

I have made a noise complaint to Air Services about light aircraft doing circuits over our property at Fortis Creek NSW 2460 (see attached screenshots of activity). I have suggested that the area for Grafton RNP approach and/or holding pattern portion to be moved to an uninhabited area such as Yuraygir National Park, Pinebrush Nature Reserve or the North area of Banyabba Nature Reserve. The Ombudsman has suggested I make a submission to this Green Paper.

**Noise Complaints and Information Service**

PO Box 211, Mascot NSW 1460

t 1800 802 584

www.airservicesaustralia.com

ABN 59 698 720 886

██████████  
Via email

18 July 2023

Dear ██████████,

Thank you for contacting Airservices Australia's Noise Complaints and Information Service (NCIS). I am writing in response to your noise complaint received on 18 May 2023.

I understand your complaint to be about light aircraft that repeatedly fly over your area. I understand you chose to live in the area for the peace and quiet and you find the noise from the activity annoying, particularly at night.

Thank you for offering to send screenshots of the activity. Unfortunately, due to our IT security policy, we are unable to accept screenshots or attachments. We do have access to an in-house flight tracking program however your area of Fortis Creek is situated at the edge of the range of the program and for this reason, not all aircraft are visible to us. We have used a public flight tracking program, Flightradar24, to review some flight tracks over your area and believe based on these tracks, the aircraft are conducting holding at a published holding point for the Required Navigation Performance (RNP) approach for Grafton Airport. This is not a new procedure. Pilots who are learning to navigate will sometimes track to the point to conduct holding before tracking to the airport. These aircraft may be on a training exercise, often from Gold Coast Airport.

Our organisation, Airservices Australia, is an air navigation service provider. We also manage noise complaints nationally. The legislation we are governed by does not give us powers to stop or limit any type of aviation activity. Therefore, we cannot require activity such as the one you are disturbed by to cease, nor can we limit the hours it takes place or the number or frequency of flights. The airspace is public and may be used in accordance with Civil Aviation Regulations. For these reasons, we can only provide information.

In Australia, there are two major types of airspace: controlled, and uncontrolled. Controlled airspace is actively monitored and managed by air traffic controllers. To enter controlled airspace, an aircraft must first gain a clearance from an air traffic controller. Uncontrolled airspace has no supervision by air traffic control so no clearance is required to operate in uncontrolled airspace. The large majority of light aircraft and helicopters operate outside or underneath controlled airspace. More information on how airspace is managed can be found on our website here: <https://www.airservicesaustralia.com/about-us/our-services/how-air-traffic-control-works/how-airspace-is-managed/>

I have reviewed some aeronautical information and a pilot chart for your area and found the lower level of airspace up to 8500 feet is classified as uncontrolled airspace. This means aircraft flying below 8500 feet in your area are not communicating with air traffic control and do not need an airspace clearance to fly there. Aircraft flying within uncontrolled airspace have to comply with normal aviation rules and regulations with regard to altitudes and separation requirements with other aircraft, however there is generally no restriction as to where they can fly whilst remaining in uncontrolled airspace.

In general, there are no regulations or legislation that prevent aircraft from flying over an area, either in terms of the length of time or the time of day or that limits the amount of flights over an area per time period. Similarly, there are no regulations or legislation that set out maximum noise levels for aircraft over residential areas. Rather, aircraft operating in Australia are required to meet noise standards imposed through the *Air Navigation (Aircraft Noise) Regulations 2018*. These regulations stipulate strict compliance with international noise standards that apply to the design and production of aircraft and specify the amount of noise that may be emitted by an aircraft type or model. Aircraft that do not meet these standards are prohibited from engaging in air navigation in Australia.

Responsibility for aviation operations is shared between a range of parties including Airservices Australia, other federal government agencies, airlines and operators, pilots, airports and state and local governments. I have included some information about the roles and responsibilities for aviation in Australia in Appendix 1.0 at the end of this response.

Thank you for taking the time to bring your concerns to our attention. I hope this information is of assistance. If you do have further concerns or require clarification of information, please contact us again through our online form: <https://complaints-au.emsbk.com/asa5> or by one of the methods below.

