives, changes to each other's planning system in major rezonings, land releases, and things like that.

The Hon. MATTHEW MASON-COX: Planning for new roads or cross-border roads, are those issues discussed at those meetings?

Ms BLACKLOCK: They tend to be discussed on a more strategic level. When more detail is required, the more technical officers are involved with our engineers or traffic engineers and they provide a conduit to get people together.

The Hon. MATTHEW MASON-COX: Given that the Australian Capital Territory Government is against any further development in the southern Jerrabomberra area, have you found it to be cooperative at those meetings insofar as planning in that area is concerned?

Ms BLACKLOCK: They have been cooperative in providing input.

Ms BLACKLOCK: What has been their input?

Ms BLACKLOCK: They have provided council with road data, traffic data. Council is currently developing a model to look at the future road needs and where upgrades are required. All the Australian Capital Territory data has been put into this model. That has been quite a collaborative exercise. From the staff level, there has not been any discord with that in terms of the Government's decision.

The Hon. MATTHEW MASON-COX: Could there be a better system to self-regulate or coordinate the relationship between the Queanbeyan City Council and the Australian Capital Territory Government, or are you happy with the current system?

Ms BLACKLOCK: The situation has improved since a couple of years ago when council was not involved. The issues were taken beyond local government to the State and Territory and Queanbeyan was excluded from those negotiations. It appears now that council is more involved at this stage.

The Hon. MATTHEW MASON-COX: So you think that the situation is falling, or improving?

Ms BLACKLOCK: Yes.

The Hon. MATTHEW MASON-COX: Terrific. In your submission you state:

The New South Wales planning system was recently rated D+ (inadequate progress and no action underway) by practising professionals in regard to housing by the 2008 Planning Institute of Australia Report Card.

You note in particular the time taken for rezonings and development assessment, which contribute to cost, as does the user pays policies for infrastructure provision. Can you expand on that, particularly in relation to proposed developments around Queanbeyan and the experience in delays arising out of the New South Wales Government's failures in that regard?

Ms BLACKLOCK: In terms of rezonings, the experience of council, particularly with the areas in south Jerrabomberra and Tralee, has been with delays in getting feedback from the State Government. Bear in mind that I have been with council for only the last couple of years. I have not been through the whole history of this rezoning.

The Hon. MATTHEW MASON-COX: Would you undertake to provide the Committee with a brief in relation to the history and the time it has taken? I understand it has been six years, heading towards seven years, since this matter was first breached.

Ms BLACKLOCK: Probably more like 10 years.

The Hon. MATTHEW MASON-COX: It would be interesting to get a copy of the council's perspective in that regard; how long the rezoning issue has been going on.

CHAIR: Would you take that on notice?

Ms BLACKLOCK: Yes. Just a brief?

The Hon. MATTHEW MASON-COX: Yes, in terms of your experience.

Ms BLACKLOCK: From my experience, about five years ago council applied for a certificate to exhibit. There was no response from the department and there was a public inquiry into the land releases within Queanbeyan, all the rezonings were in abeyance. Following that inquiry, council was required to prepare a residential strategy, which was done very quickly in terms of council's perspective. We had a few months to prepare that and that strategy identified where Queanbeyan's residential growth areas and employment growth areas would occur, which accorded with where council is looking at the moment in south Jerrabomberra.

From there the New South Wales Government was to endorse that plan. Again, that takes more time. Following changes to the ANEF from Canberra Airport, that strategy had to be amended. That delays the rezoning further, because of the extent to where the residential area changed in terms of rezoning further, because of the extent of where the residential area had to be changed. The strategy then gets amended, and it is another 12 months down the track before they again start the process. The council is back at the beginning of the process where it is looking at government agencies consultation on the local environment plan to rezone the area at Tralee and south Tralee.

The Hon. MATTHEW MASON-COX: So, it is a bit like Groundhog Day?

Ms BLACKLOCK: A whole lot of steps had to be repeated, due to the change in the actual spatial layout of the urban release areas as a result of changes to the airport's ANEF and also other issues by agencies. It is a process that if it is not legally followed to the letter, it is safer to go back and start again.

The Hon. MATTHEW MASON-COX: Because of the controversial nature of the proposed rezoning, you have had to keep going back to start again in order to ensure that you do not have any legal issues. So the process has continued to grind on and on, is that it?

Ms BLACKLOCK: That basically sums it up.

The Hon. MATTHEW MASON-COX: In relation to airport planning, you state that the Commonwealth has planning responsibility on airports, but for any commercial proposal on airports such as a commercial building or a retail development, that should be handed back to the relevant State, Territory or local planning authority. You would be aware that airports were leased for 99 years, pursuant to the Commonwealth's Airports Act—a very complicated lease document. The bidders that bought those airports, or the right to operate them for 99 years, also, if you like, purchased the opportunity to develop the airports and to invest in infrastructure and to obviously maximise their value, which would be implicated in their bids. Do you think it is fair to seek to change the legislative requirements relating to how they develop their leasehold land in favour of giving it back to another authority to maintain and regulate? Is it fair to change the ground rules?

Ms BLACKLOCK: I do not know the actual lease conditions that were granted to the airport. Council's comment is that there is a lot of high-level strategic planning done in relation to where commercial centres are set up and in maintaining commercial hierarchy throughout a local government area. Where there is a change in land use in another area that was not originally planned for, that can discord or change the hierarchy of the central business district, and that can have its business drained out of it by another commercial development at an airport. On the idea that having those types of commercial developments or employment developments in an area that is not within an existing strategic plan, council is looking at where employment areas are located, which looks at consolidating commercial areas and consolidating employment opportunities and to look at how people travel to those areas, and it can work out networks and travel times and traffic through generations.

That is where council is coming from in terms of looking at the land use planning side of that. So a lot of work has been done by council and—I do not speak for the Australian Capital Territory—but I imagine as part of the Australian Capital Territory planning the ACT has a similar kind of hierarchy in terms of looking at its employment areas, central business district and local centres. A commercial development that has a lot of employment—a lot of commercial activity—can undermine the planning of those areas.

Reverend the Hon. FRED NILE: I will follow up on the question about the airport. There are similar problems with Kingsford Smith airport in Sydney with Macquarie Bank wanting to do extensions, developments of shopping centres and so on. Do you think there should be a restriction? Do you think the airport should be used only for airport purposes and not for commercial development? I know there are leases, but will the

Commonwealth take steps in that direction? That would stop all the problems with council having to argue with airport owners over their developments.

Ms BLACKLOCK: That is one solution. I do not know that council would be requesting no development at all. It is just that if any development occurs there it should be looked at in terms of the whole region and the impacts it has on that region. Yes, it may be that there are some types of development that can be non-aviation related that are actually quite appropriate there, and need not be located in a central business district or in a traditional employment area. They might be quite suitable there. So I do not think that council is advocating that nothing at all occur on this land; it is just that it needs to recognise the actual setting where it is occurring.

Reverend the Hon. FRED NILE: You mentioned earlier that previously discussions were on a State level with the Australian Capital Territory Government and now it is Queanbeyan local government with the Australian Capital Territory. Do you believe it is an unequal partnership? Should there be some State involvement? Is there any State involvement or State representative to give you equal power in negotiations?

Ms BLACKLOCK: Currently, the New South Wales Government in terms of the Department of Planning is with council in terms of the discussions with the Territory.

Reverend the Hon. FRED NILE: So is there a representative at the quarterly meetings?

Ms BLACKLOCK: With staff? No, there is not with the staff. It is just council and the Territory.

Reverend the Hon. FRED NILE: Should there be a State representative from Planning?

Ms BLACKLOCK: Not for those meetings; they are more about staff interaction. I cannot speak in terms of the politicians in terms of our council's mayor and the Chief Minister whether there should be a New South Wales Government representative there.

Reverend the Hon. FRED NILE: What about if you were discussing road connections and other matters, in particular?

Ms BLACKLOCK: In terms of regional and more State-affected infrastructure, definitely—a State Government representative should be there. But not in terms of the discussions that we have at a staff level, generally they relate purely to council's infrastructure and the Territory's involvement in that.

Reverend the Hon. FRED NILE: One purpose of our inquiry is to get feedback on the new environmental and planning legislation as to whether councils are happy with it or prepared to look at it for a period of time. I gather from your submission you support retaining the legislation with no major changes at this stage. You are happy to follow it through.

Ms BLACKLOCK: As our submission says, we are yet to see the rest of the changes to be implemented, so there is a whole raft of changes that have not yet come through that relate to principally rezoning processes that are supposed to be simplified and quickened. So we have yet to see those come through. But in terms of the changes that have happened in terms of development assessment, council is still of the view that its current complying development, which is a quicker path to get an approval for building, is more liberal than the State Government's standard model code for housing. In terms of working with the Department of Planning on expanding that, I think council is willing to do that. We have got a representative on its Standard Instrument Panel so we do have an involvement in improving the standard instrument and providing input into the future housing codes and commercial codes.

Reverend the Hon. FRED NILE: Have you experienced any problems in implementing the legislation?

Ms BLACKLOCK: The problems generally relate to the changes that have occurred, particularly when we have been progressing rezonings of our urban release land that the legislation will change, and the instrument that we have written for the rezoning then has to be reviewed and changed. So that actually adds a few months to the process. For the complying development, for example, it was written well over eight or nine months ago and it has subsequently had to be rewritten about three times to keep up with the changes that have occurred. Similarly with mapping changes that are required there is a lot of time expended on fairly

inconsequential changes to instruments and maps rather than the content, as a result of the planning reforms. In general, the direction of trying to simplify the system appears to be working from council's perspective.

Reverend the Hon. FRED NILE: Do you call for any major changes at this stage?

Ms BLACKLOCK: Not at this stage, no.

The Hon. CHRISTINE ROBERTSON: I am interested in your proposals about the standard LEP template having three separate models: one for western New South Wales, one for the coast, and one for metropolitan regions. Interestingly, all members of this committee are from the country. I think we would register that having a blanket coastal planning tool would cause exactly the same issues as a blanket standard LEP document. How would you decide on the different issues for the different areas for such a process of setting up three different kinds of LEP processes?

Ms BLACKLOCK: Issues are generally expressed in the current planning instruments for all those areas. In order to explain it, it is better actually compare a city LEP with a regional council LEP. A city LEP for somewhere in Sydney will generally only be focused on housing and commercial-type zoning issues and assessment criteria, whereas Queanbeyan will have some of those issues but it will also have issues around dealing with considerations for rural residential subdivisions, looking after areas that have high scenic or high biodiversity values, and looking at areas where there is a water catchment that needs to be protected where we have got good riparian corridors or an extractive industry that needs protecting. So there are currently in regional councils a suite of clauses that could be adapted and could be used for a regional-type LEP—but deal with those types of issues.

The Hon. CHRISTINE ROBERTSON: The standard LEP does not allow that to occur?

Ms BLACKLOCK: The standard LEP at the moment has standard mandatory clauses that apply everywhere and then they are developing other kinds of standard local clauses that will then be picked up for any other LEP. So it basically will come down to first-in, best dressed to get those standard local clauses, whereas something that happens in a rural residential area in regional councils may not be suitable for a coastal council. So that is where we are trying to get a bit of difference. Topography is different down there. The actual biodiversity issues are different down there. That is the idea behind that.

The Hon. CHRISTINE ROBERTSON: How does an organisation like Queanbeyan council operate in a regional planning process when, to an outsider, it looks like that regional planning process should be done by the Australian Capital Territory and Queanbeyan for their geographic regions?

Ms BLACKLOCK: What is the question?

The Hon. CHRISTINE ROBERTSON: The processes for regional plans that the local LEPs then fit into. Is that right? Do you have that process in Queanbeyan?

Ms BLACKLOCK: There is a Sydney-Canberra corridor regional strategy that was done by the New South Wales Department of Planning that looked at Queanbeyan at the southern end, as part of the region from Mittagong, Moss Vale through to Goulburn. That was the region that was considered there and that strategy recognised some aspects of the Australian Capital Territory. But, again, that was done by the New South Wales Department of Planning so the rationale behind that would be best explained by it.

The Hon. CHRISTINE ROBERTSON: Are there communities of interest with Moss Vale?

Ms BLACKLOCK: From Queanbeyan?

The Hon. CHRISTINE ROBERTSON: Is there one?

Ms BLACKLOCK: Not on a local level necessarily.

The Hon. CHRISTINE ROBERTSON: So that planning was to do with the transportation of people to Canberra.

Ms BLACKLOCK: That planning corridor has been in existence for over 10 years. There was an original corridor strategy developed in the early 1990s. It is primarily based on the Hume Highway and that transport corridor down there.

The Hon. MICHAEL VEITCH: The issue of catchment planning has been raised at a number of the committee's hearings along the lines of input from catchment management authorities but also quite uniquely here—I do not know of anywhere else in Australia that has the issue with a Territory—with population catchments and commonality. What are your views about catchment management authorities having input into or using some of their information for a council's LEP? What are your views of catchments, as defined in the broader context of population base, for instance?

Ms BLACKLOCK: With catchment management, councils are required to take the catchment action plans into consideration in terms of preparing their local environmental plans. So that is in terms of their strategic land use planning sense—the issues that they identify from a catchment-wide basis that you need to take into consideration in preparing our local environmental plans. So that is done on that basis. Again, with any rezonings that occur the catchment management authority is involved in providing input and is consulted on that. We do get regular feedback from them on those things. In terms of looking at catchments for other things, say retail catchments, employment catchments and things like that, as part of the residential and economic strategy that we did for council, that does look at where the population works and travels to. So in that aspect we do look at Canberra because a significant amount of the population of Queanbeyan actually works in the Australian Capital Territory, so it is a factor that has to be considered.

It affects our road network obviously and also the Australian Capital Territory road network. It also impacts on council's land use planning work in terms of trying to facilitate capturing that outflow in terms of employment and also looking at, say, commercial services and capturing that flow-on to the Australian Capital Territory. Obviously it is never going to be all within Queanbeyan; that is not practical. We are looking at maybe philosophies with Googong, which is the new town; the idea that containment is being looked at there where the opportunity is to live and work in the same area. Those are being pursued with the new zoning and the new town.

The Hon. MICHAEL VEITCH: Queanbeyan is seen as a large suburb west of Canberra, which causes a whole heap of land encroachment issues, with development on to farming land. In your submission you talk about the impact on threatened species and the impact the legislation has on the zonings and the LEPs. Can you talk through what your experience has been with that?

Ms BLACKLOCK: The impact of the threatened species legislation is that it has generally become more and more an issue that will prevent rezoning occurring or it will change the nature of how that occurs. It will define where the boundaries of development will go. It is one of the key issues in any rezoning that environmental constraints and threatened species are actually identified early so there are not surprises later on in the process. Generally speaking, councils work with the Department of Environment and Climate Change and there is fairly good information sharing and consultation.

The Hon. MICHAEL VEITCH: So you have already mapped the threatened species areas in Queanbeyan?

Ms BLACKLOCK: Not specific threatened species but we have gone through an exercise where we have done biodiversity studies, which is about identifying areas of high conservation value, which is based on vegetation type, the potential for threatened species and the idea of biodiversity or biolinks where there are corridors to link particular areas such as Mount Jerrabomberra to the escarpment where you can continue to have links basically so that one area does not become isolated and by its isolation its value is reduced and it does not become viable. That exercise has been done from a local government perspective. It does not give you individual site-by-site details but it will give you an overall picture of the local government area of where the areas of high conservation value are.

CHAIR: Thank you for your contribution this morning. Do you have anything else you want to add before we close?

Ms BLACKLOCK: No, thank you.

CHAIR: The Committee may wish to ask you additional questions. If we do write to you with questions, please respond within 21 days.

(The witness withdrew)

GORDON CLARK, Strategy Planning Manager, Shoalhaven City Council, PO Box 42, Nowra, sworn and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, could you please indicate that fact to the Committee and we will consider your request. If you do take any questions on notice today the Committee would appreciate it if the response to those questions could be sent to the Committee secretariat within 21 days of the date on which the questions are forwarded to you.

Mr CLARK: That is fine.

CHAIR: Would you like to make a brief opening statement?

Mr CLARK: I have provided you with a copy of my opening statement. I do not intend to go through it all but paraphrase slightly what was in council's earlier submission. I just open by thanking you for the opportunity to be here today on behalf of Shoalhaven City Council, which is a large and growing regional council on the New South Wales South Coast. Council's experience is that the current New South Wales planning reforms appear to be centred on reducing red tape and making more land available for development and as affordable as possible.

It is fair to say that our council supports the reform of the New South Wales planning system. We, as much as anyone, acknowledge that there are shortcomings in the system and any improvements to the efficiency of the system are generally supported. However, I think the main point I would like to try to make in my opening statement is that in the recent debate our council believes that local government has really been marginalised and in some cases demonised and presented as the reason for the reforms.

We would argue that councils have a valuable role to play in the reforms; mainly to ensure that they are practical and implementable. I suppose we are as frustrated by the current state of the New South Wales planning system as are other interest groups and lobby groups. We would certainly argue that at this point in time, instead of cutting red tape the ongoing reforms have really created new problems for us, some of which we believe could have been avoided had we been listened to.

Certainly as I go through my opening statement I have given some examples. I do not intend now to touch on all the points but I raise just some of them. The main thing we would like to try to get across to the inquiry is that realistically the future reforms need to focus on providing us with a clearer, tailored system within which to work. The ongoing reforms are further complicating the system rather than improving its operation. Another frustration for our council, particularly given it is a large coastal council with a population of 90,000-plus and an area of 4,500 square kilometres, is that we have great difficulty in adjusting to some of the reforms in a timely manner given the short lead-in times which we are often given to implement them.

One of our frustrations is we quite often are requested to comment on pieces of legislation that are then to be backed up by guidance that is yet to come out, so we are really commenting on something that is half-baked and it is the things that come out later that really cause the problems. As we have consistently said in our submissions over the years to the reforms and to this inquiry, we believe that a comprehensive review of the New South Wales planning Act is now warranted rather than the current piecemeal approach.

I think it is a fair statement to say that the recent changes to the Act have been difficult to understand and negotiate even to people working within the system. Realistically, New South Wales needs an overall review of its Act to bring it into the twenty-first century. Probably some of our current frustrations with the reforms relate to the part 3A process. We find that a very trying process, probably more so than most councils, given that, from the statistics, the New South Wales coast has been one of the predominant areas where that process has been applied to the point where our council has had to reallocate a staff member to be a 3A coordinator within our own organisation to keep track of the number of 3A development applications that we have running within our city at any point in time.

The Hon. MELINDA PAVEY: How many have you got to date?

Mr CLARK: I could not tell you off the top of my head, but at any point in time we could have between 10 to 15 running, and that is not the numbers which are active in our area—there could be considerably

more than that. As I said, we would have 10 or 15 that we are actively being requested to manage comments on at any point in time.

The Hon. MELINDA PAVEY: And a decision being taken out of the local community?

Mr CLARK: It is not so much that; I think it is the creation of this duplicated process whereby, because we are a large multidisciplinary authority—we are also the water and sewerage authority—we have to almost do a duplicate assessment of the development application process because basically the State department is relying on our council for traffic comments, for water and sewerage comments, for basically the detailed level planning. As a consequence we have had to appoint a particular officer to manage the 3A development applications within our organisation.

