MINISTER FOR TRANSPORT AND REGIONAL SERVICES

cc: Secretary, Deputy Secretaries, FAS Aviation & Airports Regulation

SUBJECT: MAJOR DEVELOPMENT PLAN: RETAIL OUTLET CENTRE AT ESSENDON AIRPORT

ACTION
That you approve a draft Major Development Plan (MDP) for the Bulla Road Precinct of Essendon Airport.

SUGHT:

PRIORITY:
A decision is required by 25 January 2005 – consideration by end December would facilitate the airport’s commercial negotiations with prospective tenants.

BACKGROUND:
On 20 August 2004 you received a draft MDP from Essendon Airport Pty Ltd (EAPL) proposing the development of a retail outlet centre at the Bulla Road Precinct of Essendon Airport (Attachment A). The development will comprise independent shops arranged around an internal mall system. Three other buildings will accommodate bulky goods use. The site is currently used for non aviation activities. You are required by the Airports Act 1996 (the Act) to approve or reject the draft MDP. You may also approve the draft MDP with conditions.

LEGAL/TECHNICAL ISSUES:
An MDP is required for this development because it involves the construction of a new building, other than a passenger terminal, where the cost of construction exceeds $10 million.

The draft MDP meets the minimum requirements of the Act and the Airports Regulations 1997 (the Regulations). A full assessment of the draft MDP against these requirements is at Attachment B. The draft MDP is also consistent with the approved airport Master Plan.

Section 94 of the Act stipulates the matters you must consider when approving or refusing to approve a draft MDP. A comprehensive analysis is at Attachment C. These matters are:

(a) the extent to which carrying out the plan would meet the future needs of civil aviation and other users of the airport, for services and facilities relating to the airport

(b) the effect that carrying out the plan would be likely to have on the future operating capacity of the airport

(c) the impact that carrying out the plan would be likely to have on the environment

(d) the consultations undertaken in preparing the plan (including their outcome)

income from the development will be likely to benefit airport users, for example by facilitating the centralisation of the aviation precinct in the interests of efficiency. An immediate benefit has been the relocation of the aviation emergency services staging area from the Bulla Road Precinct closer to the centre of aviation operations in English Street;

the development has no obvious impact on the future operating capacity of the airport;

the delegate of the Minister for the Environment & Heritage has determined that there are no unacceptable environmental impacts associated with the proposal (copies of correspondence are at Attachment D);

consultations undertaken in preparing the plan have been acceptable;
(c) the views of the Civil Aviation Safety Authority (CASA) and Airservices Australia
   the views of Airservices (copy at Attachment E) have been incorporated into the
   recommended conditions of your approval of the MDP, as described below. As CASA
   did not provide a view, the need to consult CASA has also been incorporated.

OTHER ISSUES
The development will bring useful income to the airport given that, as stated in the Master Plan,
landing fees don’t cover the cost of maintaining existing aviation facilities. An additional
income stream is likely to become important to the airport should aircraft traffic fall as a result
of the removal of the Location Specific Pricing Subsidy in relation to Airservices Australia’s
air navigation charges.

This said, you should be aware that the proposed development has caused concern to some
stakeholders because of its inconsistency with State and local planning schemes and the
likelihood that traffic congestion in the area could worsen. The impact on the revenue of other
surrounding shopping centres has also been raised. The latter is the basis of ongoing legal
action initiated by Queensland Investment Corporation and the Shopping Centre Council of
Australia seeking a review of your decision to approve the Essendon Airport Master Plan in
March 2003. A summary and status update on this issue is provided at Attachment F.

CONCLUSION
Having considered all issues and concerns raised by stakeholders, we recommend that you
approve the MDP subject to certain conditions. These are set out in full at Attachment G. In
summary they have the following objectives: to protect the integrity of ongoing aviation
operations at the airport; to reduce any adverse impact on the external road system arising from
increased traffic; and to reduce the discrepancy between State and local planning schemes. The
conditions are consistent with the Act. In addition to the conditions of your approval, a number
of other matters regarding the MDP are brought to EAPL’s attention, including the need for
future developments to ensure a balance of mixed commercial activities.

Should you decide to approve the MDP, a draft media release is attached (Attachment H).
Suggested letters to: EAPL (who you are required to notify as soon as practicable); the Minister
for the Environment and Heritage; the Premier of Victoria; the Minister for Planning in
Victoria; the local Federal and State Members; Coalition Senators for Victoria; and the Moonee
Valley City Council are enclosed.

RECOMMENDATION:
I recommend that you approve the draft MDP submitted by EAPL for the development of a
retail outlet centre at the Bulla Road Precinct at Essendon Airport.

Neil Williams
Assistant Secretary
Airport Planning & Regulation

14 December 2004

Contact Officer:  s.22(1)(a)(ii)
Telephone:  

APPROVED/ NOT APPROVED

JOHN ANDERSON

1/12/04.
19 August 2004

BY OVERNIGHT COURIER

Mr John Anderson
Deputy Prime Minister and
Minister for Transport
Parliament House
CANBERRA ACT 2600

Dear Mr Anderson

Essendon Airport Major Development Plan

I enclose the Draft Major Development Plan for the Essendon Airport Bulla Road Precinct Retail and Outlet Centre. I am giving you this document on behalf of Essendon Airport Pty Ltd in accordance with section 94(1) of the Airports Act 1996.

Essendon Airport Pty Ltd advertised in the Melbourne Age Newspaper on the 28 January 2002, that the Draft Major Development Plan would be for sale and on public display until 28 April 2004. Copies of the draft version of the Major Development Plan were made available for inspection and purchase by members of the public in accordance with the notice.

I also enclose:

- a summary of the submissions received and a certificate in accordance with Section 92(2) of the Airports Act 1996;

- a list of the persons consulted before the MDP was advertised summarising the views they expressed in accordance with Section 93(2) of the Airports Act 1996; and

- a copy of a Retail Needs and Economic Impact Assessment for the Essendon Airport Retail and Outlet Centre Development prepared for Essendon Airport Pty Ltd by Essential Economics Pty Ltd.

If there is any further information you or your officers require, I may be contacted on 03 9869 8594.

Yours sincerely

Andrew Nicholls
Director, Essendon Airport Pty Ltd
Cc
s.22(1)(a)(ii), Director, Planning & Aircraft Noise Regulation, Department of Transport and Regional Services, GPO Box 594, CANBERRA ACT 2601 (2 printed copies)

Enclosures
MDP (one printed copy)
Certificate under Section 92(2) of the Airports Act 1996
Certificate under Section 93(2) of the Airports Act 1996
Certificate under Section 92(2) of the *Airports Act 1996*
Essendon Airport Bulla Road Precinct Major Development Plan 2004

<table>
<thead>
<tr>
<th>List of the names of the persons consulted.</th>
<th>Summary of the views expressed by the persons consulted</th>
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<tbody>
<tr>
<td><strong>Commonwealth Government agencies</strong></td>
<td></td>
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<tr>
<td>AirServices Australia</td>
<td>Airservices advised on the potential impact of the proposed development on navigational aids, in particular the impact on approach minima, building limitations around instrument approach runways, and AirServices' ring cable linking into the Instrument Landing System.</td>
</tr>
<tr>
<td>Civil Aviation Safety Authority</td>
<td>CASA confirmed the runway transitional surfaces measurements from the 08/26 runway which is relevant to the space available for development.</td>
</tr>
<tr>
<td>Department of Transport and Regional Services</td>
<td>DoTARs advised on the relationship of proposed MAD to the approved Master Plan for Essendon Airport, the Airports Act and other Commonwealth legislation and guidelines.</td>
</tr>
<tr>
<td>Airport Environment Officer, Essendon Airport</td>
<td>EAPL provided a general briefing about the proposed Bulla precinct development.</td>
</tr>
<tr>
<td><strong>State Government agencies</strong></td>
<td></td>
</tr>
<tr>
<td>Department of Infrastructure</td>
<td>DOI advised on the relationship of approved Master Plan for Essendon Airport to Melbourne 2030</td>
</tr>
<tr>
<td>VicRoads</td>
<td>VicRoads advised on road design proposals for junction of Tullamarine and Calder Freeways and other regional traffic issues</td>
</tr>
<tr>
<td><strong>Local Government authorities</strong></td>
<td></td>
</tr>
<tr>
<td>Moonee Valley City Council</td>
<td></td>
</tr>
<tr>
<td>Councillors and senior managers</td>
<td>EAPL provided a general briefing about the proposed Bulla precinct development and received views about additional economic development and employment opportunities within the municipality</td>
</tr>
<tr>
<td><strong>Community groups</strong></td>
<td></td>
</tr>
<tr>
<td>Close Essendon Airport Committee</td>
<td></td>
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<tr>
<td>Strathmore Neighbourhood Watch Residents meeting</td>
<td>EAPL provided a general briefing about the proposed Bulla precinct development</td>
</tr>
<tr>
<td><strong>Political representatives</strong></td>
<td></td>
</tr>
<tr>
<td>Hon. Judy Maddigan, MLC</td>
<td></td>
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<tr>
<td>Member for Essendon</td>
<td></td>
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<tr>
<td>Hon Kelvin Thompson, MHR</td>
<td></td>
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<tr>
<td>Member for Wills</td>
<td></td>
</tr>
<tr>
<td>EAPL provided a general briefing about the proposed Bulla precinct development</td>
<td></td>
</tr>
</tbody>
</table>

Andrew Nicholls
Director, Essendon Airport Pty Ltd
Certificate under Section 93(2) of the Airports Act 1996
Essendon Airport Bulla Road Precinct Major Development Plan 2004

(a)  List of the names of those members of the public who gave written comments to the Master Plan.

1.  City of Darebin

2.  Shopping Centre Council of Australia (Milton Cockburn)

3.  s.47F

4.  City of Moonee Valley

5.  s.47F

6.  s.47F

7.  s.47F

8.  s.47F

9.  CityLink (Transurban City Link Limited ACN 070 810 678)

10.  s.47F

11.  Department of Sustainability and Environment

12.  Queensland Investment Corporation (Freehills)
(b) Summary of those comments

<table>
<thead>
<tr>
<th>I. City of Darebin</th>
<th>EA PL Response</th>
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<tbody>
<tr>
<td><strong>Comment</strong></td>
<td><strong>EA PL Response</strong></td>
</tr>
<tr>
<td>&quot;Council has concerns in relation to the retail component the Draft Major Development Plan as it is in effect &quot;out of centre&quot; retail development and would be better located in one of the Principal Activity Centres or Major Activity Centres defined in Melbourne 2030.&quot;</td>
<td>EAPL has had regard to this submission but does not agree with it. The submitter does not say why the retail component &quot;would be better located in&quot; an activity centre. The sort of retail proposed is well suited to location outside of an activity centre due to the large area it requires and its need for a prominent location on a major transport route. EAPL is not aware of any nearby activity centre which would have land available for this development. Melbourne 2030 is a State Government planning document so does not apply to Commonwealth places such as Essendon Airport.</td>
</tr>
<tr>
<td>&quot;The proposal undermines the ability of Melbourne to be a sustainable city as it conflicts with Activity Centre Policy and Transport Policy as outlined in Melbourne 2030.&quot;</td>
<td>The proposal does not undermine the ability of Melbourne to be a sustainable city. Given the size of the development relative to Melbourne it is ridiculous to suggest otherwise.</td>
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The continued use of Essendon Airport as an airport does conflict with Melbourne 2030. This is stated at clause 5.5 of the MDP. Essendon is not listed as an activity centre in Melbourne 2030. Essendon is marked by Melbourne 2030 as a "General Aviation Airport until closed".

It is a requirement of the Commonwealth of Australia that the Airport remain open as an airport under a Commonwealth regulatory environment. That regulatory environment permits the development of the airport in a way which would meet all or most of the definition of an activity centre in Melbourne 2030 ("Provide the focus for services, employment and social interaction in cities and towns. They are where people shop, work, meet, relax and often live. Usually well-served by public transport, they range in size and intensity of use from local neighbourhood strip shopping centres to traditional universities and major regional malls.")

EAPL believes that the development can avoid conflict with the transport policies of Melbourne 2030 with the co-operation of relevant authorities. All that the relevant authorities need do is treat Essendon Airport as a specialised activity centre and work with EAPL to
"The reference to Melbourne 2030 within the Master Plan (2003) and the Draft Major Development Plan omits an important justifying statement; that potential State support for the creation of a mixed use activity centre on the Essendon Airport site "...would depend on the successful resolution of issues of public transport access (such as linking to the Principal Public Transport Network), and its role in the network of centres in the region," and is therefore misleading as references to Melbourne 2030 are taken out of context."

EAPL considers that the word "undermines" is overly dramatic given that the proposed development’s share of total trade in its main trade area is estimated at less than 10%. EAPL estimates that the project’s market share would be unlikely to have any significant adverse impact on other traders given that this trade is drawn from a very wide regional catchment (see section 3.12 of the MDP). Given that Darebin is on the outskirts of the secondary trade area of the proposed development it seems unlikely that the proposal would "undermine" anything in Darebin or create "economic instability and a lack of certainty".

It also seems unlikely that many developers have paid for land since Melbourne 2030 was introduced only recently. In any event the owners of EAPL invested in Essendon Airport on the basis of the regulatory regime applicable to the airport prior to the introduction of Melbourne 2030 so it would be "unfair" to attempt to constrain the use of Essendon Airport by reference to Melbourne 2030.

These centres have been considered as part of the secondary trade area of the development although they are not mentioned by name. Melbourne 2030 lists both "Preston, High Street" and "Preston, Northland" as principal activity centres but the Darebin City web site (www.darebin.vic.gov.au/Pages/page.asp?page_id=792) indicates that Preston Central is what Melbourne 2030 refers to as "Preston, High Street".

Preston Central and Reservoir are both about 7 km east of the development. This places them on the boundary of the secondary trade area of the development (see clause 3.12 of the MDP which notes that High Street Preston is the eastern boundary of the secondary trade area.)
As stated in the last paragraph of clause 3.12 of the MDP:

“The development would account for only 8% of spending on outlet merchandise, 7% of spending on bulky goods type merchandise, and 1% of spending on traditional retail categories and would not be expected to have a significant adverse effect on other retail centres or traders in view of the wide regional draw on customers.”

EAPL’s views have been confirmed by the Essential Economics report now annexed to the MDP.

<table>
<thead>
<tr>
<th>The proposal does not adequately address public transport provision to access the site and makes no attempt to integrate the proposal with the Principal Public Transport Network.</th>
<th>Public transport is addressed in the MDP, principally at clause 3.7.1 of the MDP. EAPL supports public transport and has added a section on proposed public transport at clause 3.7.4 of the MDP. Given the flexibility of buses, integration with the Principal Public Transport Network should be a simple matter provided that there is sufficient demand to justify such a service.</th>
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<tr>
<td>The proposal does not address energy use and greenhouse gas impacts of users of the proposal (that is the retail customers and workers), nor outline any strategies to reduce the environmental impacts that predominantly car based access to the site will have.</td>
<td>EAPL considers that customers and workers will travel to the closest retail facility which provides the level of service or job opportunities which they desire. Accordingly, the addition of the development to the range of retail facilities in the region should lead to shorter trips because customers and workers will only come to the development if it is closer than existing retail facilities offering the same services or jobs. For example, a mother of four living in Port Melbourne who currently travels 20km in stop start traffic to an outlet centre in Moorabbin could reduce that journey to 12km of efficient tollway travel once the development is in place. Therefore the development should reduce the length of journeys so reducing energy use and greenhouse gas impacts of its customers and workers.</td>
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<tr>
<td>2. Shopping Centre Council of Australia</td>
<td>EAPL Response</td>
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<tr>
<td>----------------------------------------</td>
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<tr>
<td><strong>Comment</strong></td>
<td><strong>EAPL Response</strong></td>
</tr>
<tr>
<td><em>Essendon Airport Master Plan</em></td>
<td>The courts are not currently considering the validity of the Airport Master Plan. In order to do so the courts would first have to conclude that one of the SCCA or QIC had standing to review the decision to approve the Master Plan. EAPL’s legal advice is that they do not have that standing. In response to the applications of SCCA and QIC for review of the decision of the Minister for Transport and Regional Services, the Minister has said that QIC is not a person who can apply to the AAT for review of the Minister’s decision and that SCCA is not competent to and should not be joined as a party.</td>
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The Administrative Appeals Tribunal (AAT) has been asked by QIC, one of the SCCA’s members, to review the decision by the Minister for Transport and Regional Services to approve the Essendon Airport Master Plan. The SCCA has sought to be joined to the application for this review. Although the application for review is still to be heard, the Master Plan may have to be varied or changed as a result of the AAT review. If this occurs, then the MDP may well be inconsistent with the amended Master Plan and therefore could not be approved by the Minister – section 94(5) of the Airports Act provides that the Minister cannot approve an MDP unless it is consistent with the final Master Plan.

