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Airports Branch
Department of Infrastructure, Transport,
Regional Development and Local Government
GPO Box 594
Canberra ACT 2601

31 July 2009

Dear Mr Dowie

Re Discussion Paper: Safeguards for airports and the communities around them

Thank you for the opportunity to comment on this important Discussion Paper.

Background to Comments

My Committee is based in the Richmond Valley local government area, in Northern NSW, with two ALOP Aerodromes, one at Casino and one at Evans Head, both owned by Council. We would like to present information about what has happened to our two aerodromes in order to respond to and challenge an important and critical assumption of the *Discussion Paper*, namely that “*All governments have an interest in maintaining their [the aerodrome’s] operational capacity and potential for growth*”.

This is certainly not the case with Richmond Valley Council. In fact, it would appear that Council and its predecessor councils view our airfields as a ‘drain on the public purse’¹ and fail to see little by way of aviation future for the aerodromes²: “*Overall the potential for the economically viable and sustainable expansion of aviation use (on its own) at the EHMA [Evans Head Memorial Aerodrome] is considered to be unachievable*”.

There is a further aspect to this assumption which is not stated but which is in our view ill-founded, and that is the notion that local government has the necessary expertise to manage its aviation facilities and the vision to see how aviation infrastructure may be needed in the future. As noted in the *Making Ends Meet Report*³ when more than 200 ALOP aerodromes were handed over to local government in 1992: “*...by and large, it [airfields] was handed to people who did not necessarily have the experience or the expertise to manage the facility and to develop it*”⁴.

Both airfields in the Richmond Valley Council local government area have been used in the past for RPT and the potential exists for both to be used for RPT although both now have serious building encroachments as a result of Council decisions to allow building on and near the airfields.

¹ See *Regional Aviation and Island Transport Services: Making Ends Meet*, House of Representatives Standing Committee on Transport and Regional Services, November 2003, point 4.106, 4.118, See also Appendix D 1.10

² Letter from GM of Council to Director, NSW Heritage Office, 11 August 2005 and other documents.

³ See footnote 1

⁴ See footnote 1 above: page 76, ref: Australian Airports Association, transcript of evidence, Melbourne, 26 February 2003, p. 231.

In the case of Evans Head a substantial portion of the airfield has been sold off for housing development⁵ including a section of runway 14/32, and further development is in the pipeline for residential development with little thought given to noise and safety issues and the future potential of the airfield for aviation development in this fast growing area of northern NSW⁶.

In the case of Casino Airport, Council sold off 120 ha of its jet airport, including a terminal building, behind closed doors to residential developers at a bargain basement price⁷ and is now permitting the development of residences near the end of the one-and-only runway. It would seem that both safety and noise issues are also being ignored with regard to this development too although the necessary ANEF is in place to answer any critics about encroachment problems. However, the ANEF is based on single-engine aircraft and gliders, a far cry from the sound footprint which would have accompanied the Aerodrome when it had an RPT Service in 2001. In effect Council ‘downsized’ the ANEF for the aerodrome to accommodate residential development so that the *Transfer Deed* over the Aerodrome with the Commonwealth would not be breached. However, the very fact that the ANEF was redefined and aviation use was sacrificed to accommodate residential development *ipso facto* tells us that Council had no or very little interest in maintaining “operational capability” or “potential for growth”. Aerodrome land is seen as a source of cash.

Evans Head Memorial Aerodrome was the centerpiece of the first of the RAAF Empire Air Training Scheme Stations in World War II and is now listed on the NSW State Heritage Register⁸ because of its significance to the people of Australia. During the 1940’s and 1950’s it was used by Butler Airways for commercial passenger traffic (DC -3’s) to Sydney’s Mascot Airport. Because of a political decision commercial air traffic was moved to the single strip at Casino in the late 1950’s much to the irritation of many locals who had the well-informed view that Evans Head was preferable because it had four strips to accommodate cross wind conditions, was centrally located in terms of the regional towns of Ballina, Lismore, Casino, and Maclean, and was rarely closed because of poor weather. In fact it was a staging post for air operations during floods and more recently for extensive water bomber use during bushfires and Section 44 Bushfire Emergencies (see Figure 1).



Figure 1: Evans Head Memorial Aerodrome During s.44 Bushfire Emergency October 2007 Showing Fixed Wing Water Bombers

⁵ More than 300 sites for housing alone

⁶ See *Far North Coast Regional Strategy*, NSW Department of Planning, December 2006.

⁷ \$660,000 on a down payment of \$160,000 and five annual interest free payments of \$100,000. When revalued after the land sale, the new valuation was 3 times the sale price

⁸ November 2002

The Aerodrome was again used in the mid-eighties for a short period of time while the single strip at Casino was upgraded for commercial jet aircraft. Evans Head can accommodate up to 50 seater commercial aircraft (see AOS consulting report to Richmond Valley Council, 2002). It is the nearest Emergency Landing Field for the RAAF's Evans Head Weapons Range to the south (part of the World War II Bombing Range Complex) of Evans Head and has been used in the past by both the RAAF and civilian aircraft for emergencies.

Evans Head was handed over to Richmond River Shire Council in July 1992 by the Commonwealth Government under a *Transfer Deed* as it was one of the more than 200 ALOP Aerodromes that were given to local government at the time. It subsequently came under the control of Richmond Valley Council in 2000 following the forced amalgamation of Richmond River Shire Council and Casino Municipal Council which was opposed by the majority of the ratepayers⁹.

The former Richmond River Shire Council sold off many building sites (100's) from the original aerodrome in the 1990's **without** the necessary permission of the Commonwealth Government as required under clause 2(p) of the *Transfer Deed* under a "gentleman's agreement" which the Commonwealth denied (there is an extensive correspondence about this matter with DOTARS, ICAC, ACCC).

