

# **Submission on the Productivity Commission (PC) Inquiry into the Economic Regulation of Airports Draft Report**

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### **Introduction**

I am the Sydney Airport Community Forum (SACF) Community Representative for the North. I represent at least a quarter of Sydney's population which is moderately to severely affected by aircraft noise. This is conservatively estimated to total well in excess of half a million residents. However, this submission is not submitted in my official SACF role as that Forum is making a separate submission to the Inquiry. This represents my own personal views. It is also restricted only to aircraft noise matters.

I have been fighting (with others) against the blight of aircraft noise for 25 years. During this time considerable and hard-won gains have been made by community representatives and others in order to minimise and ameliorate the impact of aircraft noise on Sydney's affected communities. Sometimes the achievement of this progress has been despite significant resistance from certain advocates of the airline industry (both private and government). The most important of these hard-won measures are the legislated curfew, movement cap and Long-Term Operating Plan (LTOP), all of which remain crucial, universally-accepted and non-negotiable Government policies and which enjoy bi-partisan support. Both major parties know that the political fallout from any disruption to these safeguards would be severe and unacceptable.

These measures aim to limit and ameliorate the damaging effects of aircraft noise by minimising and limiting the amount of noise suffered by individuals and households, by providing at least some period of relative respite and relief from constant aircraft noise, and by aiming to fairly share the residual noise burden across different parts of Sydney. Without these measures, Sydney would not be a liveable place for between half a million and a million residents. There is a strong argument that more people are Moderately-to-Severely affected by aircraft noise outside the 20 ANEF contour than inside it. This means that current noise measures seriously understate the scope of the problem. Noise concentration over particular areas and groups is a curse that results in unacceptable and inhumane suffering for those under heavily-used flight paths. Citizens' lives are disrupted on a daily basis and associated mental illness and psychological trauma is a well-documented effect. This must not be underestimated or under-valued by the Productivity Commission (PC).

### **Overview**

In my view, the PC Inquiry and its Draft Report are very disappointing and inadequate. It appears that the PC has been swayed by one-sided submissions from vested interests who profit and otherwise benefit from maximising aircraft movements at Sydney Airport. These submissions represent an attack on the two primary measures protecting a significant

portion of Sydney's population from the insufferable nightmare of constant aircraft noise – namely, the legislated movement cap and curfew.

The Draft Report fails to recognise that the movement cap and curfew were critical measures put in place to defend against the onslaught of aircraft noise impacting Sydney communities following the opening of the third runway in 1994. Residents under concentrated flight paths suffered aircraft noise for 17 hours a day.

These protective measures are still as important and essential today. They have been, and still are, highly effective and must be retained - untouched.

The PC Inquiry and the Draft Report have failed to take a well-researched and balanced view of the likely human impacts of proposals to amend the cap and curfew. Its focus is on marginal efficiency – not people. The process underlying the Inquiry also appears inadequate because it has failed to properly consult with the community.

### **Specific Issues with the Inquiry and the Draft Report**

More specifically, I have 10 significant issues with the Inquiry process and the Draft Report:

#### **1. The PC Draft Report is one-sided and unacceptable**

The PC appears to have accepted, supported and, in the Draft Report appears to be an apologist for the arguments by vested interests who profit from maximising aircraft movements at Sydney Airport, without sufficient rational analysis or credible supporting evidence for what is proposed nor an examination of the detrimental effects of the proposals.

There is no statement, or apparent analysis, of the rationale and objectives for the movement cap and curfew, and no consideration of why they should be protected and the impact if they are not. In short – the effect on people of these economic / efficiency proposals has not been considered. That is a major failure on the part of the PC and is unacceptable.

#### **2. The PC process is inadequate**

This Inquiry demonstrates significant inadequacy of process. The PC has not taken a reasonable and balanced approach. The PC has consulted with, and obtained input from airport and airline industry advocates including Sydney Airport, the Property Council of Australia and the Tourism and Transport Forum who appear to take a predictable stance to diminish current community protections based on the profit motive.

