

Inquiry into the effectiveness of AirServices Australia's management of aircraft noise¹

Senate Standing Committee on Rural and Regional Affairs and Transport

Executive Summary

Between 1991 and 1993 the Federal Government handed over responsibility for more than 200 regional airfields to local government under a *Transfer Deed* between the two parties. The *Deed* defined a number of matters relating to use of the airfields including disposal of land deemed surplus to requirement with permission of the Department, land-use planning rules to prevent development which would be adversely affected by aircraft noise, bird hazard and obstacle limitation surfaces, and unrestricted access to the aerodromes consistent with their physical limitations.

In 2004 the then Minister for the Department of Transport and Regional Services on the advice of his Department loosened the reins over the future disposition of the aerodromes by agreeing that the Secretary's consent only was needed for the sale of an ALOP Aerodrome and that such consent was not required for further sales. The Department then advised all ALOP aerodrome owners of this relaxation of the *Transfer Deed*.

This major change to the *Transfer Deed*, involving hundreds of millions of dollars of regional aviation infrastructure, was not brought to Parliament or the public for discussion. Furthermore, the request from the Minister to his department that the proposed change be discussed with various aviation peak bodies before it was agreed to, was not met, as far as can be determined.

The change to the *Transfer Deed* was discovered through an FOI to DOTARS following difficulty in obtaining a clear response from the Department about the matter including enforcement of the *Deed*. In fact the Department and its successor department were very unhelpful taking many many months to reply to correspondence and then providing answers which were less than adequate.

More recently we sought the assistance of the Commonwealth Ombudsman to obtain written answers to questions.

Many of our questions and submissions to DOTARS and its successor department related to the proposed development of a retirement home a 110 metres from the main runway of the State Heritage Listed Evans Head Memorial Aerodrome, and the application of the *Transfer Deed* regarding adverse effects of aircraft noise to the proposed development. The local government authority changed the ANEF to suit the development, in our view a breach of the *Transfer Deed* over the aerodrome, and ignored an independent town planning assessment in 2007 which showed it was a land use planning conflict. All three levels of government ignored the independent assessment without genuine explanation.

It is very clear the Federal Government has passed responsibility for decisions about aerodromes and execution and policing of the *Transfer Deed* to State and local

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government authorities. This handover includes matters relating to planning and aircraft noise. Local and some State government authorities often have little or no knowledge regarding aviation and aviation noise, and the effects of aircraft noise. In these circumstances how can well-informed decisions be made?

The current paper sets out the background to the *Transfer Deed* and its change and presents a case history of the State Heritage Listed Evans Head Memorial Aerodrome and how the parameters which informed the ANEF were changed to suit retirement village development rather than aviation.

The paper also calls for the outdated ANEF to be reviewed and new more sensitive noise measures to be put in place that take account of the full effects of noise on human health (see enHealth, 2004 report of Federal Department of Health and Ageing). The Federal Government Department responsible for aviation seems to be ignoring the expert advice of another Federal Government Department on this important issue for reasons which are unclear.

The Federal Government has refused to amend the antiquated ANEF and has dismissed calls for a more effective measure.

We have formed the view that reluctance to improve the ANEF, a land use planning tool which defines whether aircraft noise is acceptable or not for development, is more likely related to the political fallout a more comprehensive measure might have on certain electorates in aviation flight paths, but more importantly may inhibit new urban development, anathema to current State plans for extensive growth and urban consolidation. Aviation and human health is being sacrificed on the altar of non-aviation development.

We believe it is time for an independent, comprehensive review of the outdated ANEF and for a newer more effective measure to be put into place. That measure should become the land use planning standard for current and future development.

It is time for the Federal Government to start overseeing the enforcement of the *Transfer Deed* for the more than 200 ALOP aerodromes in regional Australia rather than leaving it to local and State Authorities who often have a conflict of interest as owners and consent authorities and are not arms length from the assessment process.

The fact that local government is cash-strapped we believe influences the decision-making process with regard to how aircraft noise is assessed and managed. As a result of this manipulative process regional aviation infrastructure around Australia is being lost to inappropriate development and no-one seems to be looking after the interests of aviation infrastructure from a longer term perspective.