

Submission

January 22, 2010

Senate Inquiry into the effectiveness of Airservices Australia's ("ASA")

Management of Aircraft Noise

Peter Stewart, Roleystone WA 6111

Background

I am grateful to the Senate for initiating an inquiry into the effectiveness of ASA's management of aircraft noise as it relates to ASA's responsibility to protect the environment from the noise effects associated with the operation of aircraft.

I make this submission as a member of the public who is now subject to unreasonable and unnecessary noise generated from large jet aircraft operating on new flight paths over dormitory suburbs in the Perth hills over 30 air kilometres from Perth airport. The new flight paths affect a type of horizontal 'stacking' of aircraft spreading the noise blight over a widening area.

In ASA's defining terms my family and I are now subject to "significant noise impact". It is as if our home has been moved to an industrial suburb some 15 kilometres closer to the airport as the Western Australian Route Review Project ("WARRP") now places us within the N60 to N65 noise event contour. I am concerned about the way the regulatory authority has shirked its obligation to consult the community in regard to the WARRP; the implementation of the WARRP for Perth Airport in November 2008 and how noise complaints are solicited yet "filed" without any course for resolution. Not only were residents in Perth Hills and the Southern Corridor disenfranchised within the WARRP process, we now suffer from what our local member aptly described as ASA's continuing arrogance and ineptitude.

This submission offers an insight from a former private pilot who also has skill in the art of noise and vibration analysis, being a professional engineer of 38 years standing and for 30 years being the person responsible under Western Australian Occupational Health and Safety ("OH&S") and Environmental legislation for noise emitting premises and the design, manufacture and operation of large industrial noise emitting equipment.

Summation

ASA, much like the Civil Aviation Safety Authority (“CASA”) sees the need to be a valued partner with the aviation industry. Both seemed to have embarked on a systematic policy of partnership with industry; to the detriment of the public interest.

Regulatory capture is the term used to refer to situations in which a government regulatory agency, created to act in the public interest, instead acts in favour of the commercial or special interests that dominate the industry it is charged with regulating.

At a first level of capture, the regulator allows the regulated to breach the law, ethic, good practice rule, moral principle or public interest duty that the regulator is responsible for upholding. At a second level, the regulator assists the regulated to avoid the regulatory consequences after the fact.

At the deepest level of development, the ‘capture’ is so complete that the regulator may assist the regulated to defeat the regulatory regime before the fact.

It is my submission that ASA has demonstrated failures of its obligation to the public at all three levels of these primary elements of regulatory capture. A warning of the potential for such failures was issued by Parliament (by a sister Committee in another place) with the demise of ASA’s predecessor, the Civil Aviation Authority (CAA).

During the formation of ASA and CASA, the draft legislation was referred to the House of Representatives Standing Committee on Transport, Communications and Infrastructure. In its Advisory report of May 1995 that Committee reported that: ...

“We can only reiterate that the establishment of CASA is a step in the right direction. But at the end of the day it is the Board of CASA and its Director that must be responsible for the administration of aviation safety ... CASA should be accountable to the Minister, the Parliament and the courts and to no one else ... The very real danger is one of regulatory capture.. ...The partner, as has been seen, became the customer. Officers were encouraged to become “customer oriented”. It was not then a large step to embrace what is a commonplace in commerce, that “the customer is always right”.

Additionally, in the Plane Safe report issued by this Committee on its “Inquiry into Aviation Safety: The Commuter and general Aviation Sectors” in December 1995 that Committee stated:

“The Civil Aviation Authority was never captured by the aviation industry. On the contrary, the regulator offered itself as a willing captive.”

Whilst the Ministerial White Paper of December 2009 recognized deficiencies in ASA's management of aircraft noise and proposed that an office of Aircraft Noise Ombudsman be established within ASA; the organisation has proved itself too beholden to the industry at the expense of the public interest in minimizing aircraft noise. A separation of powers is essential. ASA's regulatory failure on Noise Management has been so complete leading to an absolute loss of faith in the organization by its public "customers". Nothing that ASA now says on the WARRP can be taken at face value.

