

It's Not All About Capital City Airports.

A Submission to the Senate Committee inquiry into the effectiveness of Airservices Australia's management of aircraft noise around unlicensed, privately owned airfields

February 2010

The Commonwealth government is solely responsible for managing the impact of aircraft noise in Australia. Airservices Australia is the only body with a responsibility for aircraft noise monitoring and management yet it primarily focused on other areas; noise being a secondary priority. The difficulties of managing aircraft noise at major airports are magnified at privately owned, unlicensed airfields, particularly in Victoria, which mainly operate in a regulatory void and with no noise monitoring or controls. The system for the issuing and management of aircraft noise certificates and the granting of noise exemptions certificates is ramshackle, inconsistent and without focus or strategy. There is a clear need to address the widespread problems of excessive noise (over Australian Standard AS 2021) at the most heavily used, unlicensed, privately owned airfields particularly those with a high concentration of old aircraft and of aircraft operating without type noise certificates. A single Commonwealth Government Authority must tackle this. Airservices Australia is probably not the correct body to do this as its primary focus is elsewhere. It is, therefore, most likely that the only way to take effective control of the deleterious impacts of aircraft noise is to establish an independent Commonwealth Government agency whose sole responsibility is the management of the impacts of aircraft noise.

“According to the International Civil Aviation Organisation (ICAO), aircraft noise is the most significant cause of adverse community reaction to the operation and expansion of airports”

National Aviation White Paper 2009

1. Introduction

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- 1.1. The Tyabb & District Ratepayers, Business & Environment Group Inc. (TDRBEG) serves the community in the Tyabb area on the Mornington Peninsula in Victoria.
- 1.2. Tyabb is a semi-rural township of some 3,000 people founded in the 1880s as a centre for the apple growing industry. Today, Tyabb has a thriving horticultural industry, a kindergarten, three primary schools, a secondary school, and Australia's largest antique centre located in the old Farmers Co-operative Coolstores. It is also one of the few towns in Victoria without a pub!
- 1.3. Only 800 metres from the town centre is Tyabb Airfield, (also known as Western Port airfield) an unlicensed, privately owned, ALA established as a grass strip in 1965 with a handful of light aircraft. This predominantly recreational facility is owned and operated by the Peninsula Aero Club and its associated entity Westernport Airfield Pty Ltd. The airfield has grown to be a 24 hour operation with an all-weather bitumen runway. It is now home to over 150 aircraft with a high, and growing, proportion of older aircraft and aircraft operating without type noise certificates including some of the noisiest 'Warbird' aircraft such as Harvards, Mustangs and T28 Trojans.
- 1.4. The management of noise nuisance from the airfield has proved to be an intractable problem for the local community and the local council. The airfield operators have been unwilling to participate in any of the council sponsored attempts to engage them in consultation with the community.
- 1.5. TDRBEG has been continuously engaged with the council in the 'Tyabb Airfield Fly Neighbourly Agreement' negotiation process and the 'Tyabb Airfield Community Liaison Group' both of which have failed due to the non participation of the airfield operators.
- 1.6. This submission is based on our experiences of trying to manage the noise impacts of, and mitigate the noise nuisance from operations at Tyabb airfield.

1.7. The submission addresses the following areas:

- The Diffuse Responsibilities for Regulation, Monitoring and Control of Aircraft Noise in Australia
- The Particular Problems of Privately Owned Unlicensed Airfields
- The Particular Problems of 'Warbird' Noise Certificate Exemption Permits
- Recommendations for improvements

