

SYDNEY AIRPORT COMMUNITY FORUM INCORPORATED  
SACF INC

SUBMISSION TO

SENATE ENQUIRY INTO MANAGEMENT OF AIRCRAFT NOISE  
BY AIRSERVICES AUSTRALIA 2010

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As Secretary Sydney Airport Community Forum Inc (SACF Inc)

- A. Public Consultation Strategy : Whether "Effective, Open & Informed"?
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- F. "Binding Community Consultation Charter" : Whether needed to assist with open and Full consultation with noise affected communities.
- G. Any Other Matter.

## EXECUTIVE SUMMARY

### A. *Public Consultation Strategy : Whether "Effective, Open & Informed"?*

No Strategy: Public Consultations are not of own initiative , but by Direction of the responsible Minister. There is no clearcut obligation for Airservices to initiate consultations other than at its option "*where appropriate*" via S. 10 of the Act Such consultations are limited to organisations e.g. "*consumer and other relevant bodies and organisations*". The main ongoing "consultation" affecting Sydney communities involved the so-called Long Term Operating Plan for Sydney Airport (LTOP) for which the directed means were the Sydney Airport Community Forum (SACF) and the Implementation & Monitoring Committee (IMC) .

Effectiveness: The LTOP consultation will have been ongoing for fourteen (14) years come April 2010. Major difficulties have been experienced with the realisation of forecast outcomes. The LTOP that was supposed to have been complete within 24 months is still incomplete. The Community has felt frequently misled over differences between "promised outcomes " and "outcome reality". Much work is still required by SACF and "community" IMC representatives to make Airservices realise the promises behind the Plan.

Openness: Appears "open" to the extent that AA sends a responsible official to SACF and Chairs the IMC . It produces statistical reports and provides answers from responsible officials when requested by SACF or IMC and permits limited engagement with members of the community in correspondence and meetings Q & A. A major issue is excessive charging for data requests from public or SACF members for example for noise or flight path data . This impedes information flow and leaves a feeling that AA is not being as frank as possible. The "commercial- in-confidence" excuse is also irritating given that AA is a Government Agency and has no competitors in Australia. Tying of Noise Data production to in-house facility (environment branch) reduces public confidence and leaves open the spectre of "data control" . The LTOP-prescribed (or expanded) NEU is a worthwhile communication medium if used intelligently. It is mainly staffed by highly intelligent "retired" or off-duty Air-traffic controllers . It is not an efficient means of gathering statistics on community satisfaction with the LTOP . It is not optimal at dealing with really angry people, and has responded by resorting to police action for intemperate verbal anger, when counselling or the off-switch could be a better option. Webtrack is potentially a very informative tool , and could be developed to provide most of the answers needed by intelligent NEU-callers.

Informed: If the extent to which AA is "informed" is measured by success of its program outcomes , then with LTOP it has failed. Noise sharing is not demonstrably fair, even and equitable by any quantitative standard. Early statements as to achievability and achievement of LTOP have proven flawed. The ministerial direction to maximise movements over water and non-residential land were misinterpreted completely between the "Full" LTOP report and the proponent statement. The LTOP Movement Targets ( the built-in measure of noise sharing) were not achieved and Ministerial responses were suboptimal.

On the other hand AA certainly has (or had) impressive in-house "information" facilities, and doubtless people of high intellectual caliber in some offices. But the coordination and focussing of these powers on practical problem solving for the "fair share" noise plan was gravely lacking. It is suspected that early LTOP planning was compromised by the untimely retrenchment of key IMC staff after Departure of the SABRE experts from Task Force 1, while work was still in progress - a symptom of management failure . In 2006 the monitoring arm (environment branch) was subject to extensive retrenchments of key staff without replacement.

Suggested Improvements:

1. Make it a clear obligation of an independent Entity to monitor outcomes and report.
2. Reverse the minority role of Community representation on the IMC and provide community representatives with better informed independent expert know-how.
3. Community reps are in a minority on committees, and even the most diligent volunteer representative must defer to supposedly better informed (majority) expert.
4. Shorten implementation time frames to reverse the loss of Committee "memory", expertise, dynamics and willingness, as this is severely affected by long time frames and consequent personnel changes. LTOP was supposed to have been implemented within 24 months and it is now almost 14 years with no end in sight.

***B. Engagement with Business & Industry "Stakeholders" : Whether open, informed & reasonable***

It is clear to anyone attending IMC meetings on the LTOP, that industry has a particularly intimate, ongoing relationship with Airservices Australia which the "community" does not possess. In fact from time to time the airlines are suspected of sabotaging the noise sharing aspects of LTOP, by instructing pilots to fly contrary to the plan. They also oppose the improvement of Noise Abatement Takeoff procedures because of fear of airline cost increases. However it is questioned whether airline costs are of comparable importance to that of the overflowed community in seeking lower noise and more equity in its distribution.

***C. Legislative Triggers for Public Consultation: Whether adequate, & ASA procedures compliant?***

There appear to be no such triggers, except for the Ministerial Direction (AA S. 16). In particular there is no built-in requirement for consultation on changes causing detriment to the human residential environment. To the extent that there are no built-in triggers AA is neither compliant nor non-compliant. In Sydney, however it has adopted a form of compliance with the consultative specifications of the LTOP Mandate. Consultation and probing through SACF & IMC has been driven by community representatives ( Councillors, Mayors, MPs, their constituents and individuals) and their dissatisfaction with progress. Independent associations concerned with equity (e.g. SACF Inc) have also sought consultations from time to time.

***D. Conduct of Noise Management Strategy: Whether accountable - as Govt. Corporation?***

The implied division of responsibilities between the Airservices Act 1995 S. 9(2) (protection of the environment) and the Airports Act 1996, S. 71 (2) (d) to (g) (requirement in Master Plans to specify how the "airport" intends to ameliorate aircraft noise effects in affected communities) leads to responsibility breakdown and fractured and dysfunctional control among the aviation players with no single person or organisation where the buck must stop.

The inclusion of the aircraft noise monitoring section (Environment Branch -EB) within AA's organisational tree introduces an inherent interest conflict in the EB as to whom it is answerable to. AA has no independent monitoring role.

The Entity responsible for aircraft noise monitoring in the human environment must be independent of AA, with funds independent of airport commercial success, unlike AA. AA should be made accountable to the Entity and the Public for defined Aircraft Noise excesses as determined by an independent body ( Environment Australia or the Department of Health). The

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Standards used should be consistent with those of the States for residential- and industrial site-related noise. The monitoring Entity should conduct effective noise measurement (not mere projections from theoretical flight paths) and give first priority to the needs of public health.

The involvement of the Department of Transport in noise descriptor setting (such as the misleading "N70" - promoted in the document "*Expanding Ways to Describe and Assess Aircraft Noise*" [*ibid*] ) is unacceptable, because Transport's priority is transportation promotion, regardless of human health and welfare. If flight path noise cannot be made of minimal impact, and avoiding sensitive areas, the monitoring body within Health or Environment should recommend noise insulation where necessary without fear or favour, and as determined by the best known Standards (eg. AS 2021-2000 and medical information) . The funding methodology should be prescribed, making Airservices Australia , the airport or both liable.

People should not be sidelined because only few complain or because transportation is , in one view, the more important. The so-called "Significant ANEF" in the Airports Act 1996 should be dropped to 20 db(A) because any building above 20 ANEF requires the aviation noise to be considered in planning authority decisions (AS 2021-2000) . The maximum noise level scheduled for aircraft noise over residential areas should be 70 dB(A), and specified in an Aircraft Noise Limitation Act.

However CASA Rules deem as "safe" flight levels (down to 1000 ft) which can cause physical harm in some individuals . Aviation safety must obviously remain a primary concern, particularly with now projected air traffic increases. Aviation Safety is largely determined by an aircraft's altitude and spatial separation from its near in-flight neighbours. Noise is similarly governed by altitude, but so as to require greater height to minimise noise. In some overseas jurisdictions (and even elsewhere in Australia , eg. Canberra , Brisbane , Cairns) critical noise altitudes ( eg. > 5000 ft AGL - this will vary) are enforced for jets which ensure minimal impact over residential areas. In Sydney the lowest altitude flights are also the noisiest from departing jets over the north- west , east and west.

***E. Noise Sharing Arrangements: Whether "equitable" as pursued and established by AA and if they "protect the environment from the effects associated with aircraft for which it is responsible."***

It is not clear if humans are included in the "environment" which Airservices is duty bound to protect . However, the Environment Protection and Biodiversity Act [EPBAct] does include humans in its definition of Environment (S. 528) .

As implemented at Sydney , noise impacts are demonstrably NOT equitably shared and community concerns, privately funded monitoring and intelligent, well-informed and creative suggestions for solutions hit a brick wall some years ago. The main problem is that there is no legislative protection from aircraft noise . Airservices has throughout been notoriously late in the production of noise maps (ANEI and ANEF) , the former of which was required every three (3) months, and the latter within one year. The first ANEI was produced in 2003 , to assist SACL produce its first Draft Master Plan. However the ANEI -lag is reported to be catching up, but their accuracy has been questioned due to inappropriate altitude assumptions used in calculation.

If equity in sharing is determined by the smoothness of noise distribution then independent noise measurement should be employed to confirm the computed ANEI. The distribution of flight paths employed to share the noise should be determined by quantitative methodologies not guesswork. The basis for equity should first be established by complying with the foundation mantra to maximise movements over water and non-residential land. This was discarded very early in LTOP. Improvements in equity could be achieved by :

- (1) Fully Insulating Kurnell.
- (2) Restore the LTOPFR Botany Bay modes such as Modes 2 & 3 - illegally removed from LTOP prior to publication of the Proponent Statement .  
(Unfortunately Mode 2 puts arrivals over Kurnell )
- (3) Promote takeoffs over Botany Bay by :
  - (a) Maximising use of SODPROPS (with takeoffs through Botany Heads , not over Kurnell)
  - (b) Using a DOWNWIND "Noise Abatement" Provision , ie use a northerly downwind to maximise takeoffs over water (and not to equalise with those over land as at present).
- (4) Implementing Potential solutions , eg the "H&W" offshore tracks , are opposed by airlines with apparently insufficient substantiation.

***F. "Binding Community Consultation Charter" : Whether needed to assist with open and Full consultation with noise affected communities.***

It is clear that there could be benefits in devising a "Binding Community Consultation Charter" with National application. Such a Charter would be ineffective if it simply perpetuates the mechanisms used at Sydney since 1996. The Sydney LTOP shows that a major problem is getting the airlines to comply with obligations they have themselves undertaken with Airservices Australia. Airservices appears to have insufficient authority over the airlines to fulfill its environment protection role. SACF has no authority except as expressed through the relevant Minister, and as observed, Ministers have been ineffective in enforcing outcomes. Observations show the SACF/IMC process is malleable by industry due to lack of community representative expertise. The IMC role , as "implementation manager" for LTOP "Noise sharing", was subverted by both the numerical minority and relative ignorance of community members . The IMC Chair as "Project Manager" and agency representative possesses no inherent authority to "get the job done ". Any such Charter would need to establish , say, an independent Aviation Environment Management Authority, which is given project management responsibility for implementing agreed local airport noise protection plans and an Aircraft Noise Limitation Statute would ideally be part of the legislative framework.

***G. Any Other Matter***

Risk Management and air-safety issues due to arrival overflying by Jet takeoffs North , West and East in Modes 7 8 & 9 are raised. These were first raised in a Bureau of Air Safety Investigation report in 1998 [ Report B. 98/90] and are largely unresolved. SACF Inc believes that the overflying regime creates an unnecessarily high collision possibility between departing jets leaving the Airport under the 5000 ft arrival ceiling (See Fig. 1 (a) and (b)), and that this situation depresses departure altitudes, increasing departure noise levels in over flown suburbs Northwest, west and east of the airport.

Also emphasised is the failure to optimally fan departures over the northern and eastern suburbs, where historic electorate discriminations are being maintained and the need to use SODPROPs (reciprocal over-the water ) modes to alleviate noise in populated residential areas in the sensitive early morning and late evening shoulder periods. This Mode was predicted to be in use 14% of the time in the LTOP Reports, yet has at the most been used for 1.5 % of the time.

**SYDNEY AIRPORT COMMUNITY FORUM INCORPORATED ( SACF INC)**

***SUBMISSION TO SENATE ENQUIRY INTO MANAGEMENT OF AIRCRAFT NOISE BY AIRSERVICES AUSTRALIA 2010***

***Introductory Statement :***

Sydney Airport Community Forum Incorporated (SACF Inc ) is a bona fide community forum founded by local community groups with the assistance of the former Paul Zammit MP in 1998 and exists to provide and coordinate informed independent community input to Aviation debates surrounding Sydney Airport , primarily the Long Term Operating Plan for Sydney (Kingsford Smith) Airport [See Appendix "A" - About SACF Inc] . The findings of its research and observations are published in reports , and while they are of particular relevance in the Sydney context, the general principles which have been researched and developed may have applications for other community fora in other cities. A statement of SACF Inc objectives and representation is provided in Appendix A. All statements and comments relate to individual and community experience with the ***Long Term Operating Plan for Sydney (Kingsford Smith) Airport (LTOP)***.

***A. Public Consultation Strategy : Whether "Effective, Open & Informed"?***

1. Effective? : At Sydney Airport the Long Term Operating Plan for Sydney (Kingsford Smith) Airport (LTOP) was a politically driven response to public disgust at the environmental cost of the last Labor (Keating) government's construction and opening of the "Third" Runway (Runways 34R/16L) in 1994. It responded in part to recommendations of the Senate's Parer Committee Inquiry recommendations following the third runway opening (See -Ref. <sup>#1</sup> "*Falling on Deaf Ears*" ). It was an ambitious program offering to remove most arriving aircraft from Sydney Skies (in northerly winds ) and put them over water. In theory this would have benefited residential areas by permitting departing aircraft to climb more steeply - reducing ground level noise.

The Proponent Statement promised to complete Stage 1 LTOP in 18 months with the remainder, within the balance of the first two years. This included Stage 2 : (1) A north shore arrival spreading system called "Trident" for southerly winds and (2) the subsequently dubbed "High & Wide" (H&W) mainly offshore component for northerly wind approaches to Botany Bay

Well, LTOP has still not been implemented fully and the trumpeted noise-share "movement targets" ( 17% North 55% south; 13% east & 15% west) have never been met after nearly 14 years. It is therefore not effective.

2. Obligation to Consult?

The Airservices Act only expressly requires Airservices to consult in the terms specified in S. 10:

*"10. In the performance of its functions and the exercise of its powers, AA must, where appropriate, consult with government, commercial, industrial, consumer and other relevant bodies and organisations (including ICAO and bodies representing the aviation industry)."*

There is no specific mandate to consult with people in the general noise affected community, except possibly as implied by the phrase "consumer and other relevant bodies" .

In the case of LTOP the requirement to "consult" with some of the noise-affected people, by proxy through politically appointed representatives , came with the Ministerial Direction for the introduction of LTOP in 1996 , including the development of the plan through the Ministerially appointed Sydney Airport Community Forum (SACF) and the Implementation and Monitoring

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<sup>1</sup> "*Falling on Deaf Ears*" - November 1995 - The Parer Committee Report, ISBN 0 642 24416 2, AGPS .  
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Committee (IMC).

Government SACF (Govt SACF) was a "representative body" consisting of MPs , Local Mayors and a few individuals representing community areas who were selected by the government of the day. It represented predominantly Sydney's north-shore and southern interests. It may (or formerly could ) request the Minister to take relevant action in promotion of LTOP objectives.

However, even if the Minister does take a requested action, if Airservices does not wish, or the airlines do not wish to comply, the evidence is that the action will fall by the wayside . An example was the 1998 Govt. SACF resolution to implement the then applicable ICAO-A "*Noise Abatement Departure Protocol.*" (NADP). This was trialled with some success for a limited time, but abandoned through airline pressure , due to alleged increased use of fuel in the take-off phase [Ref. #<sup>2</sup> ].

