

Submission on 2023 Aviation Green Paper - Towards 2050, November 2023

This submission is in response to the Aviation Green Paper -Towards 2050 dated September 2023. It endorses the position and policy settings set out in the submission by the Community Aviation Alliance Australia (CAAA) and the following submission echoes/repeats most of those positions but with some minor changes.

I concur with the Community Aviation Alliance Australia (CAAA) that Australia's current aviation regulatory framework is not fit for purpose. The key issues arising out of current aviation policies and the Green paper being:

1. As highlighted by CAAA the existing framework is a complex and fragmented amalgam of Commonwealth statutes, state and local government land planning legislation managed across multiple portfolios, departments, statutory authorities, and corporatised entities, heavily weighted towards promoting unfettered growth of the aviation industry – e.g., airport expansion and airspace efficiency;
2. ignores, the direct and indirect costs of aircraft operations (such as noise, air and other pollution) on human health, community amenity, devaluation of property, mitigation;
3. the Green Paper excludes any commentary or coverage of the many Health impacts of aviation, this a major oversight. In addition, the cost side of the Cost/Benefit equation of unrestricted 24/7 flight operations over residential areas to health and well-being (as well as to the environment) are totally ignored in past industry and government accounting and decision making. For the White Paper to have any credibility, all costs and benefits should be on the table in a transparent way to allow good policy/political decisions to be made in the best interests of all Australians, The White Paper must rectify this.
4. in the Minister's foreword there is no mention of the deleterious impacts of the aviation industry on communities by way of noise, pollution, particulate exposure and the resulting health impacts. This lack of balance is of concern;
5. the Commonwealth Civil Aviation Safety Authority (CASA), the regulatory agency primarily only manages aircraft safety and efficiency. This creates a policy void not filled by AirServices (AsA) and fails to protect Australian communities from the negative effects of impacts such as aircraft noise;
 - a) AsA and its role in monitoring and regulating aircraft noise and flightpath design and application has little or no credibility with communities impacted by aircraft noise. It is a government business whose operation depends almost wholly on fees from airlines without – according to their own admission it does not have any effective regulatory powers to act in the best interests of affected communities;
 - b) vests oversight of aircraft noise management within AsA, through its Noise Complaints and Information Services (NCIS). In the Statement of Expectations for Airservices Australia for the Period 1 July 2021 to 30 June 2023 it requires NCIS to be only an information response and data logging service. The ANO currently reports to the AsA Board and as such has a conflict of interest. I strongly support

the proposition in the Green Paper to make the ANO totally independent and this should include an appropriate array of powers;

6. does not provide adequate opportunities for consultation through Community Aviation Consultation Groups' (CACGs) about the impacts of aircraft operations on residents. CACGs for federally leased airports are ineffective and have little if any credibility with affected communities. The NCIS is ineffective as it does not have powers to deal with the root cause of aircraft noise issues reported;
7. the Green Paper does not adequately deal with the global environmental footprint of the aviation industry and its participant stakeholders. It does not deal with climate crisis through strategies which address global heating, risks to safety, efficiency and operational integrity of flight operations at airports including those from sea level rise and storm surge and from increasing extreme land temperatures and their likely impacts on flight operations. The Green Paper does not consider these factors, nor the possible change in demand (in particular business demand) for travel as a result of an uncertain political and economic and energy environment;
8. the Department must better monitor the performance of regulators in mitigating the impact of the aviation sector on communities, and evidence of growing community dissatisfaction. A partial or piecemeal approach to reviewing elements of the regulatory framework will not resolve these issues to community satisfaction. The Department must achieve a reset via the outcome of the White Paper. This requires inviting and incorporating proper representations from a broad section of representative community stakeholders and independent overseas experts;
9. legislation to protect the natural environment (EPBC Act) is bereft of any effective amelioration of aircraft noise. There is no effective regulation that the community can apply, one that measures what is a reasonable or a 'fair' amount of aircraft noise (based on WHO guidelines) as it affects overflowed communities to be based on minimising the health risks. The EPBC Act must include provisions regulating aircraft noise in flight;
10. if a Passenger Bill of Rights is seen as a necessary output of government policy, then a Bill of Rights for aviation affected communities should also be provided.
11. the current ANEF system is not fit for purpose and is effectively a 'one size fits all' approach to land use planning. The Green Paper at page 105 acknowledges that the ANEF contours etc. has a number of limitations. This has been acknowledged for over a decade and yet still no useful and valid alternative has been proposed. The White Paper must address this;
 - a) the ANEF determines that 'acceptable' land use is the same whether the land is in the vicinity of a major international airport or a small regional non-jet GA aerodrome. Also, the current planning policy and related controls are not adequately safeguarding communities adjacent to existing airports or communities envisaged by the ANEF;
 - b) annoyance factors are the main drivers of the ANEF, and yet numerous studies have shown there are considerable and long-lasting detrimental impacts such as

