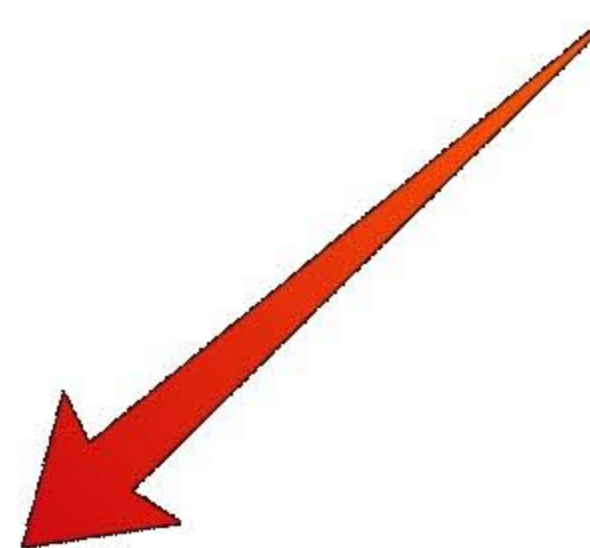


**A Dirty Little Secret Which is Handing Cash To The Airport Property Developers,
Destroying The Environment and Protecting Government Ministers**

Case In Point - The Moorabbin Airport Fiasco

A SHAMEFUL FARCE

With all that environmental copy it's hard to understand how the environment around the Moorabbin Airport is forecast to be savaged over the next 50 years



Airport masterplans	Division 3	Section 71	REQUIRED ENVIRONMENTAL CONSIDERATIONS IN AN AIRPORT MASTER PLAN (AIRPORTS ACT 1996)
71. Contents of draft or final master plan			
(1) This section specifies the matters that must be set out in each draft or final master plan for an airport.			(h) an environment strategy that details: <ul style="list-style-type: none"> (i) the airport-lessee company's objectives for the environmental management of the airport; and (ii) the areas (if any) within the airport site which the airport-lessee company, in consultation with State and Federal conservation bodies, identifies as environmentally significant; and (iii) the sources of environmental impact associated with airport operations; and (iv) the studies, reviews and monitoring to be carried out by the airport-lessee company in connection with the environmental impact associated with airport operations; and (v) the time frames for completion of those studies and reviews and for reporting on that monitoring; and (vi) the specific measures to be carried out by the airport-lessee company for the purposes of preventing, controlling or reducing the environmental impact associated with airport operations; and (vii) the time frames for completion of those specific measures; and (viii) details of the consultations undertaken in preparing the strategy (including the outcome of the consultations); and (ix) any other matters that are prescribed in the regulations; and (j) such other matters (if any) as are specified in the regulations. Paragraphs (a) to (h) do not, by implication, limit paragraph (j).
<i>Airports other than joint-user airports</i>			(i) the airport-lessee company's plans, developed following consultations with the airlines that use the airport and local government bodies in the vicinity of the airport, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and
(2) In the case of an airport other than a joint-user airport, a draft or final master plan must specify:			(3) In the case of a joint-user airport, a draft or final master plan must specify: <ul style="list-style-type: none"> (d) an Australian Noise Exposure Forecast (in accordance with regulations, if any, made for the purpose of this paragraph) for the areas surrounding the airport; and (da) flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and (e) the airport-lessee company's plans, developed following consultations with the airlines that use the airport, local government bodies in the vicinity of the airport and the Defence Department, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and (f) the airport-lessee company's assessment of environmental issues that might reasonably be expected to be associated with the implementation of the plan; and (g) the airport-lessee company's plans for dealing with the environmental issues mentioned in paragraph (f) (including plans for ameliorating or preventing environmental impacts); and
(d) an Australian Noise Exposure Forecast (in accordance with regulations, if any, made for the purpose of this paragraph) for the areas surrounding the airport; and			(d) an Australian Noise Exposure Forecast (in accordance with regulations, if any, made for the purpose of this paragraph) for the areas surrounding the airport; and
(da) flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and			(da) flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and
(e) the airport-lessee company's plans, developed following consultations with the airlines that use the airport and local government bodies in the vicinity of the airport, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and			(e) the airport-lessee company's plans, developed following consultations with the airlines that use the airport, local government bodies in the vicinity of the airport and the Defence Department, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and
(f) the airport-lessee company's assessment of environmental issues that might reasonably be expected to be associated with the implementation of the plan; and			(f) the airport-lessee company's assessment of environmental issues that might reasonably be expected to be associated with the implementation of the plan; and
(g) the airport-lessee company's plans for dealing with the environmental issues mentioned in paragraph (f) (including plans for ameliorating or preventing environmental impacts); and			(g) the airport-lessee company's plans for dealing with the environmental issues mentioned in paragraph (f) (including plans for ameliorating or preventing environmental impacts); and
A lot about the environment and yet strangely environmental compromise continues and with each airport master plan the environmental impacts increase.			

