



# **GYMPIE REGIONAL COUNCIL**

## **MINUTES**

*of the*

## **SPECIAL MEETING**

**CHAIRMAN: Cr MW Curran (Mayor)**

**Held in the Boardroom**

**Town Hall**

**2 Caledonian Hill**

**Gympie Qld 4570**

**On Friday, 28 July 2017**

**At 3.30pm**



Gympie Regional Council **SPECIAL**

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*Mayor MW Curran (Chairman)*

*Crs MA McDonald, GC Hartwig, MS Gear, DW Dodt, DH Stewart, HT Smerdon,  
WR Leitch and JK Cochrane*

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**The meeting commenced at 3.31pm.**

**PRESENT:** Mayor Cr MW Curran (Chairman), Crs GC Hartwig, MS Gear, DW Dodt, DH Stewart, HT Smerdon, and WR Leitch.

Also in attendance were Chief Executive Officer (Mr BJ Smith), Director Corporate and Community Services (Ms P Gordon), Director Infrastructure Services (Mr D Scordalides), Director Planning & Development (Ms G Vereker), Manager Community Projects (Mrs H Kelly), Manager Major Projects (Mr R Tebbutt), Chief Information Officer (Ms S Cormack), Manager Property (Mrs D Jenkins), Coordinator Customer Contact (Mrs J Laing) and Minutes Clerk (Ms T Condon).

**SECTION 1: APOLOGIES / LEAVE OF ABSENCE**

Leave of absence for this meeting was previously granted to Councillor Mark McDonald.

Cr Cochrane was absent from the meeting.

**SECTION 2: DISCLOSURE OF INTERESTS**

**SECTION 3: CORPORATE AND COMMUNITY SERVICES****3.1 Gympie Aerodrome Safety**

**PORTFOLIO:** Business Activities

**DIRECTORATE:** Corporate and Community Services

**DOC ID:**

**LINKS TO CORPORATE/OPERATIONAL PLAN****STRATEGIC THEMES:**

1. Our Infrastructure – well planned, integrated and safe
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**1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION**

Gympie Aerodrome was constructed in 1966 by the Gympie and District Aerodrome Board consisting of representatives of Gympie, Widgee and Kilkivan Councils.

At the time of its construction the Shire of Widgee owned and operated the aerodrome with the Commonwealth providing financial assistance for approved maintenance and development works. Under the Aerodrome Local Ownership Plan the Commonwealth divested itself of the responsibility and a Deed between the Shire of Widgee and the Commonwealth of Australia was signed on 26 June 1992 transferring the aerodrome to the local authority under the terms and conditions of the Aerodrome Local Ownership Plan.

The Shire committed to its operations and maintenance, be responsible for the safety and security of the licensed aerodrome, and keep it open to public and in compliance with the relevant regulations.

In the mid-1990s the Centre for Aviation and Safety Authority (CASA) introduced new regulations that required licensed aerodromes to document operating procedures and to meet other regulatory requirements which the Council at the time decided was not feasible and Gympie Aerodrome reverted to an Aeroplane Landing Area (ALA) with the license withdrawn by the Civil Aviation Safety Authority (CASA) in 1994. The aerodrome has been operating under the ALA model until the present day.

Under an ALA model, responsibility falls on the aircraft operator to decide whether the aerodrome meets his/her requirements. Council has responsibility as the owner of the aerodrome to ensure facilities are operated in accordance with the Civil Aviation Safety regulations and in providing access to the aerodrome and airspace to a height of 500 feet. The Duty of Care provisions under common law also remain relevant.

Gympie Aerodrome hosts a variety of aviation activity predominantly flight training, recreational flying, glider activity, aircraft maintenance facilities and

helicopter training, all of which anecdotally are experiencing growth. Council identifies the Aerodrome as a hub of activity that encompasses a mix of operations. Council's priority is a safe and cooperative environment for users and local residents where aviation activities can grow and be supported and where residents' wellbeing is not compromised.

In more recent years increased activity at the aerodrome, rising costs of maintenance and upgrades are the impetus to Council's reviewing its operations. The intention is to refine and develop the systems towards a user-pay arrangement to assist Council in maintaining a safe and viable aerodrome.

In 2016, Council commissioned REHBEIN Airport Consulting to prepare a Master Plan and Feasibility study for Gympie Aerodrome (the Master Plan). Airport master planning is undertaken to enable best-management practices and sound land-use development to address diverse aviation and community interests.

## **2. REPORT**

The increased activity has generated significant diversity in Gympie Aerodrome's use causing complaints to Council from local residents and other users about some aircraft. This was strongly articulated through the Master Plan stakeholder engagement process. Users and residents predominantly are being negatively impacted by the increased noise traffic and night activity. In particular one of the main issues being the noise generated by large helicopter hovering which is causing high levels of anxiety and a lack of wellbeing for some residents.

