

## SUBMISSION

To be read in conjunction with our initial submission 26<sup>th</sup> June 2008

Towards a National Aviation Policy; Issue Paper 2008.

Department of Infrastructure, Transport, Regional Development & Local Government  
GPO Box 594  
Canberra ACT 2601

We wish to comment on the following sections of the Issue Paper.

### 2.1 Airport Planning & Development

*n “ are the planning & development mechanisms under the airport act working effectively?”*

Clearly the answer is NO. There have arisen numerous small bodies of residents who live near airports, formed to try and get some input into airport planning and development issues. These bodies have formed because of a lack of input from regulated government departments. Little notice is taken of these concerned groups, by airport lease holders and developers, because they have no “teeth” in terms of regulations or planning controls.

Our group includes pilots, village committee members and concerned citizens as well as golfers was formed in the past year out of concern about the imminent threatened loss of the Moorabbin Public Golf Course, which is the only public 18-hole course in the City of Kingston.

This campaign began last June when a delegation of concerned citizens met with the local Federal ALP and Liberal elected representatives, Simon Crean MHR, Mark Dreyfus MHR and Senator Mitch Fifield to talk about a range of airport concerns including the lack of proper planning and airport safety. The delegation members agreed that the Moorabbin Public Golf Course was the top priority, because of the imminent end of Council’s lease of the golf course land.

Both Mr Crean and Senator Fifield were supportive: Mr Crean said publicly that the golf course should never have been included in the airport lease; Senator Fifield said. Moorabbin Airport Corporation would be “ required to take local planning laws into account, including the Kingston local planning scheme and green wedge protection provisions.”

We held a public meeting which packed out the Golf Clubhouse with approximately 250 people in October. The meeting was addressed by the City of Kingston Mayor Cr Petchey and resolved to “*call on our Federal, State and Local Governments to take all necessary measures to save the Moorabbin Golf Course and to work together to apply proper planning controls to the airport,*” and to “*call for a federal inquiry into Moorabbin and other General Aviation airports.*”

Kingston Council unanimously passed similar resolutions covering both of these issues and thousands more people signed petitions along similar lines that were presented to the State and Federal Parliaments.

We are thus keenly aware of the shortcomings of the Airport planning provisions. Moorabbin Airport is outside the Melbourne Urban Growth Boundary and therefore should be covered by the green wedge protection provisions in the Kingston Planning Scheme and the Planning and Environment Act.

Yet the Moorabbin Airport Corporation is its own planning authority and has until recently denied it was included in the green wedge. Virtually all of the commercial, non-aviation-related development on the airport approved under the Airport Masterplan, including what must be a vastly profitable DFO, breaches the green wedge protection provisions.

We have written to Minister Albanese to ask him to bring forward the Moorabbin Airport Masterplan review and are glad that he has seen fit to do this and that the Masterplan Review process is now due to begin in October, before the Golf Course lease expires.

We further submit that the Minister should ask Moorabbin Airport Corporation to allow the Golf Course to continue operating at least until the review is adopted so that the matters discussed below can be dealt with before it is too late. We realise that the Airports Act does not give the Minister power to do more than ask and submit that the Act needs to be amended to restore proper democratic controls over the operations of the airport lessees. We also request that the Masterplan review process include a public hearing, analogous to the Independent Planning Panels in the State Planning Scheme, so that the community has an opportunity to hear the Moorabbin Airport Corporation explain its plans and for the objectors to put their cases publicly.

We further support a review of the Airports Act as advocated by Simon Crean MHR in his attached 2007 speech to Parliament in which he urged Government to “...revisit the act and ensure it meets the original intention. We must strike that balance again—the proper balance between the conflicting interests of airport owners, airport users and the communities in which those airports are located. What is needed is a more robust framework to ensure that the minister takes the local community’s concerns into account in making decisions on airport developments and to rebuild confidence in the system.”

