

The Senate

Rural and Regional Affairs
and Transport
References Committee

The effectiveness of Airservices Australia's
management of aircraft noise

June 2010

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List of Recommendations

Recommendation 1

6.12 The committee recommends that Airservices Australia should be a permanent member of all federal airport Community Aviation Consultation Groups.

Recommendation 2

6.14 The committee recommends that a Community Aviation Advocate position should be funded and established where significant or extensive changes to the management of aircraft noise or airspace are proposed to assist and represent local communities.

Recommendation 3

6.19 The committee recommends that the Aircraft Noise Ombudsman undertakes a review of the Airservices Australia's Communication and Consultation Protocol to determine the extent to which the protocol:

- was developed in consultation with Australian communities and will be subject to regular ongoing review;
- clearly articulates the roles and responsibilities of all stakeholders and the minimum standards of consultation which communities can anticipate, and
- commits Airservices Australia to providing readily available, easily understood and pertinent information (such as environmental noise assessments) to community consultation forums.

6.20 The committee recommends that the Aircraft Noise Ombudsman report the findings of this review, together with appropriate recommendations, to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament and this committee.

Recommendation 4

6.24 The committee recommends that an independent review be undertaken of Airservices Australia's procedures for the lodgement of complaints about aircraft noise and the extent to which complaints data is analysed and disseminated to relevant stakeholders with a view to more effectively managing aircraft noise issues.

Recommendation 5

6.28 The committee recommends that the Aircraft Noise Ombudsman must be established independently of Airservices Australia and report publicly and directly to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament.

Recommendation 6

6.29 The committee recommends that the Aircraft Noise Ombudsman should provide an annual report of its operations and this should include a description of the actions Airservices Australia has undertaken to implement recommendations and, where appropriate, a description of those instances where appropriate action has not been taken.

Recommendation 7

6.34 The committee recommends that the government revise the current process through which ANEFs are developed to establish an independent body charged with the coordination of the process and the review of the accuracy and reasonableness of the data upon which the forecasts are made.

Recommendation 8

6.35 The committee recommends Airservices Australia review noise levels over affected areas with a view to offering a noise amelioration scheme compensating residents affected by aircraft noise consistent with that of other Australian capital city airports.

Recommendation 9

6.38 The committee recommends that despite the completion of the Western Australian Route Review Project, sufficient grounds exist for the Minister for Environment Protection, Heritage and the Arts to review the changes to flight paths under paragraph 160(2)(b) of the EPBC Act 1999 in response to stakeholder concerns.

Recommendation 10

6.39 The committee recommends that Airservices Australia be required to have regard to paragraph 160(2)(b) of the EPBC Act 1999 and seek advice from the Minister for Environment Protection, Heritage and the Arts in advance of major changes to air routes around airports under its jurisdiction.

Chapter 1

Introduction and conduct of the inquiry

The inquiry

1.1 On 25 November 2009 the Senate referred the following matter to the Senate Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 June 2010:

An assessment of the effectiveness of Airservices Australia's management of aircraft noise under its responsibilities to provide air traffic services and protect the environment from the effects associated with the operation of aircraft for which it has legislative jurisdiction.

In undertaking this inquiry, the committee shall consider whether Airservices Australia:

- (a) has conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise;
- (b) engages with industry and business stakeholders in an open, informed and reasonable way;
- (c) has adequate triggers for public consultation under legislation and whether procedures used by Airservices Australia are compliant with these requirements;
- (d) is accountable, as a government-owned corporation, for the conduct of its noise management strategy;
- (e) has pursued and established equitable noise-sharing arrangements in meeting its responsibilities to provide air traffic services and to protect the environment from the effects associated with aircraft for which it is responsible;
- (f) requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise; and
- (g) any other related matter.

1.2 The committee subsequently resolved to extend the reporting date to allow for a more detailed examination of the issues.

1.3 Although the inquiry was prompted by concerns regarding aircraft noise and flight path changes at Perth Airport, the committee acknowledges the long standing issues associated with the management of aircraft noise at airports around Australia. Accordingly, the committee intends this report to be a broad assessment of the effectiveness of Airservices Australia's management of aircraft noise, rather than an exclusive analysis of the particular issues associated with a specific airport.

Conduct of the inquiry

1.4 The inquiry was advertised in *The Australian* newspaper and on the Internet. The committee also invited submissions from Commonwealth, state and territory governments and interested organisations and individuals.

1.5 The committee received 181 submissions on the reference. A list of submissions is provided in Appendix A.

1.6 Following referral of the inquiry, the committee held public hearings in Perth on 28 April 2010, Melbourne on 21 May 2010, Sydney on 28 May 2010 and Canberra on 10 June 2010.

1.7 The committee took evidence from approximately 40 witnesses, including representatives of aviation industry organisations, community representatives and individuals affected by aircraft noise. The committee also took evidence from representatives of government bodies at the Commonwealth, state and local level. A list of witnesses is provided in Appendix B.

1.8 The committee also undertook a site visit to Airservices Australia's facilities at Perth Airport on 27 April 2010. The committee visited the Air Traffic Control Tower and Terminal Control Unit.

The report

1.9 Chapter 2 of the report provides some background information regarding the role and responsibility of Airservices Australia. The chapter also investigates the inter-related responsibilities of key aviation stakeholders and the partnership approach to aircraft noise management.

1.10 Chapter 3 of the report focuses on the effectiveness of Airservices Australia's engagement with communities affected, or likely to be affected, by aircraft noise. The committee made use of the Western Australian Route Review Project as a case study to inform its inquiry into the effectiveness of community engagement, but also drew upon experiences of communities around Australia.

1.11 Chapter 4 of the report examines the effectiveness of Airservices Australia's management of aircraft noise at airports around Australia and the effectiveness of the Australian Noise Exposure Forecast (ANEF) system as a tool to protect communities from the affects associated with airport operations.

1.12 Chapter 5 of the report discusses Airservices Australia's independence, governance arrangements and accountability mechanisms. The chapter discusses the establishment of the Aircraft Noise Ombudsman and explores the proposed administrative and governance arrangements relating to the position.

1.13 Chapter 6 of the report sets out the committee's conclusions and recommendations in relation to this inquiry.

Note on references

1.14 References to the Committee Hansard are to the proof transcript. Page numbers may vary between the proof and the official transcript.

Acknowledgements

1.15 The committee acknowledges the contribution of all those individuals and organisations who prepared written submissions and those who appeared as witnesses. Their work assisted the committee considerably in its inquiry.

1.16 The committee regrets that it was unable to hear evidence from all those who wished to appear in person during hearings and appreciates those individuals and organisations that provided extensive information to assist the committee's consideration of this matter. The committee would particularly like to thank airport operators and Airservices Australia for providing supplementary information at short notice to assist with the finalisation of the committee's report.

Chapter 2

Management of aircraft noise

Background

2.1 Aviation activity, both within and to and from Australia, has grown strongly in the past two decades and is projected to continue to grow over the next twenty years. Despite disruptions and the impact of world and local events, passenger movements have almost trebled over the last two decades, with 73.5 million people carried on domestic and international air services to and from Australia in 2008-09.

2.2 The Bureau of Infrastructure, Transport and Regional Economics forecasts the number of aircraft movements through Australia's capital city airports (Adelaide, Brisbane, Canberra, Darwin, Hobart, Melbourne, Perth and Sydney) will increase from around 1.1 million in 2008-09 to 1.7 million in 2029-30.¹ This represents an expected annual increase of 2.2 per cent to 2029-30. Noting this projected continued growth, aircraft noise will remain a persistent challenge for those responsible for managing the environmental impacts associated with the operation of aircraft.

Airservices Australia

2.3 Airservices Australia is a statutory authority established under the *Air Services Act 1995* and has responsibility for the provision of safe air traffic management services. Under the Act, Airservices Australia has responsibility, as far as is practicable, to ensure the environment is protected from the effects associated with the operation and use of aircraft (including noise impacts).² The Act specifies that in undertaking its role, Airservices Australia must regard the safety of air navigation as the most important consideration.³

2.4 In performing its duties, Airservices Australia is required to consult and cooperate with government, commercial, industrial, consumer and other relevant bodies and organisations.⁴ The requirement to consult with communities is contained within a Ministerial Direction, which states that Airservices Australia is to initiate and participate in discussions, consultations, studies and research with the aviation

1 Bureau of Infrastructure, Transport, Regional Development and Local Government, *Aviation: Aircraft movements through capital city airports to 2029-30, Research Report 117*, p. 54, <http://www.btre.gov.au/info.aspx?NodeId=15> (accessed 7 June 2010).

2 *Air Services Act 1995*, ss. 9(2).

3 *Air Services Act 1995*, ss. 9(1).

4 *Air Services Act 1995*, s. 10.

industry and the community in relation to the environmental aspects of air traffic management (including noise impacts).⁵

2.5 Airservices Australia is also subject to the *Environment Protection and Biodiversity Conservation Act 1999*. Before adopting or implementing an airspace management plan involving aircraft operations which have, will have, or are likely to have, a significant impact on the environment, Airservices Australia must consider advice from the Minister for Environment Protection, Heritage and the Arts.⁶

Regulatory framework

2.6 Regardless of size, purpose or ownership, all civil aircraft operating in Australia are required to comply with the Air Navigation (Aircraft Noise) Regulations 1984 (Regulations) made pursuant to the *Air Navigation Act 1920* (Air Navigation Act).⁷

2.7 An aircraft may not operate in Australia unless:

- it has a noise certificate; or
- it has been issued with a permit to operate without a noise certificate; or
- it has been assessed as being in an exempt category.⁸

Noise certificate

2.8 A noise certificate is a document issued by Airservices Australia which attests that an aircraft of a type described on the certificate meets the noise level standards specified for its class.

2.9 The noise level standards required under the Regulations are those set down in the *International Civil Aviation Organisation's Annex 16 Volume 1 (Environmental Protection - Aircraft Noise) to the Chicago Convention*.

2.10 Compliance with noise standards is shown by noise certification testing of the aircraft.

Permission to operate without a noise certificate

2.11 There are three grounds on which permission to operate an aircraft without a noise certificate may be granted:

5 Ministerial Direction M37/99 of 3 May 1999.

6 *Environment Protection and Biodiversity Conservation Act 1999*, para. 160(2)(b).

7 Airservices Australia, *The Air Navigation (Aircraft Noise) Regulations – Information Paper*, http://www.airservicesaustralia.com/aviationenvironment/noise/docs/airnav_aircraftnoise_reg.pdf (accessed 22 December 2009).

8 Unless the aircraft has been continuously on the Australian Civil Aircraft Register since prior to 6 December 1990.

- the extent to which the aircraft exceeds the noise standard is not significant (this ground is not available to jet aircraft); or
- the historical significance of the aircraft justifies the permission; or
- the aircraft is to be used solely for a purpose that is in the public interest.⁹

Aircraft exempt from noise certificates

2.12 Some aircraft are exempt from the requirements of the Regulations. These are state aircraft, hot air balloons and propeller-driven aircraft that are specifically designed and exclusively used for aerobatics, fire fighting or agriculture.¹⁰

Non-chapter 3 jets

2.13 Australia has implemented the program agreed by the International Civil Aviation Organisation for the phasing out of subsonic jet aircraft not meeting the noise standards of *Annex 16 Volume I Chapter 3*.¹¹ The Regulations prohibit the operation of non-Chapter 3 jet aircraft in Australia.

Aircraft Noise Management

Noise abatement measures and noise sharing

2.14 Airservices Australia's website provides general information about curfews and noise abatement measures at major airports. Noise abatement measures vary between airports, however measures may typically include:

- preferred runways to be used at different times of the day,
- preferred flight paths, local restrictions and 'fly friendly' arrangements, and
- curfew restrictions.

2.15 All major Australian airports have noise abatement measures in place. For example, one of the key noise mitigation measures at Sydney Airport is the curfew:

The curfew at Sydney restricts both aircraft size and runway usage between the hours of 2300 and 0600 local time. Additional restrictions limit specific runway use between 2245 - 2300 daily and 0600 - 0700 and 2200 - 2300 on weekends.

The [Sydney Airport Curfew Act] provides for a strict quota of international passenger jet aircraft to land during the 'curfew shoulder period' - 11.00pm and midnight, and 5.00am to 6.00am - if they meet

9 *Air Navigation (Aircraft Noise) Regulations 1984*, ss. 9A(2).

10 *Air Navigation (Aircraft Noise) Regulations 1984*, s. 2.

11 Airservices Australia, *Special Operational Information: Australian Prohibition of Chapter 2 Aircraft*. Available at: <http://www.airservicesaustralia.com/flying/specopin/jetaircraftch2.asp>.

certain criteria, including the strictest International Civil Aviation Organisation noise standards.

In order for a larger aircraft to have access to Sydney airport outside curfew hours it must apply to the [Department of Department of Infrastructure, Transport, Regional Development and Local Government] for an exemption.¹²

2.16 Some secondary and local airports also have noise abatement measures in place. For example, the following are the procedures in place at Cairns airport:

Turbojets will be routed clear of populous areas until seawards of the coastline or established on their final approach course. To assist with noise reduction on final approach course, pilots are requested to delay flap deployment until as late as is operationally practicable.

Circuit training by jet propelled aircraft...is not permitted between 2200 and 0700 local time.

No aircraft is permitted to conduct engine runs (unless associated with the normal preparation of flight) between 2300 and 0600 local time without permission from the Cairns Port Authority.

Operators and pilots of jet aircraft are requested to cooperate in limiting the use of reverse thrust when landing between the hours of 2300 and 0600 local time.¹³

2.17 Where noise abatement procedures exist for airports, these procedures are detailed in the Airservices Australia's publication 'Departure and Arrival Procedures' (DAP).¹⁴

2.18 Noise sharing is a principle that seeks to share the burden of aircraft noise over communities as equitably as possible, and to provide respite for noise affected communities in different areas. The principle of noise sharing has been formalised in Sydney through the Sydney Airport Long Term Operating Plan (LTOP). The LTOP seeks to place as many flights over water as possible (to the south), with the remaining flights shared between communities to the north, west and east of the airport.

12 Airservices Australia website:
<http://www.airservicesaustralia.com/aviationenvironment/noise/sydney.asp>. See also *Sydney Airport Curfew Act 1995* (Cth).

13 Airservices Australia website:
<http://www.airservicesaustralia.com/aviationenvironment/noise/cairns.asp>.

14 Airservices Australia website:
<http://www.airservicesaustralia.com/publications/aip.asp?pg=30&vdate=19-Nov-2009&ver=1>.

Monitoring Aircraft Noise

Australian Noise Exposure Forecast and the Australian Noise Exposure Index

2.19 The Australian Noise Exposure Forecast (ANEF) is a scientific measure of the aircraft noise exposure levels around aerodromes. ANEF takes into account:

- the intensity, duration, tonal content and spectrum of audible frequencies of the noise of aircraft take-offs, approaches to landing, flyover and reverse thrust after landing;
- the forecast frequency of aircraft types and movements on the various flight paths; and
- the average daily distribution of aircraft arrivals and departures in both day time and night time.

2.20 ANEF charts show the forecast of aircraft noise levels that are expected to exist in the future. ANEF charts are prepared for all the major and regional airports and most of the minor aerodromes that have a large number of annual movements throughout Australia.¹⁵

2.21 The Australian Noise Exposure Index (ANEI) charts are contour maps based on historical data from a previous year, where actual numbers and types of aircraft used at the airport are known. It shows the average daily aircraft noise exposure around the airport for that year. ANEI charts are used principally as benchmarks or indicators of change of aircraft noise exposure.¹⁶

Noise and Flight Path Monitoring System

2.22 A Noise and Flight Path Monitoring System (NFPMS) is used at Australia's major airports (Brisbane, Cairns, Canberra, Coolangatta, Sydney, Melbourne, Essendon, Adelaide and Perth) to collect noise and flight path data. NFPMS operates 24 hours a day, seven days a week and records the identity, flight path and altitude of each aircraft operating to and from the airport, the noise levels produced by individual aircraft, weather data and general background noise.

2.23 The NFPMS consists of a number of noise monitoring terminals (NMT), which are located around individual airports. The NMTs consist of a microphone on top of a six meter mast and an electronics box. The microphone on the NMTs continuously records and transmits data to the NFPMS central computer. The NFPMS also consists of secondary surveillance radar at the airports, which are used to acquire flight track information on aircraft operating into and out of an airport.

15 Airservices Australia, *Aircraft Noise: ANEF and ANEI*. Available at: http://www.airservicesaustralia.com/aviationenvironment/noise/anef_anei.asp.

16 Airservices Australia, *Guidelines for the Production of Noise Contours for Australian Airports*, May 2003. Available at: <http://www.cairnsport.com.au/files/pdf/Guidelines%20ANEF.pdf>.

2.24 NMTs record 'noise events' – noises that are of a level and duration which exceed the threshold level set for the particular NMT site. The time and location of the noise event are checked against movement times and radar tracks of aircraft operating in the vicinity. If the time and the NMT location of the noise event match the movement and radar track of an aircraft, the noise event is attributed to that aircraft. Otherwise, it is regarded as part of the background noise.

2.25 The information collected from NFPMS is used to:

- determine the contribution of aircraft to overall noise exposure;
- detect occurrences of excessive noise levels from aircraft operations;
- assess the effects of operational and administrative procedures for noise control and compliance with these procedures;
- assist in planning of airspace usage;
- validate noise forecasts and forecasting techniques;
- assist relevant authorities in land use planning for developments on areas in the vicinity of an airport; and
- generate reports and provide responses to questions from government, industry organisations, community groups and individuals.

2.26 Quarterly reports are available for all the airports that are covered by the NFPMS.¹⁷

Webtrak

2.27 Webtrak is an online information service to provide the community with information about noise levels of aircraft.

2.28 WebTrak uses information from air traffic control secondary surveillance radars to monitor aircraft:

- within 55 km of the airport (Cairns, Brisbane, Sydney, Coolangatta, Canberra, Melbourne, Adelaide and Perth);
- up to a height of 3000m above ground level.

2.29 Aircraft noise data is downloaded daily from noise monitors strategically located about the communities close to the airport. The information is then displayed on a detailed map (road or aerial) which enables the user to zoom down to their street level.

17 Airservices Australia website:
<http://www.airservicesaustralia.com/aviationenvironment/noise/myairport.asp>.

2.30 Information can be viewed of current operations (delayed by 40 minutes for aviation security reasons) around the airport, or in 'replay mode', which shows flight information and noise data for the previous two weeks.

A National Aviation Policy Statement – 2009 Aviation White Paper

2.31 On 16 December 2009, the Minister for Infrastructure, Transport, Regional Development and Local Government released the government's National Aviation Policy Statement (White Paper).

2.32 The media release accompanying the White Paper highlights three steps the government intends to take to address the impacts of aircraft noise:¹⁸

- establishing a new Aircraft Noise Ombudsman;
- regulating to stop older, noisier aircraft flying over residential areas; and
- maintaining curfews at Sydney, Adelaide, Gold Coast and Essendon Airports.

2.33 In terms of the Aircraft Noise Ombudsman, the White Paper states that the Ombudsman's office will be located within Airservices Australia and will have the following roles:

- independently review noise complaints handling procedures and make recommendations for improvements where necessary; and
- improve Airservices Australia's consultation arrangements and the presentation and distribution of aircraft noise-related information to the general public.¹⁹

2.34 The White Paper foreshadows a role for the Council of Australian Governments (COAG) to put in place a planning regime for land near airports:

The Australian Government will continue to work with the aviation industry to ensure the impacts of aircraft noise are minimised and to find practical solutions for noise amelioration.

To help all stakeholders understand their respective roles and responsibilities in relation to the management of aircraft noise impacts on the community, the Government will...ensure future airport operations and their economic viability are not constrained by incompatible development and protect existing and future communities from undue exposure to aircraft noise by working through COAG and other forums to put in place

18 The Hon. Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government, Media Release, AA539/2009, 16 December 2009.

19 Australian Government, *Flight Path to the Future: National Aviation Policy White Paper* (White Paper), December 2009, p. 27.

an effective national land use planning regime for land near airports and flight paths.²⁰

Partnership approach to the management of aircraft noise

2.35 The committee heard that the effective management of aircraft noise is a partnership between key industry stakeholders including:

- airlines and aircraft operators, who are responsible for using noise-compliant aircraft, implementing noise-abatement principles for flight operations, and contributing to noise-reduction initiatives;
- air navigation service providers, which are responsible for flight track, noise-sharing and traffic management components, and noise monitoring and complaint reporting;
- airports, with a responsibility for community engagement, development of noise management plans, and participation in noise-reduction programs and noise monitoring;
- federal government agencies, which can assist in providing improved noise information to home owners, communities and councils; reviewing the current approach to noise measurement and assessment; identifying best practice noise management options, assisting with programs where necessary to address high levels of noise exposure; continuing regulatory responsibilities, including managing curfews and slots, and accelerating the phasing out of noisy aircraft;
- state and local governments which need to work in partnership with airports to ensure zoning is consistent with noise exposure information, in addition to introducing appropriate land-use planning around airports and under flight paths; and
- residents, who should be adequately informed of their aircraft noise exposure near airports and under flight paths and able to contribute effectively to debate about management of noise issues affecting their locality.²¹

2.36 The committee noted the inter-related responsibilities of aviation stakeholders and the partnership approach to noise management presents a challenge for Airservices Australia. For example, there are a range of matters over which, although they affect aircraft noise, Airservices Australia has no responsibility or control. These include:

- the location of airports and the configuration of airport runways; and
- the mix, density and scheduling of aircraft operations.

