

Senate Inquiry into Airservices Management of Aircraft Noise

I have recently received correspondence from Hon. Judi Moyan MP regarding the inquiry and I want to register my very strong concerns about the recent process and outcome in relation to changes to the flight paths in Perth by Airservices Australia (Airservices). Listed below are some key points for your consideration.

1. Background

In 2009 Airservices implemented changes to the flight paths in the Perth region. The impact of this has been substantial on the amenity of my area. Depending on the prevailing winds, aircraft now fly directly over our suburb of Glen Forrest where previously they did not.

2 Loss of amenity as a result of aircraft noise

The central issue is the impact of the noise on the amenity of the area. Our suburb has a blend of natural bush, larger blocks and minimal through traffic. Seven years ago we chose to move back to Glen Forrest only because of the amenity of the area. Our children are no longer attending school and we selected our present address only because of its proximity to a large bush reserve, houses only on one side of the street and it being in a dead end street with only five properties. It was a peaceful and tranquil environment. The house was in disrepair and has required a lot of work. I make these points to demonstrate that for some people the primary choice of location is often the amenity of the area and not the quality of the house or proximity to services. This was the case for our family and therefore the impact of the flight path may be greater in relation to others who may already live in a suburb that has substantial urban noise.

3 Rationale for new flight paths

I agree with the need for progress and to plan for intended increased use of air traffic. My concern is not about the need for change but rather the effectiveness of Commonwealth government practices and the management of the impacts.

4 Effectiveness of public consultation

The consultation process of potentially affected residents by Airservices Australia fell well short of public standards for government processes and was vastly inadequate. At the heart of democratic processes is the need to inform and consult constituents on matters that substantially affect lifestyles. For example the issue of daylight savings was settled by a referendum which is a very high order level of engagement. Yet in my circumstances a change to flight paths has a much greater impact on my lifestyle than daylight savings however there was no meaningful regional consultation with residents.

The adequacy of consultation processes should remain a Commonwealth government responsibility and be aligned to acceptable consultation practice normally associated with issues that have such a significant planning and environmental impact. It is recommended that the Commonwealth government require Airservices to meet consultation standards and that the inadequacy of the ability to meet the standard should be grounds for a review of any final changes to flight paths.

The airport and commercial flight operators are major stakeholders in relation to amendments to flight paths. The commercial interest in changes to flight paths means that industry is more likely to invest in engagement and lobbying to seek changes that have the least impact on their commercial return eg opposition to curfews. This lobbying and engagement from the airline industry is likely to dominate the attention of those charged with the responsibility of consulting on proposed changes. In contrast, residents are substantially less likely to be able to have the monetary resources and time to effectively engage in a consultation process. There is an inherent conflict of interest between the need of Airservices to achieve improved flight paths and that of residents who are impacted by those changes. It is recommended that consultative processes seek to provide an ability for residential stakeholders to independently engage, relative to industry interests, and that this is funded. Strategies of relevance could include funding an independent consultancy, managed by local government, to represent the views of residents. The existing regional planning committee managed by Airservices in Perth, is vastly inadequate as a voice for residents when compared to the capacity for industry stakeholders to engage and influence outcomes.

Airservices provide a noise complaint contact number. Whilst this service is useful as an opportunity to seek clarification and information it is not an effective consultation strategy or public engagement strategy. The service appears to have a fundamental role of serving as a risk management and monitoring tool for Airservices, which no doubt is an important component to the business operations.

It is a credit to Airservices that they are willing to invest the time of knowledgeable staff to respond to calls from the public, to provide information on the website and to email information and this is appreciated. However such a process is not a mechanism to enable the public to engage in decision making processes.

The information presented by Airservices on flight paths can be highly technical and this is a deterrent to effective consultation and engagement with members of the public in one off consultative events. It is recommended that a mechanism for consultation with the residents occur at a level that enables residents to participate in an ongoing reference committee specifically for the purpose of seeking resident stakeholder input, not just one off presentations and public meetings.

5 Commonwealth Minister ultimately responsible - Lack of transparency between the Commonwealth Minister, his department and Airservices

It is of concern that the Commonwealth government, by using Airservices as an agent, can distance itself from the decision making process. I assume that the Commonwealth department retains legal authority regarding decisions of amendments to flight paths. It is unacceptable that the Commonwealth uses Airservices as the visible agent to represent their responsibilities. It is assumed that one of reasons for the lack of public information that links the Commonwealth Minister and Airservices is too minimise the flow on affect of unpopular decisions. It is recommended that in future that Ministerial and departmental legislative responsibilities for air traffic be more public and that Airservices should be identified as an agent for the Commonwealth. The singular identification of Airservices, as a separate entity to the Commonwealth government, rather than as an agent of the Commonwealth, diminishes the public's perceptions of unbiased and neutral decision making processes and also diminishes avenues for objective information and rights of appeal.

6 Third party planning processes, reviews and rights of appeal

I am not sure if amendments to Air traffic flight paths fall within regulated statutory development planning process. This is a central issues associated with aircraft noise.

General development proposals, such as local rezoning and physical building developments, required proponents to work through a third party who oversees that standards are met and correct process is implemented. It is not obvious to the public that amendments to flight paths, and consequent impacts on residents, are subject to a rigorous planning process overseen by an independent third party. This lack of third party involvement maximises opportunities for ineffectual consultation and planning processes and heightens the power base and influence of the proponent, in this case Airservices.

There is a need to address the existing power imbalance between Airservices and the rights of the public. Processes of neutral third party verification are considered

important in such decisions as aircraft noise that have such an impact on local amenity.

It is recommended that amendments to flight paths should be subject to rigorous planning processes and overseen by a third party and that there be an obligation for the third party to be made known to the public during public consultation processes.

It is further recommended that such a third party be given the powers to review the adequacy of the consultation process to ensure that all available options were assessed, that the public was given the opportunity to understand and comment on the options, that the views are taken into consideration, that the public was advised of the rationale for the final decision and rights of review and appeal were promoted.

One of the significant contributors to the contentious nature of the change in the flight paths was the inadequate early engagement with the public. With a longer lead time local residents can engage in the process and if necessary assess if they wish to relocate. It is recommended that statutory timelines be introduced in relation to advising the public at appropriate stages such as the preliminary work to identify changes to flight paths that are required, the decision to amend a flight path and the introduction of the changes. It is accepted that longer time frames are likely to extend a potentially controversial decision however this needs to be balanced against the rights of residents.

7 'Not in my backyard' – policy and criteria for amendments to flight paths in residential areas.

The public must accept the need to deal with aircraft noise and this is a modern day reality. However, it is critical that the policy and criteria that are in place to guide amendments to flight paths in relation to residential areas are clear, unambiguous and publicly available. For example, Airservices have verbally stated that the changes to flight paths in Perth were based on inconveniencing the minimum number of residents in Perth. Therefore one assumes that there is a policy that states that flight paths are to be based on affecting the minimum number of residents. An alternative policy could be that the impact of flight paths is shared across the residents of Perth to minimise a substantial impact on any one residential population. It is recommended that residential policy and planning criteria, in relation to the alignment and planning of flight paths, should be publicly available with periodic opportunities for public review.

There needs to be a distinction made between those suburbs where flight paths have existed for many years and a decision to introduce flight paths to new residential areas. It is recommended that aircraft flight path policy reflect the need for consultation to be more comprehensive, diligent, thorough and engaging in those circumstances where amendments to flight paths will impact previously unaffected residential areas or substantially increase the impact of a residential area currently on a flight path.

8 Strategic decisions and cost benefit analysis of flight paths – compensation as a public work.

Flight path alignment is clearly a complex task compounded by a range of variables and industry requirements. It is assumed that a cost benefit analysis is undertaken which is congruent of the commercial implications.

Decisions to substantially impact previously unaffected residential areas by amending flight paths or to substantially increase air traffic on existing routes devalues residential properties through the noise that is created and the resultant impact on the amenity of the property. Therefore, one of the outcomes associated with amendments to flight paths is to deflect the true cost of the decisions onto residents.

Commonwealth and State governments, that undertake public works that substantially affect residents and businesses, provide compensation where the value of property assets has been adversely affected.

I have not seen information to confirm whether amendments to flight paths constitute a public work. Regardless, the action of creating a new flight path over Glen Forrest has devalued properties and this is a result of a Commonwealth action. It is unacceptable that residents should have to incur a financial cost associated with an obligation of the Commonwealth to upgrade flight paths. It is recommended that; devalued property costs be included in the cost analysis associated with proposed changes to flight paths to more accurately reflect the true cost and that residents are compensated for the loss they incur as a result of Commonwealth changes to flight paths.

Thank you for the opportunity to make comment to the inquiry and I hope that the final comments of the inquiry will address the structural inadequacies of current processes that fail to address the needs of residents.

Yours sincerely

Mike Heath

14 February 2010

Cc Hon Judi Moylan MP