

NIGHT-TIME AIRCRAFT NOISE



FACTSHEET



The following information is provided by Fraser Coast Regional Council to assist residents who may be affected by noise generated from night-time activities at its airports. This information provides an understanding of Council's role and limitations regarding the management of noise generated by aircraft activities.

WHAT NIGHT-TIME AIRCRAFT ACTIVITY OCCURS AT THE HERVEY BAY AND MARYBOROUGH AIRPORTS?

Night-time aircraft activity at Council's Airports is undertaken by Passenger Airlines, Charter Flights, Freight Services, Medical and Emergency Services, Australian and Queensland Police, Defence Force activities and General Aviation. Night-time aircraft and helicopter training is also undertaken at the airports which is a vital element of flight training programs. This training is needed to ensure pilots are fully qualified and experience in all facets of aviation under all conditions.

WHAT ARE THE ROLES OF AIRSERVICES AUSTRALIA, CASA AND FRASER COAST REGIONAL COUNCIL IN RELATION TO MANAGING AIRCRAFT NOISE?

Airservices Australia: Key role is to provide air traffic control management and related airside services for airport owners and operators. Airservices provides a Noise Complaints and Information Service (NCIS) and is responsible for monitoring aircraft noise complaints, which can be made by phone on **1800 802 584**, or through the online form available at:

<https://www.airservicesaustralia.com/community/environment/aircraft-noise/about-making-a-complaint/>

CASA: The Civil Aviation Safety Authority regulates the safety-related activities of the aviation industry through the Civil Aviation Regulations Act 1988 and the Civil Aviation Safety Regulations Act 1998. CASA is not involved in the management of complaints from residents regarding aircraft noise from training operations at Council's Airports. Only matters relating to aviation safety should be referred to CASA.

Fraser Coast Regional Council: Council has no authority to govern under Aviation Law, which is administered by the Commonwealth. It also has no legislative power to establish a curfew or restrict aircraft activities at Hervey

Bay or Maryborough Airports based on noise, time, type of activity or frequency of movement.

The airspace around Hervey Bay and Maryborough Airports is uncontrolled public airspace, and neither Council nor any other agency has the ability to stop any lawful aircraft flying in this area.

Hervey Bay and Maryborough are public airports, which are operational 24 hours a day / 7 days a week, and all aircraft which meet the weight requirements of the runways are permitted to land and take off at any time without prior notice or approval from Council. Council cannot regulate against aircraft noise through other means as aircraft noise is exempt from the definition of 'noise nuisance' under the Environment Protection Act, as is noise from normal use of public roads, public busways and public rail. Council is also unable to restrict aircraft activity under its Planning Scheme, as conditions cannot be applied retrospectively to lawfully establish land uses, such as the Airports.

Aviation authorities, including the Department of Infrastructure and Regional Development, CASA, Airservices Australia, the Australian Airports Association and the Aircraft Noise Ombudsman unanimously agree that voluntary "Fly Neighbourly Agreements" are the best means to address concerns regarding noise generated by aircraft activity. Although not enforceable under any legislation, voluntary Fly Neighbourly Agreements must have the concurrence of aviation authorities. Voluntary Fly Neighbourly Agreements can be negotiated between airport owners and aircraft operators to address flight paths, times of operation and location of air and land-based activities but must remain subject to airspace limitations and mandatory operational and safety requirements.

Fraser Coast Regional Council is committed to working with relevant aircraft operators and aviation authorities with a view to entering into voluntary Fly Neighbourly Agreements which reduce the impact on affected residents generated by night-time aircraft activities at Hervey Bay and Maryborough Airports.

Roles and Responsibilities

AIRSERVICES

Airservices is a government-owned Air Navigation Service Provider (ANSP) responsible for providing safe, secure, and efficient, and environmentally sustainable services to the aviation industry. We provide a range of world-class services that allow safe and equitable access to our skies for airspace users.

AIRPORT OPERATORS

Airport operators are responsible for what is referred to as “noise at source”. They make decision about what type of aircraft they operate, what engines they equipment aircraft with, and which airports they fly those aircraft to. Aircraft operators can also modify aircraft to reduce noise impacts and invest in newer fleets. All of these factors can impact the noise experienced on the ground.

CIVIAL AVIATION SAETY AUTHORITY (CASA)

CASA is a government body that regulates Australian aviation safety. It sets rules that pilots, aircraft operators, air traffic controllers and airports must comply with. CASA validates the instrument flight procedures Airservices produces and is the ultimate approver of Airspace Change Proposals.

DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND COMMUNICATIONS

The Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) is responsible for administering Minister approval airport infrastructure projects for federally leased airports, generally submitted through a Major Development Plan (MDP) and Environmental Impact Statement (EIS), and for providing policy advice to the Minister on the efficient management of Australian airspace and aircraft noise and emissions. The Department can make recommendations to the Government on regulatory measures to manage aircraft noise. This department is also responsible for setting the requirement for federally leased airports to produce an ANEF.

DEPARTMENT OF AGRICULTURE, WATER AND ENVIRONMENT

The Department of Agriculture, Water and Environment (DAWE) administers the Environment Protection and Biodiversity Conservation Act 999 (EPBD Act) and is involved in assessing any proposed changes to aircraft operations that trigger “significance” under this Act. The Commonwealth Minister for Environment provides advice on these changes.