



22 December 2022
mg:jf

Marvyn [REDACTED]

Via email: [REDACTED]

Dear Marvyn [REDACTED]

PUBLIC QUESTION TAKEN ON NOTICE

I am writing in response to the public question that was taken on notice at the Ordinary Meeting of Council held on Wednesday 14 December 2022.

The public question reads as follows:

The Fly Neighbourly Agreement referred to by DEWLP, whether Council had thought if that was appropriate or not, and if so, how it is monitored/enforced?

In response to the question, I provide the following advice:

Council understands that the Fly Neighbourly Agreement is a voluntary agreement between relevant parties which can help define expectations about flights paths, hours, and level of activity. A Fly Neighbourly Agreement can also define how monitoring and compliance of activity will be managed. Council understands, however, that a Fly Neighbourly Agreement cannot alter Civil Aviation Regulations.

The planning permit process itself can only formally deal with the take-off and landing actions of the helicopter. The flight of the helicopter is not managed or controlled by the planning permit process. In undertaking the assessment of the planning permit application Council is limited to considering whether take-off and landing is appropriate at the subject location. If Council were to grant a permit the conditions on the permit would be the key statutory mechanism to control those activities at that location.

A Fly Neighbourly Agreement may be an additional tool to control broader flight movements. However at this point it is not clear whether such an agreement is necessary or warranted. Council's resolution to defer a decision on the current application will provide the opportunity for further review of the effectiveness of the Fly Neighbourly Agreement.

Yours sincerely

Martin Gill
CHIEF EXECUTIVE OFFICER