

Mornington Peninsula Shire Council  
**Tyabb Airfield Community Reference Group**

## **MEETING 3**

5.00 to 8.00 pm, Wednesday 31 October 2018  
Mornington Peninsula Shire - Hastings Office

### **Attendance**

Dr Martin Cranmer (Tyabb Ratepayers Group; TRG), Katrina Chalke (TRG), Stuart Benton (local businesses and landowners), Dick Cox (community), Len Minty (community), Jack Vevers (Peninsula Aero Club; PAC), Peter Bernardi (PAC), Judy Pay (airfield businesses), Stewart Bracken (hangar owners), David Bergin (Mornington Peninsula Shire Council; MPSC), Allan Cowley (MPSC), Martin Chin (MPSC; CRG support), Bruce Turner – Independent Chair

Mr Brewis Atkinson (community) – guest for Items 1 and 2

### **Apologies**

Councillor Julie Morris. (NB Ben Hogan advised shortly before the meeting that he was moving interstate and would not be able to continue his membership of the CRG)

### **Summary points from the meeting**

The CRG agreed to issue the following summary points from the meeting in advance of the more detailed minutes (and to reproduce these at the start of the minutes):

- a. Mr Brewis Atkinson presented to the CRG on his personal survey of over 800 Tyabb residents regarding the current and future operation of the Tyabb Airfield. The design and conduct of this survey has had no input from the CRG.
- b. Council's Manager Strategic Projects, Allan Cowley, outlined his response to a number of recent letters/ emails received from Tyabb residents on matters discussed at the previous CRG meeting. CRG community representative, Len Minty, tabled a further "Statement and Questions for the Shire" that he had received from a community member who wished to remain anonymous.
- c. Council's Executive Manager Planning Services, David Bergin, briefed the CRG on the State Government's Amendment C148. This amendment has changed the Planning Policy Framework of all planning schemes in Victoria and will require Councils to undertake a 'policy-neutral' restructure of the local policy elements of their schemes. This will involve consolidating all policies relating to a particular theme in one section, for example all policies relating to airports and airfields, whether State, regional or local policy, will be included in a single section. Mornington Peninsula Shire Council will undertake further work to achieve this consolidation and to understand any implications for the Tyabb Airfield.
- d. Council expects to appoint consultants within the next two weeks to undertake the noise assessment project. The project will include compiling relevant data, new monitoring and forecasting. As indicated previously, Council is committed to funding the noise assessment work to ensure the independence of the study and will also consult Airservices Australia to ensure the technical validity of the study.
- e. The CRG agreed on a refinement to the proposed process for the development of the Airfield Master Plan. The PAC will consult with Council and then the CRG in preparing the introductory Master Plan Context and Current Situation sections of the Plan, before developing and consulting on the remainder of the Master Plan (including Future Direction and Initiatives which will be informed by the noise assessment project).
- f. The Chair and Council tabled a revised set of proposed responses to 'Frequently Asked Questions' (FAQs) on the topic of 'Jets'. A draft of this initial FAQ document has been the subject of review and comment by members since the last CRG meeting and is expected to

be finalised shortly. A similar approach will be adopted to finalise FAQs which address other topics of interest and concern to the community.

Further information about the CRG and its membership is available on the Tyabb Airfield Precinct Plan webpage on Council's website, <https://www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Tyabb-Airfield-Precinct-Plan>. Interested community members are able to submit questions or ask to be put in contact with CRG members not already known to them by emailing [tyabbairfieldcrg@mornpen.vic.gov.au](mailto:tyabbairfieldcrg@mornpen.vic.gov.au).

The next meeting of the CRG is scheduled for 12 December 2018 – to be confirmed.

## Detailed minutes

### 1. Welcome and introductions

BT opened the meeting and invited everyone to reintroduce themselves, for the benefit of guest Mr Brewis Atkinson.

### 2. Wider community feedback – Brewis Atkinson

*[As a preface to the record of this item, it should be emphasized that the design and conduct of the survey undertaken by Mr Atkinson has had no input from the CRG or Council. Representatives of Council, the PAC and some other members of the CRG expressed reservations regarding the form and conduct of the survey and representatives of the PAC and other interests associated with the airfield consider the survey to be flawed and highly misleading in relation to their current and future intentions regarding the airfield.]*

*Following his presentation, Mr Atkinson circulated a handout with his key findings and recommendations; and after the meeting, he provided written notes of both his introduction and the key findings and recommendations; these are attached in full to these minutes – Attachment 1 – so only a summary is included in the notes below.*

*As noted above a number of the CRG members expressed concerns about the validity of the survey design, the survey process and results, and about the dissemination of this material with the minutes. The decision to include the full notes with these minutes has been made in the interests of transparency but should not be interpreted as endorsement by the CRG or by Council]*

Brewis thanked the group for the invitation to attend and speak about his 'aircraft noise survey' of the local community. He advised that he is a retired army officer who was involved heavily in defence computer systems projects and information systems policy. He referred to his training in business systems analysis and design which included training in the design and conduct of surveys.

Brewis advised that, as a science graduate, he believed that decisions should be based on facts, where these can be determined. He had sought to undertake an independent and unbiased survey of the local community. Over a period of six months, he had doorknocked 82% of Tyabb residences and conducted 827 one-on-one surveys (approx. one third of Tyabb adults, with another 163 declining to take the survey). Mr Atkinson advised that he was happy to verbally share the survey questions and results with the CRG but did not wish to provide a copy of the survey document itself as he is still conducting surveys.

Brewis described the key findings of his survey as follows:

- 90% of adult residents want a night-time curfew at the airfield between 7 pm to 7:30 am on weekdays and 7 pm to 9 am on weekends and public holidays; emergencies excepted.
- 91% do not support a new east-west runway or lengthening of the north-south runway.
- 84% want no increase in helicopter activity above current levels and 54% do not support the operation of helicopters at Tyabb airfield at all; emergencies excepted.
- 79% want no increase in aircraft movements above current levels.
- 52% support a ban on flying on Christmas Day and Good Friday; emergencies excepted.