ASA has become so ineffective in its management of aircraft noise that: whilst it could maintain its responsibilities for aircraft noise in the airport environs, say to within the ANEI 20 contour (or up to some 10 kilometres from the airport, whichever is smaller in area), thereafter, in the public interest, it should **cede jurisdiction for noise enforcement to the state authorities** under their individual Environmental Protection Acts and Noise Regulations.

Such state based legislation properly recognizes both the intrusive nature of impulsive (aircraft) noise and the effect it has on 'quiet' ambient noise neighbourhoods.

Submission: Term of Reference (a)

Has ASA conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise?

With respect to WARP and Perth airport flight paths – no. It is ASA's legislative jurisdictional responsibility to protect the environment from the effects of noise. It has failed.

The three elements of regulatory capture of ASA combined to deny members of the public any input to the changes proposed around 2006 and implemented in November 2008. Residents in the hills communities to the east of the Perth were adversely affected by unreasonable noise from new flight paths directly over residential areas at elevations less than 3,000 ft above ground level (AGL).

At a first level of capture, the ASA allowed the regulated airport, the Westralia Airports Corporation Pty Ltd ("WAC")-a private corporation, and airlines to breach the good practice rule and public interest duty that the regulator is responsible for upholding.

ASA's Environmental Principles and Procedures for Minimizing the Impact of Aircraft Noise ("Noise Principles"), as amended November 2002 , at Part B Jet Aircraft, point 2 states that there be ... **No over flight of residential areas below 5,000 AGL ...** and goes on to say:

"A height of 5,000 ft AGL is considered to be the minimum (ASA's emphasis) acceptable altitude for the avoidance of significant noise impact on residential populations by jet aircraft."

The surprise (to those impinged by it) implementation of WARRP in November 2008 has caused jet aircraft to regularly overfly our dormitory suburb of Roleystone (population 5,500) at some 3,000 ft (and lower) AGL, such low altitude at 35 air kilometres from Perth airport results in a flight path that is a low altitude tour of residential Perth areas from Roleystone to, Kelmscott and Armadale then back to Perth, causing an unnecessary overflying of some extra 100,000 people.

The effect of a jet overflight of Roleystone at 3,000 ft AGL before landing some 35 air kilometres later at Perth **raises the noise level 10 times**, from an ambient of 40 dB(A) to over 60 dB(A). The impulsive 'rush' causes awakenings during sleeping hours and may evoke a 'flight or fright' response during waking hours. Such over flights of industrial suburbs near the airport may not contribute to any additional noise where ambient levels may well approach the 60 dB(A) level.

By implementing the WARRP in November 2008 ASA actively allowed the airlines to breach ASA's own Environmental Principle and ignore the public interest test: the very same environmental principle the ASA is responsible for upholding in the first instance.

At a second level of regulatory capture, a more insidious step, the regulator assists the regulated to avoid the regulatory consequences after the fact. There was no information from ASA in the public domain regarding the WARRP until after implementation, let alone any prior public consultation.

Following increasing noise complaints the issue was taken up by ABC Local Radio (720 am). On the afternoon of Tuesday July 7 2009 the ABC's Bernadette Young ("BY") continued her unsuccessful attempts to engage ASA in discussion regarding the new flight paths and the consultation process adopted by ASA. A transcript of the interview with Canning MP Don Randall ("DR MP") is attached as A. The initial exchanges of that interview are revealing:

BY ABC: Very well thanks. A bit frustrated I must say. How have you found Airservices to be during this process?

DR MP: Look Bernadette I've been a member of parliament since 1996, on and off, and can I say they're one of the most arrogant organizations that you can get to deal with. They seem to think that they are a law unto themselves. They've forgotten the actual function of the word "public servant" – they serve the public – and they try and treat us like mushrooms as well as elected representatives.

BY ABC: Well I was thinking you might have had more chance since you were actually in the same room as someone from Airservices on Friday. I understand David Moore, who's head of Government Relations for Airservices Australia, was there at the meeting here in Perth who is usually based in Canberra. But did you get much information out of Airservices?