Even if a challenge to the approval of the Master Plan was to proceed and succeed and it was found that the approval was invalid, the consequence would be that there was no approved Master Plan in force. Section 94(5) of the Airports Act provides that:

*"If a final master plan is in force for the airport, the Minister must not approve the draft major development plan unless it is consistent with the final master plan"*

In these circumstances, it would be inappropriate to approve the MDP before the outcome of the AAT proceedings is known.

In addition, the Commonwealth Government Review of the Airports Act, which has not yet concluded, has been asked to make recommendations on the status, content and other requirements for MDPs. The outcome of this review should also be awaited before the current MDP is submitted to the Minister for approval.”

<table>
<thead>
<tr>
<th>&quot;Development contrary to Section 32 of the Airports Act&quot;</th>
<th>This seems to be more an opinion on the operation of section 32 than a submission on the MPD. The MDP should be assessed in accordance with the Airports Act. Section 32 should be applied in its own right.</th>
</tr>
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<tr>
<td>Section 32 prohibits an airport operator from carrying on substantial trading or financial activities other than activities relating or incidental to the operation and/or development of the airport. The draft MDP provides for development that is not relating</td>
<td>EAPL is confident that Section 32 is</td>
</tr>
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</table>

However, EAPL is confident that Section 32 is
or incidental to the operation and/or
development of the airport.

The draft MDP defines the development as an
Outlet Centre and a group of smaller
buildings intended for bulky goods retail use.
The Outlet Centre would comprise “many
individual retail outlets which are centrally
managed where the majority of outlets sell a
majority of stock which is below normal
retail prices; or surplus, out-of-season,
seconds or samples” (p.4). There would be
25,000m$^2$ of shops for an outlet centre, and
36,200 m$^2$ of bulky goods use. It is absurd to
argue that the planning,
approving/recommending, building, leasing
and operating of such an Outlet Centre
relates, or is incidental to the operation and/or
development of the airport.”

“Impact on Surrounding Communities
Under section 94(3)(c) of the Airports Act,
the Minister must consider the likely impact
of the development on the environment. Any
credible assessment of the likely impact on
the environment must include an assessment
of the impact on the surrounding community
and its economy. For example, the Minister
needs to know whether there is a need or
demand for the proposed development, and
whether it will undermine the viability of
existing commercial and retail centres in the
vicinity and the public and private investment
in them. The Minister also needs to be
advised of the likely impact on local
businesses and the local employment and
services they provide. This is even more
important when the development is as large
as the proposed Outlet Centre.

If the Minister is to be able to make an
informed decision, then a development
proposal of this size and magnitude should be
accompanied by a proper needs and impact
analysis which comprehensively assesses the
impact of the development on other centres
within its trading catchment. If this were any
other proposed retail centre, Victorian
planning laws would require such an analysis
before a decision could be made on whether
to approve the project. In line with the
consistent with the development proposed in the MDP.
Section 32 does not prohibit trading or financial
activities at airports; it limits the trading or financial
activities of airport-operator companies. EAPL, the
airport operator company is aware of the limits imposed
by section 32 and will ensure that it does not breach
them.

EAPL does not intend to build or operate the Outlet
Centre itself. At most EAPL would engage others to do
these things but it could merely grant ground leases to
allow others to do these things. Planning, approving
and recommending are not substantial trading or
financial activities under Section 32. EAPL does not
consider that the leasing it will undertake for the MDP
development is prohibited by Section 32. Even in cases
where leasing qualifies as “substantial trading or
financial activity” it will relate to or be incidental to the
operation and development of the airport.

EAPL considers that Clause 3.12 of the MDP does
address the socio economic issues associated with the
development and meets the requirements of section 91
of the Airports Act.

However, given that this point has been argued so
strongly, a needs and impact analysis has been prepared
to avoid any argument that the information available to
the Minister is incomplete. That analysis confirms that
the proposed development will not undermine the
viability of existing commercial and retail centres in the
vicinity. The report is similar to that which would be
prepared for a substantial retail development governed
by State law.

It is expected that some of the trade which will occur at
this development would otherwise have occurred at
other centres around the MDP site. This may have an
adverse impact on shopping centre owners who benefit
from restricted supply of retail sites but a lower level of
trade can reduce pressure on resources such as car
parking and benefit retail traders by reducing rent
increases.

The proposed development does not “completely
undermine metropolitan strategies to reduce car use”.
The “additional traffic” on the local and regional road
system is not additional viewed from a wider
perspective because trips by car to this development will
replace trips which would have been made to other
SCCA’s objective of a level planning playing field for retail development, we consider that a needs and impact analysis should be undertaken and provided to the Minister with the draft MDP.

The SCCA contends that if such an assessment were undertaken it would reveal that a number of centres around Essendon Airport would be adversely affected, limiting the viability and development potential of these centres and the range of services available to the communities they serve. Centres within the proposed outlet centre’s primary trade area (i.e. within 5 kilometres) include Niddrie Central, Broadmeadows, Gladstone Park, Millcara, Westfield Airport West, Moonee Ponds Central, Highpoint City Shopping, and Homemaker City, Maribyrnong, while Watergards Shopping Centre (less than 10 kilometres away) falls within the secondary trade area.

The MDP also proposes to provide parking for almost 2000 vehicles and acknowledges that the development will generate additional traffic on the local and regional road system. This completely undermines metropolitan strategies to reduce car use and concentrate trip generating activities in designated activity centres with good public transport services. Although Essendon Airport will undertake upgrade works for access to the development from Tullamarine Freeway, the Freeway in this area is already heavily congested and the proposed development will only exacerbate the problem. This is inequitable when the local and state planning authorities have no power to impose developer contributions on the airport to recoup the cost of dealing with this added congestion. Taxpayers and ratepayers will ultimately have to meet these costs.”

“Inconsistency with Local Planning Schemes

Under section 91(4) of the Airports Act, the MDP must address the extent (if any) of the consistency of the development and its objectives with planning schemes in force in the area.

Section 91(4) requires the MDP to address the extent (if any) of the consistency of the development and its objectives with planning schemes in force in the area, not the inconsistencies which seem to be the focus of this submission. Clause 5.5 of the MDP addresses the
There is no doubt that the proposed development is inconsistent with the planning strategy for Melbourne, Melbourne 2030, which does not designate Essendon Airport as an activity centre. The proposed retail development set out in the draft MDP would adversely impact the hierarchy of centres set out in Melbourne 2030, as well as the trading performance of retail outlets in areas surrounding the airport. A centres hierarchy is vital to the functioning of a city to ensure the efficient, equitable and adequate provision of goods and services to all communities having regard to their needs, size and location.

Melbourne 2030 states that development of a significant employment and residential precinct within Essendon Airport is dependent on public transport access and its role in the network of centres in the region. As such, Melbourne 2030 sees the need for further analysis and justification of any transformation of the airport into a mixed use centre, before a decision is made. The MDP fails to provide this analysis or justification.

If this MDP is approved, Essendon Airport will have become an activity centre by stealth. Unlike other activity centres which have been identified only after intensive assessment and widespread consultation and debate over many years, Essendon Airport through its master plan and this MDP will have effectively sidestepped this process.

The proposed development is inconsistent with the Moonee Valley Planning Scheme which contemplates the development of high quality industrial parks and housing, not major retail development. In relation to Essendon Airport, the Moonee Valley Municipal Strategic Statement (clause 21.02-3) states that “non-aviation uses that are developed within the airport while it continues to operate should be located on the western side of the airport and be consistent with the long term vision of the site”. The Bulla Road precinct is to the south of the requirements of section 91(4) and also acknowledges that there are a number of inconsistencies.

The MDP has been expanded to cover a number of additional inconsistencies pointed out in this submission although this does not appear to be required by the Airports Act.

EAPL considers and the Essential Economics report confirms that the proposed development will not significantly adversely impact adjoining centres. Given this finding the claimed damage to the “hierarchy of centres” seems unlikely. Adverse impacts on trading performance of retail outlets are part of operating in a competitive retail environment.

The MDP is not required to comply with Melbourne 2030.

Essendon Airport is an airport which operates in a very public environment. It already bears some resemblance to an activity centre and it is expected that it will become more like an activity centre. However, it is fundamentally an airport operating under the Airports Act while the concept of an “activity centre” comes from a State planning regime which does not apply.

The references to Essendon Airport in Clause 21.02-3 of the Moonee Valley Planning Scheme have now been quoted in full in the MDP, Section 5.5. Again, this seems to go beyond the requirements of the Airports Act.
“Compliance with the Australian Heritage Commission Act
The MDP states that as part of the development, it is proposed to demolish a hangar ("building 10") that is currently listed on the Register of the National Estate. The MDP states that Essendon Airport will be seeking to "delete" the hangar from the Register and has provided a report the Australian Heritage Commission.

We note that if the hangar is not removed from the Register, then, under section 30(1) of the Australian Heritage Commission Act, the Minister could only approve the MDP (and demolition of the hangar) if he is "satisfied that there is no feasible and prudent alternative".

Section 24 of the Australian Heritage Commission Act imposes a number of requirements on the Heritage Commission before it can remove an item from the Register, including a process of public notification and consultation on the proposed removal. Ultimately, of course, the Commission can decide not to remove the building from the Register.

The MDP, however, does not explain what will happen if this occurs. It is not clear whether the proposed development would be unable to proceed at all or whether Essendon Airport would seek to modify the development to ensure protection of the registered building. This should be set out in the MDP.”

Demolition of the hangar was a requirement for the proposed development to proceed in the form proposed but it is not part of the development.

The Australian Heritage Commission Act has been repealed. The site has not been included in the Commonwealth Heritage List. Accordingly there is no need to delete the hangar from the Register of the National Estate.

Demolition of the hangar has now occurred so it is not necessary to consider whether or how the development would have proceeded had it not been possible to demolish it.
3. A resident of Dublin Ave, Strathmore

**Comment**

"1. Timetable for completion of public consultation

The closure of consultation on this proposal on 28 April is unreasonable. I was unaware of the proposal until recently and no attempt appears to have been made to directly contact potentially-affected residents. Such an approach is necessary for a development of this scale. Simply meeting statutory requirements (eg public advertising) in an environment of such complex and unusual planning responsibilities (i.e. involving EAPL, Moonee Valley Council, Vic Roads and City Link) is inadequate and runs counter to your objective of improving integration of the airport with the local community.

The consultation process is also compromised by the lack of any agreed traffic management plan. The plans on exhibition do not appear to reflect the current working drawings shown at the public meeting convened by Council on 14 April and are clearly "work in progress". It is unreasonable to close consultation until residents are clearly aware of the "final proposal" and Council and Vic Roads have endorsed it."

Moreover, the ongoing negotiations with Council and VicRoads should dictate that the final submission to the Commonwealth be postponed until the traffic management arrangements have been agreed with Council and VicRoads and residents are informed accordingly."

"2. Traffic Management Proposals

(a) Existing traffic environment

The draft proposal does not appropriately reflect the traffic "chaos" currently in the area, particularly relating to the merge with Calder and Tullamarine Freeways and the significant extent of CityLink toll avoidance along Bulla Road. The area is a notorious traffic problem, with high accident history, saturation flows on various legs and very

**EAPL Response**

EAPL has met the statutory requirement and has been willing to discuss and communicate at all times. The resident did become aware of the MDP in time to make a submission.

The "working drawings" referred to by the resident are drawings of roadworks which will improve access to the airport and ameliorate a number of long standing local traffic concerns unrelated to the airport. These roadworks are separate from the MDP and are desirable whether the MDP is approved or not. These roadworks cannot proceed without the approval of VicRoads and cannot be completed without the approval of Citylink and The City of Moonee Valley. The end of the public comments period under the MDP does not end the consultation process for these road works. As the resident notes, the plans are still being resolved. They will not be finalised until completion of a process of consultation and negotiation which was continuing as at August 2004.

It is not possible to completely resolve all related issues prior to lodgement of the MDP for approval but EAPL is working on resolving as many as it can. EAPL can say with confidence that the development proposed in the MDP will at worst place a small additional load on local roads but that this is more than compensated for by the improvements which EAPL is prepared to fund.

EAPL is aware that this interchange can be improved and that it can play an important role in achieving this improvement by making land available see clause 3.7.1 of the MDP.

EAPL does not agree that references to proposed solutions to the interchange problems (at clause 3.7.1 of the MDP) are misleading. This resident is well
long queues both morning and afternoon peaks.

Reference to the “possible” long term solution to remedy this problem is irrelevant and potentially misleading. Although planning has been undertaken, the high costs suggest that it will not be undertaken in the foreseeable future. Without a firm funding commitment, it is inappropriate to argue that traffic problems are likely to be short term.

The very significant merging requirements along the freeway in both directions ensure that this is an area of high conflict. For example we have 2 major interchanges within 1 km, effectively 6 lanes merging to 3 eastbound and 5 to westbound (excluding ramps). In the short time that I had available to view the draft report, I thought the treatment of traffic effects was extremely cursory. I did not notice in the text (pp25-28) any quantification of traffic effects (eg queue lengths, average delays, saturation estimates, heavy vehicle estimates, accident projections, 24 hour traffic flow changes, ramp and Bulla Rd traffic splits etc). The focus was on the effective entrance and egress to the site, rather than on how much an already saturated interchange is effected.

It is my view that the proposed development of 61,200 m² is excessive in relation to what can be accommodated without traffic and residential detriment. This is much bigger than the adjacent Westfield Shopping Centre and, even given the different usage, casts significant doubt on the traffic generation projected. In my view, the development should be scaled back to such a point that agreed critical traffic parameters are not significantly worsened. The statements in the report (p28) that traffic conditions will be “very good to excellent” are very difficult to accept, given the current traffic problems and the uncertainty over the traffic generation predicted. My suggestion is that the projected traffic growth be tested independently by Moonee Valley Council or otherwise for confidence.”

informed of the challenges involved and clearly not misled. EAPL has not argued that traffic problems are likely to be short term. The words “acceptable short-term treatment” in the last paragraph of clause 3.7.1 are VicRoads’ description of the roundabout treatment. Express reference to these challenges has now been added to clause 3.7.1.

Degree of saturation, queue lengths and average delays are quantified in Tables 4 and 5. Heavy vehicle traffic to the site is not expected to be significant. Accident projections are beyond the scope of the MDP but EAPL expects that the mitigation measures approved by VicRoads will not reduce road safety. The MDP has focussed on peak hour traffic flows because those are the times of most limited capacity. These confirm EAPL’s view that the traffic effects of the development are acceptable.

EAPL has relied upon the advice of experts in determining the traffic and other effects of the proposed development. The respondent has not provided anything to support his submission that the development should be scaled back. Moonee Valley Council could have included an assessment of traffic effects in its submission but did not do so. EAPL believes that the estimates are fair. It is not in EAPL’s interest to create inappropriate traffic activity. The traffic effects of the development can be managed through lease covenants and the land use plan.
### (b) North of Freeway

The problems with the northern ramps seem to include the following:

- Tear drop roundabout treatment is unusual and likely to cause driver confusion and error (eg which exit to take?).
- Traffic exiting freeway will tend to approach the roundabout at freeway speed and be unable to safely navigate the roundabout. The design speed of this roundabout is not shown but I expect it to be 60-70 kph. This is a clear and unacceptable risk with the treatment.
- Calling up a signal phase on Bulla Rd northbound to clear the ramp is necessary but queuing implications for Bulla Rd have not been quantified.”

### (c) South of Freeway

- First Avenue will be severely affected by noise and loss of visual amenity, even if traffic separation is achieved. The treatment converts a low usage ramp/suburban street to a major off ramp. The closure of First Avenue for local traffic is acceptable, but would push some traffic to other southern streets. A better solution would be for an exit for local traffic into the Bulla Rd service lane.
- The expansion of the west bound entry for traffic exiting the site is very ill advised. This was a known accident problem before the access from First Avenue was closed. As I read the plans, expansion of the slip lanes to two lanes means four lanes will merge to one over a short distance along the ramp and then be required to merge again with freeway traffic. At peak times this ramp is already queued well back along Bulla Road and these queues will be exacerbated. Outside peak, the merge at speed is unacceptably dangerous.
- Entering onto Bulla Road from the east is already much more difficult with CityLink avoidance. Allowing and encouraging more traffic north and south along Bulla Road can only make this worse.”

EAPL does not share this respondent’s low opinion of drivers’ ability to navigate roundabouts and obey speed limits. A tear drop roundabout is a far more conventional arrangement than that currently in place. Queuing implications for Bulla Road are quantified in tables 4 and 5.

The development is expected to increase westbound traffic volumes exiting the freeway from 140 to 209 in the AM peak and from 318 to 564 in the PM peak. However, recent discussions with the City of Moonee Valley indicate that a separation of First Avenue and the freeway ramp will be installed which should significantly improve the amenity of First Avenue and the freeway ramp. The precise details of whether and how local traffic will exit from First Avenue are being resolved by the City of Moonee Valley.

The west bound entry to the Tullamarine Freeway is controlled by VicRoads. VicRoads has agreed to proceed with the works criticised in this submission so presumably does not share this respondent’s views.