*n “ How can we improve consultation with local & State authorities and with the community?”*

Planning controls for non aviation development must be vested in Local government and State governments. It is ridiculous to have developers constructing non-aviation-related commercial and industrial buildings on airport land that Councils do NOT consider appropriate for the area. Airports ignore State legislation [eg Green wedge zoning] and local residents have no say at all. Attempting to get the Federal government to understand the local issues involved is invariably a waste of time!

Non aviation developments at airports are best overseen by Local government which has an overall view for appropriate, balanced development in the whole municipality, not just the airport. Off airport commercial competition issues can be more effectively handled by Councils if they have control over on airport development

At the very LEAST, the Federal Airports Minister needs to appoint a new planning secretariat with qualified planners in his office to oversee airport planning matters including the masterplan process, to ensure that such developments comply with relevant State and local planning provisions and to consult with local and State authorities. Current department officers have shown they are complicit

with airport operators and are prepared to support operators' against the interests of local councils and communities and even government policy.

We plan to submit to the forthcoming masterplan process for Moorabbin Airport, which the Minister has announced will be brought forward to this October that the Airport should be required to amend its current masterplan and to demonstrate at least some substantial degree of compliance with the State green wedge protection provisions.

We will also submit that an industrial, commercial and retail development of the scale proposed and largely undertaken by Moorabbin Airport Corporation would normally be required to provide some public open space for the use of its own workers and – in an urban area such as ours which is substantially impacted by airport noise and industrial traffic from the airport factories and warehouses - of the surrounding community.

As the golf course is an appropriate green wedge use, we plan to submit that its retention would be an appropriate measure of compliance with green wedge and open space provisions, though further open space needs to be preserved on the western parts of the airport adjacent to the Cheltenham, Mentone and Parkdale residential areas, whose inhabitants currently use undeveloped airport land and a playground provided near the airport terminal for recreational exercise and activities such as dog-walking and child's play.

We believe that these modest and reasonable measures would placate the considerable and growing community angst and resentment at what is generally perceived as the vast overdevelopment of the airport. Failure to respond to such compromise measures could see the resumption of calls – which are currently not loud - to close the airport. We believe this would be against the strategic best interests of the city.

We have written to Council and to our local MHR Mark Dreyfus asking them to request the Minister to ask Moorabbin Airport Corporation

### 3. Airport Safety

Adequate open space MUST be preserved on airport land. The pressure from developers to commercially exploit all available airport land must be resisted. There are already many reports of aircraft [ mainly light aircraft/helicopters] either crashing or emergency landing in and around suburban airports.

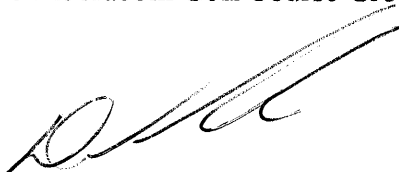
Developments such as golf courses on airport land, allow some commercial use and still provide open space in an emergency. Building wall to wall factories does NOT. We refer specifically to the imminent threatened loss of the Moorabbin Airport golf course to commercial development when the lease ends in November and the subsequent increased likelihood of more serious aviation related accidents in the airport precinct.

We note that on at least one or two occasions light planes have had to make emergency landings on Moorabbin Public Golf Course and that pilots consider it a valuable safety buffer for emergencies. We note also that one runway has been attenuated to make room for a large warehouse development. We suggest that if the current masterplan is allowed to proceed to allow the runways to be increasingly hemmed in by massive commercial and retail facilities, it is a matter of time before there is a tragedy.

You are no doubt aware that Moorabbin Airport already has many more of such incidents than any other GAAP airport and that Moorabbin incidents make up almost half of the incident total for GAAP airports across the country.

While we recognize the airport owners' desire to supplement their income with non aviation development, there needs to be some balance in the type of non-aviation development allowed on airports which promotes or preserves valuable public assets such as golf courses.

David Madill, chairman,  
Save the Moorabbin Golf Course Group



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Attached: \* background including report by ward councillor, council resolutions etc.,  
\* summary of speech by Simon Crean to parliament, 2007.  
\* summary of our case to keep the golf course.

