



# COMMUNITY AVIATION ALLIANCE AUSTRALIA

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## Joint submission to Rural and Regional Affairs and Transport References Committee on Inquiry into the Impact and Mitigation of Aircraft Noise, April 2024

This joint submission is made for and on behalf of Community Aviation Alliance Australia (CAAA).

We are an Australia-wide coalition of diverse community advocacy groups, collectively known as **Community Aviation Alliance Australia (CAAA)**. Our shared aim is to ensure that the impact (particularly noise) of the aviation industry on Australian communities is given appropriate consideration in overall aviation policy, regulation, flight path, and airport development.

### *Endorsed by:*

- Brisbane Flight Path Community Alliance (QLD)
- Dingley Village Community Association (Vic)
- East Melbourne Group (Vic)
- Flight Path Forum – Sunshine Coast (Qld)
- Gold Coast Lifestyle Association (QLD)
- Hume Residents Airport Action Group (Vic)
- Moorabbin Airport Residents Association (Vic)
- Residents Against Western Sydney Airport (NSW)
- Southeast Coast Lifestyle Association (TAS)

*Submitted 12<sup>th</sup> April 2024*

*For Community Aviation Alliance Australia*

## 1. Summary

We are an Australia-wide coalition of diverse community advocacy groups, collectively known as **Community Aviation Alliance Australia (CAAA)**. Our shared aim is to ensure that the impact of the aviation industry on Australian communities is given appropriate consideration in; overall aviation policy; regulation; flight path; and airport development. Please note that each member group of CAAA may have also made their own individual submission highlighting the issues of relevance to their community.

CAAA makes this submission in good faith and in response to the announced terms of reference to the Inquiry by Rural and Regional Affairs and Transport Committee of the Senate (“RRAT Inquiry”). It is imperative that adverse environmental and community impacts are considered as key factors in achieving a sustainable aviation industry in a sustainable and liveable world. This submission highlights our concerns and positions about various aspects of aviation policy and the impacts this has on communities.

In summary we argue that Australia’s current aviation regulatory framework is not fit for purpose in that it:

- **is a complex and fragmented amalgam of Commonwealth statutes, state and local government land planning legislation managed across multiple portfolios, departments, statutory authorities, and corporatised entities**, heavily weighted towards promoting unfettered growth of the aviation industry – e.g., airport expansion and airspace efficiency at the expense of impacts on communities;
- **absolutely ignores, the direct and indirect costs of aircraft operations (such as noise, air and other pollution) on human health, community amenity, devaluation of property, mitigation or relocation** – in sharp contrast to other forms of industrial or transport operation. Even in the Government’s documentation relating to the Green Paper it totally excludes any commentary or coverage of the many Health impacts of aviation. We trust this is just a major oversight and not the intention;
- **the inadequacy of appropriate and balanced regulatory mechanisms** result in a vacuum of responsibility and accountability to the Australian people.
- **The costs of unrestricted 24/7 flight operations over residential areas to health and well-being (as well as to the environment) are totally ignored in industry and government accounting and decision making.** This seems to lead to a false conclusion that noise is just a necessary *nuisance* some citizens have to endure in order to allow expansion of an industry that allows passengers to travel in citizen-subsidised comfort, using one of the most environmentally destructive methods of transport. Imposing a known health harm on some citizens, not to prevent harm to others but merely for industry profitability and convenience to frequent flyers.
- **limits the role of the Commonwealth regulatory agency (CASA) to only managing aircraft safety and efficiency.** This creates a policy vacuum and, entirely fails to protect Australian communities from being negatively affected by impacts such as aircraft noise;
- **relies on legislation designed to protect the natural environment (EPBC Act) as the sole arbiter of the impact of aircraft operations on community** and as such is bereft of any effective amelioration of aircraft noise. Nor does it have any effective regulation that the community can apply, that measures what is a reasonable or fair amount of aircraft noise to experience. The NASF Guideline is a guideline only and has no enforcement as a regulatory standard. The Airports Act 1996 and COAG 1997 override State environmental rights with management of aviation airspace, any time Airservices so chooses; relies on

State-based planning schemes to limit residential development around airports but does not protect existing residences from continuing airport expansion or the development of new airports. There are many examples of where this fails. An emerging example is with a new residential precinct planned for High Wycombe South in the Perth Metro area. The Local Structure Plan has been approved. Homes will be built within 1500 metres of a new parallel runway to be constructed at Perth Airport and advertised to be operational by 2028. The subject land was designated to be zoned light industry, but State-based planning departments changed this to residential. Airservices could intervene but haven't despite requests from affected landowners to do so. ASA's inattention will likely contribute to future demands for a night curfew at Perth Airport. Questions will then be asked - *how did a new residential precinct get built so close to the proposed new runway?*

- **assigns responsibility for managing the community impact of aircraft operations to the air traffic control service provider, Airservices Australia (AsA)**, a government business whose operation depends almost wholly on fees from airlines without – according to their own admission during Senate Estimates – any regulatory powers to act in the best interests of affected communities,
- **vests oversight of aircraft noise management within AsA, through its Noise Complaints and Information Services (NCIS) and the Aircraft Noise Ombudsman (ANO)**. The Statement of Expectations for Airservices Australia for the Period 1 July 2021 to 30 June 2023 does not require the NCIS to be anything more than an information response and data logging service. The ANO currently reports to the AsA Board and as such has a conflict of interest, thereby reducing the capacity for independent investigation of complaints. We strongly support the proposition in the Government's commentary on the Green Paper to make the ANO independent and accompanying this should be the powers to compel presentation of documents and compliance with existing regulations. This would not only improve the independence but also the perception of independence, resulting in a gain of greater community trust and confidence:
- **does not provide adequate opportunities for meaningful consultation about the impacts of aircraft operations on residents. The majority of CAAA members report that the Department's mandatory 'Community Aviation Consultation Groups' (CACGs) for federally leased airports need fundamental reform to be effective and have any credibility with affected communities.** Additionally, AsA's Noise Complaints and Information Services (NCIS) is ineffective as it does not address or have powers to deal with the root cause of aircraft noise issues reported. The last study on the impact of aircraft noise on communities was undertaken in 1982, *Aircraft Noise in Australia, A survey of community reaction*. The not fit for purpose ANEF and NASF along with the extended passage of time since the last community study was undertaken are compelling reasons for a new study to be undertaken and that such a study be also undertaken on 5 year cycle;
- **does not provide GA airport communities affected by aircraft noise with accurate and meaningful information nor involvement in decision making that affects their amenity.** For example, there is no obligation for regulatory authorities or airports to act on submissions from communities affected by the operation of GA Airports to achieve a better balance between the needs of aviation and affected communities. Consequently, conflict between an airport and affected stakeholders will continue to escalate; and

- **does not adequately deal with the global environmental footprint of the industry and its participant stakeholders, climate crisis through strategies which address global heating**, risks to safety, efficiency and operational integrity of flight operations at airports including those from sea level rise and storm surge and from increasing extreme land temperatures and their likely impacts on flight operations. For example, again the recent Government Green Paper Issues Paper does not consider these factors, nor the likely change in demand (in particular business demand) for travel as a result of an uncertain political and economic and energy environment.
- **These deficiencies lead to affected communities having to arbitrarily, unfairly and unnecessarily absorb the costs of aircraft noise** resulting from, for example:
  - development and expansion of airport infrastructure, such as new airports or runway changes at existing airports;
  - alteration to flight paths to accommodate increased capacity or changes to air navigation technology, without appropriate community input or consultation; and
  - cumulative increase in training flights around General Aviation airports.
- **The Department does not appear to adequately monitor the performance of regulators in mitigating the impact of the aviation sector on communities**, and evidence of growing community dissatisfaction is abundantly provided by local and national media coverage, questions in parliament, attempts by opposition parties to amend the Airservices Act, and recent ANO systemic investigations of multiple complaints in Hobart, the Sunshine Coast, Brisbane, and East Melbourne.
- **The Aircraft Noise Levy Act 1995 provides for funding noise insulation for affected properties to be recovered from the airlines**, e.g., Sydney and Adelaide Airports. There are examples where the responsibility for costs for insulation are delegated to State and Local Government to manage. This filters down to developers handing on the costs to homeowners in new residential communities. Existing communities are left unaware of their rights. Communities are not generally aware of the responsibility the Commonwealth has in this area.
- **We consider a partial or piecemeal approach to reviewing elements of the regulatory framework will not resolve these issues.** We argued in our submission to the Green Paper and also submit to the RRAT Inquiry that a key outcome of your inquiry must be that the Department reset via the development of the White Paper and Policy development considerations, undertake a comprehensive public review of Australia's existing aviation policy and regulatory framework and the complete redesign of an integrated airspace, with community concerns being a central feature of this redesign. This requires inviting and incorporating proper representations from a broad section of representative community stakeholders and independent overseas experts.
- **We strongly recommend as an outcome of this Inquiry be the establishment of a national working party comprising policymakers, grass roots community representatives** (not just Local Govt.) and environmental noise professionals, including from State governments, to review evidence of public health impacts from aircraft noise and consider new regulatory approaches to aircraft noise for the Australian aviation sector.

Terms of reference should include:

- Recognition and mitigation of the scientifically proven negative impact on human health of aircraft operations, based, minimally, on World Health Organization's (WHO) international standards;
  - Acknowledgement of, and take responsibility for, the direct and indirect costs to affected residents and businesses of aviation operations and provision for appropriate levels of financial compensation;
  - Strengthening the accountability of aviation regulators for monitoring and management of the human health impacts of aircraft operations, balancing this with the benefits for safety and efficiency;
  - Developing an appropriate noise monitoring standard that allows for regulatory monitoring where established noise thresholds are exceeded;
  - Relocate GA flying schools to airports in non-residential regional areas, or where effective relocation cannot be undertaken, identification of suitable greenfield sites for new airports;
  - Ensuring proper regulatory oversight of the entire sector, including the air traffic control service provider, Commonwealth departments and airport lessees which affect aircraft operations that impact communities – i.e., through an Ombudsman that is truly independent, appropriately resourced and reports to the Parliament and the wider Australian community.
- The outcome of the **RRAT Inquiry** must focus:
    - a) **on practical and effective methods to quickly reduce the well-researched and documented noise harm from residential overfly.** This is to occur after consulting with affected communities and deciding appropriate levels of noise and then eliminating noise harm occurring at levels and frequencies far higher than are noise levels internationally recognised as safe.
    - b) **more on a framework that puts the community on an equal footing with industry in the development and conduct of aviation** in the next 25 years, removing notable inconsistencies in application of principles e.g. ruling out operational restrictions (without explanation) while professing to follow *the balanced approach*, but in contrast displaying a lack of appropriate consideration on the well-researched direct and indirect costs and harms of aviation, lack of inclusive and transparent cost benefit studies, and the use of unverified industry-supplied data and simplistic modelling leading to e.g. inadequate noise metrics and monitoring. The airline industry and airports claim that unrestricted operational freedom is a social and economic 'need' in order to maintain affordable air travel and necessary air services.
    - c) **on the Department and Minister committing to the delivery of meaningful community engagement in relation to the management of aircraft noise.** The current mechanisms and arrangements are clearly not achieving this important benchmark. They must be re-designed and better resourced so that all stakeholders are consulted right from the formative stages in the development of major policy positions. While agencies may consider their community engagement models and programs embody IAP2 principles, the lived experience of our members is that those efforts do not achieve our reasonable expectations that the management of aircraft noise will be delivered through meaningful

community engagement at the Involve/Collaborate end of the spectrum. This deficiency is no longer acceptable, given we are dealing with the rapidly increasing use of publicly owned airspace and the significant consequences for aircraft noise-impacted communities. In better implementation of an IAP2-based community engagement model our top priority recommendations are:

- i. Involve all stakeholders right from the formative stages in the development of all major policy positions/documents.
- ii. At Ministerial level ensure there is equitable access afforded to representatives of all key stakeholder groups (including community organisations), not just the loud voices of the commercial sector.
- iii. Actually empower public input to affect the final decision making on policy and regulation.
- iv. Transparency of processes, decisions etc. of what is proposed in any amendment of the various legislative Acts that relate to aircraft noise impacts on communities, be a fundamental feature of the government's approach and the recommendations from the **RRAT Inquiry**.

Additionally, the current RRAT Senate Inquiry has only scheduled one Hearing in Brisbane. This restricts communities in other States from efforts to present alternative, community-centred information that can be deliberated alongside the highly resourced, profit-centred information presented by industry.

## 2. CAAA Response to the Terms of Reference of the Inquiry

CAAA provides the following comments.

### 2.1 Lack of Government/ministerial attention paid to the deleterious impacts of aviation

For example in the Minister's foreword to the Green Paper, she outlines the benefits of the sector and Government's commitment to advancing the aviation industry, it is disappointing that the Minister did not take the opportunity to equally address the real downsides of the industry and the burdens that the industry automatically thrusts upon affected communities and the public purse. There is no mention of the deleterious impacts of the aviation industry on communities by way of noise, pollution, particulate exposure and the resulting health impacts. If this reflects the government's position of expansion of the aviation industry at any cost, it is totally unacceptable.

