

Planning and Environment Act 1987

Standing Advisory Committee

Melbourne Airport Environs Safeguarding Issues and Options Paper

23 April 2021


Planning and Environment Act 1987

Standing Advisory Committee Report pursuant to section 151 of the PE Act

Melbourne Airport Environs Safeguarding

Issues and Options Paper

23 April 2021



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Peter Edwards, Member



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Glossary and abbreviations

Term	Meaning
AEO	Airport Environs Overlay
AEO1	Schedule No 1 to the Airport Environs Overlay
AEO2	Schedule No 2 to the Airport Environs Overlay
ANEF	Australian Noise Exposure Forecast
APAM	Australia Pacific Airports (Melbourne) Pty Ltd – the operator of Melbourne Airport
AS2021	Australian Standard AS2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, current version was published 25 March 2015
Brimbank	Brimbank City Council
CACGMA	Melbourne Airport Community Aviation Consultation Group
CASA	Civil Aviation Safety Authority
CNS	Communication, navigation and surveillance
DELWP	Department of Environment, Land, Water and Planning
Hume	Hume City Council
Kingston	Kingston City Council
MACAG	Melbourne Airport Community Action Group
MAEO	Melbourne Airport Environs Overlay
MAEO1	Schedule No 1 to the Melbourne Airport Environs Overlay
MAEO2	Schedule No 2 to the Melbourne Airport Environs Overlay
Melbourne Airport Environs Area	Area declared by Governor in Council in accordance with Sec 46S(1) of the Planning and Environment Act 1987
Melton	Melton City Council
Moonee Valley	Moonee Valley City Council
Moreland	Moreland City Council
NASF	National Airports Safeguarding Framework
OLS	Obstacle Limitation Surface for an airport is a surface ascertained in accordance with the procedures in Annex 14 to the Chicago Convention Chicago Convention has the same meaning as in the Air Navigation Act 1920
PANS-OPS	Procedures for Air Navigation Systems Operations – A surface for an airport is a surface ascertained in accordance with the procedures in document number 8168 OPS—611, Procedures for Air Navigation Services, Aircraft Operations, published by the International Civil Aviation Organisation on 11 November 1993.
PE Act	Planning and Environment Act 1987
PPF	Planning Policy Framework
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

About this Paper

The Melbourne Airport Environs Safeguarding Standing Advisory Committee (the Committee) prepared this Issues and Options Paper. The purpose of this Issues and Options Paper is to seek specific comments on proposed controls, the need for which were subject of submission during Committee Hearings in February 2021. At the end of those Hearings, it was clear further consultation and discussion was required.

This Paper has been prepared to inform a round table discussion with parties to the February Hearing and other invited stakeholders on the text of potential controls and policy changes.

This aspect of the Committee's work has been undertaken by:

- Lester Townsend, Chair
- Peter Edwards
- Elizabeth Hui.

The Committee has been assisted by Chris Brennan, Project Officer, Planning Panels Victoria.

Further general information about airport safeguarding can be accessed at: www.planning.vic.gov.au/policy-and-strategy/airports-and-planning.

Submissions to the Advisory Committee

You are invited to consider the proposed policy and overlays in this Paper and to make submissions.

You are free to structure your submission and address topics as you wish. However, it would assist the Committee if you presented your thoughts under the issues raised in this Paper. The Committee will accept submissions on issues not canvassed in this Paper, but relevant to its Terms of Reference (see Appendix A).

Submissions can be made online at:

engage.vic.gov.au/airport-safeguarding-advisory-committee

Please lodge your written submission by close of business 22 June 2021

It is anticipated that round table sessions will take place following receipt of submissions.

For any questions about how to make a submission please contact Chris Brennan in Planning Panels Victoria at planning.panels@delwp.vic.gov.au.

Please note that all submissions received and all information provided to the Committee will be treated as public documents.

1 Executive summary

1.1 Issues: what are the main issues?

Existing planning policy calls up the nationally agreed National Airports Safeguarding Framework (NASF), but the planning system, in the main, only deals with one issue in the framework – noise.

Part B of the Committee’s Terms of Reference task it to report on:

The effectiveness of the Melbourne Airport Environs Area, the Melbourne Airport Environs Strategy Plan 2003, the Melbourne Airport Environs Overlay and other related planning provisions, in safeguarding Melbourne Airport’s ongoing, curfew-free operation and its environs.

In mid-2020 the Committee sought submissions on this aspect of its work and in February 2021 the Committee conducted hearings.

The Committee heard from submitters on the need to strengthen planning controls to better safeguard airports, to protect residents from aircraft noise and to achieve broader planning policy objectives. Evidence was presented on the need for changes to planning policy and the introduction of new overlays, but the detailed text of the overlays or policy changes was not presented.

Issues raised in submissions related primarily to noise and the need to prevent tall buildings (and the construction techniques used for these such as cranes) encroaching into airspace, but clearly all aspects of the NASF may be relevant to planning. This Paper looks at each of the NASF guidelines and asks whether a new or revised planning approach is appropriate.

A number of submissions reinforced the need for more discussion on safeguarding issues and the need for further discussions on potential planning controls. This Issues and Options Paper is intended to provide a focus for further discussions.

1.2 Options: what feedback is sought?

This Issues and Options Paper draws on the submissions made to the Committee to present draft changes to policy and controls that may be appropriate if the NASF were to be given more effect in the planning system. For the NASF guidelines not already addressed it seeks comment on whether the guidelines should be addressed, and for relevant guidelines it seeks feedback on possible changes to policy and overlays.

The Committee has not formed a view on whether any of these changes would, in fact, be appropriate.

Options for improving safeguarding

The Committee seeks feedback on the following potential changes to the planning system to better protect airports:

1. In respect of the Planning Policy Framework:
 - a) Whether the Planning Policy Framework should be updated to:
 - include more specific references to safeguarding guidelines
 - move safeguarding strategies closer to the top of the strategy list
 - make the policies applicable to different airports more easily read by including them in a table?

- b) Whether the draft changes in Appendix C.1 would be an appropriate policy change in respect of general safeguarding issues?
2. In respect of the appropriate VPP tool to use for safeguarding:
 - Is the Melbourne Airport Environs Overlay the best tool to implement safeguarding for Melbourne Airport, and by implication the Airport Environs Overlay for other airports?
 - Does extending the scope of the Melbourne Airport Environs beyond the Ultimate Capacity ANEF, even if it is to address non-noise issue, require a change in the Melbourne Airport Environs Strategy Plan?
3. In respect of the Planning Policy Framework:
 - a) Whether the Planning Policy Framework should be updated to include more specific noise safeguarding guidance, including:
 - Greenfield sites – avoid zoning for noise sensitive uses within the N70 (20 or more daily events), N65 (50 or more), N60 (100 or more) and consider N60 night (6 or more) if zoning for noise sensitive development?
 - Brownfield sites and existing sites – consider other strategic issues, measures to mitigate noise, and provide information regarding potential aircraft noise impacts to future residents in these areas?
 - b) Whether the draft changes in Appendix C.1 would be an appropriate policy change in respect of noise safeguarding guidance?
 - c) Whether the applicable N contour areas need to be identified by an overlay or as a layer in VicPlan the state’s online plan platform.
4. In respect of areas outside current MAEO but within N contours, should specific performance measures be specified to determine appropriate levels of noise mitigation?
5. In respect of mechanisms to inform people of aircraft noise, what are the pros and cons of using the following mechanisms to inform people of potential aircraft noise outside of the MAEOs or AEOs:
 - Information on the Airport web site – the exiting noise tool
 - Section 32 statements under the Sale of Land Act
 - A layer in VicPlan with advice on the planning property reports
 - A new MAEO schedule?
6. In respect of more easily accessed information, whether there is merit in establishing an information hub containing consolidated, clear, informative and relevant information suitable for use by both land use planners and the general public should be developed?
7. In respect of MAEO1 and MAEO2:
 - a) should they more accurately reflect Australian Standard AS2021, specifically:
 - preventing development of greenfield sites for sensitive uses that are described “Unacceptable” by AS2021
 - requiring development of brownfield sites and existing sites, as currently allowed in the MAEO, to include appropriate disclosure processes to future residents of such areas?
 - b) are the draft changes in Appendix D.1 and Appendix D.2 an effective mechanism to more accurately reflect AS2021 in the MAEO?

8. In respect of windshear:
 - a) Is it necessary or appropriate to address windshear in planning controls?
 - b) Are the draft controls in Appendix D.3 an effective mechanism to address windshear if controls were to be applied?
9. In respect of wildlife strike:
 - a) Is it necessary or appropriate to address wildlife strike in planning controls?
 - b) Is the proposed policy change in Appendix C.1 appropriate? Would they be of use?
 - c) Are the draft controls in Appendix D.4 an effective mechanism to address wildlife strike if controls were to be applied?
 - d) To what land should the draft controls in Appendix D.4 be applied?
10. In respect of pilot distraction from lighting:
 - a) Is it necessary or appropriate to address pilot distraction from lighting in planning controls?
 - b) Are the draft controls in Appendix D.5 an effective mechanism to address pilot distraction from lighting if controls were to be applied?
11. In respect of the obstacle limitation surface:
 - a) It is necessary or appropriate to address obstacle limitation surface in planning controls?
 - b) Are the draft controls in Appendix D.6 an effective mechanism to address obstacle limitation surface if controls were to be applied?
12. In respect to the protection of communication, navigation and surveillance (CNS) equipment:
 - a) Is there a simple way to address protection of CNS equipment in planning controls?
 - b) Is a planning response appropriate?
13. In respect of public safety at the end of runways:
 - a) It is necessary or appropriate to address public safety at the end of runways in planning controls?
 - b) Should this be addressed by:
 - Specifying land uses under a new MAEO schedule based on the uses identified in Appendix D.7
 - Specifying employee or patron densities under a new MAEO schedule
 - Using the Buffer Area Overlay to trigger a risk based approach?
14. In respect of protection of airspace from helicopter landing sites:
 - a) Is it necessary or appropriate to address the effect on airspace operations of helicopter landing sites in planning controls?
 - b) Are the proposed amendments to Clause 52.15 in Appendix E an effective mechanism to address protection of airspace from helicopter landing sites?
15. In respect of the referral status of Melbourne Airport:
 - a) What applications should the airport operator be a determining referral authority for?
 - b) What applications should the airport operator be a recommending referral authority for?

Out of scope issues

The Committee received a number of submissions that it has not been tasked to consider – its Terms of Reference state:

37. It is not the role of the Committee to review or consider:
 - a. A future update to the Melbourne Airport Environs Overlay map
 - b. The application of any aircraft noise metric other than the ANEF through the Melbourne Airport Environs Overlay
 - c. Any decision in relation to future runways at Melbourne Airport
 - d. Any decision in relation to aviation or airport operations
 - e. Financial compensation to property owners or occupants.

2 Introduction

2.1 Safeguarding Melbourne Airport

Victoria has long planned for the optimum use of Melbourne Airport as a curfew-free, four-runway operation. It is State policy to protect Melbourne Airport's ongoing, 24-hour, curfew-free operations at its ultimate, four-runway layout. The Committee's Terms of Reference state:

Melbourne Airport's curfew-free status provides an economic advantage to Victoria which must be protected.

The Committee has been asked to:

... advise on improvements to the planning provisions safeguarding Melbourne Airport and its environs including the Planning Policy Framework, zones, overlays, and any other related planning provisions, relevant guidance material and on any complementary safeguarding tools and processes.¹

Issues with safeguarding airports are addressed in the NASF which provides information to State, Territory and local governments to assist in regulating and managing factors which may affect airport operations including but not limited to aircraft noise impacts.

The State Government agreed to the NASF in May 2012 at the meeting of the Standing Council on Transport and Infrastructure.

The NASF covers the following areas:

- Guideline A: Measures for managing impacts of aircraft noise
- Guideline B: Managing the risk of building generated windshear and turbulence at airports
- Guideline C: Managing the risk of wildlife strikes in the vicinity of airports
- Guideline D: Managing the risk to aviation safety of wind turbine installations (wind farms)/wind monitoring towers.
- Guideline E: Managing the risk of distractions to pilots from lighting in the vicinity of airports
- Guideline F: Managing the risk of intrusions into the protected operational airspace of airports
- Guideline G: Protecting aviation facilities – communication, navigation and surveillance (CNS)
- Guideline H: Protecting strategically important helicopter landing sites
- Guideline I: Managing the risk in public safety areas at the ends of runways

Of these, only Guideline A dealing with noise is addressed in planning controls for Melbourne Airport, and then only for part of the area affected by aircraft noise.

The Melbourne Airport Master Plan 2018 identifies issues related to the safeguarding guidelines. Currently no specific off-airport state planning controls apply for most of the guidelines however the Civil Aviation Safety Authority (CASA) and Federal legislation does. The operator of Melbourne Airport – Australia Pacific Airports (Melbourne) Pty Ltd (APAM) – identifies that these matters require state government attention in accordance with NASF

¹ Terms of Reference paragraph 17

guidelines. APAM suggested that a subset of overlay controls for each specific item be implemented.

The risk of wind turbine farms is included in the NASF but is not considered a significant issue for Melbourne Airport operations; it may be relevant to some regional airports. It is a matter that is routinely addressed in the approval process for wind farms.

2.2 Existing policy in planning schemes

The Planning Policy Framework (PPF) sets out planning policy in all planning schemes; it includes:

- state-wide policy is at Clause 18.04-1S 'Planning for airports and airfields'
- Melbourne Airport specific policy is at Clause 18.04-1R 'Melbourne Airport'
- specific policy for some regional airports in certain schemes.

Plan Melbourne 2017-2050 – the metropolitan planning strategy – recognises Melbourne Airport as Victoria's primary transport gateway for air passengers and air-freight exporters. Plan Melbourne provides for protection of the airport's curfew-free status and supports the airport's expansion, while protecting urban amenity.

The PPF sets out broad policy applicable to all airports. It also sets out a defined role for a number of airports, which the Committee has summarised in Table 1.

Table 1: Role of different airports as set out in the Planning Policy Framework

Airport	Role
Melbourne Airport	Effective and competitive operation at both national and international levels.
Avalon Airport	Full-size jet airport focussing on freight, training and services.
Essendon Airport	Role in providing specialised functions related to aviation, freight and logistics and its potential future role as a significant employment and residential precinct that builds on the current functions.
Moorabbin Airport	An important regional and state aviation asset used as a general aviation airport. Future development at the site encourages uses that support and enhance the state's aviation industry and opportunities to extend activities at the airport that improve access to regional Victoria.
Point Cook Airfield	Maintain as an operating airport complementary to Moorabbin Airport.
New general aviation airport south-east of Metropolitan Melbourne	Preserve long-term options for a new airport by ensuring urban development does not infringe on possible sites, buffer zones or flight paths.

Policy objective and strategies that relate to all airports includes:

18.04-1S PLANNING FOR AIRPORTS AND AIRFIELDS

Objective

To strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.

Strategies

[Strategies for individual airport have been extracted into Table 1.]

Protect airports from incompatible land uses.

Ensure that in the planning of airports, land use decisions are integrated, appropriate land use buffers are in place and provision is made for associated businesses that service airports.

Ensure the planning of airports identifies and encourages activities that complement the role of the airport and enables the operator to effectively develop the airport to be efficient and functional and contribute to the aviation needs of the state.

Ensure the effective and competitive operation of Melbourne Airport at both national and international levels.

Plan the location of airfields, nearby existing and potential development, and the land-based transport system required to serve them as an integrated operation.

Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield.

Plan for areas around all airfields such that:

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.
- The detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land.
- Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.

Policy documents

Consider as relevant:

- *National Airports Safeguarding Framework* (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)

Policy strategies for Melbourne Airport are:

18.04-1R Melbourne Airport

Strategies

Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation.

Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.

Policy documents

Consider as relevant:

- *Melbourne Airport Master Plan 2013 – People Place Prosperity* (Australia Pacific Airports (Melbourne) Pty Ltd, 2013)
- *Melbourne Airport Strategy* (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement

2.3 What is the extent of the impact of Melbourne Airport?

The area that might need to be considered in safeguarding Melbourne Airport could be defined by the extent of:

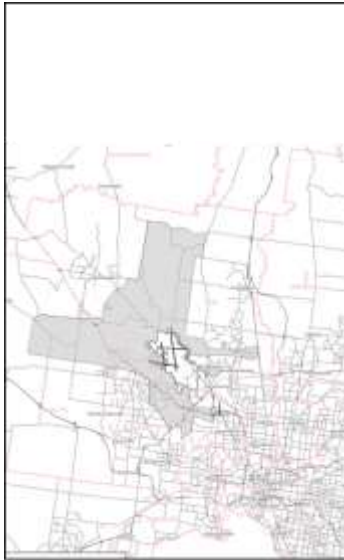
- the Melbourne Airport Environs Area – a statutorily defined area
- the area affected by aircraft noise, both the ANEF and the more extensive areas covered by alternative noise metrics known as ‘N contours’

- the Obstacle Limitation Surface – the area where restrictions on the height of buildings apply.

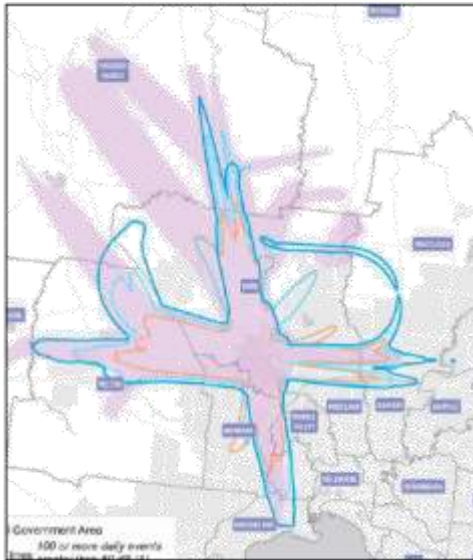
These relatively large areas are shown in Figure 1 and described below.

Figure 1: Extent of the impact of Melbourne Airport

**Melbourne
Airport Environs Area**



Area affected by noise – N contours



Obstacle Limitation Surface



Melbourne Airport Environs Area

The *Planning and Environment Act 1987* (PE Act) expressly deals with managing Melbourne Airport impacts at Part 3C, ‘Melbourne Airport Environs Strategy Plan’. These provisions were introduced in December 1998.

The PE Act enables the Governor in Council to declare an area of land to be the ‘Melbourne Airport Environs Area’. It is within this area that specific requirements apply to planning schemes. A map of this area is attached to the Committee’s Terms of Reference but does not otherwise seem to be publicly available on the internet. Figure 1 shows the extent of the Melbourne Airport Environs Area.

