

Safeguarding Victoria's airports

Government response to the Melbourne Airport Environs
Safeguarding Standing Advisory Committee report



Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



© The State of Victoria Department of Environment, Land, Water and Planning April 2022



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit creativecommons.org/licenses/by/4.0/

ISBN 978-1-76105-950-6 (pdf/online/MS word)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136 186, or email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677, www.relayservice.com.au. This document is also available on the internet at www.delwp.vic.gov.au

Safeguarding Victoria's airports

The Victorian Government recognises the significance of the state's airports large and small to Victoria's economy. As Victoria's primary transport gateway for air passengers and air freight exporters, Melbourne Airport is an important infrastructure asset, vital to the state's social connectivity and economic prosperity. Avalon Airport, Moorabbin Airport and Essendon Fields Airport are also all recognised as state-significant transport gateways in Plan Melbourne 2017-2050, critical to the state's economy and important for employment and economic activity. Safeguarding airports and their environs ensures that ongoing airport operations, safety and efficiency are protected from incompatible land uses, while also considering the safety and amenity of surrounding communities.

Victoria has long planned for airports and their environs. Careful planning has ensured that Melbourne Airport operates 24 hours a day, seven days a week, curfew-free. It is longstanding policy of the Victorian Government to protect Melbourne Airport's curfew-free status. Airport operators, and

all levels of government have a shared responsibility to ensure the safeguarding of airports and their environs. Planning controls to manage the impacts of aircraft noise and protect the continuing operation of Melbourne Airport were first introduced in 1992. Since then, Victoria has also implemented the National Airports Safeguarding Framework (NASF) as a policy document in the Victoria Planning Provisions and the Planning Policy Framework of all planning schemes to further enable the strategic protection of all airports in Victoria. Today, a combination of planning policy, zones, overlays and other provisions safeguard Victoria's airports.

In March 2020, the Minister for Planning appointed the Melbourne Airport Environs Safeguarding Standing Advisory Committee (the Committee) to provide advice on improvements to the planning provisions safeguarding Melbourne Airport and its environs. This document sets out the Victorian Government's response to the Committee's final report and recommendations, and the eight actions we will take to safeguard Victoria's airports into the future.

Background to the Committee and report

The Committee

The Melbourne Airport Environs Safeguarding Standing Advisory Committee was appointed by the Victorian Minister for Planning in March 2020. Under Part B of its Terms of Reference, the purpose of the Committee was to provide advice on improvements to the planning provisions safeguarding Melbourne Airport and its environs including the Planning Policy Framework, zones, overlays, and any other related planning provisions, relevant guidance material and on any complementary safeguarding tools and processes. The Committee was also able to provide advice on improvements that may help safeguard other airport environs in Victoria in addition to Melbourne Airport.

The Committee invited submissions on improvements to the Melbourne Airport Environs Overlay and related provisions, and the effectiveness of the declared Melbourne Airport Environs Area and the Melbourne Airport Environs Strategy Plan. Public hearings were held over six days in February 2021. Following the public hearings, the Committee prepared an Issues and Options Paper to seek specific comments on proposed controls. The paper was prepared to inform roundtable discussions held with submitters in August and September 2021. In total, over 70 submissions were received from councils, airports, community groups and other stakeholders over two rounds of consultation.

The report

Upon completion of the roundtable discussions, the Committee submitted its final report to the Minister for Planning on 15 November 2021. In the report, the Committee identified key issues relating to the safeguarding of Victorian airports and their environs, including the implementation of NASF, the role of number above contours (N contours) and planning responses for safeguarding concerns beyond aircraft noise.

In total, the Committee made 15 recommendations to address these issues.

Summary of responses to recommendations

The Victorian Government supports most of the Committee's recommendations either in full, in part or in principle.

The Victorian Government's response to each of the Committee's 15 recommendations is provided in the Appendix.

