



## Introduction

A Fly Neighbourly Agreement (FNA) is an agreement between aircraft operators and communities or authorities that have an interest in reducing the disturbance caused by aircraft within a particular area. FNAs were introduced in Australia in 1994 and are in use in other parts of the world.

An FNA is a voluntary agreement under which aircraft operators agree to operate in an agreed manner which might include limits on operating heights, the frequency of operations and areas of operation. The nature, scope and terms of an agreement are matters for the parties to the agreement to determine. Arrangements for monitoring of and compliance with the agreement are also matters for the parties involved.

Any agreement reached must be consistent with aviation safety regulations and air traffic management procedures applicable to the area. Mandatory aviation operating and safety procedures (as well as any aviation requirements relevant to the area) have precedence over an FNA in all circumstances.

An FNA should also acknowledge the necessity for police, fire, search and rescue, infrastructure monitoring and other emergency services to have access to low level airspace when the need arises.

Although an FNA must have the concurrence of relevant aviation authorities, it cannot be enforced under aviation law. Advice of an FNA may be published in aeronautical charts the En-Route Supplement - Australia (ERSA) – an aviation information document. Fly Neighbourly Agreements have been established for thirteen locations around Australia. Examples include:

- Kakadu National Park
- Blue Mountains National Park
- Moorabbin Training Area

FNAs must not to be confused with 'environmental restricted areas', which are determined and enforced under the Air Navigation Regulations. The declaration of environmental restricted areas is subject to strict establishment criteria.

Proposals for FNAs should be channelled through the relevant local, state or federal government authority. It is envisaged these authorities would undertake all necessary consultation to reach agreement between all interested and affected parties. The Office of Airspace Regulation (OAR) recommends that FNAs, insofar as possible, be worded by those parties who will ultimately abide by its terms

## Deciding to Negotiate to Fly Neighbourly Agreement

A decision to pursue an FNA would normally be a local decision taken by a local government authority, an interested State or Commonwealth government authority, a business operation or a group formed within a community that is materially affected by the operation of aircraft.

A decision to pursue an FNA would be based on identifying:

- The extent and values of the area over which an agreement was to be sought
- The nature and extent of the disturbance caused by aircraft, where possible through measurement or other scientific analysis
- All principal stakeholders in a potential FNA

- The nature and purpose of aircraft operations that are affecting the designated area
- Mandatory procedures that apply to aircraft operating in the proposed area of the FNA
- Targets for reasonable reductions in the disturbance being caused by aircraft operations
- Opportunities for aircraft operators to vary their operations to reduce disturbance without being unreasonably penalised by doing so
- Aviation safety requirements

### **Possible Opportunities to Vary Aircraft Operations**

The opportunities for an aircraft operator to vary an operation to reduce disturbances will be limited by the nature of the operation, the terrain over which the operation is conducted, the type of aircraft being used, airspace limitations and mandatory operational and safety requirements. Within these limitations, opportunities to vary operations to reduce impacts may be found in:

- the number of operations,
- the heights of operations,
- flight tracks used including avoidance of sensitive areas and the repetitive use of particular tracks,
- the origins and destinations of operations,
- times of operations,
- operating procedures available to the type of aircraft in use,
- the type of aircraft used.

### **Fly Neighbourly Piloting techniques and ‘Principles’**

FNA techniques and principles include:

- Avoiding noise sensitive areas
  - Follow high ambient noise routes (Highways etc)
  - Follow unpopulated routes (waterways etc)
- When operating near noise sensitive areas:
  - Maintain an appropriate flyover altitude (most National Parks have suggested 1500-2000 feet above ground level)
  - Maintain an appropriate hover/circling altitude
  - Reduce speed
  - Observe low noise speed/descent settings
  - Vary the route used to avoid repetition
  - Use high take-off/descent profiles

### **Considerations**

In nominating operating heights/ restrictions for use in a Fly Neighbourly Agreement (FNA), parties should consider the following:

- Civil Aviation Regulations require aircraft to maintain a minimum height of 1000 feet above ground level (AGL) over built up areas and 500 feet over all other areas.
- Special terrain/weather conditions and the overlying airspace arrangements of the area.
- Recommended operating altitudes do not apply if these altitudes would jeopardise the safe conduct of the flight.

