



Report and recommendations of the Environmental Protection Authority



**Busselton Regional Aerodrome
- inquiry under s46 of the
Environmental Protection Act 1986
to amend Ministerial Statement 901**

City of Busselton

Report 1546

April 2015

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT

**BUSSELTON REGIONAL AERODROME - INQUIRY UNDER SECTION 46
OF THE *ENVIRONMENTAL PROTECTION ACT 1986* TO AMEND
MINISTERIAL STATEMENT 901**

The Minister for Environment has requested (on 28 April 2014) that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the operation of the Busselton Regional Aerodrome. The inquiry is in response to a request from the City of Busselton (the proponent) to change certain sections of an approved Busselton Airport Noise Management Plan that relate to the operating hours and the criteria and process for noise amelioration assessment.

The following is the EPA's Report and Recommendations (No. 1546) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986* (EP Act).

Background

The City of Busselton has approval to operate a regional aerodrome at Four Mile Hill (Ministerial Statement 399, October 1995). Ministerial Statement 399 included prescriptive conditions on noise levels and hours of operation.

In January 2011 the City of Busselton requested the EPA consider changes to the environmental conditions that would replace the prescriptive noise conditions with a more flexible and comprehensive Noise Management Plan. Approval was subsequently granted (Ministerial Statement 901, June 2012) for the implementation of a Noise Management Plan (dated 22 June 2012) to manage the potential noise impacts associated with the operation of the aerodrome. This is reflected in conditions 4 and 5 of this statement.

The standard operating hours, the noise criteria and process for noise amelioration are key aspects of the Noise Management Plan (June 2012) which cannot be changed by the proponent (and approved by the Chief Executive Officer (CEO) of the Office of the EPA (OEPA)) without further assessment by the EPA, under section 46 of the EP Act (Condition 4-2 of Ministerial Statement 901).

Requested changes to conditions

The City of Busselton, has requested the following changes to the operational aspects of the aerodrome which will require changes to the Noise Management Plan:

- Increase the standard hours of operation for General Aviation aircraft from 0700 – 1900 hours (hrs) to **0600 – 2100 hrs (Table 2, Section 3.1.3 of the NMP)**.
- Increase the standard hours of operation for Open and Closed Charter Flights from 0600 – 2100 hrs to **0600 – 2200 hrs (Table 2, Section 3.1.3 of the NMP)**.
- Alter the period of quadruple counting in the Noise Amelioration Criteria from between 1900 – 0700 hrs to between **2100 – 0600 hrs (Section 6.2.2 of the NMP)**.

A proposed revised Noise Management Plan (November 2013) was submitted with the City of Busselton's requested changes to the Minister for Environment.

To give effect to these amendments changes to conditions 4 and 5 of Ministerial Statement 901 are necessary to require the revised Noise Management Plan to be implemented.

Assessment of the requested change to conditions

The EPA has assessed the proponent's application to change conditions under section 46 of the EP Act, and the revised Noise Management Plan (January 2015) which would give effect to these changes.

The City of Busselton publicly advertised and invited submissions on the proposed amendments to the Noise Management Plan from 29 August 2013 to 19 September 2013. Fourteen submissions were received; five submissions were in support of the proposed changes, while eight were opposed.

Discussions with the OEPA resulted in a further revised Noise Management Plan (January 2015). The City of Busselton made the revised plan, the subject of this report, publicly available on its website.

Request to change condition 4

The EPA's assessment of the proposed changes is set out below with respect to the standard hours of operation and noise amelioration criteria.

Standard hours of operation for General Aviation

As mentioned above, the city of Busselton has requested that the standard hours of operation for General Aviation aircraft be increased from 0700 – 1900 hrs to **0600 – 2100 hrs** (year round) to facilitate private pilots of General Aviation aircraft to operate during extended day light hours during summer

months. General Aviation aircraft is defined in the Noise Management Plan as any aircraft that does not fit the Light Aviation definition, and includes locally based and visiting private pilots and aircraft owners.

During the review of the proposed Noise Management Plan, the OEPA advised that the City of Busselton should consider restricting the increase in operating hours to the summer months, as extending the operating hours for 'last light' in winter months may not be considered necessary. Accordingly, the revised amendment now separates out summer operations (December to April) from winter operations (May to November) with the hours of operation remaining unchanged for the winter months. Hence the change to the standard hours of operation for General Aviation aircraft is now only applicable from December to April (Noise Management Plan – January 2015).

The City of Busselton considers that the extension of standard operating hours during summer months is unlikely to result in a significant increase in air traffic or aircraft noise emissions.