A key focus of the Master Plan in going forward is the co-existence of the variety of aviation activities that can take place currently and into the future in a safe and cooperative manner and where residents' wellbeing is not compromised.

However urgent and immediate steps need to be taken to address safety and amenity matters irrespective of the Master Plan as the safety and wellbeing of residents and users is paramount.

Recent meetings have been held between CASA, the Business Activity Portfolio Councillor and council officers where CASA advised that there have been a number of near misses in the last five years. Some of these have resulted from a lack of radio use by aircraft operators particularly during entry into circuits or on takeoff or landing when they have not been used.

Under the current ALA model, users are not required to inform Council of these near misses: they must report it to CASA who are not obliged to convey this information to Council. In order for it to become a requirement that Council receives notification, user /tenant agreements will need to be amended so that users must include Council in the reporting of these near misses or incidents. This can also be achieved by Council endorsing the amendment of the Airservices Australia Aeronautical Information Package En Route Supplement Australia (AIP ERSA) which informs all aircraft operators

throughout Australia of the conditions of use for Gympie's Aerodrome and air space up to five hundred (500) feet.

A major issue for residents is the noise, particularly after sunset and before sunrise. Factors attributing to this include helicopter training undertaken by a number of commercial and other aircraft operators, with hovering being part of the training regime. When meeting with CASA, it was proposed that these aircraft operators could conduct the hovering at Bundaberg Regional Airport which has the capacity to accommodate this level of activity.

By amending the AIP ERSA to include a condition that there are no activities after sunset and before sunrise, this will potentially alleviate residents' concerns.

The AIP ERSA will take several months to implement. However, there are a number of conditions that can immediately be implemented to ensure current users are respectful of their use of this council owned asset and of the neighbouring residents whose amenity is being disrupted.

These conditions include:

1. No flights for aircraft between sunset and sunrise (powered and non-powered), 7 days per week,
2. Mandatory radio use for ALL aircraft (powered and non-powered) using the Gympie Aerodrome and the airspace.
3. Adoption of standard circuit patterns for aircraft as agreed with CASA
4. Adoption of a different circuit pattern for gliders as agreed with CASA
5. Users are to remove gliders from the runway as soon as practicable after landing
6. There are to be no low level circuits in the circuit area, and
7. No hovering.

Officers also seek Council's endorsement to:

1. Update the AIP ERSA, and
2. Establish user agreements to include these conditions.

The following Civil Aviation radio regulations must be adhered to at all times:-

**CIVIL AVIATION REGULATIONS 1988 - REG 166C**

***Responsibility for broadcasting on VHF radio***

*(1) If:*

- (a) an aircraft is operating on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome; and*
- (b) the aircraft is carrying a serviceable aircraft VHF radio; and*
- (c) the pilot in command of the aircraft holds a radiotelephone qualification;*

*the pilot is responsible for making a broadcast on the VHF frequency in use for the aerodrome in accordance with subregulation (2).*

*(2) The pilot must make a broadcast that includes the following information whenever it is reasonably necessary to do so to avoid a collision, or the risk of a collision, with another aircraft:*

- (a) the name of the aerodrome;*
- (b) the aircraft's type and call sign;*

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(c) the position of the aircraft and the pilot's intentions.

Note 1: See the AIP for the recommended format for broadcasting the information mentioned in this regulation.

Note 2: For the requirement to maintain a listening watch, see [regulation 243](#).

### **CIVIL AVIATION REGULATIONS 1988 - REG 243**

#### **Listening watch**

(1) When an aircraft is equipped with radio apparatus for use during flight, the pilot in command must maintain a listening watch, or must ensure that a listening watch is maintained, at all times commencing immediately prior to the time at which the aircraft commences to move on the manoeuvring area prior to flight and lasting until the aircraft is brought to a stop at the apron or other point of termination of the flight.

*Penalty:* 25 [penalty](#) units.

(2) Where the means of communication between air traffic control and an aircraft under its control is a voice communication channel, the pilot in command and any other pilot for the time being operating the controls of the aircraft shall personally maintain a listening watch on the appropriate radio frequency.

*Penalty:* 25 [penalty](#) units.

(3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the Criminal Code .

In addition, Council's website and new user agreements will be updated and also include the implications of non-compliance. That is, failure to comply may result in Council excluding future users from the Gympie Aerodrome.

### **3. BUDGET IMPLICATIONS**

The proposed Master Plan is due to Council in early August and will include detailed costing for the future direction of the Gympie Aerodrome.

There are no budget implications in relation to this report in order to take immediate steps to implement rules which address safety and amenity concerns.

### **4. POLICY IMPLICATIONS**

There are no policy implications.

### **5. CONSULTATION**

All tenants and adjacent landowners were invited by Council to attend Stakeholder sessions held on 15 and 16 September 2016. A further listening post was held on the 20 March 2017.

Overwhelmingly, stakeholders spoke to their objection to helicopter training at the aerodrome, specifically a commercial Helicopter business was repeatedly named with the major concerns being the incessant activity, non-compliance with the local rules such as the time of day and hovering both within and outside of the designated area.