Aircraft noise

The main measure of aircraft noise is the ANEF. The ANEF is a measure of annual noise exposure and considers amongst other things, average daily noise, noise intensity (level), duration and tonal content.

The ANEF does not readily translate to an understandable noise level in decibels – the standard measure for how ‘loud’ something is. A different measure ‘N contours’ try to capture this by describing noise exposure by the number of times aircraft noise exceeds a certain decibel level per day. Figure 1 shows the extent of N contours for Melbourne Airport.

Obstacle Limitation Surface

The OLS is an imaginary boundary that defines airspace to be protected for safe airport and aircraft operations. The surface is not uniform but includes transitions from one height level to the next, some describe the surface as akin to an upside down tiered cake. Figure 1 shows the extent the OLS for Melbourne Airport.

Other NASF issues

The extent of other areas of NASF guidance generally fall within the geographic areas identified above.

2.4 The Melbourne Airport Environs Strategy Plan

The Minister for Planning may at any time prepare a strategy plan for the Melbourne Airport Environs Area (as declared by Governor in Council) or any part of that area, known as the 'Melbourne Airport Environs Strategy Plan' (Strategy Plan). The Strategy Plan does not take effect unless it is also approved by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House. The current Strategy Plan was approved in 2003.

An amendment to a planning scheme must not be approved in relation to the Melbourne Airport Environs Area if the amendment is inconsistent with the approved Strategy Plan. Despite its important status it is not clear, to use an airport analogy, that the Strategy Plan is on everybody's radar.

A government department, public authority or municipal council must not carry out works in the Melbourne Airport Environs Area which are not in conformity with the approved Strategy Plan.

The Strategy Plan describes its purpose as:

... to provide an updated and progressive framework of planning controls and initiatives to manage the interests of both the Melbourne Airport and the significant airport environs.

The Strategy Plan recommends a new separate planning provision for Melbourne Airport and proposes initiatives outside the planning system. Proposals include promoting broader public awareness of aircraft noise exposure and the development of construction guidelines to more easily meet noise attenuation standards.

The Strategy Plan explains:

Since the introduction of airport environs controls in 1992 events have led to the situation where the controls are inconsistent and outdated. The legitimacy of the existing controls is questioned by stakeholders. The recommendations of the Independent Panel 1993 on use controls were not resolved. The extent of the overlays was interpreted and applied differently by the former municipalities. The preparation of the Melbourne Airport Master Plan following the sale of the Melbourne Airport lease has also highlighted inadequacies of existing controls.

The operation of the airport environs controls now provides years of experience to reflect on and assess the effectiveness of these controls. The Victorian Planning System provides appropriate tools to facilitate better land use planning for the environs of Melbourne Airport.

The Strategy Plan addresses:

- the location of the Overlay boundaries
- the need for controls or other measures outside the Overlay
- ordinance provisions relating to the Overlay
- the need for maintaining a referral authority
- whether compensation to parties affected by aircraft noise is justified.

Under each issue the Strategy Plan sets out:

- key directions

- government response to the recommendations of the Melbourne Airport Environs Areas Advisory Committee Report, June 1993
- proposed actions.

The Strategy Plan deals with issues raised in 1992 and while these issues are still relevant, changed circumstances might warrant a fresh approach.

The implications for the Strategy Plan are set out in the following chapters where relevant.

2.5 Airport Environs Overlay and Melbourne Airport Environs Overlay

Two overlays in the Victoria Planning Provisions (VPP), which prescribe standard clauses that planning schemes can adopt, control development in areas affected by airport noise:

- Airport Environs Overlay (AEO)
- Melbourne Airport Environs Overlay (MAEO).

Each of these overlays has schedules that tailor controls to the specific circumstances. The overlays can control:

- the use of land
- subdivision
- buildings and works.

The *Ministerial Direction: The form and content of planning schemes* fully specifies the text for the overlay schedules:

21. If a planning scheme includes land in the Airport Environs Overlay or Melbourne Airport Environs Overlay, the planning scheme must include the relevant schedules set out in Annexure 2 and must incorporate the document titled Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia International Ltd by including it in the Schedule to Clause 72.04.

The overlay schedules are applied to land within the 20 to 25 ANEF and above 25 ANEF contours which are prepared by airport operators and endorsed by Airservices Australia for technical accuracy.

Having a separate overlay for Melbourne Airport is a Key Direction of the Strategy Plan:

- 4.1 That a separate Airport Environs Overlay be introduced for Melbourne Airport.

The Committee sees that the implications of the Strategy Plan and the Ministerial Direction is that:

- Separate overlays must be maintained for Melbourne Airport unless there is a change to the Melbourne Airport Environs Strategy Plan
- Changes to MAEO or AEO schedules require a change to The *Ministerial Direction: The form and content of planning schemes*.

For simplicity this Paper refers to the MAEO, but if changes were made to this overlay, parallel changes to the AEO would also be appropriate.

3 Giving effect to the NASF

3.1 Updating the Planning Policy Framework

(i) What is the issue

The issue is how the PPF should be updated to deliver better safeguarding.

(ii) Submissions and evidence

APAM in closing submitted that it seems to be largely accepted by many parties that:

- 15(a) The current planning framework does not adequately articulate or implement existing planning policy which would see all airports safeguarded, but which would also see Melbourne Airport safeguarded to another level above.

Brimbank City Council was concerned that the imperative to safeguard Melbourne Airport's 24-hour operations needs to be balanced with the imperative to deliver housing growth in a responsible manner ensuring acceptable liveability, affordability and amenity outcomes. This imperative to deliver housing growth should also recognise a corresponding need to develop land uses (such as community infrastructure, retail and the like) to support these new communities:

... it is not possible, and nor should it be desirable to unnecessarily restrict land use and development in varying degrees of proximity to Melbourne Airport where it can be demonstrated such land use and development can be achieved without compromising Melbourne Airport's operations and result in acceptable amenity outcomes.

Ms Hannah Robertson for Melbourne Airport Community Action Group (MACAG) submitted the balance that the planning framework seeks comes at a cost to residents, in terms of amenity within their homes, gardens, schools, sports clubs, workplaces and so on, but also in terms of whether services and amenity can expand to meet the needs of the community as the population grows and the demographics shift over time.

YourLand Developments submitted that safeguarding requirements have the potential to:

... sterilize substantial areas of land in Melbourne's north and west, including several major activity centres, urban renewal sites and residential hinterland areas in between, in circumstances where the true impact ... [is] not understood.

APAM submitted:

27. People have a tendency to gravitate to what they know. Professionals are the same. Planners understand urban consolidation intuitively. Noise – and then aircraft noise ... where there are no clear guidelines or metrics for use other than the ANEF... this is foreign territory. This is evident in the strategic responses and in the planning evidence of Ms Rigo. The competing issues are not properly understood. A balance is not possible if the person undertaking the balance is not seized of, and even if they are, does not understand the nature of the competing issues.
28. The submissions of existing residents of noise affected areas underscores the legacy of some poor planning decisions.

(iii) Possible ways forward

It is not the task of the Committee to determine whether airports should be safeguarded – existing policies make it clear that they should – it is to examine the effectiveness of existing

planning provisions in safeguarding Melbourne Airport's ongoing, curfew-free operation and its environs.

The Committee agrees that current planning policy and controls do not safeguard airports in the ways envisaged by the agreed NASF.

The VPP set out the approach to balancing competing policy objectives at Clause 71.02-3:

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

The Committee notes Brimbank's contention that the imperative of safeguarding Melbourne Airport's 24-hour operations needs to be balanced with the imperative to deliver housing growth in a responsible manner. It is not clear to the Committee how a decision maker can 'balance' competing imperatives: both would need to be achieved. Any balancing needs to be achieved at a strategic level – that may well involve limiting housing development in certain areas, potentially areas that are otherwise suitable for higher density development.

One argument against exposing more people to aircraft noise is that eventually there will be a significant portion of the population who, either through political pressure or through the adverse impacts they suffer from the noise, will force a change in airport operations. The concern here is that the 24 hour curfew-free status of the airport could be compromised, or other operating restrictions applied. This is an important consideration, but it seems to overlook the primary issue which is the undesirability of exposing people to unreasonable amounts of aircraft noise in the first place.

People's response to aircraft noise varies and a level of noise that the majority might tolerate will be intolerable to a small percentage². It seems to the Committee that this is where the first issue around balance needs to be resolved: that a level of noise exposure that limits the number of people who find the noise significantly disturbing must be determined. AS2021 has determined that this is the 20 ANEF. There is no scope for 'balancing' within the 20 ANEF. Planning policy should reflect this.

The second issue around balance involves balancing competing aspirations about the area that you want to live in. Aircraft noise might be seen as part of the 'price' you might pay for an otherwise well-located house. From a planning point of view, balancing the positive aspects that an area can deliver against exposure to noise is legitimate provided the level of noise exposure is acceptable, and the policy to maintain the 24 hour operation of Melbourne Airport is part of that exercise. This is the exercise contemplated by Clause 71.02-3.

Policy aspirations for higher density development in activity centres should not be used as a reason to subject more people to aircraft noise than is necessary. It should not be the case that we as a community decide to build higher density housing in areas with poor amenity.

On a simple level the PPF could make more explicit reference to the matters identified in the NASF so that the scope of what is on the table is more easily identified. For areas affected by noise more specific changes that might be appropriate are discussed in Chapter 4.

² Refer to Figure 2 shown on page 12 of this paper

The Committee thinks that moving safeguarding strategies closer to the top of the strategy list would give them more prominence, but accepts that it would not change their statutory importance.

The PPF sets out specific strategies for different airports and the Committee thinks that these could be more easily read by including them in a table. Strategies for Melbourne Airport are set out in regional policy, whereas other less important airports are in state policy. Arguably the reverse approach should apply with Melbourne Airport in state policy because its development is of state importance, whereas the other airports have a more regional influence. This raises issues beyond the scope of this Committee, but for clarity the Committee presents the regional policy for Melbourne Airport together with existing state policy.

The Committee seeks submissions on:

- 1. In respect of the Planning Policy Framework:**
 - a) Whether the Planning Policy Framework should be updated to:**
 - include more specific references to safeguarding guidelines
 - move safeguarding strategies closer to the top of the strategy list
 - make the policies applicable to different airport more easily read by including them in a table?
 - b) Whether the draft changes in Appendix C.1 would be an appropriate policy change in respect of general safeguarding issues?**

3.2 What VPP tool should be used?

Hume City Council noted that it is challenging dealing with certain issues as the NASF guidelines do not hold statutory weight in the planning scheme and as such these requirements fall outside current planning controls. Additionally, permit applications outside of the MAEO with no requirement to be referred to Melbourne Airport might still raise safeguarding issues.

If the NASF is to be given statutory weight overlays will need to be applied.

Mr Glossop gave evidence for APAM; he considered a Design and Development Overlay may be appropriate to manage impacts, however in his view, a more robust approach would be to use the MAEO control to address the relevant NASF guidelines. This approach would 'elevate' the awareness of the Airport and need for decision makers to place considerable weight on policy which seeks to protect airport operations. And further:

From a transparency perspective, the MAEO alerts future purchasers, landowners, developers, decision-makers and the broader community that land is within an area that is likely to be impacted by the Airport's operations.

The Committee has prepared its options on the basis that the MAEO would be the preferred tool for implementing the guidelines in planning schemes unless another tool is clearly superior.

The Committee notes that the Strategy Plan does not support controls outside of the 20 ANEF:

Key Direction

- 2.1 That the 20 ANEF be used to define the extent of the Melbourne Airport Environs Overlay controls and that planning controls not be applied to areas outside the 20 ANEF.

- 2.2 That information regarding aircraft noise within 15 km of Melbourne Airport is disseminated to the community.

Actions

Government will undertake the following actions:

2. The State Planning Policy Framework ... be amended to provide that the 20 ANEF contour be the basis for defining the Melbourne Airport Environs Overlay.
3. The State Planning Policy Framework be amended to clarify that Airport Environs Overlay planning controls not be applied outside the 20 ANEF contour.

The Committee seeks submissions on:

2. In respect of the appropriate VPP tool to use for safeguarding:

- **Is the Melbourne Airport Environs Overlay the best tool to implement safeguarding for Melbourne Airport, and by implication the Airport Environs Overlay for other airports?**
- **Does extending the scope of the Melbourne Airport Environs beyond the Ultimate Capacity ANEF, even if it is to address non-noise issue, require a change in the Melbourne Airport Environs Strategy Plan?**

3.3 Planning Practice Note

Currently there is no clear overview of the issues that the planning system needs to deal with in safeguarding airports.

Planning practice notes provide ongoing advice about the operation of the VPP and planning schemes as well as a range of planning processes and topics. The Committee agrees with submissions that there is a need for a Practice Note to better communicate the issues around airport safeguarding. This Practice Note would need to provide basic background information about:

- noise impacts, noise metrics and the approach of the NASF
- the process for determining intrusions into the OLS.

4 NASF Guideline A: Noise

4.1 What are the issues?

Aircraft noise has the potential to adversely impact the amenity (and at high levels potentially the health) of residents. The NASF sets out approaches to measuring and limiting the impact of noise on sensitive uses.

The NASF is concerned with protecting airports from complaint action; Australian Standard AS2021 focuses on protection of residents from noise itself.

Noise is managed in the planning system by the application of:

- MAEO 1 and 2
- AEO 1 and 2.

There is a disconnect between the NASF, AS2021 and current controls. This is compounded by the current reliance on the ANEF as the sole means of dealing with noise.

4.2 Understanding aircraft noise

(i) How is aircraft noise measured?

In Victoria, planning controls used to manage airport noise use the ANEF. The ANEF is a measure of annual noise exposure and considers amongst other things, average daily noise, noise intensity (level), duration and tonal content.

The ANEF does not readily translate to an understandable noise level in decibels – the standard measure for how ‘loud’ something is.

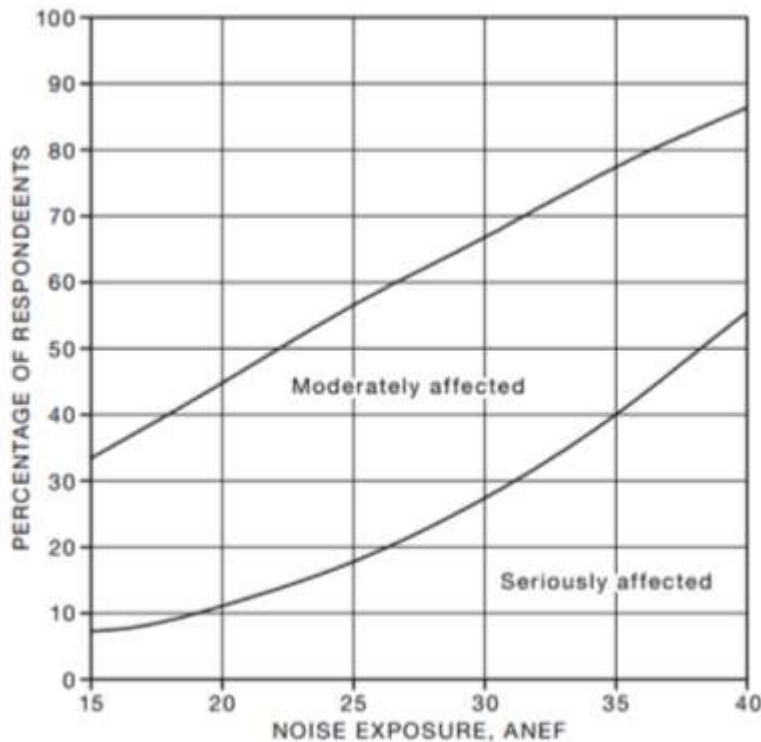
Dr Robert Bullen gave evidence on behalf of APAM and explained the history and development of noise measurement systems commonly used to manage aircraft noise especially in relation to Melbourne Airport and the development of alternative additional metrics (measurement systems) that were considered more useful to residents affected by aircraft noise. These metrics include:

- N contours (‘Number Above’ contours) – the average number of aircraft operations per day exceeding a particular decibel level
- Flyover numbers – the average number of aircraft operations per day using a designated flight path
- Respite time – the average number of hours per day during which there are no aircraft movements

Dr Bullen stated that N contours have become useful tools in assessing aircraft noise and considers the metric to be easily understood. The most commonly used N contours are N70, N65, N60 and N60 night. These contours can be determined for any given number of events.

In exploring the extent of the problem of aircraft noise intrusion, Dr Bullen referred to the graph showing the relationship between proportion of residents “*seriously*” and “*moderately*” affected by aircraft noise and ANEF, reproduced in Figure 2.

Figure 2: Relationship between proportion of residents “seriously” and “moderately” affected by aircraft noise and ANEF



Note: This graph was derived from the National Acoustic Laboratories Report 88.

The graph is based on surveys performed in a 1982 study of community reaction to aircraft noise and indicates that at ANEF 20, approximately 12 per cent of the respondents were “*seriously affected*” by noise and this increased to 18 per cent for ANEF 25.

Ms Robertson for MACAG highlighted that the survey is dated and thought it should be revisited. The Committee agrees that consideration should be given to updating the study of community reaction to aircraft noise to better ascertain the extent of the noise problem and the effectiveness of the ANEF and N contours in managing impacts.

Victoria’s agreement to the NASF was subject to the use of the alternative noise metrics – the N contours – being to inform strategic planning decision making only.

The Strategy Plan says:

Key Direction

- 1.1 That the extent of the control boundaries of the Melbourne Airport Environs Overlay be based on the Ultimate Capacity ANEF.
- 1.2 That the boundaries of Schedule 1 and Schedule 2 be amended to reflect the 20 and 25 ANEF contours. The Schedule boundaries to follow the ANEF contours except for lots in residential zones, where the boundary is to extend to include the whole lot.

(ii) Options for managing noise

There are (at least) five ways that aircraft noise is managed:

1. Reduce noise at the source through aircraft technology improvements.

2. Direct incompatible land use (for example, homes, schools) away from the airport environment and flight paths and encourage compatible land use (for example, industrial, commercial uses,) in these areas.
3. Noise abatement procedures – an example includes directing aircraft to use flight paths that pass over semi-rural areas during the evening, or spreading the use of all available flight paths to lessen the intensity of aircraft noise.
4. Reduce aircraft access to the airport, such as prohibiting or imposing other restrictions around noisy aircraft.
5. Require noise attenuation in buildings.