DR MP: Can I tell you it was almost comical Bernadette because the gentleman you talk about was flown over from Canberra, at great expense to the taxpayer I suspect, to consult with the three elected representatives in myself, Judi Moylan and Steve Irons the Member for Swan and he essentially wouldn't answer our questions. I said to him "are you even (sic) going to give us an answer on the issues we're talking about?" For example we were asking about the overlay of the noise contours, the forecasts for the new flight paths, the consultation process as you've asked – he just didn't answer the questions. I said "well look there's no point asking you, we might as well go to the technical guys who've come here from Airservices and try to get some answers from them". But they weren't much more forthcoming, they were a bit more pleasant but not much more forthcoming.

BY ABC: So equally I haven't been able to get answers out of Airservices. Listen Don Randall it's your job, it's your staff's job, to stay on top of local issues. Now, if there's a public meeting going on, it's probably pretty fair to say that you would know about it and if you didn't know about it then one of the other Federal Members should know about it surely. Would I be right in saying that.

DR MP: Absolutely Bernadette. The process is that if you are going to consult you're meant to advertise widely, inform your elected representative, both state and federal, about the new flight path changes. ...

It was only after such exchanges in the public domain that ASA published any details of WARP, for example the "What is WARRP", a 17 point FAQ was published around July 2009. Note the first question "What is WARRP", the answer is in the past tense ... "The Western Australian Route Review Project (WARRP) was a comprehensive review ..."

This ex post facto document has ASA asking itself questions and providing some shining non sequiturs, an example is question 12:

12: *What consultation did Airservices undertake?*

Airservices followed a consultation model we employ nationally for airspace reviews. In Perth this involved consultation with the Perth Airport Noise Management Consultative Committee ("PANMCC"). The committee includes representatives from local Members of Parliament, councils, community representatives groups and the Western Australian government.

Firstly this statement by ASA in July 2009 so offended one member of the PANMCC that it caused her to pre-empt her resignation in disgust. This Committee's meeting minutes of Tuesday October 20, 2009 record Senator Back's comments as:

She (the member for Pearce) had flagged, Mr Russell, her intention reluctantly to withdraw from it (PANMCC), simply because she regarded her name and the names of others as being added by the department (ASA) in its defence saying, "All of these people have been consulted; therefore they agree with it". She advised that committee that, unless she could get further information, she would resign from the committee and, in frustration, she did.

Secondly, residents of the federal division of Canning, in localities such as Roleystone, Kelmscott, Bedforddale, Armadale, Forrestdale and Westfield are now being over flown by jets at less than 3,000 AGL under the new WARRP. Residents are now being subjected to significant noise impact (according to ASA's definition) **did not and have not had** an elected representative on the PANMCC, the very body ASA says it charged with discharging ASA's responsibility for public consultation on the new WARRP flight paths. The views on this issue of our local member, Don Randal the member for Canning, are well recorded both inside and outside of parliament

Thirdly ASA has reached the deepest level of regulatory capture, it is now so complete that ASA, the regulator has assisted the regulated airport operator WAC, to defeat the public consultation phase of the regulatory regime by charging the regulated, the WAC, via its PANMCC, with the public consultancy role of ASA.

Whilst it is my submission that ASA failed to conduct any public consultation, the limited 'in-house' consultation conducted by the regulator with the regulated was not effective, open or informed. The meeting minutes of Westralia Airports Corporation's PANMCC have only recently become available; there is no mention of noise as an in-house issue with WARRP from inception in 2006 to its implementation in November 2008.

Regulatory capture of ASA is so encompassing that ASA has become ineffective in its management of aircraft noise. Whilst ASA might maintain its responsibilities for aircraft noise in the airport environs, say to within the ANEI 20 contour (or up to some 10 kilometres from the airport, whichever is smaller in area), thereafter, in the public interest, ASA must cede jurisdiction for noise enforcement to the State authorities under their individual Environmental Protection Acts and Noise Regulations.

Such state based legislation properly recognizes both the intrusive nature of impulsive (aircraft) noise and the effect it has on 'quiet' ambient noise neighbourhoods. When properly funded and empowered, an active environmental regulator would protect the public interest and the environment.

Submission: Term of Reference (b)

Has ASA engaged with industry and business stakeholders in an open, informed and reasonable way?

