

**Plane Sense Wellington Inc, with expert assistance, has prepared the following responses (shown in italics) to the Wellington Airport media release statements to assist community members in understanding the Airport's consultation proposal on a more fully informed basis than is apparent from the media release.**



### **Media release: Wellington Airport asks Airways to develop alternative options for northern flight paths**

**Airport:** Public consultation will be held this year over potential alternative flight path options for northerly jet departures from Wellington Airport.

*Response: The affected residents have always had a legitimate expectation that Wellington Airport, having public law responsibilities, would carry out such consultation prior to any proposal to divert aircraft over their suburbs. The consultation now offered was required by law prior to development of the DMAPS concept.*

**Airport:** This follows changes to flight paths recommended by Airways New Zealand in December 2022 as part of a new system called the Divergent Missed Approach Protection System (DMAPS).

*Response: Official Information documents obtained indicate that Airways and its subsidiary Aeropath Limited designed and promulgated DMAPS on technical grounds without regard to section 4(1)(c) of the State-owned Enterprises Act 1986, namely that it is required to be "...an organisation that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavoring to accommodate or encourage these when able to do so." These words mean that Airways owed and still owes procedural fairness and substantive obligations to affected residents independently of the Airport's obligations.*

**Airport:** DMAPs was initiated and developed by Airways, New Zealand's air navigation service provider, and approved by Wellington Airport. As a result, it has improved the safety, sustainability and efficiency of aircraft operations from Wellington Airport.

*Response: Official Information documents indicate that DMAPS was initiated and developed by Airways and Aeropath Limited technical staff without Chief Executive or legal supervision or Board approval and promulgated one year prior to formal regulatory approval by the Director of Civil Aviation in breach of Civil Aviation Rule 95.55. The Director's officers identified safety risks due to closer gaps between aircraft and operations at lower altitudes over higher terrain than the original track over a greater expanse of Wellington Harbour. The claimed sustainability and efficiency of DMAPS was part of the theoretical justification for DMAPS but the practical achievement of these claims has not been disclosed. Northbound DMAPS departures to Auckland, for example, involve additional track miles due to the divergent track requirement.*

**Airport:** While the changes have led to reduced noise impacts for some residents, others have experienced more of a noise impact than expected. In general it has meant fewer departures over Newlands and more over Khandallah and Broadmeadows.

*Response: Newlands residents chose to live close to the standard instrument departure tracks for jet aircraft that have been in operation for approximately 60 years whereas the Khandallah, Johnsonville and Broadmeadows residents were taken by surprise by a radical DMAPS concept which in effect changed the north/south runway vector with adverse effects on their safety, health and wellbeing. Unlike Newlands the*

suburbs of Khandallah and Broadmeadows are located within the Wellington Airport noise abatement area which has been in Civil Aviation Rule Part 93 since 1997.

Airport: The potential options to be consulted on will include:

- 1) Changing the northerly route for jet departures before 7am to fly over less populated areas.

*Response: Wellington Harbour is not populated at all and there are no scheduled jet arrivals into Wellington Airport prior to 7am so this change could be implemented immediately. Since 1 December 2022 residents have endured at least 3 early morning departures between 6am and 7am when there has been no possibility of an aircraft having to make a missed approach or go around. The consultation proposal envisages this situation will continue for an unspecified but lengthy period until sometime after the consultation process is completed but with no assurance that any change will be implemented.*

- 2) Reverting to the northerly route for jet departures used prior to December 2022.

*Response: In view of the very unsatisfactory history of DMAPS, the more correct response from the Airport would be to immediately advise Airways that it is withdrawing its regulatory consent for the DMAPS tracks and require Airways to reinstate the original over water track. If any change is then contemplated consultation could proceed on the correct legal and factual foundation.*

- 3) Maintaining the status quo.

*Response: Apart from serious process failures during the development and implementation of DMAPS, the concept is substantively untenable as it involves unnecessarily directing jet aircraft over densely populated suburbs over high terrain through the middle of the Wellington Aerodrome noise abatement area prescribed by the Minister in Civil Aviation Rule Part 93. It is expected that the Airport and Airways will endeavor to repair the process failures during the proposed consultation procedure but if DMAPS is confirmed after consultation it would remain liable to be set aside by a Court as objectively unreasonable.*

Airport: Wellington Airport's General Manager Corporate Affairs Jenna Raeburn says:

“We’ve listened to public feedback and as a result we’ve asked Airways to look at this again and develop alternative options.

*Response: This is a significant development in that Airways previously refused to investigate alternative options and told Plane Sense that they did not want to allocate limited resources for that purpose. A significant concern however is that the Airport is entirely dependent upon Airways and Aeropath for expert advice and their representatives at meetings have made statements demonstrating a closed corporate mind to any modification to DMAPS or reinstatement of the original track.*

Airport: “Each option will have different benefits and drawbacks. It is unavoidable that aircraft will fly over residential areas under each option.