The next frustration is the delivery of the new comprehensive local environmental plans [LEPs]. As I heard from the last speaker, certainly the delivery of our comprehensive LEP has been a major frustration for our council. We submitted our draft plan to the State Government in September last year to obtain a certificate for public exhibition. At this point in time we are still negotiating with them and the likelihood is that we will not get a certificate until possibly June or July this year.

The Hon. MELINDA PAVEY: Who are you dealing with? Is it Parliamentary Counsel?

Mr CLARK: We basically deal with the Wollongong office of the Department of Planning; they are our regional office that we deal with on the comprehensive LEP. I have to say that in terms of our working relationship with the regional office of the Department of Planning, it is very good. We have had a very good working relationship over a long period of time, but I think that perhaps the Department of Planning possibly underestimated the task at hand and when you work back from the deadlines that they gave to councils in the first instance, they possibly could have seen the flood of LEPs that would hit them at a particular point in time. I do not know whether they and Parliamentary Counsel were resourced and ready for that to hit them.

I will give you one example, when you look at our plan as a case in point. It has 520-plus map sheets and is a 4,500 square kilometre local government area. Because of the system we have been given of needing to provide different layers of maps, we used to lay them out on the table and there were 520-plus of them. The Department of Planning do not have a graphics unit, as I understand it, at this point in time. They have possibly one person or two people who have some mapping expertise within their organisation. They rely upon us to talk to them or give them guidance in terms of the maps. The overriding comment in regards to the comprehensive LEPs is it has been a terribly frustrating process for our council.

The Hon. MATTHEW MASON-COX: Is that because it is a city-centric LEP process that is being applied to an area that does not have the same considerations?

Mr CLARK: I think that is part of it. It is fair to say that we, as any council, would support the standardisation of a system that makes it clearer for people to understand. For example, if I am a developer and I pick up an LEP I know that a particular zone—be it R1—is the same in Shoalhaven as in the city of Sydney. The difficulty was that the template was written in a very set fashion. For us to try to bring in a local slant on it has been very difficult. For example, one of the arguments we currently have with them is that we have a fairly highly regarded bushfire hazard clause in our LEP. Basically that directs people to the need to comply with planning for bushfire protection because our city is approximately 85 per cent bushfire prone, it is one of the significant issues in our area.

We are told that from a State level that clause has to be removed because that requirement already sits in some legislation, in a miscellaneous amendment Act. Our view on that is that we accept that, but the bottom line is that the landowner or developer within the Shoalhaven will pick up our LEP first. So if there is some duplication there when they read our LEP, they will not look for some reference in some miscellaneous amendment Act. It is things like that we found very frustrating. We support the standard instrument without a doubt but it has been very difficult to work within it. That is probably my overriding comment.

CHAIR: Do you want to make any further comment to finish on that subject before we start questions?

Mr CLARK: Certainly. From our experience, probably the next major long-term issue is what I have called in my opening statement the "centralisation of planning". We certainly would be of the opinion that the recent planning requirements have been very metro centric in their approach. On a number of occasions

approaches that have been prepared for the Sydney metropolitan region have been rolled out across New South Wales. We have a very good working relationship with the regional office of the Department of Planning, but we are seeing more functions being centralised within head office. We are losing that local experience; we are losing that local knowledge. That is certainly a major concern for council.

One ongoing argument with the Department of Planning at the time of the preparation of the regional strategy was where Shoalhaven sat in terms of a region. Traditionally, Shoalhaven has always been part of the Illawarra region. However, because of the Department of Planning's direction we were part of the South Coast. However, we argued that northern part of Shoalhaven—particularly Nowra, Shoalhaven Heads, Berry, Kangaroo Valley—relates more to Wollongong and the southern suburbs of Sydney. Again, that is something council sought to discuss with the Department of Planning. However, unfortunately, we have been told that whether we like it or not we are in the South Coast regional strategy. And there we sit.

There is a throwaway line in the regional strategy of the role that Nowra-Bomaderry plays, but that is as far as it goes. Where do we head to from now, we are, like a lot of councils, frustrated by the tyranny of consultation. Basically we suffer consultation overload from the Department of Planning. We are at the point where we have several members checking the department website on a weekly basis to see what new things have popped out of the system and how short a time frame we have to comment on it. That is probably one of our biggest frustrations. We constantly see things moving through into legislation, and it could have been improved had we been listened to. Some examples of that are the joint-consent roles under the Native Vegetation Act and, as probably a more on-the-ground example, the original development application referral the requirements of SEPP 71, coastal development.

There are a couple of examples where had our council and others been listened to, the system could have been improved. It is interesting that with SEPP 71 it actually went back six to 12 months later and changed it to probably what we would have told them to do in the first place. In rolling out the consultations we asked it to be rolled out in a more upstaged fashion rather than in one hit, and then all of a sudden councils are faced with having to adjust systems and retrain staff. Basically, they become operational on a particular date whether we like it or not. It is something we struggled to adjust to in a lot of cases. The opportunity to appear before the Committee today is certainly greatly appreciated by us. We certainly hope that the inquiry will lead to some meaningful and long-term changes to the planning system in New South Wales.

CHAIR: What is council's view on the operation of the Commonwealth Government's Environment Protection and Biodiversity Conservation Act and its connection with the New South Wales planning system?

Mr CLARK: It is interesting that you ask me that. As a council we have had probably the two most recent experiences with the Commonwealth legislation including a matter of a rezoning for an area called Heritage Estates, just between Jervis Bay and St George's Basin. It was a rezoning process which has been running since 1989. It involves a paper subdivision of 1,200 allotments in 1,100 ownerships. Council and the State Government have been grappling with that for nearly 20 years. It took Commonwealth intervention in the form of a decision under the Environment Protection and Biodiversity Conservation Act to knock that rezoning on the head.

As part of the threatened species studies that we were required to do for the rezoning, we found a considerable number of federally listed threatened species in that area. Obviously, where the Heritage Estates sits is on the isthmus to Booderee National Park, which is a federally managed national park in Federal territory. As a consequence of what we found, we did what some consider was a premature reference to the Federal Government. But, from council's point of view, we saw it as a showstopper. There is no point in going through the State rezoning process and then have the Federal Environment Minister refuse future development. And that is exactly what happened. Probably two months ago the Federal Minister, Peter Garrett, refused the rezoning of Heritage Estates under the Environment Protection and Biodiversity Conservation Act. As a consequence, council has terminated the rezoning investigation. We still have an ongoing, but festering sore—and I do not like to use that term—under which 1,200 allotments are in 1,100 ownerships.

The Hon. MELINDA PAVEY: Can you explain what you mean by that?

Mr CLARK: Yes, basically there are 1,200 lots, but in some cases together there are two or three lots, but there are 1,100 owners.

The Hon. MELINDA PAVEY: Who owns the land?

Mr CLARK: All individual owners. Heritage Estates was owned by a company, the reason that it is called a paper subdivision is because it was created about the early 1900s on paper only under the legislation at the time, and was not constructed as a subdivision. However, it sat on paper as legal tenure, and was sold off by a developer in the late 1980s and early 1990s on the promise that it might be rezoned one day, and now with 1,100 owners, mainly from non-English speaking backgrounds from western Sydney. The council has been struggling to resolve that, and it took, unfortunately, the intervention of the Federal Government to refuse that. We have a number of other experiences where we find Commonwealth species, so we are starting to see this interaction more on a local level.

It is my experience that at this point the two systems do not connect well. In the case of Heritage Estates ordinarily we would have gone through the rezoning process and possibly had the land rezoned in the New South Wales system and then, had we had the time to realise it, we would have had to get an approval under the Commonwealth Act. Potentially that was not going to happen. So, rather than spend more time and money we went straight to the Commonwealth path, and that ultimately led to refusal. I do not believe they connect well. In theory the Environment Protection and Biodiversity Conservation Act is not supposed to apply to paper transactions—that is, rezonings—but the reality is because some of them are more major ones, it probably should apply.

The Hon. MELINDA PAVEY: On the issue of regional planning officers, it has been put to me and the Committee that there should be more control and authority at the regional level.

Mr CLARK: Absolutely.

The Hon. MELINDA PAVEY: Regional officers understand regional communities. What are your thoughts on that challenge by the centralisation of the processes? What are some fundamental ways we could improve the system so that there is more regional ownership?

Mr CLARK: We support it wholeheartedly and continue it in the regions and the system. Probably one of our greatest recent frustrations in the local environment planning process has been the introduction of the LEP review panel. That was a centralised body within Sydney that oversaw it; I suppose they were the gatekeepers of whether it could proceed to an LEP. They had some regional input, although from my experience it has been fairly limited. You would deal with different officers from month to month, and they met on a monthly basis to consider rezoning proposals. Quite often that local knowledge of the background behind the rezonings, where it had come from, the history behind it, why the councils had reached the point they had reached meant that we were dealing quite often with officers who had been called into the panel from different parts of the department.

They may not possibly even know where Shoalhaven is. It was very difficult to try to get across to them why we were pursuing certain rezonings. What might seem like to be a fairly minor matter was quite significant to the council. One thing we have always argued for was regionalisation of the LEP review panels. Why should all LEPs throughout New South Wales be dealt with by a body in Sydney? Why not have a number of decentralised panels, one in Wollongong, one on the North Coast and one in Dubbo, for example? Someone from head office would give the head office spin on things so that the regional angle on things is not lost. It has been the experience with the current LEP panel that that is very much the case.

The LEP panel operates very much dependent on the officer who is heading it. We have had rezonings kneecapped, right at the last minute. They have been on exhibition, come off exhibition with the department's agreement some years ago and for some reason or another the particular head of the LEP review panel at that time did not think it was a good idea. So, the council is jumping through all the hoops again on something it has already justified to the department and number of times before. Certainly that is my experience, depending on who is heading up the LEP review panel, of how smooth an approach you will have. We would support some regionalisation of that model, for example. We have a very good working relationship with our regional office, and that has been fostered over a long time. We meet with them on a quarterly basis to discuss ongoing matters. We see people from head office every once in a blue moon, whenever there is a something of a major nature.

Reverend the Hon. FRED NILE: It has been suggested to the Committee that there should be two standard instrument LEPs; one tailored for the metropolitan area and one for rural areas. What do you think about that proposal?

Mr CLARK: I have no firm view. What is needed is some tailoring of the current system. At this time we are all using one standard instrument with a series of clauses that are either compulsory or optional, or compulsory in particular areas. One way of tailoring would be to give a suite of clauses; metropolitan on one hand, and coastal or regional on the other. It would then be up to councils to decide which of those clauses it decides to use. For example, the current standard LEP instrument includes floor-space ratios as one of its key planning tools. By the nature of our old local government areas, a lot of regional local government areas have floor-space ratios that traditionally were not used. So, we are now in a position, in terms of our LEP, of having to try to come up with something that applies for the whole city, and it has been quite hard.

For example, the floor-space ratio could have been a provision that the department could have made optional for regional areas or mandatory for metropolitan areas. There could have been some tailoring within the current plan. We were promised very early in the reform a dictionary of local provisions. In other words, those provisions that run the gauntlet of the Parliamentary Counsel and that the Department of Planning was prepared to accept that could be used by local government if they wished to use, for example, a flooding clause. We have never seen that dictionary. My experience is that whichever clause gets through the Parliamentary Counsel as part of the plan gets rolled out across the whole of New South Wales.

For example, currently we are having a debate with them about the flooding clause in council's LEP. We are told to use one of the ones that have currently been through the system. We could say, yes, that is fine, but the flooding clause for Liverpool does not assist the Shoalhaven. We have got a completely different situation. We need a more tailored clause that applies to our situation. In summary, I think some delineation in regional, coastal and metropolitan issues would be good. I do not know whether we need two templates. What probably would be good would be a series of different provisions that we have set up for the coastal area for the regions for the metropolitan areas that councils could use in consultation with the department.

Reverend the Hon. FRED NILE: On page 3 of your submission you state that the new housing code is yet another SEPP that is inconsistent with the standard instrument LEP. Would you explain that point?

Mr CLARK: In terms of the new housing code SEPP, it is probably not news to you now; you have probably heard it over and over again from councils that they are all out of the new codes, and the new SEPPs were a bit of a frustrating for most councils. We had an exempt and complying development system that was there. It was working quite well, albeit we did not have a lot of complying development requests. But our exempt development side of things was actually better than what the SEPP provides for. So in other words we have gone backwards in terms of the SEPP. We had this whole confusion of how does the exempt and complying development SEPP and the codes relate to the standard LEP instrument, and they do not relate very well at all. The LEP instrument sits there, and the SEPP sits above it and out to the side.

One of the suggestions or comments we made was that it would have been better had the State Government wanted to roll out that standardisation of exempt and complying development, to roll it out via the standard LEP instrument rather than creating another SEPP. I know that the State Government said some years ago that it was going to try to minimise the number of SEPPs in New South Wales. I guess in recent times we have actually seen a rise in the number of them. From our perspective, it has been very difficult to work out the inter-relationship between the new exempt and complying development SEPP and how we are going to manage that in our new LEP. We fear that we are going to end up in a situation where people in the Shoalhaven end up having to apply for development applications or complying development applications for things they never had to in the council system.

I have got to say that the complying development side of the SEPP will have a very minimal impact on the Shoalhaven because of the number of exemptions that we have in our area, because large parts of our city are bushfire prone and flood prone and it is very difficult to use that SEPP in our area—not because we do not want it to be used but because of the way the SEPP was written. The other thing is, I think, traditionally over the years people have liked the certainty of councils. Yes, they can go down this path of trying to assess it themselves but then they run the risk of getting it wrong and stuffing it up and the next thing they know is they have done something wrong and they have got compliance action against them. So it is safer and more comfortable for them to go to the council and get a development consent. Our council deals with about 90 per cent of its development applications by delegated authority. A regular development application would be processed by our council within four to six weeks. That then at least gives them the certainty that what they are doing is legal and they are not going to run into any problems. Traditionally, the take-up of complying development in the Shoalhaven has been low and probably will continue to be so.

The Hon. CHRISTINE ROBERTSON: I am very interested in the comments in your submission when you suggest that perhaps the Standing Development Committee on State Development is not the appropriate body to do this inquiry. I am not being smart by asking this question, but who do you think should be conducting this inquiry?

Mr CLARK: As I said in my opening statement, not necessarily the submission, the fact that this inquiry is being held we really appreciate. I guess what we would hope to see out of it is some lasting change or legacy in terms of the planning system. I guess we have had a bit of frustration over the years that we keep commenting on things, we do not get listened to, things get rolled out and we get left to pick up the pieces. Please do not get me wrong: I am more than happy that this Committee is dealing with it. But I guess we were hopeful that it would have been dealt with at a higher level within Parliament. But we will take whatever this Committee is prepared to recommend.

The Hon. CHRISTINE ROBERTSON: No. I actually want your definition of what that means.

The Hon. MELINDA PAVEY: A higher body—like a Minister?

Mr CLARK: Our council keeps appealing to the Minister, the shadow Ministers—whoever we can, we will approach.

The Hon. CHRISTINE ROBERTSON: The process of this inquiry is that the Chair submits a report to Parliament and then the Government actually has to reply within six months to the recommendations.

Mr CLARK: Please do not take offence.

The Hon. CHRISTINE ROBERTSON: We are not offended. One of the things that has been happening throughout the public hearings of this inquiry is that we have received a lot of high-level policy principle towards legislation for future planning, particularly from major city organisations. It would be worthwhile to get future thoughts from rural organisations because even though their day-to-day lives are more about dealing with what is there and where it is going, some look towards the principles that you think should guide future legislation in planning. This inquiry is about looking to the future as much as worrying about what is there.

Mr CLARK: Certainly, it is probably fair to say that, whilst we are a coastal council, we are a fairly progressive one. The current council is certainly not anti-growth; it is not anti-development like you might see in some of the coastal areas. Our council realises that it has some real problems. We have a high unemployment rate. We have a fairly skewed demographic profile. We understand the importance of continuing development, and continuing to provide housing. I guess what we are saying, though, is that under the current system—the way it is certainly in the planning Act and in the related Acts—it is getting harder and harder to deliver things, despite the best will of council.

The Hon. CHRISTINE ROBERTSON: What do you look for with housing?

Mr CLARK: I think one of the things that needs to be done is that there needs to be some integration of the relevant Acts. At the moment the planning Act largely sits separate, for example, from the threatened species Act. But the threatened species Act, for example, can cruel the rezoning process completely and utterly. So we have got all these disparate Acts sitting out there that have a finger in development, so to speak, and then they play off one another and at the end of the day, whether we like it or not, the environment is paramount. I guess what council would argue is that there needs to be a broader consideration of environment, ESD, in the broader sense, not just environment. In regional areas like the Shoalhaven there is a need to continue to provide for a level of appropriate growth. We cannot just lock down the area. The Acts need to not just look at focusing on stopping development but actually help us facilitate appropriate development.

The Hon. CHRISTINE ROBERTSON: Do you think a more appropriate regional planning process would be the answer?

Mr CLARK: The regional strategies that we currently have, I think, are a good move forward. It was interesting to hear your comments earlier about catchment planning. As I said, we had that very argument at the start of our regional planning process about where we actually sat.

The Hon. CHRISTINE ROBERTSON: Yes—what is a catchment?

Mr CLARK: What is our catchment? Are we part of the Illawarra region? Are we part of the South Coast? Depending on which planning process we are involved in, State and Federal governments have an each-way bet. We are part of the Illawarra region if they need our figures but we are not part of the Illawarra in terms of growth and development.

The Hon. CHRISTINE ROBERTSON: That is the joy of living in the country.

The Hon. MELINDA PAVEY: Under this administration.

The Hon. MICHAEL VEITCH: I refer to your comments in regard to the current status of the Environmental Planning and Assessment Act 1979 and the need for moving forward with a whole new Act, for instance. At the Committee's Orange hearing, it was put to it that there needs to be a separate planning Act, a separate assessment Act, and that all environmental legislation should come under umbrella legislation. What are your views?

Mr CLARK: There are certainly a number of models around the world in terms of planning. In the past decade New Zealand was heralded as having done something quite novel by putting planning and environmental assessment together into an integrated planning and environmental Act. I cannot give the correct terminology, but I remember as part of one of the ongoing reforms of New South Wales that the New Zealand model was promoted. If you look at the United Kingdom, it very regularly revamps and reviews its Acts whereas we seem to snip away at the edges, insert a bit here and insert a bit there so that you have got to basically have a doctorate in statutory legislation to be able to understand it and find things.

We are open to whatever model gets put forward but I think what we are seeing at the moment is a constant chopping and changing of the Act and it is proving very difficult for all concerned. We would like a clear Act to work within. It is called the Environmental Planning and Assessment Act. I think most people would argue by now that the environment has become probably 10 per cent of the Act and development, particularly with the insertion of part 3A, has become 90 per cent of the Act. Why not have a planning Act? Why not have an environment Act? At the moment we have got something that purports to be both and really is not.