Table 1: Summary of Victorian Government responses to Committee recommendations

Government response	Total number	Committee recommendation
Support	2	1, 2
Support in principle	7	3, 7, 10, 11, 12, 13, 14
Support in part	3	5, 6, 8
Ongoing	1	4
Further investigation required	1	9
Do not support	1	15

What we will do

We will focus on three key areas to further safeguard Victoria's airports, based on the major issues raised by the Committee:

- Clearer policy
- Upgraded planning toolkit
- Better access to information and guidance

We will work with federal departments and agencies, airport operators, councils and other stakeholders to implement these actions.

Table 2: The Victorian Government's eight actions in response to the Committee's recommendations

Focus	Actions	Committee recommendation
Clearer policy	(1) Strengthen the Planning Policy Framework and further implement the National Airports Safeguarding Framework.	4, 7
	(2) Review the role and content of the Melbourne Airport Environs Strategy Plan.	1
Upgraded planning toolkit	(3) Update planning controls, subject to further evidence, to provide targeted responses for: <ul style="list-style-type: none"> • Aircraft noise • Wildlife strike risk • Pilot distraction from lighting • Airspace intrusion • Public safety areas. 	2, 8-13
	(4) Update helicopter landing site provisions to address the risk of airspace intrusion, subject to further evidence.	14
	(5) Review opportunities to require the expert input of relevant authorities as part of the planning approval process and expand notice provisions for airport operators if appropriate.	15
Better access to information and guidance	(6) Provide new and updated guidance for practitioners about planning for airports and airports safeguarding.	3
	(7) Improve access to spatial information.	5, 12
	(8) Provide information about aircraft noise impacts to potentially affected people.	6

Timeframes to deliver actions

Our response includes short-term, medium-term and longer-term actions. Short-term actions can commence immediately, while medium- to longer-term actions are more complex and require

stakeholder engagement or technical advice to be implemented effectively. Some actions may be delivered across multiple timeframes.

Table 3: Timeframes to deliver Victorian Government actions

Short-term (0-6 months)	Medium-term (6-18 months)	Longer-term (18+ months)
(1) Strengthen the Planning Policy Framework and further implement the National Airports Safeguarding Framework.	(3) Update planning controls, subject to further evidence, to provide targeted responses for: <ul style="list-style-type: none"> • Aircraft noise • Wildlife strike risk • Pilot distraction from lighting • Airspace intrusion • Public safety areas. 	(2) Review the role and content of the Melbourne Airport Environs Strategy Plan.
(7) Improve access to spatial information.	(4) Update helicopter landing site provisions to address the risk of airspace intrusion, subject to further evidence.	
(8) Provide information about aircraft noise impacts to potentially affected people.	(5) Review opportunities to require the expert input of relevant authorities as part of the planning approval process and expand notice provisions for airport operators if appropriate.	
	(6) Provide new and updated guidance for practitioners about planning for airports and airports safeguarding.	

Clearer policy

Actions

1 Strengthen the Planning Policy Framework and further implement the National Airports Safeguarding Framework.

We support the Committee's views that highlight the need to embody key NASF principles in planning policy and consider N contours in planning for areas around airports and airfields. There is an opportunity to make airports safeguarding considerations clearer and more prominent in planning policy.

We will strengthen the Planning Policy Framework to further implement NASF. Updates to clause 18.02-7S (formerly clause 18.04-1S) of the Planning Policy Framework will include direct references to airports safeguarding considerations, as described in the NASF, and specific strategies that set out approaches to deal with aircraft noise impacts in different scenarios. We will also make other changes to the Planning Policy Framework to improve currency and clarity.

2 Review the role and content of the Melbourne Airport Environs Strategy Plan.

The current purpose of the Melbourne Airport Environs Strategy Plan is to provide an updated and progressive framework of planning controls and initiatives to manage the interests of both Melbourne Airport and the significant airport environs. Under the *Planning and Environment Act 1987*, planning schemes and certain works that affect land within the declared Melbourne Airport Environs Area must be consistent with the Strategy Plan. The relevance and effectiveness of the Strategy Plan have not been reviewed since it was released in 2003.