IMC is a Committee of Airservices Australia, Chaired by Airservices Staff (Usually the Manager of Operations at Sydney Airport) , to which the Minister appointed two , "community" representatives (being SACF-selected , Ministerially -approved people , sometimes with party affiliation, sometimes, not) . Nominally they were there to represent the interests of all affected communities, though (excepting the first three years ) they have been the SACF community representatives for the northern suburbs and Kurnell , being north and south of the airport at the major runway ends .

Their role is to liaise between the community , SACF and the IMC. Some of these people came to hold considerable influence in determining the future development of LTOP. But that influence is subject to the majority rule on the IMC of the Industry/bureaucrat members ( Airlines, Airline Associations, Government Department). Unless such community people can adapt to the steep learning curve involved in understanding aviation/air traffic jargon, their ability to counter erroneous or insufficiently justified statements from the techno-heads on IMC is quite limited. Being a community representative on the IMC is a (frequently thankless ) volunteer position requiring intensive dedication.

A summary of LTOP progress through SACF and IMC is provided in the Report "*The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford Smith ) Airport*" [Ref. #<sup>3</sup> ] (henceforth "*The Way Forward #2*")

The initial consultation process following release of the December 1996 original Airservices "Long Term Operating Plan for Sydney (Kingsford-Smith) Airport (*LTOP- 96*) included a road show hosted by Hon. Joe Hockey MP . This "show" included a video presentation of what was supposed to happen with LTOP, but copies of this are scarce. *LTOP-96* was released in two versions, a Full (henceforth herein the Full- ( *LTOP-96FR*) and Summary- ( *LTOP-96SR*) Report.

The Roadshow was presented at a number of Municipal Council Chambers selected from their former degree of aircraft noise exposure. These included Marrickville , Rockdale, Drummoyne, Hunters Hill, Botany Bay, Leichhardt and Sutherland Shire.

Councils whose areas did not receive a presentation, and in whose areas there was no publicity surrounding it, but which would become significantly affected by future noise were Ashfield , Bankstown , Canterbury, Five Dock, Burwood, Strathfield and Parramatta.

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<sup>2</sup> SACF Minutes Meeting 22/5/1998 IA5

<sup>3</sup> © 2003 SACF Inc ISBN 0-9751843-2-6 (paper) ; 0-9751843-3-4 (pdf on floppy disc) ; Ibid 1 Chaps. 2 - 4 .  
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Many in the future to-be-noise affected areas were subsequently taken completely by surprise by the rumble of low-flying departing jets when the first major stage of LTOP began on December 4th 1997.

To this extent the initial LTOP consultation strategy was not 100% effective.

### 3. Prescribed Consultations:

#### 3.1 *Sydney Airport Community Forum:*

There can be little doubt that there have been from 3 -4 Govt SACF Meetings per annum over the 14 years since LTOP was conceived, giving a total of 51 Meetings up to the close of business with the previous government, and that Airservices had attended each of these and frequently reported to SACF on progress with LTOP. There has also been sometimes vigorous debates on SACF as to the state of progress with LTOP implementation. So in terms of the formalities of consulting this was being conducted under its government appointed Chairmanship, usually by a then junior MP or Senator.

#### 3.2 *Implementation and Monitoring Committee:*

Again this committee set up by the **LTOP-96** "Founding Minister" , John Sharp, met many more times than SACF, and by the end of 2007 had clocked up a total of around 80 Meeting Minutes. In turn under the old regime the IMC reported meeting by meeting to SACF , via a "community member" detailing what came to be called the IMC Report. During the term of the last coalition Chair (Senator Payne), all technical questions raised from the floor were referred to the IMC , and those initiating them invited to attend IMC and allowed to speak, whereas previously the IMC was virtually closed . However individual enquiries could be raised with community IMC representatives such as Mr. Hill , Mr. Lidbetter and later Mr. Clark.

### 4 Non-Prescribed Consultations:

Despite any views expressed herein critical of *specific technicalities* of LTOP implementation, the experience of *Sydney Airport Community Forum Incorporated* [SACF Inc] , from the IMC Chairmanship of Mr. Ken McLean (July 1998) onwards, was that Airservices appeared willing to meet and "listen" to concerns raised by its delegations, and at least two such meetings were held. Varying degrees of satisfaction were felt with these by our delegations, and in those with Mr. Carroll, the universal feeling was that of dealing with a frank, but inflexible-minded soul . Unfortunately willingness to meet does not necessarily result in a mutually agreed definition of the problem. For this reason **SACF Inc.** later put many of its concerns in writing.

Similarly **SACF Inc.** had positive experiences meeting with two of Govt SACF Chairs (Dr. Nelson & Senator Coonan) , who were willing to relay concerns to Airservices or the IMC, and a number of issues were raised with Senator Payne by correspondence.

In contrast, responses to written concerns addressed to Ministers were almost always tarred by the brush of bureaucratic media -speak , usually signed off by a staffer , with off-the-shelf formalised statements repeating the content of previous Media Releases.

### 5. Was Airservices Informed - A Brief History

The following assumes that by "informed" the terms of reference mean "*being in possession of properly-researched in-depth technical knowledge and foresight based on experience and expert knowledge*".

LTOP was designed to be implemented in two Stages. Airservices Australia promises in the Stage 1 of LTOP as projected in the LTOP 96 Reports were largely completed by mid-1999 (end of Stage 1 of LTOP).



However, Stage 2 of LTOP (dubbed "High & Wide" by Airservices - henceforth H&W) , which was essential for ensuring noise minimisation over newly-affected areas as well as "noise sharing" , was promised 6 months [Ref. <sup>#4</sup> ] from completion of Stage 1 but was never completed.

The LTOP as implemented without the "H&W" and other key components (See "G" *Any Other Matters*) completely fails the test of compatibility with the "newly-affected" human residential environment across Sydney. These failures are for just the same reason that the Third Runway EIS failed in implementation [Ref <sup>#5</sup> ]: That of over-optimistically underestimating aircraft noise effects coupled with industry greed, with traffic-flow optimisation for "throughput" rather than environmental concerns. Note - for future reference that "throughput" does not necessarily equate with safety, the primary statutory responsibility of Airservices in S. 9(1) . One can have "high throughput" operations which are unsafe , and conversely, "environmentally sensitive" operations which are safe and high in throughput.

It seems that Airservices (with airline backing) simply cannot comprehend the human environment component within the ambit of the phrase "*perform its functions in a manner that ensures that .....the environment is protected*" in S. 9(2) of the Act. That may in part be due to a failure of statutory definition and the exclusion of State (environment) law as it relates to noise in the Act.

Poorly-substantiated reasons for such failures were summarised in an (at the time) "secret" Airservices LTOP document "*First report of Task Force 2 February 2003*" [Ref <sup>#6</sup> ] on the deliberations of a "Task-Force 2" (TF2 - for easy reference) . TF2 was a creature of SACF set up by the IMC and aimed to justify Airservices failure to establish the main elements of Stage 2 LTOP, i.e. Trident and "H&W". For reference, "Task Force 1" (TF1) was the original LTOP "Task Force" charged with LTOP design in 1996-7.

The First TF2 Report was summarised in "Power-Point" by J. Ludlow at SACF in 2003 [Ref. <sup>#7</sup> ], and , unusually , an *airline* -proposed resolution to endorse it was conveyed to the Minister. In June 2003 a new Task Force (TF3) was created to consider revised plans for operation to "replace" the LTOP "H&W".

However, the "*1st TF2 Feb. 2003*" document was only provided in full to SACF after much wrangling at the urging of the Eastern Suburbs Representative on 9 June 2006! Only then did the full implications of the TF2 report become fully apparent to most of SACF [Ref. <sup>#8</sup> ] .

At the June 2006 meeting Mr. Ludlow (TF3 consultant) presented a Powerpoint Presentation updating the sketchy TF3 proposals tabled by Mr. Clark in December 2005 (See below) [Ref. <sup>#9</sup> ]. Mr. Ludlow was at this time further questioned at length on the substantiation of the 1st TF2 H&W conclusions and the Chair requested that the TF3 proposals "be considered sensitively".

In February 2003 the TF2 report had , however, been sent by Airservices to the then Minister (Mr Anderson), with an apparent request by Airservices for its adoption, but it was the subject of an exchange of letters [Ref. <sup>#10</sup> ] in which the Minister wisely reserved judgment and left

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<sup>4</sup> Proponent Statement p. 1-2

<sup>5</sup> "The Sydney Airport Fiasco" P. Fitzgerald , Hale & Iremonger, 1998.

<sup>6</sup> "*IMPLEMENTATION OF THE SYDNEY LONG TERM OPERATING PLAN (LTOP H&W) HIGH AND WIDE FLIGHT PATHS (LTOP H&W RECOMMENDATION 2) FIRST REPORT OF TASK FORCE 2*" FEBRUARY 2003 [SACF Doc 2006- 046]

<sup>7</sup> "Study to implement LTOP - High & Wide Flight Paths Report to SACF - 31.3.2003" J. Ludlow (Jithadas) [SACF Doc. 2003-046]

<sup>8</sup> SACF Minutes 9 June 2006 [SACF Doc 2006-043]

<sup>9</sup> Jim Ludlow TF3-Presentation 9 June 06 SACF Doc No. 2006-056

<sup>10</sup> Anderson Letter to Airservices : Mentioned in Letter to SACF Chair 35th Meeting dated 20/6/2003.

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approval of any replacement proposal to SACF.

From 2003 a procedure began at SACF including commissioning an official LTOP review [ by Airplan ] and setting up the Task Force 3 (TF3) for devising alternative flight path options to replace (if only temporarily) , those abandoned by Airservices from Stage 2 LTOP. Preliminary TF3 deliberations were first tabled by J. Clark (for IMC ) in raw draft dated 18/5/2004 at SACF 16 Dec. 2005 [Ref. #<sup>11</sup> ].

Consternation was beginning to be felt at SACF from June through September 2006 that the new “TF3” flight path changes would radically change the “LTOP” to which SACF had been committed from the start. This consternation culminated in the following resolution after long discussion at SACF Meeting on 1 Sept. 2006 [Ref. #<sup>12</sup> ]:

**“Resolution**

*In relation to the progression of TF3 recommendations, the following resolution was agreed by SACF:*

*SACF reaffirms its commitment to the Long Term Operating Plan and notes that this resolution does not represent an endorsement of the TF3 proposal at this stage.*

*SACF endorses a two stage decision process on whether the TF3 trial is to proceed:*

*Stage 1 – In principle support, before which SACF will receive Noise and Flight Path Monitoring System (NFPMS) style flight diagrams showing the ‘as is’ and the TF3 proposed flight paths and heights to enable a decision on the potential benefits or detriments of TF3 compared to existing flight paths;*

*Subject to the agreement of SACF at the conclusion of Stage 1;*

*Stage 2 – Support to proceed with the trial, before which SACF will receive modelling and other information on aircraft noise impacts sufficient to allow an informed decision and support communication to the public.”*

Subsequently, whenever the subject of the abandonment of "H&W" or Trident was raised at SACF, Airservices , an airline representative or a member of the IMC , would state that it was just being delayed due to lack of technical capability. As at November 2007 changes to flight paths across the whole of Sydney were still being considered by this newly-constituted “Task Force 3” (TF3) , which it is said if implemented might marginally improve conditions for North-West Sydney [Ref. #<sup>13</sup> ].

However, in our view, the First Task Force 2 Feb. 2003 Report [*Henceforth 1st TF2 H&W Feb. 2003*] had wrongly claimed that the arrival flightpaths in the original LTOP design would cause an average increase in track miles for approaching aircraft of 15%. This claim can be shown to be false mathematically from 100 months (nearly 8 years) of time-averaged historical approach-path distributions [Ref. #<sup>14</sup> ]. It does vary somewhat for different approach standards (ie IVA , ILS or PRM) but to get the 15% result one needs to assume 15 knot northerly or westerly winds with all jets either from the north or west 100 % of the time ! In particular the major H&W component for the most frequently-used (north-south - Mode 10 , south-north -Mode 9 ) approaches are unchanged . Indeed, by Airservices own evidence [1st TF2 H&W Feb. 2003: Table para. 3.2 , p. 15] the offshore approach paths to at least Runways 34L , 34R , 16R and 16L can be readily shown to be no longer than currently practiced. This is confirmed by aviation chart (Airservices TAC2 ) and LTOP Mode inspection.

However, the simulation report basis of the 1st. TF2 Report conclusions as to raised track miles using H&W itself was also criticized in an earlier Consultant Report by Mr. Ludlow from May 2002 [Ref. #<sup>15</sup> ] which suggests a critical simulation element (the use of *Maestro* ) had been

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<sup>11</sup> Draft TF3 Flight Path Document Dec 16 2005 (dated 18/5/2004) [SACF Doc No. 2005-102]

<sup>12</sup> SACF 1/9/2006 , [SACF Doc 2006-057 2nd. Amendment]

<sup>13</sup> Task Force 3 Working Paper BP-01.07, IMC Meeting 23 Oct 2007

<sup>14</sup> Runway Arrivals at KSA Dec 1998 to Feb 2007 , P.S. Lingard Preliminary. Tables available on request

<sup>15</sup> Report to the Sydney Airspace Redesign Consultative Working Group J. Ludlow (Jitadhas) [SACF Doc 2002-042]

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omitted and states : “Unless this [*Maestro* - “flowing” to replicate aircraft crossing the feeder fixes at an advised maestro time.] is simulated, the major argument that was presented against high and wide flight paths, ie considerable loss of capacity must be viewed as doubtful.”

It is further clear from this first Ludlow report that at the time the “*1st. TF2 H&W Report*” simulations were performed [ mid- 2002] the primary goal of IMC was to see if there would be any improvement in noise effects from arrivals over the north shore [ para. 2 p. 7 ] . No consideration was given to whether the H&W approach tracking would reduce noise over the takeoff areas in the north west from Sydenham to Parramatta , or across the east and west (by removing the arrival ceiling), as it could permit improved Noise Abatement Departure Protocols .

The focus of Mr.Ludlow in May 2002 was in examining possible benefits for the upper north shore, possibly reflecting the subconscious leanings of an IMC member , as there was no counteracting community influence . The reason for there being no apparent “benefits” for Sydney's north shore was simply that most of the upper area is minimally affected by arrivals, with very low ANEI's.

Nevertheless one member of IMC even tabled a motion to “*write in to the minutes*” of the IMC on 20 August 2002 [Meeting 48] that H&W implementation was inextricably tied to the implementation of “Trident” [ a system for spreading approaches to 16L & 16R from the north].

The 1st. TF2 Feb 2003 report also claimed that certain aspects of the "High & Wide" (Henceforth H&W) component of LTOP would be "dangerous" or "unsafe" [Ref. #16] , and that they “*concentrated flight paths from the north*” ( when instead they would send them down offshore beyond Barrenjoey). This was despite Airservices categorical claims in *LTOP-96* that the LTOP was both achievable and safe!

Lingard in a "Summary Critique" [Ref. #17] recommended that a fully independent expert inquiry be conducted into the validity of Airservices decision to sideline H&W. Airservices initial Response [Ref. #18 ] appeared on its face to Lingard to be totally inadequate [Ref. #19 ] (for all references see Agenda Papers for SACF 51st Meeting 28/9/2007 [Ref. #20 ] .

Should the *1st Task Force 2 Feb. 2003* report ultimately be proven accurate by expert analysis despite the above-listed issues, one can only conclude that Airservices in its original LTOP [*LTOP-96*] planning and the authors of the LTOP Proponent Statement made very serious errors indeed, and that the statements therein as to timeline, safety and achievability were wrong. Among other omissions in *LTOP -96* was failure to consider the impact of Bankstown Airspace on altitude and spreading options available in the west and north west corridors. This became evident during SACF Meetings from 1999- 2001 [Ref. #21] .