## 6. CONCLUSION

The change to the conditions of use of the Gympie Aerodrome will be a significant cultural change for existing users who have traditionally been able to come and go as they wish. These changes will also impact on some commercial users.

Through extensive stakeholder engagement and through the positive working relationship that Council has established with CASA, and irrespective of any recommendations about the future directions from the forthcoming Master Plan, it has become apparent that to continue aerodrome operations in the same manner is no longer safe or acceptable.

The safety and wellbeing of residents and users is paramount and these immediate changes will ensure Council addresses its operational risk and meets its duty of care provisions.

**M08/07/17**

**Moved Cr MS Gear**

**Seconded Cr DW Dodt**

**That Council:**

- 1. Endorses changes to the rules of use of the Gympie Aerodrome as follows:**
  - a. No flights for aircraft between sunset and sunrise (powered and non-powered), 7 days per week, emergency aircraft exempt**
  - b. Mandatory radio use for ALL aircraft (powered and non-powered) using the Gympie Aerodrome and the airspace, including that radio calls are to be made when entering the circuit.**
  - c. Adoption of standard circuit patterns for aircraft as agreed with CASA**
  - d. Adoption of a circuit pattern for gliders as agreed with CASA**
  - e. Users are to remove gliders from the runway as soon as practicable after landing**
  - f. There are to be no low level circuits in the circuit area, and**
  - g. No hovering.**
- 2. Updates the Airservices Australia Aeronautical Information Package En Route Supplement Australia (AIP ERS), and**
- 3. Notifies current users and establish user agreements to reflect these changes.**

**Carried**

**FOR:** Cr MW Curran, Cr WR Leitch, Cr DW Dodt, Cr MS Gear, Cr GC Hartwig, Cr HT Smerdon and Cr DH Stewart

**AGAINST:** Nil

## COUNCIL IN COMMITTEE

The Mayor advised the meeting that Council was going "Into Committee" to discuss:

1. Contact Centre Performance Management Solution
2. RFT 2016-2017-T025 and T026 | Mary Valley Heritage Railway - Structures and Track Restoration

**M09/07/17 Moved Cr DW Dodt**

**Seconded Cr WR Leitch**

**That pursuant to the provisions of Section 275 of the Local Government Regulation 2012, Council resolves to close the meeting to the public and move "into committee" to consider the following matter/s:-**

- 1. Contact Centre Performance Management Solution**
- 2. RFT 2016-2017-T025 and T026 | Mary Valley Heritage Railway - Structures and Track Restoration**

**Further, that in relation to the provisions of Section 171 of the Local Government Act 2009, Council resolves that following the closing of the meeting to the public and the moving 'into committee' that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and 'in committee', are confidential to the Council and the Council wishes to keep them confidential.**

**Carried**

**FOR:** Cr MW Curran, Cr WR Leitch, Cr DW Dodt, Cr MS Gear, Cr GC Hartwig, Cr HT Smerdon and Cr DH Stewart

**AGAINST:** Nil

## COUNCIL OUT OF COMMITTEE

**M10/07/17 Moved Cr DH Stewart**

**Seconded Cr GC Hartwig**

**That proceedings be resumed in Open Council.**

**Carried**

**FOR:** Cr MW Curran, Cr WR Leitch, Cr DW Dodt, Cr MS Gear, Cr GC Hartwig, Cr HT Smerdon and Cr DH Stewart

**AGAINST:** Nil



**4.2 RFT 2016-2017-T025 and T026 | Mary Valley Heritage Railway - Structures and Track Restoration**

**PORTFOLIO:** Tourism, Sport and Recreation

**DIRECTORATE:** Corporate and Community Services

**DOC ID:**

This item is in-committee in accordance with s275(1)(e) of the *Local Government Regulation 2012* - contracts proposed to be made by it.

**M12/07/17 Moved Cr DW Dodt**

**Seconded Cr MS Gear**

**That Council:**

- 1. Accepts the combined conforming tender from CR Rail Pty Ltd for Tender 2016-2017-T025 Mary Valley Heritage Railway Structures Restoration and alternate tender for Tender 2016-2017-T026 Mary Valley Heritage Railway Track Restoration for the combined tender amount of \$8,629,451.60 inclusive of GST and further accepts the provisional cost for tamping of \$437,611.90 inclusive of GST, a total contract price of \$9,067,063.50 inclusive of GST.**
- 2. Allocates an additional \$1,692,785.00 to the project.**

**Carried**

**FOR:** Cr MW Curran, Cr WR Leitch, Cr DW Dodt, Cr MS Gear and Cr DH Stewart

**AGAINST:** Cr GC Hartwig and Cr HT Smerdon

There being no further business the meeting closed at 4.59pm

Confirmed this NINTH day of AUGUST 2017

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Cr MW Curran  
CHAIRMAN

*Gympie Regional Council*