In support of this, the City has referred to the Civil Aviation Safety Authority (CASA) Regulations which require aerodrome operators to provide apron bays for aircraft parking for large aircraft over 5,700 kilograms (kgs).

In meeting compliance with the CASA Regulations, the City of Busselton requires all aircraft operators, both private and commercial, of aircraft above 5,700 kgs, to contact the airport ahead of arrival for parking approval. This approval process enables the City to be aware of upcoming aircraft movements, including expected arrival and departure times, and make an assessment as to whether there is likely to be a potential breach of the criteria in the Noise Management Plan. The City has advised that if this is the case then the approval is not provided or the pilot can arrange to operate at different times.

In the event there is a breach of the Noise Management Plan, the City of Busselton is required to implement the noise amelioration process and measures in accordance with section 6 of the Noise Management Plan.

Standard hours of operation for Open and Closed Charter Flights

The City of Busselton has also requested to extend the hours of operation for open and closed charter services to allow flights to operate until 2200 hrs. The City has advised that the key reason for the extension to operation is that Fly In - Fly Out (FIFO) charters are often delayed due to inclement weather or operational issues (e.g. unserviceable aircraft) and either cannot operate into the airport or have to operate under a non-conforming activity. To date, the City has only received requests for extended hours from FIFO operators during inclement weather and has not received any requests from airline operators to operate regular charter services after 2100 hrs. Therefore this amendment will allow some flexibility to the FIFO aircraft during unforeseen circumstances but is unlikely to significantly increase the number of aircraft movements during the extended hour.

Noise amelioration criteria

In its original request to amend the Noise Management Plan, the City of Busselton proposed changes to the criterion for noise amelioration in Table 6 (Section 6.2.2 of the NMP) by changing the night-time hours when the 'penalty' of quadruple counting of aircraft noise events would be applied from 1900 – 0700 hrs to 2100 – 0600 hrs.

The technical basis and application of the noise criterion in Table 6 is described in detail in Section 3.1 of EPA Report 1435 and will not be repeated in this report. In summary, it is derived from the *Australian Standard 2021:2000 – Acoustics – Aircraft noise intrusion – Building siting and construction* (AS2021). The current noise criterion recognise that noisy aircraft events have greater impacts (nuisance) between 1900 and 0700 hrs and the penalty of counting each aircraft noise event occurring between these hours as four events is used to minimise the potential impacts on residents by reducing allowable aircraft movements.

Based on advice received from the Department of Environment Regulation, the proposed change is not in accordance with the AS2021. The EPA understands that the effect of this proposed change is that the additional movements that would be possible under the modified night time hours would be capable of causing significant increases in noise impacts before the trigger levels in Table 6 of the Noise Management Plan would be exceeded.

The City of Busselton has acknowledged that the proposed change is not consistent with the AS2021 and has amended the proposed Noise Management Plan to maintain the current noise criterion in Table 6, and subsequently published a copy of the amended Noise Management Plan (dated January 2015) on its website.

Therefore, in allowing aircraft movements during the extended hours (as described above for General Aviation and Charter Services) the City of Busselton will need to make assessments to ensure that the risk of an exceedance to the (unchanged) noise criterion in Table 6 can be adequately managed.

Request to change condition 5

Condition 5 requires that the City of Busselton considers and approves applications for non-conforming activities in accordance with Section 3.3.3 of the Noise Management Plan.

Therefore, condition 5 is also required to be amended to make reference to the revised Noise Management Plan (January 2015).

Compliance history

The EPA notes that the OEPA has been notified of non-conforming activities by the City of Busselton in regards to unapproved flight training. The EPA understands that the operators of the unapproved flights have been contacted by the City of Busselton and all incidences have been managed in accordance with the Noise Exceedance Response process outlined in Table 8 on page 38 of the approved Noise Management Plan.

The EPA notes that the proposed changes which are the subject of this report do not relate to flight training activities.

Minor amendments

The City of Busselton has also proposed a series of minor amendments to the Noise Management Plan, which are not considered to require further discussion as they relate to rectifying grammatical, typographical and referencing issues and do not significantly change the Noise Management Plan. These changes are acceptable and will be reflected in the updated Noise Management Plan.

Summary

The EPA notes that, since the original request was made, the City of Busselton has amended the proposed Noise Management Plan to clarify that the amended hours for General Aviation would only apply during summer operations (December to April) and has also maintained the noise amelioration criteria in Table 6.

The EPA considers the changes to the operating hours for General Aviation and Open and Closed Charter Flights to be acceptable, noting the City of Busselton would still need to meet the noise amelioration criterion in Table 6.