No. The ex post facto document which has ASA asking itself questions on WARRP suggests that its engagement with industry and business stakeholders was not open.

12: What consultation did Airservices undertake?

Airservices followed a consultation model we employ nationally for airspace reviews. In Perth this involved consultation with the Perth Airport Noise Management Consultative Committee ("PANMCC"). The committee includes representatives from local Members of Parliament, councils, community representatives groups and the Western Australian government.

ASA's consultation did not engage business or industry stakeholders on the issue aircraft noise and the protection of the environment as the minutes of the PANMCC relating to WARRP from 2006 to 2008 will attest.

Not only did ASA fail to conduct any public consultation, the limited 'in-house' consultation conducted by the regulator with the regulated (industry) was not effective, open or informed. The meeting minutes of Westralia Airports Corporation's PANMCC, the committee charged by ASA with ASA's obligation to consult, have only recently become available. There is no mention of noise as an in-house issue with WARRP from inception in 2006 to its implementation in November 2008.

The WARRP should also have initiated a process of environmental assessment by the proponent, ASA. ASA seems to have been conflicted as both regulator and proponent of WARRP. I am unable to find on the public record any consideration or assessment of WARRP pursuant to section 160 of the Environmental Protection and Biodiversity Conservation Act 1999, the Civil Aviation Act 1988 or the Airspace Act 2007.

CASA, via its Office of Airspace Regulation (“OAR”), requires proponents to provide an assessment of environmental implications for any airspace change proposal. Specifically the OAR requires an assessment of the change proposal and its likelihood of **change to the level of aircraft noise and vibration at ground level affecting people** and or animals, farmed or wild. The radical changes initiated by WARRP do not appear to have been assessed by ASA as either proponent or regulator or by CASA’s OAR as regulator and ASA as the proponent of an airspace change proposal.

Evidence from ASA of an environmental assessment would appease the public interest: the suggestion inherent in the lack of an assessment; that is that WARRP would not cause a ... **“change to the level of aircraft noise and vibration at ground level affecting people** ... :is untenable.

Submission: Term of Reference (c)

Has ASA adequate triggers for public consultation under legislation and are the procedures used by ASA compliant with these requirements?

It would appear that ASA has become something of a rogue organization, in its failed regulatory state the number and size of any triggers matters not: if the regulator is not of a mind to pull the necessary levers.

Submission: Term of Reference (d)

Is ASA accountable, as a government owned corporation, for the conduct of its noise management strategy?

The writer is unable to locate an ASA noise management strategy, without a strategy an organization cannot be held accountable for the prosecution of same.

The extract below from ASA’s web site describes how ASA sees as it role:

Aircraft noise

This part of our website has been designed to provide both aviation stakeholders and the general public with information about aviation and aircraft noise.

You can use these pages to find out about the regulations concerning aircraft noise, how to apply for noise certification of an aircraft, look at noise statistics and noise abatement procedures for major airports, and learn about the services of our noise enquiry unit.

To lodge a complaint regarding aircraft noise, please use our online form.

*To contact the Noise Enquiry Service phone **1800 802 584** (freecall) or **1300 302 240** (local call)*

or write to:

Noise Enquiry Service

PO Box 211

Mascot NSW 1460

Apparently ASA sees its function as providing information on aircraft noise and a statistical collation of noise complaints. After submitting several detailed noise complaints to ASA and receiving no reply save a confirmation of receipt the writer asked ASA to clarify its complaints resolution procedure, the standard response follows: ...

Mr. Stewart,

The reference number for your enquiry is 233978.

The Noise Enquiry Unit (NEU) records complaint and enquiry data and we are sympathetic to your issues, but we do not make policy. Our role is to receive and record, respond to and report on aircraft noise complaints and enquiries received. The NEU provides regular reports to airport management about the complaints and enquiries that have been received. These reports are used by the airports at noise abatement committee meetings and in other community consultations. On an 'as required' basis, the NEU also provides reports to senior management within Airservices to enable responses to queries that are received from Members of Parliament (Commonwealth and State), the Department of Infrastructure, Transport, Regional Development and Local Government, and others.