2. Diffuse Responsibilities for Regulation, Monitoring and Control of Aircraft Noise



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- 2.1. All three levels of government, National, State and Local, are involved to varying degrees in the regulation monitoring and control of aircraft noise. The responsibilities of each tier, however, are unclear, inconsistent, and uncoordinated. They do not provide a comprehensive coverage of the problems caused by aircraft noise from all sources.
- 2.1.1. The National government, is ultimately responsible for the impact of aircraft noise in Australia, but admits that it only has a limited capacity to manage aircraft noise.(1) This would appear to be an admission that the current system is inadequate.
- 2.1.2. State governments avoid any responsibility for aircraft noise impacts claiming that it is a Commonwealth responsibility as agreed at CoAG in November 1997.(2) They claim that they are only responsible for planning controls derived from AS2021 concerning the suitability of land affected by aircraft noise for development.(3) Under changes to the Air Navigation Act 1937 made in 1990 most states referred their powers in relation to air navigation to the Commonwealth government. It is unclear, however, whether or not Victoria has yet enacted the legislation to effect the changes necessary and as a consequence the Commonwealth government has no power to regulate aircraft noise from non federal airfields in Victoria.(4)
- 2.1.3. Local governments, especially when they do not own airfields, tend to follow the State line of their responsibility being limited to planning permit conditions (if they exist) and land use planning. Local government understanding of aviation matters can be of a very low order.(5) In Victoria, although local governments are empowered under the Health Act to control noise nuisance(6) and to enact Local laws to minimise noise nuisance, they are unwilling to do so.(7)
- 2.2. A multitude of laws, standards, guidelines, and agencies are involved in matters of aircraft noise in Australia with no one agency taking total responsibility.

- 2.2.1. Australia's membership of The International Civil Aviation Organisation (ICAO) brings with it certain obligations. ICAO issues standards for aircraft and helicopters noise certification to which new aircraft operating in Australia must comply.(8) However, the ICAO standards do not apply retrospectively and are largely concerned with commercial aircraft operating from major airports. ICAO recommends what it calls "*The balanced approach*" to managing aircraft noise to which the Commonwealth government subscribes. This is not compulsory and depends on the voluntary participation by aircraft and airport operators which is not always achievable and certainly not in the case of privately owned and unlicensed airfields such as Tyabb.(9)
- 2.2.2. The Air Navigation (Aircraft Noise) Regulations 1984 are solely concerned with the certification of aircraft to fly in Australia based on the aircraft type's ICAO classification and not the real world, noise impact on the public of their actual operations. Exemptions to fly without a noise certificate in Australia can be granted for aircraft that are thought to not exceed the noise standard significantly, are of historical significance or are purpose built for tasks such as aerobatics or fire-fighting.(10) In practical terms this means that most homebuilt, ultralight and 'Warbird' aircraft fly without a type noise certificate. There are no national regulations governing the actual noise impact of aircraft in Australia other than at a limited number of major airports.
- 2.2.3. Australian Standard AS 2021 gives standards for land use planning based on likely aircraft noise exposure. The standards are based on either Australian Noise Exposure Forecasts (ANEF) for larger airports or decibel dB(A) limits for smaller airfields. These standards are incorporated into the noise guidelines adopted by State government environment protection agencies for land use planning. They have no retrospective role in assessing current noise nuisance.
- 2.2.4. Airservices Australia is primarily tasked with the provision of safe air traffic management services. It has a secondary, broader responsibility for aircraft noise impacts via airspace usage and monitoring, the approval of ANEFs for larger airports as well as the issuing of noise certificates or exemptions for aircraft. However, Airservices Australia's noise related activities are focused on the major capital city and larger regional airports.(11) Airservices Australia's involvement in noise matters at smaller airfields and particularly those in Victoria, is non-existent. In fact Air Services Australia has no jurisdiction over non-federal airfields in Victoria.(12)
- 2.2.5. The Civil Aviation Safety Authority (CASA)is now exclusively charged with safety matters following recent changes implemented by the Commonwealth government. Prior to these changes, CASA had identified that smaller, privately owned airstrips which are unlicensed or uncertified by CASA (including Tyabb) were a growing source of public complaints including excessive noise. The report identified that these airfields were operating in a "*relaxed regulatory regime.*" The report also identified the multiple and uncoordinated bodies and regulations which allows these airfields to operate in a largely unregulated environment and presented recommendations to ameliorate the problems.(13) Subsequent to the changes noted above, CASA management rejected the recommendations of the report on the grounds that they were "*...concerned with environmental rather than safety-related issues...*".(14)