The impact of the development on traffic entering Bulla Road from the east will be less than 10%. 
“(d) Infiltration through residential areas

The major cause of traffic infiltration through the Napier Park precinct is the lack of a full diamond interchange at Pascoe Vale road/Tullamarine Freeway. Although a high cost solution, it would have the potential to solve many problems with the general traffic management and this development. It would be useful if this report could promote an investigation of this option to complete a full diamond interchange there.

In the absence of this structural solution, the proposal for the Bulla Road site will increase the number of vehicles which seek a ‘shortcut’ through the Napier Park residential area. Traffic from the Pascoe Vale/Coburg/Brunswick/Oak Park/Glenroy areas cannot conveniently access the site without getting to and from Bulla Road. Moonee Valley Council has ongoing works to discourage these flows through residential streets and the traffic generation can only worsen this problem.

Given the scale of the current traffic problems in this precinct and the expected worsening caused by the proposal, it seems reasonable that EAPL fully fund (or at least contribute) to “hard” traffic management measure along Bulla Road, such as closures at medians or entrance to side streets.”

3. Summary

This development will generate traffic which cannot be safely and equitably accommodated in this area, particularly given it is already saturated.”

4. Recommendations

I would like to recommend that the Essendon Airport Pty Ltd proceed as follows:

- The traffic safety and management effects of the proposed treatments be examined in greater detail to quantify these, in relation

The traffic generated by this development can be safely and equitable accommodated in this area.

The critical traffic criteria are already included in Tables 4 and 5 of the MDP.

The development does not need to be scaled back. Virtually every development creates traffic demand; the criteria suggested by the respondent if read literally would act as a bar to development.
to agreed critical traffic criteria.
- The development needs to be scaled back to such an extent that any traffic problems, as measured against agreed critical traffic criteria, are not significantly worsened.
- The submission to the Federal Minister be delayed until a traffic management plan is agreed with the Moonee Valley Council and VicRoads.
- The treatment of First Avenue be agreed with residents, and consideration be given to the option to allow egress for First Avenue traffic to exit into the Bulla Road service lane.
- EAPL offer to fund the agreed traffic management works in the Napier Park precinct.
- EAPL seek a commitment from the Minister to investigate the benefits of a full diamond interchange at Pascoe Vale Road/Tullamarine Freeway.”

EAPL is resolving traffic issues with the City of Moonee Valley and VicRoads but it is not appropriate to delay the submission to the Minister. If such agreement were required before submission to the Minister, the City of Moonee Valley or VicRoads could veto the MDP process in the Airports Act.

EAPL, VicRoads and the City of Moonee Valley are considering a number of options for First Avenue. The option suggested by this submitter (“an exit for local traffic into the Bulla Rd service lane”) has been considered by EAPL but it seems not to be the solution preferred by the majority of local residents.

It is not appropriate that EAPL fund works which are the responsibility of the City of Moonee Valley, particularly when EAPL and airport users pay the equivalent of full rates yet do not receive services enjoyed by ratepayers whose properties front council roads.

It is not appropriate that EAPL seek any commitment from the Minister regarding an interchange which has little connection to the proposed development.
<table>
<thead>
<tr>
<th>4. City of Moonee Valley</th>
<th><strong>EAPL Response</strong></th>
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<tr>
<td><strong>Comment</strong></td>
<td><strong>EAPL Response</strong></td>
</tr>
<tr>
<td>“Building Design Response”</td>
<td>EAPL considers that the proposal does provide visual interest. An infinite variety of designs is possible. A firm of professional architects were engaged to come up with the design proposed which EAPL considers to be interesting without being cluttered or excessively distracting to passing motorists.</td>
</tr>
<tr>
<td>Council notes the proposed extensive building façade along the southern boundary of the site. The Development Plan asserts that visual interest is to be provided by a varied use of angles, shapes and relief with colour and graphics reinforcing the treatment of the building panels. Whilst the principle of providing visual interest to this exposed façade is accepted - the details require greater explanation. Council believes it would be advantageous to reduce the monotony of the continuous horizontal parapet to the southern façade by providing more than the vertical relief elements proposed. To this end, there appears to be inconsistency between design intent (visual interest) and the proposal as currently presented. The Development Plan makes reference to the proposed design style of the building façade being not dissimilar to the City Link noise walls south of Bell Street and on other freeways in the Melbourne metropolitan area. Comments received from the community indicate that there is a certain apprehension about these edge treatments. The proposal to provide an indication or clue to motorists travelling from the city that they are approaching the Bulla Road exit is acknowledged as being advantageous - though it needs to be sufficiently different to indicate this rather than ‘just another noise wall treatment’. ”</td>
<td>EAPL does not agree that it is appropriate to provide more than the vertical relief elements proposed. There is visual interest in the proposal as currently presented. EAPL has amended the second paragraph of section 2.2.2 to confirm that the façade will indicate the Bulla exit approach to a retail and outlet centre rather than ‘just another noise wall treatment’.</td>
</tr>
<tr>
<td><strong>“Blades of Signage”</strong></td>
<td>The MDP describes the signs both in words and in diagrams. Advertising content, finishes and colour will change frequently so it is not appropriate to specify it in an MDP. EAPL expects that the advertising will be illuminated in accordance with usual signage practice. Having had regard to this point EAPL considers that</td>
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<tr>
<th><strong>Building materials</strong></th>
<th>although the advertising signs will be visible from the freeway, they will not result in visual clutter. The advertising signs will be smaller and further away than many other signs which motorists will pass along the Tullamarine Freeway and CityLink</th>
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<tr>
<td>While the Development Plan notes that “external elevations of the buildings are proposed to be full height precast concrete panels with a paint finish or images on them, and signage panels with a lightweight painted metal tray deck wall fascias above”, no indications are provided of paint colour, brand and ‘lifestyle’ images, or signage panels. Council believes that a key feature to be considered is that the finish – particularly to the precast concrete panels that will be viewed from the surrounding area – be varied and richly textured to avoid any reduction in visual amenity.”</td>
<td>“Paint colour, brand and ‘lifestyle’ images, and signage panels will not be determined until it is determined who the tenants of the development will be and will change over time so it is not appropriate to fix them in an MDP. Figures 5, 6, 7 and 9 give indications of the sort of paint colours contemplated for the development. EAPL does not agree that any alteration to the finish is required. It is unclear exactly what the submitter objects to about the finishes proposed in the MDP.”</td>
</tr>
<tr>
<td><strong>Visual assessment</strong></td>
<td>The visual impact of the proposed buildings on the amenity of surrounding residential areas is considered to be low. As noted in section 3.8.1 of the MDP, “views of the site from the adjacent residential areas are nearly impossible...” The single level design and predominant 7 m height (except for the signage elements which range up to 19.5 m but do not exceed the height of the existing telecommunications towers) limit the visual impact..</td>
</tr>
<tr>
<td>...Treatment of the buildings as outlined in the Major Development Plan is oriented towards attracting the motorist’s attention without considering the visual impact of the proposed large buildings on the amenity of the surrounding residential areas.”</td>
<td>The development will be a positive visual experience. Being commercial is not inconsistent with an attractive appearance. There will not be “visual chaos” as the ordered pattern of signage proposed bears little resemblance to the mixture of signage styles found along Matthews Avenue.</td>
</tr>
<tr>
<td>“It is recommended that consideration of a positive visual experience be provided for the large amount of motorists who pass by the area each day – rather than the blatant commercial images that would reinforce the visual chaos that exists along Matthews Avenue (for example).”</td>
<td>EAPL understands that the “objectives” refers to planting of trees. It is not appropriate to plant tall trees close to the runways where they may intrude on the obstacle limitation surface.</td>
</tr>
<tr>
<td><strong>Landscaping and site planning</strong></td>
<td>EAPL will consider tree height and spread characteristics when implementing the landscape plan. Implementing the landscape plan will reduce the visual impact and any “dominance” of built elements.</td>
</tr>
<tr>
<td>The landscape proposals will achieve the objectives for some aspects (the car park and the western boundary), but not for the northern and north eastern aspects of the precinct.”</td>
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<tr>
<td>Building height and bulk in an effort to reduce the visual impact and dominance of built elements.”</td>
<td>No tree planing is proposed within the Freeway road reserve. The freeway road reserve is not within the control of EAPL.</td>
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<td>“It is noted that extensive tree planting is proposed within the Freeway road reserve – Council seeks a commitment that this will be introduced before the development commences on site, is of decent size and has appropriate management arrangements in place to ensure its long-term survival.”</td>
<td>The trees shown in the sections are generic, not of any particular species. The specific species will be selected having regard to the criteria in section 2.5.1 of the MDP and are unlikely to include eucalyptus.</td>
</tr>
<tr>
<td>“Bird Attraction” The sections shown in the Landscape Concept Plan illustrate a tree species that is evocative of a medium/large eucalyptus. Are there eucalyptus species that are considered appropriate for low bird attraction?”</td>
<td>These principles are discussed in section 2.3.3 of the MDP.</td>
</tr>
<tr>
<td>“Water sensitive urban design principles It is commended that these principles are being considered for the car park drainage design and tree selection. However, no details have been provided to indicate what these are.”</td>
<td>As stated in section 2.3.3 “the proposed works will maintain the existing outlets and provide the necessary stormwater detention to ensure there is no increase in stormwater runoff generated from this site. Stormwater detention storage will be provided within the proposed car parking areas.” Detention systems allow the stormwater to be gradually released over a long period of time to avoid increasing stormwater run off which would overload existing downstream systems.</td>
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<tr>
<td>“Stormwater Drainage Issues” ...Council disagrees with the statement on page 16 of the Major Development Plan, which states that the development will ensure that there will be “no increase in stormwater runoff generated from this site”. It appears that more land will be built over, so the volume of runoff will increase. If it is intended that there be no additional runoff from the site than currently exists, how will this be achieved? Without such commitment within the Plan, Council maintains some concerns about the effect of the development on Council’s drainage system downstream of the site.”</td>
<td>EAPL will comply with the MDP.</td>
</tr>
<tr>
<td>“In addition, Council seeks assurance that the statement contained in the approved Master Plan that “stormwater treatment and quality requirements will be analysed and appropriate systems” are implemented (p. 39)”</td>
<td>Agreed.</td>
</tr>
<tr>
<td>“Council supports the use of water sensitive urban design principles such as sediment swales, planting varieties, water harvesting for plant irrigation purposes and organic materials.”</td>
<td>“However, the drawings provided give no indication of how these details are to be Figure 10 shows the location of the proposed swales. This commitment will be honoured.</td>
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incorporated into the design of the car parking areas. Therefore, no assessment of this proposal can be made, other than to state that the expectation has been raised that there will be a real effort to implement this commitment.”

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<th>“Council supports the sustainable use of water and would encourage the development of an education and advocacy program that emphasises that this is being implemented in this precinct.”</th>
<th>Although this suggestion is probably outside the scope of the MDP, EAPL will consider it.</th>
</tr>
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</table>

| **Recycling of existing site materials**  
...Council seeks advice as to whether there be target set for re-use and recycling of material and if an audit process will be established to assess this commitment by the developer? | EAPL has not made a decision on these issues but will consider this concept having regard to the Airport Environment Strategy and the role of the Airport Environment Officer. |
| --- | --- |

| **Local Area Traffic Management Study**  
Council acknowledges that many of the traffic implications caused by the development will impact on the surrounding street network and this highlights one of the deficiencies in the Major Development Plan process. Although the Major Development Plan proposes major traffic improvements within the boundaries of the Airport, it is the resultant traffic works proposed off-site on VicRoads and Council controlled roads that Councils submission has focussed on. To this end, Councils consideration of traffic issues ignores the issue of the Airport boundaries and considers traffic issues as a whole.” | EAPL is working with Council to address its concerns regarding local traffic issues. EAPL does not consider that there is a deficiency in the Major Development Plan process. EAPL is keen to assist the Council in resolving traffic issues, even where traffic issues are substantially pre-existing. However, EAPL is concerned that some of the issues raised by Council have little to do with the proposed development. |
| --- | --- |

| “Council had completed a Local Area Traffic Management Study in the Napier Park precinct in October 2000. The Traffic Management Plan adopted as part of the Study is shown in **APPENDIX A**. Most of the works recommended by the Study have been implemented.  
A key aim of the Study was to reduce the level of through traffic in the Napier Park area. It is therefore important to ensure that traffic generated by the development is not diverted through the local area.” | EAPL is working with Council to discourage traffic diversion onto inappropriate local streets. |
| --- | --- |
"First Avenue/Bulla Road Intersection

...A public meeting was held on 14 April 2004, at which the following traffic management options were presented by Grogan Richards:

Option 1 – construction of a median partially separating traffic from the Tullamarine Freeway exit ramp and traffic accessing properties in First Avenue;

Option 2 – conversion of the western part of First Avenue to a service road, with traffic exiting the freeway being separated from First Avenue; and

Option 3 – conversion of First Avenue to a court, with traffic exiting the freeway being separated from First Avenue, as shown in APPENDIX C. Traffic would not be able to enter Bulla Road from First Avenue.

Most residents at the meeting supported Option 3, which offers the greatest protection from through traffic. Accordingly, Council requests that this option be installed (appropriate sound barriers and landscaping should be included as part of the design) prior to the opening of the development. The residents of First Avenue should be further consulted regarding the detailed design of this option. The residents at the meeting requested no medium break, allowing local traffic to enter First Avenue from the freeway off-ramp. This requires further consultation.”

"Left-turning Traffic from Bulla Road

Significant traffic volume exiting the development is likely to turn left from Bulla Road into Dublin, Balmoral and Holyrood Avenues. This volume could be reduced by installing left turn bays, which could be reinforced by physically closing the eastbound carriageways of the three streets at Bulla Road.

It is proposed following consultation with the community for these roads to be considered for implementation at the time of opening of the development.

There is strong community support for the partial closures, it is requested that the developer should provide a guarantee to fund

EAPL is prepared to proceed with any of the options mentioned but is waiting on the Council to complete its consultation process. The works required will be carried out on land controlled by the Council and CityLink. EAPL’s only role is to assist by providing experts such as Grogan Richards and contributing financially.

As the Council has substantial control over whether any of these options are installed prior to the opening of the development, EAPL does not consider it appropriate to delay the development until an option is selected and installed. However, EAPL would prefer that these works be completed before the opening of the development so will do what it can to make this happen.

The development will make a minor contribution to the traffic travelling south along Bulla Road. The Traffic Report now annexed to the MDP shows that in the a.m. peak the development will generate 11 out of 1143 movements and in the p.m. peak 198 out of 1638 movements.

Given that the development will make such a minor contribution to traffic levels, it is not reasonable to seek funding for these treatments from the developer.
Traffic Impact Analysis

“Traffic generation data indicates that Bulla Road will experience a significant increase in traffic.

Council requests that traffic assessments of Woodland Street and nearby local streets should be undertaken.

Insufficient justification has been provided for the traffic generation rates used in the analysis. Further justification of these rates and clarification of floor areas is required.”

“Alternate Site Access
The community have requested that alternate access to the precinct be examined. Council understands that there are certain site constraints that affect this proposal.”

“Parking Demand
Whilst the adopted demand ratios of 2.5 parking spaces for bulky goods developments and 5.0 parking spaces for outlet centre seem to be appropriate, Council seeks further justification of these rates and clarification of floor areas.... The floor areas shown in different sections of the Draft Major Development Plan don’t seem to match.”

“Public Transport
The site is poorly served by public transport. The Council strongly advocates that provision of shuttle bus services, connecting the development to the Essendon Railway Station, Moonee Ponds Bus Terminus and local tram service be implemented.”

“Other Mitigating Works
The following safety issues are likely to be exacerbated as a result of additional traffic generated by the development. The developer should therefore contribute to the funding of the necessary mitigation works.

A high level of traffic congestion occurs at the Tullamarine/Calder Freeway interchange in peak periods, resulting in City-bound

Council was provided with a copy of the Grogan Richards traffic report now annexed to the MDP during the consultation process. The report indicates increases in Bulla Road traffic of 1% and 12% in the a.m. and p.m. peaks respectively and increases in Woodland Street traffic in the p.m. peak of 5% travelling east and 7% travelling west. There is no reason to expect that other local streets would experience any greater increase than Woodland Street; in fact given the traffic devices installed in the area it is reasonable to expect other streets to be less impacted than Woodland Street.

The report has been prepared by recognized experts in traffic management. The submission gives no reason for seeking additional justification. EAPL does not consider that further justification is required.

The site has excellent direct access to the Tullamarine Freeway. The current means of access has existed for many years. The Council’s understanding that there are site constraints is correct – the airport runways prevent access from the west and north.

Given that the Council considers the parking ratios “seem appropriate” and are based on the advice of Grogan Richards there is no reason to seek further justification. The floor areas used for parking ratios are lettable areas, excluding malls and other common areas. The MDP distinguishes between the lettable area of the outlet centre (20,000m²) and the gross area of the building in which it is located (25,000m²) – this is explained in section 2.2.3 of the MDP.