20 White Paper, December 2009, p. 27.

21 White Paper, December 2009, p. 208. See also Sydney Airport, *Submission 77*, p. 5-8.

2.37 Accordingly close collaboration and cooperation between the key aviation stakeholders is essential to enabling Airservices Australia to fulfil its legislated responsibility for ensuring the environment is protected from the effects associated with the operation of aircraft.

Chapter 3

Airservices Australia's engagement with communities

3.1 As the largest change in air traffic management practices in Australia over the past decade, and the matter on which the committee received the highest number of submissions, the Western Australian Route Review Project presented a timely case-study for the committee to inquire into the effectiveness of Airservices Australia's engagement with communities affected, or likely to be affected, by aircraft noise. The committee also heard evidence and received submissions from other communities around Australia regarding the effectiveness of engagement, and these are also explored in this chapter.

Overview of the Western Australian Route Review Project

3.2 Over the past ten years, the airspace over Perth has become increasingly congested and complex. The demand for air services has grown at an unprecedented rate, with a 60 per cent growth in air traffic in the past five years at Perth Airport alone. Since 2000, the strength of Western Australia's resources sector has contributed to a significant increase in demand for air services, particularly to regional Western Australia. Perth's second airport, Jandakot Airport, is one of Australia's busiest airports. It is the only general aviation airport in Perth and provides a base for pilot training, tourism, charter flights and state government-run air services. Aviation activity and particularly flight training activities at Jandakot Airport has increased significantly over recent years and in 2009 Jandakot Airport recorded the highest number of aircraft movements of any Australian airport.¹

3.3 Coupled with this expanded growth, military use of restricted airspace has also increased over the past decade. The result being that large areas of the Perth metropolitan airspace are restricted for military use and are therefore not readily available for commercial traffic. The committee heard that RAAF Base Pearce, which is both a military and operational training air base, is the busiest defence flying base in Australia.²

3.4 Noting this unexpected and unprecedented growth, the Civil Aviation Safety Authority (CASA) conducted an audit of airspace use in Western Australia in 2003 to ensure the ongoing safety of aviation operations. The CASA audit found that changes were necessary to improve airspace safety. As a result, Airservices Australia undertook a review of airspace use, flight routes and aviation procedures across Western Australia. The review, known as the Western Australian Route Review

1 Airservices Australia, *Movements at Australian Airports – 2009 Calendar Year Totals*, <http://www.airservicesaustralia.com/projectsservices/reports/movements/calyear2009.pdf> (accessed 7 June 2010).

2 Air Vice Marshal Geoff Brown, *Committee Hansard*, 10 June 2010, p 14.

Project (WARRP), commenced in 2006. The review led to changes in flight paths in November 2008 to improve safety, reduce complexity and to more effectively manage the increased demand for air travel. The Airservices Australia website describes the benefits of the flight path changes:

Aircraft are operating more safely in the Perth area. The changes separated jets from slower turbo-prop and light aircraft, and removed two-way routes on which aircraft arrived and departed simultaneously, creating the potential for conflict.

Airspace has been configured to safely manage the ongoing, increased levels of air traffic in WA and around Perth in particular.

Aircraft using the new procedures are using less fuel, reducing CO₂ emissions.³

Community consultation

3.5 During the WARRP and subsequent implementation of the flight path changes, Airservices Australia applied a consultation process that had been utilised nationally for airspace reviews. This involved consultation through the extant airport community consultation forum, the Perth Airport Aircraft Noise Management Committee (ANMCC).

3.6 The ANMCC is chaired by Perth Airport and comprises federal and state members, representatives of local municipalities and community representatives from high noise affected areas. The cities of Bayswater, Belmont, Canning, Gosnells, South Perth, Swan and the shires of Mundaring and Kalamunda are represented on the committee. Relevant federal and state agencies and representatives of the aviation industry are also members of ANMCC. One of the key matters ANMCC reviews are any changes to airspace management procedures being undertaken by Airservices Australia. Each ANMCC member is expected to ensure the progress and achievements of the committee are communicated to the organisation or group they represent.⁴

3.7 The Airservices Australia website describes the community consultation strategy as follows:

Airservices consulted those councils whose residents could be most affected by the proposed changes. Under noise exposure guidelines, this is generally in areas close to the airport where residents are most likely to be affected by frequent, low-flying aircraft. Further away, aircraft are flying at heights generally accepted not to cause significant noise (less than 70 decibels outdoors or less frequent overflights).

3 Airservices Australia, *Information for the Community*, <http://www.airservicesaustralia.com/projectsservices/projects/waroutereview/communityinfo.asp> (accessed 14 May 2010).

4 Perth Airport Aircraft Noise Management Consultative Committee, *Terms of Reference*, p. 1.

Airservices provided detailed information on new arrival and departure routes, and potential noise implications, to the Perth Airport noise committee in October 2006. We continued to update the committee on progress at meetings throughout 2007 and 2008.

Detailed maps were published on the Airservices website and comment sought from airlines, other airport and airspace users, Government and the community.

We also took submissions, questions and feedback and provided supplementary information via email and mail.⁵

3.8 Airservices Australia suggested to the committee that this strategy had generally been satisfactory in communicating with communities regarding airspace, air route and air flight path changes.⁶ The community aviation consultation forums had provided a central coordination point and conduit through which information was communicated to communities.

Impact of the flight path changes

3.9 During an Estimates hearing on 20 October 2009, Mr Greg Russell, Chief Executive Officer of Airservices Australia, provided an overview of those communities most impacted by the flight path changes:

There are three key areas that seem to us to be more affected by this particular air route change. In the hills district, the numbers that I have seen on a daily basis for arrivals from the north connecting into the southern end of the main runway—that is, the 03 end of the runway at Perth—have moved from an average of between four and six flights a day pre November 2008, before the change that occurred, to an average of about 16 flights a day. That is dependent on wind conditions in particular as to which of those air routes are used and when they are used, but the daily pattern is in that order of magnitude, on average.

In Beechboro to the north, it is a similar number. There were on average between two and four flights per day using the route that had existed prior to this route review. That has risen to about 15 per day, albeit some of them are in the early part of the morning serving mining traffic going to the north of Western Australia.⁷

3.10 Although it was acknowledged that the changes to Perth's airspace had been major, Airservices Australia suggested that the noise impact had not been significant.⁸

5 Airservices Australia, *Information for the Community*, <http://www.airservicesaustralia.com/projects/services/projects/waroutereview/communityinfo.asp> (accessed 14 May 2010).

6 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 109.

7 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 20 October 2009, p. 176.

8 Mr Greg Russell, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 96.

The committee heard that this assessment was confirmed by independent noise monitoring that Airservices Australia had undertaken, and was continuing to undertake, in affected areas.

3.11 The committee received a considerable number of submissions which described the serious impact of the flight path changes, with the majority of these submissions arising from communities in the Perth Hills to the east of Perth Airport.⁹ A number of these submissions suggested that the level of aircraft noise was unacceptable.¹⁰

3.12 The committee heard that the Perth Hills offer residents a natural bushland setting, with the terms 'peace and tranquillity' used to describe the area in a number of submissions.¹¹ The committee heard the ambient noise levels in the Perth Hills are very low, which means that aircraft noise is particularly intrusive for residents.¹² It was suggested that aircraft noise was more intrusive in the Perth Hills than in built up areas where aircraft noise is but one source of noise.

3.13 The committee heard that the frequency of aircraft movements had increased over some areas of Perth following the implementation of the flight path changes. Dr Alan and Mrs Rosemary Lonsdale described the dramatic increase in aircraft movements over their property in the suburb of Bickley in the Perth Hills:

Until late 2008 we had experienced a relatively small number of aircraft movements each day (perhaps 5-6 large aircraft and a similar number of smaller commercial aircraft). Most of these were in the general vicinity and did not pass directly over our house. Since early 2009, the number of aircraft passing directly over our house has increased massively, by a factor of about 700 percent on some days. For example, on Monday 25 May 2009, over the 12 hour period from 9.30 am to 9.30 pm, a total of 64 aircraft passed directly over our house. The total for a full 24 hour period would be in excess of 80 aircraft movements.¹³

9 Mr Lindsay Rudge, *Submission 19*, p. 1, Mr Darryl Brisset, *Submission 20*, p. 1, Mrs Christine Wynhorst, *Submission 54*, p. 1, Ms Kerry Rowles, *Submission 62*, pp. 1-3, Mr Kevin Rutherford, *Submission 80*, p. 1, Ms Sue McNaughtan, *Submission 84*, p. 1, Ms Vanessa Smith, *Submission 118*, p. 1, Ms Joan Doherty, *Submission 126*, p. 1, Ms Kathleen Dzubieli, *Submission 136*, p. 1, Dr and Mrs M R Jones, Mrs Monica Durcan, *Submission 154*, p. 1 and Ms M Major, *Submission 172*, p. 1.

10 Mr Lindsay Rudge, *Submission 19*, p. 1, Ms Kerry Rowles, *Submission 62*, pp. 1-3 and Mrs Christine Wynhorst, *Submission 54*, p. 1.

11 Mrs Mary Patricia Horne, *Submission 9*, p. 1. See also Mr Gary and Mrs Kerry Kowles, *Submission 62*, pp. 1-2, Mr Mike Heath, *Submission 146*, p. 1 and Mrs Monica Durcan, *Submission 154*, p. 1.

12 Mr and Mrs Greg and Barbara Steemson, *Submission 4*, p. 3.

13 Dr Alan and Mrs Rosemary Lonsdale, *Submission 122*, p. 1.

3.14 The committee heard that the flight path changes had negatively impacted many residents' quality of life, health and wellbeing. For example, Ms Karen Ward wrote to the committee of her family's experiences:

Our family moved to the hills over 20 years ago to seek a more peaceful tranquil environment and better air quality. With the new flight paths we now have to endure not only aircraft noise but also jet fuel emissions. We have experienced and are continuing to experience aircrafts flying directly overhead and when the windows are opened or when we are outdoors the smell of benzine triggers off asthma attacks. Not only do we get the noise in the daytime but often we are awoken by loud aircraft noise taking off after midnight, after 2 a.m and then quite regularly anytime from 5 a.m. onwards. In the daytime the noise often drowns out phone conversation from callers. Many a Qantas jets [sic] criss-cross directly overhead and it is alarming to see them looming so large above.¹⁴

3.15 The committee also heard concerns that the flight path changes had potentially devalued property and were having a detrimental impact on businesses:

The problem for me is that I have now invested millions in a business where I am offering rest, peace, recreation and tranquillity, and I do not offer that anymore, so I am deeply concerned that my property values have diminished, or will, and that my business is going to have problems. That is based on this: if it is pretty unbearable now when we are reaching passenger numbers that were projected only for 2015, what on earth is it going to be like as the mining boom hits and Perth naturally grows? It is damaging my business now when guests comment that it is a shame about the aircraft in the middle of the night or when the aircraft have become quite excessive at the beginning of the week or early in the morning, from five o'clock onwards.¹⁵

3.16 Although the committee notes that the timing and scheduling of flights is controlled by aircraft operators, the committee received a number of submissions which raised concerns regarding the disturbance caused by late night and early morning aircraft movements. Ms Fiona Zahra noted the frequency of aircraft movements during these particularly noise sensitive hours:

... planes begin flying over our house at 5.30am, by 7.00am we have had 20 planes fly over and this continues on and off throughout the day until 2.30am the following morning. I have counted in excess of 70 planes roaring over our house and this is a place where we barely had any planes flying over. On these days my children are woken at 5.30am and we are unable to sleep through the night without being woken up by the noise...11.00pm, 11.30pm, 12.00am, 2.00am and then 2.30am. I cannot

14 Ms Karen Ward, *Submission 61*, p. 1.

15 Mr Yvonne Renshaw, *Committee Hansard*, 29 April 2010, p. 48. See also Somerville Ecovillage, *Submission 152*, p. 1, Ms Phillipa Trowbridge, *Submission 36*, p. 1, Mr David Parkhouse, *Submission 149*, p. 1 and Ms Patricia French, *Submission 166*, p. 1.

begin to explain the anger, frustration and disappointment we feel, and to know that this is it for as long as we live here.¹⁶

3.17 In responding to the suggestion that the flight path changes had significantly affected local communities, Airservices Australia acknowledged that Perth communities had been affected by the flight path changes. However, Airservices Australia told the committee that it was the frequency of aircraft movements which had increased and that the extent to which communities were being impacted was dependent on an individual's perception.¹⁷

Summary of specific concerns raised regarding community engagement

3.18 Many submitters and witnesses raised concerns regarding the appropriateness and effectiveness of community engagement during the WARRP and subsequent implementation of flight path changes. As indicated in the introduction, the committee heard similar concerns from communities around Australia and where appropriate the experiences of other communities are also explored in this chapter.

3.19 Community concerns can be broadly categorised by the following four themes:

- the breadth and variety of consultation;
- the transparency of consultation;
- the presentation of complex aviation information; and
- the opportunity for review and to resolve complaints.

The breadth and variety of consultation

3.20 Airservices Australia's reliance on the extant community aviation consultation forum, ANMCC, as the primary mechanism for community engagement regarding the WARRP and flight path changes was raised by a number of submitters as a concern:

It is not an effective process to set up a vaguely representative stakeholder committee, which meets only quarterly, and then expect all of the wider consultation to be carried out by those committee members with "their constituents", rather than by Airservices itself having an obligation to consult with ALL stakeholders themselves.¹⁸

16 *Submission 86*, p. 1. See also Mr Jim Riley, *Submission 42*, p. 1, Mr Martin Murphy, *Submission 44*, p. 1, Ms Lyn Day, *Submission 57*, p. 1, Mr Charlie Iannantuoni, *Submission 63*, p. 1, Ms Emma Dickson, *Submission 67*, p. 1, Ms Barbara Campbell, *Submission 79*, p. 1, Ms Sue McNaughtan, *Submission 84*, p. 1, Mr Alan Rogers, *Submission 110*, pp. 1-2, Ms Emmanuelle Daw, *Submission 117*, pp 1-2, Ms Rebecca Roberts, *Submission 156*, p. 2, Ms Liz D'Addario, *Submission 171*, p. 1 and Ms Samantha Duddy, *Submission 174*, p. 1.

17 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 111.

18 Mr Graham McEachran, *Submission 68*, p. 2.

3.21 The committee heard that some key stakeholders were not represented on the ANMCC and so were never informed about the proposed changes.¹⁹ For example, the committee heard that the City of Armadale and City of Melville were not members of ANMCC even though they had been impacted by aircraft noise.²⁰ The City of Canning described the impact of this on the local community:

The lack of a forum to hear and to be heard has exacerbated the problem and the community feels disempowered and disaffected as a result. Regular communication on anticipated flight path and traffic volume changes as well as monitoring and reporting of noise impacts currently experienced by residents would at least enable the community to be better informed.²¹

3.22 In a submission to the inquiry, Mr Graham McEachran suggested that Airservices Australia had an obligation to consult with all stakeholders directly and should have been required to advertise the matter widely, formally inform all relevant stakeholder organisations, hold public meetings and invite public submissions.²²

3.23 In their submission to the inquiry, Airservices Australia acknowledged that communities impacted by WARRP continue to express dissatisfaction with the outcome of the review. Airservices Australia suggested that consultation could be improved by improving local community understanding of the role, membership and outcomes of the community aviation consultation forum:

Wider dissemination of information relating to the membership of the committee and the outcomes of the discussions would improve community engagement.²³

3.24 In contrast to the consultation strategy utilised by Airservices Australia for the WARRP, the committee heard positive comments regarding the Perth Airport Runway Overlay Project undertaken in early 2010. The committee heard that Perth Airport implemented a comprehensive program of communication to ensure key stakeholders and communities were informed of the runway overlay works and the associated changes to aircraft movements. The program of communication included briefings with councils and shires most likely to be impacted by the works, a direct mail campaign, advertising in local community newspapers and advertising at a local shopping centre. It was suggested that this program of communication was effective because of the breadth and variety of communication methods, provision of regular updates on progress and the simplicity of information presented.²⁴

19 Mr Peter Bourne, *Submission 31*, p. 1. See also Mr Graham McEachran, *Submission 68*, p. 2.

20 Ms Patricia French, *Submission 166*, p. 2. See also Mr John Erceg, City of Armadale, *Committee Hansard*, 28 April 2010, p. 15.

21 Mrs Rita Saffioti, MLA, *Submission 159*, p. 2.

22 Mr Graham McEachran, *Submission 68*, p. 2.

23 Airservices Australia, *Submission 102*, p. 3.

24 Perth Airport, answer to question on notice, 28 April 2010 (received 31 May 2010).

3.25 The committee also heard from other communities around Australia who raised concerns regarding the effectiveness of community aviation consultation forums as mechanisms to facilitate an open dialogue and free exchange of information. For example, Mr Graham Ellis suggested that community consultation through the Jandakot Airport Consultative Committee (JACC) had been ineffective, with no consultative meeting for a period of 18 months and the most recent meeting only lasting 15 minutes.²⁵ Mr Ellis suggested that JACC did not provide substantial outcomes for the community:

The JACC is an illusion, a front, giving the appearance of dialogue between the noise impacted community and the aviation industry that provides no substantial outcome, a game of smoke and mirrors.²⁶

3.26 The Moorabbin Airport Residents' Association Inc raised similar concerns regarding the Moorabbin Airport Consultative Committee:

The Moorabbin Airport Corporation Consultative Committee (MACC) (of which Airservices Australia is a member) was set up to consult with interested aviation parties and the community. It is widely praised as a success by politicians and the Govt. as an example of genuine effectiveness. Sadly, that is an illusion.²⁷

3.27 In response to these suggestions, the Moorabbin Airport Corporation suggested that the Moorabbin Airport Consultative Committee had achieved a considerable amount during its tenure:

It has for the main served as a forum so that the activities of general aviation can be explained to the community, and that the operators and regulators of general aviation can understand the concerns within the community. Regrettably however, consultation does not always mean agreement.²⁸

Committee view

3.28 Given the complex nature of aviation information and the scale of the changes proposed under WARRP, the committee considers that it was inappropriate for Airservices Australia to delegate responsibility for disseminating information to a community aviation consultation forum. The method of consultation utilised should have been more varied and wide ranging to ensure those communities likely to be affected by the changes were fully consulted, understood the impact of the changes and were able to provide input into the process.

25 Mr Graham Ellis, *Committee Hansard*, 28 April 2010, p. 75.

26 Mr Graham Ellis, *Submission 158*, p. 39.

27 Moorabbin Airport Residents' Association Inc, *Submission 24*, p. 2.

28 Moorabbin Airport Corporation, *Supplementary Submission*, p. 5.

3.29 As part of the reinvigoration of the community aviation consultation forums announced under the government's National Aviation Policy Statement,²⁹ the committee considers that these forums should be subject to regular review to ensure their ongoing effectiveness. As part of this review process, community stakeholders should be consulted to determine the degree of public satisfaction with the forums and identify opportunities for continuous improvement.

The transparency of consultation

3.30 The committee heard evidence and received submissions that consultation through the ANMCC was not open and transparent. In particular a number of submitters expressed concern that three key documents were not provided to the ANMCC, namely, an environmental assessment, a Civil Aviation Safety Authority Safety Audit Report and an internal noise assessment.³⁰

3.31 The committee heard that the environmental assessment was first requested by the ANMCC at a meeting on 4 October 2006 and an officer from Perth Airport wrote to Airservices Australia formally requesting the assessment on 15 November 2006.³¹ The minutes of the 4 October 2006 meeting record that ANMCC requested the environmental assessment reports be made available to committee members in time to make comment prior to the flight path changes being adopted.³² At the ANMCC meeting on 21 February 2007 Airservices Australia undertook to provide the committee with the environmental assessment.³³ The environmental assessment was not released until 21 May 2010, following a request by the Senate Rural and Regional Affairs and Transport References Committee.³⁴

3.32 Mr John Macpherson, the Principal Environmental Noise Officer within the Western Australian Department of Environment and Conservation and regular ANMCC attendee, suggested that failing to release these documents hampered the ability for communities to actively engage in a two-way discussion regarding the proposed changes and options available:

I do not think we got enough information to be able to feel that we really had our teeth into something where we could begin to say, 'Now we understand something well enough that we want to have an influence and change it.' I do not think we ever got to that point. With other environmental assessments that I do, I get to that point—because we get the

29 White Paper, December 2009, p. 160.

30 Mr Phillip Lipple, *Submission 69*, p. 1. See also Mr John Macpherson, *Submission 105*, p. 2 and Ms Sharon Davies, *Committee Hansard*, 28 April 2010, pp. 37 - 38.