Council's solicitor provided advice about changes to clause 2(p) during the negotiation process for the conditions of the *Transfer Deed* in 1992 so that it was made easier for permission to be granted for land alleged to be surplus to requirements to be sold, yet Council failed to fulfill the requirement under clause 2(p), viz "*The local authority on and from 1 July 1992 shall not, **WITHOUT THE CONSENT IN WRITING OF THE SECRETARY** [emphasis ours], which shall not be unreasonably withheld, close the aerodrome or sell, lease or otherwise dispose of or part of the land required for aerodrome purposes other than a disposal by way of lease or licence under the provisions of clause 2(j), 2(k), 2(l) and 2(m) hereof;*". Council's solicitor provided advice about the *Transfer Deed*¹⁰ and that solicitor's firms also acted for both council and at least one purchaser of land for conveyancing¹¹, a clear conflict of interest in our view. Council did not have the necessary permission of the Department for the land to be sold under clause 2(p). These extensive land sales all occurred prior to former Minister John Anderson's liberalization of clause 2(p) of the *Transfer Deed* on 13 January 2004 (see Attachment 1).

It is of interest that the Anderson liberalization policy was never announced publicly nor did it come to Parliament yet it involved billions of dollars of aviation infrastructure over which the Commonwealth still had jurisdiction, and involved a major shift in the Commonwealth's attitude to critical regional aviation infrastructure. It is of further interest that Anderson recommended in hand written notes on draft documents relating to the change that various peak aviation bodies such as AOPA be consulted about this change but we have confirmed with two of these major bodies

⁹ See letter from the NSW Minister for Local Government, the Hon Harry Woods MP, to Cr Colin Sullivan, Mayor, Richmond River Shire Council, 24 December 1999, table, page 9 showing majority of poll against amalgamation.

¹⁰ Without charge to Council

¹¹ Charged at full cost

they were never consulted. In our view the policy was put in place without appropriate consultation with key stakeholder organizations that represented flyers.

The Anderson liberalization policy is also at odds with the report on regional aviation “*Making Ends Meet*” (see earlier reference) which was released at almost the same time as Anderson announced the liberalization policy. In our view this was not sheer coincidence. It was a clear attempt by Anderson’s department to kill off the thrust of the recommendations of the *Making Ends Meet* enquiry which were protective of regional aviation infrastructure. Anderson’s department was clearly ‘free market’ in its views but failed to provide a sound empirical basis to show how such an approach would benefit aviation infrastructure in the long run.

It is of note that Richmond Valley Council provided material for the *Making Ends Meet* inquiry and that Casino Aerodrome was used as an example of how expensive regional aviation infrastructure was to maintain and run. However we found that a large proportion of the alleged cost was in fact “depreciation”, allowable under accounting standards as a ‘cost’, but in our view not a reflection of the real cost of running the aerodrome which was considerably less. In our view local government inflated costs for political advantage at the time. It was a strategy to either obtain more money from the Commonwealth by way of subsidy or more probably to back the argument that aviation infrastructure was too expensive to maintain and so therefore councils should be able to do as they pleased with the land, a view also held by DOTARS at the time¹². Certainly there is a correspondence between council and DOTARS which demonstrates the latter point.

Many local governments seem to have viewed their airfields as ‘cash cows’ for housing and related development, and predecessor Richmond River Shire Council and Richmond Valley Council are no exception. Land has been sold off with little regard to the requirements of the *Transfer Deed* and the former Department of Transport and Regional Services failed to enforce the requirements of the *Deed* particularly with regard to noise and safety issues and the encroachment of non-aviation development on the aerodromes.

In the case of the Evans Head Memorial Aerodrome the Department told the council not to sell off land again without the necessary approval of the Department and also indicated that there should be consultation with the community prior to such a sale but then the Department proceeded to grant permission to sell off additional land for development without there being evidence of any community consultation whatsoever. In fact, Council did not take the matter to its own Section 355¹³ Airfield Advisory Committee for advice or approval. In our view the Department failed again to enforce the requirements of the *Deed* and failed to enforce its own requirement for community consultation¹⁴. There was no policing of the *Deed* and Council did as it

¹² See DOTARS memo to Minister for Transport and Regional Services P2002/105J: Regional Aerodrome Use – Agreement for more Commonwealth Flexibility for regional aerodrome owners under the Aerodrome Local Ownership Plan (ALOP), 24 April 2003.

¹³ Under the 1993 NSW Local Government Act

¹⁴ When the future of the Aerodrome was put to the community in May 2000 after permission had been granted, there was overwhelming community support for the Aerodrome to be kept for aviation purposes. Council failed to make this information available to the community and met behind closed doors to consider the information in June 2001.

pleased. It had learned that it could do as it wanted without consequence....to the detriment of aviation.

With regard to the noise issue at Evans Head Council finally undertook an ANEC (it was never registered) to show that their residential development near the aerodrome and right at the end of runway 14/32 was not a problem, however when they wanted further land for development closer to the main runway 18/36 and at the end of 14/32 (which still continue to be used and for which the ANEF 20 Contour was breached) Council downsized which aircraft could use the Aerodrome so that the ANEF contour profile could accommodate a retirement village development (see Figure 1) just as it did with Casino.



Figure 2: Location of proposed retirement village complex shown in yellow outline. Note proximity to runways and how Council has encouraged development right at the end of 14/32 when land further to the south could have been built on first. Council has thus created a OLS problem at the end of 14/32 in an attempt to preclude any future use of 14/32. Note also land set aside for future residential development at the end of the main runway 18/36 (see also Figure 2).

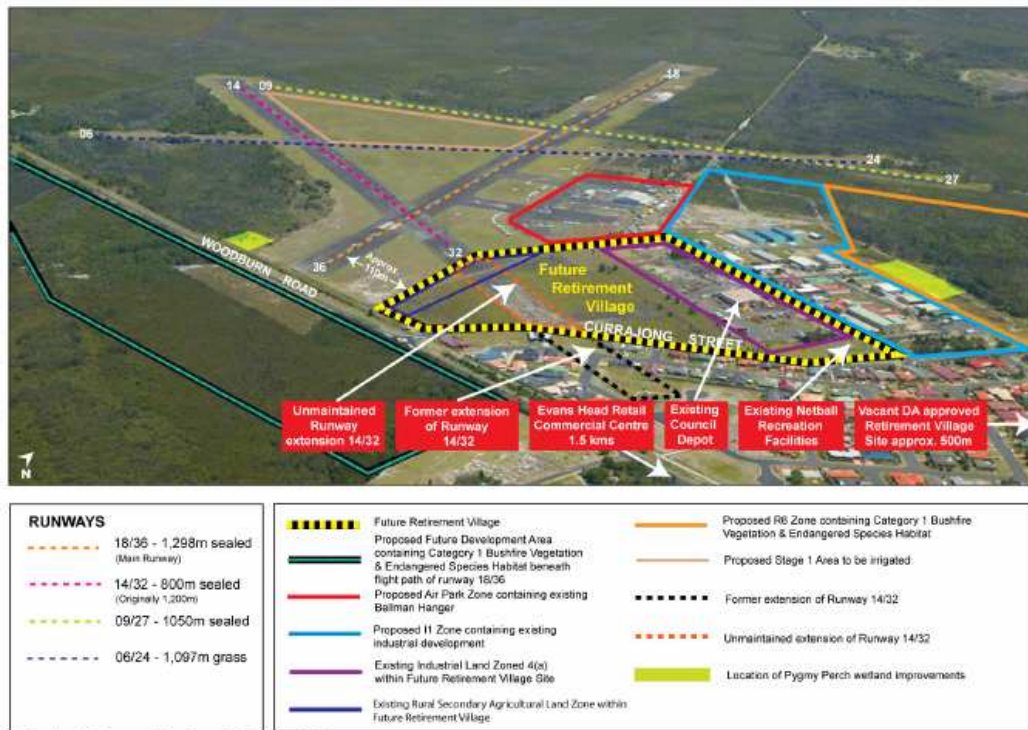


Illustration 1 – Proposed Rezoning and Retirement Village

Figure 3: From Don Fox Planning – Independent Town Planning Assessment "Proposed Rezoning Evans Head Memorial Aerodrome", September 2007. The illustration not only shows the location of the proposed retirement village complex which is a breach of the Transfer Deed, but also shows the area of land Council has set aside for future development at the end of runway 18/36. It is very clear that the proposed developments are encroaching on the airfield and that there is a clear land use planning conflict where aerodrome infrastructure is being sacrificed to inappropriate housing development.

In effect, aviation infrastructure and its use was constrained to accommodate housing development in breach of the *Transfer Deed*, particularly clause 2(h)(i), which states that “*The Local Authority, on and from 1 July 1992 shall take such action as is within its power to create land use-zoning around the aerodrome which will prevent residential and other incompatible development in areas which are, or which may be, adversely affected by aircraft noise;*” and clause 2(c): *The Local Authority, on and from 1992 shall permit open, unrestricted and non-discriminatory access to the aerodrome by airline and aircraft operators on reasonable terms and conditions, consistent with the physical limitations of the aerodrome in accordance with the Civil Aviation Authority safety standards and conditions published in the Enroute Supplement, Australia*”

The development at Evans Head and proposed development for the future as shown in Figures 1 and 2 clearly contravene a basic assumption of the Discussion Paper that : All governments have an interest in maintaining their operational capability and potential for growth.

The proposed retirement village is a land use planning conflict which breaches the *Transfer Deed* over the Aerodrome and is a ‘Trojan Horse’ for future residential development at the Aerodrome. The fact that Council also is planning to develop the

area at the end of 18/36¹⁵ which has the approval of the NSW State Government's Department of Planning¹⁶ indicates that not only does Council fail to have an interest in *maintaining the operational capacity and potential for growth* but that the NSW Government's Department of Planning appears to share the same view. It is of interest that there is nothing in the written commentary of Council's *Development Control Plan No. 10* notes (see page 91) which indicates that the land zoned for future development is at the end of the main runway of the Aerodrome. In fact the description states: "...it is considered that the site is suitably located and that part of it may be suited for urban expansion".

It is also to be noted that at time of writing the NSW Planning Minister has still not rezoned the land on the Aerodrome proposed for a retirement village. Advice provided to the Heritage Branch of the NSW Department of Planning, the Minister's Department, states very clearly that there is a land use planning conflict for the site from aircraft noise¹⁷ and for other reasons. Independent advice obtained from Don Fox Planning (see Figure 2) in a report commissioned by the Evans Head Memorial Aerodrome Committee Incorporated also confirms that there is a clear land use planning conflict and that noise and safety are major issues yet the rezoning is allowed to progress at the local government level at least.

Conclusions from Evans Head: It is very clear from the Evans Head Memorial Aerodrome example that local government has little or no interest in maintaining the "*operational capacity and potential for growth*" of the Aerodrome and so we would challenge that major assumption of the present *Discussion Paper*.

Council has clearly seen the Aerodrome as a cash cow for land development, and aviation infrastructure and potential for future aviation infrastructure have suffered as a result although at time of writing council has asked a proponent for an airpark to put forward a proposal for consideration by Council. However the proponent's proposal goes well beyond the 'expression of interest' (EOI) and council has a disclaimer in the EOI which says, in effect, council does not have any obligation to pursue such a development. It is understood the proponent wishes to purchase the airfield outright thus putting it in private hands and potentially beyond public access. Whether or not the public would have access in the long run is not clear.

It would appear also that the State government seems to have little interest in aviation although it remains to be seen what decision the NSW Minister for Planning takes about rezoning of the Aerodrome for a retirement village complex. Part of the failure of local government to protect aviation infrastructure relates to a failure, in our view, of the former Department of Transport and Regional Services to enforce the provisions of the *Transfer Deed* over the Aerodrome with regard to inappropriate development, a point made earlier.

¹⁵ See Richmond Valley Council *Development Control Plan No. 10*, Figure 1, area FDA 1, November 2008

¹⁶ See the *Far North Coast Regional Strategy* December 2006, NSW Dept of Planning

¹⁷ See recent letters to the Department of Infrastructure, Transport, Regional Services and Local Government from the Evans Head Memorial Aerodrome Committee Incorporated 28 May 2009 and 22 July 2009.

Another part of the problem seems to relate to the adequacy of the knowledge of those making decisions about aviation noise and safety, a point we referred to earlier in this letter with regard to the lack of expertise of local councils. Do local government councillors and staff have adequate knowledge and experience to understand aviation noise and safety issues, and do State government authorities also have the capacity to make informed decisions?

Knowledge about noise and aviation safety is a highly specialized area which we have discovered is often not understood by local and state governments. For example, the State Government Heritage Branch of the NSW Department of Planning admitted that it did not have sufficient knowledge about these matters in deliberations over the development of a *Plan of Management* for the Aerodrome¹⁸ in 2004-5 and referred the noise issues off to specialist consultants for advice.

The specialist consultant advised that there was a land use planning conflict relating to aircraft noise and the development of a retirement village complex at the Aerodrome (see NSW Heritage Council Minutes 3 and 26 August 2005¹⁹) but the Heritage Council failed to heed that advice in its deliberations by giving contingent approval to a retirement village complex on the site subject to a range of conditions relating to the mitigation of a noise problem rather than refusing outright to approve the site for a retirement village complex as defined by the Commonwealth *Transfer Deed*. As if the *Deed* didn't exist at all.

The problem was made worse, in our view, by both the Richmond Valley Council and the Heritage Council refusing to consider a more appropriate airpark for the same site which would have not created a land use planning conflict and would have put pay to the comment by Council mentioned earlier that there was no economically viable aviation future for the aerodrome.

The airpark proposal had been with Council since February 2003, well before the land was offered to the retirement village proponent in August 2004. Information about the airpark was kept from the public and the proposal, according to the proponent, was not even considered by Council at the time (see Attachment 2).

Our Committee was also, in our view, misled during the *Plan of Management* process with the Consultant providing us with a plan for the retirement village which was approximately 1/3 of the actual known size of the proposal (see Figure 4)²⁰. When we challenged the Consultant at the time he admitted that it was a much larger proposal than the diagram he had given us (see Figure 4).

¹⁸ See Heritage Office and Heritage Council documents August 2005

¹⁹ <http://www.heritage.nsw.gov.au/docs/heritagecouncil/hcminutes2005aug.pdf>;
http://www.heritage.nsw.gov.au/docs/heritagecouncil/hcminutes2005aug_special.pdf

²⁰ The retirement village proponent had plans available in October 2004 and the consultant presented the plans for the future of the retirement village in February 2005.

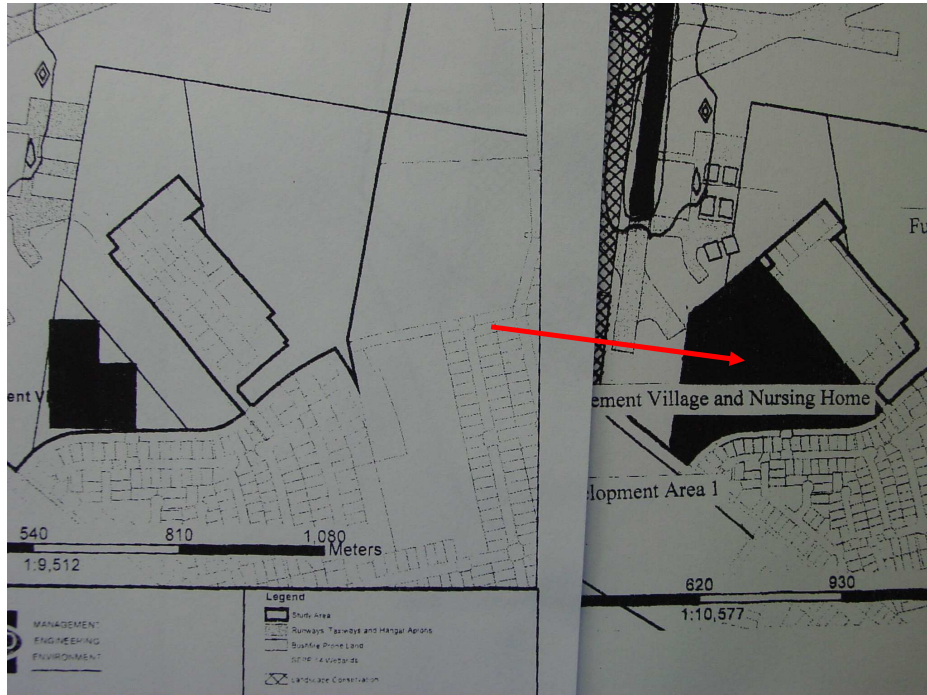


Figure 4: Picture on left shows area for retirement village (solid black) presented to Committee by consultant in February 2005 whereas picture on right shows known size of the retirement village in October 2004, some X3 larger. It was admitted by the consultant that the size shown on the right was the actual size of the retirement village. Also note that the end of runway 14/32 is shown as stopping outside the area for the retirement village whereas it extends right through the retirement village area and into the proximate housing development.