It appears that the PC has not considered the human impacts of the proposals, researched the reasons for the status-quo or investigated counter-arguments to these proposals. Worst of all, the PC has not consulted with the communities affected by aircraft noise or relevant consultative bodies, the most important and

relevant of which is the peak community liaison and Ministerial advice body, the Sydney Airport Community Forum (SACF).

### **3. The PC report ignores the human cost of proposals**

As a result of this, the PC appears to be taking a one-sided view - overly influenced by a group of like-minded profit-oriented organizations. The PC's comments, conclusions and recommendations are noticeably one-sided and unbalanced. They ignore the people who live in many different parts of Sydney who still suffer the major (many say disastrous) daily impact of aircraft noise for up to 17 hours a day. The PC has missed or dismissed "the elephant in the room". There is a major human cost to changes which will inevitably lead to more aircraft noise – either increasing the cap on the number of hourly movements or a modification of the current curfew arrangements.

Without a well-researched and credible statement of the human health impacts of aircraft noise, nor convincing analysis, evidence or argument in the Draft Report, the PC appears to be spuriously promoting efficiency (profit) over the very real and significant impact on people resulting from the proposals.

### **4. The Draft Report demonstrates a lack of adequate research by the PC**

There is little evidence in the Draft Report that the PC has adequately researched or is sufficiently aware of what the movement cap and curfew were designed to achieve, and in fact are still successfully achieving.

Both measures are pieces of environmental regulation aimed at limiting and mitigating the impact of noise on affected Sydney residential populations from aircraft using Sydney Airport.

The curfew gives a limited (7 hour) window of noise respite during the most sensitive hours (11pm to 6am). However, even now the curfew is fragile. A single aircraft (such as an allowable Air Ambulance turbo-prop flight) can and often will wake people up and ruin their night's sleep during the curfew period. Residents of Kurnell are also subject to shoulder period passenger flights and overnight freight flights.

The movement cap is a specific measure limiting the maximum number of movements during a rolling 60-minute period. The cap reflects the recognition that an important aspect of the impact of aircraft noise on humans is the frequency of noise events. Even the current cap of 80 movements per hour means that there is an aircraft movement over residents every 90 seconds on the landing flight path during peak hours. This generates almost constant aircraft noise for at least 9 hours a day. Constant noise can, and has, literally sent some people living under flight paths clinically "mad".

The cap and curfew are designed to place a reasonable limit on the impact of Sydney Airport operations and encourage future use of Western Sydney Airport as a rational

alternative, free from these regulatory constraints and with much less human and environmental effects. The Draft Report's proposals directly attack what little part of the day remains unaffected for Sydney residents impacted by aircraft noise.

#### 5. **Some PC statements are self-contradictory**

Some of the PC's statements appear self-contradictory. For instance:

Page 2 of the Draft Report's Key Points states: "*Existing airport regulation benefits the community, **and remains fit for purpose***". However, it goes on to say: "*Sydney Airport's cap on aircraft movements restricts the effect of aircraft noise on local residents, **although this reduces the airport's efficiency.***"

Page 16 states: "Sydney Airport faces physical and regulatory constraints — it has limited space to expand and its operations are constrained by caps on aircraft movements and a curfew. *These constraints and strong passenger growth have led to some congestion at peak times, **but Sydney Airport continues to operate efficiently.*** But, P235 states: "Regulatory constraints at Sydney Airport, including the movement cap, curfew and slot management scheme, restrict the effect of aircraft noise on residents **but come at the expense of broader airport efficiency.**"

Is Sydney Airport efficient or not? The Draft Report is unclear. If it *is* operating efficiently, then why promote changes which impose even *more* pain on Sydney residents after 25 years of post-Third Runway noise concentration and suffering?

