

HERITAGE COUNCIL OF NSW Approvals Committee

AGENDA ITEM: 5.1

7 December 2011

Heritage Branch,
3 Marist Place, Parramatta



NAME & ADDRESS OF PROPERTY OR ISSUE: Evans Head Memorial Aerodrome,
Memorial Airport Drive.

FILE NO: 09/00148

TYPE OF APPLICATION: Integrated Development Application

APPLICATION NO: 2011/IDA/007

SUMMARY

RSL Lifecare is proposing to construct an integrated retirement village in the southern portion of the Evans Head Memorial Aerodrome and further subdivide this area to construct 24 Torrens Title homes for sale. In August 2005 the Heritage Council gave conditional endorsement to a Plan of Management (PoM) that included the option for a retirement village in this portion of the Aerodrome. The PoM was given final endorsement by the Heritage Council in April 2011 subject to the signing of a Heritage Agreement for the site.

In October the Approvals Committee considered this proposal and deferred the application based on the absence of specific information. It was also noted at that meeting that a full merit assessment of the proposal had not been undertaken as legal advice that the Branch was seeking on the suitability of the proposed 88b Instrument had not yet been provided. This report has been completed based on the provision of the legal advice and incorporates a merit assessment of the proposal that considers this advice.

When assessing this application it was noted that the following reasons for deferral by the Heritage Council have not yet been addressed:

- Heritage Agreement is not yet registered on the title and any subdivision prior to registration would invalidate the Agreement;
- The draft "Fly Neighbourly Agreement" (FNA) that has been provided does not appear to be consistent with Section 8 of the PoM; sufficient information will need to be provided to assess how the FNA has been prepared in accordance with these principles; and
- The required information relating to complaints management has not been satisfactorily provided by the proponent.

Other issues that need to be considered prior to any further assessment being able to be undertaken on this proposal are as follows:

- The proposed 24 Torrens title lots are likely to have an unacceptable level of impact on the site and would need to be removed from the proposal.
- No information regarding a proposed drainage easement to be installed across the proposed Lot 2 has been submitted. This must include a detailed discussion regarding its location and potential impacts on the heritage significance and future use of the proposed Lot 2.
- Revised stormwater drainage documentation that details how the removal of the existing drainage system at the site has been considered in the stormwater plans must be provided.

Date of Submission:	Application received 16 th February 2011, additional requested information received on 15 th September 2011
Applicant:	Humel Architects on behalf of RSL Lifecare
Summary of Proposal:	Integrated Retirement Village and Torrens Title subdivision of 24 lots and construction of dwelling on each lot
Summary of Key Issues	<ul style="list-style-type: none"> • The need to ensure that noise management procedures implemented at the Retirement Village are adequate to ensure that this proposal does not lead to a cessation of aviation activities at the site. • The 24 lot Torrens title subdivision specifically raised issues of how any noise issues are to be managed for these lots as RSL Lifecare is planning to have no ongoing management role of these lots. • The aerodrome has not had the Heritage Agreement registered on it and this must occur before any subdivision can proceed.
Summary Recommendation:	The Heritage Council NOTES this report.
Listings and Controls:	(i) SHR No. 01649, listed 22 nd November 2002.
Attachments:	A - Plans B - Airpark Concept Plan C - Draft Fly Neighbourly Agreement D - Proposed Noise Management Documentation E - Summary of Submissions Received

RECOMMENDATION

That the Heritage Council notes this report.

STATEMENT OF SIGNIFICANCE

The Evans Head Memorial Aerodrome has historical, social and cultural significance. The aerodrome is purported to be the largest RAAF training base (over 5000 personnel) in the Southern Hemisphere during World War II (No 1 Bombing and Gunnery School) under the Empire Air Training Scheme, and made a major contribution, through provision of trained personnel, to the Commonwealth's war effort. The site contains only one original Bellman Hangar of 17 that represents technical innovation for that period. The hangars were designed and built for Australian conditions by Sir Valston Hancock, Director of Works, who later became the first commanding officer for the base. The site has social significance to the many ex service-men and -women who were associated with the aerodrome, RAAF personnel, ANZAC Day celebrations, and fellow personnel, families and friends of people who served there and died during WWII. It is also significant to the people of the North Coast region, the residents of Evans Head and visitors who attend activities or are tourists. Moreover it is significant because it is a substantial landmark, from the ground and from the air. It is a cultural site and continues to have an effect on the civilian, ex service, and defence population of the North Coast area of NSW and all visitors to the region.

Reference: HOD

Date: 22nd November 2009

BACKGROUND

Description of the Site and Surrounding Development

The Evans Head Memorial Aerodrome covers approximately 190 hectares. It is bounded by Woodburn Road to the west, Currajong Street to the south, Broadwater Road to the east and the Evans Head Sewerage Treatment Plant and Broadwater National Park to the north. The natural sand ridge within the aerodrome has been disturbed by sand-mining, the construction of the aerodrome and urban development.

The dominant 'landmark' features of the aerodrome are its runways surrounded by mown grass verges and low level heath scrub with views to the Great Dividing Range, Broadwater Sugar Mill and Evans Head Headlands. Only three of the original buildings and related facilities from WW II remain.