Although the methods of delivering air services may change over coming years, due to Australia's geographic size and location, it is envisaged that aviation services will be needed for the foreseeable future. Whether the Government and Department of Infrastructure, Transport, Regional Development, Communications and the Arts have the capacity and willingness to acknowledge that *sustainability* has more than just a financial context, or paying lip service to carbon emissions as the only environmental harm, will be a prime factor in achieving and maintaining a truly *sustainable* aviation industry.

Inherently, aviation is an intrusive industry in terms of the noise and pollution impacts it produces. The industry is also a substantial drain on Government/s (public) finances for the delivery and maintenance of supporting infrastructure, the costs of which, continues to be excluded from any analysis of the industry's real benefit/cost assessments.

It is imperative that the outcome of this Inquiry and the White Paper and subsequent policy derived from it, include defined and effective measures that produce improved outcomes for affected communities and our collective environment. Without this change in direction and without a balancing of these community concerns, the aims of the Government will be further eroded by the collapse of the industry's already weak and waning *Social Licence*, particularly with forecast growth of 300% in air traffic and adding the potentially controversial effects of drone usage.

## 2.2 Likely future directions of Aviation out to 2050 and its impacts on communities

Government as instanced again by way of sections of the Green Paper frame the aviation industry in a one-sided way that continues the failed philosophy that industry should be treated with '*kid gloves*' as essential and therefore more privileged than other transport sectors by Government policy. Having been "*at the forefront of international market deregulation and liberalisation*" over recent decades, Australia "*now has one of the most open aviation markets in the world*".

This deregulation and liberalism have allowed the noise, pollution and climate impacts on Australians to grow exponentially without any substantive measures by the government or the aviation industry to address these issues in any definable way.

Within these sections, the Government's Green Paper:

- Extolls the virtue of "*the Commonwealth's long-term policy of 'light-touch' economic regulation*",
- Acknowledges "*that airports and airlines have a high degree of market power*", and
- Accepts that "*the impact of a changing climate is an increasingly important issue.*"

The outcome of the RRAT Inquiry and the upcoming White Paper and subsequent Government Policy must address the:

- Exponential growth of community and environmental impacts that are a direct result of the Government's current '*light-touch*' – *industry guided* approach to aviation policy which has significantly harmed many communities in the vicinity of airports and is a matter of great concern to communities and must be addressed as an urgent priority, rather than being treated as a historical fait accompli.
- Need for legislative intervention to balance the influential power of the industry, whose primary aim is to make money. We acknowledge and agree that the Australian Aviation industry is vitally important to Australia and must be sustainable into the long term, but its negative impacts cannot continue to be at the sole expense of communities. Either industry or government or both must compensate affected communities or work to mitigate the deleterious social, medical, environmental and economic costs to communities of the industry's current *modus operandi*.
- Willingness of Government to accept leadership of community and environmental responsibility as a counter to the aviation industry's focus on operational efficiency and profits only.

## 2.3 Airlines, airports and passengers – competition, consumer protection and disability access settings

### 2.3.1 Need for comprehensive costing of aviation benefits and cost

Along with Productivity Commission assessment of the aviation industries benefits, The RRAT **Inquiry** must as part of its recommendations, recommend that a comprehensive costing of:

- Community harms from aviation noise and pollution emissions;
- Environmental and climatic impacts from aviation emissions; and
- Government/s provided (publicly funded) Aviation support infrastructure such as roads, rail and essential services. All costings by the industry airport operators relating to expansion of airport operations and regulation currently lack any comprehensive study or details of both the benefits and the costs, particularly the impacts of costs of subsidies , infrastructure, land use, noise, pollution and particulate exposure as they relate to the community. The true cost of the impacts is never shown or considered in the benefits-only accounting used by industry, and it would seem this is supported by government to justify its decisions. We are in full agreement with the ANO's statement at page 5 of the ANO submission to the Green Paper.

To this point in time these costings have not been contemplated, surely all costs and benefits should be on the table in a transparent way to allow good political decisions to be made in the best interests of all Australians.

### 2.3.1 Need for increased consumer protection arrangements

- The remit of the Airline Customer Advocate should be expanded but also to encompass a role of Advocacy for aviation affected Communities. Affected communities should be afforded the same rights.
- The aviation sector would ultimately benefit from the accountability that a passenger Bill of Rights or a strong Ombudsman model would induce into the industry.
- Of course, if a Passenger Bill of Rights is seen as a necessary output, surely a Bill of Rights for aviation affected communities must be contemplated? Surely such a balance is appropriate in the circumstances and if not afforded would demonstrate the Government's lack of consideration for affected communities.

## 2.4 Airport development planning processes, metrics, consultation mechanisms and oversight

### 2.4.1 The ANEF and NASF not fit for purpose

The NASF makes use of the Australian Noise Exposure Forecast (ANEF), a numerical descriptor of noise levels intended to communicate the likely experience of aircraft noise to potentially overflown communities and to define land use for planning purposes. The Green Paper at page 105 acknowledges that the ANEF contours etc. has a number of limitations. This has been acknowledged for over a decade and yet still no useful and valid alternative has been proposed. The RRAT Inquiry must ensure that this finally addressed.

### **ANEF as a determinant of land-use**

The current ANEF system is effectively a ‘one size fits all’ approach to land use planning. The ANEF determines that ‘acceptable’ land use is the same whether the land is in the vicinity of a major international airport or a small regional non-jet GA aerodrome. Also, the current planning policy and related controls are not adequately safeguarding communities adjacent to existing airports or communities envisaged by the ANEF.

There is no allowance for local conditions, for example an airport planned for a Greenfield site is treated the same as one already ‘built out’. For many of the smaller airports the threshold ANEF contour that restricts development goes little further than the airport boundary fence. This results in noise sensitive structures, such as houses, being allowed to be built in areas that have high levels of aircraft overflight.

Furthermore, while state-level authorities and local governments can have input to airport planning processes, they have no formal role in the process for determining capacity and operational matters, which in turn translate to land-use and community impacts. Essentially, the states and local governments are left in a powerless position where they can only respond to Federal level decisions, by restricting or regulating development in areas subject to noise impacts.

While there may be instances where the states have been lax in this regard, allowing “development creep” into existing noise sensitive areas, this is not a one-sided failure.

It is impossible for state planning authorities to anticipate effects resulting from what might be described as “impact creep” due to airport physical expansion and the absence of absolute capacity limits and nationally mandated movement caps for airports, with new technologies enabling an increase of flights within the same infrastructure – particularly new runways with closed STAR/SID, ILS and mixed operating modes. It is evident that the majority of homes newly exposed to unacceptable levels of aircraft noise are the result of increased annual aircraft movements or additional flight paths rather than new residential developments.

The problem is exacerbated by the inadequacy of the requirements for the Commonwealth to integrate airport planning with broader state-level land-use planning. Ultimately the objective of planning needs to be to achieve overall community outcomes. While this needs to include recognition and support for the overall national economic benefits of aviation, this should *not* be seen as a hierarchical trade-off where such benefits override the need to protect communities from harmful impact.

### **ANEF as an indicator of impact, is not fit for purpose**

Annoyance factors are the main drivers of the ANEF, and yet numerous studies have shown there are considerable and long-lasting detrimental impacts such as hypertension, cardiovascular disease, sleep deprivation related illness and mental illness as well as impacts on the learning abilities and health of children.<sup>1</sup> This is a significant failure of current regulatory policy.

ANEF contours are derived from aircraft noise forecasts and, unlike N contours, are not verifiable by real-world noise monitoring. The data used to generate noise forecasts are provided by the proponents – the airports – and the assumptions made when analysing these data are not always publicly available, so it is possible that actual noise may deviate significantly from the forecasts.

We propose a better, simpler and more useful alternative is to use N contours for  $L_{\max} - L_{\text{ambient}}$

(separate day and night figures), based on WHO recommendations of levels to avoid significant health and social harms). The ear reacts to noise changes/spikes not noise averages. These contours should be mapped based on actual noise data measurements realistically interpolated and would allow the full extent of the noise problem to be seen at a glance. They should be reviewed every 1-2 years and modified according to any worsening /improvement. The NAL study, which is the origin of the ANEF, is based on a survey conducted in 1982, some 39 years ago. Technologies have changed in aircraft, the range of noise and its intensity that communities are now subjected to has altered over the years and therefore community's reaction, resilience and acceptance of noise as of 2021 is likely to be significantly different to that of 1982.

Professor Hede, a recognised expert in noise measurement and the co-designer of the ANEF states:

*It is not clear how best to design aircraft noise information which is both engaging and explanatory for residents. For example, consider the case of Australia's standard on aircraft noise which states that a 20 ANEF exposure level is 'acceptable' for siting residential buildings thereby implying that residents should not be 'annoyed/affected' by noise below that level.*

*Both the community and public officials in Australia seem to be unaware that at the supposedly 'acceptable' exposure level of 20 ANEF, the only authoritative and internationally accepted national survey of aircraft noise in Australia (Hede & Bullen, 1982) indicates that a large proportion of the population find such exposure 'unacceptable', specifically, that 11% are 'seriously affected' by the noise and 22% are 'moderately affected'<sup>2</sup>.*

Prof. Hede further states: *"Independent reviewers concluded that between ANIS in 1982 and SoNA in 2014 respondents were found to be more sensitive to aircraft noise and that this was a "robust outcome of the study and can be relied upon". If such a situation exists in Australia, it would mean that the dose-response curve from the NAL study in 1980 and applied in the Australian Standard and elsewhere, could be seriously inaccurate when used for noise impact assessment and land-use planning. There's only one way to determine whether this is the case, that is, via an updated survey.<sup>3</sup>*

As such there is an overwhelming need to conduct local research in the Australian context.

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<sup>1</sup> Clark, C., Head, J., Haines, M., van Kamp, I., van Kempen, E., Stansfeld, S.A., A meta-analysis of the association of aircraft noise at school on children's reading comprehension and psychological health for use in health impact assessment, *Journal of Environmental Psychology* (2021), doi: <https://doi.org/10.1016/j.jenvp.2021.101646>.

<sup>2</sup> Hede AJ. *"Review of International Research on Community Reaction to Aircraft Noise: Report 2: Socio- Acoustic Research in the UK, p5*

<sup>3</sup> Ibid p5

### **ANEF as a communication tool**

What communities currently receive is information in the form of a single figure ANEF value. This approach is unhelpful - at worst conveys a completely wrong message. It does not translate into an understandable noise metric – decibels heard by humans (dBA). Currently, for example, people living outside the 20 ANEF contour are being given an expectation of receiving little or indeed no aircraft noise (i.e., well below 20 ANEF) and, as a consequence, find the levels of noise actually experienced to be unacceptable.

The AsA website acknowledges that residents living up to 75 klms from an airport could be subject to annoyance from aircraft noise and that many noise complaints come from areas well away from an airport's immediate surrounds. However, the ANEF does not extend to land areas

in the N60+ contour (N55+ night time), which would give a more adequate picture of where and how far aviation noise impacts will occur and probable noise levels – especially as AsA has commenced introduction of ‘concentrated’ flight paths, overflowed by aircraft many times a day, often in rapid succession.

In our experience, what communities want, and need are, as a minimum:

1. To be told about aircraft noise exposure in terms that are meaningful for them, i.e.:
  - where the flight paths are;
  - how frequent flights are at different times of the day/night;
  - the number of movements per day;
  - what time of the day these occur;
  - the level of noise (dB) should be measured on both dB(a) and dB(c); scales; and
  - the impacts for safety, health, amenity, etc. arising from the above.

It should also be noted that building attenuation in Australia is generally far lower than in the US and Europe, resulting in inside noise levels being higher for the same external level of noise.

If N contours are utilised then specific information relating to noise events that affect communities must be provided, such as the maximum number of aircraft over-flights per day, the maximum daily noise level (dBA) per noise event.

2. Provision of sufficient information for all of the above categories likely to be subject to changes in aircraft noise, to enable potentially affected community members to actively and meaningfully participate in any public consultation process, and be able to make an informed decision, such as whether to purchase a property, or whether to stay in the area if noise intensity and/or frequency is going to increase. For example, a noise sensitive person will be greatly advantaged when deciding on whether to move house if they have access to this type of information, rather than simply knowing that the area is exposed to, say, less than 20 ANEF.

Providing this level of information allows the decision maker or regulator a clearer picture of what the community outcomes/impacts will be if they approve a project and what mitigation needs to be put in place to ameliorate health concerns, such as curfews, restricted flight movements and paths, sound insulation, etc. It also provides existing and prospective residents with accurate, understandable information to base decisions on. This lack of information and regulation across the 3 levels of government is demonstrated at Jandakot (WA) where state and local pressure to address housing needs, is allowing development of homes within 500 metres of the runway.

