

To: <ano@ano.gov.au>
From: Philip Lingard <pslingard@tpgi.com.au>
Subject: Community Noise Report & Complaint from Summer Hill 2130
Cc: "Johann Heinrich" <heinrich@idx.com.au>
Bcc:
Attached: C:\PRINT\PRINT_SI\Send\Ami Pro - AN060613.pdf; C:\PRINT\PRINT_SI\Send\Word Pro -
noisrep12_RF+.pdf;

The Aircraft Noise Ombudsman
Attention: Mr. Ron Brent
GPO Box 1985 Canberra City ACT 2601
Email: <ano@ano.gov.au>

Date 7/6/2013

Dear Mr. Brent:

Re. Community Noise Report Summer Hill III 2002-2012:-

I attach the above report and explanatory letter which is a formal complaint and plea for remedies from Airservices Australia for the aircraft noise harm being sustained , as recorded at a single residence at 76 Moonbie Street Summer Hill.

The accompanying letter and report should be self explanatory and we trust that your office is able to encourage the requested improvements where individuals and the Government's SACF have failed.

Yours Sincerely
Philip Lingard
for J Heinrich & Family and The Summer Hill Community

P. S. Lingard
Tel: (02) 97989606
PO Box 154 ,
Summer Hill NSW 2130
AUSTRALIA
[Please make arrangements by telephone beforehand to send a fax]
Virus Checked by Kaspersky Internet Security 2013

P.S LINGARD
PO Box 154 , SUMMER HILL , NSW 2130
Tel: (02) 97989606; Email pslingard@tpgi.com.au
7th June 2013

The Aircraft Noise Ombudsman
Attention: Mr. Ron Brent
GPO Box 1985 Canberra City ACT 2601

Dear Sir :

Re. Community Noise Report Summer Hill III 2002-2012:-

By way of Formal Complaint and also as **Request for Improvement** in the management of Aircraft Noise by **Airservices Australia** in Sydney's 34 Left departure Flight Corridor , I attach our third "*Community Noise Report Summer Hill III*". This corridor is centred on one residence at 76 Moonbie Street , Summer Hill in Ashfield Municipality New South Wales .

This is a ten year summary of noise recordings at one residence in Summer Hill , which last year experienced 15000 noise events mainly from jet aircraft taking off . These events represent the noise from ca. 60% of all northerly departing jets leaving Runway 34L to the north.

The average ten year noise event level is 75 dB(A) with a range from 56 dB(A) to 94 dB(A). 78 % and 40% of events are over 70 and 75dB(A) , respectively . Over 10 years the N(70) was 43 , the N(75) was 26 and the N(80) was 10. The ANEI (365) calculated from noise data is ca. 20 , but it has peaked around 21 dB(A) , and by Military Airport Standards (operational day based) averages 21dB(A) . The N(75) level of 26 puts it in the category for "**Light Aviation Aerodromes**" which is classed as only "**conditionally acceptable**" under AS 2021 -2000 . Moreover the ANEI level of ca. 20 dB(A) for this location was one not predicted by Sydney Airport's ANEFs in the 2004 and 2008 Draft Master Plans until beyond 2023 and 2029, respectively.

Contrary to the SACL master plan ANEF predictions , this ANEI exceeds the Airport's published expectations, as the 20 ANEF contour was not supposed to approach closer to Summer Hill than Lewisham by 2023 at the earliest.

We conclude that the Summer Hill area, and this single residence in particular , is on a de-facto "**flight corridor**" when these were supposed to have been abolished by the **Air Navigation (Flight Corridors) Regulation** of 1994. Finally the LTOP 1996 was supposed to have resulted in the spreading of flight paths to "*fairly share the noise*", particularly those of noisy take-offs over residential areas. We conclude that there has been a minimal effort to achieve this and other LTOP goals in 15 years of LTOP Operation. Airservices Australia was notified of this problem by Ashfield Council from our previous reports of 2005 and 2009 and has failed to respond or act.

It is submitted that the deliberate persistence by Airservices in maintaining this de-facto corridor concentrating the lowest-flying heaviest and noisiest jets over a single residence is a form of persecution of those affected. Remedies are therefore sought as follows:

- (a) Significant Reduction of the flight path concentrations that create this de-facto corridor ;
- (b) Raising the altitude of Departures over this North West corridor;
- (c) Use of Noise Abatement Departure Procedures which minimise noise over residences to a Standards Specified level of 70 dB(A) or less ;
- (d) Implementation of the "**High & Wide**" provision of the LTOP specification (offshore arrivals) which will remove the low-altitude departure ceiling for takeoffs over the inner west.

and

Attention: Mr. Ron Brent, Aircraft Noise Ombudsman, Canberra, 6/6/2013, cont'd:-

Failing the above:

- (a) Provision of the best available noise insulation for this and similarly-placed residences and medical aids for affected occupants , at **Airservices** expense;
- (b) Ensuring that all Heavy Jet departures take off over Botany Bay or over genuine industrial areas instead of long-established residential dormitories such as Summer Hill;
- (c) The Earliest possible transfer of all heavy jet departures to an out-of-Sydney Basin Second International Airport.

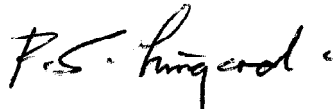
By way of positive contribution we make a number of suggestions in the paper for improvements in air traffic noise management for Airservices Australia which we believe will help achieve the above goals.

We trust that you will be able to assist us in this matter in, hopefully, some tangible way.

If you need any further data or clarification of the report please contact the undersigned.

Thank you for hearing our complaint.

Yours Faithfully



Philip S. Lingard , BSc (Physics), PhD (Bio-Engineering) , LLB (UTS) , Barrister (SCNSW-Rtd)
Co-Author and Data Manager
Secretary: North West Residents' Airport Group & SACF Inc
Residence: 44 Service Avenue, Ashfield, NSW 2130

For and on behalf of Johann Heinrich & family 76 Moonbie Street, Summer Hill, NSW 2130, and the Community of Summer Hill.

Telephone for Mr. Heinrich: (02) 97998378

X-TPG-Junk-Checked: Yes
X-TPG-Junk-Status: score=0.0 tests=HTML_MESSAGE
X-TPG-Antivirus: Passed
X-TPG-DNSBL: Passed
X-TPG-Abuse: host=smtp-prd-03.airservicesaustralia.com; ip=168.132.1.50; date=Wed, 12 Jun 2013 10:21:13 +1000
X-IronPort-AV: E=Sophos;i="4.87,848,1363093200";
d="scan'208,217";a="16208769"
From: ANO <ano@ano.gov.au>
To: "pslingard@tpgi.com.au" <pslingard@tpgi.com.au>
Subject: Aircraft Noise Ombudsman - Your Complaint Reference number - ANO277
Thread-Topic: Aircraft Noise Ombudsman - Your Complaint Reference number - ANO277
Thread-Index: Ac3AgjnubrhmeWz4QQeXQ0teyX9K5w==
Date: Wed, 12 Jun 2013 00:21:09 +0000
Accept-Language: en-AU, en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-originating-ip: [168.132.11.67]
x-tm-as-product-ver: SMEX-10.0.0.1459-7.000.1014-19936.002
x-tm-as-result: No--48.852900-8.000000-31
x-tm-as-user-approved-sender: No
x-tm-as-user-blocked-sender: No
X-TPG-Junk-Result: determined as NOT junk email, not even with a high detection setting

Dear Mr Lingard

Re: Your Aircraft Noise Ombudsman Complaint Number ANO277

Thank you for lodging a complaint with the Aircraft Noise Ombudsman. Your complaint has been received and your reference number is ANO277

In addition to the information you have already provided, we are going to undertake further research and will contact you again in approximately three weeks.