*Response: This statement is misleading as the greater the distance that aircraft are required to track out over the harbour the higher the altitude they achieve during standard climb profiles before flying over ANY residential areas. The current divergent track requirement compromises this basic noise abatement advantage which is inherent in the original runway 34 straight out departure track.*

Airport: “The timing of any final change is still to be confirmed and will depend on which option is selected following consultation.”

*Response: The open-ended timing of the proposed consultation and then any subsequent change, if any, is of real concern given the situation that residents have already endured for some 16 months. The proposal being*

*offered could extend over a year or more with overflights continuing and with no assurance that the original tracks would be reinstated anyway.*

**Airport:** Before public consultation begins work is required to:

- allow Airways to design the potential alternative route
- identify any properties that might be affected by this alternative route
- carry out noise modelling
- arrange noise monitors

*Response: These are some of the aspects that Airways and Wellington Airport should have addressed prior to developing the DMAPS concept in accordance with global best practice set out in the Guidance on the Balanced Approach to Aircraft Noise Management published by the International Civil Aviation Organisation as ICAO Doc 9829. It needs to be ascertained whether Airways will be jointly consulting residents together with Wellington Airport given Airways' independent statutory obligation in terms of section 4(1)(c) of the SOE Act as noted above.*

**Airport:** "Consultation will involve all affected local communities and other stakeholders including airlines. We will move as quickly as possible and keep the community informed on next steps. Timing is dependent on technical input from Airways, who are responsible for designing and implementing flight path changes."

*Response: An issue for consideration by residents is whether they should accept an open-ended consultation process both as to timing and outcome while enduring the ongoing harm of DMAPS or consider more immediate litigation options.*

**Media contact: Phil Rennie (Wellington Airport) 021 869 106**

### Further information

#### **What exactly is DMAPs and why was it recommended by Airways?**

**Airport:** DMAPs introduces a greater divergence between departure aircraft flight paths, and arrival go-around/missed approach flightpaths when the initial approach to land is abandoned for safety reasons.

*Response: This is correct but DMAPS is an idiosyncratic and unnecessary procedure that is not used at other far busier overseas international airports. There are many alternative design and operational procedures available for go-around and missed approach situations that radar and tower controllers and pilots are very familiar with.*

**Airport:** This enables gaps between arrivals to be reduced, while still enabling a departure to safely get airborne between arrivals - without the need for large passenger aircraft to maneuver visually in the event of a go-around or missed approach.

*Response: Reducing gaps involves increasing the risk of go-arounds and this involves safety risks relating to aircraft having to rapidly change configuration during a critical phase of flight. Performance based satellite navigation procedures that are now a well-established feature of the NZ air navigation system means there is no requirement for jet aircraft to visually maneuver in the event of a missed approach or go-around anyway, although pilots can still elect to do this in suitable weather conditions.*

**Airport:** In practice this increases capacity for arrivals and reduces holding time in the air, resulting in reduced flight times, fuel burn and CO2 emissions.

*Response: There are many well-established air traffic control operational and instrument design*

*procedures that are available and in widespread use internationally that can achieve these outcomes without DMAPS and without causing the health and safety concerns inherent in the use of the DMAPS concept in Wellington. Airways and Wellington Airport should be aware of and willing to follow recommended global best practice as set out in the Manual of Operational Opportunities to Reduce Aircraft Noise, published in 2023 as ICAO Doc 10177.*

### **Which areas has it applied to?**

Airport: In general, DMAPs has meant jet aircraft departing in a northerly wind track slightly further west than before. In practice this has meant fewer departures over Newlands and more over Khandallah and Broadmeadows.

*Response: To be more accurate 5 of the 6 current DMAPS standard instrument departures require aircraft to diverge 18 degrees left of the runway vector (to the west) shortly after takeoff to cross higher ground directly over Khandallah, Johnsonville and Broadmeadows at lower altitudes above mean sea level compared to the original non-divergent track over Newlands. Some aircraft still elect to do the more direct straight-out departure on the runway 34 vector over Newlands rather than follow the divergent DMAPS initial departure track.*

### **Why don't planes just take off and land to the south all the time, or over the harbour?**

Airport: Aircraft are required to take off and land into the wind to increase wind flow over the wings (take-off) and reduce required speed (landing).

*Response: This is correct (as a non-technical explanation) but when the wind is light and variable an available noise abatement procedure that the Airport and Airways could implement immediately is for all aircraft to depart only to the south over Cook Strait.*

Airport: Aircraft taking off and landing to the north already overfly Wellington Harbour but inevitably have to overfly land at some point.

*Response: Wellington Airport has a significant natural geographical advantage for noise abatement procedures which has been compromised by requiring aircraft to diverge from the runway 34 vector shortly after takeoff and unnecessarily climb out over densely populated suburbs on high ground generating 70 – 80 decibels of noise in the Wellington Airport noise abatement area prescribed by the Minister in Civil Aviation Rule Part 93.*

### **Have flight paths changed for arriving aircraft?**

Airport: No, this has not changed for several years. DMAPs only applies to jet aircraft departing to the north when there is a northerly wind.