For your suburb, the report is sent to the Perth Airport Aircraft Noise Management Consultative Committee. It is their responsibility to review our reports and to take any necessary action. The NEU does not have any influence over the operational procedures that are either currently or intended to be used at airports.

I trust this information is of assistance and remain available to provide further detail on these issues should you require. Please contact the Noise Enquiry Unit on 1800 802 584 should you wish to make further enquiries.

Kind regards,

Noise Enquiry Unit Operational Specialist

Safety & Environment

Airservices Australia

The strategy in such a reply is astounding. The opening ... *“we are sympathetic to your issues, but we do not make policy.”* is, at first glance, somewhat unintelligible: it suggests that complaints are not dealt with or otherwise resolved by ASA as a matter of policy, however this is exactly what is meant. ASA are perpetuating the cruel hoax of regulatory failure: soliciting noise complaints as the regulator to its Noise Enquiry Unit, then offloading them to a consultative committee of the regulated, the WAC, a private corporation operating an airport. A perfect circle in the famous ‘Yes Minister’ tradition.

Yet neither the WAC as Perth Airport or its PAANMCC will accept complaints or engage in discussion regarding flight path noise. ASA’s strategy/procedure/tactic of passive indifference to residents’ noise complaints amounts to a wilful default of its obligations.

Implementation of the WARRP has caused a remote dormitory suburb of Perth to be visited by thousands of low flying passenger jets causing significant noise impact, noise complaints are managed in a statistical manner rather than for any resolution and a regulated party, the WAC and it’s Perth Airport Aircraft Noise Management Consultative Committee, PAANMCC interposed between the public and ASA, as ASA says ...

“For your suburb, the report is sent to the Perth Airport Aircraft Noise Management Consultative Committee. It is their responsibility to review our reports and to take any necessary action.”

Such delegation of responsibility by public authority appears ultra vires.

Whilst ASA seems devoid of an expressed noise management strategy, the regulated WAC, the operator of Perth Airport certainly has one:

"Aircraft Noise Management Strategy

As part of Perth Airport’s ongoing consultative process and as stated in the approved Master Plan 2004, Perth Airport is committed to working with airlines, air traffic controllers and relevant government agencies to manage aircraft noise intrusion. A primary initiative in this regard was the formation of a Noise Management Committee. The principal purpose of the Committee was to contribute to the development of a Noise Management Strategy for Perth Airport.

The Minister, in approving the 1999 Master Plan, placed reliance on the establishment of the Noise Management Committee as a consultative mechanism providing a forum for representatives of local government and the community to work cooperatively with representatives of the aviation industry.

The Minister stressed the need for meaningful consultation and community input. The efforts of the Committee, which deliberated for one year, resulted in an Aircraft Noise Management Strategy which balances the vital commercial objectives of those who utilise the airport with the rights of the communities which endure the audible by-product of the airports growing operations. [Click here](#) to download the Aircraft Noise Management Strategy.

From 1999 an ongoing committee, the Aircraft Noise Management Consultative Committee, meet quarterly to implement and monitor the Aircraft Noise Management Strategy.

See table below to download the minutes from the Aircraft Noise Management Consultative Committee.

The Committee's purpose has now evolved into a monitoring role and has been renamed the Aircraft Noise Management Consultative Committee.

The Committee includes representatives from Perth Airport, State and Local Government, State and Commonwealth Government departments, Federal Members of Parliament, airlines and community groups. [Click here](#) to download the Terms of Reference.

For the current list of Aircraft Noise Management Consultative Committee Members [click here](#)

Perth Airport has also prepared an Aircraft Noise Management Policy, which clearly expresses the airport's commitment to ongoing noise management. [Click here](#) to download the Aircraft Noise Management Policy.

The disconnect is now complete: having aircraft noise complaints to the federal regulatory agency (ASA), fobbed off to the regulated airport (WAC) for the airport to apparently ... *“take any necessary action.”* Yet the WAC's PAANMCC in its stated strategy says that ... *The Committee's purpose has now evolved into a monitoring role and has been renamed the Aircraft Noise Management Consultative Committee.* So ASA's 'action' dissolves into 'monitoring'.

A noise complaint to ASA is led down a very slippery slope to finally the complainant abandoning any hope of resolution and landing as a statistic in the 'monitored' category of a airport operators consultative committee.