Stepping back some years to 1998-9 , tensions arose on both SACF and IMC between community members and bureaucrats over growing evidence that Airservices was not going achieve LTOP as planned. In April 1998 the Chair of SACF Mr. Joe Hockey MP is reported to have claimed that “*the airlines are undermining the integrity of noise sharing,*” and accused the airlines of refusing to use designated (LTOP) runways , and Mr. Lidbetter accused then Transport Minister Vaile of caving in to airline pressure [ Ref. #22 ] . By June 1998 Mr. Hockey was

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<sup>16</sup> 1st TF2 Report Feb. 2003 para.3.4

<sup>17</sup> “Summary Critique of TF2 H&W First Report 4 Feb 2003”: 21/8/2006 by P.S. Lingard, SACF Proxy for the Mayor of Ashfield [SACF Doc 2007- 052]; and Airservices Response .

<sup>18</sup> Airservices Australia Response to “Summary Critique of TF2 H&W First Report 4 Feb 2003: 21/8/2006 by P.S.Lingard, SACF Proxy for the Mayor of Ashfield, 16 December ff [SACF Doc 2007-053].

<sup>19</sup> Initial response to ASA 020307 [SACF Doc 2007-054] : See Agenda Papers for 51st Meeting 28/9/2007 [SACF Doc 2007 -044]

<sup>20</sup> [SACF Doc 2007 -044]

<sup>21</sup> SACF Meeting 19 28/5/99 [SACF Doc 99-060]

<sup>22</sup> SMH 3/4/1998

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complaining that there was now "no chance" of reaching the movement targets by the end of the year, and Mr. Lidbetter is reported as saying that the failure of LTOP in its first year was due to lack of "political will" by the Government and "conservative management" by the airport authorities [Ref. #23 ]. Later in February 1999, the new SACF Chair Dr. Brendan Nelson complained bitterly about progress that only 60% of LTOP initiatives had been implemented , and that activity had stalled since August 1998 [Ref. #24 ].

That there were major problems with **LTOP-96** and a major change was in the offing is suggested by an item in the IMC Minutes for 27/7/1999 entitled "Future of LTOP" [Ref. #25 ]. The item proposed a "**clean sheet approach**" for planning for "post - Olympics" involving "Low noise power off descents" ".....to be implemented in STARS coupled to internationally recognised approach procedures (utilising GPS, FMS/RNAV etc) for the purpose of implementing trident, high/wide and fuel efficient flight paths." The Item was raised by (Capt. Wiltshire -AATA) and supported by the industry. The motion was accepted, but David Lidbetter abstained.

At the next reported meeting (14/12/1999) [Ref. #26 ], some LTOP "Stage 3" Project was discussed and its terms of Reference reported to be complete . The critical minutes of Meetings 28 & 29 were not available from Airservices (due to recall problems) [Ref. #27 ]. However, there was no "Stage 3" LTOP anticipated in the LTOP-96 Reports.

Coincidentally or otherwise, the issues appear to have reached boiling point around December 1999 with the departure from the IMC and SACF of LTOPs leading lay proponent , Mr. David Lidbetter, then community representative for the Inner West [Ref. #28 ]. Earlier (in 1997) Aviation Environment Expert Mr. Tony Williams , community environmental advisor for the LTOP implementation , had left the "*LTOP Task Force 1 (TF1)*" and appeared unhappy concerning the full and honest LTOP implementation in the spirit of John Sharp's Ministerial Directives [Ref #29 ]. It is understood these issues included the implementation of the offshore tracks , and SODPROPs (The removal of key Botany Bay Modes 2 & 3).

At the time , however, detailed reasons for both these departures were held close to chest by both departing members (presumably due to confidentiality clauses agreed with Airservices and its governing department).

Continuing evidence of dissatisfaction with the completeness of LTOP implementation continued in 2000 and following years , with a SACF Resolution on 4 February 2000 [Ref #30 ] that :

*"[SACF] condemns the Minister for the Environment for ignoring the views of SACF that the LTOP be fully implemented and [that ] the implications of the Environment Protection and Biodiversity Act 1999 be assessed before the Environmental Impact Statement (EIS) process for the Precision Runway Monitor is commenced."*

Indeed there is a transcript of SACF Members cross-examining Mr. McLean at the aforementioned SACF meeting where he is quoted as being adamant that the LTOP movement targets could possibly be reached but that it would be "very very difficult" . This was followed by a further resolution that:

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*1. In light of the Minister' s expectations, and in light of the November 1999 figures and data for the entire*

<sup>23</sup> SMH 1/6/1998

<sup>24</sup> SMH 26/2/1999

<sup>25</sup> IMC Minutes Meeting 27, 27/7/1997

<sup>26</sup> IMC Minutes Meeting 30 14/12/1999

<sup>27</sup> Letter Len Joynson dated 1/10/2003.

<sup>28</sup> IMC Minutes Meeting 31 15/2/2000 ; SACF Minutes - AI 8 p. 10, 17/2/2000 [SACF Doc 2000-015 ].

<sup>29</sup> Diane Nazaroff, Southern Courier (9/9/1997), p. 4; SACF Minutes Meeting 6 (17/2/1997) AI 6 Thanks Chairman to LTOP "Team".

<sup>30</sup> SACF Meeting 24 4/2/2000 [SACF Doc 2000-015] AI 3.4 & 3.5 ; Letters of Dr. Nelson to both Ministers 23/2/2000; reply from Minister Anderson 16/3/2000.

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*year 1999, the Sydney Airport Community Forum (SACF) notes the complete failure of Airservices Australia to meet the Minister's expectations.*

*2. In light of the data contained in the Sydney Airport Operational Statistics November 1999, that, having regard to the repeated demands from SACF for a project schedule and in light of the considerable array of factors influencing the implementation of LTOP tabled by Airservices Australia (contained in the various reports and other documentation of the IMC), that Airservices Australia be directed forthwith to implement the LTOP within a prescribed time, as directed by the Minister. The Minister to make this announcement by way of declaration to Airservices Australia within one month from the date of this motion.*

*Action 24/7: The Chair to advise the Minister of the above resolution.*

These issues and other problems were taken up by delegations from SACF Inc in discussions with the then Airservices Chair of IMC Mr. Ken McLean in May 2000 and in later discussions in 2002 with his successor [Mr. Paul Carroll] and followed by correspondence with both McLean and Carroll .

Mr McLean (IMC Chair & Airservices Operations Manager at Sydney) had already been Chair of IMC from mid-1998, and initially readily discussed issues and concerns in an open way. A SACF Inc delegation had first met with him on 23 May 2000. All concerned considered this meeting productive and the SACF Inc delegates became optimistic that future progress might be possible.

Mr. McLean later accepted an invitation to speak at a SACF Inc. /Randwick Airport Action Forum meeting at Randwick Town Hall on 5 July 2000, the subject being "*Managing Sydney's Airspace to Minimise Aircraft Noise and Pollution on Sydney's Residents.*" However, as the event approached he wrote to regretfully decline in a letter dated 9 June 2000. We did not hold this against him as we understood there might be "political issues" involved, and later agreed to meet with him again.

At the May 2000 meeting Mr. McLean seemed adamant in discussion that the full LTOP (including H&W) would be implemented, and that this was the best way to insulate residents from noise over the inner north west, west and east . In correspondence he later agreed that there was an arrival ceiling, but denied that this compromised aircraft takeoff profiles by imposing what are called altitude "depressions" resulting in the excessively low (sub - 3000 ft) flying still observed over the inner north west from Sydenham to Parramatta and beyond [ Ref. <sup>#31</sup> ]. He claimed a 6% jet climb rate (ca. 3 degrees) was quite healthy . However a 15% noise abatement climb out is quite possible for a fully -loaded B747-100/SP/200B [Ref. <sup>#32</sup> ].

#### Overflying, The Safety Risk and Low-Flying:

Through 2002, SACF Inc was becoming highly concerned that the LTOP (as planned) was not being implemented, and that in its current form it posed a serious safety risk due to overflying in the northwest, east and west, and resulting in unacceptable noise and emissions pollution over Sydney's residential suburbs due to the low-flying departures and arrival overflying. The overflying is illustrated in Figures 1(a) and (b).

At a later meeting with McLean arranged by **SACF Inc** [November 2002], he was called away elsewhere without prior notice, and the SACF Inc Technical Delegation of six (6) [Ref. <sup>#33</sup>] found themselves meeting with Mr. Paul Carroll (Later Chair of IMC) and Denise Keene (a public relations person). Mr. Carroll was introduced by Ms. Keene as Airservices most-experienced air-space planner.

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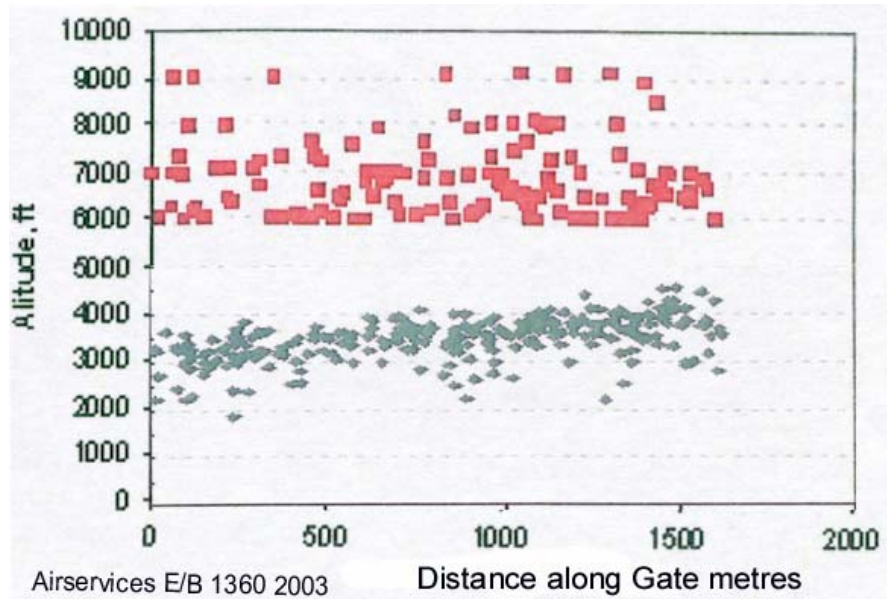
<sup>31</sup> Appendix "M" in "The Way Forward #2", Vol. 2 Appendices - See Letter 22 Feb. 2002

<sup>32</sup> "Boeing 747-100/SP/200B Procedures" (Compilation M. Zagoren)

<sup>33</sup> Three engineers, one architect/builder, one stockbroker/agriculturalist & one music composer, familiar with flight procedures.

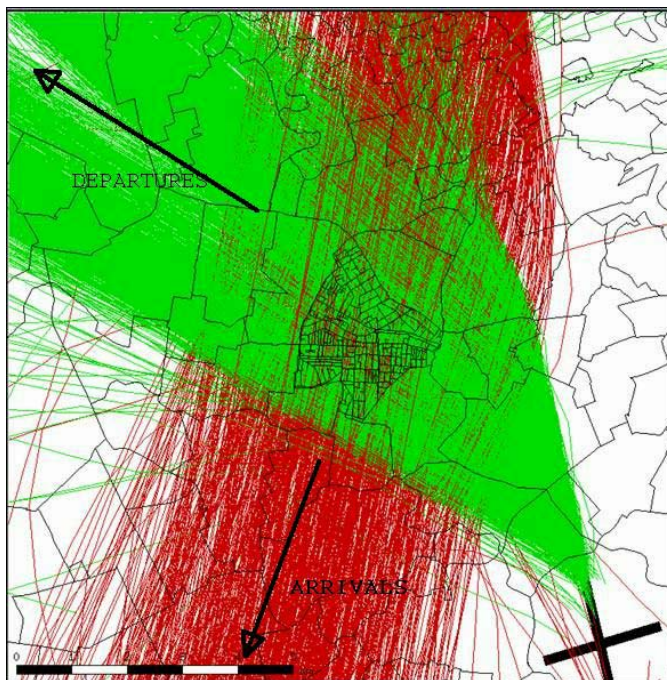
**FIGURE 1 (a) THE ARRIVAL CEILING OVER SUMMER HILL:**

Image by P. Lingard by digital reconstruction. Reproduced from Airservices Data of Figs 7 & 10 of EB Report 1360 2003 [ibid. 9]. KEY - Arrivals in RED (square symbols) ; Departures in GREEN (diamonds).



**FIGURE 1 (b) PLAN VIEW OF CROSSING FLIGHT PATHS IN (a) :**

Image annotated by P. Lingard from Airservices Flight Track Data 13/2/2003 to 17/5/2003 06:00 - 23:00. Supplied for Research and Private Study by NEU by M. Chipman resulting from TNIP enquiry to D. Southgate of DOTRS . 1 August 2005 .



Mr Carroll then revealed in response to technical questioning that the H&W components of LTOP would likely never be implemented, that the most "efficient" way of running the airport was to do it "*the old way*" [ie pre-Third Runway] , with arrival streams crossing the inner west, east and west at ca. 6000 feet, with northerly, easterly and westerly departures all taking off below the 5000 ft ceiling (6000 ft less the 1000 ft safety separation requirement) created by the simultaneously arriving aircraft [See Figure 1(b).] #34 . Frankly the SACF Inc delegation felt "gob- smacked". Full implementation of LTOP , including H&W , appeared to be being ruled out! What follows from this is that for the foreseeable future, there will be no offshore arrival streams, and therefore continuation of the "*arrival ceiling*" over the northwest, east and west

<sup>34</sup> SACF Inc Delegation Meeting Notes , 2000 & 2002.  
r/senate10f.lwp

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with consequent low-altitude flying by the "Berlin Airlift" of B747's and A380's to-come.

It is the **SACF Inc's** considered view that this arrival ceiling naturally and unnecessarily confines all departing aircraft to low - altitude trajectories , resulting in high noise levels and increased pollution [Ref. <sup>#35</sup>] at ground level over Sydney's most densely populated residential districts and is in itself a signal example of a serious aviation safety hazard [Ref. <sup>#36</sup>].

In correspondence following our 2002 meeting with Carroll , McLean denied what had earlier been agreed [That the ceiling caused takeoff climb depression , as is self-evident] , and there were no safety concerns with the north-west corridor [Ref. <sup>#37</sup> See also later "Risk Management" under "G" Any Other Matter] . Similarly Mr. Carroll in "*1st TF2 H&W Report*" had denied there are takeoff climb depressions caused by the arrival ceilings [Ref. <sup>#38</sup> ] , although he admitted the arrival ceiling atop the departure areas in the east, north-west and west.

Mr. Carroll's responses to claims made in Govt SACF during 2006 & 7 about the logical and factual deficiencies of the TF2 Report were documented in a formal rebuttal of Mr. Lingard's [Ref. <sup>#39</sup> ] "*Summary Critique*" [ibid] but it appeared to the latter that there was a severe credibility gap in Airservices responses which seemed increasingly far -fetched.

In 2003 **Govt SACF** further demanded an independent review of LTOP (As implemented) . However (despite being requested - See [Ref. <sup>#40</sup> ] ) , the SACF LTOP Review (conducted by **Airplan**) was not asked to look into the credibility of the reasons why Stage 2 LTOP was not being achieved, or why there was such low flying over the west, east and inner north west, or whether the overflying constituted a Safety Hazard, or why Airservices was not achieving the "**LTOP Movement Targets**" , but instead became an inquiry into whether Airservices was optimising opportunities to exploit the "Noise Sharing Modes" [Those which avoid using direct north-south operations involving arrivals from the north ] - henceforth NSM's [See Figs. 3 & 4] .

The **Govt SACF** direct inputs to the Terms of Reference for the **Airplan** review were collated by a subcommittee of SACF who had to sign confidentiality agreements [ Ref. <sup>#41</sup> ] , and SACF was advised on 19 November 2003 that DOTARs was about to advertise tenders for the consultancy [Ref. <sup>#42</sup> ] . The subcommittee is listed in Telephone Conference Minutes dated 23/3/2004 [Ref. <sup>#43</sup> ] . In these Minutes the Chair expressly notes that the substance of the review was pre-agreed with the Minister and that the Terms of Reference focussed on "operations" not movement "targets". Evidently this was presented to the subcommittee as a *fait accompli*.

After spending many hours on-site with air-traffic control following air-traffic procedures at the Sydney Airport **Airplan** concluded [Ref. <sup>#44</sup> ] that Airservices was doing as much as practically possible within the time slots available , to maximise use of NSM's.

