

Dear Madam/Sir

I herewith wish for this email to be accepted as a formal submission to the Aviation Green Paper 2023 consultation. I confirm that I would like my submission to be formally counted, made public and published on the Department's website.

I support the issues raised and demands made in the formal and detailed submission by Brisbane Flight Path Community Alliance (BFPCA), available at <https://bfpca.org.au/whitepaper/>

I have additional comments and concerns specifically related to section 06 of the green paper, and my perspective is in the context of the noise arising from Brisbane airport's new parallel runway.

The green paper process is a consultation, yet it takes significant noise control measures such as curfews off the table in the very first paragraph (p93):

"The Australian Government remains committed to transparent and proactive aircraft noise management, ..."

yet

"The Australian Government is not considering imposing any additional constraints on airports such as curfews or movement caps."

The white paper must propose a truly transparent and equitable process that provides noise remedy using curfews and caps for all Australians, rather than privileging (and continuing to privilege) residents of select cities.

The introduction also states that

"However, a level of noise disturbance is unavoidable as activity grows to meet passenger demand."

Which misses entirely the point that some communities are already suffering with noise levels that they feel is intolerable, there are already mental health consequences, and this will only get worse. Noise is not some future problem, it is real and present right now. The white paper must propose real remedy for the current situation, not pretend it is not an issue now.

The statement

"Through the Aviation White Paper, the Australian Government will consider what additional options are needed to improve airport development planning processes and consultation mechanisms."

ignores the fact that process and consultation mechanisms were in place but were not adequately followed. What assurances can the white paper give that processes will be properly followed in future? In addition the white paper should propose remedies for residents suffering, through no fault of their own, from such failures to follow existing processes.

P95:

The stakeholder feedback box indicates that noise is a clearly a significant issue for existing communities, and yet this is not listed as a key issue on the same page.

“Effective land-use planning” is relevant to new airports and community developments, but not to established communities where the flight paths are arbitrarily changed without consultation. For residents of Brisbane the problem is not land-use planning but airspace planning.

P96:

The white paper must mandate much greater openness of all documents relating to flight path changes at airports. This includes preliminary and critical design review documents, standards, and all decisions relating to waivers of environmental assessments.

P97:

The white paper must create a fully independent ANO and adequately staff that office. That office could take responsibility for sharing all documents (planning, waivers, standards) and data (flights and noise monitors).

P98:

The four elements of the ICAO balanced approach are given as bullet points but the green paper then completely ignores the fourth point “operation restrictions”.

The white paper must explicitly consider operational restrictions, curfews and caps, as a remedy for situations where there is evidence of egregious process failure. Such a last resort remedy will incentive airports and their regulators to heed the processes and procedures that are ALREADY IN PLACE. Without significant sanction there will be no change in outcomes or respect for procedures. This is especially important in Australia where the regulator ASA is beholden to the industry and not truly independent. Community trust is broken, a strong action is required to restore it.

P99:

The white paper should propose a set of carrot and stick measures to aggressively drive down aircraft noise over the next 5 years. It took community pressure for Jetstar to finally agree to fit vortex generators to its noisy fleet.

P100:

The green paper again states the government is not considering additional curfews and caps. This is at odds with other statements about transparency. The white paper must establish an equitable application of these operational restrictions across cities in this regard. The application of these restrictions must also be used as a penalty for industry players who flouted established that processes and misled citizens. Why should the public bear the cost of this in perpetuity?

P101:

"The best tool to manage aircraft noise is effective land-use planning – limiting or preventing the construction of residences and community facilities (such as schools and hospitals) under known current or future flight paths."

This statement completely misses the point that flight paths change, and that the processes for such changes are opaque and subject to flawed process. I bought a house 35 years ago that is 20km from

Brisbane Airport - this is a personal example of land use planning, I chose not to live under a flight path. Now aircraft fly noisily 1km above my house.

The white paper must moderate the language and make it clear that land-use planning is just one tool, and that it is relevant to certain future airports and airport expansions. It must also make clear that other approaches are required when the airport is adjacent to a significant existing residential area, and those other approaches must be treated in much greater detail.

P104:

ANEF is based on research that is 40 years old and the standard document is not public, it costs several hundred dollars for a member of the public to buy it. This is not a transparency in action.