He concluded that the overall results of his survey indicate that Tyabb residents support the continued operation of the airfield in its current location but want limits to ensure Tyabb becomes and remains a more pleasant place to live.

He said he believed the key message for Council and the airfield operators is that “airfield operations are already beyond the limits that are compatible with reasonable living conditions for the residents of Tyabb”.

Brewis argued that Tyabb residents essentially want to see initiatives from Council and the airfield operators that:

- Respect their right to live in and enjoy their town;
- Make Tyabb a more pleasant place to live; and
- Promote the attraction of employment from reduced, not increased, noise levels.

He recommended that the CRG should listen to and respect the residents of Tyabb, and work on things that are going to improve the standing of Council and PAC in the community by finding ways to improve the amenity of the residents with respect to aircraft noise while, at the same time enhancing the club activities of the aero club. He offered what he saw as opportunities for this which are detailed in the attachment he provided.

Peter queried the survey methodology, saying he had heard from PAC members that if they declared they are with PAC or support the airfield, Brewis left without surveying them. Brewis explained his approach was to invite people who indicated support for the airfield to participate in the survey to make it valid and representative of the whole community. He said most then went on to do the survey and his impression had been that they answered in much the same way as anyone else who participated. 163 people (or about 1 in 6 of those approached) refused to do the survey. Brewis indicated that some residents seemed concerned that he wanted to see the airfield shut down, but that was not his intent.

There followed vigorous questioning and discussion of the information Brewis had presented, with the Chair having to remind members of the need to maintain respect for all present, even while expressing concerns about the content of the information and issues raised. The following are representative points from the discussion.

Jack on behalf of the PAC expressed concerns about the survey methodology and said it was impossible to properly interpret the findings without access to all the data (i.e. actual questions asked and detailed responses) which Mr Atkinson declined to make available to the members of the CRG.

A key concern was that the way the questions were framed could have led participants to answer in a negative way, and that they may have given participants the impression the PAC had plans for the future that do not in fact reflect the PAC’s intentions. For example, in relation to the survey finding about a night-time curfew, Jack asked if Brewis was aware of the existing night-time restrictions at the airfield. Brewis advised that he was aware of these but did not explain why his survey suggested there were plans to expand night flying

In response to requests for more detail of what questions were asked, Brewis read out some of the questions relating to residency status, night-time flying, weekend flying, a new east-west runway, helicopter activity, aircraft movements, noise levels, and runway boundaries and widths. Some of the questions sought resident opinion in relation to the prospect of jet aircraft using the Tyabb airfield or the establishment of a RPT (regular public transport) service i.e. passenger aircraft. All of these were challenged by PAC representatives as being a complete misrepresentation of PAC plans and causing irresponsible and unwarranted stress in the community.

Allan asked whether the results differed between different locations around Tyabb and whether Brewis planned to conduct further surveys. Brewis advised that there were no significant differences in the responses from different locations and that he was still conducting surveys.

Stewart asked whether the questions could be restructured to suit the needs of the CRG should a future survey be conducted. Brewis responded that the CRG could do their own survey if they wished

and pointed out that his survey was designed and begun prior to the formation of the CRG. He also maintained that he held a neutral position when conducting the survey. This statement was challenged by PAC representatives on the CRG.

Judy expressed her disappointment with the survey and said she felt it was not helpful to include ideas of a new east-west runway and RPT among the questions. She was concerned that the survey had fuelled unfounded rumours and misinformation about the airfield. Judging from the survey responses, she felt that there was still a lot of work to do in communicating to the whole community about what the airfield does and does not do in reality.

Stewart indicated he felt that the questions were framed in such a way that it would lead the respondents towards an answer which the surveyor was looking for, despite claims of neutrality. For example, the respondents were not permitted to consider aircraft noise relative to other types of noise such as road traffic or the rail line. He felt that a more helpful approach would have been to use "open" questions, such as "What do you think about the airport?"

Dick asked what percentage of a population a professional survey agency would typically use when conducting a survey. Brewis advised that it varied but would be a relatively small percentage, and that he was satisfied that the coverage of his survey was more than adequate.

Len said he felt that it would not be fair to Brewis, given he was planning to continue his survey work, to have the survey questions released to the public at this stage. David assured Len that the questions would not be released.

In conclusion, Brewis said he believed residents are distrustful of the PAC and of Council. He said respondents were generally sceptical about the information they have been receiving. As an example, he referred to the recent construction of a helipad, which the public had been told was for emergency services to use for refuelling, but now appeared to be used for the refuelling of a wider range of helicopters. Brewis said he hoped that the rift with the community could be healed.

Bruce asked CRG members to thank Brewis for attending and Brewis left the meeting.

The CRG members subsequently discussed the survey with the key points being:

- The survey has been conducted by Mr Atkinson without reference to or input from the CRG (or Council) - it is Mr Atkinson's personal survey alone.
- The views of the CRG members on the validity of the survey were varied, having regard to uncertainty around the framing of the survey questions and the way in which it was conducted. Some members were dismissive and believed that no weight could or should be given to the survey, since there were serious questions about the way it was conducted and that some questions might have been misleading. These members were also concerned at not being able to see detail of the survey questions. Others considered that the survey had been reasonably conducted and felt the results were accurate and should be taken into consideration.
- There was strong concern amongst some PAC members that, while specific issues raised in the survey should be addressed, some of the questions may have created unnecessary angst in the community, e.g. those relating to the east-west runway and jets. Therefore, there is a need to rectify misinformation and clarify misunderstandings arising from specific survey questions with the community.
- Allan commented that in general terms, the survey confirmed previous consultation on the Tyabb Airfield Precinct Plan (TAPP), in that the majority of residents appear satisfied with or accept the current operation of the airfield but are uncertain and concerned about possible future changes. In this context, the TAPP recommended the preparation of an Airfield Master Plan to provide greater certainty (the support of which was a key driver for establishing the CRG).

### 3. Notes and Actions from the Previous Meeting

Bruce again referred to the discussion at the previous meeting of whether meetings should be recorded. He had suggested at that meeting that a further attempt be made to produce meeting minutes without recording, after which members could review whether recording would help.