The question of Safety was not directly addressed in the **Airplan** Review as requested by SACF Inc . However, in the context of discussing airliner turns at low altitude (eg. 500 ft to the east from Runway 34R ) **Airplan** commented that there is an inherent elevation of risk because low - altitude turns are the most risky phase of aircraft takeoff, especially in downwind conditions ,

<sup>35</sup> A Single 747 Engine produces as much NOx and COx in takeoff configuration as 5000 US automobiles [DeMaraise - See Table] .

<sup>36</sup> "The Way Forward from Sydney's Airports Quagmire", © SACF Inc 1999 ; & "The Way Forward for Noise Sharing at Sydney (Kings ford Smith) Airport", © SACF Inc 2003

<sup>37</sup> See Correspondence with McLean - Bundle "M" [To be made available on request]

<sup>38</sup> First TF2 Report Feb. 2003

<sup>39</sup> Appearing then as Proxy for the Mayor of Ashfield

<sup>40</sup> SACF Inc Requests for Inclusion in LTOP Review.

<sup>41</sup> SACF Minutes 36th Meeting AI 5 p. 5 [SACF Doc 2003-064]

<sup>42</sup> SACF Minutes 37th Meeting AI 5 p. 6 [SACF Doc 2003-127]

<sup>43</sup> SACF Subcommittee Teleconference Minutes held 23/3/2004 [SACF Doc 2004-23]

<sup>44</sup> Airplan Reports Draft (2004) and Full (March 2005) & Supplementary (April 2006).



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and crosswinds such as occur at Sydney with wind shear gusts crossing the East coast escarpment [Ref. #45]. The failure of LTOP to reach its compass targets, though requested by many, was not in the Terms of Reference. The safety concerns of *Airplan* were not taken up by Government SACF.

From about 2003 the *Govt SACF* (Draft) Minutes became increasingly incomprehensible and lacking substance, especially when reporting details of discussions on the completeness of LTOP implementation, or where there had been contributed technical content. This appeared a deterrent to informed community understanding [Ref. #46].

**B. *Engagement with Business & Industry "Stakeholders" : Whether open, informed & reasonable***

No Comment - Except to say that it is clear to anyone attending IMC meetings on the LTOP, that industry has a particularly intimate, ongoing relationship with Airservices Australia which the "community" does not possess. In normal circumstances this would be natural, given the regulatory nature of Airservices responsibilities, but when the communities interests may differ from those of industry, it can put the community at a disadvantage, if the needs of a "noise sharing" implementation conflict with the requirements of the airlines. Numerous conflicts with the first Chair of SACF, Hon. Joe Hockey were the subject of newspaper reports [Ref. #47].

**C. *Legislative Triggers for Public Consultation: Whether adequate, & ASA procedures compliant?***

**Airservices Act (1995) :**

As revealed in "A", there appear to be no specific legislative triggers for public consultation in the Airservices Act (1995). However, by S. 10 of the Act in the performing its functions and exercising its powers, AA must, where appropriate, consult with government, commercial, industrial, consumer and other relevant bodies and organisations (including ICAO and bodies representing the aviation industry). There are no stated triggers for public consultation- such as for deteriorating environmental impacts.

**Airports Act (1996) :**

However the Airports Act (1996), in connection with the promulgation of Master Plans does provide for a public consultation period during exhibition of Draft Master-, or Major Development-Plans.

**Environmental Protection & Biodiversity Conservation Act 1999 [EPBCA]:**

This cannot be called into play in considering Airport Master Plans, as the Act only relates, other than to "controlled actions", to Aviation and its Effects, when considering one of the following actions (not being "controlled actions") with a significant impact on the environment :S. 160 (2) :

- (a) .....
- (b) *managing aircraft operations in airspace;*
- (c) *adopting or implementing a major development plan for an airport;*
- (d) .....

In relation to the above a Commonwealth agency or employee must consider advice from the (Environment) Minister before authorising the listed action.

S. 162 provides that such referrals from Government agencies must be considered under Part 8 *as if* they were "Controlled Actions" #48.

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<sup>45</sup> Airplan Report 2005, pp. 42 & 50 (footnote).

<sup>46</sup> Observations of Writer 2003 -7.

<sup>47</sup> See SMH reports through 1998 already referred to.

<sup>48</sup> Controlled Actions are defined on Part 3 of Act (eg. Ramsar Wetlands, World Heritage Areas etc)



By S. 87 the Minister must decide how to assess a S. 160 (2) (b) or (c) proposal referred by a Commonwealth agency or employee. One assessment approach must be chosen from (S.87(1)) :

- (a) assessment by an accredited assessment process;
- (b) assessment on preliminary documentation under Division 4;
- (c) assessment by public environment report under Division 5;
- (d) assessment by environmental impact statement under Division 6;
- (e) assessment by inquiry under Division 7.

EPBAct Regulations Schedule 3 Part 2 provides for the information to be provided by agencies applying under S. 160.

The above appears to provide a mechanism by which a conscientious Environment Minister could order an Environmental Impact Review , or Public Inquiry into proposed changes of aircraft operations in airspace by an agency like Airservices Australia. However it is not clear whether this is mandatory , or if public consultation will occur. It may trigger an environmental review of an Airport's "**Major Development Proposal**" : S. 160(2) (c). However, the Act does not apply to review of Airport Master Plans .

If a proposal is a mere extension of an existing activity which appears *to the agency* not to make a significant difference to the impacts of an activity for which Ministerial approval has already been authorised , then the agency is relieved from obtaining and considering advice from the Minister with respect to the extension of the activity S. 160 (3) EPBC- Act .

To permit such an assumption of approval the agency must be satisfied that:

- (i) the Minister's prior advice relating to the previous authorisation has dealt with all the impacts that the later action will have or is likely to have on the environment; or
- (ii) the impacts that the later action will have on the environment:
  - (a) are an extension of the corresponding impacts of the action to which the previous authorisation dealt with ; and
  - (ii) Will be "not significantly" different in nature from those preceding ; and
  - (iii) do "not significantly add" to those corresponding impacts.

However the measures available in the context of S. 160(2) (b) or (c) have not so far been exercised . It is not clear whether a previous assessment under the previously existing **Environmental Assessment Implementation of Proposals Act** would qualify to permit ongoing expansions of activities without review such as envisaged in S. 160(3) . Were these provisions used in the 2008 Sydney Airport RESA MDP Application, for example? These provisions may be one reason for Sydney Airport Corporation Ltd 's (SACL) keenness to emphasise that "*there will be no changes to flight paths*" in its first two Draft Master Plans , despite there being massive consequences for certain affected people of continuing to allow Sydney Airport to grow in the manner described, and failure to justify the achievability of outcomes.

### **Disconnect between Environmental Provisions of Airservices Act (1995) & Airports Act (1996):**

This was pointed out by P.S. Lingard to the Senate Committee reviewing the Airports Act in 2007 [Submission 43] . By s. 9(2) the Airservices Act gives Airservices Australia the responsibility for "protecting the environment" from aviation activities. By S. 71(2) (d) to (g)) the Airports Act gives the Airport preparing a Draft Master Plan the responsibility (paraphrased) for describing the environmental effects that its expansion will cause, and also the requirement to describe what it intends to do to "ameliorate" any such effects .

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However, the Airport Corporation has no power to implement any such "ameliorations" , without requesting Airservices Australia to order them. But the airport has no control over Airservices Australia. And both Airport and Airservices Australia depend on aviation throughput for their existence through fees and levies.

Also "the environment" said to be protected by Airservices Australia (S. 9(2) ) is not defined. Is it the same environment as operated on by the EPBC Act (Definitions - S. 528) or some other environment which does not include human beings?

Does it matter to a Minister if Airservices Australia as a Commonwealth agency tramples wholesale over peoples rights to quiet enjoyment of their homes and physical well-being ; or does the Airservices Act S. 9(2) provision apply only to native birds, and Ramsar wetlands? Also can these problems be remedied and is there the political will to devise a tangible and enforceable "Connect?"

If there are no procedures for an Airport's neighbours to request changes of Air Traffic policy from Airservices Australia, then the human environment of all our major cities with close-in airports will degenerate.

Many - including community members of Sydney's IMC and SACF - are losing confidence in Airservices ability to respond affirmatively to human environment concerns near airports because of LTOP implementation failure and apparent disregard of facts in its First TF 2 (Feb. 2003 ) Report .

The IMC is a creature of the Airservices Australia, the industry and the airport through their majority representation. Airservices Australia is thus seriously conflicted in its consultation with the "community" representatives within its number trying to implement the wishes of SACF on behalf of areas impacted by aircraft noise.

The SACF/IMC process which applies at Sydney Airport is not mandated by either the Airservices Act or Regulations. It was a political instrument of the Ministers of the day, and a practical media management tool for "air traffic throughput managers" faced with a "troublesome" public milieu. It is little wonder that people subject to aircraft noise despair.

The Sydney IMC "community" membership of only two is SACF selected, Ministerially appointed , volunteer and exclusively "LAY" . No matter how dedicated , they can be unwittingly blinded by the aviation science , technical complexities and often high riding dismissals of well meant suggestions. In considering change, Airservices appears to careful observation almost invariably deferential to the "industry" , whether from lack of practical aviation expertise (or because it is from the airlines they earn their daily bread). This makes for resistance to community suggested "noise sharing/reduction" improvements.

An example is the ignoring by Airservices in both 1998 and again later in 2006-7 of SACF resolutions to introduce the Jet Noise Abatement Protocol ICAO-A , and suggested steeper , "improved noise abatement takeoff procedures" [Ref. #49] on the grounds of "fuel cost" (though long-range fuel costs fall) , when at least one senior insider agreed it was entirely feasible [Ref. #50].

Another example is rejection of an automated fanning protocol for areas of noise concentration

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<sup>49</sup> e.g. "SUPPORTING DATA FOR SACF NOISE ABATEMENT DEPARTURE PROTOCOL [NADP] DISCUSSION" , Lingard, P.S. [SACF Doc 2007-022]

<sup>50</sup> IMC Minutes Meeting 79, 23/10/2007

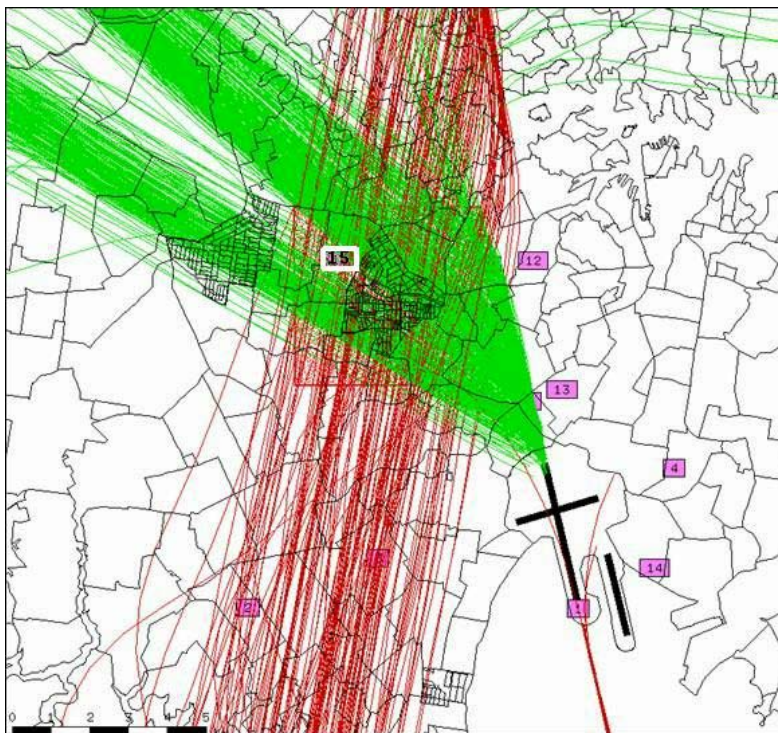
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[Ref. #51 ]. It has been proposed that computer- programmed stepwise, "catherine wheel-like" aircraft departure radials after takeoff would more fairly spread the noise . The response at IMC was that this be too much work for pilots , who (it was said) prefer to use the aircraft's autopilot.

There being no compromise on this, people like Mr Johann Heinrich of Summer Hill continue to get 60% of runway 34L takeoffs with average sound level maxima of 79 dB(A) despite numerous pleadings [Ref. #52 ]. This shows that noise is *NOT BEING EQUITABLY SHARED*. Requests to modify procedures have fallen on deaf ears at Airservices Australia, and the Airlines. It is therefore clear that the SACF/IMC style of consultation needs improving.

Another example of apparent deviousness is the obvious splitting of the northwest departure traffic into two streams resulting in avoidance of a Noise Monitoring Terminal [NMT 15] at PLC Croydon [See Figure 2 Ref. #53]. Without saying this is deliberate, this streaming clearly reduces the recorded noise impact at that monitor , and is subject to the control of Airservices Australia.

**FIGURE 2 - Flight path splitting around the location of the CROYDON MONITOR NMT 15**  
*Data of 2 August 2005, courtesy Airservices NEU with assistance of Mr. D. Southgate, DOTRS, and M. Chipman*



Such flight path concentrations , both with departures [ibid] and landings [Ref. #54 ], are a major problem for the people of Sydney . And "no", the people of Summer Hill [Sometimes 400 complaints per fortnight from two telephones] are not crazy , they are just suffering merciless persecution. This is demonstrated by continuous noise monitoring at one home over seven (7) years [Ref. #55 ].

One of the first things residents of newly-affected communities requested when LTOP came along was "noise monitoring" (by sound level meter) across their areas. However, monitors were (and continue to be ) in such short supply that only spasmodic ineffective portable

<sup>51</sup> IMC Meeting 78 , AI 7 14/8/2007 (Recollected) - Carroll / Owen Statements.  
<sup>52</sup> Community Noise Report Summer Hill II 2002 - 2009 , J. Heinrich & P. Lingard [Submission to Ashfield Council, Nov. 2009] .  
<sup>53</sup> Example Splitting plot from Airservices Australia..  
<sup>54</sup> Alfred Fenech, Letter to Inner West Courier, 12/1/2010.  
<sup>55</sup> Community Noise Report Summer Hill II 2002 -2009 , J. Heinrich and P.S. Lingard (2009).

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monitoring is mostly carried out . Moreover the "monitoring arm" of Airservices Australia (The Environment Branch) has been so decimated by cost cutting exercises in recent years that it is virtually helpless [Ref. <sup>#56</sup> ], though a few good people remain at their desks . The real issue is that Airservices Australia does not see the need for sound level "monitoring". They believe in computer projections of aircraft locations , and predictions of noise . However, an aircraft can be up to several thousand feet below the idealised trajectories , generating much more noise on residences below than is either reasonable or decent , or would be predicted..

The Noise Enquiry Unit (NEU) , set up by order of former Environment Minister Senator Hill by Airservices Australia , is an admirable form of consultation which provides flight track data and answers for those with questions, and provided complainants restrain themselves and are not offensive, things work smoothly, although the positional information provided was in the first few years often found to be several hundred meters out [Ref. <sup>#57</sup> ]. The issue of the Enquiry Line (1800) being a free-call number was off-debated at SACF [Ref. <sup>#58</sup> ] and changed from freecall (1800) to charged (1300) and back.

The latest public interface is the "WebTrack" delayed flight path radar presentation made available by Airservices Australia with the help of Lochard Corporation. It uses the same Noise and Flight Path Monitoring System [NFPMS] that the NEU officers have access to, but this is displayed in semi-real-time (20 minutes delayed) on an internet web site. Access can also be retrospective to an earlier time . Airservices is to be congratulated on the provision of this information medium (<http://www.airservicesaustralia.com>).

