



BRISBANE FLIGHT PATH COMMUNITY ALLIANCE

**Brisbane Airport Flight Path Changes Post-Implementation Review (PIR):
Feedback on PIR and Draft Terms of Reference V0.2**

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Background (since BFPCA PIR TOR Submission 4th September 2021)

Brisbane Flight Path Community Alliance (**BFPCA**) and our members have been actively engaged in the recent Airservices PIR community forums. As requested, we also provided a BFPCA response¹ to Airservices PIR draft terms of reference V0.1 (**PIR TORV0.1**) and many individual members have also submitted personal responses.

On 24th September 2021, the Australian Government driven by community complaints announced the establishment of BAPAF – the Brisbane Airport Post Implementation Review Advisory Forum (**the Forum**). The Forum has an advisory role to provide Airservices with input about the impacts of aircraft noise related to the new runway operations from a community perspective.

The Aircraft Noise Ombudsman (**ANO**) on 12th October 2021 issued his report on the ANO investigation into complaints about the flight paths associated with Brisbane Airport's new parallel runway. The report was damning of the performance by Airservices (and also Brisbane Airport Corporation **BAC**).

What the ANO said about Airservices:

1) Community Consultation

- 'Airservices did not provide full and complete information regarding aircraft noise to potentially affected communities.'
- 'Airservices did not ensure that the community received adequate information about the potential impact or any opportunity to influence the location of the flight paths. This was contrary to Airservices obligations regarding community engagement on the design of flight paths.'
- 'Airservices did not comply with its obligations and policies to engage openly and constructively with the communities affected by the changes to flight paths in Brisbane associated with the new runway'
- **'Consultation under the 2007 EIS cannot be relied upon to satisfy Airservices' community engagement obligation'**

2) Airspace Design

- 'A key finding of this investigation was that Airservices were unable to demonstrate compliance with the EPBC Act.'
- 'Airservices' environmental assessment did not compare the proposed flight paths with those put forward in the 2007 EIS. It extracted a map from the 2007 EIS and deemed the area covered by that map, to be the area determined by the 2007 EIS to

¹ Available at: <https://bfpca.org.au/pir/>



be the area of significant environmental impact. **This approach did not address the central question of whether the environmental impact of the flight paths ultimately implemented was significantly different from those proposed in the 2007 EIS.'**

- 'Airservices endorsed this (BAC) Noise Footprint Comparison in May 2018 and wrote to the Minister to this effect in August 2018. At this stage, however, the flight paths were still being developed **and Airservices assessment of their impact on the environment was incomplete.** The flight paths continued to be developed and amended up to late 2019.'
- 'As Airservices did not adequately address the question of whether the flight paths ultimately designed had an environmental impact that was similar to, or significantly different from, those proposed in the 2007 EIS, **the ANO is unable to conclude whether or not Airservices complied with the EPBC Act.'**

The establishment of the Forum by the Deputy Prime Minister and the ANO Report findings vindicated the BFPCA and community position that Airservices have an unacceptable track record of not being able or willing to conduct open and effective community consultation. This is a major issue that must be addressed by Airservices if the PIR exercise is to have any chance of delivering significant improvements.

Post Implementation Review Process Concerns

The **PIR** was presented by Airservices and the responsible Federal Government Minister as an opportunity to review the implementation process, and to identify improvements to the airspace design.

On 1st Nov 2021, Airservices issued an updated Terms of Reference (**TORV0.2**) for community feedback. Airservices advised that 136 community submissions were received including 32 detailed submission attachments, and 2 industry submissions. Yet, the new version 0.2 of the **TOR** is just as disappointing as the original draft. What matters most to the community is the **scope of the PIR** process and it remains unchanged and is as limited and constrained as the initial TORV0.1. There is no doubt based on past experience with Airservices in its current form it will produce an outcome **without any meaningful improvement for the community.**

The Airservices summary of feedback report is also extremely concerning with the documented responses largely a **total dismissal and rebuttal of the community's feedback and input.**

The BFPCA members' experience since commencement of the PIR process is that the trademark Airservices stonewalling and arrogance towards any suggestion that a significant community problem exists with Airservices' new airspace design for Brisbane Airport operations has continued. It appears that Airservices considers the PIR as a tool to condition the community over a lengthy time period that no significant changes are possible in the expectation that the community will grab any minor concessions that Airservices may choose to offer.