It would be helpful if you could quote the reference number above in all further correspondence.

Yours sincerely

Ron Brent
Aircraft Noise Ombudsman

T: 1800 266 040
E: ano@ano.gov.au
W: www.ano.gov.au

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To: ANO <ano@ano.gov.au>

From: Philip Lingard <pslingard@tpgi.com.au>

Subject: Reply & Thanks + Further: Re Aircraft Noise Ombudsman complaint ANO277

Cc:

Bcc:

Attached: C:\PRINT\PRINT_SI\Send\PICFAX.QUE.txt; C:\PRINT\PRINT_SI\Send\Your noise submission confirmation 391.htm; C:\PRINT\PRINT_SI\Send\Your noise submission confirmation 1.htm;

1/7/2013

Dear Mr. Brent:

Thank you for your response below. We would appreciate your attention to the matters as raised, which you summarise well.

Regarding "persecution", I should say that this is Mr. Heinrich's respective as a person with the hearing problems referred to, and the feeling that given previous reports (from us) one might have expected some avoidance or discontinuance of the causative nuisance.

As for Airservices not receiving any "complaints" I state in the text that the last report (2002-2009) was submitted to SACF by the Mayor of Ashfield at the Nov. 27 th 2009 meeting as Action Item 05/04 (See Para 4.1 page. 3 of Minutes) . It was never subsequently referenced nor brought back to SACF with any report.

I , personally do not make routine complaints, but co-author Mr. Heinrich (as the plaintiff , resident and owner of Moonbie Street home) assures me he routinely sends periodic faxes summarising the noise recordings (As lists) for every day when noise is recorded. It is from those reports that I compute the annualised data.

I attach herewith starting and ending Fax Receipts from Airservices for the period 18.4.2010 to 19.4.2011 [as html files] , and the Fax-Queue Send-Log File for the entire period [as a text file] . I trust this provides reassurance of his bona-fides.

As stated in the paper, I could send you the raw date-time data /dBA data for the entire period, as supplied by Mr. Heinrich to me.

If you need any further help, kindly contact us again.

Yours Faithfully

Philip Lingard

At 05:21 AM 28/06/2013 +0000, you wrote:

Dear Mr Lingard

Thank you for your email dated 7 June and the accompanying report. I am sorry to hear that you have been pursuing these issues for some time without resolution. In reviewing the comprehensive material that you have submitted, I think it best if I firstly set out my role and jurisdiction over these matters and secondly list your major concerns and suggestions so that hopefully, we can finally resolve these long standing issues. Once you have confirmed that I have captured the issues that are within my jurisdiction appropriately, I will commence a more thorough investigation of the matters.

Firstly, allow me to introduce myself and explain my role as the Aircraft Noise Ombudsman.

My name is Ron Brent and I was appointed as Australia's first Aircraft Noise Ombudsman in September 2010. Under

the terms of my charter – [ANO Charter](#), my role is to review Airservices Australia's (Airservices') complaint handling, information provision and consultation processes. My charter also sets out limits on matters I may consider. Matters prior to 2010 or relating to agencies other than Airservices (such as SACF, for example) are generally outside my jurisdiction. Finally, I must allow Airservices the first right of reply to a complainant.

From the material you have sent to me, and my initial enquiries to Airservices, I am aware that you have raised concerns about aircraft noise with Airservices previously, although there do not appear to be any recent records of contact on their database. The last contact they have on record was in October 2010. I am also not sure whether the specific concerns and suggestions, as listed below, have been formally put to Airservices. Regardless, given the length of time you have been pursuing these issues, I do not want to refer you back to Airservices. Under the circumstances, I am willing to pursue these matters for you and I will liaise with Airservices on your behalf, unless you advise me otherwise.

This brings me to the concerns and suggestions that you have raised about aircraft noise, particularly to the north of the airport. I understand that your concerns and suggestions are as follows:

- The ANEI level of ca. 20 for Summer Hill was not predicted by Sydney Airport's ANEFs in 2004 and 2008
- Concern that Summer Hill is on a de-facto flight corridor when they should have been abolished by the 1994 Air Navigation Regulation
- Concern about the effort by Airservices to meet the LTOP goals
- Belief that the concentration over Summer Hill is a form of persecution
- Suggestion that there be a significant reduction of the flight path concentration over Summer Hill
- Suggestion to raise the departure altitude over the north-west corridor
- Suggestion to use noise abatement procedures (including steeper climb profiles) to reduce noise to 70 dB(A) or less
- Suggestion that 'High and Wide' be implemented
- Provision of insulation and medical aids at Airservices expense
- Ensuring all heavy jet departures take-off over Botany Bay or industrial areas
- Transfer of all heavy jet departures to a second international airport
- Concern that there is no regulation limiting aircraft noise at ground level
- Suggestion that AS2021-2000 be revised
- Concern that Airservices has failed to answer why it has not, in accordance with Ministerial directions, implemented improved NADP

Before I commit to investigating these matters further, I want to ensure that I have captured your concerns and suggestions appropriately. Once confirmed, I will allocate resources to investigate these matters, although I do need to say that due to the number of issues, and their complexity, it may be some time before I am able to commence reporting back to you.

Yours sincerely

Ron Brent
Aircraft Noise Ombudsman

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PS & JM LINGARD , PO Box 154 , SUMMER HILL NSW 2130, AUSTRALIA Tel: (02) 97989606

Malware Checked by Kaspersky Internet Security 2013

X-TPG-Junk-Checked: Yes
X-TPG-Junk-Status: score=0.0 tests=HTML_MESSAGE
X-TPG-Antivirus: Passed
X-TPG-DNSBL: Passed
X-TPG-Abuse: host=smtp-prd-03.airservicesaustralia.com; ip=168.132.1.50; date=Tue, 9 Jul 2013 10:41:05 +1000
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d="scan'208,217";a="16855150"
From: ANO <ano@ano.gov.au>
To: "pslingard@tpgi.com.au" <pslingard@tpgi.com.au>
Subject: Re Aircraft Noise Ombudsman complaint ANO277
Thread-Topic: Re Aircraft Noise Ombudsman complaint ANO277
Thread-Index: Ac523nQIpIoeQrPKQkigS7QzUwIALA==
Date: Tue, 9 Jul 2013 00:40:57 +0000
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X-TPG-Junk-Result: determined as NOT junk email, not even with a high detection setting

Dear Mr Lingard

Thank you for your email dated 1 July confirming the issues that concern you and also providing further information. I have worked with one of my senior advisors to investigate these matters and I can now report on each of the issues listed in my email dated 28 June.

The ANEI level of ca. 20 for Summer Hill was not predicted by Sydney Airport's ANEFs in 2004 and 2008

From your letter dated 7 June, you raised a concern that the readings that you recorded in Moonbie Street Summer Hill result in ANEI levels of about 20 and that this was not predicted in the Sydney Airport ANEF diagrams produced in 2004 and 2008. You also mentioned that it has peaked "around 21 dB(A)" and by military standards "21 dB(A)". I have assumed in both these circumstances you are referring to ANEI levels and not A-weighted decibel readings (dB(A)). Please correct me if I have misunderstood the reference.

I have reviewed the ANEF diagrams produced in 2004 and 2008 (as well as the recently released 2033 ANEF). This is a topic that I am very familiar with as I recently made a presentation to the Sydney Airport Community Forum (SACF) to explain the changes in ANEFs over time.

There are a few key points that I wish to make in relation to the ANEF diagrams:

- The 2004 and 2008 20 ANEF as shown as a dotted line area does encompass Summer Hill.
- The ANEF is an annual, composite measurement of noise. Therefore, there will be times when areas outside a particular ANEF area get levels of noise higher than areas inside the same area.
- The ANEFs are only a forecast based on the best input data available at the time. For example, the recently released ANEF has a reduction in the size of the ANEF 20 zone which seems counter-intuitive to an increase in traffic over time. The primary reason for the change was that noise information for the new A380 aircraft was not available when the 2029 ANEF was established.