Len and all the community representatives on the CRG continued to express the view that recording is important since it has the potential to provide a more accurate account and reflection of what is being discussed. There was no consensus on this, and Bruce noted that there were almost no edits suggested on the draft minutes of the previous meeting, nor controversy over their content. It was concluded that in the absence of a consensus, the current arrangement of producing minutes without recording would continue.

Bruce led a review of the action items from the previous meeting:

Item	Item	Status
2.1	Invite Mr Atkinson to attend CRG meeting	Completed
2.2	Summary of VC148 by David	Completed
2.3	Initial input from CRG members on issues/ suggestions for inclusion in the draft Airfield Master Plan	Completed
2.4	"Watch list" for planning applications relating to the airfield	Completed – see comments below
2.5	Martin and Allan to check for previous application to vary weight limit (in 2004)	Completed – see comments below
2.6	Allan to ensure correct standard is used in noise assessment	Ongoing
2.7	CRG members to provide comments on draft FAQs	See comments below (9.0)

In regard to a Watch List for planning applications relating to the airfield, Allan advised that Planning administration officers had noted the request and that he will be notified of any new applications received and will advise members.

In regard to whether there had been a previous application to vary the weight limit condition, Allan advised that he had checked Council's system and had found no record of such. However, he noted he was unable to guarantee that there had never been a letter or similar request (as distinct from a formal application) in relation to this matter.

Martin advised that the source of this query appeared to be a submission by the PAC in 2004 to an earlier Council planning project. He read excerpts from this submission including proposals to remove curfews and weight limits. Judy explained that the 2004 submission had been provided in response to a request by the Mayor at the time. She said it was a "thought bubble" and not a formal application, which had subsequently been formally amended within weeks of the submission and had never been included in the PAC's strategy nor had formed part of any planning application. She acknowledged that, in retrospect, this submission had been very counterproductive – resulting in ongoing rumours and misinformation, including an apparent reference to it in Mr Atkinson's community survey.

Martin said he had received requests from community members for a few dot points on the front of the minutes for those who don't have time or inclination to read all the detail. It was noted that the CRG has been producing summary points of each meeting and agreed that these could be included in the minutes (as well as being separately available and circulated prior to the minutes being finalised).

#### **4. VC148 (New Planning Policy Framework)**

David provided a brief rundown of VC148 advising that the changes are voluminous but do include a clause relevant to Tyabb Airfield, i.e. clause *18.04 Airports* (a copy of which was circulated; see Attachment 2).

He gave a quick historical background to the Victoria Planning Provisions (VPPs) and how its format prior to VC148 contained separate State and local planning policy frameworks which are now consolidated into a single Planning Policy Framework.

He advised that the suffixes 'S', 'R' and 'L' to the clause number denote the level at which the policy operates – State, Regional and Local levels respectively – and that local councils have been asked by the State Government to convert their local policy content into the new format within 12 months.

David advised that the previous VPP format had a separate policy for airfields. Now, they are merged together with other airport-related policies with the aim of reducing bulk whilst retaining the policies' key directions. He also stressed that the regional and local policies must not duplicate or contradict those at the State level.

Allan commented that the new Airports policy is in fact part of the Infrastructure section in the Policy Framework, and that the main focus is therefore on the protection of airports (as major infrastructure) from residential encroachment. However, there are a wide range of other policies that must be considered in planning for the future.

#### **5. Noise Management**

Len advised that he had received a letter from a resident, in his role as community representative. He read it to the CRG (see Attachment 3). The letter sought information about roles and responsibilities of various agencies involved in the control of aircraft noise on the Shire's website and raised several questions relating to existing use rights of the airfield, VC148 clause *18.04 Airports*, etc. Len advised that the author did not wish to be identified. A number of the CRG members opposed the consideration of anonymous correspondence, however, this was not resolved. Judy said that the CRG should develop a protocol for what is acceptable correspondence.

Allan indicated that Council will respond to the letter via Len. He then referred to a number of emails and letters received by Council which included a number of common questions seeking advice in relation to the current position on runway widths, hours of operation, noise monitoring and other matters relating to the airfield (all in reference to the minutes of the CRG's second meeting which were on the public record). He referred to the response that had been sent (and circulated to CRG members prior to the meeting; see Attachment 4). He said this response would be posted on the Council website.

Regarding the noise management plan, Allan advised that it was recognised that the ANEI and ANEF measures have significant limitations when applied to relatively small airfields. However, he advised that given the ANEF is still referred to in relevant guidelines, they should be included as part of the noise assessment project.

Allan advised that consultants for the noise assessment project are still to be appointed but expected that this would be completed within the next two weeks. He advised that further details on the proposed methodology should be available before Christmas. He assured the CRG that it would not only include an ANEF assessment but also noise contours (N Contours) and monitoring "in the field".

There was some general discussion on the data required to support the noise assessment and noise modelling work. Peter, Jack and Judy indicated that the PAC has proxies for aircraft movement numbers through the flying school but not direct information relating to private owners. Len commented that it would be easier to get the data if the PAC charged for landing, which at present is not the case.

Peter said he believed one of the Ratepayers had been recording aircraft movements and asked the TRG representatives if this was the case. Katrina said that this had previously occurred but was no longer the case.

Jack asked about the timing of the noise management plan project. Allan indicated that if a consultant is appointed in the next two weeks, a preliminary meeting to discuss the methodology could be planned before Christmas. Jack felt the project would yield important data that would be crucial in assisting the PAC's work on the airfield master plan.

Judy declared that she had used consultants Marshall Day in the past for noise advice related to an application. Allan said that if they undertook the current noise assessment work, they would be expected to be independent, and Council would be paying for the assessment, so it was at arm's length from all other stakeholders. CRG members agreed that Judy's previous relationship with Marshall Day would not be considered a conflict.

## **6. Airfield Master Plan**

Allan recapped that, at the last meeting, there had been agreement about the process for the development of a draft plan. Allan discussed the content of the master plan, referring to material provided by CRG members and to the Regional Airport Master Planning Guidelines prepared by the Australian Airports Association. He noted that although these guidelines are not strictly applicable to the Tyabb airfield, the structure of a plan generally includes sections dealing with:

- the current situation - including site description and relevant background material
- an assessment of issues,
- a response to the issues and a plan for what we would like to see in the future, which may include findings from the noise management plan project.

