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Domestic Aviation & Reform  
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Dear Project Team

**RE: AVIATION GREEN PAPER**

I write in regards to the Aviation Green Paper that was released in September 2023 for community consultation.

Hume City Council welcomes the opportunity to participate in a process that will examine the national policy for the aviation industry and airports across Australia.

Hume City is home to the Melbourne Airport. Council recognises the significant contribution of the Airport to the economy and connectivity of the country and state, as well as to Hume residents and businesses.

Key to Melbourne Airport's significance is that unlike every other major airport on Australia's eastern coast it can operate flights day and night without a curfew. Council works closely with Melbourne Airport to ensure planning and policy decisions continue to safeguard the Airport's operations and curfew free status.

The proximity and growth of Melbourne Airport also means that Hume residents and communities are impacted by a significant amount of aircraft noise. Aircraft noise will steadily increase in intensity and frequency over the coming decades with the anticipated approval of the Melbourne Airport Third Runway Major Development Plan and the construction of the third runway.

Council supports the growth of Melbourne Airport and the construction of the third runway, however we believe that this development can, and must, occur in a manner which minimises potential adverse effects on the community.

This principle guides Council officers' submission to the Aviation Green Paper. The submission focuses primarily on Section 6 *Airport development planning processes and consultation mechanisms*, with particular consideration of aircraft noise.

**Section 6.1 Noise**

The Aviation Green Paper outlines that there are four elements for government regulators and airport operators to manage aircraft noise:

- Reduction of noise at the source (by introducing new technology standards)
- Land use planning and management
- Noise abatement
- Operation restrictions

Striking an appropriate balance between these elements is essential to allowing airports to operate and grow in an efficient manner while minimising the increasing noise impact on the community.

For Melbourne Airport specifically the need for clear policy and requirements for noise abatement and land use planning is elevated as it is undesirable to heavily restrict airport operations, such as through the introduction of a curfew.

### Noise abatement

The ongoing curfew free operation of Melbourne Airport and other airports relies to an extent upon continued community support.

A key component that is missing from the Aviation Green Paper is the need for a national standard approach to support communities that are impacted by aircraft noise.

There is a need for the Federal Government to support noise impacted communities through the investigation of new policy and financial support to retrofit existing dwellings, child and aged care facilities, libraries and schools with noise insulation.

Such policy could set requirements for Major Development Plans or Environmental Impact Assessments, particularly those involving the construction of new runways, to develop financial support and building retrofitting programs as a mandatory mechanism to mitigate the increase aircraft noise enabled by the project.

While the Aviation Green Paper states it is the responsibility of the individual airport-lessee company to develop and implement their own noise mitigation programs, these programs have only been initiated in the past when mandated by the Federal Government. Without Federal policy and intervention to mandate or incentivise this approach, there is unlikely the individual airport-lessees will instigate such programs.

As the landowner responsible for leasing airports to individual operators, Council officers consider that the Federal Government has a responsibility to investigate and implement such a policy.

Other matters outlined in the Aviation Green Paper around encouraging the fast tracking of new aircraft technologies such as through electric or low fuel planes, that in addition to their environmental benefits could result in decreased aircraft noise, are welcomed and supported by Council officers.

## Regulation and land use planning

The Aviation Green Paper raises the same questions regarding how land use planning can manage aircraft noise and airport safeguarding, that were asked by the Victorian State Government through the 2020-2021 Melbourne Airport Environs Safeguarding Standing Advisory Committee.

Hume Council was heavily involved in the Standing Advisory Committee process and a detailed Council position on the following matters can be found in our previous submissions at Attachment 1 and 2:

- How the National Airports Safeguarding Framework (NASF) could and should be implemented into the Victorian planning and building systems.
- The appropriateness of the Australian Noise Exposure Forecast (ANEF) and other noise metrics such as the N-Above Noise Contours, in different levels of decision making.
- Different tools for communicating the current and future presence of aircraft noise to impacted communities.
- How the approval process for airspace intrusion should be managed.

The Standing Advisory Committee largely concluded that given the complexity of these issues, and the highly technical expertise required to inform a planning response, that additional assessments and studies were needed before major changes to the Victorian planning system are made.

To properly implement the NASF or other planning matters raised in the Aviation Green Paper requires a holistic, coordinated assessment and proposed planning approach for airport safeguarding, noise and the NASF across the country.

It is proposed that the White Paper should commit the Federal Government to leading, or providing funding for State Governments to lead, such an assessment in order to develop an issues and options background paper with key input from State and Local Governments.

This background paper can then be used as a shared basis for how airport and community safeguarding can best be achieved consistently and holistically through various state planning and building systems.

It is considered that this is a more transparent and robust approach.

### **Section 6.2 Community consultation mechanisms**

Ongoing clear communication and consultation is vital to ensuring the continued operation and growth of any airport. This is especially important where projects, or changes to flight paths, will result new communities exposed to aircraft noise.

Airport Master Plans and Major Development Plans are the primary documents available for community consultation, but they can be highly technical and the legislative requirements informing their content and assessments is opaque.

Ensuring that these documents are clear and transparent in their legislative requirements and communication is crucial. Valid community concern has arisen in the past when the assessment requirements and pathways for these documents have not been properly communicated. This fosters a lack of faith in their assessment and approval processes.

For instance, the environmental assessment which formed part of Melbourne Airport's Third Runway Major Development Plan was prepared to meet the requirements of the *Airport Act 1996* and the *Environmental Protection and Biodiversity Conservation Act 1999*. In conforming with this legislation, it was understood that Melbourne Airport was not necessarily required to undertake a specific Environment Impact Assessment or Statement.

Without providing clear discussion and transparency around the differences and similarities in these assessments, or why one approach is pursued over another, created a lack of trust in the environmental assessment that was undertaken by some communities in Hume.

The Aviation White Paper should seek to establish communication and consultation policies that require these documents to outline in clear, plain language what the legislative requirements that informed their content and assessments. This is paramount contentious projects, such as major expansions of an airport or new runways, that could have significant impacts on communities and the environment.

## **Conclusion**

It is recommended that the final Aviation White Paper include:

- Commitment by the Federal Government to meaningful support actions for noise impacted communities by investigating new policy and financial support to retrofit existing dwellings, child and aged care facilities, libraries and schools with noise insulation.
- Commitment to leading, or providing funding for State Governments to lead, a coordinated assessment and issues and options background report for a potential planning approach for airport safeguarding, aircraft noise and the implementation of the NASF across the country.
- Require airport operators to provide clear and transparent communication of the legislative and technical assessment requirements of Airport Master Plans and Major Development Plans.

Council officers would be very willing to discuss any matters in relation to the above further with the Project Team. Please contact David Hajzler, Principal Strategic Planner on 9205 2489 or via email at [davidha@hume.vic.gov.au](mailto:davidha@hume.vic.gov.au) if you have any questions.

Yours faithfully



**RACHEL DAPIRAN**  
**Director – City Planning & Places**

Attachments:

1. Submission - Melbourne Airport Environs Standing Advisory Committee – Hume City Council – 4 February 2021
2. Letter – Melbourne Airport Environs Standing Advisory Committee – Hume City Council – 30 September 2020



**Melbourne Airport Environs Standing Advisory  
Committee**

**Hume City Council Submission**

4 February 2021

## Introduction

1. This submission has been prepared by officers on behalf of Hume City Council.
2. Part A will expand on the issues and matters outlined in our submission that have been considered by Council.
3. Part B will provide a perspective on the solutions and ideas put forward by APAM and their expert witnesses. Rather than seek to critique these fully, the submission seeks to offer a view on the solutions that are considered to be problematic and also those that are considered worthy of further exploration. It also poses key questions and outcomes from these that need to be advanced before considering any potential planning scheme changes.
4. Part C then consolidates Council's recommendations of what is considered appropriate next steps for the Advisory Committee to do in this process.
5. Please note that the perspectives in Part B have not been presented to Council and it is considered desirable that Council have the opportunity to formally consider and comment on any proposed provision changes prior to them being inserted into the Hume Planning Scheme.
6. The submission does not specifically respond to the submissions prepared by members of the community that seek changes to address existing or future amenity concerns associated with the 24 hour operation as this is considered outside of the Advisory Committee's Terms of Reference. However, these are certainly noted and it is considered extremely valuable to have these perspectives and concerns available in this process.
7. At the end of the submission are extracts of Council's policy position as it relates to land outside of the UGB if this is useful to the Advisory Committee. Though it is noted that changes to the UGB are outside the Advisory Committee's Terms of Reference.
8. As outlined in the jointly signed letter with the Brimbank and Melton councils, and as can be seen from a review of the submissions, there are a number of issues that most parties agree should be addressed to improve the planning provisions. However, as can be seen from the submissions and indeed the expert statements there is no readily identified solutions that don't require considerable further work. This is acknowledged by APAMs/MinterEllison's letter that accompanied Mr Glossop's evidence dated 18 January 2021 suggesting his statements be taken as a vehicle for generating discussion.
9. Below is a summary of this from Council's perspective:
  1. There is agreement that the spatial extent of the MAEOs need to be updated to reflect recent and ongoing changes to aircraft noise modelling and that they may benefit from some modification to the current provisions. However, the detail of how this is achieved is not agreed.
  2. There is agreement that there is a need to consider impacts of aircraft noise outside of the MAEO, particularly on the immediate edge. However, there is no agreement on whether there should be planning provisions to manage this or the detail of these.