The Hon. MICHAEL VEITCH: It was also put to the Committee in Orange something that leads to some of your comments about Parliamentary Counsel. It was put to the Committee that with the LEP process one can take whole-of-community consultation, get the community's intent and put that in your LEP but by the time Parliamentary Counsel has finished with it and turned it into a legal document that intent is lost.

Mr CLARK: Yes. I have worked for the council for 20 years and I have got to say in my time of dealing with Parliamentary Counsel [PC] it is like some sort of mythical body that sits somewhere in the nether land that must be obeyed. As a practical example of preparing small LEPs, we would go to them, we would write an LEP, we would send it to them, they would review it, and it would come back absolutely shredded with red pen all over it, redrafted. We would be fine with that. We would make the changes. We would exhibit and proceed on. The next LEP that was exactly the same, we would write it the way the last Parliamentary Counsel wrote, send it up to them and it would come back covered in red pen again.

The Hon. CHRISTINE ROBERTSON: Are these language or other issues?

Mr CLARK: It is legal drafting and it really depended on which solicitor was looking at it. There was no consistency. So one solicitor probably thought "Yes, that was a good way to write that plan" but then the next solicitor had a better idea. It has been a bit of an ongoing joke in our department for a long time—we have bets on how they are going to come back from Parliamentary Counsel. They do have a role to play in the planning scheme, without a doubt, to make sure that things are legally binding, but I think that they play a much greater role than they should to the point that we would get phone calls from the legal officers in Parliamentary Counsel asking planning questions. You would suddenly think, "Hang on a minute, what has that got to do with the legal interpretation of this instrument? Whether we want to put a dwelling there or not has really got nothing to do with you as a legal drafter."

In terms of the current process that we are going through, something that frightens me even more is the problems that the Department of Planning has had with the current comprehensive planning system's logjam. It

has gone from a system where all those comprehensive LEPs, before they got put on exhibition previously, were reviewed by PC so that what went on exhibition was a PC-approved document. Because of the log jam it has now got it was decided that it cannot wait for all these PC reviews: "Council you put this version on that the department is happy with and then we will get a PC check after exhibition". Our real worry with that is if we exhibit something that gets substantially changed we are going to run into legal or practical problems down the track where what we exhibited looks vastly different from what was adopted by the council because the Parliamentary Counsel changed this clause, or rewrote that clause, or took that clause out. So that has been something we flagged to the Department of Planning. We have put it on notice that if we run into problems with that down the track we forewarned it of that. We are really concerned that our instrument will not be reviewed by Parliamentary Counsel before it goes on exhibition.

The Hon. MICHAEL VEITCH: My question relates to the military.

Mr CLARK: HMAS *Albatross*?

The Hon. MICHAEL VEITCH: Yes, and the fact that it does not come under the Commonwealth Airports Act. What are some of the planning issues you may or may not encounter?

Mr CLARK: In terms of local government areas within New South Wales, Shoalhaven is probably quite unique in that we actually have a defence military base within our local government area, a defence bombing range within our local government area and we have part of the Commonwealth territory adjoining us, which also contains military bases, so the council does have a fairly good working relationship with the Department of Defence. In a planning sense, though, it has been quite difficult to manage. HMAS *Albatross*, through the years, as you might be aware, has changed in its operations. It once was predominantly a fixed-wing base; now it is predominantly a helicopter base, so coming with that, obviously flight patterns in and out of HMAS *Albatross* have changed. The council is keen to protect the integrity of the base.

Some years ago using the ANEF noise contours for the base we established an airport buffer zone and we have already stated that we do not intend to change that buffer zone. In other words, if the ANEF zones change we are going to leave that buffer zone where it is because we cannot guarantee that in five years time or 10 years time we could be back using a particular type of aircraft, which will then need a bigger buffer around it. The thing that we have had the greatest problems in dealing with were that at the moment the defence have regulations that, whilst they are not the Federal aviation laws, they are their own regulations that allow them to do practically anything.

For example, they have operating legislation that enables them to fly down to a particular height over what they call Helo north, which is the northern part of Shoalhaven. It is not covered, protected or recognised in any State planning system or scheme and as a consequence we get landowners moving into particular areas saying, "No-one told me this is a defence base area. Why have I got helicopters flying over me? This is unreasonable. Why didn't the council tell me? You should have done this; you should have done that." Our response to that is, "Look, we do what we can within the law. We issue section 149 zoning certificates at the time the land is bought and sold." However, under the current regulations that specify what we put in those, the naval flight regulations can only go in the non-compulsory part of 149, so most landowners do not see it. We have on display permanently in our council the flight operating areas for HMAS *Albatross* so that someone moving into the area can say, "I live in an helicopter operating area so I can expect to see a helicopter over my house once in a while."

As a council we actively supported—this may seem silly to you—the practical placement of a former Navy helicopter on a stick at the entrance to Nowra as a physical symbol to say, "Look, this is a defence area." You might live at Berry and you might never see HMAS *Albatross* but you recognise that this is primarily a defence area and that we rely a lot on the defence industry. It has been very difficult because they operate, in their own system of defence legislation, then try to work with them to protect the base. Probably the most practical thing we have done is to establish a buffer zone around the HMAS *Albatross*. That is their immediate operating area, so that is what we consider to be the ANEF from a normal airport but it does not currently cover their whole operating area, which is, in large part, the whole northern part of the Shoalhaven and lots of other places.

We work with them but they have their struggle to manage the New South Wales system themselves. We have had ongoing discussions with them about how to manage it as part of the comprehensive LEP. Whilst it is Commonwealth land, it is part of New South Wales so it has to be zoned. At one point they were saying to

us, "Please leave it unzoned" and we were saying, "No, we can't do that. Under the system we cannot leave land unzoned. We have to give you a zone. As a practical purpose other than to show you on a map, we don't have control in your area and we can't leave you unzoned."

CHAIR: Thank you for your contribution today. You may receive additional questions from the secretariat. If so, please give answers to them within 21 days.

(The witness withdrew)

(Short adjournment)

CHRISTOPHER GODFREY BERRY, Acting General Manager, Goulburn Mulwaree Council, Locked Bag 22, Goulburn, affirmed and examined:

CHAIR: Thank you very much for attending here today. If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you do take any questions on notice today the Committee would appreciate if the response to those questions could be sent to the Committee secretariat within 21 days of the date on which the questions are forwarded to you. Would you like to make a brief opening statement or would you like to go straight to questions?

Mr BERRY: Chair, the Goulburn Mulwaree Council would like to thank you for the opportunity to make a presentation to the inquiry. It is not often that we get asked for our comments on the planning system and we have a fair bit to say. My colleague just before morning tea covered many issues that I would liked to have addressed to the inquiry, and in the interests of your time and efficient use of that time, if you would like to go straight to questions, I am happy to do so.

CHAIR: The Goulburn Mulwaree Council has been one of the first councils to complete a new local environmental plan [LEP] using the standard instrument. What has been council's experience of the LEP-making process?

Mr BERRY: It has been 4½ years of negotiation. In fact, we commissioned, shortly after amalgamations, consultants to undertake an LEP, a comprehensive suite of planning documents, including new strategy, development control plans [DCPs] and contribution plans. The consultants gave us a very ambitious time frame of 12 months to prepare those draft documents, in consultation with focus groups, the wider community and government agencies. We thought that 12 months was a bit ambitious but they delivered in 14. We were ecstatic about that and the rest of the time we have been involved in negotiations with the Department over finetuning the actual LEP itself.

The working relationship we have with the regional office has been excellent. They were part of our steering committee right from the word go, in terms of being able to direct us with our documents and to make sure we were not cutting across broader State or regional areas. That was a worthwhile process to have them directly involved. Where we seemed to probably go off the rails, in my opinion, was when we started to hit head office. The LEP review panel called us up at the time they were telling all their staff to stay away. That was right in the middle of the ATSIC conference. We were actually given less than 24 hours notice to front up for a meeting.

We declined that first up and they rescheduled us the next week and again gave us less than 24 hours notice of that meeting; in fact, we heard it through a second-hand source that we were on the next day. The mayor of the day was quite furious when he got to the panel to make a presentation. We fronted up to that panel and we seemed to be questioned on things that I assume they understood from the comprehension package we provided. It almost got to the point where we seemed to be dotting i's and crossing t's rather than talking about substantive strategic issues, so we seemed to drift down into the nitty-gritty detail rather than focusing on whether our LEP and the statutory wording of that document complied with our strategic direction that we had set.

Mind you, all of that work was being done at a time when the department had been endeavouring to produce a regional strategy for the Sydney to Canberra corridor or a review of the existing strategy and I guess we felt a little frustrated that we seemed to be held back because of a seeming lack of progress on that review. In fact, when the regional strategy came out it almost looked as though they had lifted the local strategy and plucked the relevant bits into their documents, so we were certainly a bit frustrated by that process.

CHAIR: How can the planning system encourage growth in the regions?

Mr BERRY: We have a system at the moment that I think is universally agreed by all the major stakeholders and administrators themselves that is rated as the worst in Australia. Even today in the paper you have the development industry frustrated by the processing at times and certainly in our experience our local community feels frustrated by the inability to participate in the process at what I would call medium scale type development, the sort of development that is above complying but below designated development.

The vast majority of the work we do, they do engage in process but if they do not like the outcome they are frustrated by the lack of ability to have an independent review. Perhaps some of the reforms in that regard may assist but with a piece of legislation that is 30 years old and incremental reform over that entire 30 years, at the end of the day it seems to me that a complete rewrite is warranted. We need to go back to the drawing board, pick up and design a system that is actually going to produce better outcomes for growth and certainly in the regional areas that is a very important issue regarding Goulburn Mulwaree. It needs to balance that growth with conservation and the environment; major concerns with environment and conservation rather than trying to protect absolutely everything. That is a frustration and it needs to provide for engagement with local community and involve in a much more meaningful way local community input into the planning process.

The Hon. MELINDA PAVEY: Your submission on page 1 says that New South Wales is rated by planning professionals as the worst in Australia and based on key indicators it is well behind other States. Can you outline what some of these key indicators were?

Mr BERRY: It was a survey conducted by the Planning Institute of Australia, so it is the professionals themselves rating in an Australia-wide survey that is done biannually. I think we rated on par with Tasmania but Tasmania was discounted because of the small size of that sample. So we were rated by ourselves as being a very poor system, no longer cutting edge. A number of indicators used in that survey are things like community engagement, strategic planning, performance on development assessment, so there was quite a range of indicators and our best rating was C+ on a scale of A through to D. We lagged very much behind most of the other States.

The Hon. MATTHEW MASON-COX: Based on the D+, were they not?

Mr BERRY: D+ and our highest was a C+, from memory, of that survey. If the professionals administering the system themselves are rating themselves fairly poorly—

The Hon. MATTHEW MASON-COX: Rating the system fairly poorly?

Mr BERRY: Yes, I think we have good people trapped in bad systems. It is a classic case of that and if the peak professional body is saying there is a problem with the system, we should be taking notice and going back to the drawing board.

The Hon. MELINDA PAVEY: What is your vision for Goulburn Mulwaree and how is that vision being held up in the current frameworks?

Mr BERRY: Certainly the strong emphasis on Goulburn Mulwaree is economic development. Obviously as a regional centre we think we are well placed and well located between Canberra and Sydney but we need to have a system that is supportive of good economic development and we need to provide some certainty for that. At the same time we need to protect the values of the community that are important to us and a lot of those are in a rural setting and we need to ensure that we protect our landscapes and environmental values of the Shoalhaven and environmental areas of the escarpment and national parks. It is very important to retain those values as well. Heritage is very important—I refer to the preservation of our heritage values in Goulburn itself but, as we are finding out, other smaller communities have just as important heritage values from their perspectives.

The key thing is to try to find a system that allows local government, in particular, to find the best balance between those competing objectives for environment economic, development and social intergration.. In some cases that means tough choices about which values in particular circumstances that the community wants to emphasise more than others. For instance, we had a medium-size proposal on the outskirts of Goulburn, an area where we have seen regeneration of natural vegetation, which is a threatened species. In that circumstance, council felt that it was still part of the urban area—the economic objectives far outweighed the conservation objectives and ruled accordingly. Certainly National Parks had some concerns about that decision and their role in terms of its priorities. It felt that threatened species were far more important. The council's decision has not been changed and we progressed with that decision.

The Hon. MELINDA PAVEY: Would having a regional planning office with more control be more useful in seeing your vision through?

Mr BERRY: Absolutely. I concur with the comments of the previous witness. The working relationship we have with the Wollongong office is first class. We and they share the frustrations with head office, I believe. The development of our strategy for a new LEP and a suite of planning document was done in concert with the regional office. We believe we had a good package of documents to take forward through the panel process and Parliamentary Counsel process. It seems to me that it was at those two points that we seem to run into most of our frustrations.

The Hon. MATTHEW MASON-COX: Mr Berry, congratulations on being one of the first councils to navigate the new LEP process. That is certainly an achievement worthy of note. Did you use consultants to any degree in preparation of that LEP?

Mr BERRY: Yes, we certainly did. As one of the amalgamated councils we received some priority grant funding under the plan first levy that was introduced. All up we received in the region of \$475,000 to produce that suite of planning documents, the strategy, the LEP, the DCP and contribution plans. A whole raft of new documents. In addition that that direct grant funding, which was used to engage consultants, I have had a team of three people working for 4½ years on managing the consultants, managing the steering committee and managing the government agencies. At a conservative estimate, I would say it has been about a \$1 million project to produce a new suite of planning documents.

The Hon. MATTHEW MASON-COX: And that has taken you the best part of five years?

Mr BERRY: Yes. When you stack up the introduction of the standard LEP template that was undertaken in Victoria, which took about 12 months, and compare it to what has happened in New South Wales, one has to ask whether we actually got it right.

The Hon. MATTHEW MASON-COX: In regard to the five-year process, would you have been able to do that without consultants? Would you be able to do that without the \$475,000 funding given to you externally?

Mr BERRY: No, and no.

The Hon. MATTHEW MASON-COX: How do you think councils close to you geographically, that are smaller, such as Palerang or others adjacent to yours, are faring, given that they have not received any funding, or small amounts of funding, and struggle with the skills base necessary to prepare a very complex document?

Mr BERRY: I actually fear for some of those councils who have not met their deadline. The further west you go the greater the skills shortage is in terms of experience and qualified people. There is a greater dependency on importing skills, and consultancy is one way of doing that. If you do not have the resources to do it, it is going to be extremely difficult for those councils. We started the project at the same time as our near neighbours, Upper Lachlan. In fact, we shared consultants on the initial part of the process to try to get a bigger bang for our dollar. There was a time when both councils needed to separate, go their separate ways, mainly because of different planning agendas for both areas. Goulburn is a larger regional centre, and Upper Lachlan is smaller villages that feed into Goulburn, they have an important role in a regional sense, but the issues are certainly different. Probably the key common issue is how to deal with rural planning and lot sizes. That has been a major issue for a lot of rural councils, particularly away from metropolitan areas.

We thought it was going to be a major impasse on our LEP, until we managed to negotiate with Primary Industries at a very high level to find a way of passing that impasse. We get an agreement with them to exhibit our LEP with a 100-hectare minimum lot size, moving from 40 hectares, with concessional lots moving away from that to 100 hectares. The Department of Primary Industries gave us a commitment that it would work with us on reviewing that 100-hectare size to see if flexible lot sizes would be possible. That was earmarked for our first amendment to the LEP. We also were the first to get a comprehensive LEP through and also the first to get an amendment through within only a couple of weeks. So it will be amendment No. 2. It is with the department and, presumably, with the LEP panel process awaiting to go to the next stage in the planning process.

The Hon. MATTHEW MASON-COX: Will that be reduced from 100 hectares to 40 hectares?

Mr BERRY: No, it will be a much more broader range, probably 10 hectares through to 100 hectares. The idea is where we have good services in villages and in the Goulburn urban area, we are looking at a number of small lots and expanding that gradually, increasing the lot size as we move forward into more remote areas. Where there are good services and good facilities—sealed roads, schools, hospitals, access to commercial areas and employment—that is the rural end of the spectrum. The reason we chose 10 hectares is that it is related to self-sufficiency in terms of water supply, capturing enough water for use in the home and outside and perhaps for firefighting purposes and stock.

The Hon. MATTHEW MASON-COX: Is there any scope for exporting your expertise to other local government areas adjacent to yours, perhaps mentoring and assisting in kind ways to skill them up a little, or are there other ideas to skill them up to the necessary level to make that happen?

Mr BERRY: We have that with Palerang in particular. We have shared with Upper Lachlan, and assisted with GIS support, a contractual arrangement. We have made staff available to assist with mapping. At Palerang this is more on development assessment, where they had conflict of interest matters internally. We are hoping that this is the start of an ongoing relationship that will allow us to provide support to our colleagues. As an organisation, we have a larger planning department than our neighbours. We see there is a sense of professional responsibility to our colleagues in smaller rural areas.

The Hon. MATTHEW MASON-COX: Has the Department of Planning encouraged you to take those steps, or have you done that off your own bat?

Mr BERRY: We have done it off our own bat. It is the professionalism of the staff that encourages that working relationship and the fact that we have a regional resource sharing agreement with those two near neighbour councils.

The Hon. MATTHEW MASON-COX: Do you have an airport?

Mr BERRY: Yes.

The Hon. MATTHEW MASON-COX: Do you have any issues in relation to planning so far as the airport at Goulburn is concerned?

Mr BERRY: No, the major issue with Goulburn Airport is whether council should own it or whether it should be owned by private enterprises. Planning around it has been fortunate. It is surrounded by rural zonings with controls on minimum subdivisions of 40 hectares as the standard around the airport. That means we do not have a great deal of encroachment within that area. We have had a few issues with development at the airport, or on land that has been taken out of the airport, for encouraging things like hangars and small airport repair shops to service the area, some of which involve accommodation. There are some good Australian standards in relation to how best to minimise the impacts of an airport. We have a recreational airport; it is not a major freight terminal, it is not a major passenger terminal. We have an entirely different role in the airport segment of this region.

Reverend the Hon. FRED NILE: Earlier you recommended a rewriting of the legislation on growth and regional areas. In other hearings, councils have said that they are still getting used to it, so please do not change it all again. Are you in the change immediately stage, or are you saying to wait two years or five years?

Mr BERRY: It does not matter which way you approach it. There are always going to be concerns with changes introduced and whether you do it in a big-bang approach and have an intermediate effect, or gradually over time. Both approaches will have problems. My view would be that the incremental approach—that is, effectively what we have been doing for the past 30 years—does not seem to be working. Planning legislation is one area we are changing far more rapidly than a lot of other areas. To me, that is one where 30 years is far too long in this business. In 1979 it was cutting edge leading legislation, no question about it. It was probably one of the leading pieces of legislation in the country, Most other States were well behind that, but most other States have now leapfrogged us. So, let us have a comprehensive review of the legislation now, because the current one is not working for the players, the stakeholders involved. It is time to change.

Reverend the Hon. FRED NILE: What timetable would you put on that?

Mr BERRY: The sooner the better.

Reverend the Hon. FRED NILE: Realistically, there would have to be a timetable, it would take some time to draft.