Of these options, the planning framework:

- directs incompatible land use away from noise affected areas
- requires noise insulation in buildings.

(iii) Extent of noise

Submissions provided by residents groups highlighted existing aircraft noise intrusion issues experienced in the community. These included Citizens of Victoria Airport Information Group, Hume Residents Airport Action Group, Keilor Residents and Ratepayers Association, and CACGMA.

Poor planning decisions of the past and extensions of ANEF boundaries have resulted in existing dwellings and residents becoming exposed to higher levels and frequency of aircraft noise intrusion.

The area where potentially intrusive noise impacts may occur is far greater than that shown within the ANEF contours. There is currently no formal mapping mechanism in the planning framework to indicate the true extent of land around the airport which may be affected by noise. This type of information may assist in informing land use planning decisions as well as future residents about potential noise impacts.

Figure 3 shows the ANEF contours for the Melbourne Airport 2018 masterplan. Figure 4 shows the N60 night contour – the area where there are six or more night-time events resulting in a noise level over 60 dBA. The substantial difference in the area covered is the difference between the area formally subject to noise controls under the planning scheme and the area where residents might be affected by potentially intrusive aircraft noise.

Figure 3: ANEF extent 2018 masterplan



Figure 4: N60 night for 6+ events



Source: Melbourne Airport noise mapping tool

4.3 What does the NASF say?

Guideline A of the NASF describes measures for managing impacts of aircraft noise including assessing suitability of development around airports. This Guideline recognises limitations of the ANEF alone and confirms the merits of using a range of noise measures to better inform strategic planning.

The Guideline introduces the use of N contours in assessing whether land is suitable for development and the type of development that may occur.

The NASF recognises that new development and existing development should be treated differently and considers three scenarios as follows:

- I. Rezoning of greenfield areas to permit noise sensitive uses
- II. Rezoning of brownfield areas to permit noise sensitive uses
- III. Assessment of new developments applications for noise sensitive uses within existing residential areas

For the rezoning of greenfield sites, the NASF recommends the following:

No new designations or zoning changes that would provide for noise sensitive developments within a 20 ANEF where that land was previously rural or for non urban purposes (in keeping with AS2021).

Zoning for noise-sensitive development be avoided where ultimate capacity or long range noise modelling for the airport indicates either:

- 20 or more daily events greater than 70 dB(A);
- 50 or more daily events of greater than 65 dB(A); or
- 100 events or more daily events of greater than 60 dB(A).

Zoning for noise-sensitive development should take into account likely night time movements and their impact on residents' sleeping patterns. For example, where there are more than 6 events predicted between the hours of 11pm to 6am which create a 60 dB(A) or greater noise impact, measures for aircraft noise amelioration and restriction on noise sensitive development may be appropriate.

Brownfield sites are considered as urban land:

... currently primarily designated for non-noise sensitive uses and is being considered for rezoning, for example, for residential infill or increasing residential densities, such as within a mixed use precinct near a transport corridor.

For development in these areas the NASF acknowledges a:

... need to balance the need to provide housing, economic growth and strategic planning outcomes against the operational needs of the airports. This approach may identify some adversely impacted parties and it can also identify where benefits outweigh the overall disadvantages.

Recommended management measures include using appropriate construction techniques to reduce noise impacts and requirements for disclosure processes that ensure future residents are made aware of these impacts prior to purchase.

The NASF recognises that redevelopment of existing areas may result in an overall improved outcomes due to better design and construction responses.

The NASF recommends similar measures as those for brownfield sites for development of new noise sensitive uses in existing residential areas with the addition of requiring disclosure of aircraft noise where ultimate capacity noise modelling for the airport indicates either:

- the area is within the 20 ANEF;
- 20 or more daily events greater than 70 dB(A);
- 50 or more daily events of greater than 65 dB(A);
- 100 events or more daily events of greater than 60 dB(A); or
- 6 or more events of greater than 60 dB(A) between the hours of 11 pm and 6 am.

4.4 How the current planning framework considers potential aircraft noise intrusion

(i) Melbourne Airports Environment Overlay (MAEO)

The current planning framework uses the MAEO to assist in controlling potential noise intrusion from aircraft noise.

Mr Barlow for APAM provides a summary of how the Overlay is applied:

77. The Overlay is applied in two Schedules. The purpose of MAEO1 is:
- To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure.
78. The purpose of MAEO2 is:
- To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.

The MAEO schedule states that any buildings and works for which a permit is required must be constructed to comply with section 3 of the 'Australian Standard AS2021-2015 Acoustics – Aircraft Noise Intrusion – Building, Siting and Construction' (AS2021) to adequately protect future development from noise impacts.

(ii) The Australian Standard AS2021

AS2021 uses the ANEF system to determine the suitability or otherwise of a site depending on the proposed use. The building site acceptability is shown in Table 2.

Table 2: Acceptability of building site based on proposed use for the Australian Standard

	ANEF level					
	Less than 20	20 to 25	25 to 30	30 to 35	35 to 40	>40
House, home unit, flat, caravan park	Acceptable	Conditional	Unacceptable			
School, University	Acceptable	Conditional	Unacceptable			
Hospital, nursing home	Acceptable	Conditional	Unacceptable			
Public building	Acceptable	Conditional	Unacceptable		Unacceptable	
Hotel, motel, hostel	Acceptable	Conditional	Unacceptable		Unacceptable	
Commercial building	Acceptable	Conditional		Unacceptable		
Light industrial	Acceptable			Conditional	Unacceptable	
Other industrial	Acceptable					

The Standard does not recommend development in ‘unacceptable’ areas but acknowledges that relevant planning authorities may consider development necessary within existing built-up areas designated as ‘unacceptable’.

The Standard recommends that there be no development within greenfield sites deemed ‘unacceptable’.

Where a site falls within the ‘Conditionally Acceptable’ area, the Standard provides a methodology for determining the type of building construction required to provide a given noise reduction. Construction to the guidelines in AS2021 is intended to result in an acceptable internal noise amenity with windows and doors of the building closed. The indoor design levels used by AS2021 are provided in Table 3.

Table 3: Australian Standard AS2021

TABLE 3.3
INDOOR DESIGN SOUND LEVELS* FOR
DETERMINATION OF AIRCRAFT NOISE REDUCTION

Building type and activity	Indoor design sound level ² , dB(A)
Houses, home units, flats, caravan parks	
Sleeping areas, dedicated lounges	50
Other habitable spaces	55
Bathrooms, toilets, laundries	60
Hotels, motels, hostels	
Relaxing, sleeping	55
Social activities	70
Service activities	75
Schools, universities	
Libraries, study areas	50
Teaching areas, assembly areas (see Note 5)	55
Workshops, gymnasias	75
Hospitals, nursing homes	
Wards, theatres, treatment and consulting rooms	50
Laboratories	65
Service areas	75
Public buildings	
Churches, religious activities	50
Theatres, cinemas, recording studios (see Note 4)	40
Court houses, libraries, galleries	50
Commercial buildings, offices and shops	
Private offices, conference rooms	55
Drafting, open offices	65
Typing, data processing	70
Shops, supermarkets, showrooms	75
Industrial	
Inspection, analysis, precision work	75
Light machinery, assembly, bench work	80

(iii) Shortfalls of the current framework**Disconnect between the Australian Standard and the MAEO Schedule 1**

Australian Standard AS2021 recommends that development not occur in areas deemed “unacceptable”. The Standard recognises that there may be some instances in existing built-up areas where the relevant planning authority may consider development necessary. The Standard is firm in recommending that there should not be development in greenfield sites deemed unacceptable.

In the ANEF 25-30 contour which is covered by the MAEO1, the Standard considers the following accommodation uses as unacceptable:

- House, home unit, flat, caravan park.

In Schedule 1 to the MAEO, land may be used for a dwelling (house), Dependent person’s unit, host farm or residential hotel if a planning permit is granted.

These allowable land uses are at odds with the recommendations of AS2021.

Limitations of the ANEF

Land outside the ANEF 20 contour can currently be developed without any consideration of potential aircraft noise impacts. There was consensus among parties at the Hearing that noise does not stop at the ANEF 20 contour line. In fact, many noise complaints are generated from residents living outside the ANEF 20 contour.

Another limitation of the ANEF is the time lag between updating of the MAEO boundary to reflect the most current ANEF contours. The ANEF are reviewed every five years and the contour lines may shift but the MAEO may not change in a timely manner. The MAEO in place at the time of writing reflects the ANEF contours from the 2003 Melbourne Airport Master Plan.

Implementation of the NASF

Clause 18.04-1S of the PPF lists the NASF as a policy document to be considered as relevant. Beyond this, there is no requirement to implement the recommendations in NASF Guideline A which manages aircraft noise impacts.

Implementation of NASF Guideline A would result in noise impacts beyond the ANEF 20 contour being assessed and address the limitations of the current use of ANEF to assess aircraft noise impacts.

Current mapping tools

The current mapping tool used to trigger an assessment of potential aircraft noise intrusion is limited to the MAEO which reflects the ANEF contours. This exacerbates the limitations of the ANEF discussed above.

4.5 Policy, information and development outside of ANEFs

Planning authorities, future landowners, developers and residents need to have a full understanding of the extent and nature of potential aircraft noise intrusion in order to make well informed decisions.

(i) Submissions and evidence

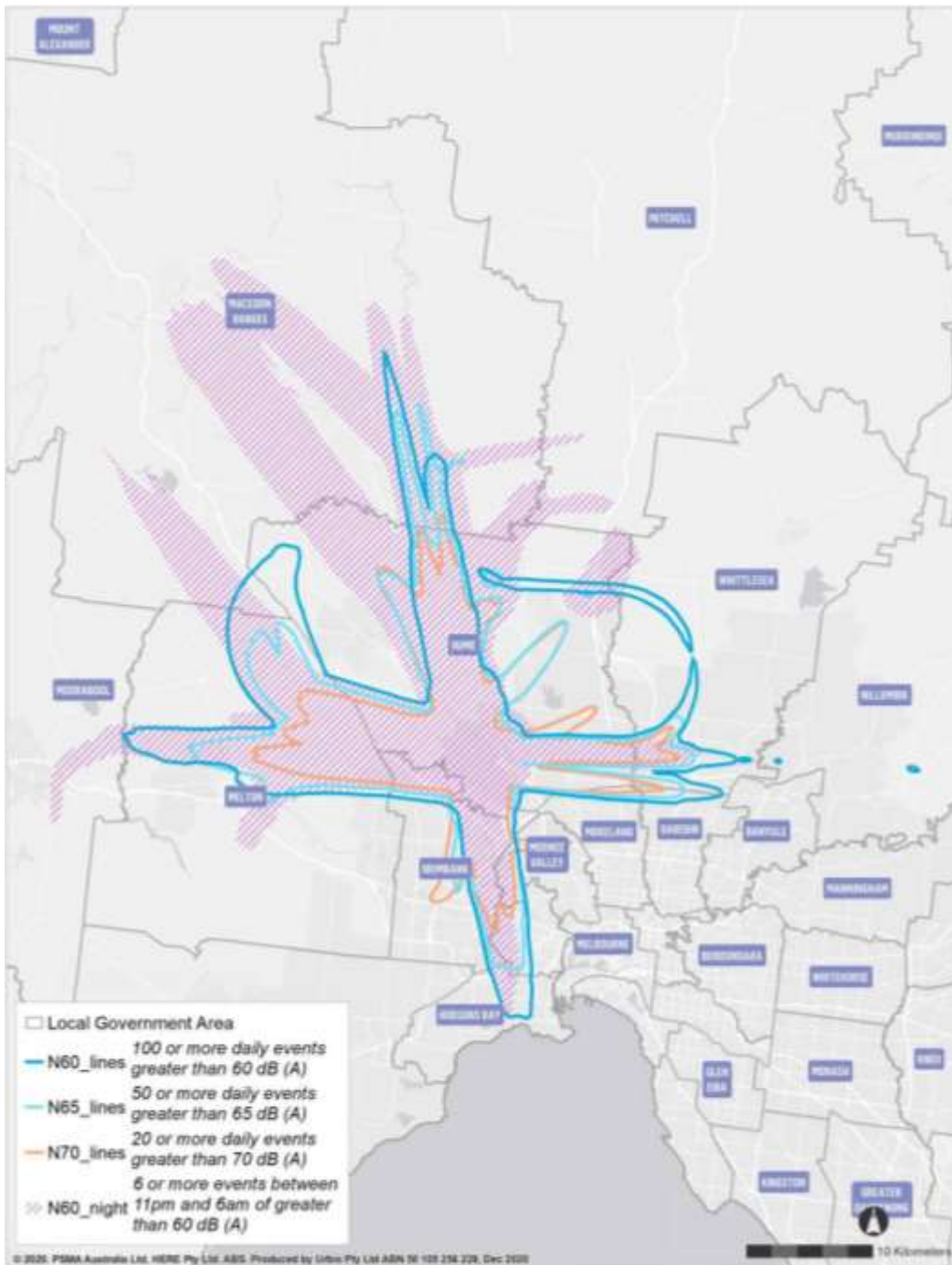
All parties understand and agreed that noise impacts do not stop at the ANEF 20 contour. In the current framework, development outside the MAEO (ANEF 20) does not have to consider any potential noise impacts.

APAM stated that Guideline A of the NASF was developed in response to the limitations of using the ANEF and AS2021 as the only tool to determine aircraft noise impact. This Guideline introduces the N contour (Number above) metric and suggests that potential aircraft noise impacts be considered within the following contours:

- N70 – 20 or more daily events greater than 70dBA
- N65 – 50 or more daily events above 65dBA
- N60 – 100 or more daily events greater than 60
- N60 (night) 6 or more events over 60 dBA between 11pm and 6 am.

Attachment 1 to the Guideline explains why the nominated metrics have been chosen. The extent of the N contours for Melbourne Airport are shown in Figure 5.

Figure 5: Melbourne Airport N contours



(Source: Evidence of Mr Barlow)

The N contours are not used as a criteria but show the extent to which aircraft noise impacts should be considered. Dr Bullen suggested that the N60 night metric could be justified for use as a night-time noise criteria to reduce the incidence of sleep disturbance.

In evidence for APAM, both Mr Barlow and Mr Glossop recommended that planning controls should be updated to include the N contours. Mr Barlow recommended that four noise impact assessment areas for sensitive uses could be created, broadly equivalent to ANEF 25+, ANEF 20-25, N70 and N60. Performance measures for the assessment of sensitive areas would need to be determined and defined.

The councils were generally supportive of implementing the NASF into planning controls but do not support density controls or prohibitive land controls to the N70 and N60 areas. Melton City Council was concerned that land use controls within N contours may roll back appropriate and planned development.

Brimbank suggested that the role of the N contours would be a tool to be used in conjunction with the ANEF system by decision makers and a method of providing understandable information by communities and land users.

Hume considered that the area covered by N70 and N60 was too large to become a notification area.

APAM stated in its closing submission:

- (e) Noise impacts, now and in the future, will not be limited to the land within the ANEF contours. ANEF expect that within the contour there will be at least 10 per cent of people who will find the noise exposure unacceptable. ANEF expects that a significant number of people outside the contours will find it unacceptable, even if most people are not troubled by the noise;
- (f) There is a role for planning regulation in the management of these noise impacts:
 - i. first by regulating the nature of the land use relationships through strategic decision making about the nature and extent of incompatible uses that are permitted in areas that would be heavily affected by noise; and
 - ii. second as a vehicle for informing the community about the nature of the noise environment so that rational and informed strategic planning and private capital investment decisions can be made.

Mr Barlow giving evidence for APAM suggested that a possible mechanism for providing notice for land potentially affected by noise was a mapping tool which indicates the Area of Influence. The Area of Influence could be shown in a property search and would be an advisory tool to inform land use planners and future land users of the need to consider noise impacts. Appropriate information regarding noise mitigation techniques that may apply in such an area could be provided in a Planning Practice Note.

Under cross examination from Ms Marcus appearing on behalf of Brimbank, Mr Barlow agreed that adequate notice and provision of information would assist the public in understanding purchasing choices in future development and assist in keeping people well informed.

Dr Bullen stated that the best way to provide information was to employ community engagement and share information. He suggested that a useful starting point to understanding aircraft noise was to consider the contents of Handbook Acoustics-Guidance on producing information on aircraft noise (SA HB 149:2016) published by Standards Australia as a companion to AS2021. A copy of this document was provided by APAM.

Mr Glossop pointed out that a Noise Influence Area was already considered for road, rail and noise from industry within the Apartment Design Standards (Clause 58.04-3 or 55.07-6 Standard D16 and B40). Mr Glossop considered that aircraft noise could also be included in this mix.

Moreland City Council also saw value in defining and mapping an Area of Influence supported by practice notes and education as well as community consultation and engagement.

Brimbank supported the use of an Area of Influence mapping tool as advisory only to provide information to existing and future residents. Brimbank considers that comprehensive and understandable information is presently lacking and not easily accessible.

Brimbank did not agree with the use of section 173 agreements as currently required by APAM. APAM agreed that section 173 agreements may not be the best tool.

Melton advocated the use of Section 32 of the *Sale of Land Act 1962* to inform prospective purchasers about relevant information of aircraft noise.

The CACGMA expressed frustration at being unable to access relevant information about the MAEO and other relevant planning advice associated with the Melbourne Airport. CACGMA pointed out a number of shortfalls in accessing information including that AS2021 used to assess aircraft noise within the current MAEO can only be purchased from SAI Global and local council websites are devoid of relevant information.

CACGMA suggest that suitable information could include:

- Simple fact sheets on noise effects and measurements for residents
- Advisory and practice notes or equivalent for developers
- Published decision making guidelines to aid councils and provide transparency for the community
- Government guides for developments potentially affected by the AMEO7
- Clear guidance to improve council's consultation with federal and state government and the airport operator, including agenda and action suggestions.

The provision of attractive marketing information that did not disclose potential aircraft noise intrusion was highlighted by APAM as a potential issue for future residents being able to make informed choices. APAM produced the following excerpt from a YourLand Developments brochure for a development potentially affected by aircraft noise:

Welcome to the new Sunshine at River Valley. Wake up to the sound of birdsong and speckled sunlight glinting through the trees. Take a stroll along the river while the kids play amongst the tranquillity of nature. Fall asleep listening to the gentle chirp of native frogs, all just a stone's throw from Melbourne's CBD. At River Valley you can immerse yourself in the serene beauty of our secluded master-planned estate reserved for those who appreciate a modern lifestyle entwined with the best of nature.

