

30 July 2009

Mr Nicholas Dowie
Section Head
Airports Planning, Policy and Environment
Aviation and Airports Division
Department of Infrastructure, Transport,
Regional Development and Local Government
GPO Box 594
CANBERRA ACT 2601

Dear Mr Dowie,

**RE: SUBMISSION IN RELATION DISCUSSION PAPER
“SAFEGUARDS FOR AIRPORTS AND THE COMMUNITIES
AROUND THEM”**

Thank you for the opportunity to make a submission.

Council's submission is concerned with Part B: Planning and compatible development and in particular the effectiveness of the current ANEF system and how it could be strengthened.

In summary Council supports retention of the ANEF system as a land use planning system to manage noise in the vicinity of Airports with some modifications. However it should not be used as the sole means to describe noise to the community which has been a criticism of it for many years. Instead it needs to be strongly supported by the provision of additional comprehensible noise information such as relational indices on aircraft noise which are easily understood by members of the community. This is consistent with Council's earlier submission on the National Aviation Policy Green paper and partly supports the first and third options as outlined in the Discussion Paper (pages 8-9).

ANEF System

The current ANEF system can be improved and strengthened. However overall it is considered that it is not so defective that it needs to be discarded and replaced. It still remains the most technically rigorous of any system.

Some of its other strengths include it already being part of a regulatory system as well as being supported by an Australian Standard AS 2021. Consequently it is already widely recognised by both practitioners and members of the community. Another of its strengths is that the acceptability criteria for residential development are amongst the strictest in the world¹.

As such it can be argued that the system supplemented with additional information on aircraft noise can provide reasonable protection to an airport-lessee as well as to the community in a form which conveys a mental image.

For example in the local situation the recent technical endorsement (June 2008) of Canberra Airport's Ultimate Practical ANEF means that new greenfield residential development cannot occur within 8.5 kilometres of the Airport.

Of course this won't eliminate all aircraft noise complaints. For example there are likely to be some noise sensitive people who will lodge complaints about aircraft noise irrespective of the system used for land use planning or whether or not they live outside of ANEF 20.²

A number of the ANEF system's shortcomings were highlighted in Council's previous submission on the National Aviation Green Paper.

These include a high degree of scepticism due to the role that airport-lessees have in determining which ANEF to use. Associated with this is the nature of the inputs to be provided in preparing an ANEF, and the restricted role of AirServices Australia in endorsing it for technical accuracy as well as the lack of mandatory public consultation associated with it

To address this it is suggested that the following changes be made in regard to the *Regulations to the Airports Act 1996*:

- Provisions to further define the role of Airservices Australia (or alternatively some other expert body) in endorsing an ANEF chart before presentation as part of a preliminary Draft Master Plan. This role should include consideration of the type of ANEF that should be produced for a particular Airport, and the reasonableness of all assumptions underlying the ANEF calculations;
- AirServices or another government agency should be assigned a role in which a detailed analysis of the forecasts that are adopted by airports to produce draft ANEFs (such as achievability of forecast flights, impacts of fuel costs, tourism, and the future availability of resources etc);
- A provision to ensure that the results of Airservices Australia's considerations are available to the public during the period of public consultation in relation to a preliminary Draft Master Plan; and

¹ Department of Transport and Regional Services 2000, *Discussion Paper: Expanding ways to Describe and Assess Aircraft Noise*, page 46.

² Department of Transport and Regional Services 2000, *Discussion Paper: Expanding ways to Describe and Assess Aircraft Noise*, page 46-38.

- In the case where a new ANEF chart is prepared other than as a part of a new Master Plan, this should be part of an Airport’s new preliminary Draft Master Plan, rather than a new Draft Master Plan. The preliminary Draft Master Plan would be subject to the provisions for public comment as described in Sections 79 and 80 of the Act, before being presented to the Minister for approval, together with a certificate demonstrating that the Airport has had due regard to those comments in preparing the Draft Master Plan.

The consequences of the current system include:

- Possible failure to recognise and account for the fact that aircraft are becoming less noisy. In relation to this IATA has observed:

“Thanks to technology, today’s aircraft are 50% quieter than 10 years ago. Research initiatives target a further 50% reduction by 2020. The number of people exposed to aircraft noise worldwide has gone down – by about 35% between 1998 and 2004”.

They go on to state:

*“On 1 January 2006, a more stringent noise certification standard – Chapter 4 – was introduced, for new aircraft designs. Chapter 4 aircraft are at least one third quieter than those currently certified to the chapter 3 standard”.*³

- Imposition of costs on the community that may never have been necessary. For example the private residential sector may have to comply with AS2021, despite the fact that forecast air movements in, for example 2050, may never be realised.
- Uncertainty of planning horizon beyond 20 year period for critical factors such as the future availability and cost of fossil fuels, the future of the airline industry, technological advancements and the like. A planning horizon of 15 – 20 years is a much more certain time horizon in which to plan for and parallels the current 20 year planning period required by the Airports Act 1996.
- Creation of potential litigation e.g. Village Building Company Limited v Canberra International Airport Pty Ltd & Ors [2003] FCA 1195, Village Building Company Limited v Canberra International Airport Pty Ltd & Ors [2004] FCAFC 240, and Robin Pty Ltd v Canberra International Airport Pty Ltd [1999] FCA 1019, all of which raised issues concerning Canberra International Airport’s 2050 ANEF4.