**Extract from an address by local Member for Hotham, Mr Simon Crean to Parliament on 6 March 2007 expressing concerns about non-aviation development on airports. Council welcomes the tenor of Mr Crean's remarks and note that this bodes well for the long-term endeavours by the City of Kingston, now joined by other airport councils, to see proper planning controls applied to our airports.**

“The privatisation of Australia's 22 federal airports—which are situated in not just the capital cities but the regional areas as well—has led to improved airport services for the good of the nation and the travelling population. The original act to sell the airports was introduced by Labor in 1995. I was a member of the government that brought in that legislation. At the time the rationale was clear and sensible: it was to enable the 22 airports in question to provide improved services without a significant call on new public investment. Under the arrangements, the Commonwealth would retain control over land use—the building and planning at major airports—so as to ensure a nationally consistent approach to the planning of airports. We considered that it was important that this remain under the Commonwealth minister because of the importance of airports to the national economy.

“That has led to a growth in non-aviation developments at those airports which has enabled the replacement of aviation infrastructure and has significantly improved services at Australian airports. As I said, I was part of the government that introduced that legislation. We took the decision because, at the time, if the airports were left to public ownership, the competing pressures for limited resources would not have enabled them to grow in keeping with the demands of the regions, tourism and the travelling Australian population.

“Airport infrastructure is vital in a nation our size for the long-term development of our economy. The Commonwealth is best placed to take a long-term view of the national strategic infrastructure. It was the right judgement at the time to introduce the legislation, but it was always dependent on ensuring that future airport development took account of local circumstances and local issues, particularly in dealing with land use. In the legislation that we introduced, we therefore provided for detailed provisions to ensure that such issues were properly considered. For example, we required the development of an airport master plan to provide a long-term land use plan to meet the demands over a 20-year period. We also argued that those development plans for major projects required an environmental impact statement. The legislation required that airport owners undertake public consultation on their master plans and it provided for the recognition of legitimate interests of states and territories in planning issues relating to airports to ensure their orderly planning—still under the control of the Commonwealth but having regard to local planning considerations.

“..... over the past 12 years, since the decision to sell the leaseholds of the 22 federal airports was originally made, non-aviation development has led to a number of issues with land use and planning. Our view is that the issues could and should have been managed with more consultation and, in particular, greater consideration of local concerns and, significantly, greater ministerial accountability. How else does one

explain the circumstances of the Perth Airport development which has seen the establishment and building of a brickworks at that airport? Certainly, it would not have been the intention back in 1995, when we were talking about the sorts of expansion envisaged on these leasehold lands, that such a development could have happened. The Minister for Transport and Regional Services should have been more in touch with the public opposition to that development.

“ Also, closer to home, we have the example where the minister failed to provide in advance for sufficient changes to the roadworks at Essendon Airport consequent upon the important commercial developments which have taken place at that airport. This is another example of the minister not properly considering the totality of the agreement to development plans.

“All of this means, with the public outrage and outcry, that public confidence in the Airports Act has been undermined.” (my emphasis)

“..... we have to revisit the act and ensure it meets the original intention. We must strike that balance again—the proper balance between the conflicting interests of airport owners, airport users and the communities in which those airports are located. What is needed is a more robust framework to ensure that the minister takes the local community’s concerns into account in making decisions on airport developments and to rebuild confidence in the system. (my emphasis)

“ In essence, our amendments will give effect to the recommendations laid out by the Senate Standing Committee on Rural and Regional Affairs and Transport in its report tabled in early March this year. They include, first, the requirement that airport lessee companies advise state, territory and local governments of the commencement of the public consultation processes. This will provide full awareness and the opportunity to comment and be engaged early in the consultation process. Second, at the moment there is no requirement that all submissions received on master plans be forwarded to the minister. Our amendment will ensure that that happens. Third, Labor has some concerns with the potential problems with deemed approval and will address this by way of amendment. Fourth, Labor would also like to see the act specifically require the department to utilise qualified town planners as one of the many disciplines involved in the assessment of airport development plans. Fifth, at the moment the minister is not required to give an explicit statement of reasons if recommendations from state and local authorities on developments are not accepted. Our amendment will ensure that the minister is required to give such a statement.”