(ii) Possible ways forward

The Committee understands and accepts that aircraft noise impacts occur beyond the ANEF 20 contour and that there must be some mechanism within the planning scheme to ensure that consideration of aircraft noise outside the ANEF 20 contour is triggered.

The Committee agrees that access to clear, comprehensive information will allow land use planners and future land users/developers to make better informed choices and decisions.

Along with access to such information, there firstly needs to be a clear trigger mechanism to provide notice of potential impacts to appropriate parties involved in land use within the identified Area of Influence.

Mr Barlow's recommendations of creating additional noise impact assessment areas within the N70 and N60 contours has merit as does Dr Bullen's suggestion of using N60 night to assess potential sleep disturbance. Specific performance measures would need to be defined for development within these areas. The indoor design noise levels provided by AS2021 could be one such performance measure.

Use of appropriate N contours as a boundary for notification and advising where noise impacts may occur is also warranted. The N contours may assist the public in understanding purchasing choices as well as potential developers.

The framework provided in Guideline A in the NASF provides appropriate guidance for development outside the ANEF.

The use of additional MAEOs as suggested by Mr Barlow and Mr Glossop may have merit and a mapping tool showing the Area of Influence in a property search seems to be an effective efficient and easy way to identify potentially affected land.

Unfettered access to consolidated, clear and relevant information must also be available for land use planners and the general public. As Ms Jordan noted, Australian Standard AS2021 must be purchased. The Committee has checked the availability of the Standard to find that a pdf version costs over \$250 making easy access for the general public prohibitive.

The Committee notes that the Melbourne Airport Noise³ tool, an online resource showing ANEF and N contours, provides useful information related to noise. Ms Jordan agreed the tool was a “good start”. This type of tool could become the basis for a more comprehensive and accessible suite of information.

The Area of Influence where noise impacts may occur as shown with the N contours referenced in the NASF should be used as the extent to identify where future land users require notice of potential impacts.

The Committee seeks submissions on:

- 3. In respect of the Planning Policy Framework:**
 - a) Whether the Planning Policy Framework should be updated to include more specific noise safeguarding guidance, including:**
 - **Greenfield sites – avoid zoning for noise sensitive uses within the N70 (20 or more daily events), N65 (50 or more), N60 (100 or more) and consider N60 night (6 or more) if zoning for noise sensitive development?**
 - **Brownfield sites and existing sites – consider other strategic issues, measures to mitigate noise, and provide information regarding potential aircraft noise impacts to future residents in these areas?**
 - b) Whether the draft changes in Appendix C.1 would be an appropriate policy change in respect of noise safeguarding guidance?**
 - c) Whether the applicable N contour areas need to be identified by an overlay or as a layer in VicPlan the state’s online plan platform.**
- 4. In respect of areas outside current MAEO but within N contours, should specific performance measures be specified to determine appropriate levels of noise mitigation?**
- 5. In respect of mechanisms to inform people of aircraft noise, what are the pros and cons of using the following mechanisms to inform people of potential aircraft noise outside of the MAEOs or AEOs:**
 - **Information on the Airport web site – the exiting noise tool**
 - **Section 32 statements under the *Sale of Land Act***

³ <https://www.melbournearport.com.au/Corporate/Community/Noise-at-Melbourne-Airport/Noise-tool>

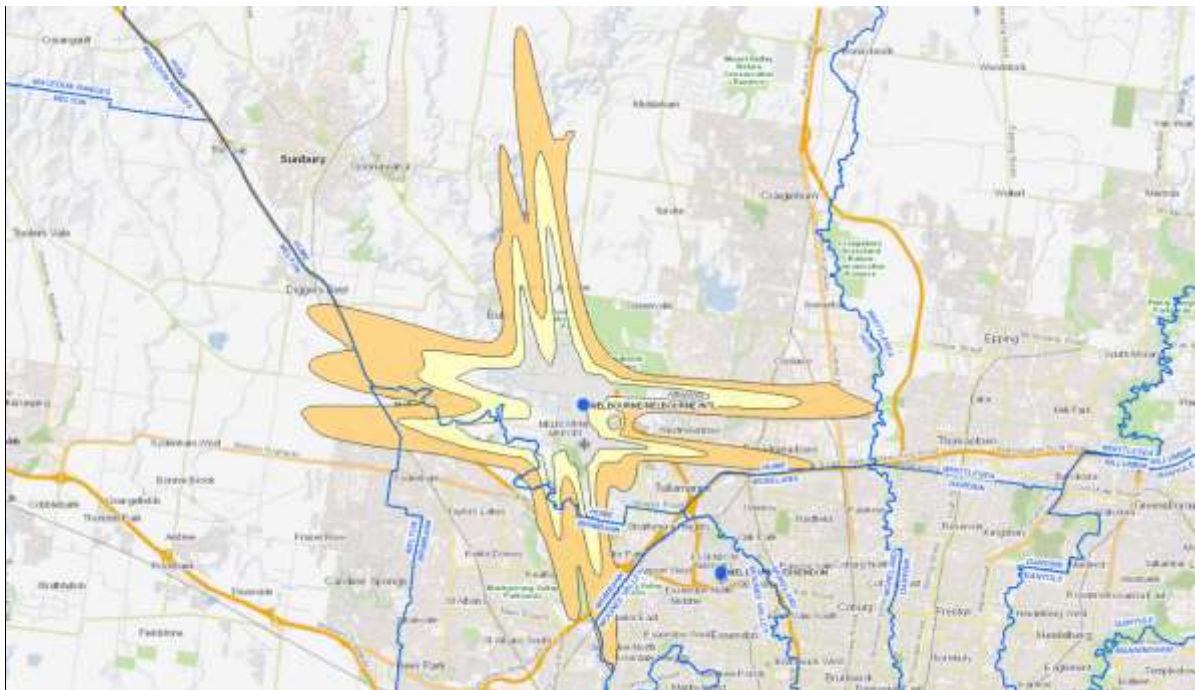
- A layer in VicPlan with advice on the planning property reports
- A new MAEO schedule?

6. In respect of more easily accessed information, whether there is merit in establishing an information hub containing consolidated, clear, informative and relevant information suitable for use by both land use planners and the general public should be developed?

4.6 Development within the ANEFs

The extent of the MAEO1 (ANEF 25 and above) is shown as in Figure 6. The overlay affects significant areas in Hume and the northern part of Brimbank. The MAEO2 extent (ANEF 20-25) is shown as . MAEO2 affects areas of Hume, Brimbank, Melton and Moonee Valley.

Figure 6: MAEO1 and MAEO2 extent and municipal boundaries



In the MAEO1 area, land cannot be used for more than one dwelling and subdivision is not allowed. In the MAEO2 area, there is a density restriction of one dwelling per minimum 300 square metres.

Strict adherence to AS2021 would result in residential dwellings and other noise sensitive uses not being allowed in the ANEF 25+ contour (MAEO1). AS2021 allows for noise sensitive development in ANEF 20-25 (MAEO2) provided adequate sound insulation is incorporated into the construction of the buildings.

(i) Submissions and evidence

There was clear support from all parties for using the NASF framework to guide decision making around land use planning.

APAM stated that the ANEF contours are recognised as an important tool that should not be abandoned but the ANEF could not be considered the only tool.

Brimbank requested that density controls within the MAEO2 be revisited. Ms Rigo gave evidence on behalf of Brimbank suggesting that density controls were a blunt and unsophisticated tool and inconsistent with the NASF which recognises the need to consider increased densities.

Brimbank suggested that the use of density controls may stifle innovative techniques including attenuated design outcomes that could be used to reduce risk of airport noise intrusion.

Under cross examination from Ms Marcus, Mr Barlow was asked whether noise impact could be mitigated by construction techniques. Mr Barlow replied that amenity goes beyond the inside of a building and that external amenity should also be considered. Mr Barlow also expressed a view that density controls are important in limiting the number of people likely to be significantly affected by noise.

Hume also saw merit in revisiting density controls and considered that the application of density restrictions across the entirety of the MAEO2 is not an appropriate mechanism to address an issue confined to a specific locations or zones.

YourLand Developments also considered density provisions in the MAEO2 to be a blunt tool.

In contrast, the Hume Residents Airport Action Group disagreed with the suggestion that the current MAEO provisions are a blunt tool:

The provision offer clear information on the location and land use types suitable for the aircraft noise zones. To make changes to the planning provision which would allow balancing housing demand against the health and wellbeing of people is indeed a blunt tool. We are not aware the existence on a national imperative which would mandate development without consideration to public health. This is contrary to the health and wellbeing policy of local planning authorities.

In closing, APAM drew attention to the plight of existing residents affected by noise due to previous poor planning decisions and the need to avoid the risk of creating a larger problem in the future.

Rasco Pty Ltd wishes to develop land at 450 Mickleham Road, Attwood within the MAEO1 and 2 for commercial uses which are acceptable under AS2021. Mr Webber, an acoustic consultant, gave evidence for Rasco illustrating that the land could accommodate uses deemed conditional by AS2021 through the incorporation of appropriate building treatments. Industrial buildings could be located anywhere on the site without any requirement for special acoustic measures. Appropriate siting of light industrial and commercial areas would also negate the need for any special building considerations for noise. APAM stated that the airport welcomed this type of synergistic and appropriate non noise sensitive development.

(ii) Possible ways forward

As there is clear support for the use of the NASF guidelines from all parties, the guidelines serve as a useful starting point in forming a view to appropriate land use within the current MAEO.

The NASF guidelines recommends the following:

- For the rezoning of greenfield sites there should be:
 - ... no new designations or zoning changes that would provide for noise sensitive developments within a 20 ANEF where that land was previously rural or for non urban purposes (in keeping with AS2021).

For brownfield sites the NASF is less prescriptive and accepts there *“is a need to balance the need to provide housing, economic growth and strategic planning outcomes against the operational needs of the airports.”*

The NASF suggests that aircraft noise could be managed by the following measures:

- using appropriate construction techniques to reduce noise impact
- requirements for disclosure processes that ensure future residents are made aware of these impacts prior to purchase.

For new noise sensitive areas in existing residential areas the NASF accepts that development could be undertaken in a manner that reduces noise impacts and cites adherence to AS2021 as an example of how a reduction in noise impacts may be achieved.

For land currently within the ANEF, any recommendation requiring building construction techniques to mitigate aircraft noise ultimately leads to use of the AS2021.

The Standard is quite clear in delineating where and what type of development should be allowed. The Standard does not recommend development in *“unacceptable areas”* but recognises that development may sometimes be necessary in existing built-up areas and is consistent with the NASF.

Although the NASF does not explicitly discuss density provisions, limiting density is viewed as a bona fide mitigation measure for limiting the number of people that may be impacted by aircraft noise intrusion.

Within the existing MAEO area the current controls including density limits should be maintained and strengthened by adoption of the NASF guidelines.

The Committee seeks submissions on:

7. In respect of MAEO1 and MAEO2:

- a) **should they more accurately reflect Australian Standard AS2021, specifically:**
 - **preventing development of greenfield sites for sensitive uses that are described *“Unacceptable”* by AS2021**
 - **requiring development of brownfield sites and existing sites, as currently allowed in the MAEO, to include appropriate disclosure processes to future residents of such areas?**
- b) **are the draft changes in Appendix D.1 and Appendix D.2 an effective mechanism to more accurately reflect AS2021 in the MAEO?**

5 NASF Guideline B: Windshear

(i) What is the issue

Building generated windshear and turbulence is caused when a significant obstacle, such as a building, is located in the path of crosswind to a runway. The wind flow is diverted around and over the building causing unstable airflow potentially compromising aircraft flight. In Australia there have been at least two serious incidents involving building generated windshear (both from buildings within the airport grounds).

Windshear is potentially caused by building near the end or runways as shown conceptually in Figure 7 and geographically in Figure 8.

Figure 7: Windshear envelopes

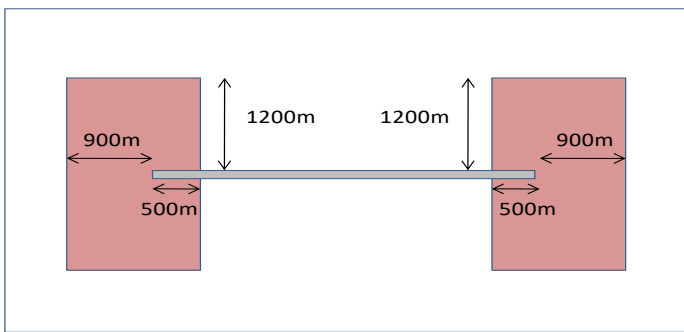
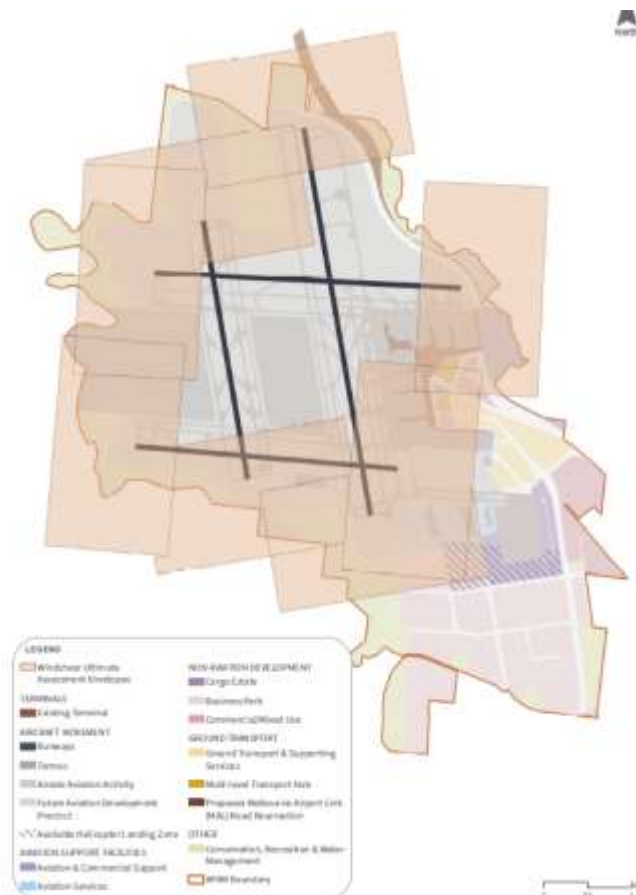


Figure 8: Melbourne Airport windshear area



(ii) What does the NASF say

The NASF suggests that an overlay and trigger may be appropriate for works within the building windshear and turbulence envelope:

23. Jurisdictions could apply this Guideline by overlaying the assessment trigger area and 1:35 surface (described in paragraphs 43-48) in state/territory or local planning documentation.

The rule adopted in Australia is that buildings should not penetrate a 1:35 surface extending perpendicular from the runway centreline (that is the building should be located at least 35 times its height from the runway centreline). As the 1:35 surface extends from the runway centreline, when considering buildings against the 1:35 surface the building height should be measured above runway level.

The NASF acknowledges that the science around this issue is extremely technical and complex, CASA can provide safety advice but the decision to approve off-airport building works would ultimately rest with council:

46. Noting the complexity of the issues, this Guideline and the guidance material at Attachment A presents a simplified depiction of wind flows behind obstacles such as buildings and contains a synopsis of the technical issues surrounding building-induced wind effects.

Buildings above the 1:35 surface height might still be acceptable but would require technical assistance and review to ensure aircraft safety would not be compromised.

(iii) Submissions and evidence

There is no statutory requirement to refer or seek advice from CASA regarding building generated windshear and turbulence. Brimbank identified that council planners are not experts in these matters and said that practically, a Design and Development Overlay could be applied, but council may have to fund peer reviews of applications due to the highly technical and specialist nature of this issue.

(iv) Possible ways forward

The Committee acknowledges that windshear issues can potentially be missed, or not considered, by planners when considering applications. It is clear that Federal legislation applies around these issues but it is often highly technical in nature and a specialist would be needed to make a determination.

It is self-evident that no one would want to be in an aeroplane compromised by building windshear to the extent that the plane crashes. It is essential that the issue is considered.

The Committee seeks submissions on:

8. **In respect of windshear:**
 - a) **Is it necessary or appropriate to address windshear in planning controls?**
 - b) **Are the draft controls in Appendix D.3 an effective mechanism to address windshear if controls were to be applied?**

(iii) What does the NASF say

The NASF identifies that wildlife strikes (birds or bats and flying foxes) can cause major damage to aircraft and reduce safety. Careful land use planning and land management within the vicinity of the airport can significantly influence the risk of wildlife hazards such as avoiding land uses which attract birds. This may include landfills, wetlands, and agriculture uses.

Most wildlife strikes occur on and in the vicinity of the airport, where aircraft fly at lower altitude. To this end, a risk management table has been prepared which provides guidance on different land uses that present a risk of attracting wildlife and triggers (based on varying distances (3, 8 and 13 kilometre radius) from the airport (Aerodrome Reference Point (ARP)). These varying distances are used for adopting measures to mitigate risk, including identifying incompatible land uses (refer to Table 4).

Table 4: NASF Guideline C Attachment 1 to Wildlife Strike Guidelines

Land Use	Wildlife Attraction Risk	Actions for Existing Developments			Actions for Proposed Developments/ Changes to Existing Developments		
		3 km radius (Area A)	8 km radius (Area B)	13 km radius (Area C)	3 km radius (Area A)	8 km radius (Area B)	13 km radius (Area C)
Agriculture							
Turf farm	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Piggery	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Fruit tree farm	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Fish processing /packing plant	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Cattle /dairy farm	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Poultry farm	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Forestry	Low	Monitor	Monitor	No Action	Monitor	Monitor	No Action
Plant nursery	Low	Monitor	Monitor	No Action	Monitor	Monitor	No Action
Conservation							
Wildlife sanctuary / conservation area - wetland	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Wildlife sanctuary / conservation area - dryland	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Recreation							
Showground	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Racetrack / horse riding school	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Golf course	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Sports facility (tennis, bowls, etc)	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Park / Playground	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Picnic / camping ground	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Commercial							
Food processing plant	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Warehouse (food storage)	Low	Monitor	Monitor	No Action	Monitor	Monitor	No Action
Fast food / drive-in / outdoor restaurant	Low	Monitor	Monitor	No Action	Monitor	Monitor	No Action
Shopping centre	Low	Monitor	Monitor	No Action	Monitor	Monitor	No Action
Office building	Very Low	Monitor	No Action	No Action	Monitor	No Action	No Action
Hotel / motel	Very Low	Monitor	No Action	No Action	Monitor	No Action	No Action
Car park	Very Low	Monitor	No Action	No Action	Monitor	No Action	No Action
Cinema	Very Low	Monitor	No Action	No Action	Monitor	No Action	No Action
Warehouse (non-food storage)	Very Low	Monitor	No Action	No Action	Monitor	No Action	No Action
Petrol station	Very Low	Monitor	No Action	No Action	Monitor	No Action	No Action
Utilities							
Food / organic waste facility	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Putrescible waste facility - landfill	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Putrescible waste facility - transfer station	High	Mitigate	Mitigate	Monitor	Incompatible	Mitigate	Monitor
Non-putrescible waste facility - landfill	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Non-putrescible waste facility - transfer station	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Sewage / wastewater treatment facility	Moderate	Mitigate	Monitor	Monitor	Mitigate	Mitigate	Monitor
Potable water treatment facility	Low	Monitor	Monitor	No Action	Monitor	Monitor	No Action

The NASF has identified that APAM need to work with councils to establish mechanisms to prevent the creation of land uses that would cause hazardous wildlife attraction at or across the airport's flight paths – managing wildlife attractants is a key strategy in increased safety benefits. Councils should ensure that APAM are given opportunity to formally comment on planning applications and rezoning that fall within the guidance shown in Table 4.