EAPL also supports the introduction of a bus service provided there is adequate demand.

EAPL believes the development will have an insignificant effect on the Calder/Tullamarine interchange given the relatively small development traffic volume compared to the volume of vehicles going through the interchange. EAPL does not agree that the interchange should be upgraded before or as part of the development.
traffic leaving the freeways prior to the interchange to travel on local/arterial roads, rather than using CityLink. The interchange has also experienced a high number of accidents. As traffic generated by the development is likely to exacerbate the current problems, the interchange should be upgraded as part of the development."

"As traffic volume in Woodland Street will increase due to the development, a physical median should be installed east of Napier Street."

"Pedestrian safety issues currently exist on the bend along Pascoe Avenue, which will be exacerbated by the increase in traffic volume."

"Three casualty accidents have occurred at Napier Street/Raleigh Street in the past five years. It is likely that accidents at the intersection will increase as a result of increased traffic along Napier Street. A roundabout is required in order to improve safety at the intersection and the developer should be required to contribute to these costs."

"There is currently inadequate access between Pascoe Vale Road and Tullamarine Freeway. The provision of ramps connecting these roads should be investigated if the development is extended to the southern part of the Airport."

<table>
<thead>
<tr>
<th>Given the small effect the development will have on traffic in Woodland Street, EAPL does not agree that the development is the cause of any requirement that a median be installed as suggested.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given the small effect the development will have on traffic in Woodland Street, EAPL does not agree that the development is the cause of any requirement for pedestrian safety measures beyond the eastern end of Woodland Street.</td>
</tr>
<tr>
<td>Given the small effect the development will have on traffic in Woodland Street, EAPL does not agree that the development is the cause of any requirement for a roundabout at this intersection.</td>
</tr>
<tr>
<td>EAPL does not agree that the development is the cause of any requirement for ramps connecting Pascoe Vale Road and the Tullamarine Freeway.</td>
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</table>
5. A Resident of First Avenue Strathmore

<table>
<thead>
<tr>
<th>Comment</th>
<th>EAPl Response</th>
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<tbody>
<tr>
<td>&quot;I am writing to you with my concerns regarding the proposed redevelopment with the confines of Essendon Airport. I have major safety issues with the increased traffic volumes expected through my community. I feel this plan has been proposed without due regard to the residents amenities.&quot;</td>
<td>Although the development will cause an increase in traffic volumes (see the traffic report annexed to the MDP) many of the concerns of this resident have more to do with pre-existing issues than issues caused by the proposed development. EAPl has had regard to these concerns and is prepared to contribute to fixing pre-existing issues in the course of upgrading access to the development site but only to the extent that it is reasonable to do so.</td>
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</table>

"It appears this proposal has been formulated without coordinated consultation with stakeholders. (Transurban/CityLink, VicRoads, Federal Airports Corporation, Moonee Valley Council and the adjoining residents.) I have personally tried, without success to obtain a complete and accurate copy of the project. The plans produced by VicRoads and given to me by the staff of Mr Tim Anderson (General Manager, Linfox Airports Pty Ltd,) are incomplete and inaccurate in the extreme. These drawings neglect to show many of the important features needed to make an informed decision as the viability of the proposed traffic management measures surrounding this development." | EAPl consulted with VicRoads and the City of Moonee Valley before putting the draft MDP on public display and has accepted submissions from interested parties as a result of the public display process. It seems to EAPl that the concern regarding consultation has more to do with the detail of the works at First Avenue, outside the Airport. |

The submitter describes the “design fault” in the existing west bound off ramp from the Tullamarine Freeway via a single lane suburban street onto Bulla Road. She submits that allowing right turns from First Avenue (as was allowed in the past) will increase traffic on First Avenue and adjoining streets and result in path crossing at high speeds. Later in her letter the submitter states | EAPl understands that the drawings to which the resident is referring are the draft drawings for the road works described under heading 3.7.3 of the MDP. These road works are largely on land outside the airport under the control of VicRoads, City of Moonee Valley and CityLink. EAPl has paid for a series of drawings to be prepared to allow local residents to respond to alternative treatments of First Avenue (which is the area of most concern to submitters) in a consultation process run by the City of Moonee Valley. EAPl is continuing to support the City of Moonee Valley in this consultation process and as at August 2004 is still waiting on an outcome. |

EAPl has had regard to the concerns of this submitter and other residents with similar views. It now appears likely that First Avenue will be separated from the west bound off ramp and that EAPl will pay for all or a substantial part of these works. Closure of First Avenue to through traffic is one of a number of options being put to residents. EAPl feels that the submitter is understating the benefits that the options being put will provide to First Avenue Residents. Effectively the
that completely closing First Avenue to through traffic will “go some way in alleviating ONE of the foreseen problems associated with the proposed development”.  

Development is acting as a catalyst to solve long standing problems and improve residential amenity in First Avenue.

The submitter seeks information about traffic plans and studies and traffic flows and patterns

Having regard to the submission EAPL has included a full copy of the traffic report in the MDP which provides further information on these topics. The MDP provides sufficient information on the effects of the proposed development on local traffic.

The submitter expresses safety concerns about the design of the west bound on ramps from Bulla Road to the Tullamarine Freeway.

EAPL has relied on professional road engineers working with VicRoads to come up with a solution. While EAPL has had regard to the submitter’s views, it does not agree that there is any reason to challenge the solution approved by VicRoads.

The submitter also expresses concern that there is only one road in and out of the development site and mentions the need for emergency vehicle access and delays and accidents on the Calder/Tullamarine Freeway interchange.

EAPL has had regard to traffic levels near the development site and considers that the access to the site is more than adequate. Traffic congestion in peak hour is not unique to this part of the Melbourne roadway system. In an emergency access can be made available from English Street via the airside perimeter road system but EAPL considers that it would be very rare that emergency vehicle access is not available from one of Bulla Road and the Tullamarine Freeway.

The submitter questions the addition of “one hundred and thirty shops and three bulky goods outlets to an area that is already saturated with retail opportunities”.

EAPL has had regard to this point but remains comfortable with its own analysis of the demand for this project. The number of shops and bulky goods outlets assumed by the submitter is not consistent with the MDP, nor the expectations of EAPL.
<table>
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<tr>
<th>Comment</th>
<th>EAPL Response</th>
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<tbody>
<tr>
<td>This resident submits that the development will “heavily impact on our health and safety and the value of our property in Strathmore”. The resident goes on to describe the existing situation where the westbound off ramp becomes First Avenue and expresses concern that “the Development of a shopping complex will greatly increase the traffic coming off the freeway.”</td>
<td>EAPL has had regard to these concerns but considers that the overall impact of the development and the First Avenue modifications will be to improve the amenity of residents in First Avenue. The traffic report annexed to the MDP shows traffic increases of 49% and 77% in the am and pm peaks respectively on the westbound off ramp. The traffic report was prepared before negotiations began with residents for measures to prevent traffic from First Avenue turning right at Bulla Road. These measures will reduce the expected increase in traffic. If the City of Moonee Valley takes these measures a step further and makes First Avenue a dead end traffic numbers in First Avenue will be reduced to close to zero.</td>
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<td>Comment</td>
<td>EAPL Response</td>
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<tr>
<td>The submitter objects to “some aspects of the proposal due to the likely traffic impact along local streets in the northern part of the Napier Park Traffic Precinct” and “in particular...some aspects of the proposed signalisation of the intersection of Bulla Road at First Avenue as shown on the preliminary VicRoads plans”.</td>
<td>The particular details of the First Avenue intersection are controlled by VicRoads and the City of Moonee Valley. EAPL has offered to pay for the First Avenue works and is working with the City of Moonee Valley and local residents to resolve which of a number of different treatments will proceed.</td>
</tr>
<tr>
<td>“It is not acceptable for traffic volumes to increase along local streets as a result of vehicles entering and departing the airport at Bulla Road ...”</td>
<td>Increased traffic is a potential consequence of any redevelopment of the Bulla Road precinct of Essendon Airport. It is not reasonable to expect the site to be used in a way that causes no increase in traffic volumes.</td>
</tr>
<tr>
<td>The submitter suggests that traffic entering Bulla Road from First Avenue be prevented from turning right and be separated from traffic entering Bulla Road from the east bound freeway off ramp which would be able to turn left and right.</td>
<td>EAPL does not object to this solution. As noted above there are a number of other parties involved in resolving which solution is best. EAPL understands that traffic engineers do not favour two sources of left turning traffic onto Bulla Road in such close proximity as this solution would involve.</td>
</tr>
<tr>
<td>The submitter suggests prohibiting left turns from Bulla Road into streets between Dublin Avenue and Woodland Street.</td>
<td>EAPL does not object to this idea but it is a matter for the City of Moonee Valley and all affected residents to decide whether to do this.</td>
</tr>
<tr>
<td>The submitter suggests the construction of an access ramp from Pascoe Vale Road, immediately south of the freeway overpass.</td>
<td>EAPL considers that this proposal has little to do with the development proposed in the MDP so it is not appropriate for EAPL to comment.</td>
</tr>
<tr>
<td>The submitter notes that there is no reference in section 2.4 to a traffic impact study.</td>
<td>EAPL has annexed the traffic impact study used to inform the MDP to the MDP.</td>
</tr>
<tr>
<td>The submitter suggests that works should only commence following the acceptance of submissions in April 2004 and consideration beyond that.</td>
<td>Works which cannot proceed without an MDP will not proceed until the Minister’s consent is obtained, which will be well after April 2004. The roadworks on the northern side of the Tullamarine Freeway required to improve access to the Bulla precinct are proceeding now because they are largely outside the airport and under the authority of VicRoads and are desirable whether the particular development proposed in the MDP proceeds or not. The roadworks at the intersection of First Avenue and Bulla Road have not yet commenced pending completion of the design process with VicRoads, the City of Moonee Valley and local residents.</td>
</tr>
<tr>
<td>The submitter suggests that “careful consideration be given to the [First Avenue and Bulla Road] intersection design because of its accident record...”</td>
<td>EAPL is working with VicRoads and the City of Moonee Valley in consultation with residents on the design of this intersection and has taken this submission into account in doing so.</td>
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</table>
8. A resident of Boundary Road Pascoe Vale, approximately 4.5km North East of the site.

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<th>Comment</th>
<th>EAPl Response</th>
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<tr>
<td>The submitter suggested a number of changes to alleviate the congestion at the junction of the Calder and Tullamarine Freeways. The suggestion included building a new exit to Bulla Road from the point where traffic heading east on the Calder Freeway now exit north onto the Tullamarine Freeway including the construction of a tunnel under the Tullamarine Freeway.</td>
<td>This submission has little relevance to the development proposed in the MDP. It is really a proposal to address a traffic issue at an intersection one kilometre east of the proposed development. The submitter’s proposal would achieve part of what the proposal of VicRoads described in paragraph 3.7.1 of the draft MDP would achieve. EAPl considers that it is not in a position to advise VicRoads on how to design the Calder and Tullamarine Freeway interchange. The submitter notes that she has already written to VicRoads directly.</td>
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### 9. CityLink

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<th>EAPL Response</th>
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<tr>
<td>A letter dated 9 March 2004 headed “PROPOSED ESSENDON AIRPORT DEVELOPMENT” has been received from CityLink which deals with issues related to proposed roadworks near the proposed development but it is not entirely clear whether it is intended as a submission on the MDP. The roadworks which concern CityLink are required to improve access to the airport from Bulla Road, whether the particular development contemplated by the MDP proceeds or not. These works are currently in progress and will be substantially completed by the time the MDP is lodged.</td>
<td>EAPL has provided substantial information to CityLink and had numerous meetings and discussions with CityLink representatives. Issues such as responsibility for maintenance have been discussed. It is not intended that the CityLink ramp be “located on private property”; CityLink has subsequently agreed that the CityLink boundaries will not be extended. Impacts on CityLink motorists are being managed by negotiation with City Link.</td>
</tr>
<tr>
<td>“However, apart from the documents forwarded by Grogan Richards relating to the Bulla Rd interchange and the timetable provided by Essendon Airport Pty Ltd, there has been no information provided by Essendon Airport on operational details or any associated impact assessment, including but not limited to:</td>
<td></td>
</tr>
<tr>
<td>• impact of the proposed changes on the CityLink Concession Deed (e.g. the responsibility of maintenance and incident response in relation to altered roads);</td>
<td>EAPL acknowledges that works can only proceed in the area controlled by CityLink with the consent of CityLink or in accordance with the concession agreements.</td>
</tr>
<tr>
<td>• implications associated with part of the CityLink ramp being located on private property;</td>
<td>EAPL has not given this assurance but will ensure that any works it carries out comply with its legal obligations.</td>
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<tr>
<td>• impact on CityLink motorists during the construction period; and</td>
<td></td>
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<tr>
<td>• any other associated issues.”</td>
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<tr>
<td>CityLink confirms that it has not granted approval to any work in the leased area under the CityLink Concession Deed</td>
<td></td>
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<tr>
<td>CityLink sought an assurance that Essendon Airport will not undertake construction works which will affect the current operations of CityLink in this area.</td>
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<tr>
<td>CityLink also sought further information about Essendon Airport’s intentions in relation to proposed roadworks.</td>
<td>EAPL has provided further information to CityLink</td>
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<td>Comment</td>
<td>Response</td>
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<tr>
<td>“I thought the document did an excellent job in getting across what the development involved and what it would look like. It is very comprehensive.”</td>
<td>EAPL thanks the AEO for this constructive feedback. EAPL went to great lengths to produce an excellent MDP.</td>
</tr>
<tr>
<td>“There was some inconsistency as to the scope and status of the Environmental Management Plan (EMP) in Appendix B. On the MDP Contents page, and the Appendix cover page, it is identified as a “Draft Construction Environmental Management Plan”. However, the document itself is called simply “Environmental Management Plan” and the status is nominated as “Final”. In section 1.2, it nominates “construction and operation”, but examination of the rest of the document will confirm that it only covers construction activities. The MDP does need to address environmental management in the operation phase, so I suggest that the existing document be correctly identified as only covering construction, and a separate EMP be developed for operation (or, for the purpose of this MDP, a statement be made that one will be developed, and what aspects it will address eg stormwater management).”</td>
<td>The EMP will remain a draft document until the MDP is approved and published and its terms agreed with the contractor who will carry out the construction work. EAPL has adjusted the MDP to make this clear. The EMP has been amended to confirm that it only covers construction activities. As stated in section 3.17 it is not proposed to create a separate EMP for this precinct but to apply the environmental management procedures for the overall Airport. Clause 3.17 has been amended to confirm that any specific requirements for this precinct will be incorporated in the environment management procedures for the overall Airport</td>
</tr>
<tr>
<td>“Furthermore on stormwater, both construction and ongoing operational aspects of stormwater management are addressed in the MDP, but I found it difficult to get a clear idea of exactly what was being done because the information was scattered about and in some respects inconsistent. More specifically: * Section 2.3.3 mentions that stormwater detention will be provided within the proposed car parking areas and that the Urban Stormwater Environmental Management Guidelines will be followed. This is good. However, I can’t see on Figure 4 where it’s all going to go. Commonly, such detention arrangements involve grassed swale areas. * Section 3.3.4 confirms that &quot;gross litter traps, sediment swales, planting varieties and organic materials&quot; are</td>
<td>It is not proposed that stormwater detention rely substantially on grassed swale areas. The swale areas proposed in figure 10 are small. As stated in section 2.3.3: “Stormwater detention storage will be provided within the proposed car parking areas.” The car parking areas are largely sealed so will predominantly act as above ground storage which will retain stormwater in peak rain events allowing it to be released gradually. A proportion of stormwater will be absorbed through unsealed areas including grassed swale areas. The measures listed in section 3.3.4 are proposed. The detention arrangements proposed to address the risks in Table 7 are described in section 3.3.4 and table 8. A cross reference has been added.</td>
</tr>
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</table>
being proposed.

* Table 7, which addresses operational hazards and risks, and includes some control comments, for surface water states that "Impacts to surface waters are expected to be minimal" and there's no mention of the proposed detention arrangements.

* Table 8 addresses operational surface water quality again, and does refer to detention and filtration.

* Information about controls for stormwater during the construction phase are also somewhat fragmented (addressed in sections 2.7, Table 6, 3.16.3 and Appendix B). Suggest at least include some indication on Figure 4 where the grassed swale areas are likely to be (I realise that this isn't the detail design phase). However, caution: grass swales with "planted varieties" could turn into an unsightly and difficult to maintain litter trap if closely incorporated into a busy car park area. It also needs to be understood and specified that the flora must not include any species which will attract more birds to the airport area."

"In section 2.2, the description of the asbestos legislative situation needs updating. Suggest just refer to the 2003 regulations, which are now established in place."

Stormwater is relevant under a number of headings covered by the MDP (construction issues, hazards and risks, environmental impacts) so it is raised in a number of places in the MDP. EAPL considers that the headings used are an appropriate way to structure the information, rather than bringing all these issues together under a single stormwater heading.