History of Previous Heritage Council Decisions

August 2005	The Heritage Council resolved to conditionally endorse a Plan of Management (PoM) for the Evans Head Memorial Aerodrome which, amongst other things, contained a concept for the use of the southern portion of the Aerodrome for a retirement village.
May 2010	<p>The Approval Committee considered pre-DA proposal for a residential airpark on the site and resolved to:</p> <ol style="list-style-type: none"> 1. Advise the proponent and Council that it considers the aviation use of the site to be more important in terms of heritage values and that due consideration be given to the potential for conflicts between the proposed uses for the site; 2. Advise the proponents and Council that the Heritage Council considers that the proposal for the proposed aged care facility and the air-park should be considered together as their planning needs to be integrated; 3. Recommend to the proponent that further consideration be given to keeping any development away from the north-south runway to a line east of the proposed hangar buildings; 4. The Committee wishes to advise the applicant that a heritage agreement for use of the site should be entered into prior to any subdivision and sale of the Evans Head Memorial Aerodrome site.
December 2010	General Terms of Approval (GTAs) were issued for the 2 Lot subdivision of the Aerodrome to create a separate lot for the proposed retirement village. This was a deferred commencement approval subject to the signing of a Heritage Agreement for the site to ensure that funds from any proposed sale of land are used for the repair and maintenance of the remaining heritage structures. The GTAs required that the executed Heritage Agreement be submitted with the S60 application for the subdivision: as yet no S60 application has been submitted.
December 2010	The Approvals Committee resolved to issue General Terms of Approval to allow the remediation of the southern portion of the Aerodrome, necessary prior to any residential development.
February 2011	S60 consent issued for the remediation of the southern portion of land to enable potential future residential use, these works have commenced.
April 2011	The Heritage Council resolved to endorse the PoM for the site subject to the execution of the Heritage Agreement.
April 2011	The Heritage Council resolved to recommend that the Minister enter into the Heritage Agreement prepared for the site.
October 2011	The Approvals Committee resolved to defer a decision on this matter.

Proposal

The proposed works involve the construction of a residential retirement village in the southern portion of the Evans Head Memorial Aerodrome consisting of:

- 121 bed residential aged care facility;
- 41 x 1 bedroom serviced apartments;
- 154 x 2 bedroom (+ study) independent living units;
- Childcare centre (40 children);
- Community building and ancillary facilities (including entry structure/signage, men's shed, swimming pool, mini golf course, bowling green, boule, croquet and outdoor chess board); and
- Ancillary and incidental site works (including site filling, re-contouring, internal roads and parking spaces, landscaping and installation of infrastructure services).

In addition a 24 Lot Torrens Title subdivision will take place with approved design options for dwellings to be constructed on the site.

ASSESSMENT OF IMPACT OF THE PROPOSAL ON HERITAGE SIGNIFICANCE

1. Built Heritage

Layout and Orientation

The layout and orientation of the new retirement village has been based, partially on principles associated with the previous site usage. To this end the major 'bulky' elements of the development (Retirement Aged Care Facility and Serviced Apartments) will be located along Airport Memorial Drive reflecting the former WWII configuration of hangars at this site. The road layout has been described by the applicant as regimented and uniform, a technique chosen to help reflect the sites martial history. **The proposed layout is likely to have an acceptable level of impact on the site.**

Design

The new retirement village is outside of the 20 ANEF contour for the site and as such no specific acoustic treatment is required for these buildings. In spite of this the applicant is proposing to incorporate a number of measures to ensure that the proposed development does not *compromise continued aviation use*. These include window laminating, acoustic wall and ceiling insulation and ensuring that all construction is within the Obstacle Surfaces Limitation (OSL); this is 40m at the Evans Head Memorial Aerodrome.

No concept plan for the retirement village has previously been provided to the Heritage Council for comment. The current proposal does indicate an intensive use of the site; however it is within the area of land that was considered in the Plan of Management. The general parameters that remnant runways and taxiways be retained for open space have been met. **Accepting that a retirement village could be constructed in this area the proposed design and construction the retirement village is likely to have an acceptable level of impact on the site.**

It is proposed to construct 24 Torrens title residences along the edges of the retirement village. In order to allow the proposed residential development to proceed on the site without unnecessarily burdening any future owners of the residential lots the proponent is seeking approval for a set of specific designs that have been designed to:

- Suit the block with regard to solar access, orientation, breeze paths, etc.;
- Be consistent with each other;
- Be sympathetic to each other with respect to over-shadowing, privacy and amenity; and
- Be sympathetic to and compatible with the built form of the retirement village.

Although there are no specific heritage issues associated with the design of these residences, their presence in the proposal development represents an intensification of the original concept plan that was not considered in any earlier planning documents (see below).

Impact on Fabric

The southern end of Runway 14/32 is no longer being used and the use of this area for a retirement village is consistent with the endorsed Plan of Management (Policy 22). **The existing runway and associated infrastructure will be heavily impacted during the remediation works currently being undertaken and as such the retirement village will not cause any additional impacts on this fabric. The use of appropriate interpretation in this part of the site is an essential part of the proposal and will be discussed below.**

The project documentation notes that in order to manage stormwater an easement drain will be required over the Lot 2 (residue lot). In May 2010 the Approvals Committee considered a concept plan for the Airpark for comment (Attachment B); the Committee resolved to:

Advise the proponents and Council that the Heritage Council considers that the proposal for the proposed aged care facility and the air-park should be considered together as their planning needs to be integrated.

The current proposal has no information about the proposed easement on Lot 2 and there is no way to determine whether this easement will impact the ability of the Airpark proposal to proceed and/or negatively impact the ability of existing runways and other infrastructure to be able to be used. **Allowing an easement for water to drain over Lot 2 cannot be supported without a detailed discussion of where this easement is to be located, what potential impacts are likely to come about from this easement on existing fabric and existing uses of the site and whether there are likely to be impacts on any other proposed use of the site associated with the implementation of this easement.**

Since lodgement of this application site remediation works have necessitated the removal of the drainage system in the southern portion of the Aerodrome. **The applicant will need to provide updated information that shows that the removal of this element does not impact their proposed stormwater drainage.**

2. Subdivision

The Heritage Agreement being entered into for the site will create a nexus between the sale of land and the maintenance of the remaining heritage structures. If subdivision were to occur prior to the Agreement being registered, the existing Agreement would cease to be valid as it applies to the exiting titles. Such an outcome would remove the nexus between the sale of land and the maintenance of the heritage structures.