- The 20 ANEF contour is difficult to define accurately due to variations in aircraft flight paths. That is why it is recorded on ANEF diagrams as a broken line.
- For Sydney, the change in ANEFs is not likely to be significant over time, because there is a cap on aircraft movements (and capacity in some hours of the day is already reached) and quieter aircraft will be introduced (for example, A380 aircraft replacing the much noisier 747s). This does not mean that, even though Summer Hill was just within the 20 ANEF for 2029, the area should be significantly below that level now. This is an important point, as you have mentioned that the noise levels being recorded shouldn't be approached until 2023. It may be that the 2023 forecast is already close to the current noise exposure.
- The ANEF is always just a forecast, albeit based on the best traffic forecasts and modelling available. Current noise levels do not, in themselves, prove that the ANEF is flawed. The accuracy of an ANEF can, unfortunately, only be determined in the year that it applies to.

In other words, I do not see any significant conflict between the sound levels you have recorded, the ANEF level of ca 20 for Summer Hill and the ANEF charts produced by Sydney Airport.

Concern that Summer Hill is on a de-facto flight corridor when they should have been abolished by the 1994 Air Navigation Regulations

I have obtained a copy of the relevant flight corridors regulations and considered the requirements that apply under the regulations. These regulations contain within them four discrete flight corridors that under certain conditions must contain the aircraft's flight track. There are two departure corridors (from runways 16 left and 16 right) as well as two arrival corridors (for runways 34 left and 34 right). In other words, the corridors are established for flights arriving or departing to the south of the airport on the two parallel runways. These flight corridors have no effect over aircraft operating to the north of the airport, including over Summer Hill.

In your letter to me dated 7 June, you have said that the flight corridor over Summer Hill should 'have been abolished by the Air Navigation (Flight Corridors) Regulation of 1994'. I have not been able to find any reference in the regulations that suggest flight corridors other than the four mentioned above, should be abolished. Perhaps there is some other documentation relating to the regulations that you are referring to? If this is the case, or I have misunderstood the issue, then please let me know and I will review the matter further.

Concern about the effort by Airservices to meet the LTOP goals

I understand your concern about Airservices inability to meet the targets set in the LTOP. This was a matter that I devoted significant attention to when I completed a review of Sydney operations. You may be interested in my final report which is available here – [Aircraft noise information \(Sydney\)](#).

As a result of my report, Airservices has produced a number of fact sheets explaining Airservices' performance against the targets and why the targets cannot currently be met. The [Key Facts about Noise Sharing](#) fact sheet explains some of the history of LTOP, constraints in achieving better performance as well as links to other relevant source material. Two of the significant constraints relate to the procedures known as 'High and Wide' and 'Trident'. Based on one of the recommendations of my report, Airservices published a short report on these two specific procedures and why they are not able to be implemented at present. This report is available here – [Sydney LTOP review](#).

Based on these reports, the briefings I have had from Airservices and my interaction with both SACF and the IMC (LTOP Implementation Monitoring Committee), I am satisfied that Airservices is doing all that can be reasonably done to noise share, subject to constraints outside their control.

Belief that concentration over Summer Hill is a form of persecution

Thank you for clarifying this issue in your email dated 1 July. I now understand that it is Mr Heinrich's perspective, as a person with a hearing problem, that the lack of action despite numerous complaints is a form of persecution.

If we define the word 'persecute' as 'to annoy or trouble persistently' then I do understand why Mr Heinrich may have this view. We do know, from both the data you have provided and the data presented by Airservices and Sydney Airport that Mr Heinrich lives in an area with frequent and significant levels of aircraft noise. However, I do not believe the actions (or lack of) by Airservices is in any way deliberate, or that there is any campaign, against Mr Heinrich or the

area in which he lives.

In your correspondence and report, you have kindly offered a number of options that may alleviate the noise issues. Airservices do need to give these matters appropriate levels of consideration. I also have to acknowledge that there are circumstances where there may be no viable options to improve the noise outcome. Where this is the case, then a resident is entitled to an explanation so that the resident can decide on what action they wish to take to manage the noise issues they are experiencing. Unfortunately, this may be the case for Mr Heinrich, as explained in this response and also the documents linked to this email.

Suggestion that there be a significant reduction of the flight path concentration over Summer Hill

As mentioned above, we do know that there are frequent and significant aircraft noise events near Mr Heinrich's home. Understandably, you would like to see a reduction in the flight path concentration over this area. There are a number of ways to achieve this outcome, such as:

- Reduction in the 80 flights per hour cap – The Minister for Infrastructure and Transport has stated publicly that he does not intend any change to the cap at Sydney Airport. At the same time, there have been suggestions by others that the cap be raised. My view is that there will not be any reduction in the cap at Sydney in the short to medium term.
- Greater use of noise sharing arrangements – Greater noise sharing would more equitably distribute the noise and hopefully result in better performance against the LTOP targets. Greater use of noise sharing arrangements would be supported by my office and, in my view, most stakeholders, including Airservices, SACF, Sydney Airport and the Minister's Department. As explained however in the fact sheet and LTOP report linked in this email, current constraints do not allow greater use of noise sharing while still maintaining the 80 movement cap and meeting operational requirements.
- Amending the flight path over the area – In my view, this would only move the existing noise to another heavily populated residential area, and I do not consider this to be an overall noise improvement. In addition, as the flight paths are dependent on each other, it would likely require significant changes to airspace design.

In other words, I have not been able to identify a viable option that I can pursue further to improve the situation in Summer Hill.

Suggestion to raise the departure altitude over the north-west corridor

As you have highlighted in your report, the departure altitude is constrained by the crossing arrival flight paths. Implementation of High and Wide may alleviate the need for the altitude constraints, however without such procedures being implemented, I cannot see how the altitude could be raised. This links back to the issue covered above, and the constraints for implementing High and Wide are discussed in the Sydney LTOP review.

Suggestion to use noise abatement procedures (including steeper climb profiles) to reduce noise to 70 dB(A) or less

I am not sure why you have chosen 70 dB(A) as a threshold, however I do agree that any procedures that reduce noise exposure should be considered. Perhaps 70 dB(A) has been chosen because this is the limit set for Reagan National Airport in Washington DC. This may be an option for consideration when a second Sydney Airport is constructed, however it is not feasible for the current operations in Sydney. My understanding is that it is not practical to enforce steeper climb profiles while at the same time enforcing an altitude limit on departures.

I am interested to consider other noise abatement procedures that could improve noise outcomes in Summer Hill, or anywhere else in Sydney. If there are other specific initiatives that you are aware of, please let me know and I will investigate further.

Suggestion that High and Wide be implemented

This issue has been responded to above.

Provision of insulation and medical aids at Airservices expense

I understand that Mr Heinrich would appreciate compensation for insulation and medical aids. As far as I am aware there are no precedents in Australia for the government (or their agencies) compensating individuals for the costs incurred soundproofing their homes against aircraft noise, except in areas of higher aircraft noise levels than exist in Summer Hill. I am not personally aware of any plans to re-introduce such a scheme in Sydney, although the Departmental web site does say that "The Department continues to monitor aircraft noise contours that determine eligibility for insulation assistance around Sydney and Adelaide Airports".