Mr BERRY: It would certainly take a process, probably two to three years to widely consult about what we want out of the system with ordinary stakeholders. There have been plenty of reviews on what has happened in other States at both the Commonwealth level and the State level. Really, it is starting at the end and asking what we want out of the system, and then designing the system to support those outcomes, rather than the other way round. I would leap to the outputs first and see what we are going to achieve as a State and with the major players, and work back from there. It should be based on some sound principles, which are there in the legislation, do not get me wrong, there is some good stuff in the legislation. Certainly, it can be smartened up a little by providing for greater certainty for the Goulburn industry, and at the same time providing some opportunity for local communities to have a greater say in what is happening in their community.

Reverend the Hon. FRED NILE: Earlier you indicated the value of the consultants that you used and you equated the criticism of the Planning Institute of New South Wales with the legislation. If the State Government were to carry out a review of new legislation, would it be better to be done by outside bodies, such as the Planning Institute, some consultant group, so that there is a complete break with the traditional way of thinking within the department?

Mr BERRY: If I was going down that track I'd have a complete break from the traditional way of thinking, I would not put planners in charge of the exercise; I would put others in.

The Hon. CHRISTINE ROBERTSON: What sort of person?

Mr BERRY: My view has always been that the best outcomes are where you have a diverse range of opinions on input. It is not the exclusivity of any one profession. Planners have a general training with a little bit of expertise in a lot of areas. That can sometimes be a bit of a hindrance; sometimes you need someone with deeper technical knowledge. I would not say things like "Exclude lawyers from the process" but I would downplay their input. We are heavily dominated by the legalities of the system rather than the things we would like to achieve. Again, a broad range of skills from a broad range of backgrounds would be the best way to work through that, perhaps using the skills of facilitators to tease that information out of those professions to design the system. I do not think we should leave it in the hands of any single profession. That would be my recommendation.

Reverend the Hon. FRED NILE: In your submission you advocated a non-prescriptive method for the inclusion of supporting information to accompany a development application. Would you explain how that concept works?

Mr BERRY: We seem to have this view that we need to justify everything. Some of the submissions I have seen for what I would call routine development in Goulburn Mulwaree have been accompanied by a 30- or 40-page document to say that we have gone through all the heads of consideration under the Act, all the heads of consideration under this SEPPs, and I keep saying to my staff, as a planner, I like looking at plans. I like looking at things. The words are interesting but it is the plans that are important. To me it is a very visual profession; it is about seeing what is on the ground, what is likely to be on the ground and being able to pick the key impacts that are likely to occur from that proposal and focus on those rather than focusing on an endless list of things that you need to go through.

To my way of thinking, a simple approach would be, rather than being prescriptive about the legal documentation that is needed, to allow the system to produce the documents necessary for a good assessment. If there are shortcomings with the information that has been lodged it will soon come out of the planning process. The public will pick up on any shortcomings and information. Your planning professionals will pick that up as part of the assessment process. You have got mechanisms there available to ask for further information. Again, rather than trying to be very prescriptive about what you want to see in a document—even with major projects you see three or four volumes of material when the issues could be quite succinctly put—the effort and resources can focus on dealing with those issues, rather than the much broader range of making sure that we have ticked all the boxes and dotted all the i's and crossed all the t's to make sure we do not slip up and have a default in the process and then get pinned for not considering something that may be relatively minor in the whole scheme of things. So a less prescriptive approach would be my view. Again, other States and other

jurisdictions have got this down a little bit better than we have. Ours seems to be very much focused on a very prescriptive, process-driven thing rather than an outcomes-driven system.

Reverend the Hon. FRED NILE: Is it very legalistic?

Mr BERRY: Yes, I think so. I think it is a minefield. In fact, it is lucky we managed to resolve a court case in the past few days otherwise I might have been in Sydney for another week, hearing the pros and cons of a quarry development.

The Hon. CHRISTINE ROBERTSON: We have heard of that.

Mr BERRY: Again, it tied up a lot of resources in a hearing that perhaps, with better management of the process—in that case it was a major development—might have been resolved a lot earlier rather than ending up in a court situation.

Reverend the Hon. FRED NILE: On the other hand, probably having all the detail is an attempt to prevent court cases and legal challenges.

Mr BERRY: Legal challenges are a fact of the system. I remember the previous witness talking about Parliamentary Counsel and the need to get documents legally correct. It has never stopped a legal challenge in the past so why would it stop a legal challenge in the future? If we are realistic, if we prepare an LEP and it is based on sound planning principles and it has been drafted in good faith and if, as part of administering that document, problems arise, that is why you have amendments. Amendments are the mechanism to fix the problems as they arise. It is not possible for everyone to foresee all the possible problems with the system. To me, rather than getting hung up about trying to draft something perfectly in the first place, would we not be better off drafting it for the vast majority of instances and circumstances that you are likely to experience, and then deal with the one or two that might be a problem as they occur, if they occur?

The Hon. CHRISTINE ROBERTSON: I am very interested in what you say in your submission in relation to the process for setting future strategy. What issues fall into "strategy"?

Mr BERRY: On a broad level, they are environmental, economic and social issues.

The Hon. CHRISTINE ROBERTSON: The works.

Mr BERRY: Yes, basically, but strategic planning is not a complex thing. Planners and a lot of us will tell you how complicated and intricate it is and all that, but it is a simple process. It is that cyclic process of establishing what you would like to achieve out of the system, doing your background research, developing future options, evaluating those, picking your preferred future and then implementing and reviewing it. It is a nice, simple, cyclic process. I do not think we should try to overcomplicate it, and systems should be designed to reflect that type of process.

My view would be that in that process the community, government stakeholders, government agencies and industry bodies will work out the priorities for that community. It is from that that you design the system. So rather than trying to be all things to all people—all the sorts of things that the community wants it to be—try to design your systems to be supportive of that rather than prescribe what your LEP is, what your strategy is, or what your DCPs are going to cover. That would be my view. In Goulburn Mulwaree the sort of issues that would bubble to the surface would be economic development, heritage preservation and maintaining rural lifestyle—three issues which probably you could design your documents around rather than worrying about the vast range of things that could fall under economic, environmental and social. Pick the things that are relevant to your community.

The Hon. CHRISTINE ROBERTSON: The process looks very neat when you say you are going to have a State plan, a regional plan and your local plan to benefit the local people from the directions in which you have participated in setting the regional plan. It all looks very neat. As the Committee has travelled, it has been interesting to hear what people define as a region—including today. Do you believe there is a positive process that the Committee could recommend to go forward in working through what a region means or could it put forward a recommendation about solving that issue?

Mr BERRY: Regional planning or regions is a great debate because if you take an environmental view you would probably end up down the catchment management path. If you take an economic view it will be about where your connections are based on investment patterns in an area. If you talk about social regions they are quite different again. Perhaps we should not get so hung up on trying to define a region. Perhaps we would be better off agreeing that there are perhaps regional centres and we get fuzzy as we move around the edges and do not get hung up about it. To my way of thinking, and as the previous witness mentioned, is the Shoalhaven in the Illawarra or the South Coast? Does it really matter at the end of the day, provided the outcomes that are being achieved are delivering for the local level and are not cutting across what is happening in the State and the broader regional areas? To my way of thinking, if it is convenient to be in the Illawarra that is great. For us, if it is convenient to be in Canberra, we will be in Canberra. If it is convenient for us to be in Sydney, we will argue Sydney.

The Hon. CHRISTINE ROBERTSON: That is another issue, is it not? Canberra is the centre for many centres so how do you integrate a regional planning process with another government?

Mr BERRY: That is difficult. I guess they have the same problem on the Murray.

The Hon. CHRISTINE ROBERTSON: And up north, yes.

Mr BERRY: They have the same problem out west. Is Broken Hill in South Australia or is it in New South Wales? It does not matter where you are, there are always going to be these issues. Certainly from my perspective, if there are good processes in place to deal with those issues, and a common understanding of those procedural issues, I do not think it will be a major problem. For Goulburn, we have a strong connection with Canberra. We also have a strong connection with Sydney. We also have a strong connection with our smaller communities around us. They are different, depending on what issue you are talking about. If it is convenient for us to argue that we should be part of Sydney, we do that.

The Hon. CHRISTINE ROBERTSON: There is a bit of a move amongst the catchment management authorities—I am sensing it rather than it being on the table—that they would be the best planning organisations. If that should come out of the pocket and they are anointed as such, how would you feel about water catchments being planning authorities to encompass all the other issues?

Mr BERRY: We are in four catchments. Goulburn Mulwaree is in four catchment management areas and then on top of a couple of those you have the Sydney Catchment Authority as well—effectively five catchment management type authorities are administering it. So if the inquiry can work out that one it would be fantastic. I do not think it will, and I am not necessarily a believer that a catchment is the best model. Communities do not identify strongly with catchments; they identify more strongly with places.

If you say to Goulburn people that you are in the Southern Rivers catchment they will look blankly at you. If you talk to them about being in the Sydney catchment they will understand that because of our water issues and our relationship with the Sydney Catchment Authority. If you talk about Hawkesbury Nepean, again they will look blankly. Again, communities do not necessarily align themselves along catchment management principles so that is why I would tend to shy away from the catchment management authority model. There are good reasons for doing that from a resource perspective and perhaps at a State level, but at a local community level I would question the value.

The Hon. MICHAEL VEITCH: You finished your LEP, which was great, and you had it amended which was even better. How did you acknowledge climate change and natural resource management issues within your LEP?

Mr BERRY: This is one of the debates. We have actually had an issue with a number of the catchment management authorities about what our LEP should and should not be doing. A lot of the angles from which they are coming to me, the LEP is the wrong vehicle. An LEP is a set of rules and regulations about what will happen in the future. If someone does not lodge a development application, nothing happens. Catchment management authorities to me are more about providing the carrots, if you like—the incentives for better land management within that area that are outside the LEP.

We would be better off pursuing programs that are supportive of the outcomes that are articulated through your strategy documents in your LEP but are not going to happen through regulation. They would be better off happening through a program providing incentive to landowners to, to manage their noxious weeds or

revegetate or deal with their stock levels, or whatever it might be. A lot of that comes back to the regulation. The regulation is easy to understand and we are comfortable with that. The other stuff is harder. That is something we need to marry together better in a strategic sense. We need to understand the role the regulation has to play and the role that investment and programs and services are going to have in terms of supporting your outcomes. The outcomes can be the same, it is just a different vehicle.

The Hon. MICHAEL VEITCH: You have very specific water issues.

Mr BERRY: We certainly have some very specific water issues and this is why I said before that we will argue that we are part of Sydney, if it warrants it, because that is where one of our major catchment water sources comes from—the Wingecarribee pipeline, which is being debated very strongly in the community in the region. So it is convenient for us to talk about being part of Sydney with the mention of the pipeline but in many of our other things we are talking about being part of Canberra and part of the wider Canberra region from say a tourism perspective.

The Hon. MICHAEL VEITCH: If the Committee were to recommend another planning model what would that be?

Mr BERRY: This is perhaps why a planner should not be in charge of the system. My background is from Victoria originally and I think they have done some good things in their system down there in terms of being able to balance the economic, social and environmental issues with some of the strategic planning work they have done. I think its Department of Planning model has some merit because it seems to be focused very much on the strategy, the research and development side of things rather than—

The Hon. MICHAEL VEITCH: Macro rather than micro.

Mr BERRY: Yes, macro. I would be looking at systems that look at a macro role for the State rather than the micro role, providing the environment for local government delivery. The bottom line is Local Government has 150 offices in this State and it is ready to roll out anything at the end of the day. It is well placed to be in the communities and I would be supportive of any model that is based on local government being the primary mover. There is no doubt that the New Zealand model that I mentioned earlier has tried to be all things to all people. I am not sure that it is working as well as it could be. I think it has come on the back of some other issue that they have had over there with outsourcing some of the delivery of planning assessment.

I am not sure that would be a particularly good one to do, but at least that was an attempt to bring and marry a lot of things together. I think South Australia played around a few years ago by disbanding and embedding the Planning Department in the other agencies where they were delivering the plans for say housing and delivering on key outcomes for the community rather than planning being the outcome itself. There are a number of other models around but my view would be, "Don't overcomplicate planning." It should not be a complicated system. It should be simple; delivering outcomes for the community and we need to try and design it so that it meets that objective rather than complicating it and making it prescriptive, very legalistic, and one that people do not understand or are a part of.

CHAIR: If there were two recommendations that you would like to see the Committee put forward for the Government to look at and adopt, what would they be?

Mr BERRY: Only two? The first one would be, as I have just indicated, that the role of the State planning agency needs to be redefined and refocused, and I think a more strategic role, rather than worrying about what is in a person's LEP, is where the department should focus on. The other one is perhaps an even more simpler change. These should link together. We strengthen the role of the regional office to work with councils within their region, but downplay the involvement of the LEP panel gateway model, which I do not think is working. In my view, it is not adding any value. Strengthening the regions, and remove that. And why do you need Parliamentary Counsel in the process? What value are they adding to the overall scheme? If you are going to support the regional officers, support your regional officers and allow them to work more closely with their local government counterparts by removing the—I guess interference is the wrong word but the influence of head office.

CHAIR: Thank you for your contribution here this morning and for attending. There may be other questions we would like to put to you. The secretariat will send them to you and it would be appreciated if you could return them within 21 days.

(The witness withdrew)

ANDREW LEECE, Manager, Regulatory Affairs, Canberra Airport, 2 Brindabella Business Park, Canberra Airport,

STEPHEN BYRON, Managing Director, Canberra Airport, 2 Brindabella Business Park, Canberra Airport, and

NOEL McCANN, Director Planning, Canberra Airport, 2 Brindabella Business Park, Canberra Airport, sworn and examined:

CHAIR: Would any of you like to make a brief opening statement?

Mr BYRON: Yes, please.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider that request. If you take any questions on notice today the Committee would appreciate the response to those questions to be sent to the Committee secretariat within 21 days of the date on which the questions are forwarded to you. Would one or all of you like to make a brief opening statement?

Mr BYRON: Thank you for the opportunity to appear before your Committee. We are all from Canberra Airport. Canberra Airport is within New South Wales. It is New South Wales' second most important airport; it is its only 24-hour operating international-capable airport. We have had a series of documented concerns with the proposed development at Tralee and integration of local government, State and Commonwealth planning in relation to this matter. What comes to mind is from the national aviation policy green paper where the Commonwealth stated that in many cases the growth of urban populations around airports has contributed to the problems associated with aircraft noise. This is largely due to planning decisions made by State and local government planning agencies with responsibility for the land around the airports.

We believe that the development is bad planning and will lead to reduced residential amenity for the community, complaints by those people and consequentially operational restrictions on the airport. We do not understand how it can be a good position for New South Wales Planning to move ahead under its laws, notwithstanding, firstly, a similar proposal was knocked back by the New South Wales State Planning Minister; secondly, the Australian Capital Territory Government is strongly opposed to the development and it has been criticised by the Chief Minister. Similarly, it has been criticised by the local members, Annette Ellis, Senator Kate Lundy and Bob McMullan. In particular, it has been strongly criticised by Qantas, Virgin and Airservices Australia.

I wanted to touch on Qantas because they have made a recent submission since our submission to you and we will provide this to the Committee in relation to our master plan. They said a number of things. They said firstly that Qantas has reviewed passenger growth assumptions and the aircraft movement assumptions that underpin the master plan at Canberra Airport. They say that in general terms Qantas agrees with the level of growth, passenger numbers and aircraft movements. I can tell you that Virgin also agrees with those assumptions. But most importantly, Qantas says that the curfew-free status of the airport is critical to ensure that overnight freight services can continue to run efficiently and back of the clock. They say it is also essential as Qantas uses Canberra Airport as an alternative destination for international passenger and freight services in the event that the destination port is unavailable.

I particularly highlight that normally the destination point that might be unavailable is Sydney Airport. I want to state that the proposed residential development at Tralee has implications not only for the residents living under those flight paths but also for thousands of other residents in Canberra's southern suburbs, who over time will be subject to aircraft noise as noise sharing is necessitated. They say that avoiding unserviceable land use around Canberra Airport is fundamental in ensuring Canberra Airport can continue to operate without a curfew.

We are concerned that in the light of those statements by Virgin and Airservices, while we have an New South Wales planning system that continues to say that the growth and the protection of Canberra Airport without any operational constraints is fundamental, at the same time, they pursue and allow the Queanbeyan council to pursue a rezoning directly under the flight path. We think it is important that the Commonwealth's position in relation to this matter is taken into account. They are developing a national aviation policy for this country. In particular, they state that a new noise information framework is necessary given the inadequacies of

the Australian noise exposure forecast [ANEF] as a planning tool. That is the State planning tool that the State planning system persists with. They state that the ANEF system has conventionally been used in Australia as the tool for describing aircraft noise effects but is not of itself sufficient to give a clear and practical understanding of the impact of aircraft noise at a location. I highlight that it is a tool for describing noise effects, not a tool for describing what land use is appropriate.

The Commonwealth has stated that there is every reason to avoid noise-sensitive developments and greenfield sites near airport flight paths. That is the description of what is proposed for Tralee and Environs. The Commonwealth states that State and local governments need to work in partnership with airports to ensure that zoning is consistent and in particular the Commonwealth is concerned to ensure the land use planning is consistent to ensure the maintenance of the existing curfew-free airports. So they are saying it is national infrastructure and that Canberra Airport itself should remain curfew-free to ensure its place within the nation's aviation infrastructure and thus not restrict or limit the operation of Australian, international and domestic freight network.

I highlight the position of the community and how it sits in relation to the standard that is used by New South Wales Planning. There is a community at Jerrabomberra that lies under and adjacent to the main flight paths. They are strongly opposed to the current level of noise, not just the growth. They are pushing for a curfew. They want flights diverted around them. They want those flights pushed away from them to the west and over Tralee. They state that the departure noise is worse than the arrivals.

Jerrabomberra is subject to arrivals and it is Tralee that is subject to departures. Jerrabomberra say that the departures are worse. In particular, the Jerrabomberra Residents Association [JRA] goes on to say that they are seeking relief for residents by securing the maximum number of departures, in fact to the north, and they want the landings to come in to the north as well. So their preferred position is that planes do not come over them at all, and they live under the flight path as a consequence of a planning decision under the current standards that let them be there.

We also had, as part of our master plan, a submission from the Googong Residents Association incorporating Fernleigh Park, Royalla and Little Burra. I will finish on this point. I would just like to hand up two maps. Those maps reflect the location of the residents but, as part of that submission, they signed a petition and in that they sought not only a curfew but also noise sharing across the whole of the Canberra and Queanbeyan region. I highlight in particular the first map, which shows the ANEF contours. It has the ANEF 15 contour, the ANEF 20 contour and the ANEF 25 contour. These are significant and severe complaints from residents and they are well outside the standard that the New South Wales Government adopts.

You can see why when you see on the second plan the footprint of the noise of the aircraft that fly in and out Canberra Airport. In our submission we state it is important that any New South Wales planning about development around airports is consistent with the Commonwealth's upcoming national aviation policy. There needs to be a great deal of integration between Commonwealth and State planning regimes as they apply to airports. We say that there needs to be a general acceptance that building under flight paths should be avoided, especially where there are other options, such as in this region. Thirdly, we say that where there is an airport that does not have a curfew and is part of the nation's aviation infrastructure as such, development should not be undertaken that puts that status at risk.