The Committee's recommendation presents a timely opportunity to ensure the Strategy Plan plays a more contemporary role.

We will review the role and content of the Melbourne Airport Environs Strategy Plan to ensure it aligns with the planning framework safeguarding Melbourne Airport, including the declared Melbourne Airport Environs Area, Planning Policy Framework, Melbourne Airport Environs Overlay (MAEO) and particular provisions. We will also consider whether there is a need for similar strategic land use plans for Victoria's other major airports.

Upgraded planning toolkit

Actions

3 Update planning controls, subject to further evidence, to provide targeted responses for:

- **Aircraft noise**
- **Wildlife strike risk**
- **Pilot distraction from lighting**
- **Airspace intrusion**
- **Public safety areas**

Currently, the MAEO and Airport Environs Overlay (AEO) primarily set planning requirements to address the impacts of aircraft noise in areas around airports. In particular, the Melbourne Airport Environs Strategy Plan directs that the extent of the MAEO be based on the ultimate capacity Australian Noise Exposure Forecast. However, other airports safeguarding risks such as wildlife strike, windshear, pilot distraction from lighting and public safety areas at the end of runways are not directly addressed through planning controls. These risks can affect the safety and efficiency of airport operations. The Design and Development Overlay has been used to address the risk of airspace intrusion at some airports.

We agree that additional safeguarding risks should be addressed through planning controls. We will investigate options to address the risk of wildlife strike, pilot distraction from lighting, airspace intrusion and public safety areas through the MAEO and AEO. This investigation will be based on evidence and involve further consultation, including with federal departments and agencies that regulate airports, airspace and aviation safety. We will also ensure that any updates to the MAEO and AEO are risk-based and build on their current roles addressing the impacts of aircraft noise. As part of the investigation, we will consider federal reviews of NASF Guidelines and examine opportunities for use of information about risks in strategic planning.

We will explore the need for planning controls to address the risk of windshear once the federal review of NASF Guideline B is complete.

4 Update helicopter landing site provisions to address the risk of airspace intrusion, subject to further evidence.

We support the Committee's view that a planning response is needed to address helicopter landing sites proposed within an area that may affect the operations of an airport. Helicopter movements through protected airspace may constrain airport operations. While federal agencies regulate helicopters in flight and protected airspace, the use and development of helicopter landing sites not on Commonwealth land is subject to Victorian planning schemes. State planning policy precludes new use and development that could prejudice the safety or efficiency of an airfield. However, no specific planning requirements currently address circumstances where helicopter landing sites could potentially affect airport operations.

We will revise clause 52.15 of the Victoria Planning Provisions to manage helicopter landing sites that may affect airport operations, subject to consultation and advice on the appropriate spatial extent of the control.

5 Review opportunities to require the expert input of relevant authorities as part of the planning approval process and expand notice provisions for airport operators if appropriate.

Airports safeguarding matters are often complex and technical. We acknowledge that council planners administering planning controls will in many cases require expert technical input to make decisions.

We will investigate the potential for relevant federal departments and agencies to act as referral authorities through the planning permit process, or otherwise provide their expert input given their regulatory role.

We will also review existing referral and notice provisions and explore whether extending notice provisions for Melbourne Airport to additional types of applications is appropriate.

Better access to information and guidance

Actions

6 Provide new and updated guidance for practitioners about planning for airports and airports safeguarding.

We agree that updated planning guidance, such as a planning practice note, training course and web-based resources, would be useful to help councils, the community, developers, airport operators and planning practitioners better understand how the planning system addresses airports safeguarding matters. This will be especially important as we make changes to planning provisions to strengthen the safeguarding of Victoria's airports and airfields and further implement NASF.

