

Comments on the proposed noise regulations of drones.

Summary

The proposed noise regulations fail to address the noise issues (which are under the current noise regulations that they:

1. **FAILURE TO ENFORCE REGULATIONS** “if they are having a significant noise impact on the public”, the secretary may decide not to approve the proposed drone flights”. Given the large public outcry and evidence presented in Canberra (especially by Bonython Against Drones and the under the inquiry to the ACT government into the drone delivery system) <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-economic-development-and-tourism/inquire-into-drone-delivery-systems-in-the-act>, any future proposed flights by Wing (in Gungahlin and Logan) should had been rejected and not approved by the secretary. HOW MUCH EVIDENCE DOES THE DEPARTMENT NEED? The proposed regulations need a clause which takes consideration of the public opinion. There should also be mechanisms in place to review and follow up on noise issues.
2. WHY HAVE A CLAUSE THAT OVERRIDES OTHERS - Proposed a (4th dot point) - *particularly in built-up and residential areas, the use of restrictions based on total number of flights per day, the duration of flight, how many flights per hour and time of flights (day/night)*. Any build up or residential area already had Environmental Protection rules in place regarding the maximum noise levels. These should apply to the airspace above these designated areas (except around airports which are under Commonwealth jurisdiction). For example, if the noise regulation in that place 35 decibels, then any RPA should adhere to the State/Territory or local council rules. This would also cover local places and allow the State/Territory/Council to control where the drones fly (which is already in place in many such as restricting flights over major tourist places, beaches, schools, etc). Why do you need to make “exceptions”, or a clause which in fact acknowledges a noise problem by restricting the number of flights. This is a cop out, if the drone is too noisy under EPA rules, then it has no right to be flying in that area.
2. **WHY EXCEPTIONS?** My other major point of concern is why make exceptions for a single business (Wing), such as allowing them to fly closer to people. Rules need to be consistent across all RPA.
3. **LACK OF KNOWLEDGE, INCORRECT INTERPRETATION OF LEGISLATION AND MANY GAPS.** Given past experiences and evidence where the Department of Infrastructure, Transport, Cities and Regional Development failed to adhere, were not aware of the Noise regulations, and repeatedly provided incorrect information to the Minister and which was passed onto the public in responses (until exposed by Ian McIntyre), how are you going to address this lack of knowledge? How are you going to collect feedback and complaints, how are you going to monitor or review noise levels? How are you going to benchmark – based on public opinion, factual monitoring of noise or by the influence of multi-corporations? What appeal rights are in place? What is the hierarchy? Does Commonwealth legislation override State/Territory or local legislation?
4. **THE AIRSPACE ABOVE.** The department should consider introduce consideration of the “airspace above” a person come (as in USA). There are no rules in this area – another gap which makes applying legislation between jurisdictions difficult.

Proposed rules

2.1 Proposed noise regulation of drones

Having regard to future development of drone operations in Australia the department is proposing:

- a. Concentrating Commonwealth noise regulations for drones on their air navigation (not their base of operations) based on:**
 - **drone size, weight, and design;**
 - **tested noise levels e.g. effective perceived noise in decibels, sound exposure level, LAMax (the maximum noise level reached) or weighted noise levels which are used for traditional aircraft;**
 - **operational height and location e.g. commercial/industrial/residential/rural/remote areas; and**
 - **particularly in built-up and residential areas, the use of restrictions based on total number of flights per day, the duration of flight, how many flights per hour and time of flights (day/night).**

- b. Regulations not applying to recreational drones, all drones below 250 grams and drones operating under standard operating conditions.**

- c. Regulations not applying to particular types of operations including emergency services, agricultural and other prescribed service operations (e.g. lifesaving patrols, essential medical supply delivery).**

- d. Drones that meet recognised international aircraft noise certification standards not requiring approval under the Regulations (as is the case now with other aircraft types).**

- e. Benchmarking acceptable noise levels for overflying different land use areas (including residential areas) having regard to acceptable noise levels permitted from other similar noise generating equipment under State/Territory legislation.**
Allowing noise regulation of drones by State/Territory Governments where this is consistent with the application of their regulations to other types of noise disturbance from operating equipment and not inconsistent with Commonwealth legislation.

Copy of letter from Ian McIntyre – example of unanswered questions.