Yours sincerely,

**Ashley**  
**Complaints Specialist**  
**Noise Complaints and Information Service (NCIS)**  
**Airservices Australia**

**Online form:** <https://complaints-au.emsbk.com/asa5>

**Telephone:** 1800 802 584 (free call) | **Post:** PO Box 211 Mascot 1460

**Web:** <http://www.airservicesaustralia.com/community/environment/aircraft-noise/about-making-a-complaint/>



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#### **Disclaimer**

The information contained in this document is for information purposes and is indicative only. Aircraft movements and flight paths are affected by variable factors such as weather, separation requirements and congestion at relevant airports, and can therefore change without notice. While Airservices Australia has taken reasonable steps to ensure the accuracy of this information, Airservices Australia makes no warranty or representation that it is current, accurate or complete. Information required for operational purposes must be checked against original sources. Contact the relevant section of Airservices Australia for more information, or obtain the appropriate Airservices publication.

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## **Appendix 1.0**

### **Roles and responsibilities for aviation in Australia**

#### **Airservices Australia (Airservices)**

Airservices is Australia's civil Air Navigation Service Provider (ANSP) to the aviation industry and provides aviation rescue firefighting services at 27 of Australia's busiest airports. Airservices is a corporate Commonwealth entity established and governed by the Air Services Act 1995. Airservices publishes aeronautical data, maintains aviation telecommunication infrastructure and radio navigation aids, updates flight procedures and provides a national aircraft Noise Complaints and Information Service (NCIS).

#### **Airport Operators**

Airport operators are the decision-makers for all on-airport activities, including developing infrastructure to support aircraft operations, such as new runways, and safeguarding aviation operations. Airport operators may also develop noise management plans, limit aircraft movements, encourage quieter fleets, prepare long-term forecasting of aircraft noise around the airport, such as the Australian Noise Exposure Forecast (ANEF), and manage local community engagement.

#### **Aircraft Operators**

Aircraft operators are responsible for what is referred to as "noise at source". They make decisions about what type of aircraft they operate, what engines they equip aircraft with, and which airports they fly those aircraft to. Aircraft operators can also modify aircraft to reduce noise impacts and invest in newer fleets. All these factors can impact the noise experienced on the ground.

#### **Civil Aviation Safety Authority (CASA)**

CASA is a government body that regulates Australian aviation safety. It sets rules that pilots, aircraft operators, air traffic controllers and airports must comply with. CASA validates the instrument flight procedures Airservices produces and is the ultimate approver of Airspace Change Proposals.

#### **Department of Infrastructure, Transport, Regional Development, Communications and the Arts**

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) is responsible for administering Minister approval of airport infrastructure projects for federally leased airports, generally submitted through a Major Development Plan (MDP) and Environmental Impact Statement (EIS), and for providing policy advice to the Minister on the efficient management of Australian airspace and aircraft noise and emissions. Airport curfews are legally enforceable and regulated by the Department, who can make a determination of a curfew violation and prosecute an airline or aircraft operator for breaching a curfew. The Department can make recommendations to the Government on regulatory measures to manage aircraft noise. This department is also responsible for setting the requirement for federally leased airports to produce an ANEF.

#### **Department of Climate Change, Energy, the Environment and Water**

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) administers the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and is involved in assessing any proposed changes to aircraft operations that trigger "significance" under this Act. The Commonwealth Minister for Environment provides advice on these changes.