- 2.2.6. The Australian Transport Safety Bureau (ATSB) is the prime agency for the independent investigation of civil aviation accidents, incidents, and safety deficiencies. It is focused on air transport and commercial General Aviation and has devolved responsibility for certain sectors to the appropriate self administering bodies such as RAA. ATSB has no responsibility for noise.
- 2.2.7. The Department of Environment, Heritage & the Arts is largely only concerned with the effects of aircraft noise as they impact upon specific locales for which the Department has responsibility, such as Heritage listed or Ramsar sites.
- 2.2.8. Individual airports and airfields have a variety of site specific noise mitigation controls in place ranging from the legally enforceable through voluntary to nonexistent. Smaller, privately owned, unlicensed and uncertified airfields are in the main unregulated with regards to noise. The only regulatory requirement affecting the use of these airfields is the noise certification process applicable to all aircraft in Australia.
- 2.2.9. The principle of self-administration of sectors of civil aviation has been actively pursued by Commonwealth agencies in recent years. Two of the fastest growing sectors of recreational aviation, are Ultralight aircraft and ex-military aircraft (commonly known as 'Warbirds'). Most aircraft in these categories operate without an aircraft type noise certificate or with an exemption for a noise certificate. These two categories have their own self administration bodies; Recreational Aircraft Australia (RAA) and the Australian Warbird Association Limited (AWAL), respectively. Much of the day to day administration, safety management and complaints handling has been devolved to these non-government, special interest bodies.
- 2.2.10. With such uncertain, inconsistent, and confused responsibilities for aircraft noise, complainants are frequently given '*the run around*' between agencies and tiers of government each claiming that it is not their responsibility. This is virtually 'Standard Operating Procedure' for privately owned, unlicensed airfields, such as Tyabb.

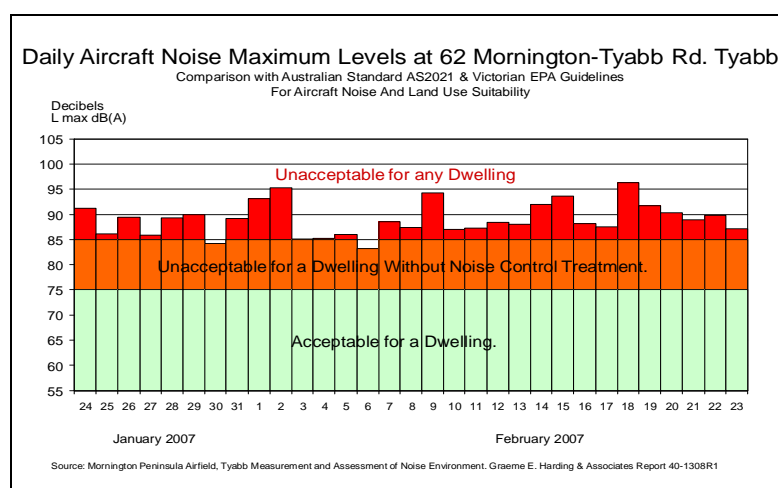
3. The Particular Problems of Privately Owned, Unlicensed Airfields