(iv) Submissions and evidence

The Melbourne Airport Masterplan (2018) identified that there are no specific off-airport planning controls relating to wildlife strikes. It also identified that the 3, 8 and 13 kilometre radial buffer zones be measured from each end of the runway as opposed to a single point within the airport grounds, as due to Melbourne Airport's size, practically the 3 kilometre buffer would not extend much beyond its boundary to capture potential critical land uses. APAM noted that when an application was referred to them under the MAEO they undertook

a wildlife strike assessment but noted that very little of wildlife buffer zone area was overlapped by the MAEO.

Mr Barlow recommended that wildlife strike risk buffers be defined through an Environmental Significance Overlay which could include a permit requirement for some development, along with certain performance standards to be met. Mr Glossop gave evidence that a more robust approach would be to create a new schedule to the MAEO to control land uses that increase the risk of wildlife strikes. This is the approach the Committee has adopted for discussion purposes.

Brimbank noted that over the last 10 years they have worked with APAM to develop a landscaping policy to identify appropriate plant species to ensure new development has non-bird attracting species. However, the strategic work in relation to landscape and vegetation near the airport relies on council officer knowledge. As a starting principle, council supports translating the NASF principles and guidelines into the Scheme.

Mr Shaw from Avisure, a consulting firm specialising in wildlife hazard management including aircraft-wildlife collision prevention, provided a detailed submission identifying that wildlife strikes have resulted in fatalities and aircraft losses. Around airports, 93 per cent of strikes occur below 1,067 metres (3,500 feet). It is critical that external stakeholders (councils, wildlife authorities and land users) are engaged to monitor and mitigate wildlife hazards.

He identified that Melbourne Airport has a comparatively low average wildlife strike rate of 3.9 strikes per 10,000 aircraft movements however inappropriate land use around the airport can elevate risk and compromise air safety. Whilst supporting the NASF and noting it is of a high standard, further work is required for it to be a comprehensive, effective document for wildlife strike mitigation. He noted there is:

- difficulty embedding the NASF elements into a planning framework – Planning frameworks require certainty whilst wildlife strike management is based on risk
- reluctance to adopt the NASF as it is a guidance document
- ambiguity around who is responsible
- insufficient or ambiguous land use types specified.

Mr Shaw's key recommendations included:

- Amend the planning scheme to incorporate a more comprehensive coverage of airport safeguarding against wildlife strikes, similar to Gold Coast⁵ and Brisbane⁶ airports
- Create land use guidelines, similar to the NASF, that are specific to Melbourne Airport
- Develop and embed an assessment process for permit applications
- Develop a risk assessment method
- Encourage proactive wildlife risk mitigation at land use planning and design stages (for example, appropriate plant species)
- Engagement with relevant stakeholders.

⁵ <https://cityplan.goldcoast.qld.gov.au/eplan/#Rules/0/53/1/3352>

⁶ <https://cityplan.brisbane.qld.gov.au/eplan/#Rules/0/129/1/0/0>

(v) Possible ways forward

Thankfully wildlife strikes are rare around Melbourne Airport but this is not grounds for complacency as wildlife strikes have resulted in the loss of life and aircraft.

The wildlife buffer issue was not contested – parties accept that wildlife strikes can occur and work should be undertaken to minimise this risk. Incorporating the NASF Guideline C into planning controls is appropriate to ensure wildlife buffer issues are considered as part of planning permit application or rezoning requests.

The Committee considers the fundamental risk management strategy outlined in the NASF Guideline C, which considers land use, proximity to the airport and suggested triggers and remedial measures is an appropriate tool to build upon to provide a more detailed assessment tool for council planners and other relevant stakeholders. The Committee was heartened to see that Brimbank has already developed a landscape policy to limit bird attraction in new development affected by Melbourne Airport.

Avisure identified a number of issues around the functionality and useability of the NASF document to create clarity and certainty for planners, which in the Committee’s opinion could be addressed.

The critical issues in terms of uses seem to be relevant to the 3 kilometre radius and the Committee thinks that the overlay should apply to this area with the broader policy applying up to eight kilometres.

The Committee seeks submissions on:

9. In respect of wildlife strike:

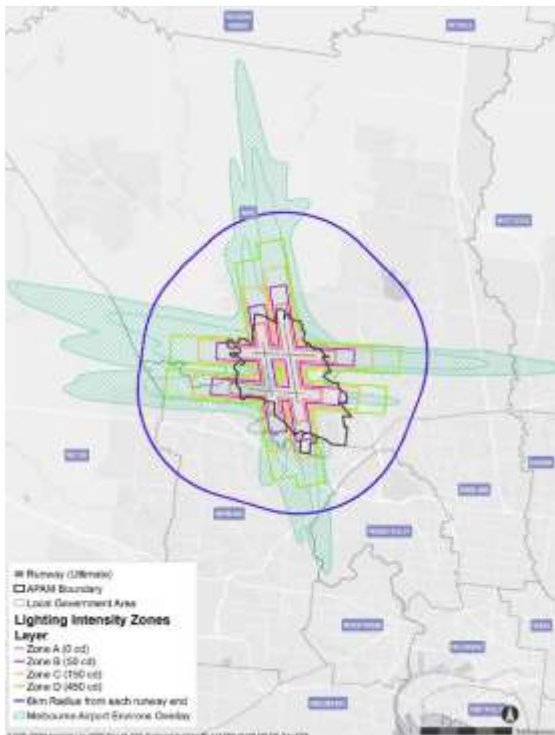
- a) Is it necessary or appropriate to address wildlife strike in planning controls?**
- b) Is the proposed policy change in Appendix C.1 appropriate? Would they be of use?**
- c) Are the draft controls in Appendix D.4 an effective mechanism to address wildlife strike if controls were to be applied?**
- d) To what land should the draft controls in Appendix D.4 be applied?**

7 NASF Guideline E: Lighting

(i) The geographic extent of the issue

Bright lights can distract pilots. Figure 10 shows the area where pilot distraction from lighting may be an issue.

Figure 10: Melbourne Airport lighting envelope



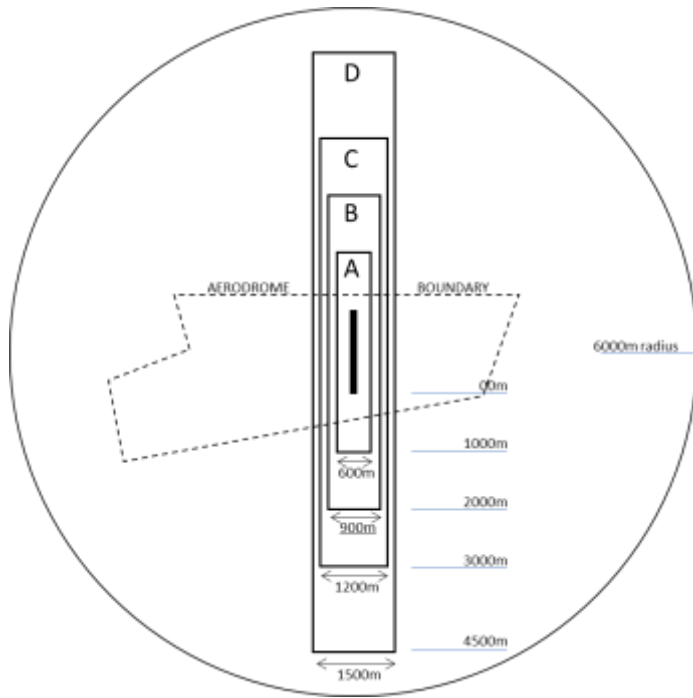
(ii) What does the NASF say

Pilots rely on specific patterns of runway lights during inclement weather and for night flying. It is important that lighting in the vicinity of airports does not distract pilots or is not confused with airport ground lighting.

Lighting generally within 6 kilometres of an airport would need to be assessed; such as when planning applications involve significant lighting (such as freeway lighting, stadium flood lights and construction lighting).

It should be noted that CASA advise that the glare from buildings tends to be momentary and therefore unlikely to be a source of risk.

Figure 11: Lighting guidelines



Area	Maximum intensity of light source measures at 3 degrees above the horizontal
Area A	0 candela
Area B	50 candela
Area C	150 candela
Area D	450 candela

(iii) Submissions and evidence

Currently no specific off-airport state planning controls apply however CASA and other Federal legislation does. APAM identifies that these matters require state government attention in accordance with the NASF guidelines. APAM suggest that a subset of overlay controls for each specific item be implemented.

(iv) Possible ways forward

The Committee seeks submissions on:

10. In respect of pilot distraction from lighting:

- a) Is it necessary or appropriate to address pilot distraction from lighting in planning controls?
- b) Are the draft controls in Appendix D.5 an effective mechanism to address pilot distraction from lighting if controls were to be applied?

8 NASF Guideline F: Obstacle Limitation Surface

(i) What is the issue

Operational airspace above and around Melbourne Airport needs to be protected from intrusions by objects (for example, tall building or antennas) or activities (for example, plumes of smoke) that could compromise safe aviation operations, particularly for aircraft landings, take-offs, and when circling the airport.

(ii) What is an Obstacle Limitation Surface

National and international standards have been adopted which define two sets of imaginary surfaces above the ground. These surfaces are:

- Obstacle Limitation Surface – provide protection for visual flying
- Procedures for Air Navigation Services – Aircraft Operations (PAN-Ops) – when pilots fly and navigate by instruments alone (that is during inclement weather).

Generally the OLS is the lower of the two surfaces.

(iii) The geographic extent of the issues

The Obstacle Limitation Surface is the imaginary boundary which defines airspace to be protected for safe airport and aircraft operations and extends up to 15 kilometres away from Melbourne Airport as shown in Figure 12.

The surface is not uniform but includes transitions from one height level to the next, some describe the surface as akin to an upside down tiered cake. Conceptual diagrams for the OLS are shown in Figure 13 and Figure 14.

Figure 12: Melbourne Airport – Obstacle Limitation Surface

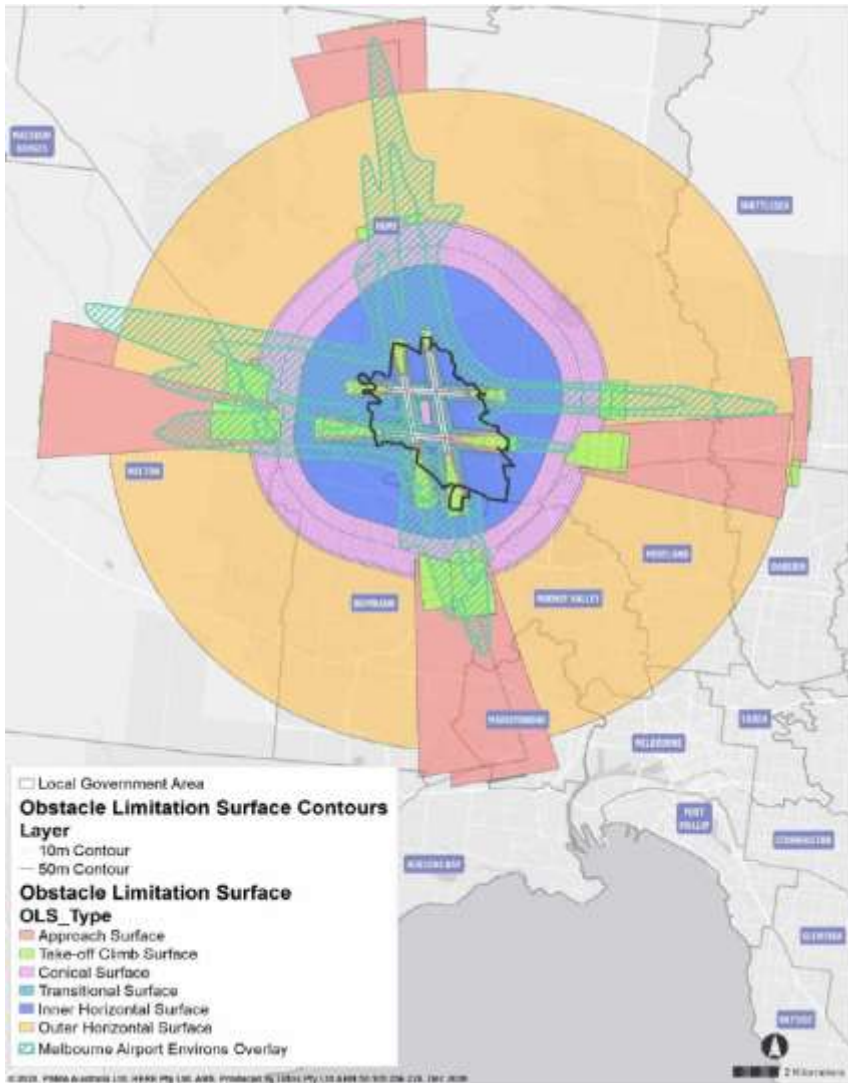


Figure 13: Obstacle Limitation Surface – Conceptual Cross Section⁷

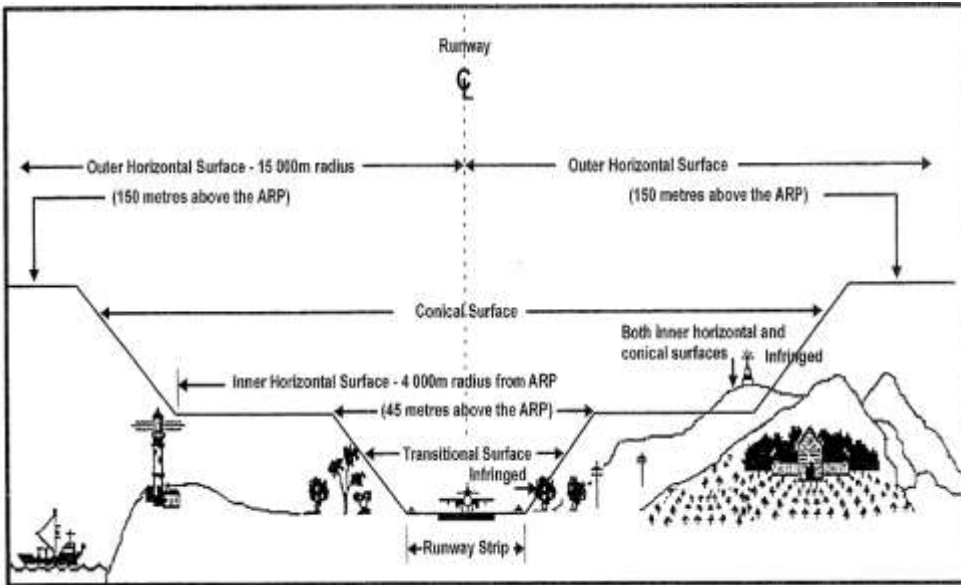
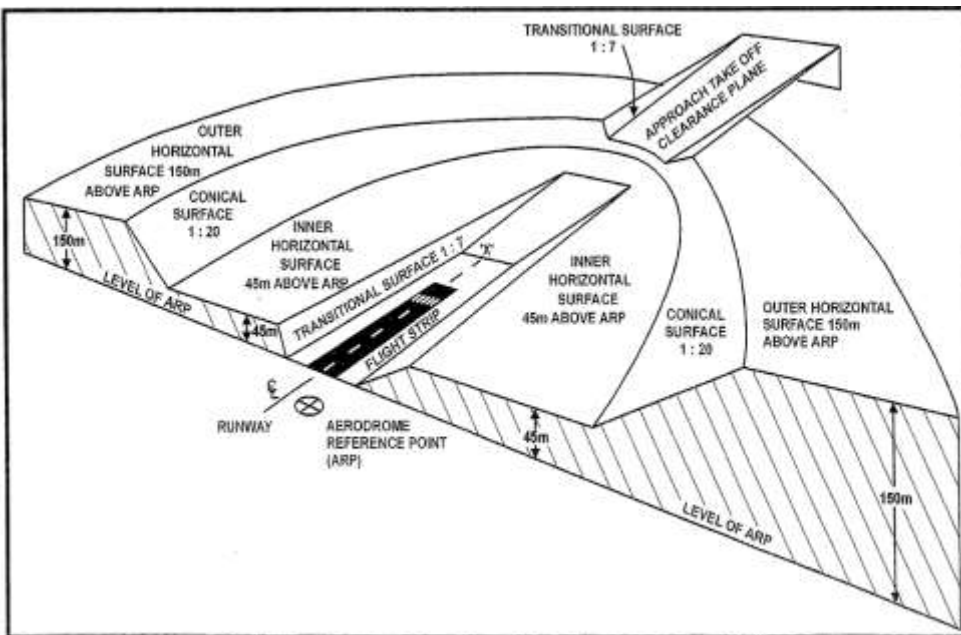


Figure 14: Obstacle Limitation Surface – Conceptual Isometric view⁸



(iv) What does the NASF say

NASF Guideline F identifies that the operational airspace for airports is the OLS. Intrusions into operational airspace can adversely affect airport operations and/or compromise safety.

The guidelines advise that councils in the vicinity of an airport’s Protected Airspace should review all building and development applications for possible intrusion into the OLS and should subsequently refer those applications to the airport operator. Airports should ensure OLS and PANS-OPS surfaces maps are available for councils to incorporate into a planning overlay.