I. and R. McIntyre
On Behalf of NoDrone Zone

24 May 2019

Dr. S. Kennedy PSM
The Secretary
Department of Infrastructure, Transport and Regional Development

Dear Dr. Kennedy,

**PROJECT WING FLYING ILLEGALLY
IN AUSTRALIA**

We would appreciate a reply to our letter to you of 10 May 2019, attached, on the above subject. In this letter we asked the following:

1. When was the noise approval process undertaken for Project Wing's current commercial air navigation operations in Gungahlin ACT.?
2. How was this noise approval process conducted?
3. When was noise approval issued for Project Wing's first air navigation operations in Australia in 2014?
4. What noise approval process was undertaken for the 2018/19 Bonython Trial, and when?
5. If no noise approvals have been issued by your Department for any of the abovementioned Project Wing air navigation operations in Australia, can you please advise why not.

It has come to our attention that the current Project Wing air navigation operations in Gungahlin are having a significant noise impact on the public. "...they were so noisy – it was horrific and I am really upset" is a direct quote from an affected Gungahlin resident in a letter of complaint.

The majority of residents subjected to Project Wing air navigation operations in Fernleigh Park, Royalla and Bonython all have the same complaints about them. These complaints are well and widely documented in representations to local and federal politicians from the major political parties, the ACT Government, CASA, Airservices Australia and a myriad of other people and organisations. They resulted in the setting up of the ACT Legislative Assembly Inquiry Into Drone Delivery Systems in the ACT which attracted over 150 submissions, the vast

majority of which were rejecting, even scathing, of the Project Wing air navigation operations. They resulted in over 1000 ACT residents signing a Petition of protest about these operations. They also resulted in local, national and international media attention in the form of newspaper articles/editorials and letters to the editor, television news and current affairs programmes and radio talkback programmes.

Now the residents of Gungahlin are voicing the same concerns, particularly in regards to noise which is having a significant impact on the public.

As mentioned in our 10 May 2019 letter to you, The Australian Air Navigation (Aircraft Noise) Regulations 2018, and their predecessor Regulations of 1984, state that the Secretary of the Department, or his/her delegate, is required to issue either a noise certificate or a noise approval to an operator who wishes to engage in air navigation in Australian airspace. The Regulations further state that if “the engagement of the aircraft in air navigation has had, and is likely to continue to have, a significant noise impact on the public”, this is grounds for revocation of the approval.

On behalf of all these many abovementioned people, who are entitled to have their concerns addressed and their questions answered accurately, can you please provide answers to our questions.

Again:

6. Can you please advise who is going to prosecute Project Wing for the Offence it has committed under Australian Air Navigation Regulations, for which strict penalties apply.
7. Can you please advise why the Department of Infrastructure, Transport and Regional Development has failed to enforce the very clear and concise requirements of The Australian Air Navigation (Aircraft Noise) Regulations 2018 and their 1984 predecessor Regulations that mandate Project Wing must obtain noise approval for **ALL** air navigation operations they undertake in Australia, starting in 2014.

Given all of the above, can you please advise why your Department has failed to enforce the very clear and concise requirements of the Australian Air Navigation (Aircraft Noise) Regulations 2018 and their 1984 predecessor Regulations that in order to obtain noise approval an operator (Project Wing) must demonstrate that their aircraft do not have a significant noise impact on the public. Can you also please advise why your Department has failed to enforce the other clear and concise requirement of these Regulations which require the Secretary to

revoke a noise approval if **“the engagement of the aircraft in air navigation has had, and is likely to have, a significant noise impact on the public”**.

These are matters of the most serious nature, and are of grave concern.

Yours sincerely,

IAN AND ROBYN MCINTYRE
ON BEHALF OF
NODRONE ZONE



- Cc Aircraft Noise Ombudsman
- Cc Minister for Infrastructure, Transport and Regional Development
- Cc Shadow Minister for Infrastructure, Transport and Regional Development
- Cc Alistair Coe
- Cc Jeremy Hanson
- Cc Andrew Wall
- Cc Tim Hollo
- Cc Shane Rattenbury
- Cc Andrew Leigh
- Cc Dan Jervis-Bardy
- Cc Mike Cherney WSJ
- Cc LA Committee Inquiry Into Drone Delivery Systems ACT
- Cc RiotAct
- Cc Adam Shirley
- Cc FM Radio 104.6
- Cc FM Radio 106.7