



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY BUSSELTON-MARGARET RIVER AIRPORT EXPANSION (EPA REPORT 1616)

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to the Environmental Protection Authority's report and recommendations in respect of the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	Rob and Vanessa Willmott; City of Busselton; Gregory and Mary Chapman; Graeme Cotterill; Kieran and Carolyn Chapman; Jake Willmott and Karen Mahar
Proponent:	City of Busselton
Proposal description:	Busselton-Margaret River Airport expansion – revised proposal.
Minister's Decision:	The Minister dismissed the appeals.
Date of Decision:	27 December 2018

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) in response to the appeals.

The Minister was advised that the Appeals Convenor met with appellants to discuss the issues raised in the appeals. After considering the information presented during the appeals investigation, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other related matters, including recommendations on how the appeals should be resolved.

In summary, the revised proposal assessed by the EPA comprised the introduction of additional aircraft types and operator types, and changes to the standard hours of operation

which included introducing five night-time flights per week between the hours of 11 pm and 6 am.

By the appeals, the appellants expressed concern with increased aircraft noise associated with the revised proposal and sought, in particular, for there to be no night-time flights at the airport. Other issues were also raised in the appeals including noise impacts of larger aircraft, the adequacy of noise amelioration, changes to flight training and changes to the consultation process for certain special events. In contrast, an appeal was also received from the City of Busselton, which contended that the standard hours of operation should be extended to midnight.

In Report 1616, the EPA noted that the revised proposal has the potential to affect noise-sensitive premises and impact on the amenity of people due to the noise emissions generated from aircraft, particularly at night-time.

Notwithstanding this impact, the EPA considered that the proposal was environmentally acceptable subject to (among other things) a requirement for the proponent to manage the operation of the premises to ensure that noise emissions are 'managed so as not to unreasonably impact on noise sensitive premises' (recommended condition 5-1).

A noise management plan (NMP) has been prepared by the proponent which the EPA found to be consistent with achieving the above objective. This plan requires the proponent to implement noise amelioration measures where certain criteria are exceeded. In this regard, the EPA recognised that flights after 7 pm at night posed an increased impact on amenity compared to daytime flights, and endorsed the continued application of a weighting that should apply to such flights when assessing whether noise amelioration is required.

The Minister considered the EPA's assessment in this regard was appropriate, and that amelioration be particularly focussed on residences immediately adjacent to either end of the runway, where noise impacts are predicted to be highest. It is the Minister's expectation that as the proponent, the City of Busselton will proactively manage the noise amelioration process and implement measures, where the criteria are triggered, to ensure the objective in condition 5-1 is met.

In relation to the hours of operation, the EPA recommended that the standard hours for the airport be between 6 am to 11 pm. The City has requested that these hours be extended by 60 minutes, to end at midnight on any given day. The Minister understood the reason for this request is increased flexibility, particularly in servicing eastern states markets.

In relation to larger aircraft types, the Minister noted that in its assessment the EPA considered noise modelling undertaken by the City of Busselton which presented a 'worst-case scenario' in respect of noise emissions. In this regard, should aircraft types with higher noise emissions be contemplated in the future, it would be for the City of Busselton to liaise with the Department of Water and Environmental Regulation and the EPA in respect of any additional assessment that may be required.

The Minister understood that there are concerns regarding the increase of permitted flight training circuits from four to six; however, the EPA has advised that the NMP for the proposal can adequately manage noise impacts from flight training. This includes restricting aircraft types to single engine aircraft with a 1500 kilogram maximum take-off weight and also limits the total cumulative flying hours per week.

The NMP specifies two types of 'Special Events', one is restricted to defined circumstances (requires CEO approval) and the other is any other event (requiring a broader consultation

process). The Minister understood that the broader consultation process involves a public consultation component which should be carried out in an appropriate manner to provide a sufficient opportunity for the public to provide input. Therefore, the Minister was of the view that the EPA's consideration of this matter was appropriate.

In respect of the other issues raised through the appeals, the Minister considered that the EPA's assessment was appropriate and supported by the available evidence.

Having regard to the information presented to him, the Minister was of the view that the EPA had appropriate regard to potential noise impacts in concluding that the revised proposal is environmentally acceptable subject to the recommended conditions, which includes ensuring that noise emissions from the ongoing operation of the proposal are managed so as not to unreasonably impact on noise sensitive premises. It follows that the Minister dismissed the appeals insofar as they relate to the EPA's assessment.

Notwithstanding his appeal decision, as the decision-maker for the proposal under section 45 of the Act, and after considering advice from the Minister for Regional Development, the Minister believed there is merit in the hours of operation being extended by 60 minutes to midnight for open/closed charters, regular passenger transport and commercial operators. While the Minister acknowledged this will extend the period within which noise from aircraft may impact on residents, particularly those closest to the airport, he noted that the EPA concluded that amelioration measures can be implemented to ensure impacts are consistent with the objective discussed above. The Minister did not consider that extending the hours of operation by one hour alters the EPA's advice in this regard, and it is his expectation that the measures are effective in addressing noise issues at relevant residences, whether that be 10 pm or midnight.

In relation to noise from aircraft more generally, Airservices Australia is a statutory authority whose functions under the Commonwealth's *Air Services Act 1995* includes carrying out activities to protect the environment from the effects of, and the effects associated with, the operation of aircraft in Australia. The City of Busselton publishes information on its website on lodging complaints about aircraft noise with Airservices Australia, and this is also available directly from www.airservicesaustralia.com. Nothing in the Minister's decision should be taken to derogate from the jurisdiction of the Commonwealth in relation to noise from aircraft in flight.

Noting there are no other decision-making authorities for this proposal within the meaning of section 45(1) of the Act, the Minister will now issue a Statement giving effect to the foregoing, and any consequential amendments.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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