Richmond valley Council has advised the Heritage Branch that they are unable to register Heritage Agreement on the land based on information from LPI. As the registration of the Agreement was the responsibility of Richmond Valley Council (Clause 14(1)) this matter was not investigated by the Heritage Branch prior to the signing of the Agreement by the Minister.

The current proposal cannot proceed as the Heritage Agreement the Heritage Council recommended the Minister enter into has not yet been registered. Any subdivision of the land prior to the registering of the Heritage Agreement would likely invalidate the current Agreement.

RSL Lifecare proposes to further subdivide the southern portion into 25 lots, with one lot containing the retirement village and a further 24 Torrens title residential lots around the edge; these lots are to be independent of the retirement village. Although the Heritage Council had considered the option of a retirement village in the southern portion of the Aerodrome in its endorsement of the PoM, no mention of the additional Torrens title lots was raised by the applicant until a meeting held in May 2010. At this meeting the applicant noted that the concept proposal revolved around an integrated retirement use where clients could move from independent houses into the retirement village proper as needs dictated. Although the titling of those lots had not yet been resolved, at that time a number of options were being considered including strata titles. The Heritage Branch advised that its preferred outcome was titling that linked these lots to the retirement village to provide one overall management body for issues associated with noise management.

In a letter to Richmond Valley Council dated 14th July 2011 the applicant stated that they would not be amending the title of the 24 lots to a community or strata title as the entire retirement village development is dependent upon the sale of these 24 Torrens title lots.

The Plan of Management and Heritage Agreement do not contain clauses for any management of individual residential lots and any requirements under the Heritage Agreement would apply to these lots as well as to the retirement village. This would mean that each individual owner could be made to undertake the following by future perspective purchasers of these lots:

- Noise Disclosure Strategy;
- Noise Management Plan; and
- Noise Complaints Procedures.

Additionally, the current Heritage Agreement has no provisions for the removal of it from the title of any of the Lots created by any subsequent subdivision. Within the current planning framework potential conflicts between these landowners and noise associated with the use of the Aerodrome would only be able to be managed by the proposed 88b Instruments to be registered the titles. In their assessment of the proposed 88b Instrument and review of the legal advice provided by Price, Waterhouse and Cooper, the Legal Branch of OEH concluded the:

- The Heritage Council can not be sufficiently satisfied that the proposed restrictive covenant can provide adequate legal protection to ensure future residents of the proposed 24 lots will not be able to make complaints or claims against noise from the adjacent aerodrome. It is not clear whether the proposed restrictive covenant against noise complaints would be enforceable, and/or registered at the Land Titles Office.
- Even if a restriction to not make complaints is considered a restriction on use of land, its effect might be overridden by clause 38 of the Richmond River Local Environmental Plan 1992, due to section 28 of the Environmental Planning and Assessment Act 1979.
- Even if the covenant was effective to prevent private complaints against noise at the airport, it will not be effective to prevent an appropriate regulatory authority issuing a prevention notice against noise at the aerodrome under section 96 of the Protection of the Environment Operations Act 1997.

Based on the legal advice provided the creation of the 24 Torrens title lots cannot be supported.

3. Archaeological Heritage

The majority of archaeological impacts are going to occur in association with the remediation works for the site and these works have already commenced. Although it is not expected that any archaeological objects will be present within the subject site after this, the application has proposed stop-work measures if any unexpected objects are located.

The approved remediation works being undertaken at the site are going to impact the archaeological resource and as a result it is expected that the likelihood of archaeological objects being located during works associated with the retirement village is low. **The applicant has outlined the procedures to be followed if any archaeological objects are found during works and these are considered adequate.**

4. Interpretation

The proposed interpretation for the site will consist of the following:

- Retention of southern area of runway 14/32 and its associated taxiways as open space;
- Use of WWII aircraft silhouettes in these open spaces to further aid the interpretation of the site's history;
- Use of road names to reflect the sites WWII history;
- The construction of a public walkway around its perimeter along Memorial Airport Drive and Currajong Street, to link in with the planned Evans Head cycleway and facilitate public access from the Interpretation area of the Aerodrome; and
- It has also been identified that there is scope to develop interpretation signs to increase public awareness and understanding of the significance of the Aerodrome.

The proposed landscape interpretation of the taxiways and runway is consistent with Policy 22 of the PoM and is considered a good outcome. The proposed path to link in with the planned cycleway across the rest of the Aerodrome is considered an appropriate approach.

Having noted this, the applicant's assertion that *there is the scope for the development to incorporate interpretation signs* (SOHI page 75) is considered somewhat lacking. The construction of a retirement village at this site provides an opportunity to ensure that the history of this site and the stories of the people who have lived and served there could be told to the users and visitors to the retirement village. **An interpretation plan that brings the site's history to the users and visitors to the Aerodrome would need to be implemented as a part of any development approved at this site.**

5. Noise Issues

The major issue associated with the proposed development at the site relates to the management of noise and how any potential complaints are dealt with. The Heritage Council has repeatedly stated that the ongoing aviation use of this site is important in retaining its heritage significance. The PoM contains the following policies that relate to noise management at the site:

Policy 21

A fly neighbourly agreement would also be established to reasonably regulate aircraft noise. This agreement would need to be negotiated between those conducting business at the airfield, EMAC, the local community and RVC. The agreement would be widely circulated and a notice inserted in appropriate publications to advise that a fly neighbourly agreement is in force at Evans Head.

Policy 22

Any development of this area [southern runway zone] should be subject to appropriate development controls, which protect the continued use of the aerodrome for aviation purposes.

Policy 27

A noise management plan should be prepared that supports the Fly Neighbourly Agreement to limit any noise related complaints. The plan will describe in detail, operational procedures for aircraft flying to or around the aerodrome.

Page 55 of the Statement of Environmental Effects states:

A Noise Disclosure Statement (including details of the ANEF) and a Noise Management Plan would form part of an agreement between RSL Lifecare and its lessees, to ensure that

potential residents are aware of potential for noise to be generated by the operation of the aerodrome.

