



**Australian Government**

**Department of Transport and Regional Services**

## **DISCUSSION PAPER**

# **Proposed New Approach to the Management of *Adventure Flights***

**November 2004**

## 1.0 Background

*Adventure Flights* are commercial operations offered to thrill seeking patrons that involve elements such as mock combat, simulated strike missions and aerobatic manoeuvres and are often conducted in ex-military aircraft that do not meet current noise standards. Traditional sightseeing or joy flight operations are not considered to be *Adventure Flights*. There has been significant growth in the commercial *Adventure Flight* industry over recent years.

*Adventure Flights* are generally carried out at smaller airports. Ex-military jets can have a noise signature that is significantly louder and distinctly different from the other aircraft operating at those airports. These operations therefore have the potential to be highly annoying to local residents and have generated complaints at a number of locations.

Operators of aircraft that do not meet current noise standards must seek permission from the Department to operate in Australian airspace. Permissions to operate *Adventure Flights* are issued under Regulation 9A(2)(b) of the *Air Navigation (Aircraft Noise) Regulations 1984*, that is the historic significance of the aircraft justifies giving the permission.

The current regime for granting approvals for *Adventure Flights* is based on a ‘local support’ model. In essence, approval is granted for the flights at specific airports, subject to conditions, if the operator is able to demonstrate the support of the airport and/or the relevant local government authority. The conditions contained within approvals issued by the Department are essentially based on a set of ‘rules’ agreed between the operator and the airport.

Experience with the current system has shown that the roles and responsibilities of the various parties need to be more clearly defined. To achieve this goal the Department is proposing a system where the granting of a permit would be contingent upon a Fly Neighbourly Agreement (FNA) being in place at the airport from which *Adventure Flights* are to be conducted.

## 2.0 Broad Policy Goal

The Department’s broad policy position is that the environmental aspects of *Adventure Flights* should be managed at the local level. This position has been in place for some time and there is no proposal to move away from it.

If the broad policy position is to be achieved two generic criteria need to be satisfied.

- There is local agreement on the operation of *Adventure Flights*.
- There is the will and capability for the environmental issues arising from *Adventure Flights* to be managed at the local level.

### **3.0 Shortcomings with the Current Approach**

In general terms the current approach successfully picks up the concept of local support. However it does not put in place an adequate regime for local management of the environmental aspects of the operations.

The following are specific shortcomings that have been identified.

- The current approach does not facilitate transparency. The conditions for the *Adventure Flights* are contained in a letter of approval which the Department issues to the operator. There is no set process for these conditions to be promulgated to a wider audience so that all interested parties are clearly aware of the rules. For a member of the community there is no clear mechanism for lodging complaints (or requests for information) or for seeking to have changes made to the operating conditions.
- While the ‘local support’ approach is designed to confine operational decision making to the local level, in practice the roles and responsibilities of the various parties involved are not clear. The current regime has generated community expectations that the Department will become directly involved in the day to day management/monitoring of, or will unilaterally withdraw approval for, *Adventure Flights* when complaints are made.
- At some airports there are, and may continue to be, more than one *Adventure Flights* operator. Issuing a series of separate approvals could lead to cumulative impacts being overlooked. It could also lead to uneven treatment of different operators.

### **4.0 Proposed new Approach**

In order to build on the local support model which is currently in place, and to establish a system which places responsibility for environmental management at the local level, it is proposed that a concept based on Fly Neighbourly Agreements (FNAs) be introduced. It is considered that such an approach would more closely meet the broad policy intent and also address the specific shortcomings raised in the previous section.

#### *4.1 Broad Structure of the FNA Approach*

It is envisaged that an FNA based approach be developed based on the following concepts.

- For airports with regular *Adventure Flight* operations permissions granted under the *Air Navigation (Aircraft Noise) Regulations* will be based solely on the existence of the FNA. There will be no additional conditions spelt out in the permission.
- At most airports there will be at least four *Parties* to the FNA – the operator, the airport, the community (represented through Local Government) and CASA. At some airports the Air Traffic Service provider (at airports with controlled

airspace) and other interested bodies (eg National Parks) may also become *Parties*.

- An FNA will only be deemed to be in place if all *Parties* have agreed to its contents. If any one of the *Parties* withdraws its support for an FNA following the granting of an approval, the Agreement will be deemed to be no longer in place and the approval for the *Adventure Flights* will automatically lapse (or be withdrawn).
- Existing rights to have decisions reviewed by the Administrative Appeals Tribunal (AAT) will be retained. Operators will continue to have the right to seek a review of any decision to withdraw permission.
- It is envisaged that FNAs will not only contain conditions but will also clearly spell out the procedures for monitoring compliance with the conditions and will establish clear arrangements for handling and responding to any complaints.
- In order to achieve transparency the FNAs will need to identify responsibilities for disseminating information and for coordinating discussion between all the interested *Parties*, and the broad community, on any proposals to vary the FNA.