*Response: This is correct. Johnsonville, Broadmeadows and Khandallah residents have always experienced a certain amount of aircraft noise based upon aircraft conducting straight in southerly approaches and straight-out northerly departures over the harbour. But none of these residents could have ever contemplated the aberrant corporate and regulatory decision-making that has led to the present situation.*

### **Why can't all aircraft fly over less populated areas rather than just before 7am?**

Airport: Taking this indirect route isn't possible for all flights after 7am for safety, efficiency and environmental reasons.

*Response: For safety, efficiency and noise abatement reasons prior to 1 December 2022 jet aircraft*

have tracked directly out on the runway 34 departure vector for the last 60 years.

Airport: This proposed route could work before 7am given there are no arrivals before then, but after that time the airspace becomes busier and more complex.

*Response: It is only for very short periods during the day that Wellington Airport becomes busy and there are many ATC operational, instrument design and gate management procedures that can deal with this situation without DMAPS, as occurs at international airports throughout the world. DMAPS has unnecessarily added to airspace complexity.*

Airport: Flying longer, more indirect routes would also extend flight times, meaning increased fuel burn, cost and emissions – especially if this was required over all residential areas. Aircraft are allowed to fly over residential areas for this reason.

*Response: This type of unsupported general comment indicates a reluctance to address DMAPS issues more accurately. For example, the most frequent departures from Wellington Airport are to Auckland and the northerly DMAPS divergence from the direct track to Auckland involves increased track miles, flight time, fuel burn, cost and emissions.*

### **Why wasn't there public consultation on the December 2022 changes?**

Airport: Wellington Airport is required to manage noise within its air noise boundaries which only extend to surrounding neighborhoods – not the northern suburbs. It was determined that DMAPs would have no impact on these, which is technically the end of Wellington Airport's responsibilities.

*Response: This is a resource management law issue relating to the Wellington District Plan, but as a matter of aviation law the DMAPS tracks go through the middle of the Wellington Airport noise abatement area prescribed in Civil Aviation Rule Part 93 and DMAPS procedures could not have been implemented without the Airport's written consent required by Civil Aviation Rule Part 173.201.*

Airport: However, the airport went above and beyond their requirements by installing a noise monitor and commissioning experts to carry out a preliminary [noise assessment](#). This found that while the change would be noticeable to some residents, it would be within reasonable limits.

*Response: The preliminary noise assessment was clearly inadequate as the sole noise monitor was located close to the original flight track predictably producing minimal noise increase. Airport noise consultants are accustomed to using various noise measuring metrics and averaging principles to invariably conclude that all aircraft noise is "within reasonable limits". These types of reports should be read with caution until peer reviewed by public health experts with clinical training and an understanding of the effects of noise on human health and wellbeing.*

Airport: It was also determined that aircraft would not be flying in areas they hadn't previously – i.e. planes have always overflown the northern suburbs to an extent.

*Response: This statement deflects attention away from the main issue, being the intense concentration of aircraft operating on defined tracks over residential areas according to instrument flight rules, compared to the occasional random overflights of aircraft operating in visual meteorological conditions.*

Airport: Based on this information and responsibilities, public consultation wasn't considered necessary.

*Response: The Official Information documents obtained indicate that by September 2022 Airways was placing considerable pressure on Wellington Airport to give its immediate regulatory consent to the DMAPS procedures so that the new procedures could be implemented and take effect by Airways' recommended global chart update deadline of 1 December 2022. As such, Wellington Airport was given no time to conduct adequate noise monitoring or consultation unless it delayed DMAPS for one year. Had Airways, Aeropath and Wellington Airport followed the ICAO Guidance on the Balanced Approach to Aircraft Noise Management in ICAO Doc 9829, it is unlikely that the DMAPS concept would have ever been progressed.*

### **What has been the public feedback?**

**Airport:** A number of residents in the northern suburbs, particularly Khandallah and Broadmeadows, have told us the noise has impacted them. The 6am departures have been highlighted as the most noticeable.

**Airport:** This feedback is not universal however and other residents in adjacent homes have told us they have not noticed or minded the changes.

**Airport:** The resident group Plane Sense has been regularly communicating with Airways and Wellington Airport, and in response we installed further noise monitoring and modelling in 2023. Temporary noise monitors were placed in Khandallah, Johnsonville, Broadmeadows and Ngaio to record data on aircraft noise levels.

*Response: Some credit is due to Wellington Airport for being willing to install the noise monitors and producing the data, albeit subsequent to the implementation of DMAPS. This confirms the single noise events of aircraft overflights in the range of 70-80 decibels producing the distress being experienced by numerous residents as documented on the Plane Sense website. Urgent reinstatement of the original tracks is now the necessary action required by the organisations responsible for this situation.*

### **Who will run the consultation?**

**Airport:** Wellington Airport will lead the consultation with technical support from Airways.

*Response: This is a significant issue as Airways initiated the so-called DMAPS concept and is still strongly committed to it. Wellington Airport is entirely dependent on Airways and Aeropath for technical support and advice. Wellington Airport cannot legally delegate its regulatory responsibility as a certificated airport, but it has contractually engaged Airways to fulfill many of its Civil Aviation Rule Part 139 responsibilities, including those relating to air traffic control and instrument procedure design.*