Allan indicated that it was worth discussing whether we have a two-step or three-step process, and at what point(s) there is an opportunity for input from the CRG and the wider community. He noted that at the last meeting there had been an indication from community representatives on the CRG that they did not see value in reviewing multiple iterations of a draft Plan and had indicated that it would be reasonable for the PAC, with Council input, to work on a first draft before detailed discussion with the CRG as a whole.

Allan advised that, subsequent to the last meeting, he and Bruce had further discussed the process (in the light of the National Guidelines and comments made in the 'form letter' discussed in Item 5 above) and there was some concern about the late stage of CRG input. He suggested that an alternative would be to support a two-stage process, with:

- the first stage involving preparation of the first section of the report, outlining the current situation and background, followed by input from the CRG, and
- the second stage involving the assessment of issues and the proposed response, in the form of the Master Plan – again followed by CRG input.

The benefit of this approach is that work on the first stage can proceed straight away; it does not depend on the noise assessment (for example), and some parts of the background may require investigation, as well as informing the identification of issues. It also provides for community input via the CRG at an earlier stage – as per the National Guidelines.

The second stage would involve further preparation by the PAC, with input from Council. Allan advised that, in his view, it would be counterproductive to discuss an assessment of issues without also having some draft proposals to address them. This second stage would then be reviewed by the CRG.

As per the previous discussion, a draft Plan would then be referred to Council and will then be made available for public exhibition and comment.

Jack expressed concern about any change to the previous agreement in relation to the process for developing the Airfield Master Plan. Bruce indicated that, in effect, it only involved a slight restructuring of stages 1 to 6 that were recorded in the previous meeting minutes; the preparation of the first section of the report would still involve primarily the PAC with input from Council to provide background (context, current conditions) information. Jack still had reservations and referred to those raised by Katrina and Martin at the previous meeting about avoiding reviewing multiple drafts. However, he did see some value in breaking the process into smaller, manageable parts and agreed to move forward on this basis.

Jack noted it was very important to capture the issues and concerns that had been raised in previous forums, at the CRG and through the PAC's own consultation. He indicated that the PAC will do its best with the master plan but that it may not be able to address every issue. He felt that the data from the noise assessment will be very important in the master plan development.

Martin indicated that, in principle, he liked the sound of the two-stage process proposed by Allan. He asked if the PAC would look at modifying the Fly Neighbourly Advice (FNA) in the light of Mr Atkinson's survey results. Stewart expressed concern that the survey had been referred to several times and asked what its status was, given the concerns about the methodology. Allan suggested it should be taken as information for consideration in the preparation of the master plan, albeit with questions and concerns regarding the methodology. Len said he was assuming the survey was quite accurate. Jack concluded that whether the CRG agreed on the validity of the survey or not, it raised issues that need to be addressed in the community albeit he said that the survey methodology and approach had greatly undermined its validity.

## **7. Runway Issues**

Bruce noted that the community 'form letter' referred to in previous items included questions relating to widening of the sealed section of the runway. Jack felt that everything that needed to be said about the proposal had been said and that the PAC was working with Council on the appropriate process for consideration of the PAC's application.

Jack noted the widening of the sealed section of the runway had been floated during the community engagement when the TAPP was being prepared and that the widening was included as a recommendation in the TAPP, which had been adopted by Council. He noted that broad support for the widening had been recorded in the TAPP and expressed his disappointment about it continuing to be raised as an issue by some members of the CRG. Jack also pointed out that the TAPP report made it clear that the widening was being done to improve safety.

Len queried the reference to 'broad support' for the proposed widening and where this came from. Allan explained that the broad support referred to those who made submissions during the public exhibition of the draft TAPP, and that submissions were received from the community and members of the PAC, and others who used the airfield. Dick asked how many types of aircraft need a wider sealed runway for safety reasons or how many accidents there had been which might have been prevented by a wider sealed runway. Judy provided several examples and Stuart said he felt that even just one example provided a more than sufficient safety justification.

There was some discussion about whether oversized aircraft (i.e. aircraft over the current weight limit specified in the planning permits for the airfield) have ever used the airfield. Jack and Judy said this had not occurred, apart from Defence, emergency aircraft and during the airshow, while Len and Martin believed otherwise. Allan commented that perhaps the issue raising concern is whether widening the sealed section of the runway would encourage larger aircraft to use the airfield, even though they may still be within the current weight limits (and could use the airfield now, but don't), and what effects this may have.

Judy said she had searched the aircraft register for aircraft which were under the weight limit which could not currently use Tyabb but might be able to use it if the sealed section was wider. She has been unable to find any.



Martin commented that the TAPP's recommendations not only refer to the widening of the sealed section of the runway but also refer to a number of other matters, including the possible need to address operating hours, and asked why there had been limited attention on this aspect so far. Jack said that this and other aspects would need to be addressed in the Airfield Master Plan/ Aircraft Noise Management Plan but asked that the group remain focused on the current question regarding the widening of the sealed section. He asked for further feedback on concerns, but no other matters were raised at that time.

## **8. Other business**

Bruce determined there was insufficient time for formal consideration of other business, although a range of issues had been raised throughout the meeting.

## **9. Communication with Wider Community**

Bruce sought feedback on the latest version of draft FAQs relating to jet aircraft which he had circulated shortly before the meeting. He acknowledged that there had not been sufficient time for CRG members to come with a definitive response, but he hoped that the group could at least agree a way forward on finalising the material. He clarified that what he was proposing would come out of the CRG's consideration of the draft FAQs were concise responses to simple questions (ie the detail of the CRG comments would not be included in the final version).

The TRG representatives indicated that they would need time after the meeting to have the revised FAQs reviewed by their group. It was agreed that members would provide feedback on the draft FAQs by the end of next week (9 November).

The CRG members suggested and agreed key points to include in summary of the meeting for Bruce and Allan to circulate for confirmation prior to being released on the Council website (see front page of these minutes).