The previous insulation scheme offered insulation for residential dwellings within the 30 ANEF contour. The latest ANEF diagram, as shown in Sydney Airport's draft master plan, indicates Summer Hill is located near the 20 ANEF line. I do not think it likely that any government will extend an insulation scheme to the 20 ANEF contour in the foreseeable future. I base this view on the words contained in the 2009 National Aviation White Paper:

The Government recognises the possibility that future major civil airport operations and air traffic changes may place some residences into high noise exposure zones. The Government will develop a framework, in consultation with the industry, for an industry-funded program for civil airports that ensures future insulation projects will be assessed and delivered against world's best practice attenuation initiatives. This will be consistent with the approach taken at Sydney and Adelaide in introducing their noise insulation programs which has provided for insulation measures for public buildings in the 25 Australian Noise Exposure Index (ANEI), for houses in the 30 ANEI and for voluntary acquisition above the 40 ANEI. An improved framework would incorporate, but not be limited to, these measures.

The issue of compensation for the purposes of medical aids is one that is outside my area of expertise. The issue relates to noise from many sources, not just aircraft, and therefore is not one within my responsibility.

Ensuring all heavy jet departures take-off over Botany Bay or industrial areas

Unfortunately weather conditions often prevent aircraft departing to the south. Aircraft do need to land and depart into the wind, which means aircraft cannot depart over Botany Bay when the wind is blowing from the north.

The use of industrial areas for flight paths is a preferred model for air traffic management, however given the number of flight paths required and the heavily populated areas around Sydney airport, I am not able to identify a flight path that could be moved, independent of other flight paths, over industrial areas.

Transfer all heavy jet departures to a second international airport

This proposal would not only result in an improved noise outcome for Summer Hill residents, but for all residents currently exposed to noise from Sydney Airport. However, the current debate on a second Sydney airport is an issue well outside my jurisdiction as the Aircraft Noise Ombudsman.

Concern that there is no regulation limiting aircraft noise at ground level

In your letter you have suggested that Noise Abatement Departure Procedures (NADP) be employed to minimise noise over residences to 70 dB(A) or less. While this would be desirable, I am not aware of any NADPs that could be employed in Sydney to deliver this outcome for all flights.

Suggestion that AS2021-2000 be revised

On this point we are in agreement. In February this year I attended a meeting convened by Standards Australia to consider a review of AS2021-2000. The scope for the review is finalised, however I am hopeful that we will achieve a much more useful and informative standard in relation to aircraft noise management. At the same time I am concerned that despite my best efforts, and those of many other stakeholders, the current review will be limited in scope and will not address the specific issues that you have.

I am sorry I have no further information on this issue at this stage as the review is appropriately being managed by Standards Australia.

Concern that Airservices has failed to answer why it has not, in accordance with Ministerial directions,

implemented improved NADP

While these issues do relate to events well before 2010 (which is the general limit for my jurisdiction), I have nevertheless investigated some of these matters.

In the press release issued by Minister Vaile in 1998 it says, in part, "the Government will be moving to make this [ICAO A departure procedures] a requirement for all aircraft departing the airport to the north off the parallels". I have not been able to locate any documentation that shows whether or not the Government subsequently set this as a requirement. Regardless, as you have rightly identified in your report, "ICAO-A itself does not achieve fantastic noise reductions" and have since been replaced with NADP1 and NADP2 procedures.

Your report has suggested that Airservices should be asked "why it never implemented... three [Ministerial] directions to implement and improve NADPs"? My understanding of the 1999 instruction by Minister Anderson was "Develop and implement effective aircraft noise abatement procedures and monitor and report to the Secretary on compliance with those procedures at Australian airports". Certainly it could be debated whether the current procedures are 'effective', but any procedures are constrained by other government requirements, most notably the need to maintain capacity at Sydney Airport.

Summary

I am sorry that all I have been able to offer you is more information, and that this does not help stop the aircraft noise. I do however believe in being honest with you and saying that I cannot see any likely improvement in noise exposure for a suburb so close to a very busy airport. I hope that the information I have provided does help you and Mr Heinrich a little in deciding how you wish to manage the noise issues being experienced.

Yours sincerely

Ron Brent
Aircraft Noise Ombudsman

T: 1800 266 040

E: ano@ano.gov.au

W: www.ano.gov.au

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To: "ANO" <ano@ano.gov.au>
From: Philip Lingard <pslingard@tpgi.com.au>
Subject: Reply #2: Aircraft Noise Ombudsman complaint ANO277
Cc:
Bcc:
Attached:

Date: 12/7/2013

Dear Mr. Brent:

Re. Community Noise Report Summer Hill III:

I write to thank you on behalf of Mr. Heinrich and myself for your prompt and most detailed response to our Complaint and Request for Improvement.

It is disappointing to read that you cannot see any likely improvement in noise exposure for (such) a suburb so close to a very busy airport .

However, I note that you leave the situation open for further clarification from us on two or three points and I should like to take that opportunity shortly after some further reflection. From my initial perusal of your response , I will likely refer specifically to the following issues:

Importance and Validity of the ANEF
Flight Corridors
High & Wide
Evening out flight path Spreading
Ceilings and Noise Abatement Takeoffs.

I hope that you will be favourable to such further discussion.

Yours Faithfully
Philip S. Lingard for
J. Heinrich & P.S. Lingard

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Summer Hill NSW 2130
AUSTRALIA
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X-IronPort-AV: E=Sophos;i="4.89,688,1367935200";
d="scan'208,217";a="17079510"
X-CheckPoint: { 51E72529-E-210284A8-FFFF}
From: ANO <ano@ano.gov.au>
To: "pslingard@tpgi.com.au" <pslingard@tpgi.com.au>
Subject: Re Aircraft Noise Ombudsman complaint ANO277
Thread-Topic: Re Aircraft Noise Ombudsman complaint ANO277
Thread-Index: Ac6DQ0hFCP0YqRObRIKfloMHOGWMzA==
Date: Wed, 17 Jul 2013 23:13:44 +0000
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X-MS-TNEF-Correlator:
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x-tm-as-result: No--50.890300-8.000000-31
x-tm-as-user-approved-sender: No
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X-TPG-Junk-Result: determined as NOT junk email, not even with a high detection setting

Dear Mr Lingard

Thank you for your email dated 12 July.

I understand your disappointment in my comment that I cannot see any likely improvement for Summer Hill. I will certainly consider any further submissions to try and identify viable noise improvement opportunities.

Yours sincerely

Ron Brent
Aircraft Noise Ombudsman

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Reply to Aircraft Noise Ombudsman, 10-08-2013, ref. ANO277

Introduction:

Thank you very much indeed for your most attentive and detailed response to the issues and suggestions for improvement raised in our paper.

It is disappointing that as Ombudsman you appear unable to proceed beyond analysis of our complaint, illuminated by Airservices advice, to take on the role of independent advocate, intervening and promoting noise reduction improvements where possible. This is in contrast to my direct experience with the NSW Energy and Water Ombudsman, where seeking independent advice and advocacy is a function of the position.

I believe that I clearly understand the aims and objectives of LTOP as I was the convening editor (with others) of the SACF Inc (Sydney Airport Community Forum Incorporated) paper the *"The Way Forward for Aircraft Noise Sharing at Sydney (Kingsford Smith) Airport (2003)"* [See reference in the Community Noise Report, available at <http://users.tpg.com.au/plingard/Pubsacfi.htm>]. Many of the suggestions for improvement in our Community Noise Report Summer Hill were canvassed in *The Way Forward* in some technical detail.

Taking up the discussion points flagged for further input in order:

Importance and Validity of the ANEF

I may have misunderstood your response but it appears to imply that the ANEF is in some way like a speed limit which may be ignored!

The paper's apparent heavy emphasis on the ANEF is due to its importance in regulating building approvals in Local Government Areas near airports. There is a resulting liability for costs where building site regulators such as local Councils fail to warn of, or misjudge, the aircraft noise impact for a Development Approval. The ANEF prediction is thus of greater significance than suggested by your paragraph 1, dot-point 6 statement entitled *"The ANEF Level of ca. 20 for Summer Hill..."* etc.