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- 3.1. With the regulation, monitoring, and control of aircraft noise theoretically in the hands of the Commonwealth government and its agencies, and with those agencies focusing on major airports and aviation transport, a regulatory void exists in which unlicensed, privately owned airfields and recreational aviation operates.
- 3.2. The costs and controls associated with licensed airports has prompted a migration of older VH-registered aircraft, Ultralights and 'Warbirds' from these airports to smaller unlicensed airfields with their more "*relaxed*" regulatory regimes. As a consequence, there has been a disproportionate growth of these aircraft types at certain smaller airfields, such as Tyabb.(15)(16)
- 3.3. Although these smaller airfields may be less extensive in area than licensed airports they are not necessarily used less intensively. For example, Tyabb airfield has approximately 30,000 aircraft movements per annum(17); placing it fourth in the state of Victoria behind only Moorabbin, Melbourne and Essendon airports.(18) This contrasts with the traffic at licensed regional airports such as Albury 29,000 pa, Avalon 7,000 pa and Mildura 13,000(19)
- 3.4. It is impossible to determine the exact number of aircraft without noise certificates operating from any given airfield since self administration of Ultralights has been devolved to RAA. Unlike the VH register, maintained by CASA, which is freely available, the RAA register is closed and protected from inspection by RAA on the implausible grounds of "privacy".(20)
- 3.5. For historical reasons, these smaller airfields are often located close to residential areas. By virtue of this proximity, residents are often subjected to noise intensities greater than that experienced by residents around major airports where the separations are greater. Tyabb airfield has one of the closest proximities to residential properties of any airfield in Victoria, the nearest home –which pre-dates the airfield - being only 100 metres from the main runway.

- 3.6. Although most VH registered aircraft have noise certificates, the older ones have certificates issued when the types were first built and so in many instances produce noise levels which would be unacceptable today.(21) A significant proportion of the aircraft at Tyabb are over 40 years old. The noise generated one kilometre away from the runway at Tyabb by the take-off of a Beech BE35 Bonanza, a Cessna 210 or a Piper Cherokee 6 would be in excess of 85dB(A).(22) This is the level at which AS2021 deems land to be unsuitable for dwellings. It is also in breach of Airservices Australia Principle 6 for minimising the impacts of aircraft noise.(23). There are now over 700 dwellings, which are home to around 1.900 people, within one kilometre of the main runway at Tyabb.(24)
- 3.7. The ex military 'Warbirds' types, such as Harvards, T28s, and Merlin engined fighters including Mustang, P40, and recently imported YAK 9, operate without noise certificates. They were built with no consideration of noise and have un-muffled piston engines producing up to 2,000 horsepower. These can generate noise levels in excess of 100dB(A). Council funded limited noise monitoring at Tyabb recorded levels over 95dB(A) from a T28 (25)- comparable to a Boeing 747-SP.(26). (The noisiest aircraft based at Tyabb did not fly during the monitoring periods and so were not recorded.)
- The impact on just one home in Tyabb (built before the airfield was established) can be seen below.



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- 3.8. Unlicensed airfields, such as Tyabb, attract a higher proportion of enthusiastic, amateur, recreational pilots. With the "relaxed" regime at these airfields, the propensity for, what CASA has described as, "imprudent and simply stupid" behaviour by these pilots is increased.(27) This includes excessively noisy activities such as formation flying over residential areas, low level 'beat ups', and aerobatics.
- 3.9. Many unlicensed airfields, such as Tyabb, are privately owned. As a consequence there is no compulsion or incentive for the operators of the airfield to engage with local governments or local communities to minimise the detrimental noise impacts of aircraft using the airfields. In the case of Tyabb the airfield operators have refused to negotiate a Fly Neighbourly Agreement with the local council and have refused to even attend a voluntary, council sponsored Community Liaison Group.(28) Another consequence is the absence of an independent noise complaints handling system to record, monitor and take action on the causes of excessive noise.