## **Reasons for preserving the existing Moorabbin Golf Course.**

### **GOLFING**

- This is the only 18 hole public golf course in the city of Kingston
- To replace it will cost many millions of dollars
- It offers low cost golf to many young people starting out in the game
- Nearby private clubs are too expensive for many retired or young people to join
- It has a practice driving range
- Its terrain is relatively flat and its modest length makes it ideal for the growing numbers of older golfers who play regularly.
- It is the home of the Moorabbin Golf Club with approx 200 members, some of whom put up personal guarantees for the building of the clubhouse.
- It hosts at least seven local schools for student tuition and recreation
- It is convenient for most residents of Kingston to get to and children can easily ride their bikes to the course.
- Many golfers from neighboring councils play at Moorabbin, because it is an 18 hole course

### **HEALTH and SAFETY**

- Provides regular exercise and social contact for many older citizens to aid their physical well being and mental health
- Helps combat obesity in young people by providing exercise & outdoor activity
- Acts as a safety buffer for airport activities and possible aircraft mishaps/fires

### **PUBLIC AMENITY**

- Acts as a visually attractive buffer to break up the commercial/industrial areas
- It is public green open space, a commodity in short supply!!
- It is in the green wedge zone and should remain undeveloped. There are already too many non aviation and non green wedge uses on the airport.
- There are many bird species dependant on the course for sanctuary & food
- With its many native trees, it is a carbon sink for greenhouse gas reduction[ cf the alternative of factories & buildings which will increase them]
- Loss of the course to commercial development will result in increased traffic congestion on ALL surrounding roads, increased noise, visual and actual pollution for local residents and a generally less pleasant living environment
- The council will lose its works depot currently in the course grounds
- The course now functions as a floodwater retention basin and the southern section will continue to do so and will not be able to be built on anyway

## **Report of attendance at AMAC 2007**

We have been impressed by AMAC president's address and in particular by his news that the State Planning Ministers may be close to agreement to take joint action to apply State or local planning provisions.

Please see below an outline of what has been happening in the City of Kingston re the Moorabbin Airport and in particular our concerns that:

- Moorabbin Airport Corporation (MAC, owned by Goodmans) plans to resume the 18-hole public Moorabbin Golf Course when the lease concludes in November 2008,
- According to airport tenants and pilots, MAC has not been spending money on upgrading infrastructure (apart from its own offices) and has been raising rents that are forcing a number of aviation related (eg maintenance, parts etc) off the airport and onto cheaper industrial sites eg in Braeside.
- Efforts by MAC and the Moorabbin Airport Consultative Committee to ameliorate the noise nuisance by a voluntary Fly Friendly scheme seem to have failed. Perhaps with an airport noise activist apparently headed for The Lodge, this may be an opportunity to impose a regulatory regime with respect to the GAAP airports like Moorabbin (we are told any regulation must be across GAAP airports and cannot specifically target Moorabbin). Council has previously taken this up with AMAC (see letter from Tony Rijs, 2005)

As ward councillor, I have taken a delegation of pilots, airport tenants and local residents concerned about airport noise (coordinated by the Moorabbin Airport Residents Association (MARA) to talk to our local MHR Simon Crean and Liberal Senator Mitch Fifield to discuss these issues. In July and August Kingston Council has unanimously adopted resolutions along the lines of the points we raised (see below brief report on progress and copy of resolutions)

We would appreciate AMAC action on these issues and specifically with regard to:

- Identifying and pursuing – or assisting Council to pursue - any possible means of saving the Moorabbin Golf Course
- Supporting our request to the Commonwealth Government (in letters to the Minister and Opposition Spokesman as well as to Mr Crean and Sen. Fifield) for a federal inquiry into the operation of the privatised airports in terms of the purpose of airport privatisation. According to Simon Crean, this was to raise funds to upgrade infrastructure etc, was supposed to be responsive to community concerns and to accord with State zoning provisions. Both MPs have expressed a reluctance to do anything to alter the Airport's lease or master plan: we hope an inquiry may give them grounds to at least talk turkey with airports like Moorabbin about their obligations to support aviation-related activities and about the golf course.
- Seeking independent legal advice regarding how State and/or local Governments could proceed to apply proper State and local planning provisions and how to preserve and protect aviation-related uses and community facilities used for public purposes eg the golf course.
- Advocating for the regulation of the GAAP airports to protect surrounding communities from unnecessary noise nuisance, via the regulation of flight paths. We would like to see the control towers given the powers and responsibility to tell pilots to comply with guidelines such as the current Fly Friendly provisions. We accept this needs to be secondary to their primary safety role