In summary for this section, the Legislative Consultation Provisions within the Airservices Act and Regulations are inadequate to ensure any meaningful response from Airservices Australia to concerns of noise affected residents and owners , without ongoing supervision by SACF. Moreover there are no defined "trigger points" in the Act or regulations. There is a major disconnect between the Environmental Protection provision S. 9(2) of the Airservices Act and the "Harm Mitigation" provisions within S. 71 (2) of the Airports Act , which could be more appropriately attached to the Airservices Act, as this agency is the only one which can , by modifying its flight procedures , improve the human environmental impacts at ground level. This needs to be rectified as soon as possible. It is also not yet clear (without more extensive research) that the ***Environmental Protection and Biodiversity Conservation Act (1999)*** provides more effective protection than its predecessor [EPIPA] did in the way of ensuring that Ministers will conduct Environmental Impact Assessments or Public Enquiries and that the public would be consulted.

It is thus not all the problem of Airservices Australia, however, as the legislators appear to have some work to do in integrating the apparent intentions of the various Acts.

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<sup>56</sup> Anecdotally several hundred personal were lost to the Environment Branch in 2006.

<sup>57</sup> "Sydney PRM Trial Aviation Report" Ambidji Group Pty Ltd, April 2001

<sup>58</sup> Eg. Meeting 36 [SACF Doc 2003-064] AI 9

**D. Conduct of Noise Management Strategy : Whether Airservices Accountable as Government Corporation?**

Accountability as Government Corporation: The question is how is this defined. Is it the measure of "Just Terms" compensation as suggested for government property acquisition involving private interests in the Commonwealth Constitution (S. 51(xxxi) ); or is it accountability to Government, annoyed residents or the aviation industry?

This submission deals with the question as if it refers to rendering account of its noise strategy to an airport's residential neighbours through the issuance of monthly "Operational Statistics" (formerly - "Briefing Notes"). These show the number of takeoffs and landings from and to each Runway at the airport. These are expressed in numbers, and percentages expressed in terms of usage of the different "noise sharing" operating modes [See Mode illustration in Figs. 3 & 4].

FIGURE 3: The LTOP Modes [From LTOPSR-96]:

Note "Noise Sharing Modes " are those using two or more runways at right angles, ie mainly 5,7,8 & 14A.

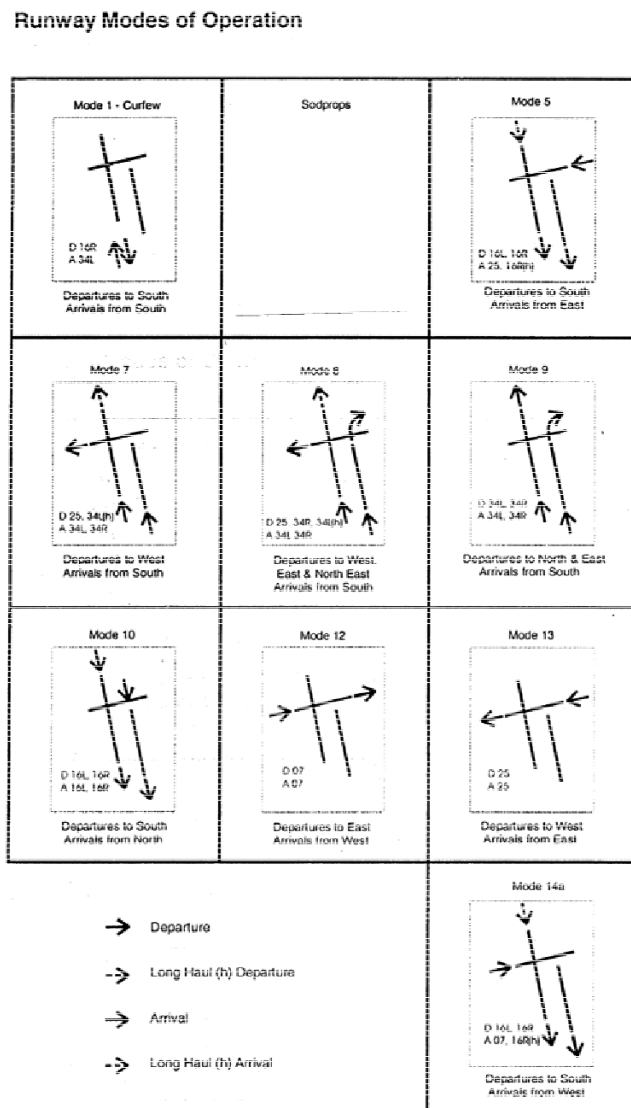
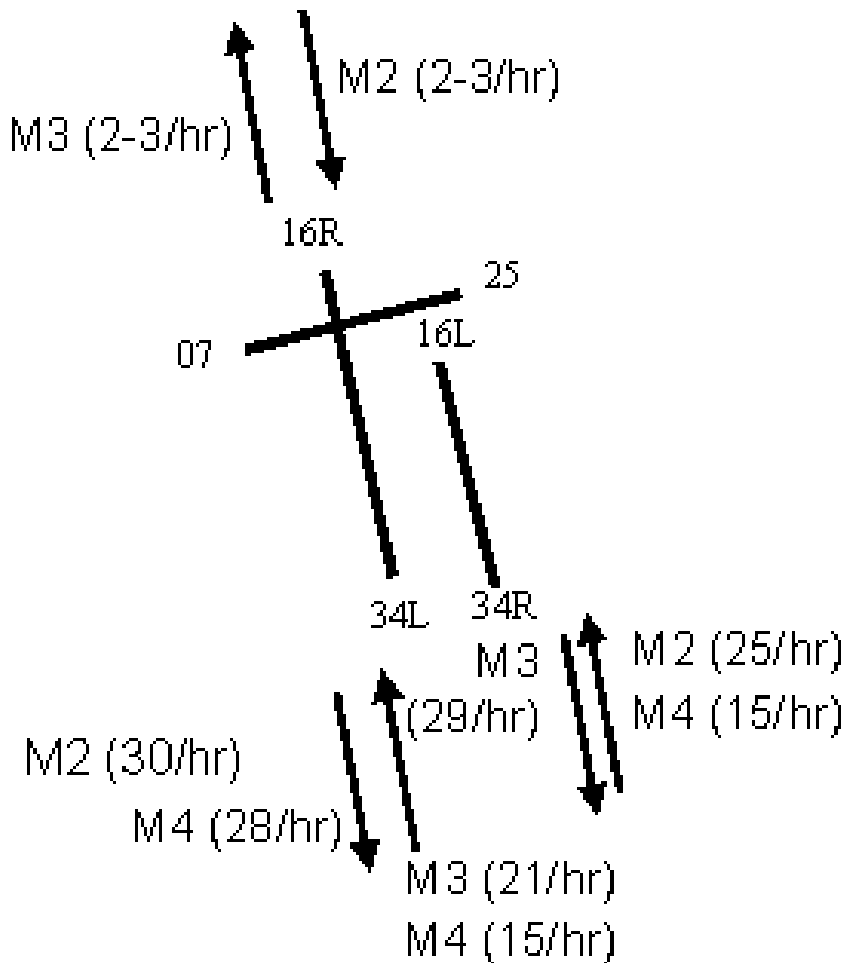


FIGURE 4 The original [LTOPFR-96 ] SODPROPs Modes :

*Only Mode 4 is very rarely used in LTOP as practised since introduction. The capacity projections are those calculated by SABRE Technologies as part of the original LTOP Task Force in 1996. As can be seen Modes 2 & 3 offer much larger throughputs. Mode 2, unfortunately has landings crossing Kurnell, which has strenuously resisted its introduction. Mode 3 sends departures from Runway 16L over water through Botany Bay Heads. SACF Inc calculates that at least up to 75% of traffic could be accommodated with Mode 3, as compared to only ca. 40% with Mode 4 [Ref. #59 ].*

## Mode 2,3 & 4



In the Briefing Notes Noise impacts are expressed in terms of contour parameters superimposed on suburb plans describing the Department-developed "N70". N70 expresses the number of overflights of a given area for which the ground noise level exceeds 70 dB(A). A given N70 contour (eg. say 10) can mean that 10 aircraft per day fly over that point with a noise level equal to 70 dB(A). The noise can also be greatly in excess of 70 dB(A), so the parameter's

<sup>59</sup> "The Way Forward for Noise Sharing at Sydney (Kingsford -Smith) Airport " © SACF Inc 2003, Chapt. 6 .3.  
r/senate10f.lwp

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informative value is rather minimal. This failure is pointed out by SACF Inc in *"The Way Forward No. 2"* [Ref. #60 ], a fact once acknowledged at SACF by Mr. David Southgate of the Aviation Environment Section at the former DOTARs.

A further graphical in the Operational Statistics shows the spread of aircraft movements along each major corridor with arrivals and departures in different colours and the percentage use of the corridor in box labels on the chart . Also included are statistics concerning noise complaints [addressed to Airservices NEU ], which suburb and how many. The Agency seems to delight in pointing out cases where several hundred emit from one or two telephones at a given suburb. They consider this confirms the location of people some bureaucrats consider unusual complainants , and also less kindly names (eg. "nutters") . A more popular description among affected residents is that they are people performing a community service by reporting the annoyance level (as distinct from Airservices more cryptic parameters -N70 etc) . Operational Statistics are made readily available (see <http://www.airservicesaustralia.com> Look for NFPMS) .

Even Airservices might learn from the reporting of actual community noise measurements, which highlight the realities of life with overflying , as exemplified at Summer Hill. Their focus on the few complainants ignores any obligation to protect the public . People have more to do , endless phone calls and faxes take time, and many have given up hope that complaining achieves anything at all. A government agency should be acting to minimise detrimental effects, not suggesting that everything is OK because only a few complain. Further when a local Newspaper [Ref. #61 ] asks "does anyone care anymore?" , positive responses are received, but people cannot be phoning and writing letters all the time .

Quarterly ANEI [Ref. #62 ] charts (a cumulative aircraft noise metric) were supposed to have been produced by Airservices since the start of LTOP. These and the Briefing Notes were the requirements of the Ministerial Directions for the design and environmental monitoring of LTOP, along with actual Noise Monitoring.

#### *Failure of the Noise Management Strategy:*

If by *"Noise Management Strategy"* at Sydney the question means the "LTOP" or "Long Term Operating Plan for Sydney Kingsford Smith Airport" [The LTOP 1996] , then it has manifestly FAILED (cf. Section "A" ). Yes , it has certainly made more people than ever before aware of the airport's (to-some) diabolical presence . The spread of affectation by departures (though not equally ) radiates from inner Sydney suburbs both east, west and north out to places as widely dispersed as Parramatta , Bankstown, Liverpool, Ryde , Winston- and Baulkham-Hills , Coogee , Randwick, Paddington as well as the more traditionally affected north shore and southern suburbs , although those on the north shore now experience considerably reduced local arriving aircraft concentration compared with pre-LTOP days because of the de-facto Trident [Ref. #63]. Elsewhere some people even believe (because their affectation is now only occasional) that noise is being fairly shared. Airservices has successfully duped this minority of people.

A detailed description of the major failures of LTOP implementation was described in *"The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford Smith) Airport"* [Ref. #64 ] : The following deals with some alleged failures :

(a) It failed to implement the defined Ministerial Directions to maximise movements over water

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<sup>60</sup> Ibid, Chapt 8

<sup>61</sup> Inner West Courier, 1/12/2009; 10/12/2009 (Opinion) ; 12/1/2009 (Opinion) .

<sup>62</sup> Australia Noise Exposure Index (ANEI) , Australian Standard 2021-2000.

<sup>63</sup> Put in place without community consultation and breaching the LTOP no-reciprocity (ie no area to have both arrivals & departures) rule, by the IMC .

<sup>64</sup> SACF Inc 2003 [ibid]

and non-residential land wherever possible.

(b) It failed to comprehend the need to *Minimise* aircraft noise over homes through use of the best noise abatement departure and arrival protocols.

(c) It failed in its simple political objective of providing more than a mere "appearance" that noise was being shared equitably.

(d) It failed in implementing a number of technical measures which would have significantly contributed to fulfilling (b) and (c) above: eg.

(i) SODPROPs (Simultaneous Opposite Direction Parallel Runway Operations) over Botany Bay. Because of the elimination of LTOPFR-96 -described Modes 2 & 3, overall use has been less than 1% of the time when originally planned to be used 14% of the time. SACF Inc has calculated that SODPROPs , properly managed could take up to 75% of movements with a 5 knot downwind noise abatement rule, and possibly more with an extended "noise abatement downwind condition" [Ref. <sup>#65</sup> ]; [Ref. <sup>#66</sup> ] . But Airservices ignores this possibility .

(ii) Failure to Implement "Stage 2 " LTOP the now so-called "High and Wide" (H&W) arrivals patterns which would have cleared the skies and eliminated arrival ceilings in northerly wind conditions over residential suburbs in the east , west and north west now badly affected by low-flying jet noise and exhaust emissions from ground-hugging takeoffs [Ref. <sup>#67</sup> ].

(iii) Failure to implement and develop suitable improved Jet Noise Abatement Departure Protocols [NADPs] after two Ministerial Directions (1998 & 1999) . This was due to statements that the then current ICAO "A" & "B" would make a barely-perceptable difference in noise at ground level , and airline complaints of additional fuel use during with the steeper takeoffs.

(iv) Despite purportedly spending millions of Government Money in "developing LTOP" as detailed in Airservices Australia Annual reports, it failed to implement the procedures needed to ensure intelligent sharing of the noise including spreading based on quantitative methods to ensure an equitable distribution of "noise energy dose" [ANEI ] across Sydney.

(v) The original north-south flight corridors were abolished (no doubt with good political intentions) and replaced by another set of corridors, somewhat broadened, but encroaching on populated areas never before influenced by actual aircraft noise. The airport was turned around, putting most departures over land instead of water, contrary to Ministerial Direction and the instruction in Chapter 3.6 of the Proponent Statement to minimise the harm from crash risk by putting departures over the sea. The intention was said to be to "share noise equitably" , but no mechanism was established by Airservices Australia to implement that [LTOPSR, p. 102] . Whilst there is some spreading (eg. within the northwest corridors) , there is consistently a central concentration of up to 60% across a single home at Summer Hill [Ref. <sup>#68</sup> ] and necessarily also along some lines of impact up and down the tracks. Airservices claim this is just normal LTOP spreading [Ref. <sup>#69</sup> ]

(e) From September -2002 IMC effectively decreed that "H&W" for the northern

<sup>65</sup> SACF Inc, "The Way Forward #2" S. 6.3.4 ff

<sup>66</sup> Note: Airservices use a "universal downwind rule" , which favour takeoffs in neither ocean or over-land directions, resulting in unnecessarily high departure frequencies overland. .

<sup>67</sup> Airservices Feb. 2003 H&W Document [ibid] .

<sup>68</sup> Community Noise Report Summer Hill [ibid].

<sup>69</sup> IMC Minutes Meeting 78 14/8/2007 [ibid]



approaches (16R & 16L) was to be made conditional on fully implementing Trident for arrivals from the north. Therefore, it was inferred, that "H&W" shouldn't be used elsewhere. It further seemed to be assumed at IMC that unless the "Trident" [Ref. #70] can be put in place for the northerly approaches, no "H&W" implementation should take place for the southerly approaches to 34L & 34R, either, even though this would release northerly takeoffs over residents from the arrival stream [Ref. #71]. Also Airservices (at IMC) has stated that the airline pilots simply won't wear an incrementally changing departure direction [Ref. #72], which could evenly and regularly spread the underlying noise impact along radials from runway 34L [Ref. #73].

- (g) The LTOP Reports (Airservices Dec. 1996) showed that additional tower and radar coordination would be required for the implementation of many measures. Tower and Radar coordination however, requires staffing and facilities and costs money. Given the growing shortages of air-traffic controllers many LTOP features have been lost -not least SODPROPs. These shortages began almost simultaneously with LTOP commencement in 1998 by the reported retrenchment of several hundred as economy measures in the early stages of LTOP [Ref. #74]. The state of traffic control in Sydney is parlous with only six (6) controllers and it is rumoured that the PRM [Ref. #75] and Secondary Surveillance Radar are out of action due to lack of qualified staff [Ref. #76].