A short Guidance Paper on the drawing up of an FNA is at ATTACHMENT A.

It is fundamental to this approach that the Department will not be involved in either developing, or enforcing compliance with, the FNA.

## **5.0 Applicability**

It is not envisaged that every *Adventure Flight* operation would require the existence of an FNA. The approval process for one-off operations would remain unchanged. Operators would still be required to provide the Department with evidence of local support and permissions issued by the Department would include operating conditions. FNAs will only be required at those airports that have ongoing *Adventure Flight* operations.

The level of *Adventure Flight* activities at a particular airport that would trigger the requirement for an FNA is still to be determined although an initial suggestion is for an FNA to be required at any airport that is used for *Adventure Flight* at least once per month. The Department welcomes views on an appropriate trigger level.

The current *Guidelines for the Operation of Adventure Flights* excludes propeller driven aircraft under 3,000kg from the requirement to show evidence of local support. Consideration needs to be given to whether this general exclusion should remain and to how these aircraft will be treated at airports with an FNA.

## **6.0 Implementation**

The FNA approach can be implemented under the current *Air Navigation (Aircraft Noise) Regulations 1984* by modifying the Department's approval process. The

existing *Guidelines for the Operation of Adventure Flights* would be amended to incorporate the FNA concept.

The Department is also developing a package of amendments to the Regulations that includes a specific provision covering *Adventure Flights* by aircraft that do not meet current noise standards. This provision will require the Department to publish guidelines on the approval process. The details of the FNA requirement would still be included in guidelines but these would have a more formal status than the existing *Guidelines for the Operation of Adventure Flights*.

In either case the guidelines would be available on the DOTARS website to ensure full public access to the rationale underlying the approval process.

## **7.0 Consultation**

This Discussion Paper is being circulated to interested parties, including *Adventure Flight* operators, Airports, Local Government, State Government, CASA, community representatives and Airservices Australia. The Department is seeking submissions on the issues raised in this paper by 31 January 2005.

Submissions should be addressed to:

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Subject to the response it is proposed to develop *Guidelines for the Assessment of Noise Permit Applications* which incorporate the FNA concept.

Department of Transport and Regional Services

November 2004

## **Guidance Paper on the Drawing Up of *Adventure Flights* Fly Neighbourly Agreements**

### **A1.0 Introduction**

This paper is designed to provide guidance to *Parties* involved in the drawing up of a Fly Neighbourly Agreement (FNA) relating to the management of *Adventure Flights*.

It is implicit that the drawing up of an FNA indicates that there has already been wide consultation on the introduction of the *Adventure Flights* and that there is in-principle agreement to the flights taking place subject to conditions.

The paper is set out in the form which replicates the structure of an acceptable *Adventure Flights* FNA. Explanatory comments are included under each of the Clauses. However, this structure is not intended to be prescriptive and in some cases it may be possible to remove some of the Clauses, in others additional clauses may be appropriate to suit local conditions.

### **A2.0 Proposed Structure of the FNA**

It is envisaged that an *Adventure Flights* FNA will contain the following Clauses

#### ***A2.1 Scope***

This Clause is intended to identify the operations covered by the FNA. This is likely to nominate specific operators or specific aircraft types or a combination of the two.

#### ***A2.2 Purpose***

This Clause will broadly describe the purpose of the FNA. Wording along the following lines would be appropriate

*This agreement has been drawn up to allow all Parties interested in the operation of the airport to be involved in setting the conditions governing adventure flights and to have confidence that the flights are being monitored and compliance with the conditions is being enforced.*

*The conditions have been designed to ensure that the operations are carried out in a safe and environmentally friendly manner.*

### A2.3 *Parties*

This Clause specifies the *Parties* to the FNA and broadly spells out their roles and responsibilities. In most cases it is envisaged that there will be four or five *Parties* to *Adventure Flights* FNAs.

*Aircraft Operator(s)* – the key responsibility for the aircraft operator(s) is to ensure that all *adventure flights* are carried out in accordance with the conditions. The operator has a key role in drawing up the FNA since he/she is ideally placed to put forward operating options to achieve environmental outcomes that are within the operational capabilities of the aircraft and are consistent with operating patterns at the airport. To assist compliance monitoring it is likely that the operator(s) will be required to record and report details of each operation.

*Airport* – the airport is probably the best placed *Party* to assume the lead role in drawing up the FNA and to be the focal point for monitoring compliance with the conditions. It is also likely to be the most appropriate *Party* for handling any community complaints relating to the *adventure flights* and to be the body which disseminates reports and information on the operation of the FNA. It is envisaged that this role will involve liaison with all the other *Parties* to the FNA on an as needs basis.