3. There is agreement that the NASF Guidelines are not adequately utilised or addressed in the planning scheme. However, how this is to be achieved is not agreed, particularly as it relates to the role of planning provisions versus other mechanisms and how they are to be effectively and efficiently triggered for consideration.
  4. There is agreement that there is no clear or consistent approach to notifying Melbourne Airport of relevant permit applications and planning scheme amendments and that the MAEO is currently incorrectly identified as the extent of airport safeguarding considerations for planning permits. However, the spatial extent of the area for permit applications and planning scheme amendments that notification should be provided for is not agreed, nor is how this could best be achieved, particularly given the variation of the spatial extent of NASF Guidelines.
  5. There is agreement of the need to improve the information available to potential purchasers and applicants of the airport safeguarding considerations. However there is no agreement on how this is to be achieved.
10. It remains our view that a more collaborative and deliberative approach is required to develop workable solutions to these commonly expressed issues. And a more spatially defined assessment of the need and impact of controls is required to move beyond the concepts discussed by Mr Barlow and Mr Glossop and the hypotheticals this generates.

## **PART A – Balancing competing needs**

11. As outlined in our initial submission, Council considers it vital that the competing need for the curfew free and safe operation of Melbourne Airport and the land use and development needs of the community and Melbourne are understood and balanced.
12. The committee are fully aware of the requirement in the Victorian Planning System to balance competing needs or objectives in favour of net community benefit. The need for such balance is also called for in NASF Guideline A, specifically in relation to brownfield rezoning and infill development applications.
13. In this case, we see four land use and development needs (or objectives) that need to be balanced – see figure 1.





Figure 1 Melbourne Airport safeguarding and other needs to be balanced.

14. There is a risk that single purpose planning processes like this one can seek to elevate specific issues above others and in so doing insufficiently balance other competing planning needs and objectives. The evidence of Mr Barlow is an example of this where no regard has seemed to be given to the potential need for increased housing density anywhere within the ANEF or N70 or N60 contours.
15. To this end, it is recommended that the Advisory Committee adopt the following as the strategic outcome to be achieved through this process:
16. *“Improved planning provisions for the Melbourne Airport Environs Area that ensures the long term curfew free and safe operation of Melbourne Airport whilst meeting the land use and development needs of Melbourne and those of the local communities around the airport.”*
17. It is considered that the Committee should seek to recommend how this balance should be achieved considering current policy positions, particularly in relation to key Plan Melbourne aspirations, without nominating a primacy in this balance.

#### **Airport safeguarding needs**

18. The economic and social benefits of a 24 hour airport to Melbourne and Victoria (and indeed Australia) has been well communicated for many years.
19. State planning policy and the Hume Municipal Strategic Statement recognise this value with strategies aimed at protecting the curfew free status and the on going operation of Melbourne Airport.

20. What is less clear is what standard of operation of Melbourne Airport should be sought to be facilitated and if this extends beyond being curfew free and safe.
21. State Policy also talks about the 'optimum usage' of Melbourne Airport but fails to define optimum usage.
22. Mr Barlow appears to have interpreted this as the continued curfew free and safe operation of all four existing and proposed runways at Melbourne Airport.
23. This is considered reasonable and a useful description of the standard of operation of Melbourne Airport that is to be facilitated through any changes to the planning provisions.

#### **Local Urban Community Land Use and Development Needs**

24. Much of the land around Melbourne Airport in Hume, and in areas under the existing and proposed future east west runways, was built many decades ago. The land use and development needs and aspirations of people living in these areas, like everywhere, have and will continue to evolve.
25. This continuous evolution is creating demand for new land uses and new development that, like everywhere, need to be considered when developing new planning provisions.
26. Below are some examples of known current needs and aspirations to illustrate this point. They are far from extensive.
27. It is recommended that the Advisory Committee facilitate a means in this process to more fully understand the quantitative and spatial extent of these local needs and aspirations so that it may appropriately consider the weight that should be given to these when balancing the competing needs during this process.
28. It is also considered that bringing more evidence and a greater spatial understanding of these land use and development needs, such as in those outlined below, may assist all parties to:
  - better understand how the proposed provisions could impact on local needs and aspiration both in a quantitative sense and a spatial sense.
  - better identify the need and value of bespoke solutions as a 'one size fits all approach' is not likely to be effective.

It is considered this is best achieved through a workshop with the DELWP and affected Councils, and potentially others to collate and map this information.

#### *Hume Housing Diversity Strategy*

29. In 2020, Council adopted the Hume Housing Diversity Strategy. At its core is the desire to achieve the aspiration identified in the Hume Community Plan (Hume Horizons) for greater housing diversity to better meet current and future housing needs. Currently 90% of housing in Hume is 3 bedroom or more compared to the Melbourne average of 70%.

30. The Housing Diversity Strategy does this by identifying locations suitable for different levels of housing change – Limited, Gradual, Moderate and High – with associated policy directions to support varying levels of housing diversity.
31. The change area designations are based on principles around accessibility and land/policy constraints, including the location of the current and potential MAEO.
32. Areas under the current MAEOs are shown as Limited Change areas reflective of the constraints they posed for subdivision in the MAEOs - see Figure 2. Land beyond that is largely identified as Gradual Change or Moderate Change depending on its attributes.

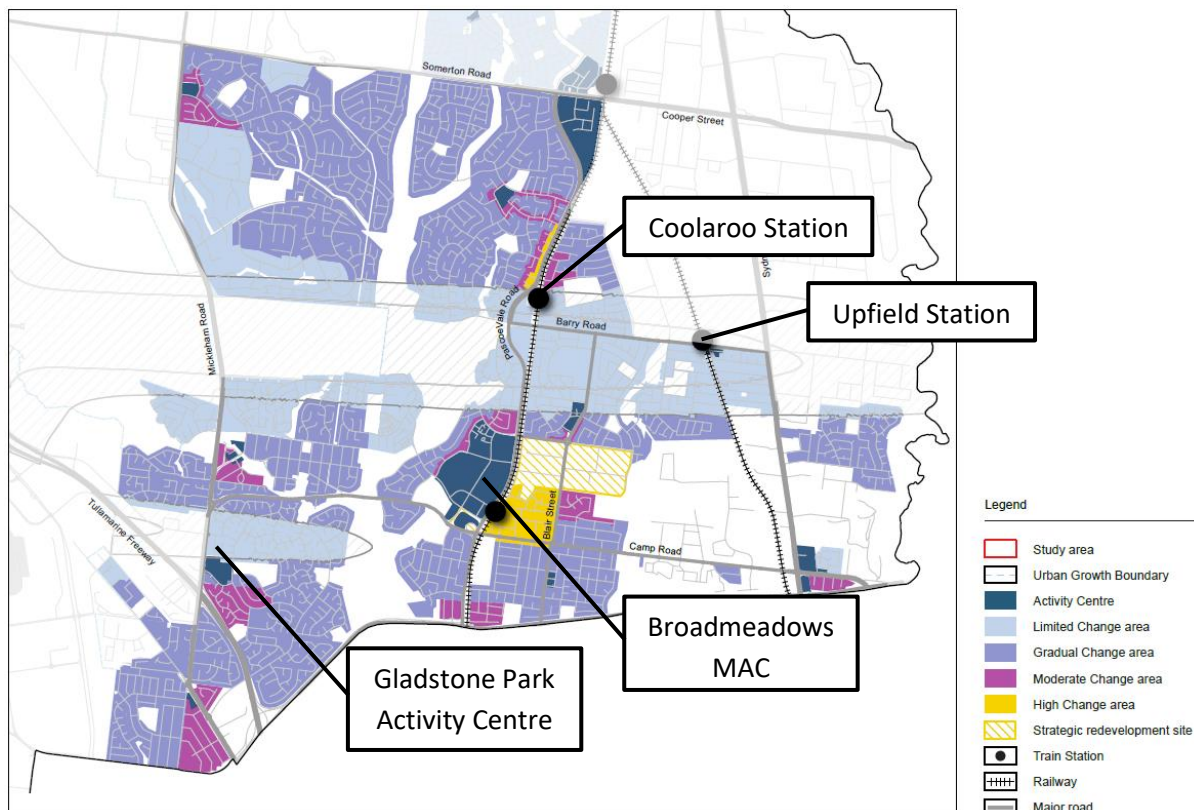


Figure 2 Hume Housing Diversity Strategy 2020 Hume corridor south housing change map

33. Were it not for the MAEO, application of the principles for the location of different housing change levels would likely result in a different future housing direction for these areas.
34. Land around Coolaroo Station and Upfield Station for example would likely be identified for higher levels of housing change given their accessibility. Similarly areas around the Gladstone Park Activity Centre might be identified for higher levels of housing change. Currently only 4% of housing in the Gladstone Park area has less than 3 bedrooms despite more than half of households having two or less people living in them, many of whom are ageing and may prefer a smaller home now or in the future.
35. Whilst it is not critical that housing needs are met locally, it is often an expressed aspiration of people to age and continue living in their current neighbourhood as their housing needs change.

36. The Hume Housing Diversity Strategy recognises this in trying to provide for a mix of housing opportunities in a neighbourhood even where large areas are constrained by controls like the MAEO.
37. For the most part the Strategy has been able to achieve this by locating areas of Moderate and High Change outside of the current MAEO provisions but within a neighbourhood. Clearly any expansion of housing density controls to N contour areas would reduce the areas available to meet local housing needs and aspirations.
38. The potential impact to the achievement of local housing needs and aspirations must be considered and appropriately balanced in this process.
39. It is recommended that the Advisory Committee consider the implications for the achievement of local housing needs and aspirations in Hume and other Council areas in advancing its consideration of potential changes to planning provisions through this process.

#### *Local Community Facilities and Services*

40. As communities age and change so do their needs and preferences for a large array of services and facilities like schools, retail, recreation and childcare. Likewise, the models for these services and facilities change too to reflect economic imperatives and customer needs and aspirations.
41. Managing and responding to these changes means that new, expanded and redevelopment of local facilities occurs fairly regularly.
42. A number of these uses are currently considered under the MAEO and Melbourne Airport (understandably) raises concerns with any new and expanded facilities where users may be exposed to the high levels of aircraft noise on which the MAEO is based.
43. The balancing required in these instances is a difficult one. It sometimes puts providing for the local services needs of the community squarely against the needs to minimise uses sensitive to aircraft noise.
44. The potential impact to the timely and efficient delivery of new and expanded local facilities and services must be considered and appropriately balanced in this process.
45. It is recommended that the Advisory Committee consider the implications for the achievement of these local facilities and services in advancing its consideration of changes to the current planning provisions in this process.
46. The following are other land use and development needs that may be needed or desired by the local community that should be assessed in this process:
  - Demand for office development – particularly post COVID-19.
  - Demand for childcare and aged care facilities.
  - Need for education facility expansions.