#### **2.4.2 What are appropriate, modern noise metrics that should be used to communicate aircraft noise impacts?**

##### **National Airport Safety Framework**

The primary regulatory tool which recognises the adverse impact of aircraft noise on communities is the National Airport Safeguarding Framework (NASF), introduced in 2012. We have argued in 2.5.2 above about the fundamental flaws in the ANEF and that it should be abolished and replaced with more meaningful data. As such we argue there are fundamental flaws in using the NASF as a mechanism to regulate the impact of aircraft noise on communities, particularly in the context of new airport development and expansion. The main issues are:

- many if not all major Australian airports were sited too close to existing or planned residential developments to begin with, and had already been further compromised by airport expansion causing aircraft noise contours to encroach further into those communities when the NASF was introduced;
- The number of affected residents has continued to grow because airports have continued to encroach deeper into established communities as their annual aircraft movements increase;
- State and local authorities cannot ensure they meet housing targets and provide services and amenities to existing and future communities without further compromising airport safeguarding because:
  - Growth in airport capacity exposes pre-existing communities to harmful levels of aircraft noise and particulates, thus it is not at all clear where it is safe to allow development;
  - There is no clearly defined threshold beyond which it is accepted that safeguarding no longer exists. Thus, it is not clear whether current levels of impacts on residential communities have not already exceeded what is scientifically acceptable when an airport intends to reach ‘ultimate capacity’;
  - It is not clear where future flightpaths may be directed, and therefore not clear what, if any, undeveloped land is safe to develop; and
  - If the Federal (and, where relevant, State) governments continue to approve airport expansion without due consideration of the health, educational and other impacts on existing communities, it could be argued (politically and in the Courts) that they are willfully subjecting the community to injury;
- the utility of the framework is completely dependent on the efficacy of the Australian Noise Exposure Forecast (ANEF - discussed elsewhere in this submission), a tool widely recognised as being ineffective for land use planning and communicating potential noise impacts to residents because:
  - it is based on assumptions that are not tested in reality; and have not been updated for decades;
  - it consistently misapplies technical standards related to labelling average sound levels;
  - it is formulaic, and does not allow for specific local conditions or history; and
  - it is based on survey data from the 1980s that may no longer reflect community tolerance of aircraft noise.

The basis of the NASF and its purpose needs to be reviewed, again it is vital that the recommendation of the Inquiry address this issue.

### **Community involvement in understanding impact**

The impact of aircraft noise on communities can only be determined by regularly and systematically consulting with community members, including those who have experienced aircraft noise, to gauge tolerance, effects on amenity, lifestyle and health. Government has a clear responsibility to undertake such consultations on a regular basis. This is needed as the nature of aircraft noise changes due to advances in technology, traffic volumes, other environmental factors and expectations.

Particularly in a post-COVID world, demand for services and fit-for-purpose occupational arrangements (e.g., working from home) are likely to have changed permanently and will continue to change. Land use planning must adapt to and reflect these changes through periodic community research.

### **What are the solutions?**

To address these issues, we suggest an integrated approach to planning whereby all government jurisdictions, Commonwealth, state and local governments, work to ensure that land-use planning for airports and surrounding communities balances the long-term requirements of the airport, airport-associated industries, adjacent and abutting communities and residents, plus those likely to be affected by aircraft operations (irrespective of distance from an airport) in a comprehensive, transparent and consultative way.

Specifically, such an approach would involve:

- Land-use planning principles which are firmly based on the premise that it does not subject communities to unacceptable levels of aircraft noise, clearly defining noise metrics and particulate exposure which indicate 'unacceptable' levels.
- Government must propose better design and land use planning as a tool for development of new infrastructure. The options should be considered by way of inclusive, transparent and independently verified cost-benefit studies and proper oversight mechanisms should also be proposed to make sure the past flaws in airport design are not repeated.
- It must also address the past, that is to adequately consider the need to modify the huge amount of existing **infrastructure** (physical and traffic control etc.) and **operations** to mitigate existing noise harms from an improperly designed and regulated infrastructure.
- Periodic monitoring, research and consultation which ensures such metrics reflect current impacts.
- Development of state/federal mechanisms to establish comprehensive and time bound parameters which clearly specify limits on aircraft operations based on, for example, the location of the airport, its mix of operations, its proximity to communities and observance of health parameters.
- A consistent interleaving and transparent suite of federal, state and local government planning laws and building codes that clearly articulate what can and can't be built in locations under specified airspace traffic volume and in relation to that land where the noise impacts do or will occur.
- A consistent approach to integrated air space management which minimises residential overfly and includes flight paths from all public and private airports and flight and aircraft types e.g., commercial, freight, private, government, defence, emergency) within a 100 - 300Km of any location.
- When it is clear that the capacity of an airport is approached, (e.g., estimated to occur within 10 years), appropriate planning and identification of a new site for an additional airport is undertaken. The planning should ensure that potentially affected communities are engaged in early discussions and that land-use planning and associated mechanisms minimise impacts

on the surrounding natural and human environment, including health impact.

- Mechanisms for compensation of property as infrastructure evolves and changes, to the extent that the real cost of infrastructure is considered along with its potential benefits (e.g., new airports, new runways or runway realignment).
- Resumption may be necessary occasionally, but mechanisms should be put in place to avoid giving carte blanche to unfair compensation resumption and then change of plans and reselling at a loss to government, after impacting the affected community.
- Increase the size of buffer zones around new airport infrastructure airports through setting noise 'acceptability' criteria at noise values consistent with WHO standards, or by using another noise descriptor (for example one based on the number of noise events above N contours rather than on accumulated noise energy like the ANEF).
- Empowering both federal and/or state governments with the authority to impose curfews on non-government owned airports, such as those owned or managed by Councils, companies or trusts.
- There is an urgent need to integrate airspace design encompassing all LGAs (commercial, freight, defence, general aviation) for different airports to allow effective control of over-residential operation and appropriate investment in more effective air traffic control equipment and procedures, or reconsider operational restrictions such as curfews.
- Improved community consultations and provision of accessible information at the local level which includes:
  - Providing a combination of flight paths as well as noise contours as a minimum, supplemented by transparent noise disclosure to ensure there is a complete picture for communities and, above all else, the health impacts that may result.
  - Regular and proactive public communication from airports about current and forecast traffic levels, future changes, etc., which may cause additional impacts via multiple channels, such as community meetings, airport website, community newsletters, media, etc.
  - Obligations by state and federal government for real estate agents to alert and advise prospective house buyers to check the local airport website, to obtain information on flight paths, noise etc. or purchasers be provided with such information as a condition of sale prior to entering into a contract of sale.

### 2.4.3 Health Impacts of Aviation

We seriously question why governments have not addressed this. Even in the Government's recent Green Paper there is no mention anywhere of the well-known and obvious impact of aircraft on the health of the community. The recommendations of the **RRAT Inquiry** must address this obvious oversight and avoid increasing community unrest.

The absence of discussion on the health impacts of aviation is most concerning. There are number of aspects that need to be addressed:

1. Global heating and the effect this will have on all economies and, for aviation, the literal, not metaphoric, turbulence in the atmosphere planes fly in – it is already happening.
2. the physics of flying and the continuing need to use carbon-dense fossil fuels to power flight, while at the same time reducing and decarbonising emissions.

3. the growing awareness of the serious health and wellbeing impacts on communities of aircraft noise pollution, when translated into public health costs that have so far been avoided by the industry and lack consideration in any cost benefit analysis by government.

4. the likely need to significantly wind down air transport for mass tourism as part of global efforts to reduce carbon emissions, with the concomitant decline in passenger numbers, and aviation and tourism revenues.

The Green Paper foresees “... aircraft movements increase from 3 million per year to 8 or 9 million per year.” (p. 13) by 2050. This tripling of aircraft movements, with a similar increase in passengers and jet fuel use, suggests the government (and industry) anticipates the aviation industry will continue to grow exponentially at about 4-5% pa until 2050. This does not seem to be realistic. As such it is difficult to verify the data provided in the Green Paper that flight movements will triple by 2050, from around 3 million per year now to as much as 10 million (simple linear demand projection) it is also unclear how the metric is established, certainly it does not appear to be linked to GDP or any other meaningful or related data. This seems to lead to the assumption that this growth is necessary and desirable, so any community opposition must be ‘managed’ to prevent loss of ‘social licence’.

This is the background against which promised reductions in carbon emissions must be achieved to reach net zero by 2050. How will this be done? Such an increase also implies a very significant increase in the number of people afflicted by aviation pollution, either by noise and/or particulate and gaseous emissions. This is further concerning in that Australia does not have any regulations governing aviation noise in flight or other aviation related pollution, nor does Australia conduct any research into aviation-related environmental or health issues. This is further discussed below.

The recommendations of the **RRAT Inquiry** must address these issues if the Government’s policy position for the industry to 2050 is going to be meaningful. In the context of the impacts of aviation noise and pollution. The focus must shift from what benefits the industry, to also considering the social, health and environmental consequences.

There is no Benefit-Cost (B/C) analysis of *any* of existing policies or practices, nor of potential new policies or practices that government propose. This applies to the initiatives in the Green paper as well. This void is most concerning given the sector is supposedly worth AUD\$20 billion/annum to the Australia economy, employs 90,000 workers and overflies the homes of millions of its citizens given the known and far-reaching impacts – both positive and negative - on communities and the uneven distribution of these impacts, a social Benefit/Cost analysis is essential, not a later, optional ‘added extra’.

Ultimately, regulation of aircraft noise pollution is a Commonwealth government responsibility. State government environmental protection regulations, while empowered to deal with other sources of hazardous environmental noise (such as industrial, neighbourhood, agricultural and road transport-related noise), are specifically precluded from controlling risks associated with aircraft noise in flight. However, the Commonwealth appears to have largely absolved itself of this responsibility and must make citizens’ health and safety a top priority in the development of aviation, rather than an ignored and socialized cost for the benefit of the private sector.

For example, CASA, the primary regulatory agency for aviation currently has exercised no responsibility for regulating aircraft noise, except where this applies to noise emissions from individual models of aircraft, or where its own actions might contravene the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

Similarly, the Commonwealth has devolved responsibility for the impacts of airport operations on communities to State-based planning schemes, so as to limit residential development around airports through the National Airport Safeguarding Framework (NASF). Yet this complex framework applies only to new residential developments – little of which now takes place around major airports – and does not protect existing residences from continuing airport expansion, both in terms of major developments such as new runways, terminals and new airports, flight path changes, as well as capacity maximisation and growth.

Australian aviation policy does not in any way materially recognise the impact of aircraft operations (such as noise and particulate) on human health, community amenity, devaluation of property, costs of mitigation or relocation – unlike other forms of industrial or transport operations or neighbourhood law as it applies to noise.

For example, while Australian legislation recognises environmental noise emitted by other industries as a potential health hazard, the health impact of aircraft noise is not specifically reflected in the regulatory framework. This is out of step with the WHO's peer-assessed research findings that:

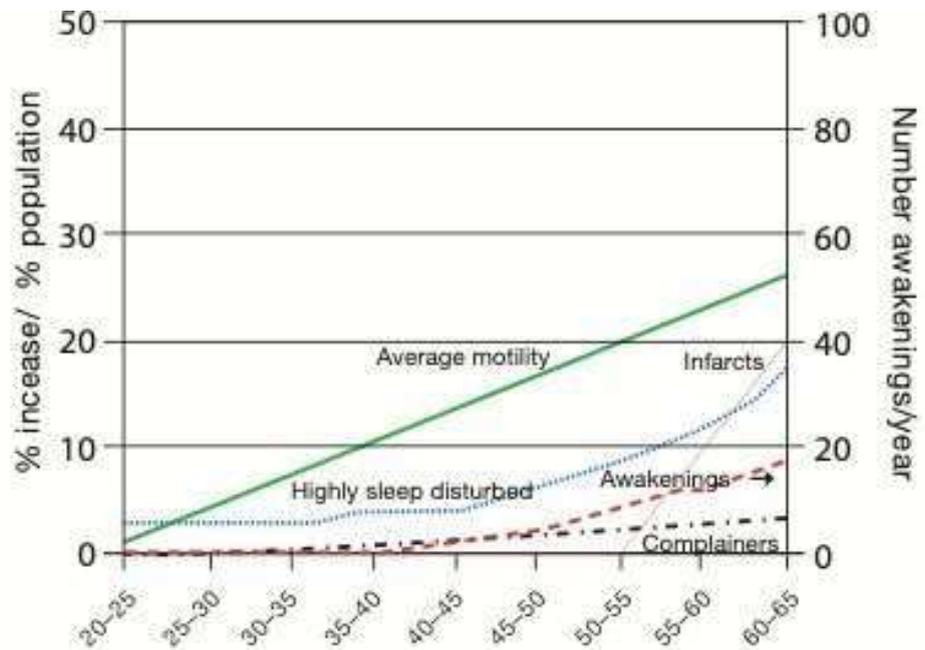
*Excessive noise seriously harms human health and interferes with people's daily activities at school, at work, at home and during leisure time. It can disturb sleep, cause cardiovascular and psychophysiological effects, reduce performance and provoke annoyance responses and changes in social behaviour.*

Since 2012 evidence has continued to mount that aircraft noise pollution is linked to increases in the rate of long-term physical and mental illnesses including diabetes, heart disease, anxiety and depression. There is also unequivocal evidence that aircraft noise exposure affects children's learning and cognitive function.<sup>4</sup>

While this has not been studied in adults, it seems likely it has the same effect regardless of age.

Each of these impacts comes at an economic cost

**Fig. 5.2**  
**Effects of aircraft**  
**noise at night\***



Source: European Commission, 2002 a

\* Average motility and infarcts are expressed in percent increase (compared to baseline number); the number of highly sleep disturbed people is expressed as percent of the population; complainers are expressed as a percent of the neighbourhood population; awakenings are expressed in number of additional awakenings per year.