hypertension, cardiovascular disease, sleep deprivation related illness and mental illness as well as impacts on the learning abilities and health of children. This is a significant failure of current regulatory policy.

- c) what communities currently receive is information in the form of a single figure ANEF value. This approach is unhelpful - at worst conveys a completely wrong message. It does not translate into an understandable noise metric – decibels heard by humans (dBA);
- d) relies on State-based planning schemes to limit residential development around airports but does not protect existing residences from continuing airport expansion or the development of new airports. There are many examples of where this fails.
 - in the Green Paper the Government has ruled out consideration of any additional constraints on airports such as curfews and movement caps. On what grounds has this decision been taken? Movement caps and curfews apply to Sydney and Adelaide airports along with compensation to provide amelioration of aircraft noise to residents, business and community assets. The latter is also being offered to residents impacted by Western Sydney Airport. Why not Melbourne, Brisbane, Hobart, Perth etc? Why are residents in those cities being discriminated against? Also, how long do people living around Melbourne airport have to wait to be considered eligible for compensation as other Victorians have?;
 - the Victorian government has introduced compensation schemes for Sky Rail and Wind farms. Whilst around the airport it allows planning approvals for residential building of non-complaint housing in aircraft noise zones; No compensation for land use restrictions imposed in 2007 retrospectively on properties pre-existing. Has not adopted the WHO aircraft noise standards whilst it has a policy for urban intensification.
 - all Commonwealth governments since the opening of the Melbourne Airport by Prime Minister Gorton in 1970 have failed to honour the basic undertaking that was made by Mr Gorton that there would be a buffer zone around the airport. See the following extract of his speech; *“So when I do declare it open, I do it in the hope that it will be known not only as Melbourne Airport but as Tullamarine and that as Tullamarine, it will be an airport able to operate for seven days a week and for twenty-four hours a day. And I hope and believe this will be so if for no other reason than when there is an investment of this size then the more use that it got from it the better it is for everybody. **And there is no need for an airport not to operate, provided those living around it are not harassed by the noise of such operation. Those living around Tullamarine now, I believe, would not be so harassed, and it is our intention as a government that this airport should so operate, subject in the future to just this one qualification that the State authorities concerned see that there is not built up around the perimeter of this airport housing settlements which, in the future, might lead to great noise discomfort to those living in them. Having the airport, let us have a buffer zone around it, and it then will operate as an international airport should”***; and
 - this injustice must be addressed in the White paper.

12. The primary regulatory tool which recognises the adverse impact of aircraft noise on communities is the National Airport Safeguarding Framework (NASF)₃,

introduced in 2012:

- a) The NASF Guideline is a guideline only and has no enforcement as a regulatory standard and the NASF relies on the ANEF and that is not fit for purpose, outdated and lacking relevance. As discussed above, there are fundamental flaws in the ANEF and it should be abolished and replaced with more meaningful data, mechanisms to regulate the impact of aircraft noise on communities, particularly in the context of new airport development and expansion. Communities want, and need as a bare minimum to be told about aircraft noise exposure in terms that are meaningful for them, i.e.:
 - where the flight paths are;
 - how frequent flights are at different times of the day/night;
 - the number of movements per day;
 - what time of the day these occur;
 - the level of noise (dB) should be measured on both dB(a) and dB(c); scales; and
 - the impacts for safety, health, amenity, etc. arising from the above.
- b) AS highlighted in the CAAA submission:
 - the utility of the NASF framework is completely dependent on the efficacy of the Australian Noise Exposure Forecast
 - is based on assumptions that are not tested in reality; and have not been updated for decades;
 - consistently misapplies technical standards related to labelling average sound levels;
 - is formulaic, and does not allow for specific local conditions or history; and
 - it is based on survey data from the 1980s that may no longer reflect community tolerance of aircraft noise.

