



DWER Compliance Audit Report

Statement(s)	1088
Proposal	Busselton–Margaret River Airport Expansion
Proponent	City of Busselton
Proponent Contact	Jennifer May, Manager Economic and Business Development Services – 08 9781 03189 or jennifer.may@busselton.wa.gov.au
Lead Auditor	Jennifer Fortune
Date of Audit	August 2021
File Number	DWERA-001915
Objectives	Assess/verify the proponent's compliance with Statement 1088
Scope	Implementation conditions of Statement 1088 for the date period 7 January 2020 to 6 January 2021
Documents Reviewed	Statement 1088 (7 January 2019) EPA Report 1616 (June 2019) Annual Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 (CAR 2020) (DWERDT423957)
Attachments	Attachment One – Audit Table

Background

Ministerial Statement 1088 was issued on 7 January 2019 to the City of Busselton for the Busselton–Margaret River Airport Expansion, which was a revision of the original Busselton Regional Aerodrome proposal. The Busselton Regional Aerodrome was constructed in 1996 at the current location of Four Mile Hill following an EPA assessment in 1995 which concluded that the proposal was environmentally acceptable. Ministerial Statement 399 was issued on 16 October 1995 to the then Shire of Busselton authorising the construction and operation of the Busselton Regional Aerodrome. The original proposal has since been amended by Ministerial Statements 825, 856, 878, 887, 901, 1009 and 1088.

Statement 825 was issued 11 February 2010 following a s 46 amendment to add condition 4-4 limiting maximum noise levels for a single flight between 2200 hours on 14 February 2010 and 0100 hours on 15 February 2010.

Statement 856 was issued on 16 February 2011 following a s 46 amendment to amend condition 4-4 limiting maximum noise levels for a single flight single flight departure between 2200 hours on 20 February 2011 and 0100 hours on 21 February 2011.

Statement 878 was issued on 16 November 2011 following a s 46 amendment to amend condition 4-4 authorising three separate flights on 26 and 27 November 2011.

Statement 887 was issued 7 September 2012 following a s 46 amendment to amend condition 4-4 authorising a single flight single flight departure between 2200 hours on 12 February 2012 and 0100 hours on 13 February 2012.

Statement 901 was issued 22 June 2012 following a s 46 amendment to replace all previous conditions and procedures in Ministerial Statements 399, 825, 856, 878, and 887.

Statement 1009 was issued on 7 July 2015 following a s 46 amendment to replace Conditions 4 and 5 of Ministerial Statement No. 901.

This Desktop Audit Report covers the status of compliance with Statement 1088 which was issued 7 January 2019 to City of Busselton for the Busselton-Margaret River Airport Expansion.

Statement 1088 supersedes Statements 901 and 1009 and all previous statements.

The proposal allows additional aircraft types and operator aircraft types (such as freight) to use the airport, changes to the hours of operation, and amendments to the physical infrastructure elements of the airport including, lengthening, widening and strengthening the runway. The revised proposal is implemented in accordance with the Busselton-Margaret River Airport Noise Management Plan (version 2, January 2019).

Audit Findings

The proponent has demonstrated an acceptable level of compliance with the conditions of Statement 1088 audited.

Required Actions and Recommendations

No recommendations or further action required.

Report Prepared by: Jennifer Fortune – Environmental Officer	Date: 12 August 2021
Reviewed and Endorsed by:  Hugh Lance – A/Manager, Audit	Date: 18 August 2021

Definitions

Phases

Pre-Construction - No ground disturbance has commenced. Plans may be in development or approvals are being sought prior to ground disturbance.

Construction – Ground disturbance may have commenced, no waste emission from operations has commenced, limited waste emissions may have occurred during 'commissioning' under a works approval issued under the Environmental Protection Act 1986 (EP Act); proposal has substantially commenced.

Operation – The following may have occurred or may be occurring: ground disturbance; operations are producing waste emissions; 'commissioning' under a licence issued under the EP Act; development of a site; remediation activity prior to development of site; mining activity; subdivision of site.

Decommissioning – The following may occur during this phase: ground disturbance for rehabilitation purposes; post-remediation; post-reclamation; development following remediation where the main objective of the proposal was remediation; decommissioning.

Overall – This phase is used where an audit element applies during multiple phases of the project.

Compliance Statuses

Compliant (C) – Implementation of the proposal has been carried out in accordance with the requirements of the audit element.

Completed (CLD) – A requirement with a finite period of application has been satisfactorily completed.

Not required at this stage (NR) – The requirements of the audit element were not triggered during the reporting period.

Potentially Non-compliant (PNC) – Possible or likely failure to meet the requirements of the audit element.

Non-compliant (NC) – Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.

In process (IP) – Where an audit element requires a management or monitoring plan be submitted to DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by DWER or other government agency for approval is still pending.