Motions passed unanimously at the July Ordinary Meeting of Kingston Council

1. That Council reiterate its strong and consistent concern about:
  - the lack of proper State and local planning controls over the non-aviation-related development on Moorabbin Airport; and
  - the fact that this lack of proper planning controls and process will, under current Commonwealth provisions, cause the loss of the Moorabbin Public Golf Course and its replacement by inappropriate industrial and office development.
  
- 2.. That Council request the Commonwealth Government and Opposition to act promptly to restore proper planning controls and processes to the airport by:
  - requiring all future development to follow the normal process of lodging applications through Council for assessment in the light of current State and local planning provisions and to make recommendation to the Commonwealth Airports Minister for determination; or
  - implementing any of the Australian Mayoral Aviation Council alternative recommendations.
  
3. That Council request the Commonwealth Government and the Federal Opposition to require that all future development on the airport should conform to State and Local planning provisions including those relating to uses prohibited in the green wedge.
  
4. That Council request the Commonwealth Government (as lessor) and Opposition to initiate an enquiry into arrangements at Moorabbin Airport (and perhaps other privatised airports) to cover questions including:
  - The nature of planning and non-aviation-related development on the airport;
  - The balance between private profit and public benefit on the airport, between shareholders' profits and the community's interest, including:
    - Whether or not the lessee has achieved or is likely to have achieved a fair return on their original investment in the airport lease;
    - Whether or not the airport lessee has undertaken the spending on infrastructure and airport improvements on which the sale of the lease was supposed to be based;
    - Whether the airport lessee's dealings with their aviation-related business tenants accord with their requirement to maintain an airport;
    - Whether the closure of one runway and the hemming in of another by factories affect aviation safety. (If the airport complies with existing aviation safety rules, are they adequate? Optimal?)
  - The lessee claims to have complied with the Special Use Zone provisions which otherwise might cover an airport. But have they complied with the Green Wedge protection provisions in Clause 57 of the planning scheme?
  - Has the lessee shown appropriate corporate social responsibility to the local community in the light of the profits they have made for shareholders?
  - Will the lessee ensure that the future of aviation-related businesses, aviation safety and the airport's future are not compromised?

- Would the Airport lessee consider retaining the golf course under a reasonable rental policy as a matter of corporate social responsibility?
- Will the airport lessee take a lead in encouraging the adoption of a Fly Neighbourly Agreement to require planes to avoid flying low over residential areas?

5. That Council request our local federal MPs Simon Crean (MHR for Hotham) and Senator Mitch Fifield to support our case with the Airport Minister and Opposition Spokesman and to investigate the possibility of reviewing or introducing legislation or regulations and leasehold arrangements covering the airports operations if this proves necessary and practicable to meet the residents and airport users' needs with regard to the golf course and other issues.

**Motion (unanimously passed by Kingston Council, 27 August 2007)**

*“That Council formally write to the Moorabbin Airport Corporation(MAC) requesting that they extend the lease on the Moorabbin Golf Course land and associated maintenance facilities and that this letter include the following points:*