Submission: Term of Reference (e)

Has ASA pursued and established equitable noise-sharing arrangements in meeting its responsibilities to provide air traffic services and to protect the environment from the effects associated with aircraft for which it is responsible?

WARRP has created a noise blight across the Perth Hills and along those southern suburbs on the return leg to Perth Airport. If the WARRP cannot be withdrawn then a Sydney type night curfew and noise-sharing arrangements must be put in place in Perth.

Submission: Term of Reference (f)

Does ASA require a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise?

It is suggested that ASA has become a rogue organization with respect to its obligations to the environment and the public. In its failed regulatory state no amount of rules, binding charters or other instruments will bring the beast to heel. The deceptions practiced upon the public during the WARRP cover-up from July 2009 are now too deeply rooted in the existing organization for it to properly serve the public.

Submission: Term of Reference (g)

Any other related matter?

- A) The veracity of information provided by ASA is questioned.
1. ASA's 'Webtrack' if used for navigation purposes would cause severe ground interference, underestimating aircraft elevations by up to 1,000 ft AGL in the Perth Hills, Webtrack 'assumes' sea level for the whole of the Perth greater metropolitan area, a fatal error in aviation.
 2. Overflights of Roleystone shown on Webtrack at 3,000 ft AGL are actually only 2,000 ft above ground level, the inferred sound pressure level on the ground is thus some 50% under-estimated on Webtrack from that actually occurring in the community.
 3. ASA's WARRP 'Fact Sheet' contains a header: *"How have the changes affected aircraft noise distribution?"* There is not a single reference to any increased noise from WARRP, yet Roleystone has been placed within the N60 to N65 contour.
 4. ASA's WARRP FAQ at question 6 asks *"How have the changes affected aircraft noise distribution?"* Once again the answer has not a single reference to any increased noise from implementation of WARRP. At FAQ 8 *"Are aircraft flying lower over my area?"* ASA claim that *"No aircraft are flying lower as a result of the changes."* This would be so, if, as ASA's self fulfilling claim at FAQ 13, that aircraft were above 5,000 ft AGL in Roleystone were true. As Webtrack shows, this is patently not the case, with overflight at 2,500 ft to 3,000 ft AGL being the norm.

5. At FAQ 13, at what is essentially a question regarding consultation, ASA injects some spurious metrics into the discussion. An attempt is made to make an argument that equates 'significant noise' with a sound pressure level of 70 dB(A). Such levels are contextual, 70 dB(A) is insignificant at a rock concert, is a level at which will interfere with speech in a casual conversation at 1 meter distant: however it can cause a 'wake in fright' response in a sleeping or unsuspecting subject. Roleystone's ambient noise level at 40 dB(A) reflects its status as a quiet dormitory suburb far from the hustle and bustle of the City, an injection of impulse aircraft noise at ASA's level of 70 dB(A) is 240 times the standard level of noise experienced by Roleystone residents, without applying the intrusiveness penalty usually associated with 'impulsiveness'. A frightening level. It is generally taken that an intrusive noise is one which is injected at double the background or ambient noise level. In Roleystone and other dormitory suburbs in bushland settings, aircraft noise at 46 dB(A) becomes intrusive and is significant. WARRP over flights have been measured up to 65 dB(A) on our property.
6. Again at FAQ 13, the ASA attempts to confuse and conflate its 'new' 'significant noise' level of 70 dB(A) with the statement that ... "For *example, on approach routes to the east of the airport, jet aircraft are generally at or above 5,000 ft before turning west and descending to land*". Please note that over residential Roleystone all these WARRP aircraft are **below** 5,000 ft AGL, not above.
7. Perhaps the most misleading and harmful statement made by ASA on the WARRP appears at FAQ 14: "*What information did Airservices provide relating to the changes?*" – "*Airservices provided detailed information on new departure and arrival routes and potential noise implications, to the Perth Airport noise committee in October 2006. We continued to update the committee on progress at meetings throughout 2007 and 2008.*" - The minutes of meeting of the PAANMCC for October 4, 2006 at Item 5 contradict ASA's FAQ statement. The ASA representatives purported to the committee that the environmental assessment of WARRP had been conducted and that the assessment included noise levels, population numbers affected and engine emissions. No detailed information on noise implications was provided. At Item 5.5 a request was made to have ASA provide these details to committee members. The request was formalized by WAC's committee requesting ASA to provide the assessment. Despite several requests since 2006 ASA has yet to provide the environmental assessment. The answer provided by ASA at FAQ 14 is not only factually incorrect, as ASA seeks to enmesh members of the committee into a conspiracy of capture; federal representatives, amongst others, are sensitive to such coercion.