#### 6. **Aircraft noise is not just "local" to Sydney Airport**

The PC makes reference to "*the effect of aircraft noise on local residents...*" and affecting "*suburbs around the airport*". Let me be clear. Aircraft noise is not limited to the localities and suburbs within just a few kilometres of the airport. It affects massive areas of Sydney, stretching to Sydney's metropolitan boundaries. This is clearly evident from the N70 noise contour map included in the recent Sydney Airport Preliminary Draft Master Plan (PDMP). Aircraft noise moderately to severely impacts the lives of many hundreds of thousands of people in Sydney (there is no accurate measure but it is certainly well in excess of the half a million people quoted in the 1996 "Falling on Deaf Ears" Senate Inquiry Report).

To ignore this community impact is simplistic and naïve as it fails to give due weight to the human and environmental cost of aircraft noise and the inevitable damage arising from any reduction or softening of operational regulations, as promoted in the PC Draft Report.

#### 7. **The "modern aircraft are quieter" claim is a furphy**

Proponents for the softening of protections often rely on the claim that modern aircraft are getting quieter. Unfortunately, whilst it is true that some modern aircraft are somewhat quieter, the difference is barely perceptible on the ground and the inevitable future need for larger planes is likely to offset any benefit.

A test in 2008 by Airservices Australia using its Noise and Flight Path Monitoring System on a Singapore Airlines A380 prior to its introduction as a commercial service showed otherwise. This showed that, on arrival into Sydney, the A380 was only between 2.1 and 3.7 dB(A) quieter than an older louder 747-400. Even Sydney Airport admitted in its recent PDMP that a drop of 3dB(A) on landing is barely perceptible in humans (see PDMP p224). The fact is, larger planes are noisier than smaller ones and the PDMP predicts that larger planes will exponentially replace smaller planes in Sydney airspace over the next 20 years. Another factor is that well-serviced aircraft keep flying and it will take decades to fully replace the current fleet. Therefore, any reliance on planes becoming quieter is therefore a furphy.

#### **8. The PC's assertions do not appear to be based on adequate research and evidence**

A number of the specific assertions and recommendations in the PC's draft report are apparently not based on evidence and may indicate a shortfall in its research, knowledge or technical expertise.

Some examples are:

- *“Regulatory constraints at Sydney Airport, including the movement cap, curfew and the slot management scheme, restrict the effect of aircraft noise on local residents, but come at the expense of broader airport efficiency.... The average number of movements rarely exceeds 70 per hour, even in peak periods (figure 11)”*

This is not the case and also appears contradictory – surely 70/hour would imply that there is spare capacity and scope for efficiency improvements within the current limits.

- *“The movement cap and curfew sometimes result in more noise and emissions, in spite of their noise reduction objective”.*

For the main part, the movement cap and curfew measures work well and as intended. A known parameter like the end of curfew can be easily accommodated with modern flight management systems by adjustment of aircraft speed. Aircraft and airlines know and understand the rules and, if necessary, adjust accordingly.

- *“The objective of managing the effect of aircraft noise on local residents should be balanced with reforms that benefit the community at large, including through improvements to the efficiency of Sydney Airport. ...Changes that increase the flexibility of the movement cap and that target noise outcomes more directly would most likely improve the operational efficiency of Sydney Airport as well as airlines”.*

This appears to show one-sided influence and disregard for the large number of Sydney residents who suffer on a daily basis because Sydney Airport is fundamentally in the wrong location. Sydney is uniquely impacted by aircraft noise due to the airport's unfavourable location and population size. It is unacceptable that the pursuit of extra profit for a few organizations would exacerbate the impact of aircraft noise for so many suffering communities.

