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Dear Sir/Madam

### **SUBMISSION TO PROPOSED AMENDMENTS TO THE AIR NAVIGATION (ESSENDON AIRPORT) REGULATIONS 2001**

Thank you for the opportunity to provide comment to the proposed amendments to the Air Navigation Regulations for the Essendon Airport. Council Officers support the second proposed amendment to remove non-emergency helicopters and propeller driven aircraft to operate during the curfew, however are generally not supportive of the other two proposed changes. A response to each of the proposed amendments is outlined in the submission attached to this letter.

Moreland City Council acknowledges that the owners of Essendon Airport have a 50 year lease, plus a 49 year option for operation of the airport. Its importance to country Victoria, especially for emergency medical air ambulance flights for transfer to nearby Melbourne hospitals is also recognised. Balancing aviation operations whilst mitigating any adverse community impacts is of paramount importance.

Essendon Airport has some of the strictest curfew arrangements in Australia which should continue to apply in their current form. Australian Noise Exposure Forecast (ANEF) has minor intrusions into Moreland at 20 ANEF. Specifically impacting a small part of Gowanbrae, adjacent the Moonee Ponds Creek and Pascoe Vale, running along Gaffney Street, from the edge of the municipality and east to Cumberland Road.

From a planning perspective, housing densities surrounding the airport have increased over time consistent with metropolitan Melbourne planning policy to encourage housing within proximity to public transport, community and retail services. This has occurred in the absence of an Airport Environs Overlay (AEO) to prevent these developments or mitigate any impacts; predicated on the assumption that existing curfew and aircraft restrictions would prevail.

Specifically, the absence of an AEO around the airport has enabled densities to increase on the assumption that there would be limited impact to residential amenity into the future. Proposed amendments to the regulations to increase the MTOW weight and allowing jet aircraft movements during curfew will introduce greater levels of noise to nearby residents and is not supported for this reason. This is now likely to mean that sleep disturbance will be an issue for a greater number of residential developments surrounding the airport.

#### Moreland Language Link

廣東話	9280 1910	हिंदी	9280 1918
Italiano	9280 1911	普通话	9280 0750
Ελληνικά	9280 1912	ਪੰਜਾਬੀ	9280 0751
عربي	9280 1913		
Türkçe	9280 1914	All other languages	
Tiếng Việt	9280 1915	9280 1919	

As part of the process to amend the regulations, it is recommended that consideration is also given to introducing the following measures:

- Providing financial assistance to landowners within the ANEF to increase noise attenuation measures on their properties using the funds collected via the compliance costs
- Improving public transport linkages in and around the airport
- Consideration of a third runway at Melbourne Airport which will have some impact on the operation of Essendon Airport and its status in the airport hierarchy.
- Consideration of impacts on the non-aviation uses currently expanding within the airport grounds
- Review the current administrative procedures for requesting dispensation during curfew. It is considered that a more robust procedure – other than a telephone message or more significant penalties be included in the regulations. Council is concerned that the current practice is open to exploitation by those that have capacity to pay the penalties.

The continuation of the noise curfew, maximum take-off weight limits, the Community Aviation Consultation Group and Fly Neighbourly Agreement is strongly supported. Council Officers have provided a more detailed response to the proposed legislative changes as attached to this letter. If you have any queries please contact Unit Manager Amendments Kim Giaquinta by e-mail [kgiaquinta@moreland.vic.gov.au](mailto:kgiaquinta@moreland.vic.gov.au) or telephone (03) 9386 9246.

Yours sincerely



Kirsten Coster  
**DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

10 / 10 / 17

## **SUBMISSION TO KEY THEMES AND IDEAS FROM THE PUBLIC CONSULTATION PAPER:**

### **Proposed Amendment 1**

Lifting the permitted weight limit for jet aircraft from 45,000kgs to 55,000kgs for operators during non-curfew hours.