It would seem that many of the criticisms/shortcomings of the ANEF system would also apply to other land use planning systems which puts a line on a map.

³ IATA paper titled Balanced Approach to Noise Management around Airports.

⁴ Queanbeyan City Council December 2008, *Submission on National Aviation Green Paper*, pages 8 – 7.

For example the Discussion Paper on page 8 raises a number of limitations with the ANEF system and its associated planning controls. These include:

- *Experience has shown that ANEF contours do not provide a complete picture of the areas where residents are likely to have an adverse reaction to aircraft noise;*
- *The contours do not easily correlate to a publicly understandable ‘decibel’ noise level;*
- *ANEF’s do not capture areas under very busy flight paths used by light aircraft such as training circuits, which can be more annoying to some individuals than a small number of loud noise events; and*
- *Aircraft noise does not stop at a contour line on a map.*

These could equally apply to alternatives such as N70 charts particularly to noise sensitive members of the community.

In addition N70 charts are strongly influenced by the type and / or mix of aircraft used to depict N70 noise events. Similarly to the ANEF system they must also assume a particular mix of aircraft types to predict future N70 events which also provides opportunity for criticism by the community.

Supplementary Noise Information

It is because of the above limitations and factors that it is agreed that there is a need for easily understood and transparent aircraft noise information to supplement the ANEF system.

Consequently Council supports material which represents aircraft noise and events similar to that depicted on page 38 of the Department of Transport and Regional Services Discussion Paper: Expanding ways to Describe and Assess Aircraft Noise.

Council also supports the internet flight tracking system “Webtrak” used by Airservices. This appears to provide accurate and current data on aircraft movements. This system and the data collected should be used as an audit and validation of the flight paths and ANEFs that have been outlined in Airport master plans as endorsed by Airservices.

Needed with this is an explanation of what is the minima acceptable noise impact and to specify the circumstances in which the minima are enforced?

In addition the Commonwealth Government needs to work with State Governments to ensure that local governments under the local planning regime provide reference to sources of information on aircraft noise on zoning certificates i.e. known as section 149 certificates in NSW.

If supported the ANEF system needs to be confirmed as the appropriate standard. If the Standard is confirmed then all parties need to operate within its guidelines and not pursue their own more restrictive standards such as Canberra Airport’s High Noise zone which has occurred locally.

Once selected the appropriate standard needs further legislative support to ensure that it is consistently applied.

The Discussion Paper fails to canvas what airport-lessees can do to protect themselves from adverse community reaction.

ICAO's Balanced Approach is one approach which could supplement the above. It provides a transparent process for identifying a specific noise problem at an airport and then evaluation four types of measure to reduce noise, to see how the maximum environmental benefit can be achieved, most cost effectively.⁵

“ICAO's Balanced Approach consists of identifying the noise problem at an airport and then analysing the various measures available to reduce noise using four principal elements, namely:

- *reduction at source;*
- *land-use planning and management;*
- *noise abatement operational procedures; and*
- *aircraft operating restrictions.*

The goal is to address the local noise problem in the most cost-effective manner, on the understanding that the solutions need to be tailored to the specific characteristics of the airport concerned. ...Furthermore, these measures must be:

- *the most cost-effective ones; and*
- *must fall within the four principal elements of the Balanced Approach.*

ICAO also urges States and airports to be transparent when considering mitigation measures, by:

- *assessing the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;*
- *evaluating the likely costs and benefits of the various measures available and, based on that evaluation, selecting measures that achieve maximum environmental benefit most cost-effectively; and*
- *disseminating the evaluation results for the purposes of stakeholder consultations, in particular with airlines, and for dispute resolution.”*

In regard to the Discussion Paper's option of:

“Ensuring that supporting the current and future operations is one of the objectives of planning and establishing arrangements for that objective to be balanced with others in planning and development decisions”.

It is submitted that airport-lessees also have a responsibility to ensure that their airport planning is balanced and consistent with the applicable strategic and statutory plans of the State and / or Territory in which it is located. This is currently recognised by section 71(6) of the *Airports Act 1996* and should be retained as a principle and isn't reflected in the above option.

⁵ IATA paper titled Balanced Approach to Noise Management around Airports.

One of the Discussion Papers options is:

“considering special arrangements for state and local government consultation with the Commonwealth government on proposed developments around federal airports so that the impacts on airport operations can be fully assessed and taken into consideration in decision-making”.

While over the last 12 years or so there has been a trend towards Australian wide development assessment standards, the majority of land use planning is done at State and / or local level and this should remain the case for these types of development. However the ANEF system is a national system and any revised ANEF system as supplemented by additional information on aircraft noise, should remain a national system but be introduced and effected through State and / or Territory planning regimes.

Please do not hesitate to contact David Carswell or Lorena Blacklock 6298 0276 if you require further information.

Yours faithfully

GARY CHAPMAN
GENERAL MANAGER

cc Mayor
Executive Manager Strategic Planning
Strategic Planning Coordinator
Dr Kelly AM MP
The Hon Anthony Albanese MP,
The Hon Kristina Keneally MP
The Hon Steve Whan MP