The location of grassed swale areas is shown on Figure 10. The three swale areas are discrete (in Bulla Road, the entry road and one central location), not spread throughout the car park so are not expected to turn into an unsightly and difficult to maintain litter trap.

The bird attraction issue is addressed in sections 2.5.1 and 3.9.

This suggestion has been adopted.
| **11 Victorian Department of Sustainability** |
| **Comment** | **Response** |
| The proposal is inconsistent with Melbourne 2030. | Melbourne 2030 does not apply to Essendon Airport. |
| The site is remote from public transport. “An integrated transport plan aimed at encouraging public transport should be prepared as a precursor to any development of the site.” | The site is not far from public transport. There is no reason why public transport will not come to the site once the development give people a reason to come to the site. However, it is expected that cars will be the preferred means of transport of customers of the destination retail proposed so EAPL does not agree that a public transport plan of the kind suggested should be prepared before development of the site. |
| The site is not well connected to the surrounding area. “The predominant concrete structure provides no interface between the internal and external environments. Furthermore, the location of the site is isolated, is not a pedestrian environment and is an area mainly used for vehicular transport purposes.” | The site has excellent connection to the surrounding area by freeway. The development proposed makes best use of that means of access because it draws on a wide surrounding area rather than relying on frequent visits from the immediate area. For example, the development does not include a supermarket. EAPL believes that the use and design proposed is appropriate for this site. The site is separated from surrounding areas by a freeway and the airport runways so the use proposed is not one which depends on high levels of pedestrian access. |
| The impacts on the road network of the intensity of development proposed have not been fully assessed. | These impacts have been fully assessed as demonstrated by the full copy of the traffic report annexed to the MDP. |
| The proposal is inconsistent with the airport’s Master Plan | EAPL does not agree that the proposal is inconsistent with the Master Plan. |
| The proposal does not achieve the key objectives for this Precinct as set out in the approved Master Plan. The scale and intensity of the development are greater than envisaged by the approved Master Plan and consequently, significant car parking concessions are proposed contrary to the car parking requirements set out in the Master Plan. “The uses suggested for the Bulla Road Precinct could, and should be located in activity centres.” | The proposal does achieve the key objectives for this precinct and the scale and intensity are not greater than that envisaged by the approved Master Plan. EAPL considers that it is appropriate to reduce the number of car spaces required by the table in clause 52 of the Land Use Plan in the Master Plan. The number of car spaces required by the table assumes a much more intense retail use than the outlet and bulky use contemplated by the MDP. EAPL has had regard to the level of parking demand expected for this use as set out in table 2 of the MDP. EAPL is strongly of the view that this site is the right location for this development. The submitter has not suggested that there is a suitably sized site available to accommodate this development in any activity centre within reasonable proximity, let alone one that would be commercially viable. |
| “It is preferred that any major commercial (office and retail) such as the one proposed | EAPL has had regard to this preference but considers that the site chosen is the best site for this particular |
by consolidated and located within the English Street Precinct near the western boundary of Essendon Airport rather than in the Bulla Road Precinct.”

<table>
<thead>
<tr>
<th>development. There will be further development of the English Street Precinct for major commercial use in the future.</th>
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<tr>
<td>“There is also concern about the potential impact of the development on the safe operation of the Tullamarine Freeway. In particular the impact of the traffic generated on the established road network, including the adjoining residential areas and the impact of the proposed advertising signs along the southern boundary on driver safety.”</td>
</tr>
<tr>
<td>EAPL has had regard to this comment but the traffic report does not support this submitter’s concern about impact of traffic generated by the development. EAPL is of the view that the proposed advertising is less likely to cause distraction than other larger more prominent advertising on the Tullamarine Freeway and CityLink.</td>
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<tr>
<th>The submission includes a document called a planning assessment. The following points are items which require comment</th>
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<tr>
<td>“The proposal incorporates … a zero setback off the southern boundary for Buildings One and Two”. The development is also set back 75 metres from the north-south runway and 90 metres from the east-west runway.</td>
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<tr>
<td>The setback off the southern boundary is approximately 6 metres. The building setback from the north south runway is 160 metres (see figure 8 of the MDP) and the building setback from the east west runway is 128 metres (see figure 4 of the MDP)</td>
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<tr>
<th>The freeway sections in figure 12 “fail to incorporate parts of the southern elevation facing the Tullamarine Freeway. This part of the development incorporates structures up to 19 metres in height to accommodate for advertising panels…”</th>
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<tr>
<td>The figures in section 12 are stated to be merely examples. Clause 3.8.2 already makes it clear that the freeway frontage includes the structures to accommodate advertising panels, as do figures 5 &amp; 6. Having regard to this point EAPL has added additional text to clause 3.8.2 to make it completely clear that the advertising structures are part of the façade facing the freeway.</td>
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<tr>
<th>“The advertising hoardings, which are part of the development, could potentially have an effect on the appearance and efficiency of the Freeway, as motorists may be distracted by the signage.”</th>
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<tr>
<td>Having had regard to this point EAPL considers that although the advertising signs will be visible from the freeway, distraction is not a significant issue. The advertising signs will be smaller and further away than many other signs which motorists will pass along the Tullamarine Freeway and CityLink.</td>
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<tr>
<th>“Although it is acknowledged that no built form exists in the area, the question needs to be asked whether this design sets an appropriate precedent. It is considered that the proposed design solution needs to be better articulated as ‘hard’ materials such as tiling up concrete slabs and metal poles dominate the exterior of the building. These could be treated using softer materials (like timber) and installing windows along the façade to assist in breaking down the excessive bulk and scale of the building from the car park. This will also assist in integrating the building with the car park. The construction is simple, economically efficient and does not address sustainability</th>
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<tbody>
<tr>
<td>After having regard to this, EAPL considers that the design is appropriate. The site is sufficiently separate from the other land side precincts that it does not set a “precedent” which would materially affect design in other precincts. The proposed design solution is well articulated but consideration will be given to these comments as more detailed drawings are produced. It is intended that the façade of buildings 2, 3 and 4 include greater use of windows than the façade of building 1 shown in figure 7. The façade of building 1 faces west so excessive use of glass on that façade would produce heat load not consistent with an environmentally sustainable building. The construction does and will address sustainability issues as set out in section 3.13 of the MDP.</td>
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</table>
issues. The buildings are considered to have a useful life of 50 years.”

The submitter assumes that EAPL will comply with ANEF requirements.

<table>
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<tr>
<th><strong>“It is considered that the proposal is contrary to the Bulla Road Precinct Policy (Clause 22.04). The development is retail focussed and does not offer opportunities for offices or any other commercial uses to be established in the Bulla Road Precinct.”</strong></th>
</tr>
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<tbody>
<tr>
<td>The Precinct Policy encourages a wide range of commercial activities but does not require that office development occur at Bulla Road. Most of the land to the west of Bulla Road in the Bulla Road precinct remains available for commercial use. Use of that land for offices is possible and EAPL retains an open mind on this issue. EAPL considers that the precincts accessed from English Street offer ample opportunities for integrated office development.</td>
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<td>EAPL confirms that it will do so.</td>
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The submission claims an error exists in the calculation of car parking required for the factory outlet element of the development.

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<tr>
<th><strong>“The methods EAPL have applied to calculate car-parking rates are questionable. EAPL applied its own car park/floor area ratios rather than those specified in Clause 52.06 of the Land Use Plan.”</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>EAPL has applied car park/floor area ratios calculated by Grogan Richards Consulting Engineers with knowledge of the specific development proposed in the MDP by reference to similar developments. EAPL considers it appropriate to give approval to reduce the number of car spaces required by the table based on the advice of Grogan Richards.</td>
</tr>
<tr>
<td>EAPL does not consider that there is any error. The area used in the calculation is the net lettable area which is 20,000 m², not 25,000 m² which is gross floor area of the factory outlet building.</td>
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<tr>
<th><strong>“No car park rate is specified for ‘bulky good’ uses in Clause 52.06-5. The land use term ‘bulky goods’ is not recognised or defined in Clause 74 of the Land Use Plan. Clause 74 defines retail premises as land used to sell goods by retail, or by retail and wholesale. It is therefore considered the proposed factory outlets, associated shops are classified in car parking terms as retail premises. The number of car spaces allocated for the development therefore needs to increase to reflect the intensity of retail use on the site.”</strong></th>
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<tr>
<td>Although “bulky goods” is a class of retail, clause 52 clearly allows for approval to be given to reduce or waive the number of car spaces required by the table. The car parking requirement generated by a supermarket is not the same as that for a furniture store. EAPL considers that it is appropriate to reduce the number of car spaces to that required by the particular development. The number of car spaces allocated for the development does reflect the intensity of retail use on the site.</td>
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The submitter examines the decision guidelines in clause 52.06-1 of the Land Use Plan then says: ‘Overall, the proposal does not meet any of the above criteria to justify why car parking should be waived’.

<table>
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<tr>
<th><strong>“Heritage</strong></th>
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<tr>
<td>The Bulla Road Precinct is not identified within a Heritage Overlay. However, the whole site is included in the Register of the National Estate. The proponent’s report identifies building No. 10 to be of historical</td>
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<tr>
<td>The Australian Heritage Commission Act has been repealed. The site has not been included in the Commonwealth Heritage List.</td>
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<tr>
<td>EAPL considers that the most relevant matter is the expected car park requirement for this particular development (which falls under the heading of (&quot;any other relevant consideration in the decision guidelines&quot;). As set out above EAPL considers the car park proposed in the MDP is appropriate.</td>
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<tr>
<th><strong>“Heritage”</strong></th>
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<tr>
<td>EAPL engaged a leading heritage expert to appraise the heritage value of all the buildings in the precinct. Although the expert considered building 10 to be of</td>
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significant. There has been no formal consultation with Heritage Victoria on this matter.”

“The construction of the roundabout will require alterations to the road reservation in this area so that the roundabout and approaches are part of the declared road system. The title to a defined portion of the airport land will need to be transferred to VicRoads so that the new road reservations can be declared as part of the State road network. This will need to be achieved prior to the roundabout coming into operation.”

**Advertising Signage**
The content of the advertising signage is not specified. This includes the type (i.e., illuminated or animated), colour and finishes and area. Each of the six advertising signs fixed to Building One are approximately 18m² (9 x 2m) in area. Further information about this is required from EAPL, and this should be assessed by VicRoads and City link to determine its impact upon the site and surrounding areas.”

**Melbourne 2030**
The submission recognizes that the land use plan “is exempt from the requirements of the Planning and Environment Act 1987 and the provisions of the Moonee Valley Planning Scheme including Melbourne 2030” then says “it is considered that the proposal compromises the implementation of Melbourne 2030” in a number of specified ways.

The impact of the proposed development on the network of centres needs to be established.

**Previous Submissions**
The submitter indicated in its submission in respect of the Essendon Airport Master Plan that it “would be unlikely to support retailing on the Bulla Road Precinct given the lack of public transport and its isolated location” and that this is still its view.

“The Draft Major Development Plan also comments: “as stated in the Essendon Airport

historical significance, the expert recommended that Building 10 be deleted from the Register of the National Estate and that it be recorded prior to demolition.

Although there has been no formal consultation, Heritage Victoria could have made a submission on the MDP but did not do so.

EAPL agrees that alterations to the road reservation and declared road system and a title transfer are desirable and will occur in due course. However, it is not necessary that these things be done before the roundabout comes into operation.

Advertising content, finishes and colour will change frequently so it is not appropriate to specify it in an MDP. EAPL expects that the advertising will be illuminated in accordance with usual signage practice. There will be eleven signs on building one as shown on figure 5. The dimensions of each sign will be approximately 9.5m by 6m – see the signs shown in figure 6.. EAPL does not agree that further assessment by VicRoads or CityLink is necessary or appropriate.

EAPL confirms that the MDP is not consistent with a number of aspects of these State planning laws. The degree of consistency with State planning law is discussed in section 5.5 of the MDP. EAPL has added to section 5.5 a number of further points of inconsistency based on those raised in this submission.

EAPL has obtained a consultants report on this issue which confirms its views regarding the impact of the proposed development set out in the MDP.

EAPL has had regard to the submitters’ view on this point but remains of the view that this is an appropriate development for this site.

Section 5.5 of the MDP has been expanded to include the text referred to by the submitter.
Master Plan 2003, 61: ‘the development of Essendon Airport as an activity centre with a variety of commercial uses in accordance with this Master Plan is ..., consistent in the long term with the statement in Melbourne 2030 that the ‘creation of a mixed use activity centre might be supported.’ (pg 46) What the Draft Major Development Plan fails to mention is that this statement in Melbourne 2030 is conditional on the successful resolution of the issues of public transport access to the site (such as linking the site to the PPTN) and its role in the network of centres in the region. These issues have not been addressed in the current Draft Major Development Plan.”
<table>
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<tr>
<th>12 Queensland Investment Corporation</th>
<th>Response</th>
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<tbody>
<tr>
<td>“Whilst this submission is a few days past the date by which comments were requested, we ask that this submission is taken into account as in our view no other party would be prejudiced by this submission being considered.”</td>
<td>EAPL has considered the letter received from QIC’s lawyers in spite of the fact that it was not received in the time specified but reserves its rights in respect of the failure to submit on time. In particular, EAPL has not agreed to anything which might allow QIC to take legal action in respect of the MDP.</td>
</tr>
</tbody>
</table>
| **“Lack of Needs or Impact Analysis**
QIC notes that the Major Development Plan proposes 25,000m² of shops for an outlet centre and 36,200 m² of bulky goods use. This development is proposed to be called “Freeway Central”. QIC’s shopping centre at Watergardens is located within the secondary trade area of Freeway Central.” | The name “Freeway Central” is merely a proposal and is not part of the MDP. |
| “QIC is very surprised that a development proposal of this size and magnitude is not accompanied by a comprehensive assessment of the impacts of the development on other centres within its trading catchment. As QIC has explained in respect of the Essendon Airport Master Plan, it is not seeking to constrain or prevent reasonable commercial or retail development at Essendon Airport. However, before a decision is made on whether or not to approve the Major Development Plan the Minister must have sufficient information before him so he can make an informed decision about the probable effects of Freeway Central on the development of other centres within Freeway Central’s trading catchment, and whether those effects will have adverse effects on communities serviced by those centres (in terms of limiting employment opportunity, the scope and diversity of shopping, entertainment and community services, or any other relevant impacts). The Minister needs this information so he can make a proper assessment of the matters he is required by section 94 of the Airports Act 1996 to have regard to. | Section 3.12 of the MDP addresses the concerns raised here about socio-economic impacts of the proposed development. Given the low level of those impacts, EAPL considers that section 3.12 satisfies the requirements of the Act. However, in order to remove any doubt that the views expressed in that section of the MDP are correct (despite the doubts expressed by representatives of some litigious shopping centre owners), EAPL engaged Essential Economics to prepare a comprehensive assessment of the impacts of the development on other centres. That assessment is of a level of reporting typical of that presented at the State level for hearings by the Victorian Civil and Administrative Tribunal. The assessment confirms the conclusions in section 3.12 that the development would be unlikely to have any significant adverse impact on other traders and the existing social and economic environment in the environs of the Airport. As stated in respect of previous submissions, EAPL does not agree that a decision on the MDP should be postponed. |
| We believe if such an assessment was undertaken of Freeway Central, it would reveal that Watergardens and other centres surrounding Essendon Airport would be adversely affected, limiting the viability and | |


development potential of the centres and the range of services available to the communities they serve."

"Before a decision is made on the Major Development Plan, QIC would like to see a proper needs and impact analysis performed which justifies such a large retail development at Essendon Airport. If Freeway Central were being assessed under Victorian planning laws, such an assessment would be required before a decision is made on whether to approve the project.

QIC acknowledges that Essendon Airport is not subject to Victorian Planning Controls, but pursuant to the Airports Act 1996 the Minister must have regard to the effect of carrying out the plan on the use of land in areas surrounding the airport. In QIC's submission it is implicit that a needs and economic analysis must be carried out in order for the Minister to make a proper assessment of the Major Development Plan and satisfy the obligations imposed upon him under section 94 of the Airports Act 1996. In QIC's submission, a decision on the Major Development Plan should be postponed until the Administrative Appeals Tribunal review is finalised, and the status of the Master Plan is known. In addition any development proposed should be supported by an economic and impact needs analysis."

"Premature Development"
On 11 July 2003, QIC made an application to the Administrative Appeals Tribunal to review the decision by the Minister for Transport and Regional Services to approve the Essendon Airport Master Plan. QIC's application for review still has not been heard, as its standing to bring the application has been challenged by the Minister.