⁷ NASF Guideline F Attachment 1a

⁸ NASF Guideline F Attachment 1a

The NASF provides a suggested assessment process⁹ but essentially the key criterion is to identify whether the OLS or PANS-OPS surface will be penetrated then seek specialised advice from CASA and Airservices Australia in conjunction with Melbourne Airport. Potentially minor and or short term intrusions may be acceptable, but would need to be assessed on a case by case basis.

(v) Submissions and evidence

Melbourne Airport Prescribed Airspace is protected by Federal legislation, but there is evidence that this is not widely known or understood by developers, councils or general public. APAM considered improvements to the planning system are required to provide greater certainty and rigour in protecting the Prescribed Airspace in accordance with NASF Guideline F. In APAM's opinion this could be achieved with a new overlay control or VPP provision.

Moreland identified that much of their municipality would not be affected by the OLS. However, activity centres, where much higher development can occur would benefit for the OLS to be considered during the design stage. Currently there are no planning mechanisms to identify these areas and manage potential intrusion into Prescribed Airspace. Useful tools would include:

- Include OLS and PAN-Ops within an overlay control
- Mandatory conditions
- (Essendon Fields Airport) as a statutory determining referral authority.

Submissions highlighted a case study where a tall development was identified as being below the OLS and PAN-Ops levels however when the developer came to construct the building, the cranes used for construction, extended into the Prescribed Airspace, again highlighting a gap in the current framework and suggested an appropriate planning mechanism be developed to capture the OLS issue, specifically for referral to the appropriate airport operator.

Brimbank highlighted that the OLS is not included in any planning scheme and relied on council officer knowledge. It said further planning controls like a Design and Development Overlay should be considered to implement OLS controls.

Kingston City Council noted that they have a Design and Development Overlay which incorporates the OLS (for Moorabbin Airport) and this is used as a complementary tool to the Commonwealth Regulations, to control development. Council noted that flagpoles and television antenna do not require a planning permit unless specifically required by the Scheme and practically, the Design and Development Overlay should also apply to these structures. Also whilst 'doubling up' on Federal Regulations these regulations are not considered to be widely known and there is a general lack of awareness about them. Council advocates for the development of a Practice Note, Advisory Notes and Guidelines to assist in guiding decision makers.

(vi) Possible ways forward

The issues surrounding OLS highlights the gulf between the protection of Melbourne Airport Prescribed Airspace under Federal legislation and understanding of neighbouring and nearby

⁹ https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/files/6.5.1_Guideline_F_Attachment_3.pdf

council obligations. Whilst Kingston seems well advanced in ensuring its obligations are met through the creation of a Design and Development Overlay to ensure the OLS requirements (for Moorabbin Airport) are captured (essentially highlighting Federal legislation requirements) other councils clearly require further assistance.

While it is generally unnecessary and undesirable to duplicate laws between different spheres of government, on this occasion, the Committee believes highlighting the OLS in planning would lead to greater clarity and certainty. Implementing an OLS overlay control as outlined is considered appropriate.

To be useful at an early stage of planning the OLS should be presented as a height above natural ground level. This would allow a quick assessment as to whether a six-storey building, for example, breached the surface or not. While most applications will have levels to AHD, this information may not be available when someone is beginning to plan a development project (though VicPlan has Digital Terrain models showing 1 metre contours to AHD throughout the Melbourne environs which would provide a reasonable approximation for planning purposes).¹⁰

Telling someone that they can only build so high but not telling them how high in a simple fashion may cause confusion.

The Committee believes that something similar to the existing noise tool model on the Melbourne Airport website could be implemented where you enter an address and are provided with noise information for that location. For the OLS information, it would identify a permissible height to the OLS (to AHD) and existing ground level (to AHD) at the selected location.

Any control would need to avoid triggering unnecessary requirements. The Committee thinks that one way of avoiding this is to limit the assessment to buildings above, say, three storeys or 10 metres for most of the overlay. Where controls over buildings three storeys or lower are required this could be separately identified. The control should simply enforce the OLS as a requirement and require information of the height of the building to AHD. This would ensure that these issues are dealt with at the beginning of the planning process.

The Committee notes that for the CBD of Melbourne it appears that the OLS from Essendon Fields Airport is the determining factor.

The Committee seeks submissions on:

11. In respect of the obstacle limitation surface:

- a) **It is necessary or appropriate to address obstacle limitation surface in planning controls?**
- b) **Are the draft controls in Appendix D.6 an effective mechanism to address obstacle limitation surface if controls were to be applied?**

¹⁰ <https://mapshare.vic.gov.au/vicplan/>

9 NASF Guideline G: Protecting communication, navigation and surveillance equipment

Communication, navigation and surveillance (CNS) facilities are crucial to safe aviation.

(i) What does the NASF say

CNS facilities are crucial to safe aviation and amongst other things aid in instrument approach procedures and allow air traffic control to monitor and confirm aircraft locations as well as communicate with pilots.

Inappropriate development located near these facilities can compromise their effectiveness. The NASF identifies Building Restricted Area (where a development may cause unacceptable interference) around a CNS facility. This area can extend up to 15 kilometres from a facility.

It is important that protecting CNS facilities are incorporated into an appropriate process within a planning framework. The NASF includes a suggested a development assessment procedure.

(ii) Possible ways forward

The Committee acknowledges that these other safety issues can potentially be missed, or not considered, by planners when considering applications. It is clear that Federal legislation applies around these issues but it is often highly technical in nature and practically a specialist would be needed to make a determination.

It is not clear to the Committee how planning controls could be drafted to address the protection of CNS equipment without capturing more developments than needed.

The Committee seeks submissions on whether:

12. In respect to the protection of CNS equipment:

- a) Is there a simple way to address protection of CNS equipment in planning controls?**
- b) Is a planning response appropriate?**

(ii) What does the NASF say

The way land is managed at the end of runways, beyond airport boundaries can mitigate the risk of on-ground fatalities. Again, the NASF identifies that a suitable mechanism should be in place to ensure appropriate land use development is considered which restricts or minimise the risk to the community around the airport. The NASF approaches this by specifying certain land uses within risk contours. Alternative approaches would be to either:

- specify an employee density in the way that the Special Use Zone 4 in the Hobsons Bay Planning Scheme does
- use Clause 44.08 the 'Buffer Area Overlay' – which has only recently been introduced into the VPP.

The purpose of the Buffer Area Overlay is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify buffer areas where there is potential for off-site impacts on human health or safety, or significant off-site impacts on amenity, from industry, warehouse, infrastructure or other uses.

To ensure that use and development within buffer areas is compatible with potential off-site impacts.

A schedule to the overlay must contain:

- A statement of risk.
- Objectives to be achieved.

(iii) Submissions and evidence

Melbourne Airport Master Plan 2018 identifies this issue. Currently no specific off-airport state planning control apply.

(iv) Possible ways forward

The Committee seeks submissions on:

13. In respect of public safety at the end of runways:

- a) Is it necessary or appropriate to address public safety at the end of runways in planning controls?**
- b) Should this be addressed by:**
 - **Specifying land uses under a new MAEO schedule based on the uses identified in Appendix D.7**
 - **Specifying employee or patron densities under a new MAEO schedule**
 - **Using the Buffer Area Overlay to trigger a risk based approach?**

11 Managing helicopter landing sites

(i) What is the issue

Helicopter use near Melbourne Airport has the potential to affect operations especially in relation to aircraft approaches and take-offs at the airport.

Current planning controls do not require a planning permit to use land for the purpose of a helipad if exemptions of Clause 52.15 of the relevant planning scheme are met.

APAM wishes to introduce a trigger so as to be informed about any planned helicopter landing site and a requirement to regulate such uses.

(ii) What does the Planning Scheme say

Clause 52.15 of the VPP sets out the requirements for a permit for a heliport and a helicopter landing site.

(iii) Submissions and evidence

This issue was only raised by APAM and covered in evidence provided by Mr Glossop. In his written evidence, Mr Glossop notes that the purpose of Clause 52.15 is:

To ensure the amenity impacts of a heliport and helicopter landing site on surrounding areas is considered

Further the decision guidelines must consider:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.

However although a permit for a helicopter landing site is required within 200 metres of a shipping channel in the Port of Melbourne, there is no requirement for a permit in the vicinity of Melbourne Airport.

(iv) Possible ways forward

The Committee recognises that helicopter landing sites within the vicinity of the Melbourne Airport may have some impact on its efficient and unencumbered operation.

Where a helicopter landing site is within an area that may affect the airport's operations, a planning permit should be required or at the very least, the airport should be notified.

The extent of the area around Melbourne Airport that may be affected by a helicopter landing site within that same area must be determined.

The Committee seeks submissions on:

14. In respect of protection of airspace from helicopter landing sites:

- a) Is it necessary or appropriate to address the effect on airspace operations of helicopter landing sites in planning controls?**
- b) Are the proposed amendments to Clause 52.15 in Appendix E an effective mechanism to address protection of airspace from helicopter landing sites?**

12 Referral authority status of Melbourne Airport

(i) What is the issue

Development around the Melbourne Airport Environs may impact on airport operations and safety. Should Melbourne Airport be a referral authority?

(ii) Melbourne Airport Environs Strategy Plan – referral authority

The Strategy Plan explicitly removed Melbourne Airport as a referral authority.

6 Referral Authority

Key Directions

- 6.1 That the 'referral authority' status of the Melbourne Airport lessee be replaced with a requirement to notify the lessee on planning applications.
- 6.2 That a set of prescriptive standards be used to guide the implementation of the Overlay provisions.

Government Response

The Government endorses the principle of replacing the referral authority status of the airport lessee with a mandatory notification requirement.

The recommendations to limit subdivisions within Schedule 1 for accommodation purposes, and restricting the size of residential lots within Schedule 2 are supported. Applying the prescribed standards in Schedule 2, is also supported.

Actions

Government will undertake the following actions:

8. The replacement of the referral authority role of the airport lessee with a requirement to notify the lessee will be facilitated through the new Melbourne Airport Environs Overlay. The instances where notification is required will be resolved as part of the new overlay.
9. The additional subdivision controls, the need for a permit for a dwelling in Schedule 2, and the introduction of prescribed development standards will be facilitated through the new Melbourne Airport Environs Overlay.

It appears that making Melbourne Airport lessee a referral authority would require a change in the Melbourne Airport Environs Strategy Plan.

(iii) Submissions and evidence

APAM's position is that it should be a referral authority, making a contribution based upon their specialist expertise. However it currently has insufficient status as an expert authority, and because of that is perceived to be acting in its own interest. APAM noted that prior to the privatisation of the airport, the Federal Airport Corporation was a referral authority and essentially for the last 20 years there has been no effective airport authority leading to the gradual diminution of the perception of the Airport operator to just another player in the planning process.

Mr Barlow recommended, and was supported by Mr Glossop, that APAM should be made a recommending referral authority for any planning applications within the existing MAEO (and any proposed overlays).

Mr Glossop explored this issue further and submitted that some circumstances may warrant APAM being a determining referral authority such as where there are intrusions into the OLS or risk of wildlife strike, both of which create significant public safety issues.

The (Federal) Department of Infrastructure, Transport, Regional Development and Communication suggest formal referrals (to APAM or Commonwealth agency) to ensure that the NASF is considered as part of associated planning processes.

The Victorian Planning Authority does not support onerous or inefficient referral processes where the intent can be more readily accomplished by setting and implementing clear rules which development must comply but accepts the need for referral where it is proposed to depart from those rules.

Moreland suggested that APAM should be a referral authority in the context of providing specialist input in NASF guidelines in conjunction with the introduction of an overlay or other planning mechanism when considering applications.

Kingston submitted that the purpose of a referral is to ensure that the most appropriate planning decision is made on a particular application and consider it would be inappropriate for APAM to be a determining referral authority and rather the Department of Infrastructure and Regional Development (who repeated a previous request that they are removed as a referral authority [potentially due to the origin and validity of the referral]).

Melton believed that the federal regulator should also be a referral authority to consider NASF matters – essentially to have expertise provided by the technical experts.

Mr Rivoli on behalf of Hume Residents Action Group submitted that a body independent of the Victorian Planning System and Melbourne Airport such as an Airport Environment Officer (Federally appointed) is required to assess applications. Many have a strong view that a private corporation should not have authority over planning approvals.

The Keilor Residents and Ratepayers Association totally rejected Melbourne Airport as a recommending authority, saying residents could not accept the logic of a private company who lease land from the Commonwealth Government and has its own agenda can have exclusive authority over individuals of Victoria of what they can do with their land. The present system where by Melbourne Airport are advised of any planning permit applications works and at least appeals can be made to VCAT.

Riverlee, a property development group, submitted that if the Airport were given any referral power, it should be as narrow as possible and relate perhaps to development where public safety rather than noise are considerations.

(iv) Possible ways forward

The Committee received a range of views and it was one of the most contested issues.

The simple question is: should the organisation that manages Melbourne Airport have some sort of formal role in ensuring that it is safeguarded? The simple answer would seem to be 'yes', and it is only once the business structure of the airport is considered – the fact that it is commercial operation – that the answer might become 'no'.

The key issue is the standing that APAM has in a Hearing: whether it is seen to have a responsibility to manage the ongoing viability of the airport or whether it is seen to simply have a temporary commercial interest in its operation.

In the mind of the Committee there is a danger that any referral authority, be it a public entity or a private corporation puts its own interests ahead of broader planning interests. The Committee does not see that it automatically flows that a public authority charged with dispensing a public service doesn't seek to avoid cost to itself or to 'make its own job easier'. The PE Act specifically recognises this danger and imposes specific duties on referral authorities namely:

14A What are the duties of a referral authority?

A referral authority must, in relation to any matter referred to it under this Act—

- (a) have regard to the objectives of planning in Victoria in considering the matter; and
- (b) have regard to the Minister's directions; and
- (c) comply with this Act; and
- (d) have regard to the planning scheme; and
- (e) provide information and reports as required by the Minister.

Ultimately the behaviour of a referral authority is subject to review at VCAT, and VCAT is the ultimate independent judge of the planning merits of applications in the Victorian system.

It is not clear to the Committee that the mere ownership structure of the airport in any way affects its ability to provide proper advice in the planning system. If the Committee is wrong on this APAM will soon be found out at VCAT.

It is important to distinguish between commercial aviation issues and commercial activities on the land side of the airport. Fundamentally APAM pursuing its commercial aviation interests is not in conflict with the broader interests of the state. Where conflict potentially arises is if APAM were seek to restrict development on other sites for financial benefit on its own site. The planning system accepts economic arguments between competing private entities, but it does not support the planning system being used for commercial gain or financial advantage.

The arguments against APAM being a referral authority seem to be based on a failure to recognise that APAM has been given responsibility to manage the ongoing economic viability of the airport.

Further, APAM has specialist expertise around the NASF and are uniquely placed to provide valuable input into applications which may compromise airport operations and safety. Elevating their status should ensure that these important safety issues are ultimately given due weight in any assessment. And practically a safeguard will remain as parties can still appeal to VCAT for determination.

The Committee seeks submissions on:

15. In respect of the referral status of Melbourne Airport:

- a) **What applications should the airport operator be a determining referral authority for?**
- b) **What applications should the airport operator be a recommending referral authority for?**

Appendix A Terms of Reference

Melbourne Airport Environs Safeguarding Standing Advisory Committee

Version: December 2019

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to report on:

- Planning proposals of strategic importance within the Melbourne Airport Environs Area and approved Melbourne Airport Master Plan noise contours, including planning scheme amendments and planning permit applications, or which may be inconsistent with State policy safeguarding Melbourne Airport
- The effectiveness of the Melbourne Airport Environs Area, the Melbourne Airport Environs Strategy Plan 2003, the Melbourne Airport Environs Overlay and other related planning provisions, in safeguarding Melbourne Airport's ongoing, curfew-free operation and its environs.

Name

The Standing Advisory Committee is to be known as the 'Melbourne Airport Environs Safeguarding Standing Advisory Committee' (MAESSAC).

1. The Committee is to have members with the following skills:
 - a. Strategic and statutory land use planning
 - b. Airports safeguarding, including acoustics / vibration
 - c. Traffic / transport engineering.
2. The Committee is to comprise up to five members, including a Chair and Deputy Chair.
3. The Committee may seek external advice if required, including planning and environmental law and aviation.

Background

4. Melbourne Airport is on Commonwealth-owned land and leased to the operator of Melbourne Airport, Australia Pacific Airports (Melbourne) Pty Ltd (APAM). The Commonwealth and APAM are responsible for the regulation and operation of Melbourne Airport and its airspace.
5. Victoria has long planned for Melbourne Airport's curfew-free, optimum usage four runway operation. In 1990, the Commonwealth and Victorian Governments approved the Melbourne Airport Strategy (Government of Victoria/Federal Airports Corporation) and its associated Final Environmental Impact Statement (MAS-EIS). The MAS-EIS and the approved airport master plan are included as policy documents in the Planning Policy Framework provisions relating to the airport and must be considered where relevant when making decisions under the *Planning and Environment Act 1987*.
6. The State Government has provided support for successive Melbourne Airport master plans since the initial 1998 master plan. The Governor in Council declared the Melbourne Airport Environs Area in 2000. The State Government established a steering committee to prepare the Melbourne Airport Environs Strategy Plan, which was approved by the Parliament of Victoria in 2003. The Melbourne Airport Environs Overlay was introduced in 2007.