These costs should be weighed against economic benefits in Australia, as is beginning to happen in overseas jurisdictions.<sup>3</sup>

<sup>2</sup> For example, James Lees, Cait Hewitt and Tim Johnson, 'Aircraft Noise and Public Health: the evidence is loud and clear,' *Report commissioned by HACAN and the Aviation Environment Federation* (January 2016); Mathias Basner, et al, 'Auditory and non-auditory effects of noise on health', (2014) 383(9925) *Lancet*; Mathias Basner, et al, 'Aviation Noise Impacts: State of the Science' (2017) 19(87) *Noise Health* 41; V Sparrow, T Gjestlund, R Guski, 'Aviation Noise Impacts White Paper, State of the Science 2019: Aviation Noise Impacts' in *Destination Green: The Next Chapter* (International Civil Aviation Administration) 44; Thomas Münzel et al, 'Effects of noise on vascular function, oxidative stress, and inflammation' (2017) 38(37) *European Heart Journal* 2838; Jünge Beutel, et al, 'Noise Annoyance Is Associated with Depression and Anxiety in the General Population - The Contribution of Aircraft Noise' (2016) *PLOS ONE* DOI:10.1371/journal.pone.0155357; *BMJ* 2019;366:I5329; Clark, C., Head, J., Haines, M., van Kamp, I., van Kempen, E., Stansfeld, S.A., A meta-analysis of the association of aircraft noise at school on children's reading comprehension and psychological health for use in health impact assessment, *Journal of Environmental Psychology* (2021), doi: <https://doi.org/10.1016/j.jenvp.2021.101646>.

<sup>3</sup> Lees (n 29) 43.

<sup>4</sup> European Commission, *Position paper on dose-response relationships between transportation noise and annoyance*, 20 February 2002

### **We urge adoption of WHO recommendations.**

It is currently thought that annoyance as well as sleep disruption may underpin these health and cognitive effects, though as we discuss below it is not clear a person must be aware of annoyance to suffer the health and educational deficits caused by aircraft noise exposure.

It is clear from the literature that the harmful effects of aircraft noise are not felt exclusively by those who are aware of being annoyed. Indeed, a 2002 report for the European Commission indicates far fewer people complain about air traffic noise than suffer sleep disturbance as a result of it (see figure below taken from European Commission (2002) *Position paper on dose-response relationships between transportation noise and annoyance*.)<sup>4</sup>

Furthermore, detailed sleep studies show quite clearly that people suffer many ‘micro-awakenings’ due to nighttime aircraft noise.

Under the current regulatory arrangements, little if any real cognisance is taken of the cumulative health impacts of aircraft noise on the broader population. Annoyance factors are the main drivers of the ANEF and yet numerous studies have shown there are considerable long lasting detrimental impacts such as hypertension, cardiovascular disease, sleep deprivation related illness and impacts on the learning abilities and health of children.

One such study conducted by Dr Charlotte Clark, Barts & the London School of Medicine, Queen Mary University of London in 2015 for the UK Airports Commission concluded:

*The health effects of environmental noise are diverse, serious, and because of widespread exposure, very prevalent (Basner et al, 2014). For populations around airports, aircraft noise exposure can be chronic. Evidence is increasing to support preventive measures such as insulation, policy, guidelines, & limit values. **Efforts to reduce exposure should primarily reduce annoyance, improve learning environments for children, and lower the prevalence of cardiovascular risk factors and cardiovascular disease (Basner et al, 2014).***<sup>5</sup>

The time has come to replace subjective measures of annoyance with objective measures of the well-documented impacts of chronic aircraft noise exposure on health and educational outcomes. These, too, are not restricted to those who are aware of being annoyed or woken by aircraft noise.

WHO Europe recently released its *Environmental Noise Guidelines for the European Union* (2018) which provide recommendations to policy makers on protecting human health from the damaging impacts of noise. For example, in regard to aircraft noise, WHO Europe: *Strongly recommends reducing noise levels produced by aircraft **below 45 dB Lden**. as aircraft noise above this level is associated with adverse health effects*

Australia’s regulatory framework does not have a legislated standard which sets acceptable limits for aircraft noise arising from actions such as development of new airports, new runways, changes to flight paths or increases in aircraft volume. The only legislative tool which offers such protection is the *EPBC Act*, which is primarily designed to protect the natural environment.

The *EPBC Act* requires the proponents of airport developments to prepare an environmental assessment, to determine whether the development will result in ‘significant impact’. There is no definition as to what constitutes ‘significant’. Similarly, when implementing new or redesigned flight paths, the *Act* requires the air traffic control service provider AsA, as a Commonwealth entity, to undertake a similar assessment using what it terms a ‘National Operating Standard’ (NOS). Both rely on *Australian Standard AS2021-2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* for decibel thresholds of what constitutes acceptable aircraft noise, though it is not clear whether this is an appropriate interpretation of *AS2021*, particularly since ‘acceptable’ is never defined and *AS2021* exclusively considers indoor, and not outdoor, noise levels.

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<sup>5</sup> Dr Charlotte Clarke, ‘Aircraft noise effects on health’, Report for the UK Airports Commission, May 2015, 27.

AsA does not always choose to refer matters it should to the Minister for the Environment. As one example in an ANO report highlight:

*Airservices' Environment Branch carried out an exhaustive Environmental Impact Assessment on the effect of introducing Smart Tracking at Melbourne Airport, completed in August 2012. It found that the potential noise from the flight path over the areas occupied by the complainants would have a 'significant' impact on the environment and should be referred to the Minister for the Environment as required by section 160 of the Environment Protection and Biodiversity Conservation Act 1999(EPBC Act).*

*This assessment was rejected by the responsible Airservices managers who determined that the impact would not be "significant". The evidence that the impact would be significant is compelling and the evidence for rejecting the environmental assessment is unconvincing.*

*The actual increase in flight numbers using Runway 34 and passing over East Melbourne from 2012/13 to 2019/20 confirms that the impact has been significant and validates the finding of the Environmental Assessment.*

In summary the many factors discussed above must be taken into account in the recommendation of the RRAT Inquiry along with the following:

- There is currently a narrow definition of aircraft safety as just that of the aircraft and crew/passengers. It does not include citizen safety from the harms of noise, pollution or crash. These factors are largely ignored in favour only of crash prevention.
- There is no mention of the need for:
  - proper research into harmful effects of aviation noise in the Australian context, and the subsequent use of this research in determining planning and operation of the industry;
  - setting of meaningful evidence based maximum noise levels as is done in other industries backed by overseas standards (e.g., WHO) and local research supported by proper noise monitoring and community consultation. Noise limits should be based on known noise harms, not omitted for the purpose of operational convenience; and
  - addressing previously inaccurate noise forecast methods and standards e.g., ANEF are still planned for future use. In spite of knowing this for years, there is still no specific proposal for better noise forecast methods which properly reflect community disturbance and health harms and *can be verified by on ground noise monitoring*.

## **2.5 Government must be proactive in addressing emerging impacts from projected growth in drone and Evtol use, how is this best managed?**

### **2.5.1 Growth in drone and Evtol aviation**

The current regulatory framework for aircraft administered by the Civil Aviation Authority (CASA) and Airservices' (AS) has served Australia well. We support the proposed policy approach of the "Civil Aviation Safety Authority maintaining its commitment to the primacy of safety, while taking a responsive, modern and evidence-based approach to safety regulation and the certification of new aviation technology that provides scope for innovation and flexibility, having regard to the inherent risks of the operating environment, other airspace users and the travelling public."

We agree that drone and electric vertical take-off and landing (eVTOL) operations have the same

categories of safety risks as any other aircraft.

This emerging technology will impact on society's conception of safety and security, individual and commercial liability and privacy, and adds another dimension to drafting effective governmental regulation.

Government policy and the Green paper contain limited discussion on the technology in use and how this will be regulated, what is acceptable what is not. We are not privy to this information, and we need this information to make informed judgements as to what the tolerance for risk should be. Government must do more work on this and convey its findings to the community.

From a community perspective, safety, the freedom from harm and security, are likely to be embraced as universal principles. Our concerns focus on the technology and the user. With regard to the technology, the key aspects are engine reliability/operation, battery life, lift capacity, airworthiness, and reliability including fail safe mechanisms.

As with fixed wing/rotor aircraft flying over public space, just one small mistake could result in crashes that threaten the health, safety and well-being of people in public and private property. Proliferation of these new technologies and their relatively inexpensive access, heighten the level of risk. Also, crashes into public infrastructure such as electricity pylons and poles, straying into flight paths of other aircraft and protected (controlled) airspaces in particular, all urban areas in uncontrolled air space, could result in extreme danger putting many lives at risk. These factors and levels of risk must be taken into account. We draw attention to the example of France with respect to appropriate regulation of safety. In this jurisdiction, drones must not fly above 150 metres above ground level and *"Drones may not be flown over public areas of urban zones without governmental approval and may be flown over private property only with the owner's authorization."*

Additionally, drones pose additional risks of privacy infringement, security breaches and noise pollution. The recommendations of the RRAT Inquiry must address this.

## 2.6 Lack of meaningful engagement of communities

### 2.6.1 Community engagement in setting standards

This is crucial. This aspect of the operation of DITRC, CASA, AS requires significant strengthening as it is not currently at levels of best practice. The absence of meaningful and transparent communication with affected communities is of major concern and the development of policy and operational arrangements for this emerging segment of the aviation sector provides an essential opportunity for the regulators to get it right.

The Green Paper proposes some changes in community consultation, but the same flawed framework still largely applies. The community consultation framework largely fails to address community concerns as importantly as operational concerns but instead, proposes more of an education focus for citizens to accept the need for sharing noise etc.

The same industry funded AsA organisation will conduct consultations as in the past which have proven relatively divisive to the community (through noise sharing procedures) in the past and delivered little practical benefit. Overall, in the time AsA has been conducting community engagement, there has been no noticeable improvement in noise levels. There is no clear metric on how AsA uses the input from the community, nor any specific goals and timelines for reductions of residential overfly.

Ministerial direction and statements of expectations made and issue under the *Air Services Act* require Air services to “initiate...consultations...with the aviation industry and community in relation to the environmental aspects of air traffic management” and to “undertake ongoing and effective engagement with the community...”.

Unfortunately, up until now Air services has failed abysmally noise affected communities in undertaking this role due to its focus of servicing, promoting and above all else fostering the aviation industry, rather than what the Australian community require it be an impartial and informed regulator.

In the ANO’s submission in regard to the White Paper it also draws a similar conclusion although it credits AsA with devoting more resources to the function. “*Perhaps because of its focus on servicing, promoting and fostering the aviation industry, Airservices has historically taken a minimalist approach to its engagement with the community, tending to avoid it where possible. It is fair to say, however, that it has recently invested more resources in this area and continues to improve its capacity to conduct community engagement*”. However, CAAA members have yet to see any tangible improvement from this supposed increase in resources. Successive governments have failed to hold AsA accountable for this failure in the absence of action by the accountable regulator CASA.

### 2.6.2 What are CAAA primary concerns?

The recent engagement standard produced by AsA has a number of areas of concern for CAAA and its members. Despite making a submission to AsA and participating in consultation sessions, this finalised AsA standard largely ignores the issues that CAAA tabled during the so-called engagement sessions. The recommendations of the Inquiry and subsequent policy must overturn this situation.

CAAA contends there are a number of areas that require further work if this is to be achieved. The current draft of the standard:

1. Relies on there being no defined limit to aircraft noise impacts on communities.
2. Relies on the looseness and inadequacies of the EPBC Act, which does not provide citizen protection from aviation impacts (noise and other pollution). The Airports Act 1996 and COAG 1997 take precedence by law.
3. AsA’s perceptions of community engagement and consultation which are known to be very different to what communities want and have a right to expect.
4. Community empowerment i.e., the electors/communities that the aviation industry supposedly serve, to influence decisions is a critical component that is missing from AsA perceptions of *Engagement*.
5. Reflects that AsA focuses on improving processes and procedure, explicitly excluding some viable outcomes – while communities are focused on improving the outcomes in terms of reduction of disturbance and harm.
6. Will not see Community outrage decline while there continues to be misalignment between AsA and Aviation Stakeholder expectation that any compromises having to be made in respect of deleterious impacts on communities, must be made by communities.

7. If AsA is intent on formalising its past *custom and practice* that has proved to be a failure, then this 'new' standard will also be a failure, damaging the reputation of AsA and the government.
8. Is underpinned and supported by a raft of aviation policy instruments that do not recognise the real causes of conflict between the industry and communities. i.e., aircraft cause aggravated noise and other pollution levels for communities resulting in loss of amenity, health impacts and detrimental pollution.
9. Has many '*motherhood statements*' that lack definition, detail and example. This leaves the draft standard open to broad interpretation by parties who may have conflicting points of view.

The following highlights a number of areas of the AsA standard that require significant attention, it is not a complete or an exhaustive list - this was submitted to AsA as part of the CAAA submission.