QIC submits that it is premature for the Minister to consider approving the Major Development Plan whilst the Master Plan is being reviewed by the Administrative Appeals Tribunal. Under the Airports Act 1996 (Cth), the Major Development Plan must be consistent with the Land Use Plan

Even if a challenge to the approval of the Master Plan was to proceed and succeed and it was found that the approval was invalid, the consequence would be that there was no approved Master Plan in force. QIC has not accurately summarised the relevant provisions of the Act. Section 94(5) of the Airports Act provides that: "If a final master plan is in force for the airport, the Minister must not approve the draft major development plan unless it is consistent with the final master plan"

If there is no master plan in force then section 94(5) cannot apply. Accordingly it is appropriate for the Minister to approve the MDP, irrespective of the outcome of any attempt to challenge the Minister's decision to approve the Master Plan.
contained within the Master Plan. If this Land Use Plan is to be varied or changed as a result of the Administrative Appeals Tribunal review, then in QIC’s submission it would make sense to ensure that the Major Development Plan is not approved until the Administrative Appeal Tribunal proceedings are completed. If the Major Development Plan is to be approved now, it may well be inconsistent with any amendments made to the Master Plan as a consequence of the Administrative Appeals Tribunal review.”
(c) **Statement**

The company has had due regard to the written comments about the draft version of the Major Development Plan in preparing the draft plan.

(d) **Other information (if any) about those comments as is specified in the regulations**

EAPL has no other specific comments in relation to this matter.

Andrew Nicholls  
Director  
Essendon Airport Pty Ltd
ESSENDON AIRPORT

Bulla Road Precinct – Retail and Outlet Centre

Draft Major Development Plan

Submission version
August 2004

Prepared by
Essendon Airport Pty Ltd
Airport Administration Building
1st Floor,
250 English Street
Essendon Vic 3041
ESSENDON AIRPORT

Bulla Road Precinct – Retail and Outlet Centre

Draft Major Development Plan
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SUMMARY

1 The Proposed Development
The proposed development is an Outlet Centre and a group of smaller buildings intended for bulky goods retail use totalling approximately 61,200 m² on a 16.5 hectare site in the Bulla Road precinct at Essendon Airport. The proposal involves:

- a single storey building (with an area of approximately 25,000 m²) to accommodate an Outlet Centre comprised of independent shops arranged around an internal mall system;
- three other buildings totalling approximately 36,200 m² to accommodate bulky goods use.

It is also proposed to proceed with associated facilities and works for the whole site namely:
- demolition of most existing buildings and improvements on site;
- installation of drainage and water treatment facilities;
- relocation or reconfiguration of some existing physical services on the site;
- surface parking for 1,917 cars;
- site landscaping around sections of the site boundary and throughout the car park;
- road and other civil works beyond the Airport boundary.

2 Project approvals

As the proposed development includes at least one building with a capital cost in excess of $10 million, Essendon Airport is required to prepare a Major Development Plan (MDP). However, this draft MDP also describes the construction of some buildings and works which would not trigger the requirement for a Major Development Plan under the Airports Act 1996. This draft MDP is being lodged for the purpose of obtaining approval to the extent that approval is required for anything described in this draft MDP. After consideration of submissions made during a 90 day public comment period, the draft MDP is to be submitted to the Minister for Transport and Regional Services for approval.

The development must also comply with the provisions of the Environment Protection and Biodiversity Conservation Act 1999.

In addition to the preparation and approval of an MDP, construction of the proposed development is subject to other Airports Act requirements, primarily the submission of:

- an application to Essendon Airport Pty Ltd (EAPL) for development and use consent in accordance with the Airport Master Plan; and
- an Application for a Building Permit to the Airport Building Controller in accordance with the Airports (Building Control) Regulations of the Airports Act 1996.

4 Environmental assessment

The potential operational impacts of the proposed development and the mitigation and management of any adverse impacts have been assessed. The likely environmental impacts and plans for dealing with these impacts are presented below:

It is EAPL's view that none of these impacts are significant and, as a result, the development would have no significant impact on the environment.

5 Consultation

During the preparation of this MDP, EAPL consulted with relevant stakeholders to ensure that issues were identified and addressed in the planning for and assessment of the proposed development.
### Impact

<table>
<thead>
<tr>
<th>Surface water quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor spillages of leakages of oil or petrol from parked vehicles in the sealed parking areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional traffic on the local and regional road system, especially the intersection of the Tullamarine Freeway and Bulla Road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Visual impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction of a significant built element on the southern boundary of Essendon Airport with the potential to become a predominant visual element when viewed from the outbound lanes on the Tullamarine Freeway to the south-east of the site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cultural heritage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition of Building 10.</td>
</tr>
</tbody>
</table>

### 6 Statutory compliance

The proposed development has been assessed by EAPl in relation to all statutory requirements and it is considered that the development appropriately complies with all relevant requirements.
INTRODUCTION

This chapter presents the background to the proposal, details of the proponent, and Essendon Airport's objectives for the proposed development.

1.1 Background to the proposal

The proposal described in this Major Development Plan (MDP) will occur on a 16.5 hectare site - most of the Bulla Road precinct - in the southern sector of Essendon Airport adjacent to the intersection of Bulla Road and the Tullamarine Freeway. This site is currently used for non-aviation activities and its position adjacent to the arterial road network makes it a suitable location for the proposed development as identified in the recently approved Master Plan and Land Use Plan for Essendon Airport (Essendon Airport Pty Limited 2003).

The proposal involves:

- a single storey building (with an area of approximately 25,000 m²) to accommodate an Outlet Centre comprised of independent shops arranged around an internal mall system;
- three other buildings totalling approximately 36,200 m² to accommodate bulky goods use.

It is also proposed to proceed with associated facilities and works for the whole site, namely:

- demolition of most existing buildings and improvements on site;
- installation of drainage and water treatment facilities (see Section 2.3);
- relocation or reconfiguration of some existing physical services on the site (see Section 2.3);
- surface parking for 1,917 cars;
- site landscaping around sections of the site boundary and throughout the car park (see Section 2.5);
- road and other civil works beyond the Airport boundary.

This MDP addresses the elements of planning, location, and design as well as environmental management of the construction and operation of the proposed development and related site works and landscaping.

In accordance with Regulation 5.04 of the Airport Regulations 1997 the obligations of the airport-lessee company as sub-lessee, and the rights of the sublessee under any sublease of the airport have been addressed. Those rights and obligations include those which passed to Essendon Airport Pty Ltd under the transitional arrangements in section 22 of the Airports Act 1996. Nothing in this major development plan is inconsistent with any such obligations or rights.

Regulation 5.03 of the Airport Regulations 1997 does not exempt the major airport development described in this MDP because it is not the subject of written permission or approval of the Federal Airports Corporation when it was the operator of the airport.

1.2 Proponent details

Essendon Airport Pty Ltd is an Airport Lessee Company (ALC) under the Commonwealth's Airports Act 1996 in respect of the 305 hectare Essendon Airport.

Under the Airports Act 1996, responsibility for decisions regarding the use and development of airport land resides with:

- the Minister for Transport and Regional Services (the Minister) for MDPs prepared in relation to proposals which are 'major airport developments' (MAD);
- Essendon Airport Pty Ltd where required under the Land Use Plan and Master Plan; and
• the Commonwealth’s statutory officers - the Airport Building Controller (ABC) where building works are involved and the Airport Environment Officer (AEO) for environmental issues.

The proposed retail precinct is located on land within the boundary of Essendon Airport which is Commonwealth land.

As the proposed development includes at least one building with a capital cost in excess of $10 million, Essendon Airport is required to prepare an MDP. However, this MDP also describes the construction of some buildings and works which would not trigger the requirement for a Major Development Plan under the Airports Act 1996. This MDP is being lodged for the purpose of obtaining approval to the extent that approval is required for anything described in this MDP. After consideration of submissions made during a 90 day public comment period, this MDP will be submitted as a draft to the Minister for Transport and Regional Services for approval.

The development must also comply with the provisions of the Environment Protection and Biodiversity Conservation Act 1999.

The proponent for the proposed MAD described and assessed in this Draft MDP is:

Essendon Airport Pty Ltd
Airport Administration Building
1st Floor,
250 English Street
Essendon Vic 3041.

Essendon Airport Pty Ltd (EAPL) is company jointly owned by the Linfox and Becton Groups. The EAPL contact in connection with this proposal is:

Mr. Tim Anderson
General Manager
Essendon Airport Pty Ltd
Phone 9379 9077

1.3 The proponent’s objectives for the proposed development

EAPL’s objective for the development is to create an additional income stream for Essendon Airport by establishing a quality commercial development which is consistent with maintaining safe and functional aviation facilities. The planning context for the proposed development is provided by the Essendon Airport Master Plan and Land Use Plan which was approved by the Minister for Transport and Regional Services on 27 March 2003.

EAPL’s vision for Essendon Airport, as presented in the Master Plan for the airport, is:

To establish a commercially viable, safe, and functional general aviation facility which meets projected aviation requirements whilst utilising the property’s strategic land holdings for high quality commercial development.

Also presented in the Master Plan are EAPL’s five objectives to achieve this vision. These objectives and the relationship of the proposed retail precinct are set out in Table 1. The proposed development of the Bulla Road precinct is entirely consistent with the stated objectives for the on-going operation of Essendon Airport.

Carrying out the proposal addressed in this MDP will assist in meeting the future needs of civil aviation users of Essendon Airport. The high quality commercial development proposed will produce an income stream for the Airport. An immediate benefit for the Airport is the relocation of the emergency services staging area for aviation purposes closer to the centre of the aviation operations in English Street. This relocation has already been completed (see Section 2.4.5).
### Table 1 Relationship of the proposed retail precinct to objectives for Essendon Airport

<table>
<thead>
<tr>
<th>Objective</th>
<th>Relationship of proposed retail precinct to objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain safe, secure, and efficient airport operations</td>
<td>The proposed development is consistent with all aviation and related safety requirements. The Bulla Road precinct is not used for aviation operations. The development will not adversely affect airport operations.</td>
</tr>
<tr>
<td>To add value to the airport by realizing and taking advantage of development opportunities</td>
<td>This development will secure an additional income stream for the Airport. The proposed development is sited on land which has been identified in the Master Plan and Land Use Plan as suitable for businesses which require larger building footprints and other uses that find it difficult to locate suitably sized parcels of land within other established areas in Melbourne.</td>
</tr>
<tr>
<td>To increase market awareness of development opportunities at the airport</td>
<td>The site and design of the proposed retail precinct will assist the achievement of this objective.</td>
</tr>
<tr>
<td>To improve the integration of the airport with its surrounds</td>
<td>The proposed improvements to the Bulla Road intersection will improve access to this part of the airport from its surrounds. The commercial nature of the proposed development will assist the achievement of this objective. The existing industrial uses are of little relevance to most people in the surrounds but retail and bulky goods businesses must bring people into the precinct in order to succeed. In order to bring people in the precinct must meet the needs of people in the surrounds. This will improve the integration of the airport with its surrounds.</td>
</tr>
<tr>
<td>To consolidate airport operations and aviation requirements to ensure efficient and sustainable land use.</td>
<td>The proposed development is consistent with the achievement of this objective as it is located on land that is not required for aviation purposes. The development enables the airport to fund the consolidation of the emergency vehicle access point with other airport operations in the English Street precinct.</td>
</tr>
</tbody>
</table>

### 1.4 Structure of this MDP

This MDP is structured as follows:

- **Chapter 2** describes the proposed development in terms of its architectural design, car parking and vehicle access arrangements, related building services and landscaping, and construction issues;
- **Chapter 3** presents an assessment of the likely environmental impacts and measures for management of these impacts during the construction and operation of the proposed retail precinct;
- **Chapter 4** outlines the consultation undertaken with key stakeholders in the formulation and assessment of the proposed development;
- **Chapter 5** documents the compliance of this MDP with relevant statutory and policy requirements. It also addresses the extent (if any) of consistency with the Victorian planning system.
2 THE PROPOSED DEVELOPMENT

This chapter describes the proposed development in terms of its architectural design, car parking and vehicle access arrangements, related building services, landscaping and construction issues.

2.1 The site for the proposed development

The site for the proposed development on Essendon Airport is shown in Figure 1. The site has an area of approximately 16.5 hectares and is located largely within the Bulla Precinct of the Airport on its southern boundary (see Figure 2). The site is currently occupied by a number of buildings nearing or at the end of their economic life used for a variety of non-aviation purposes. It is proposed that all buildings (except for those used, subject to existing leases, for the CityLink Service Centre and Essendon Produce) and other improvements in the development site will be demolished.

The site is located immediately north of the Tullamarine Freeway at its grade-separated intersection with Bulla Road (see Figure 3). On the northern and western sides, the site is bounded by airport operational areas for runways and related aviation infrastructure. To the south of the Freeway are the well-established residential areas of Strathmore and Essendon North.

2.2 The proposed development

2.2.1 Site layout

The layout of the proposal on the site is shown on Figure 4. The proposal involves:

- a single storey building (with a gross building area of approximately 25,000 m²) to accommodate an Outlet Centre comprised of independent shops arranged around an internal mall system;
- three other buildings totalling approximately 36,200 m² to accommodate bulky goods use.

Associated facilities and works for the subject site are:

- demolition of most existing buildings and improvements on-site;
- installation of drainage and water treatment facilities (see Section 2.3);
- relocation or reconfiguration of some existing physical services on the site (see Section 2.3);
- surface parking and access roads for 1,917 cars (see Section 2.4);
- site landscaping around sections of the site boundary and throughout the car park (see Section 2.5);
- road and other civil works beyond the Airport boundary (see Section 2.4).

The outlet centre building will be located at the eastern end of the site with a frontage to the central car park. The other buildings are located along the southern and western edges of the site also with frontage to the central car park. Access to the car park will be from Bulla Road at two points – a main entrance to the retail precinct which will be framed by two retail buildings and a car park collector road 100 metres to the north of the main entrance.

Delivery and services vehicles will use the northern collector road and the road to the south of the buildings to access a series of loading docks serving each building.
The Outlet Centre would be comprised of many individual retail outlets which are centrally managed where the majority of outlets sell a majority of stock which is:

- below normal retail prices; or
- surplus, out-of-season, seconds or samples.

Stock sold is principally clothing and homewares.

The other buildings will also be comprised of many individual retail outlets. All or most of the outlets will have frontage onto the car park. Most of the retail outlets will be for bulky goods and have a floor area between 500m\(^2\) and 2000m\(^2\).

2.2.2 Design response

The key influences on the layout of and design response for the proposed precinct are:

- the requirement for large spaces to accommodate internal retail layout flexibility;
- the need for cost-effective building techniques such as tilt-up slab construction;
- the ability to facilitate staged development of the precinct in a manner that will allow initial activities to operate separately and effectively during construction of subsequent stages;
- the extensive building façades along the southern boundary of the site along the Tullamarine Freeway (a total length of approximately 650 metres and between 6 to 7.5 metres high above finished floor level);
- the need to accommodate sufficient car parking conveniently located to retail outlets.

To give visual interest to the Freeway frontage, the southern building façade has been varied by a combination of angled and stepped façades with some ‘blades’ of signage varying in height from 13 to 16.5 metres. The effect of the stepping will be reinforced by the use of colour and graphics embedded into the treatment of the panels of the stepped façade (an example of the colour treatment contemplated is shown in Figure 5). This design response is not dissimilar to the design idiom used in acoustic noise walls along sections of CityLink south of Bell Street and on other freeways in the Melbourne metropolitan area but it will not be confused with those noise walls. It will be readily apparent from the freeway that the building is a retail and outlet centre. This treatment will reinforce this variety and interest while indicating to motorists travelling from the city that they are approaching the Bulla Road exit which gives access to this precinct.

The continuous horizontal parapet on the southern façade will screen the gable roofline beyond and limit potential local and distant views to roof top plant and equipment. The northern building façade to the airfield will comprise pre cast or colourbond panels.

The Bulla Road façade will be the public address to the precinct (see Figure 6). Loading bays will not be located on this frontage. The use of colour and varied finishes will break up the two flanking elevations on either side of the main vehicle and pedestrian access to the retail precinct (see an example of the colour treatment contemplated is shown in Figure 6). A 10 metre wide landscaped setback to Bulla Road will reinforce this public address.

The proposed outlet centre and other buildings will have a frontage to the centrally-located car park (see Figure 7). A footpath (with a minimum width of 5 metres) will separate the car parking areas and access roads from the building frontage to the car park. At the pedestrian entrances to the outlet centre and other buildings, 3 metre wide awnings will provide weather protection for pedestrians.

2.2.3 Building areas and heights

The outlet centre building will have a gross area of approximately 25,000m\(^2\) measuring the entire building footprint. It is expected that approximately 5,000m\(^2\) of the building area will be devoted to mall areas, passageways and other common areas so the retail floor area will be approximately 20,000 m\(^2\) (measured in accordance with the Property Council of Australia method for gross lettable area – retail (GLAR)). The other buildings will have a total gross building area of approximately 36,200 m\(^2\) measuring both the entire building footprints of 32,950 m\(^2\) and mezzanine areas of 3,250 m\(^2\). The GLAR of the other buildings is also expected to be approximately 36,200 m\(^2\).
In accordance with airspace protection (obstacle limitation surface) requirements, the height of the proposed buildings is required to be under the 1 in 7 transitional surfaces of the two adjacent runways (see Figure 8). The proposed parapet height, signage elements, roof mounted plant and car parking lighting will all be below the transitional surfaces.
2.2.4 Building materials

External elevations
The external elevations to the Tullamarine Freeway (to the south) and to the car park are proposed to be full height pre-cast concrete panels with a paint finish. The freeway façade is also proposed to have panels with brand and ‘lifestyle’ images on them positioned on a series of building steps orientated towards the freeway. This means that the building façade will be seen differently depending on the direction of travel on the freeway.