The EPA considers that it is appropriate to change conditions 4 and 5 of Ministerial Statement 901 to allow implementation of the revised Noise Management Plan which incorporates changes to the operational aspects of the aerodrome as outlined below, and to also clarify when changes to the plan require a section 46 application to be submitted to the EPA.

Other advice

The EPA recommends that the City of Busselton prepares a short summary document that explains the approved amendments to the Noise Management Plan to be made available online and distributed to residents in the vicinity of the Busselton Regional Aerodrome. It should outline what residents can expect in terms of changes to airport activity and amelioration packages, and what their recourse is in the event of non-compliance.

EPA conclusions and recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment:

1. That it is appropriate to change condition 4 (4-1 and 4-2) and condition 5 (5-1 and 5-2) in order to allow implementation of the updated Noise Management Plan (January 2015); and
2. That after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to change condition 4 and condition 5 of Statement 901 in the manner provided for in the attached recommended statement.

OEPAMIN2015/100

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A
PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

BUSSELTON REGIONAL AERODROME

Proposal: The proposal is to operate a regional airport at the Four Mile Hill site. As documented in Schedule 1 of Statement 901.

Proponent: City of Busselton

Proponent Address: 2 Southern Drive
BUSSELTON WA 6280

Report of the Environmental Protection Authority: 1546

Preceding Statements Relating to this Proposal: 399, 825, 856, 878, 887 and 901

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by s 46(8), it has been agreed that implementation conditions set out in Ministerial Statement No. 901, be changed as specified in this Statement:

1. Conditions 4 and 5 of Ministerial Statement No. 901 changed

Conditions 4 and 5 of Ministerial Statement 901 are deleted and replaced with:

4 Noise Management Plan

4-1 The proponent shall ensure that noise emissions from the aerodrome, including emissions from aircraft using the aerodrome, are effectively managed by the implementation of the Busselton Regional Airport Noise Management Plan dated January 2015, or any subsequent revisions of the plan approved in accordance with condition 4-2. The Noise Management Plan, or its revisions, shall include the following key components:

- Broad and specific objectives;
- Management measures for allowable operational activities;

- Approvals procedures and management measures for conditional operational activities;
- Approvals procedures for special events and circumstances;
- Future land use planning measures;
- Measures for noise affected residences;
- Noise monitoring parameters;
- Complaints processes;
- Compliance framework; and
- Fly Neighbourly Agreement.

4-2 The CEO may approve minor changes to the Noise Management Plan, provided the plan continues to adequately address the key components listed in 4-1 and as long as the changes do not modify critical aspects of the plan relating to any of the following:

- The standard hours of operation (section 3.1.3 of the initially approved Noise Management Plan, dated January 2015);
- The standard noise generation limitation (section 3.2 of the initially approved Noise Management Plan, dated January 2015);
- The 640 feet minimum height requirement over wetlands and estuaries of the Vasse and Wonnerup areas (section 3.1.5-2 of the initially approved Noise Management Plan, dated January 2015);
- The process for approval of non-conforming operations (section 3.3.3 of the initially approved Noise Management Plan, dated January 2015);
- The criteria and process for noise amelioration assessment (sections 6.2.2 and 6.2.3 of the initially approved Noise Management Plan, dated January 2015).

Any proposed changes to the above would need to be considered under section 46 of the *Environmental Protection Act 1986*.

4-3 Within the compliance reports required by condition 3, the City of Busselton shall report to the CEO on the implementation of the Noise Management Plan. Among other matters, compliance reports are to specifically include:

- details of any approvals for operations that do not conform with the standard hours of operation;
- basic details (including: scheduled flight times, aircraft type and noise rating) of approved Regular Transport flights and charter flights;
- details of special control areas created to address aircraft noise; and
- any revisions made to the Noise Management Plan in accordance with condition 4-2.

4-4 The proponent shall make the Noise Management Plan required by condition 4-1, or any subsequent revisions of the Noise Management Plan approved in accordance with 4-2, publicly available in a manner approved by the CEO.

5 Non-conforming activities

5-1 The Chief Executive Officer of the City of Busselton shall approve not more than 12 single events or circumstances in relation to non-conforming activities each calendar year under section 3.3.3 of the approved Noise Management Plan (dated January 2015), where those activities occur between 2300 hours on any day and 0600 hours on the following day.

5-2 An application for a non-conforming activity relating to a single event or circumstance that cannot be approved by the Chief Executive Officer of the City of Busselton under section 3.3.3 of the approved Noise Management Plan (dated January 2015) in accordance with Condition 5-1 shall be assessed under the broader consultation process described in section 3.3, Table 3, of the initially approved Noise Management Plan.

**CEO" means the Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed xxx]

**HON ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE**