

SUBMISSION ON AUSTRALIAN GOVERNMENT - DITRD&C DISCUSSION PAPER ON SYDNEY AIRPORT DEMAND MANAGEMENT REVIEW

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Introduction

I am the Sydney Airport Community Forum (SACF) - Community Representative for the North. I represent a significant portion of Sydney's aircraft noise-affected population.

I have been heavily involved in the battle against aircraft noise since 1994. I am not an expert on the Sydney Airport Demand Management System. However, I can claim some credit for first proposing the concept of SODPROPS and some of the fundamental principles of the Long-Term Operating Plan for Sydney (Kingsford Smith) Airport and its Associated Airspace (LTOP). Like the other SACF Community Representatives, I aim to vigorously protect the interests of the long-suffering Sydney aircraft-noise-affected community.

Scope, Context and Overall View of this Submission

Scope

This Submission on the Department of Infrastructure, Transport, Regional Development and Communication's (DITRD&C - the Department's) *Sydney Airport Demand Management - Discussion Paper* concentrates only on those elements which are likely to increase aircraft noise by increasing the number of flights through Sydney Airport.

I am primarily addressing the Discussion Paper Chapter 1 Introduction (pp5-8) and Chapter 2 Movement Cap (pp 11-14).

The first part of this submission outlines the big issues relevant to demand management at Sydney Airport and "Sydney Basin capacity". These were discussed with Mr Peter Harris during our virtual meeting on 25 November 2020. The second part of the paper briefly lists my more specific comments on Chapters 1 and 2 of the Discussion Paper.

Context

An important over-arching context for my comments in this submission is this. **Aircraft noise is serious, unacceptable pollution. It is just as bad as air and waterway pollution. Until now, it has not been labelled or treated as unacceptable pollution – but in the 21st century it should be.**

Sydney Airport is obviously an important resource for Sydney and Australia. But it has to be something the Sydney population can live with in the long term. Aircraft noise already imposes a major environmental and social impact on significant segments of Sydney's population and this will inevitably worsen in future to the point where, unless there are very significant changes in Government and corporate attitudes, paradigms and policies, Sydney Airport will become untenable in its current location.

This submission argues that the current demand management regime, that is, the restrictions on the number of aircraft using Sydney Airport, the associated aircraft operations and the way they are managed, must not be compromised or watered down by the proposals in the Department's Discussion Paper. Many hundreds of thousands of Sydney residents are directly impacted by aircraft noise on a daily basis. That is the human cost of aircraft noise.

No other forms of pollution on this scale are accepted by modern society. Excessive aircraft noise is unacceptable and unreasonable. There is a strong case for making unreasonable aircraft noise illegal and regulating it in a similar fashion to other forms of unacceptable pollution by way of appropriate legislation.

My overall view

The Department's Discussion Paper appears to be fundamentally about how to pump more and more aircraft through Sydney Airport – in other words, how to squeeze the last drop from the proverbial lemon. The human cost of aircraft noise is not being taken into reasonable account. Current Government Policy (The Long-Term Operating Plan - LTOP) is also not taken into account, acknowledging that the demand management measures and LTOP are complementary. It appears that the main driving factor for the proposals in the Discussion Paper is the corporate profit of the airline industry. This is being promoted by a Government Department which should remain balanced and at arm's length. Further, I believe that essential public consultation which should have occurred during development of the proposals has not been carried out.

THE BIG ISSUES

The Discussion Paper is flawed – aspects are biased, misleading, inaccurate and unsubstantiated

The Discussion Paper states in the Introduction, "*The Paper is the first step of a comprehensive review of demand management at Sydney Airport.*" It is a poor first step – it appears biased, misleading, ill-considered and makes incorrect, inaccurate and unsubstantiated claims in some important respects (as detailed below in this submission).

The Discussion Paper appears to be fundamentally about how to contravene current legislation and restrictions and get away with it by changing "implementation rules" and regulations. The aim is clearly to increase aircraft numbers through the airport. It appears that the human cost of doing that is not recognised or taken into reasonable account whilst the profit motive appears all-important and is promoted.

The Discussion Paper appears biased

This Discussion Paper appears biased. It proposes the frequently-made arguments by entities such as Sydney Airport Corporation Limited and the airline industry with a vested interest in profiting from growth in aircraft movements at the airport (and therefore over residential populations). The Paper has not attempted to spell out the human impact of more aircraft noise or to present the views of the community or the facts regarding aircraft noise. It appears decidedly one-sided.

The Discussion Paper appears to promote the recommendations arising from the Productivity Commission's (PC's) 2019 Inquiry into the Economic Regulation of Airports which were drafted at the time following industry consultation but with inadequate consultation with the community, in

particular those affected by aircraft noise and the peak consultation body - Sydney Airport Community Forum.

The human cost of aircraft noise is ignored in the Discussion Paper

The stated aim of the review underlying this Discussion Paper, as quoted in its Introduction, does not even mention the human cost of aircraft noise. That issue that was the underlying foundation of current Government policy (LTOP). The human cost of unreasonable aircraft noise is now, has always been and will always be, unacceptable to Australian communities. Anyone or any organisation who ignores this is out of touch with the public.

It beggars belief that this Discussion Paper, which pays such little regard to aircraft noise and its human impact, has been written by the DITRD&C, the Department which has responsibility to regulate and oversee Airservices Australia which is the Government agency with a legal obligation (via Ministerial Direction M94/97 - a Legislative Instrument) to progressively implement LTOP which is current bipartisan policy with avoidance of excessive aircraft noise at its heart.

There is no mention in the Discussion Paper about the research and knowledge of the actual human impact of aircraft noise. It appears that the lessons of the past have been forgotten.

The objective of the Demand Management Act is limitation of aircraft movements

The Sydney Airport Demand Management Act 1997 has, as its subtitle, *“An Act to limit aircraft movements at Sydney airport and for related purposes.”* The Act and the associated policies were NOT about balancing productivity with *“social, competition and other objectives”* as the Discussion Paper incorrectly states. The measures were about keeping aircraft noise within the limits of what the community can tolerate by limiting the number of aircraft movements at KSA.

The LTOP is current Government Policy and has bi-partisan support – but is not mentioned in the Discussion Paper

The Long-Term Operating Plan for Sydney Airport and its Associated Airspace (LTOP) is current bipartisan Government policy, and for good reason. It promotes safe and efficient operation of the airport and surrounding airspace whilst minimising and fairly sharing aircraft noise. LTOP and its principles are the essential framework and context for demand management at Sydney Airport and the Sydney Basin. Yet LTOP barely rates a mention in the Discussion Paper.

It is not widely recognised (even within some relevant Government agencies) but LTOP consists of:

- the formal Recommendations of the LTOP Task Force Report;
- amended and supplemented by the recommendations of the LTOP Proponent’s Statement, and
- the provisions of Ministerial Direction M94/97 to AirServices Australia to progressively implement LTOP.

LTOP is a plan which effectively balances operational efficiency with the effect of noise on people. The Discussion Paper appears to relegate aircraft noise to be some non-specific part of “social impact” which it then states is only one of multiple factors to be “balanced” in demand management. The effect of aircraft noise on people appears to be unimportant.

Airservices Australia’s Role and Responsibility to progressively implement LTOP is not yet fulfilled – but this provides an opportunity

Since 1997, Airservices Australia has had the role and responsibility, indeed the legal obligation to progressively implement LTOP, by Ministerial Direction (M94/97) (a Legislative Instrument).

Because LTOP applies both to KSA and its Associated Airspace (a circle of airspace 45 nautical miles around KSA), it also relevant to Western Sydney Airport (WSA) airspace as that future airport is located within the Associated Airspace. WSA and KSA airspace design therefore requires integration and coordination, with LTOP taking legal precedence by virtue of its Legislative Instrument status. The Ministerial Direction Clause 10 states that any “ ... Proposed changes to the elements of the Plan (LTOP) should be tested with the public through the Sydney Airport Community Forum before being implemented”. Consultation is essential.

AirServices has not yet fully implemented LTOP, including certain originally proposed flight paths. However, with advances in technology, SACF community representatives believe that if and when Airservices progressively implements the remaining outstanding elements of LTOP, there will be significant opportunities to achieve win-win outcomes whereby noise pollution is improved for affected populations and, at the same time, efficiency improvements will benefit the airlines and the aviation authorities in terms of cost savings and improvements to predictability and reliability of operations. This will directly benefit “Basin Capacity” without the need to cause more suffering to residents by circumventing current protections, as proposed in the Discussion Paper.

To achieve this, an Aviation Community Advocate would be essential to advocate for the community and liaise closely with AirServices and the Department at a technical level where necessary.

SPECIFIC COMMENTS

Chapter 1 - The Movement Cap at Sydney Airport

Inconsistent and potentially misleading statements regarding the Movement Cap

The Discussion Paper states on Page 5:

*“**Changing the number of aircraft movements permitted each hour at Sydney Airport and other policies governing Sydney Airport (such as the Long-Term Operating Plan and Sydney Airport Curfew Act 1995) are out of scope for this Paper and the review.**”*

However, the diagram on the same page states that whilst the Movement Cap (number of aircraft movements per hour) is out of scope, the Movement Cap (implementation) is **within scope**.

The above statements are, at best, inconsistent and, at worst, misleading. As shown below, Chapters 1 and 2 (and aspects of 3) are clearly about multiple ways to increase the number of aircraft in the skies over Sydney by circumventing the current restrictions of the movement cap. This amounts to changing the movement cap by stealth.

Changing the Movement Cap by changing its “implementation”

The Discussion Paper states on Page 11:

“The movement cap restricts the number of take offs and landings to 80 per regulated hour. The regulated hour, also referred to as the rolling hour, is a one hour period,

commencing each 15 minutes. Because of this, the number of movements in any 15 minute period affects the number of movements in the three periods of 15 minutes before, and the three periods of 15 minutes following any given time. In peak times, the rolling hour has the effect of restricting movements to 20 each 15 minute period..”

The Discussion Paper implies that this is an unintended consequence – it is not. The Movement Cap was intended to limit the number of aircraft arriving and departing at Sydney Airport to 80 within any rolling one hour period, in order to limit the human noise impact which is directly proportional to the number of flights in a given period of time. The Movement Cap is a key element of the Government’s *Share the Noise Policy* which was taken to the 1996 election, endorsed, adopted, implemented and remains Government policy (with bi-partisan support) to this day.

The Discussion Paper is suggesting that the movement cap would be retained at 80 per hour when the rolling hour is removed. That is incorrect. Whilst the compression of noise events by changing the Movement cap implementation to increase the number of flights will not change the ANEF levels or contours it will certainly have an impact on the stress of affected populations. For example, if the pattern each 15 minutes in a first hour is 10, 10 30, 30 - then in the next hour is 30 30 10 10 there would be (30x4=) 120 movements over a 60-minute period – 50% higher than now, whilst still conforming to the 80 per regulated hourly cap. That is why the rolling hour is so important. It is an intentional constraint for a very good reason and it should remain untouched.

To put it simply – changing the implementation of the movement cap is tantamount to changing the movement cap itself, which has been ruled out.

The human impact of aircraft noise

A rate of 120 movements in an hour means a plane overhead every 60 seconds. This would be unbearable to many residents. Even the current movement rate of 80 an hour in peak hour parallel operations means the noise of a plane overhead peaks every 90 seconds and the noise of the last plane passing and the next plane approaching adds to the almost constant cacophony. In peak hour Runway 16 arrivals from the north, affected residents are never without aircraft noise during parallel operations. The Department itself is now stating that peak hour lasts 10 hours a day (6-11 and 3-8).

It is quite outrageous that the human effect has not apparently been taken into account. The National Acoustic Laboratory Dose Response Survey underlying the ANEF measure showed that people’s threshold of tolerance depends on their sensitivities. Some people will be moderately affected but others will be dramatically affected by such a compression and increase of movements, as occurred after the opening of the Third runway in 1994 and the constant parallel operations (then <70/hr). The latest available N70 map demonstrates the large area of Sydney which is already impacted by significant aircraft noise on a single events (in addition to a cumulative basis).

The Discussion Paper would be much more balanced if it included an outline of the human impact of aircraft noise. There is ample research and knowledge available - eg. <https://www.who.int/docstore/peh/noise/Comnoise-4.pdf>. Areas of human impact from aircraft noise include (but are not limited to) interference with speech and communication, sleep disturbance effects, cardiovascular effects, psychophysiological effects, mental health effects, hearing impairment, annoyance responses and social behaviour effects.

The Department's apparent lack of empathy for the "victims" of aircraft noise appears to be unrepentant. Page 13 para 3 suggests "... *In the future, a set of measures may need to be considered to optimise all policy objectives and better allow recovery from delays, for example, a daily movement cap or capping scheduled movements rather than actual movements ...*" This is tantamount to the absurd notion of letting the airport and airlines do what they like to maximise aircraft movements and associated profit. It really seems that people don't matter.

The number of people affected by aircraft noise

I am unaware of any up-to-date estimate of the number of people potentially affected by aircraft noise in Sydney. The Discussion Paper states "*The review provides an opportunity to revisit the existing policies and competing objectives, to ensure the regulatory framework remains fit for purpose to meet the needs of the aviation industry, the travelling public **and the local community***".

The phrase "local community" is an inappropriate euphemism. The community that we are talking about is not just the residents near the airport – it is the affected residential population of Sydney, spreading to the boundaries of the metropolitan area. I believe it could be up to a million people (15- 20% of the 2019 estimated Sydney population of 5.3 million). The *Falling on Deaf Ears* Senate Select Committee Report on Aircraft Noise in Sydney 1995 estimated that half a million Sydney residents were moderately to severely affected by aircraft noise at that time. Population density under the ANEF contours has greatly increased since then.

Incorrect statement re holding pattern areas

Page 11 para 5 of the Discussion Paper states: "*Aside from being logistically challenging to administer the rolling hour, there are environmental impacts from doing so – such as requiring an early arriving aircraft to fly a longer flight path, often overhead of Sydney communities, to delay their arrival – reducing the overall efficiency of airport and airline operations.*"

This is demonstrably incorrect and misleading, as can be seen from the relevant Airservices Aeronautical Information Package (AIP) Chart:

https://www.airservicesaustralia.com/aip/current/aipchart/ercl/ercl3_05NOV2020.pdf

There are no holding pattern locations within 45 NM of Sydney Airport (ie. within the Sydney Airport "Associated Airspace" controlled under LTOP). There are no "*unintended consequences as aircraft ... spend longer overhead of Sydney communities*" as claimed.

The Discussion Paper needs to better explain the problem

Page 11 (last paragraph) of the Discussion Paper states that, "... In its response to the 2019 Productivity Commission inquiry, the Government acknowledged that the 80 aircraft per rolling hour movement cap can limit the growth and productivity of Sydney Airport ...". However, the Productivity Commission itself stated in 2019 that Sydney Airport was currently operating efficiently. So what is the actual problem?

The Discussion Paper has quoted two incidents in September 2017 which resulted in significant flight cancellations due to the movement cap. These incidents are rare, as is any major disruption.

The Department needs to better explain the problem. The rolling hour movement cap is working as intended.

Question A page 12

The Discussion Paper invites an answer to Question A on page 12 *“How would changes to the definition of a regulated hour (ie. removing the rolling hour) impact Stakeholders?”*

The answer is that it would do little to change airport efficiency, but it will result in a potential bunching of aircraft which means potentially many more planes overhead within particular time periods, causing more concentrated aircraft noise and therefore significantly more noise impact on affected populations. Apart from damaging residents’ health and welfare, this could have political and financial ramifications for the Government (such as potential calls for compensation or changes to land use and possible civil unrest as occurred in 1994/1995).

Excluded movements and the fallacy of quieter aircraft

Page 13 Section 2.3 of the Discussion Paper explores the possibility of Excluded Movements as another means of effectively growing the movement cap by stealth. The final para on Page 13 suggests noise-based exclusions from the movement cap during daytime operations but retains the movement cap for aircraft exceeding a noise threshold. It appears that quieter aircraft don’t count.

There are multiple flaws with this approach. Firstly, it is a blatant attempt to flout the commitment that the hourly movement cap will remain unchanged. Secondly, newer aircraft are only marginally quieter than older aircraft and the difference on the ground is barely perceptible. In 2008 a test carried out by Airservices Australia using its Noise and Flight Path Monitoring System on a Singapore Airlines A380 showed that, on arrival it was only between 2.1 and 3.7 dB(A) quieter than a 747-400. A large part of the noise from an aircraft is associated with its airframe rather than from engine noise.

The third flaw is that it is well documented that future growth in passenger numbers will be accommodated by larger aircraft, which will offset any benefit from planes becoming quieter. Larger planes are noisier than smaller ones. Finally, aircraft are fundamentally noisy and even a relatively quiet plane can be annoying to someone who is sensitised to aircraft noise and to the time of the noise event. The reliance on planes becoming quieter is a largely a furphy.

Excluding quieter regional flights from the movement cap numbers

The last paragraph on Section 2.3 on page 14 searches for other possible **exclusions from the movement cap**, including as an example, certain less noisy regional flights. It states that this *“could increase the utilisation of the 80 permitted aircraft movements by high volume aircraft...”* In other words, the number of large noisy lanes would be increased by the number of smaller quieter planes no longer counted. Residents might however notice that there is actually significantly more aircraft overhead and indeed more than the “unchanged” hourly movement cap. More planes equals more noise. Again, it beggars belief that this is being suggested by the Department.