BFPCA's submission **Brisbane Airport Flight Path Changes Post-Implementation Review (PIR): Feedback on PIR Draft Terms of Reference** (4 September 2021) noted that a 'flawed consultation process has permitted Airservices to deliver an unbalanced outcome that prioritises BAC's commercial objectives ahead of community impact, without proper critical review or adequate community participation in the airspace design. Checks and balances to ensure an equitable and sustainable outcome for all stakeholders have been bypassed, and international best practice designs with lower impact have been ignored. Affected residents consider this to be negligent, unethical and highly unfair.' Community experience to date is that this Airservices deeply flawed mode of operation has continued into the PIR process. Noting that Airservices is a government agency, this raises serious concerns as to the commitment to principles of transparent and accountable governance.

The original BFPCA PIR TOR submission highlighted that Airservices are effectively **"marking their own homework,"** and the organisation lacks the necessary independence to complete an effective review. The attempts by Airservices to down play the significance and relevance of the ANO report's findings reinforces the view that Airservices is an organisation that lacks self-awareness and any willingness to accept that the community concerns are legitimate and important.

BFPCA members do not have confidence that Airservices is capable of objective review, because it has an entrenched cultural belief in their right to design airspace as they see fit. Any legitimate challenge is met with the frequent, convenient use of the playing card 'safety' as a 'catch all' justification for their actions. Airservices appears to believe world's best practice only relates to that developed by Airservices. The information provided by the Airservices technical experts at the recent PIR community forums was both unconvincing and failed to support the claims by Airservices leaders of their in-house 'bread and butter' world class technical expertise. **Airservices must acknowledge and take action as a number of overseas organisations and airports are significantly more advanced in effective noise abatement and building community relationships.**

In the BFPCA's PIR TORV0.1 submission the proposed PIR process to develop improvements and solutions was of concern. It was noted that 'current airspace design is operationally inefficient, does not meet the normal safety assurance principles, and ignores most of Airservices' own best practice design principles that were in place during the airspace design phase. The proposed reliance on the community to suggest solutions to these issues in a highly complex network of flight paths appears to be an exercise designed to avoid Airservices fulfilling its core mandate'. Our position remains, **Airservices must lead the development of alternatives, supported by an independent technical advisory group to better inform all stakeholders about the range of alternatives possible.** This is both logical and appropriate if any significant improvement in outcomes is to be delivered through the PIR process. BAPAF cannot fulfil this role as it has no technical expertise and this is outside their own terms of reference.

The proposed **exclusion of the 2007 Environmental Impact Statement (EIS) and the high-level route structure from the scope of the PIR remain critical omissions in PIR TORV0.2.** Exclusion of these items will prevent the PIR from identifying the issues of most concern to

the community, and limit the design flexibility needed to resolve these and other concerns in the most effective manner.

BFPCA Proposed Amendments to the PIR Terms of Reference V0.1 be accepted into the final PIR Terms of Reference

Unfortunately, it appears that Airservices has determined that only two items (#21 and #22) were worthy of consideration in TORV0.2. **BFPCA's position remains unchanged; all initial recommendations are necessary and must be included in the PIR Terms of Reference in order to deliver significant improvement.**

1. The PIR should be independently led.
2. An independent technical advisory group should be appointed and funded by the Department of Infrastructure, Transport, Regional Development and Communications.
3. The scope must include the 2007 EIS.
4. The scope must include the high-level route structure.
5. Airservices (in conjunction with a technical advisor) must lead the development of airspace design alternatives and noise abatement procedures (NAPs).
6. The TOR should define the level of community engagement the PIR is seeking to achieve.
7. The scope of the PIR should not be limited to noise impacts.
8. The review of community engagement and community impact should be against both the 2007 EIS and the final design's environmental impact.
9. The review of community engagement should include the role and performance of BAC.
10. The decision-making process to assess alternatives is inadequate and requires a better framework.
11. The noise sharing objective and decision criteria should be better defined.
12. The objectives should include development of a Long-Term Operating Plan.
13. The review process for over-the-bay (OTB) operations must include assessment against the 2007 EIS.
14. The review of performance against the baseline should identify the root causes of any flight path or noise deviations.
15. Airservices should advise the community of any changes which *could* deliver substantial improvement in community impact, but for which Airservices are not the arbiter.
16. The community should be given the opportunity to provide further feedback on the draft ToR once the ANO investigation outcomes are released.
17. The scope of Phase 1 should be expanded to include assessment of post-COVID operations.