47. It encourages the committee to also consider if there should be different controls for the expansion of existing facilities as opposed to the provision of new facilities as often there is less commercial and service continuity impediments with the latter.

### **Melbourne's Land Use and Development Needs**

48. Some of the areas currently affected by the MAEO, including the potential updated MAEO associated with the future new runways, and the N70 and N60 contours are identified in Plan Melbourne as strategically significant locations to meet the growing land use and development needs of Melbourne.

49. Below is the example of Broadmeadows Metropolitan Activity Centre (MAC) to illustrate this point.

50. It is recommended that the Advisory Committee:

- Facilitate a means in this process to map and identify the extent that these strategically significant locations may be affected by aircraft noise and other safeguarding requirements more fully.
- Appropriately consider the weight that should be given to these in balancing the competing need to protect the curfew free and safe operation of Melbourne Airport.

51. Again, it is considered that dealing more in the specifics may assist all parties to advance their thinking on potential provisions through:

- Testing of the conceptual provision responses identified so far against a more defined spatial understanding of where these strategically important locations are in relation to the potential planning provisions.
- Better identify the need and value of bespoke solutions as a 'one size fits all approach' is not likely to be effective.

It is considered this is best achieved through a workshop with the DELWP and affected Councils, and potentially others to collate and map this information.

### ***Broadmeadows MAC***

52. The Broadmeadows MAC and the land surrounding it is a key strategically significant location in Hume.

53. As identified in Plan Melbourne, MACs are earmarked as primary locations for a wide range of high density uses, notably housing, office, retail, entertainment and recreation. They are a key stone in the strategy to achieving a polycentric city and to fulfilling the 20 minute city aspirations.

54. Whilst some of these uses are more susceptible to the issues of aircraft noise than others, particularly at night, the full mix is required to make MACs work. This is particularly the case for

high density housing which is seen as a critical success factor for MACs to provide the critical mass to support the range of uses and placemaking aspirations for these places.

55. The notion that MACs, or even large parts of MACs, could be free from housing (to limit aircraft noise impacts) is not considered appropriate and could severely impact the success of the MAC outcomes.
56. As shown in Figure 3, the modelled 2018 ANEF contours (currently basis for the potential MAEO update) for the potential second east west runway would affect parts of the Broadmeadows MAC and the land surrounding it which have been extensively planned as part of the Greater Broadmeadows Framework Plan (and previous State Government documents for Broadmeadows MAC).

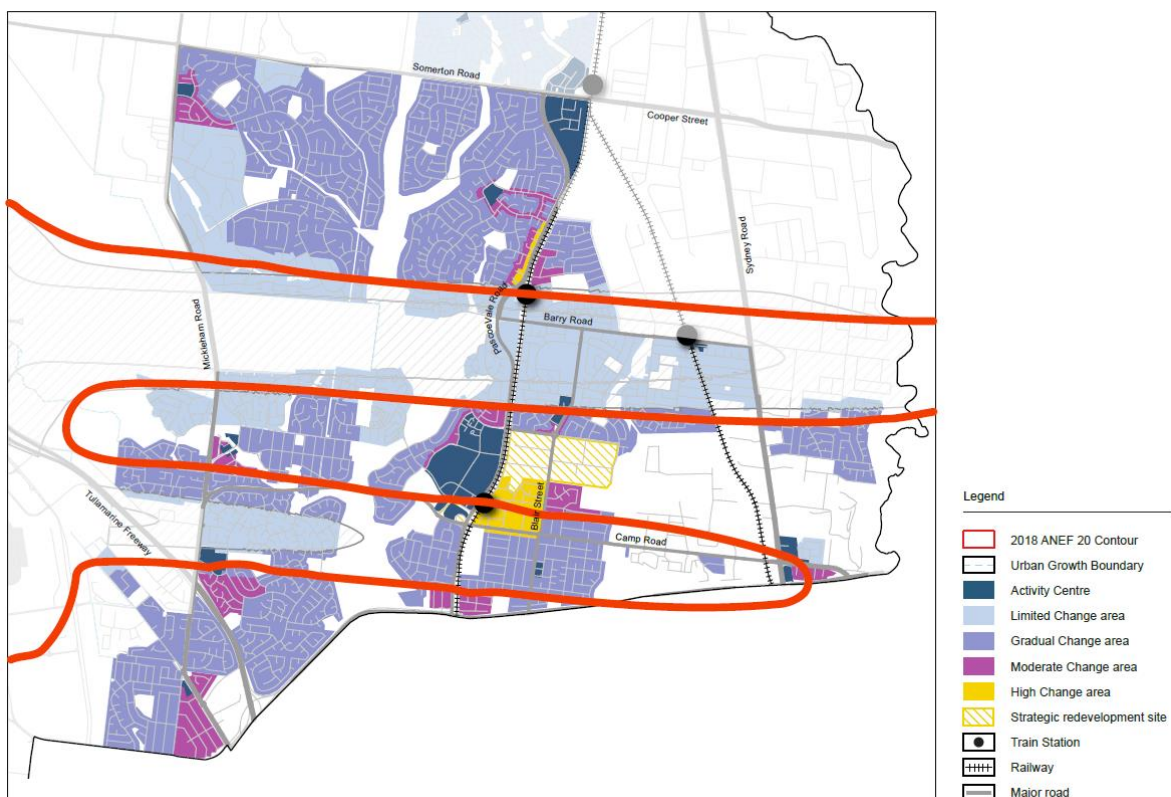


Figure 3 Broadmeadow MAC and 2018 ANEF 20 contour. Note 2018 ANEF 20 contour location is indicative only.

57. This includes land in the Hume Central precinct of the Broadmeadows MAC which is owned by government and identified for catalytic high density mixed use development, including residential.
58. In preparing the Hume Housing Diversity Strategy, Council sought to strategically balance the objectives for Broadmeadows MAC with the safeguarding of Melbourne Airport in considering how to address a potential future application of the MAEO over this area.
59. It identifies the following areas that potentially could be subject to a MAEO in the future (assuming the same ANEF contours are used) for higher levels of housing change:

- Commercial 1 Zone area of the Broadmeadows MAC – this is shown as activity centre and suitable for high change
- Land to the east of the Broadmeadows train station area within 800 metres.

60. The balance of the land around the Broadmeadows MAC that may be subject to a similar MAEO is shown as Gradual Change. Depending on the recommendations of this Committee and confirmation of the MAEO for these areas, this designation may be altered to Limited Change consistent with areas currently affected by the MAEO. As outlined in section 6.3 of the Strategy, it is Council's intention to wait for this advice and change before advancing any planning scheme amendment changes associated with the Strategy.

61. A consideration in preparing the Strategy was the recognition that apartment style housing (preferred in High Change areas) may offer better noise insulation compared to detached dwellings. In so doing this could potentially help to minimise the impacts of increased people living in this potentially noise affected location.

### **Green Wedge Community Needs**

62. Hume's green wedge comprises half the municipality.

63. Compared with other green wedges, viable agriculture in the Hume is extremely challenging owing to relatively poor quality soil and a lack of access to water, which will only be exacerbated by the impacts of climate change.

64. Therefore, more so than protecting agricultural land, large parts of Hume's green wedge serve an important role for Melbourne and the State in protecting the curfew free operation of Melbourne Airport as a State-significant infrastructure asset. This role is acknowledged in State Government Planning Policy Framework at Clause 18.04-1R and Direction 3.4 of Plan Melbourne, as well as the 2018 Melbourne Airport Master Plan.

65. Hume's green wedges provide a northern and western rural buffer to Melbourne Airport. Its utility for this can be seen in the majority of this area being affected by the MAEO, N-60 and N-70 Noise Contours, as well many other airport operational safeguarding considerations – see Figure 4.