CHAIR: Does Canberra Airport see the supply of sufficient zoned residential land as a reasonable mechanism to manage housing affordability?

Mr BYRON: Absolutely; we very much do.

CHAIR: Does the Airport think it reasonable that councils that plan in accordance with the approved aircraft noise planning regime of the endorsed ANEFs and the Minister's section 117 direction be allowed to progress those plans?

Mr BYRON: We are concerned that the current standard seeking to be followed by the New South Wales Government does not reflect the community decision nor the Commonwealth Government decision nor the airlines' decision, on the impact of aircraft noise. We believe that in this community there is an option to double the size of Queanbeyan that will deliver 25 to 30 years of growth, and that is in Googong. In addition there is infill development. We say also that the market for land and residential development in this region of Queanbeyan and Jerrabomberra is part of the larger market of the Canberra-Queanbeyan area.

It is well document that there has been not only a short-term boom in housing in this area, as there has been right around the world as part of the boom that has now collapsed, but in particular the Australian Capital Territory Government has admitted mismanaging the supply of land. So the pressures that were present in this smaller region, as a consequence of mistakes made in the larger region, and those matters that have all been addressed now, and the pressures, are now abating.

CHAIR: What mechanism would Canberra Airport suggest be used to manage the impact of an airport on existing and future land uses in an equitable way?

Mr BYRON: There are a number of different options. One is that there could be no development for an airport with no curfew within the meaning of the ANEF 15 line, and that line can be seen on the map. That is the position that the Commonwealth Government's environmental impact statement for Badgerys Creek approved. So, no development within ANEF 15. Alternately, we have proposed to the community in 2001 and then included it in our master plans in the past, including the one approved by the Commonwealth Minister in 2005, a high-noise corridor zone, which identifies the worst most sensitive land that ought not see incompatible development. That is marked by the red lines in the map, the cone, the corridor. If you have an interaction between the Commonwealth and State Governments and the airport, you can agree pretty clearly in this sort of situation where residential development will be hugely problematic and unacceptable. So there are two suggestions.

The Hon. MELINDA PAVEY: Many submissions have been highly critical of the 2007 practical ultimate capacity aiming at your airport, claiming that it far exceeds and exaggerates any realistic expectation of development of the airport. That is, potentially hundreds of flights every day, 24 hours a day. A lot of people within the community do not see that as realistic. You mentioned in your opening statement that Qantas agrees with the proposition that you have put. How do you respond to that criticism that there could be potentially hundreds of flights every day in Canberra?

Mr BYRON: We have nearly hundreds now, and will have more hundreds in the future. Our master plan has set out the number of flights in 20 years.

The Hon. MELINDA PAVEY: What does that add up to? How many flights in 20 years are you looking at?

Mr BYRON: One hundred and fifty-five thousand per annum.

The Hon. MELINDA PAVEY: How many each day?

Mr BYRON: In the order of 350. In addition, our ANEF is referred to as a practical ultimate capacity. It is a time in the future, not in 20 years, not even necessarily 50 years time. The capacity of the airport and the number of airport movements has been assessed at 283,000 movements, well into the future. No only have Qantas and Virgin said that our forecasts are reasonable, but in addition, the developer was able to challenge Airservices Australia, the Commonwealth regulator, with this. They challenged it in a number of court cases, but, indeed, never brought any specific evidence in court to say that the numbers were inappropriate, wrong, or improper. They never led any evidence of that sort whatsoever.

Mr LEECE: The other comment to make about the two, is that there is a difference between the practical capacity ANEF and the growth assumptions that underpin the master plan. The master plan growth assumptions are, to the best of our knowledge, would be for 20 years. The ANEF ultimate capacity is saying that this is what the ultimate could be for this airport's capacity. They are two different things, they are not directly linked to each other.

The Hon. MELINDA PAVEY: Where is the proposal up to? I understand that the New South Wales Minister for Planning has signed off on Tralee as well as Queanbeyan City Council. So, is it happening?

Mr LEECE: Our understanding is—and I apologise if I get the section numbers wrong—that they have done a section 63 consultation, which is the first step in rezoning. That has just started the rezoning process. Out of that we assume the next step is a draft LEP that will be sent to the director general. The director general will decide whether it is appropriate that it lead to public consultation.

Mr BYRON: Whilst there has been an overall strategy approved for the region for the next 25 years, that is not a statutory document. The rezoning process is starting. The Poplars, which was proposed for incompatible residential development, did go through all those consultations and was approved by Queanbeyan City Council. It was only when it went to the Minister who, quite properly exercised his discretion to not approve the rezoning, notwithstanding that it had gone through those processes. He recognised that it was an inappropriate development and would hinder the operations of the airport in respect of a good place to be.

The Hon. MICHAEL VEITCH: Where on the map is the Poplars development situated?

Mr BYRON: Just further north.

The Hon. MELINDA PAVEY: At about 8.4 kilometres?

Mr BYRON: A bit further north, 7.8 kilometres.

The Hon. MATTHEW MASON-COX: Where you see 6.4 kilometres. Mr Byron, the Committee has received a number of submissions pushing for a curfew for Canberra Airport. You mentioned that Qantas recently put in a submission, or will provide a submission, dealing with the importance of Canberra airport remaining curfew free for its operations. The same has happened with other airlines. What impact would there be on your business and on aviation more generally in the region, if a curfew were hoisted on Canberra Airport?

Mr BYRON: You need to be quite clear that, firstly, Canberra Airport was sold by the Commonwealth without a curfew in place, and a 24-hour operation was in place. The two master plans in a row proved that that was in place. Secondly, the Commonwealth Government has a policy to preserve the curfew-free status of key critical capital city airports, and Canberra Airport is one. Thirdly, the current Minister has been specifically asked about Canberra Airport and he said that it needs to be kept curfew free. But, as you say, why does it matter? It matters because the entire network of passenger and freight flights around the country, but particularly passenger flights, needs to be able to get in and out of airports. Whenever you have a weather event or planes running late, they need to catch up. The ability of Qantas and Virgin to catch up is limited by Sydney's curfew. It is a great constraint on the entire national aviation network, because beyond 11 o'clock planes cannot land.

There is a huge reliance on being able to land elsewhere. We regularly have planes come in after 11 o'clock at night to catch up, without complaint from residents whatsoever. They might come in at 11.30 or 12.30 or a Tiger might come in at 2.00 or 2.30 in the morning. That matters to the aviation industry and it matters to the individuals who do not want to be stranded in airports and in hotel rooms right across the country. It also matters because it will assist us in achieving international flights. It is likely that international flights to Canberra will be marginal routes, so the airlines will want to operate at off-peak or at back-of-the-clock times. So for Canberra Airport to deliver international flights we will need to be non-curfew.

In addition, I would say that Sydney's curfew currently excludes the VA-146 freighter aircraft operated by Australian Air Express. It was the agreement between Hawke and Ables to exclude those under the Sydney curfew Act. Those aircraft are getting very old now and have a finite life in the near future. Secondly, they are no longer large enough for the freight task at hand. There is no inclination that the Sydney Airport curfew is to be relaxed and that is why we have had a number of freight operators talk to us at Canberra Airport about how they respond to the change in their fleet in the future and their inability to get into Sydney Airport after the curfew. So Canberra Airport is being sounded out by the freight companies to play a major role in servicing Sydney as a city and New South Wales as a State for night operations. That would be good for this region because it will deliver jobs. It would make Canberra and Queanbeyan the single most preferable place for any business to locate that supplied its goods on an overnight time frame.

The Hon. MATTHEW MASON-COX: The Committee has received a number of submissions which strongly put the case that whilst airports have their own regulatory framework under the Airports Act and the master planning process, commercial developments, be it retail or commercial property developments, affect the local area. They have implications for the surrounding region but the surrounding region has no say directly in relation to the approval of those developments. It affects surrounding roads and other infrastructure but no contribution is sought in kind from the airport. What are your comments about that and the impact of airports in that regard?

Mr LEECE: As an opening comment we would say that we agree wholeheartedly with the Commonwealth position on this, which is that there does need to be greater integration both with State and local

councils. We actually agree that there needs to be a consistent approach where the top factors that you are talking about are taken into account and are considered in any government proposal. Our fundamental point is that what we need to do going forward is start with discussions between the States, Territories and the Commonwealth so that you can have an integrated planning approach that covers airports; that does not treat it as distinct or separate—as an island—from the surrounding region but actually looks at it and says "Okay, it is a Commonwealth asset; it does affect wider regions but it is also special because it is a piece of national infrastructure so what is the best approach to deal with it from a planning perspective?"

The Hon. MATTHEW MASON-COX: What has been the fruit of your discussions with any Commonwealth or State government?

The Hon. CHRISTINE ROBERTSON: That is an exciting question.

Mr McCANN: All approvals at the airport up until May 2007 were approved by the National Capital Authority. They are the dominant planners in Canberra. The Territory plan is the Australian Capital Territory Government plan but it cannot be inconsistent with the National Capital Plan. So everything that was planned at the airport and approved—and there has only been one building approved since, without the NCA approval, and that is the first stage of the terminal—was approved under the National Capital Plan and by the National Capital Authority. In terms of the road, the relationship with the airport and the Australian Capital Territory Government in 1999-2000 was that the first master plan was approved in August 1999 and the Australian Capital Territory Government put money in the budget to upgrade Pialligo Avenue in May 2000. They did not spend it, and successive governments did not spend the allocation that was in the budget and then the money was taken out of that bucket and put into the Gungahlin Drive extension in 2006 when there was a blow-out in the Gungahlin Drive extension, which is a major road on the other side of Canberra.

More recently, through 2006 there was a roundtable about roads, sponsored or chaired by Minister Hargreaves who was the responsible Minister in the Australian Capital Territory, and it was agreed that the airport was part of the issue, but the major part of the issue was regional road and growth in Gungahlin in response to what was happening around the airport. Notwithstanding that, the airport has contributed to the current road upgrade around the airport, and we could supply the Committee with a copy of the press release by Jon Stanhope, the Chief Minister, after we opened that part of the road that we were responsible for, and paid for.

The Hon. MATTHEW MASON-COX: That would be good. There is a clash of regulatory regimes and a clash of public and private interests probably of a magnitude that does not exist anywhere else that I can think of, at least in New South Wales, in the State, Federal, Territory, Commonwealth and local governments. In relation to moving forward, you have mentioned there needs to be better integration between these governments in terms of planning. What is happening on the ground in terms of meetings to move this forward so it can be resolved?

Mr LEECE: To be honest, I cannot comment on what the Commonwealth is actually doing in terms of meetings—or, for that matter, what the State Government is doing in terms of meetings. All I can say is that from what we know through the green paper and now the white paper process is that, while it is just meetings with the Commonwealth department, there is an intent, subject to that white paper being finalised, of actually opening a dialogue with the State Government, the Territory and local councils. Do I know for certain whether meetings are actually happening? I just do not know.

The Hon. MATTHEW MASON-COX: In relation to the options that you put on the table today—the idea of no development within ANEF 15 or indeed, alternatively, the high-noise corridor as potential options for how we move forward in relation to these planning issues or complex issues—Queanbeyan council has put to the Committee that where ANEFs are reviewed or expanded or land subsequently is identified, through whatever regime, should there be changes that are not suitable for residential development perhaps there should be acquisition of that land by the airport or some other compensation provided to owners of that land. What is your response to that suggestion?

Mr BYRON: Let me just say this: If you were to go back to the ANEF plan that was there when we purchased the airport in 1998—and it was done by the Federal Airports Corporation some 10 years before that—it reflected the flight paths going across Canberra and going across the whole of Queanbeyan. Indeed, the ANEF, and in particular ANEF 20, was right across the whole of Queanbeyan. What we did when we bought the airport was a new ANEF that reflected the new flight paths. And the new flight paths reflected the noise

abatement procedures and protection zone that the Commonwealth Government, the then Labor Government, put in place to protect Queanbeyan residents and the vast majority of Jerrabomberra residents and the vast majority of residents of the Australian Capital Territory. That meant that jets did not fly over those areas any more. So that moved the ANEF and it meant that large tracts of the City of Queanbeyan moved out of the ANEF and the ANEF then covered, as a consequence, a small part of Jerrabomberra and large areas of land that were zoned rural, including the properties at Poplars, Tralee and Environa. That land remains zoned rural and has been planned to remain zoned rural for many, many years. In terms of your proposal about purchasing the land—

The Hon. MATTHEW MASON-COX: It is not mine; the suggestion is in a submission.

Mr BYRON: Yes, sure. I think you have to take into account that first element, and that good planning involves getting the land use right around airports. Quite clearly there have been a lot of discussions about how to resolve this matter in the past, and indeed Frank Sartor was interested in acquiring the land to preserve a residential-free corridor. It is very difficult when you have a developer who has bought a parcel of land for \$3.7 million and if they get 5,000 houses, say, valued at \$200,00 per house that is \$1 billion of uplift in value. Sure there are development costs and infrastructure costs, but when you have that sort of windfall gain as a consequence of a rezoning you are going to have difficulty acquiring the land, be it ourselves or the New South Wales or Commonwealth governments.

But if you get your planning right and you keep it zoned rural, or allow it be zoned for purposes that are appropriate given its status and its proximity to the airport, you are fine. The real risk we face is that there is not good planning around airports. There is this continued pressure for people to buy land on the cheap around airports and develop what is initially poor-quality housing and then you get pressure from the residents for improvement. Aircraft flight paths are not like rail tracks, they can be moved, and residents who move in have great political power and great personal incentive to achieve the movement of flight paths.

What we have in this region of Canberra and Queanbeyan now is 99.5 per cent of residents are not subject to any over-flight whatsoever and a small number, a very small number, of people are affected in Jerrabomberra. We can over time continue to move the flight paths away from Jerrabomberra—those people who complain now—further west over Tralee and Environa and we can deliver everyone a level of respite that we demand as a community. In so doing we can see the development of Queanbeyan through Googong and other locations, the doubling of Queanbeyan, the doubling of Canberra and Queanbeyan, and the regional population grow to 800,000 or 900,000 without building one more house under a flight path. When you have that option available it is a pretty compelling outcome.

Reverend the Hon. FRED NILE: The problem seems to relate to the issue of curfews. Many years ago I lived at Mascot and I am well aware of the problems now with Mascot airport. This week an airliner was delayed for mechanical reasons for 30 minutes and could not get permission to take off, but it took off and has to pay a fine of hundreds of thousands of dollars. Obviously you are concerned about a curfew. You do not want one and if you do get a curfew then there are related problems. You mentioned the value in having a curfew-free airport, such as jobs and so on. Would you comment on the issue of safety in that airlines such as Qantas and Virgin need an airport that they can use in emergencies and because aircraft have a limited flight time because of fuel and so on?

Mr BYRON: That is right. Canberra is very much in high demand for nomination as the alternative port because when an aircraft flies it needs to nominate not only the port that it is flying to but if that is closed due to curfew or fog, et cetera, an alternative port. Canberra is very much a preferred option for those flying into Sydney because it means that airlines can carry less fuel than if they have to divert to Melbourne or Brisbane. Of course, every time an airline has to carry more fuel to be able to fly further that costs the airline more and, indeed, it costs the community and the world more in terms of aircraft emissions and CO2 emissions. So there is a huge benefit to the community and the airlines in Canberra being available as an alternative port for aircraft that might be caught out and unable to get into Sydney.

The other point I would pick up about curfews, Sydney Airport and Canberra Airport, is it is astonishing that New South Wales has a standard for land-use planning for residential around airports that is the same for a curfewed airport as for a non-curfewed airport. The reality is it is the night-time flights that give people absolute great concern, and quite reasonably. But the land-use planning that New South Wales adopts is the same standard for an airport with a curfew as for an airport without a curfew. What I think the Commonwealth Minister is trying to say is that that standard cannot be right if we are going to preserve as

national infrastructure the non-curfewed airports that we have. And that is part of the challenge we have ahead of us as a community.

Reverend the Hon. FRED NILE: The other issue at Mascot, and I think you anticipate it could happen in the future in Tralee, is that airport noise also becomes a political issue—for example, there is a No Airport Noise Party. All you need is a number of residents linking to form a strong and noisy protest that influences the local council and even the State Government.

Mr BYRON: I probably do not need to tell the members of this Committee but the seat of Monaro and federally the seat of Eden-Monaro are critical key marginal seats for winning elections. It is deemed the pattern of behaviour that Jerrabomberra residents, although they are entirely within the New South Wales standard adopted, have achieved generally before each Federal election major improvements to the amount of noise that their community is subject to. They have achieved the diversion of the departure path that used to go over them to now go over Tralee further to the west. In 1998 they achieved the fact that night planes will, wherever possible, prefer to land from the north, over the Australian Capital Territory, than from the south. So they have diverted the planes wherever possible from wherever at night. That was achieved prior to the 1998 election.

They have achieved the fact that there is now a Jerrabomberra bypass landing flight path. Traditionally, the planes used to land straight in over Jerrabomberra and into the airport in accordance with a radio beam. Now, with the GPS technology that is available to Qantas aircraft and in the future to Virgin aircraft, planes fly around a diversion—a bypass—they curve to the left and then come back to the centre line to go completely around Jerrabomberra. Where do they go? They go directly over Tralee. These residents have great political power already and there are 580 of them directly under the flight path. You think about how it will be if you put 5,000 houses there and how much political power they will have in a marginal seat.

Reverend the Hon. FRED NILE: You mentioned the advantages of having a curfew airport for freight aircraft which links with industrial growth. I noticed yesterday the amount of development enlarging the airport. It is creating jobs for the people in the Queanbeyan area also. I am not sure how many people work at Canberra Airport, but I am sure it is a large number and that will increase in the future if the airport remains a curfew airport.

Mr BYRON: In the order of 8,000 people currently work at the airport, a high proportion of whom are from the Queanbeyan and Jerrabomberra areas. In addition, during the building program there were a huge number of construction jobs, and indeed there will be during the future building program for the new terminal and parking facilities. Again, there is a very heavy weighting on those from the Queanbeyan and Jerrabomberra area—a huge weighting.

The Hon. MICHAEL VEITCH: Please excuse my ignorance of the ANEF. How does it work? What is the process for having an ANEF put in place in regard to the lines on this map? When do they come into effect?

Mr BYRON: Every airport must have an ANEF and have only an ANEF. So the day that your ANEF is approved is the day that it comes into effect and must be had regard to. How do you get it approved? An airport develops a scenario for the future. It is either for a specific period, 10 or 20 years, or it is for the capacity of the airport. You develop that scenario and your consultants then model each of those aircraft, flights and landings over a whole year—so it is a total number of planes that will land in a whole year—and it is the cumulative noise impact of those aircraft, and then the maps get done. That is then submitted to Airservices Australia that has been delegated the authority via the Commonwealth Transport Minister to approve ANEFs, and they go through its process of approving it.

The Hon. MICHAEL VEITCH: Basically, it would come into effect for Canberra Airport when Airservices Australia approves it.

Mr BYRON: That is correct.

The Hon. MICHAEL VEITCH: So that date you have given is the same?

Mr BYRON: They have actually put a stamp on the ANEF plan and they date it and sign it.