- 3.10. Smaller airfields have no noise monitoring, reporting, or forecasting, such as TNIP, ANEF, or WebTrak, from Airservices Australia. Airservices is thus incapable of managing the effects of the operations of the aircraft for which it has issued noise certificates or exemptions at unlicensed, private airfields.
- 3.11. Many unlicensed airfields began life as insignificant small airstrips located without a great deal of thought as their potential for future development. Tyabb airfield was not one of these; from its earliest days the constraints of the hills to the west and north and the proximity of residential areas have been identified. In granting the first permit in 1965 the, then, Minister responsible wrote, "*The authorised landing ground was not regarded as a really satisfactory site from the town planning point of view.*"(29) In 1982 this was confirmed by the Department of Civil Aviation, which wrote, " *...Tyabb ALA has no potential for upgrading to a major General Aviation aerodrome.* "(30) This was reconfirmed in 2008 by the Industry Complaints Commissioner of CASA who wrote, "*I would be confident in asserting that Tyabb would never be acceptable for any form of regular public transport operation by airlines, for many and various reasons.*"(31) Despite these clear warnings of the unsuitability of the site the regulatory void in which Tyabb airfield operates has allowed the airfield to expand with no control over the noise impacts of its activities. No authority being willing or able to act to protect the amenity of the residents of the area.

4. The Particular Problems of Warbirds & Noise Certificate Exemption Permits



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- 4.1. The issuing of noise certificates and the granting of exemptions for aircraft flying in Australia is the responsibility, under delegation, of Airservices Australia. The system is ramshackle with a number of legacy anomalies which permit the use of aircraft whose noise emissions are well in excess of contemporary standards. There appears to be no mechanism to review either the process or the permits and exemptions already issued. There is even some confusion as to which body issues noise certificates, as at the 3rd December 2009 a body called 'Aircraft Noise Management, Aviation Environment Branch of the Department of Infrastructure, Transport, Regional Development and Local Government' which may or may not be something to do with Airservices Australia, appears to be claiming responsibility. This only adds further confusion to what is already an apparent 'dogs breakfast' of authority and responsibility.
- 4.2. The issuing of non-type certified noise certificates and exemptions is purely a paper based exercise. Noise testing is not undertaken and so there is no empirical evidence to support the assumptions made to justify the permit. The actual noise levels that the aircraft generate are unknown to the issuing authority. This contrasts directly with the system for motor vehicles in Australia
- 4.3. The permit system has no strategic focus or intent and was established with no foresight for the growth of the 'Warbird' phenomenon or that of Ultralights and the public nuisance potential of their growth. Noise permits issued under section 9A(2)(A) for the less noisy 'Warbirds' and Experimental and homebuilt aircraft reached 2,500 by 2007. It would appear that the intent of the existing 9A regulations is to provide a mechanism to allow excessively noisy aircraft to operate outside contemporary community noise expectations. There is no mechanism for community input into the implementation of this regulation and so it appears that the scales are inexorably tilted in favour of the noise polluters and against the polluted.

- 4.4. The noisiest aircraft operate under exempt permits issued under section 9A(2)(b). The record keeping of permits issued under this section is so poor that the issuing authority is unable to say where these excessively noisy aircraft operate..
- 4.5. The terms of exempt permits are not at all clearly defined and are in some instances so liberal as to be virtually unenforceable. For example the terms “demonstration flight”, “bona fide air show” and “historic significance” as currently written allow frequent, ad hoc flights and ‘flying days’ of Warbird collections at private airfields, such as Tyabb, without any let or hindrance. This clearly undermines the underlying assumption behind the issuing of exemptions for ‘historic’ aircraft that they would only fly infrequently and at diverse locations and as such would have a limited noise impact on nearby residents.(32)
- 4.6. There are two classes of exempt permits under section 9A(2)(b) depending on their date of issue, pre 2002 or post 2002. Pre 2002 exempt permits are irrevocable and unconditional. This anomaly allows aircraft operating under these permits to continue to operate in perpetuity with no review of their impact or community acceptability. There is no mechanism to correct this aberration.(33)
- 4.7. The use of aircraft operating under 9A(2)(a) & (b) for so called “Adventure Flights” adds further to the noise burden at smaller airfields. Although the principle of the so called ‘*local support model*’(32) is supposed to apply to such flights the support of the local community is often neither sought nor gained at unlicensed, privately owned airfields such as Tyabb.
- 4.8. As a consequence a growing number of old, ex-military aircraft, which massively exceed contemporary standards and expectations of acceptable noise levels, are operating with no monitoring of, or check to, the nuisance they cause.