## 9. Information Request 7.1

*The Draft states: "The Commission invites comments on the potential costs and benefits of reforms to Sydney Airport's regulatory constraints on aircraft movements that can also meet current noise objectives".*

The PC fails to list those current noise objectives. However, they are commonly summarised as follows:

- to minimise aircraft noise by implementing flight paths which avoid residential overflights (by flying, instead, over water and non-residential areas),
  - by avoiding flight path (and associated noise) concentration,
  - by providing respite to affected populations and
  - by fairly sharing unavoidable (residual) noise across multiple areas of Sydney.
- None of the measures proposed below meet these current noise objectives.

*The PC Draft Report claims that options that could improve the efficiency of the movement cap without leading to a net increase in noise include:*

- *spreading the measurement of the movement cap over a longer time period than the current measure of 80 movements per 15-minute rolling hour.*

Response: The aim of the cap is to limit the human impact arising from the bombardment of noise arising from multiple overflights. Clearly this proposal would be a way for Sydney Airport and airlines to exceed the legislated hourly cap in peak hours by extending measurement into off-peak hours to lower the overall average.

- *removing the cap on actual movements but retaining a cap on scheduled movements.*

Response: This would provide a green light for airlines to exceed the cap without consequence.

*Options that could improve the targeting of noise outcomes include:*

- *replacing regulatory constraints on aircraft movements with noise caps based on the amount of noise made by each aircraft.*

Response: This would be immensely difficult and impractical to implement as the noise signature of each aircraft under each flight circumstance (landing, climbing and banking) would need to be known and able to be mathematically cumulated with other aircraft. This is not feasible in practice.

- *adopting noise-based criteria for determining which aircraft are permitted to operate during the curfew, rather than the current prescribed list of aircraft types*

Response: Further detail is required.

## 10. Aircraft noise is widespread, damaging and unacceptable pollution

The PC is urged to explicitly recognise that aircraft noise is a form of major pollution – as serious, damaging and unacceptable to the community as other major forms of pollution such as waterway and air pollution, which have been restricted or banned by legislation for decades. The impacts of aircraft noise are just as bad and

widespread.

Aircraft noise should be treated the same as these other forms of unacceptable pollution and restricted by legislation. The PC is urged not to accept or promote proposals which worsen this pollution over Sydney.

## 11. Conclusions

The PC Draft Report is inadequate. It appears to be disturbingly one-sided. It lacks the statement, and balanced consideration, of opposing views, adequate research into, or at least a statement of, the rationale for existing noise amelioration measures and any understanding of the likely human impacts of its proposals.

The process of the Inquiry is also flawed. Adequate community consultation was not carried out. The views and proposals of like-minded profit-oriented proponents have been promoted without question. SACF, the peak community consultation body, should have been invited to make an early submission. It was not.

Worst of all, the Inquiry and its Draft Report lack reasonable humanity. The dreadful human impact of aircraft noise is not considered. Industry proposals which aim purely to increase efficiency (and therefore profit) clearly undermine and weaken the few current regulations which aim to safeguard some quality of life for the many, many hundreds of thousands of Sydney residents who are moderately-to-severely affected by aircraft noise every day for up to 17 hours a day.

It is bitterly disappointing that profit-oriented organisations appear to have chosen to ignore or undermine the greater (community) good in the pursuit of further marginal profit from Sydney Airport. Some of these organisations may claim to be good corporate citizens! It is even more disappointing that the PC has seemingly supported these proposals without question and has ignored their human impact.

Sydney Airport is absolutely in the wrong place. A major airport literally located in the middle of a major residential city is neither acceptable nor viable. Sydney Airport, in its current location, causes serious, widespread noise and other pollution over Sydney. Indeed, if Sydney Airport was a factory causing such widespread pollution it would be closed by authorities. Aircraft noise should be recognised for what it is, then restricted and regulated like other forms of pollution. Why is it not?

Vested interests have made proposals to the Inquiry which will worsen the current situation by watering down the existing measures which effectively limit the effect of this pollution on humans. The PC appears to have accepted these unreasonable proposals and has promoted efficiency over humanity.

Sydney Airport causes pollution and human suffering which is unreasonable and should not be acceptable in this day and age.

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