The SOHI includes a requirement for a FNA to be prepared for the site to reasonably regulate aircraft noise.

The major negative outcome that could arise from this development is the cessation of aviation uses of the Aerodrome due to ongoing and frequent noise complaints from new residents. To this end the PoM and the project documentation required specific policies and procedures to be put in place as follows:

- Fly Neighbourly Agreement
- Noise Disclosure Statement
- Noise Management Plan

These documents would be prepared so that new residents of the retirement village would be aware of any potential noise issues, discuss procedures for any complaints and outline exactly how management would address any concerns that they may have. The ability of these documents to appropriately manage any noise issues is central to the issue of whether the proposed development is likely to impact on the ongoing aviation use of the site.

6. Adequacy of Documentation

Fly-Neighbourly Agreement (Attachment C)

Section 8 of the PoM states:

As aviation activities at Evans Head Airfield increase it is recommended that a Fly Neighborly agreement (rather than Noise Abatement Procedures) be established to reasonably regulate aircraft noise. This agreement would need to be negotiated between those conducting businesses at the airfield, an aero-club (if established), EMAC, the local community and RVC. The agreement, when formulated, would be widely circulated to appropriate aero-clubs and a notice inserted in ERSA to advise that there is a FNA in force.

The PoM goes on to outline a number of issues the Fly-Neighbourly Agreement would address as follows:

- Flight Tracks;
- Flight Altitude;
- Flight training areas;
- Circuit dimensions;
- Circuit direction;
- Duration of training;
- Training curfew; and
- Weather station.

The proponent has provided a FNA that has been prepared by Richmond Valley Council. It is unclear whether the details in Section 8 of the PoM have been considered in the preparation of the draft FNA. Additionally, the Heritage Branch has received correspondence outlining the lack of consultation with aviators in the preparation of the draft FNA. Although it is not the responsibility of the proponent to undertake the preparation of the FNA, the need to have one in place is recognised in the PoM and also identified as required in the project documentation.

The importance of the FNA lies in how it ties into the other noise management procedures implemented by the retirement village. Having a FNA in place that aviation users of the Aerodrome can agree to will provide the starting point to determine if any potential noise

complaints by residents are valid. This is an essential document in managing noise issues at the Aerodrome and lays behind any noise management/disclosure statements.

The General Manager of Richmond Valley Council has written to the Director, Heritage Branch stating that although Council does not dispute the need for a FNA *from Council's perspective there is no requirement to have the FNA in place before granting development consent for residential development.* As the residential development will not create any additional aviation use Council's position is that any FNA would need to be prepared by any future proponents that would lead to an increase in aviation use of the site (such as a residential airpark).

If the FNA is to form the basis of how the retirement village manages noise issues, then it is necessary to have this in place prior to any noise management documents being accepted. The FNA would not be created to necessarily manage aviation use only; it is a broader management document that would contribute to allowing mixed use of the site without jeopardising continued aviation use. **In its current form it appears that the draft FNA does not comply with the requirements in the PoM.**

Noise Management and Noise Disclosure Statement (Attachment D)

In spite of recommending that these documents be prepared the applicant did not prepare them as a part of their original application. The applicant was advised of the necessity of these documents on a number of occasions (letter dated 10th March 2011, in a meeting held on the 14th June, via e-mail on 12th July and 5th August and in a second meeting held on 1st September 2011); these documents were submitted by the proponent on 4th October.

These documents are broadly acceptable at this stage although it should be noted that the draft Noise Management Plan does state that a management plan will be put in place and outlines what it will contain; specifically it will reference the FNA. **It is unclear at what stage the proponent considers it appropriate to develop this management plan, but it must be before full approval for this proposal can be given. The finalisation of this document, like the FNA, must be done prior to any GTAs being issued.**

POLICY IMPLICATIONS

There are no policy implications arising from approval of this application.

EXTERNAL REFERRALS AND PUBLIC CONSULTATION

This application was advertised in accordance with the provisions of the Environmental Planning and Assessment Act. 26 submissions were received and a summary of the issues raised is contained in Attachment E. The grounds for objection are summarised as follows:

- (a) No Site Compatibility Certificate for the proposed development;
- (b) Zoning of land is inappropriate;
- (c) ANEF contours used in PoM are unreviewed and inadequate;
- (d) Proposed development will destroy the heritage significance of the site;
- (e) Retirement village is located too far from town with insufficient public transport;
- (f) Richmond Valley Council has not considered the proposal and potential airpark in an integrated way;
- (g) Inadequate local medical services; and
- (h) Proposed development will incorporate a number of facilities already at Evans Head and impact on the viability of those existing (Men's Shed, Child care Facility, Swimming Pool, Mini golf Course, Bowling Green).

CRITICAL DATES AND TIMEFRAMES

Type	Dates/year	Statutory timeframe under Heritage Act	Complies with Statutory Timeframe
Submission of IDA	16 th February 2011	N/A	N/A
Request for Additional Information	10 th March 2011	N/A	N/A
Additional Information Received	15 th September 2011	N/A	N/A
Heritage Approvals Committee Agenda	7 th December 2011	N/A	N/A

(1) Where the approval body has not determined an application for approval (other than an application for approval in respect of integrated development) within a period of 40 days, or, where public notice of that application has been given under section 61, within a period of 60 days, after service of that application on it, it shall, for the purposes only of section 70, be deemed to have determined that application by refusing approval.

(2) Nothing in subsection (1) prevents the approval body from determining an application after the expiration of the period referred to in subsection (1) in relation to that application.

(3) The determination of an application as referred to in subsection (2) shall not, where an appeal in respect of that application has been made under section 70, prejudice or affect the making, continuance or determination of that appeal.

OPTIONS

The Committee may or may not concur with the recommendation of this report.