5. Conclusions



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- 5.1. The Commonwealth government is ultimately responsible for the impacts of aircraft noise in Australia.
- 5.2. Airservices Australia is the only body with direct responsibility for monitoring aircraft noise and managing its impacts. However, it is a secondary responsibility behind air safety. Airservices Australia's activity is almost exclusively focused on major capital city and larger regional airports. Its jurisdiction over unlicensed and privately owned airfields in Victoria is in question.
- 5.3. State & Local governments only have indirect responsibilities largely limited to land-use and planning around airports.
- 5.4. The system for issuing noise certificates and the granting of exemptions is somewhat ramshackle with a number of legacy anomalies which permit the use of aircraft whose noise emissions are well in excess of contemporary standards. The current regime is not capable of protecting residents around unlicensed, privately owned airfields with high concentrations of 'Warbirds' other older aircraft and Ultralights.
- 5.5. The current regulations fail to allow for the impact that the operation of aircraft with noise exemption certificates has on the community. There is no recognition that many of the airfields where the noisier aircraft operate are in close proximity to residential areas. As a consequence, there is a lack of clear standards to ensure the protection of the amenity of the residents in the vicinity of such airfields. The noise impact on residents of the louder of the exempt aircraft is, in some instances, of a greater magnitude than that of modern passenger jet aircraft which operate at greater distances from residential areas and are subject to all manner of regulations noise mitigation procedures and monitoring.
- 5.6. Some unlicensed airfields by virtue of their "*relaxed*" regulatory environments and consequent lower costs have been attracting a growing number of amateur pilots and a disproportionate number of aircraft, including imported 'Warbirds', which are excessively noisy.
- 5.7. Privately owned, unlicensed airfields operate in a regulatory void between Commonwealth, State, and Local governments and are under no compulsion to participate in the sort of "Balanced Approach" to aircraft noise management advocated by ICAO and the Commonwealth government.

5.8. As a result, people living near such privately owned, unregulated airfields are unprotected from the adverse effects of aircraft noise by the current regulatory regime. They are denied access to any form of independent and responsive noise complaints system if the airfield operator is unwilling to engage with their neighbours, as is the case in Tyabb.

6. Recommendations



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- 6.1. Extend the Commonwealth government's policy for minimising the impact of aircraft noise as expressed in the 2009 White Paper to selected 'problem', unlicensed, privately owned airfields, such as Tyabb. This should include the statutory recognition of the communities affected by aircraft noise as major stakeholders in the environment in which they live.
- 6.2. Enact regulations to require the participation of airfield operators in the process.
- 6.3. Enact regulations to establish a mandatory, independent noise complaints handling system for privately owned airfields where the operators refuse to engage with local communities.
- 6.4. Enact legislation to specify the 'real world', measurable limits for noise pollution from aircraft for existing dwellings.
- 6.5. Conduct a thorough review of the regulations governing and the practices of issuing, monitoring, and reviewing noise certificates and exemptions. This should include a rationalisation and clarification of the myriad variants of section 9 permits and the retrospective removal of the anachronistic elements such as permits issued in perpetuity. The result should be a system which reflects contemporary standards, is understandable, enforceable, and provides greater protection of the public from the effects of excessively noisy aircraft.
- 6.6. Clarify the responsibility and jurisdiction for monitoring and controlling aircraft noise impacts on the community and extend this to include these 'problem' airfields.
- 6.7. If, by virtue of its divided responsibilities, Airservices is not the appropriate body for this task, then establish a new single focus Commonwealth Government agency with the legislative authority and jurisdiction to monitor and effectively control the deleterious impacts of aircraft noise at all Australian airfields and airports.