In the Legal case referred to at Paragraph 6.8 of our paper [Port Stephens Council v Booth & Ors (2005) NSWCA 323] the financial consequences for the Council, encompassing the retrospective costs of insulation for already constructed homes, were significant. In that case the Council knew about the ANEF levels before consent, but the plaintiff was not so advised in the S. 149 Certificate. The court was not swayed by arguments based on the ANEF 20 contour being hard to predict when later the ANEI rose above 25.

Although the ANEF, even though below 20, may be *"difficult to predict"* (as claimed by Airservices Australia), it is a legally significant threshold, as when evaluating homes for noise insulation the measurements are conducted from the ground in real time [See Section 3 of AS 2021-2000]. Moreover, the ANEF (as a parameter) is based on detailed field work from aircraft noise measurements carried out by the *National Acoustics Laboratories* in its extensive study *"Aircraft Noise in Australia: A Survey of Community Reaction"* [Report NAL 88 February 1982 AGPS Canberra]. In that study it was shown that what subsequently became the ANEF metric better fitted the community noise response data statistically than any other, including the lately touted N(70) [See Table 6.3].

There was no suggestion in NAL 88 that the incidence of responses from those "seriously-affected" by Aircraft Noise [See NAL 88 Report Figure 6.3] vanished below ANEF 20. Indeed between 10 and 20 % of exposed populations were shown to be seriously affected above ANEF 15 (Fig 6.3). It is

therefore no excuse for Airservices Australia, or an Airport relying upon its "predictions", to claim its predictions are uncertain and of no value should the expenses of noise insulation have to be evaluated for mitigation purposes [Airports Act Sec. 71(2) (f)]. In the Standard it is important to fix the 20 ANEF level because that is the level *above which* a building site becomes only **"conditionally acceptable"** and would likely be required to be constructed with noise insulation under State and Local Government rules.

Airservices cannot claim on one day that the ANEF for a locality will not exceed 20 until (say) 2029 , and afterwards disclaim responsibility for error when every day of (say) 2015 the value proves to be 25 because the flight track parameters used in its INM calculation are not followed by air-traffic control!

This means that home buyers and councils (as building consent authorities) are entitled to rely on the ANEFs quoted by airports . These figures educate their decision to purchase a home , and they would correspondingly be entitled to legal compensation if the basis of that reliance proved misleading. Ultimately it is the Airport Corporation that the Airports Act makes responsible for publishing the airport ANEF in its Master Plans [Airports Act Sec.71(2)(f)]. However to the extent that airports rely on data provided by Airservices Australia for their ANEFs , Airservices could (in theory) be found liable in contribution . This could arise if the forecasts were deemed to be have been negligently produced. After all it is Airservices responsibility to determine aircraft trajectories (flight paths) around the airport (from which ANEFs are computed), and if these are incorrect, then aircraft may not only collide, but will have unintended noise effects.

Morover , the Long Term Operating Plan (LTOPSR 1996) provided in Recommendation 22:
"That, after 12 months, stable operation an ANEF be produced in order to provide business and the community with appropriate data for long term land use planning. " [Author's emphasis]

How can there be long term planning when the Airport's and Airservices predictions are changing or are wrong? It is all the more galling when the predictions are exceeded because air-traffic control (whether deliberately or by chance) focusses 60% of the noise generation in a corridor so that predicted ANEFs are exceeded long before their nominal application date. Why can air-traffic control not be directed to spread the departures so as to follow the predictions? After all , the same organisation is responsible for both flight path design and the resulting ANEF calculation. Furthermore, under the LTOP no noise above 20 ANEF was forecast in the 1997 LTOP Proponent Statement for Summer Hill (See proponent Statement Table 3.1 p 3-10 ff). Is there any way you can impress this argument on Airservices or request an explanation from them ?

Flight Corridors

You ask about the history of flight corridor regulation.

Prior to 24 April 1996 the Departure Flight Corridor from Runway 34L was specified in the *"1994 No. 438 Air Navigation (Aerodrome Flight Corridor) Regulations-* which by its Schedule specified a Flight Corridor "B" for Departures after take-off from Runway 34L (See attachment).

On 24 April 1996 then Transport Minister John Sharp published the following Media Release (No. TR24/96) entitled *"Fairer Sydney Airport Flight Paths"* which states as follows:

"The Federal Government has abolished the inequitable flight corridors to the north of Sydney Airport, and returned to broader flight paths to eliminate the concentration of air noise in suburbs north of Sydney Harbour.

The decision fulfils a commitment made by the then Opposition leader John Howard prior to the election, which began with the 28 March order to reopen the east/west runway. "

..... and *"Some departures to the north will also be allowed to turn off between four and six*

nautical miles. "

That Direction abolished what had earlier become known in Sydney as the "Bennelong Funnel".

Accordingly, Flight Corridor "B" vanished along with others by enactment of the 1996 No. 37 Air Navigation (Aerodrome Flight Corridors) Regulations (Amendment) - Reg 2 so that the current Regulation 4 Schedule now lists only the Flight Corridors South of the Airport. It is still titled "***Air Navigation (Aerodrome Flight Corridors) Regulations 1994***".

What resulted was that Airservices Australia simply shifted the former Bennelong Funnel to the north-west, but at that time the high & wide arrivals were expected to allow for significantly steeper takeoffs resulting in departure altitudes over Gladesville up to 6000 ft (B767) thus somewhat mitigating ground level noise [LTOPSR 1996 p. 60] .

We strongly submit that the point we make about corridors is that any flight path arrangement funnelling up to 60% of 34L Departures over a single residence (as for Mr Heinrich) ***IS INDEED A FLIGHT CORRIDOR!*** And if one does exist for 34L departures , then it should be listed in the Schedule to the (current) Air Navigation (Aerodrome Flight Corridors) Regulations 1994. Because departure corridors to the north were abolished by Mr. Sharps Direction of April 1996 then any corridor existing today is illegal , as it is not authorised by the Schedule to Regulation 4 .

The LTOP (Airservices Short Report 1996 p 13 , pp 101-107), referred extensively to the notion of spreading of departures where possible to relieve noise concentrations over affected residents , and this concept is supposed to apply today.

At page 13 the LTOP (Short) Report [LTOPSR] states:

"The significant areas of change in this initiative will be the tracking of aircraft on paths that are further displaced from the immediate vicinity of the airport and the spreading of departure tracks after takeoff which will share the impact of aircraft operations. "

At page 101 the LTOPSR states:

".....the effective spreading of noise relies mostly on the spread of departing traffic. The use of multiple departure tracks is a feature of the new operating design."

There is clearly no defensible reason why 60 % of departures should, year in and year out, be tracked across a single residence in Summer Hill, or anywhere else for that matter . We submit that there is no reason why the tracking cannot be fanned more effectively from an earlier point thus evening out the burden of noise over a spread of homes and suburbs. 60% is far too great a burden for single home not in a recognised flight corridor .

Referring in detail to your responses:

(a) The 80 movement per hour cap cannot have any bearing on the noise exposure at the subject home [Your paragraph 5 dot point 1], as the majority of the responsible movements occur outside of the peak period. It certainly does not justify the creation of a corridor!

(b) We agree that "noise-sharing", for what it is worth is already at its peak. Unfortunately the subject residence is also under one of the noise-share modes (Mode 8 = Mode 9 plus westerly departures) so it is exposed to both peak and off-peak movements, another issue which needs resolving!