CONCLUSION

The integrated retirement village proposal is broadly consistent with the PoM and the Heritage Agreement for the site. As a part of the proposal RSL Lifecare is proposing to create 24 Torrens title lots on the site that have no relationship with the retirement village. This is a new part of the proposal and has not been considered in the drafting of the endorsed PoM or the Heritage Agreement.

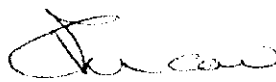
The retirement village proposal will have specific noise disclosure and noise management protocols in place to ensure that residents, staff and visitors are aware of potential noise issues at the site (prior to undertaking leases for residents) and that a well understood complaints policy is in place. These noise management documents would need to be related to the FNA being prepared for the site.

The legal advice received on the proposed 88b Instrument is that it is insufficient to stop potential noise complaints and this puts a real risk to potential further aviation use of the Aerodrome. With this in mind it is not appropriate to approve the proposed Torrens title lots. The proponent has argued that without these lots the entire development is put at risk; the Heritage Council cannot be made responsible for commercial decisions made by applicants. If there were no other potential uses for the Aerodrome this factor may have more weight however, the fact that there is a residential airpark proposal that has been raised with both Richmond Valley Council and the Heritage Council means that an alternative viable use for the site exists.

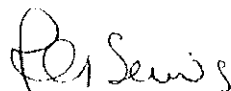
The previous information required by the NSW Heritage Council has not been provided by the applicant and as such this proposal cannot be assessed at this stage. Further assessment of this proposal has noted a number of other issues that need to be resolved, as follows:

- The Heritage Agreement has not yet been registered on the title of the Aerodrome and any subdivision prior to registration of this Agreement would invalidate it.
- The draft Fly Neighbourly Agreement (FNA) that has been provided does not appear to be consistent with Section 8 of the Plan of Management (PoM); and no information has been provided to assess how the FNA has been prepared in accordance with these principles.
- The required information relating to complaints management has not been satisfactorily provided by the proponent.
- The proposed 24 Torrens title lots are likely to have an unacceptable level of impact on the site and would need to be removed from the proposal.
- No information regarding the proposed drainage easement to be installed across the proposed Lot 2 has been submitted. This must include a detailed discussion regarding its location and potential impacts on the heritage significance and future use of the proposed Lot 2.
- Revised stormwater drainage documentation that details how the removal of the existing drainage system at the site has been considered in the stormwater plans must be provided.

Prepared by: Gary Estcourt, Heritage Officer, Conservation Team

 18/11/2011

REVIEWED BY: Vincent Sicari, Manager, Conservation Team



RECOMMENDATION FOR APPROVAL BY: Petula Samios, Director

Attachment A - Plans

Attachment B – Airpark Concept Plan





Fly Neighbourly Agreement

Pilots are to endeavour to adopt the best practicable noise mitigation solutions in the environs of the Evans Head Memorial Aerodrome to reduce the impact of their operations.

All aircraft must satisfy the Air Navigation (Aircraft Noise) Regulations 1984.

In utilising the Evans Head Memorial Aerodrome pilots are to observe the following requirements:

- Ensure that all non pre-flight engine runs are undertaken in the designated taxi way area, or in a location where the weather (eg, wind) or distance helps minimise the carriage of noise off the aerodrome.
- Wherever practicable, the runway departure is to commence from the runway threshold so the full length of the runway is used in order to maximise height.
- Pilots should endeavour to maximise flight paths over open water, national parks, farm land while avoiding residential and rural homes.
- Pilots should endeavour to fly a minimum of 1,000 feet over wetlands, coastal estuaries and rivers to avoid bird strike and disturbance of waterbird breeding areas and shore bird habitats.

When landing and taking off pilots should minimise the over flight of residential areas, including rural residences and other noise sensitive premises, particularly at less than 1500 feet:

- utilise descent profiles with low-power and low-noise operations.
- Pilots must utilise the full length of the runway.
- Unless arriving or departing the airport, aircraft must be above 1,000 feet.
- All flight training to be carried out in accordance with the Noise Management Plan.

.....
Signature of Operator

.....
Date

Evans Head Memorial Aerodrome

NOISE DISCLOSURE STATEMENT

DISCLOSURE

Whispering Sands Village (the Village) is in close proximity to the Evans Head Memorial Aerodrome (the Aerodrome).

The Aerodrome is managed by Richmond Valley Council (RVC) and is suitable only for daytime use by light aircraft and occasional smaller turbo -props.

Existing and future operations of the aerodrome are controlled by the **Evans Head Memorial Home Plan of Management**. The Plan of Management sets out clear guidelines to protect the interests of all parties potentially influenced by the operations of the Aerodrome.

This document is provided to disclose:

1. The constraints that exist on potential residents of the Village given the existing and established use of the Aerodrome; and
2. The agreed management processes that have been established to control future growth in operations at the Aerodrome.

The airfield was built between 1937 and 1939 to service civil aviation operations.

In 1939 the airfield was a selected site for aircrew training under the Empire Air Training Scheme.

Today there is little flying activity at the airfield other than:

- 1) The Great Eastern Fly-In, which is organised on an annual basis; and
- 2) Some Sports Aviation Ultra-Light activity, generally occurring on weekends.

Future use envisaged is summarised as follows:

"Aviation use will be limited to light aircraft operations. Regular Public Transport (RPT) aviation is not envisaged."

(Reference Policy 23 EHMA PoM).

During design of the Village specialist acoustic advice was sought to properly consider and minimise the potential impact of the Aerodrome on residents. Australian Standard, AS2021, provides the following guidelines for residential and care facilities in relation to noise exposure forecasts:

Noise Forecast	Site Acceptability	Impact
4) Less than 20 ANEF	Acceptable for residential and care use	No additional measures required to manage noise
5) 20 to 25 ANEF	Conditionally acceptable for residential and care use	Incorporation of noise control measures required in the construction of the building
6) Greater than 25 ANEF	Unacceptable for residential and care use	-

Whispering Sands Village has been located so that noise forecasts within the Village (based on current and future use) are less than 20 ANEF. The site is therefore acceptable for residential and aged care.