8. One long serving government member of PAANMCC with some skill in the art of noise and noise management was so disappointed with the veiled approach ASA took in disclosing to the committee the effects the WARRP would have, put it this way in an email: *“The consistent impression given by ASA that the (WARRP) changes would only occur at distances well away from the airport was ultimately misleading and led the committee to a view that the changes were not likely to significantly impact any particular group. The quality of information provided by ASA on the WARRP website was clearly inadequate to enable non-aviation experts to or evaluate the likely impact.”*
9. At WARRP FAQ 16 AASA claim that *“This includes reducing noise impacts where possible and introducing environmentally friendly approach and departure paths to reduce noise, fuel consumption and CO₂ emissions.”* Thus ASA announce the introduction of continuous descent approach (CDA) within WARRP, without disclosing their faulty methodology. Boeing Air Traffic Management were one of the early proponents of CDA with Warren A and Kwok-on Tong’s 2002 paper “Development of Continuous Descent Approach Concepts for Noise Abatement”. As Boeing say *“CDA procedures have been proposed to reduce noise and emissions by 1) delaying descent below 7,000 feet as late as possible and 2) descending at idle or near idle thrust from about 220 knots until final approach speed is reached.”* A proper implementation of CDA would have airlines initiating descent below 7,000 feet some 25 kilometres from Perth Airport under idle conditions, not some 90 kilometres out as now appears to be the case with the medium thrust shallow descents. A study of the CDA introduction at Schiphol Airport in the Netherlands also reported more noise complaints from areas removed from the airport. CDA requires careful application to optimise reported benefits; otherwise a noise blight is created.

B) The need for change is questioned.

1. At WARRP FAQ 2, Why were the changes necessary? ... ASA states that airspace around Perth is extremely complex. Large areas close to the metropolitan area are used by the military for flight training and other exercises. Military use of this restricted airspace has increased over the past decade, reducing it’s availability for civilian traffic. Is it appropriate to have the military so active in Pearce, so close to Perth?
2. What other capitol city of over 1 Million people in Australia has an active airbase so close to a busy airport? WA has a superb modern military training facility at Learmonth.
3. Anecdotal evidence from Qantas pilots suggests that RAAF activity at Pearce has been declining for some time, yet the training of Singaporean, Malaysian and other foreign Airforce pilots has been booming. Some Qantas pilots are frustrated that they are being required to run additional time and fuel (i) when flying south at

low altitude, past Perth airport along the hills to Armadale then turning 180 degrees to return and land back to Perth: and, (ii) when flying north to proceed west beyond Rottnest before finally departing to the north.

4. Again, anecdotal evidence suggests that the RAAF initially marketed itself as a flying school for Asian nations with the training to be effected from Learmonth base. The client nation states declined such a remote location for their pilots, preferring to accommodate them in Perth for training at Pearce.
5. No doubt foreign income is welcomed by our military, however is it fair to put the travelling Australian public to the additional time and cost of contorted flight paths around Perth to train foreign military pilots; let alone impose the additional noise burden on Perth residents?

C) Health Effects of Aircraft Noise

Noise raises your blood pressure. Aircraft noise can raise your blood pressure even while you asleep. Dr Lars Jarup (Imperial College London), says people who live near airports are likely to have a greater risk of health problems.

WARRP has extended the harmful aircraft noise range over Perth to such an extent that residents of Roleystone and other elevated suburbs are now being subject to noise levels in the N60 to N65 dB(A) range, research have proven such levels contribute to cardiovascular disease.