## **Department of Defence**

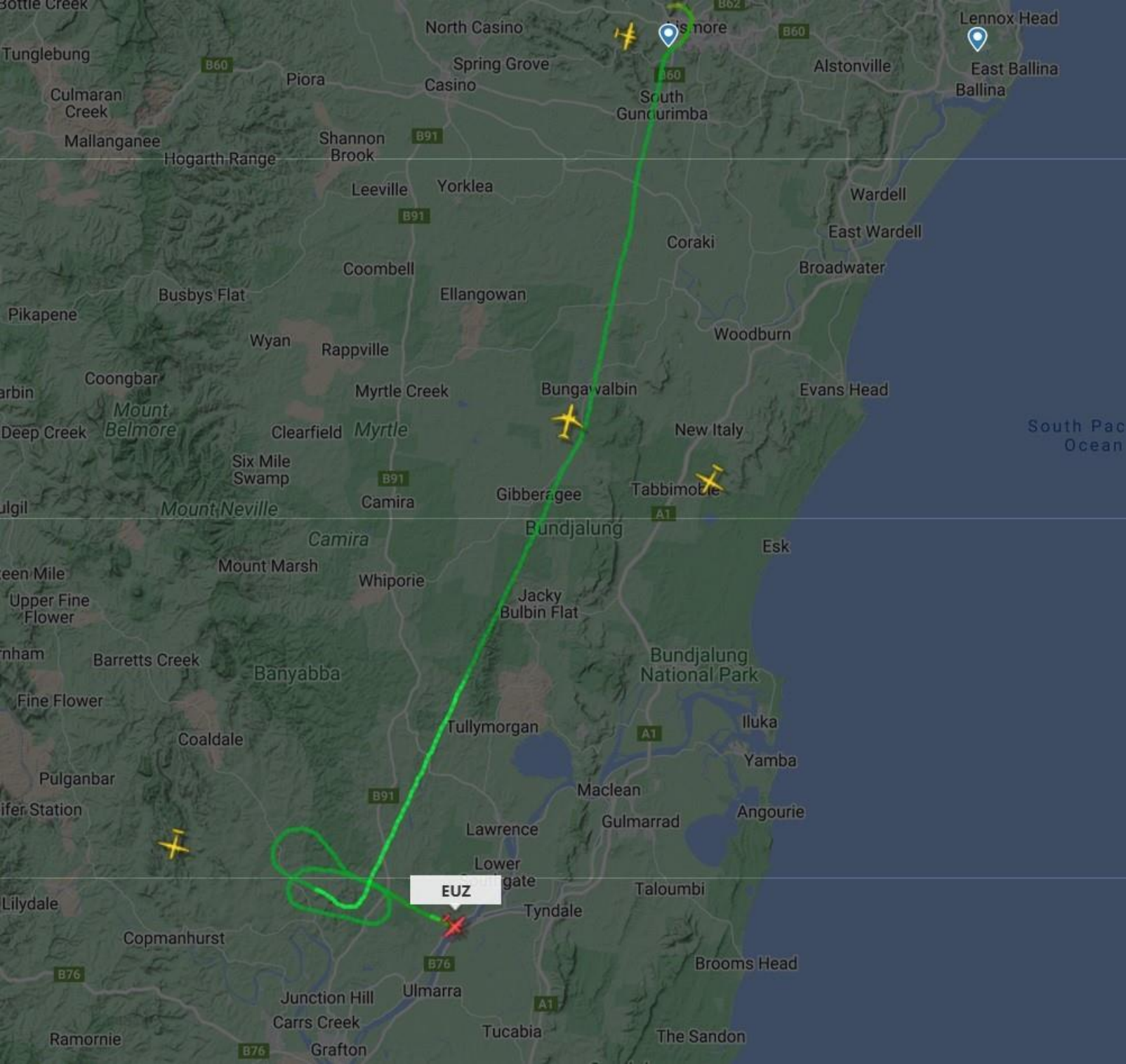
The Department of Defence is responsible for aircraft operations by military aircraft at military-controlled airports. They provide information, undertake community engagement and are responsible for managing complaints about military aircraft noise.

## **State and Local Government**

State, Territory and Local Governments are responsible for land use planning around airports through zoning, subdivision control, and comprehensive planning actions. Local Governments may also be airport owners.

## **Aircraft Noise Ombudsman**

The Aircraft Noise Ombudsman conducts independent administrative reviews of Airservices and Department of Defence management of aircraft noise-related activities.