Restrictive Covenant

To ensure the ongoing operation of the existing aviation activities a restrictive covenant has been placed on the residents of Whispering Sands Village.

In practice, a covenant is an obligation affecting a landowner, lessee or resident. A restrictive covenant is an obligation for an act not to be done.

The restrictive covenant on this property means, broadly, that you must not make any complaint or objection to the Council in relation to the impacts arising from the existing use of aircraft or vehicles at the airfield that occur as a result of the airfield being used in accordance with the way it is currently being used.

Future Operations

Future operation of the Aerodrome is controlled by the **Evans Head Memorial Aerodrome Plan of Management**.

The Plan of Management sets out clear guidelines to protect the interests of all parties potentially influenced by the operations of the Aerodrome.

These guidelines include consideration of appropriate levels of future aviation use consistent with the Plan of Management agreed policy.

To enable direct liaison with stakeholder groups potentially impacted by the future development of the Aerodrome the Plan of Management has formulated policy for the establishment of a formal Committee to provide input into the management decision-making for future Aerodrome operations. RSL LifeCare will be a member of this committee (reference: Policy 8 EHMA PoM).

WHISPERING SANDS VILLAGE

Noise Management Plan

It is recognised that ongoing aviation use of the Evans Head Memorial Aerodrome (the Aerodrome) is important on retaining the heritage significance of this site.

This Noise Management Plan has been prepared to ensure that potential residents of Whispering Sands Village (the Village) are aware of:

- The potential extent of noise that may be generated from the Aerodrome; and
- The management framework that has been agreed to assist in managing future operations of the Aerodrome.

1. Evans Head Memorial Aerodrome Plan of Management (2009)

Existing and future operations of the aerodrome are controlled by the Evans Head Memorial Home Plan of Management. The Plan of Management sets out clear guidelines to protect the interests of all parties potentially influenced by the operations of the Aerodrome.

To assist our resident's understanding of the Plan of Management a summary of the salient matters has been provided as part of this document and the accompanying Noise Disclosure Statement.

Copies of the Plan of Management are also available from RSL LifeCare or from the Richmond Valley Council website.

[http://www.richmondvalley.nsw.gov.au/page/reports/Heritage/Evans Head Memorial Aerodrome State Heritage Listed/Evans Head Memorial Aerodrome Plan of Management 2009/](http://www.richmondvalley.nsw.gov.au/page/reports/Heritage/Evans+Head+Memorial+Aerodrome+State+Heritage+Listed/Evans+Head+Memorial+Aerodrome+Plan+of+Management+2009/)

2. Whispering Sands Village – Site Location

Whispering Sands Village site is located on land identified in the Richmond Valley Council Evans Head Memorial Aerodrome Plan of Management (2009) as being within the "South Eastern Area" and is identified as being appropriate for future development pursuant to the following principle:

"The area immediately south-west of the former hangar area, bound by Woodburn and Currajong Streets, containing the surviving southern taxiway and the abandoned southern end of runway 14/32, may be developed for residential purposes subject to any proposed redevelopment incorporating the remaining footprints of the former aerodrome into the proposal".

A copy of the Richmond River LEP, Land Uses Diagram (figure 6) is attached at Appendix A, identifying the proposed site for Village use.

The heritage conservation requirements specified in the Plan of Management are provided to ensure continued aviation use at the Aerodrome. Consequently the

location and proposed configuration of the Village has had specific regard to potential aviation noise and safety from existing and future use of the Aerodrome.

During design of the Village specialist acoustic advice was sought to properly consider and minimise the potential impact of the Aerodrome on residents.

Australian Standard, AS2021, provides guidance in relation to acceptability of locations of new buildings in relation to noise exposure forecasts (ANEF) experienced from aircraft movements. These guidelines consider current and appropriate levels of future aviation use.

Over recent years there has been little flying activity at the airfield other than:

- The Great Eastern Fly-In, which is organised on an annual basis; and
- Some Sports Aviation Ultra-Light activity, generally occurring on weekends.

Future use envisaged is summarised from the Plan of Management as follows:

"Aviation use will be limited to light aircraft operations. Regular Public Transport (RPT) aviation is not envisaged."

Policy 23 EHMA PoM.

AS2021 provides the following guidelines for residential and care facilities in relation to noise exposure forecasts:

Noise Forecast	Site Acceptability	Impact
1) Less than 20 ANEF	Acceptable for residential and care use	No additional measures required to manage noise
2) 20 to 25 ANEF	Conditionally acceptable for residential and care use	Incorporation of noise control measures required in the construction of the building
3) Greater than 25 ANEF	Unacceptable for residential and care use	-

Whispering Sands Village has been located so that noise forecasts within the Village (based on current and future use) are less than 20 ANEF. The site is therefore acceptable for residential and aged care use.

Future Operation of the Aerodrome

Future development of the Aerodrome is controlled by the **Evans Head Memorial Aerodrome Plan of Management**.

The Plan of Management (PoM) sets out clear guidelines to protect the interests of all parties potentially influenced by the operations of the Aerodrome.

Firstly, to enable direct liaison with stakeholder groups potentially impacted by the future operations of the Aerodrome, the Plan of Management has formulated policy for the establishment of a formal committee system. This policy is referenced as Policy 8 EHMA Plan of Management and includes for the formation of a Committee which will include representation from RSL LifeCare ("The Retirement Village").

This Committee will be the mechanism by which RSL LifeCare residents, staff and management will be able to provide input into the management decision-making for future Aerodrome operations.

Secondly, a Fly Neighbourly Agreement will be established to reduce the disturbance caused by aircraft flying to and around the Aerodrome.

The Fly Neighbourly Agreement is a code of practice developed in accordance with the guidelines issued by the Civil Aviation Safety Authority and negotiated between those conducting business at the airfield, the Evans Head Memorial Aerodrome, the local community (including RSL LifeCare) and Richmond Valley Council.