31 Ms Sharon Davies, *FairSkies*, *Committee Hansard*, 28 April 2010, p. 37.

32 Perth Aircraft Noise Management Strategy Committee, *Final Minutes*, 4 October 2006, p. 2.

33 Perth Aircraft Noise Management Consultative Committee, *Final Minutes*, 21 February 2007, p. 2.

34 Airservices Australia, answers to question on notice, 28 April 2010 (received 21 May 2010).

information and we can say, 'Hang on, I can see that there is a problem with this proposal; you need to change something about it.' I do not think we got to that point of understanding it well enough to know whether we might have actually had an influence in changing it.³⁵

3.33 Further, the committee heard that without these documents, the community's ability to review and assess the basis for the proposed flight path changes was affected:

Details of the "safety argument" are generally unavailable for "confidentiality" reasons and accordingly it is difficult for the community to scrutinize or challenge the reasons being put forward to justify an existing or proposed flight management measure.³⁶

3.34 The committee observed that this failure to release pertinent information to the ANMCC had lead some witnesses to doubt the underlying reasons for the flight path changes. For example, Mr Anthony Anderson of FairSkies speculated that Airservices Australia was 'hiding under the cloak of safety':

I feel that Airservices Australia has grossly mislead [sic] the community regarding the necessity of WARRP. They have always maintained, in answer to all sorts of questions, that it was required for the safety reasons raised in the CASA audit. Under Freedom of Information a copy of this audit was obtained and the only 'safety' issues raised referred to the Runway 03 Instrument Landing System procedures and two RCAs were raised – RCA 0301-02 and RCA 0301-04. That was in 2003 and Airservices Australia has been hiding under this cloak of 'safety' ever since.³⁷

3.35 In responding to Mr Anderson's suggestion, Airservices Australia noted that a CASA re-audit of the Western Australian airspace indicated improved airspace safety following the WARRP changes:

We have also seen a reduction in the number of air safety incidents as a result. We have seen a 39 per cent fall in air safety incidents since the changes were made, and that also includes a 23 per cent reduction in airspace violations, which is pilots operating outside the control area and wandering into places where they should not be.³⁸

3.36 However, similar concerns were raised by the Sydney Airport Community Forum. The Sydney Airport Community Forum suggested that Airservices Australia should be more transparent, particularly with regard to publicly releasing environmental assessments and providing more detailed explanation for the non-

35 Mr John Macpherson, WA Department of Environment and Conservation, *Committee Hansard*, 28 April 2010, p. 8.

36 City of Canning, *Submission 48*, p. 1.

37 Mr Anthony Anderson, *Submission 26*, p. 14. See also Mr Anthony Anderson, FairSkies, *Committee Hansard*, 28 April 2010, p. 45.

38 Mr Jason Harfield, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 100.

attainment of Sydney's noise sharing targets. Without this information, it was suggested that local communities are not fully informed and are unable to conduct their own analysis.³⁹

3.37 Due to the technical nature of operational documents such as environmental, noise and safety assessments, Airservices Australia advised the committee that they do not favour the public release of these documents. Airservices Australia suggested that as there is implied knowledge with the material, operational documents would not necessarily be meaningful to the reader. Instead, Airservices Australia prefers experts to explain the results of specialised reports to consultative forums.⁴⁰

Committee view

3.38 The committee recognises that aviation operational documents can be highly complex and not readily understandable by the 'lay person'. However the committee notes that a lack of organisational openness and transparency can potentially give rise to community scepticism and mistrust. Accordingly, the committee is of the view that the complexity of information should not form the basis for non-disclosure. Rather, a package of readily understandable information regarding a proposed flight path change (including its potential impact on local communities) should be made available and widely distributed to all interested community stakeholders.

The presentation of complex aviation information

3.39 Aviation information is complex and highly technical in nature. The management of airspace involves the complex and dynamic interaction of many factors, some of which are within Airservices Australia's control (e.g. flight paths) and some of which are not (e.g. weather conditions, safety regulations).

3.40 In consulting with the ANMCC, the committee heard that Airservices Australia did not provide information that could be readily understood by community representatives. A number of witnesses suggested that the information provided was above the technical level of the ANMCC community members. It was argued that this affected representatives' ability to assess, review and share the information provided with their community organisations.

For non-aviation industry ANMCC members the language used has been too technical, the use of simple simulations, diagrams &/or maps was not employed, information was misleading ...⁴¹

3.41 The committee notes that ANMCC did not seek clarification or additional information from Airservices Australia prior to the implementation of WARRP.

39 Sydney Airport Community Forum, *Submission 151*, p. 1-2.

40 Airservices Australia, answers to question on notice, 28 April 2010 (received 21 May 2010).

41 Mr Peter Bourne, *Submission 31*, p. 7. See also ,City of Canning, *Submission 48*, p. 2, Perth Airport Municipalities Group Inc, *Submission 58*, p. 2 and Perth Airport, *Submission 123*, p. 10.

However, the committee heard that because Airservices Australia gave the impression that the changes were occurring well away from Perth Airport and would not have a significant impact on communities, ANMCC members did not see merit in dedicating time and resources to further reviewing and clarifying the information.

3.42 The committee heard that Airservices Australia also provided information regarding the WARRP on its website. The information consisted of aviation diagrams showing arrival approaches and departure routes with arrows and coordinates. The diagrams did not include clear markings of suburbs and did not indicate the likely impact of the flight path changes on local communities.

3.43 Mr John Macpherson described the information provided:

... the nature of the information provided on the ASA website describing the proposed flight path changes was too obscure and technical to be of use to persons other than aviation experts. I visited the website several times in response to circular emails advising that the site had been updated. However, I found that the information provided at that time consisted of a 'spaghetti' of flight paths with cryptic descriptive notes, overlaid on a map that did not show landmarks that would have enabled potential noise-affected areas to be identified.⁴²

3.44 Upon review of the information that had been available on Airservices Australia's website, the committee shared the view that it would have been difficult for the public to understand the information in the form published.

3.45 Community members of the Sydney Airport Community Forum also noted the challenge posed by the complex and technical nature of aircraft operations and aircraft noise. To support the work of the Sydney Airport Community Forum, between 2007 and 2009 the Federal Government funded an Aviation Community Advocate. The community advocate provided the Sydney Airport Community Forum and broader community with assistance, information and advocacy for the community interest on aviation issues.

3.46 Mr Derick Frere, a community representative on the Sydney Airport Community Forum noted the community advocate helped to 'level the playing field'.⁴³ Sydney Airport Community Forum community members further proposed that there is an ongoing need for a trusted and independent community advocate to assist the general community in asking the right questions, accessing information and analysing and explaining information:

There is a need for a skilled resource to support the members on SACF. The complex and evolving technical nature of airport operations, the volume of information and data puts the members of SACF at a distinct disadvantage relative to the full-time employees of Airservices and the industry. This is

42 Mr John Macpherson, *Submission 105*, p. 2.

43 Mr Derick Frere, *Submission 147*, p. 1.

particularly the case for the volunteer community members. There is a need for a skilled and experienced individual to undertake research and analysis, to investigate issues and importantly to assist and advise SACF and the community in formulating proposals to ameliorate the impact of aircraft noise in Sydney.⁴⁴

3.47 The Committee was told that due to budgetary constraints within the Department of Infrastructure, Transport, Regional Development and Local Government, funding was unable to be found to maintain the position in 2010.⁴⁵

Committee view

3.48 The committee is of the view that the complexity of aviation information can hinder the effectiveness of Airservices Australia's engagement with local communities.

3.49 During the WARRP, the committee considers that the presentation of complex and highly technical information hampered the ANMCC community representatives' ability to independently assess and critically evaluate the data and information provided by Airservices Australia. Information should have been presented to the ANMCC and made available on the Airservices Australia website in a form readily understandable to the 'lay-person'. The committee recognises that there were opportunities for the ANMCC to clarify the information provided and that these opportunities were not pursued. However, the committee notes that, generally, community representatives did not have aviation experience and therefore accepted advice from Airservices Australia on face value.

3.50 Where significant or extensive changes to the management of airspace or aircraft noise are proposed in the future, the committee considers the effectiveness of community engagement and consultation would be enhanced through the appointment of a community advocate or independent community adviser.

The opportunity for review and to resolve complaints

3.51 The Noise Enquiry Unit (NEU) is Airservices Australia's nation-wide complaints and information unit. It receives complaints and enquiries via telephone, email and on-line and provides information on noise levels at major airports and responses to aircraft noise complaints and enquiries. The NEU also provides summary reports of enquiries and complaints it has received to relevant airports, airlines and authorities. Airservices Australia told the committee that the NEU has provided an opportunity for the public to seek quick responses to aircraft noise complaints and enquiries. However, Airservices Australia stressed that 'the NEU is not a resolution service, rather requested information is provided to the public and

44 Mr John Clarke, Mr Kevin Hill, Mr Robert Hayes and Ms Maria Patrinos, *Submission 153*, p. 2.

45 Mr Barry Cotter, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 78.

summary reports or information are provided to relevant airports, airlines and authorities as appropriate.⁴⁶

3.52 The committee heard that upon receiving an aircraft noise complaint, the NEU records information regarding the concerns raised and provides information to the complainant if requested. Airservices Australia then collates and summarises complaints and periodically refers a summary report to airport management. This report is used to inform discussions at community aviation consultation forums and can highlight 'hot spots' of concern.⁴⁷

3.53 The committee noted that although noise complaint information is provided to community aviation consultation forums, these forums are for consultation purposes only and are not decision-making bodies.⁴⁸ The primary role of the community aviation consultation forums is not to resolve complaints, but to ensure that community views are effectively heard by the airport and to give members the opportunity to obtain information regarding airport operations.

3.54 Witnesses expressed a range of concerns about the complaint registration process. The committee heard that unless a caller specifically stated that their call was a complaint it may not be recorded as such by NEU staff.⁴⁹ Submitters also expressed concern that for the purposes of NEU statistics, one call equals one complaint and that as a result there is concern among residents that multiple disturbances are not accurately reflected in the statistics.⁵⁰ Mr Glenn Jennison told the committee:

We believe the problem is getting worse and residents feel it is becoming a total waste of time to even bother complaining. One call equals one complaint, so it is no good ringing up and saying: I got woken up six times last night at these times approximately. That should be registered as six complaints, but it is registered as one complaint. You even have to say, 'This is a complaint, not an inquiry', for it to be registered as a complaint, which gets back to that point that few complaints are received.⁵¹

3.55 Airservices Australia confirmed that one call is recorded as a single complaint and told the committee that while this does have an impact on the statistics, it is a very minor impact. Airservices Australia subsequently advised the committee that the NEU has applied the principle of 'one contact = one complaint' to its complaints handling practices for the past 15 years. The committee was told:

46 Airservices Australia, *Submission 102*, p. 9.

47 Airservices Australia, *Submission 102*, p. 9.

48 White Paper, December 2009, p. 163.

49 *Committee Hansard*, 28 April 2010, p. 41, Mr Glenn Jennison, *Committee Hansard*, 21 May 2010, p. 2.

50 See for example Adelaide Airport Limited, *Submission 132*, Keilor Resident's Group *Submission 66* and Brimbank City Council, *Submission 133*.

51 Mr Glen Jennison, *Committee Hansard*, 21 May 2010, p. 2.

We are most interested in the issues that are complained about and the number of people that lodge complaints, rather than the number of complaints that are received or the number of flights being complained about. In any contact with the NEU, the operator will try to discern from the complaint/enquiry what the issues of concern are and ensure that all issues are recorded. As such the practice of 'one contact = one complaint' is regarded as the most effective means of discerning the issues and the extent of the impact.⁵²

3.56 Airservices Australia advised the committee that it considers that the NEU database provides an accurate reflection of the issues of concern and the extent of the impact for those people who choose to contact the NEU. Airservices Australia also advised that from 1 July 2010, it is making a database modification to include a field for 'multiple aircraft, same issue' to address 'those that store up complaints before contacting the NEU and those that complain about being overflowed for lengthy periods of time'.⁵³

3.57 Many submitters raised concerns regarding the NEU and the complaint resolution process.⁵⁴ Notwithstanding Airservices Australia's advice that the NEU is not a complaint resolution service, the committee notes that there is a clear expectation expressed in submissions to this inquiry that calls to the NEU should result in some form of action.⁵⁵ There was a general view put forward that the NEU and subsequent process offered limited opportunity for positive outcomes and change for the community. For example, Mr Ian Davies of FairSkies suggested:

The noise complaint process is a dead-end process as it is now. It should include mechanisms to enable positive action for outcome changes on behalf of the complainants if they are required.⁵⁶

3.58 The committee received some evidence that suggested callers have been referred to their local Council or local Member of Parliament.⁵⁷ Ms Yvonne Renshaw told the committee:

I too have a litany of phone calls to Airservices Australia, in which we were being very pleasantly acknowledged but getting absolutely nowhere. Back in, I think, September of 2008-09, I eventually went back to them and said: 'Thank you for acknowledging my complaint many months ago, but I

52 Airservices Australia, answer to question on notice, 10 June 2010 (received 18 June 2010) p 1.

53 Airservices Australia, answer to question on notice, 10 June 2010 (received 18 June 2010) pp. 1-2.

54 Mr Stuart Smith, *Submission 168*, p. 1. See also Mr Colin Fegan, *Submission 164*, p. 1.

55 See *Submission 127*, *Submission 24*, *Submission 26*, *Submission 72*, *Submission 151* and *Submission 167*.

56 Mr Ian Davies, FairSkies, *Committee Hansard*, 28 April 2010, p. 43. See also No Aircraft Noise, *Submission 72*, pp. 1-2.

57 See for example, Mr John Green, *Submission 96*.

haven't got anywhere. What's happened?' They put me on to a councillor at Mundaring council. When I followed that through, I found that that councillor had not had anything to do with it for over two years. So I, in my small way, also kept finding dead ends in terms of complaining.⁵⁸

3.59 The committee also heard that some residents have sought to lodge complaints directly with the airport or through their local Council. Councillor Glenys Godfrey, Mayor of the City of Belmont, told the committee:

It has been pointed out by Airservices Australia that they agree that, due to the lack of knowledge, many of the community complaints had been directed to local government rather than Airservices Australia⁵⁹

3.60 The Moorabbin Airport Residents' Association Inc was critical of action taken after information is collected by the NEU, describing the process as 'an example of the smoke and mirrors approach that exists'⁶⁰:

ASA takes no further action after this – it does not require the offending airport to report back on measures taken nor actively work with them to address the noise complaints reported. There is no onus on the airport to act on these statistics. They are just filed away and forgotten.⁶¹

3.61 The committee heard that the NEU did not always provide feedback to individuals on the progress of their complaints and enquiries or any action to address their concerns:

One of the major concerns is with the apparent lack of any feed back from the complaints logged. For example if an aircraft does not follow the expected flight path south and may do an early right turn (even towards the 3LO aerial), causing excessive noise over Keilor. We could report this but as far as we know Air Services do not follow through with the aircraft concerned and certainly do not report back to the us any result of the follow up.⁶²

3.62 In the absence of any feedback, one submitter, Mr Leo Dobes suggested that affected individuals may become discouraged over time from reporting any incidents.⁶³

3.63 The committee heard that there were opportunities to improve the performance of the NEU with respect to its customer service and understanding of

58 Mrs Yvonne Renshaw, *Committee Hansard*, 28 April 2010, p. 48.

59 Councillor Glenys Godfrey, City of Belmont, *Committee Hansard*, 28 April 2010, p. 16.

60 Moorabbin Airport Residents' Association Inc, *Submission 24*, pp. 2-3.

61 Moorabbin Airport Residents' Association Inc, *Submission 24*, pp. 2-3.

62 Mr John Jennison, *Submission 11*, p. 3. See also Councillor John Daw, *Submission 78*, p. 1.

63 Mr Leo Dobes, *Submission 85*, p. 4. See also Dr Murray May, *Submission 76*, p. 1 and Mr Geoffrey Willans, *Submission 114*, p. 1.

locations, planning processes and significant airspace management changes other than those relating to Sydney.⁶⁴ The committee heard concerns about the helpfulness of the explanations provided by the NEU.⁶⁵ Submitters expressed concern that as the NEU is located in Sydney, NEU staff are not always familiar with the complainant's location or circumstances and may on occasion give the impression that the complaint is not being taken seriously.⁶⁶

3.64 Submitters also expressed concern that the NEU is not staffed out of hours or on weekends.⁶⁷ Airservices Australia advised the committee that the NEU is staffed during normal business hours and can be contacted via phone, fax, mail, email and the Internet on a 24-hour basis.⁶⁸

3.65 Airservices Australia advised the committee that there is disconnect between community expectations and the role of the NEU. The committee heard that the NEU is not intended to be a resolution unit but simply the interface between the public and the organisation:

The aim is to provide information to complainants. We take that information and assess trends that we use in terms of the way our air traffic controllers operate. In some cases we will take that up with the airline industry itself. We publish reports based around that data. Again, I make the point, it is not a resolution of the issue and that is where some members of the public perhaps think that it is.⁶⁹

Committee view

3.66 The committee notes Airservices Australia's explanation of its approach to the recording of complaints. The committee also notes the significant amount of frustration expressed by submitters during this inquiry regarding the mechanism through which complaints may be lodged and information and explanations sought. The committee accepts that Airservices Australia does receive a number of complaints that appear to be invalid in that they refer to clearly incorrect flight data. The committee also notes that individual complainants may generate a significant proportion of the overall complaints logged. The committee is concerned however that individuals who seek to register their concerns regarding aircraft noise should not be

64 Keilor Residents and Ratepayers Association Inc., *Submission 66*, p. 2. See also Mr John Jennison, *Submission 11*, p. 1.

65 Sydney Airport Community Forum, *Submission 151* and Sydney Airport Community Forum Members, *Submission 153*.

66 Mr Glenn Jennison, Keilor Residents and Ratepayers Association, *Committee Hansard*, 21 May 2010, p. 2.

67 See for example, Moorabin Residents' Association, *Submission 24*, Dingley Resident's Association, *Submission 74*.

68 *Submission 102*, p. 9.

69 Mr Greg Russell, Chief Executive Officer, Airservices Australia, *Committee Hansard*, 21 May 2010, p. 89.

dealt with in a manner that appears to trivialise the impact of aircraft noise on those individuals. The committee welcomes the improvements that Airservices is currently making to the databases and hopes that these will go some way to alleviate the frustration of complainants.

3.67 Whilst acknowledging that it is not always possible to resolve complaints to the satisfaction of complainants, the committee found it concerning that there is no mechanism to ensure independent assessment and review of complaints. The committee noted that the current process results in the referral from Airservices Australia's Noise Enquiry Line to a forum which has no decision making powers, no control over aircraft operations and consequently, limited ability to affect positive change and resolve community concerns. Although Airservices Australia can provide a wealth of information to concerned residents and communities (through their Noise Enquiry Line and initiatives such as Webtrak), the current structure does not appear to provide a mechanism to readily bring about change.

3.68 The committee considers that Airservices Australia should endeavour to respond more effectively to complainants and to resolve complaints where it is within their ability to do so. Airservices Australia should explore opportunities to enhance the management of aircraft noise to address community concerns. One mechanism available to Airservices Australia would be the continuous improvement and review of flight paths. Further, Airservices Australia should work with the aviation industry to explore opportunities to reduce the environmental impact of their operations on local communities, for example through the introduction of new procedures and technologies to improve aircraft noise outcomes for communities.

Airservices Australia's Communication and Consultation Protocol

3.69 The committee notes that since the WARRP and its implementation, Airservices Australia has reviewed their community engagement processes and developed a new Communication and Consultation Protocol ('the protocol'). The protocol describes a phased community engagement strategy tailored to suit the nature and quantum of the air traffic management change. It describes how, when and what consultation is undertaken by Airservices Australia. There are eight methods of consultation which can be undertaken depending upon the nature of the air traffic management change: industry briefings and/or correspondence; community aviation consultation forums; information on the Airservices Australia's website; press advertising; direct mail to residents; an information kit; public information sessions; and a consultation report.

3.70 Mr John Clarke, a member of the Sydney Airport Community Forum suggested that the protocol described community communication rather than engagement. Mr Clarke suggested that an effective community engagement strategy involves the exchange of information and an open dialogue:

There is a lot of information out there around world's best practice on engagement with the community in terms of availability of information, of actually listening to what the community is saying, as opposed to simply

providing a spin to a communication. I think that is a very important point to make. The community on the issue of aircraft noise in Sydney—and I believe elsewhere as well—needs to be engaged not communicated to.⁷⁰

3.71 Although the committee did not receive a lot of evidence regarding the protocol, it is not clear to the committee whether air traffic management changes of a similar type to the WARRP would necessarily attract a greater level of consultation under the procedures outlined in the protocol.

3.72 The committee noted Airservices Australia's advice that the protocol was the product of consistent feedback received through airport forums and public representations seeking clarity and transparency for our community consultation and communication processes.⁷¹

3.73 However, the committee also noted the Sydney Airport Community Forum's suggestion that the protocol had been developed without wide community consultation and that the Forum was simply provided with a completed, printed and published document:

So you can see the certain irony of the situation: SACF, which is the means for community engagement in Sydney, or at least the first step in that process, was ignored in the development of that protocol—in fact we have been asking for it for six months—and yet we had tabled a completed document. I do think that protocol itself leaves a fair bit to be desired, because it is around communication with the community as opposed to engagement with the community.⁷²

3.74 In responding to the suggestion that the protocol had been developed without consultation with community aviation consultation forums, Airservices Australia advised the committee that the protocol was a 'living document' and feedback would be welcomed as part of the continuous improvement of the protocol.⁷³

Committee view

3.75 Although the development of a protocol is a positive step, the committee was particularly concerned that its development may not have been underpinned by a full consultation process. The committee considers that Airservices Australia should undertake regular and wide consultation as part of the continuous improvement for the protocol. It is the committee's view that all future iterations of the protocol should be developed following extensive consultation with, at a minimum, the major airport

70 Mr John Clarke, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 65.

71 Airservices Australia, answers to question on notice, 10 June 2010 (received 18 June 2010) p. 9.

72 Mr John Clarke, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 64.

73 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 May 2010, p. 97.

community consultation forums to ensure it meets the expectations and needs of the community.

