

**Rural Affairs and Transport Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates October 2011

**Infrastructure and Transport**

**Question no.:** 103

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Archerfield End Zone

**Proof Hansard Page/s:** 89 (18/10/11)

**Senator FAWCETT asked:**

**Senator FAWCETT:** I would ask you to, and to take that on notice. Certainly what is there, and there is photographic evidence of it being there—large pieces of plant as well as many members of the public attending auctions at that location—is problematical. As you read both the Queensland legislation and the federal, the obligation is a two-way street. One is to protect people on the ground—and there was an accident adjacent to that location a number of years ago when the pilot, and four people working in a factory, were killed when an aircraft crashed. There is also the obligation to the aircraft and its pilot and passengers to provide safety in a zone which is one of the most critical areas. US studies show that about 80 per cent of accidents occur in that area on takeoff, or landing when there is an undershoot, if you have an engine failure. The obligation is on your department to make sure that we provide a safe area around airports so that in the event of an emergency the pilots do have somewhere to land. It is not like military aircraft with ejection seats and the options to try and turn back. Civilians are constrained—

**CHAIR:** Senator Fawcett, I will remind you that if there is a question would you please come to it. The questions are very important, but I do not honestly believe we need all the preamble. You have the call and I urge you to get to the question.

**Mr Wilson:** We will take the issue with regard to the end zone at Archerfield on notice and provide the committee with a detailed response.

**Answer:**

CASA has advised that the site in question is located outside the clearway and runway end safety area for runway 10L/28R.

The Department has consulted with state officials on this matter and they have indicated that the development is consistent with ‘compatible uses’ for public safety areas as defined in the Queensland State Planning Policy (SPP1/02).

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates October 2011

**Infrastructure and Transport**

**Question no.:** 104

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Protection of operational airspace

**Proof Hansard Page/s:** 96 (18/10/11)

**Senator FAWCETT asked:**

**Senator FAWCETT:** Do you have any plans for industry involvement so that they can have some input as to how their perspective can be incorporated?

**Mr Mrdak:** We certainly will. We have not got to that stage as yet. I think the first stage is for our officers to identify exactly what the current processes are and where the weaknesses are. That will then enable us to design a better way to handle this. As Mr Doherty and Mr Stone indicated in the evidence from the department a little earlier, this is an area which we are taking up with a great deal of strength with the states and their planning agencies.

**Senator FAWCETT:** I am very pleased to hear that. Could you take on notice to provide to the committee how industry will be involved, particularly how feedback around an application is transparent so that, rather than just being told consultation has occurred but not knowing whether all the submissions were positive or negative, industry know whether they are a lone voice or everyone else supported their position but, for some reason, the decision has gone the other way? That would be very useful.

**Mr Mrdak:** Certainly.

**Answer:**

The Aviation Policy Group (APG) which includes the chief executives of the four aviation portfolio agencies, is reviewing regulatory arrangements relating to protection of operational airspace.

The APG expects to invite written feedback from industry on any proposed changes to arrangements covering the protection of operational airspace in the first half of 2012.

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Supplementary Budget Estimates October 2011

**Infrastructure and Transport**

**Question no.:** 105

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Increase of PANS-OPS base due to high-rise buildings in Brisbane and Sydney

**Proof Hansard Page/s:** Written

**Senator Fawcett asked:**

Has there been any occurrence in Australia where the PANS-OPS base has had to be increased because of the construction of high-rise buildings in nearby city regions? Of particular interest is Brisbane and Sydney airports.

**Answer:**

Please refer to the response to Question 104.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates October 2011

**Infrastructure and Transport**

**Question no.:** 106

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Regulatory Requirements – Submissions Regarding Developments Near Airports

**Proof Hansard Page/s:** Written

**Senator Fawcett asked:**

What steps are being taken to enforce regulatory requirements where a proposed development site may adversely affect the operational capacity of an airport? How will the airline and aviation operators, CASA and Air Services Australia have opportunity to register their opposition in a transparent way that would be available to all interested parties?