- a) Council reminds Moorabbin Airport Corporation that they are part of our community and that the community has a very strong interest in preserving the Golf Course as a necessary buffer to the airport as well as a valued recreation open space and community benefit;*
- b) Council reminds Moorabbin Airport Corporation that this is part of the Kingston green wedge, that much of the development on the airport is in conflict with the State Government green wedge provisions and has little if anything to do with aviation;*
- c) Until now, Council has accepted the extensive industrial and retail development on other parts of the airport without overt protest, and that we do not think it is too much to ask for the golf course lease to be extended to the term of MAC's lease from the federal government;*
- d) While most of our community is happy to have the airport, and understands the need for associated development, over the years residents have had to endure a considerable amount of added traffic and noise as a consequence of the airport and associated development.*
- e) Council requests MAC to consider that making this land available for continuing lease would be a valued part of their contribution to this community and a measure of the company's Corporate Social Responsibility.*
- e) Council requests MAC to consider that making this land available for continuing lease would be a valued part of their contribution to this community, and a measure of the company's Corporate Social Responsibility.”*

### Summary report of meetings with Simon Crean MHR and Senator Mitch Fifield

There are one or two hopeful signs apart from our strategy of talking to the Federal MPs, but it remains to be seen whether or not they will come to anything. We asked both MPs if they would investigate the possibility of reviewing or introducing legislation or regulations or amending leasehold arrangements covering the airports operations if this proves necessary and practicable to meet the residents and airport users' needs with regard to the points covered in our discussion paper.

Simon Crean said that airport development was permitted by government as a way of financing new and upgraded infrastructure, and said he would follow up our concerns that at Moorabbin this seems not to have happened.

While we all believe - as does Council and Airport Mayors Aviation Council (AMAC) - that planning controls on the part of the site used for non-aviation-related development should be subject to State &/or local planning controls, both Mr Crean and Senator Fifield said it would be difficult for the Federal Government to change the airport lease they had negotiated.

Simon Crean said the golf course should never have been included in the lease and questioned whether it was appropriate for the airport to build on the land at the end of the runways, currently occupied by part of the golf course.

Senator Fifield and Mr Crean both gave us a good hearing and said they would investigate our issues, and get back to us. Both agreed to follow up with Moorabbin Airport Corporation Tom Uren's proposal for a Fly Neighbourly Agreement and the need to minimise delay with the Southern Road extension project.

It is clear from our meetings with Mr Crean & Sen. Fifield that neither party would feel comfortable altering the airport lease, for what seem to be good commercial reasons. Hence the best federal option seems to me to be to ask them again to support an enquiry into this or all privatised airports. The enquiry then may provide whichever Government is then in power with justification for taking some action or at least talking turkey to the airport.

Cr Rosemary West  
Hawker Ward  
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**From:** Michael Petit  
**Sent:** Thursday, 5 July 2007 9:58 AM  
**Subject:** Council's media statement on Moorabbin Golf Course

“Kingston Council refutes the statement of the Moorabbin Airport Corporation (MAC) that it has ‘failed to take any action’ to find a home for the Moorabbin Golf Club.

“Council for years has attempted through written and face to face communication to convince the Commonwealth Government and the MAC to continue the lease for the Club on the airport site.

This is community land managed by the Commonwealth Government that has been handed over to a private company on an 80-year lease. The Moorabbin Airport is by Commonwealth legislation exempt from state and local planning laws despite continued requests by Council to have this changed. Without such influence, Council has little chance of having a meaningful say in the development of an airport masterplan.

During this same period, Senior Council officers have actively explored alternative locations for a public course in Kingston that could be privately financed since Council does not have the \$10 million dollars or more necessary to build an 18-hole golf course. This included exploration of a site in Dingley at Spring and McClure roads that initially held promise but ultimately did not progress.

“Ratepayers are well aware that Kingston Council inherited one of the highest levels of debts of any municipality created through the council amalgamations of the mid-1990’s. Kingston has significantly reduced that inherited \$29 million debt and is now accelerating a program of asset renewal to fix the backlog of road, drain and footpath repair needed as a matter of priority across the city.

“As to the future, Kingston will continue to be a part of any and all efforts to get the Commonwealth Government to convince the Moorabbin Airport Corporation that it has made a mistake in not keeping the course. Council wants the Moorabbin Airport Corporation to rethink its onsite building program to accommodate a golf club that has been operating there for more than four decades. We will also meet with any developer with a proposal for developing another public golf course within the municipality.”

Cr Topsy Petchey

MAYOR