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National Aviation Policy Statement

I make this submission as the Member for Fremantle on the basis that the electorate I represent includes Jandakot Airport ("Jandakot"). It is my understanding that in terms of annual aircraft movements, this general aviation facility has in some years been the busiest airport in Australia, and indeed, in the southern hemisphere.

Jandakot is a critical piece of transport infrastructure. It caters to the general aviation needs of the Perth metropolitan region; it is a base for the Royal Flying Doctor Service in WA, the Royal Aero Club, and the Rottneast Air Taxi service; it is a focal point for aviation related business; and it is an important training facility for foreign airline pilots through Singapore Flying College and China Southern West Australian Flying College (flight training accounts for more than 60% of total aircraft movements¹).

Like many airports, Jandakot is sited on land that may once have been on the fringe of the metropolitan area, but which is now well into the process of being absorbed into the thick of Perth's suburban expansion. Jandakot's site encompasses the Jandakot water mound, in addition to a range of significant environmental features including 100 hectares of remnant Banksia woodland, the third largest population of the threatened Grand Spider-orchids, and habitat for native fauna (especially the endangered Carnaby's Black Cockatoo). It is also an airport whose current owner, Ascot Capital Pty Ltd, has embarked upon a Major Draft Redevelopment Plan which includes both aviation and non-aviation development. In March 2008 the Minister for Environment, Heritage and the Arts provided his Department's recommendation (EPBC 2007/3599) to the Minister for Infrastructure, Transport, Regional Development and Local Government that the MDRP be rejected on the basis of the significant negative environmental impact it would involve.

¹ Jandakot Airport 2005 Master Plan, p.ES-1.

- Attadale
- Atwell
- Aubin Grove
- Banjup
- Beaconsfield
- Beeliar
- Bibra Lake
- Bicton
- Cockburn Central
- Coogee
- Coolbellup
- East Fremantle
- Fremantle
- Hamilton Hill
- Hammond Park
- Henderson
- Hilton
- Jandakot
- Kardinya
- Munster
- Naval Base
- North Coogee
- North Fremantle
- North Lake
- O'Connor
- Palmyra
- Rottneast Island
- Samson
- South Fremantle
- South Lake
- Spearwood
- Success
- Wattleup
- White Gum Valley
- Willagee
- Yangebup

On the question of national aviation policy, and with special reference to the circumstances in the electorate I represent, I make the following comments and observations:

- In the *National Aviation Policy Green Paper* (“the Green Paper”) I support the identification of several Australian government policy priorities, namely:
 1. Dealing with **planning issues** around airports in an integrated, considered way;
 2. Promoting a **proper dialogue** between airports and the communities around them on issues such as the impact of aircraft noise; and
 3. Strengthening the **governance arrangements** for the Civil Aviation Safety Authority (CASA), the Australian Transport Safety Bureau (ATSB), and Airservices Australia to enhance the quality of their relationship with industry and the community.
- I make some observations about those priorities below, in addition to making general comments about the regulation that applies to airport users and airport management, especially in the context of noise impact and other relevant community concerns.
- **Planning Issues**

The non-transport purpose development of land that has been set aside and used for transport infrastructure is now a common phenomenon. In the Fremantle electorate, commercial development has occurred and is proposed to occur in relation to both the Port of Fremantle (on land owned by the State Government) and Jandakot Airport (on land owned by the Commonwealth). Such development is not subject to local government planning processes or approval, even though the development in question is not transport related. In the case of airport development, the planning processes that operate at the state government level also do not apply. This has been a cause of significant community concern from individuals, businesses, and environmental groups in the Fremantle electorate.

To that end I welcome the statement in the Green Paper, under the heading ‘Better integration with state and territory and local government planning’ of a key principle, namely that, “cooperative arrangements will be developed with the states and territories and local government to better integrate airport planning and development and regulatory oversight of the airports with local and state and territory planning and regulatory arrangements, while ensuring reasonable provision for the protection and development of airports.”²

On that point it’s my view that the integration will need to occur in a way that gives state and local government input significant weight when it comes to non-aviation development in particular. From the community’s point of view, sensible and necessary aviation-related development is one thing, but non-aviation development is quite another, and should only occur with the appropriate planning input from local and state governments.