## **10. Next Meeting**

Bruce advised that Ben Hogan and his family were moving interstate and that Ben had therefore resigned from the CRG. There was discussion of a replacement with a new community representative and it was agreed that Bruce and Allan should review the previous applications, rather go through another expression of interest process.

Having regard to points raised at this meeting and the likelihood of a long break over the Christmas/ New Year period, Bruce suggested that there may be value in a catch-up meeting before the end of the year – although it may be a shorter meeting than usual. The group agreed on the date of Wednesday, 12 December 2018, at Hastings commencing at 5.00 pm, subject to confirmation.

### **List of Current Actions**

<b>No.</b>	<b>Action</b>	<b>Status</b>
2.6	Allan to ensure the correct standard (AS2021-2015) is used in the noise assessment.	Ongoing
3.1	CRG members to provide feedback on revised FAQ on jets	Due 9 November
3.2	Complete appointment process for noise consultant	In progress
3.3	Council and PAC reps to hold further discussions on preparation of status and background section to the Airfield Master Plan	TBC
3.4	Bruce and Allan to review previous applications to join the CRG with a view to appointing a replacement for Ben Hogan	Ongoing

## **Attachments**

1. Copy of Mr Brewis Atkinson's presentation to the CRG
2. Clause 18.04 AIRPORTS (from new Planning Policy Framework)
3. Letter submitted via Len Minty as read out at the meeting
4. Council's response to recent community form letter (as circulated prior to the meeting)

**TYABB AIRFIELD COMMUNITY REFERENCE GROUP – BREWIS ATKINSON 31 OCT 18**

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*The decision to include the full notes with these minutes has been made in the interests of transparency but should not be interpreted as endorsement by the CRG or by Council*

**TYABBB AIRFIELD COMMUNITY REFERENCE GROUP – BREWIS ATKINSON 31 OCT 18**

1. **Thankyou.** Thankyou for the invitation to talk to the Tyabb Airfield Community Reference Group.
2. **Who I am.** I am a retired army officer with 38 years service. I spent one of my most formative years here on the Mornington Peninsula as an officer cadet at Portsea in 1974. For about 20 of my 38 year career I was involved heavily in Defence computer systems projects and information systems policy. A core component of that work involved identification and analysis of system users' requirements. I was formally trained in Australia and in Britain in business systems analysis and design and of course a core component of that training, and its practice, involved the design and conduct of surveys. Recently, I have applied this training and experience to the conduct of an aircraft noise survey in Tyabb.
3. **Why I did the survey.** The primary reason for me conducting the survey is to ensure the views of Tyabb and surrounding area residents are very clearly understood by all stakeholders before decisions are taken that significantly affect residents' lives. As a science graduate, I have no doubt that decisions should be made on the basis of fact where facts can be determined, and as a person who believes in a fair go, I have no doubt that the impacts upon, and views of, Tyabb, and surrounding area residents, should be primary in determining the future of Tyabb Airfield. Hence, I have sought to undertake an independent and unbiased survey through which the community can express its views.
4. **Tyabb community.** According to the 2016 census, about 3300 people live in Tyabb. An analysis of where people live shows that more than 2650 of these people, that is 80%, live within 1.5 kms of the North-South runway. In addition, more than 2000 students go to school within 1.7 kms of the North-South runway.
5. **Survey depth and breadth.** In the past 6 months, I have knocked on 1039 of the 1261 residences in Tyabb, that is 82% of residences and I have invited adults to do a survey on aircraft noise. I have spoken with 990 adults who live in Tyabb, that is 38% of Tyabb adults, and done a survey on aircraft noise with 827 of them; that is 32%, or almost a third, of Tyabb adults. This pile of survey papers shows you what 827 surveys, at one page per survey, looks like. The survey has been one-on-one, and focussed on what Tyabb residents see as the appropriate development path for the airfield compatible with a respectful and reasonable future for the town.
6. **Refusers.** Of the 990 that I asked to do the survey 163 refused. That is 16% or about one in six. By comparison, this is a considerably smaller percentage than those that did not vote at the recent Wentworth by-election where 22% of those enrolled did not vote. While I cannot be 100% certain, my impression is that the survey result

would at most be very slightly different if all of this 16% had done the survey. I can explain why if you would like me to – perhaps in questions.

7. **Survey results.** The key findings of the survey are:

- 90% of Tyabb adult residents want a night-time curfew at Tyabb airfield. According to those surveyed, a weekday curfew from 7 pm till 7:30 am is appropriate, with a weekend and public holiday curfew from 7 pm till 9 am. These curfews would not apply to aircraft on an emergency.
- 91% do not support a new East-West runway or lengthening of the North-South runway.
- 84% want no increase in helicopter activity above current levels and 54% do not support the operation of helicopters at Tyabb airfield at all (except for those on an emergency).
- 79% want no increase in aircraft movements above current levels.
- 52% support a ban on flying on Christmas Day and Good Friday (except in emergencies).

### **Key message**

8. Overall, the survey indicates Tyabb residents support the continued operation of the airfield in its current location, but want limits to ensure Tyabb becomes and remains a more pleasant place to live.

9. Based on the survey results, and the extensive conversations I have had with people around the survey, I believe the key message for the council and the airfield operators from the people who live in Tyabb is:

***airfield operations are already beyond the limits that are compatible with reasonable living conditions for the residents of Tyabb***

10. In essence, the residents of Tyabb want to see initiatives from the council and from the airfield operator:

- a. that respect our right to live in and enjoy our town
- b. that make Tyabb a more pleasant place to live and
- c. that promote the attraction of employment from reduced, not increased, noise levels.