Question B page 14

The Discussion Paper invites an answer to Question B on page 14 *“Should any flights be excluded from the movement cap, while still providing a net benefit to the community? What impacts would this have?”*

My answer is that NO flights should be excluded from the movement cap (except for medical / emergency flights which are already excluded). The Department’s intention appears to be to increase the number of planes above current limits by simply not counting certain types. The obvious impact is more aircraft noise and more human impact arising from more planes and bigger planes.

Sunsetting

In Page 7 para 2 the Discussion Paper states that *“... the review will also inform the remaking of parts of the Legislation that are due to sunset on 1 April 2024.... legislative instruments are automatically repealed a certain period (usually 10 years) after they are made. Sunsetting is an important mechanism for the Australian Government to implement policies to reduce red tape, deliver clearer laws, and align existing legislation with current government policy.”*

The risk with sunsetting is that soundly-based and important legislative instruments or regulations might be scrapped or weakened through pressure or influence from vested interests or a lack of understanding or appreciation by current bureaucracies or decision-makers of the reasons for the original measures and safeguards.

It should be noted that entities such as the Productivity Commission or any Government department do not dictate or decide Government policy. It is the elected Government which does that. Current aircraft noise policies and legislation are Government policies, decided by the Government and which have bipartisan support.

The solution - using advanced technology to improve efficiency and reduce noise

Page 7 para 1 states that *“ ... the review will take into account current and emerging factors influencing Sydney Airport demand management, including ... rapid advances in emerging aviation technologies ...”*. I believe this is where we should be focused.

Rather than finding ways to circumvent the movement cap and other worthy aircraft noise regulations, new technology applied to flight paths and aircraft operations should allow increased effective Sydney Basin capacity, greater efficiency for the industry and, at the same time, better noise outcomes for the affected population. A true win-win. This could be achieved by designing flight paths and operational procedures that are consistent with LTOP but use Performance Based Navigation (PBN) to minimise track miles, fuel burn whilst also reducing residential overflights and noise.

Note that Required Navigational Performance (a subset of PBN) is currently on hold in Sydney by SACF resolution because it currently results in unacceptable concentration of flight paths and noise. Work needs to be done by AirServices (ideally jointly with the community representatives) to avoid that outcome when used over residential areas. The Community representatives of SACF are supportive of the use of PBN provided it results in a win-win for both the community and the aviation industry – which is very achievable. The SACF community representatives and AirServices should work cooperatively to achieve this. However, more resources, in the form of an Aviation Community Advocate, is needed.

The Aviation Community Advocate (ACA) position should be reinstated

The ACA position would focus on reducing aircraft noise and its impact on Sydney residents. That position existed and was filled between 2007-2009, after which it was abolished for “budgetary reasons” and remains so, despite repeated requests for reinstatement from the SACF Community Members. The ACA position allowed the community to have access to appropriate technical expertise and resources to examine complex airport issues and information on a “level playing field basis” with the authorities and the aviation industry.

No other airport in Australia has the operational complexity and extent of aircraft noise issues as Sydney. The ACA position is desperately needed and should be reinstated. The ACA is crucial for the successful development and implementation of the flight paths using PBN technology recommended in the previous section to ensure the noise outcomes for the community are safeguarded and optimised as part of the overall “win-win”.

CONCLUSION

This submission argues that the current restrictions on the number of aircraft using Sydney Airport, the associated aircraft operations and the way they are managed must not be lifted or watered down. Otherwise, Sydney Airport in its current location will not remain acceptable to the many hundreds of thousands of Sydney residents directly impacted by aircraft noise.

Let me finish where I started. Aircraft noise is serious, unacceptable pollution. Whilst, to date, it has not been treated as serious widespread pollution - it should be. No other forms of pollution on this scale are accepted by modern society. There is a strong case for legislation prohibiting unreasonable aircraft noise.

This Discussion Paper has multiple flaws as outlined above. It appears to be biased, misleading, ill-considered and makes incorrect, inaccurate and unsubstantiated claims in some important respects. The Department’s proposals in this Discussion Paper underestimate and ignore the human impact of aircraft noise and would make the problem worse.

That will further enrage the community and strengthen the case for legislation against aircraft noise pollution.

Robert Hayes
SACF Community Representative for the North
10 December 2020