Dr Jarup's work is published in the European Heart Journal 2008 29(5):658-664
<http://eurheartj.oxfordjournals.org/cgi/content/full/ehn013v1?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=jarup&searchid=1&FIRSTINDEX=0&resourcetype=HWCIT>

Other health authorities such as the World Health Organisation and the EU's Hypertension and Exposure to Noise near Airports (HYENA) report increases in blood pressure and cortisol levels with aircraft noise from 55 dB(A) upward.

Why expose a potential additional 100,000 Perth residents in the southern corridor to the harmful effects of aircraft noise via the implementation of WARRP?

D) Safety of Low Altitude Circuits and Horizontal Stacking

As a former private pilot I can attest to the fact that the most important thing to have with you in an airplane is elevation. When anything goes wrong, elevation provides you with options. In any emergency landing scenario the safety of passengers and those on the ground is of primary importance. WARRP seems to combine these two criteria to heighten the threat of an aviation disaster.

A safety risk analysis of WARRP versus it's predecessor; in relation to any cost benefit analysis of pilot training for foreign air forces at Pearce is urgently sought.

The writer wishes to thank the Committee for seeing the need to conduct this inquiry and would welcome the opportunity to address the Committee directly in hearings. Evidence from an engineer on noise exposure in a residential context, rather than from 'industry' and it's 'hired guns' may be of some worth to Committee members.

The Department has finally acknowledged the failure of the ANEF noise methodology to communicate noise risk to the public. The 2008 Discussion Paper ...“Expanding Ways to Describe and Assess Aircraft Noise” ... is an attempt to strip away the cloak of the 'technocracy' and return to basics, as the paper says ...

“Not unnaturally there has frequently been a breakdown in communication between the 'noise expert' and the community which we consider has been at the expense of both parties.”

Yours faithfully

Peter J Stewart

317 Peet Rd Roleystone WA 6111

Tel: 08 9496 1103 email: combair@inet.net.au

Attachment A Transcript of ABC Radio Interview July 7, 2009

Attachment B Membership of the PAANMCC in 2009 (note no Moylan or Randall)

DON RANDALL MP
INTERVIEW WITH BERNADETTE YOUNG
AFTERNOONS WITH BERNADETTE YOUNG PROGRAM- ABC 720AM
TUESDAY 7TH JULY 2009
AIRSERVICES AUSTRALIA AND FLIGHT PATHS

Preview by Bernadette Young notes refusal of Airservices Australia to provide any additional information on flight paths or consultation on changes to ABC. Also includes extract of Judi Moylan Interview.

BERNADETTE YOUNG (BY): Don Randall is the Federal Member for Canning and he was at the same meeting as Judi Moylan on Friday with Airservices. Don Randall, Hello.

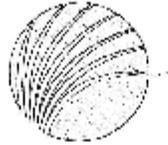
DON RANDALL (DR): Good afternoon Bernadette. How are you?

BY: Very well thanks. A bit frustrated I must say. How have you found Airservices to be during this process?

DR: Look Bernadette I've been a member of parliament since 1996, on and off, and can I say they're one of the most arrogant organisations that you can get to deal with. They seem to think that they are a law unto themselves. They've forgotten the actual function of the word 'public servant' - they serve the public - and they try and treat us like mushrooms as well as elected representatives.

BY: Well I was thinking you might have had more chance since you were actually in the same room as someone from Airservices on Friday. I understand David Moore, who's head of Government Relations for Airservices Australia, was there at that meeting here in Perth who is usually based in Canberra. But did you get much information out of Airservices?

DR: Can I tell you it was almost comical Bernadette because the gentleman you talk about was flown over from Canberra, at great expense to the taxpayer I suspect, to consult with the three elected representatives in myself, Judi Moylan and Steve Irons the Member for Swan and he essentially wouldn't answer our questions. I said to him "are you even going to give us an answer on the issues we're asking about?". For example we were asking about the overlay of the noise contours, the forecasts for the new flight paths, the consultation process as you've asked - he just didn't answer the questions. I said "well look there's no point asking you, we might as well go to the technical guys who've come here from Airservices and try and get some answers from them". But they weren't much more forthcoming, they were a bit more pleasant but not much more forthcoming.



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