The inadequacy of ANEF has led to different projects choosing a variety of metrics. The white paper must mandate the use of a set of common noise metrics based on modern research for all new airports and airport expansions. These metrics should also agree on what is meant by the term "night time", ANEF says 7pm to 7am, whereas ASA considers it is 10pm to 6am.

Any standard should also take into account the totality of aircraft movements at any location. The debate in Brisbane is triggered by changes at BNE, but residents are also subject to general aviation and helicopters (for example, there are various medivac flight paths across Brisbane that operate at night).

P107:

To meet the aims of transparency, the documentation from every step of the flight path change process must be made public, perhaps housed on the website of a truly independent ANO.

The white paper must address the issue whereby flight path "detailed design" can take place after the environmental impacts have been assessed. This is a threshold question, but changes during final design can have massive impacts on citizens.

Another threshold question is related to

"An environmental assessment is required under the EPBC Act for changes to airspace that will have or are likely to have a significant impact on the environment, ..."

The white paper must clarify the process and public consultation around the determination of "significant".

The white paper must mandate that all planning documents should be made public.

Additionally, the white paper must mandate that all relevant data is democratised. All raw data pertaining to aircraft movements be made freely and publicly available in near real-time and also archival electronic forms. In this way members of the public (citizen scientists) can scrutinise and verify assertions made by ASA and airports about flight numbers and noise impact. This data must include flight path data from all aircraft, and raw (not statistically massaged) data from noise monitoring stations. Again, this could be hosted on the website of an independent ANO.

Democratisation of data will allow independent researchers to study and share the true nature of noise that impacts residents. The current situation is that ASA and airports provide limited and meaningless statistics, like average altitude, that obscure the true nature of the problem.

P110:

Responses to the questions (marked with \*) that were posed:

\* Do you have comments on how the operation and effectiveness of the Noise Complaints Information Service could be improved?

It is essentially a charade unless there is seen to be a pathway from complaint to change in the way aircraft noise is minimised.

\* How could the Australian Noise Exposure Forecast, and use of the ANEF in Government planning processes, be improved?

Agree on a modern research-based aircraft noise standard and definition of night time, and use this for all future projects. Any such standard must be available at zero cost to members of the public (unlike the ANEF standard).

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

It must take into account the number of noise events, total acoustic energy (duration and maximum), the interval between events, ambient noise levels in communities, house construction (double brick with double glazing in a southern state is very different to a timber house with Louvre windows in Queensland)

\* How can governments better communicate with potential purchasers of properties which will be affected by aircraft noise in the future?

This is the wrong question. How can owners of property gain knowledge of, and have input into, changes to flight paths that bring aircraft over their property. The problem is airspace use, not land use.

\* How can new and different types of noise impacts from projected growth in drone use best be managed?

I don't even want to think about this right now, aircraft noise is enough of a nightmare.

\* Do these processes provide sufficient opportunity for impacts on the community to be identified and taken into account? How can they be improved?

Again, this is the wrong question. The issue is not the process, but adherence to process. The community has lost trust, and that must be rebuilt by creating an environment with real sanctions in order to change behaviours and stop the industry and its captive regulator from riding roughshod over citizens.

\* What can be done to proactively mitigate noise impacts by better informing residents and land-use planners?

See point above, this question implies that flight paths are fixed forever and they are not.

\* What else can airlines and airports do to support better management of aircraft noise?

Airports must offer incentives and penalties to encourage quieter aircraft fleets, or the government must impose minimum standards (as is done for fuel efficiency in cars).

\* Could governance arrangements for the Aircraft Noise Ombudsman be improved to provide greater independence, including publishing its findings and reports?

The ANO should be completely independent from ASA.

\* Are there opportunities to improve transparency by publishing information about other decisions made by CASA, Airservices or airports around flight paths, and how aircraft approach and depart airports?

All documents that relate to flight path planning (from airports, ASA and CASA) should, as a matter of principle, be made available for public scrutiny since it is the public that is impacted by these decisions.

\* How can the flight path design principles be improved?

Again, this is the wrong question. They should follow the procedures that are already in place, and there should be sanctions for airports that don't do this, and remedy for residents who have been misled and impacted. Curfews and caps would go some way to achieving both objectives.

P113:

\* How can the existing consultation framework be improved to facilitate efficient planning and development, while preventing environmental harm and ensuring continued access for aviation users?

The fundamental issue is one of trust. There were mandated processes that were not followed, and there was no sanction for that. What confidence will citizens have that improved procedures will be followed any better than the ones from previous white papers. This question is really about how can public confidence in consultation processes be restored.