**Answer:**

Airspace protection at the leased federal airports is governed by Part 12 of the *Airports Act 1996* and the Airports (Protection of Airspace) Regulations 1996.

Under the legislation, proponents of activities that will intrude into prescribed airspace for a leased federal airport must obtain an approval from the Department of Infrastructure and Transport.

The Regulations establish a process for assessing development proposals which will intrude into prescribed airspace of leased federal airports. Operators of these airports are required to obtain the opinions of CASA and Airservices regarding these development proposals. Where relevant, airport operators also obtain the opinion of airlines.

Decisions on controlled activity applications include a summary of all the opinions considered by the Department and are available to all interested parties.

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ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates October 2011

**Infrastructure and Transport**

**Question no.:** 107

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Archerfield airport- development in public safety area

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

A number of aviation associations have condemned Minister Anthony Albanese for failing to stop development on land in the public safety area at Archerfield Airport.

Archerfield Airport Corporation has allowed the land on the other side of a public road to be used as a warehousing area for an auction company.

The aviation industry claims that this makes the area unsafe.

The Minister has responded by stating that CASA approvals for the main plan of the Archerfield Airport development and that ministerial approval was not necessary in this case.

1. When did Minister Albanese become aware that the development on public safety land was being undertaken?
2. Does the Minister accept that public safety land is an integral part of ensuring the community and the aviation industry is kept safe?
3. If so, does the Minister believe that he should have stepped attempted to stop the development of land on this public safety area?
4. A spokesperson for the Minister stated that a decision will be made when all of the information has been received. When does the Minister expect to receive this information and what is the estimated date of the decision being passed down?

**Answer:**

1. to 4.

The development did not require ministerial approval as a Major Development Plan was not required.

The Department has consulted with state officials on this matter and they have indicated that the development is consistent with 'compatible uses' for public safety areas as defined in the Queensland State Planning Policy (SPP1/02).

Approval for the development was issued by the Department of Infrastructure and Transport on 23 August 2011.

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Supplementary Budget Estimates October 2011

**Infrastructure and Transport**

**Question no.:** 108

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Incident at Bankstown Airport on 26 September 2011

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

On Monday 26 September 2011 a light plane crashed whilst approaching Bankstown Airport to land following a routine training flight. Both passengers escaped unharmed. The Weather Bureau reported that there were up to 37km/h (20 knot) southerly gusts. Runway 18/36 was designed to provide a safe landing and takeoff for conditions where northerly or southerly winds exceeded 10 knots. This runway was closed in 2006.

1. Has there been a report into this incident? If so what were the findings? If not why not?
2. Would the landing have been made safer and easier if Runway 18/36 was open?
3. Has the department found any link between the crosswinds which the pilot was forced to tolerate and the accident?
4. If there has been a finding; does the department concede that by closing Runway 18/36 the Airport violated clause 9.2 of their lease agreement:

**9.2. Maintenance of runways and pavements**

*The Lessee must maintain the runways, taxiways, pavements and all parts of the Airport essential for safe access by air transport to a standard no less than the standard at the commencement of the Lease.*

5. Given the facts of the accident and the terms of the lease does the department believe that a review of the Bankstown Airport lease should be undertaken?
6. Given the facts of the accident and the terms of the lease does the Department concede that there must be action taken for breach of lease agreement or endangerment.

**Answer:**

1. Yes, the aircraft operator and Airservices Australia submitted an immediate report to the Australian Transport Safety Bureau (ATSB) after the occurrence. The occurrence is being investigated by the ATSB.
2. & 3. The ATSB investigation is ongoing and a report is expected to be released in the first quarter of 2012.
4. The Department does not consider Bankstown Airport Limited violated any part of its lease agreement in closing the runway.
5. The Department conducts an annual review of the lease between the Commonwealth of Australia and Bankstown Airport Limited.
6. No.

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**Question no.:** 109

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Tralee

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

With regard to the long running dispute around Tralee, from press reports over the past 6 – 9 months it is clear that there have been ongoing discussions about Tralee between the Minister for Transport (Albanese) and the NSW Minister for Planning, as well as between the Department of Transport and NSW Department of Planning.