We will prepare planning guidance and resources to support safeguarding of Victoria's airports.

7 Improve access to spatial information.

We agree with the Committee's view that access to clear, comprehensive information will allow land use planners, developers, future residents and other landowners and occupiers to make better informed choices and decisions. Currently, important information critical to airports safeguarding, such as N contours, and airspace layers (OLS and PANS-OPS), is not always accessible and may be overlooked. Improved access to online information will help to inform planning decision-makers and others about Commonwealth requirements.

We will work with airport operators and regulators to improve access to the latest available endorsed and approved N contours for all airports, for strategic planning and information purposes. We will also work with airport operators to improve access to the latest available endorsed and approved OLS & PANS-OPS for all airports. This will be supported by interpretive guidance material to assist understanding of this technical information.

8 Provide information about aircraft noise impacts to potentially affected people.

We agree that better information and access should be provided to prospective owners and renters to assist their understanding of potential aircraft noise impacts, whether through legislative or other means. This could include making information available online to inform consumer choices. Currently, prospective homeowners and renters may not be informed about potential aircraft noise impacts before they buy or rent, especially where N contours apply.

We will investigate short-term options to provide aircraft noise information to potentially affected people, including as part of strategic planning processes such as precinct structure plans. In the longer term, we will investigate options to provide information to prospective owners and renters through Section 32 statements under the *Sale of Land Act 1962* and Section 30D statements under the *Residential Tenancies Act 1997*.

Appendix

Victorian Government response to all 15 Melbourne Airport Environs Safeguarding Standing Advisory Committee recommendations

Recommendation 1

Review the Melbourne Airport Environs Strategy Plan and its statutory implementation to:

- a) *Ensure the Strategy Plan addresses current issues.*
- b) *Ensure the purpose and statutory function of Clause 51.04-9 (Melbourne Airport Environs Strategy Plan) is clear.*
- c) *Permit a broader role for the Melbourne Airport Environs Overlay and the Airport Environs Overlay.*

SUPPORT

The Committee's recommendation presents a timely opportunity to ensure the Strategy Plan plays a more contemporary role and better aligns with the current planning framework for airport safeguarding for Melbourne Airport including the declared Melbourne Airport Environs Area, Planning Policy Framework, clause 51.04-9 and MAEO.

We will review the role and content of the Melbourne Airport Environs Strategy Plan to ensure it aligns with the planning framework safeguarding Melbourne Airport, including the declared Melbourne Airport Environs Area, Planning Policy Framework, Melbourne Airport Environs Overlay (MAEO) and particular provisions.

We will also consider whether strategic land use plans are needed for other airports.

Recommendation 2

Use the Melbourne Airport Environs Overlay to implement safeguarding for Melbourne Airport, and by implication the Airport Environs Overlay for other airports and update the Ministerial Direction – The Form and Content of Planning Schemes and local schedule templates to reflect recommended changes.

SUPPORT

We support changes to planning schemes and other measures to address airports safeguarding considerations and improve consistency and transparency of planning approaches.

We will investigate options to further implement safeguarding for Melbourne Airport and other airports using the MAEO and Airport Environs Overlay (AEO), including required structural changes to planning provisions.

Recommendation 3

Develop a Planning Practice Note to explain safeguarding issues and approaches.

SUPPORT IN PRINCIPLE

We will prepare planning guidance and resources to support safeguarding of Victoria's airports.

Recommendation 4

Review the potential impacts that aircraft noise might have on the development aspirations for:

- a) *Broadmeadows Activity Centre*
- b) *Gladstone Park Activity Centre*
- c) *Sunshine National Employment and Innovation Cluster.*

ONGOING

We will ensure the potential impacts of aircraft noise are appropriately considered as part of strategic planning processes.

We will add specific strategies to clause 18.02-7S of the Planning Policy Framework, which will set out approaches to deal with aircraft noise impacts in different scenarios. This will bolster existing strategies that already require aircraft noise impacts to be considered.