LTOP was probably one of the most important and innovative aviation environment initiatives last Century. It was said to be essential to permit Sydney Airport to remain operational into the 21st Century. Unfortunately it has come to a dead end. It is now at the point where "noise sharing" via Mode Switching must taper off as traffic movements grow, as during the Sydney Olympics. In answer to a parliamentary question on notice from John Murphy MP [ALP Lowe, NSW] the then Minister for Transport said that the airport movement capacity would be reached (implying that "noise sharing" as envisaged would effectively cease) by 2006-2007 [Ref. #77].

Airservices Sydney has thus far not been held accountable for the failure of its implementation of the governments noise management strategy described in LTOP, although it is true that members of SACF (and even IMC) from time- to-time tried valiantly to do so [remember Mr. Lidbetter]. At the IMC it is painfully obvious that control is with the airline representatives. In other words Airservices Australia, though it has the regulatory power [Ref. #78] has procrastinated in implementing innovative, improved Noise Abatement Procedures as directed by Minister Anderson on 3 May 1999 [Ref. #79].

The SACF and IMC have therefore become the unread Paper Tiger or the unheard barking dog. They create numerous minutes. Much paper is consumed and read and much said, often repeatedly over many years, but to little apparent avail, because 14 years has been insufficient to implement LTOP. Even the Proponent, and the successors of DTRD, have failed their (presumed) duty to ensure that their proposal (LTOP) worked. Moreover the communication of traffic data from Airservices to the DTRD successors is ridiculously limited by "commercial -in-confidence" considerations [Ref. #80]. So much for the "openness" of AA.

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<sup>70</sup> LTOP Summary Report 1996, p. 23 ff; Fig. 2

<sup>71</sup> IMC Meeting 48, 13 August 2002 AI 7B J. Clark

<sup>72</sup> Discussed at IMC Meeting 78 14/8/2007, AI 7 (Ref. SACF 50/04)

<sup>73</sup> "The Way Forward #2", Chapt 6; Para 6.5.4

<sup>74</sup> Sydney Morning Herald ....[date] 1998

<sup>75</sup> Precision Runway Monitor.

<sup>76</sup> Quote Paper or other report if available

<sup>77</sup> Hansard, Question No. 2045; 11/10/2000

<sup>78</sup> IMC Meeting Minutes 78, 14/8/2007, AI 4 (SACF 76/1), p. 2.

<sup>79</sup> Airservices Annual Report 1999, p. 74 Instrument No. M37/99 (3/5/1999); Schedule item (v).

<sup>80</sup> Personal Communication per D. Southgate in discussions of DOTARs TNIP program - a public flight track study tool . .

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Accountability can depend on the SACF Chair and associated Department Staff. For example, in recent years, the SACF (Draft) Minutes often became so abbreviated as to weaken the historical record of views, questions and answers of more knowledgeable members and witnesses. Earlier LTOP-related Minutes were clearer in detailing the technical progress claimed.

The history of the Sydney LTOP reveals growing incongruencies between Airservices Plan, and its practical implementation, leading to expressions of dissatisfaction within SACF. A key example is the path to abandonment of Stage 2 LTOP (the "H&W"-offshore arrival streams), promised in the LTOP Reports, and forecast in the Proponent Statement to be implemented within 6 months of Stage 1 completion in 1999. The findings of the previously discussed "*1st. TF2 H&W Feb 2003*" report do not resonate with the earlier history of IMC discussion and more recent technical input presented to SACF in 2006-7, and contained critical flaws as earlier discussed. The potential "H&W" benefit to Sydney's environment is too large to abandon for a few track miles.

Obfuscation is the only word that comes to mind over the issue of the LTOP targets. One may never know why the targets came to be what they were, or why they were not achieved.

#### Aircraft Noise Monitoring:

A major flaw in AA's public accountability is the absence of power separation between Air Traffic Control / Throughput Management and the Environmental Monitoring Branch. The latter, ideally, should be responsible to an independent Commonwealth Environment Authority, The Department of Health, or placed under the control of the States. As it stands each component is controlled by the same management and imperative - ie to make money from improving Air Traffic Throughputs at the Airports. A more meaningful functional separation is required for the S. 9(2) environmental duties of the agency to be credible in the public eye.

Apart from the fixed Noise Monitoring Terminals (NMT), Aircraft Noise "monitoring" was mostly limited to "*computer projections*" from idealised flight plans which assume higher-than actual altitudes beyond take-off roll. Computerised ANEI would be fine if Airservices made aircraft follow the idealised tracks. Occasional "2 hour -spot" or hand-held measures are made (cynics have claimed there are specially reduced flyovers on such days).

An occasional extended monitoring of up to three (3) months using "report-back" mobile microphones fixed to homes or chimneys is carried out, which results in better fidelity, and demonstrates (in some cases) under-statement of noise amplitudes on the ground from the computer projections. An example is Environment Branch Report No. 1360 [Ref. <sup>#81</sup>]. The high average maximum noise levels in that report (80 +/- 4 dB(A<sub>slow</sub>)) produced disbelief and consternation in government SACF at a subsequent meeting, as this location is ca. 7-9 km from takeoff- roll. Airservices was asked to go away and check its numbers, but the situation has not changed.

Although Ministerial approval of LTOP [Ref. <sup>#82</sup>] was conditional on provision of aircraft noise "monitoring" for "newly-affected areas" under LTOP, this was never implemented on any scale [as an on-ground operation], ostensibly due to lack of funding for the provision of suitable noise monitors [Ref. <sup>#83</sup>]. Ground level noise monitoring appears to reveal higher sound levels than claimed by Airservices from computer projections [Ref. # <sup>84</sup>].

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<sup>81</sup> SHORT TERM STUDY INTO AIRCRAFT NOISE AND FLIGHT PATHS FEBRUARY-MAY 2003 SUMMER HILL, SYDNEY NSW 30/7/2003

<sup>82</sup> R. Hill Media Release 88/97, 24/7/1997

<sup>83</sup> SACF Meeting 15 22/5/1998 - elicited from Mr. Paul Mirner by author when acting as proxy for Mr. Albanese.

<sup>84</sup> "Community Noise Report Summer Hill 2002 -2009", Heinrich J. & Lingard P.S. (1999) [ibid]

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Airservices also remains unaccountable in terms of compensation for damages caused to property [loosening mortar , loss of tiles and shaking windows] and to the health of people , due to the effects of noise and vibration. Civil Actions can result in the provision of noise insulation for homes belonging to medically (hearing ) afflicted people and is anecdotally effective [Ref. #<sup>85</sup> ] , but such cases are rarely pursued to potential finality because Airservices defends them to the hilt, and settlements are subject to confidentiality agreements to minimise corporate harm. It thus has funds for legal defence, but not for noise monitoring.

Obtaining full and appropriate damages settlements including monetary damages for loss of health and hearing quality has required resort to the appellate process which (luckily for Airservices) is for most people beyond their means (See Zarb case [Ref. #<sup>86</sup> ] ) .

Airservices (Departmentally abetted ) lack responsiveness to community pleadings from SACF and IMC. A typical example is the referral of occasional persistent abusive callers to the NEU to the Federal Police , as first port of call, without pausing to reflect on the provocation Airservices causes some individuals [Ref. #<sup>87</sup> ] with consistently high noise impacts [See for example *Community Noise Report Summer Hill II* [Ref. *ibid*]] . However, it is understood an escalation strategy was adopted by Airservices at the request of Govt. SACF in 2004 [Ref. #<sup>88</sup> ] .

#### Significant ANEF Definition - Airports Act S. 5:

The "Significant" ANEF definition (ANEF = 30 [Ref. #<sup>89</sup> ] ) in the Airports Act 1996 (S. 5 ; S. 71(2)(e) , employed as a trigger for (formerly - Government -provided ) insulation grant compensation under the SANIP [Ref. #<sup>90</sup> ] for Sydney's Third Runway Affection is far too high to provide meaningful compensation, and must be reduced to at least 25 dB(A) [Ref. #<sup>91</sup> ] and preferably to 20 dB(A) [ANEF] [Ref. #<sup>92</sup> ] to enable realistic compensation for future aircraft noise affected communities . Indeed one questions why this parameter is so cryptically defined in glorious isolation in the *Airports Act* instead of being in the *Airservices Act* conjoined with S. 9(2) .

In the Airservices Act, it is submitted , it should be used to define a ***maximum permissible noise exposure from aircraft*** , ( $LA_{max}$ ) which is the practice internationally at some well-known close-to-city airports [Ref. #<sup>93</sup> ] . For example at Washington National (Reagan) Airport a 70 dB(A) limit is imposed in sensitive areas, with fines of \$5000 exacted from pilots for infringements. Indeed ***SACF Inc*** recommends the Washington National /Dulles airport model as that to aim for at Sydney Airport, with all long-haul heavy jets using the outer airport; and a lower capacity domestic only regime with stricter curfews for the inner city .

The fact is that with projected growth of Sydney Airport (SACL) to 2023 at least an additional 52000 Sydney dwellings and 128000 people are likely to be affected in the ANEF Ranges 20-30 dB(A) - Table 1 ( equivalent to 70 - 2000 x 70 dB(A) flights per day, Table 2 ) [Ref. #<sup>94</sup> ] .

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<sup>85</sup> Personal Legal Advice

<sup>86</sup> Zarb vs Airservices Australia ; SMH 27/8/1998 Stephen Gibbs; *AIR SERVICES AUSTRALIA v ZARB*, NSW COA CA 40570/97 26 August 1998.

<sup>87</sup> R. v. "Bloggs" [Name disguised] (2003) . It was found that Bloggs had an audiological hearing abnormality that caused him great distress at frequencies common in Aircraft Noise.

<sup>88</sup> SACF Meeting 40, 11/6/2004

<sup>89</sup> Equivalent to approx. 1500-2000 70 dB(A) aircraft noise events per 17 hour day - See Chapt 8, "The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford Smith ) Airport", Convening Ed. Lingard P.S. SACF Inc. 2003, ISBN ISBN 0-9751843-4-2 (pbk) ISBN 0-9751843-5-0 (pdf) [Henceforth "The Way Forward #2"]

<sup>90</sup> Sydney Airport Noise Insulation Program

<sup>91</sup> Recommended by the (former 3rd. Runway) Community Advisory Committee [CAC], NSW EPA, and former Commonwealth EPA recommend noise insulation within the ANEF 25 -contour. Indeed Councils require new homes above 25 ANEF to be insulated. See SACF Inc "*The Way Forward #2*" Para . 8.1.5 [*ibid*].

<sup>92</sup> Above 20 ANEF and below 25 ANEF Australian Standard AS2021-2000 states that a building site is only "Conditionally Acceptable" for dwelling construction.

<sup>93</sup> The Way Forward #2 , Vol. 2 Appendix "L" ; & Chapter 8 , Vol. 1.

<sup>94</sup> SYDNEY AIRPORT COMMUNITY FORUM INC CRITIQUE OF SYDNEY AIRPORT CORPORATION LTD'S "PRELIMINARY DRAFT MASTER PLAN 2009" SEPT 2008, 15 December 2008 , © SACF Inc., ISBN 978-0-9751843-6-3 (CDROM) ; &

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Numbers of the above order were confirmed by the NSW Government EPA submission on the 2004 SACF Draft Master Plan in 2003 [Ref. #95 ]. Furthermore a serious question hangs over the SACF data for 2029 in Table 1 because Sydney Airport initially miscalculated the ANEFs and the revised data has not been made available [Ref. #96 ].

**TABLE 1 (Table 4 from SACF Inc Master Plan Critique 2009 - INCREASED AIRCRAFT NOISE AFFECTATION - 2001-2023 & 2029 :**

[PDMP 2004 CF 2009 - Reference Year ANEI 2001 refer Appendix "A" for details ]

	AFFECTED BY ANEF 20 Ex 2001 <sup>#1</sup> to 2023 /2029	AFFECTED BY ANEF 25 Ex 2001 to 2023 / 2029	AFFECTED BY ANEF 30 Ex 2001 to 2023 / 2029
<b>PEOPLE</b> # 2	128,284.14 / 62,771	50,186.25 / 18,006	12,222.85 / 5,304
<b>DWELLINGS</b> #2	52,085.22 / 26,195	20,376.34 / 7,514	4,962.66 / 2,214
<b>COST OF INSULATION (\$millions)</b>			
AT Nom \$50,000 DWELLING	2,604.26 / 1309.77	1,018.82 / 375.72	248.13 / 110.67
AT Nom \$100,000 / DWELLING	5,208.52 / 2619.54	2,037.63 / 751.43	496.27 / 221.35
<sup>1</sup> Reference Year 2001			
<sup>1</sup> Calculated from the Australian Bureau of Statistics Census data 2001 & 2006. See Critique of Sydney Airport Corporation LTD's Preliminary Draft Master Plan 2009, SACF Inc ISBN 978-0-9751843-6-3 (CDROM) ; & 978-0-9751843-7-0 (On-Line)			

Accountability for Compensation for Noise Impacts boils down to who is going to pay for the necessary insulation, demolition (See "Sydney Airport Fiasco", *ibid*) or forced-draft- removal of people and homes? Just how does government intend to deal with this problem the next time around?

The fact is that since 1 July 2006 the aviation industry was relieved (by the previous government) of even the responsibility to pay the Aircraft Noise Levy! The Noise Levy Act has been put in mothballs, until the department advises that a significant number of additional homes are affected at the 30 ANEF level [Ref. #97 ] !

In a positive spirit SACF Inc suggests that Airports and Airservices in future be required to represent ANEF /ANEI numbers in terms of numbers of equivalent energy **70 dB(A) (LA<sub>max</sub>) aircraft noise events**, rather than the meaningless "N70" (showing 70 and above) . This proposal would more realistically represent the impact at ground level in terms of the equivalent event frequency to produce its various ANEF levels. [See Table 2] .

It is in this area of responsibility that "the system" (*Airservices Australia* & DOTARs) has failed disgracefully, commencing with the projected low-noise outcomes for the third runway introduction in 1994 and the continuing use of ultra-low-flying departures tracks from Sydney Airport concentrated over residential areas beneath a collision-threatening arrival ceiling.

Mismatch of Regulatory Obligations between Acts:

There is a serious regulatory mismatch between the obligations of Airservices in the Airservices Act [to protect the environment : S. 9(2) ] and those of the Airport Corporation in the Airports Act (S. 79 (2) ) in terms of responsibility for the "amelioration" of noise and other

95 978-0-9751843-7-0 (On-Line)  
 95 NSW Government Submission to the Sydney Airport Preliminary Draft Master Plan 03/04, October 2003 , Table 10, p. 37.  
 96 Sydney Airport Master Plan 2009 , Sydney Airport Community Forum Submission on Preliminary Draft [SACF Doc 2008- 093] , S.4 Aircraft Noise Exposure Forecasts.  
 97 Letters SACF Chair to Minister Vaile and vice versa (20/12/2006; 8/2/2007) ; [SACF Docs 2006- 027 & 2007-1]

environmental effects. In their Master Plans Airports must describe the measures they propose to use to "ameliorate environmental effects" (S. 71 (2)(g) ), including aircraft noise over adjacent residential areas, yet the means of control lie with *Airservices Australia* through its regulatory and air traffic control functions.

**TABLE 2. COMPARISON OF NOISE DESCRIPTORS - 70 dB(A) max events**

A number of well-known noise metrics corresponding to the frequency of maximum 70 dB(A) aircraft noise events compared against number of events per hour. Key: N70 = (DOTARs parameter) ; ANEF (As 2021-2000) ; DNL = "Day -Night Level ", Weighted Energy equivalent used by US FAA; CNEL = Californian Noise Equivalent Level; L<sub>eq</sub> = the "24 hr Energy Averaged" cumulative noise exposure level. [Reprinted by permission from "The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford Smith) Airport, Sydney Airport Community Forum Incorporated (SACF Inc) May 2004, Table 8.1.4.1, Chapt. 8 , p. 122; Ed. P.S. Lingard].