The basis of the NASF and its purpose needs to be reviewed and reworked.

13. Electric vertical take-off and landing (eVOTL) aircraft and Drones. I agree that drone and (eVOTL) operations have the same categories of safety risks as any other aircraft. This emerging technology will impact on society's conception of safety and security, individual and commercial liability and privacy, and adds another dimension to drafting effective governmental regulation;
 - a) In the Green paper there is limited discussion on the technology in use and how this will be regulated, what is acceptable what is not. Communities are not privy to this information, and we need this information to make informed judgements as to what the tolerance for risk should be. Government must do more work on this and convey its findings to the community;
 - b) From a community perspective, safety, the freedom from harm and security, are embraced as universal principles. My concerns focus on the technology and the user. With regard to the technology, the key aspects are engine reliability/operation, battery life, lift capacity, airworthiness, and reliability including fail safe mechanisms. As with fixed wing/rotor aircraft flying over public space, just one small mistake could result in crashes that threaten the health, safety and well-being of people in public and private property;

- c) drones pose additional risks of privacy infringement, security breaches and noise pollution. We are concerned about the possibility of unwarranted surveillance, apparently with little repercussion. Current privacy laws state that it is illegal to record the interior of a home or a privately owned building, even if the camera is placed outside or a conversation. I submit that this restriction should also explicitly apply to drones with respect to private buildings as well as their gardens and surrounds. Appropriate regulation of this is paramount to avoid overwhelming community concern;
 - d) in dealing with the privacy issues, meaningful consultation and engagement with a broad cross section of the community will be essential; and
 - e) i support the Commonwealth consulting with the states and territories, industry and the community to develop a consistent Drone and eVTOL Operations Noise Policy Framework. An integrated airspace that encompasses all existing and future commercial drone operations. This lead should assist States/Territories in their related planning approval processes related to drone and eVTOL sites.
14. Community consultation and engagement is crucial. This aspect of the operation of DITRC, CASA, AsA requires a rework as it is not currently at levels of best practice. The absence of meaningful and transparent communication with affected communities is of major concern and the development of policy and operational arrangements for this emerging segment of the aviation sector provides an essential opportunity for the regulators to get it right;
- a) the Green Paper proposes some changes in community consultation, but the same flawed framework that ignores communities harmed by aircraft noise still largely applies. The community consultation framework largely fails to address community concerns as importantly as operational concerns but instead, proposes more of an education focus for citizens to accept the need for sharing noise etc. The same industry funded AsA organisation will conduct consultations as in the past which have proven relatively divisive to the community (through noise sharing procedures) in the past and delivered little practical benefit. There has been no noticeable improvement in noise levels;
 - b) it would appear that AsA have produced their soc called “world class engagement standard” to meet community requirements. It does not. The problem is that there are no metrics for how to count or use community feedback in decision making, an opaque decision making process, and there is a lack of any framework to take community concerns into account on an equal footing to other design principles e.g. operational efficiency and the over-narrowly conceived safety (of the aircraft only); and
 - c) The establishment of community expectations for noise incurrence must be established through a wide community consultation the results of which require those to be transparent and widely published. Undoubtedly, the levels will vary between communities and the level and frequency of noise experienced by those communities. The community has experienced in the past too many instances of superficial consultation or none at all. Such occurrences are totally unacceptable.
15. The many factors discussed above must be taken into account in the White Paper along with the following:

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

16. In summary the numerous deficiencies noted above lead to affected communities having to arbitrarily, unfairly and unnecessarily absorb the costs of aircraft noise resulting from, for example:

- development and expansion of airport infrastructure, such as new airports or runway changes at existing airports.
- alteration to flight paths to accommodate increased capacity or changes to air navigation technology, without appropriate community input or consultation.
- cumulative increase in training flights around General Aviation airports; and
- The primary outcome of the White Paper should be on practical and effective methods to quickly reduce the well-researched and documented noise harm from residential overfly. This to occur after consulting with affected communities and deciding appropriate levels of noise and then eliminating noise harm occurring at levels and frequencies far higher than are noise levels internationally recognised as safe.

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