3.76 Further, the committee is of the view that the protocol should more effectively describe community engagement as opposed to community consultation. In considering Airservices Australia's protocol and evidence received during the inquiry, the committee came to the view that the protocol should describe an engagement strategy characterised by an ongoing dialogue, mutual understanding and open exchange of ideas and information. The protocol must build community confidence that the engagement process seeks to achieve positive outcomes and appropriately balances the views of communities with those of the government and aviation stakeholders.

Chapter 4

Effectiveness of Aircraft Noise Management

Introduction

4.1 This chapter explores aircraft noise management at Australia's major capital city airports, General Aviation Aerodrome Procedures (GAAP) airports, and at smaller privately owned and unregulated airports. The effectiveness of the Australian Noise Exposure Forecasts (ANEF) system is also considered.

Noise sharing arrangements

4.2 During the inquiry, the committee heard that ensuring the fair and equitable distribution of noise was a primary concern for communities and residents around Australia.

4.3 A number of Perth residents suggested that in introducing new flight paths following the Western Australian Route Review Project, Airservices Australia had not pursued equitable noise sharing arrangements.¹ It was also argued that while the new flight paths may have minimised the total number of people affected by aircraft noise, a small number of residents are now subjected to a huge increase in flights and greatly increased noise disturbance.

4.4 In responding to the suggestion that noise was not being shared equitably in Perth, Mr Richard Dudley, General Manager Corporate and International Affairs, Airservices Australia, suggested that:

The perplexing issue is that everyone thinks that they are copping an unfair burden of aircraft noise, no matter what location they are in around Australia. I have been intimately close to this issue for many years. Here in Perth we have hot spots of noise to the north, south, east and west of Perth aerodrome. There are people to the south who are concerned about aircraft noise just as there are genuine concerns in the Hills district and to the north-west. There are people to the south-east as well who have concerns about aircraft overflights. People in this room will not believe me but we are equitably distributing noise as far as practicable all around the Perth Basin.²

4.5 During its Perth hearing, the committee received evidence that suggested there may be opportunities to provide greater respite to residents through civilian use of military airspace. The committee notes that the extant route structure in Perth is

1 Ms Emma Dickson, *Submission 67*, p. 1, Mr Tom McNaughton, *Submission 82*, p. 1, Mr Brett Hughes, *Submission 94*, p. 3, Mr Emmanuelle Daw, *Submission 117*, p. 1, Mr Alan and Mrs Rosemary Lonsdale, *Submission 122*, p. 2 and Mr and Mrs C and M Wilson, *Submission 138*, p. 1.

2 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 104.

constrained by military airspace. The committee heard the Airservices Australia had actively and extensively consulted with military airspace and air traffic management staff to identify mutually acceptable outcomes and as a result, some minor changes to restricted airspace boundaries had been made to facilitate the Western Australia Route Review Project.³

4.6 The committee heard that unlike airports such as Williamtown in Newcastle, NSW, which is a shared military and civilian facility, there are constraints on the ability of RAAF Base Pearce (Pearce) to be used for civilian flights and the extent to which this would amount to some mitigation of current aircraft noise patterns. First the committee heard that civilian use of Pearce would raise security issues and require a significant amount of investment in terms of infrastructure, runway modifications and provision of safety services.⁴

4.7 Second, the committee noted that there was some doubt as to whether civilian aircraft taking off from Pearce would actually result in greater sharing of noise impacts. Air Vice Marshal Brown told the committee that a civilian jetliner taking off from runway 18 at Pearce would probably track over the same residential areas as similar aircraft taking off from Perth Airport.⁵ The committee noted that the particular circumstances surrounding the Pearce and Perth Airport facilities and the close proximity of the two facilities do appear to limit the opportunities for civilian use of Pearce at the current time. However, the committee considers that there is merit in undertaking a more complete investigation to determine the possible use of Pearce in the future, particularly with a view to relieving some of the pressure associated with high volumes of early morning traffic at Perth Airport.

4.8 For communities in the vicinity of Sydney Airport, noise sharing arrangements have been formalised through the Long Term Operating Plan (LTOP). The aim of the LTOP is to operate as many flights over water or non-residential areas and where this is not possible, to share the burden of aircraft noise over residential land as equitably as possible. The LTOP includes 10 runway configurations (or modes of operation) and has noise sharing targets for the amount of aircraft movements to the north, south, east and west of the airport. The plan is designed to place as many flights as possible to the south over water (55%), with the remaining spread between the north (17%), west (15%) and east (13%).

4.9 The Sydney Airport Community Forum described the LTOP and the achievement of its targets as being of critical importance to the people living around Sydney Airport:

It is the achievement of those targets that will maximise the benefit to the communities that live around Sydney airport. Unless those targets are

3 Air Vice Marshal Geoff Brown, *Committee Hansard*, 10 June 2010, p. 15.

4 Air Vice Marshal Geoff Brown, *Committee Hansard*, 10 June 2010, p. 20.

5 Air Vice Marshal Geoff Brown, *Committee Hansard*, 10 June 2010, p. 20.

achieved, there will be an unfair distribution of noise for residents who live around the airport.⁶

4.10 The committee heard differing views regarding the effectiveness of Sydney Airport's noise sharing arrangements. Whilst some submitters suggested that Sydney's LTOP, if fully implemented, would share the noise equitably, others suggested that it had not led to equitable noise sharing.⁷

4.11 The committee heard that the runway configuration targets described in the LTOP had not been met in the 13 years since their introduction. The Australian Mayoral Aviation Council suggested that the targets must be met or must be recast with effective measurable standards for which agencies can be held accountable. It was further suggested that failing to achieve the targets would lead to a loss of confidence in the plan:

Failure to ever deliver on the targets under the LTOP for Sydney leads to the conclusion that, rather than being a noise management strategy that is meant to be achieved, it may have become a meaningless strategy and a matter of public expediency.⁸

4.12 One submitter suggested that the LTOP was no longer an effective noise management plan for Sydney Airport:

The Long Term Operating Plan (LTOP) of 1997 has passed its 'use by date' due to traffic growth making noise sharing inoperative for long periods each day. LTOP, the restriction to 80 movements per hour and the ring fence around regional NSW services are no longer the most effective way to reduce noise for nearby residents or deliver regional airline services.⁹

4.13 In responding to these suggestions, Airservices Australia and Sydney Airport underscored that the LTOP runway configuration usage targets are intended to be just that, 'targets'. Mr Rodney Gilmour the General Manager of Corporate Affairs and Human Resources at Sydney Airport suggested that the overall LTOP plan had been substantially implemented:

What people focus on is a set of targets that it was suggested ought to be targets that might be achieved. That is seen as the sole part of the long-term operating plan. I think you have to see the 18 or 19 separate guidelines that are part of it.¹⁰

6 Mr Barry Cotter, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 63.

7 Mr William Allaway, *Submission 28*, p. 6.

8 Australian Mayoral Aviation Council, *Submission 92*, p. 6.

9 Decisive Consulting Pty Ltd, *Submission 142*, p. 2.

10 Mr Rodney Gilmour, Sydney Airport Corporation Ltd, *Committee Hansard*, 28 May 2010, p. 22.

4.14 The committee heard that there had been an improvement in managing LTOP over recent months. For example, the committee heard that during the recent Runway End Safety Area (RESA) project, there had been an increase in the use of Simultaneous Opposite Direction Parallel Runway Operations (SODPROPS). The Sydney Airport Community Forum noted that during this time there had been an unprecedented level of utilisation of SODPROPS. In the twelve months following the start of works, the level in every month, except November, was higher than had ever been previously recorded and indeed in the four months June to September 2009, the level exceeded 11 per cent. By comparison, in the ten years prior to RESA, the average utilisation was only 1.8 per cent.¹¹

Curfews

4.15 Although not within Airservices Australia's responsibility, the committee did receive evidence regarding the maintenance of the existing curfews at Sydney Airport and their establishment at Perth, Melbourne and Canberra.

4.16 Due to the disturbance of late night and early morning flights in Perth, a number of submitters recommended the introduction of a curfew at Perth Airport.¹² It was also suggested that a 24 hour freight hub would be inappropriate in Canberra, and submitters also recommended the introduction of a curfew for the capital.¹³

4.17 Both Perth Airport and Melbourne Airport are opposed to the introduction of curfews noting the significant operational and economic benefits that 24-hour operation provides. Melbourne Airport has quantified the economic benefit a 24-hour operation provides:

At last count, which was in 2007-08 financial year, that came out as being worth \$309 million to gross state product—just the curfew itself—as well as about \$77 million to the value of local production, and is worth somewhere in the vicinity of 1,000 jobs locally and about 4,500 state-wide.¹⁴

4.18 Perth Airport suggested that a curfew at Perth Airport was inappropriate due to the city's geographic location. It was noted that Perth Airport was the end-point on a number of international airline operations and operated domestic 'back of the clock' operations due to the distance from the east coast of Australia.¹⁵ It was further

11 Sydney Airport Community Forum, *Submission 151*, p. 2.

12 Mr Terry Morris, *Submission 32*, Ms Concetta Cinanni, *Submission 51*, Mr Charlie Iannantuoni, *Submission 63*, Mr Graham McEachran, *Submission 68*, Ms Barbara Campbell, *Submission 79*, Mr John Green, *Submission 96*, Ms Gloria Vaisey, *Submission 135*, Mr and Mrs C and M Wilson, *Submission 138*, Ms M Major, *Submission 172* and Ms Samantha Duddy, *Submission 174*.

13 Jerrabomberra Residents Association, *Submission 55* and Curfew4Canberra, *Submission 56*.

14 Ms Carly Dixon, Melbourne Airport, *Committee Hansard*, 21 May 2010, p. 14.

15 Mr Brad Geatches, Perth Airport, *Committee Hansard*, 28 April 2010, pp. 84-85.

suggested that the Sydney curfew had a bearing on aircraft operations from Perth Airport.

4.19 In Sydney, the committee heard evidence from residents in support of the retention of the curfew and aircraft movement restrictions.¹⁶ To ease aircraft noise management challenges in Sydney, it was also suggested that the development of a second Sydney airport should be progressed as a matter of urgency.

Development of a second airport is a critical long-term noise abatement action and is considered by Council to be the only 'permanent' solution to the long-standing, ongoing issue of aircraft noise in the Marrickville LGA and across Sydney.¹⁷

Committee view

4.20 The committee recommends Airservices Australia explore opportunities to more effectively explain noise sharing arrangements to local communities and develop options to address community concerns. The committee notes recent improvements in the achievement of Sydney Airport's LTOP targets and encourages Airservices Australia to build upon these gains.

Required Navigation Performance

4.21 Airservices Australia is currently working with airline operators to develop and introduce Required Navigation Performance (RNP) for arrival and departure flight paths at up to 28 major Australian airports over the next five years. These procedures will enable aircraft to fly more accurately to and from an airport and to operate with improved safety and efficiency. Airservices Australia has conducted a trial of the procedures at Brisbane Airport and is progressively testing and implementing the procedures at other Australian airports, including Sydney and Melbourne.

4.22 The procedures have the potential to significantly reduce carbon dioxide emissions. A trial of the technology and procedures at Brisbane Airport indicated that RNP has the potential to reduce carbon dioxide emissions by 122,000 tonnes and fuel usage by 39,000 tonnes per year.¹⁸

4.23 The committee heard evidence that RNP could also lead to a narrowing of flight corridors, which is of concern to those communities directly under the more accurate flight paths:

The proposed implementation of narrow flight corridors by Airservices Australia is not supported for Sydney Kingsford Smith Airport (KSA).

16 Mr Tim Aldrich, *Submission 6*, p. 2 and Mr Kevin Hill, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 69.

17 Marrickville Council, *Submission 104*, p. 1. See also Mr Tim Aldrich, *Submission 6*, p. 2 and Randwick City Council, *Submission 124*, p. 2.

18 White Paper, December 2009, p. 202.

Although there are various operational advantages, the concentration of aircraft movements over existing urban areas (as recently experienced by residents in the Sutherland Shire) places a greater and unwarranted burden on communities as well as compromising the principles of noise sharing across Sydney.¹⁹

4.24 The Chief Executive Officer of Airservices Australia, Mr Greg Russell noted that RNP is currently being characterised as a measure which will concentrate aircraft noise over communities. However, Mr Russell suggested that the technology would enable Airservices Australia to more effectively share aircraft noise.²⁰ The committee heard that RNP would provide greater flexibility in the design of flight paths:

... [RNP] enables us to do things that we have not been able to do previously, such as have curved approaches to the ends of runways. That enables us to start to look at whether flight paths can be structured more over industrial land and non-residential land, which we do not have the options for at the moment.²¹

Committee View

4.25 The evidence the committee received regarding RNP suggests there is community confusion regarding the impact RNP will have on the management of aircraft noise. In the committee's view this underscores the importance of effective community consultation and engagement. The committee notes that Airservices Australia may not have enough confidence in the RNP concept tracks currently being developed to effectively consult with the community.²² However, the committee is of the view that delaying consultation and engagement regarding RNP will lead to continued community misunderstanding.

Environmental principles and procedures for minimising the impact of aircraft noise

4.26 The committee heard significant evidence regarding Airservices Australia's *Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise* (the Environmental Principles) and whether there are appropriate triggers for review under the *Environment Protection and Biodiversity Conservation Act 1999* (*EPBC Act*). The evidence received principally related to whether the flight path changes proposed under the Western Australian Route Review Project (WARRP) should have been considered significant and therefore referred to the Minister for Environment Protection, Heritage and the Arts for consideration.

19 Sutherland Shire Council, *Submission 109*, p. 2. See also, Mr John Clarke, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 65.

20 Mr Greg Russell, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 87.

21 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 104.

22 Mr Greg Russell, Airservices Australia, *Committee Hansard*, 10 June 2010, p. 10.

4.27 The committee sought clarification from Airservices Australia regarding whether Environmental Principles are applied consistently to airspace changes nationally at every airport. Airservices Australia confirmed that it has applied the same approach in the case of the WARRP as it has to airspace changes elsewhere.²³ Mr Kenneth Owen, Environment Initiatives and Services Manager, Airservices Australia told the committee that:

The principles and guidance material that we use is applied nationally. It was developed with a national approach back in 1997 and revised in 2002. Since then it has been applied to wherever we do air traffic procedure or flight path changes, such as we have done in Perth. We use those underlying principles both in terms of developing the procedures and in terms of our environmental assessment.²⁴

4.28 Mr Richard Dudley, Airservices Australia, told the committee that an environmental assessment was undertaken in the case of the WARRP but that the assessment did not point to the need for review under the *EPBC Act*. Mr Dudley said:

... an environmental assessment was undertaken looking at the 12 principles that we apply. None of those principles were deemed to be significant. The significance of those are then a lead indicator to how much and what type of consultation you might undertake in terms of explaining these types of changes. The situation is that the Perth Hills, particularly around Chidlow and Mundaring Shire, is around 30 kilometres from the end of the runway threshold. It did not spark any sort of trigger in terms of the environmental assessment nor in terms of impact of noise on the community for us to be concerned about it needing further consultation through the established committee hosted by the airport.²⁵

4.29 The committee notes that there appears to be general support for the Environmental Principles. The main concerns raised went to whether or not the principles are appropriately applied during the planning and implementation of all airspace changes, and specifically whether they were applied appropriately in the case of the WARRP and that outdated criteria were applied in that case.²⁶ The committee also heard that environmental assessment reports should be made available on request.²⁷ The committee notes that in the case of the WARRP, members of the public had sought access to the initial environmental assessment over a lengthy period of time without success. Airservices Australia tabled the environmental assessment during the committee's Melbourne hearing on 21 May 2010.

23 Mr Greg Russell, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 107.

24 Mr Kenneth Owen, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 107.

25 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 110.

26 Mr Tony Anderson, *Submission 26*, Mr Peter Stewart, *Supplementary Submission 15(2)*, p. 1 and Mr Peter Stewart, *Supplementary Submission 15(2)*, p. 1.

27 Mr J McPherson, *Submission 105*, p.3.

4.30 Airservices Australia is subject to paragraph 160(2)(b) of the *EPBC Act 1999* which outlines a requirement that before an authorisation for 'the adoption or implementation of a plan for aviation airspace management involving aircraft operations that have, will have, or are likely to have a significant impact on the environment'²⁸, the agency must obtain and consider advice from the Minister for the Environment.

4.31 Airservices Australia's Environmental Principles and Procedures publication, last revised in 2002, contains no mention of the *EPBC Act 1999* but sets out the process and methodology to determine whether a matter triggers its obligations under section 160 of the *EPBC Act 1999*. In his evidence to the committee, Mr Richard Dudley stated that this document 'did not spark any sort of trigger in terms of environmental assessment'.²⁹

4.32 The committee received additional information that confirms that no request for advice was submitted by Airservices Australia prior to the adoption of the WARRP. A letter of 18 December 2009 from the Hon. Peter Garrett MP to Mr Steve Irons MP states:

I have not received a referral under section 160 of the Environment Protection and Biodiversity Conservation Act 1999 from Airservices Australia to seek my advice regarding changes to Perth Airport flight paths. I have asked my Department to examine this matter and to inform you directly of the outcome of these enquiries.³⁰

4.33 The committee notes that the Environmental Principles state that a height of 5,000ft AGL is considered to be the minimum acceptable altitude for the avoidance of significant noise impact on residential populations by jet aircraft. The justification for this minimum altitude is that 'the noise at ground level from a climbing B747 at 5,000 ft AGL is about 75 dB(A)s maximum'.³¹ The committee notes that Airservices Australia applies a threshold of 70 decibels outside as an indicator of significant noise. Mr Owen explained to the committee:

The criteria we applied when we assessed the WARRP and which we still apply—and I do not deny that people feel that they are impacted—are quite valid. We apply 70 decibels because in a normal dwelling, the type of building you get around Perth, with the windows open you get 10 to 15 decibels attenuation. That brings you down to 60 decibels inside and above that noise level you start to get interference with watching television, talking on the telephone or having a conversation. So 70 decibels outside gives a level inside which should not have a serious impact on people going

28 *Environment Protection and Biodiversity Conservation Act 1999*, para. 160(2)(b).

29 Mr Richard Dudley, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 110.

30 Additional information, letter from the Hon. Peter Garrett MP to Mr Steve Irons MP (received 28 April 2010).

31 Airservices Australia, *Environmental principles and procedures for minimising the impact of aircraft noise*, 19 August 1997, Revised 21 November 2010, p. 4.

about their daily lives. The monitoring we are undertaking is to determine the actual noise levels in those locations and the number of times people experience high noise by day and by night, in order to determine whether these noise levels are at a point that would disturb people.³²

4.34 The committee received evidence that the determination of what constitutes a significant level of aircraft noise is contextual. A level of noise that might be considered insignificant in a residential area with a high background level of noise may be intrusive and significant in a residential area with a lower background level of noise. The committee heard that residents in the outer Perth suburb of Roleystone considered that aircraft noise at 46 dB(A) becomes intrusive and is significant and that WARRP over flights have been measured up to 65 dB(A) in the area.³³

Committee view

4.35 The committee notes Airservices Australia's statement that having undertaken an environmental assessment, the impact of the WARRP on the residents in the Perth Hills did not suggest a need for further consultation. However, the committee concurs with evidence received that suggests the sheer scope of the changes proposed under the WARRP should have triggered a public consultation strategy that included accessible and clear information and a comprehensive noise assessment report. The committee also notes the suggestions more broadly during this inquiry that the Environmental Principles and Procedures should be independently reviewed, particularly with a view to considering whether some flexibility can be built into the consideration of what constitutes significant noise. The committee considers that the Aircraft Noise Ombudsman could be charged with undertaking such a review.

Aircraft noise management at General Aviation Aerodrome Procedure (GAAP) airports

4.36 General Aviation Aerodrome Procedures (GAAP) airports support a diverse range of activities from recreation flying, to agricultural and fire fighting flying, to flight training and low capacity passenger carrying operations. There are six GAAP airports in Australia: Archerfield (QLD), Moorabbin (Victoria), Bankstown (NSW), Camden (NSW), Parafield (SA) and Jandakot (WA).

4.37 The noise profile at GAAP airports is different to that of Australia's larger airports. Whilst aircraft are generally quieter, there are a significantly higher number of overflights each day. Although small scale compared with Australia's domestic mainline operations, figures show that GAAP airports are among the busiest in Australia. In 2009, Jandakot Airport recorded the highest number of aircraft

32 Mr Kenneth Owen, Airservices Australia, *Committee Hansard*, 28 April 2010, p. 115.

33 Mr Peter Stewart, *Submission 15*, p. 13.

movements of any airport in Australia, followed by Bankstown, Moorabbin, Sydney and Parafield airports.³⁴

4.38 The committee heard a number of concerns regarding the management of aircraft noise at GAAP airports, including the limited extent to which Airservices Australia manages noise at such airports and the high proportion of older, noisier aircraft that tend to use them.

