

Appendix A – Consistency with the *Airports Act 1996*

Appendix A provides an overview of the Birdwood Road Mixed-Use Project MDP in relation to the relevant sections of the *Airports Act* – specifically Section 91 of the *Airports Act 1996*.

Section 91 of <i>Airports Act 1996</i> - Requirements		Relevance to the Birdwood Road Mixed-Use Project MDP
(1A)	The purpose of a major development plan in relation to an airport is to establish the details of a major airport development that:	
	a) relates to the airport; and	Executive Summary and Sections 1, 2, 3 and 4
	b) is consistent with the airport lease for the airport and the final Master Plan for the airport.	Executive Summary, Sections 1.1 and 9 (Assessment against the Airport Master Plan)
(1)	A major development plan, or a draft of such a plan, must set out:	
	a) the airport lessee company's objectives for the development; and	Section 3.2
	b) future needs of civil aviation users of the airport, and other users of the airport, will be met by the development; and	Section 3
	c) a detailed outline of the development; and	Section 4
	ca) whether or not the development is consistent with the airport lease for the airport; and	Executive Summary and Section 1.1
	d) if a final Master Plan for the airport is in force, whether or not the development is consistent with the final Master Plan; and	Section 9 (Assessment against the Airport Master Plan)
	e) if the development could affect noise exposure levels at the airport, the effect that the development would be likely to have on those levels; and	Sections 6 and 8.5
	ea) if the development could affect flight paths at the airport, the effect that the development would be likely to have on those flight paths; and	Executive Summary Sections 6.0
	f) the airport lessee company's plans developed following consultations with the airlines that use the airport, local government bodies in the vicinity of the airport and – if the airport is a joint user airport – the Defence Department for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant Australian noise exposure forecast (ANEF) levels; and	Sections 6 and 12
	g) an outline of the approvals that the airport lessee company, or any other person, has sought, is seeking, or proposes to seek under Division 5 or Part 12 in respect of elements of the development; and	Division 5 – Sections 1, 2 and 3 Part 12 – Sections 6
(1)	ga) the likely effect of the proposed developments that are set out in the major development plan, or the draft of the major development plan, on:	N/A The Project site is not within or near to an area of the Airport that is subject to a Major Development Plan.
	i) traffic flows at the airport and surrounding the airport; and	Section 7
	ii) employment levels at the airport; and	See Section 3
	iii) the local and regional economy and community, including an analysis of how the proposed developments fit within the local planning schemes for commercial and retail development in the adjacent area; and	See Sections 3
	h) the airport lessee company's assessment of the environmental impacts that might	Section 8

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	reasonably be expected to be associated with the development; and	
	j) the airport lessee company's plans for dealing with the environmental impacts mentioned in paragraph (h) (including plans for ameliorating or preventing environmental impacts); and	Section 8
	k) if the plan relates to a sensitive development, the exceptional circumstances that the airport lessee company claims will justify the development of the sensitive development at the airport; and	Not applicable
	l) such other matters (if any) as are specified in the regulations.	None
(2)	Paragraphs (1)(a) to (k) (inclusive) do not, by implication, limit paragraph (1)(l).	Noted
(3)	The regulations may provide that, in specifying a particular objective, assessment, outline or other matter covered by Subsection (1), a major development plan, or a draft of such a plan, must address such things as are specified in the regulations.	Noted
(4)	In specifying a particular objective or proposal covered by paragraph (1)(a), (c) or (ga), a major development plan, or a draft of a major development plan, must address: <ul style="list-style-type: none"> a) the extent (if any) of consistency with planning schemes in force under a law of the state in which the airport is located; and b) if the major development plan is not consistent with those planning schemes, the justification for the inconsistencies. 	Section 10 Not applicable
(5)	Subsection (4) does not, by implication, limit Subsection (3).	Noted
(6)	In developing plans referred to in Paragraph (l)(f), an airport lessee company must have regard to <i>Australian Standard AS 2021-2000 (Acoustics – Aircraft noise intrusion – Building Siting and Construction)</i> as in force or existing at that time.	Section 6 and 8.4
(7)	Subsection (6) does not, by implication, limit the matters to which regard may be had.	Noted

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Major Airport Development triggers (Section 89(1) of the <i>Airports Act 1996</i>)		Relevance to the Birdwood Road Mixed-Use Project MDP Elements
(a)	Constructing a new runway	Not applicable
(b)	Extending the length of a runway	Not applicable
(ba)	Altering a runway (other than in the course of maintenance works) in any way that significantly changes: <ul style="list-style-type: none"> i. flight paths; or ii. the patterns or levels of aircraft noise 	Not applicable
(c)	Constructing a new building wholly or principally for use as a passenger terminal, where the building's gross floor space is greater than 500 square metres	Not applicable
(d)	Extending a building that is wholly or principally for use as a passenger terminal, where the extension increases the building's gross floor space by more than 10%	Not applicable
(e)	Constructing a new building, where: <ul style="list-style-type: none"> i. the building is not wholly or principally for use as a passenger terminal; and ii. the cost of construction exceeds \$25 million or such higher amount as is prescribed 	Yes – the development costs for the Link Road Mixed Use Project is exceeds \$25 million.
(f)	Constructing a new taxiway, where: <ul style="list-style-type: none"> i. the construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and ii. the cost of construction exceeds \$20 million or such higher amount as is prescribed 	Not applicable
(g)	Extending a taxiway, where: <ul style="list-style-type: none"> i. the extension significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and ii. the cost of construction exceeds \$20 million or such higher amount as is prescribed 	Not applicable
(h)	Constructing a new road or new vehicular access facility, where: <ul style="list-style-type: none"> i. the construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and ii. the cost of construction exceeds \$20 million or such higher amount as is prescribed 	Not applicable
(j)	Extending a road or vehicular access facility, where: <ul style="list-style-type: none"> i. the extension significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and ii. the cost of construction exceeds \$20 million or such higher amount as is prescribed 	Not applicable
(k)	Constructing a new railway or new rail handling facility, where: <ul style="list-style-type: none"> i. the construction significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft ii. the cost of construction exceeds \$20 million or such higher amount as is prescribed 	Not applicable

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(l)	Extending a railway or rail handling facility, where: <ol style="list-style-type: none"> i. the extension significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and ii. the cost of construction exceeds \$20 million or such higher amount as is prescribed 	Not applicable
(m)	A development of a kind that is likely to have significant environmental or ecological impact	The Project will not have any significant environmental or ecological impact
(n)	A development which affects an area identified as environmentally significant in the environment strategy	The Project is not located within an area which is identified as environmentally significant
(na)	A development of a kind that is likely to have a significant impact on the local or regional community	The Project is not likely to have a significant impact on the local and regional community, as specified in Sections 3, 4, 5, 6, 7, and 8.
(nb)	A development in relation to which the Minister has given an approval under section 89A	Not applicable
(o)	A development of a kind specified in the regulations	Not applicable