

27 January 2010

AIRCRAFT NOISE

Dear sir,

The following comprises my family's formal submission to your committee, with respect to the unacceptable disruption to our previously quiet Hills Community lifestyle, occasioned by changes made to Perth Airport flight paths, commencing in late 2008 and continuing since that time. Airservices Australia made these appalling changes without any meaningful consultation with the residents and communities so severely impacted by the new flight paths. My perception is that these views are shared widely by other Hills residents.

Introduction

In late 2008, Airservices Australia changed the flight path pattern in and out of Perth Airport. In general, the effect of these changes was to re-route aircraft over the Perth Hills communities. We in Bedforddale knew nothing whatsoever about these changes until we started to get woken up in the middle of the night by low-flying aircraft. Initially, we were only slightly concerned, as enquiries to Perth Airport elicited the response that this change was only temporary and only applied when the wind was in an unusual direction. This advice turned out to be false. Before long, it was apparent that these changes were permanent and, indeed, the norm, rather than just occasional. The consequent damage to our lifestyle has been substantial and, in our view, grossly unfair.

This submission discusses the inadequacy of whatever consultation process was employed, the disruption to Hills residents' lifestyles and the lack of effective governance of the arbitrary decision-making powers of the airport operators. It also makes recommendations for resolving future issues of this nature – stakeholder consultation, some basic accountability principles, airport operation, remediation/mitigation and future Government governance of airport operator decision-making.

Lack of Consultation

Whatever Airservices Australia might say, there was no effective stakeholder consultation with respect to these flight path changes – absolutely none! At the time, I was President of the Bedforddale Residents Association (BRA). The BRA knew nothing at all about these proposed changes until the aircraft started arriving over our homes. If the consultation process had been advertised properly or if the local council had been properly advised, then the BRA would undoubtedly have heard about it. We can only assume that no such communication occurred or, if it did, then it was deliberately so well hidden that nobody ever saw it. To the best of my knowledge, since that time, Airservices has consistently refused to provide details (time, date, place, attendees, invitees, how advertised etc) of its alleged stakeholder consultation.

Airservices Australian claim to have consulted effectively via their Aircraft Noise Management Committee (ANMC). These claims are demonstrably false, however much the ANMC might represent what Airservices calls a “nationally consistent model”. A prominent member of that committee, Pearce MHR Judi Moylan resigned from it in protest at what she described as “a façade of a process”. Whoever might be on the ANMC, the fact is that the

process was obviously ineffective, in that it excluded totally the most important stakeholders of all – the residents whose lifestyles would be impacted by the proposed changes. Absolutely no-one in the various Hills communities were aware of the changes until the aircraft noise started invading their homes. It is not an effective process to set up a vaguely representative stakeholder committee, which meets only quarterly, and then expect all of the wider consultation to be carried out by those committee members with “their constituents”, rather than by Airservices itself having an obligation to consult with **ALL** stakeholders themselves. For a start, many crucial stakeholders were not represented (as “constituents”) by anybody on the ANMC and so never found out about the proposed changes. Airservices should have been required to advertise the matter widely, to inform formally all relevant stakeholder organisations (eg councils, community organisations like the BRA etc), to hold public meetings and to invite public submissions, in the same way that your Senate committee has now done in this instance.

Consequences of Flight Path Changes

The routing of aircraft flight paths over previously quiet Perth Hills communities has had severe consequences for those who live in those areas. Like virtually everyone else who lives in the Hills, we moved there for peace and quiet, and for a rural lifestyle involving our horses, broad acreage and remoteness from neighbours. We live a considerable distance (perhaps 50km?) from the airport. At the time when we purchased our property, we made comprehensive enquiries about likely future change but there was absolutely no suggestion that we would ever be subjected to aircraft flight paths. The consequences of the new flight paths over our property include:

- Our sleep is continually interrupted throughout the night. This varies - some nights are worse than others and some aircraft are worse than others. There has also been some modest improvement over time, to be fair. On some nights we do not get woken at all, on an average night we probably get woken half a dozen times and some nights as many as a dozen or more times. The consequent sleep deprivation can cause huge difficulty in staying awake at work the following day. I am a management consultant so who knows what my clients think of my sleepiness;
- Our sleep is further impacted because we can no longer cool our houses down by leaving our windows or doors open on a hot summer's night, due to the aircraft noise. We are forced to swelter in closed bedrooms, without air conditioning and only modest relief from ceiling fans;
- It is now difficult to hold guest lunches or dinner parties outdoors – in our pool courtyard, on our verandah or in our garden, because of the constant noise of low-flying aircraft. Even indoors, meals are punctuated by sudden periods of silence, all conversation ceasing until the aircraft has passed;
- Sometimes the aircraft are so close that they cause our dogs to bark and our horses to ‘spook’;
- Like many, clean air was a motivating factor for living in the Hills. This has also presumably been compromised by the emissions from overhead aircraft;
- These effects on Hills lifestyles have been well publicised, almost certainly leading to a consequential fall in property values, as the whole reason for people to live in the Hills has been impacted.

Thus, the re-routing of aircraft over the Perth Hills has damaged our lifestyles, continues to deprive us of sleep and impacts our earning capacity because of the resultant tendency to fall asleep during the working day. It has also eroded property values. To the extent that these

problems cannot be remediated or mitigated, residents should be compensated financially for the damage to their lifestyles, the reduction in their earning capacity and the impact on their property values.

Associated Issues

If we are to believe the newspapers, there is currently occurring a huge rise in the volume of aircraft traffic through Perth Airport. This growth is projected to continue for the foreseeable future. As a result, there is talk of an additional parallel runway and the major existing runway is about to be resurfaced. This means that the problem for Hills residents is going to keep on worsening.

Newspapers have recently reported that other areas of Perth suburbia are about to suffer nine weeks of constant noise disruption due to flight path re-routing consequent to the resurfacing of the main runway. While this may provide Hills residents with some temporary relief, it is terrible news for the residents affected in these other suburbs. While it has been reported that warning notices have been sent to the residents concerned, there has been no mention of any prior consultative process involving those residents – no, it's very much "this is what we're doing, like it or lump it". Given the previous absence of any meaningful consultation with Perth Hills residents, nobody should be surprised by this further show of arrogance by the airport operator.

As I have said elsewhere in this submission, some aircraft appear to be much noisier than others and therefore much more disruptive to the lifestyles of local residents. My own standard for what constitutes an acceptable level of noise is totally subjective but, in my view, appropriate – if it wakes me up then it is too noisy, if it causes the dinner conversation to cease, then it is too noisy. Anecdotally, I have been told that, in general, older aircraft, mainly operated by air freight companies, are much more noisy than their more modern counterparts. Surely the time has come for these elderly monstrosities to be forcibly retired and replaced by aircraft which conform to modern noise standards. In my view, aircraft which do not meet reasonable noise standards should be banned completely from using all Australian airports. While this might lead to higher freight costs, at least this would observe the important natural justice principle that the costs of airport operation should be borne by those using the airport, rather than by local residents.

Basic Principles

Quite apart from the facts of the matter, it seems to me that there are a number of key basic principles which should apply to consideration of this matter. These would include:

- This is about more than mere legality, about what Airservices are permitted legally to do or not to do. Overriding this is the general principle that Governments are obliged to deal openly, honestly, ethically and fairly with the citizenry;
- In general, the same laws should apply to aircraft as to the rest of the population – everyone is supposed to be equal under the law. So, if it would be illegal for a passing truck, a trail bike or a neighbour's party to inflict a certain level of noise on residents, then it should also be illegal for aircraft to deliver that same level of noise;
- As much as is humanly possible, the total cost (100%) of an airport operation, both the financial and the human cost, should be borne by the management and the users of the airport, not by the local residents. So, if anyone is to be inconvenienced, say by scheduling arrivals and departures, it should be the airport users, not the local residents;

- In general, householders are entitled to quiet occupation of their properties, without unduly noisy interference from anybody, be that trucks, neighbours or aircraft. This principle extends beyond indoors to a similar right of quiet occupation of their outdoor areas – pools, verandahs, gardens, stables and other outdoor facilities.