	EQUIVALENT NUMBER OF			Calculated for 0.5 min events	Calculated for 0.5 min events	Calculated for 0.5 min events
	70 dB(A) max MOVEMENTS PER DAY	ANEF dB(A)	N70 PER DAY	DNL *** N> 65	CNEL N>65	LA eq [1, 24 hrs ]
70 dB(A) EVENTS PER HR				US EPA (1974)		NSW EPA
2	34	13.06	34	52.41	52.76	50.77
4	68	16.07	68	55.42	55.77	53.78
6	102	17.83	102	57.18	57.53	55.54
8	136	19.08	136	58.43	58.78	56.79
10	170	20.05	170	59.4	59.75	57.76
20	340	23.06	340	62.41	62.76	60.77
30	510	24.82	510	64.17	64.52	62.53
40	680	26.07	680	65.42	65.77	63.78
50	850	27.04	850	66.39	66.74	64.75
60	1,020	27.83	1,020	67.18	67.53	65.54
80	1,360	29.08	1,360	68.43	68.78	66.79
120	2,040	30.84	2,040	70.19	70.54	68.55

Yet in producing its mandatory "Environment Strategy" [Ref. #98 ], an Airport is precluded from referring to environment impacts from aircraft operations outside its boundaries [Ref. #99 ]. This is not very well understood in the past by Transport Ministers and others [Ref. #100 ]. It highlights the built-in schizophrenia among Australian aviation regulations and regulators ensuring breakdown of environmental responsibility, with fractured and dysfunctional control.

This mismatch of agency /corporate obligations leads to failure of effective control, and the ultimate total botch of environmental management over close-to airport-residential areas [Ref. #101 ]. Continued to its logical extreme , this leads to wholesale neighbourhood bulldozing as reported at the US airport at Lambert- St. Louis Missouri USA [ Ref. #102 ]. This was also exemplified at Sydenham, NSW in 1995 , but on a smaller scale.

Accountability for Compensation :

In the Acts there is no connection between Airservices Australia and the cost of providing real

<sup>98</sup> A document prescribed by the Airports Act 1996 , S. 115 ff.

<sup>99</sup> Airports (Environment Protection ) Regulations 1997 , R. 1.03 (b)

<sup>100</sup> See Reference in Letter Minister Anderson to Dr. Nelson 26/6/2000, Response to Chair's communication on 25th. SACF held 7/4/2000.

<sup>101</sup> Detailed description in Submission to Senate Enquiry 2007 , SACF Inc., Lingard. P.S. Submission 43.

<sup>102</sup> Barros J. - Lauerg Newsletter 10/8/2000

Sydney Airport Community Forum Inc Submission to Senate Inquiry on Aircraft Noise 2010, cont'd:

compensation. It is suggested that Airservices should be made liable in statute law for compensation to residents in proportion to their affectation, coupled with "need", with damages should they suffer a hearing-related debilitating condition (eg. Tinnitus , Meniers Disease , Acoustic Neuroma). About 15% of the normal population suffers one or other of the first two .

For bureaucrats claiming that people have a "choice" as to where they live, many of the newly-LTOP- affected homes were bought by them long before it was dreamt that the area would become aircraft noise affected. It should be an established principle that it is the polluter who should pay - not the other way round as some of Canberra's public servants appear to believe.

Therefore the implementation of LTOP in Sydney failed utterly from 1999 for the reasons laid out in SACF Inc's "*The Way Forward for Aircraft Noise Sharing*" [*ibid*] , and confirmed by Airservices Report on High & Wide (1st Report H&W Feb. 2003 -*ibid*) . These failures and their erroneous basis were detailed from 8 years of statistics by Lingard Ref. [ <sup>#103</sup> ] and enumerated in calculations handed up to the IMC in December 2006 [Ref. <sup>#104</sup> ]. However, in September 2007, SACF failed to agree to seek independent confirmation or proceed to Sanction Airservices Australia for its originally misleading promises.

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<sup>103</sup> Summary Critique of TF2 H&W First Report 4 Feb 2003: 21/8/2006 , Lingard, P.S. , [SACF Doc. 2007-052- incl. within SACF 51st. Agenda 28/9/2007 [SACF Doc 2007- 044]

<sup>104</sup> Available for discussion upon request.

***E. Noise Sharing Arrangements: Whether "equitable" as pursued and established by Airservices and if they "protect the environment from the effects associated with aircraft for which it is responsible."***

The expression "noise sharing" became the pseudonym for the wider concept of equity expressed by Airservices Australia in the LTOP Summary Report 1996, and adopted by the then Government.

"Sharing" in relation to overhead noise presumably involves the concept of two-dimensional "spreading" or fanning, to achieve a semblance of "fairness" and "equality" of distribution. However detailed inspection of the flight track plots in two and three dimensions reveals zones of particular concentration, such as along the centre of the runway 34 L northwest departure track before the Croydon Split [Figure 2] . If Airservices has any obligation to provide for "equitable noise sharing" [mentioned as a goal but not defined under LTOP [Ref. #105 ] then it also fails this test .

Continuous Sound Level recordings over 7 years [Ref. #106 ] at a home in Summer Hill show that this one location receives 60% of all (verified) departing jets from Runway 34L at Sydney Airport. As this is a community venture, with only private funding, we cannot say where else that similar concentrations are. However the exercise shows that in addition to controlling noise levels , Airservices needs to work at fine tuning its flight track spreading algorithms if it wants to claim that the "noise sharing" is in any way "equitable" . In fact it is submitted here that Airservices has not even bothered to develop any such noise-share algorithms.

Can the "reasonable man" truly believe that a quota of 60% of all Runway 34Left departures over a single dwelling 7-8 km in Summer Hill [Ref. #107 ] is an equitable share for that dwelling; or alternatively that 50% of all north west departures from Runways 34Left and 25 (west) at Winston Hills (combined) [at 30 km out ] was that home's fair share in 2003 ? Believe it or not this is what SACF unquestioningly accepted in correspondence from the DOTARS in 2003 [Ref. #108 ]. And even the then SACF Chair did not flinch over this one!

"Equitable" sharing implies that all those subject to exposure would receive an equal and justly shared fraction of the distributed aviation track noise . At each location the aircraft noise would preferably be minimised, ie least possible in terms of both sound level magnitude in Decibels and number of noise events. In other words the noise tangible harm from aviation overflights would be minimised.

The "Equitable" distribution was conceptually supposed to replace the formerly adopted "flight path" , a narrowly-focussed corridor which concentrated arrivals and departures along separate well-defined corridors , north, south , east and west. This gave a few people [along a line of residences] the worst of all worlds. It was like saying that *"when the 'flu is around we'll confine it to narrow corridors in a large building"*. Superficially the idea with "noise sharing" was like saying *"we'll do all we can so everybody within a wider area has to get some 'flu, but we'll minimise the number of days it makes you cough, and the severity of the 'flu, because there are only a limited number of viruses around!"*. It's not as good as getting no 'flu, but much better than getting the really concentrated one in the old flight corridors!" Sounds crazy, but that's Noise Sharing at Sydney!

The Airservices LTOP Reports never grappled with the meaning of "equitable" in the context of

<sup>105</sup> See LTOP Summary Report (1996) , p. 102.

<sup>106</sup> Community Noise Report Summer Hill II 2003 -2009 , Heinrich J. and Lingard P.S. (2009)

<sup>107</sup> Community Noise Report Summer Hill 2002 -2009 (ibid)

<sup>108</sup> Letter from George Church dated 8/12/2003 ; Agenda Papers SACF Meeting 39 19/3/2004 ; Cor 2003/050 ; 2004/002; Letter from SACF Chair dated 22/8/2002 (unreferenced) -See "The Way Forward #2" Vol 2 © SACF Inc, Appendix "C".

Sydney Airport Community Forum Inc Submission to Senate Inquiry on Aircraft Noise 2010, cont'd:

noise and pollution (or "disease" ) sharing [ #109 ]. Now the hapless community is left with substandard "Fanning" , with many localised traffic concentrations because pilots , airlines or Airservices are unwilling to sequentially rotate departure directions. All this is supervised by a "community - forum " , ie SACF , and there appears no-one in control.

Such unwillingness (if true) may possibly have some basis in staffing levels or high workloads, but in 1997 Airservices undertook to government and the people to implement this plan, and was compensated by government through 1997 -8 for LTOP implementation (See Annual Reports) .

Also there is excessively low flying (and therefore noise) because of the simultaneous overflight of a 12 km band of arrivals at a ceiling of 6000 ft , crossing Summer Hill , Bondi Junction and Earlwood [Figure 2 - Cf. Safety Considerations in Section G - "*Any Other Matter*"], which departing pilots dare not cross, for fear of colliding with a crossing arrival (See Figure 5).

SACF Inc submits that :

1. For a nuisance to be "equitably shared" it must be quantifiable , ie reduced to numbers.
2. The number would be the "Dose" metric for aircraft noise (being the relevant nuisance) .
3. That dose metric is called the ANEI - the current measure of the annually averaged Noise Energy exposure at the site.
4. For a given take off or landing direction subject to flight-path spreading it is theoretically possible to devise a " Fan Plan" , or flight path trajectories [a 3D representative of where the aircraft goes] requiring "*INCREMENTAL TIME COURSE SPREADING*" of departure (or arrival direction) . This must be backed by the airlines.
5. Airservices has proven intractably resistant to implementing such a plan.
6. Although an appearance of "FANNING" may appear in 2D track maps at the present time over Sydney Airport, it is NOT equitable. A proposal for achieving such a result employing quantitative methods was put forward by Graeme Harrison of Maroubra [Ref. #110 ]

There is an idea promoted by DOTARs (former name) that a single home getting 50% of all takeoffs from two runways is its "fair or equitable share" [Winston Hills]. One location at Summer Hill records getting 60% of all takeoffs from Runway 34 L to the northwest (around 12000 noisy heavy jet flights per year ). Such results neither originate in fanning nor are they "equitable." They prove that , despite consultations galore , no effort whatsoever was made at Sydney by Airservices Australia to minimise noise or make its distribution equitable.

There appears to be no mechanism within the Aviation Statutes (Airservices and Airports) to rectify these injustices. We have written to the Chairs of SACF. We have talked to the Chairs of SACF. We have written to Airservices Australia including two Chairs of the IMC. We have written to IMC community members . We have written papers explaining what we're about [See <http://users.tpg.com.au/plingard>] . But nothing has been done . Repeated raising of issues as at the Government SACF Community Forum have proven futile.

In summary the noise sharing arrangements "*pursued and established*" by Airservices Australia

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<sup>109</sup> LTOP Summary Report , 1996, p. 102.

<sup>110</sup> "A QUANTITATIVE SOLUTION TO THE PROBLEM OF FAIR DISTRIBUTION OF AIRCRAFT NOISE by GRAEME P. HARRISON" (1997) - Unpublished - Reproduced as Appendix "H" (USING A CENSUS-BASED PEOPLE-EVENTS NOISE METRIC) in "the Way Forward #2" ( SACF Inc 2003 ibid) Vol. 2, p. 29.



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are not equitable , do nothing to minimise noise , and do not protect the human part of the environment from the effects of the aircraft for which it is responsible.

This goes back to the very reason the LTOP was introduced. Sydney airport was supposed to be running out of time . Its capacity is still environmentally constrained [360000 movements per annum] according to Airservices *LTOP-1996* Reports

Instead of being equitable Airservices substituted the percentage proportions of "Movements" in the compass directions , north south east and west as the index of "fair sharing" for which to aim for.

Even by this inferior standard Airservices *FAILED* because the predicted numbers of movements north , south , east and west were never achieved ( See Table 4 below) . Moreover successive Ministers allowed them to get away with it.

**TABLE 4 APPROACH TO LTOP MOVEMENT TARGETS**

	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>
<b>LTOP "TARGETS"</b>	<b>17%</b>	<b>55%</b>	<b>13%</b>	<b>15%</b>
<b>ACTUAL 2000</b>	26%	52%	16%	7%
<b>SACL Forecast 2023</b>	31%	49%	14%	6%
<b>SACL Forecast 2029</b>	38%	49%	8%	5%

From SACF Inc Critique of Sydney Airport Corporations Preliminary Draft Master Plan 2009 Dec. 2008 [ibid]

The Minister &/or Department insisted on modifying the Terms of Reference (agreed-to by a SACF Subcommittee sworn to secrecy [Ref. <sup>#111</sup> ]) for the Govt SACF's LTOP Review by Airplan to limit it to inquire into the achievability of improved use of "noise sharing modes". The failure to reach the LTOP movement targets was not to be investigated (by apparent agreement of the Subcommittee [Ref. <sup>#112</sup> ], and neither were important safety concerns raised by knowledgeable members of the wider community.

<sup>111</sup> So much for openness and freedom of information !

<sup>112</sup> Summary Record: LTOP Review Subcommittee Teleconference 23/3/2004 AI 1 [SACF Doc 2004-023] per Chair.

**F. "Binding Community Consultation Charter" : Whether needed to assist with open and Full consultation with noise affected communities.**

It is clear there could be benefits in devising a "Binding Community Consultation Charter" with National application. However, such a Charter would be ineffective if it simply perpetuated the mechanisms used at present here in Sydney.

In Sydney Airservices presently conducts its community consultation through SACF and IMC. However its flexibility and responsiveness are limited by airline demands, and a Departmental bureaucracy whose goals are maximising aviation traffic flows to promote the Australian economy. The Department itself has failed in its supervisory role as Author and Proponent of the Long Term Operating Plan.

The Sydney LTOP shows that a major problem is getting the airlines to comply with obligations they have themselves undertaken with the community and Airservices Australia. Airservices has insufficient authority over the airlines in fulfilling its S. 9(2) environment protection role, which in turn is ill-defined. SACF has no authority except as expressed through the relevant Minister, and as described this can be frustrated by Ministers unable or unwilling to upset the transportation lobby. Observations show the SACF/IMC process is malleable by industry due to lack of community representative expertise. The IMC role, as implementation manager for LTOP "Noise sharing", was subverted due to both the numerical minority and relative ignorance of its community membership. The IMC Chair as "Project Manager" and agency representative possesses no inherent authority to "get the job done".

The current head of government business (Senator Ludwig) in his speech opposing this Inquiry epitomises the forces arraigned against the hopes of residents and communities for fair and equitable consultation in the referenced context. The recent removal of the Govt. SACF's "**Aviation Community Advocate**" by withdrawing funds highlights the cynicism of governments playing political football with Australia's airports aviation environment.

The fact is with aviation the human environment is subjugated to the goals of airport throughput, in turn coupled to the mantra of aviation safety. No status is expressly given to the human need for "quiet enjoyment" of ones residential milieu. Communities are considered as either spectators or consumers. Mr. Ludwig simply does not understand why "**LTOP-96**" came into being. It was one governments bold answer to the greatest environmental insult suffered by Sydney Airport's neighbours in forty years, viz. The "Third Runway" debacle. The residents of Grayndler and similarly positioned electorates would be most concerned to hear what Mr. Ludwig's says.

The IMC "community" membership was to "represent" the entire noise - affected community. Whilst a minor issue overall there may be, if rarely, subconscious leanings in an influential IMC representative to occasionally favour decisions conferring relative benefit to its own constituency. Doubtless such suggestions would be strenuously denied, but decisions like the one "*written in to*" the IMC Minutes (about not progressing H&W without Trident [Ref. #<sup>113</sup>]) referred to earlier are suggestive proof of bias.

Greater fairness might be served by having at least four (4), possibly eight (8), "community" representatives on an IMC for an airport with four bi-directional runways, one for each of the areas predominantly affected by each runway's aircraft noise. Though a four member IMC was proposed at a Special SACF Meeting in June 1997, the Minister only appointed two IMC members in the first instance in the LTOP setup phase [Ref. #<sup>114</sup>] and has since refused to relent.

<sup>113</sup> IMC Minutes Meeting No. 48 13/8/2002 AI 7B .

<sup>114</sup> SACF Minutes Special Meeting 20/6/1997 AI 4; SACF Minutes Meeting 9 (31/7/1997) AI 7.

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David Lidbetter's retirement in 2000 ( the "inner west" community rep) led to his replacement by an "upper North Shore" person. This perhaps removed the balancing element which might have aided the newly-affected.