Heading both in and out of the city, groups of brand and lifestyle panels will add interest to the elevations, although the façade would be much less visible from the inbound freeway lanes. The entry to the car park from Bulla Road will be marked by a more intensive graphic painted on to the surrounding pre-cast elevations. The external elevations will also have loading dock doors and several areas of external windows.

Elevations facing the car park
The elevation of the outlet centre and other buildings that face the car park will have a different material expression (see Figure 9). This elevation will generally have signage panels to 3000mm in height with lightweight painted metal tray deck wall fascias above. The wall fascias can be used as signage elements of the relevant retail tenants. These façades will be broken up by façade stepping and the use of vertical signage elements, varied shopfront canopies, pergolas, and soft and hard landscaping. All major steel elements are proposed to have a hot dipped galvanized finish or at least equivalent rust resistance.

Materials considered hazardous under Commonwealth or State law or regulations will not be used in the construction of the buildings.

2.2.5 Occupational health and safety
The development will meet relevant occupational health and safety requirements.

Australian Standard (AS 2021-2000) Acoustics – Aircraft noise intrusion – Building siting and construction (Standards Australia 2000) recommends that the maximum noise level from aircraft should be reduced to 75 dBA inside shops and showrooms. The design and construction of the buildings will be consistent with the provisions of AS 2021-2000 in relation to acoustic performance.

2.2.6 Equity of access
Within all buildings, provisions for mobility-impaired people will comply with applicable codes and will include:

- disabled persons toilets;
- at-grade access to the buildings from vehicle drop-off points;
- mobility parking – see Section 2.5;
- level access to the pedestrian walkway around and through the car park.

2.3 Building services and facilities

2.3.1 Power supply/electricity
The site is serviced by an existing substation and an 11,000 volts high voltage underground cable feeder. The high voltage feeder will be increased and new substations (probably both indoor and outdoor) established as required. Sections of the underground cable feeder will be relocated as required to suit the substation locations and building footprints.

2.3.2 Water supply
Water supply to the site is currently available via a 100mm diameter connection across the Bulla Road bridge. This supply will be upgraded to a 225mm diameter connection as part of the development works. The surrounding water supply network has sufficient capacity to accommodate the proposed development. Water supply will be provided in accordance with City West Water’s requirements.
Water tanks to capture rainwater from the roof areas will be integrated into the design of the façade on the southern side of the buildings. The water collected will be used for watering of landscaped areas or for flushing of toilets or both.

2.3.3 Stormwater drainage
The site currently has two large diameter drainage outlets that service the existing site and the upstream airport catchment. One is a 1200mm drain located on the Bulla Road extension north of the Tullamarine Freeway reserve while the other drain is located near the eastern boundary of the proposed development site.

The proposed works will maintain the existing outlets and provide the necessary stormwater detention to ensure there is no increase in stormwater runoff generated from this site. Stormwater detention storage will be provided within the proposed car parking areas. It will take advantage of the large areas provided and use a combination of below and above ground storage and natural absorption that is appropriate for this site.

Incorporation of relevant measures from Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) will ensure that both the treatment and retardation requirements of the proposal are achieved.

2.3.4 Wastewater and sewerage disposal
Sewerage infrastructure is available to this site. The existing sewerage outlet is available and of sufficient depth and capacity. The sewer will be extended to cater for this development.

Sewerage facilities will be provided in accordance with City West Water's requirements.

2.3.5 Telecommunications
Telephone services are provided to the site via a network of Telstra-owned underground conduits installed in the existing roads. These services will be relocated and upgraded to provide service points to each building. Internal reticulation within buildings will be installed as part of the building works.

The existing three mobile phone towers will remain on the development site to the south-west of the proposed buildings.

2.3.6 Lighting
External lighting around the proposed buildings and car park will be designed in accordance with relevant Australian Standards to provide pedestrian and vehicle safety and security lighting. The design will be developed in close consultation with the Civil Aviation Safety Authority (CASA) to ensure that the external lighting will not compromise airfield operations. External lighting will comprise lighting mounted to the perimeter of the buildings, plus pole mounted luminaries to car park areas. Some external feature lighting will be provided to landscaping and architectural elements. The external lighting will incorporate energy efficient light sources and be controlled by photoelectric cells to reduce wastage.

Internal lighting will generally be high efficiency luminaries at high level supplemented by local spot lighting.

2.3.7 Heating, ventilation and air conditioning
The buildings will have ventilation systems in accordance with relevant Australian Standards. Ventilation, heating and air conditioning will be provided as required, generally via roof mounted packaged units. Roof top plant will be low profile and strategically located to minimise visibility.

Low pressure gas supply is available to the site. A high pressure link is available from the eastern boundary of the airport site, if required, in order to meet the anticipated additional load for heating, hot water and kitchens. The existing low pressure gas reticulation is proposed to be upgraded to high pressure, and a new main supply installed in order to meet the anticipated additional load for heating, hot water and kitchens.
2.3.8 Fire protection and safety
Fire protection of buildings and safety of staff and visitors to the proposed retail precinct are of paramount importance. The buildings will be protected in accordance with regulations and relevant Australian Standards.

Water storage tanks and pumps will be provided to ensure the water and pressure requirements satisfy the building and fire engineering requirements of this proposal.

The existing airport perimeter road will be realigned around the northern airside boundary of the proposed development to a similar standard of construction to the existing road.

2.3.9 Security
The airfield operations area of Essendon Airport has full perimeter fencing. During construction and, at handover, the integrity of the perimeter security of the airfield operations will be maintained. As part of or prior to the project, the existing airfield perimeter fenceline will be relocated, and new fence sections installed to match existing perimeter fencing.

External security lighting will be provided to car park areas, service driveways, loading docks and escape doors. This lighting will not interfere with aviation operations (see Section 2.3.6).

Each building tenant will be responsible for securing its leased area.

2.4 Parking and vehicle access

2.4.1 Car parking
A total of 1,917 car parking spaces will be provided for the whole development site on a shared basis (see Figure 4). These spaces will be distributed in various ‘bays’ with internal access lanes to facilitate access from the Bulla Road entrance.

Disabled parking spaces in accordance with relevant codes will be provided in proximity to building entrances. Bus and coach parking will be provided within the overall parking area – 18 bus spaces are planned initially.

2.4.2 Loading bays/delivery facilities
All manoeuvring associated with loading activities will be contained on-site. Separate loading areas will be provided for the outlet centre and bulky goods retail buildings, as shown on Figure 4.

2.4.3 Vehicle access
Vehicle access to the precinct is to be provided from the northern extension of Bulla Road. In order to achieve the desired access arrangements, modifications will be required to the Bulla Road interchange ramps:

- a right turn lane provided for west bound exiting traffic onto Bulla Road and a signalized intersection constructed at the ramp intersection;
- modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north);
- the ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road;
- the northbound traffic flow is to be partially signalized to ensure traffic queues on the freeway off-ramp are minimized (see Section 3.7).

2.4.4 Pedestrian and bicycle access
Direct at-grade access to the precinct will be provided for:

- pedestrians along footpaths within the car parking area;
- cyclists along the internal roads from the Bulla Road entrance.
2.4.5 Access for emergency vehicles

In 2003 Essendon Airport's staging area for emergency vehicles required for aviation purposes was located within the Bulla Road precinct. EAPL considered that this was not the most suitable location for this facility. EAPL's preference was to locate the Emergency Services staging area within the airport's English Street precinct. This proposed Bulla Road development will provide the financial resources required to make this relocation financially viable.

An emergency services staging area within the English Street Precinct assists with easier access for agencies and vehicles required to attend or standby in the event of an aviation requirement. In comparison to the staging area within the Bulla Road precinct, English Street has a higher profile and wider entrance, is more readily accessible to the airport's management and operational staff, is located much closer to the Air Traffic Control Tower, and is a more centralised location on the airport, therefore providing better response access.

During October 2003, preliminary discussions were held with emergency services organisations regarding the relocation of the staging area to the English Street precinct. The response was very positive with no opposition to the concept. EAPL constructed the new staging area and undertook the relocation during the first quarter of 2004.

2.5 Landscaping and site planning

2.5.1 Landscape concept

The landscape concept for the precinct will be to provide a high level of visual and environmental amenity to the development that responds to the constraints presented by the airport environs. Tree species selection will be based on considerations including:

- the height limitations imposed on some areas of the site by aviation safety and operational requirements;
- the use of plant material that will minimise bird attraction and roosting potential;
- achieving the desired visual amenity while allowing appropriate visibility into and across the site;
- ability to integrate with the water sensitive urban design principles proposed for the car park drainage design.

Landscaping of the proposed retail precinct will include tree planting at the Bulla Road entry as well as throughout the car park and along the perimeter of the site (see Figure 10).

2.5.2 Signage

Internal signage for the proposed development will comprise major signage elements at the entrance canopy to the outlet centre, the main entry from Bulla Road north of the Freeway and adjacent to the entrances to other buildings (see Figures 5 and 6). At the main entry two overall precinct signs will be located. External signage will be located on blades and panels facing the Tullamarine Freeway consistent with the examples shown in Figure 5. A pylon sign 19.5 metres high will be located in the centre of the roundabout on Bulla Road to the north of the Tullamarine Freeway. Signage will be controlled by EAPL under the Essendon Airport Master Plan Land Use Plan.

Approval will be sought from VicRoads and Moonee Valley City Council for appropriate information signage on approach roads leading to the retail precinct.

2.6 Development program and capital cost

2.6.1 Development staging

The proponent may elect to construct the outlet centre building and other buildings in the precinct concurrently or in stages. After approval of the MDP, the design and construction period if the outlet building and other buildings were constructed concurrently would be estimated at 12 months.
2.6.2 Estimated construction costs
The estimated construction cost of each of the proposed outlet centre building and Building 3 (as shown on Figure 4) is over $10m. The estimated construction cost of each of the other buildings is less than $10m. On-site infrastructure works to service the whole of the Bulla Road precinct are proposed at a total cost estimated to be less than $10m.

2.7 Construction issues
Management measures to control potential environmental issues during the construction period are included in the draft Environmental Management Plan (see Appendix B). These issues may include:

- stormwater run off, erosion, and sediment entering nearby watercourses;
- dust generation from earthworks – this will be important given the site’s location on Essendon Airport and adjacent to the heavily-trafficked Tullamarine Freeway;
- minimisation of the quantity of materials entering the waste stream.

2.7.3 Site office
The head contractor is likely to maintain a site office in the Bulla precinct during the construction period.

2.8 Operation and maintenance

2.8.1 Internal areas
Within the buildings the tenants will be responsible for the operation and maintenance of their tenanted facilities.

2.8.2 External areas
Essendon Airport Pty Ltd will maintain or procure maintenance of all external areas to buildings, car parks, services and security. The maintenance of statutory authority assets and fire protection services will be in accordance with statutory or regulatory authority or relevant Australian Standards requirements.

2.9 Relationship of the proposal to existing and future aviation operations

2.9.1 Airport Navigational Aids
This proposed development is adjacent to the airport’s east-west (08/26) runway infrastructure. Situated on this runway is an Instrument Landing System (ILS) owned and operated by Airservices Australia. This navigational infrastructure comprises a localiser and ILS aerial, and is supplemented by a T-VASIS and non-precision approach aid.

After considering these matters and following consultation with Airservices Australia, EAPL advises that the development of the Bulla Road retail precinct will have no adverse impact on this infrastructure or on any other of the airport’s navigational aids.

2.9.2 Consistency with Aviation Safety Requirements
EAPL advises that the development will be consistent with all aviation safety standards and practices.

2.9.3 Effect on future operating capacity
The proposed Bulla Road precinct development will have no effect on the future operating capacity of Essendon Airport because the development will not affect aviation operations. The airport currently has aviation facilities in excess of what is necessary to support the current general aviation operations of approximately 64,000 aircraft movements annually.
3 ENVIRONMENTAL ASSESSMENT AND MANAGEMENT

This chapter presents an assessment of the likely environmental impacts of the construction and operation of the proposed retail precinct and mitigation measures for any adverse impacts identified.

3.1 Approach to assessment

3.1.1 Sources of information
The description of the existing environment and assessment of potential impacts of the proposed development are based primarily on existing studies, particularly the Essendon Airport – Environment Strategy (2000) and the Essendon Airport – Master Plan (2003) and the EPBC Act Administrative Guidelines (Environment Australia 2000). Specialist environmental studies undertaken for this MDP were in relation to site conditions, ground traffic impacts, heritage, socio-economic issues and waste/environmental management.

3.1.2 Immediate and regional environment
The site of the proposed retail precinct is located in the Bulla Precinct on the southern boundary of Essendon Airport immediately north east of the intersection of the Tullamarine Freeway and Bulla Road (see Figure 1). The site has been highly disturbed and retains none of its natural features.

To the south of the Tullamarine Freeway, are the long-established and largely residential areas of Essendon North, Niddrie and Strathmore (which also extends north of the Freeway on the Airport's eastern boundary). The closest existing retail areas to the site are:

- Niddrie Central, a traditional suburban ‘strip’ shopping centre located along Kellor Road approximately 1 km west of the site. The major traders in this centre are Safeway, Bakers Delight, Safeway Liquor, Sportsgirl and Tatts-lotto.
- The Airport West mixed use/light industrial area located along Matthews Avenue immediately to the west of the Airport and approximately 1.5km north west of the site (or 2.5km by road). This area contains a range of trade supplies, industrial sales, and commercial activities such as Middendorp, Hertz Australia, and Reece plumbing.
- Moonee Ponds Shopping Centre at the intersection of Puckle Street and Mount Alexander Roads, which is a regional facility and heritage strip shopping centre located approximately 3.7km to the south of the site. The major traders in this centre are Safeway and Coles with many specialty shops. There are two large undeveloped sites in the centre. There is also a large tax office.

Regional shopping centres in the general vicinity of the proposed retail precinct include:

- Westfield Shoppingtown, a free-standing regional drive-in shopping centre located near the intersection of Melrose Drive and Westfield Drive approximately 3 km north west of the site (or 4.5 km by road). The major traders in this centre are Best & Less, Bi-Lo, Coles, K Mart, Safeway and Target.
- Highpoint City Shopping Centre, a free-standing regional drive-in shopping centre located near the intersection of Raleigh Road and Wests Road, Maribyrnong approximately 4.5 km south of the site (or 5 km by road). The major traders in this centre are Myer, Safeway, Big W and Target.

Within a radius of approximately 12km of the proposed retail precinct are Northland Shopping Centre, Preston; the Melbourne CBD; Watergardens Shopping Centre, Taylors Lakes; Market Towers Shopping Centre, Sunshine; Broadmeadows Town Centre, Broadmeadows; Brimbank Central Shopping Centre, Deer Park; Barkly Square Shopping Centre, Brunswick; Northcote Shopping Plaza, Northcote; and the Barkly Street Footscray Shopping Precinct.
As noted in the approved Master Plan:

Essendon Airport is strategically located in the context of the metropolitan freeway and highway networks. The site is bound on two sides by the Tullamarine Freeway and is within close proximity to the Calder Freeway and Western Ring Road Interchanges. This excellent freeway connectivity provides linkages with central Melbourne, the suburbs and regional areas of Victoria (Essendon Airport Pty Ltd 2002, 29).

VicRoads has proposed upgrading the Tullamarine Freeway along the western and southern boundaries of the Airport. The road modifications proposed for the intersection of the Freeway and Bulla Road will be consistent with VicRoads plans (see Section 3.7).

Essendon Airport is currently indirectly served by public transport via tram services along Matthews Avenue and a bus service along Bulla Road.

3.1.3 Potential impacts
Impacts are identified in relation to the construction of the proposed buildings over the 12 month construction period and the occupation of these buildings once completed. The potential impacts of the operation of the proposed buildings for retail purposes and the mitigation and management of any adverse impacts are addressed in the following sections in relation to:

- site conditions
- hydrology and water quality
- noise and vibration
- air quality
- airport operations
- ground access
- visual impact and landscape
- flora and fauna
- cultural heritage
- hazard and risk
- socio-economic issues
- waste management.

The potential impacts during construction of the proposed buildings within the precinct and the mitigation and management of any adverse impacts are addressed in Section 3.16.

3.2 Site conditions (including contamination)

3.2.1 Existing ground conditions
A geotechnical investigation (Golders Associates 2002) indicates that the natural soils and rock are generally consistent with published data from the Geological Survey of Victoria, that is, the site is underlain by Quaternary Age Newer Volcanics Basalt.