Lawrence Museum

Lawrence

Everlasting Swamp National Park

Everlasting Swamp State Conservation Area

Lower Southgate

Dilkoon

Clifden

Fortis Creek

The Pinnacles

Warragai Creek

Brushgrove

Cowper

Moleville Creek

Kyarran

Southgate

Coldstream

The Whiteman

Mountain View

Trenayr

Crowther Island

Junction Hill

Ulmarra

Strontian Park

Calliope

UPPER COLDSTREAM

Gilletts Ridge

Great Marlow

Carrs Creek

Carrs Island

Swan Creek

Tucabia

Waterview Heights

Waterview

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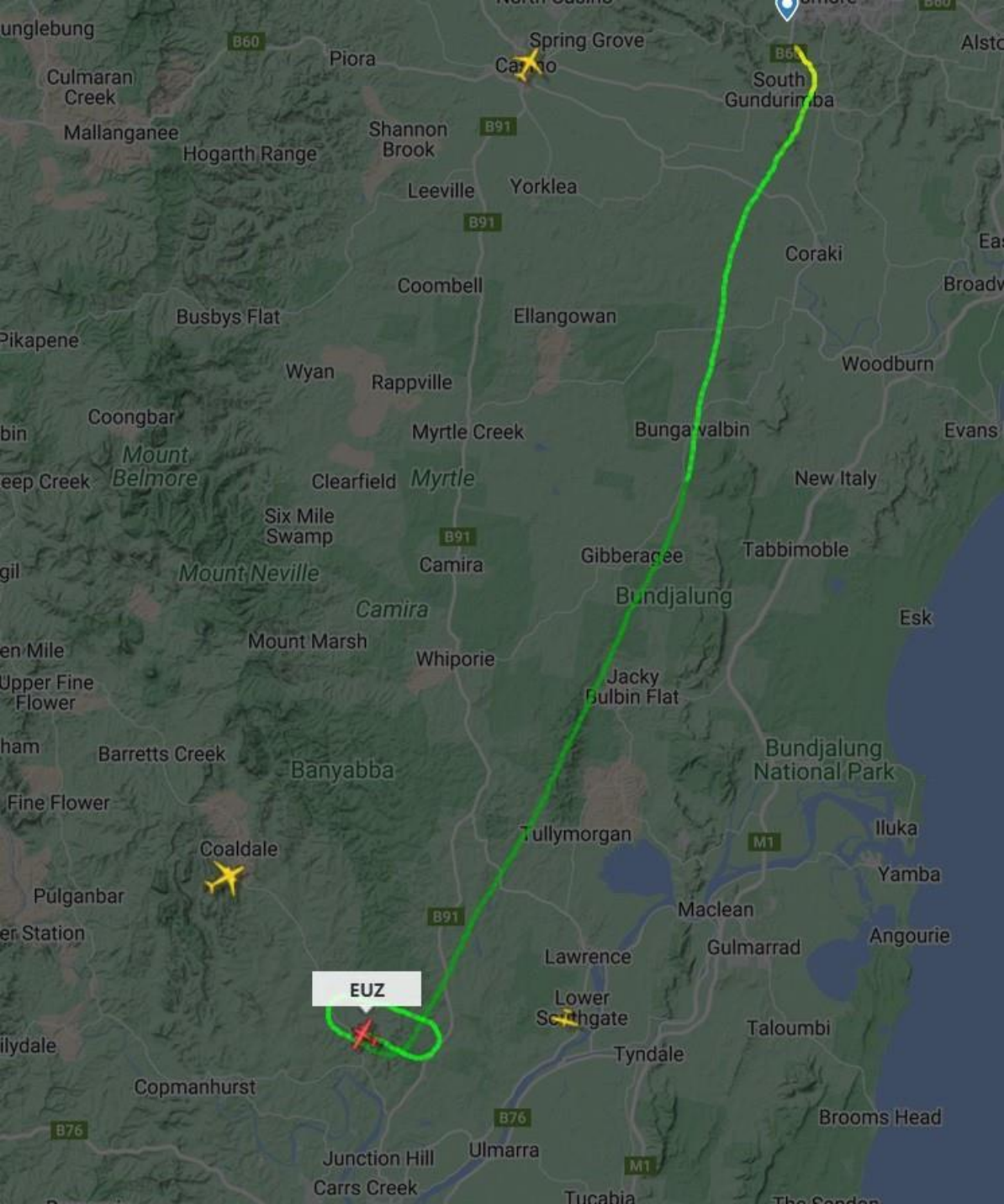
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Fortis Creek