#### Drivers of flight path and airspace change

- The headings in this table encapsulate the underlying issues that communities have with this draft standard and with the wider issues of AsA past attitudes, actions and alignments with specific (but not all) stakeholder groups.
- In effect, the table ignores drivers of change to flight paths and airspace architecture relevant to communities and the environment. This is alarming and insulting to communities affected by aircraft noise and pollution.

This glaring oversight sadly suggests that AsA:

- Should not be just a reward for service provider if government is not going to compel CASA. AsA has no line of sight of the fact that it is a government regulatory agency, not just a paid-for service for aircraft operators, and must act in the public interest,
- Feels no responsibility to communities affected by its policy decisions,
- Excludes impacts, of the aviation industry on changing climatic conditions, from its operational ethos,
- Will continue to ignore any community demands that may in any way, affect the profitmaking capacity of the aviation industry.

These deficiencies appear to be by political design under the Airports Act and the Minister's directives rather than being the direct fault of ASA, but who are complicit with a hopelessly confused mandate, specifically excluding them from being able to take effective action in reducing noise harms. Either, AsA roles and mandate is drastically altered for it to take on the regulator role or CASA is held to account.

#### Under Theme of Overflight impacts

- Community concerns and environmental impacts should be Drivers in their own right - using the term *overflight impacts* misrepresents the breadth and depth of the issue.

- This is the only Theme that even remotely gives consideration to community impacts caused by aviation operations.
- Earlier in this draft standard a reference was made to the Oct 2020 Flight Path Design Principles in which all principles to minimise impacts on communities – would only be pursued “*where possible, when practicable*” and “*where minimisation of impacts does not interfere with operational matters*”.

This theme is inextricably linked to the shortcomings of the 2020 Design Principles. These clearly identify airline profits as a more important factor than taking appropriate actions to recognise and reduce community and environmental impacts.

- The community engagement process and content described in the draft standard omits or downplays a number of vital issues including:
  - The conflict between AsA, the industry and communities which has sponsored the need for a standard - caused by aviation being an inherently intrusive industry;
  - No tangible consideration is given to aviation impacts on the environment; and
  - AsA supports outcomes that are not consistent with the reduction of climate change impacts or environmental pursuits of other government agencies.

Minimal consideration of community noise and related health and pollution impacts.

#### Re Table 2 – the EP&BC Act

We reiterate comments made in previous parts of this submission that numerous changes need to be made the Act to ensure it takes into account the impacts on communities affected by aircraft noise, which in its current form it does not.

In reality the EPBC Act is devoid of any meaningful provision to protect communities from aircraft noise. Section 528 of the EPBC Act defines Environment to include: *(a) ecosystems and their constituent parts, including people and communities*; and also includes the *social, economic and cultural aspects of a thing mentioned in paragraph (a), (b), or (c)*.

This definition is ambiguous with respect to the human environment and limits consideration to be only part of a broader ecosystem. Future policy and legislation must recognise the human environment (or communities) in their own right.

For example, with respect to Commonwealth decisions on flightpaths, social impacts can include impacts on health and people’s enjoyment of parks and gardens, their backyards and local community. Currently this consideration is excluded by a narrow interpretation of the term *social impact*. Even AsA recognise these inadequacies in their submission to the review of the EPBC Act and requested amendments.

#### Re Empowerment

- We accept the primary thrust that AsA is ultimately responsible for putting the policy recommendations to government for approval. However, we have a fundamental concern that AsA documentation characterises its working relationship with the Australian aviation industry, as a ‘partnership’ with industry.
- Such a description and source of funding is clearly in conflict with a statutory role as a regulator and responsibilities as a government entity under the Air Services Act 1995. We acknowledge that this description reflects how AsA sees its role, but given it is reliant on industry funding – there will always be potential for biased and unbalanced policy recommendations.

- As such either organize and fund AsA differently, or ensure CASA picks up this role or create a new body tasked with independent oversight of technical flight path design consistent with community health and well-being. In reality AsA knows what communities want, they don't actually need any engagement, if they could follow adequately defined principles of flight path design, consistent with both operational efficiency and safety, as well as community safety, health and amenity (aka noise limits).
  - In this context, the AsA Board and management have ignored the fact that it has equal – if not higher – responsibilities for acting in the public interest, especially with respect to community consultation and minimising the environmental (noise) impacts of aircraft operations.
  - AsA must demonstrate that it genuinely takes into account the broad public interest, that of providing safe service to meet community and industry needs but also protects the health and well-being and amenity of communities from the impacts of aircraft operations.
  - Re Section 2 Para 18 Table 4, Engagement should be credible. Engagement should focus on supporting decision-making and enhancing the final outcome.
  - AsA should state how such engagement will occur - for example, engagement should not consist merely of posts on AsA's website. Instead, all affected parties - state government, local government and community groups who are concerned about land use planning, aircraft noise and its health impacts should be contacted and engaged directly by AsA. Otherwise, this remains tokenistic, bureaucratic language without any meaning for community stakeholders.
- Re develop options and engage on the key choices, broad mix of stakeholders etc.

Engagement should be comprehensive, but it must be in a form that can be readily understood by communities, i.e., impacts on land use planning, health impacts including the level of harm of projected aircraft noise, frequency of impact etc. Specifically – communities should be told about aircraft noise exposure in terms that are meaningful for them, i.e.:

- where the flight paths are;
  - how frequent flights are at different times of the day/night;
  - the number of movements per day;
  - what time of the day these occur;
  - the noise needs to be measured on both dB(A) and dB(C) scales, as well as dB(C); and
  - what are the impacts for safety, health, amenity, etc. arising from the above?
- If 'N-above' contours are utilised to supplement a revised ANEF then specific information relating to noise events that affect communities must be provided, such as the maximum number of aircraft overflights per day, maximum instantaneous sound levels, average daily and night noise level (dBA & dBC) per noise event, noise duration.
  - These should be developed in conjunction with industry, local govt, community groups focused on aircraft noise and its health impacts?
  - Not definitive. The groups/entities which will be consulted as a matter of course should be defined, i.e., aviation industry, local govt, state govt, community groups?
  - Should state the manner in which engagement will be undertaken and conveyed to stakeholders including community groups?
  - Engagement should be timely.

Most important and this is an area of major concern to community groups concerned about aircraft noise and related matters.

The engagement with community groups and stakeholders must be very early on in the process to give groups time to consider and consult with their communities. This has been a major failing of AsA in the past either not consulting communities likely to be affected or not allowing sufficient time for communities to consider consult and respond.

In respect of Community stakeholders' government policy must ensure communities have adequate time to consider the positions proposed and formulate their feedback and to dedicate adequate time for the community to consider the proposal and provide feedback.

However, what constitutes 'adequate time' must be defined by communities – not AsA. For example, AsA must bear in mind that community groups are for the most part unpaid volunteers who work to represent their communities. They must juggle working for the community, employment responsibilities, family time and other commitments. Perhaps AsA could fund a community advocate to assist communities in speedier feedback?

In our view, judgment about the effectiveness of community consultation and engagement by Airports and AsA in relation to flight path design and relocation, should be assessed by an independent ANO and tabled in Parliament for the information of the community. At this point in time this burden is left to communities who do not have the resources or the reach to conduct this in the breadth and depth required nor to be able to disseminate this information widely to communities impacted by aircraft noise and contaminants.

## **2.7 Impacts and areas for improvement relating to General Aviation**

The increasing volume of flight training being undertaken at general aviation (GA) airports in high density residential areas, such as Moorabbin (Melbourne), Jandakot (Perth), Bankstown (Sydney), Archerfield (Brisbane) and Parafield (Adelaide) is causing unprecedented levels of noise impacts on adjacent communities and is effectively unregulated.

We accept the right of flight training providers to undertake their business without the burden of excessive regulation. However, we point out this business imposes significant costs on the surrounding communities which needs to be considered by policymakers so as to mitigate impacts.

### **2.7.1 Aircraft noise impact**

Circuit training is the predominant source of aircraft noise complaints at urban GA airports. The noise from flight training activity is particularly disturbing because of its highly repetitive nature over extended periods. Moreover, a significant amount of the training occurs at noise sensitive times, such as summer evenings and on weekends when residents tend to spend more time at home or outdoors. Excessive noise from constant low flying training aircraft and interference or disruption of outdoor activities are the major reason for complaints.

At large GA airports, such as Moorabbin, residents can experience between 500 and 1,000 direct flyovers per day (one every 10-20 seconds, including the noise heard of another aircraft approaching just after one has overflown). This occurs from 8am to 9pm, extending to 10pm during daylight savings, and for seven days per week. At Jandakot Airport (WA) pilot training circuits (for people who work during the day) starts at 6pm and goes through till 10pm daily.

How can anyone conceive this is acceptable in the name of 'progress'?

As mentioned earlier, WHO Europe's *Environmental Noise Guidelines for the European Union* (2018) "strongly recommends reducing noise levels produced by aircraft below 45 dB Lden, as aircraft noise above this level is associated with adverse health effects."

In contrast, Guideline A of the NASF recommends that zoning for noise-sensitive development be avoided where ultimate capacity or long-range noise modelling for the airport indicates either:

- 20 or more daily events greater than 70 dB(A).
- 50 or more daily events of greater than 65 dB(A); or
- 100 events or more daily events of greater than 60 dB(A).

Despite this difference in guideline temporary noise monitoring conducted at Moorabbin Airport in 2013 and 2016 by AsA indicated that residents living under or near the training circuit path experience, on average, over 150 noise events above 60dBA per day, or one every 4 minutes which is in excess of the guidelines.

- Thus, in effect, the volume and intensity of aircraft noise from GA has been allowed to, and continues to, greatly exceed reasonable levels in existing residential areas where residential housing developments would now no longer be permitted if the guideline was applied.
- The master planning processes associated with GA airports provides little meaningful input from affected communities. Airports will not implement noise mitigation or reduce aircraft movements that would impact on airport operations, so this is not a focus area of the master plans. In contrast it is a strategic driver to increase aircraft movements and expand aviation operations as continued growth of the airport is the main driver. There is no effective regulation that the community can refer to limit aircraft movement growth as there is no measure of what is a reasonable or a fair amount of noise to experience. The NASF Guideline is a guideline only and has no enforcement as a regulatory standard.

### 2.7.2 Redress mechanisms

- AsA offers an aircraft noise complaint-handling service, which it characterises as an 'interface' for complaints. This includes referral of GA noise complaints to the relevant airport. There is a need to ensure that either the airport or AsA are able to implement Noise Abatement Procedures, which limit the hours during which circuit training can occur, but not the volume or frequency of training flight movements.
- However, the GA operator only has direct control over the management of noise emitted by aircraft on the ground – thus there is a gap in noise management for propeller-driven aircraft. In addition, as the root cause of the noise complaints are about the volume of the circuit training itself and there is no regulation or willingness of the GA operator to reduce movements the noise complaints cannot be addressed.
- The GA airport operator can pass on community concerns and complaints about noise via the requirement for federally leased airports to establish a 'Community Aviation Consultation Group' mandated under the Commonwealth Airports Act 1996. However, the CACG has no authority to recommend or demand improvements regarding aircraft noise to AsA or the ANO. Its terms of reference are limited to information-sharing to:
  - enable airport operators, residents affected by airport operations, local authorities, airport users, and other interested parties to **exchange information** on issues relating to airport operations and their impacts.

- **allow matters to be raised and taken into account** by the airport operator, with a genuine desire to resolve issues that may emerge;
- **complement and support** the consultative requirements already established for Master Plans and Major Development Plans (MDPs); and
- **discuss and share information** between the airport and the communities affected by its operations and plans.

As an example, community groups have generally found CACGs to be ineffective, and frequently unrepresentative of community views and concerns. They consider the CACG forum to be tokenistic at best when it comes to dealing with aircraft noise-related matters in general and any input into the master planning arrangements. Flight training provides a valuable revenue for airports and operators (who also sit on the CACG), hence there is little motivation to curb the volume and frequency of training flights if this can be avoided.

Some GA airports maintain voluntary 'Fly Neighbourly' or 'Fly Friendly' agreements with flight training providers, which specify hours of operation, preferred minimum flight altitudes, use of engines, etc. Compliance with such agreements is not monitored, however, nor are there sanctions for non-compliance.

Unlike major and capital city airports, GA airports do not incorporate permanent noise monitors, which would allow AsA and the ANO to draw on fact-based evidence when making decisions regarding contraventions of aircraft noise standards.

We recommend a refreshed regulatory approach which:

- Has a medium-term plan to relocate flying schools to airports in non-residential regional areas to reduce safety risks and allows for growth through flow on effects to local businesses.
- Where effective relocation of high traffic airports cannot be undertaken, identifies suitable greenfield sites to plan and build new airports to:
  - Accommodate increases in demand for GA and flying schools.
  - Provide suitable long-term buffer zones to enhance the effective operation of the airport.
  - Enhance community safety from aircraft operations; and
  - Improve community amenity from impacts of aircraft noise.
- Improves planning regulations to incorporate an effective distance-based safety and noise buffer around airports which encompasses areas overflowed by training circuits and encourages consideration of options such as locating training activities over water.
- For existing GA airports establishes national aircraft noise standards for aircraft in flight at, or abutting, airports and communities affected by flyover, so as to better regulate decisions by Commonwealth agencies and airport operators. The NASF Guidelines can be used as a starting point for this, with movement numbers to be reduced and not to exceed the daily NASF aircraft movements above certain noise thresholds.