To us, it was very clear from the outset of the *Plan of Management* process that the whole Plan was being developed to accommodate the retirement village to the long term detriment of the aerodrome for aviation. During the process Council attempted to shorten the main runway adjacent to the proposed retirement village site by 300 metres to reduce any potential noise problem, a clear breach of clause 2(h)(i) of the *Transfer Deed*. Moreover, the ANEF was developed to accommodate the retirement village and council did this by restricting the type of aircraft that could use the site, also in breach of the *Transfer Deed*. We have written about this at length to your Department on many occasions.

During the planning process for the aerodrome council also withheld critical information about contamination of the site for the retirement village and attempted to put in place an irrigation program on the airfield for effluent from the local Sewerage Treatment Plant which would have had detrimental effects on aviation via bird hazard, a further breach of the *Transfer Deed*, viz clause 2 (h)(ii): “*The Local Authority...shall take such action as is within its power to prevent the introduction of activities likely to create a hazard to aircraft including activities likely to attract birds*”.

My Committee opposed this irrigation program and were successful in demonstrating that it would have not only increased bird hazard, but would have placed further constraints on future use of the aerodrome because of planned 200 mm above-ground covers over drainage points on grassed areas used by aviators including planes used in

the bushfire emergencies. The proposal would have also destroyed the drainage system for part of the aerodrome (see Figure 5)



Figure 5: Area for irrigation of effluent is in the centre of the intersection of all four runways and is used by various aircraft. Proposed retirement village site shown in background. Irrigation of the area would have led to an increase in bird hazard and also introduction of 14 x 200mm high above-ground covers that would have been a hazard to aviation in the event of overrun or runoff or to existing users of the airfield.

Overall, it is very clear that local government, and possibly the State Government in NSW, does not always have the necessary expertise or knowledge to maintain aviation operations but worse than that may not have the capacity or willingness to entertain growth of aviation at the facilities they own. In fact we have presented some evidence here that local government may see aviation infrastructure as ideal land for real estate development to the detriment of aviation. In our view to leave aviation infrastructure control in the hands of local government is a large mistake which will ultimately lead to the demise of aviation infrastructure in many regional areas such as is occurring in Richmond Valley. The assumption that the ‘free market’ or council will do the right thing by aviation infrastructure is quite wrong and local government, which is strapped for cash, will use whatever device or devices it can get away with to carve up aviation infrastructure to make money to fill ailing coffers.

It follows from what we have said here that we do not agree with the Green Paper, *Flight Path to the Future* (2008) which states that “A unified risk-based framework could be developed to enable all levels of government to take responsibility for safeguarding airports from off-airport development that is incompatible with the future safe and effect operations of an airport”²¹. Such an all-government approach is clearly untenable and a planning nightmare as it assumes that local and state governments will do the right thing by aviation infrastructure. **In our view the Federal Government needs to take a stand and set and enforce the necessary standards to preserve aviation infrastructure including safety zones and clear**

²¹ Page 1 of Discussion Paper

noise requirements beyond the existing ANEF which is a poor measure of the effects of noise on human health.

In fact the Federal Government already has that power under the *Transfer Deeds* over more than 200 aerodromes and needs to enforce the *Deed*. Work with local and state governments by all means, but the Federal government is in the best position to do what needs to be done and to take control of the situation and stop the planning nonsense which is leading to the demise of aviation infrastructure through encroachment by off-airport development often sanctioned by state and local governments. There are lots of examples quite apart from the Richmond Valley Council local government area where local and state governments have failed to protect aviation. The problem is compounded by the Federal Department accepting at face value what they are told by local and state authorities which may not be accurate, may reflect a poor understanding of aviation needs, or may reflect the desire of council to use aviation infrastructure as a cash cow.

There is one further point here and it relates to the fragmentation of the planning process across all levels of government. Such fragmentation is used by politically-skilled public servants and politicians to pass the buck on decisions. For example, and as mentioned earlier, Council has applied for rezoning of part of the Evans Head Memorial Aerodrome for a retirement village. The proponent for the retirement village was given approval for nursing home beds by the Department of Health and Ageing in 2000. The beds are required to be on the ground within two years of the approval being given. However there is still no sign of the beds at the Evans Head Memorial Aerodrome and the proponent is waiting for rezoning of the Aerodrome from the State government before it submits a development application for the development. We have written to the Department of Health and Ageing about this matter on a number of occasions putting our view that we believe the nursing home is not compatible with the aerodrome and have referred to evidence from the Department's own records regarding the effects of noise on health, and the adequacy of the ANEF measure²². However the Department says it is not up to them to decide what should happen, but rather local government and the State Department of Planning. In our view if the Federal government took a stand about aviation and enforced the *Deed* over the Aerodrome other attempts would have been made by now to find another location at Evan Head for much needed nursing home beds, and they would be in place to serve the local community²³. The amount of time and energy that has been wasted in this exercise is phenomenal and significant aviation potential of the aerodrome has been lost during this time. Council could have already had a more appropriate airpark on the same site providing employment opportunity for the local community and the interests of aviation infrastructure would have been well looked after if there had been an unequivocal stand.