4.39 The committee also notes that pilot circuit training is a source of considerable concern to residents adjacent to GAAP airports, both in terms of aircraft noise and safety.³⁵ Residents expressed frustration that suggestions for variations in training flight paths appear not to be considered.³⁶ Airport representatives expressed concern that they are powerless to control aircraft once they have left the airport land, but are often left to deal with the concerns of residents who are overflown.

4.40 The Moorabbin Airport Residents' Association suggested that there was no noise management strategy conducted by Airservices Australia at Moorabbin Airport. The Association noted that aircraft movements at Moorabbin Airport were increasing:

Excessive noise of training flights by ever-increasing numbers of overseas students flying old, noisy planes, and helicopters flying low and flouting regulations with impunity have fallen on deaf ears for years.³⁷

4.41 The committee notes that there appears to be significant agreement that training flights are not appropriate over residential areas. The City of Kingston told the committee:

Kingston is particularly concerned with the noise and safety aspect of 'circuit training' which requires aircraft to move directly over residential areas as identified in Section 7.5 of the Preliminary Draft Master Plan. By contrast aircraft travelling to and from the airport have significantly less impact on residential areas. Given the increase in trainee activity, Council has consistently raised concerns on behalf of the Kingston community regarding the appropriateness of training being conducted over a densely populated urban area. Council believes that pilot training should be relocated to a non urban area.³⁸

4.42 The committee notes that Airservices Australia's ability to manage aircraft noise at GAAP airports is limited. The committee also notes that often the ability to

34 Airservices Australia website:
<http://www.airservicesaustralia.com/projectsservices/reports/movements/calytd2009.pdf>

35 Mr Graham Ellis, *Committee Hansard*, 28 April 2010, pp. 64-65 and Mr Mario Bayndrian, Bankstown Airport, *Committee Hansard*, 28 May 2010, p 39.

36 Dr David Madill, Dingle Village Community Association, *Committee Hansard*, 21 May 2010; p. 55.

37 Moorabbin Airport Residents Association Inc., *Submission 24*, p. 2.

38 City of Kingston, *Submission 71*, p. 2.

implement noise sharing arrangements is limited due to the nature of general aviation operations.

4.43 The committee explored the circumstances in which airports such as Moorabbin and Bankstown had been privatised and the relative responsibilities of the various parties under the lease arrangements.³⁹

4.44 Airservices Australia told the committee that:

We monitor very closely the number of aircraft movements at all of the major airports in Australia, not just the capital city airports. Moorabbin is an important general aviation aerodrome in Australia. We exchange information with the Civil Aviation Safety Authority and at the end of the day the question of training flights at these aerodromes is something that needs to be directed, in the first instance, to both the department and the Civil Aviation Safety Authority.⁴⁰

4.45 CASA confirmed the evidence presented to the committee regarding the high volumes of operations at the six GAAP airports in Australia. CASA told the committee that 'somewhere between 23 percent and 24 percent of the flying hours' is flying training of which a significant proportion is undertaken at airports close to cities.⁴¹ The committee notes that CASA is taking steps toward better management of the risks associated with GAAP aerodrome procedures. At a Senate Estimates hearing, Mr John McCormick advised the Rural and Regional Affairs and Transport Legislation Committee that CASA had undertaken a review of GAAP aerodrome procedures and had commissioned a further study with respect to providing a greater level of safety in relation to training activities. He said:

On 21 July we gave directions to Airservices to limit the number of aircraft in the circuit to six aeroplanes at any one time under the control of a single air traffic controller. At most of these places they have at least two runways that operate and those runways are parallel. So one operation will be taking off with a left-hand circuit and the other operation will be taking off with a right-hand circuit. Airservices, as a general principle, has two different frequencies, two different controllers in the tower controlling those two different circuits.

We allowed six in the circuit with the proviso that it could go up to 13 if there was a departure aeroplane that was not to stay in the circuit but go forward. Those directions to Airservices are on our website still. On the second page of that first direction I think you will find we said that at some stage when there are further mitigators in place we would review the cap on

39 *Committee Hansard*, Friday 21 May 2010, pp. 98-99.

40 Mr Greg Russell, *Committee Hansard*, Friday 21 May 2010, p. 94.

41 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 27 May 2010, p. 76.

the number of aeroplanes in the circuit. Our view would be to look at what we could do with the future development of GAAP.⁴²

4.46 The committee also notes Mr Mrdak's advice that in its National Aviation Policy White Paper the government has described these aerodromes as critical national assets. Mr Mrdak said:

We do need all three levels of government to be thinking of that in that way. Mr Doherty has recently undertaken the first of a series of working groups with the states and territories in relation to how we actually put in place safeguarding measures to prevent the sorts of increased risk we might see as these airports continue to grow in terms of the development outside those airport boundaries. So we have two processes in place: firstly the process that CASA is operating with the airport operator about how you increase the safety as the traffic grows, which is the fundamental role of CASA, and then you have ourselves and the state and local governments who have responsibilities in relation to off-airport planning to make sure we are taking steps to safeguard these aerodromes.⁴³

Committee view

4.47 The committee understands the significant concerns raised in relation to aircraft noise and particularly safety arising from flight training. The committee notes calls for the relocation of flight training to airfields away from residential areas. The committee also notes that flight training is a significant source of income for GAAP airports and there are certain benefits and attractions to the users of GAAP airports to be located within easy reach of population centres. The committee also notes that a number of the current GAAP airports were originally located on the edge of cities.

Aircraft noise management at small, privately owned, unlicensed airports

4.48 The committee also received a submission regarding the management of aircraft noise and property development at privately owned, unlicensed airfields. In their submission to the inquiry, the Tyabb & District Ratepayers Business and Environment Group Inc. (the Tyabb residents) suggested:

The difficulties of managing aircraft noise at major airports are magnified at privately owned, unlicensed airfields, particularly in Victoria, which mainly operate in a regulatory void and with no noise monitoring or controls.⁴⁴

4.49 The Tyabb residents expressed a number of concerns regarding the operation of the Tyabb Airport, which it described as a predominantly recreational airport, including: that a number of older and noisier aircraft, including aircraft of historical

42 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 27 May 2010, pp. 76 – 77.

43 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 27 May 2010, p. 80.

44 Tyabb & District Ratepayers, Business and Environment Group Inc, *Submission 148*, p. 1.

significance or 'warbirds', operate out of Tyabb Airport; that activity at the airport is at its greatest on weekends and that the community has been unsuccessful in engaging the cooperation of the airport operator to address issues such as these.

4.50 The Tyabb residents also expressed concern regarding the issuing of aircraft noise exemption certificates. They said:

The system for the issuing and management of aircraft noise certificates and the granting of noise exemptions certificates is ramshackle, inconsistent and without focus or strategy.⁴⁵

4.51 The Peninsular Aero Club, which operates the Tyabb airport (the Club) responded to the concerns raised by the Tyabb residents by advising the committee that the Club believes 'that local community support is vital to the future of the airport'. The Club told the committee that it has attended meetings 'with TRBEG representatives, community representatives, Council officers, and facilitators'.⁴⁶ The Club also advised that all pilots flying at Tyabb Airport are expected to abide by a Fly Neighbourly Advice. However, the Club did concede that pilots flying into Tyabb from other airports may inadvertently breach this advice on occasion. As a result, the Club has sent a copy of the advice to all flying schools and aero clubs in Victoria.⁴⁷ The Club provided the committee with details of its incident reporting and complaints handling procedures.⁴⁸

4.52 The Club also provided details of the number and type of aircraft that regularly operate out of the airport and the steps taken by the Club to inform local residents about charity events hosted at the airport. The Club also advised the committee that only a small number of aircraft operating out of the airport could be considered 'noisy'.⁴⁹ The Club also advised the committee that, while a significant proportion of the activities carried on in relation to the airfield are recreational, it is not accurate to describe the airport as a private recreational facility. The airfield supports a range of commercial and community services.⁵⁰

4.53 The committee notes that this particular situation falls outside the role and responsibility of Airservices Australia. However, the committee was interested to understand what role the Commonwealth has in respect of private airfields and what avenues are available in the event that a private airfield and a group of residents or a community fell into dispute with each other.

45 Tyabb & District Ratepayers, Business and Environment Group Inc, *Submission 148*, p. 1.

46 Peninsula Aero Club, correspondence to the committee, 9 June 2010, p. 6.

47 Peninsula Aero Club, correspondence to the committee, 9 June 2010, pp. 6-7.

48 Peninsula Aero Club, correspondence to the committee, 9 June 2010, p. 7.

49 Peninsula Aero Club, correspondence to the committee, 9 June 2010, pp. 2-4.

50 Peninsula Aero Club, correspondence to the committee, 9 June 2010, pp. 5-6.

4.54 The committee notes advice provided by the Department of Infrastructure, Transport, Regional Development and Local Government (DITRDLG) during the 2010-11 Budget Estimates that the Commonwealth does not have the same level of control over private airstrips as it does over leased Federal airports. The DITRDLG told the committee that:

The Civil Aviation Safety Authority sets the operational safety standards for aerodromes no matter what the ownership. In the case of the planning and environmental oversight of those airports, they are the responsibility of the Victorian government.⁵¹

4.55 Mr Mike Mrdak, Secretary, DDITRLG advised the committee that:

The issues you raise around Tyabb are very much caught up with various state and local government planning issues in that they are freehold land not controlled by the Commonwealth; they operate under state and local planning requirements. The environmental issues around aircraft operations in those locations are often looked at by state EPAs and the like in relation to what they are prepared to allow to occur.

The Commonwealth role, as Mr McCormick said, is around the safety of the operation of both the airfield and the aircraft involved—in terms of CASA's role, particularly the aircraft—and in relation to ensuring that the aircraft operate in accordance with the airspace requirements in that location.⁵²

Committee view

4.56 The committee notes that operations on privately owned airfields appear to fall into a difficult category. The committee can well understand the frustration felt when the relationship between residents and the operators of an airfield break down. The committee would like to think that local councils may be able to step in to facilitate some level of agreement regarding reasonable use of the airfield that is sensitive to the interests of all parties.

Australian Noise Exposure Forecasts

4.57 As the scientific measure of aircraft noise exposure levels around aerodromes and the nationally recognised system used for land use planning, the Australian Noise Exposure Forecast (ANEF) system provides a valuable and complementary tool for the management of aircraft noise. By providing long term forecasts of the likely noise exposure around aerodromes, the ANEF system provides a measure of certainty for local communities, airport lessees, developers and local planning authorities. It also provides an indication of the likely response from communities to aircraft noise.

51 Senate Rural Regional Affairs and Transport Legislation Committee, Budget Estimates 2010-11, *Estimates Hansard* 27 May 2010, p. 54.

52 Senate Rural Regional Affairs and Transport Legislation Committee, Budget Estimates 2010-11, *Estimates Hansard* 27 May 2010, p. 81.

ANEF development and endorsement process

4.58 As part of the Airport Master Plan development process, airport owner-operators are required to develop an ANEF report.⁵³ The committee heard that ANEF reports are normally prepared by specialist consultants engaged by airport owner-operators, and take into account the airport's commercial plans, intentions for development, assessment of industry developments and prospects for growth. The report also includes aircraft movement projections, runway configurations and airport operating hours.

4.59 Once developed, the draft ANEF report is provided to Airservices Australia for a review of its technical accuracy. Airservices Australia reviews and endorses the ANEF report in a manner approved by the Minister for Infrastructure, Transport, Regional Development and Local Government (the *Manner of Endorsement*)⁵⁴. In broad terms Airservices Australia must be satisfied that the type and number of aircraft are operationally suitable for the airport, and that the forecast numbers of aircraft movements, operating times and aircraft types are not greater than the physical ultimate capacity of the existing or proposed runways.

4.60 Airservices Australia's review does not consider whether the future traffic projections are appropriate or reasonable, and does not review the airport owner-operator's prospects for growth or intentions for investment.⁵⁵ Further, the Department of Infrastructure, Transport, Regional Development and Local Government does not seek to assess or substitute its own judgement on these issues.⁵⁶

Summary of specific concerns raised

4.61 Whilst generally supported as an effective planning tool and international best practice,⁵⁷ a number of submitters and witnesses raised concerns regarding the transparency and objectivity of the ANEF development and endorsement process. Specifically, submitters were concerned that there was no independent review of the appropriateness of the commercial forecasts underpinning the ANEF reports prepared by airport owner-operators.

4.62 Without independent assessment of the commercial forecasts and review of whether the future projections are reasonable, the committee heard that airport

53 ANEF charts may be updated more regularly at the discretion of the airport owner-operators.

54 The Department of Infrastructure, Transport, Regional Development and Local Government, answer to question on notice, 2 June 2010 (received 8 June 2010), Attachment A.

55 Mr John Doherty, Department of Infrastructure, Transport, Regional Development and Local Government, *Committee Hansard*, 10 June 2010, p. 50.

56 The Department of Infrastructure, Transport, Regional Development and Local Government, answer to question on notice, 2 June 2010 (received 8 June 2010), p. 1.

57 Master Builders Australia, *Submission 177*, p. 6. See also Mr Stephen Albin, Urban Development Institute of Australia (NSW), *Committee Hansard*, 28 May 2010, p. 12.

operators may overstate the forecasts at no disadvantage to themselves, but at a potential cost to local communities:

Unfortunately, under current rules, the ANEF system is open to manipulation by airport operators. The entire process of producing and endorsing an ANEF is 'in house' – airport operators are free to make misleading claims and assumptions that are not required to be tested by the approving authority, or any other outside agency.⁵⁸

4.63 This was considered of concern given the ANEF report's possible influence on the development of land in the vicinity of airports.⁵⁹ Mr Aaron Gadiel, Chief Executive Officer of Urban Taskforce Australia, suggested that the ANEF reports have the potential to sterilise property rights:

It sterilises a property right because typically if an ANEF contour for an area exceeds 25 you cannot build a residence if there is not one there already. If it is between 20 and 25 you can build a residence but it will need to be modified. If it exceeds 30 you will not be able to build business or office premises or entertainment facilities. If it is between 25 and 30 you will need to build it with modifications. If it is above 20 you cannot build a school and so forth. So that affects land value and it takes peoples' property rights away.⁶⁰

4.64 The committee heard particular concerns regarding future development around the Canberra Airport in Jerrabomberra and Tralee. It was suggested that the Canberra Airport ANEF is based on optimistic and untested assumptions about aviation growth:

For example, operators of Canberra Airport when revising their master plan made the assumption that Canberra airport will have the same ultimate aircraft movements as Sydney's Kingsford Smith Airport. Furthermore, heavier aircraft movements at noise sensitive times were factored into the assumptions. This overestimation of aircraft movements and bias to noisier aircraft at sensitive times multiplies the impacts on the ANEF charts. Essentially, unrealistic assumptions have the affect of over estimation of impact and hence land use restriction.⁶¹

4.65 It was also noted that as Australia's population increases and the rate of urbanisation intensifies, housing pressure may further amplify the tension between airport owner-operators, the community and urban developers regarding the ANEF system:

58 Ms Kai Hansen, *Submission 45*, p. 1. See also Queanbeyan City Council, *Submission 70*, p. 2 and Urban Taskforce Australia, *Submission 91*, p. 1.

59 Planning Institute of Australia, *Submission 47*, Urban Taskforce Australia, *Submission 91*, and Urban Development Institute of Australia (NSW), *Submission 143*.

60 Mr Aaron Gadiel, Urban Taskforce Australia, *Committee Hansard*, 28 May 2010, p. 9.

61 Urban Taskforce Australia, *Submission 91*, p. 2. See also Village Building Company, *Submission 121*, p. 9.

This is only going to be an increasing community concern and there needs to be an open, transparent and accountable process where these differences can be contested and properly resolved.⁶²

4.66 The committee notes that there is an obligation for airports to consult with relevant stakeholders when developing Master Plans. However concern was raised as to whether public submissions were seriously considered or acted upon:

Before endorsement there is also a process of consultation with relevant stakeholders. This is generally undertaken by the airport, and evidence of such consultation must be provided by the airport when submitting a draft ANEF chart. However, this consultation is fundamentally informative, and it is not clear on what grounds a stakeholder could object to the proposed ANEF, other than mistakes in the calculation procedures.⁶³

4.67 The committee received a number of submissions which recommended that the ANEF system be subject to a more robust development and review process where transparency, accountability and independence are the paramount considerations. In its submission, Access Economics recommended an independent expert undertake a peer review of ANEFs so as to balance non-aviation interests with aviation interests and ensure the resulting land use restrictions pass a cost-benefit test:

Rather than [Airservices Australia], an independent expert in forecasting should be tasked with peer reviewing the air traffic assumptions and business aspirations underpinning the ANEF contours. This would avoid a situation where ANEF contours impact on land use across large geographical areas, yet are based on optimistic air traffic forecasts, such as those produced by Canberra Airport. The independent expert should be given a wide brief to strive to meet a professional best practice view on future air traffic and fleet mix, rather than a narrow or technical brief.⁶⁴

4.68 Access Economics further recommended the task of assessing noise and related land use policy may be more appropriately located under a more independent department rather than the Transport Portfolio. In Access Economics' submission, the Department of Environment, Water, Heritage and the Arts or the Productivity Commission are suggested as possible alternate departments/agencies to perform the role.⁶⁵

62 Mr Wilhelm Harnisch, Master Builders Company, *Committee Hansard*, 10 June 2010, p. 59.

63 Wilkinson Murray, *Submission 40*, p. 3. See also Village Building Company, *Submission 121*, p. 7.

64 Access Economics, *Submission 41*, p. 2. See also, Australian Mayoral Aviation Council, *Submission 92*, p. 7 and The Ambidji Group, *Submission 93*, p. 5.

65 Access Economics, *Submission 41*, p. 2.

4.69 Other submitters have suggested that the Aircraft Noise Ombudsman or the Department of Infrastructure, Transport, Regional Development and Local Government, might undertake the independent review role.⁶⁶

4.70 Ms Margot Sachse, former President of the Jerrabomberra Residents Association, said that the community would have confidence in ANEF reports if there was an independent assessment process in place to review the assumptions and verify that they were appropriate.

We would feel that our concerns had been put forward and that what they were proposing was real and we would expect that, like in any consultation processes – like we have here today – we could put our concerns across.⁶⁷

4.71 In the National Aviation Policy White Paper, the government acknowledged that there was opportunity to improve the ANEF system and undertook to improve the technical processes and independence associated with the assessment and scrutiny of ANEFs.⁶⁸ However the committee did not hear of any practical measures Airservices Australia or the Department of Infrastructure, Transport, Regional Development and Local Government might be undertaking to give effect to this commitment.

4.72 Mr Mario Bayndrian, General Manager of Aviation at Bankstown Airport Ltd, suggested that the ANEF system was not a highly sophisticated tool for modelling the impact of aircraft noise in the vicinity of General Aviation Aerodrome Procedure Airports:

Even the requirements and modelling done for the ANEFs is really meant for larger jets with a smaller component of general aviation. However, when your business is predominantly general aviation the ANEF becomes a very blunt tool; therefore, the outcomes are not highly sophisticated. They are correct. They meet the modelling. They are endorsed by Airservices Australia, but I do not think they are refined enough for a general aviation application.⁶⁹

4.73 To refine the ANEF system for a general aviation application, Mr Bayndrian told the committee that the categories of light aircraft needed to be broadened and the system of developing ANEFs and master plans needed to be streamlined to ensure the currency and accuracy of the final product.

4.74 The committee also received evidence regarding the effectiveness of the ANEF system as a mechanism to inform the general public of the likely impact of airport operations. The committee heard that the ANEF system was not well understood by local communities:

66 Master Builders Australia, *Submission 177*, p. 9 and The Ambidji Group, *Submission 93*, p. 5.

67 Ms Margot Sachse, former President, Jerrabomberra Residents Association, *Committee Hansard*, 10 June 2010, p. 30.

68 White Paper, December 2009, p. 212.

69 Mr Mario Bayndrian, Bankstown Airport Ltd *Committee Hansard*, 28 May 2010, p. 42.

Notwithstanding the longevity of the system, it is not well understood by the community. For example, the ANEF contours have no direct relevance to noise levels (decibels) but instead are the average daily noise exposure taking account of anticipated volume and pattern of aircraft movements around airports.⁷⁰

4.75 The Australian Mayoral Aviation Council noted the ANEF system can be misleading as aircraft noise does not stop at the contour on a map. The Australian Mayoral Aviation Council told the committee that the ANEF system is a highly technical measure which provides imaginary lines on a map which suggest that people or properties on one side of a line are substantially more affected than those situated immediately on the other side of that imaginary line.⁷¹ Mr Peter Fitzgerald, Executive Director of the Australian Mayoral Aviation Council provided a practical example of this during a hearing in Sydney:

I, in another life, was the Mayor of Drummoyne in Sydney and we had the 20-25 ANEF line go up the middle of a street in Drummoyne, so on this side of the street there was no noise and it was all lovely. That is nonsense. That is what we have had for a long period of time. If we are going to look at a new cumulative noise measure, it has to be reducible to a single event so that people can stand there with a sound meter and say, 'That's 85; that's 95.' We all know it is an odd sort of number, but the other number is nonsense.⁷²

4.76 The committee heard that recognition was needed in the appropriate agencies that aircraft noise can be a significant problem at locations beyond the ANEF contours, particularly in elevated terrain or in areas far from the airport boundary.⁷³

4.77 The committee also heard that the ANEF system's attribution of a numerical value to the impact of noise events failed to adequately capture the subjective nature of noise and the differing individual and community reactions to noise events:

Any numerical representation of noise impacts cannot describe the subjective impacts of noise. The ANEF assessment is inadequate to describe impacts and should not be relied on for noise management.⁷⁴

4.78 This point was most clearly seen in Perth, where although the noise event was not considered significant by Airservices Australia, the committee received considerable evidence from residents and community organisations that aircraft noise was having a serious impact on their lives.