- Requires installation of permanent noise monitors at the primary GA airports, in line with major and capital city airports, so that compliance with aircraft noise standards can be monitored.
- Enlarges the scope of the ANO's role to enable investigation of noise complaints directly with airports and CASA, including where these arise from the design and operation of training circuits.

### 2.7.3 Do policy and regulatory settings adequately facilitate the General Aviation (GA) sector's evolving role in Australian aviation?

No there is no regulation for aircraft noise therefore community complaints do not have a standard that can be used to measure compliance hence complaints are not addressed. We reiterate that: national aircraft noise standards need to be established to limit aircraft in-flight noise impacts on communities affected by flyover, so as to better regulate decisions by Commonwealth agencies and airport operators. The NASF Guidelines can be used as a starting point for this with movement numbers to be reduced not to exceed the daily NASF aircraft movements above certain noise thresholds.

## 2.8 Are the existing agencies, legislation and regulations fit-for-purpose?

There are a myriad of opportunities for the recommendations of the **RRAT Inquiry** to recommend to government improvements to:

- a) the interface between aviation suppliers, regulators and communities, if it chooses to do so or wishes to treat communities with more respect.
- b) Amendments to the current legislative suite that improves transparency of aviation benefits and costs; and
- c) Clearer lines of accountability and governance for aviation regulatory agencies to ameliorate aviation impacts on communities.

As highlighted through most sections of this submission, we consider there is a lack of integration or understanding by government departments and regulators of the impacts of aircraft operations and for aviation and its noise impacts on communities. As such, most communities view the current legislation and regulators as non-effective or completely absent from their purview.

Various Acts of Parliament are not effectively interrelated or reflective of impacts on communities e.g., Airports Act, Air Services Act, Aircraft Noise Levy Act and EPBC Act. The following two subsections propose a number of inclusions and amendments to legislation, policy and administrative arrangements.

### 2.8.1 Some specific Inadequacies of the current legislative and regulatory framework

Government's pursuit of sustainability in the aviation industry is continuously undermined by the inadequacy of regulatory mechanisms that result in a vacuum of responsibility and accountability to the Australian people. These matters must be redressed in subsequent Aviation Policy:

1. Amendments to the basis and working of the ANEF and NASF as discussed in Section 2.4 of this submission.

2. While the Civil Aviation Safety Authority (CASA) has the statutory authority to regulate the designation and use of flight paths, the absence of detail in Part 71 of Civil Aviation Safety Regulations pertaining to Airspace, results in legislative gaps and an ad hoc development, design and approval of flight paths throughout Australia. This regulatory inadequacy manifests itself in a failure to protect Australian communities from the adverse negative impacts of aircraft noise and aviation pollution.
  - a. CAAA submits that part 71 of the Civil Aviation Regulations 1998 must clearly designate responsibility of CASA for airspace design, approval and administration to include the need for public consultation (meaningful influence) in regard to proposed new or changes to existing flight paths. As a general observation the regulations are largely directed at regulating aircraft, pilots and aerodromes/ There are a number of provisions that convey a right to refer decisions/actions of CASA to the AAT for review but none relate to the design of airways or flight paths. Part 172 authorises AsA to provide air traffic services.
3. In regard to Master Plans and Major Development Plans, current regulatory instruments effectively build in and authorize '*conflict of interest*' mechanisms that allow proponents (airports) of MPs and MDPs to be the '*gate keepers*' of public consultation, submission inputs and information, that the Minister has at hand, in the decision to approve or reject the proposal. In terms of both plan proponents and government decision making, this fails to articulate responsibilities to protect aviation affected communities from aircraft noise and particulate emissions.
  - a. CAAA submits that changes be made to the Airports Act 1996 to include:
    - i. At section 89(1) (bb) *altering a flight path in any way that significantly changes the pattern or levels of aircraft noise; or*
    - ii. At sections 79, 84A, 92 and 95A, that – "*requires all public submissions on MPs and MDPs to be provided directly to the Department*"
    - iii. At section 81(2) an amendment to - "*enable the Minister to approve a plan, subject to conditions*"
4. Section 528 of the EPBC Act defines Environment to include: (a) *ecosystems and their constituent parts, including people and communities*; and also includes the *social, economic and cultural aspects of a thing mentioned in paragraph (a), (b), or (c)*.

This definition is ambiguous with respect to the human environment and limits its consideration to be only part of a broader ecosystem. We suggest that this is a major flaw in policy and legislative drafting and must as be rectified to ensure that the current flaws applying to the current mix of aircraft is not compounded by the addition of drones and eVOTL aircraft to the mix. Going forward the basis for any consideration must include impacts on the human environment (or communities) in their own right.

The lack of *definition of social, economic and cultural* in existing legislation is also very problematic. For example, with respect to Commonwealth decisions on flightpaths, social impacts can include impacts on health and people's enjoyment of parks and gardens, their backyards and local community, but this consideration could be excluded by a narrow interpretation of the term *social impact*. We therefore urge work be undertaken to provide improved and more relevant definitions.

It is imperative the EPBC Act include clear definitions of significant social impact, particularly in relation to noise with the proposed increase in the suite of aircraft. No such definitions currently exist and leaves regulators as well as communities affected without any agreed basis to balance community concerns regarding aircraft noise with the operational and safety imperatives for aviation.

Noise has a significant impact on people and communities as defined under Section 528 of the EPBC Act. However, the Act provides no standard or comparison points against which assessments of such impacts can be measured. Unfortunately, this is currently problematic in relation to Environmental Assessments prepared by Commonwealth agencies with respect to aircraft noise. We therefore urge that appropriate standards be referenced in either the EPBC Act or failing that Airservices' Act to provide some clarity.

5. Section 160 of EPBC Act. There is no definition of 'significant impact' and this is a continual point of ambiguity and consternation between the aviation industry, its regulators and the communities impacted. In particular with regard to how flight paths are set, and changes are evaluated. This cannot be allowed to continue with an addition of drones and eVTOL into the mix. Amendments to the Act must provide clarity about 'environmental (and social) significance' for community noise impacts. This can then be translated to appropriate settings i.e., road, aviation (fixed wing, RPT, helicopter, drone eVOTL etc.) Refer to Airservices' submission to EPBC Review, page 2." *Specifically, Section 160 with respect to defined 'significant impact' is a continual point of ambiguity within the aviation industry particularly with regard to how flight path changes are evaluated. Amendments to the Act should more clearly inform 'environmental (and social) significance' for community noise impacts, which we can then translate to the aviation context."*

Improved guidance and standards should be provided to ensure greater clarity about aircraft noise impacts. The health and societal impacts of noise (including aircraft noise) are becoming and will be become an increasing focus area, particularly with the rapid growth in urban density and the increasing suite of aircraft in aviation and road transport sectors as they intersect those communities. Refer to Airservices' submission to EPBC Review, page 3" *The health and societal impacts of noise (including aircraft noise) are becoming a key focus area, particularly with the rapid growth in urban density, and the aviation and road transport sectors. Clearly linking the potential health impacts of aircraft noise in Australia to national guidelines and regulatory criteria would provide transparency to both the community and aviation industry on aircraft noise impacts in the residential setting."*

A clear linkage must be established linking the potential health impacts of all forms of aircraft noise in Australia to national guidelines and regulatory criteria. This would provide much needed transparency to communities, the aviation industry, its regulators on acceptable aircraft (all modes) of noise impacts for residential settings.

## **2.8.2 Other change imperatives that require change to lessen impacts on communities**

### **1. Improved community consultation, engagement and equity of access**

Departments and agencies fail to listen to impacted communities nor consult with them in meaningful ways. AsA is the primary agency exhibiting this failing, it has been shown to, at best, pay lip service to community engagement or more often blatantly choosing to not

consult. There is little evidence of the agencies responsible for protecting communities from the harms of aviation are actually undertaking that role. As such the Government's continued pursuance of a 'light touch' approach to aviation policy undermines responsibilities of its administrators to the people they are there to serve.

As part of any new direction there is a requirement for vastly improved community consultation in the discussion of emerging standards, however this aspect must be better defined. Section 2.6 of this submission outline our concerns and proposals, they have not been repeated here. How this engagement is undertaken, and the level of engagement Government has with affected communities, will determine whether communities impacted by regular fixed wing aviation, drones and eVTOL will consider their concerns have been understood and appropriately taken on board.

As a general point it should be recognised that for communities to have meaningful input into decision-making, communities must be provided with sufficient information to understand the technologies of these aircraft, how the policy will balance the application of these technologies and the impacts and risks that communities may incur. This is imperative.

In our view a key systemic constraint to delivery of better, fair and balanced aircraft noise outcomes is the inequality of access by communities to Government Ministers and senior departmental decision makers, when compared with the resources and access afforded to airports and airlines.

This is evidenced by the disproportionate influence that industry has on policy and procedure formulation, prior to any opportunity for community input, which only occurs after the substance of the policy/procedure has already been drafted. Recent examples of this situation occurred with the 2020 Flight Path Design Principles, the review of National Airport Safety Framework and the current Aviation Policy Review Green Paper where communities went to their own expense and trouble to put in submissions, which resulted in no substantive changes to finalised documents.

Additionally, the current RRAT Senate Inquiry has only scheduled one Hearing in Brisbane. This restricts communities in other States from efforts to present alternative, community-centred information that can be deliberated alongside the highly resourced, profit-centred information presented by industry.

We highlight that:

- To improve consultation, Govt (and its agencies) continually call upon communities to make submissions, however the outcomes do not address community issues or concerns;
- Community submissions do not come without costs, to individuals and groups;
- Communities don't have resources to counter the degree of access by industry representatives and lobbyists;
- Elected MP role is to represent constituents however it can take months to get a meeting with Local MPs and community meetings with Ministers or Departments suffer a level of constraint, not incurred by aviation industry representatives or lobbyists; and
- There is no Independent Advocate that communities can rely upon to represent their issues with decision makers.

### **Recommended improvements in access to consultation and engagement**

We recommend the Department and Minister commit to the delivery of meaningful community engagement in relation to the management of aircraft noise. The current mechanisms and arrangements are clearly not achieving this important benchmark. They must be re-designed and better resourced so that all stakeholders are consulted right from the formative stage in the

development of major policy positions.

We consider the internationally used framework, principles and practices developed by the International Association for Public Participation (IAP2) should be adopted by the Department and Airservices Australia to guide the improved delivery of meaningful community engagement around aircraft noise. Details on IAP2 Australasia can be found at <https://iap2.org.au/>. The IAP2's Spectrum of Public Participation (Figure 1) was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

While agencies may consider their community engagement models and programs embody IAP2 principles, the lived experience of our members is that those efforts do not achieve our reasonable expectations that the management of aircraft noise will be delivered through meaningful community engagement at the Involve/Collaborate end of the spectrum. This deficiency is no longer acceptable, given we are dealing with the rapidly increasing use of publicly owned airspace and the significant consequences for aircraft noise-impacted communities.

In better implementation of an IAP2-based community engagement model our top priority recommendations are:

- i. Involve all stakeholders right from the formative stages in the development of all major policy positions/documents.
- ii. at Ministerial level ensure there is equitable access afforded to representatives of all key stakeholder groups (including community organisations), not just the loud voices of the commercial sector.
- iii. actually empower public input to affect the final decision making on policy and regulation.
- iv. transparency of processes, decisions etc. of what is proposed in any amendment of the various legislative Acts that relate to aircraft noise impacts on communities, be a fundamental feature of the government's approach and the recommendations from the **RRAT Inquiry**.

## **2. Lessening Impact on the environment and taking account of climate change**

This is not defined in the Government's Green Paper documentation or any recent policy announcements that we have been able to locate. Previous government papers refer to "The Australian Government will lead the development of a consistent, balanced and proportionate approach to manage the impacts on wildlife and the environment, including the enjoyment of nature areas and cultural sites."

The environment definition as it currently stands is incomplete. It must include the natural and human environment, considering only the natural environment as standalone ignores the inseparable correlation between the natural and human environment.

If this principle is still current, then it should read... *the Australian Government will lead the development of a consistent, balanced and proportionate approach to manage the impacts of new and existing aviation technologies on the:*

*natural wildlife and the environment, including the enjoyment of nature areas and cultural sites; and*

*human environment including health impacts and community amenity;*

*and the interrelated impacts arising from i) and ii).*

New legislation must consider appropriate definitions as to what is to apply, as discussed further below.

We note there is an intention/requirement to remake the Airports (Environment Protection) Regulations, which are due to sunset in April 2025. As such, the comments we have made about the ineffectiveness of the existing provisions of the *Environment Protection and Biodiversity Conservation Act 1999* need to be at the forefront of any redrafting to better protect communities from aircraft noise and pollutants.