Lack of Governance

From a distance, the behaviour of Airservices Australia in this matter has appeared to be extremely arrogant. They receive your complaint but refuse to engage in any debate on the matter or to do anything about it. Similarly, they refuse to engage satisfactorily on the matter with the local media or members of parliament. Basically they just ignore every criticism and every stakeholder, hiding behind this totally ineffectual “front” committee which they have set up but which represents virtually nobody. It is time that they were compelled to behave much more responsively and responsibly. Only Government can change their behaviour.

A major issue appears to be that Airservices is effectively a law unto itself with little or no governance exerted over its activities by any Government entity. So, it can change flight paths any time it likes, without any effective public consultation and without having to seek authorisation from any Government body, such as the Department of Civil Aviation. In my view, Government should exert far more diligent governance over the activities of airport operators, who should be required to obtain prior Government approval of any major changes. They should also be required to conduct really effective stakeholder consultation processes, rather than the charade behind which Airservices currently hides.

Mitigation Options

A number of possible mitigation options have been reported as being suggested by Swan MHR Steve Irons. These have included insulation schemes. Well, our house is already double insulated, so double glazing would be about the only means of further improvement. This would not solve the problem of the impossibility of opening windows and doors, referred to above. That would require air conditioning, with associated significant installation and running costs.

Such insulation and other mitigation measures do not solve the associated issue of residents no longer having quiet occupation of their gardens and other outdoor areas.

Another mitigation option, of course, is to impose on Perth Airport a similar night curfew to that operating already in Sydney and Adelaide. Having suffered more than a year of the current flight paths, I am certainly now strongly of the view that the time has indeed arrived for such a curfew to be imposed by the Government. Again, this would inconvenience air freight operators, airlines and passengers but at least it would be the airport users who suffer, rather than the innocent bystanders who just happen to live under a newly-imposed flight path.

Recommendations

In my view, the Commonwealth Government should compel Airservices Australia to:

- Return to the old flight paths until such time as they have carried out an effective consultation process with all stakeholders, especially residents adversely affected by the new flight paths;

- Adhere to new defined governance procedures requiring Government approval for all major proposed changes to flight paths;
- Put in place proper comprehensive and effective consultation processes for all major proposed future changes to flight paths;
- Rotate flight paths, so that the impact is broadened, rather than being imposed on the same residents all the time;
- Observe a night curfew at Perth Airport, similar to those in Sydney and Adelaide;
- Give, say, twelve months notice to all airlines using the airport, both passenger and freight, that aircraft not meeting specified modern noise standards will no longer be permitted to use the airport;
- Mitigate the effects of aircraft noise on residents to the maximum extent possible;
- Pay financial compensation to residents to the extent that the effects of aircraft noise cannot reasonably be mitigated.

Conclusion

As you can see from the above, the lifestyles of Perth Hills residents have been significantly damaged by the re-routing of flight paths. That this was done without any meaningful stakeholder or resident consultation is intolerable. I trust that you will give serious consideration to my recommendations for dealing with this issue into the future.

I am unaware as to whether your committee intends to sit in Perth. I would urge it to do so, as your primary terms of reference relate to recent events at Perth Airport, although, quite obviously, your findings are likely to be of more general application to airports around Australia. If your committee does meet in Perth, then I would welcome the opportunity to give evidence to you in person and to elaborate on this submission, from our personal experience of being forced to live with this appalling interference to our lifestyle.

Yours sincerely,

Graham McEachran

CC Don Randall MHR
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City of Armadale
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