3. Management Arrangements

Whispering Sands Village will put in place a management plan to handle issues and complaints that arise with residents of the Village.

Every RSL LifeCare facility has documented processes for issues and complaints management and this approach will be taken at Whispering Sands Village.

Site specific processes and procedures will also be developed which recognise the proximity of the Aerodrome and the impact this may have on the residents.

The management plan will:

- Provide perspective residents with information advising them of the site exposure to noise issues associated with the use of the aerodrome;
- Provide a centralised resident complaints management process within the Village;
- Provide a commitment to the appropriate resolution of issues and complaints;
- Be available to all residents as is the policy in all RSL LifeCare facilities; and
- Rely on effective dissemination of information and consultation with residents with staff trained to respond to issues and complaints in a timely way. Noise issues arising from residents should be referred to the management of RSL LifeCare who would in turn raise these with the Aerodrome Committee.

LEGEND

Subject Site	Rural Conservation and Aviation Operation Zone	2nd Village Zone	7(a) Environmental Protection (Coastal Land) Zone
Southern Flange Area	1(a) Rural (Secondary Agricultural Land) Zone	4(a) Industrial Zone	8(a) National Parks and Nature Reserves Zones
Southeastern Area	1(b) Rural (Urban Infill and Adjacent) Zone	5(a) Open Space Zone	Mathew Gully PI
Northern Flange Area	1(c) Rural (Intensive and Mineral Resources) Zone	7(a) Environmental Protection (Wetlands) Zone	

Scale: 1:15,000 (at A4)

North Arrow: N

Richmond Valley Council
Review of Evans Head Memorial Aerodrome P.O.M.

Richmond River LEP
Land Use Zones

Figure 6

Attachment E – Summary of Submissions Received

Name	Issue	Comment
Janet Cavanagh	<ol style="list-style-type: none"> 1. Scale of development too large for coastal village. 2. Development is too far removed from rest of community and medical services too far away. 3. Inadequate transport between Evans Head and other regional centres. 4. Potential conflict between retirement village use and noise associated with aviation use. 	<ol style="list-style-type: none"> 1. This is a matter for Council. 2. This is a matter for Council. 3. This is a matter for Council. 4. Addressed in report.
Regional Aerodrome Rights Association	<ol style="list-style-type: none"> 1. No Site Compatibility Certificate for the proposed development; 2. ANEF contours used in PoM are unreviewed and inadequate. 3. No formal documents regarding noise complaints. 4. No consideration for a potential Airport at the site. 5. Apprehension of bias associated with Council undertaking economic analysis for retirement village but no other uses. 6. No risk assessment of having the retirement village so close to the working runways. 7. No assessment of potential noise impacts on human health. 8. It is inappropriate to construct a retirement village so close to the proposed industrial estate. 9. Proposed development will affect the heritage significance of the site. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council. 2. The Heritage Branch had an independent review of the PoM undertaken which considered it to be adequate. 3. Addressed in report. 4. Addressed below. 5. This is not a matter for the Heritage Council. 6. This is not a matter for the Heritage Council. 7. This is not a matter for the Heritage Council. 8. This is not a matter for the Heritage Council. 9. Addressed in report. 10. This is not a matter for the Heritage Council. 11. This is a matter for Council.

Su Dorland	<p>10. Inadequate community consultation. 11. Density of development is too large.</p> <ol style="list-style-type: none"> 1. Proposed housing lots are inappropriate as there is an excess of housing stock in Evans Head. 2. A Men's Shed facility is not needed as one already exists at the Aerodrome. 3. The proposed child care facility is not needed as one already exists in Evans Head. 4. The proposed pool is not needed as one already exists at Evans Head. 5. Lack of integrated planning associated with the retirement village and proposed airport. 	<ol style="list-style-type: none"> 1. This is a matter for Council. 2. This is a matter for Council. 3. This is a matter for Council. 4. This is a matter for Council. 5. Addressed below.
Evans Head Aerodrome Committee	<ol style="list-style-type: none"> 1. No Site Compatibility Certificate for the proposed development; 2. Zoning of land is inappropriate. 3. ANEF contours used in PoM are unreviewed and inadequate. 4. Proposed development will destroy the heritage significance of the site. 5. Retirement village is located too far from town with insufficient public transport. 6. Richmond Valley Council has not considered the proposal and potential airport in an integrated way. 7. No assessment of potential noise impacts on human health. 8. Inadequate local medical services. 9. Proposed development will incorporate a number of facilities already at Evans Head and impact on the viability of the existing (Mens Shed, Child care Facility, 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council. 2. This is not a matter for the Heritage Council. 3. The Heritage Branch had an independent review of the PoM undertaken which considered it to be adequate. 4. Addressed in report. 5. This is not a matter for the Heritage Council. 6. Addressed below. 7. This is not a matter for the Heritage Council. 8. This is not a matter for the Heritage Council. 9. This is not a matter for the Heritage Council. 10. This is not a matter for the Heritage Council.