One of the biggest developing threats to the future recovery of Australia's aviation sector is likely to be the matter of climate change and the adverse impact that aviation emissions contribute to this worldwide situation. The primary impacts on the aviation industry from climate change can be summarised as follows:

- Marked temperature changes flow to affect an aircraft's performance, in particular elevated temperatures reduce lift and therefore impact infrastructure i.e., need for additional runway lengths for take-off. It also impacts demand; higher temperatures may well affect the demand for travel. Changes in the level of rainfall precipitation and intensity will result in schedule delays and cancellations.
- More frequent and strong storms are expected, this will result in increased schedule disruption. Rising sea levels could well see resultant inundation of airports and proximity to airports. For instance, Brisbane and Cairns Airports appear to be high risk, Sydney, Gold Coast, and Hobart International Airports are similarly likely to be affected in some way with predicted sea level change. Such impacts may well reduce airport capacity and cause overall network disruption.
- Changing wind patterns may lead to increased turbulence requiring route changes, journey times, the economics of some routes and general disruption.

All these factors are likely to have varying degrees of impact on the aviation industry and it is likely to affect the demand for travel. For instance, many companies have foreshadowed significant cuts to travel as they are now accustomed to electronic meetings via Zoom or other mediums.

A recent Bloomberg survey of 45 large businesses in the U.S., Europe and Asia indicated *"that 84% plan to spend less on travel post- pandemic. Cutting travel budgets between 20% and 40%, with about two in three slashing both internal and external in-person meetings. The ease and efficiency of virtual software, cost savings and lower carbon emissions were the primary reasons cited for the cutbacks."*

Likewise, aviation must play its part in addressing climate change. It is a significant contributor to global emissions and the community is and becoming increasingly conscious of this. Large investment institutions, financiers, insurance and large corporations along with the general public are and will continue to drive responses that ameliorate climate change impacts. However, the aviation industry's emissions are unlikely to be significantly reduced or cut to zero any time soon.

Throughout the world there are multiple organisations<sup>5</sup> and community groups determined to pressure their governments and the aviation sector, for a better deal on aircraft noise and environmental impacts<sup>6</sup>. These are located in the Americas (21 groups), the United Kingdom (21 groups), many European countries (128 groups), Oceania (11 groups) and Asia (10 groups).

Local community groups affiliated with the global “Stay Grounded” organisation.



<sup>5</sup> <https://stay-grounded.org/members/>

<sup>6</sup> <https://stay-grounded.org/get-information/#impact>

The current limited array of industry emission reduction projects appears unlikely to be effective:

- Electrically powered aircraft will be far too late given the current state of technical development;
- carbon offsets, while an accepted approach, in reality don't assist with cooling at the source of the problem; and
- sustainable airline fuel (SAF) (e.g., bio, synthetic) do not appear to deliver what they say they will due to feedstock shortages and are not emissions free. The Green paper appears to place all its eggs in this basket on the presumed production and uptake of SAF. Is this the sole strategy that is being pursued?

While the connection between aircraft emissions and climate change has not been largely realised yet by the Australian community, it is only a matter of time before the global aviation impacts on climate extremes and the derived environmental disasters, become obvious to Australians. It would therefore be prudent for the review of aviation policy to urgently review the current and future climate change impacts of aviation and recommend adoption of measures which encourage more environmentally friendly alternatives.

There is a need to reconsider operational restrictions for existing airports such as curfews and caps. The government (Minister's foreword of the Green Paper) has ruled out any further operational restrictions in spite of their claims they follow International Civil Aviation Organisation's *Balanced Approach to Aircraft Noise Management*. The final step of operational restrictions (where the other three elements do not produce the desired results)

has been ruled out in advance without any valid justification. The best that is done is to set operational expectations on aircraft on approach and departing an airport but notes these are optional.

In the recent Green paper, what is proposed relies on industry-provided selective supportive data to shore up the previously decided goals and strategies of aviation growth. There is no proposal for review and independent checking of models, data and assumptions using independent overseas consultants.

Ethical, environmental and socially responsible industry development is ignored. The Green Paper appears to assume here is nothing ethically wrong in imposing a known medically verifiable harm on some citizens (e.g., loud nighttime residential overfly), not for the reason of preventing harm to others,

The Green Paper:

- does not demonstrate a strong understanding of likely changes of industry adaptation, aircraft and traffic control design further than focusing on projections of a couple of years into the future.
- places excessive reliance on the hope of future quieter aircraft to reduce community opposition to unrestricted residential overfly.
- has an optimistic assumption of the attainability of a 'green' industry before 2050 based more on hope than data, and the Green paper ignores the more significant non- carbon emissions of aviation operation while solely focusing on green fuels using taxpayer money and we contend green-washing accounting to justify this industry subsidy, in one of the most environmentally damaging industries on the planet.
- has no proposal to immediately ban highly toxic lead-based aviation fuel (used in General Aviation) in spite of it being banned in every other industry for decades.
- allocates over \$130M has been allotted to merely investigate PFAS contamination at Australian airports (the potentially toxic chemical used at airports by the Department but nothing to investigate the arguably just as harmful and far more widespread issue of aircraft noise pollution. This is concerning.
- glosses over the effect of technical and work automation, AI and integrated transport alternatives and supplements to conventional aviation (apart from drones)
- Has an inadequate review of emerging technologies, serious skills shortages, and supporting essential infrastructure networks e.g., satellites?
- does not properly envision possible future shocks along with alternative scenarios for transport in case of catastrophic events e.g., political restrictions (both here and overseas), regulation changes in other jurisdictions, and potential major crash in residential areas, wars, pandemics, sabotage, technical failure etc.
- appears to not contemplate a major risk assessment of what might be proposed and consequent possible risk mitigation strategies.

The Australian Aviation Industry must do more to meet the challenge and to protect and justify their continuing social licence to operate. It is the responsibility of the Australian Government to ensure that this happens.

### 3. **Better approach to noise management**

*“The Department of Infrastructure, Transport, Regional Development and Communications will develop and manage a national regulatory approach to noise management that encourages quieter operations consistent with local community considerations”.*

In respect to noise the key words are ... consistent with local community considerations. Key aspects from a community perspective relate to how the Commonwealth will engage with the community in determining these threshold levels. It has to be a meaningful and broad range consultation. The community has experienced, in the past, too many instances of superficial consultation or none at all, which is totally unacceptable.

Aviation noise is a source of constant annoyance and serious adverse health and social impacts to communities who live under or near airport flight paths and those that incur constant flyover by aircraft in their approach to airports at under 8000 ft which can be up to 30km from the runway and for those subject to lower levels of disturbance caused by low flying smaller aircraft and helicopters. Noise pollution is explicitly excluded from general noise nuisance legislation.

In July 2016 the European Commission published a report looking at how living with aircraft noise affects wellbeing. It found that:

*“Living within a daytime aircraft noise path (with noise at or above 55 decibels) ... was negatively associated with all measures of subjective wellbeing: lower life satisfaction, lower sense of worthwhile, lower happiness, lower positive affect balance, and increased anxiety. The authors found consistently negative and significant results across all five variables. The researchers could also predict the effect on subjective wellbeing associated with each decibel increase in noise, which they say has potential for modelling the possible wellbeing impacts due to changes in aircraft noise.*

*Although there were consistent negative impacts from daytime noise across all measures of wellbeing, the magnitude of these associations were small compared to other common drivers of wellbeing, such as unemployment, poor health and smoking (the negative effects of which  
These issues will only increase and be compounded by an addition of drones and eVTOL aircraft into the mix. There is an imperative and opportunity to rebalance the existing system and to get it more fit for purpose as result of this review.”*

We agree with their assessment.

With respect to drones and eVTOL we agree:

Small drones are generally not loud however they do emit an uncommon noise which can and does attract attention. With increasing use and concentration of drones and the proposed use of eVTOL aircraft into and above urban settings, this will bring into focus how noise management is undertaken to address community concerns.

The current approach to aircraft noise regulation and its related legislative mechanisms are not reflective of what many communities expect and therefore not fit for purpose to be extended to regulate noise emitted from drones and eVTOL.

As discussed above, noise is a highly subjective element of environmental issues. The

complexities of people and their reactions to sound vary considerably, from one end of the spectrum being extremely sensitive to the other end being largely unaware.

It is imperative to conduct independent (not industry sponsored) research in the Australian context which can establish acceptable noise and harm levels for indoor and outdoor living and which exclude only 1-3% of the general population, who should be compensated for the unavoidable effects on their health and well-being e.g. with free effective sound insulation of homes.

#### 4. **Addressing the issue of Privacy**

It would appear to us that many of the basics of the current notions of privacy are under considerable threat from the emerging use of drones and eVOTL. How will communities be protected or what rights will government ask communities to give up? For instance, currently we are reasonably able to defend ourselves from obvious and detectable privacy threats such as people nearby or objects on the ground. However, with drones and eVOTL this raises the issue of airspace over private property and establishing standards and expectations for its protection. Paramount, in the first instance, will be to restrict intrusion into a person's private space, which might occur by watching, listening to or recording a person's private activities or private affairs. The second flows from the misuse of private information that might result from drone and similar activity, such as collecting or disclosing private information about an individuals' movements and activities within their private domain.

In a public space such as a park or on a street, the reasonable expectation of privacy has to some degree limited application. However, how will this apply to private property that is visible from above? Do our current laws address this adequately?

Currently it seems to us to assume that sight from a privacy perspective is confined to eye-level. However, eVOTL, drones and helicopters change the expectation of reasonable privacy when they are able to capture images and sound in public spaces which is currently not available. It is not clear how this aspect is going to be addressed. Perhaps consideration of an exclusion zone for particular places, for example drone/eVTOL free zones within 100m of all hospitals. Plus, heavily populated tourist/entertainment/worship precincts, for example in Melbourne:

- Historic Royal Botanic Gardens, Victoria's major tourist attraction
- Historic Fitzroy Gardens
- Historic Treasury Gardens
- Olympic Boulevard sports and entertainment precinct
- Historic Lutheran, Trinity and St, Peters churches
- Historic St. Patrick and St Paul Cathedrals
- World Heritage Royal *Exhibition Building* and Carlton Gardens
- Melbourne Museum
- Birrarung Marr riverside park and Federation Square event precinct

We are concerned about the possibility of unwarranted surveillance, apparently with little repercussion. Current privacy laws state that it is illegal to record the interior of a home or a privately owned building, even if the camera is placed outside or a conversation. We strongly submit that this restriction should also explicitly apply to drones with respect to private buildings as well as their gardens and surrounds. Appropriate regulation of this is paramount to avoid overwhelming community concern.

In dealing with the privacy issues, government agencies must undertake meaningful consultation and engagement with a broad cross section of the community, this is essential.

5. **A nationally consistent approach should apply to new and emerging technologies.**

In light of the current and new emerging technologies, we consider there is no need to alter the responsibility for management of aircraft and airspace from the Commonwealth to State and Territories.

We would support the government:

- i) Undertaking a national regulatory approach to noise management, one that not only encourages quiet operations but paramount, this must ensure it is consistent with local community considerations.
- ii) Not treating some capital city airports as different to others based on 'political' considerations e.g., curfews can apply in Sydney but are explicitly excluded even from consideration in other capital and regional jurisdictions. For regional communities, these kinds of restrictions should be decided by council, and in other areas by the state and federal governments.
- iii) Progressing the development of a more sophisticated approach to drone noise management over time as changes in technology and take up occur. We agree there must be quantifiable restrictions to ensure that early operations remain within stipulated community standards. Early stages of regulation must minimise the impact of drone noise in line with evidence of the impacts and concerns affecting different areas and communities.
- iv) Developing an approach that transitions into noise regulation that is sustainable for operators, facilitates industry to innovate and develop, but at all times balancing the needs of the community in respect of noise impacts.

The policy and legal framework will also be required to indicate a range of measures to mitigate potential risks and impacts on the community. It is vital that these technologies operate in a manner that is safe, secure and considerate of the community and the environment. This will also require specific and differing arrangement to apply for controlled and uncontrolled airspace and users of that airspace. For example, Uber-air taxis are likely to be mostly airport-city at 1500ft so they will be in controlled airspace to SFC (an airport's CTR) and therefore under AS/ATC jurisdiction. However most commercial drone/eVTOL flights (Parcel delivery etc.) and private drone will be in Uncontrolled Airspace.

We support the Commonwealth consulting with the states and territories, industry and the community to develop a consistent Drone and eVTOL Operations Noise Policy Framework. An integrated airspace that encompasses all existing and future commercial drone operations. This lead should assist States/Territories in their related planning approval processes related to drone and eVTOL sites.

The establishment of community expectations for noise incurrence must be established through a wide community consultation the results of which require those to be transparent and widely published. Undoubtedly, the levels will vary between communities and the level and frequency of noise experienced by those communities. The community has experienced in the past too many instances of superficial consultation or none at all. Such occurrences are totally unacceptable.

Closely considering arrangements adopted in other jurisdictions that endeavours to protect and ensure RPT separation and safety, for example:

USA -

- Recreational drones limited to Uncontrolled airspace and maximum 400 feet.

France -

- Paris (inside Peripherique) is totally covered in red areas indicating allowable altitude.
- Forbidden over public areas of urban zones, power plants, historical monuments, hospitals, prisons.
- Maximum 150 metres above ground

The primary mechanism for community engagement is the CACG. As stated in this submission the manner in which these operate, and the aviation industry interests therefore dominate their operation and there is little legitimacy for CACG's in the eyes of affected communities.