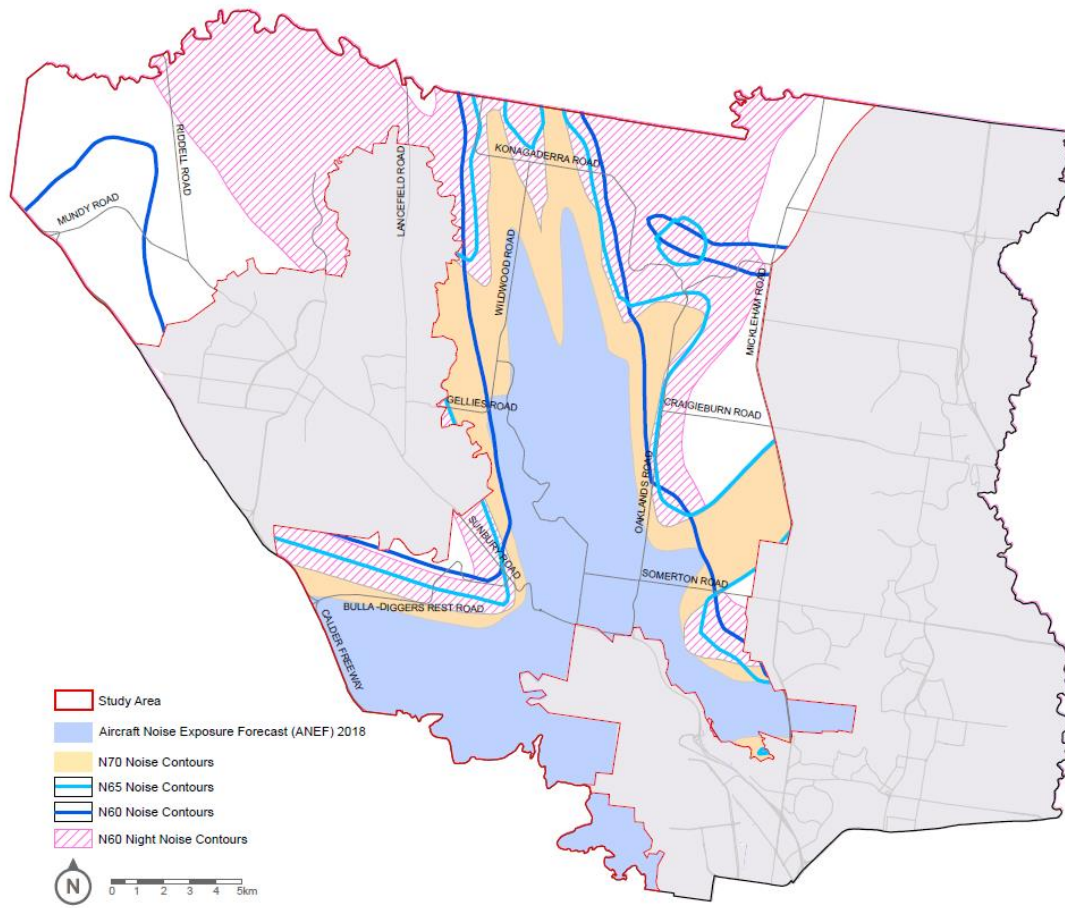


Figure 4 Hume green wedge areas affected by aircraft noise. Note - noise contours based on 2018 Airport Master Plan and should not be relied upon to be an accurate representation.

66. Council is committed to protecting the curfew free and safe operation of Melbourne Airport and firmly believes this can only be achieved in green wedge areas if managing this land is viable for its owners.
67. To achieve this, Council considers that all policy makers, government agencies, and Melbourne Airport need to recognise and engage with the challenges that undermine the viability of the green wedge.
68. Council has consistently heard from the green wedge community about the very real, interconnected and compounding challenges this community are confronting in viably maintaining and managing their land. These challenges are summarised in figure 5, specifically these relate to:
  - Increasing land management challenges.
  - Limited and declining viability of traditional agriculture.
  - Urban edge challenges.
  - An aging and changing rural population.



69. These challenges have combined with a recent memory of continued urban growth boundary expansion by State Government planning policy that continues to fuel rampant land speculation, land banking, and ultimately the damaging and pervasive perception that Hume’s rural areas are urban land, or at best rural living land, in waiting.

70. Resulting from this the only solution and long term future that many in the green wedge community see for Hume’s green wedge is one of:

- Increased urban development when the urban growth boundary is eventually changed.
- Increased rural lifestyle properties when minimum subdivision sizes are lowered.

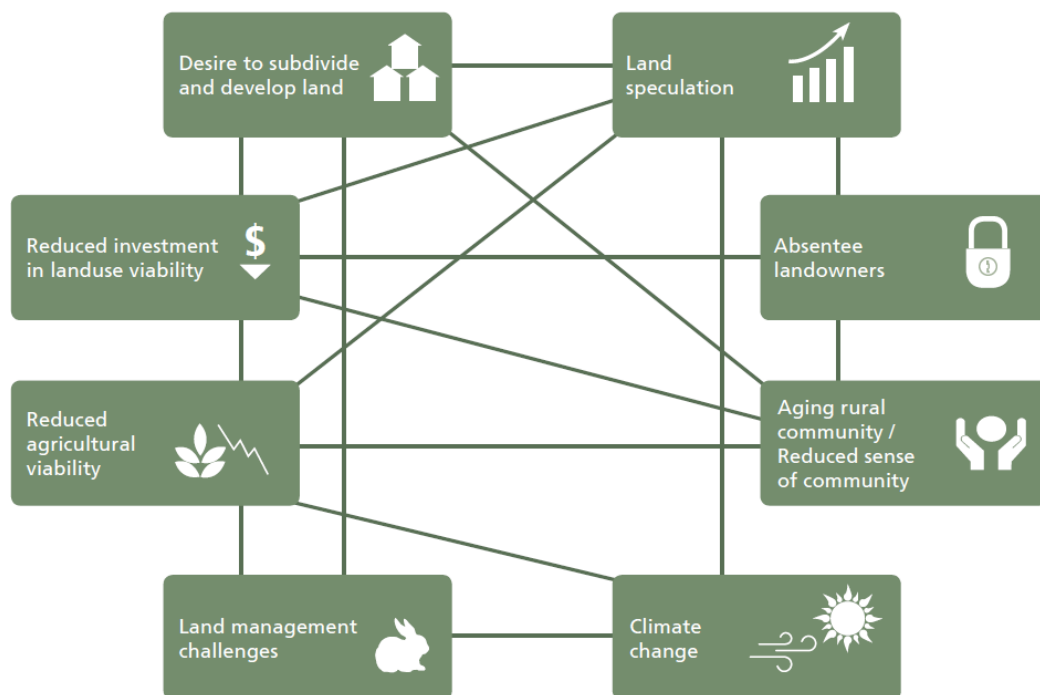


Figure 5 Interconnected challenges in Hume's green wedge areas – From Draft Hume Rural Strategy 2020

71. Council considers that these outcomes would compromise the many roles of Hume’s green wedge, including its role in safeguarding the curfew free operation of Melbourne Airport.

72. While current controls in the Green Wedge Zone and legislation around the urban growth boundary may continue to prohibit such development to readily occur in proximity to Melbourne Airport, the pressure for this change will continue to increase unless the viability of these areas is addressed.

73. Unfortunately these challenges have no single or easy solutions.

74. To begin to address them, Council has drafted and released for community consultation the draft Hume Rural Strategy 2020.

75. The Strategy seeks to offer the green wedge community a shared vision for the rural areas to strive towards in partnership with Council and attempt to foster a viable green wedge. Reflective of this holistic and partnership approach, the actions of the draft Hume Rural Strategy are encompassed by three themes:

**Certainty** – on the future planning for the rural areas, particularly future urban development and subdivision in order to assist the rural community to make investments in their land with a greater level of confidence.

**Support** – to help enable landowners to continue to pursue current activities, diversify into new activities, maximise opportunities associated with a growing urban population within the urban growth boundary, and to effectively manage land.

**Engagement** – to inform the rural community of potential future changes and to grow community connectedness and capacity to realise future opportunities and manage challenges.

76. Council is limited in its capacity to act in many respects due to its inability to make changes to green wedge planning controls and the significant investment in infrastructure, compliance and support programs that are necessary to create a viable green wedge. The partnership approach that is therefore necessary to achieve this requires action and support from the State Government to act where Council cannot.

77. Council acknowledges that DELWP is currently consulting on the *Planning for Melbourne's Green Wedge and Agricultural Land Consultation Paper*.

78. However, the Advisory Committee is in a unique position to contribute to this by considering how green wedge planning, and the challenges confronting Hume's and other such green wedges, can support and indeed undermine airport safeguarding.

79. To ensure that the importance of a viable green wedge in Hume and the curfew free and safe operation of Melbourne Airport is understood, the Advisory Committee are recommended to:

- Recognise the importance of a viable Hume green wedge
- Recognise that landowners in Hume's green wedge are protecting assets for the benefit of all Victorians but are currently burdened in doing this by the current green wedge controls
- Consider how any proposed planning provisions aimed at protecting the curfew free and safe operation of Melbourne Airport could improve or further decline the viability of the Hume Green Wedge.

80. As a means of achieving the points above, the Advisory Committee are recommended to also:

- Consider how, or recommend an exploration of, a more bespoke and tailored set of land uses and developments in the green wedges around Melbourne Airport could best serve

both airport safeguarding and the creation of a viable green wedge and how these could be encouraged and facilitated through planning provisions.

- Recommend a further exploration of non-planning mechanisms that could facilitate a more viable green wedge in Hume.

## **PART B – Perspective on solutions raised in submissions and evidence**

81. As anticipated by Council, and included in the joint Council letter to the Advisory Committee, there is a relatively high degree of agreement on the issues and gaps in current planning provisions but far less agreement on the solutions.

82. This section provides a perspective on the solutions offered to date.

### **Managing Risk through Effective and Efficient Planning Provisions**

83. Generally, Council is supportive of updating the provisions to make them more effective in achieving the state and local objectives for curfew free and safe operations at Melbourne Airport, particularly through new provisions to address the full range of operational considerations in the NASF Guidelines.

84. However, it also wishes to ensure that the provisions remain efficient and do not unnecessarily trigger permits or require expensive technical reports to be prepared. This can create unnecessary financial cost for applicants, administrative costs and reduce the community's trust and confidence in the planning system.

85. To achieve this efficiency, it is considered important that provisions that would trigger a planning permit be limited as much as practicable whilst still achieving the aim of ensuring the ongoing curfew free and safe operation of Melbourne Airport.

86. Specifically, any new provisions should:

1. Be confined to the minimal spatial extent required to achieve their purpose – it should be clear which provisions apply to what land and what land they do not.
2. Be confined to the minimal range of use and building types required to achieve their purpose – it should be clear which land uses and which building and works proposals the provisions apply to.
3. Minimise planning permit triggers for works that could be equally or better managed through the building approval process when the detail of the proposed buildings is better known.
4. Maximise use of measurable standards where a high degree of technical advice would be required to assess the impact (e.g. responding to NASF Guidelines)

5. Incorporate mandatory provisions where the purpose is to maintain or protect public safety and where the benefits of retaining discretion and flexibility to the land use or buildings and works provides minimal benefit to the applicant or community.
87. The advice of Mr Barlow and Mr Glossop appear to reflect some of this list in their suggestion to expand the use of overlays to reflect the NASF Guidelines but it is apparent that not all of these have been fully considered.
88. It is with regard to the principles outlined above and the consideration of needs outlined in Part A of this submission that Council provides the following comments on the solutions proposed.