Recommendation 5

Include N contours as a layer in VicPlan (and as an incorporated document in planning schemes so they can be given proper effect in planning decisions).

SUPPORT IN PART

We will work with airport operators and others to improve access to the latest available endorsed and approved N contours for all airports, for strategic planning and information purposes. We will also provide interpretive guidance material to assist understanding of this technical information.

It is not considered necessary to include N contours as part of an incorporated document, given N contours will be used for strategic planning and information purposes only.

Recommendation 6

Provide information to potentially affected persons by:

- a) *In the short term:*
 - A statement in planning reports
- b) *In the longer term:*
 - Section 32 statements under the *Sale of Land Act 1962*
 - Section 30D statements under the *Residential Tenancies Act 1997*.

SUPPORT IN PART

We will investigate short-term options to provide aircraft noise information to potentially affected people, including as part of strategic planning processes such as precinct structure plans.

In the longer term, we will investigate options to provide information to prospective owners and renters through Section 32 statements under the *Sale of Land Act 1962* and Section 30D statements under the *Residential Tenancies Act 1997*.

Recommendation 7

Update the Planning Policy Framework for:

- a) *Clause 11.02-1S (Supply of urban land), as shown in Appendix C.1*
- b) *Clause 13.05-1S (Noise abatement), as shown in Appendix C.2*
- c) *Clause 18.04-1S (Planning for airports and airfields), as shown in Appendix C.3.*

SUPPORT IN PRINCIPLE

We support the Committee's views that highlight the need to:

- embody key NASF principles in planning policy
- consider N contours in planning for areas around airports and airfields.

We will strengthen the Planning Policy Framework to further implement NASF. Updates to clause 18.02-7S (formerly clause 18.04-1S) of the Planning Policy Framework will include direct references to airports safeguarding considerations, as described in the NASF, and specific strategies that set out approaches to deal with aircraft noise impacts in different scenarios. We will also make other changes to the Planning Policy Framework to improve currency and clarity.

In keeping with Victoria Planning Provisions drafting principles, broader changes to other parts of the Planning Policy Framework are considered unnecessary.

Recommendation 8

In respect to managing the impacts of aircraft noise:

- a) *Include aircraft noise as a 'noise reference area' in Standard B40/Standard D16 as shown in Appendix C.4*
- b) *Update the Melbourne Airport Environs Overlay head clause as shown in Appendix C.5*
- c) *Update Melbourne Airport Environs Overlay Schedule 1 as shown in Appendix D.1*
- d) *Update Melbourne Airport Environs Overlay Schedule 2 as shown in Appendix D.2.*

SUPPORT IN PART

We will update the MAEO and AEO as required to reflect changes to planning provisions.

In adopting NASF, the state agreed that N contours would not be used for statutory planning purposes. There is insufficient evidence at this stage to suggest that aircraft noise impacts for apartments in particular are not adequately addressed by the MAEO and AEO. However, we will improve access to the latest available endorsed and approved N contours for all airports, for strategic planning and information purposes.

Recommendation 9

In respect to windshear:

- a) *Introduce a new overlay Melbourne Airport Environs Overlay Schedule 3 (Windshear protection) as shown in Appendix D.3*
- b) *Review Clauses 62.02-1 and 62.02-2 to determine whether some currently exempt buildings and works should require a permit in areas where windshear needs to be managed.*

FURTHER INVESTIGATION REQUIRED

We will explore the need for planning controls to address the risk of windshear once the federal review of NASF Guideline B is complete.

In the short-term, we will include reference in the Planning Policy Framework to the need to prevent use and development that could pose risks to the safety or efficiency of an airport or airfield due to building-generated windshear and turbulence.