### **Recommendations**

11. My recommendations to the Community Reference Group are:

- a. Listen to the residents of Tyabb.
- b. Respect the residents of Tyabb.

c. Work on things that are going to improve the standing of the council and PAC in the community by finding ways to improve the amenity of the residents of Tyabb with respect to aircraft noise, while at the same time enhancing the club activities of the aero club. There are plenty of opportunities for this including:

- (1) Find a good location for the Mornington Peninsula Airport you both seem so keen to foster. The town support you in this while noting that Tyabb is a very poor location – it was not a good location for significant aircraft activity in 1965 when the East-West runway was denied approval by Dick Hamer, when the town had a much smaller population and aircraft activity was much lower - it still is not a good location and you have known this for 53 years.
- (2) Negotiate with the state government to establish a refuelling facility for emergency service and police helicopters at a location that is not in the middle of Tyabb.
- (3) Welcome quieter recreational aircraft types and reduce the number of noisy aircraft operating from Tyabb over time. For the historical noisy aircraft retained, ensure strict compliance with limits agreed with Tyabb residents.
- (4) Seriously rework, with substantial input from the Tyabb community, your fly neighbourly advice so that it contains measures that are genuinely neighbourly with Tyabb residents - measures like a curfew, well defined, less noisy and less intrusive aircraft circuits, a cap on the number of take offs per hour and so on.
- (5) Establish measures to ensure airfield user compliance with the improved fly neighbourly advice and open, honest and timely public reporting of breaches and their outcomes.
- (6) Establish open and auditable measures to demonstrate PAC compliance, or lack of it, with the permit conditions.

12. **Closing.** I thank you for your interest. I would be happy to make future presentations to this group provided of course I have the assurance there is a genuine interest from this group to respect and advance the interests of Tyabb residents.

Brewis Atkinson

31 Oct 18

**18.04-1S**31/07/2018  
VC148**Planning for airports and airfields****Objective**

To strengthen the role of Victoria's airports and airfield within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.

**Strategies**

Protect airports from incompatible land uses.

Ensure that in the planning of airports, land use decisions are integrated, appropriate land use buffers are in place and provision is made for associated businesses that service airports.

Ensure the planning of airports identifies and encourages activities that complement the role of the airport and enables the operator to effectively develop the airport to be efficient and functional and contribute to the aviation needs of the state.

Ensure the effective and competitive operation of Melbourne Airport at both national and international levels.

Protect the environs of Avalon Airport so it can operate as a full-size jet airport focussing on freight, training and services.

Recognise Essendon Airport's current role in providing specialised functions related to aviation, freight and logistics and its potential future role as a significant employment and residential precinct that builds on the current functions.

Recognise Moorabbin Airport as an important regional and state aviation asset by supporting its continued use as a general aviation airport, ensuring future development at the site encourages uses that support and enhance the state's aviation industry and supporting opportunities to extend activities at the airport that improve access to regional Victoria.

Maintain Point Cook Airfield as an operating airport complementary to Moorabbin Airport.

Preserve long-term options for a new general aviation airport south-east of Metropolitan Melbourne by ensuring urban development does not infringe on possible sites, buffer zones or flight paths.

Avoid the location of new airfield in areas that have greater long-term value to the community for other purposes.

Plan the location of airfields nearby existing and potential development, and the land-based transport system required to serve them as an integrated operation.

Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield

Plan for areas around all airfield such that:

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.
- The detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land.
- Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.

**Policy documents**

Consider as relevant:

- *National Airports Safeguarding Framework* (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)

- *Avalon Airport Master Plan* (Avalon Airport Australia Pty Ltd, 2015)
- *Avalon Airport Strategy* (Department of Business and Employment/AeroSpace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts



Letter received by Mr Len Minty

Statement

The Shire has placed a section on its website stating the roles and responsibilities of the various agencies involved in the control of aircraft noise.

This was done at the behest of Council during its consideration of the acceptance of the TAPP.

Despite the impressive list of agencies / bodies listed on the web site, and the definition of their roles, it is clear there are only 2 that can take any action:

- i. The Shire
- ii. The Airfield Managers

The rest are irrelevant in the context of Tyabb ALA

For over a decade the community has unsuccessfully advised the Shire that the Shire was the only regulatory authority with any power to exercise environmental control over the Tyabb airfield. Despite extensive documentation supporting these *facts* the community has been ignored.

This can no longer be tolerated and the Shire must review its previous actions or lack thereof and take positive steps to establish itself as the responsible authority in accordance with the requirements of the various acts and regulations available to it. There is no other regulatory bodies/agencies that will do it for them.

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Questions I would like answered by the Shire

1. The TAPP refers to the permits and "*existing use rights*" of the airfield. Over many years the community has been constantly reminded of the *existing use rights* of the airfield.

Question

Would the Shire please quantify and document "*exactly*" what it believes those rights are over and above the airfield operating permits and permit conditions.

2. In July 2018 the Victorian Planning Scheme changed. In relation to section 18 of the amended scheme a new sub section within section 18.04 was introduced as 18.04-1s. The new sub section (18.04-1s) incorporates the separate entities of airfield and airport into one consolidated entity and now requires the NASF guidelines be referenced when considering planning matters for both airports and airfields.

#### Question

What investigation has the Shire undertaken to determine if the Tyabb ALA is covered under section 18 of the scheme ( the TAPP cast doubt on this issue) and if so what provisions it is making to:

- i. Educate itself or seek advice on understanding and implementing the requirements of the NASF guidelines
  - ii. Facilitate the required alterations to processes and procedures to comply with the scheme
  - iii. Justify why the Shire insists on a ratepayer funded ANEF (expert Government commentary and Queensland airport studies state ANEF is not appropriate as a noise management tool) which is **not** a requirement of the Victorian Planning Scheme and ignoring **NASF which is** a requirement.
- 

3. The Shire has placed on its website the roles and responsibilities of the various agencies in relation to controlling aircraft noise (as was required by the council)

#### Question

Is the Shire aware that the information is out of date, misleading and in some cases incorrect<sup>1, 2, 3, 4</sup> and if so when will it be updated. If the Shire is not aware of the issues please explain what processes they are incorporating into the system to keep up to date with the ongoing restructuring of various government acts and regulations which are being updated in recognition of the various regulatory gaps in an attempt to rectify that situation.

NOTE: Whilst the new 2018 regulation is similar to the repealed regulation there are significant differences which allow tighter Federal control over noise exemption certificates.

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<sup>1</sup> Air Navigation Act (Aircraft Noise Regulations 1984) repealed 1<sup>st</sup>. April 2018

<sup>2</sup> Air Navigation Act (Aircraft Noise Regulations 2018) came into force 1<sup>st</sup>. April 2018

<sup>3</sup> Both old and new acts in most cases are not applicable to private airfields in Victoria.