	<p>Swimming Pool, Mini golf Course, Bowling Green).</p> <p>10. When considering the proposed remediation for the site the JRPP erred in not allowing consideration of Section 79 (EP&A Act) matters.</p> <p>11. Development will further skew age distribution of Evans Head.</p> <p>12. Heritage consultant has a conflict of interest and there are weaknesses in the heritage assessment.</p> <p>13. No formal documents regarding noise complaints.</p> <p>14. Issues associated with endorsement of the Plan of Management.</p> <p>15. Inadequate sewerage capacity.</p> <p>16. Proposed Torrens title lots will have driveway access from Currajong Street but properties on the opposite side are not permitted to have this.</p> <p>17. Ardill Payne who prepared the project documentation also undertakes work for Richmond Valley Council, creating a potential conflict of interest.</p>	<p>11. This is not a matter for the Heritage Council.</p> <p>12. The heritage assessment has been addressed on its merits and any questions regarding a conflict of interest are not a matter for the Heritage Council. The issues of how the SOHI can support some of its claims and the conclusions reached are addressed in the report.</p> <p>13. Addressed in report.</p> <p>14. The latest version of the PoM was endorsed by the Heritage Council in April 2011.</p> <p>15. This is not a matter for the Heritage Council.</p> <p>16. This is not a matter for the Heritage Council.</p> <p>17. This is not a matter for the Heritage Council.</p>
<p>Evans Head Living Museum and Technology Centre</p>	<p>1. Land for development is contaminated and there are issues associated with who will pay for the remediation of the site.</p> <p>2. Purchase conditions and the price of the land have not been made publicly available.</p> <p>3. Wishes to know how rates on the development will be levied.</p> <p>4. Development is too high density with not</p>	<p>1. This is not a matter for the Heritage Council.</p> <p>2. This is not a matter for the Heritage Council.</p> <p>3. This is not a matter for the Heritage Council.</p> <p>4. This is not a matter for the Heritage Council.</p> <p>5. This is not a matter for the Heritage Council.</p>

	<p>enough open space.</p> <ol style="list-style-type: none"> The detail regarding the level of care to be provided is lacking. Development will place a burden on existing medical services in the area. There is no integrated planning regarding the retirement village and airport proposal. There were options to construct such a facility ten years ago and these were not taken by the Council. Proposed development will affect the heritage significance of the site. 	<p>Council.</p> <ol style="list-style-type: none"> This is not a matter for the Heritage Council. Addressed below. This is not a matter for the Heritage Council. Addressed in report.
R. Kinnish	<ol style="list-style-type: none"> Potential conflict between retirement village use and noise associated with aviation use. No formal documents regarding noise complaints. There is no integrated planning regarding the retirement village and airport proposal. Proposed development will affect the heritage significance of the site. No community representation on Council's Evans Head Memorial Aerodrome Conservation and Heritage Committee. No consultation with Department of Defence to establish long-term goals for the site. ANEF noise contour study is inadequate. Men's Shed and Child Care facilities already exist at Evans Head. 	<ol style="list-style-type: none"> Addressed in report. Addressed in report. Addressed below. Addressed in report. This is not a matter for the Heritage Council. This is not a matter for the Heritage Council. The Heritage Branch had an independent review of the PoM undertaken which considered it to be adequate. This is not a matter for the Heritage Council.
Evans Head Aquatic Centre	<ol style="list-style-type: none"> New proposed pool will affect the sustainability of the Aquatic Centre. 	<p>This is not a matter for the Heritage Council.</p>

Dr. J. Davies	<ol style="list-style-type: none"> 1. Development will further skew age distribution of Evans Head. 2. Development will place stress on existing infrastructure. 3. Proposed site is too far from town and existing facilities. 4. Potential noise impacts associated with aircraft use. 5. Is concerned about rates to be paid by new land owners. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council. 2. This is not a matter for the Heritage Council. 3. This is not a matter for the Heritage Council. 4. Addressed in report. 5. This is not a matter for the Heritage Council.
M. Stanley-Jones	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
A. Zorzo	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
D. and J. Cowls	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
C. Wilson	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
E. Pascoe	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
P. Macgregor	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
C. and C. Robinson	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
A. Cuskelly	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.

	to potential job losses.	
G. Cuskelly	1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses.	1. This is not a matter for the Heritage Council.
Mid Richmond Neighbourhood Centre	1. Concerned that their ability to provide services to the aged community (meals-on-wheels, social support) will be impacted by the construction of the new retirement village. 2. New café will impact on existing businesses in Evans Head. 3. Men's Shed, Pool and Child Care facilities already exist at Evans Head and will be adversely impacted by proposal.	1. This is not a matter for the Heritage Council. 2. This is not a matter for the Heritage Council. 3. Men's Shed and Child Care facilities already exist at Evans Head.
T. Mallett	1. New proposed pool will affect the sustainability of the Aquatic Centre.	1. This is not a matter for the Heritage Council.
S. and K. Morgan	1. Pool and Child Care facilities already exist at Evans Head.	1. This is not a matter for the Heritage Council.
L. Cooper	1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses.	1. This is not a matter for the Heritage Council.
J. Morin	1. It is inappropriate for Childcare and Aged Care to be located within the same facility. 2. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses.	1. This is not a matter for the Heritage Council. 2. This is not a matter for the Heritage Council.
Weir Phillips on behalf of Evans Head Airpark	1. The proposed development is not integrated with the Airpark proposal. 2. End of Runway 14/32 is to be removed, stopping its use and impacting the heritage significance of the site. 3. Proposed interpretation of the runway and taxiways is insufficient and they will cease	1. There is no evidence of integrated planning process. The airpark proponents are in discussions with Council separately on the purchase of land for an Airpark. 2. This is not inconsistent with the endorsed PoM and is addressed in the report. 3. This is addressed in the report.

	<p>to be visible from the air.</p> <ol style="list-style-type: none"> 4. Aged care land use is not appropriate for the site. 5. The proposed development should not proceed without a CMP being prepared for the site. 6. Proposes that an Airpark development would be more appropriate. 	<ol style="list-style-type: none"> 4. This is addressed in the report. 5. This is addressed in the report. 6. In endorsing the PoM the Heritage Council provided in principle approval for the development of this portion of the site and the removal of the existing runway elements. 7. Agreed.
Sandcastles Early Education Centre (Petition 6 signatures)	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council.
Petition objecting to new childcare facility (60 signatures)	<ol style="list-style-type: none"> 1. A new Child Care Centre may affect the sustainability of existing facilities leading to potential job losses. 2. Potential health issues for children associated with contaminated land, noise and fumes. 	<ol style="list-style-type: none"> 1. This is not a matter for the Heritage Council. 2. This is not a matter for the Heritage Council.