*Civil Aviation Safety Authority (CASA)* – CASA is responsible for ensuring that the conditions contained in the FNA are compliant with the applicable CASA safety regulations.

*Local Government* – while in many cases the airports at which the FNAs apply will be owned and operated by Local Government it is envisaged that for the purposes of the FNA Local Government will differentiate its role as an airport operator from that as an elected body which represents the views of the community. It is envisaged that Local Government will ascertain and represent the community position on options to minimise and/or manage any environmental disamenity of the *Adventure Flights*.

*Air Traffic Service (ATS) Provider* – **[applies only at airports with controlled airspace]**; the ATS provider is responsible for ensuring that the *Adventure Flights* are carried out in a way that is consistent with any of the conditions which fall under the responsibility of Air Traffic Control.

*Other* – **[at some airports other bodies, such as National Parks Agencies, may wish to be *Parties* to the Agreement]**

### A2.4 *Conditions*

A range of conditions can be put in place in order to manage adverse environmental impacts. Aircraft noise is likely to be the highest profile issue. However, aircraft emissions and odour may be important factors at some airports. The number and type of conditions which need to be imposed are likely to vary widely from airport to airport according to factors such as the location of the airport, the location of noise sensitive developments and community views on the need for, or benefits of, *adventure flights*.

Examples of the types of conditions that the *Parties* may agree to adopt include:

- restricting where aircraft fly (track + altitude);
- restricting when aircraft operate (time of day/day of week/season);
- restricting the number of operations;
- stipulating which runways shall be used;
- stipulating aircraft operating settings (thrust, flaps, etc); and
- imposing other restrictions relating to, for example, taxiing, aircraft parking, and engine run-ups.

### ***A2.5 Compliance Monitoring & Reporting***

It is fundamental that if an FNA is to be successful it needs to be carefully monitored. In order to give all the *Parties*, and the community at large, confidence that the FNA is being complied with, the results of the monitoring need to be widely promulgated and be easily accessible by any interested person.

The FNA should therefore clearly spell out which *Party* is, or *Parties* are, responsible for monitoring compliance. It should also be very apparent how the information in the monitoring reports can be accessed.

While recognising that CASA has specific responsibilities relating to safety of aviation, the airport is likely to be the best placed *Party* to assume the lead role in ensuring that the FNA's Operating Rules are complied with.

### ***A2.6 Complaints Handling***

It is important that there is an established protocol for dealing with any complaints or queries raised by members of the public and that this is clearly spelt out in the FNA.

This element of the FNA is particularly important at airports which do not have Noise and Flight Path Monitoring Systems (NFPMSs) and/or do not have an Air Traffic Control presence. This is likely to be the case for many of the airports where *Adventure Flights* take place. At these airports members of the public are likely to play a key role in ensuring the FNA is complied with.

Establishing complaints handling procedures will ensure that any complainant can gain ready access to a person who is knowledgeable about the *Adventure Flights* operations and who is fully conversant with the FNA. Resentment can be quickly built up if members of the public are 'given the runaround' and are passed between people who have little knowledge of, and no identifiable responsibility for, the *Adventure Flights* operations.

The airport is likely to be the *Party* best placed to handle complaints.

### ***A2.7 Consultative Arrangements***

It is important that all the *Parties* meet together at agreed time intervals to discuss compliance with the FNA and examine any complaints. These discussions should identify whether the FNA is working to the satisfaction of all the *Parties* or whether there is a need to vary the terms of the Agreement.

The airport or Local Government are probably the best placed *Parties* to coordinate the consultative arrangements and to ensure that the contents of the FNA, and information on compliance, are accessible to the community at large.

### ***A2.8 Variations***

From time to time it is likely that any of the individual *Parties* may have a reason for wanting the FNA to be varied. If there are proposals to introduce changes which would alter noise exposure patterns around an airport it is important that members of the public are informed of, and given the chance to comment on, the proposals.

### ***A2.9 Multiple Operators***

At some airports there will be more than one *Adventure Flights* operator. The FNA for these airports will need to take account of this to ensure that all operators are treated in a non-discriminatory manner. The Operating Rules will need to accommodate operations in a range of different aircraft types which may have significantly different aircraft noise characteristics. The compliance monitoring and enforcement regime will need to be able to differentiate between the different operators.

It is envisaged that an FNA will accommodate multiple operators by establishing generic conditions and then spell out any operator specific conditions in some form of Schedule to the FNA. For example, the body of the FNA may stipulate that there will be no more than x *Adventure Flights* a week in total and the quota allocated to each operator will be specified in the Schedule.

It may be appropriate for all FNAs to clearly spell out how applications for access to the airport from a new *Adventure Flights* operator will be considered.