#### **Changes to the MAEO to Protect the Curfew Free Operation**

89. Council acknowledges that the current MAEO does not reflect the current ANEF modelling, particularly in relation to the additional potential future runways and this should be addressed.
90. Council recognises that the MAEO is incorrectly interpreted as the spatial extent of airport safeguarding considerations (despite the importance of the NASF Guidelines) and incorrectly interpreted as the limit of aircraft noise issues. This should also be addressed.
91. Council also recognises that noise complaints and the impacts of aircraft noise extends beyond the areas currently covered by MAEO. It agrees that there is value therefore of considering measures to minimise noise impacts and noise complaints to protect the curfew free operation of Melbourne Airport.
92. However, as outlined above, Council believes that this needs to be done in a balanced way.
93. Whilst not perfect for the reasons outlined above, the MAEO does currently facilitate a balance to be achieved between the competing planning objectives outlined above.
94. Specifically, the MAEO 1 identifies where the highest levels of aircraft noise have been forecasted and seeks to restrict inappropriate use and development occurring in these areas. Similarly, MAEO 2 identifies areas where aircraft noise is forecasted to be sufficiently significant to warrant its consideration in use and development decision making.
95. Then outside of the MAEO areas, the needs of Melbourne and local communities are able to be realised.
96. At a statutory planning level, it is considered that for areas affected by the MAEO that generally the primacy to airport noise considerations has already been made in the establishment of these controls identifying where discretion is and is not possible. Whilst not perfect, and one that is contested and would benefit from improvement, the current provisions attempt to facilitate and enable a balance.
97. Similarly, the MAEO is structured in a reasonably effective and efficient way, albeit with scope for improvements particularly in terms of the guidance it offers for considering permits for Section 2 land uses.

98. Specifically:

- the spatial extent of the MAEO is limited to a clear and purposeful area
- the land uses and development that are either prohibited, conditionally allowed or that trigger a planning permit is limited to a clear and purposeful list
- the opportunities for use of the building approval process is considered (albeit only to a limited amount)
- use is made of prescriptive and mandatory controls.

99. So whilst there is no doubt considerable room for improvement, the current MAEO approach works relatively well in establishing the balancing of noise impact issues with new development, and is relatively efficient and effective.

100. Therefore, it is considered that any planning provisions change should not significantly shift the approach but ensure the balance is appropriate now and into the future.

#### Extensions to MAEO

101. Council has concerns with any proposal to apply land use or density controls to planning permits beyond the ANEF 20 area.

102. It does not support applying density controls or prohibitive land use controls to the N70 and N60 areas.

103. It is considered that the spatial extent that this constraint would place on new housing and other noise sensitive development is too great and would therefore create an inappropriate balance between protecting the curfew free operation and meeting local and Melbourne housing needs.

104. This is also not considered to be in accordance with the NASF Guideline A which identifies that in N70 and N60 contour areas a balance between different needs is critical and that noise impacts should be considered for strategic planning purposes. It is also considered impractical given the amount of permit applications that could be triggered.

105. Council is more persuaded by the evidence of Mr Glossop who considers that in these areas, large scale intensive development might need to be managed.

106. However, Council believes that any consideration should occur for planning scheme amendments that would facilitate new noise sensitive uses or enable a high density of housing (e.g. amendments that would enable a density greater than allowed by the height controls in the General Residential Zone given this is the primary current land use in these areas).

107. This position is considered more appropriate as:

- it aligns with the advice in NASF Guidance A

- it would enable local land use and development needs to continue to be met through new development whilst ensuring that major land use and development proposals are assessed
  - the residential zones (which are the primary noise sensitive land use enabling zones in these areas) currently limit density to a large degree through their height controls
  - it would maintain a suitably tight limit to the spatial extent of the controls.
108. Ensuring that planning scheme amendments do this assessment could be achieved through the introduction of a new or changes to existing Planning Practice Notes and to Explanatory Report requirements for preparation of planning scheme amendments similar to other considerations like bushfire risk.
109. The challenge we see with limiting this to Planning Scheme Amendments only is the potential for large scale and high density housing in zones like the Commercial 1 Zone (C1Z) or Mixed Use Zone (MUZ), which encourage high density housing, and have no default height controls or similar in the zone that could limit to some extent the density of new development. This is less problematic in Hume due to the relatively limited amount of such zones within the N60 and N70 areas.
110. There is merit in extending the provisions to require new buildings in the N70 and N60 areas to be designed and constructed to minimise noise impacts. This would help to minimise noise impacts whilst still enabling local needs to be met through new land uses and development.
111. Managing the impact of this additional housing construction cost on housing affordability may be something that should be explored further.
112. Rather than develop an overlay simply for this purpose, it is considered preferable to explore how these could be addressed through building provisions.

#### A New MAEO for Strategic Locations

113. To address the issue of impacts of the MAEO on locations identified in Plan Melbourne to meet the growth needs of Melbourne, it is considered that the APAM proposal of an MAEO Schedule 3 potentially has considerable merit.
114. Specifically, APAM propose a new MAEO schedule that could be introduced to provide for higher density housing in areas strategically identified for residential growth. The potential MAEO 3 would seek to allow high-density residential development designed to minimise noise impacts in and around designated activity centres that are within the MAEO.
115. Allowing noise sensitive land uses that are critical to realising the growth needs of Melbourne (or a demonstrably critical local need) like high density housing whilst requiring siting and building design to minimise the impacts of aircraft noise appears to be a highly suitable and balanced response. This new MAEO schedule could also incorporate other non-noise NASF considerations specific to the development outcomes sought in an area and could represent a highly suitable balance between various needs.

116. Clearly its use would need to be very carefully applied (potentially guided through a Planning Practice Note) given that it would allow a considerable increase in noise sensitive uses. However, having this in the planning provision 'toolkit' is considered potentially useful.
117. This approach would require further consideration with a better understanding of the ability to minimise noise impacts (particularly to external areas) through siting and building design and with a better understanding of its potential application.
118. It is not an endorsed position of Council but would be consistent with enabling the housing change levels identified in the Hume Housing Diversity Strategy for the Broadmeadows MAC (see above).

#### Changes to the current MAEO

119. In addition to the changes to the MAEO discussed above, APAM has also proposed potential changes to the land uses and densities currently specified in the MAEO.
120. In principle, Council does not support an increase in minimum subdivision controls and the dwelling density limits to be one dwelling per 600 square metres in the MAEO 2 as proposed by APAM.
121. The existing residential zone controls, combined with policy direction from strategies such as the Hume Housing Diversity Strategy, are considered to already serve to appropriately limit or direct density into areas outside the MAEO.
122. Additionally, this would further limit the possibility for higher density housing typologies of a similar density that can have better noise attenuation outcomes as has been advanced through Planning Scheme Amendment C211 at 2-6 Phillip Street, Dallas.
123. Should areas of particular concern in the MAEO 2 area be identified to warrant additional controls, Council sees the merit in exploring how density could best be managed in such areas, however the blanket application of density restrictions across the entirety of the MAEO 2 is not considered the appropriate mechanism to address an issue confined to a specific locations or zones.
124. Council does however see the merit in the provision of more advice on how to assess and balance noise impacts with local needs for section 2 uses in the MAEO would be of benefit to Council planners.

#### **Better Incorporating the NASF Guidelines to Protect Safe Operation of Melbourne Airport**

125. Council recognises that the non noise related NASF Guidelines currently are poorly incorporated into the planning provisions which has the potential to undermine the planning objectives to maintain the safe operation of Melbourne Airport.
126. Council is aware that APAM sometimes seek to require that applications include an assessment against the NASF Guidelines in their response to notification of planning permits. Whilst this is understandable, it also comes at a financial cost and can be a cumbersome task for applicants

given the highly technical nature of the guidelines. Council planners are also not trained in the detail for addressing these aspects and therefore rely on expert reports or input from Melbourne Airport.

127. Effectively and efficiently addressing this gap is therefore supported by Council.
128. However, it is evident that trying to reflect all the guidelines in the scheme is a significant challenge. This can be seen in the solutions presented in the evidence of Mr Barlow and Mr Glossop of multiple overlays creating the potential for a highly complex set of planning provisions.
129. It is therefore considered that more work is necessary to explore how this could be achieved than has been undertaken to date or has been presented in the expert evidence.
130. Specifically, it is considered that given their highly varied spatial extent, their relationship to other approval processes and their highly technical nature, it is critical that the following work be undertaken:
  1. Identify which approval processes (planning, building, and other) would be most suitable to implement the guidelines.
  2. Identify the role of planning provisions to manage land use and development consistent with these guidelines (i.e. trigger permit) or to advise of other approval processes
  3. Identify how best to incorporate this in the planning provisions in an effective and efficient way consistent with the principles outlined above, namely:
    - a. Limiting their spatial extent to the minimal area required
    - b. Limiting unnecessary land use and building and works permit triggers
    - c. Maximising use of agreed standards, particularly for highly technical matters
    - d. Considering use of mandatory controls
131. It is considered that more detailed analysis should be undertaken than has been provided so far that includes a fuller assessment of how other jurisdictions in Australia have dealt with these.
132. To illustrate the importance of a thorough assessment, below is an outline of the complexity in trying to incorporate Guideline F - intrusions into prescribed airspace.

#### Incorporating Guideline F

133. Approval for intrusions into prescribed airspace is required from the Federal Department of Infrastructure and Transport.
134. Kingston and other councils have Design and Development Overlays in their planning schemes to ensure that intrusions into prescribed airspace are considered. These trigger a referral to the Federal Government or notice to an airport operator. This is the approach recommended by Mr Barlow and in effect by Mr Glossop too, albeit through the use of a new MAEO schedule.