Getting the balance right

The Discussion Paper speaks about “*the need for clarity in planning for land uses*” around airports “*to balance*” a range of factors. However it is not made clear what is meant by the word “*balance*”. It seems to us that with all three levels of government in the planning process that aviation is often ‘balanced out’ of the equation.

²² See enHealth

²³ See Senate Estimates Standing Committee on Community Affairs Wednesday 25 February 2009 and other Senate Estimates hearings of this Committee.

Developers, including councils which own airports, may obtain greater economic benefit by selling airports for any purpose to maximize economic gain at the expense of aviation or social or environmental amenity. The word “balance” is a weasel word used to give wiggle room to local and state government to do as they please to satisfy an economic or political agenda. While proposals may be dressed up in social or environmental clothing, the triple bottom line counts for nothing in decision-making. Money speaks first and last. How often do we see the expression: “On balance, it has been decided that....” with balance used to mean whatever local or state government wants it to mean at that point. Councils are more likely to get more money from non-aviation development and have little regard for the important role that aviation plays in Australia’s economic development in ‘balancing up’ what they will do. A balanced approach is a recipe for continuation of the *status quo* with aviation coming off second or third best.

There is little doubt that there is need for a coordination of all facts in making a decision so that decisions are not taken in isolation as it so much the case these days. However, the Federal government needs to take a clear stand to look after the interests of aviation. Leaving it to all three tiers of government to decide will allow the current mess to continue.

Shortcomings of the ANEF as a Measure of Noise Effects

Notwithstanding that an ANEF is used in land use planning, this tool (devised in 1982 and based on USA materials from the 1960’s,) is out-of-date and has many shortcomings as a measure of the effects of noise on human health and psychological amenity and is under scrutiny with regard to its validity as a measure of the effects of noise on humans (see *enHealth*, 2004, page 6 from the Commonwealth Department of Health and Ageing). Noise exposure level alone as reflected in an ANEF measure accounts for only a portion of the variance in personal responses to noise.

In our view there should be a “Health Impact Assessment”²⁴ of the effects of noise to which residents on and around flight paths may be exposed. It is now well known that “community noise”, including aircraft noise, has deleterious effects on both physical health for conditions such as ischaemic heart disease and blood pressure, and mental health. Those individuals with “existing mental health problems” such as “anxiety and depression” are “more prone to be disturbed by environmental noise exposure than the general population.” (see page x of the *enHealth* Report, 2004). The elderly, generally, are more vulnerable to the effects of noise even if they have some deafness²⁵. Intermittent or irregular noises such as those associated with aircraft activity, create more annoyance (see *enHealth*, 2004, page 19). Actual noise levels themselves explain only 10-25% of a person’s response to noise (see Job, 1996 cited in *enHealth*, 2004). There is a close relationship between noise sensitivity and the propensity to develop or suffer from psychiatric symptoms (see Stansfeld *et al.*, 1996 cited in *enHealth*, 2004, page 27) and aircraft noise may have a disproportionately more noticeable effect on individuals in rural settings where the background noise is generally low (see *enHealth*, 2004, page 33). As pointed out previously other factors contribute to the effects of noise. The limited nature of the ANEF as a measure of

²⁴ See *enHealth* (May 2004) *The Health Effects of Environmental Noise – Other Than Hearing Loss*, Canberra: Health and Ageing

²⁵ Empirical research by the author of this letter published in peer-reviewed journals in the 1970’s. The author also lectured in postgraduate audiology at the Royal Victorian Eye and Ear Hospital.

noise effects on humans must be considered with regard to zoning on and around airfields and in flight paths. Where new developments are proposed or there are 'Greenfield' sites, broader noise assessment measures must be used to define the potential noise footprint of the airfield so that land use planning conflicts are avoided. A more comprehensive measure might also be used to mitigate existing circumstances.

In our view the ANEF is a poor measure of the effects of aircraft noise on human health and **does not** adequately reflect the acoustic architecture or sound space that would characterise living near an existing airfield or an expanding airfield that will have increased aviation activity and therefore increased noise over time.

There is little doubt there is growing community concern over the effects of environmental noise and that noise complaints extend well beyond contours provided by an ANEF. It is no longer just an amenity issue but also a significant public health issue (see enHealth, 2004).

In view of the fact that the ANEF measure widely used in land use planning for aerodromes is now not far from being 30 years old, and that there has been substantial increase in the scientific literature which examines the effects of noise on hearing and on other aspects of human health, it is time for more effective measures to be put in place. It is suggested that DITRDLG commission an independent review, an *Amicus Curiae*, examining the effects of aviation noise on health, including psychological amenity, with a view to developing better measures for land use planning on and around airports and with regard to scheduling of flights at busy airports to minimise effects on people living on flight paths.

There also needs to be an end to the manipulation of noise measures to suit development. In the case of the Evans Head Memorial Aerodrome, Council 'downsized' the type of aircraft that could use the airfield to make sure that the ANEF was not a problem for development right near the main runway. Figure 6 (left) shows the ANEF profile for the Aerodrome in 2000 before consideration was given to putting a retirement village complex on the aerodrome in 2005. Figure 6 (right) shows the new profile following redefinition of what type of aircraft could use the airfield.

