

HERITAGE COUNCIL OF NSW MINUTES OF SPECIAL MEETING

Meeting Number 314

26th August 2005



PRESENT Michael Collins (Chair), Megan Jones, Peter Mould (Government Architect until 12.00 pm) Jacqui Goddard (National Trust of Australia [NSW]) John Delaney, Gary Prattley (Department of Infrastructure, Planning and Natural Resources), Ian Jack, Rod Leaver, Reece McDougall (Director Heritage Office)

APOLOGIES Mary-Lynne Taylor (Deputy Chair), Jason Ardler (for Director-General Department of Environment and Conservation), Ross Fitzgerald, Sharon Sullivan, David Logan.

ALSO PRESENT Maxwell Gray (Heritage Office), Cameron White (Heritage Office), Vincent Sicari (Heritage Office), Susan Macdonald (Heritage Office) Murray Brown (Heritage Office), Susan McHattie (Heritage Office), Linda Byrne.

1. Opening – Welcome

The Chair opened the meeting at 9.35 a.m.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests

Nil

Non Pecuniary Interests

Nil

Conflicts of Interest

Nil

2.0 Matters for Consideration and Decision

2.1 Plan of Management for Evans Head Memorial Aerodrome

Before consideration of this item the Director tabled two letters received after the agenda was finalised from Brian Wilkinson, General Manager, Richmond Valley Council and Ferrier and Associates on behalf of the Evans Head Memorial Aerodrome Committee.

The Heritage Council considered endorsement of the Evans Head Memorial Aerodrome Plan of Management at its meeting of 3rd August 2005. After consideration of the Heritage Office's report and presentations by key stakeholders including the owner (Richmond Valley Council), the development proponent (Ex-Services Home, Ballina) and key community stakeholder (Evans Head Memorial Aerodrome Committee), Members resolved to defer decision on the matter and requested further information be provided by relevant parties in relation to the following issues:

- (i) Economic viability and potential for expansion of aviation activity and the impact of proposed development on aviation development;
- (ii) Design, extent, configuration and viability of proposed development;
- (iii) Management of peak aviation events by proponent;
- (iv) Regulatory environment for aviation noise;
- (v) Confirmation of noise complaint procedures; and
- (vi) Policy measures to manage peak aviation noise events.

Of primary concern to Members was the compatibility of the proposed residential land use with continued aviation on the site.

Members were provided a detailed summary of the responses which have been received in response to Heritage Council Resolutions of 3 August 2005. Full copies of the responses were also provided. Responses considered by members were received from Richmond Valley Council, Ex-Services Homes, Ballina and Evans Head Memorial Aerodrome Committee.

Members were advised that the primary factor of contentious issues is the potential for development proposals to inhibit aviation use of the Aerodrome, particularly in regard to aviation noise impacts. A fundamental aspect of the significance of the Aerodrome is continued aviation use. It is the Heritage Office's view that aviation activity such as community commemorative events, need to be facilitated to retain the site's significance and ensure its future viability.

A retirement village and nursing home development is proposed over a ten hectare area of the Aerodrome consisting of over 100 independent living units and an aged care facility with an estimated value of \$30 million. Its proposed location is at the southern and south eastern end of a disused runway that has varying levels of physical disturbance.

Concerns have been raised with the Heritage Office by the community, that the noise sensitive nature and proximity of this development to the runways means it is unlikely to be compatible with aviation use.

The POM concludes that the 'southern runway zone' is appropriate for residential development with the condition that remnant taxiways and runways are retained in some clearly recognisable form and that the form, orientation and materials of buildings echo the lineal nature of the aerodrome. The POM also concludes that the 'southern hanger/works depot zone' is appropriate for light industrial or residential development providing larger buildings are used in keeping with its 'hanger aesthetic' and origins with existing hanger footprints incorporated into the development.

The proponent is proposing a development design in accordance with the POM including the retention of the remnant runway as a 'passive recreation and landscaped memorial reserve with appropriate interpretation ('southern runway zone'); the realignment of roads and buildings to reflect the orientation of former taxiways ('southern runway zone'); and the placement of large bulky buildings in the former hanger area ('southern hanger/works depot zone').

Council and the proponent have advised that the progression of the retirement village and nursing home proposal is under considerable time constraints placed by the Commonwealth Government which agreed to provide a licence for aged care beds.

The proponent has been negotiating options for the purchase of required land for some time with Council. The Aerodrome was identified by Council and the proponent as the only suitable site for the development and endorsement of this activity as a permissible land use is required, by way of endorsement of the POM, before Council will agree to finalise the sale of Aerodrome land. Council and the proponent maintain that this is a much needed facility within the region.

Standards for the siting and design of developments in relation to aircraft noise exposure are defined by Australian Standard 2021. In accordance with these standards, residential and nursing home development is acceptable near aircraft activity providing it is within the less than 20 ANEF noise contour. The ANEF noise contour developed for the POM, illustrates that the proposed development for the Aerodrome is within the acceptable limits.