135. The extent to which a planning provision like an overlay is required when there are other approval processes is clearly questionable and inconsistent with processes to reduce red tape. However, as APAM have identified the approval requirement is not always well recognised and is often discovered after significant time and resources have been invested in developing a development proposal.
136. The spatial extent of the area covered by Guideline F is also very large and would be irrelevant for the large areas zoned Neighbourhood Residential Zone and General Residential Zone as the planning provisions in these areas include height controls well below the Melbourne Airport's Obstacle Limitation Surface (OLS). It would appear ineffective and inefficient to apply an overlay over such areas.
137. Similarly, there are areas in Hume where Melbourne Airport's OLS sits below natural ground level. It would again appear ineffective and inefficient to apply an overlay over such areas.
138. Conversely there will be areas where potential for airspace intrusions would likely be a regular development proposal consideration due to the anticipated height of new development – e.g. in Broadmeadows MAC which is affected by OLS for Essendon Airport. In these areas, it may make sense for this to be clearly identifiable in planning provisions.
139. Guideline F identifies that there is discretion to consider development that intrudes above the OLS specified in the guideline. It is not a mandatory control. Airport operators consult with airlines and CASA to assess the impact and inform the approval from the Federal Department of Infrastructure and Transport.
140. But Guideline F does not provide guidance on how to determine if an intrusion is acceptable or not.
141. Requiring a similar discretionary assessment by planning officers is clearly cumbersome and unnecessary and would be burdensome on any applicant or planner to attempt to consider and assess.
142. This assessment into how Guideline F might be addressed in through the planning system identifies that there are significant questions about the effectiveness and efficiency in creating an overlay for this guideline where the aim is principally to alert people to another approval process which is only likely to be triggered in select areas.
143. It may be more appropriate to explore other ways to increase awareness of Guideline F and the approval process – see Area of Influence Discussion – and also more generally understand where the planning system is best placed to address specific NASF issues and where it is not.

#### **Area of Influence**

144. It is considered that the principle of identifying an Airport Area of Influence has merit as a strategic tool to ensure that relevant safeguarding provisions are considered in strategic planning exercises like changes to UGB or reviews of Plan Melbourne, as well as more localised planning scheme amendments.

145. It is considered that putting this area into something like the updated Melbourne Airport Environs Strategy, where its strategic use could be explained, could be useful to achieve this, particularly if combined with changes to the planning practice notes and explanatory reports relating to planning scheme amendments (see above).
146. It could also assist in signalling to buyers, applicants, planners, building surveyors and others the need to consider the noise impacts and safeguarding requirements of Melbourne Airport.
147. However, it requires further exploration of its role(s) and purpose(s) in the planning scheme and further exploration of how to best the objectives of it could best be achieved.
148. It would also appear to suffer from the similar issues and require answers to similar questions as those for incorporating the NASF Guidelines discussed above:
- What is its purpose in planning approvals as opposed to other approval processes?
  - What is the appropriate spatial extent that should be shown in the planning provisions?
  - What safeguarding elements need to be considered in which parts of the area of influence?
149. It is considered a less valuable planning tool than developing the planning provisions (like overlays) proposed by Mr Barlow or Mr Glossop.
150. Therefore, it is considered that the most practical and valuable purpose of the Area of Influence would be for its awareness and educational benefits for buyers, renters and applicants and planners. Similar to the approach in Brisbane, there appears to be merit in developing an interactive tool that identifies the noise impacts and safeguarding requirements of Melbourne Airport for individual properties.

#### **Notification and Referral Authority**

151. As outlined above, it is recognised that the MAEO is often treated as the extent of the area that notification to Melbourne Airport is appropriate.
152. Council seeks to apply a precautionary approach and notify or discuss permit applications and planning scheme amendments beyond this area. For the most part this seems to work effectively but could be improved through clearer provisions or guidance.
153. It is not considered effective or efficient for the entire N70 or N60 area to become the notification area as this is too large. This reinforces the importance of being clear which parts of the N70 and N60 require greater consideration.
154. Similarly, there is potential that the introduction of new overlays for the NASF Guidelines could address this issue in some locations.
155. If the spatial extent of the potential new overlays are appropriately worked through this could be effective in alerting applicants and planners to which safeguarding issues Melbourne Airport will specifically be considering for that application.

### Referral Authority

156. APAM has proposed that it become a referral authority and both Mr Barlow and Mr Glossop have considered this appropriate for applications within the MAEO, in any new NASF safeguarding overlays and within the proposed Area of Influence for planning scheme amendments. Mr Glossop also suggest APAM could be a determining referral authority for safeguarding matters relating to public safety, such as intrusion into the OLS and risk of wildlife strike.
157. There is questions regarding transparency of process and decision making should airport operators become referral authorities. There is also a level of mistrust generally given the level of intense development occurring around airports.
158. Whilst the airport operators seek to assure the community that airport safeguarding of these developments has been considered and balanced through the internal airport approval processes, there is a perception that the airports unfairly objects to similar development around the airport.
159. Similarly applicants sometimes question the validity of comments or requests provided by APAM where they are perceived to be unreasonable. For example, APAM recently objected to a 2.1 metre structure for intruding into prescribed airspace in an area where the OLS sits below natural ground level and where there are existing structures and trees that already exceed 2.1 metres.
160. Clearly, there must be confidence that any potential referral authority, be they the airport operators or any State or Federal Government Departments, be able to balance airport safeguarding needs against other community and competing policy needs without bias.
161. It is recognised that the decision to make the airport operators a referral authority was previously not supported due to the potential for their vested interests to influence their role. This was principally in relation to their ability to appropriately balance consideration of noise impacts with new development.

### *Noise Impacts*

162. For consideration of noise impacts, the previous concerns are still considered a highly relevant consideration, particularly given the on going and growing need to objectively consider and balance the competing objectives discussed in Part A and the highly discretionary nature of planning provisions in relation to the consideration of noise impacts.
163. As has been identified on numerous occasions by VCAT and others it is not possible to identify the point where allowing noise sensitive development in areas affected by any level of aircraft noise may tip the balance and create demand to end the curfew free status that is sought to be protected in current policy.

164. Melbourne Airport as the operator are obligated to protect this curfew free status and therefore there are genuine concerns that Melbourne Airport will be unable to offer the balanced position in relation to noise sensitive use and development needed.
165. On balance, it is therefore considered that Melbourne Airport should not be a given the status of a referral authority for consideration of permit applications where noise is a primary issue. And if it is then this should just be a recommending authority status.

*Non noise considerations*

166. As identified in many submissions, incorporating the non noise NASF Guidelines better into the planning scheme gives rise to the question of who should be responsible for assessing and administering these new provisions given their highly technical nature.
167. This issue is not unique to this subject matter. Council planners are familiar with needing to assess a growing number of varied and highly technical matters and to balance these against other objectives. Through education and guidance (e.g. Planning Practice Notes) and access to expert consultants, planners have demonstrated a capacity to quickly gain the knowledge and experience required, particularly where provisions are well drafted.
168. It is recognised, however, that where permit considerations are a matter of public safety there is value in a highly specialised and knowledgeable authority being a recommending or determining authority on such applications. Similarly, where the technical expertise required is such that there are very few experts in the entire country who can assist there is again value in a highly specialised and knowledgeable authority being a recommending or determining authority on the applications.
169. It is considered that for some aspects of the non noise NASF Guidelines these two elements may be triggered and consideration of a referral authority may be appropriate.
170. This will depend to a large degree on how the non noise NASF Guidelines are advanced in planning provisions. In particular, which non noise safeguarding matters are to be addressed through planning provisions or other approval processes and which are sufficiently prescriptive or mandatory that technical expertise to apply discretion is not required.
171. Only then can it be determined if the matters can be managed through notice requirements or if a referral authority is necessary and who might be best placed to fulfill this role.

**Notification to Purchasers of Noise Impacts**

172. Officers agree with APAM's comments that using 173 Agreements as a means of notice to purchasers that the property is affected by aircraft noise is a cumbersome and limited.
173. They are not an efficient or effective way of notifying the community of aircraft noise. Utilising Section 173 Agreements in such a manner can cause major delays, is an administrative burden to Council and Melbourne Airport, and in the end serves to only notify property owners and not renters that a property is affected by aircraft noise.

174. As discussed above in relation to the Area of Influence alternative methods for notifying purchasers of the impacts of aircraft noise should be explored.

## **PART C – Summary of recommendations and next steps**

175. It is recommended that the Advisory Committee:

1. Consider adopting the following as the strategic outcome to be achieved through this process:

“Improved planning provisions for the Melbourne Airport Environs Area that ensures the long term curfew free and safe operation of Melbourne Airport whilst meeting the land use and development needs of Melbourne and those of the local communities around the airport.”

