

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.



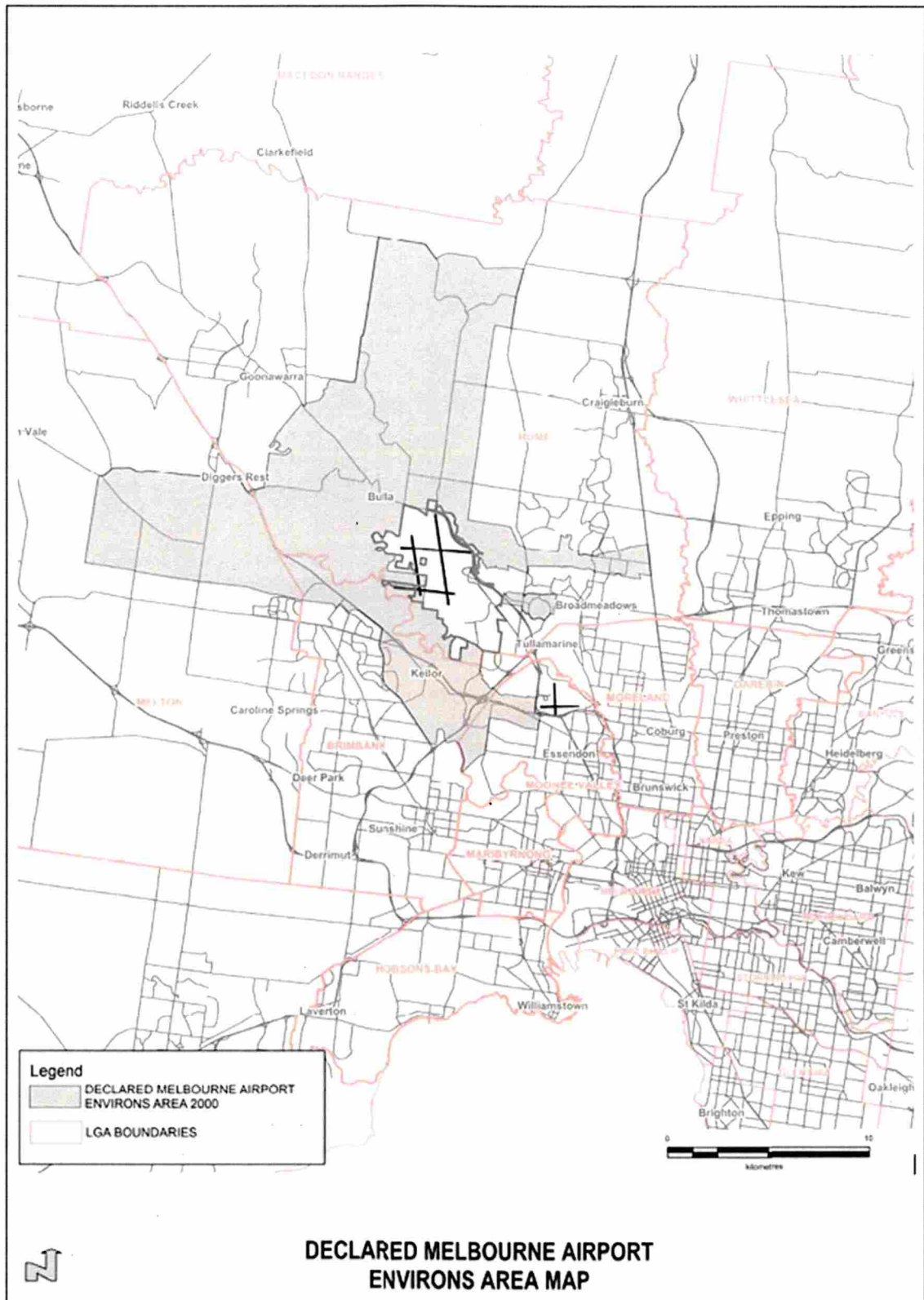
Richard Wynne MP
Minister for Planning

Date: 22/12/19

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.



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.*