(c) You say that amending the Flight Paths to reduce the concentration would "not be an overall improvement" [Your paragraph 5 dot point 3] . We submit that the concentration is itself illegal as no

flight corridor was declared , and the alleged creation of noise concentrations (for the upper north shore) was one of the "reasons" used in the TF2 Report Conclusion to eliminate "High & Wide".

We further submit that it should be easily within Airservices' capacity to create better fanning to the northwest by continuously adjusting the departure "Radial" for each successive take-off by some small number of (say) 3 degrees on a schedule (this could be under computer control and thus predictable, and transmissible to aircraft) so that during 34L operations the successive paths become spaced out (like the spokes of a bicycle wheel) across the available two-dimensional angular space. The 34L Departure Sector spans from approximately Leichhardt to Canterbury and is about 60 degrees wide . Each successive aircraft would thus achieve clear lateral separation from its predecessor, reducing the "continuous-in-line" effect produced at Mr. Heinrichs home today. When the "radial cycle" of about 20 departure steps is completed across the Sector then it should be repeated from the beginning of the sector. The result would be more even spreading of the noise burden so that the average of 50 flights a day today directly across our subject residence will fall to 2 -3.

The only noticeable change for pilots will be that upon clearance for take-off , an announcement would be made to set initial heading to (say) "330 degrees " after climbout above (say) 1500 ft at distance x. Each successive flight would receive a decremented heading so that the take-offs following would be on headings 327 , 324 , 321 degrees and so forth, for the 330 degree example. There should be no safety concerns from this procedure. All it would change is to smooth out the now random departure pattern which, hopefully inadvertently, places 60% of all radials over Mr. Heinrich's home.

At the IMC in 2006 (as Proxy for the Mayor of Ashfield) I put this suggestion to the Chair (an Airservice employee) and he claimed (with words to the effect) that the *"pilots don't like changes of routine"*. We suggest it is time for someone to consider the effect of such pilots preferences on the inhabitants of the homes below. Is not that what the LTOP - "the fair share noise plan" was supposed to be about?

Are these not areas of contention where a reasonable complainant might expect an Aircraft Noise Ombudsman to exercise some powers of persuasion upon Airservices Australia for tangible community benefit?

High & Wide

In my opinion , based on preliminary data presented to SACF and the IMC, the ***Airservices 2003 TF2 Report*** [SACF Doc 2006- 046] and the more recent Airservices document ***"The Sydney LTOP Review"*** over-state some of the alleged difficulties in the interests of preserving the status quo for both airlines and airservices . ***There is really just one issue:***

The claim about increased track mileage being a barrier to implementation is mathematically inaccurate as can be shown using statistical analysis of historic approach patterns and flight track mapping techniques. In any event in the case of South-to-North and North-South flows the claim is easily countered using Airservices own data [See ***2003 TF2 Report Table in Para. 3.2, at p. 15 -Columns 4 & 5***], which show that there would be no flight mileage increase for Runways 34 and 16 (jets north) approaches in Modes 9 and 10. As these are by far the most frequently-used LTOP Modes why cannot Airservices use "high & wide" for those Modes only?

The justification of 15% increased track-miles claimed by Airservices Australia can be shown to be based on rarely-occurring extreme scenarios (e.g. 100% arrivals from south and west with 15 knot southerly or easterly winds). Proper time-averaging of arrival-mode usage for historic distributions of aircraft approach -directions from 1998 to 2005 demonstrates that variable, but much smaller, differences apply (with possible reductions dependent on air traffic mix) . Given sufficient notice, I am happy to resurrect the maths for my claim above.

As this constitutes a critical first stage challenge to Airservices's stated principal reason for eliminating high and wide, it is submitted that an independent review of the maths behind the TAAM exercise in Airservices Report "*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 Feb. 2003*" [SACF Doc2006- 046] , would most likely show that the track-mileage conclusion is incorrect.

Evening out flight path Spreading - This is covered above.

Ceilings and Noise Abatement Takeoffs.

Thank you for your offer to consider other noise abatement procedures that could improve noise outcomes [Your Paragraph 7 "*Suggestion to use Noise Abatement Procedures...etc*"].

With a mandatory vertical separation interval of 1000 ft below the 6000 ft ceiling it seems hard to justify the claim that for safety reasons take-offs should confine themselves to the first 1-3000 ft all the way from take-off roll to Parramatta , without permitting steeper initial climbs to 4000 ft to achieve noise abatement goals. There may be differences of opinion among air traffic controllers on this. I say this because I have spoken (off the record) to an experienced ATC manager who was aware of the Sydney ceiling, had seen the steeper take-off proposal and opined there would be no difficulty getting take-offs to 4-5000 ft by Summer Hill. After all, aircraft are flying all over the world on 1000 ft separated "flight levels" , mostly without incident. I do understand however, that expecting change in a necessarily conservative air traffic regime is fraught with difficulties.

Another possible approach to noise abatement would be to permit takeoffs *in between* the east and west arrival streams shown in Figure 1 of Appendix "C" of the principal report. This should permit relatively unlimited (steeper NADP) climbouts up to over 7000ft . Why can't this be done?

Airservices may reject the latter suggestion on safety grounds, or that it resurrects the Bennelong Funnel. However, you may not be aware that the crossing flight paths under LTOP were deemed to be potentially dangerous in any event in the *BASI Investigation Report B98/90, Aug. 1998 ISBN 0 642 27457 6* -]. The writers of the *SACF Inc "Way Forward "* review [See *ibid* Chapt 5] strongly suspected that the Independent Safety review required by LTOP Recommendation 27 was not carried out for the current LTOP configuration, with its crossing take-off and arrival flight paths. Perhaps there is still a need for an independent safety review by an international third party, as first proposed. This may well find that the high and wide procedures are essential to achieving foolproof operations.

I do not understand the claim with respect to NADP implementation that the reason for avoidance is in some way caused by the "*need to maintain capacity*" at Sydney Airport [Your Paragraph 14 "*Concern that Airservices ...etc*", sub-para. 2]. This was never raised at SACF. How could altering the vertical take-off profile to achieve higher climbout altitudes , affect "*capacity at Sydney Airport* ". Please could you explain your own or airservices logic in this respect, as it is a very important point?

The reason put to SACF by Airservices was always more along the lines of increased fuel cost for airlines. It seems that for whatever reason Airservices Australia at Sydney cannot put a sufficiently high priority on considering the human environment below its routes although the Airservices Act by Clause 9 (2) requires this. I know it does not say "human environment" , but what possible other environment could have been in the legislator's mind?

As to the three ICAO-A "Directions" I , too , cannot find any record of a "direction" in Airservices Annual reports, but there are references to it in SACF Minutes, which show that a trial was carried out in 1998, deemed successful by SACF, but abandoned by Airservices due to an airline costs argument . However there are two 1998 media releases and a letter from Mr. Vaile to the SACF Chair in 2007 which puts this on record (which I attach).

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X-TPG-Junk-Result: determined as NOT junk email, not even with a high detection setting

Dear Mr Lingard

Thank you for your letter attached to the email sent on 10 August.

This response should be read in conjunction with my email to you dated 28 June and also my substantial four page email dated 9 July.

Firstly, I would like to respond to your disappointment in my role as Ombudsman. My role as Ombudsman does extend to 'promoting noise reduction improvements where possible' and I have intervened on a number of occasions to achieve changes in noise outcomes throughout Australia. The changes do however, as you have suggested, need to be possible. This email, and my previous email dated 9 July, sets out the consideration I have given to each of your proposals in assessing their feasibility.

You have also expressed concern that I do not take on the role of independent advocate and that 'advocacy is a function of the [NSW Energy and Water Ombudsman] position'. While I do offer independent review and advice, it is true that I am not a community advocate. This is standard for Ombudsman roles, including the NSW Energy and Water Ombudsman, which states on their website "We are an independent body – we are not a consumer advocate, nor do we represent industry."