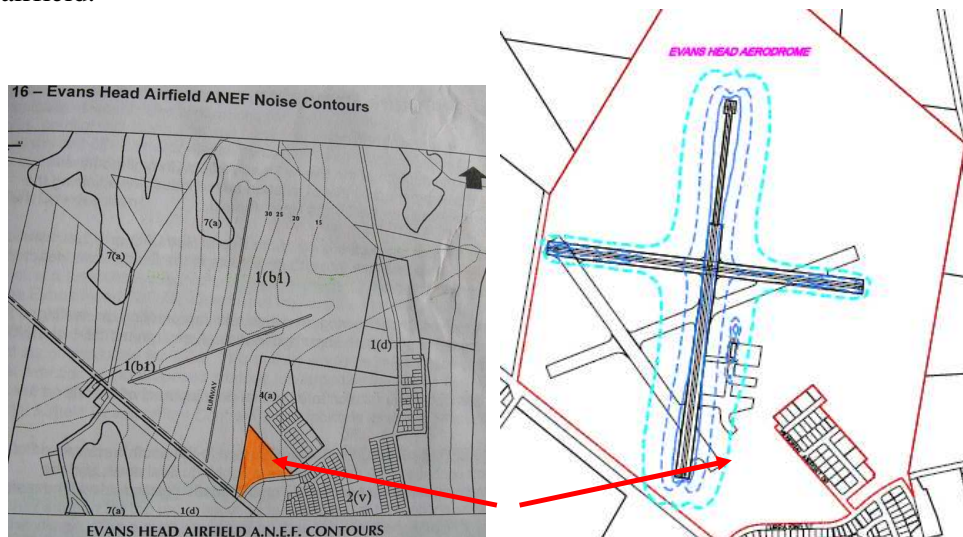


Figure 6: Figure on left shows 20 ANEF contour line running right through middle of site proposed for retirement village (red arrow) whereas figure on right shows that the 20 contour line lies outside the proposed retirement village site. Council redefined the ANEF contours by 'downsizing' the aircraft that would be using Evans Head Memorial Aerodrome in order to shrink the ANEF contour so that noise was no longer a problem. The figure on the left was prepared in 2000 and is from the Draft *Evans Head Village Strategy 2000* while the figure on the right is from the ANEF prepared for the *June 2005 Draft Plan of Management* for the Evans Head Memorial Aerodrome by GHD.

Table 1 Elements Commentary (Seriatim)

1. **Planning for Compatible Development:** National Framework required with Federal Govt being authority, not state or local government. ANEF to be reviewed and additional measures put in place to account for health effects of noise. Use enHealth (2004) as a starting point and obtain *Amicus Curiae* on effects of noise to inform ultimate decisions about necessary model for noise assessment. Current ANEF is inadequate.
2. **Protection of Operational Airspace:** Agree, but with Federal govt setting and enforcing the standards. There may be a need for better standards for the establishment of 'greenfield' sites.
3. **Turbulence and wind sheer:** agree with option. May be need to protect multiple airstrips at some facilities to deal with this problem. Need to prevent strips being closed
4. **Wildlife Hazard:** Why was 15 km chosen? Empirical basis? What do data show in terms of accident information and distance from airfields?
5. **Wind Turbines:** Agree with option
6. **Technical Facilities:** Identify issues by all means but Federal govt needs to set standard and enforce requirements
7. **Light and Pilot Distractions:** Formal requirement set by Federal govt and to be enforced by Federal government.
8. **Public Safety Zones:** Requirement needed not only for passenger airports but also GA use airfields including unregistered airfields in active use such as at Evans Head and Casino. Federal government to set standard and requirements and enforce the requirements. Local and State govt should be given little leeway with regard to exemptions as they are likely to create land use planning conflicts to suit their own agendas.

Part B: Issues and Options for Safeguards

It is agreed that essential elements of regional and national transport networks require protection from inappropriate development so that land use planning conflict is avoided. One authority needs to take control of this issue and it should be the Federal Government which sets and enforces a required minimum standard.

As indicated elsewhere in this letter, the ANEF is not a very good measure of the effects of noise. A more robust measure or set of measures of noise needs to be put in place so that aviation facilities are not compromised and there are minimal effects on human health. Care needs to be taken in making sure that local authorities do not compromise the kind of aviation which may use a site in order to accommodate development (and with little regard to future aviation expansion).

With Greenfield sites, buffer zones need to be put in place to accommodate potential future expansion around the site.

AS2021 needs urgent review and more robust noise measures to determine the effects of noise must be put in place. There may need to be better control of curfews with reduction in hours so that aircraft do not wake people early in the morning or late at night. It is agreed that consideration needs to be given to a noise measures at greater distance than those defined by the current inadequate ANEF. ALOP aerodromes need to be considered, not just main passenger airports.

ANEF Table Comments (page 8)

1. No, the ANEF is not an effect basis for planning. The measures need to be broadened to take account of the health effects of noise.
2. The ANEF is not effective as a land use planning standard. It is inadequate and needs to be improved. It is also subject to manipulation by planning authorities who downsize aircraft that can use a facility in order to accommodate development.
3. No, developments are not consistent with standard sets by the inadequate ANEF. For example, schools, hospitals and nursing home should not be allowed even conditionally in the 20 ANEF zone. The intermittent nature of aircraft noise is problematic for such places as it can lead to distraction and disturbance. Just because many people in a nursing home may have some deafness does not mean they are immune to the effects of noise. On the contrary partial deafness may lead to ‘denervation supersensitivity’ and an increased subjective sensitivity to noise above a certain threshold.
4. The Federal government needs to take control of noise measures on and around airfields including ALOP sites and enforce the standards which are set. If it is left to local and state governments the necessary expertise may not be available for effective decision-making and enforcement. There is also a potential for conflict of interest if local government is the consent authority for development, owner/developer and game-keeper.
5. For major capital city airports, control over residential development must be taken by the Federal Government.