## **Negotiating a Fly Neighbourly Agreement**

The successful negotiation of an FNA normally requires a facilitator with the standing or authority to guide the consultative and negotiating processes. It also requires the goodwill of all parties and willingness to compromise towards achieving the common good.

The OAR is able to advise on the form and content of an FNA, but cannot act as a facilitator. The facilitator should be, preferably, a person or organisation known to and trusted by the parties involved who can act as an independent arbiter if the need arises. In some circumstances it may be prudent to engage a professional facilitator.

Consultative processes should be open and transparent. Consultation behind closed doors is likely to drive key parties from the negotiating process. Although the form of consultation is a matter for the parties and facilitator to agree, an effective form of public advertising of the intention to negotiate an agreement should be considered.

Once an FNA is drafted, it should be referred to the OAR for consideration in regard to aviation matters. The OAR will consult with other aviation bodies as a part of this process. The draft FNA should only be finalised when the OAR advises that relevant critical considerations have been successfully addressed.

## **The Form of a Fly Neighbourly Agreement**

The wording of an FNA is a matter for the parties involved. However, an FNA would typically have the following elements:

- A preamble that would set out the intent and term of the agreement.
- The parties to the agreement.
- The geographic area and values of the area over which the agreement was to apply.
- The matters of concern to the parties affected by aviation operations.
- Matters of concern to the aviation operators.
- Undertakings by aviation operators to reduce the disturbances or impacts of their operations.
- The means of monitoring the agreement including the identification of indicators of the performance of operators in achieving the undertakings given.
- The means by which failure to achieve the undertakings should be considered and remedied.
- Undertakings by the parties affected by aviation operations to accept the agreement and abide by its terms.
- Acknowledgement by all parties that emergency services including police, fire, search and rescue and infrastructure monitoring operations may not always be able to comply with the FNA.
- A process to review the agreement after a set period of time.

## **Components of a Fly Neighbourly Agreement**

The FNA might cover some or all of the following areas:

- Air Space Management above the [if applicable] name of National Park
- Airspace Management above the [relevant geographical area]

Definition of area covered by the FNA – can be narrative, but preferable in map format.

## ***Sensitive Avoidance Areas (SAA)***

Identify any natural environment areas or National Park areas which are considered particularly sensitive, for example due to concerns over disturbance of the environment because of vibration or noise.

Any (scenic) flight penetration into these zones would be subject to agreement with the relevant National Parks and Wildlife Service (NPWS).

Avoidance of SAAs or a minimum overflight height of x,000 feet above ground level might apply.

## ***Agreed Flight Routes***

These may originate either by voluntary arrangement between aircraft operators and other parties (particularly National Park Authorities, where appropriate). [If applicable under State legislation], the agreed routes might be described in licences. Flight heights of X000 feet or higher, depending on the local environment and except when landing or taking off at an aerodrome, are sought by [future licences] and this FNA. Flight routes may also have a timing component in them e.g. in relation to bird breeding seasons or other sensitive times.

'Ground level' is defined as the highest point of terrain, and any object on it, within a radius of 600m of a point vertically below the aircraft.

Minimum flight heights of x,000 feet above ground level to reduce noise and visual impact of aircraft operations.

## ***Overriding Provision***

All the above provisions or requests should be disregarded if for any reason their observance would jeopardise the safety of a flight or put a pilot in conflict with any provision of the Civil Aviation Regulations.

## **Publishing the Agreement**

The existence of an FNA should be published in local media and made available on relevant web sites, in particular, the web site maintained by relevant local government authorities. More than one local government area might be affected by an individual FNA.

Subject to the FNA (i.e. the agreement) meeting the required standards, a Fly Neighbourly Agreement may be published in aeronautical charts and the En Route Supplement containing information for pilots. Both are published by Airservices Australia and amended every 6 months.