Promises of government agencies are often sketchily fulfilled . Plans are often poorly-conceived or incompetently executed, affected by changes of budget or political wind. In the end the fixed elements such as industry lobbies , airlines and government departments often get their way , as in the BBC TV Series "*Yes Minister.*" People get used to this and disconnect . A significant exception to this in Australia was the Snowy Mountains Scheme. However private-sector consulting engineers , professing competency, and having developed designs for solving the problem posed are contractually expected to produce a workable Plan. For design failure on the scale of the Sydney LTOP such an engineer would be sued, and need a very deep pocket.

Communities themselves cannot assess implementational fairness in a field as complex as aviation environment management which involves extensive technical "expertise", without independent expert guidance, conducted within an acknowledged framework of professional standards.

SACF Inc proposes that the Senate recommends a binding Aircraft Noise Limitation Statute, imposing a upper maximum noise level for aircraft over residential suburbs of 70 dB(A<sub>fast</sub>) for inner City airports, as applies at Washington National . This conforms to the argument in the paper "*Expanding Ways to Describe and Assess Aircraft Noise*" [Ref. <sup>#115</sup> ] of the 70 dB(A) level being that which , with doors and windows open , the sound level in homes will not exceed 63 dB(A) [the level above which extraneous noise interferes with conversation]. It also complies with systems and rules used in State noise legislation for limiting appliance noise etc. Such a Statute would oblige the relevant agencies to design workable airspace solutions to resolve the problem .

Aviation environment impacts must be demonstrably assessable as fair and verifiable : ie mathematically so with un-corrupted independently obtained noise measurement input across all suburbs (See reference to Quantitative Methods in "F" , above). Without stating that there has been actual manipulation to date, some feel that (perhaps) traffic flow is less when portable monitoring is conducted . So a perception with Airservices at present is that it controls both the means of abuse through Air Traffic Control , and its measurement through its internal Environment Branch, and the means of measurement are limited by the funding of Airservices as a whole. This and the cash-register tinkle as plane follows plane off and onto the runways gives it a primary conflict of interest with the residential neighbours around its airports.

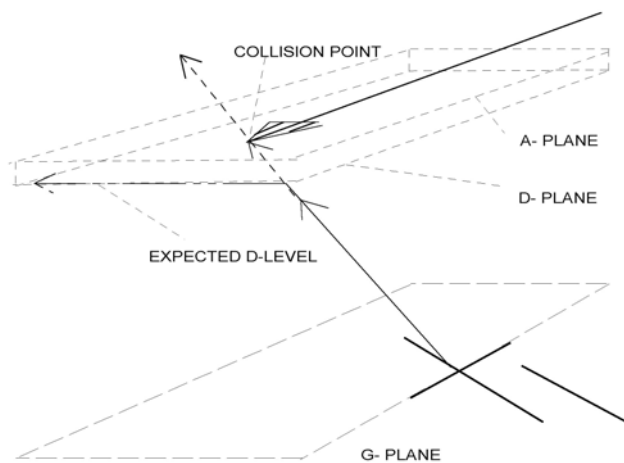
Any proposed Charter would have to establish , say, an independent Aviation Environment Management Authority, which is given project management responsibility for implementing agreed local airport noise protection plans and an Aircraft Noise Limitation Statute should be an essential part of the legislative framework.

**G. Any Other Matter.**

1. Safety and Risk Management Concerns with Arrival-Overflying and the Ceiling:  
These were outlined in “A” (5) above, and illustrated in Figure 1 (a) & (b).

By failing to implement the originally planned H&W component, which could be better described as the *"Clear Skies for Takeoff"* system of approach patterns, Airservices ensured that Sydney Airport continued to be encumbered with a significant additional safety risk associated with LTOP Stage 1 - which is as far as LTOP is presently implemented. This was also pointed out and described in detail in the SACF Inc *"The Way Forward No. 2"*. This Safety risk of low-altitude turning, especially in down- or cross-winds, pointed out (in part) in the Govt. SACF commissioned official "LTOP Review" [Ref. #116]. Airplan specifically did not consider the risks associated with the arrival ceiling. This risk is illustrated diagrammatically in Figure 5.

**FIGURE 5 ILLUSTRATION OF POTENTIAL FOR COLLISION WITH ARRIVAL CEILING**



In Figure 5 The “G-PLAIN” is the “Ground plane; D-PLANE is the “Departure Plane” or ceiling allowing for the overflying; and “A-PLANE” is the arrival plane, showing hypothetical collision point if departing aircraft continues on takeoff climb.

The issue of the resultant excessively low-flying by the heaviest jets all across the north west, the east and the west and consultation aiming to achieve possible remedies was detailed in “A” and “C” above.

The most worrying concern is the niggling fear that there is real safety risk in having jet airliners in takeoff configuration, and fully loaded with fuel (160 tonnes) climbing up over densely-populated residential areas, towards a “Ceiling” of arriving planes at 6000 ft, crossing the same

Sydney Airport Community Forum Inc Submission to Senate Inquiry on Aircraft Noise 2010, cont'd:

suburbs to land over Botany Bay. Whilst most aircraft using Sydney Airport would now be equipped with "TCAS" [Ref. # <sup>117</sup> ], an automated collision-avoidance system, the ceiling in our view still presents the opportunity, however small, for a highly damaging collision event. The need for departing aircraft to maintain altitude below a 5000 ft virtual separation ceiling requires both pilot vigilance and continuous monitoring by air-traffic control radar. At Sydney the aircraft attached TCAS is the backup to air-traffic controller vigilance. The more elements there are to monitor, it is known that the collision risk increases. This ceiling is the element which would have been removed by H&W. This issue was raised by Pilots and controllers in a brief to the former **Bureau of Airline Safety Investigation** (BASI) during 1998 [Ref. # <sup>118</sup> ].

The BASI investigation identified a number of aspects of LTOP as presenting serious risk management issues, including the intersection of arrival STARs with departing SIDs from Runways 34L & R, and Runway 25. A recent accident involving two planes (one carrying a team of Russian School children heading to a vacation in Switzerland) colliding over Zurich Airspace, Switzerland highlighted that the TCAS / Airtraffic control (ATC) interface can sometimes disastrously fail, with TCAS and/or ATC giving contradictory instructions which had fatal consequences.

The above BASI Report concluded at S. 2.4 that putting the onus entirely on :

*"[controller management strategies] ... in order to effectively reduce the level of risk of an identified hazard to an acceptable level, are not considered to be acceptable mitigation strategies in the light of known human performance limitations."*

Whilst recognising that this is not an inquiry into safety, this factor is worth mentioning, because it seems clear that the solution to one (environmental) problem (ie low-flying jet noise) could be solved by removing the danger of simultaneous arrival overflying. This aspect of our input and consultations is considered in greater detail in the SACF Inc's Report "*The Way Forward #2*" [Ref #<sup>119</sup> ]. BASI also mentioned numerous other critical issues involving the LTOP "Safety Cases" including :

1. *Making controllers responsible for "mitigating" problems caused by inherent airspace design defects causing failure of "separation assurance" : BASI B98/90, S. 1.7.3.*
2. *Some "safety case" analyses were described by the investigation as being "simplistic" :BASI B98/90, S. 2.4.*
3. *Failure to adequately consider the cumulative effect of changes and a lack of the necessary skills : BASI B98/90, S. 3.*
4. *The need within LTOP airspace for departures to reduce climb altitude to avoid conflict with arrival overflying: BASI B98/90, S. 3*

Airservices lack of transparency was highlighted by its delay in admitting its (perhaps temporary) inability to implement H&W, apparently first reported in Dec. 2000 [Ref. #<sup>120</sup> ]), but not fully admitted until late in 2002 (See "A" and "C" above). Equally damning was its failure to appoint a **Safety Review Committee**, supervised by CASA, and other features ordained by the **LTOP Proponent Statement** in Chapter 3.6. Whilst there may have been an effective substitute, SACF Inc was not sure.

This aspect resulted in numerous "red-herrings" being chased by SACF Inc in order to ascertain whether: (a) CASA had actually been involved (which it turned out ***not to have been!***) and (b) if the Outside Consultant (Praxis) employed by Airservices to review their Safety Case had compared the safety concerns with the status quo (overflying) with any they were shown for "H&W".

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<sup>117</sup> TCAS - An automated collision avoidance system which tells an aircraft if it is closer to another than the "separation limits".

<sup>118</sup> BASI Investigation Report B98/90, August 1998.

<sup>119</sup> "*The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford Smith) Airport*" (2003) © SACF Inc ibid Chapt 5.

<sup>120</sup> IMC Minutes 15/12/2000 AI 7B ATM Reform Project

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SACF Inc could not get the Praxis Managing Director to confirm which of the LTOP Plans (Stage 1 or Stage 2 (with H&W) ) had been investigated, though one would have thought that prior to embarking on a major new project like LTOP such Safety aspects would have been a critical first issue for Airservices to consider, given LTOPs innovative features in the context of Sydney Airport, not to mention its projected expense. This adventure is detailed in Chapt. 5 of the SACF Inc “*The Wayforward #2*” (2003) .

An important finding was that CASA, which by S. 3.6 of the Proponent Statement was supposed to have designed &/or approved all new pilot procedures and the SIDs and STARs for LTOP , played no part in it , and that the CASA role was in fact delegated to Airservices Australia, raising interest conflict issues. At one point the first Chair of IMC (Mr. Don Brown) is reported to have requested assistance from CASA of someone with actual flying experience [Ref. <sup>#121</sup> ].

At a Seminar at the Institution of Engineers in Sydney on 8 February 2007 one of Airservices most senior flight planning engineers (Bob Peake) after a talk entitled “*Australian Air Traffic Control Developments in Surveillance Technology*” , is reported as having refused to confirm that the skies over Sydney were in fact safe when questioned by SACF Inc’s Chairman, G. P. Harrison (MIE Aust , MBA, JP) .

In fact Airservices continues to operate Sydney Airport in the opposite direction to that preferred by airports the world over for risk minimisation on takeoff where there is an ocean gateway. The Proponent Statement Chapter 3.6 (Risk Management) states that maximising movements over water contributes to maximising Safety. In Sydney we have no mountains, ice on runway, snow, little fog, etc. and a large Ocean Gateway. The biggest risk is clearly loss of power immediately after takeoff. When departing overland many of the victims of such an unfortunate circumstance will be unwitting residents of the built-up hinterland.

Even the Russians now favour taking off away from residential areas after an Illuyshin airliner crashed into a residential medium-rise tower some years ago. Sydney’s three unfortunate crashes have all been from loss of power after takeoff, which because they all happened in the pre-LTOP, they were flying across Botany Bay or the sand dunes and did not impact residential buildings. However, now, simply to avoid arriving aircraft noise over the north shore, we have the nil-wind preference to have planes takeoff over some of the most heavily-populated areas in Sydney.

## 2. Continued Use of Unfair Air Tracks

What has been said in relation to takeoffs over the northwest , also applies to the East , and West. Airservices continues to unduly concentrate flight corridors in the East (esp 34R departures), using low-altitude acute angle turns and 'radials' to concentrate traffic onto two 100m-wide paths (Maroubra and Paddington flight paths) when clearly 'fanning' in the East should be used at least to the extent it does in the North-west for the sake of fairness.

Moreover, our earlier reports and the SACF Inc “Community -Jury” presentation for SACF at the time of the 2004 Master Plan noted how the Maroubra flightpath intersected with the emergency-abort path for use of the Third Runway. This is simply unsafe, and nowhere else are planes turned through 110-degrees at such a low altitude. It was also noted that the emergency abort path for Runway 34L can intersect the low-altitude left turns for Wollongong and Katoomba.

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Elsewhere in the world, they might avoid a mountain, but here the only mountains being avoided are two influential electorates ( Wentworth & Bennelong). Given Labor now holds the latter, it is superbly fair, but simply staggering, to think that they continue this clear bias in favour of one opposition and one Labor seat for two full years since coming to power.

There is continued failure to meet TRUE objectives of LTOP, as noted earlier . The true objectives were the three statements of fairness put in the Foreword to LTOP. Of course for a decade LTOP was managed as if the only objective was to lessen the proportion of noise over Upper North Shore electorates. But in fact, pursuing that separate goal was often the antithesis of meeting the fairness objectives.

There has also been little attempt to ameliorate the sensitive shoulder (early morning and late evening) periods, with a workable SODPROPS (Simultaneous Opposite Directions Parallel Runways) solution, which was expected to carry traffic for 14% of the time, but in fact has been used for less than 1.5% throughout the history of LTOP: See analysis in SACF Inc's "*The Way Forward #2*"(2003) [*ibid*] , Chapter 6.

**APPENDIX A**  
**SYDNEY AIRPORT COMMUNITY FORUM Incorporated**

*About SACF Inc 31/12/2009.*

**Sydney Airport Community Forum Inc (SACF Inc) is an open non-political-party operated forum representing the views of airport community groups across the whole of greater Sydney from Randwick to the Blue Mountains, and from Hornsby to Sydney's south-west extremities. It was established as an alternative to the government-appointed committee of a similar name that is not representative of all the communities affected by aircraft noise.**

**The objective of SACF Inc is to provide a forum for people affected by aircraft noise, pollution and related- problems to meet and discuss the airport operating plans for Sydney and airport-related issues; and to provide genuine community input to Sydney aircraft operations and replacement airport debates , and to promote a replacement international airport.**

**SACF Inc has produced several position papers on Sydneys' airports predicament :**

The first in July 1999 was entitled "*The Way Forward from Sydney's Airports Quagmire*" [July 1999 -ISBN 0-9751843-0-X (paper) & 0-9751843-1-8 (pdf file on floppy disc)].

In October 2003 SACF Inc produced a submission in response to Sydney Airport Corporation's Preliminary Draft Master Plan (PDMP) entitled "*Submission on Sydney Airport Corporation Ltds Preliminary Draft Master Plan July 2003*" [Oct 2003 - ISBN 0-9751843-2-6 (paper) ; 0-9751843-3-4 (pdf on floppy disc)].

In 2004 it finalised a new position paper entitled: "*The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford-Smith Airport)*" [ISBN 0-9751843-4-2 (paper) ; ISBN 0-9751843-5-0 (pdf on CD ROM)].

In December 2008 it produced a submission responding to Sydney Airport Corporation's Preliminary Draft Master Plan (PDMP) 2009 entitled "*Critique of Sydney Airport Corporation Ltds Preliminary Draft Master Plan Sept. 2008*" [Dec 15 2008 - ISBN 978-0-9751843-6-3 (CDROM) ; & 978-0-9751843-7-0 (On-Line)] .

The above documents are available free in pdf form on-line [<http://users.tpg.com.au/plingard>] , by Email or for a small charge under \$50.00 in paper covers or CDROM.

SACF Inc operates under a formal Constitution [Articles of Association] and is an incorporated association registered with the Department of Fair Trading of New South Wales.

*Contacting Us:-*

Chairman: Graeme P. Harrison

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Secretary: Philip S. Lingard

Secretariat PO Box 104

Summer Hill NSW 2130

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**GROUP MEMBERSHIP OF SACF INC AS AT 31/12/2009**

Association for an Airport Located Outside Sydney (AFALOS)

Coogee Residents Against Aircraft Noise

Hornsby Residents Aircraft Noise Group (HRANG)

North West Residents Airport Group (NWRAG)

Randwick Airport Action Forum (RAAF)

Strathfield Residents Airport Group

**Associate Former &/or Visiting Members of SACF Inc**

Blacktown Association Against Aircraft Noise (BAAAN)

Bankstown Airport Out - Tourism In (BAOTI)

Bligh Communities Against Airport Noise (Paddington – Woollahra)

Community Advisory Committee (CAC)

Coalition of Airport Action Groups (CAAG) [Umbrella for ca. 10 inner city groups]

Cranebrook Residents Against Airport Noise

Fairfield Residents Against Airport Noise (FRAAN)

Parramatta Residents Association Against Airport Pollution [PRAAAN]

Save Our Skies (SOS) - A Summer Hill Group

St Clair Residents Against Airport Madness (SCRAM)

St. Peters/Tempe/Sydenham Neighbourhood Centre

Bankstown Airport and Community Environment Forum [BACEF]

No Aircraft Noise Party Incorporated