As a previous Deputy Commonwealth Ombudsman and acting Commonwealth Ombudsman I have been very conscious of ensuring this role is consistent with the principles that underlie the concept of an Ombudsman.

In your attached letter, you have referred to three separate topics:

- Importance and validity of the ANEF
- Flight Corridors
- Ceilings and noise abatement take-offs

Importance and validity of the ANEF

In your letter you have commented that "The ANEF prediction is thus of greater significance than suggested by... dot point 6 statement". That dot point read "The ANEF is always just a forecast, albeit based on the best traffic forecasts and modelling available. Current noise levels do not, in themselves, prove that the ANEF is flawed. The accuracy of an ANEF can, unfortunately, only be determined in the year that it applies to."

I stand by my statement, however I was not meaning to imply a lack of significance of the ANEF. I agree with you that it does have significance.

In your letter you have said:

Airservices cannot claim on one day that the ANEF for a locality will not exceed 20 until (say) 2029, and afterwards disclaim responsibility for error when every day of (say) 2015 the value proves to be 25 because the flight track parameters used in its INM calculation are not followed by air-traffic control!

My first concern with this statement is that ANEFs are prepared by airports, albeit the technical accuracy is checked by Airservices. My second concern is that they are forecasts, not commitments. To interpret an ANEF as a commitment is inappropriate. An ANEF does not claim that "a locality will not exceed 20 until (say) 2029."

An ANEF for 2029 is based on current forecasts and the INM data currently available. From this, a best estimate for expected traffic in 2029 is derived. In many cases, it is not possible for Airservices to apply the exact flight parameters used in the INM calculations because they assume traffic levels and mix of aircraft types different from those currently in use.

You have asked why air traffic controllers are not directed to spread the departures to follow the predictions. Again, the predictions are for a period many years from now and should not be used as a guide for current experience nor traffic management in the immediate future. Take for example the Melbourne ANEF which is based on the operation of a yet to be built parallel runway. That particular ANEF does not bear any resemblance to current flight operations.

Thank you for the additional information supplied relating to ANEFs, historical legal dealings and your view on potential liability. While these are issues beyond my charter I do want to say that your views are not necessarily aligned with my own.

Flight Corridors

My view is that this issue has been adequately covered in my previous response, however I can offer some additional points.

I understand how you have reached the view that because there is a significant amount of traffic over Mr Heinrich's home then you consider this a flight corridor. That is not my view. Further, as I do not consider that the route over Mr Heinrich's home constitutes a flight corridor for the purposes of the Air Navigation (Aerodrome Flight Corridors) Regulations, I do not believe that the current use is illegal.

You have asked why the departure paths cannot be fanned out more to spread the burden of aircraft noise or each successive departure adjusted by a small angle. This is an issue that Airservices is considering nationally in the medium term, however there is no guarantee that it will be feasible. Given the complexities of Sydney, it is unlikely that Sydney would be the location to first trial such a proposal. Regardless, I need to be honest and say that it will be a number of years before such a proposal could be considered in the Sydney environment.

I should also note that the scope for such an approach in Sydney is limited. This is because of the need to manage aircraft on predictable tracks separated from the departures simultaneously occurring on the parallel runway. Currently, Sydney is the only major airport in the country running close spaced parallel runway operations.

I am sorry that my dot point 1 about the cap on movements was not clear. I should have included additional information. What I was referring to was that the noise sharing modes (that would move the aircraft away from Mr

Heinrich's home) can only be applied when the movement rate is significantly below the 80 cap. There is no single figure as it depends on runway selection, weather and traffic forecasts. I therefore accept your point that the majority of movements over Mr Heinrich's home occur outside peak periods.

High and Wide

You have raised concern about the claim by Airservices about increased track miles being a barrier to implementation of the procedure known as 'high and wide'. My understanding is that this is only a very minor factor in determining that high and wide is not currently feasible. In the recently released "Sydney LTOP review" document that you refer to, there is only one mention of additional track miles. Fortunately, I have been privy through attendance at SACF and other forums to have received significant detail on the implementation issues associated with High and Wide and as such I accept Airservices current assertion that it is not possible to be introduced based on current technology.

Ceilings and Noise Abatement take-offs

You have suggested that departures be permitted to take-off 'in between' the east and west arrivals stream allowing unlimited climb to 7,000 feet. There are three critical impediments to such a proposal:

1. Departures are approved based on runway availability. In other words, a suitable gap in the distance between two successive arrivals for the same runway. It is therefore not possible to time the departures according to a future crossover point some distance from the airport.
2. There is significant variation in the performance of aircraft and response times to take-off clearances issued to pilots which would not allow the 'in between' time to be assured
3. The departure is controlled by the tower controller whereas the crossover is managed by the radar controller. This means that even in situations where the arrivals are not a factor in determining the departure time, it would not be possible for the tower controller to time the departure according to arriving traffic being managed by another controller.

You have also asked me to explain the relationship between Noise Abatement Departure Procedures (NADP) implementation and the 'need to maintain capacity'. I am sorry that I did not make this clear in my last email. I was not making any connection between NADP climb profiles and capacity. On the contrary, my reading of the 1999 direction by Minister Anderson does not identify any mention of NADP. The direction was more general as quoted in my last email. It was the relationship between capacity, and general noise abatement procedures that I was referring to. Let me explain.

Noise abatement procedures are incorporated in the LTOP, for example the use of varying runway modes to allow some degree of noise sharing. Airservices, however, are often unable to implement the noise sharing modes as many of them have capacity limits below the current or forecast traffic demand. In this sense, there is a constraint on the use of noise sharing modes because of the need to maintain capacity at the airport.

Summary

There still seems to be many issues where your view and my view differ. We could continue to argue our points, however I do not believe this to be productive. My focus is on improving noise outcomes but in this case I am sorry to say I have not been able to identify any feasible noise improvement opportunities for Summer Hill.

You are welcome to write to me again and I will consider any letter or email carefully. Should there be anything further that I can add, I will let you know. On the other hand, I must advise you that, unless I think that you have raised new issues, it is likely that there would be nothing further I could add, in which case I would not expect to respond.

Yours sincerely

Ron Brent
Aircraft Noise Ombudsman

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To: ANO <ano@ano.gov.au>
From: Philip Lingard <pslingard@tpgi.com.au>
Subject: Thanks_ Re Aircraft Noise Ombudsman complaint ANO277
Cc: "Johann Heinrich" <heinrich@idx.com.au>
Bcc:
Attached:

Dear Mr. Brent:
Thank you for the Email referenced below.

We appreciate the time and patience you have shown in responding to the issues raised, although, I fear, we must continue to differ. Your final response does not in any way alter the view that we have formed that the LTOP was not executed as planned.

From my (possibly) limited perspective, I will not be shifted from the view that 60% of all takeoffs from runway 34L, crossing one particular home at a distance of 7 km from take-off roll, constitutes a de-facto flight corridor. In our view, in the wider public interest, such a corridor should be defined in the Flight Corridor Regulations.

The very existence of such a corridor contradicts the 1976 Sharp Direction to abolish flight corridors over the north. This track is so persistent (having been verified by Mr. Heinrich now for over ten years), that it cannot be due to random happenings caused by the day-to-day exigencies of traffic scheduling.

Data from more noise measurement sites would strengthen the basis for advances in the policy of equitable noise sharing. We therefore suggest that more noise monitors should be installed over a wider arc in the north-west corridor.

I apologise for the delay in acknowledgement, and thank you again for being available to respond at all.

Yours Faithfully
Philip Lingard
for J. Heinrich & P.S. Lingard

=====
At 03:31 AM 21/08/2013 +0000, you wrote:
Dear Mr Lingard

Thank you for your letter attached to the email sent on 10 August.