The Hon. MICHAEL VEITCH: One of our submissions talks about how the ANEF is actually a good land-use planning tool. Do you agree with that or do you have a view about that?

Mr BYRON: Firstly, the community does not understand how it works?

The Hon. MICHAEL VEITCH: That is why I asked the question.

Mr BYRON: In particular, it was not designed as a land-use planning standard. The Commonwealth Government, 10 years ago, wrote to Standards Australia and said that it is not a land-use planning standard. It is a standard for the mitigation of noise or the insulation of houses that are subject to noise. It helps you work out if you have made the mistake and have got the houses there, how much insulation you might need. It does not help you and will not be used as a land-use planning standard.

The other point I make is that one of the reasons the community rejected it is that with aircraft noise, what is offensive is planes flying directly over your house and the impact of the noise for that moment in time, for that 45 seconds when it is over your house and stops your conversation. The ANEF system is quite clear because it takes all the noise and all the plane reference in the year but it also takes all the quiet bits in the year, so it averages out the noise, so you get credit for all of the quiet bits. People who live in houses would say, "That's what I'm entitled to. You shouldn't get credit for it." Indeed, one person in a Senate inquiry into the third runway in Sydney made a submission and said it is like driving a car at 80 kilometres into a wall and averaging out the injuries over a year so that you say you have only got a couple of cuts. That is how the system works and that signifies how the community regards it. It does not reflect the impact on them, their amenity and their coping with it.

Mr LEECE: The other point about it too is that it is also backed up with the green paper when the Commonwealth actually came out and said there are problems with the ANEF. There is a general expectation that it is not a great land-use planning tool; we actually need to sit back and assess it with a new panel and work out how we actually assess the impact of noise and how that fits in with land use.

The Hon. MICHAEL VEITCH: Again with Sydney Airport there was a lot of money spent on refurbishment of dwellings within the flight paths to minimise noise. Is there a standard for dwellings being constructed in flight paths?

Mr BYRON: That standard is the same ANEF standard.

The Hon. CHRISTINE ROBERTSON: How much insulation is there.

The Hon. MICHAEL VEITCH: What would you suggest would be an appropriate land use within a flight path?

Mr BYRON: Anything other than residential pretty much, but specifically commercial development, industrial, the sorts of developments that are not sensitive to people living there and having their lives ruined by noise. Not only is that where people live and enjoy barbecues or have the windows open at night with the hot weather in summer, but it is where people sink most of their life's savings—in their own home. They either have that devalued over time as the aircraft movements increase or they campaign for an uplift in their property values, so more or less anything other than that.

The Hon. MELINDA PAVEY: Your submission notes there is concern that the planning regime protects the core infrastructure and operations of an airport, not that it protects an airport in relation to its more general commercial developments. Do you agree with the proposal that airport lessees and not aviation developments on Commonwealth land contribute to any relevant development contribution levies, for example, upgrading of surrounding roads and commercial developments that you may undertake yourselves?

Mr BYRON: That is a different proposition in the Australian Capital Territory because no developer makes any contribution whatsoever. In Civic the Queensland Insurance Corporation has built developments on top of shopping centres and office spaces and they made no contribution whatsoever because that is how it works in Canberra. We are happy to be subject to whatever system applies in relation to Canberra.

CHAIR: Thank you for coming this afternoon and for your contribution. There may be further questions that will come through the secretariat to you. We would appreciate it if you could return those questions to us within 21 days.

Mr BYRON: I will also make available the material I quoted that we have received since the initial submission.

CHAIR: Thank you very much.

Reverend the Hon. FRED NILE: And the Qantas submission.

Mr BYRON: Yes.

(The witnesses withdrew)

(Luncheon adjournment)

MARGOT LIESELOTTE SACHSE, President, Jerrabomberra Residents' Association, PO Box 132, Jerrabomberra, affirmed and examined:

CHAIR: Thank you for attending this afternoon. If you should consider at any stage that certain evidence you wish to give, or documents you may wish to tender, should be seen or heard only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice, the Committee would appreciate if your response to those questions could be sent to the Committee Secretariat within 21 days from the day on which those questions are sent to you. Would you like to make a brief opening statement before questions commence?

Ms SACHSE: Yes. I am the President of the Jerrabomberra Residents' Association [JRA]. Jerrabomberra is a new suburb of Queanbeyan, located on the western side of the City of Queanbeyan. Jerrabomberra has approximately 9,000 residents. It is a very young suburb, being only 20 years old from its initial development. It has a large number of families. In Jerrabomberra, we have quite a unique demographic—it is quite unusual—in that more than 30 per cent of the community is a Defence Force community. Instead of the community gradually ageing, our community is continually being replenished by lots of young people. As one Defence family moves out, another young Defence family moves in.

Consequently, we have a lot of children. It took us 10 years to get the Jerrabomberra Public School, a primary school. The Department of Education and Training said at the time that it would not be required because when it first opened it was planned as a 14-core, or 14-classes, school. It is now a 33-class school, with more than 820 students. It cannot take all of the children from the suburb—it can take only two-thirds of them—because it is bursting at the seams, with its limited capacity. More high school children leave Queanbeyan to travel to the Australian Capital Territory each day than those who remain in Queanbeyan for their high school studies. About 60 per cent of them attend non-government high schools in the Australian Capital Territory. Queanbeyan parents are making a conscious financial decision to send their children across the border to Australian Capital Territory schools. The Jerrabomberra Residents' Association [JRA] believes that that needs to be reversed because it will continue to affect the Queanbeyan community from a social and economic perspective.

From when Jerrabomberra was first planned until now, 20 years on, there has been a bit of a disaster. At the time that the suburb was initially developed there were promises that it would have a site for the public school and also a site for a non-government primary school, and that land would be set aside for an indoor sports stadium and other community facilities. Unfortunately, today none of those promises have been met, other than the primary school. I am happy to tender a copy of the plans that were sold to people at the time. All the land that was earmarked and planned now has houses built on it. The association is after the community facilities, including the high school, that we have been promised but never received. The JRA is in support of development in the Jerrabomberra Valley, that land between Jerrabomberra and the industrial suburb of Hume, because we believe that this is the last opportunity that we can see that community facilities, including the high school, can come to fruition.

We have been extremely frustrated at the drawn-out process of trying to get land rezoned in the valley for our school and our community facilities. It has been going on for what seems to be nearly 10 years, and we have worked on trying to get a high school in the area for over 10 years. It has been continually stalled as a result of litigation by the developer and Canberra Airport. More recently, it has been stalled by the manipulation of Canberra Airport in the current planning processes. That has resulted in artificially extending the Australian Noise Exposure Forecast contours without any independent validation of the data that underpins the noise contours and has removed the opportunity for the high school to be placed in the most optimal site in the valley.

In my submission, I have detailed the situation on 7 February 2007, when the JRA met with the then Minister for Planning, Frank Sartor. We were joined by the Queanbeyan City Council and representatives of Canberra Airport. We tabled a compromise position in an endeavour to find a way that was a win-win for not only the community but also Canberra Airport and the council, and of course the developer. One of the key things that we put on the table at the time was to position the proposed high school on a patch of land on the Poplars area, which is on the far western side of the Poplars. That site is ideal because of its shallow gradient; it is good for sports fields and the like. It also has great access to Lanyon Drive, the main road access to our suburb as well as to southern Canberra.

The success of any non-government high school in the area will rely on taking in students not only from Queanbeyan but also from southern Canberra. At the meeting the airport agreed to the school being on that site. Subsequently, a couple of months later, it reneged on that site by releasing its practical ultimate capacity noise contours, which put that site into the ANEF 20, which means that it is not suitable for a school. It is a little unusual to have a residents' association appear in front of the Committee, but I express our frustration in trying to achieve community facilities, including the high school, because everything is delayed and stalled. Also, the process is being manipulated by the airport and its practical ultimate capacity ANEF, which will remove the optimum site for the school. As a consequence, we get a second-best planning outcome for Queanbeyan as a result of moving the school further down the valley.

CHAIR: Has the Jerrabomberra Residents' Association had adequate opportunities to participate in the planning process?

Ms SACHSE: In regard to the New South Wales Government or the council?

CHAIR: From anyone.

Ms SACHSE: I believe that we have had, yes.

CHAIR: Does the JRA see the supply of sufficient zoned residential land as a reasonable mechanism to manage housing affordability?

Ms SACHSE: Yes.

CHAIR: Does the association think it is reasonable that council's plans in accordance with the approved noise planning regime of endorsed ANEFs and the Minister's section 117 direction be allowed to progress those plans?

Ms SACHSE: Yes. I add that it would be nice to be able to fast-track them. One thing that has been frustrating us is how slow things have been moving with council, and getting them to get the process moving. As you are aware, when looking at rezoning for a school you cannot open a school halfway through a school year. There are very definitive timelines for schools. We found it enormously frustrating. We would like the school to be opened in 2008. However, it dropped to 2009 because it cannot be opened halfway through the year. Now it is factored to 2011 or beyond because of a small amount of slippage, which totally waxed things out at the end.

The Hon. MELINDA PAVEY: Referring to the 820 students going to Jerrabomberra Public School—

Ms SACHSE: In excess of 820.

The Hon. MELINDA PAVEY: —how many children in Jerrabomberra who want to go to a public school in New South Wales, but are not able to, have to travel to the Australian Capital Territory?

Ms SACHSE: It is not how many that is the problem. In Jerrabomberra we have three segments: one is the Heights, one is the Park and then North Terrace. Jerrabomberra Public School can only take children who live in Jerrabomberra Park and Jerrabomberra Heights. It cannot take students from North Terrace, even though it is part of the 2619 postcode; those students have to go to either the Australian Capital Territory or a school in Queanbeyan. A lot of them go across the border to the Australian Capital Territory.

The Hon. MELINDA PAVEY: You mentioned that 60 per cent of high school students living in the 2619 area—

Ms SACHSE: No, that is for Queanbeyan as a whole.

The Hon. MELINDA PAVEY: Sorry, Queanbeyan as a whole. How many high school students are living within Jerrabomberra who would want to go to the new high school?

Ms SACHSE: From what I can tell in facilitating levels of interest with the Anglican Diocese, they have had an amazing amount of interest from people wanting to go to the school. So much so, that initially they were looking at building the school for year 7 in one year, then for year 8 a year later, and growing it that way

rather than building the whole school. They had far more expressions of interest than they were initially planning. That was based on their experience at Broulee and also the Burgmann Anglican School that they have just finished building in Gungahlin.

The Hon. MELINDA PAVEY: Is the high school that the community of Jerrabomberra wants actually a private Anglican school?

Ms SACHSE: That is right. It is a low-cost non-government school.

The Hon. MELINDA PAVEY: Is the Anglican diocese looking at other options for land or is it waiting on the gift from the Village Building Company?

Ms SACHSE: I am not aware of that. All I am aware is that the Anglicans are currently undertaking a feasibility study. The whole process has been delayed and delayed, and delayed and delayed. Now it seems to be more certain than what it has been that they have now commenced—

The Hon. MELINDA PAVEY: They have got council onside and the Minister in New South Wales onside and so the timing looks to be more favourable.

Ms SACHSE: That is right, it is more favourable so that they are now starting the feasibility study, which is part of their business planning process that they have to go through.

The Hon. MATTHEW MASON-COX: Welcome and thank you for coming along today. I want to ask a couple of questions about your submission. You mentioned that you would like to see a curfew at Canberra Airport. Will you elaborate on why you think an airport curfew is necessary?

Ms SACHSE: As you are well aware, Canberra Airport has aspirations to become a 24- seven freight hub. We believe that Jerrabomberra people, like anyone else in Canberra, are entitled to a good night's sleep. The reason is that Jerrabomberra has the instrument landing system, or the runway centre line, going straight down the western side of our suburb. It also goes straight over the Jerrabomberra Public School, might I add. Some 68 per cent of the planes that arrive in Canberra use the instrument landing system, or the runway centre line, to approach Canberra Airport, with 17 per cent coming in from the north. So we believe that Canberra Airport is a regional inner-city airport and that currently we only have scheduled flights between 6.00 a.m.—that is departures; the arrivals start at about 6.30 a.m.—and the last one is at about 11.25 p.m., which actually comes in from the north.

Basically after about 9 o'clock at night Jerrabomberra has peace and quiet, just like anyone else does. One of the unique things is that Canberra has an extremely low level of background night noise—around 30 decibels. If you fly a jet, say, down the instrument landing system—and that is the safest, most straightforward approach to Canberra Airport—in the middle of the night, for example, we had a Tiger airlines A-320 on 31 March that came in at 2 o'clock in the morning and it produced 74 decibels noise. Anything over, I think, 55 decibels the World Health Organization considers impacts on your health. We believe that a curfew is necessary, first, to ensure that we get a good night's sleep like everybody else; and, second, to provide planning certainty for the airport. Recently public submissions closed on the airport's 2009 master plan. They are running a business and they want to plan for the future but we do not want to go through the issues that other airports have gone through. It is about: Let us plan for the future and plan for everybody and make sure there is certainty for anybody whether they are a business person, like the airport, or whether you are citizen who lives in Jerrabomberra, Burra, Fernleigh Park, Queanbeyan or anywhere within the region that is impacted by aircraft noise.

The Hon. MATTHEW MASON-COX: What is your response to the opposition put by the airport that if we have development underneath the flight path in southern Jerrabomberra or the Tralee area over time we will have a sharing of noise as people affected more by that noise than new residents coming in exercise, if you like, their political muscle and their own self-interest and say, "We need to share this noise around a bit", which has been the experience in the past in other areas? What is your response to that issue?

Ms SACHSE: It is a furphy. The reason why that is the case is that because of climatic conditions and safety reasons planes will continue to use the runway centre line. And also the topography limits how planes can come and go. When planes come in on the runway centre line—and we get a small number of departures to the south as well when there are easterly winds prevailing—yes, those are more noisy and, yes, they are not over

Jerrabomberra. The noise-sharing thing cannot happen because the topography restricts where you can come and go. Safety is the absolute number one priority, and the pilot will always put that as his number one priority.

The fact of the matter is the curfew will be the number one priority before noise sharing is even discussed. It is just so far from reality that if they start landing 747s over the top of us of a night-time it will not be just Jerrabomberra people who will be screaming, it will be the people of Hackett, the people of Kingston and the people of Campbell who will be yelling because, with the low levels of night-time background noise, the reverse thrust from those engines will reverberate across the broader Canberra community. It is not a noise-sharing thing; the curfew will be the number one thing.

Reverend the Hon. FRED NILE: The Committee understood from an earlier witness that the centre line to which you referred would be diverted around the residents of Jerrabomberra. Are you aware of that?

Ms SACHSE: That is not quite true.

Reverend the Hon. FRED NILE: Have pilots been instructed to do that?

Ms SACHSE: No. There is one type of aircraft, Qantas 737-800—which are the ones with the wings that are tipped up—that has the technology to be able to fly what is called an RNP, or the offset approach. We get two of those flights in per day. I think about 3 per cent of them actually use the offset approach because it is down to climatic conditions. But ultimately it is the pilot's choice as to whether he wants to use it because it is a lot easier to hit the Church Creek marker and find the runway centre line than flying this banking curve to get back onto the centre line and come back in.

Our experience is that we are only having a really small number of these flights using this offset approach but the majority of planes that come in and use Canberra do not have that technology and cannot be retrofitted with that technology. So the fact is you have the Qantas 737-800s being the only aircraft that have that technology fitted and the only planes that are able to fly the offset approach. The majority of planes will continue to use the centre line from now and into the future. When it is blowing a gale and it is really bad weather they will not fly the offset approach because it is safer to take the runway centre line.

Reverend the Hon. FRED NILE: Would you mark on these plans the location of that high school?

Ms SACHSE: Yes.

Reverend the Hon. FRED NILE: You say that the Anglicans plan to build a high school. Has there been talk of a government high school being built?

Ms SACHSE: No, because our local member, Steve Whan, informed us that there is still capacity at the two public high schools in Queanbeyan and you cannot get another public high school built until the two current ones are at full capacity. That is why that level of inquiry has not gone anywhere because we got told it is not a possibility until we are at capacity for those two high schools.

Reverend the Hon. FRED NILE: Has land for a school been set aside for the Anglicans?

Ms SACHSE: Yes, it has. It is my understanding that it has been. It is marked on the Queanbeyan LEP as a school site.

Reverend the Hon. FRED NILE: That is why Queanbeyan council has approved that?

Ms SACHSE: It is in the process of rezoning it, but it has approved it in the LEP, yes.

The Hon. CHRISTINE ROBERTSON: Will you give me an idea of the time line between the development of Canberra Airport and the development of the Jerrabomberra community?

Ms SACHSE: The Jerrabomberra community was approved for development in 1987. At that stage Canberra Airport was still owned by the Federal Government. I think it was 1996—I might have to take that on notice because I am not very good at quoting those sorts of history dates—when the airport was sold to the Snow family. Jerrabomberra is now fully developed.

The Hon. CHRISTINE ROBERTSON: In 1987 when Jerrabomberra was planned and developed Canberra Airport was at that time a fairly small airport with smaller planes coming in so there was not an issue with this discussion. That is a question, not a statement.

Ms SACHSE: At the time Canberra Airport had a lot greater military role when Fairbairn air base was still very active. It had a large helicopter training facility there. At the time we had Qantas and Ansett Airlines so you did not have the low-cost carriers and the like. They had the VIP fleet, which is similar to today. It is fair to say that the planes at that time were noisier because we had—

The Hon. CHRISTINE ROBERTSON: The Fokkers!

Ms SACHSE: No, we had what I call old Bertha. I think it was a 707. It used to hit the marker and you could hear it coming when the windows were quivering but you could not see it. It was very, very noisy. Fortunately the military have mothballed it. The planes were a lot noisier. The Prime Ministerial jet was also very noisy as well, and his fleet have been upgraded now so the planes have become quieter. That is depicted in some of the figures; the airport has increased somewhat, but not significantly since that time.

The Hon. CHRISTINE ROBERTSON: When the development was first approved it was already an active airport with lots of noise issues.

Ms SACHSE: Yes, but in 1996 as a result of the Australian Capital Territory Government the flight paths were changed and instead of planes coming around over Queanbeyan and Canberra to land at the airport, they were all then funnelled down the runway centre line and we were actually under that particular area. So it was that change in 1996, I think, when they brought in the noise abatement areas, that moved the planes down that centre line.

The Hon. CHRISTINE ROBERTSON: That paints the picture historically. A question you were sent states:

The New South Wales Government submission noted that in its input to the national aviation policy it recommends that there be a review of the process for setting and monitoring ANEF levels with an independent panel involved to evaluate the methodology and predictions parameters. If implemented would this satisfy your major concerns ...

Ms SACHSE: Did you say we got sent those questions? I have not seen them.

The Hon. CHRISTINE ROBERTSON: Do you want me to say it again?

Ms SACHSE: If you would not mind.

The Hon. CHRISTINE ROBERTSON: The New South Wales Government submission to the inquiry noted that in its input to the national aviation policy it recommends that there be a review of the process for setting and monitoring ANEF levels with an independent panel involved to evaluate the methodology and predictions parameters. If implemented would this satisfy your major concerns, so there would be an overview? At the moment Canberra Airport does it, so there would be an overview process.