In response to concerns regarding the impacts that the proposed retirement village and nursing home will have on aviation, Richmond Valley Council and the proponent, the Ex-Services Home, Ballina have outlined a number of measures to mitigate and manage potential noise impacts.

The reporte noted that there is some disparity between the aspirations of the aviation community and the owners (Richmond Valley Council), particularly in regard to the level of future aviation activity and development of the Aerodrome. The Heritage Office also notes the level of concern expressed by the aviation community about the potential for the proposed retirement village and nursing home complex to limit aviation use of the site as a result of noise complaints.

Members attention was also draws to the Deed between the Richmond Valley Shire Council (the then Richmond River Shire Council) and the Commonwealth of Australia which transferred the aerodrome to the Council. In particular members noted clause (h) which states that the Council:

(h) shall take such action as is within its power to:

- i. create land use zoning around the aerodrome which shall prevent residential and other incompatible development in the areas which are, or which may be, adversely affected by aircraft noise;
- ii. prevent the introduction of activities likely to create a hazard to aircraft including activities likely to attract birds; and
- iii. prevent developments which would be incompatible with civil Aviation Authority navigation and communications facilities

After review and analysis of additional advice subsequent to the lodgement of the POM, the Heritage Office report advised that a comprehensive set of measures can serve to ensure that potential noise conflicts are adequately addressed and an appropriate level of aviation use and aviation development is secured for the Aerodrome. Therefore, conditional endorsement of the POM for the Evans Head Memorial Aerodrome is recommended in accordance with conditions set out in the recommendations. The report proposed that a Heritage Agreement forms an integral component of this recommendation and it was noted that Heritage Office has commenced discussions with Richmond Valley Council in relation to the preparation of a Heritage Agreement.

Members were advised that the following principles should form the basis for Heritage Agreement negotiations and specific provisions:

- a guarantee of funding is required for conservation works contained in the POM;
- a program detailing the timing of conservation and development works; and
- measures to ensure on-going aviation use of the Aerodrome through available statutory planning mechanisms, development and application of noise abatement measures, appropriate noise complaint procedures, noise disclosure strategies and incentives for the aviation community.

After further discussion it was

Resolved:

that the Heritage Council:

In accordance with Standard Exemption No 6 issued of section 57(2) of the Heritage Act, 1977 endorses the report titled Evans Head Memorial Aerodrome Plan of Management prepared by GHD for Richmond Valley Council dated June 2005, subject to the following conditions being met to the satisfaction of the Chair of the Heritage Council and Director of the Heritage Office:

- a) ***That a Heritage Agreement be drafted by Richmond Valley Council and submitted to the Heritage Office, with a view to it being made with the Minister, which includes the following provisions:***

- (i) **Identification of a funding option to provide financial support for the ongoing aviation management, maintenance and conservation of the Aerodrome, consisting of:**
- **the establishment by Richmond Valley Council of an 'Evans Head Memorial Aerodrome Fund' for the purpose of aviation management, maintenance and conservation works;**
 - **establishment of a means to enable a recurrent income stream to the Fund from non aviation development, property sales/leases at the Aerodrome to be used for the conservation of the site and for supporting major events such as the Great Eastern Fly In;**
 - **contributions arising from the sale, development and lease of land for non aviation purposes;**
 - **recurrent funding commitments from Richmond Valley Council for maintenance and conservation works at the Aerodrome.**
- (ii) **An agreed program of conservation works in accordance with the Plan of Management (including timing of works);**
- (iii) **The inclusion of a Noise Disclosure Strategy;**
- (iv) **A commitment by Richmond Valley Council to amend the relevant LEP's and DCP's to be compatible with continued aviation use of the site, including incorporating 'special aircraft noise provisions' with regard to development controls in accordance with noise abatement measures defined in Australian Standard AS2021, Obstacle Limitation Surface and ANEF contours;**
- (v) **Preparation and approval/lodgement by Richmond Valley Council and any purchasers/lessees of land at the Aerodrome of an easement and/or covenant prior to the sale of any land parcels that identifies aircraft noise exposure and noise abatement requirements as agreed with the Heritage Office;**
- (vi) **Public access provisions;**
- (vii) **Noise Management Plan (aviation operations);**
- (viii) **Noise Complaint Procedures;**
- (ix) **Agreement to support and facilitate the continuing use of the airdrome for aviation events which celebrate the heritage significance of the Aerodrome such as the Great Eastern Fly In;**
- (x) **Preparation of a Business Plan, to be endorsed and implemented by Richmond Valley Council, that identifies incentives to be offered by Richmond Valley Council to attract sustainable aviation activities, events, businesses and operations; and**
- (xi) **The development of a policy statement by Richmond Valley Council to support the long term viability of aviation use for the Aerodrome and commitment to not take action that would be in conflict with this objective.**