Abbreviations

CAR = Compliance Assessment Report

CEO = Chief Executive Officer of DWER

DBCA = Department of Biodiversity, Conservation and Attractions

DEC = Department of Environment and Conservation (now DWER)

DER = Department of Environment Regulation (now DWER)

DIA = Department of Indigenous Affairs (now DPLH)

DMIRS = Department of Mines, Industry Regulation and Safety

DMP = Department of Mines and Petroleum (now DMIRS)

DPAW = Department of Parks and Wildlife (now DBCA)

DOH = Department of Health

DPLH = Department of Planning, Lands and Heritage

DWER = Department of Water and Environmental Regulation

EPA = Environmental Protection Authority

OEPA = Office of the Environmental Protection Authority (now DWER)

AUDIT TABLE

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Audit Code	Subject	Phase	Action	Notes	Status
1088:M1.1	Proposal Implementation	Overall	When implementing the revised proposal, the proponent shall not exceed the authorised extent of the revised proposal as defined in Table 2 in Schedule 1.	The Busselton Regional Airport Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 (CAR 2020) states that the proposal operated within the authorised extent (DWERDT423957)	C
1088:M2.1	Contact Details	Overall	The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.	The City of Busselton's location and contact details remain unchanged. Locked Bag 1, Busselton WA 6280	C
1088:M3.1	Compliance Reporting	Overall	The proponent shall prepare and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 3-6.	DWER letter dated 3 October 2019 (DWERDT208446) approves the Busselton Margaret River Airport Compliance Assessment Plan (Version 2) (CAP 2019) submitted on 23 September 2019 (DWERDT203836).	C
1088:M3.2	Compliance Reporting	Overall	The Compliance Assessment Plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.	DWER notes the following requirements detailed in the Busselton Margaret River Airport Compliance Assessment Plan (Version 2): (1) Reports are to be submitted annually by 7 April; (2) Compliance with the previous calendar year will be addressed; (3) Reports will be retained for 7 years following the completion of the Proposal or as otherwise required by DWER, all recordings are stored by the City of Busselton's I.T department and stored in accordance with the City's Record Management Plan; (4) City of Busselton will report in writing any potential non-compliance within 7 days of that non-compliance being known. (5) Compliance Assessment Reports will include an assessment of compliance against each condition of Statement 1088; and (6) Reports will be publicly available on the website https://www.busseltonmargaretriverairport.com.au/corporate/community-and-environment/ .	C
1088:M3.3	Compliance Reporting	Overall	After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 3-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 3-1.	The Busselton Regional Airport Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 (CAR 2020) was received 5 March 2021 (DWERDT423957).	C
1088:M3.4	Compliance Reporting	Overall	The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 3-1 and shall make those reports available when requested by the CEO.	The CAR 2020 states that all reports are stored by the City of Busselton's I.T department and stored in accordance with the City's Record Management Plan (DWERDT423957). The CAR 2020 states that the City of Busselton staff will review all CTAF recordings (CTAF recordings are pilot radio calls, time and date stamped) for any non-compliances outside of staff hours and all CTAF recordings are held for a minimum of seven (7) years (DWERDT423957).	C
1088:M3.5	Compliance Reporting	Overall	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known or suspected.	The following non-compliances were issued within the reporting period: (1) City of Busselton notified the CEO (DWERDT430448) that a Cessna 182 operated by Camel Squadron flew outside standard operating hours on 13 January 2021. DWER notice dated 16 April 2021 considered the non-compliance resolved (DWERDT440492). (2) City of Busselton notified the CEO (DWERDT403198) that a PiperPA28 operated by Swan Aviation flew outside the standard operating hours on 9 January 2021. DWER notice dated 21 January 2021 considered the non-compliance resolved (DWERDT404549). (3) City of Busselton notified the CEO (DWERDT402182) that a Cessna 182 operated by Kepple Highwing Pty Ltd flew outside standard operating hours on 19 December 2020. DWER notice dated 18 January 2021 considered the non-compliance resolved (DWERDT403183). (4) City of Busselton notified the CEO (DWERDT274067) that a Gruman Tiger operated by Russell James Kellor flew outside standard operating hours on 20 April 2020. DWER notice dated 15 May 2020 considered the non-compliance resolved (DWERDT284321). (5) City of Busselton notified the CEO (DWERDT249826) that a Piper Seminole operated by Swan Aviation flew outside the standard operating hours on 23 and 24 January 2021. DWER notice dated 7 April 2020 considered the non-compliance resolved (DWERDT270993).	C