1. Please provide dates & outcomes of these meetings since 24 August 2010?
2. Has the Minister and/or Department met with representatives of Village Building Company since 24 August 2010? If so, when?
3. Has the Minister and/or Department met with representatives of Canberra International Airport since 24 August 2010, If so, when?
4. Has the Minister and/or Department met with representatives of Queanbeyan City Council since 24 August 2010, if so, when?
5. Has the Minister and/or Department met with representatives of Jerrabomberra Community Group since 24 August 2010, if so, when?
6. Can the Department provide an update on those discussions?
7. What is the Minister/Department's current policy regarding the building of houses under the Canberra flight path?

**Answer:**

- 1.-5. The Minister and Department have been in regular discussion with the NSW Government and their officials regarding the proposed residential development at Tralee.

Meetings have also been held with the Village Building Company and Canberra Airport.

The proposed residential development at Tralee has been raised within the airport's Planning Coordination Forum (PCF) and Community Aviation Consultation Group (CACG) which both Departments regularly attend as do Queanbeyan City Council and the Jerrabomberra Residents' Association.

Since 24 August 2010 meetings of Canberra Airport PCF have been held on 15 April 2011, 20 July 2011, and 10 November 2011. Meetings of the CACG have been held on 23 September 2010, 2 December 2010, 3 March 2011, 9 June 2011 and 20 October 2011.

- 6.-7. The Australian Government has consistently expressed the view that housing developments should not be established under aircraft flight paths. This has been expressed in meetings with all stakeholders.

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**Question no.:** 110

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Closure of the cross-wind runway (18/36) at Bankstown Airport

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

Bankstown Airport Limited (BAL) has removed a number of vital infrastructure assets since they were given the lease to run the airport. The list below is a sample of these lost assets;

- The only cross wind runway in the Sydney area available to general aviation aircraft. Runway 18/36.
- Taxiways
- Run up bays
- Compass swing area
- Helicopter training areas
- Road Closures
- Aircraft parking areas
- Windsocks

Bankstown is the only class D airport in the country that now **does not have a cross wind runway**. All other class D airports such as Jandakot, Moorabbin, Parafield and Archerfield have cross wind runways

1. On or about December 2006, Bankstown Airport Limited closed Runway 18/36, who authorised the closure of Runway 18/36?
2. At the time of closure, what consultation was done with the aviation community? Please provide details.
3. During the Master Planning process where it was proposed to remove the runway, did you get any responses from interested parties objecting to the removal?
4. How many responses did you receive that were positive to the removal of the runway? Please list names and responses that agreed and disagreed to closure.
5. Was CASA consulted about the closure of the runway? Can you supply evidence?
6. Was Air Services consulted about the closure of the runway? Can you supply evidence?
7. Where there any studies done on the safety impact of removing the runway? Do you have evidence?
8. Where do you anticipate pilots should fly to now in the event that Bankstown becomes unusable due to high winds from a North/South direction?
9. What economic impact has it had on businesses at BKN when it has become too dangerous to fly at BKN due to wind conditions? Has a study been undertaken, if so, please provide a report.
10. Why was the runway removed or fenced off during the Christmas period of 2006 when most other construction work ceases?
11. How many of the current BAL staff are pilots?
12. How many pilots did BAL have on staff when the decision about the removal of 18/36 and other crucial infrastructure were made at Bankstown Airport?
13. Was the runway closed by BAL/BAC Devco or Korda Mentha?



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14. Why was the decision made to close Runway 18/36 so as to sell Lot 27 and Lot 28 for non aviation use?
15. Was there approval by CASA or Aviation and Airports for the closure of the runway? If not why not?
16. Where do you think pilots can land safely in the Sydney Basin in an unacceptable and unsafe crosswind, 5 knots to 10 knots is considered safe?
17. Why was the Runway closed without the approval of CASA and Air Services Australia?
18. Why was the runway closed, when it was in direct contravention of **Clause 9.2** of the Lease from the Commonwealth of Australia?
19. When was the decision to close Runway 18/36 made?
20. Was the decision to close Runway 18/36 made as an inducement for BAC Devco to purchase the Lease to enable a commercial development site?
21. How much was paid by BAC Devco for the purchase of its interests in Bankstown Aerodrome?