Ms SACHSE: Yes, that would satisfy us because our concern is that nobody gets to independently verify the validity of the data that goes into the model and the airport has refused to give that data to anybody to undertake their own independent studies. We would love to see an independent group be able to validate the data that goes into the model where Airservices only verifies the technical accuracy of the actual model itself, not what goes into it.

The Hon. CHRISTINE ROBERTSON: The airport people have been to see us today. Their planning processes are about growth and development and your planning proposals for your community are about growth and development. I understand there are contradictions about both. How does a Committee like ours actually measure those issues in relation to the future of Jerrabomberra and the question we have been given about regulation of land use on and adjacent to airports? Do you have any ideas on that question—although I acknowledge that you come from a spectrum of wanting one thing?

Ms SACHSE: Could you go over that again, please?

The Hon. CHRISTINE ROBERTSON: The airport people have given evidence today and their vision is about growth and development. The vision of the people of Jerrabomberra is about growth and development. I am interested in your perspective on how a Committee like ours should balance those two issues.

Ms SACHSE: The Jerrabomberra Residents Association put forward to Minister Sartor a compromise position that allowed Canberra Airport to grow and develop as well as our community to grow and develop. That was about leaving a portion of land for sports fields and the like, which is directly underneath the bypass or the RNP side of things. It was not about having this ANEF contour being the practical ultimate capacity one, which sterilised virtually the whole valley but having one that truly reflects what the airport's capacity is today and, in the current economic climate, what it is likely to be in the future.

The Committee also needs to note that Sydney Airport has a curfew; Sydney Airport has still got growth and is a much busier airport than Canberra is but the airport can grow under a curfew situation as well. I am a real believer that there is a balance that the Committee can find that allows the airport to grow—their vision is to be Australia's number one airport and the like, and they are very good at building great green buildings. They are well on track to being able to do that. But I think the Committee needs to find that balance between allowing our community to grow and knowing that it can grow within specific restrictions, but the airport has to have the same applied to them.

The Hon. CHRISTINE ROBERTSON: Has your community or the developers considered going east?

Ms SACHSE: We are on the east, the valley—

The Hon. CHRISTINE ROBERTSON: Going east of Jerrabomberra?

Ms SACHSE: That is Queanbeyan.

The Hon. MELINDA PAVEY: West of Jerrabomberra.

The Hon. CHRISTINE ROBERTSON: No, I am talking east—up the hill.

Ms SACHSE: That is all natural, environmentally significant land.

Reverend the Hon. FRED NILE: Will you mark that on the map?

Ms SACHSE: Yes.

The Hon. MICHAEL VEITCH: What are some of the failings, from your experience, with the ANEF process?

Ms SACHSE: There is one big failing and that is the fact that the airport puts forward the data; it does not get it independently validated by anybody and Airservices just ticks it off.

The Hon. MICHAEL VEITCH: There could be interference with the data and no-one else knows about it.

Ms SACHSE: Absolutely, and that has been our position. We have stated that in our submission to the aviation green paper and we have also stated that in our submission to the 2008 Canberra Airport master plan and the 2009 Canberra Airport master plan.

The Hon. MICHAEL VEITCH: With regard to the potential land use within the ANEF system, obviously you ask for schools but what other sorts of developments could go there?

Ms SACHSE: I think the ANEF system needs to look at the impact of aircraft noise during the day versus night-time. We have a classic example of the Jerrabomberra Public School being located directly under the runway centre line and that school is producing children with higher than State average levels of achievements. Planes fly over there during the day and it is not the real issue. The key thing is getting a good night's sleep. That is why the planning people need to look at using the ANEF process by daytime activity

versus night-time activity. It has a very different impact with aircraft flying over at two o'clock in the morning compared with two o'clock in the afternoon.

The Hon. MICHAEL VEITCH: I am interested in your views on the impacts upon Jerrabomberra of the Australian Capital Territory, New South Wales and Queanbeyan City Council planning arrangements and your experience of that?

Ms SACHSE: First, the experience has been one of frustration because it moves slower than snail's pace. Secondly, the whole process of rezoning has been further complicated by the merging of bits of the Yarralumla shire with Queanbeyan City Council, which then changes the site of where the school is proposed to go. It is now rural 1A compared with the ultimate site I have just marked on the map. It is under the Yarralumla LEP and the other site was under the Queanbeyan LEP, which meant that it could be rezoned without the whole process. The site could be rezoned and the Anglicans could have got it.

Now we have to go through yet another statutory process, which has added about another year to our school opening. That is the way we look at it, and that is just because it has moved a kilometre down the hill, basically. It has been tremendously frustrating. We hope to see on land that is inside the ANEF 25 mapped today for our indoor aquatic centre, other sports facilities and the scout hall, for example—all located in that area. From a community perspective, we believe that area provides great opportunities to get community facilities and particularly an expansion to our retail centre, where it is proposed to have more shops and different types of services and facilities, which are good things for our community.

The Hon. MICHAEL VEITCH: Would you say that the Australian Capital Territory Government and Queanbeyan City Council have a good working relationship in looking after Jerrabomberra?

Ms SACHSE: Absolutely not. I refer you to the Australian Capital Territory Government submission to the Queanbeyan land release inquiry. It is just horrifying. They thought we were a Third World suburb, I think, or some absolutely appalling thing. No, the relationship has not been good and not been good for a long, long time, which is really disappointing because we are only 50 yards across the fence. It is very sad that we are not all working together for the benefit of the region as a whole.

CHAIR: Do you want to say anything finally before we close?

Ms SACHSE: Just thank you very much for the opportunity to appear in front of you today. I hope you understand the passion of our community in relation to getting the community facilities and why we are so passionate about it. We hope that the outcomes from your inquiry assist us further down the line. We hope also that it stops the mistakes and shenanigans we have had to experience over the last 20 years, and learns from that so that it never happens again.

CHAIR: Thank you very much for attending this afternoon and for your contribution. If we have any further questions please reply to those questions within 21 days of the date of receiving them.

(The witness withdrew)

ROBERT WINNEL, Chief Executive Officer, Village Building Company, PO Box 178, Mitchell, Australian Capital Territory, sworn and examined:

KENNETH RICHARD INESON, General Manager, Special Projects and Feasibilities, Village Building Company, PO Box 178, Mitchell, Australian Capital Territory, affirmed and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give, or documents you may wish to tender, should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice today the Committee would appreciate if the response to those questions could be sent to the Committee secretariat within 21 days from the date on which the questions are forwarded to you. Would either of you like to make a brief opening statement before we go to questions?

Mr INESON: If appropriate, I would like to table a typed version of our opening statement.

Document tabled.

I propose to read certain parts of that document. The Village Building Company's submission relates to Ministerial Direction 3.5 made under section 117 of the Environmental Planning and Assessment Act, which controls development in areas affected by aircraft noise. It is particularly relevant to south Jerrabomberra, which proposes residential areas between 10 and 12 kilometres from Canberra Airport. The submission by Canberra Airport is highly misleading. It claims that the Federal Government is concerned about the proposed development of south Jerrabomberra and is seeking a change to the ANEF system for land-use planning. In its submission to this inquiry, however, the Department of Infrastructure, Transport, Regional Development and Local Government does not call for any such changes or reflect any of the concerns expressed by Canberra Airport.

In 1994 Queanbeyan City Council identified south Jerrabomberra for residential development in its Queanbeyan Structure Plan. In 1995 the State Government confirmed south Jerrabomberra for residential development in the Sydney-Canberra Corridor Regional Strategy. In 1998 the Commonwealth, New South Wales and Australian Capital Territory governments and local councils confirmed south Jerrabomberra as the only future residential development area in the Australian Capital Territory and Sub-Region Planning Strategy. This formal intergovernmental agreement followed the comprehensive assessment of 13 alternative areas for future growth and included 13 technical papers and eight years of cross-border intergovernmental discussions and community consultation. Each of these planning strategies considered the impact of aircraft noise.

In 2008 Queanbeyan City Council again confirmed south Jerrabomberra as one of two major future expansion areas in its Queanbeyan Residential and Economic Strategy 2031. The Minister for Planning has endorsed this strategy, and it is reflected in the 2008 Sydney-Canberra Corridor Regional Strategy prepared by the Department of Planning. In preparing these strategies both Queanbeyan City Council and the Department of Planning took account of the recommendations of the Queanbeyan land release inquiry initiated by the Minister for Planning in 2006. Ministerial Direction 3.5 under section 117 of the Environmental Planning and Assessment Act adopts the Australian Noise Exposure Forecast System, or ANEF, as defined by Australian Standard AS 2021-2000, to control residential and other land uses in areas affected by aircraft noise. AS 2021 is the most stringent standard of this type in the world. It is adopted in legislation by all levels of government in Australia. Commonwealth policy on land-use planning in the vicinity of airports is contained in Airservices Australia's document entitled "The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airports". This document states:

It is considered that the public interest is best protected by ensuring that the long-term viability of the aerodrome is preserved wherever possible by planning in accordance with the guidance material contained in this document.

This document specifies that the ANEF system is the most appropriate tool for planning greenfield development sites. Prior to 1998, ANEF noise contours for all major Australian airports were prepared by Commonwealth government agencies. They were prepared in a consistent manner, based on projections of aircraft movements 20 years into the future as required by the Airports Act. The Act requires projections to be reviewed every five years. Airservices Australia had the role of checking the computer modelling used to produce ANEF contours in a process it calls "endorsement for technical accuracy". Following privatisation of Commonwealth-owned airports in 1998, the responsibility for preparing ANEFs was transferred to the private owners of each airport.

While the Airports Act and AS 2021 are quite clear on the requirements for producing ANEFs, Canberra Airport stands out as taking a different approach with its ANEF. The ANEF contours have remained fairly stable for most airports since privatisation. The number of aircraft passengers continues to increase but this is offset by the introduction of larger, quieter aircraft. The ANEF contours for Sydney Airport have actually shrunk in recent years. Canberra Airport is the exception. The ANEF contours have expanded dramatically with each amendment and the area sterilised is now several times larger than prior to privatisation. I seek to table a map that shows the growth in the Canberra Airport ANEF since 1985. The 1985 contours shown were pretty much in place at the time of privatisation of the airport.

Document tabled.

The Hon. MELINDA PAVEY: The representatives of Canberra Airport said that it went over the whole of Canberra and Queanbeyan.

Mr INESON: Yes, I heard them say that, and I was a bit puzzled by it. I have seen maps that show flights circling around. I will take that question on notice and respond to you. I do not believe that there was an ANEF produced to reflect that, but I need to confirm it. Rather than adopting a 20-year projection as required by the Airports Act, the owners of Canberra Airport have based their projections on ultimate capacity. Ultimate capacity is the theoretical maximum air traffic that a runway can accommodate. Canberra Airport's projected ultimate capacity is about as many aircraft as Sydney has today. This projection assumes flights at a frequency of less than two minutes, 24 hours per day, including 14 Boeing 747s every night. At this point, I seek to table another document. It is the aircraft numbers that were used to develop the ultimate capacity ANEF.

Document tabled.

The numbers were listed in a report by Rehbein AOS, a consultant that produces ANEF contours. The projections are entirely based on advice that the consultant received from Canberra Airport. At this point I will explain the numbers so you can understand. Table 5 has a column with day and night arrivals and departures. At the bottom is the total number of movements through the year of 285,000. The daytime number is 161,000, and 122,000 for the night flights. That equates to 334 flights per night. Also in the table are highlighted figures; they are the Boeing 747s that come in at night, the freight operations and so on. There are 65 freight operations per night, 14 of which are 747s.

Numerous aviation experts have advised that this is well beyond what is reasonable or achievable. Canberra, with a population of 340,000, will never support as many flights as Sydney with its population of 4.3 million. Canberra Airport's prediction that the number of night flights will increase from a couple of turboprops at present to 14 jumbos and other aircraft at two-minute intervals, as can be seen in the table, is clearly a deliberate attempt to provoke controversy and objection to the development of south Jerrabomberra. Prior to producing the ultimate capacity ANEF, the level of complaints about aircraft noise from Jerrabomberra was only a few a year—less than practically any suburb in Sydney. In November 2008 the Minister for Infrastructure, Transport, Regional Development and Local Government rejected Canberra Airport's preliminary draft master plan. I understand this is the first time that a master plan has been rejected.

The Hon. CHRISTINE ROBERTSON: That was Federal.

Mr INESON: Yes, Federal. In rejecting the master plan the Minister gave many reasons, including that it was an inadequate basis for future projections.

The Hon. MELINDA PAVEY: Was that Minister Albanese?

Mr INESON: Yes. Minister Albanese seems to be adopting a more rigorous process for assessing airport master plans. His department has recently engaged Access Economics and aviation experts the Ambidji Group to review the Sydney Airport master plan, which is currently out in draft form for exhibition. Both of these consultants are highly critical of the Canberra Airport ANEF, the strategic planning framework now in place for the southern part of Queanbeyan. This framework was in place at the time that the Village Building Company lodged a rezoning proposal for south Jerrabomberra, in 2002. Ministerial Direction 3.5 should be upheld. This direction adopts the ANEF system for land-use planning, consistent with legislation and planning policy adopted by all levels of government across Australia.

South Jerrabomberra is identified in the Queanbeyan Residential and Economic Strategy and its many predecessors, each of which considered the impact of aircraft noise. It complies with highly inflated ANEF contours prepared by Canberra Airport. The rezoning process for south Jerrabomberra has been underway for almost seven years. The supply of land for employment and residential uses in Queanbeyan is exhausted. There is strong unmet demand for land for affordable housing in Queanbeyan. The Jerrabomberra community wants the community facilities and schools that the development will bring. Yet Canberra Airport is urging New South Wales to entirely ignore that framework and to treat one development entirely differently from the way similar developments are treated in every other part of Australia. The Planning Institute and leading industry bodies in their formal submissions to this inquiry point to the need to strengthen strategic planning to ensure proper, impartial and more arms-length decision-making on every particular development. Adherence to strategic planning should be an obligation of all governments, local and State, throughout the country.

CHAIR: Does the Village Building Company see the supply of sufficient zoned residential land as a reasonable mechanism to manage housing affordability?

Mr WINNEL: We have had a significant role in the Australian Capital Territory on the same issue. We have been saying to the Government for some years that partially as a result of no competition across the border and partially as a result of the fact that the Government is the only land supplier in the Australian Capital Territory, this was doing the region significant economic damage. When the last Government went out there were 5,000 unfilled jobs in the Australian Capital Territory with the Federal Government alone. We believe that the reason for the unfilled jobs is that housing affordability has become a major factor in this region. This region used to have a competitive edge. If people shifted from Sydney, they would find it cheaper to buy a home. There was a more ready ability to attract people from outside. Housing affordability, with a mean price of about \$455,000 in a regional city, is a really strange outcome.

There is no shortage of land if you look around. There is no question: There has been a failure of government to meet the supply of land that the market requires, and that has put housing out of the reach of about a quarter of the workforce. That is a position that should not have been tolerated. That position was partially brought about by the fact that Queanbeyan used to supply 30 per cent of the region's housing and that supply was turned off by the Australian Capital Territory Government failing to provide water. That issue has now been resolved. There is no impediment to Queanbeyan now providing housing. In fact, in meetings we have had the Australian Capital Territory Government has made it clear it will continue to oppose Tralee but that once New South Wales makes a firm rezoning decision that refusal to cooperate will vanish.

CHAIR: What is the impact of the planning system on providing cross-border infrastructure?

Mr WINNEL: The impact is that because there are no formal mechanisms for cross-border discussions and the Australian Capital Territory simply used the failure to provide cross-border infrastructure as its way to stifle growth in Queanbeyan—

The Hon. CHRISTINE ROBERTSON: They were saying it is your fault—not your fault but the fault of New South Wales and the Australian Capital Territory!

Mr WINNEL: The JRA indicated that there is a bit of a lack of mechanism. We believe that since the last election in Queanbeyan that the position is improving: there have been meetings and the mayor and the Chief Minister are speaking. We have been afforded a couple of meetings with the Australian Capital Territory Government. We do not see impediments to better communications and the provision of infrastructure. We have been told informally what the impediment is. The Australian Capital Territory Government is politically opposed to development across the border in this area and that opposition will remain until New South Wales makes a firm decision.

The Hon. MELINDA PAVEY: It is important for the Committee to recognise that the Australian Capital Territory does make money for that release. Would you like to expand on that?

Mr WINNEL: A very significant part of the Australian Capital Territory budget comes from the fact that there is only one landowner in the Australian Capital Territory, and that is the Australian Capital Territory Government. So, if you like, I guess they have a budget of a couple of hundred million dollars a year just on residential land sales. I think what happened was when it took over the role of supplying land in the Australian Capital Territory and started to squeeze out the private sector from that role, the supply chain broke down—not deliberately, it was just that the government mechanism for the production simply was not up to it. As that

supply constrained there was a rather strange outcome. The reward for failing to supply land was increasing values and an increasing input to the Australian Capital Territory Treasury.

I think, to its credit, the Australian Capital Territory Government has recognised that. It has moved back to relying much more on the private sector for delivery. We work very closely with the Australian Capital Territory and in the two years prior to June last year there were 11 houses under \$350,000—three bedroom, single-level houses with their own yard. There were 11 in the whole of Belconnen and Gungahlin. We have reached an agreement with the Australian Capital Territory Government on planning conditions on one estate alone, which since that time has led to 268 three-bedroom homes below \$350,000. Of those 268 dwellings, 161 were below \$300,000. As a company, 90 per cent of our product targets the affordable end of the market. We consider ourselves to be reasonably expert in knowing what affects housing affordability. We address a number of issues with the Government and we want to be able to do that with the New South Wales Government in the area of Tralee and south Jerrabomberra. We will be certainly making sure that a majority of the houses are in the affordable housing range.

The Hon. MELINDA PAVEY: Is that under \$350,000?

Mr WINNEL: Yes, and some of them will be under \$300,000. I found it quite amusing when I was listening to the airport representatives talk about this area. This area will produce a total land bank that will sell for less than \$1 billion the entire land bank retail, including all the development costs. The answer was trying to indicate we were coming from some sort of rather distasteful direction. He was talking about a profit of \$1 billion. I would like a job that gave me 110 per cent profit but I have never been near one yet, and we do not pitch the company to do that. We are targeting people in the under-\$350,000 and to some extent in the under-\$300,000 bracket. We also engage with the Australian Capital Territory Government in providing public housing. We are putting in submissions with community housing groups to the Commonwealth in the current round. As a company we pride ourselves on actually addressing that part of the market and working to get more young families into homes of their own.

The Hon. MELINDA PAVEY: Will you describe the scale of the development at Tralee and south Jerrabomberra, particularly your proposals for the community? I mentioned earlier the school land that you have offered to the Anglican Church. What other community developments are you prepared to put on the table that the Government will not have to provide?

Mr WINNEL: Again, we have an attitude where, having worked with communities in Brisbane, Coffs Harbour, Canberra, Wollongong, Orange and elsewhere, we have learned that if you engage with the community the path is a lot smoother. We have found it very productive talking to the JRA because it has put to us that the whole of Jerrabomberra was developed with signs up saying "This site is reserved for a school" or something else and everyone had houses built on. So the proposal we put is not only a proposal by the company but is to be locked in in a formal agreement with the State Government so that when the rezoning occurs it becomes an obligation on the company at each phase of development to provide community land.