2. To achieve the above strategic outcome:
  - a. Balance the impact to the achievements of local housing needs and aspirations.
  - b. Consider the implications for the achievement of local housing needs and aspirations in Hume and other Council areas.
  - c. Consider the implications for the achievement of needs for local facilities and services.
  - d. Understand the whole extent of the land use and development needs and the aspirations of Melbourne that may be affected by measures to safeguard Melbourne Airport.
  - e. Recognise the importance of a viable Hume green wedge.
  - f. Recognise that landowners in Hume’s green wedge are protecting assets for the benefit of all Victorians but are currently limited in doing this by the current green wedge controls.
  - g. Consider how any proposed planning provisions aimed at protecting the curfew free and safe operation of Melbourne Airport could improve or further decline the viability of the Hume Green Wedge.
3. consider adopting the following process as next steps after this hearing to advance planning provisions:
  - a. Hold workshops with DELWP, councils and other stakeholders to:
    - i. Identify the local and Melbourne development needs and opportunities that airport safeguarding controls should be balanced against – particularly in relation to managing noise impacts.
    - ii. spatially compare the location of the following in the MAEO, N70 and N60 areas:

1. strategic land use and development change is proposed in current policy to meet local and Melbourne needs
  2. current zonings that encourage or would high density housing development to occur (e.g. C1Z)
  3. the non noise NASF guidelines would apply.
- b. Use this to develop and test different planning provisions options and their suitability for the different scenarios. This should seek to identify what scenarios require new planning provisions to better guide safeguarding considerations as part of planning scheme amendments (e.g. rezonings) and which scenarios require planning provisions to better guide safeguarding considerations for permit applications.
  - c. Undertake work to identify what elements of the non-noise NASF Guidelines require planning provisions, recognising some might be advisory as opposed to triggering a permit.
  - d. Undertake work to identify the optimal spatial extent of any planning provisions for non noise NASF guidelines recognising the desire to minimise this as much as possible for guidelines that require complex technical assessments.
  - e. Based on the outcomes of the above, DELWP or another agency work with Councils and other stakeholders to develop draft detailed provision changes for formal comment with the Advisory Committee considering further submissions to the detail of the potential package of proposed changes.
4. Recommend or ensure that any potential planning provisions for non noise NASF Guidelines:
    - a. Identify which approval processes (strategic planning, planning permit, building, and other) would be most suitable to implement the non noise NASF guidelines and other safeguarding objectives.
    - b. Identify the role of planning provisions to manage land use and development consistent with these guidelines (i.e. trigger permit) or to advise of other approval processes.
    - c. Identify how best to incorporate this in the planning provisions in an effective and efficient way consistent with the following:
      - Limiting the spatial extent to the minimal area required
      - Limiting unnecessary land use and building and works permit triggers
      - Maximising use of agreed standards, particularly for highly technical matters
      - Considering use of mandatory controls.
176. Of the potential solutions proposed, Council sees the merit in the giving further consideration to the following options:
5. A new MAEO schedule for managing high-density development in strategic locations under the MAEO (similar to that proposed MAEO 3 by APAM).

6. Requirements for new development in N70 and N60 areas to include building treatments to manage the impact of noise. Any exploration of this should consider the impact on housing affordability.
  7. Alternative notification and education tools for increasing awareness of airport safeguarding considerations and areas of potential noise impacts for property purchasers, renters and applicants.
  8. Additional guidance in the MAEO or through Planning Practice Notes on considering discretionary uses in the MAEO.
  9. Addition guidance to help apply and interpret the NASF Guidelines.
  10. A new referral authority to assess and advise on technical, non-noise related safeguarding matters (where not already managed through new controls or existing approval processes).
177. In relation to green wedge planning and airport safeguarding specifically, Council recommends that the Advisory Committee also:
1. Consider how, or recommend an exploration of, a more bespoke and tailored set of land uses and developments could best serve both airport safeguarding and the creation of a viable green wedge and how these could be encouraged and facilitated through planning provisions.
  2. Recommend a further exploration of non-planning mechanisms could facilitate a more viable green wedge in Hume.
178. Council does not support:
1. The introduction of blanket use and density restriction in existing urban and residential areas under the N60 and N70 contours.
  2. Increased blanket density and subdivision restrictions in the MAEO 1 and 2.
  3. The elevation of APAM or other airport operations to referral authorities for noise related considerations, and particularly not determining referral authority.

**Appendix – Extract Hume Corridor Integrated Growth Area Plan (HIGAP) Spatial Strategy December 2015 regarding Council position on urban growth boundary**



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Melbourne Airport Environs Standing Advisory Committee  
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Dear Standing Advisory Committee

**RE: MELBOURNE AIRPORT ENVIRONS SAFEGUARDING STANDING  
ADVISORY COMMITTEE**

Hume City Council welcomes the opportunity to participate in a process to explore how to appropriately safeguard the operations of Melbourne Airport.

Council recognises that Melbourne Airport is an important state infrastructure asset and plays a significant role in generating jobs within Hume and for local residents. To this end, Council remains committed to protecting Melbourne Airport's 24-hour curfew free operation.

In a letter to the Department of Environment Land Water and Planning (DELWP) dated 1 September 2020, Hume, Brimbank and Melton City councils raised concerns with the efficiency and appropriateness of a standing advisory committee process for exploring new airport safeguarding measures (see enclosed a copy of the letter). The letter proposed an alternative process to engage with the complex challenges of airport safeguarding that utilises the collaborative relationships that exist between local councils, Melbourne Airport and other stakeholders.

The alternative process would see that before the Advisory Committee hold public hearings, that a series of workshops are undertaken to discuss the challenges of airport safeguarding and explore the benefits and limitations of potential planning and policy changes. The Advisory Committee could then undertake background research and produce a discussion paper with proposed policy responses to release for broader comment.

Hume maintains that this is the preferred process to explore the complexities for airport safeguarding and potential planning policy changes.

In the absence of the Advisory Committee committing to an alternative process, this letter serves to outline the persistent challenges that Council has experienced regarding airport safeguarding that must be explored by the Advisory Committee.

Given the complexities and conflict inherent in airport safeguarding, Council cannot offer definitive solutions on how to respond to these challenges. It is Council's expectation that the Advisory Committee undertake further background work to comprehensively understand these challenges before proposing any potential planning policy responses.

### **A new context**

Council sees that one of the overarching challenges for airport safeguarding stems from the question of how to meaningfully protect Melbourne Airport's operation in the context of a growing and changing Melbourne.

Since airport safeguarding controls were introduced into the planning scheme in 2003, Melbourne as a city and its residents have changed significantly. There is now a greater community expectation for 24-hour access to a range of services and activities. Many communities affected by aircraft noise have different priorities, assumptions and lifestyles than were considered the norm in 2003.

Council recognises that due to the importance of Melbourne Airport that a conservative approach to safeguarding is necessary. At the same time, Council encourages the Advisory Committee to consider the challenges outlined below within this contemporary context, particularly where there is a conflict between sustainable growth and change of Melbourne with airport safeguarding.

### **Competing State Government policies**

Council has experienced many occasions where the requirements of airport safeguarding has come into direct conflict with different State Government policies. This is largely felt in the continual population growth of Melbourne, in accordance with State and Local Government policies managing this, conflicting with Airport safeguarding needs.

The need to balance these conflicting policies is particularly pronounced with regard to policies that call for an intensification of new development in strategic locations that are also affected by aircraft noise. A key example of this can be seen in Broadmeadows, a Metropolitan Activity Centre that state and local policy identify as a key area of investment and growth in jobs, services and housing which may be affected by future aircraft noise.

Council grappled with this issue in the preparation of the *Hume Housing Diversity Strategy (2020)* when it had to balance enabling housing change in strategic locations around Broadmeadows whilst recognising the potential of this land to be affected by aircraft noise associated with a future additional east west runway.

In several instances support from Melbourne Airport for strategic developments, such as the Valley Park Redevelopment in Westmeadows, was only gained by the developers, Council and the Airport entering into a Section 173 Agreement that requires the developer to notify future owners that the property is affected by aircraft noise. This approach is far from ideal as it causes major delays, is an administrative burden to Council and Melbourne Airport, and in the end serves to only notify property owners and not renters that a property is affected by aircraft noise.

Council encourages the Advisory Committee to consider (through a benefits and limitations exercise) how the conflict between key policies that seek to intensify development in strategic locations are contradicting policies and controls to protect the operation of Melbourne Airport can be better managed.

### **Balancing general population growth and needs with airport protection**

Enabled by the policies discussed above, meeting the needs of the general population growth of Melbourne, Hume and other aircraft noise affected municipalities, has been a source of tension at the planning permit stage.

Council appreciates and supports Melbourne Airport's role under the Melbourne Airport Environs Overlay (MAEO) and appreciates that their input to planning permits originate from their desire to minimise the exposure of additional people to aircraft noise who might complain and seek a curfew for the Airport.

Whilst it might be reasonable from a safeguarding perspective to minimise noise sensitive uses such as housing and childcare facilities in aircraft noise affected areas, the communities that are in these established and new development areas are continuing to grow and change. As such, it is also reasonable for these communities to want new housing and services to support their needs.

How to strike an appropriate balance between facilitating community needs and expectations against protecting the operations of Melbourne Airport is a difficult question that needs to be given very careful consideration by the Advisory Committee.

There is no clear or obvious solution to Council for this without significant research and deliberation. However, it is submitted that any change to planning policy that is weighted heavily in one direction is likely to be problematic, so processes or improved guidance of how to better manage the conflict is likely to be preferable. The Advisory Committee should provide details of the benefits and limitations of any potential planning response in relation to managing use and development proposals needed or expected by communities in aircraft noise affected areas.

### **The potential roles of different noise contours**

Council recognises that the MAEO utilises the Australian Noise Exposure Forecast (ANEF) noise contour system. This represents one of the metrics for determining areas that are affected by aircraft noise, with the N Contour system being another important noise exposure tool that is referred to in Federal legislation for decision making on planning proposals.

The challenge Council has experienced in relation to this is that the N-Contours have an uncertain the role in the Victorian planning system and that the land that is considered to be materially impacted by aircraft noise under the N-Contours system is often far greater than that under ANEF system and the MAEO.

In keeping with Federal airport safeguarding requirements, Council officers refer to the extent of both the ANEF and N-Contours for strategic planning decision making. Yet a lack of clear guidance on their role in the Victorian planning system creates uncertainty and conflict between Melbourne Airport, Council officers and planning permit applicants

and proponents of planning scheme amendments when a use or development might fall under the N-Contours but not the ANEF.

Council understands the extent to which aircraft noise metrics outside the ANEF, such as the N-Contours, should be considered within the Victorian planning system is very complex. However, Council considers that to address the challenges of ad hoc and uncertain consideration of N-Contours simply through their potential translation into a new planning overlay is not necessarily an appropriate response.

Given the highly technical nature of the aircraft noise modelling, Council proposes that further assessments need to be undertaken by the Advisory Committee to consider these issues and that the Advisory Committee should provide details of the benefits and limitations of any potential planning response in relation to the use of the N contour system.

### **Noise impacts on different housing typologies and uses**

Council has seen in Hume that the MAEO has the greatest impact on the development of dwellings by limiting the numbers of dwellings on a lot and setting minimum sizes for subdivision. Yet Council sees that the broad controls of the MAEO could be more responsive to differences within the same use or development type.