References

- 1) *"The Australian Government's capacity to manage the impacts of aircraft noise is somewhat limited in that it only has direct policy and legislative environmental control over the 21 leased federal airports. Many of the airports which are the source of noise complaints — particularly those associated with training circuits and helicopter use — are under the control of state and local governments."* 'National Aviation White Paper' 2009, page 209 'Governments
- 2) *"The Commonwealth and the States agree that certain matters will be exempt from compliance with State environment and planning laws on national interest grounds. This exemption shall apply to: Specific matters relating to telecommunications, aviation airspace management including aircraft noise and engine emissions, and on-ground airport management."* 'Heads of agreement on Commonwealth and State roles and responsibilities for the Environment', Council of Australian Governments November 1997
- 3) *"The regulation of aircraft noise is a Commonwealth responsibility under the Air Navigations Act 1920. The Commonwealth regulations for aircraft noise are the Air Navigation (Aircraft Noise) Regulations 1984." "The Victorian Government's statutory role focuses on planning controls around airfields and does not include noise from aircraft in flight and noise from ground based activities associated with airfields."* Letter from EPA Victoria to Mr. Neale Burgess MP for Hastings, 28th November 2007
- 4) *"As a result, the Australian Government has the power to regulate noise from aircraft operating at state, local government or privately owned airports in Western Australia, Tasmania, South Australia, New South Wales and the Territories, but not in Queensland or Victoria."* Letter from Mark Vaile, Minister for Transport and Regional Services, to Mr. Greg Hunt MP, 4th June 2007.
- 5) *"In general terms, flight operations are controlled by federal legislation and are outside the controls of the State Government or Council. The Civil Aviation and Safety Authority is the main controlling authority in this respect."*(sic) Minutes Mornington Peninsula Shire Council Meeting, 17th May 2004
- 6) *"... noise nuisance can also be addressed through the processes and procedures set out in the Health Act and the EPA Act."* Letter from Mr. Alex Atkins Director Sustainable Environment, Mornington Peninsula Shire Council, 29th August 2005
- 7) *"...the legal advice to Council indicates that on the evidence currently available the Shire would be unlikely to succeed in a prosecution for nuisance under the Health Act."* Letter from Mr. Alex Atkins Director Sustainable Environment, Mornington Peninsula Shire Council , 14th January 2008
- 8) *"Aircraft operating in Australia are required to meet noise standards specified by the International Civil Aviation Organization (ICAO). Some older aircraft are significantly noisier than their modern counterparts."* 'National Aviation White Paper', 2009, Page 212, Limitations on the operation of noisy aircraft.
- 9) *"ICAO has adopted a Balanced Approach for aircraft noise management globally that involves:
>> reducing aircraft noise problems through reduction at source;
>> land use planning and management;
>> noise abatement operational procedures; and
>> aircraft operating restrictions.
Some Australian airports have been frustrated by their inability to influence carriers to move to newer generation aircraft,"* 'National Aviation White Paper' 2009, Page 214, Limitations on the operation of noisy aircraft.
- 10) 'Information Paper, The Air Navigation (Aircraft Noise) Regulations', Airspace and Environment Regulatory Unit, AirServices Australia.
- 11) *"Airservices' primary role is the provision of safe air traffic management services. However, it also plays a significant role in the effective management of aircraft noise and in distributing information about its incidence and effects."* 'National Aviation White Paper' 2009, page 209, Airservices Australia
- 12) Letter from Mark Vaile, Minister for Transport and Regional Services, to Mr. Greg Hunt MP, 4th June 2007. See 4) above.
- 13) *"Within the current regulatory framework, a 'relaxed' regulatory approach as provided by Part 9 of the Civil Aviation Regulations (CAR) means that a large class of airstrips are able to avoid the cost and demands of certification."* 'Report on Complaints Concerning Small Private Airstrips'. Industry Complaints Commissioner CASA, September 2007