**Answer:**

1. The closure of the runway was identified in the 2004/05 Bankstown Airport Master Plan. The Master Plan was approved by the then Government (Minister Anderson) in March 2005.
2. As part of the Master Plan process General Aviation users of Bankstown Airport were consulted on the proposed Master Plan, including the provision for the closure of the cross-wind runway (18/36).
3. During the Master Plan process seven submissions raised the removal of the cross wind runway with six of these submissions raising concern over the removal of runway 18/36 and two of these were from aviation industry operators.
4. No submissions directly positive about the removal of the runway were received.
5. During the 2004-05 Master Plan process CASA did not raise any concerns with the Department about the closure of the cross-wind runway 18/36 at Bankstown Airport. CASA further advised the Department that the lack of a secondary runway is not a safety issue as there is no mandatory requirement for an aerodrome operator to provide any number of runways so that 100 per cent wind utilisation is achieved.
6. Airservices was consulted as part of the 2004-05 Master Plan process. At that time Airservices advised that the cross-wind runway was rarely used because of its restricted operational capabilities and because its use severely impacted on the operation of Bankstown Airport's three parallel runways.
7. Bankstown Airport Limited consulted with both CASA and Airservices on the closure of the cross-wind runway (18/36). Neither party raised an objection to the closure on safety grounds.
8. Alternate airports available to General Aviation operators in the Sydney Basin, with cross-wind runways include: Camden (10/28); Richmond (10/28); Wollongong (16/34); Wedderburn (17/35); The Oaks (18/36); Warnevale (02/20); and Mittagong (06/24).
9. The Department has not been advised of any economic impact on businesses in Bankstown from the closure of the cross-wind runway (18/36).
10. Building permits to erect a perimeter fence around the South West Sector of Bankstown Airport and for the removal of the southern end of the runway were issued on 14 and 20

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December 2005. These works are recorded as being completed on 23 February 2006 and 20 September 2006 respectively.

11. The Department does not have this information.
12. The Department does not have this information.
13. The Runway was closed by Bankstown Airport Limited.
14. Minister Anderson approved the 2004-05 Master Plan as he was satisfied that Bankstown Airport Limited had met the relevant legislative and lease requirements.
15. Yes.
16. See answer to Question 8.
17. It was not, see answer to Question 15.
18. See answer to Question 1.
19. See answer to Question 1.
20. No.
21. This is a commercial matter for the parties concerned.

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Supplementary Budget Estimates October 2011

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**Question no.:** 111

**Program:** 2.4

**Division/Agency:** (AAA) Aviation and Airports

**Topic:** Closure of the cross-wind runway (18/36) at Bankstown Airport

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

**In Hansard dated 18 October 2011** (follow up questions)

- 1) Mr Doherty, you said on the 18<sup>th</sup> of October 2011 that you thought there were only 2 submissions in response to the closure of the cross wind runway 18/36 at Bankstown during the 2005 master planning process. Can you take on notice to confirm that there were only 2 submissions?
- 2) Can you also take on notice to confirm the intent of those submissions, were they positive or negative for the removal of the runway?
- 3) Can you also confirm what action was taken in response to those submissions.
- 4) Can you also confirm what response was given to the people who had made the submissions and how their concerns were answered?

**Answer:**

- 1) There were seven submissions which specifically raised the closure of the cross-wind runway (18/36) during the 2004-05 Master Plan process.
- 2) Six of the submissions raised concerns about the removal of the runway and one noted it would not impact the respondent's business.
- 3) Consideration by the airport operator of submissions received on the draft master plan form part of the consultation process undertaken by airport operators before they submit their final master plan for ministerial approval.
- 4) Consideration by the airport operator of submissions received on the draft master plan form part of the consultation process undertaken by airport operators before they submit their final master plan for ministerial approval.