Concluding Remarks

1. Overall we agree with the basic tenet of the Discussion Paper that there is a need “*for a more effective planning regime both on and off airport sites that supports the effective use of airports and the safety of aviation activity at the airport*”. However, we do not agree with a basic assumption of the paper that all levels of government are interested in “maintaining operational capacity” and “potential for future growth”. On the contrary there is ample evidence that this is not so and that local and state governments have allowed inappropriate development which has led to the compromise or closing of airfields. Moreover there is scant evidence that these other two tiers of government have given consideration to the big picture for aviation infrastructure. The problem is made worse by the fact that local government sees the sale of aviation assets as a way of raising money to help them out of their cash-strapped situation²⁶. We have formed the view that the Federal government needs to step in and take control of aviation infrastructure from a planning perspective and enforce existing and future measures for the protection of aviation infrastructure and the public. To leave planning control for aviation in the hands of local government in particular, is a recipe for

²⁶ “Our councils ‘unsustainable’ warns report” Northern Star, 6 June 2009.

continuing loss of aviation infrastructure which is critical to Australia's future. It cannot be assumed that there is aviation expertise in local or state government to assist in the planning process. In many cases there is none.

2. The ANEF is a poor measure of the effects of noise on humans. There is now a substantial body of empirical literature which not only confirms that the ANEF is a poor measure from a planning perspective but that wider consideration needs to be given to the development of a more appropriate measure(s) which takes account not only of the effects of noise on human health. The Department of Health and Ageing's enHealth report (2004) on the effects of noise on human health might be used as a starting point to begin to develop more appropriate noise measures for planning purposes. It is recommended that the Department commission an *Amicus Curiae*, an independent, objective review of the literature on the effects of noise on humans to inform the development of better measures both for future planning and for mitigation of existing noise problems.
3. Appropriate measures for safety and noise need to be put in place for all ALOP airfields and not just 'higher order' RPT airports. As further development occurs in Australia, many sites will become more valuable for a variety of reasons. It is important to protect aviation infrastructure for the future. The principle of 'intergenerational equity' needs to be applied.
4. The 'market place' should not be the deciding mechanism for aviation infrastructure as it is short term and may lead to the sacrifice of aviation infrastructure to meet other more immediate needs of the community.

Yours sincerely


A handwritten signature in black ink, appearing to be 'R. Gates', written on a light blue background.

Dr Richard Gates
President
Attachments

Attachment 1

Minister Anderson Liberalisation Letter With Regard to Transfer Deeds over ALOP Aerodromes

*Sent to ALOP aerodrome owners
on 13/1/04.
X-ref L2002/1883*

 **Australian Government**
Department of Transport and Regional Services

«CEO_Title» «CEO_Firstname» «CEO_Surname»
«CEO_Position_Title»
«Address_Name»
«PostalAddress»
«City» «State» «PostalCode»

Dear «CEO_Title» «CEO_Surname»

Following consideration of the Australian Government's involvement in the Aerodrome Local Ownership Plan (ALOP), the Hon John Anderson MP, Minister for Transport and Regional Services has decided upon a liberalisation of policy towards applications under the ALOP transfer deeds. This will provide aerodrome owners with a greater level of flexibility in the operation of their asset.

The current provisions in the transfer deeds require aerodrome owners to seek the consent of the Secretary of the Department of Transport and Regional Services (DOTARS) prior to selling, leasing or otherwise disposing of all or part of their aerodrome.

The Australian Government now waives its right to enforce the relevant clause of the transfer deed that requires aerodrome owners to seek consent from the Secretary of DOTARS for alternative use of their aerodrome, except in certain circumstances. These circumstances are where the alternative use will:

- result in the closure of the aerodrome, or
- result in the aerodrome no longer continuing to operate as an aerodrome.

In all other circumstances owners need not contact the Department for approval.

It would be expected that aerodrome owners will have consulted with the relevant local and state/territory governments as applicable prior to seeking consent from DOTARS.

This amendment takes effect immediately.

Yours sincerely

Nick Bogiatzis
A/g First Assistant Secretary
Policy and Research Group

13 January 2004

GPO Box 594 Canberra ACT 2601 Australia • Telephone: 02 6274 7111 • Facsimile: 02 6257 2505
Website: www.dotars.gov.au • ABN 86 267 354 017

Attachment 2

Letter from airpark proponent to Council complaining that their proposal had not been considered at all

In February 2003, I submitted a proposal to the Richmond Valley Council. My proposal was made after consultation with various council employees and councillors.

My proposal was to construct a **Residential Airpark** in the area suggested by council officers as being the most suitable, with further expansion as the needs arose.

In my submission, I pointed out the suitability and opportunities an airpark would provide the council and community of Evans Head. From discussions with various council people, I understood that the council was supportive of the proposal in general terms.

Ken Exley informed me of the progress being made with other parties and assured me that my proposal was still being included in any considerations. He also assured me that consultants GHD would be in contact with me to discuss my proposal.

It was disappointing to find that the proposed site of the residential airpark was replaced with a proposed retirement village. This has been without any contact from GHD or other persons whatsoever. (I acknowledge that the proposed management plan has an alternate site earmarked for a residential airpark. The alternate site may or may not be suitable for my airpark proposal).

I wish to place on record my objection for the proposed retirement village on the basis that the residential airpark option has not been considered properly. My proposal does not appear to have been considered at all.

Residential Airparks in Australia are a new concept but proving to be very popular overseas. Developing areas of the aerodrome into anything but aviation related opportunities may well be short sighted in the longer term.

A residential Airpark at Evans Head will be an important nucleus for a growing aviation focused industry.

I request that my submission be again considered before any other non aviation considerations.

Yours faithfully

Bill Finlen

66 Bill Finlen

cc: Mr Ken Exley

Incoming/Outgoing Letter	
Date	26 MAY 2005
Assigned	DEDS
Resubmit	
(Date/Officer)	
File No	A10000
Sub No	110516108