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1088:M3.6	Compliance Reporting	Overall	The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO. The Compliance Assessment Report shall: (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 3-1.	The Busselton Regional Airport Compliance Assessment Report for the period 7 January 2020 to 6 January 2021 was received 5 March 2021 (DWERDT423957). DWER notes the following: (1) The report was endorsed by Mike Archer, Chief Executive Officer at City of Busselton; (2) The report included a statement that the City had complied with all conditions of Statement 1088; (3) The report provided a list of Non-compliances from 2020 to 2021; (4) The CAR is available on the airport's website; and (5) No changes to the CAP were proposed.	C
1088:M4.1	Public Availability of Data	Overall	Subject to condition 4-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.	CAP 2019 (DWERDT203836) states that CAR's are to be made available in accordance with the OEPA <i>Post Assessment Guideline for Making information Publicly Available – August 2012 (PAG4)</i> . The CAR 2020 is available on the airport website. https://www.busseltonmargaretriverairport.com.au/corporate/community-and-environment/	C
1088:M4.2	Public Availability of Data	Overall	If any data referred to in condition 4-1 contains particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information, the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.	No requests to DWER have been received.	C
1088:M5.1	Noise Management Plan	Overall	The proponent shall manage the operation of the proposal to meet the following environmental objective: (1) noise emissions from the ongoing operation of the proposal shall be managed so as not to unreasonably impact on noise sensitive premises.	The Busselton-Margaret River Airport Noise Management Plan (NMP 2019), Version 2, January 2019 (2019-1548146667595) was approved 25 January 2019 (2019-1548726196031). The main objectives of the NMP are to identify and implement controls and procedures for the effective management of aircraft noise and the reduction of aircraft noise impacts, to provide clear and specific guidelines for airport users as to their responsibilities and obligations with regard to noise management, and to provide the general community with clear and transparent information and guidelines as to the noise management controls and procedures to be employed in respect of aircraft noise in the vicinity of the Busselton-Margaret River Airport.	C
1088:M5.2	Noise Management Plan	Overall	In order to meet the requirements of condition 5-1, the proponent shall implement the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018).	The CAR 2018 (DWERDT199167) states that the City of Busselton operated under the Noise Management Plan version 1, May 2018 from 23 June 2018 to 24 January 2019. The CAR 2019 (DWERDT269106) states that the City of Busselton operated under Noise Management Plan version 2, January 2019 from 25 January 2019 to 6 January 2020. The CAR 2020 (DWERDT423957) states that the City of Busselton operated under Noise Management Plan version 2, January 2019 from 7 January 2020 to 6 January 2021.	C
1088:M5.3	Noise Management Plan	Overall	The proponent shall implement the most recent version of the Busselton-Margaret River Airport Noise Management Plan 2018 which the CEO has confirmed by notice in writing, addresses the requirements of condition 5-1.	The CAR 2020 states that the City of Busselton operated under the Noise Management Plan, Version 2, January 2019 from 7 January 2020 to 6 January 2021 (DWERDT423957).	C
1088:M5.4	Noise Management Plan	Overall	The proponent shall continue to implement the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018), or any subsequent revisions as approved by the CEO in condition 5-3, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 5-1 is being and will continue to be met and therefore the implementation of the management plan is no longer required.	The CAR 2020 states that the City of Busselton operated under the Noise Management Plan, Version 2, January 2019 from 7 January 2020 to 6 January 2021 (DWERDT423957).	C
1088:M5.5	Noise Management Plan	Overall	In the event of failure to implement management actions detailed in the Plan, the proponent shall meet the requirements of condition 3-5 (Compliance Reporting) and shall implement the measures outlined in the Plan, including, but not limited to, actions and investigations to be undertaken.	See 1088:M3.5	C

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1088:M5.6	Noise Management Plan	Overall	Within six months of the issue of this Statement or as otherwise agreed in writing from the CEO, the proponent shall amend section 3.1.3, and any consequential amendments, in the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018) to define the standard hours of operation for 'Open, Closed charters, Regular Passenger Transport/Commercial operators' to be between 0600 and 0000 hours.	<p>The Busselton-Margaret River Airport Noise Management Plan (NMP 2019), Version 2, January 2019 (2019-1548146667595) was approved 25 January 2019 (2019-1548815790511).</p> <p>Section 3.1.3 of the NMP 2019 sets the standard hours of operation.</p> <p>(1) Emergency services have unrestricted operation but will require approval for flight training activities.</p> <p>(2) Light aviation/general aviation are restricted to 0600hrs to 2200hrs Light and General aviation aircraft above 5,700kgs MTOW require prior City approval to operate. Flight training requires specific approval and no approval for flight training activities can be granted to aircraft above 1500kgs MTOW.</p> <p>(3) Open, closed charters, regular passenger transport and commercial operators are restricted to 0600hrs – 0000hrs, subject to maximum noise of 85 dB(A)* and aircraft over 5,700kgs MTOW require City approval.</p> <p>Aircraft are to have a maximum noise level of 85dB recorded at any residential or other noise sensitive location when determined as an LA Slow value at any point within 15m of the identified building (2019-1548146667595).</p>	C
1088:M6.1	Review of Noise Management Plan	Overall	Within three months of each three-year period, from the date of issue of this Statement, the proponent shall submit a report to the CEO which reviews the effectiveness of the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018), or any subsequently approved revisions, in achieving the objective of condition 5-1.	A report reviewing the effectiveness of the Noise Management Plan must be submitted prior to 7 April 2022 .	NR
1088:M6.2	Review of Noise Management Plan	Overall	The report required by condition 6-1 shall include, but not be limited to: (1) noise monitoring results; (2) noise amelioration assessments and/or implementation; (3) number of complaints received and actions taken to resolve complaints; (4) published flight paths to minimise impacts; and (5) the findings of the review to determine the effectiveness of the Busselton-Margaret River Airport Noise Management Plan 2018 (version 1, May 2018), or any subsequently approved revisions, and whether amendments to the Plan are required.	See 1088:M6.1	NR