We have not identified all the uses but some of the uses that are clearly identified are eight hectares for the Anglican Church for a secondary school. There would also be land for an aquatic centre, which the council has got partial funding provided for to date. There would be land for a new scouts hall because there was an expressed need from the scouts. There would be land for a community club facility because Jerrabomberra, with a population of 10,000, has no community club and with a population projected now of more than 20,000 there is certainly the need for a community club. There will be a district park. There will be a whole range of facilities but I cannot give you an exhaustive list because the purpose of talking with the community association is that we will develop with them an agenda that reflects their priorities as well.

Clearly, council will have very significant input to that agenda because there is little purpose in providing land for which there is no-one to build a facility. Forty-three hectares of land is a lot of land and we are confident it will meet whatever community demands there are over the next 20 years. None of that land will be sold to council. It will all be granted to council community organisations and there will be some degree of seed funding for some of the developments that are going to occur on that land. But essentially the development on the land will need to be funded by a private club, community club or by the council in terms of the aquatic centre.

The Hon. MATTHEW MASON-COX: The submission from Canberra Airport notes that there needs to be much better coordination between the Commonwealth, New South Wales and Australian Capital Territory

governments concerning the regulation of developments in proximity to airports consistent with the principles set out in the Commonwealth's aviation green paper. What is your view of where that is heading? What are the deficiencies in that process from your perspective?

Mr WINNEL: I will ask Ken to comment on the green paper, if you do not mind.

Mr INESON: The green paper, as I see it, is really not asking for a change to the ANEF system. In fact, the other thing that could be said is that of the submissions that have come in, only a couple of them ask for a change to the ANEF system for land-use planning, and of the submissions that have come in and commented on that issue, the vast majority have asked for that system to be retained. The issue is really not so much the ANEF system but how it is applied, and the problems that you can see with Canberra Airport. The projections of Canberra Airport being absolutely unachievable need to be addressed. I think that is the right forum for that to be addressed.

The Hon. MATTHEW MASON-COX: In that regard, does the process through Airservices Australia need to be more rigorous in your view?

Mr INESON: Absolutely, Airservices has freely acknowledged that all it does in checking for technical accuracy is make sure that the computer modelling is correct. They just take on faith the projections that are given to them by airport companies.

Mr WINNEL: I think it is clear that the green paper does not reflect what the airport claimed it reflected. If you look at what the Commonwealth says about its ANEF system, the Department of Transport in its publications and Airservices say that it is a land-use planning tool. This morning we heard the airport tell you that it was not a land-use planning tool.

Mr INESON: The quote that I read you from the Airservices policy document says that the purpose of the Australian standard and the ANEF system is to control land-use planning. The Australian Standards second part to which the airport referred is to control insulation in housing in areas that are inside the 20 ANEF contour. So there are two parts to the document. But the primary purpose—the airport was quite false in what it said—of the ANEF system under the Australian Standard is land-use planning.

Mr WINNEL: That is why we would ask you when you think about the green paper, not to see it as a document that is purporting the existing system to be inadequate insofar as the ANEF is concerned. We have consistently written over the past seven years to the Department of Transport and Airservices federally. They have consistently advised us there is no intention to review and rejig the ANEF system. There has been a criticism, which Mr Byron rightly referred to, that the ANEF system is not easy to understand to the ordinary householder and that there is a lack of information around as to what it means. Yes, you have got your lines on the map but what does it mean to the ordinary mum and dad?

I think there is general recognition that whilst the system is good and should be retained, it is not explained adequately. One of the steps that we would be taking in Tralee is to make sure that on the title there are appropriate warnings so that every solicitor has to advise people of what flights there are in the area. But, again, I invite members of the Committee who want to understand the issue to go out to south Jerrabomberra, stand there and listen themselves—but take your hearing aid with you.

The Hon. MATTHEW MASON-COX: It has been seven years since you lodged your development application for your rezoning proposal. As a local resident, it has been an ongoing issue and really a case of getting someone to make a decision, which seems to be the most difficult task. Yes, there are a lot of conflicts in relation to both private and public ownership, as well as State, local and Federal government interests. How can the Committee make sure something like this does not happen again and that a decision is made early in the process, one way or the other? Can you reflect on your experience as to how we could get a better system?

Mr WINNEL: We will be lodging with you in the next few days a supplementary submission. Sometime ago we engaged Gary Pratley, who was a senior manager in the New South Wales Department of Planning, and is also head of the planning systems at the NCA in the Australian Capital Territory, in Western Australia and in Hobart and who since we engaged him and since he drafted his report has become the planning commissioner in Western Australia. The purpose of that submission will be to address this question: How do we strengthen strategic planning so that it binds not only developers but governments and communities? How do we go through a process which produces really clear and objective outcomes in each area?

I guess the only thing that I could say in the confines of today is that we endorse the various submissions by the Planning Institute and various industry bodies that have said strategic planning should be strengthened; it should bind all parties. The decision-making process needs to be reviewed because, just as a large development company can lobby, just as a community group can object, or an airport can object, what is happening today is the water then gets muddied.

The strategic planning, which in this case was developed over a 15-year period, just gets ignored because the political implications are that you put political pressure on a government to depart from the strategic planning and governments sometimes then find it difficult to make a forthright and timely decision. I think that is reflected on both sides of politics. Somehow there has to be a way of taking a lot of the politics out of the particular decisions on each particular side so that the Parliament is the body that sets the strategic plan. Once it adopts it through the department and the Minister, once that is adopted, there is not this room to reconsider at every stage.

We bought a block of land as a development company that believes you should look at the guideposts set by government; you should follow the guideposts and you then get the support of government if you abide by their strategic plan. It is pretty dispiriting when you go to the 1998 strategy plan, which had been adopted—in the very final weeks of adoption, and was available to the airport—when the airport was purchased finally in 1998, the existing strategy then was the 1998 Australian Capital Territory subregion planning strategy. That was part of the strategic planning for the region. It had gone through eight years of discussion, 13 technical studies and a sign-off process by all these governments over this eight-year period, and what did it mean when it came to lodging an application? It took one objector to obfuscate the issues, to create public debate, to put political pressure on it and it has been very difficult to make the decision.

Part of the reason is that the system allows for too much room in having a second, a third and a fourth look. What is there is the strategic plan. My view is really clear: Whatever the strategic plan is when a process is being considered should guide the process and whenever there is an objector we should not look at whether we should stop and revisit the strategic plan there and then and treat this proposal outside the strategic plan. We should be reviewing the strategic plan with a view to when it is done events will record when it is properly adopted, or whether we should be sticking with the existing system.

Strategic planning has only changed in one regard in the seven years. The New South Wales Government has accepted all of Canberra Airport's noise projections, even though a previous Minister made some statements that they did not appear to be very sensible. They have all been accepted and they have all been built into the response of the subdivisions that will be permitted. Even the current noise projections—based on 283,000 flights, which is more than Sydney Airport—we comply with fully, and we are still struggling. I think the problem is that strategic plans tend to bind developers as a minimum but they do not actually give you a right of passage. I think governments should start to think if they want certainty and if they want people to get on with the job, strategic plans must bind them, must bind the community and must bind the development industry.

One of the things this Committee might do is consider how those strategic plans might get more status and might be more binding. If a Minister has the power to do the individual bits, it exposes him to all the pressures of people who do not want the decisions made. I think one of the difficulties in the current system is that it exposes Ministers to horrific pressure, to a lot of accusations about why decisions are made. Our experience is that Ministers are trying to make the right decisions; they are trying to do it in accordance with the strategic plans, and their departments give them advice along those lines. But the system says they have got the ability at any time to hold it up, so the community use that or the developer uses it or somebody uses it to hold up the decision because they are not bound by the strategic plan. That is a long-winded answer but I think that is the heart of what the community needs to be looking at.

The Hon. MATTHEW MASON-COX: In fact, it is probably at the heart of any local environmental plan, be it for a local government area or across a regional area. If you get the strategic planning framework right, the rest follows.

Mr WINNELL: Yes, the rest should follow.

The Hon. MATTHEW MASON-COX: You say if you spend the time up-front, the rest should follow as a result.

Mr WINNEL: Yes, all we would add is that we believe in this case that the strategic planning was horrendously ridiculous, long-winded and painful. It was and is in place, and why would the airport be expecting governments to break one of their own rules? The idea that the ANEF system is just a New South Wales system is laughable. There is no example of any development like Tralee being refused or declined in any of the capital cities in Australia, and we have had a study done by one expert to identify a series of developments that all went through.

Tralee will have the same noise profile in 50 years time that Double Bay has today. That is the reality of noise that is at Tralee. On the map that the airport gives you, the noise projections, the ANEF contours, they are the same contours that would apply to Double Bay. You have heard that those airport contours may not be achieved in the next 50 years. In other words, Double Bay is the same distance from the city; it gets departures not landings, and it has the same noise profile.

Reverend the Hon. FRED NILE: Obviously since that strategic plan was developed the airport has developed, so the whole concept of the airport has changed.

Mr WINNEL: I do not think it has changed.

Reverend the Hon. FRED NILE: It has become not only a passenger hub but also a freight hub.

Mr WINNEL: Yes, but there are currently two projects in mind. With Canberra Airport, they have projected that this region, with 340,000 people, is going to develop more traffic than an airport that serves 4.3 million people. I am sorry, but I do not find that credible, and we are accused of not producing evidence. The fact is: What evidence have they produced to support these levels of projections? Like all airports and areas, the airport is growing incrementally. They have not met any of their projections put out in 1998 in their first ANEF master plan or the second one. They have not reached any of the projections that they had earlier projected. Is it surprising that the Minister found this one a bit hard to swallow and that he has rejected it on the basis that they are the ones who are not providing the evidence for projections?

The onus has been put on us to disprove them, but no onus is accepted by the airport that they must prove these rather wild projections that they have put forward. Is it credible that an airport servicing 340,000 people will reach the same level of traffic as Australia's major international gateway that services 60 per cent of our external overseas market, which comes through Sydney? Is it credible that the Australian Capital Territory airport will grow beyond what Sydney is, and should we be taking account of it? I think the answer is no, but we have. We have accepted all this growth. We are not disputing it, we just keep moving the houses around to meet the ANEFs. But I think we have done that enough times now, and every time we are able to make the planning meet their ANEF projections, we have another shot. When is the Government going to say, "Hang on, you've had a couple of shots. We think we're sort of there now"?

Reverend the Hon. FRED NILE: The projections are based on maintaining the no curfew. I am concerned that eventually the population of Tralee will create such an outcry calling for a curfew and that will affect the whole future of the airport to be not just a passenger hub but a freight hub.

Mr INESON: There are two points there. The ANEF does take into account all those night flights and weights them by four, so one night flight is equal to four daytime flights. That expanded ANEF takes all those 747s into account.

Reverend the Hon. FRED NILE: Do you think the curfew is at risk through your development?

Mr WINNEL: We do not comment on the curfew. We have to say that if realistic projections were there, we do not believe there would be cause for a curfew. But if this level of traffic ever occurs, I would have to say to you, if you were the local member, I believe you would call for a curfew. If this level of traffic, which we think is untenable and will not occur, were to occur, a curfew would be inevitable. If you put a jet plane, 747s, adjacent to houses in Campbell and Hackett—existing houses that have been there for a long time—and if you have that noise going up the valley to Red Hill, reverse thrusts of a 747, I think the position would be pretty clear cut. Mind you, how we would have 747s flying in 50 years is a little beyond me and I suspect the only reason we have them in the airport's master plan is that they are a lot noisier than current aircraft technology. It is these false assumptions that this Committee and others have been presented with that make the decision-making hard.

I can understand your quandary—all this noise, but it is all predicated on growth that there is no evidence will be achieved. It is predicated on using aircraft that are nearing the end of their commercial life today and have already been superseded. The projections of noise are fanciful, but we meet them; we meet them in terms of the ANEF. We are going to insulate all our homes as if those projections are true because we believe that the insulation will cut energy costs in all the housing considerably.

The Hon. CHRISTINE ROBERTSON: It will help you do your building sustainability index [BASIX]?

Mr WINNEL: Yes.

The Hon. CHRISTINE ROBERTSON: The New South Wales Government has told us that the international aviation policy reviewed the process and was monitoring ANEF levels with an independent panel to evaluate the methodology and predictions parameters. If this recommendation were to be adopted, would that satisfy a lot of your concerns about the way the ANEF noise levels are used and estimated?

Mr INESON: Yes, I believe it would. That is basically accepting the ANEF as a system for land-use planning but it is attempting to correct the inputs that go into it.

The Hon. CHRISTINE ROBERTSON: And outputs.

Mr INESON: And that is where we have a problem. It is the inputs that go into the production of the ANEFs.

The Hon. CHRISTINE ROBERTSON: Do you perceive it to be interfering with the outputs?

Mr INESON: The outputs are just based on a computer model, so if you get the inputs right in terms of the numbers of flights and so on, then the outputs just flow.

The Hon. CHRISTINE ROBERTSON: Is not the issue we are discussing the political interference with the outputs?

Mr WINNEL: No, basically it is just the old theory on computers of garbage in, garbage out. The computer model is scientifically based and it assumes that an aircraft will produce a certain amount of noise and what the impact will be. That impact was studied for use by taking American research, doing more research in Australia on the noise impacts on people of aircraft at particular times of the day and night. The outputs follow automatically. If you want to manipulate the output, you simply manipulate the input. We are saying here that where we have a government regulatory system, which says, "You put in what you like but, by gosh, we will make sure that you put it through the computer model promptly", that is not really a very significant role for government—being a technician and seeing that the model is correctly applied. Government's real role is to make sure, as you pointed out, that the outputs are valid. They should do that by making sure the inputs are valid. But you are saying "interference"; if that is a job that the administration at the Federal level is charged with, we think they will do it properly and professionally. But they are not charged with the job, and they have declined to take it on. We think it is a failure.

Mr INESON: The political interference comes in beyond that process. It is in response to claims by Canberra Airport that there will be noise sharing. It is fear campaigns, and so on. It is responses to those sorts of issues.

The Hon. CHRISTINE ROBERTSON: What do you perceive would be an independent panel that could deliver on this?

Mr WINNEL: They were Margot Sachse's words; we heard that.

The Hon. CHRISTINE ROBERTSON: No. That is my question, my words.

Mr INESON: There is a suggestion in there; it actually proposes a membership, which I think is right.

The Hon. CHRISTINE ROBERTSON: No. I will ask it again. What do you perceive would be an independent panel that could be involved to evaluate the methodology and prediction parameters?

Mr INESON: Does that paper not also suggest a membership of that independent panel?

The Hon. CHRISTINE ROBERTSON: Does it?

Mr INESON: I believe it does. It was comprised of representatives of State governments and the Commonwealth.

The Hon. CHRISTINE ROBERTSON: It is in the New South Wales Government's submission.

Reverend the Hon. FRED NILE: They have picked up on the submission.

The Hon. CHRISTINE ROBERTSON: What would you say?

Mr WINNEL: The very clear answer is yes; it should be properly and professionally reviewed by a government agency. However government wants to do it, as long as it is a legitimate, professional review.

The Hon. CHRISTINE ROBERTSON: Many members of this Committee are old country politicians, we have been around for a long time and we know a lot of people and we listen to a lot of stories. The stories related by the Canberra Airport representatives earlier today are stories that we have listened to in the past in relation to forward planning for a transport hub. The arguments throughout the State for many years in relation to being the airfreight hub have been continual. Many members of the Committee have heard many of those arguments. I guess we were hearing the same story about Canberra Airport planning to put itself on that footing.

Today we have heard information for and against the planning processes. Canberra Airport is much more developed than many other organisations that have suddenly decided they want billions of dollars. There is nothing in my head to say that that would not be an appropriate action. Personally—and I have not discussed this with the other Committee members at this stage—I believe their plans to increase the passenger hub seem to click in with me, regarding the constant pressure for the fast Canberra train to hook in. Perhaps they are moving forward to become the secondary passenger hub for New South Wales rather than merely serving the numbers of persons who live in Canberra, or the Federal Government. I am not trying to discount or discredit the development plans for houses and communities. If that should happen it will certainly increase the population requirements of this area, as country politicians have heard in arguments in other areas. What do you think about the potential of that? I picked up that that was what they were talking about. Is it possible?

Mr INESON: Yes. On the matter of the freight hub, that was proposed in the current preliminary draft master plan for the airport. We had Access Economics review that. It said that the prospects of Canberra Airport becoming a freight hub are just not there. I would like to provide the Committee with a copy of that report.

The Hon. CHRISTINE ROBERTSON: Yes, that would be useful, thank you.

Mr INESON: In relation to the passenger operations and the fast train, again, that is extremely unlikely to happen. Access Economics also comments on that. If it were to happen, I believe all it would do is to link in to Canberra Airport, but it would certainly reduce the number of Canberra to Sydney flights.

Mr WINNEL: And they dominate our total number of flights.

The Hon. CHRISTINE ROBERTSON: At the moment, yes, that is right.

Mr WINNEL: We have 24 flights each way, each day to Sydney by Qantas alone. All the fast train would do is rip the heart out of the flight numbers at the moment. On the idea that that would then be replaced with international flights, firstly, the volume of traffic simply would not be replaced. I do not know how much travel people do, but I never would go to an airport that was 300 kilometres from where I want to go. It is too inconvenient. The idea that we need night-time flights for that purpose—what? Someone is going to land in Canberra at 2 o'clock and then—

The Hon. CHRISTINE ROBERTSON: You are giving me all the arguments why it is not an appropriate plan. It sounded like that was forward looking, where they were heading.

Mr WINNEL: They sound forward looking, but after seven years of experience with Canberra Airport there is a need for looking closely at the claims they make. Today I heard them tell you that they got a letter from Qantas opposing all this. Some years ago, I took part in a group that established Regional Express Airlines. I will tell a little story that is germane to this subject. I was a member of the board, and I was asked how they were going to handle a letter from Canberra Airport. I asked, "What are you looking at me for? What specifically does that have to do with me?" They passed me a letter that we were required to sign. The letter opposed the development of south Jerrabomberra. It had facts which no-one around that board table purported to, but there was another little rider. The letter was not signed.

Their rental and other charges into Canberra Airport were going up, not by a couple of per cent, but by that "plus \$500,000". I am sorry, but a lot of the information that Canberra Airport put out, I give the same credibility to as what happened at that board meeting. From my experience of dealing with senior aviation technicians, no-one in the aviation industry and those technical areas believes that the development of south Jerrabomberra represents a threat to Canberra Airport. But for some reason it is on the agenda, and anything that is being said to support it.

CHAIR: We will return to the subject of this inquiry.

The Hon. CHRISTINE ROBERTSON: Thank you, I have finished.

CHAIR: Thank you both for attending this afternoon, and for your contribution. The Committee would be grateful if you would provide the information that you suggested would be helpful. If the Committee sends you further questions please respond within 21 days.

(The witnesses withdrew)

(The Committee adjourned at 3.54 p.m.)