70 City of West Torrens, *Submission 49*, p. 2.

71 Australian Mayoral Aviation Council, *Submission 92*, p. 4.

72 Mr Peter Fitzgerald, Australian Mayoral Aviation Council, *Committee Hansard*, 28 May 2010, p. 81.

73 Mr Ian Davies, Fairskies, *Committee Hansard*, 28 April 2010, p. 43.

74 Mr Brett Hughes, *Submission 94*, p. 7. See also Mr Alexander Haidoussis, *Submission 167*, p. 15 and Evans Head Memorial Aerodrome Committee, *Submission 175*, p. 14.

4.79 The committee also heard requests from community members calling for a review of ANEF contours in order to more equitably share aircraft noise in their approaches and departures around Perth airport.

4.80 To improve community understanding of the impact of aircraft noise on properties in the vicinity of airports, it was suggested that the requirement for councils to place aviation overlays on titles for existing (or proposed) noise sensitive areas be formalised.⁷⁵ Due to the highly technical nature of ANEFs, it was further suggested that readily understandable information regarding aircraft noise should be developed and publicly available:

It is therefore important to recognise that community expectations in regard to aircraft noise are not necessarily best informed by contours on a map, but through the provision of accurate, targeted and easily understandable information about the impacts of aircraft noise.⁷⁶

4.81 The committee notes that as part of the White Paper, the government announced a number of measures including the development of an effective national land use planning regime, in cooperation with the states and territories. This planning regime seeks to ensure future airport operations are not constrained by incompatible development and to protect future communities from undue aircraft noise exposure.⁷⁷

4.82 Aircraft Noise Insulation Programs have been implemented in Sydney and Adelaide and funded by an industry levy. Eligibility for compensation under the Aircraft Noise Insulation Program is determined according to noise exposure indexes under the ANEF system.

4.83 Aircraft Noise Insulation Programs are identified as important measures to minimise the impact of aircraft noise on the community in the White Paper:

The Government recognises the possibility that future major civil airport operations and air traffic changes may place some residences into high noise exposure zones. The Government will develop a framework, in consultation with the industry, for an industry-funded program for civil airports that ensures future insulation projects will be assessed and delivered against world's best practice attenuation initiatives. This will be consistent with the approach taken at Sydney and Adelaide in introducing their noise insulation programs which has provided for insulation measures for public buildings in the 25 Australian Noise Exposure Index (ANEI), for houses in the 30 ANEI and for voluntary acquisition above the 40 ANEI. An improved framework would incorporate, but not be limited to, these measures.⁷⁸

75 Aircraft Owners and Pilots Association of Australia, *Submission 108*, p. 5.

76 Urban Development Institute of Australia, New South Wales, *Submission 143*, p. 3.

77 The Department of Infrastructure, Transport, Regional Development and Local Government, *Submission 160*, p. 3.

78 White Paper, December 2009, p. 215.

4.84 The government outlined its intention to expand the scheme in the White Paper, concluding that it will:

develop a framework in consultation with stakeholders for an industry funded noise amelioration program where future major civil airport operations and air traffic changes place residences into high-noise exposure zones.⁷⁹

4.85 The White Paper also acknowledged that there are a number of alternate information tools that are effective noise descriptions. It was noted that to assist local governments, planners and communities understand and take account of aircraft noise exposure patterns, it is essential to provide a package of readily understandable information regarding where, when, how often and how many aircraft fly and how loud individual events are. To meet this need, the government undertook to supplement the ANEF system with additional tools such as flight path location and activity diagrams, and single event contours based on decibels.⁸⁰ The committee also heard that the Commonwealth is leading a group of state and Commonwealth planning and transport agencies to improve the state and local government planning processes around airports.

Committee View

4.86 During the inquiry the committee focused its attention on the effectiveness of ANEF processes. The committee did not form a view on circumstances relating to specific airport ANEF reports, master plans or proposed developments.

4.87 The committee supports the retention of the ANEF system as a land planning tool and the production of ANEF contours that are reasonable and conservative. The committee noted that a conservative planning approach would both protect the amenity of future communities and ensure the realisation of the full economic benefits that airports offer. The committee notes the ongoing challenges posed by noise-sensitive development close to airports in locations such as Sydney and is of the view that where there is an opportunity to provide protection for future communities, steps should be taken to do so.

4.88 However the committee considers that there are opportunities to strengthen the processes underpinning the ANEF system. The government's commitment to improving the technical processes and the independence associated with ANEFs is acknowledged, however the committee notes that the significant community, business and industry expectation for practical measures to give effect to this commitment has not been met to date.

4.89 The committee considers that a robust evidence-based ANEF system must include the independent review, of both the technical assumptions and commercial

79 White Paper, December 2009, p. 216.

80 White Paper, December 2009, p. 212.

forecasts which have informed the development of ANEF reports. In considering strategies for independent review the committee noted one suggestion that the basis for the assumptions and forecasts should be open to public scrutiny and review.⁸¹ However, the committee recognised that some information may be considered commercially sensitive and confidential. The committee therefore considers that an independent arbiter should have overarching responsibility for the comprehensive and independent review of the technical assumptions and commercial forecasts underpinning ANEF reports. The independent reviewer would be responsible for ensuring due regard is paid to the views of all interested parties including the airport owner-operators, local communities and their representatives, and developers.

4.90 With regard to responsibility for agreeing the Airport Master Plans, the committee suggests that the role of the Minister for Infrastructure, Transport, Regional Development and Local Government might be broadened to include this independent assessment.

4.91 As part of the initiatives to improve the technical processes and independence associated with the assessment and scrutiny of ANEFs, the committee recommends Airservices Australia explore opportunities to improve the ANEF system's effectiveness for modelling the impact of aircraft noise in the vicinity of General Aviation Aerodrome Procedure Airports.

81 Mr Wilhelm Harnisch, Master Builders Australia, *Committee Hansard*, 10 June 2010, p. 58.

Chapter 5

Independence, governance and accountability

Airservices Australia's relationship with the aviation industry

5.1 In general, the committee received submissions from the aviation industry which suggested that major capital city airport operators and aviation organisations have an open and constructive working relationship with Airservices Australia.¹ The committee notes that Airservices Australia participates in a range of forums and industry groups to foster a productive, positive and cooperative relationship with the aviation industry.²

5.2 Airservices Australia commissions an annual stakeholder satisfaction survey to understand the effectiveness of its 'relationship management framework' with airlines, airports, the Department of Defence and other government departments (such as the Civil Aviation Safety Authority and the Department of Infrastructure, Transport, Regional Development and Local Government). To facilitate the sharing of information regarding its aviation agenda, Airservices Australia also publishes a quarterly report to the aviation industry.

5.3 However, the committee heard evidence and received submissions which suggested that Airservices Australia has a partnership approach with the aviation industry. The committee was told that this partnership approach has led to the prioritisation of aviation industry requirements above those of local communities and also to a loss of community confidence in the organisation's ability to perform its functions with impartiality:

... the organisation has proved itself too beholden to the industry at the expense of the public interest in minimizing aircraft noise. A separation of powers is essential. ASA's regulatory failure on Noise Management has been so complete leading to an absolute loss of faith in the organization by its public "customers".³

5.4 It was also suggested that this partnership approach has contributed to the prioritisation of aviation industry requirements above those of non-aviation business communities. In one circumstance relating to the Australian Noise Exposure Forecasts and development around airports, it was suggested that Airservices Australia had acted as an advocate for an airport operator.⁴

1 Board of Airline Representatives of Australia, *Submission 46*, p. 1. See also Sydney Airport Corporation Ltd, *Submission 77*, p. 1 and Brisbane Airport Corporation, *Submission 103*, p. 1.

2 Airservices Australia, *Submission 102*, pp. 11-12.

3 Mr Peter Stewart, *Submission 15*, p. 3.

4 The Village Building Co., *Submission 121*, p. 6.

5.5 Evidence to the committee suggested that this perceived conflict of interest arises from two key organisational features:

- Airservices Australia's current organisational funding arrangements; and
- Airservices Australia's dual responsibility for the safe management of air traffic and the protection of the environment.

Funding

5.6 Airservices Australia receives the majority of its revenue from industry fees, charges and consultancy work, with revenue principally derived from aircraft operators. During the Senate Rural and Regional Affairs and Transport Legislative Committee's supplementary estimates hearing, Mr Greg Russell, Chief Executive Officer of Airservices Australia, indicated that:

Our annual revenue at the moment is running at about \$770 million. I would have to get to you the precise number, but I could tell you that from the airlines – and other airspace users, private pilots and that sort of thing, but overwhelmingly – the number would be well over 95 per cent.⁵

5.7 The committee heard that the funding arrangement might predispose Airservices Australia to a conflict of interest. The Sydney Airport Community Forum Inc questioned Airservices Australia's ability to effectively balance the needs of the aviation industry and local communities:

... industry has a particularly intimate, ongoing relationship with Airservices Australia which the “community” does not possess. In normal circumstances this would be natural, given the regulatory nature of Airservices responsibilities, but when the communities interests may differ from those of industry, it can put the community at a disadvantage, if the needs of a “noise sharing” implementation conflict with the requirements of the airlines.⁶

5.8 The committee observed that this perceived lack of organisational independence had led to a loss of confidence in Airservices Australia's ability to effectively engage with local communities. Curfew4Canberra, a community based organisation, suggested that the partnership approach has affected Airservices Australia's ability to perform its duties in an open and transparent manner:

... a commercial service provider to the aviation industry, it has a profound conflict of interest in that its revenue driven relationship with the industry results in a partnership which precludes scrutiny and thus transparency, to the detriment of its broader responsibilities to the community.⁷

5 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 20 October 2009, p. 177. See also *Airservices Australia Annual Report 2008-09*, p. 33.

6 Sydney Airport Community Forum Inc., *Submission 129*, p. 16.

7 Curfew4Canberra, *Submission 56*, p. 3.

5.9 Dr Murray May suggested that the funding arrangement had adversely affected Airservices Australia's ability to respond to community concerns:

A problem lies in a conflict of interest within the core roles of Airservices Australia. As the name Airservices Australia suggests, an alliance exists between the agency and the aviation industry, including a close relationship with respect to funding, with ASA's funding going up or down depending on how the aviation industry is performing. It is common for regulators to identify closely with the groups they regulate and to come to see the issues and solutions similarly. Because of conflicting roles, Airservices Australia is unable to address negative feedback from the community constructively, as it is committed to and constrained by the growth paradigm subscribed to by various spheres of government and the airline industry.⁸

Organisation responsibility

5.10 As outlined in Chapter 2, Airservices Australia has dual responsibility for the provision of safe air traffic management services and, as far as practicable, for ensuring the environment is protected from the effects associated with the operation and use of aircraft (including noise impacts). The committee received evidence that these two organisational priorities are conflicting and competing, and have led to a conflict of interest:

There is an inherent conflict of interest between the need of Airservices to achieve improved flight paths and that of residents who are impacted by those changes.⁹

5.11 The City of Canning suggested that the task of protecting the environment from the effects of aircraft operations is given less priority within the organisation, leading to sub-optimal outcomes for the community:

Whilst there is no argument that the safety of aircraft operations is paramount in managing the aviation industry it is believed that the current structure does not present suitable opportunity for options to be explored which may provide improved environmental outcomes (including attention to aircraft noise) whilst maintaining appropriate attention to safety.¹⁰

5.12 One submitter described Airservices Australia as having 'embarked on a systematic policy of partnership with industry'¹¹ and suggested that Airservices Australia had demonstrated failures of its obligation to the public at the following three primary elements of regulatory capture:

8 Mr Murray May, *Submission 76*, p. 2. See also, Mr Gary and Ms Kerry Rowles, *Submission 62*, p. 4 and Mr Alexander Haidoussis, *Submission 167*, pp. 14-15.

9 Mr Mike Health, *Submission 146*, p. 2.

10 City of Canning, *Submission 48*, p. 1.

11 Mr Peter Stewart, *Submission 15*, p. 2.

Regulatory capture is the term used to refer to situations in which a government regulatory agency, created to act in the public interest, instead acts in favour of the commercial or special interests that dominate the industry it is charged with regulating.

At a first level of capture, the regulator allows the regulated to breach the law, ethic, good practice rule, moral principle or public interest duty that the regulator is responsible for upholding. At a second level, the regulator assists the regulated to avoid the regulatory consequences after the fact.

At the deepest level of development, the 'capture' is so complete that the regulator may assist the regulated to defeat the regulatory regime before the fact.¹²

5.13 The committee also received evidence recommending urgent reform to separate Airservices Australia's responsibility for setting routes and handling complaints from their commercial interests.¹³ Other submitters further suggested that a new, independent statutory authority is required, which would have the powers to enforce its findings and deliberations in relation to aircraft noise affects.¹⁴

5.14 However, Canberra Airport noted that as the two functions are intrinsically linked it would be very difficult to separate the safe and efficient management of airspace from the management of aircraft noise. Canberra Airport suggested that:

For instance, when assessing the desirability of flight paths or procedures it is in the interests of all parties that the relevant body take into account safety, efficiency for the airlines and airports, and amenity for the community. The process would become incredibly inefficient if two separate bodies were tasked with making different assessments (one about safety and regularity and the other about amenity) about proposed flight paths or procedures. Apart from the inevitable delays that would occur through the introduction of another organisation, there would also be questions as to what the position would be if the different bodies came to different conclusions – would this become the basis for challenging a flight path or procedure? How would this dispute be resolved? Would this just create more uncertainty for airlines and the community?¹⁵

Airservices Australia's response

5.15 In a supplementary submission to the inquiry, Airservices Australia responded to the suggestions of 'regulatory capture' by noting that the organisation does not regulate the aviation industry:

A large number of submissions contain the view that Airservices is a regulator. In some submissions there is a belief that if Airservices is the

12 Mr Peter Stewart, *Submission 15*, p. 2.

13 Mr Ian Davies, *Submission 128*, p. 1.

14 Curfew4Canberra, *Submission 56*, p. 4.

15 Canberra Airport, *Submission 90*, p. 4.

aviation industry regulatory a conflict of interest situation arises. This belief is simply not correct. While Airservices provide air traffic management and related services, it is not Australia's aviation or airspace regulator.

Airservices does not control the scheduling and frequency of aircraft movements and our services are provided on a fee for service basis with oversight by the Australia Competition and Consumer Commission regardless of the volume of services.¹⁶

5.16 Airservices Australia also strongly denied suggestions that its funding arrangement influences the organisation's activities, processes or engagement with local communities:

Like any government any government agency, we deliver our services without prejudice, according to regulation and with the safety of the travelling public at the forefront. In designing flight paths, Airservices makes all decisions based on the complexities of ensuring that aviation safety is paramount; that the national airways system is efficient; and, the potential environmental impact on communities is minimised. Any potential impact on future income streams is not a consideration.¹⁷

5.17 Mr Greg Russell, the Chief Executive Officer of Airservices Australia, suggested that a strong governance model ensured the organisation's independence. Mr Russell described a system of checks and balances overseen by a board overwhelmingly comprised of external appointees.¹⁸

Committee view

5.18 The committee considers that the community perception that Airservices Australia lacks independence and has a partnership approach with the aviation industry underscores the need for enhanced organisational transparency, openness and accountability. Airservices Australia must focus its efforts on re-building community confidence in their ability to effectively balance the management of aircraft noise with the safe and efficient management of airspace. Airservices Australia must also focus on strengthening its relationship with local communities so that the management of aircraft noise is perceived to be fair and equitable, but is proved to be so. The committee is of the view that oversight by the Aircraft Noise Ombudsman (described below) will assist Airservices Australia to build this community confidence, as will a renewed focus on effective engagement with communities and organisational transparency as described in Chapter 3.

16 Airservices Australia, *Supplementary Submission 102*, p. 2.

17 Airservices Australia, *Supplementary Submission 102*, p. 2.

18 Mr Greg Russell, Airservices Australia *Committee Hansard*, 28 April 2010, p. 97.

Governance and Accountability

Current arrangements

5.19 Airservices Australia is governed by a board of 18 directors appointed by the Minister of Infrastructure, Transport, Regional Development and Local Government. The board is responsible for ensuring that Airservices Australia performs its role in a proper, efficient and effective manner.¹⁹ The board meets eight times annually and reports to the minister on a quarterly basis. The board is supported by three sub-committees which meet between four and six times annually to oversee three areas in detail: audit, safety and the environment.

5.20 Airservices Australia also reports annually to parliament regarding their compliance with their legislative requirement to manage aircraft noise and consult the community.

Aircraft Noise Ombudsman

5.21 The newly established Aircraft Noise Ombudsman position, announced as part of the Commonwealth Government's 2009 National Aviation Policy Statement, will seek to improve Airservices Australia's consultation arrangements and distribution of noise-related information to the general public. The Aircraft Noise Ombudsman will oversee the handling of aircraft noise complaints, independently review noise complaint handling procedures and make recommendations for improvements where necessary.

5.22 The committee heard that the Aircraft Noise Ombudsman will be established within Airservices Australia and will report directly to the Airservices Australia board. Mr Greg Russell, the Chief Executive Officer of Airservices Australia, suggested that Airservices Australia has appropriate governance arrangements to ensure the independence of an Ombudsman operating within the organisation.²⁰ The intention is that the Aircraft Noise Ombudsman will operate in a similar manner to the Independent Safety Adviser. Mr Russell suggested that the Independent Safety Adviser's open access to the organisation and direct engagement with, and reporting to the board, have proved effective.

5.23 To ensure transparency, Mr Russell further indicated that the Aircraft Noise Ombudsman would be able to initiate inquiries at their own discretion and without referral to the board.²¹ The Aircraft Noise Ombudsman would then be free to make recommendations to the board about noise management, including where there are

19 *Air Services Act 1995*, s.21.

20 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 27 May 2010, p. 69.

21 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 27 May 2010, p. 71.

problems and where there are opportunities for improvement. The Aircraft Noise Ombudsman's recommendations and reports would be made public.

5.24 Mr Mike Mrdak, Secretary of the Department of Infrastructure, Transport, Regional Development and Local Government, described the rationale for positioning the Aircraft Noise Ombudsman within Airservices Australia rather than establishing it as an independent body:

In the end the government has gone down this path because I think it is important that this role be very closely tied to the provider of air traffic control services and the government agency that has responsibility for managing the off-airport environmental issues associated with aircraft operations, to make sure that we have that linkage. At the end of the day this is about how we improve the performance of the industry, and we felt that that was best done by having a person, an office, closely aligned with the agencies rather than sitting outside it.²²

5.25 The establishment of the Aircraft Noise Ombudsman was broadly welcomed by submitters to the inquiry.²³ It was considered that the Aircraft Noise Ombudsman would provide a mechanism for individuals and organisations who feel they are not getting resolution through the extant consultation processes to have their concerns considered and assessed. However, a number of concerns were raised regarding the independence of an Aircraft Noise Ombudsman established within Airservices Australia.

5.26 The committee heard that establishing the position within Airservices Australia could give rise to the perception that the Aircraft Noise Ombudsman is lacking in independence, accountability and transparency. Submissions to the inquiry suggested that if established within Airservices Australia as currently proposed, the Aircraft Noise Ombudsman's ability to act with impartiality would be constrained,²⁴ and there may be a tendency to feel pressure to favour the aviation industry's and Airservices Australia's position over the general public.²⁵

5.27 The committee noted submissions to the inquiry which emphasised the importance for independence – both in reality and as perceived by local communities:

The holder of such an office must not only be able to operate truly independently but must be seen to be doing so.²⁶

22 Senate Rural and Regional Affairs and Transport Legislation Committee, *Estimates Hansard*, 27 May 2010, p. 71.

23 Dingley Village Community Association, *Submission 74*, p. 1. See also, Southern Sydney Regional Organisation of Councils, *Submission 89*, p. 2, Australian Mayoral Aviation Council, *Submission 92*, p. 7, Aircraft Owners and Pilots Association of Australia, *Submission 108*, p. 3 and Sydney Airport Community Forum, *Submission 151*, p. 4.