CASA's ENVIRONMENTAL ROLE UNDER THE CIVIL AVIATION ACT
Civil Aviation Act 1988 Compilation No. 53

9 CASA's functions

(1) CASA has the function of conducting the safety regulation of the following, in accordance with this Act and the regulations:

- (a) civil air operations in Australian territory;
- (b) the operation of Australian aircraft outside Australian territory;
- (ba) ANZA activities in New Zealand authorised by Australian AOCs with ANZA privileges;

9A Performance of functions

(1) In exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.

(2) Subject to subsection (1), CASA must exercise its powers and perform its functions in a manner that ensures that, as far as is practicable, the environment is protected from:

- (a) the effects of the operation and use of aircraft; and
- (b) the effects associated with the operation and use of aircraft.

THE ROLE OF CASA
No. 1 SAFETY
No. 2 PROTECTING THE ENVIRONMENT FROM THE EFFECTS OF AVIATION

Hold on a sec ...
There are more than 44,000 words in the Civil Aviation Act and 'environment' is mentioned ONCE...

Is this a mistake?
The EPA doesn't cover it.
We need hope!

Let's check with CASA



OFFICE OF THE DIRECTOR OF AVIATION SAFETY

Dear [redacted],

I refer to your email [redacted] about CASA's function in respect of the environment. I apologise for the delay in replying.

I am advised that there is no single area in CASA that "oversees the environment." Rather, a Policy Notice 016-2010 published in August 2011 *Consideration of the Environment (Civil Aviation Activities) Policy* applies to all CASA officers "to guide the way in which CASA's functions are performed, having regard to section 9A of the Civil Aviation Act 1988 and section 160 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)."

In relation to the other questions posed in your email there are no "environmental regulations" as such. In relation to airport master plans, the Airports Act 1996 only permits the Minister to seek the views of CASA on safety and operational matters.

I trust this information is of assistance.

Yours sincerely,

[redacted]
Branch Manager
Government & International Relations and Corporate Communications

In practice the environment is a bit of tricky issue and it tends to get left out!

It Is Not Good Enough

Dear Minister

You face a major issue with regard to how you deal with the Moorabbin Airport Master Plan. It is questionable whether approving such a plan would be lawful in the case of an aerodrome like Moorabbin.

Moorabbin uses the Airports Act for the preparation of its master plan, but that Act requires details of how an airport will "ameliorate or prevent environmental impacts". The requirements are quite detailed under Sec 71. The best that any master plan has been able to provide over the past 15 years is reference to a voluntary fly neighbourly program. Air Services Australia has made comments about this program like "it is not ignored; it is just not adhered to". But we don't have to ask whether environmental plans are in place, we can simply look at the plan projections for environmental compromise. Moreover even if the master plan complies with the Airports Act, it should not encourage activities which are not appropriate under other Acts of Law.

Environmental protection is a key principle in the Civil Aviation Act, the Airspace Act and the Airports Act. From the wording of the Acts, the environment comes *before* rather than *after* consideration of the commercial interests of aviation.

