



East Melbourne Community Garden Association Inc

Incorporation no. A0053906V

19 May 2018

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

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Dear Sir/Madam,

AIR SERVICES AMENDMENT BILL 2018

This submission is made by the East Melbourne Community Garden Inc (EMCG) in strong support of the Bill. EMCG operates within the iconic Fitzroy Gardens of East Melbourne and fosters in the practice of community gardening:

- Community spirit and engagement;
- Sustainability;
- health and well-being;
- contribution to the broader community;
- education and skills development; and
- community amenity.

As our members are keen gardeners in their backyards and in the Community Garden, we are increasingly suffering noise from overflights causing, distress, health and amenity impacts in Inner Melbourne. There is strong support from our members for legislative measures which will provide some relief.

What are our issues?

Helicopters flying and hovering over Inner Melbourne, many hovering for long periods over and near the MCG, low flying fixed wing aircraft on training or joy flights and increasingly large commercial aircraft approaching Tullamarine. The noise and vibration caused by these aircraft severely impact people. Many times when we are trying to enjoy working in our Community Garden we are disturbed by hovering helicopters and other aircraft. This also applies to our members wanting to enjoy being in their own homes and gardens.



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The intensity of flight is a real issue, with up to 150 light aircraft and helicopters over the area on some days, particularly at weekends. Many of these do multiple circuits

A number of our members over the years have made numerous requests and complaints to AirServices Australia, the Aircraft Noise Ombudsman, NCIS, CASA and the airport operators as well as aircraft operators, but to no avail. We no longer make complaints as we are not listened to.

The existing legislation provides no meaningful restriction on aircraft noise. Affected citizens should be included in the decision-making process associated with flyover and air path routes not left to aircraft operators and regulators. They are not accountable for the pain and suffering they inflict on communities.

As citizens we expect to have relatively quiet and safe environment in our own homes and in our immediate neighborhood.

Clearly the existing legislation and policy have significant gaps which allows aircraft operate without impunity on the broader community, resulting in a loss of amenity, impacts on the natural and the human environment and health/safety. AirServices Australia as the responsible regulator is not sufficiently accountable to the community and must be made more accountable to communities affected by civil aviation.

Our key concerns

Communities and individual citizens under the current legislation are largely disenfranchised. It is difficult to advocate for change as our voice is ignored as the existing legislation is devoid of provisions to facilitate this because the rights of citizens and communities are not effectively enshrined in the current regulatory framework.

There is no explicit recognition of the impacts of aircraft noise on citizens, for instance, the *Airports Act 1996*, Section 131B excludes aircraft noise as an offence relating to serious environmental harm. There is no provision in any legislation that:

- takes into account aircraft noise once an aircraft is in flight mode; and
- makes any particular reference to the impact on the human environment resulting from aircraft noise when such provisions exist for noise emanating from motor vehicles, neighbourhood noise, industrial noise etc.

Likewise, the AirServices legislation is not effectively linked to the *Environment Protection and Biodiversity Conservation Act 1999*. Hence it is not bound to undertake consultation and there is no mechanism to allow affected communities to be informed or engaged.

Complainants are ignored. None of the complainants from individuals in our Association have ever been satisfactorily resolved.

The current Aircraft Noise Ombudsman needs to be independent and report to the Ministers and not report to the Air Services Board.



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The AirServices Board does not adequately consist of persons with appropriate environmental expertise and a community representative from communities affected by aircraft noise

What benefits do we see from the AirServices Amendment Bill 2018?

It will address our concerns about:

- Setting clear requirements for consultation and reporting on the part of AirServices when it is considering new or amended flight paths not only adjacent to airports but to communities affected by fly over. In so doing it will make these processes more transparent and accountable to the Ministers and to the broader community.
- It will establish an independent Aircraft Noise Ombudsman, utilise an independent Community Aviation Advocate to support and advocate on behalf of affected communities.
- Bolster more appropriately the skill representation of the AirServices Board.
- Require AirServices Australia to prepare a plan for management of flight paths and air space. In respect of central Melbourne, prohibiting flights of helicopters and fixed wing aircraft below 2,000m above sea level within 5km of central Melbourne, with exemptions for emergency services aircraft, defence aircraft, aircraft flying to and from hospitals and other aircraft that it is in the public interest to exempt.
- Requiring AirServices to minimise impact of aircraft noise on the human and natural environment, community amenity and residential areas. This includes the direct and indirect effects of aircraft noise.

From our perspective the Bill appears to be a balanced mechanism for managing the impacts, regulating altitudes and flight paths and ensuring that a holistic view is taken, which includes consideration for the first time, the human impact of aircraft noise on affected communities.

We strongly endorse the Bill and recommend it be passed into legislation. Should the Committee wish to discuss our submission we would be pleased to do so.

Yours sincerely,

Matt Faubel
President