7. It is State policy to protect Melbourne Airport's ongoing, 24-hour, curfew-free operations at its ultimate, four-runway layout. Melbourne Airport's curfew-free status provides an economic advantage to Victoria which must be protected.
8. The Planning Policy Framework and the metropolitan planning strategy, *Plan Melbourne 2017-2050* recognise Melbourne Airport as Victoria's primary transport gateway for air passengers and air-freight exporters. Plan Melbourne provides for protection of the airport's curfew-free status and supports the airport's expansion, while protecting urban amenity.
9. The State Government agreed to the National Airports Safeguarding Framework in May 2012 at the meeting of the Standing Council on Transport and Infrastructure. Victoria's agreement was subject to the use of the alternative noise metrics, known as the 'N' contours or 'Number above' contours, to inform strategic planning decision-making only.
10. The Minister for Planning agreed to establish an advisory committee to review the effectiveness of the Melbourne Airport Environs Area (see Attachment 1) and the Melbourne Airport Environs Strategy Plan 2003 in safeguarding Melbourne Airport. The Minister further agreed that the Committee would be established on a standing basis, to advise him on any aircraft noise-sensitive planning proposals of strategic importance within the declared Melbourne Airport Environs Area, while the third runway process for the airport is determined by Melbourne Airport and the Commonwealth.
11. The Minister agreed that the Committee consider the further implementation of the National Airports Safeguarding Framework, which, since its inclusion as a reference document (now policy document) in the Victoria Planning Provisions and relevant planning schemes in 2015, has introduced additional guidelines (G, H and I) (see Attachment 2).
12. The Minister will undertake a ministerial amendment to update the Melbourne Airport Environs Overlay using powers under sections 20(4) and 20(5) of the *Planning and Environment Act 1987* to reflect the approved Melbourne Airport Master Plan 2018 Australian Noise Exposure Forecast (ANEF). The ANEF is the agreed aircraft noise metric applied through the Melbourne Airport Environs Overlay for statutory planning decision-making.
13. The Minister has written to the planning authorities within the Melbourne Airport Environs Area and approved aircraft noise contours to ensure that they provide Melbourne Airport with a copy of any proposed aircraft noise sensitive amendments, while the third runway process is underway. The ten aircraft noise contour affected planning schemes are Brimbank, Darebin, Hobsons Bay, Hume, Macedon Ranges, Maribyrnong, Melton, Moonee Valley, Moreland and Whittlesea.
14. Proposals which may have the effect of intensifying sensitive use and development within the Melbourne Airport Environs Area and related aircraft noise contours or which may be inconsistent with State policy and the Melbourne Airport Environs Strategy Plan may be referred by the Minister for Planning or under delegation.
15. Melbourne Airport confirmed on 14 November 2019 its preferred north-south alignment for the third runway and announced it intends to release a preliminary draft major development plan for public consultation in early 2021. This preferred alignment may have implications for the noise contours within the current approved Melbourne Airport Master Plan 2018. At the time of these Terms of Reference, these implications are unknown.

Purpose

Part A: Referral of planning scheme amendments or planning permit applications

16. The Committee is to advise on planning proposals of strategic importance within the Melbourne Airport Environs Area, approved Melbourne Airport Master Plan aircraft noise contours or Melbourne Airport Environs Overlay, and which may impact Melbourne Airport's ongoing operation. This includes:
 - a. Whether or not any planning scheme amendment referred to it should be approved and if so, in what form
 - b. Whether any planning permit application referred to it should be granted and if so, the appropriate conditions for the permit
 - c. Any other planning proposal referred to it by the Minister for Planning (or delegate).

Part B: Review of planning provisions for airport safeguarding

17. The Committee is to advise on improvements to the planning provisions safeguarding Melbourne Airport and its environs including the Planning Policy Framework, zones, overlays, and any other related planning provisions, relevant guidance material and on any complementary safeguarding tools and processes.
18. The Committee may provide advice on improvements to planning provisions, relevant guidance material and on any complementary tools and processes that may help safeguard other airport environs in Victoria in addition to Melbourne Airport.

Method

General

19. The Committee must consider all relevant submissions, carry out a public hearing and may request comments from relevant parties to any amended application material submitted during the Hearing.
20. The Committee may conduct workshops or forums to explore design issues or any other matter it sees fit. Any workshops or forums will be a public process.
21. The Committee may meet and invite others to meet with it when there is a quorum of at least two members, one of whom must be the Chair or the Deputy Chair.
22. The Committee may limit the time of parties appearing before it and may regulate or prohibit cross-examination.
23. The Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report.

Part A: Referral of planning scheme amendments or planning permit applications

24. The Minister for Planning (or delegate) may refer proposals to the Committee. The proposals may be referred individually or in tranches.
25. A proposal may be in the form of a planning scheme amendment, a planning permit application, or any other referred planning proposal.
26. In making a referral, the Minister for Planning (or delegate) will:
 - a. specify if any of the requirements outlined in this Terms of Reference are not applicable to the proposal being referred;
 - b. provide specific instructions, including whether notice is required, or additional matters to be considered by the Committee about the proposal being referred (as relevant).
27. If required, the Department of Environment, Land, Water and Planning (DELWP) will give notice of the proposal.
28. The Committee is not expected to carry out any additional public notification or referral, but may do so if it considers it to be appropriate.

Part B: Review of planning provisions for airport safeguarding

29. DELWP must liaise with the Committee to agree:
 - a. The public exhibition dates
 - b. A Directions hearing date
 - c. The Public Hearing date
30. The agreed dates are to be included on all exhibition notices.
31. DELWP will provide direct notice (by letter) to the:
 - a. Relevant councils
 - b. Relevant State and Federal Government agencies and authorities
 - c. Operator of Melbourne Airport
 - d. Melbourne Airport Community Aviation Consultation Group and
 - e. Operators of Avalon, Essendon Fields and Moorabbin airports.

32. All submissions are to be collected at the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'.
33. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Committee matters.
34. PPV will maintain a webpage of information about the Committee process, including details on how to make a submission.

Matters to be considered

Part A: Referral of planning scheme amendments or planning permit applications

35. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. Relevant provisions of the *Planning and Environment Act 1987* and any relevant planning scheme, including any adopted plans, strategies or planning scheme amendments
 - b. All relevant material prepared by or for an applicant or otherwise provided to the Committee, including any amended application material submitted
 - c. The views of the applicant, Melbourne Airport, and the relevant council(s)
 - d. All submissions provided to the planning authority for a planning scheme amendment
 - e. All submissions or objections provided to the planning authority for planning permit applications and all submissions or material provided to VCAT about related proceedings.

Part B: Review of planning provisions for airport safeguarding

36. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The effectiveness of the declared Melbourne Airport Environs Area and the Melbourne Airport Environs Strategy Plan 2003, Melbourne Airport Environs Overlay and other related planning provisions and processes, in safeguarding the airport's curfew-free operations and environs
 - b. The National Airports Safeguarding Framework (Guidelines A-I) and how the framework may be further implemented in the Victoria Planning Provisions and relevant planning schemes
 - c. The role of the relevant federal regulator (department and agencies) and airport operator
 - d. The current approved Melbourne Airport Master Plan 2018 including the Airport's ultimate four-runway layout
 - e. The views of the Melbourne Airport Community Aviation Consultation Group, broader community, Melbourne Airport and relevant municipal councils.

Outside of scope

37. It is not the role of the Committee to review or consider:
 - a. A future update to the Melbourne Airport Environs Overlay map
 - b. The application of any aircraft noise metric other than the ANEF through the Melbourne Airport Environs Overlay
 - c. Any decision in relation to future runways at Melbourne Airport
 - d. Any decision in relation to aviation or airport operations
 - e. Financial compensation to property owners or occupants.

Submissions are public documents

38. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
39. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential.

Part A: Referral of planning scheme amendments or planning permit applications

40. All written submissions will be treated as public documents and are not required to be placed online. Electronic copies of submissions will be provided to DELWP, the relevant Council(s) and other submitters upon request, unless the Committee specifically directs that the material is to remain confidential.

Part B: Review of planning provisions for airport safeguarding

41. All submissions, evidence and other material received will be treated as public documents and will be placed online as part of the Committee process, unless the Committee specifically directs that the material is to remain confidential.

Outcomes

Part A: Referral of planning scheme amendments or planning permit applications

42. The Committee must produce a written report for the Minister for Planning providing the following:
- a. An assessment of the matters to be considered as outlined in these Terms of Reference
 - b. An assessment of whether any referred planning scheme amendment makes proper use of the Victoria Planning Provisions and is prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes
 - c. A recommendation whether any referred amendment should be approved and if so, in what form, and reasons for the recommendation
 - d. A recommendation whether any referred planning permit application should be granted, reasons for the recommendation and if so, appropriate conditions for the permit
 - e. An assessment of all relevant matters relating to any other planning proposal referred to the Committee and a recommendation as to whether that proposal should proceed
 - f. An assessment of submissions to the Committee and any other relevant matters raised in the course of the Hearing
 - g. A list of persons who made submissions considered by the Committee
 - h. A list of persons consulted or heard.
43. Any report of the Committee may be submitted in stages.
44. Following the completion of the report, the Committee may deliver an oral briefing to Department of Environment, Land, Water and Planning (DELWP) staff, or the Minister.

Part B: Review of planning provisions for airport safeguarding

45. The Committee must produce a written report for the Minister for Planning providing the following:
- a. An assessment of the matters to be considered as outlined in these Terms of Reference
 - b. Recommended improvements to the planning provisions safeguarding Melbourne Airport and its environs including the Melbourne Airport Environs Area and the Melbourne Airport Environs Strategy Plan, Planning Policy Framework, zones, overlays, and any other related provisions, relevant guidance material and on any complementary safeguarding tools
 - c. An assessment of submissions to the Committee and any other relevant matters raised in the course of the Hearing
 - d. A list of persons who made submissions considered by the Committee
 - e. A list of persons consulted or heard.
46. Following the completion of any report, the Committee may deliver an oral briefing to DELWP, and/or the Minister.

Timing

47. The Committee is required to set dates for a Directions Hearing and Public Hearing for each matter before it no later than 20 business days from the date that Planning Panels Victoria is formally notified of any specific referral:

Part A: Referral of planning scheme amendments or planning permit applications

48. The Committee is required to submit its report(s) in writing as soon as practicable but no later than 25 business days from the completion of a hearing.

Part B: Review of planning provisions for airport safeguarding

49. The Committee is required to submit its report(s) in writing as soon as practicable but no later than 40 business days from the completion of a hearing.

Fee

50. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

Part A: Referral of planning scheme amendments or planning permit applications

51. The costs of the Committee when considering a referred planning scheme amendment or planning permit application are to be met by the Planning Authority unless the Minister for Planning directs otherwise.

Part B: Review of planning provisions for airport safeguarding

52. The costs of the Committee when considering the review of planning provisions for airport safeguarding will be met by DELWP.

SIGNED BY THE MINISTER

Richard Wynne MP
Minister for Planning

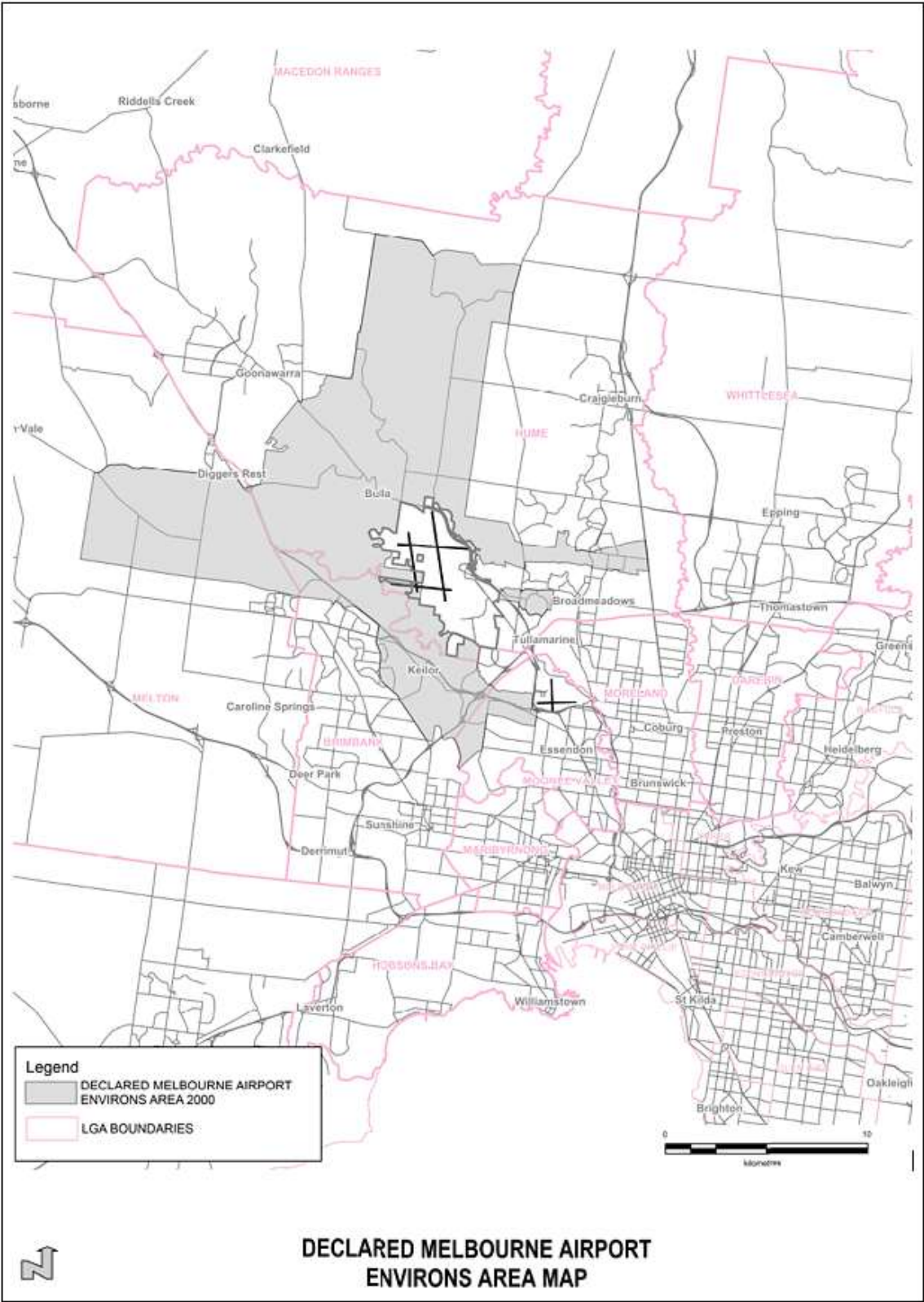
Date: 22 December 2019

The following information does not form part of the Terms of Reference.

Project Management

- 1 Administrative and operational support to the Committee will be provided by Joanna Kormas, Department of Environment, Land, Water and Planning, who can be contacted on (03) 8392 5417 or joanna.kormas@delwp.vic.gov.au.
- 2 Day to day liaison for the Advisory Committee will be through Chris Brennan, Project Officer, of Planning Panels Victoria who can be contacted on (03) 8392 5137 and chris.brennan@delwp.vic.gov.au.

MapAttachment 1



Attachment 2

The National Airports Safeguarding Framework is included as a policy document at Clause 18.04-1S *Planning for airports and airfields* of the Victoria Planning Provisions and relevant planning schemes. It comprises:

- *Guideline A: Measures for Managing Impacts of Aircraft Noise*
- *Guideline B: Managing the Risk of Building Generated Windshear and Turbulence at Airports*
- *Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports*
- *Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation*
- *Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*
- *Guideline F: Managing the Risk of Intrusions into the Protected Airspace of Airports*
- *Guideline G: Protecting Aviation Facilities — Communications, Navigation and Surveillance (CNS)*
- *Guideline H: Protecting Strategically Important Helicopter Landing Sites*
- *Guideline I: Managing the Risk in Public Safety Areas at the Ends of Runways.*

Appendix B Submitters and parties to the Hearing

Submitter		Representation at the Hearing * Did not attend the Hearing
1	Samantha Bamford	*
2	The Branding Factory	Colin Brown
3	John Kelvin Bennett	*
4	Citizens of Victoria Airport Information Group	Michael Denny Howson
5	Joan Burke	*
6	Duane Bell	*
7	Keilor Residents & Ratepayers Association Inc.	John Jennison
8	Moreland City Council	Kim Giaquinta
9	Avisure	*
10	Tract Consultants on behalf of Lusatia Park Pty Ltd and Greenvale Pastoral Holdings	*
11	Brimbank City Council	Represented by Mimi Marcus of Marcus Lane Group
12	City of Kingston	Sarah Capenerhurst
13	Moorabbin Airport Corporation	Narelle Di Toro and Greg Harrison
14	Hume Residents Airport Action Group (Inc)	Frank Rivoli with Hannah Robertson
15	Maribyrnong City Council	Angela Zivkovic
16	Hume City Council	David Hajzler
17	Aviation Safeguarding Unit – Department of Infrastructure, Transport, Regional Development and Communications	*
18	Victorian Planning Authority	*
19	Melton City Council	Kelly Archibald
20	Melbourne Airport Community Action Group (MACAG)	Hannah Robertson with Frank Rivoli
21	EPA Victoria	*

Submitter		Representation at the Hearing * Did not attend the Hearing
22	Melbourne Airport Community Aviation Consultation Group (CACGMA)	Kim Jordan
23	YourLand Developments	Represented by Carly Robertson of Counsel, calling the following expert evidence: <ul style="list-style-type: none"> Planning from Sandra Rigo of Hansen Partnership
24	Brookfield Residential Properties	*
25	Moonee Valley City Council	Colin Harris
26	Rasco Pty Ltd	Represented by Stuart Morris QC, and Geoff Lake of Counsel calling the following expert evidence: <ul style="list-style-type: none"> Aviation impacts from Ian Jennings of Chiron Aviation Consultants Aircraft noise from Mark Douglas Webber of Marshall Day Acoustics Economics from John Charles Henshall of Ethos Urban Pty Ltd
27	Essendon Airport Pty Ltd	*
28	Pabuno Pty Ltd	*
29	Riverlee	Greg Bursill
30	Australia Pacific Airports (Melbourne) Pty Ltd	Represented by Adrian Finanzio SC and Nicola Collingwood of Counsel instructed by Stephanie Mann of MinterEllison, calling the following expert evidence: <ul style="list-style-type: none"> Strategic planning from Michael Barlow of Urbis Drafting of planning schemes from John Glossop of Glossop Town Planning Aircraft noise from Rob Bullen of Rob Bullen Consulting
31	David O'Connor	*
32	Department of Defence	*
33	Anna Fairbank	*

Appendix C Possible changes to the VPP for comment

Appendix C.1 Planning Policy Framework: Possible text changes for comment

18.04-1S PLANNING FOR AIRPORTS AND AIRFIELDS

Objective

To strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.

Strategies

Protect airports from incompatible land uses. [18.04-1S: s1]

Ensure that in the planning of airports, land use decisions are integrated, appropriate land use buffers are in place and provision is made for associated businesses that service airports. [18.04-1S: s2]

Limit the intensification of sensitive uses in areas adversely affected by aircraft noise.

Avoid zoning changes that would provide for noise-sensitive developments within a 20 ANEF.