<sup>4</sup> The Noise regulations are for all aircraft not just exemptions, as stated on the Shire web site.

### SHIRE RESPONSE TO RECENT CORRESPONDENCE

Dear Mr/Mrs/Ms

Tyabb Airfield

I refer to your recent correspondence relating to the Tyabb Airfield and seeking advice in relation to a number of matters noted in the minutes of the Tyabb Airfield Community Reference Group (CRG) from August 2018. I apologise for the delay in providing this response, which has been due to my recent leave. The matters that you have asked for advice/clarification on are outlined below (in bold text), with a response provided below each point.

1. **East-West runway. I note from page 5 of the minutes of the meeting that neither the council nor Peninsula Aero Club limited are able to provide documentation showing the approval status of the East-West runway but that the airfield operator insists that it is an operational runway.**

**I have grave concerns about the use of this runway given that aircraft using it overfly dozens of densely packed houses and schools to the East. There are clearly safety issues to the West also given the close proximity of the substantial hill and Flinders College. In the absence of approval documentation, I request the council act to immediately restrict the use of the East-West runway to aircraft in an emergency or on an emergency tasking.**

I appreciate your concerns regarding the status of the east/west runway, and it has been the understanding of Council over a long period that the E/W runway is only used in emergencies and to enable safe landings when wind conditions would make the N/S runway unsafe. In this regard the Tyabb Airfield Precinct Plan – adopted by Council in December 2017 states (p. 34):

The grass east – west runway at Tyabb Airfield should continue to be utilised only when operationally required including prevailing weather conditions. Due to the topographical constraints to the west of the airfield and the close proximity of residential properties, no change from the existing use of this runway is warranted.

Accordingly, the comments by PAC representatives at the last meeting that the E/W runway is regarded (by them) as an “operational runway” does raise an important point for resolution. It may be that this is a matter of ensuring that the E/W runway is only used when necessary to ensure safety and for use in “emergencies” but at this stage we are still seeking to establish the actual/legal status of the E/W runway and I will provide further advice to you on this matter as soon as possible. It is certainly recognised that the use of the E/W runway will need to be clearly determined as we move towards preparation of an Airfield Master Plan.

2. **Tarmac widening. I note also from page 5 of the minutes that in relation to the proposed widening of the tarmac strip from 10 to 18m, the PAC President is “not aware of any aircraft that are below the existing weight limit [12500 lbs] that require a wider runway”. As a concerned citizen, I would like to know all aircraft types on the register of aircraft approved for operation in Australia, which currently cannot operate at Tyabb airfield, but could operate at Tyabb airfield following the widening and what their take-off noise profiles are in the Tyabb residential zones (and their landing noise profiles if they can use reverse thrust). Without these basic facts how can the community be effectively consulted?**

I appreciate the point of this query i.e. the need to understand whether the proposed widening of the sealed section of the runway will, in effect, enable larger (and possibly noisier) aircraft to utilise the Tyabb airfield – even if they are still within the 12,500lb weight limit.

Accordingly, I have referred your comments to the officer dealing with the proposed widening with a view to ensuring appropriate information is made available. However, it may be that other means, such as planning permit conditions, could be used to specify limits on the use of the widened runway – and this would be a more direct way of dealing with your concerns than attempting to establish the operational requirements for all current and possible future types of aircraft.

**3. ANEF and Number Above noise assessments.** I note from pages 6, 7 and 9 of the minutes that the council intend to proceed with an ANEF and Number Above assessment. I understand that there are serious doubts about the effectiveness and utility of an ANEF assessment – It will almost certainly cloud issues (through its averaging and its emphasis on only high levels of noise being considered concerning) that need to be clear and highlighted. I understand the Number Above analyses will be far more useful and I recommend the council therefore drop the ANEF analysis. With respect to the Number Above analysis I request that the council:

- take strong measures to ensure that reduced aircraft activity (e.g. not flying certain aircraft or reducing throttle settings of some aircraft) during any period of monitoring cannot be used as a means to establish a baseline that is not truly representative. I recommend you base your analysis on records of actual movements over the last 12 – 24 months or, if these records are not available, you commence a 24 month monitoring period to establish these levels and trends. I also recommend you base your noise readings on aircraft take offs at full throttle and these settings are independently verified.
- Conduct N70 and N60 analyses based on busiest day of the week for each season (Summer, Autumn, Winter, Spring) and separately busiest night of the week for each season. (Reason: there is high seasonal and day of the week variation in use of Tyabb Airfield – averaging over dissimilar days / nights will give a significantly false (i.e. not matched by reality) impression.
- Ensure the estimates of future aircraft movements are credible and binding. Reason: If estimates are understated, there are big, long-term consequences for those experiencing the extra noise. The estimates need to be maximum permissible movement levels to ensure they won't be underestimated.

The limitations of Australian Noise Exposure Forecast(ANEF) contour mapping (which seeks to predict future levels of aircraft noise exposure) and related methods of estimating current noise exposure are recognised. As you note, these measures involve a significant level of “averaging out” and are designed primarily for use in assessing the noise impact/footprint of larger airports with a (much) higher frequency of aircraft movements and much larger aircraft.

It is also important to recognise that even if average exposure is within certain standards this does not mean that there is no nuisance caused by aircraft noise, for example, from single “exceptional” events. That said the noise assessment proposed by Council involves both the establishment of ANEF contours and N Contour measurement – basically as you have requested. We also propose to commission “spot” noise monitoring in designated locations to gain information on the frequency of “one off” noisy aircraft movements – providing a further level of detail to the assessment.

We still consider that is appropriate to undertake ANEF mapping as, despite its limitations, this remain the most commonly referred to form of noise assessment in relation to aviation facilities – particularly in relation to the consideration of proposals for new development (such as new residential development) in proximity to an aviation facility. We consider that knowing where Tyabb “stands” in relation to the ANEF contours is an important first step – however, this must be complemented by other measures (such as the N Contours) to achieve a more effective picture of the impact of aircraft movements (current and likely future) on the surrounding areas. The companies that we have consulted with a view to commissioning the noise assessments have also indicated that the collection of data to support ANEF mapping will also support the preparation of the N Contour maps – so there is limited additional work required.