24 Southern Sydney Regional Organisation of Councils, *Submission 89*, p. 2.

25 Mr Alexander Haidoussis, *Submission 167*, p. 13.

26 Australian Mayoral Aviation Council, *Submission 92*, p. 7.

5.28 In order to effectively assess noise complaints, it was suggested that there was a need for clear performance measures, including measures to assess the performance of Airservices Australia and airline operators' use of specified flight tracks.²⁷ It was also suggested that the Aircraft Noise Ombudsman should have extended powers and a stronger regulatory framework to enable it to recommend penalties and sanctions where warranted:

It is Australian Mayoral Aviation Council's view that the Ombudsman must be independently positioned and resourced with the capacity to, not only review incident reports and the way they are managed but also allocate responsibility and, where warranted, recommend penalties. The Ombudsman must also be able to monitor the veracity of information supplied and the genuine and transparent nature of the consultation process.²⁸

5.29 To ensure the independence and transparency of the Aircraft Noise Ombudsman, the committee heard that the position should be established independently from Airservices Australia,²⁹ and not under the structure currently proposed by Airservices Australia.³⁰

Committee View

5.30 The committee views the establishment of the Aircraft Noise Ombudsman as a positive step. The position will provide a right of review and appeal mechanism which has been lacking in the existing community consultation and complaint resolution approach to date. It will provide the community with an opportunity to have claims and complaints regarding aircraft noise considered by a third party. It may also provide an avenue for the consideration of matters raised by non-aviation businesses and organisations.

5.31 However, the committee has concerns regarding the potential effectiveness of the Aircraft Noise Ombudsman if the position is established as currently proposed. The committee notes the significant challenge the Aircraft Noise Ombudsman will face if the position is established within the organisation it is tasked to review, particularly in circumstances where the Ombudsman is especially critical of the performance of Airservices Australia.

5.32 The committee shares the view that the Aircraft Noise Ombudsman must not only be able to act independently, but must also be perceived to do so by the Australian community. The significant public concern regarding the possible establishment of the Aircraft Noise Ombudsman within Airservices Australia clearly indicates that the position must be independent from Airservices Australia.

27 Adelaide Airport Limited, *Submission 132*, p. 3.

28 Australian Mayoral Aviation Council, *Submission 92*, p. 7.

29 Councillor John Daw, *Submission 78*, p. 4. See also Mr Peter Bourne, *Submission 31*, p. 8.

30 Mr Barry Cotter, Sydney Airport Community Forum, *Committee Hansard*, 28 May 2010, p. 74.

5.33 The committee is of the view that the Aircraft Noise Ombudsman should be established independently from Airservices Australia and should report publicly and directly to the Minister for Infrastructure, Transport, Regional Development, and Local Government, and the Australian Parliament. The Aircraft Noise Ombudsman should provide an annual report of their operations and this should include a description of the actions Airservices Australia has undertaken to implement recommendations and, where appropriate, a description of those instances where appropriate action has not been taken.

Chapter 6

Discussion and Recommendations

6.1 Aircraft noise is an unavoidable by-product of Australia's rapidly expanding aviation industry. Throughout this inquiry the committee has become increasingly aware that the management of aircraft noise is complicated by both the number of aviation parties involved and the common misunderstandings regarding the responsibilities of these parties. Notwithstanding this, the committee is confident that there are a number of practical opportunities available to improve noise management strategies.

6.2 The management of aircraft noise is a responsibility shared by a number of key stakeholders in Australia's aviation sector. While this inquiry has focussed on the effectiveness of Airservices Australia's management of aircraft noise, the committee has remained aware that ultimately an appropriate response to the management of this complex and emotive issue lies in the preparedness of each of the key stakeholders to approach their role in a committed, cooperative and collaborative manner. The committee has been particularly mindful that there are a number of key matters in relation to aircraft noise over which Airservices Australia has no responsibility or control, including the location of airports, the configuration of airport runways and the mix, density and scheduling of aircraft operations.

6.3 The committee also notes that the management of aircraft noise received significant consideration during the recent National Aviation Policy White Paper process. The committee recognises the commitments stated in the White Paper which indicate a preparedness to address a range of factors which contribute to the successful management of aircraft noise. These include:

- establishing an Aircraft Noise Ombudsman;
- regulating to limit the operation of older, noisier aircraft flying over residential areas;
- maintaining the existing curfew regime at Sydney, Adelaide, Gold Coast and Essendon airports;
- ensuring future airport operations are not constrained by incompatible development; and
- protecting existing and future communities from undue noise exposure through the implementation of an effective national land use planning regime for land near airports and flight paths.

6.4 However, the committee also notes that progress toward the implementation of each of these commitments is in the early stages and the committee received only limited evidence of practical initiatives undertaken to date.

Improving community consultation

6.5 A significant focus of this inquiry has been the extent to which Airservices Australia has effectively engaged communities affected by changes in flight paths, whether temporary or ongoing. While the committee notes initiatives being pursued by Airservices Australia to more effectively engage with affected communities, the committee considers that the significant dissatisfaction expressed by local communities around Australia is evidence that there are opportunities to improve Airservices Australia's management of aircraft noise and the manner in which it consults and engages with local communities.

6.6 The committee notes that the past ineffectiveness of community engagement has clearly contributed to a loss of community confidence in Airservices Australia. A lack of organisational openness and transparency, particularly with regard to the release of pertinent information and documents, has also given rise to community scepticism and mistrust. In light of the projected continued expansion in growth of the aviation industry, it is particularly important that the government and Airservices Australia move decisively to ensure this situation is addressed as a matter of some urgency to restore public confidence.

6.7 The committee considers that if aircraft noise is managed on the premise that the impact of aircraft noise will be shared, then Airservices Australia and other key stakeholders have a responsibility to ensure that the community is:

- aware of airspace policies and has access to clear information that explains these policies;
- consulted in relation to proposed changes to these policies;
- able to access effective avenues to complain and seek clarification;
- able to access an effective complaint resolution process;
- able to have confidence in planning processes; and
- able to seek independent review and assessment.

6.8 The committee notes that fragmentation of responsibility for the management of aircraft noise between a large number of industry stakeholders is a key source of frustration to individuals and communities and inhibits their ability to understand the roles and responsibilities of key aviation stakeholders, including Airservices Australia. The committee also notes that the shared nature of this responsibility also enables some industry stakeholders to define their responsibilities in narrow terms.

6.9 This situation is further exacerbated by the widely held perception that Airservices Australia places the interests of the aviation industry above those of local communities.

6.10 The committee is particularly concerned that Airservices Australia's obligation to comprehensively engage with communities regarding flight path changes should not be delegated to second parties, such as members of Airport Community

Consultation Forums. During this inquiry the committee noted a disturbing tendency for Airservices Australia to rely on such forums to understand and disseminate detailed and highly technical information to the community.

6.11 The committee believes that Airport Community Consultation Forums have an important role to play in effective community engagement. However, they should form only a part of a more varied and wide ranging approach to community consultation and should be actively supported to undertake their role. The committee considers that this support can be delivered through two key avenues. First, Airservices Australia must be a permanent and active member of all federal airport Community Aviation Consultation Forums. The committee considers that Airservices Australia's membership will raise awareness of the organisation's role and responsibility, build community confidence and trust and promote the flow of aircraft noise management information to communities.

Recommendation 1

6.12 The committee recommends that Airservices Australia should be a permanent member of all federal airport Community Aviation Consultation Groups.

6.13 Second, the committee notes the success of the community advocate position in providing the Sydney Airport Community Forum and the broader community with assistance, information and advocacy of the community interest on aviation issues. The committee considers that this approach should be applied in all cases where significant or extensive changes to the management of aircraft airspace or aircraft noise are proposed in the future. The committee believes that the appointment of a community advocate or independent community adviser in such circumstances will greatly enhance the effectiveness of community engagement and consultation.

Recommendation 2

6.14 The committee recommends that a Community Aviation Advocate position should be funded and established where significant or extensive changes to the management of aircraft noise or airspace are proposed to assist and represent local communities.

6.15 The terms of reference for this inquiry direct the committee to consider whether Airservices Australia requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise.

6.16 The committee notes that since the implementation of the WARRP, Airservices Australia has reviewed their community engagement processes and developed a new Communication and Consultation Protocol which was released in May 2010.

6.17 Airservices Australia told the committee that the Protocol was the product of consistent feedback received through airport forums and public representations

seeking clarity and transparency for Airservices Australia's community consultation and communication processes.¹

6.18 The committee considers that the development of the protocol is a positive step. However the committee is concerned that the development of the protocol appears not to have been the subject of effective consultation on the form such a protocol should take. The committee notes evidence received which suggests that at least one Airport Community Forum was not consulted during the development of the protocol and was simply provided with a completed, printed and published document.

Recommendation 3

6.19 The committee recommends that the Aircraft Noise Ombudsman undertakes a review of the Airservices Australia's Communication and Consultation Protocol to determine the extent to which the protocol:

- **was developed in consultation with Australian communities and will be subject to regular ongoing review;**
- **clearly articulates the roles and responsibilities of all stakeholders and the minimum standards of consultation which communities can anticipate, and**
- **commits Airservices Australia to providing readily available, easily understood and pertinent information (such as environmental noise assessments) to community consultation forums.**

6.20 The committee recommends that the Aircraft Noise Ombudsman report the findings of this review, together with appropriate recommendations, to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament and this committee.

An effective complaints mechanism

6.21 The committee notes concerns regarding the current mechanisms for lodging complaints. At the same time, the committee also notes the steps taken by Airservices Australia to enhance the service provided by the Noise Enquiry Unit.

6.22 The committee considers that the complaints mechanism should be the subject of a comprehensive and independent review with a view to the development of a clear set of procedures regarding the lodgement and resolution of complaints and for the collection and analysis of data. The committee notes that there is currently a high degree of scepticism and mistrust surrounding Airservices Australia's handling of complaints about aircraft noise. There is also a strong perception that no action is taken as a result of the individual complaints lodged or as a result of analysis of complaints data. The committee considers that public statements regarding the number

1 Airservices Australia, answers to questions on notice, 10 June 2010 (received 18 June 2010) p. 9.

of complaints lodged by individual complainants do little to address concerns that community complaints are not taken seriously.

6.23 The committee considers that such a review could be undertaken by the Aircraft Noise Ombudsman.

Recommendation 4

6.24 The committee recommends that an independent review be undertaken of Airservices Australia's procedures for the lodgement of complaints about aircraft noise and the extent to which complaints data is analysed and disseminated to relevant stakeholders with a view to more effectively managing aircraft noise issues.

Strengthening oversight and governance arrangements

6.25 There is a common perception within the community that Airservices Australia's relationship with the aviation industry poses a conflict of interest. This strongly held perception underscores the need for greater transparency, openness and accountability in the management of aircraft noise. The committee considers that the government and Airservices Australia must take urgent steps to address this perception and restore community confidence in Airservices Australia.

6.26 The committee considers the establishment of an Aircraft Noise Ombudsman is a positive initiative in this context. The Aircraft Noise Ombudsman will provide a much needed opportunity for individuals and communities to have their claims and complaints considered and responded to by an independent third party.

6.27 However, the committee shares concerns raised during this inquiry regarding the positioning of the Aircraft Noise Ombudsman within the organisation it is tasked to review. The committee notes the assurances of Airservices Australia that it has appropriate governance arrangements in place to ensure the independence and impartiality of the ombudsman. Notwithstanding these arrangements, the committee is concerned that community confidence in Airservices Australia has eroded to the point where the co-location of the ombudsman would simply serve to undermine the potential of that office.

Recommendation 5

6.28 The committee recommends that the Aircraft Noise Ombudsman must be established independently of Airservices Australia and report publicly and directly to the Minister for Infrastructure, Transport, Regional Development and Local Government and to the Australian Parliament.

Recommendation 6

6.29 The committee recommends that the Aircraft Noise Ombudsman should provide an annual report of its operations and this should include a description of the actions Airservices Australia has undertaken to implement

recommendations and, where appropriate, a description of those instances where appropriate action has not been taken.

A more robust process for forecasting noise exposure

6.30 The committee notes the concerns regarding the current ANEF processes, particularly the perception that the ANEF forecasts are open to manipulation by airport owner-operators. The committee considers that there is value in retaining the ANEF system as a land planning tool. However, the committee also considers that there is merit in placing the ANEF process on a more robust and defensible footing to provide greater confidence to the wider community that the forecasts are reasonable and conservative.

6.31 The committee notes that the current arrangements for review of the technical accuracy of ANEFs do not extend to consideration of whether the future traffic projections are appropriate or reasonable and does not review the assumptions which underpin the airport owner-operator's growth projections.

6.32 The committee is pleased to see the government's acknowledgement of the need to improve the ANEF system and in particular notes the government's commitment to work closely with all jurisdictions to ensure that optimum outcomes are achieved in the community's best interest, with particular focus on land use planning. The committee is particularly interested in the government's commitment to improve the technical processes and independence associated with the assessment and scrutiny of ANEFs. However, as the committee noted, no evidence was presented during this inquiry with regard to the practical form these improvements will take.

6.33 The committee considers that all parties to the ANEF process would be well served if the process were coordinated by a body which is independent of airport owner-operators. The committee recognises that a significant proportion of the data which underpins the ANEF is commercially sensitive and is provided on a confidential basis by air operators. For this reason it may be appropriate to locate responsibility for the independent coordination of the ANEF process within the Department of Infrastructure, Transport, Regional Development and Local Government which already has some responsibility for the Master Plan process.

Recommendation 7

6.34 The committee recommends that the government revise the current process through which ANEFs are developed to establish an independent body charged with the coordination of the process and the review of the accuracy and reasonableness of the data upon which the forecasts are made.

Recommendation 8

6.35 The committee recommends Airservices Australia review noise levels over affected areas with a view to offering a noise amelioration scheme compensating residents affected by aircraft noise consistent with that of other Australian capital city airports.

Effectively assessing the impact of aircraft noise

6.36 With regard to Airservices Australia's *Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise* and whether there are appropriate triggers for review under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, the committee does not share the same confidence as Airservices Australia in their Environment Principles' ability to independently determine the grounds for 'significant impact' and has heard no evidence that it has sought advice on its responsibilities under the *EPBC Act 1999*.

6.37 In view of the long period of time that has elapsed since the publication was last reviewed (2002), and given Airservices Australia's obligations under section 160 of the *EPBC Act 1999*, the Environment Principles and Procedures need to more explicitly incorporate reference to the *EPBC Act 1999*. In addition, the processes and methodology outlined should be developed in consultation with the Commonwealth Department of the Environment, Water, Heritage and the Arts and be consistent with best practice in assessing the impact of new or increased aircraft noise.

Recommendation 9

6.38 The committee recommends that despite the completion of the Western Australian Route Review Project, sufficient grounds exist for the Minister for Environment Protection, Heritage and the Arts to review the changes to flight paths under paragraph 160(2)(b) of the *EPBC Act 1999* in response to stakeholder concerns.

Recommendation 10

6.39 The committee recommends that Airservices Australia be required to have regard to paragraph 160(2)(b) of the *EPBC Act 1999* and seek advice from the Minister for Environment Protection, Heritage and the Arts in advance of major changes to air routes around airports under its jurisdiction.

More effective management of aircraft noise at General Aviation Airports Procedure (GAAP) airports

6.40 The committee notes the particular aircraft noise issues associated with GAAP airports. These airports are among the busiest in Australia and support a diverse range of activities. Many of these airports are located in densely populated areas. The committee also notes that the ability of airport operators and Airservices Australia to manage aircraft noise at GAAP airports is limited and that there is also often a limitation on the extent to which noise sharing arrangements can be implemented.

6.41 Pilot circuit training at GAAP airports is a source of considerable concern to residents, both in terms of aircraft noise and community safety. The committee welcomes the steps taken by the Civil Aviation Safety Authority to date toward better management of the risks associated with GAAP aerodrome procedures.

6.42 The committee notes that the general aviation fleet still features a significant proportion of older aircraft, with the average age of aircraft over 26 years. The committee also welcomes the government's commitment in the White Paper to phase out older noisier aircraft. More broadly, the committee notes that advancement in technology and the increasingly complex and busy airspace necessitates an ongoing commitment to review and adjustment of aircraft noise management strategies.

Small, privately owned airports

6.43 The committee notes the concerns raised during the inquiry regarding the inadequacy of surveillance of smaller privately owned airfields. For the most part, these concerns relate to claims of poor communication around dispute resolution between airfield owners and the community of residents. The committee notes that private airfield operations appear to fall outside the statutory control of the relevant authorities.

Conclusion

6.44 A recurring theme throughout this inquiry has been the frustration felt by a range of stakeholders that there are no practical avenues for resolution of concerns regarding aircraft noise. The committee has considered the mechanism for lodging complaints administered by Airservices Australia and notes that this is primarily a mechanism for the provision of information and the collection of data. While Airservices Australia draws on this data in carrying out its wider obligations, it does not appear to be able nor is it required to seek to resolve the issues that are the cause of the complaints. Similarly, the consultation mechanisms currently in place appear to be directed more toward the dissemination of information rather than toward establishing a dialogue for reviewing policy and procedures.

6.45 The committee is concerned that under current legislation there does not appear to be any recourse for stakeholders to seek proper resolution of their complaints regarding aircraft noise, or indeed more broadly in relation to the activities of airport lessees and air operators. The committee appreciates that aircraft noise is a highly emotive area and gives rise to questions and issues that are difficult to manage and sometimes intractable. However, the committee is concerned that this management task is not assisted by legislation that appears to be silent on a dispute resolution procedure where consultation and community engagement have failed. The committee is of the view that this situation requires close consideration by the government with a view to clarification of the appropriate avenues for dispute resolution.

Senator Fiona Nash
Chair

Additional Comments by Government Senators

This Senate Committee inquiry arose out of concerns with Airservices' management of aircraft noise and consultation during the Western Australian Route Review Program (WARRP).

Government Senators note that this report is broadly in line with the policies in the Government's December 2009 Aviation White Paper, and where there are policy problems they are in relation to decisions by the Howard Government.

Many of the issues raised by non-Government Senators about WARRP relate to decisions taken under the Howard Government. For example:

- The process of reviewing the safety of flight paths near Perth Airport and throughout Western Australia commenced in 2003 under the previous Government, using a consultation process established by the previous Government, and.
- The decision that WARRP would not have a significant environmental impact, and did not trigger the need for wider assessment and consultation was taken in 2007 by the Howard Government (refer to paragraphs 4.30-4.35 and Recommendations 9 and 10 of this Report).

Government Senators share the criticisms made by Liberal and National Party Senators of consultation processes employed under the Howard Government. Consultation should have been more direct with the community.

Government Senators agree that the consultation undertaken by Airservices during WARRP (2006 – 2008) should have been more directly with residents, as well as through the Perth Airport Noise Management Consultative Committee.

Government Senators are concerned that although the consultation should have been better, those who were part of the consultation process also should have been more diligent.

Government Senators note the Consultative Committee used during WARRP had representatives from all three levels of Government (including the Member for Pearce, Judi Moylan MP), community groups and airlines.

The records of the Consultative Committee show that the Member for Pearce was invited to eight meetings of the Consultative Committee, but did not attend any of them – preferring instead to send apologies to seven meetings, and a staff member from her electorate office to three of those meetings.

Government Senators note that the implementation of a number of important measures outlined in the Government's Aviation White Paper will improve aircraft noise

management at our major airports. These have already been noted in Chapter 2 of this Report.

Importantly, improving the quality and accessibility of noise information for communities near airports was an important part of the Aviation White Paper. Measures being taken by the current Government include the establishment of an Aircraft Noise Ombudsman to independently review noise complaint handling and to improve Airservices' consultation arrangements.

The establishment of an independent Aircraft Noise Ombudsman demonstrates the importance the current Government places on improving the relationship between the industry, airports and their surrounding communities.

Government Senators note that Recommendations 1, 3, 4 and 6 appear broadly consistent with Government policy, as set out in Chapter 14 of the Aviation White Paper.

While not necessarily disagreeing with other Committee Recommendations, Government Senators are concerned that the costs, duplication and bureaucracy associated with some of the Recommendations could be significant. In particular:

- **Recommendation 2** – Noting there are about 180 airports in Australia that receive scheduled passenger services, the Recommendation proposes an unclear and potentially very expensive program of Community Advocates. The proposed Community Advocates would have an unclear role which may cut across established consultation processes, and may lead to situations where an unelected and unaccountable person could conflict with sections of the community and/or democratically elected representatives.

Given MPs and local councillors are elected as community representatives and advocates, it would be more logical and responsible to improve training for MP's, local councillors and their staff in relation to airport and flight paths issues, and to employ technical assistance if and when needed to supplement the work done by Airservices.

- **Recommendation 7** – This Recommendation is ill-conceived and would create a legalistic and bureaucratic process that would be second guessing the business plans of airport operators.

ANEF's are built on long-term scenarios of aviation growth (which could be forecasting up to 50 years in the future) and are used as a tool for land use planning near airports. The Recommendation, if implemented, could lead to an expensive and inconclusive debate between duelling experts, property developers and planning authorities.

It is worth remembering that the Commonwealth, airport lessees and the whole community of the region where the airport is located all have an interest in conservative planning around airports that protects the operational capacity of the airport and the amenity of residential areas.

