

New Planning Provisions for Melbourne Airport

Advisory note

May 2007

This advisory note provides information and advice about:

- the background to the introduction of the new Melbourne Airport Environs Overlay controls into the Victoria Planning Provisions (VPP)
- the application of the new Overlay controls
- the main features of the new Overlay controls
- how the new controls affect existing uses, permits, permit applications and approved development.

What is the background to the new controls?

Planning controls to manage the environmental effects of aircraft noise exposure and to protect the continuing operation of Melbourne Airport were introduced in 1992. The controls restrict development or require special consideration to be given to particular uses that may be sensitive to noise in areas that are forecast to be affected by aircraft noise. The extent of the area covered by the controls in 1992 also included a 'margin for error' and covered some 253 square kilometres. The extent of the area covered by the controls has not been altered since their introduction.

The new Melbourne Airport Environs Overlay has been prepared specifically for Melbourne Airport and reflects the recommendations of the *Melbourne Airport Environs Strategy Plan 2003*, prepared in accordance with section 46T of the *Planning and Environment Act 1987* and approved by both Houses of Parliament

in 2003. The controls also respond to the most recent *Melbourne Airport Master Plan 2003* and the *Ultimate Capacity Australian Noise Exposure Forecast (September 2003)* for Melbourne Airport endorsed by Airservices Australia.

The *Melbourne Airport Environs Strategy Plan 2003* recommended that the extent of planning controls for the airport should be defined by the most recently approved *Ultimate Capacity Australian Noise Exposure Forecast (ANEF)* for the airport and based on a contour joining equal points of noise exposure known as the 20 ANEF contour. It also recommended that the Government undertake an amendment to the *Victoria Planning Provisions* to introduce a specific Melbourne Airport Environs Overlay with two schedules. Schedule 1 identifies areas that will be subject to high levels of aircraft noise and is based on the 25 ANEF contour and Schedule 2 identifies areas that will be subject to moderate levels of aircraft noise and is based on the 20 ANEF contour.

Where do the new controls apply?

The Melbourne Airport Environs Overlay planning controls apply to the area within the forecast aircraft noise contours. These contours are aligned with the main flight paths for Melbourne Airport that will be in use when it is operating at full capacity with four runways.

In accordance with the recommendations of the *Melbourne Airport Environs Strategy Plan 2003* the boundaries of the areas covered by the Melbourne Airport Environs Overlay generally follow the ANEF contours except for lots in residential zones where the boundary extends to include the whole lot.

The Melbourne Airport Environs Overlay planning controls form part of the Brimbank, Hume, Melton, Moonee Valley and Whittlesea Planning Schemes and apply to some properties in these municipalities. The Airport Environs Overlay as it previously applied to Melbourne Airport has been deleted.

What are the main features of the new Overlay controls?

There are general requirements under the Melbourne Airport Environs Overlay and specific requirements under each of the Schedules to the Overlay.

The general requirements are:

- Any new building (other than an open sided carport, verandah, pergola or other open sided structure, a non-habitable room or outbuilding, swimming pool, tennis court or a dwelling extension of up to 50% of the floor area of the dwelling that existed when the new controls came into effect) must be constructed to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*. The Australian Standard provides guidance on building siting and construction to minimise aircraft noise intrusion.
- Notice of an application to use land, subdivide land or to construct a building or works must be given to the airport lessee company of Melbourne Airport under section 52(1)(c) of the *Planning and Environment Act 1987*. (Note: the airport owner / lessee is not a referral authority under section 55 of the Act under the Melbourne Airport Environs Overlay.)

The requirements in the Schedules include the following:

SCHEDULE 1 — areas subject to high noise exposure	
Houses	A permit is required to use land for a dwelling or a dependent person's unit. Only one dwelling or dependent person's unit can be permitted on a lot.
Prohibited uses	Land must not be used for: <ul style="list-style-type: none"> • accommodation (other than Backpackers lodge, Dwelling, Dependent person's unit, Host farm and Residential hotel) • Child-care centre, Drive-in theatre, Education centre and Hospital.
Subdivision	Any subdivision which would increase the number of dwellings which the land could be used for is prohibited.

SCHEDULE 2 — areas subject to moderate noise exposure	
Houses	A permit is required to use land for a dwelling. The development of a single lot for two or more dwellings must not exceed a density of one dwelling per 300 square metres.
Prohibited uses	The schedule does not prohibit any specific uses.
Subdivision	A permit must not be granted to subdivide land to be used for accommodation into lots with an average area of less than 300 square metres.

How do the new controls affect existing uses, permits, permit applications and approved development?

- Existing lawfully established uses can continue to operate and existing permits (which have not expired) can still be acted upon as provided in Clause 63 of the *Victoria Planning Provisions*.
- The requirements of the planning scheme in force immediately before the new controls come into effect will continue to apply to existing permit applications for one year after the new controls are introduced. This provides a period for current applications to be resolved. Developers may still wish to incorporate measures to address aircraft noise intrusion in buildings proposed in existing applications to protect future occupants.
- Buildings requiring a permit under the Overlay are required to be constructed to comply with any noise attenuation measures required by Section 3 of Australian Standard AS2021-2000. The design and construction requirements should be clearly indicated in the permit and included on any plans endorsed under the planning permit. This will help ensure the requirements are brought to the attention of the building surveyor and that the building permit will be consistent with the planning permit approval.
- The Overlay also introduces a requirement that notice of an application must be given to the airport lessee company of Melbourne Airport.

- Notice of application should be sent to:

Australia Pacific Airports (Melbourne) Pty Ltd
Locked Bag 16
Gladstone Park VIC 3043
- The introduction of the Melbourne Airport Environs Overlay will mean that a permit is now required for some uses where this may not have previously been the case. An example of this is the use of land for a dwelling in the Residential 1 Zone.
- The new subdivision requirements introduced by the Overlay include provisions that enable land to be subdivided in a manner that is consistent with existing permitted development.

Transitional arrangements for building permits

Clause 45.08-7 of the planning scheme includes transitional provisions that will enable the use and development of land for which a building permit has been issued pursuant to the *Building Act 1993*, to proceed despite any additional planning approval requirements of the Overlay. This transitional provision will be in place for one year after the new controls are introduced.

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Enquiries: Planning Information Centre
Telephone: (03) 9637 8610
e-mail: planning.info@dse.vic.gov.au

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Customer Service Centre
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