- **Promoting a proper dialogue**

In the past, the interface between Jandakot Airport and the community has occurred at least partly through the Jandakot Airport Consultative Committee (JACC), but I am advised that this body has effectively ceased to operate, and that it hasn’t met since January 2008.

It is essential that there be a mechanism or forum through which airport management, airport users, and the wider community can communicate and resolve issues. I therefore strongly endorse the Government’s proposal that “the Minister be empowered to require airport

lessees to establish community consultation groups for each major airport to foster effective community engagement in airport planning and operation issues.”³ The Green Paper lists the desired features and purposes of the proposed consultative groups, and to those I would add that they must have real power to resolve or refer issues that arise, rather than being simply a forum in which issues are aired only to evaporate.

To that end I would further suggest that a mechanism be created to resolve any complaints or disputes that cannot be resolved at the consultative group level by reference to an appropriately resourced airport Ombudsman. I am aware that a private member’s Bill was presented to the House of Representatives in 2007⁴, and in my view it is worth fresh consideration.

- **Governance arrangements / Regulation of airport users**

In the experience of numerous Fremantle constituents the conduct of Jandakot airport-users when it comes to observing those rules and guidelines that exist, at least partly, to minimise the impact of air traffic on the surrounding community is unregulated or ineffectively self-regulated, which is the same thing.

As I mentioned earlier, Jandakot caters to a high proportion of both recreational and flight-school pilots. Both Singapore Flying College and China Southern West Australian Flying College make significant use of Jandakot as a centre of their pilot training programs. Circuit training for trainee pilots involves frequent and repetitive flight patterns and the mastering of certain manoeuvres that bring with them out of the ordinary noise impact (e.g. mock engine stalls).

Considering both the volume and the nature of Jandakot’s air traffic, it is critical that rules and guidelines governing flight behaviour are observed in order to prevent unacceptable noise impact on the surrounding community. Jandakot’s contribution to the regulation of airport users is limited. As stated in the airport’s 2005 Master Plan, “JAH provides the on ground facilities including the runways, taxiways and visual aids. The airport operator however has little control over the way aircraft operate once they have taken off or on approach to the airport. Airspace management is controlled by Airservices Australia [...]”.⁵

With respect to the complaint handling function of Airservices Australia (AA) I would make the following comments:

- This function of AA is not well known in the community, nor is it clearly communicated through AA publications. For example, the AA website does not prominently display on its homepage the opportunity to make a complaint about flight behaviour. To make such a complaint, one must first choose the ‘Aviation & Environment’ tab, and then choose the ‘Aircraft Noise’ tab, even though it is conceivable that a complaint could arise from aircraft behaviour that is not noise-specific.
- The complaint telephone lines are commonly unattended.
- The community perception is that complaints are not effectively investigated or acted upon.

3 National Aviation Policy Green Paper: Flight Path to the Future, December 2008, p.177-178.

4 Airport Development and Aviation Noise Ombudsman Bill 2007.

5 Jandakot Airport Master Plan 2005, p.ES-4.

While it is only right that the paramount focus of the regulatory bodies and, indeed, of the Government is on safety, there is a strong and I believe justified sense in the community that a better system of regulation is required when it comes to air traffic behaviour that is perhaps not unsafe, but is certainly offensive to the quiet enjoyment by householders of their homes.

I welcome the Government's commitment to international best practice in air traffic management and, in particular, the push towards wider adoption of satellite-based technology (e.g. Automatic Dependant Surveillance Broadcast – or ADS-B) for air traffic navigation and surveillance because such technology has the potential to substantiate complaints of inappropriate flight conduct.

As with road traffic, air traffic behaviour can be intentionally or recklessly or inadvertently anti-social. In circumstances where pilots do not observe the rules and guidelines that exist to protect the community from the unreasonable impact of air traffic, there must be effective deterrent consequences for pilots, flight schools, and, where appropriate, airport management.