This response should be read in conjunction with my email to you dated 28 June and also my substantial four page email dated 9 July.

SNIPPED FOR BREVITY

You are welcome to write to me again and I will consider any letter or email carefully. Should there be anything further that I can add, I will let you know. On the other hand, I must advise you that, unless I think that you have raised new issues, it is likely that there would be nothing further I could add, in which case I would not expect to respond.

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28 August 1998
T159/98

STEEPER CLIMBS OVER LAND

As a result of strong community support for steeper climbs by jet aircraft taking off to the north from the new parallel runway at Sydney airport, the Minister for Transport and Regional Development, Mark Vaile announced today that it has been decided that the procedure will be required of all airlines departing north from the parallel runways.

Additionally, the steeper climb procedures for take-offs from the east west runway will be explored.

Earlier this year the Sydney Airport Community Forum (SACF) and the airlines initiated a trial of "ICAO A" steeper jet climb procedures to the north to determine whether this would reduce the impacts of aircraft noise on residents.

"Following a review of the data from the noise and flight path monitoring system at the airport, and most importantly after hearing the views of the community on the benefits of the trial, SACF recommended to me that the steeper climb procedures should become a permanent feature of take-offs over land," Mr Vaile said.

"In view of the strong community support, for the steeper climb procedures, the Government will be moving to make this a requirement for all aircraft departing the airport to the north off the parallels.

"This is a victory for the Federal Member for Wentworth, the Hon Andrew Thomson MP, who has been a strong supporter of the steeper take-offs on behalf of his constituents.

"The use of steeper take-offs from the main runway will also be welcome news to the people in the electorate of Lowe. Robert Lee, the Liberal candidate for the seat of Lowe has made strong representations to me about community support for introducing this requirement for all aircraft."

"We will also be working with the industry and the community to the east and west of the airport to determine whether there would be benefits for them in introducing such procedures off the east-west runway," the Minister said.

"ICAO A" procedures involve steeper climbs and a delayed reduction in power setting which ensures that the jets reach higher altitudes before over-flying homes close to the airport.



COPY

The Hon Mark Vaile MP

**Deputy Prime Minister
Minister for Transport and Regional Services
Leader of The Nationals**

Reference: 08700-2007

Senator Marise Payne
Chair
Sydney Airport Community Forum
PO Box A301
SYDNEY SOUTH NSW 1235

19 SEP 2007

Dear Senator Payne

Thank you for your letter dated 28 August 2007 conveying the outcomes of the 50th meeting of the Sydney Airport Community Forum held on 8 June 2007.

I was pleased to note the appointment of Mr Pinney as Technical Adviser for Task Force 3 by Airservices Australia. I also note the Forum's continued interest in the recommendations made in the Australian National Audit Office's recent report on the Sydney Airport slots management scheme.

In reference to the motion requesting the introduction of ICAO-A departure procedures I am informed that Airservices Australia did introduce ICAO-A procedures following the Minister's 1998 media release. As Forum Members may be aware, ICAO subsequently replaced these departure procedures in November 2001 with new procedures known as Noise Abatement Departure Procedures (NADPs). The NADPs do not directly relate to the old procedures and this has caused some confusion.

I am advised that Airservices Australia is now working with Implementation and Monitoring Committee members to ensure that current NADP requirements mirror the original ICAO-A characteristics. The Australian Government remains committed to the implementation of effective aircraft noise procedures and Airservices Australia will implement any necessary changes to give effect to the Minister's August 1998 requirements.

Your efforts in facilitating a resolution of the appointment of the Aviation Community Advocate are appreciated. I was pleased to appoint Mr Williams to the position and look forward to his assisting the Sydney community in resolving environmental problems associated with the operation of Sydney Airport.

Thank you for keeping me informed of the interests of the Forum.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Vaile', written in a cursive style.

MARK VAILE

17 February 1998
T20/98

STEEPER TAKE-OFFS AT KSA

Another step towards aircraft noise minimisation over Sydney residential areas has been taken.

The Minister for Transport and Regional Development, Mark Vaile, says a trial of steeper take-off procedures (ICAO "A") from the third runway at Sydney Airport began today. The new take-off procedures are regarded as safe by the International Civil Aviation Organisation.

"There is strong support for all safe means of minimising aircraft noise over residential areas and we will monitor the results of the trial to see how effective these noise abatement measures are." Mr. Vaile said.

"I will be very interested in the community reaction to the changes - which are based on the concept of getting the planes to climb away from houses more quickly." The Minister said.

The adoption of steeper take off procedures, internationally recognised as a noise management tool, has been considered by both the Sydney Airport Community Forum and the Implementation and Monitoring Committee.

The decision to trial the new procedures is part of a range of measures being phased in to ensure everything that can be done to minimise aircraft noise is done - short of shutting Kingsford Smith Airport down.

The initiatives, predicated around the common sense principle of distributing aircraft noise as fairly as possible, also utilises a maximum percentage of flights over water.

"It's impossible to predict what changes residents will notice in the short term, but we have taken on board the community's wish to trial these steeper take-offs and we'll assess the feedback." Mr. Vaile said.

There is also strong evidence that AirServices Australia is making good progress in reaching the community's expressed noise sharing targets - embodied in the Long Term Operating Plan.

In the fortnight ending February 4th movements to the North totalled 26 percent (down from 47 percent under Labor). Movements to the South of the airport were just 3 percent short of the target of 55 percent. Movements to the West totalled 10 % (the target is 15%). Flights to the East totalled 12% (target: 13%).

AIR NAVIGATION (AERODROME FLIGHT CORRIDORS) REGULATIONS (AMENDMENT) 1996 NO. 37

AIR NAVIGATION (AERODROME FLIGHT CORRIDORS) REGULATIONS (AMENDMENT) 1996 NO. 37
- TABLE OF PROVISIONS

1. Amendment
2. Schedule

1996 No. 37 AIR NAVIGATION (AERODROME FLIGHT CORRIDORS) REGULATIONS
(AMENDMENT)

- REG 1

1. Amendment

1.1 The Air Navigation (Aerodrome Flight Corridors) Regulations are amended
as set out in these Regulations.

(NOTE: These Regulations commence on gazettal: see Acts Interpretation Act
1901, s. 48.)

1996 No. 37 AIR NAVIGATION (AERODROME FLIGHT CORRIDORS) REGULATIONS
(AMENDMENT)

- REG 2

2. Schedule

2.1 Items 2, 4 and 6:
Omit the items.

- NOTES

1996 No. 37*1* AIR NAVIGATION (AERODROME FLIGHT CORRIDORS) REGULATIONS*2*
(AMENDMENT)

- Dated 28 March 1996

1 Notified in the Commonwealth of Australia Gazette on 28 March 1996.

2 Statutory Rules 1994 No. 438 as amended by 1995 No. 445.



Commonwealth Numbered Regulations

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1994 No. 438 AIR NAVIGATION (AERODROME FLIGHT CORRIDORS) REGULATIONS - SCHEDULE

SCHEDULE			Regulation 4
Column 1	Column 2	Column 3	Column 4
Item	Flight Corridor	Runway	Kind of Flight Operation
1.	Flight Corridor A	Runway 34L	landing approach
2.	Flight Corridor B	Runway 34L	departure after take-off
3.	Flight Corridor C	Runway 34R	landing approach
4.	Flight Corridor D	Runway 16L	landing approach
5.	Flight Corridor E	Runway 16L	departure after
take-off (I.F.R. flight)			
6.	Flight Corridor F	Runway 16R	landing approach
7.	Flight Corridor G	Runway 16R	departure after
take-off (I.F.R. flight)			

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