Senator Glenn Sterle

Senator Kerry O'Brien

APPENDIX 1

Submissions Received

Submission Number	Submitter
1	Mr John Bell
2	Moorabbin Airport Corporation
3	Mrs Yvonne Renshaw
4	GH & BF Steemson
5	Mr Terry George
6	Mr Tim Aldrich
7	Mr Greg Pitman
8	CONFIDENTIAL
9	Mrs Mary Patricia Horne
10	Mr Jack Elsegood
11	Mr John Jennison
12	Mr David Karr
13	WA Department of Transport
14	Ms Janice Mitchell
15	Mr Peter Stewart
16	Mr Kevin Grljusich
17	Wilma Watson
18	Mr Jim Heath
19	Mr Lindsay Rudge
20	Mr Darryl Brisset
21	Mr Brian McManus
22	Ms Jeanne Stanley
23	CONFIDENTIAL
24	Moorabbin Airport Residents' Association, Inc.
25	Mr Craig Williams
26	Mr Tony Anderson
27	Mrs Leonie McFaull
28	Dr William Allaway
29	Mr Nick Crawford
30	Professor Anne Allaway
31	Mr Peter Bourne
32	Mr Terry Morris
33	Mr Peter Farrall
34	Australian Airports Association (AAA)
35	Mr Roy Witt
36	Ms Phillipa Trowbridge
37	Mr David Layton
38	Hon. Judith Moylan

39	Department of Lands Planning, NT Government
40	Dr Robert Bullen
41	Access Economics
42	Mr Jim Riley
43	Mr Ed Berwick
44	Mr Martin Murphy
45	Mr Kai Hansen
46	Board of Airline Representatives of Australia (BARA)
47	Planning Institute of Australia
48	City of Canning
49	City of West Torrens
50	Name Withheld
51	Mrs Concetta Cinanni
52	Name Withheld
53	Mrs Irene Shand
54	Mrs Christine Wynhorst
55	Jerrabomberra Residents Association
56	Curfew4Canberra
57	Ms Lyn Day
58	Perth Airports Municipalities Group Inc.
59	Ms Julie Grace
60	Mr Len Mills
61	Ms Karen Ward
62	Ms Kerry Rowles
63	Mr Charlie Iannantuoni
64	Ms Peta Millard
65	Wilson Residents and Ratepayers Association
66	Keilor Residents Ratepayers Assoc.Inc.
67	Ms Emma Dickinson
68	Mr Graham McEachran
69	Mr Phillip Lipple
70	Queanbeyan City Council
71	Kingston City Council
72	No Aircraft Noise
73	Mr Steve Irons MP
74	Dingley Village Community Association
75	Mr Robert Bleazby
76	Dr Murray May
77	Sydney Airport Corporation Limited
78	Cr John Daw
79	Ms Barbara Campbell
80	Mr Kevin Rutherford
81	Mr Alan Gorrie
82	Mr Tom McNaughtan
83	Mr Dennis Newland
84	Ms Sue McNaughtan
85	Mr Leo Dobes

86	Ms Fiona Zahra
87	Mr Bernard Rusterholz
88	Ms Elisabeth Rusterholz
89	Southern Sydney Regional Organisation of Councils
90	Canberra Airport
91	Urban Taskforce Australia
92	Australian Mayoral Aviation Council (AMAC)
93	The Ambidji Group Pty Ltd
94	Mr Brett Hughes
95	Shire of Mundaring
96	Mr John Green
97	Mr John Dale
98	Ms Amanda Skeates
99	Mr Karl Havlik
100	City of Swan
101	Sydney Metro Airports - Bankstown & Camden
102	Airservices Australia
103	Brisbane Airport Corporation (BAC)
104	Marrickville Council
105	Mr John Macpherson
106	Qantas Airways Limited
107	Aerial Agricultural Association of Australia (AAAA)
108	Aircraft Owners and Pilots Association of Australia (AOPA)
109	Sutherland Shire Council
110	Mr Alan Rogers
111	Ms Pamela Trotman
112	City of Kingston
113	Ms Helen Sharpe
114	Mr Geoffrey Willans
115	CONFIDENTIAL
116	Mr Tim Kyle
117	Ms Emmanuelle Daw
118	Ms Vanessa Smith
119	Mr Graeme Frost
120	Ms Janine Vivian
121	The Village Building Co. Limited
122	Dr Alan & Ms Rosemary Lonsdale
123	Perth Airport
124	Randwick City Council
125	Regional Aviation Association of Australia (RAAA)
126	Ms Joan Doherty
127	Gold Coast Airport (GCA)
128	Mr Ian Davies
129	Sydney Airport Community Forum Incorporated (SACF Inc)
130	Mr Max & Ms Dianne Mittler-Damon
131	Ms Sonya Mckay
132	Adelaide Airport Limited

- 133 Brimbank City Council
- 134 Mr Edward Wroe
- 135 Ms Gloria Vaisey
- 136 Ms Kathleen Dzubieli
- 137 Dr & Mrs M R Jones
- 138 Mr C & M Wilson
- 139 CONFIDENTIAL
- 140 Ms Sumati Ahuja
- 141 Mr Peter Vander Sluys
- 142 Decisive Consulting Pty Ltd
- 143 Urban Development Institute of Australia (UDIA)
- 144 Mr John White
- 145 Cr Peter Brown
- 146 Mr Mike Heath
- 147 Mr Derick Frere
- 148 Tyabb & District Ratepayers, Environment & Business Group
- 149 Mr David Parkhouse
- 150 Mr Shane Clifford
- 151 Sydney Airport Community Forum
- 152 Somerville Ecovillage Holdings Pty Ltd
- 153 Sydney Airport Community Forum Members(SACF)
- 154 Mrs Monica Durcan
- 155 Australian Business Aircraft Association Inc. (ABAA)
- 156 Ms Rebecca Roberts
- 157 Mr Roger Graf
- 158 Mr Graham Ellis
- 159 Ms Rita Saffioti MLA, Member for West Swan
- 160 Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG)
- 161 ACT Government
- 162 Mr Frank Alban MLA, Member for Swan Hills
- 163 Mr Peter McKittrick
- 164 Mr Colin Fegan
- 165 Name Withheld
- 166 Ms Patricia French
- 167 Mr Alexander Haidoussis
- 168 Mr Stuart Smith
- 169 Ms Andrea Kaszick
- 170 Ms Ally Hauptmann
- 171 Ms Liz D'Addario
- 172 Ms M Major
- 173 Pinkenba Community Association Inc
- 174 Ms Samantha Duddy
- 175 The Evans Head Memorial Aerodrome Committee Inc.
- 176 Mr Tom Uren
- 177 Master Builders Australia (MBA)
- 178 Mr Martin Lewicki

179 CONFIDENTIAL
180 Name Withheld
181 Mr Andrew Young

Additional Information Received

- Received on 28 April 2010, from Senator Heffernan. Correspondence between the Hon. Anthony Albanese MP and Mr Steve Irons MP;
- Received on 10 May 2010, from Mr John Erceg, City of Armadale. Answers to Questions taken on Notice on 28 April 2010;
- Received on 18 May 2010, from Councillor Glenys Godfrey, City of Belmont. Answers to Questions taken on Notice on 28 April 2010;
- Received on 21 May 2010, from Mr Jonathan Throssell, Shire of Mundaring. Answers to Questions taken on Notice on 28 April 2010;
- Received on 21 May 2010, from Airservices Australia. Answers to Questions taken on Notice on 28 April 2010;
- Received on 6, 24 & 31 May 2010, from Perth Airport (Westralia Airports Corporation P/L). Answers to Questions taken on Notice on 28 April 2010;
- Received on 31 May 2010, from Sydney Airport. Answers to Questions taken on Notice on 28 May 2010;
- Received on 2 June 2010, from Jandakot Airport. Response to Questions;
- Received on 7 June 2010, from Moorabbin Airport Resident's Association. Answers to Questions taken on Notice on 21 May 2010;
- Received on 8 June 2010, from Tyabb & District Ratepayers, Environment & Business Group Inc. Answers to Questions taken on Notice on 21 May 2010;
- Received on 8 June 2010 from Dingley Village Community Association Inc. Answers to Questions taken on Notice on 21 May 2010;
- Received on 8 June, from 2010. Response to questions;
- Received on 9 June 2010, from Airservices Australia. Answers to Questions taken on Notice on 21 May 2010;
- Received on 9 June 2010, from Airservices Australia. Answers to Questions taken on Notice on 28 May 2010;
- Received on 11 June 2010, from Sydney Airport Community Forum Inc. Answers to Questions taken on Notice on 28 May 2010;
- Received on 16 June 2010, from Melbourne Airport. Answers to Questions taken on Notice on 21 May 2010;

- Received on 17 June 2010, from Jerrabomberra Resident's Association (JRA). Answers to Questions taken on Notice on 10 June 2010. The attachment to these answers is a copy of what was tabled by Curfew4Canberra on 10 June 2010 (*'REHBEIN AOS – Canberra International Airport Practical Ultimate Capacity ANEF'* report);
- Received on 17 June 2010, from the Village Building Company (VBC). Answers to Questions taken on Notice on 10 June 2010;
- Received on 18 June 2010, from Canberra Airport. Answers to Questions taken on Notice on 10 June 2010. Attachment A of these answers is a copy of what was tabled by Curfew4Canberra on 10 June 2010 (*'REHBEIN AOS – Canberra International Airport Practical Ultimate Capacity ANEF'* report);
- Received on 18 June 2010, from Airservices Australia. Answers to Questions taken on Notice on 10 June 2010;
- Received on 18 June 2010, from Department of Infrastructure, Transport, Regional Development and Local Government and Civil Aviation Safety Authority (CASA). Answers to Questions taken on Notice on 10 June 2010;
- Received on 21 May 2010, from Dingley Village Community Association Inc. Additional information to inquiry;
- Received on 28 May 2010, from Australian Mayoral Aviation Council (AMAC). Additional information to inquiry;
- Received on 8 June 2010, from Canberra Airport. Additional information to inquiry;
- Received on 21 June 2010, from Airservices Australia. Response to request by Committee for additional information in relation to correspondence submitted by Ms Lisa Tulau;
- Received on 21 June 2010, from the Village Building Company. Addition information to inquiry.

TABLED DOCUMENTS**• 28 April 2010, Perth WA:**

- Councillor John Daw. Letter from Civil Aviation Safety Authority (CASA) to the Hon Judi Moylan MP regarding her FOI request for the Civil Aviation Report;
- Councillor John Daw. Number of Flights over Perth Suburbs before and after the implementation of flight path changes data & emails;
- Mr Ian Davies, Fair Skies. Copies of:
 - *'Airservices Australia – WARRP Overview DVD Presentation – Questions on Notice for Senate Hearing'* document;
 - *'Things that need to be done'* document;
 - *'Senate Estimates Questions – Airservices Australia'* document & Webtrak Maps for Perth International Airport.
- Ms Sharon Davies, Fair Skies. Excerpt from *'Noise Management Strategy Committee – Draft Minutes 4 October 2006'*;
- Fair Skies. Copies of:
 - *'Department of Environment and Conservation – Aircraft Noise and Health – ICBEN 2008 ad the DEC Community Survey – A Summary'* PowerPoint presentation printouts;
 - Flight path maps.
- Mr Graham Ellis, Jandakot Airport Consultative Committee Member. Opening statement with supporting attachments:
 1. Submission to the Hon. Melissa Park MP
 2. Ambidji Report titled *'Utility of General Aviation Aerodrome Procedures to Australian Administered Airspace'*
 3. Jandakot Community Consultative Committee Meeting Minutes 8 March 2010
 4. CASA publication titled *'GAAP Changes'*
 5. S211 Jet Trainers for Sale at Jandakot
- Airservices Australia. *'Communication and Consultation Protocol'* report and DVD.

- **21 May 2010, Melbourne VIC:**
 - Mr John Jennison, Keilor Residents and Ratepayers Association. Airservices Australia flight path maps of Melbourne Airport and reference letter;
 - Melbourne Airport. Copies of:
 - *'The Economic Impact of Melbourne Airport'* report;
 - *'Melbourne Airport Master Plan 2008'* report.

- **28 May 2010, Sydney NSW:**
 - Urban Development Institute of Australia (UDIA) NSW. *'NATS – Safeguards for Airports and the Communities around them – Discussion paper'*;
 - Sydney Airport Community Forum Inc. (SACF Inc). Copies of:
 - *'Community Noise Report Summer Hill (II) 2003-2009'* by Johann Heinrich & Philip S. Lingard;
 - *'Critique of Sydney Airport Corporations Ltd's "Preliminary Draft Master Plan 2009" Sept 2008'* by P.S Lingard, H.P. Richard, G.P. Harrison & R.J. Tanner;
 - *'Supporting Data for SACF Noise abatement departure protocol (NADP) Discussion'* paper;
 - *'Sydney Mode 9 Departures'* maps;
 - *'A way forward from Sydney's Airport Quagmire'* paper;
 - *'The way forward for Aircraft Noise sharing at Sydney (Kingsford Smith) Airport'* paper & DVD.
 - Sydney Airport Community Forum (SACF).Copies of:
 - *'Runway modes of operation'* chart, *'Sydney Airport: Jet Flight Path Movements'* chart, *'Jet arrivals'* chart, *'Environment Analysis'* information;
 - Letter from Airservices Australia to Mr John Clarke, SACF dated 6 May 2010;
 - *'Runway End Impact'* graphs.
 - Airservices Australia. *'Sydney Airport – Max. Runway Movements per Moving Hour'* graphs.

- **10 June 2010, Canberra ACT:**
 - Airservices Australia. Copies of:
 - '*WARRP Timeline of Events*' document;
 - '*Complaints and Complainants all airports – Australia 2009*' graph;
 - Information Graphs.
 - Jerrabomberra Residents Association. Aerial view map over Jerrabomberra;
 - Curfew4Canberra, Copies of:
 - Email from Curfew4Canberra to Stephen Byron, Canberra Airport, dated 12 March 2009 regarding '*Stateline*' interview;
 - '*REHBEIN AOS – Canberra International Airport Practical Ultimate Capacity ANEF*' report;
 - '*REHBEIN AOS – Aircraft Movements*' data.
 - Village Building Company. Copies of:
 - '*Canberra Airports expanding contours – 1985*' printouts;
 - Mr Ken Ineson's opening statement.
 - Canberra Airport. Copies of:
 - '*Canberra Airport Terminal – Opening September 2010*' pictures;
 - Canberra Airport flight paths maps;
 - '*2009 Preliminary Draft Master Plan – Submission Concerned with Aircraft Noise and Googong Petition Locations South of Canberra Airport*' map.

APPENDIX 2

Public Hearings and Witnesses

Wednesday, 28 April 2010, Perth WA

- ANDERSON, Mr Anthony William, Member,
FairSkies
- COCK, Dr Peter, Chief Operating Officer,
Perth Airport
- DAVIES, Mr Ian, Member,
FairSkies
- DAVIES, Ms Sharon, Member,
FairSkies
- DAW, Councillor John Stephen, Councillor,
Shire of Mundaring
- DELLE DONNE, Councillor Giuseppe (Joe), Mayor,
City of Canning
- DUDLEY, Mr Richard John, General Manager, Corporate and International
Affairs,
Airservices Australia
- ELLIS, Mr Graham Langton
- ERCEG, Mr John, Health Services Manager,
City of Armadale
- GEATCHES, Mr Brad, Chief Executive Officer,
Perth Airport
- GODFREY, Councillor Glenys, Mayor,
City of Belmont
- HARFIELD, Mr Jason Michael, General Manager, Air Traffic Control Group,
Airservices Australia
- HEATH, Mr Mike Francis Martin,
- LIPPLE, Mr Phillip Andrew,
- MACPHERSON, Mr John Douglas, Principal Environmental Noise Officer,
Western Australian Department of Environment and Conservation
- OWEN, Mr Kenneth John, Environment Initiatives and Services Manager,
Airservices Australia
- PILGRIM, Councillor Alan Thomas, Deputy Shire President,
Shire of Mundaring

- PONTON, Mr Gavin Paul, Executive Strategic and Regulatory Services, City of Canning
- RENSHAW Mrs Yvonne, Proprietor, Core Luxury Retreat
- RUSSELL, Mr Greg, Chief Executive Officer, Airservices Australia
- SKEATES, Mrs Amanda MacCallum, Member, FairSkies
- STEEMSON, Mrs Barbara Fay,
- STEWART, Mr Peter,
- ZANNINO, Councillor Charlie, Mayor, City of Swan

Friday, 21 May 2010, Melbourne VIC

- BIGSWORTH, Mr Warwick Richard, Associate Consultant, The Ambidji Group Pty Ltd
- BIVIANO, Mr Giuseppe, Chairman, Dingley Village Community Association Inc
- CHALKE, Mr David, Committee Member, Tyabb and District Ratepayers
- DAVIS, Mr Peter Graeme, Committee Member, Tyabb and District Ratepayers, Environment and Business Group Inc
- DIXON, Ms Carly, Manager, Corporate Affairs, Melbourne Airport
- DUDLEY, Mr Richard John, General Manager, Corporate and International Affairs, Airservices Australia
- EMMANUEL, Ms Anna Cynthia, Secretary, Moorabbin Airport Residents' Association Inc.
- HARFIELD, Mr Jason Michael, General Manager, Air Traffic Control, Airservices Australia
- JENNISON, Mr Glenn (John), Private Capacity; and Member, Keilor Residents and Ratepayers Association
- MADILL, Dr David Norton, Secretary, Dingley Village Community Association Inc
- NEVINS, Mr John, Chief Executive Officer, City of Kingston

-
- RICHARDSON, Mr Gilbert Ian, Landside Planning Manager, Melbourne Airport
 - RUSSELL, Mr Greg, Chief Executive Officer, Airservices Australia
 - SLATER, Mr Ted, President, Pinkenba Community Association Inc.
 - STAIKOS, Councillor Steve, Mayor, City of Kingston
 - WEST, Councillor Rosemary Anne, Councillor, Kingston City Council

Friday, 28 May 2010, Sydney NSW

- ALBIN, Mr Stephen, Chief Executive Officer, Urban Development Institute of Australia, New South Wales
- BAYNDRIAN, Mr Mario, General Manager, Aviation, Bankstown Airport Ltd
- CHAN, Mr Joseph, Senior Planning Manager, Sydney Airport Corporation Ltd
- CLARKE, Mr John, Member, Sydney Airport Community Forum
- COTTER, Mr Barry, Chair, Sydney Airport Community Forum
- DUDLEY, Mr Richard John, General Manager, Corporate and International Affairs, Airservices Australia
- FITZGERALD, Mr Peter, Executive Director, Australian Mayoral Aviation Council
- GADIEL, Mr Aaron (Sean), Chief Executive Officer, Urban Taskforce Australia Ltd
- GILMOUR, Mr Rodney Charles, General Manager, Corporate Affairs and Human Resources, Sydney Airport Corporation Ltd
- HARFIELD, Mr Jason Michael, General Manager, Air Traffic Control Group, Airservices Australia
- HARRISON, Mr Graeme, Chair, Sydney Airport Community Forum Inc.
- HILL, Mr Kevin Alfred, Representative for the South, Sydney Airport Community Forum

- LINGARD, Dr Philip Stocks, Secretary,
Sydney Airport Community Forum Inc
- PATTERSON, Mr John, Project Manager,
Australian Mayoral Aviation Council
- PLUMMER, Mr Ted, Manager, Major Projects Consultation and
Communications,
Sydney Airport Corporation Ltd
- ROBERTSON, Mr Timothy Donald, General Manager, Policy,
Urban Development Institute of Australia, New South Wales
- RUSSELL, Mr Greg, Chief Executive Officer,
Airservices Australia
- TANNER, Mr Richard John, Vice-Chairman,
Sydney Airport Community Forum Inc

Thursday, 10 June 2010, Canberra ACT

- BROWN, Air Vice Marshal Geoff, AM, Deputy Chief of Airforce,
Royal Australian Air Force
- BROWN, Mr Brian, Vice-President,
Curfew4Canberra
- BYRON, Mr Stephen, Managing Director,
Canberra Airport
- CROMARTY, Mr Peter, Executive Manager Airspace and Aerodrome
Regulation,
Civil Aviation Safety Authority
- DOHERTY, Mr John, Executive Director, Aviation and Airports,
Department of Infrastructure, Transport, Regional Development and Local
Government
- HARFIELD, Mr Jason Michael, General Manager, Air Traffic Control,
Airservices Australia
- HARNISCH, Mr Wilhelm, Chief Executive Officer,
Master Builders Australia
- HOLTRETER, Group Captain Alan David, Director, Civil-Military Aviation
Coordination,
Royal Australian Air Force
- HOWATSON, Mrs Kim, President,
Jerrabomberra Residents Association
- INESON, Mr Kenneth Richard, General Manager, Special Projects and
Feasibility,
Village Building Company

- LEECE, Mr Andrew, Manager, Regulatory Affairs, Canberra Airport
- McCANN, Mr Noel, Director, Planning, Canberra Airport
- McCORMICK, Mr John, Director of Aviation Safety, Civil Aviation Safety Authority
- RUSSELL, Mr Greg, Chief Executive Officer, Airservices Australia
- SACHSE, Ms Margot, Former President, Jerrabomberra Residents Association
- STONE, Mr Scott, General Manager, Aviation Environment, Department of Infrastructure, Transport, Regional Development and Local Government
- WINNEL, Mr Bob, Chief Executive Officer, Village Building Company