Environment is subservient to safety in the Civil Aviation Act but again it takes precedence over commercial interests. In practice, what we are seeing is operational expansion (aka commercial interest) and then an "after the fact" attempt to water down the environmental imperatives by referencing phrases like "as far as is practicable" when it comes to environmental issues. The term "as far as is practicable" needs to be applied *before* not *after* expansion. Current practice is not a conscionable or legal interpretation of the Acts. Where would our environment be if all environmental directives were interpreted the way aviation interprets its environmental mandate?

Also the environmental impact to which I am referring, as expressed by creeping community noise exposure (ANEF) is an abuse of airport commercial power and impinges on the assets and planning rights of other less powerful businesses. The creeping ANEF contours should not be confused with airspace protection which is a completely different matter. The ANEF mapping forces restrictions on people's normal asset and development discretions. As suggested above, we are not talking about activities which might be considered to compromise airspace usage.

The Moorabbin aerodrome is not satisfied to remain a very busy civil aviation facility which is already imposing significantly on the community and sensitive environmental areas; it wants to push further and explore limits which will surely create an ever worsening and intolerable situation for many people and businesses.

Despite its reluctance to publicise the fact, the only body with responsibility for the environmental effects of aviation is CASA (the Civil Aviation Authority)

BUT

Someone created a sneaky piece of legislation to make sure CASA couldn't advise the minister about environmental problems with Airport Master Plans

buried deep in the Civil Aviation Act

buried deep in the Airports Act

HOW THE MINISTER APPROVES MASTER PLANS (AIRPORTS ACT)

81. Approval of draft by Minister

- (2) The Minister must:
 - (a) approve the plan; or
 - (b) refuse to approve the plan.
- (3) In deciding whether to approve the plan, the Minister must have regard to the following matters:
 - (b) the effect that carrying out the plan would be likely to have on the use of land:
 - (i) within the airport site concerned; and
 - (ii) in areas surrounding the airport;
 - (d) the views of the Civil Aviation Safety Authority and Airservices Australia, in so far as they relate to safety aspects and operational aspects of the plan.

(d) the views of the Civil Aviation Safety Authority and Airservices Australia, in so far as they relate to safety aspects and operational aspects of the plan.

"Don't tell me about the environment - I'd rather not know!"

But where does he get his information if CASA is the only environmental authority for aviation?

Nope - there's no Director of Aviation Environment and it seems not all CASA officers got the memo about the importance of the environment



January 2015

From the Director of Aviation Safety, Mark Skidmore

There are five principles CASA must embrace when making decisions or taking actions that affect the aviation community. The first principle is of course aviation safety. The Civil Aviation Act makes this certain by stating its main object is to "establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents." The Act also requires CASA to "regard the safety of air navigation as the most important consideration" when exercising its powers and performing our functions. So clearly CASA's first principle must be to support the safest aviation environment for all Australians. CASA's activities must pass the test of making a positive impact on maintaining or improving aviation safety. With safety at number one there are four other principles I will use to ensure CASA is an even more effective aviation safety regulator, while building our relationships with the aviation community. These principles are communication, cost, complexity and consistency. I know people in the aviation community have been talking about issues relating to these principles for some time and I thank those who have provided input to my approach.

I have told CASA's people that I will require everyone in the organisation to think about and apply these principles when we make new regulations or amend existing regulations, when we make decisions and take or recommend actions. These principles will guide CASA in all our dealings with the aviation community. CASA has a responsibility to communicate clearly, simply and effectively. If the aviation community does not understand CASA's safety requirements we will not get the right safety outcomes. When CASA makes changes or takes decisions and actions we must consider the financial impact on both the aviation community and CASA and seek to keep it as low as possible without of course compromising the achievement of optimal safety outcomes. While we are bound by legal requirements in the way CASA's legislation is developed and presented, we must do our very best to minimise complexity and provide clear explanations of what we require that are free of jargon and confusing language. Finally, CASA must be consistent in its decision making and actions. It is not acceptable for different areas within CASA to present different views on the same issues to the aviation community.

I am personally a great supporter of aviation and want to see as many people flying as possible. In keeping with this vision and our core regulatory functions, CASA's role is to encourage, support and foster higher standards of aviation safety.

Safe flying

Mark Skidmore AM