#### **Council Officer Response: Not Supported**

Permitting larger aircraft to operate from an airport predominantly surrounded by residential areas that are already experiencing impacts on air quality and noise from current aircraft movements is not supported.

Larger aircraft will enable more passengers in an area with limited sustainable transport options. No consideration has been given to improve the public transport linkages in and around the airport.

The legislated weight limit of 45,000kg MTOW was established in 2001 commensurate to the status of the airport which was downgraded when commercial international flights were transferred to Melbourne Airport in the 1970s. Acknowledging the status of the airport and the significant residential development surrounding the airport that has occurred since the regulations were enacted, the current MTOW weight should be retained.

It is unclear as to why an amendment to the regulations to increase the MTOW weight to only 55,000kgs is being sought if Boeing Business Jets exceed 79,000 kilograms. The main reason for this amendment as outlined in the public consultation paper is to allow larger regional passenger jets or new generation business jets to operate at Essendon Airport.

Whilst larger newer aircraft may be designed to operate at noise profiles at or below older smaller jets, increasing the permitted weight jet limit will escalate the number of aircraft movements to and from the airport. This increase in aircraft size and movements will impose an unacceptable risk to the safety of nearby residents.

If all operators will be required to comply with the Fly Neighbourly Agreement (FNA), the regulations should be amended to ensure that only operators that are party to the agreement can land or take-off from the airport or amended to incorporate the conditions of the FNA. Currently operators enter into the agreement on a voluntary basis.

### **Proposed Amendment 2**

Removing the ability of non-emergency helicopters and propeller driven aircraft to operate during the curfew.

#### **Council Officer Response: Supported**

The ultimate reason for the curfew is to balance airport operations and safety requirements with the need to reduce night-time aircraft noise for nearby communities.

The proposed amendment is supported as it will reduce noise amenity and safety impacts by reducing the number of aircraft movements to and from the airport during the night.

### **Proposed Amendment 3**

Allowing jet aircraft, which meet strict noise criteria to land during the curfew period.

#### **Council Officer Response: Not Supported**

Airport movement within curfew should be limited to emergency take-off or landings or for those aircraft movements that have pre-approved dispensation.

Currently only propeller-driven aircraft and helicopters with limited MTOW or noise emission levels may land or take-off from Essendon Airport during curfew. Allowing larger aircraft to land during the curfew period defeats the purpose of a curfew and is contradictory to Proposed Amendment 2. The residents beneath the approach and departure flight paths will experience an increase in noise exposure. Similarly, the main reason for restricting jet aircraft is due to the noise impacts on nearby residents as a result of the use of thrust reversers to drag and slow the aircraft down.

The Department proposes to allow landings of only 'new' business jets during the curfew period. The definition of what constitutes a 'new' business jet is not proposed to be added to the regulations. A list of approved manufacturers, jet types and series that meet the reduced noise generation impacts and a capped limit of the number of movements for each year should have been provided in the public information so that a more informed decision could be made. As such it is unfair that residents that constructed their homes on residentially zoned land surrounding the airport with the curfew in place should be exposed to new night time noise associated with additional jet aircraft movements.

Without a cap on the number aircraft movements during the curfew, Council officers have significant concerns regarding the use of Essendon Airport to ferry Fly In Fly Out (FIFO) employees if jet aircraft are given unlimited access. Construction has already begun on a curfew-free Melbourne Jet Base Terminal at the Melbourne Airport for executive jets, set to open in 2018. It is more appropriate that this terminal (once constructed) is utilised to cater for executive and FIFO use between 11pm and 6am and ultimately for all similar aircraft movements.

It is not clear where the funds collected for the proposed compliance costs associated with the restriction on aircraft type will be distributed and for what purpose. It is not clear how collection of the cost will be enforced as it does not appear to form part of the amended regulations. It is recommended that investigation into a process to distribute any monies collected to assisting landowners within the ANEF to apply noise attenuation measures on their properties.