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Whiteman Creek

Moleville Creek

Clarence River

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The Whiteman

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Mountain View

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Crowther Island

Junction Hill



Strontian Park

Calliope

Ulmarra

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Carrs Island

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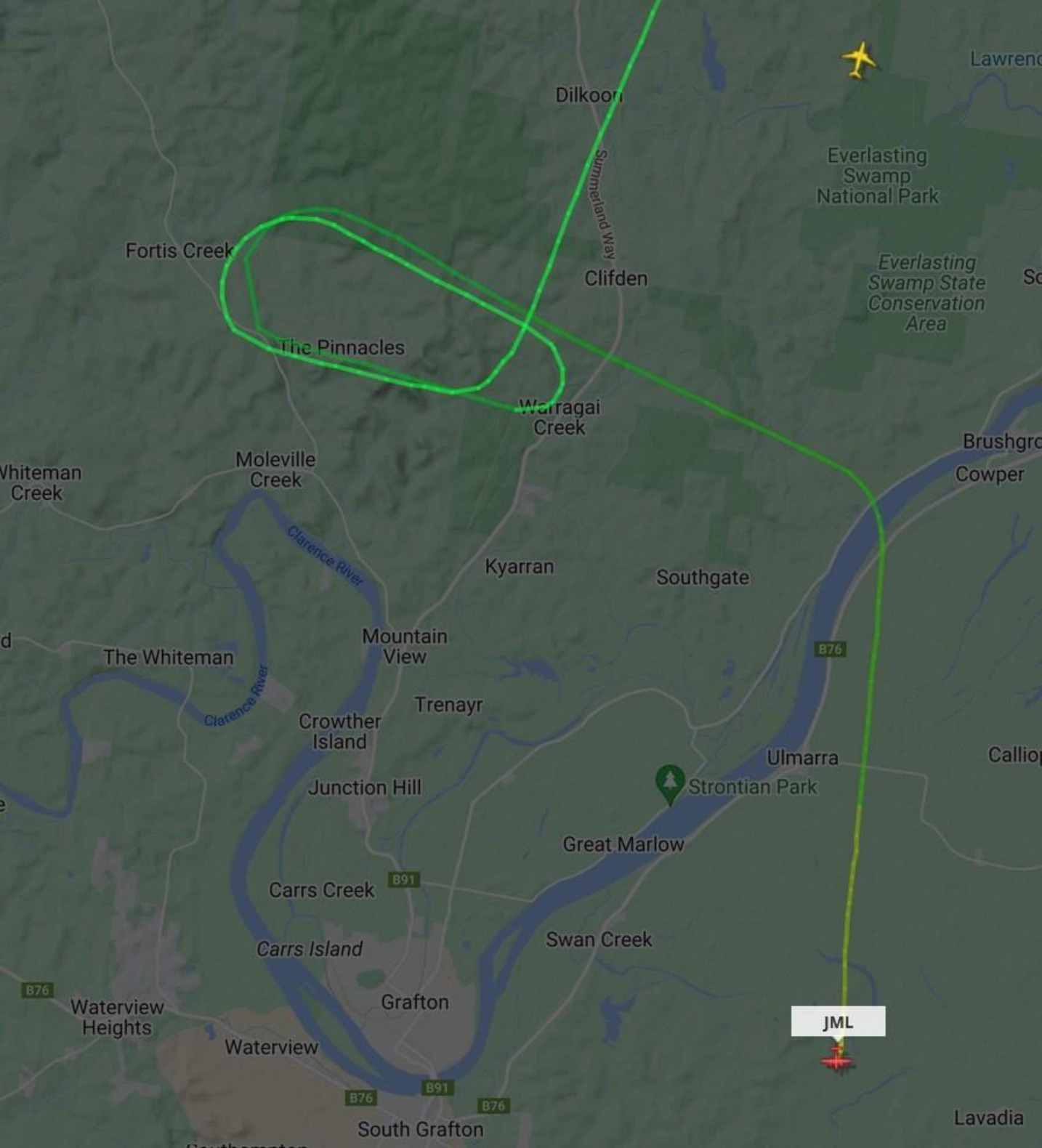
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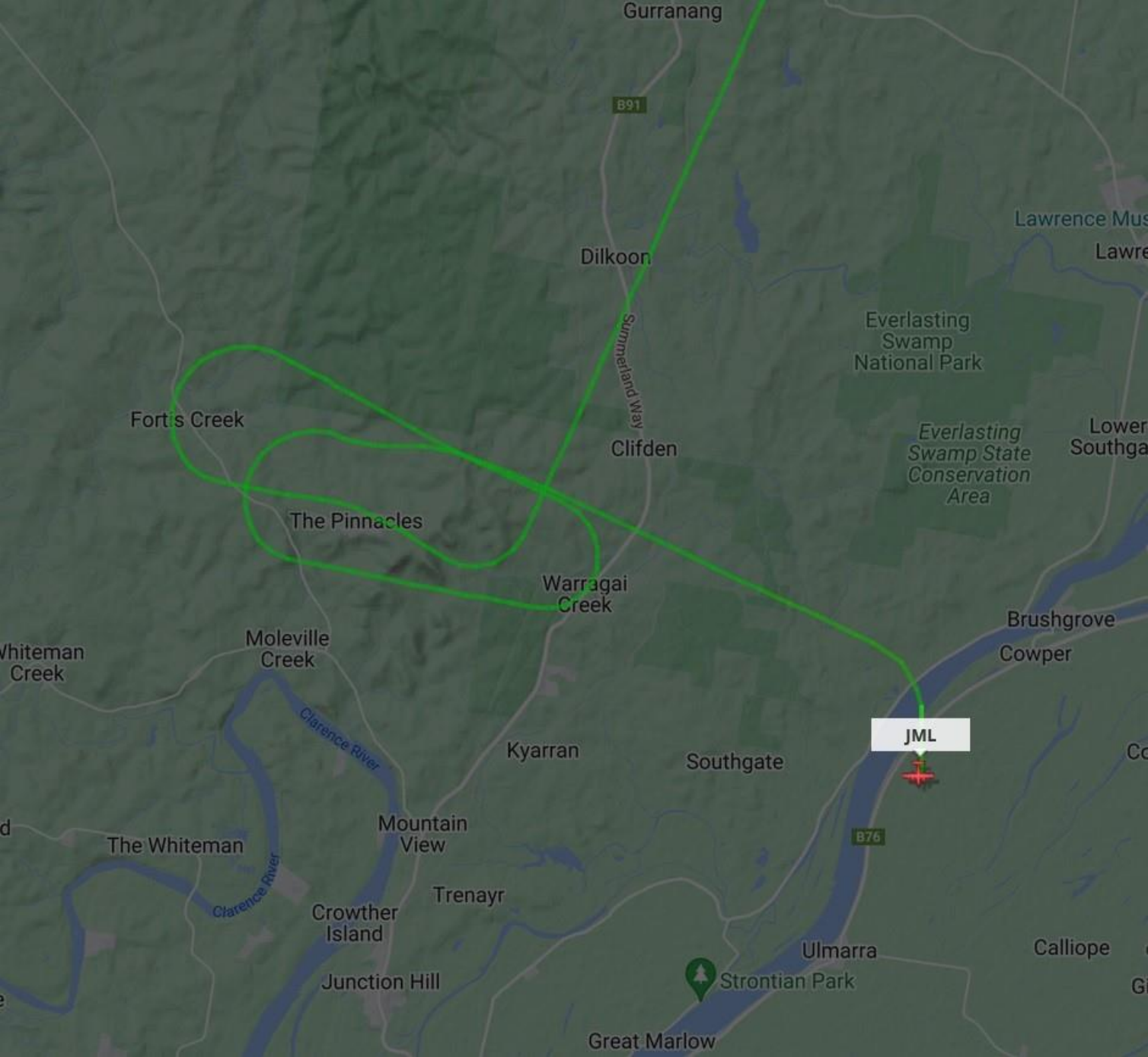
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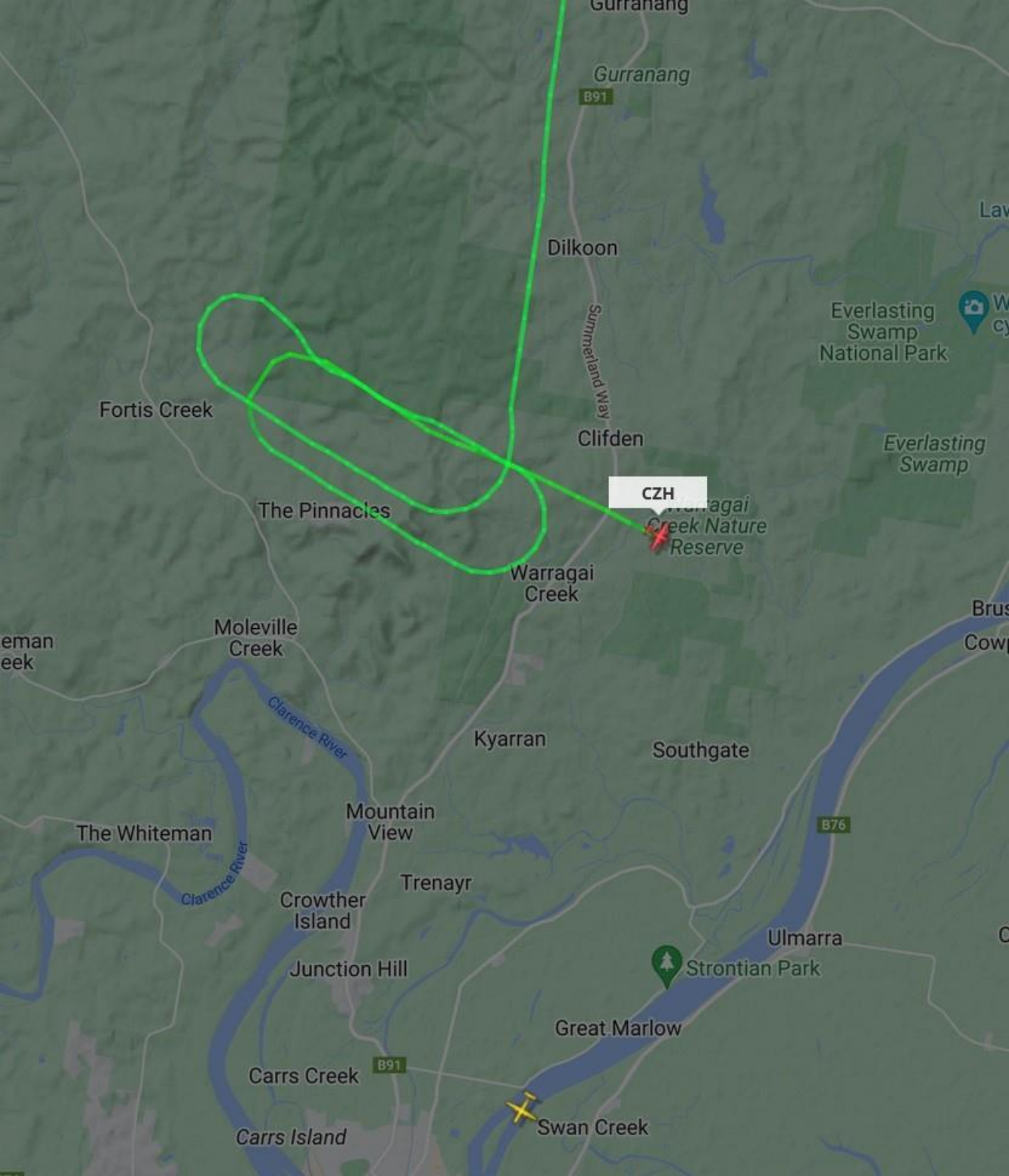