## 6. **Ensuring Community Aviation Consultation Groups (CACG) are working /advocating for the community interest**

CAAA members report that the Department's mandatory 'Community Aviation Consultation Groups' (CACGs) for federally leased airports, do not provide adequate opportunities for consultation about the impacts of aircraft operations on residents. For example, Melbourne Airport has excluded the public from participating in or attending CACG meetings.

In recent discussions at CAAA meetings it has become clear there is widespread dissatisfaction with the way CACGs and AAB meetings are being prepared and conducted. In brief, instead of them being fora where community concerns and questions take priority and can be directed to airport, aviation and government staff they have mutated into meetings in which time and facilities for communities to express their concerns have been minimised or denied, coming a poor last on the quarterly agenda.

Many questions go unanswered and too many answers are cloaked by spin and half-truths. It is clear corporate members are using the meetings as fora to promote their own interests, and government members obfuscate and avoid clear answers - and both indulge in time-wasting.

The CACG and AAB were established to provide fora for communities affected by aviation – primarily aircraft noise – to raise and discuss their concerns with staff from local airports, AsA, the Department of Infrastructure and Transport (DoI) and major airlines. From their Terms of Reference (ToR) it is clear they were not intended as an opportunity for these organisations – corporations – to extol their virtues, nor for discussions to be dominated by these organisations. Although CACG and 'AAB' have no executive powers, it was expected community concerns would be clearly and effectively conveyed by the Chair and Secretariat of each to relevant organisations, resulting in genuine efforts to lessen negative impacts on communities and resolve issues.

In many cases the 'community' representatives on such groups are representative of special interest groups or simply aviation enthusiasts, not genuine members of affected communities.

In almost every case where community members are able to discuss proposed changes to aircraft operations, the information provided is of an overly technical nature and/or the potential impact is understated by the proponents and not subject to expert peer review.

Consequently, when proposed changes are implemented, residents have often been left in a state of shock, unable to assimilate what has happened, feeling misled, and struggling to access the very limited avenues of recourse which are available. The limited resources of the ANO and its lack of independence mean that communities must campaign for years to see any real change – if any at all.

Of the members of CAAA, only the operation of the Gold Coast A/P CACG is operating to some level of community satisfaction. This is due to the Chair of the CACG and the community representatives focusing on what matters. This resulted in a Strategic Work Program for the CACG to focus meetings on the main issues of significance for the community. Community representatives working with the chair to achieve meaningful changes and the community being able to make key inputs into the revised Airport Master Plan.

It would appear that AsA have produced their “world class engagement standard” document precisely to deflect criticism in this regard. The problem is that there are no metrics for how to count or use community feedback in decision making, an opaque decision making process, and there is a lack of any framework to take community concerns into account on an equal footing to other design principles e.g. operational efficiency and the over-narrowly conceived safety (of the aircraft only)

## 7. Improving the operation and effectiveness of the Noise Complaints Information Service

Australia’s current aviation regulatory framework assigns responsibility for managing the community impact of aircraft operations to the air traffic control service provider, Airservices Australia (AsA), a government business whose operation depends almost wholly on fees from airlines without – according to their own admission during Senate Estimates – any regulatory powers to act in the best interests of affected communities. Essentially and importantly AsA is an authorized provider of air traffic services to airports for reward. AsA is a ‘for profit’ organization. It is **not** a regulator.

It vests oversight of aircraft noise management within AsA, through its Noise Complaints and Information Services (NCIS) and the Aircraft Noise Ombudsman (ANO). The Statement of Expectations for Airservices Australia for the Period 1 July 2021 to 30 June 2023 does not require the NCIS to be anything more than an information response and data logging service. The ANO reports to the AsA Board and as such has a conflict of interest, thereby reducing the capacity for independent investigation of complaints. This is discussed in other sections of this submission.

From the perspective of communities affected by aircraft noise and particulates, the NCIS adds no value to the administration and mitigation of complaints. The NCIS role, charter and reporting structure must be reviewed. Within other sections of this response, CAAA has highlighted the need for the ANO role to be removed from AsA. In regard to NCIS improvements, it is important that:

- The ANO position and roles be transferred to the Commonwealth Ombudsman’s Office (COO) and sphere of management – to ensure independence is maintained or the Office report directly to the Parliament;
- The ANO be given the power to obtain documents and compel compliance where regulations are broken;

Likewise, transfer the NCIS role and structure to be administered by, and report to, the ANO, within the COO or an independent ANO. This will improve accountability of:

- The NCIS itself - in regard to the type of information it reports on and the method of presentation; and

- Drive accountability into AsA attitudes and actions, to actively meet their responsibility to the Australian public.
- Both the ANO and NCIS be adequately resourced to execute their functions.

## 8. Future governance arrangements for the Aircraft Noise Ombudsman

As previously stated, current policy settings vest oversight of aircraft noise management with the air traffic control service provider, AsA, through Noise Complaints and Information Services (NCIS) and the Aircraft Noise Ombudsman (ANO).

As stated elsewhere in this submission, the Statement of Expectations for Airservices Australia for the period 1 July 2021 to 30 June 2023 does not require the NCIS to be anything more than an information response and data logging service. Effectively this is not a service from a community perspective.

The ANO reports to the AsA Board and as such has a conflict of interest, reducing the ANO's capacity for independent investigation of complaints. For example, in the case of the multiple complaints review into Brisbane Airport's New Parallel Runway, the ANO advised all complainants on 22 July 2021 that:

*"Since I last updated you, the ANO has compiled a draft report and provided it to Airservices. Procedural fairness and clause 59 of the ANO Charter require the ANO to provide any person who is adversely affected by, or criticised in, a draft report with the opportunity to respond. Once Airservices have had a reasonable opportunity to provide a response, it will be taken into account in finalising the report. Under the ANO Charter, a final report is made to the Board of Airservices Australia. Please be aware that it is only after the Board has considered the ANO report, that it can be made public."*

The current ANO Charter provides power to investigate and report, but not the power to sanction or compel evidence to be provided. Clearly with the AsA Board having the right to review and amend the ANO's report, it cannot be considered independent.

This practice of the Board to review ANO investigation reports is at odds with the Chair's statement in his responses to the East Melbourne residents:

*"The Airservices Board considers the role of the ANO to be crucial to ensuring independent oversight of the effective management of aircraft noise in civilian and military airspace across Australia. The Board takes seriously the independence of the ANO. Such independence is essential so that the ANO can perform his function in an impartial, fair and objective manner. It is not the function of the Board, nor would it be appropriate, to involve itself in the independent investigations of the ANO. You should raise your concerns about the ANO's investigation directly with the ANO."*

As a small specialist unit, the ANO has also suffered from chronic under-resourcing, leading to unreasonable delays in investigating complaints. For example, complaints from residents in Hobart and East Melbourne report waiting for up to 2 years for complaints to be finalised. These issues would not occur with a larger team, independent of the aviation sector and AsA.

What is required going forward, is an independent ANO one that reports to the Parliament or is absorbed with the office of the Commonwealth Ombudsman and it is appropriately resourced to carry out its charter. We strongly support the proposition in the government's recent Green Paper to make the ANO independent and with powers to compel documents be made available and adherence to existing regulations, independent of the Minister. This would not only improve the independence but also the perception of independence, resulting in gaining greater community trust and confidence.

## 9. Requirement for cost recovery arrangements to ameliorate the impacts of aviation on communities

We agree with Cost Recovery Impact Statement as provided for Sydney and Adelaide airports, in particular the operational principles of:

- *“All cost recovery arrangements have clear legal authority (for regulatory agencies)*
- *Cost recovery charges should be linked as closely as possible to the actual costs of activities or products*
- *Costs recovered should relate to specific activities, not the agency that provides them*
- *Targets should not be set for the level of cost recovered*
- *Over recovery is inappropriate*
- *Outputs or activities that have ‘public good’ characteristics should be taxpayer funded*
- *Cost recovered may exclude activities undertaken for government where they are not integral or directly related to the provision of regulatory services*
- *Partial cost recovery is generally not appropriate”*

Under the government’s Cost Recovery Impact Statement (CRIS) principles, a noise amelioration program was provided for Adelaide and Sydney, Sydney in 1994 after opening of the third runway and in Adelaide in May 2000. The levy was to recover cost associated with the acquisition and insulation of certain home and public buildings in high noise areas near Sydney and Adelaide Airports. The geographic boundaries are evidently reviewed annually to adjust for changes in air traffic. Government funded up to \$60,000 for Sydney and \$70,000 in Adelaide for a residence.

The levy was designated to recover:

- Costs of insulating homes/buildings
- Legal expenses, property acquisition
- Compensation
- Annual production of Australian Noise Exposure Index
- Levy collection fees to AsA
- Contract costs for the outsourced project manager

Also the Sydney Airport raft of initiatives included flight caps and a curfew. Again, why is this only applicable to Sydney when other locations experience the same if not more noise intrusion?

As an example of the lack of a consistent approach, the Victorian government has introduced compensation schemes for Sky Rail and Wind farms. Whilst around the airport it allows planning approvals for residential building of non-complaint housing in aircraft noise zones; No compensation for land use restrictions imposed in 2007 retrospectively on properties pre-existing. Has not adopted the WHO aircraft noise standards whilst it has a policy for urban intensification.

All Commonwealth governments since the opening of Melbourne Airport by Prime Minister Gorton in 1970 have failed to honour the basic undertaking that was made by Mr Gorton that there would be a buffer zone around the airport. See the following extract of his speech; *“So when I do declare it open, I do it in the hope that it will be known not only as Melbourne Airport but as Tullamarine and that as Tullamarine, it will be an airport able to operate for seven days a week and for twenty-four hours a day. And I hope and believe this will be so if for no other reason than when there is an investment of this size then the more use that it got from it the better it is for everybody. **And there is no need for an airport not to operate, provided those living around it are not harassed by the noise of such operation. Those living around Tullamarine now, I believe, would not be so harassed, and it is our intention as a government that this airport should so operate, subject in the future to just this one qualification that the State authorities concerned see that there is not built up around the***

***perimeter of this airport housing settlements which, in the future, might lead to great noise discomfort to those living in them. Having the airport, let us have a buffer zone around it, and it then will operate as an international airport should”.***

We note a recent announcement that for Western Sydney Airport the draft EIS outlines plans to provide noise insulation for properties where overhead aircraft noise exceeded 50 decibels inside a house or workplace.

Eligible properties would be within a defined area around Western Sydney International Airport (WSI) at Badgerys Creek.

*“Noise treatment options available to households and businesses at the government’s expense ranged from thicker glass and improving ceiling and roof insulation to sealing gaps around windows and doors.”*

The draft EIS states *“Participation in the program will require individual assessment of each property and buildings by noise experts, followed by application of noise treatments to buildings,”* the report said. *“Treatments will be designed by experts to deliver a 50-decibel indoor noise level. However, this will not be possible in all cases and will depend on the condition and circumstances of each eligible building.”*

Again, it is not clear to what extent all affected residents and communities will benefit from this initiative, the beneficiaries for this noise alleviation and the specific alleviation initiatives will not be advised until 2024.

Clearly while residents impacted by Sydney Airport, Western Sydney and Adelaide Airport operations all benefit from these government initiatives, however citizens similarly affected or in many circumstances are inflicted with higher levels of aircraft noise and pollutants at Brisbane, Melbourne, Hobart, Sunshine Coast and high-density GA airports such as Moorabbin are blatantly discriminated against, with no such benefit being attributed to those communities. The question we pose is, why has this program not been rolled out across Australia to similarly, or we would contend, far more impacted areas. Surely government can no longer continue to discriminate against those communities?

This is a glaring anomaly and must be rectified by recommendations of the **RRAT Inquiry**.

## 2.9 Conclusion

CAAA is hopeful that the RRAT Inquiry will identify and highlight the many area of inadequacy in the existing regulatory regime that impact communities by way of aircraft noise. It is our expectation the Inquiry will give genuine credence to the many community issues emanating from aviation’s impacts that have until this time not been considered let alone addressed.

The current ‘consultation’ by some arms of government and its bureaucracy seems to be an improvement on processes of the past decade, however there is a continued absence of adopted measures to address any substantive concerns of communities impacted by aviation.

If the outcome of the RRAT Inquiry is to be seen as credible by all stakeholders, in particular by communities impacted by aviation, then its recommendations must address these long-standing community concerns that we have raised in this and numerous other submissions.

The RRAT recommendations to Government must move the continued dominance of economic

interests in airport hubs, to the impact's aviation has on communities. There must be a re-balancing towards more sustainable and inclusive consideration of serving the needs of the aviation sector *along with the citizens they serve*, including the need for a safe, healthy, pollution-free and pleasant living environment.

Legislative instruments, particularly sections of the *Airports Act 1996*) and must be amended to designate clear responsibilities and accountabilities for the protection of residents and environments affected by aviation impacts. The Minister must also be enabled to apply conditions to any approval of Master Plans and Major Development Plans.

The position and functions of the Aircraft Noise Ombudsman must be removed from Airservices administrative structure and should become part of the Office of the Commonwealth Ombudsman.

Continued failure to address the concerns detailed in this submission, will likely result in the continuation of flawed policy and strident public criticism.