18. Airservices' National Operating Standards (NOS) and prior assessments against these standards should be released to the public.
19. Airservices must provide the opportunity for face-to-face community consultation.
20. Airservices should appoint dedicated community interface personnel who will liaise with the community during the PIR.
21. BACACG should be included as a specific stakeholder group.
22. BFPCA should be included as a specific stakeholder group.
23. Airservices should create a mechanism to submit anonymous feedback to the PIR.

Conclusion

At this early stage in the PIR process, the major concerns that have been previously raised by BFPCA have either materialised or are extremely likely to occur. Brisbane and its 'fly over' communities are facing a major planning disaster that will not be corrected by an existing in-house Airservices Post Implementation Review. **The routine Airservices PIR process is designed for fine tuning a major project - not addressing multiple, significant and continuing design and execution failures.** What is needed is a serious external review and investigation into the failures and flaws of this major Australian infrastructure project and the resultant widespread community health and community destruction it will cause to the community over an extended lifetime if not corrected.

The establishment of the Brisbane Airport Post Implementation Review Advisory Forum (**the Forum**) hopefully, will provide assistance to the community through informing the responsible Minister of the significant cultural, technical and procedural issues with the current PIR process. Unfortunately, as with the ANO charter, the Forum lacks authority or resourcing to force significant improvements and **the only chance for significant improvement is through direct Ministerial intervention.**

PIR TOR V0.2 has disappointingly failed to take on board credible community feedback and input and the PIR process remains being managed in a manner intended to prevent or limit real change. The BFPCA key issues outlined in our initial submission, must be addressed:

1. The PIR process is not independent

- Airservices are inherently conflicted
- There is no willingness by Airservices to identify the real issues and implement the changes that are necessary for meaningfully better outcomes
- There is no regulatory control of the PIR process to enforce change and best practice delivery
- There are no external technical advisors to support Airservices or the community

2. The PIR scope is too narrow

- It excludes the EIS and will not compare the actual noise and other impacts to the approved baseline
- It will not address the question of whether the environmental impact of the final flight paths is significantly different from those proposed in the 2007 EIS
- It does not include the performance of BAC and document the 'grey' the partnership between BAC and Airservices
- It excludes key drivers of the current design (e.g., BAC capacity, Amberley/SC/GC, upper airspace design)

Since the PIR was announced by the Government, BFPCA has done more to promote the PIR and encourage community involvement than Airservices. We have also endeavoured to participate in a proactive manner. However, even at this very early stage of the PIR process, it is evident that the process will not deliver for our community.

We request that the leadership within Airservices take a step back and consider how they are treating the overflowed communities. Across Australia, communities are facing similar treatment at the hands of Airservices. The damning ANO report findings were totally dismissively and down-played by Airservices representatives during the community forums. There is no evidence that Airservices has taken on board in either spirit or practice the ANO's findings and recommendations.

It is further noted that the **Air Services Act 1995 Division 2—AA's functions and powers states the manner in which AA must perform its functions, namely:**

(1) In exercising its powers and performing its functions, AA must regard the **safety** of air navigation as the most important consideration.

(2) Subject to subsection (1), AA must exercise its powers and perform its functions in a manner that ensures that, as far as is practicable, **the environment is protected** from:

- (a) the effects of the operation and use of aircraft; and
- (b) the effects associated with the operation and use of aircraft.

Safety is always a first priority but environment protection is both a strong and required second priority. **There is no mention in the Air Services Act 1995 of aircraft/airport operating efficiency to maximise profits or minimise costs for Airservices, private airports or other third parties as being an Airservices priority.** It is BFPCA's and our members view this required regulatory ranking is not being followed and that **the environment protection** expectations are being ignored by Airservices and its leadership at great detriment to the safety, health and liveability of our community.

We remind Airservices that the community demand is delivery of the carefully and cleverly crafted community headline messaging that was consistently promoted to the community by Airservices and BAC since 2005. Namely, the new NPR would:

- Provide relief for Legacy runway communities
- Maximise SODPROPS over the bay operations day and night
- The Impact on NPR residents will be minimal (and, in many cases, there will be NO impact)

The runway location and airspace design challenges presented by Airservices in the forums is not the community's problem. All those factors were either known or should have been known pre-submission of the MDP/EIS and other project approvals. The decisions were in Airservices' hands and it was Airservices' responsibility pre and post project approvals to advise both the Minister and community if what was promised to the community (and the basis of the approval) was not going to be delivered.

In closing, we request that our initial **BFPCA Proposed Amendments to the PIR Terms of Reference V0.1** be reflected in the final PIR TOR.

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