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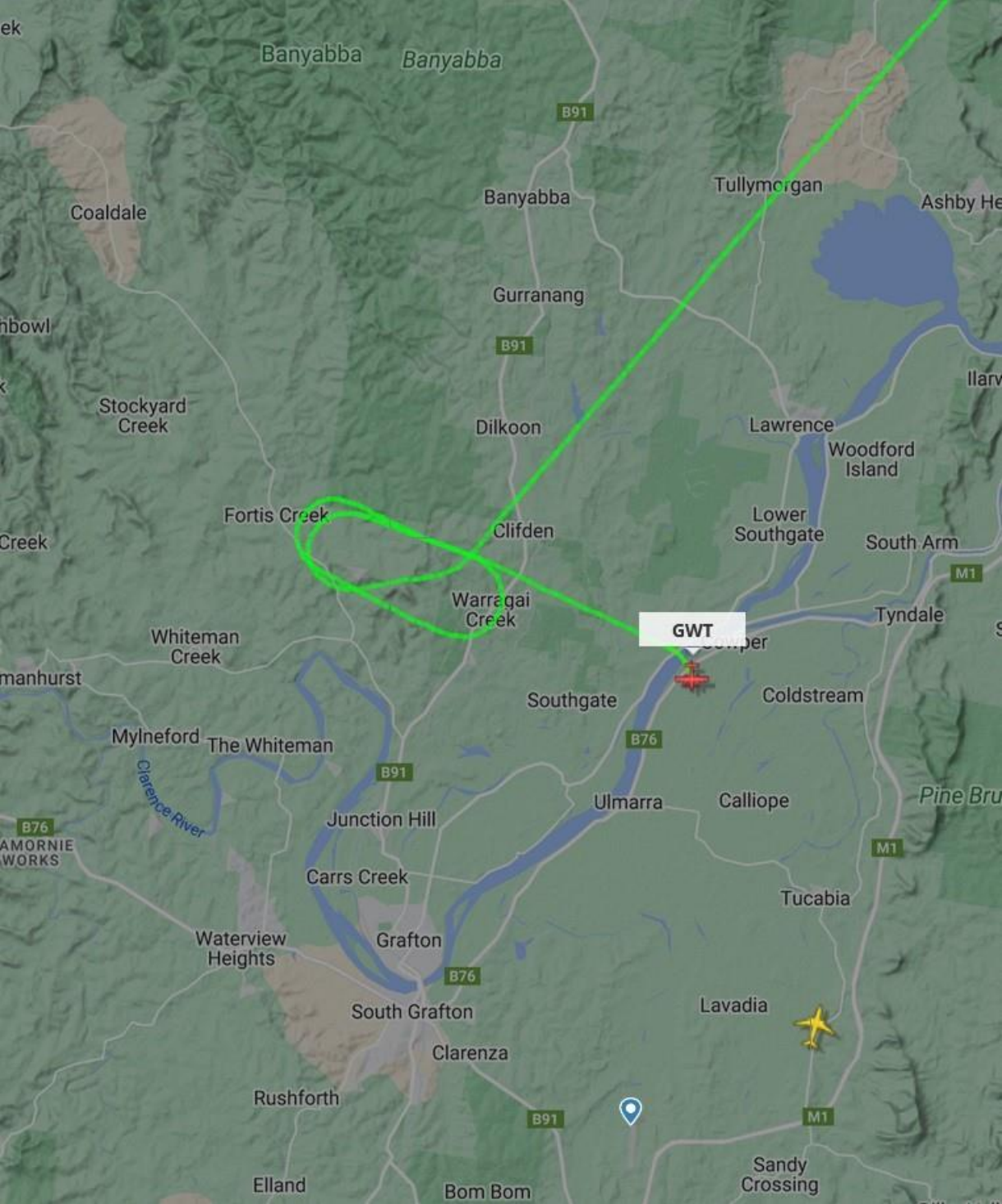
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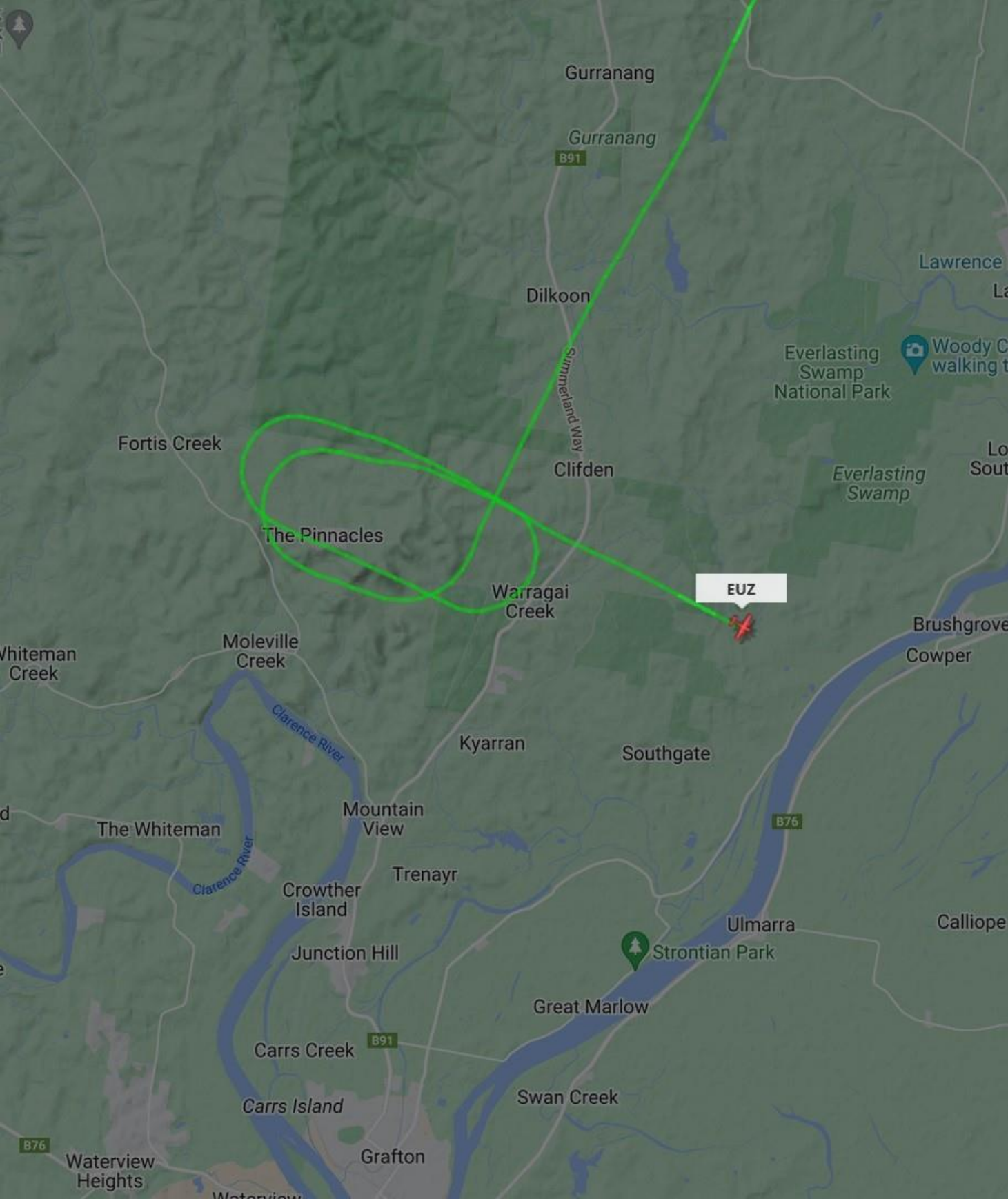
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