Recommendation 10

In respect to wildlife:

- a) *Introduce a new overlay Melbourne Airport Environs Overlay Schedule 4 (Potential wildlife strike) as shown in Appendix D.4*
- b) *Develop a risk management strategy outlined in the NASF Guideline C to provide a more detailed assessment tool for council planners and other relevant stakeholders and to determine the precise extent of the overlay.*

SUPPORT IN PRINCIPLE

We will investigate options to address the risk of wildlife strike through the MAEO and AEO. This will be informed by the federal review of NASF Guideline C.

Recommendation 11

In respect to lighting and pilot distraction:

- a) *Introduce a Melbourne Airport Environs Overlay Schedule 5 (Potential light glare risk to aircraft) as shown in Appendix D.5.*

SUPPORT IN PRINCIPLE

We will investigate options to address pilot distraction from lighting through the MAEO and AEO.

Recommendation 12

In respect of the Obstacle Limitation Surface and PANS-OPS:

- a) *Introduce a Melbourne Airport Environs Overlay Schedule 6 (Aviation Obstacle Limitation Surface) as shown in Appendix D.6*
- b) *Provide effective information about the Obstacle Limitation Surface and Procedures for Air Navigation Systems Operations surface by:*
 - *Including the Obstacle Limitation Surface and Procedures for Air Navigation Systems Operations surface in VicPlan*
 - *Incorporating a Melbourne Airport Obstacle Limitation Surface and Procedures for Air Navigation Systems Operations surface plan in the VPP to give it statutory effect*
 - *Developing a mapping tool to allow maximum building heights determined by the Obstacle Limitation Surface and Procedures for Air Navigation Systems Operations surface to be presented as an indicative height above natural ground level.*

SUPPORT IN PRINCIPLE

We will investigate options to address airspace intrusion through the MAEO and AEO.

We will work with airport operators and others to improve access to the latest available endorsed and approved OLS & PANS-OPS for all airports.

Recommendation 13

In respect of Public Safety Areas at the end of runways:

- a) *Introduce a Melbourne Airport Environs Overlay Schedule 7 (Protection of public safety) as shown in Appendix D.7.*

SUPPORT IN PRINCIPLE

We will investigate options to address public safety areas through the MAEO and AEO, subject to advice on the appropriate public safety area model for all airports.

Recommendation 14

In respect of protection of airspace from helicopter landing sites:

- a) *Revise Clause 52.15 to address the protection of airspace from helicopter landing sites as shown in Appendix E.1.*
- b) *Introduce a Helicopter Landing Site Control Overlay into the Victoria Planning Provisions as shown in Appendix E.2*
- c) *Consult further with relevant stakeholders before applying the Helicopter Landing Site Control Overlay.*

SUPPORT IN PRINCIPLE

We will revise clause 52.15 to manage helicopter landing sites that may affect airport operations, subject to consultation and advice on the appropriate spatial extent of the control.

A new overlay is not considered necessary to address the protection of airspace from helicopter landing sites.

Recommendation 15

In respect of the referral status of Melbourne Airport:

- a) *Make Melbourne Airport a Determining Referral Authority in respect of matters relating to airspace protection, windshear, wildlife strikes, lighting, public safety areas and helicopter landing sites*
- b) *Make Melbourne Airport a Recommending Referral Authority under the other schedules of the Melbourne Airport Environs Overlay.*

DO NOT SUPPORT

We will investigate the potential for relevant federal departments and agencies to act as referral authorities or otherwise provide expert input, given their regulatory role.

Appointing Melbourne Airport as a referral authority is not supported. The Victorian Government removed the referral status of Melbourne Airport, following approval of the Melbourne Airport Environs Strategy Plan in 2003. This provided for more transparent decision making on matters affecting the Airport's commercial interests.

Federal departments and agencies regulate airports, airspace and aviation safety and have the necessary expertise. We will however explore whether extending notice provisions for Melbourne Airport to additional types of applications is appropriate. Further consultation with Commonwealth departments and agencies is required to investigate this action.