Plan for areas ~~around-affected by~~ all airfields so ~~that~~ the detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land [18.04-1S: s13] [18.04-1S: s13.2] where ultimate capacity or long range noise modelling for the airport indicates either:

- 20 or more daily events greater than 70 dB(A).
- 50 or more daily events of greater than 65 dB(A).
- 100 events or more daily events of greater than 60 dB(A).
- 6 events or more between the hours of 11pm to 6am of greater than 60 dB(A).
This includes:
 - In undeveloped areas avoid rezoning land to permit noise-sensitive development.
 - In existing areas exposed to aircraft noise avoid rezoning land currently zoned for non-noise sensitive uses for residential development or increased residential densities unless:
 - The need to provide housing, economic growth and strategic planning outcomes outweighs the operational needs of the airport.
 - The development can be undertaken in a manner that physically reduces noise impacts.
 - Future residents are made aware of these impacts prior to purchase.
 - The development is undertaken in a manner that physically reduces noise impacts to comply with AS2021.

Plan for areas ~~around-affected by~~ all airfields so: [18.04-1S: s13]

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded or managed. This includes: [18.04-1S: s13.1]
 - Buildings that have the potential to generate advise windshear to aircrafts taking off and landing
 - Land uses and landscaping treatments within eight kilometres of an airport that have the potential to attract avifauna and increase the risk of wildlife strike.
 - Risk of pilot distraction from lighting glare.
 - Protection of airspace
 - Protection of communication navigation and surveillance facilities

- [Public safety at the end of runways](#)

- Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded. [18.04-1S: s13.3]

Ensure the planning of airports identifies and encourages activities that complement the role of the airport and enables the operator to effectively develop the airport to be efficient and functional and contribute to the aviation needs of the state. [18.04-1S: s3]

Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield. [18.04-1S: s12]

[Achieve the airport specific strategies in Table 1 for the relevant airport](#)

Table 1: Airport specific strategies

Airport	Role
Melbourne Airport	Ensure the effective and competitive operation of Melbourne Airport at both national and international levels. [18.04-1S: s4] Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation. [18.04-1R s1] Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport. [18.04-1R s1]
Avalon Airport	Protect the environs of Avalon Airport so it can operate as a full-size jet airport focussing on freight, training and services. [18.04-1S: s5]
Essendon Airport	Recognise Essendon Airport's current role in providing specialised functions related to aviation, freight and logistics and its potential future role as a significant employment and residential precinct that builds on the current functions. [18.04-1S: s6]
Moorabbin Airport	Recognise Moorabbin Airport as an important regional and state aviation asset by supporting its continued use as a general aviation airport, ensuring future development at the site encourages uses that support and enhance the state's aviation industry and supporting opportunities to extend activities at the airport that improve access to regional Victoria. [18.04-1S: s7]
Point Cook Airfield	Maintain Point Cook Airfield as an operating airport complementary to Moorabbin Airport. [18.04-1S: s8]

Preserve long-term options for a new general aviation airport south-east of Metropolitan Melbourne by ensuring urban development does not infringe on possible sites, buffer zones or flight paths. [18.04-1S: s9]

Avoid the location of new airfields in areas that have greater long-term value to the community for other purposes. [18.04-1S: s10]

Plan the location of airfields, nearby existing and potential development, and the land-based transport system required to serve them as an integrated operation. [18.04-1S: s11]

Policy documents

- National Airports Safeguarding Framework (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012) [18.04-1S: pd01]
- Avalon Airport Master Plan (Avalon Airport Australia Pty Ltd, 2015) [18.04-1S: pd02]
- Avalon Airport Strategy (Department of Business and Employment/AeroSpace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts [18.04-1S: pd03]

- *Melbourne Airport Master Plan 2013 – People Place Prosperity* (Australia Pacific Airports (Melbourne) Pty Ltd, 2013) [\[18.04-1R: pd01\]](#)
- *Melbourne Airport Strategy* (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement [\[18.04-1R: pd01\]](#)

Appendix C.2 Parent provision to the MAEO: Possible text changes for comment

45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY SHOWN ON THE PLANNING SCHEME MAP AS MAEO WITH A NUMBER

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework

To ensure that the optimum safe and efficient use of Melbourne Airport is not prejudiced.

To ensure that land use and development is consistent with the National Airports Safeguarding Framework.

To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield

To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings

To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure

45.08-1 USE OF LAND

Any requirement in a schedule to this overlay must be met

45.08-2 BUILDINGS AND WORKS

Any requirement in a schedule to this overlay must be met.

A schedule to this overlay may specify that a permit is required for a:

- A television antenna.
- A flagpole.

~~Any building for which a permit is required under this overlay must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics—Aircraft Noise Intrusion—Building Siting and Construction, issued by Standards Australia Limited~~

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme

45.08-3 SUBDIVISION

A permit is required to subdivide land

~~Subdivision must occur in accordance with any lot size or other~~ Any requirement specified in a schedule to this overlay must be met.

45.08-4 APPLICATION REQUIREMENTS

An application must be accompanied by any information specified in a schedule to this overlay.

45.08-5 EXEMPTION FROM NOTICE

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act

Notification requirements

~~In accordance with section 52(1)(c) of the Act, notice of an application under this overlay to use land, subdivide land or to construct a building or construct or carry out works must be given to the airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996, unless otherwise agreed in writing between the responsible authority and the airport lessee~~

~~The notice must be accompanied by a copy of the application, existing condition and development plans.~~

45.08-4 DECISION GUIDELINES

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework
- [The National Airport Safeguarding Framework](#)
- Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise
- ~~Whether the proposal is compatible with the present and future operation of the airport in accordance with the current Melbourne Airport Master Plan approved in accordance with the Airports Act 1996~~
- Location of the development in relation to the criteria set out in Table 2.1 Building Site Acceptability Based on ANEF Zones in Australian Standard AS 2021-2015
- [Any other matters specified in the schedule to this overlay](#)

Appendix D Possible changes to MAEO schedules

Appendix D.1 Possible MAEO Schedule 1: Possible text changes for comment

SCHEDULE 1 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as MAEO1

Purpose

- To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure

1.0 USE OF LAND

~~Dwelling and Dependent person's unit~~

~~A permit is required to use land for a:~~

- ~~▪ Dwelling Dependent person's unit~~
- ~~▪ Land must not be used for:~~
- ~~▪ More than one Dwelling on a lot~~
- ~~▪ More than one Dependent person's unit on a lot~~

Other use

A permit is required to use land for:

- Art and craft centre
- Bar
- Brothel
- Cinema based entertainment facility
- Crematorium
- Display home centre
- Funeral parlour
- Host farm
- Hotel
- Home based business
- Indoor recreation facility
- Office
- Place of assembly (other than Drive-in theatre)
- Research and development centre
- Research centre
- Residential hotel
- Restricted recreation facility
- Retail premises
- Veterinary centre

Land must not be used for:

- Accommodation (other than ~~Dwelling, Dependent person's unit, Host farm and Residential hotel~~)

- Education centre
- Hospital

2.0 BUILDINGS AND WORKS

A permit is required to construct a building or construct or carry out works for a use in Clause 1.0

A permit is not required for the following:

- An open sided carport, verandah, pergola or other open sided structure
- A non-habitable room or outbuilding
- A swimming pool or tennis court
- An alteration or extension to a Dwelling which existed as at 14 May 2007 provided the extension is less than 50% of the floor area of the Dwelling at that date

3.0 SUBDIVISION

Any subdivision of land which would increase the number of Dwellings which the land could be used for is prohibited

This does not apply to the subdivision of land to create a lot for a Dwelling in respect of which a permit has been granted

4.0 APPLICATION REQUIREMENTS

[None specified](#)

5.0 EXEMPTION FROM NOTICE

[None specified](#)

6.0 DECISION GUIDELINES

[None specified](#)

Appendix D.2 MAEO Schedule 2: Possible text changes for comment

SCHEDULE 2 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO2**.

NOISE EXPOSURE AREA 2 - ANEF 20-25

Purpose

To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.

[To assist in shielding people from aircraft noise impacts by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.](#)

[To provide for appropriate levels of noise attenuation within development.](#)

1.0 USE OF LAND

Dwelling

A permit is required to use land for a dwelling.

The development of a single lot for two or more dwellings must not exceed a density of one dwelling per 300 square metres.

Other use of land

A permit is required to use the land for:

- Accommodation.
- Arts and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

2.0 BUILDINGS AND WORKS

A permit is required to construct a building or construct or carry out works for a use in Clause 1.0.

[Any building for which a permit is required for under this Schedule must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.](#)

Note: [In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.](#)

A permit is not required to construct the following:

- An open sided carport, verandah, pergola or other open sided structure.
- A non-habitable room or outbuilding.
- A swimming pool or tennis court.
- An alteration or extension to a Dwelling which existed as at 14 May 2007 provided the extension is less than 50% of the floor area of the Dwelling at that date.

3.0 SUBDIVISION

A permit is required to subdivide land.

Each lot must be at least 300 square metres.

A permit may be granted to create smaller lots:

- If the responsible authority is satisfied the lots will not be used for Accommodation; or
- Provided the average area of all lots is not less than 300 square metres. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided.

4.0 APPLICATION REQUIREMENTS

[None specified](#)

5.0 DECISION GUIDELINES

[The following decision guidelines apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:](#)

- [Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise.](#)
- [Location of the development in relation to the criteria set out in Table 2.1 Building Site Acceptability Based on ANEF Zones in Australian Standard AS 2021-2015.](#)

Appendix D.3 Possible new MAEO Schedule: Windshear protection

SCHEDULE 3 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO3**.

To be applied

- 1200 metres perpendicular from the runway centreline (or extended runway centreline)
- 900 metres beyond the runway threshold towards the landside of airport
- 500 metres from the runway threshold along the runway.

WINDSHEAR PROTECTION AREA

Purpose

To ensure that the risk to aircraft from building windshear is considered.

1.0 USE OF LAND

None specified

2.0 BUILDINGS AND WORKS

Building should be located at least 35 times the height of the building (above runway level) from the centre line of the runway.

The relevant runway height levels in AHD are:

- LIST RUNWAY HEIGHTS FOR EASE OF USE

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The height of the building to AHD
- As assessment from a qualified wind expert if the requirement in Clause 2.0 is not met.

5.0 DECISION GUIDELINES

The potential risk to aircraft caused by windshear from the building.

Appendix D.4 Possible new MAEO Schedule: Wildlife strike buffer

SCHEDULE 4 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO4**.

POTENTIAL WILDLIFE STRIKE AREA

To be applied

Within a 3 kilometre radius of the ends of the runways.

Purpose

To ensure that the risk to aircraft from land uses and landscaping that attract birds is considered.

1.0 USE OF LAND

Uses should ensure that waste is covered and collected so that it is inaccessible to birds and bats.

A permit is required for a:

- Turf farm.
- Piggery.
- Fruit tree farm.
- Fish processing/packaging plant.
- Wildlife sanctuary/ conservation area – wetland.
- Showground.
- Food processing plant.
- Food / organic waste facility.
- Putrescible waste facility – landfill.
- Putrescible waste facility – transfer station.

Comment: These are the land use terms used in the NASF

2.0 BUILDINGS AND WORKS

Development involving landscaping or drainage works, including artificial water bodies, are designed and constructed to minimise the potential to attract birds and bats.

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

None specified

5.0 DECISION GUIDELINES

The potential risk to aircraft caused by the attraction of wildlife.

Appendix D.5 Possible new MAEO Schedule: Light glare protection

SCHEDULE 5 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO5**.

POTENTIAL LIGHT GLARE RISK TO AIRCRAFT AREA

To be applied

The area of application is shown diagrammatically in Figure 11

Purpose

To ensure that the risk to aircraft from light glare is considered.

1.0 USE OF LAND

None specified

2.0 BUILDINGS AND WORKS

This overlay applies to:

- motorway and freeway lighting
- sea container yards
- wharves
- refinery flare plumes
- stadium flood lighting.

The luminous intensity of light measure at three degrees above the horizontal should not exceed the value specified in Table 1.

Table 1: Maximum luminous intensity

Area	Maximum luminous intensity
Shown as MAEO5A	0 candela
Shown as MAEO5B	50 candela
Shown as MAEO5C	150 candela
Shown as MAEO5D	450 candela

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A statement from an appropriately qualified person as the intensity of the light glare.

5.0 DECISION GUIDELINES

The potential risk to aircraft caused by pilot distraction from lighting.

Appendix D.6 Possible new MAEO Schedule: Aviation Obstacle Height Limitation

SCHEDULE 6 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO6**.

AVIATION OBSTACLE HEIGHT LIMITATION AREA

To be applied	
MAE05A	Where the OLS is less than 10 metres above natural ground level.
MAE05B	Other areas where the OLS applies

Purpose

To ensure the height of buildings and works do not exceed the Obstacle Limitation Surface of Melbourne Airport without express consent from the relevant airspace manager.

1.0 USE OF LAND

None specified

2.0 BUILDINGS AND WORKS

Buildings and works must not be taller than Obstacle Limitation Surface for Melbourne Airport without express consent from the relevant airspace manager.

A permit is required for a television antenna or flagpole taller than Obstacle Limitation Surface for Melbourne Airport without express consent from the relevant airspace manager.

The Committee's reading of Clause 62.02-2 of the VPP is that for television antenna and flagpoles mandatory requirements cannot be applied. Requirements only apply 'if a permit is specifically required for any of these matters'.

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Table 1: Information to be supplied

Area	Information to be supplied
Shown as MAE05A	The height of the building or works in AHD.
Shown as MAE05B	A building of three or more storeys or works taller than 10 metres above natural ground level must show the height of the building or works in AHD.

5.0 DECISION GUIDELINES

None specified.

Appendix D.7 Land uses that would require control in a possible new MAEO Schedule: Public Safety Area protection

Consistent with the UK approach to Public Safety Areas, this Guideline suggests a balanced approach with the Public Safety Area made up of two different areas:

- **Outer area = 1 in 100,000 (1×10^{-5}) risk level per year**
This identifies the area (or risk contour) within which, any person living or working for a period of a year, has approximately a 1 in 100,000 chance per year of being killed as a result of an aircraft incident (see Figure 1).
- **Inner area = 1 in 10,000 (1×10^{-4}) risk level per year**
This identifies the higher risk area (or risk contour) immediately adjoining the end of the runway within which, any person living or working for a period of a year, has approximately a 1 in 10,000 chance per year of being killed as a result of an aircraft incident (see Figure 1).

The dimensions of the two areas are dependent on a range of airport specific factors (such as forecasts about the numbers and types of aircraft movements).

PUBLIC SAFETY AREA	COMPATIBLE USES	INCOMPATIBLE USES/ACTIVITIES
OUTER AREA - 1 in 100,000	<ul style="list-style-type: none"> • Long stay and employee car parking (where the minimum stay is expected to be in excess of six hours) • Shorter stay car parking (with a safety case – depends on intensity of use) • Built development for the purpose of housing plant or machinery and would require no people on site on a regular basis, such as electricity switching stations or installations associated with the supply or treatment of water • Golf courses, but not club houses (provided appropriate mitigation measures are in place to reduce wildlife attraction risk - see NASF Guideline C) • Open storage and types of warehouses with a very small number of people on site. The planning authority could consider imposing conditions to prevent future intensification of the use of the site and limit the number of people to be present on the site • Developments which require few or no people on site on a regular basis such as buildings housing plant or machinery • Low intensity public open space 	<ul style="list-style-type: none"> • Accommodation activities: This includes dwelling houses, multiple dwellings, resort complexes, tourist park, hostels, retirement villages or other residential care buildings • Community activities: educational establishment, community centres, hospitals, theatres, child-care and playgrounds, detention facilities, place of worship • Recreation activities: This includes parks, outdoor recreation and sport, major sport and entertainment facilities • Entertainment and centre activities: Shopping centres, service stations, showrooms, markets, hotels, theatres, tourist attraction, garden centres • Industrial and commercial uses involving large numbers of workers or customers: Intensive uses such as high impact, medium and low impact industry, warehousing, services industry • Manufacture or bulk storage of flammable, explosive or noxious materials • Public passenger transport infrastructure: This includes bus, train and light rail stations

<p>INNER AREA – 1 in 10,000</p>	<ul style="list-style-type: none"> • Long stay and employee car parking (where the minimum stay is expected to be in excess of six hours) • Built development for the purpose of housing plant or machinery and would require no people on site on a regular basis, such as electricity switching stations or installations associated with the supply or treatment of water • Golf courses, but not club houses (provided appropriate mitigation measures are in place to reduce wildlife attraction risk - see NASF Guideline C) 	<ul style="list-style-type: none"> • Accommodation activities: This includes dwelling houses, multiple dwellings, resort complexes, tourist park, hostels, retirement villages or other residential care buildings • Community activities: educational establishment, community centres, hospitals, theatres, child-care and playgrounds, detention facilities, place of worship • Recreation activities: This includes parks, outdoor recreation and sport, major sport and entertainment facilities • Entertainment and centre activities: Shopping centres, service stations, showrooms, markets, hotels, theatres, tourist attraction, garden centres • Industrial and commercial uses involving large numbers of workers or customers: Intensive uses such as high impact, medium and low impact industry, warehousing, services industry • Manufacture or bulk storage of flammable, explosive or noxious materials • Public passenger transport infrastructure: This includes bus, train and light rail stations
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Appendix E Clause 52.15 Heliport and Helicopter Landing Site: Text changes for comment

HELIPORT AND HELICOPTER LANDING SITE

To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

[The ensure that heliports and helicopter landing sites do not adversely impact the operation of airports.](#)

52.15-1 PERMIT REQUIREMENT

A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

Table of exemptions for use

No permit is required to use land for a helicopter landing site if any of the following apply:

Emergency services	The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.
Agriculture	The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.
Public land management	The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following: <ul style="list-style-type: none"> ▪ The Department of Environment, Land, Water and Planning; ▪ The Department of Economic Development, Jobs, Transport and Resources; or ▪ Parks Victoria, whether on private land or not.
General	The helicopter landing site where either: <ul style="list-style-type: none"> ▪ The helicopter landing site is located outside the controlled airspace of an airport. ▪ The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided: <ul style="list-style-type: none"> • The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements). • Flight movements do not take place before 7am or after sunset on a weekday. • Flight movements do not take place before 8am or after sunset on a weekend or holiday; or ▪ The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne.

52.15-2 Application requirements

An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
 - –Site boundaries and dimensions.
 - The current land use.
 - The existing siting and layout of buildings and works.
 - The proposed siting and layout of buildings and works.
 - Existing vegetation and proposed vegetation removal.
 - Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
 - The siting and use of buildings on adjacent properties.
 - – The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.
- A written report which:
 - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
 - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or – Providing an acoustic report by a suitably qualified consultant.
 - Includes details of the proposed frequency of flight movements.
 - Includes the proposed hours of operation.

52.15-3 DECISION GUIDELINES

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
- [The effect of the proposal on the efficient operation of any airport.](#)