Additionally, I demand:

The urgent development of a Bill of Rights for Communities Affected by Aviation Operations – in parallel to the proposed Bill of Rights for Air Travellers.

The Australian Government recognises that aircraft noise pollution is a medical and social harm, not merely a nuisance. The fact that it is not inevitable but avoidable is conveniently ignored in aviation policy in Australia so as not to interfere with operational efficiency.

The Australian Government must introduce aviation noise regulation. There is currently no regulated maximum noise level for aircraft flying over residential areas. Without any maximum level set out in legislation or regulation, there is no objective measure to determine whether any aircraft flying in Australia is “too noisy,” or whether the combined load of aircraft experienced by a community is “too much” noise. This is an untenable situation requiring urgent rectification by adopting the World Health Organization's upper limits of 45 dB during the day and 40 dB at night.

The Australian Government abolishes industry self-regulation as it has failed in protecting communities. Instead, the community needs an independent regulator with teeth that is responsible for protecting the community. This regulatory function must NOT be paid for by the aviation industry as is currently the case.

The Australian Government recognises that night time curfews are not a death knell for the industry, but rather an ethical requirement to rectify past policy mistakes in land use planning and developing and approving aviation infrastructure that results in loud and frequent residential overfly throughout all hours of the night. A curfew must be introduced in Brisbane as a matter of priority.

The Australian Government amends the Air Services Act 1995 to free Airservices Australia from its regulatory capture by the aviation industry and ensure it protects the human and natural environment, community amenity and residential areas from the effects of the operation and use of aircraft. The conflict of interest in Airservices Australia being a corporate service provider for the aviation industry as well as obligated under the Air Services Act 1995 to uphold community protections is untenable and must be resolved by urgently separating Airservices' conflicting interests, that is, their commercial arm servicing the aviation industry and their legislated obligation to protect communities. The board of directors and the entire executive management team need to be removed from office and investigated for failure to protect communities from the effects of and associated with the operation and use of aircraft (Air Services Act 1995, Section 9).

The Aircraft Noise Ombudsman (ANO) must be removed from the corporate grip of Airservices Australia and the aviation industry and integrated with the Commonwealth Ombudsman. The ANO must be properly resourced and given authority to lead investigations with teeth, issue penalties to airlines and airports, and refer corporate and government decision makers to the National Anti-Corruption Commission for further investigations if required.

The Australian Government enacts the ICAO "Balanced Approach" for aircraft noise management globally that also includes aircraft operating restrictions. Minister Catherine King issues an Airport Capacity Declaration for Brisbane Airport of 45 flights an hour as provided for under the Airports Act 1996, Section 195, in order to provide Brisbane families and communities with certainty about the maximum number of flights to expect in a given day as well as into the future.

Minister Catherine King issues an immediate Ministerial Direction to Airservices Australia as provided for under the Air Services Act 1995, Section 16(1), which requires Airservices to redesign the Brisbane airspace and flight paths that will (i) immediately remedy the current concentration of noise pollution over Brisbane families and communities, and; (ii) achieve a significant and noticeable

net reduction overall in the noise pollution and health impacts experienced by Brisbane families and communities. This includes introducing international best practice noise abatement procedures such as prioritising SODPROPS at all times and meeting quarterly noise abatement performance targets.

Airservices formally apologises to Brisbane communities for their unethical conduct and failures over many years and publicly state that noise sharing is an ethically bankrupt concept. Noise sharing is nothing other than legalised harm by attempting to spread a known hazard on to more citizens without proper research into its economic, medical and social effects, in order to avoid mitigating or preventing the harm at source. It is analogous to spreading a known toxin to more areas instead of trying to remediate it and prevent further dumping. It also divides communities and reduces already fragile social cohesion by forcing different communities to participate in a 'complaints lottery' to see who has to endure the noise harm, and who can escape it.

Minister Catherine King declares Brisbane Airport a leviable airport under the Aircraft Noise Levy Act 1995 to impose and collect aircraft noise levies. These levies are to be distributed as compensation to all Brisbane residents in the vicinity of any of Brisbane Airport's flight paths and within the noise contours associated with compromised health and educational outcomes as well as to offer a full compensation for the 10.67% decline in property values (see the Government's own commissioned study conducted by JLL as part of the 2016 WSA MDP/EIS.)

Peter Corke