- 14) "You should note that the recommendations in this report have been rejected by the Director of Aviation Safety on the grounds that they are not directly aligned with CASA's priority responsibilities for aviation safety, are concerned with environmental rather than safety-related issues and could divert CASA resources into areas where CASA has no regulatory authority." Letter from Mr. P. Trotman, Manager Corporate Relations & Strategy, CASA, 11th December 2009
- 15) "Older aircraft, or those used primarily for occasional leisure pursuits have dropped in number with several moving to smaller airstrips such as Tyabb" Moorabbin Airport Master Plan 2004 Section 3.1.4 Based Aircraft Numbers.
- 16) Tyabb airfield is currently home to approximately 150 aircraft. Of these, around a third operate without full type noise certification. These include 30+ 'Warbirds' including Harvards, YAKs, Nanchangs, Merlin engined fighters such as the Mustang and P40, T-28s, Winjeels and other assorted ex-military types such as Tiger Moths. In addition there are a significant number of VH-registered Experimental and Homebuilt aircraft. Beyond that there are an indeterminate number of RAA registered Ultralights(see 3.4).
- 17) 'Capacity of Aviation Facilities in the Port Philip Region' 2000, Government of Victoria, Department of State and Regional Development and Department of Infrastructure.
- 18) 'Movements at Australian Airports 2009', Airservices Australia
- 19) 'Mildura. Economic Profile, 2009'. Mildura Development Corporation
- 20) Letter from Mr. Rob Glenn Sport Aviation Co-ordinator CASA 12th January 2010
- 21) "All aircraft except the ex-military aircraft have noise certification by reason of their original type certification. There are issues as to the limits for older aircraft which are quite liberal compared to the restrictions placed upon large transport aircraft. Ex military aircraft are not noise certificated and may produce very high noise levels during engine runs, take-off and climb." 'Report on Complaints Concerning Small Private Airstrips'. Industry Complaints Commissioner CASA, September 2007
- 22) Derived from 'Noise levels for US Certificated and Foreign Aircraft', US Dept of Transportation, Federal Aviation Administration Advisory Circular # 36-3H 25 04 2002, updated August 2009
- 23) "...no residential area should receive more noise exposure than that which is considered "unacceptable" for residential housing under Australian Standard AS2021." 'Environmental Principles for minimising the Impact of Aircraft Noise', Environment Branch, AirServices Australia 2002
- 24) Maps 14zn & 15zn, Mornington Peninsula Planning Scheme, Department of Planning & Community Services, Government of Victoria
- 25) 'Mornington Peninsula Airfield, Tyabb Measurement and Assessment of Noise Environment' Graeme E. Harding and Associates for the Mornington Peninsula Shire Council 30th April 2007
- 26) 'Noise levels for US Certificated and Foreign Aircraft', US Dept of Transportation, Federal Aviation Administration Advisory Circular # 36-3H 25 04 2002, updated August 2009
- 27) Describing events at Tyabb airfield: "Some events have been imprudent and simply stupid, where appropriate CASA has warned those involved and set in place educationally orientated counselling to prevent a repeat of occurrences which are 'behavioural' issues. " Letter from Mr. Michael Hart , Industry Complaints Commissioner, CASA ,24th January 2008.
- 28) Letter from Peninsula Aero Club President to Mornington Peninsula Shire Council 25th January 2008.
- 29) Town & Country Planning Act Appeal, Reasons for Decision, R. J. Hamer, Minister for Local Government, 12th November 1965
- 30) Letter from the Department of Civil Aviation, to an Independent Review Panel on the Shire of Hastings Planning Scheme Amendment No. 8. 12th September 1982.
- 31) Letter from Mr. Michael Hart, Industry Complaints Commissioner, CASA to Mr. Alex Atkins Director Sustainable Environment, Mornington Peninsula Shire Council, 24th January, 2008
- 32) Discussion Paper, Regulating Adventure Flights and Aircraft of Historical Significance, DoTaRS. 2003.
- 33) Email from DoTaRS, 18th May 2005.

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