I would observe that the ultimate means of exchange in achieving a proper balance between the community, on the one hand, and airport users on the other, is the setting of flight curfews. In circumstances where an airport and its users cannot adhere to reasonable rules and guidelines designed to protect the community from unreasonable air-traffic behaviour, more restrictive flight curfews should be considered.

- **Noise Impacts**

Complaints about noise and, especially, about noise that clearly results from air traffic that occurs in contravention of the relevant guidelines (i.e. flight corridors and runway headings, minimum height requirements, curfews) constitutes one of the largest categories of constituent complaint to my office. There is no doubt that air traffic can result in noise and vibration that causes a very substantial loss of residential amenity.

I welcome the Government's proposal to address the issue of noise impact by regulating the type of aircraft in use, and by requiring the use of appropriate noise-reducing technology (e.g. hush kits). Also, as mentioned above, the Government's priority proposal for the wider adoption of satellite-based air traffic surveillance is relevant to the question of noise impact, because it is the insufficiently regulated 'wandering' or curfew-breaching air traffic that causes some of the greatest noise impact distress in the community.

The comments above with respect to the regulation of airport users are directly relevant to the issue of noise. Jandakot's 2005 Master Plan makes it explicit that the airport management considers it has no responsibility for aircraft conduct other than on-ground conduct (as above). Jandakot's contribution to noise reduction has been limited to the ineffectual (and now apparently defunct) Jandakot Airport Consultative Committee, and to what was termed its 'Fly Neighbourly' program. Neither of these has been effective in dealing with noise impact that results when aircraft breach the existing rules and guidelines that are supposed to govern flight paths, heights, times, and general flight conduct.

On this point I would observe that those constituents of mine who live with substantial noise impact often maintain a relatively fragile peace of mind which depends on them not being subject to noise impact beyond that which they're already resigned to facing. For this reason,

a fly-over that occurs too low or too close or even marginally in breach of the curfew causes very substantial distress and annoyance.

As noted earlier, flight training constitutes more than 60% of the aircraft movements at Jandakot. The Green Paper acknowledges the serious impact that flight training can cause: "Flight training activities can have particular noise impacts on some communities. While mostly conducted in small aircraft with individually small noise footprints, the repetitious nature of training circuits can be intrusive on nearby residents. Where airports are seeking to grow pilot training activity, managing the noise impacts presents challenges, particularly in built-up areas."⁶

At present there is very little sense in the community that even substantiated breaches of the rules and guidelines result in consequences for those responsible.

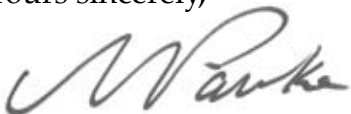
In summary, my view is that noise impact needs to be addressed in the following ways:

1. There must be a reasonable set of ground rules that protect the community from unacceptable noise impact, and these should include flight corridors and runway headings, minimum height requirements, the mandated use of quiet aircraft and noise-reduction technology, and curfews.
2. There must be mechanisms through which airport users or managers who fail to observe these ground rules are held responsible. As with road traffic, there should be consequences for pilots who breach air traffic rules, and where flight schools are involved those schools must bear responsibility for the conduct of their trainees.
3. There must be a more straightforward and more effective process through which people in the community can lodge complaints and have such complaints investigated and resolved. There is a very strong community perception that Airservices Australia is not currently set up to provide a sufficiently responsive and robust service in this regard.
4. There must be monitoring of airport noise impact and related air traffic information.

Let me conclude by saying that I welcome this comprehensive policy review process and I look forward to the positive outcomes that are plainly suggested in its proposals and stated priorities.

Finally, I would like to acknowledge the very detailed and carefully referenced input I have received from Graham Ellis, a Fremantle constituent, and long-time community activist through the Jandakot Residents and Ratepayers Association in support of a regulatory framework that better serves and supports the community around Jandakot Airport. I'm also grateful for the comments and information that dozens of constituents have provided to me or to my office on this issue.

Yours sincerely,



Melissa Parke MP
Federal Member for Fremantle