- (b) The Plan of Management is amended to address the following:**
- (i) Include some historic photographs and plans in the thematic history if possible;**
 - (ii) Utilise the same terminology for the various precincts in the Physical Evidence section as used in the remainder of the report;**
 - (iii) Utilise this terminology in Section 6.4.1 when discussing the various Heritage Zones;**
 - (iv) Provide further information in Physical Evidence section as to the nature of each of the precincts;**
 - (v) Include the boundary of the POM in Figure 3;**
 - (vi) Provide comment on any moveable heritage items**
 - (vii) Provide comment on Aboriginal heritage potential;**
 - (viii) Provide comment on natural heritage potential;**
 - (ix) Adjust the format of Section 5 Assessment of Cultural Significance;**
 - (x) Clearly state the level of heritage significance resulting from the comparative analysis;**
 - (xi) Include a hierarchy of significance for the component elements of the site and/or the precincts;**
 - (xii) Clearly state ownership of the site and structures;**
 - (xiii) Confirm requirement to refer future development to the Department of Environment and Heritage given the proximity to items of national heritage significance;**
 - (xiv) Clarify the consent authority for any future development given the applicability of SEPP 71;**
 - (xv) Include the justification for the recommendation of "air park development" in the Northern Hangar Area, and residential development in both the Southern Hangar Area and the South Eastern Area in the appropriate policy sections of the report;**
 - (xvi) Adjust the format of the longer policies by breaking down into a larger number of succinct policies with the other information in either a commentary or a Maintenance Plan Section at the end of the report;**
 - (xvii) Amend Policy 11 to be a stronger statement, such as "Future use of the Bellman Hangar should be related to the aviation functioning of the aerodrome...";**
 - (xviii) Consider the inclusion of some Site Specific Exemptions to assist with the streamlining of future works;**
 - (xix) Include a site plan which clearly depicts all extant elements on the site, including slabs etc ; and**
 - (xx) that the exact boundaries of the southern hangar area and south eastern area be confirmed by identification survey in a manner consistent with the boundaries indicated in figure 12**
 - (xxi) Include a Table of Abbreviations.**
- c) That the following policies proposed by Richmond Valley Council are adopted and included in the Plan of Management:**

- (i) Amend Policy 8 (Involvement of stakeholders in management of the place) so that the committee membership include a representative from the retirement village and that such representative be requested to refer any noise issues from retirement village residents to that Committee in the first instance.**
- (ii) Additional Policy - A Noise Management Plan should be prepared which 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.**
- iii) Additional Policy - All development proposals within the Southern, South Eastern and Northern Hangar areas which include a residential use must satisfy the design requirements of Australian Standard AS 2021 (Acoustic - Aircraft noise intrusion building siting and construction).**

2.2 Redfern Waterloo Authority Delegation

Members were advised that the Redfern-Waterloo Authority Act requires that an item listed on the SHR is not to be altered or demolished unless the Minister administering the Act has consulted the Heritage Council and taken into consideration any advice provided by it. The Heritage Office has fourteen days to respond to any such request.

In order to facilitate the efficient administration of this provision of the Act, it is proposed that the Heritage Council seek the Minister for Planning's approval to delegate the performance of this function where the proposal does not materially affect the significance of the item to certain Heritage Office staff.

The report recommended that the Heritage Council seek the consent of the Minister to delegate its functions under the Redfern-Waterloo Authority Act to Director, Assistant Director and Principal Heritage Officers.

Recommendation

that the Heritage Council:

- 1. seek the consent of the Minister for Planning, in accordance with section 169(3) of the Heritage Act, to delegate certain functions to Director, Assistant Director and Principal Heritage Officers, as specified in Annexure A, subject to the conditions specified in column 3 of that Annexure;**
- 2. authorise the Chair of the Heritage Council to sign the instrument of delegation, in relation to the delegations specified in Annexure A, on behalf of the Heritage Council in accordance with the Minister's consent.**

2.3 Old Marulan Township

Members commenced consideration of this item but due to the requirement for further detailed information it was

Resolved:

that the Heritage Council

- 1. defer consideration of this item until it next meeting on the 8th September 2005.***
- 2. establish a subcommittee comprising of Michael Collins, Reece McDougall, Jacqui Goddard, Ian Jack, Peter Mould and Megan Jones to meet with the Department of Infrastructure, Planning and Natural Resources and ReadyMix on 31st August 2005 to receive a detailed briefing on the proposal and report back to the Heritage Council at its meeting of the 8th September 2005.***

There being no further business the Chair closed the meeting at 11.00 pm

Michael Collins
Chair
Heritage Council of NSW
Date:

**Next Meeting of the Heritage Council
of NSW**
Wednesday
NSW Heritage Office
3 Marist Place
Parramatta