This is clearly seen in that the current controls do not differentiate between how noise impacts different housing typologies to different degrees. For instance, a detached dwelling with a large backyard generally has limited noise attenuation when compared with apartment buildings.

Equally, there is no current consideration to how other uses might be more or less exposed to aircraft noise through different designs or operating capacity.

Whilst the evidence on the extent of these potential differences to noise impacts is limited, Council considers that the current one size fits all approach to dwellings and uses within the MAEO needs to be examined.

Council requests that the Advisory Committee consider how planning controls should recognise and respond to differences within uses and development types, particularly different housing typologies and design form. This is particularly salient in consideration of strategies for realising housing intensification and diversity in areas affected by aircraft noise, such as around Broadmeadows as outlined above.

### **The appropriateness of Airport Safeguarding Framework Guidelines A-I in the Victorian planning system**

Council understands that the Advisory Committee will likely be exploring the potential to include operational safety and efficiency requirements relating to the Airport Safeguarding Framework Guidelines (ASFG) into the planning scheme.

Council's experience with the ASFG primarily comes from instances where Melbourne Airport provides guidance on these matters for planning permit applications when they fall within the MAEO in its role as a referral authority. This has proved challenging because the ASFG do not hold statutory weight in the planning scheme.

As these requirements fall outside current planning controls, applicants are typically only made aware of these issues relatively late in the application process after their permit application has been submitted. Additionally, Melbourne Airport's support of an application might be contingent upon an applicant conforming to a detailed matter in the ASFG guidelines. This occurred recently where Melbourne Airport objected to an application to an electronic sign based on its potential brightness, which is not ideal.

While Council encourages applicants to conform to the advice of Melbourne Airport and typically upholds their views to refuse an application, these decisions remain subject to challenge at VCAT. This can result in Council arguing its decision on an application based on considerations that fall outside of the planning scheme.

Additionally, permit applications outside of the MAEO with no requirement to be referred to Melbourne Airport, might have ASFG considerations. Given this uncertainty, Council often refers applications outside of the MAEO to Melbourne Airport. In such instances as Melbourne Airport is not a referral authority there is no requirement to comply with their advice.

Whilst recognising this challenge, Council cautions against adding overlays and planning provisions to address this. Such an approach might create permit triggers unnecessarily and unduly burden development in Hume.

Council encourages the Advisory Committee to conduct further background work to first understand the actual extent of issues outlined above, and then identify the benefits and limitations of all responses to ensure that these matters are appropriately considered. Such work should consider the role of the Building Control system in regulating building activity that would have ASFG considerations and the appropriateness and efficacy of using the MAEO (a control based on noise exposure modelling) to trigger or regulate all safeguarding requirements.

### **The impact of Melbourne Airport on rural land uses**

Council considers that Hume's green wedge areas play an important role in safeguarding the operations of Melbourne Airport by limiting the use and development potential around the Airport.

Whilst Council is committed to ensuring the green wedge continues to fulfil this vital role, Hume's green wedge is faced with constant pressure from landowners and developers to be included within the urban growth boundary and rezoned for residential development. Through extensive engagement with the rural community, it is apparent that this pressure is largely generated from the belief that Hume's green wedge are not viable for agriculture, particularly compared with other green wedge areas.

Council believes that to reduce the constant pressure to rezone green wedge and the threat this poses to the curfew free operation of the Airport, that Hume's green wedge landowners must be supported to make them viable once more.

Council encourages the Advisory Committee to consider what land uses and developments could best serve both airport safeguarding and the creation of a viable green wedge. This could be achieved through a more bespoke set of land uses and development requirements in the Green Wedge Zone in areas surrounding the Airport that more appropriately recognise and reflect the fact that the primary role of much of the

Hume green wedge area is to safeguard the curfew free operation of Melbourne Airport and not to protect agricultural land.

Council understands that DELWP is currently reviewing the planning for green wedge and agricultural land separate to this Advisory Committee process. Given the considerable overlap between the challenges confronting Hume's green wedge and its role in safeguarding Melbourne Airport, Council urges the Advisory Committee to consider these challenges and opportunities holistically. Council believes that facilitating a viable green wedge in Hume through changes to the Green Wedge Zone, has the potential to enhance the continual safeguarding of Melbourne Airport.

### **The role of Council in airport use and development applications**

Council recognises that in accordance with the *Airports Act 1996* that use and development applications on Commonwealth land within Melbourne Airport are approved by the Federal Government.

Consultation with Council for use or development applications on Commonwealth/Airport land is typically limited to proposals that trigger a legislative requirement to do so through the Major Development Plan (MDP) process. Council has seen in the past that there have been large applications approved by the Federal Government that while not reaching a threshold to require a MDP process are significant enough to warrant the need for consultation.

Council proposes that the Advisory Committee consider improving the planning application process for Airport land to include the requirement to consult and give notice to Council of applications outside of the MDP process.

### **Public hearings**

Council officers will attend the Advisory Committee directions hearing scheduled for 16 October 2020 and consider if it wishes to provide further information beyond the content of this letter.

Should you wish to discuss this letter please contact David Hajzler, Strategic Planner at [davidha@hume.vic.gov.au](mailto:davidha@hume.vic.gov.au)

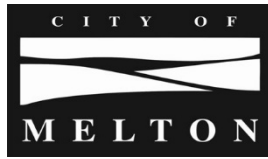
Yours faithfully



**MICHAEL SHARP**  
**DIRECTOR PLANNING AND DEVELOPMENT**

Attached.

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Tuesday 1 September 2020

Mr Andrew Gear  
Executive Director Planning and Heritage  
Department Environment Land Water Planning  
PO BOX 500  
EAST MELBOURNE VIC 8002

'Without Prejudice'

Sent via Email: [andrew.gear@delwp.vic.gov.au](mailto:andrew.gear@delwp.vic.gov.au)

Dear Mr Gear

**RE: MELBOURNE AIRPORT ENVIRONS SAFEGUARDING STANDING ADVISORY COMMITTEE PART B: REVIEW OF PLANNING PROVISIONS FOR AIRPORT SAFEGUARDING NOTICE OF PUBLIC SUBMISSIONS AND HEARINGS**

We refer to your letter dated 28 July 2020 advising of the process for making submissions to the MAESSAC.

Hume, Brimbank and Melton City councils welcome the opportunity to participate in a process to examine the suitability of the current measures to protect and safeguard the operations of Melbourne Airport, particularly its 24-hour curfew free operation.

Collectively, we do not consider that the proposed process outlined in your letter to be the most efficient or appropriate for the reasons outlined below.

Hume, Brimbank and Melton City councils like the other municipal councils with land affected by the flight paths and the operations of Melbourne Airport participate in a number of forums, committees and processes associated with Melbourne Airport. Through these, the councils and Melbourne Airport maintain strong and effective dialogue on key issues, share information and find common ground on many matters.

There are a number of key issues that this MAESSAC propose and/or need to consider that the councils and Melbourne Airport have agreed are important but are extremely complex with uncertain implications. These include:

- What is an appropriate balance between facilitating Melbourne's population growth with protecting the operations of Melbourne Airport?
- How to manage competing State planning policy for intensification of development in strategic locations like Broadmeadows and Sunshine with managing aircraft noise?
- What ANEF contour is the most appropriate for different uses and development types in different urban contexts? What role should the N contours play?
- How to consider the noise impacts of different housing typologies – notably the current detached dwellings with limited noise attenuation and big back yards compared to noise insulated apartments?

The complexity of the issues means that any process to address them must consider more than the opinions and positions of different parties. These issues require a shared or common understanding of the opportunities and the implications of different policy responses before the merits of each can be considered and recommendations made.

It seems improbable that the Advisory Committee will be able to efficiently work through the merits of different policy responses when the potential responses are not yet known and the implications so uncertain. Progressing as proposed could lead to a very broad and unwieldy hearing process which could be avoided.

Our experience of planning panels and advisory committee processes is that they are best suited to addressing competing views or conflicting submissions to known policy propositions. They are not suited to exploring broad issues or developing this shared or common understanding of potential policy responses and their implications.

Indeed, when such processes are geared towards a hearing as is proposed here, we have found that submitting parties tend to move further apart rather than closer. This would be a very disappointing outcome given good working relationships established by the councils and Melbourne Airport around protection of Melbourne Airport in recent years.

We submit that the proposed process should be revised to one aimed at building upon the existing shared understanding of the issues and maximising the strong level of existing collaboration.

This could be achieved by the Advisory Committee doing the following before seeking submissions, or as an alternative to hearings:

- Holding one on one or group discussions with the councils, Melbourne Airport and other stakeholders to confirm:
  - the issues under the key themes outlined in the Submission Guide
  - the potential policy responses to these issues
  - the potential implications of the different policy responses.
- Meet with impacted communities in addition to identified stakeholder groups.
- Undertaking/commissioning research and analysis to identify, test and confirm the issues, the potential policy responses (including national and international best practice), and the implications of each policy response.
- Compiling and releasing a Discussion Paper based on this research.



- Use the above to provide more clarity and guidance on what the Advisory Committee wishes to consider and achieve – the current terms and guidance is considered too broad and unclear.

We appreciate this may be too late to consider this approach, but strongly encourage you to consider it and to discuss the proposal with the other councils, Melbourne Airport and other stakeholders.

Please contact me should you wish to discuss this further.

Yours sincerely



**MICHAEL SHARP  
DIRECTOR PLANNING AND DEVELOPMENT  
HUME CITY COUNCIL**



**KELVIN WALSH  
DIRECTOR CITY DEVELOPMENT  
BRIMBANK CITY COUNCIL**



**LUKE SHANNON  
GENERAL MANAGER PLANNING AND DEVELOPMENT  
MELTON CITY COUNCIL**

cc: Chair of MAESSAC c/o Planning Panels Victoria.