Your comments on ensuring a fair and accurate noise assessment are also acknowledged, and we will be guided by the consultants (once appointed) in relation to the method of monitoring and data required to achieve a realistic assessment. In this regard, Council has determined to commission this work itself in order to ensure that there is no “conflict of interest” in determining how best to conduct the noise assessment

- 3. Permit conditions.** I note from page 4 of the minutes that Peninsula Aero Club limited are not prepared to discuss matters relating to the Planning Permits and their conditions in the community reference group. There can be no reasonable explanation as to why this is acceptable and should be immediately overturned by the council. The permit conditions are fundamental legal constraints on the operation of the airfield: we are entitled to have them discussed as fully and openly as our representatives need them to be. Without this constraint being overturned, there is no credibility of the CRG or the council in the

**process of considering the future of Tyabb airfield. Just because Peninsula Aero Club Limited do not want to discuss permit conditions is not sufficient grounds for them to be dropped from discussion in the community reference group. If necessary, lack of PAC comment could be noted in the minutes following the discussion of any permit conditions among other representatives.**

Council has established the Community Reference Group, with an independent Chair, on the basis that it will provide a forum for the discussion of issues of concern to all parties and with a view to achieving better outcomes through cooperation. However, the CRG does not have any authority to formally vary existing permit conditions or to apply new controls to the airfield. Equally Council cannot unilaterally change an existing planning permit condition, and the circumstances under which existing conditions can be changed (usually by the Victorian Civil and Administrative Tribunal – VCAT) are quite limited and require a substantial justification, with no guarantee of the eventual outcome.

In this context, I believe that the statement by the PAC representatives was primarily intended to reinforce the point that they are willing to participate in the CRG discussions, but, on behalf of their members, they are not prepared to concede any of their existing rights to operate which (they believe) have been established through prior approvals.

While this may appear to potentially frustrate productive discussion on some issues, it is within the rights of the permit holder to assert that they will simply operate within the rules/conditions previously established. That said, as you will see from the CRG minutes, there is in fact quite significant discussion of the operational issues that relate to the airfield, and these discussions have not been “blocked” by the position of the PAC. While the PAC representatives may not be prepared to discuss changes to the existing conditions *per se* there has certainly been considerable discussion regarding the interpretation of the current conditions and identification of the points where significant differences exist.

We are in fact still at a stage of establishing fully where the issues and interests lie, and, through actions such as the noise assessment project referred to above, still establishing some necessary information. It may be that there will be some points, for example regarding the extent of existing use rights, where some form of formal adjudication is required in the future, but at this stage the resolution of issues through cooperation is still the preferred approach. One key mechanism in this regard is the Fly Neighbourly Advice provided to pilots by the PAC, which sets out expected standards of operation, and this Advice is certainly within the agreed scope of CRG discussions.

It is also important to note that while the PAC is able to rely on its existing permits for the continuation of the existing use, there are a number of areas where the PAC itself seeks change – such as in relation to the widening of the sealed section of the runway (as referred to above). Where the PAC itself is proposing changes, this provides an opportunity for Council to consider whether new/additional conditions are warranted – provided they are reasonably related to the changes proposed. Finally, one of the key reasons for establishing the CRG is to support the development of an Airfield Master Plan – setting out the long-term expectations for the airfield. The PAC has agreed to lead the preparation of this plan and both exhibit a plan for community comment and to seek Council endorsement. Such a master plan will again provide an opportunity to consider conditions that may be relevant to any proposed changes at the airfield.

- 4. Airfield Management Plan (AMP) development sequence. I note the proposed sequence for development of the AMP and the intention to keep the draft “in-confidence” within the CRG membership (page 4 of the minutes). If the Tyabb community is to be respected and fair outcomes are to be achieved, the sequence must be revised to invite community input from the first draft (i.e. after step 2) and to ensure CRG members can discuss issues with the community before their input to the CRG. Also, the AMP and NMP must be presented to the council at the same time.**

As noted above the CRG is a voluntary forum, and equally the preparation of the Airfield Master Plan is by agreement rather than a matter that Council can formally require. That said, we believe it is in the interests of the PAC to prepare a AMP to provide greater certainty for all parties, and as noted above the PAC is in the process of the producing a draft Plan for consideration. Equally, it is important to note that representatives of the PAC have committed to the public exhibition of a draft Plan and to seeking Council endorsement of a Plan.

At the previous meeting of the CRG there was an attempt to outline the expected process associated with preparation of the AMP, including the provision for public exhibition and comment, as outlined in the CRG minutes. However, the provision for community input at an earlier stage may have some advantages and the Chair of the CRG (Mr Bruce Turner) has indicated that he proposes to seek further consideration of this matter by the CRG. I will provide further advice on this matter as soon as possible.

I also agree that the release of a draft AMP should be supported with information regarding the Noise Management Plan as this will enable people to assess the likely impact (in terms of noise) that would result from any AMP proposals.

**6. Recordings of meetings. I note from pages 2 and 3 of the minutes that you are not proposing to record the meetings despite several non-PAC representatives requesting that you do so. I consider it essential that meetings be recorded so that the public have full openness of the positions that are being put by the various representatives in the CRG. If they want to say something outside of the CRG then they can but the council should follow its own principle of “openness” on everything to the fullest extent possible. Given that you have banned public attendance at CRG meetings, it is essential the meetings be recorded and made available if the council are to be seen to be acting with integrity.**

The issue regarding the recording of CRG meetings has been discussed a number of times with the CRG members. While there are arguments for and against the recording of meetings, the majority of CRG members (not only the PAC and airfield related representatives) have agreed that, at this stage, relying on the written minutes of the meeting provides the best encouragement for members to engage in an open discussion – with the proviso that any member can ask for specific wording to be recorded as part of the minutes if they wish. However, I will note your comments on this matter, and the other points outlined above, at the next CRG meeting.

I hope these comments are of assistance to you and I am happy to discuss further or provide further information.

Yours sincerely,

Allan Cowley