The site is generally overlain with top soil or fill. The topsoil is generally a firm, high plasticity, dark grey brown silty clay. Beneath the top soil or fill is a layer of very stiff, high plasticity, grey brown dark brown and dark grey silty clay with traces of basalt fragments. This layer ranges in thickness across the site from 0.2m to 4.3m.

The next layer of material under the very silty clay is a layer of medium dense to dense, brown dark brown, grey brown and grey clay or gravel with basalt fragments to 20mm in size. This thickness ranged from 0.4m to 2.0m. Next is an extremely weathered to moderately weathered basalt layer. The basalt rock is generally very fine to fine grained, brown, grey and dark grey, fractured of varying strength.

3.2.2 Contamination
Based on an investigation conducted on the site (Meinhardt (Vic) Pty Ltd 2002), the following conclusions can be made in relation to site contamination:

- the generalised soil profile encountered consisted of sandy gravelly fill grading to silty clay underlain by basalt to the maximum depth of the investigation (4.45 metres below ground level).
- groundwater was not encountered - however from previous investigations, it is reported to be more than 13 metres below ground level.
- two surface soil samples (TP26/0.2 and TP33/0.0) reported impacts of total petroleum hydrocarbons (TPH) (C10 – C36) greater than the Airports (Environment Protection) Regulations 1997 accepted trigger levels for general areas of the airport. The impact is
associated with a diesel above-ground storage tank and fill material respectively. An additional localised area of isolated hydrocarbons (TPH C10 – C36) was identified in the eastern portion of the site. These concentrations did not exceed Airports (Environment Protection) Regulations 1997 accepted trigger levels for general areas of the airport, however for offsite disposal, the material will be classified as Low Level Contaminated Soil under the Victorian EPA’s Classification of Wastes (Publication No. 448).

- asbestos sheeting was found on the ground in the vicinity of a former maintenance shed and site offices north of building 30.
- all other soil samples reported analyte concentrations either below Airports (Environment Protection) Regulations 1997 accepted trigger levels for general areas of the airport, below laboratory detection limits, or were not considered a contaminant of concern.
- two soil stockpiles located on site were sampled and classified as ‘fill material’ under the Victorian EPA’s Classification of Wastes (Publication No. 448).
- the geophysics investigation and excavation sampling indicate widespread burial of an array of generally inert materials. Some buried crushed drums were also identified, confirming historical information received from Essendon Airport personnel regarding the burial of such materials for back-hoe training purposes.

3.2.3 Site preparation and building foundations
Site preparation would involve demolition of existing buildings and removal of other improvements on the site. Materials generated would be re-used on site or sent for recycling or otherwise disposed of in an appropriate manner. Localised excavation of material would be undertaken to achieve appropriate levels for construction of reinforced concrete slab foundations. Based on the results of the geotechnical investigations, it is anticipated that building foundations would generally be pad footings supporting concrete slabs. However, should localized geotechnical conditions require, piled foundations would be undertaken.

3.3 Hydrology and water quality

3.3.1 Surface hydrology
Essendon Airport is located within the catchment of the Moonee Ponds Creek which flows in a southerly direction in a well defined valley to the north east of the Airport but separated from the Airport by intervening residential development and open space.

The site of the proposed retail precinct is located within a relatively large catchment of open grassed paddocks that also includes the Airport’s runways and surrounds and the old airport maintenance depot and works area (approximately 20,000 m² of building and pavements). Runoff from this depot and surrounding buildings receives relatively little treatment prior to discharging downstream.

3.3.2 Groundwater
The depth of the groundwater aquifer across the Airport is in the range of 20 to 30 metres and generally heading east, at a very slow rate, towards Moonee Ponds Creek.

It is not anticipated that the proposed development will have any effect on the quantity or quality of groundwater.

3.3.3 Flooding
As the site is located at least 25 metres above and 1 kilometre west of the Moonee Ponds Creek, the site of the proposed development is not subject to any flooding risk from that waterway.

3.3.4 Proposed conditions
It is proposed to treat stormwater runoff from the car park pavement areas prior to discharge from the development precinct. Sediment, oils and associated vehicle pollutants will be removed from water leaving the site by a system that will incorporate gross litter traps, sediment swales, planting varieties and organic materials. A specification of the most suitable measures will be identified and discussed with the Airport Environment Officer at detail design stage.
Discharge from the site will also be reduced by the implementation of re-use initiatives, including:

- collection and re-use of roof stormwater for some or all of:
  - toilets,
  - hand basins,
  - landscape irrigation and the like;
- construction of stormwater swales as shown in Figure 10 to reduce runoff, improve runoff quality and provide direct irrigation.

3.4 Noise and vibration

3.4.1 Existing noise environment
The immediate environs of the Bulla precinct are exposed to some noise impacts from aircraft operations as well as ground traffic noise associated with vehicle movements on the Tullamarine Freeway.

An Australian Noise Exposure Forecast (ANEF) has been prepared for Essendon Airport. It estimates future noise levels in areas around the airport. The Bulla Road precinct is mostly between the 20 and 25 noise exposure contours. Australian Standard 2021-2000 Table 2.1 indicates that commercial building sites are acceptable if less than 25 ANEF and are conditionally acceptable if within 25 to 35 ANEF.

3.4.2 Likely noise and vibration impacts
There are not likely to be any adverse impacts of the proposed precinct development associated with ground traffic noise.

The proposed development would not have any effect on the number of and thus noise from aircraft operations.

Noise from vehicle traffic movements to and from the proposed retail precinct is likely to be masked by existing air and ground traffic noise levels. It is likely that most vehicles accessing the car park for the proposed buildings within the precinct will be light vehicles operating at low speed. As a result, traffic noise levels within the car parking area of the retail buildings themselves would be well within relevant traffic noise criteria for any sensitive or residential area given that the Tullamarine Freeway lies between the proposal and the closest residential areas to the south of the Freeway.

Site preparation and construction methods to be used for the proposed buildings would not result in any significant vibration beyond the immediate construction site.

3.5 Air quality

3.5.1 Existing air quality
The Victorian EPA reports air quality measurements taken from a number of stations around the Melbourne metropolitan area. The closest EPA air quality monitoring station to Essendon Airport is located at Footscray, some 7 kilometres away.

The main source of emissions to air in the vicinity of the proposed development is vehicular traffic travelling on the nearby Tullamarine Freeway.

3.5.2 Likely impacts on air quality
The additional vehicle movements generated by the proposed development are estimated to be a maximum of 1455 per hour at the busiest period (Saturday 11 am to 12 noon) ranging down to about 165 per hour (Friday, 8 am to 9 am). As these estimates represent relatively minor increases in the total vehicular movements in the vicinity of the Tullamarine Freeway and Bulla Road, this proposal is unlikely to have any significant impact on air quality in the vicinity of Essendon Airport.
3.6 Airport operations

3.6.1 Building height
In accordance with aviation safety requirements, the height of the proposed buildings is required to be under the 1 in 7 transitional surface of the adjacent runways (see Figure 7). The parapet height of the closest building façade to either runway will be no higher than 6 metres, well below the transitional surface. The proposed signage elements, roof mounted plant, landscaping, and car parking lighting will also be below the transitional surface.

3.6.2 Navigational aids
The development is adjacent to the Airport’s 08/26 runway infrastructure. This runway comprises an Instrument Landing System (ILS) which requires clearance distance in accordance with CASA’s Manual of Standards Part 139. The requirements of this manual have been taken into consideration for the planning of this development and the proposed buildings do not conflict with them.

EAPL considers that the development of the Bulla Road precinct will have no adverse impact on the airport’s navigational aid infrastructure or operational activities.

3.7 Ground access

3.7.1 Existing ground access arrangements in the Bulla Road precinct

Existing road network
The existing road network in the vicinity of the Bulla Road precinct is as follows:

- The Tullamarine Freeway, which borders the site to the south, forms part of Melbourne’s freeway network. Linking Melbourne (Tullamarine) Airport in the north-west to central Melbourne and the south-eastern suburbs via Citylink. In the vicinity of the site, the Tullamarine Freeway is a dual carriageway road and operates with three traffic lanes in each direction.
- Bulla Road, which extends across the Tullamarine Freeway to the site, is classified as a secondary arterial road and extends from Mount Alexander Road in the south-west to Essendon Airport in the north-west. To the south of the site, Bulla Road has a wide dual carriageway cross-section but, in the vicinity of the site, Bulla Road narrows to a single carriageway (approximately 8 metres wide) with one traffic lane in each direction.

At the Tullamarine Freeway and Bulla Road interchange, an off-ramp is provided from the eastbound Freeway carriageway which then becomes the southbound carriageway of Bulla Road. A left turn lane is provided from the ramp to the northbound carriageway of Bulla Road to access the southern precinct of the Airport. An off ramp is also provided from the westbound Freeway carriageway to Bulla Road, however this ramp only permits southbound movement along Bulla Road, i.e. no access to the southern precinct of the Airport. On ramps are also provided from Bulla Road for westbound and eastbound Freeway traffic.

Existing traffic volumes
Data sourced from VicRoads and Moonee Valley City Council as well as data collected by Grogan Richards was collated to produce estimates of current daily and peak hour traffic volumes on the adjacent road network. A review of the data suggests that the morning and evening commuter peak hours occur between 8am and 9am and 5.15pm and 6.15pm respectively (Grogan Richards 2003, 5-7) with highest volumes recorded on Bulla Road immediately south of the Tullamarine Freeway. Highest daily traffic volumes of approximately 37,000 vehicles are on Bulla Road also immediately south of the Tullamarine Freeway. A full copy of the Grogan Richards Traffic Report is included in Appendix C

Existing public transport
Limited public transport services operate in the vicinity of the subject site. Bus route 479, which runs between Moonee Ponds Junction, Airport West Shopping Centre and Sunbury Railway station runs along Bulla Road and the Tullamarine Freeway. On weekends this service extends south to Flinders Street in the City.
The Airport West tram service runs along Keilor Road approximately one kilometre south of the site where it connects to the bus route.

**Existing proposals to upgrade the Tullamarine Freeway**

VicRoads has investigated options for improving the safety and capacity of the Tullamarine Freeway/Calder Freeway interchange, which occurs along the southern boundary of the airport site between Matthews Avenue and Bulla Road. The design is influenced by a number of factors including the road design speed, which at present is 100kmh on the Calder Freeway and 80kmh on the Tullamarine Freeway and maximum road elevation constraints because of the proximity to Essendon Airport.

The current ‘preferred’ design option is option 7A, which is based upon design speeds on both freeways of 100kmh assuming that both runways on Essendon Airport are operating. Other options are under consideration.

VicRoads, is also investigating an alternative layout that requires less land acquisition from the airport. Option 7A is shown on Figure 11. If implemented, this re-alignment would result in approximately 27 hectares of land being acquired from the Essendon Airport site including land along the southern boundary of the site.

**Figure 11** Proposed realignment for Tullamarine Freeway near Essendon Airport

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**3.7.2 Assessment of likely traffic generation and impact on ground access**

The proposed vehicular access, parking arrangements, and road improvements and provision for deliveries and loading are described in Section 2.4.

**Estimated traffic generation**

Traffic volumes and car parking demands generated by mixed-retail use commercial developments are a function of the level of parking provided, the quality, size, range and type of goods offered for sale/on display, the catchment population density, public transport, road accessibility and the level of competition in the area. Typically peak parking demands occur on a Saturday afternoon.
The impact of traffic generated by stand-alone developments, such as the proposed precinct development is usually the greatest during the Friday evening peak period, when high development traffic combines with peak commuter volumes to produce the greatest total volume on the adjacent road network. Following discussions with VicRoads officers, the morning and evening road network commuter peak periods have been included in the following analysis.

A review of data derived from parking surveys by Grogan Richards at a number of bulky goods outlets such as the Northland Homemaker Centre and the Direct Factory Outlet development at Moorabbin Airport indicates that the following parking and traffic ratios are appropriate design values to adopt for the proposal:

<table>
<thead>
<tr>
<th>Traffic activity</th>
<th>Bulky Goods developments</th>
<th>Outlet Centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking demand</td>
<td>2.5 spaces/ 100m² (net lettable area)</td>
<td>5.0 spaces/100m² (net lettable area)</td>
</tr>
<tr>
<td>Traffic generation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friday morning commuter peak hour:</td>
<td>0.50 movements/100 m² (comprising 0.45 in movements/100 m² and 0.05 out movements/100 m²);</td>
<td>0.14 movements/100 m² (comprising 0.04 in movements/100 m² and 0.10 out movements/100 m²);</td>
</tr>
<tr>
<td>Friday evening commuter peak hour</td>
<td>2.5 movements/100 m² (comprising 1.25 in movements/100 m² and 1.25 out movements/100 m²).</td>
<td>1.87 movements/100 m² (comprising 0.83 in movements/100 m² and 1.04 out movements/100 m²).</td>
</tr>
</tbody>
</table>

The parking demand ratios discussed above were applied to the proposed development to produce the values shown in Table 2 along with an allowance for some additional future development in the precinct. Although some of the sales within the bulky goods floor area are expected to fall within traditional retail categories, the large format retail spaces are expected to generate traffic activity consistent with bulky goods rates per 100 m². EAPL is in a position to manage the tenancy mix using lease covenants and the Master Plan Land Use Plan to ensure that specific uses will not generate inappropriate traffic activity. The proposed parking supply of 1,917 spaces is therefore anticipated to cater for the projected demand.

Table 2: Total car parking demand for Bulla Road precinct

<table>
<thead>
<tr>
<th>Proposed use</th>
<th>Floor area (m²)</th>
<th>Anticipated peak parking demand</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NLA</td>
<td>Ratio (spaces/100 m²)</td>
</tr>
<tr>
<td>Outlet Centre</td>
<td>20,000</td>
<td>5.0</td>
</tr>
<tr>
<td>Bulky Goods Outlets</td>
<td>36,200</td>
<td>2.5</td>
</tr>
<tr>
<td>Total</td>
<td>56,000</td>
<td></td>
</tr>
</tbody>
</table>

*Anticipated traffic generation and distribution*

Table 3 provides a summary of the anticipated development traffic generation based upon the peak hour traffic generation rates outlined above.

Table 3: Anticipated traffic generation

<table>
<thead>
<tr>
<th>Time period</th>
<th>Traffic generation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direction</td>
<td>Outlet Centre</td>
</tr>
<tr>
<td>Friday (8 to 9am)</td>
<td>In</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Out</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>28</td>
<td>180</td>
</tr>
<tr>
<td>Friday (5.15 to 6.15pm)</td>
<td>In</td>
<td>166</td>
</tr>
<tr>
<td></td>
<td>Out</td>
<td>208</td>
</tr>
<tr>
<td>Total</td>
<td>374</td>
<td>900</td>
</tr>
</tbody>
</table>
The additional vehicle movements generated by the proposal have been distributed to the adjacent road network, generally based upon traffic volume data presented earlier in this section for the morning and evening commuter peak periods.

The AaSIDRA model was used to analyse the following intersections with post-development geometry and traffic volumes:

- Bulla Road and the Tullamarine freeway northern on/off ramps (roundabout);
- Bulla Road and the Tullamarine freeway southern on/off ramps (signalised intersection);
- Bulla Road/Woodland Street (signalised Intersection).

Results of the analyses are summarised in Table 4 and Table 5. A review of the results indicates the following:

- Bulla Road/Woodland Street
  This intersection is expected to operate satisfactorily with an 'acceptable' to 'good' rating, which effectively represents little change compared to 2003 operating conditions, i.e. pre and post development queues and delays are similar.

- Bulla Road/Tullamarine Freeway Interchange
  Southern on and off-ramps – The installation of traffic signals to control flows at the intersection of the southern freeway off-ramp is expected to satisfactorily accommodate the expected traffic movements with a rating of ‘very good’ to ‘excellent’ during the a.m. and p.m. commuter peak hours. Queues and delays at this intersection are not expected to adversely affect the operation of the adjacent intersections or the Tullamarine Freeway.

   Northern on and off ramps – The construction of a roundabout at the northern section of the interchange is expected to satisfactorily accommodate the anticipated traffic flows during the a.m. peak hour with a rating of excellent, however, the operation during to p.m. peak hour is expected to result in relatively long queues on the eastbound off-ramp. To improve the operation of the freeway off-ramp, it is proposed to partially signalise the northbound traffic flow by installing detector loops on the off-ramp whereby queuing vehicles can call up a red light to face northbound traffic and thereby give priority to the traffic exiting from the freeway. Under these conditions, the intersection with the ramps serving the northern freeway carriageway is expected to operate satisfactorily with a rating of good on the western and southern approaches.

  Exit from site - Giving priority at the roundabout for the northern on and off ramps to traffic exiting the freeway will restrict traffic flow out of the site in peak times, resulting in traffic queues within the site. These queues would not interfere with internal traffic circulation within the car park areas nor the operation of the external road network. EAPL will manage the tenancy mix to avoid high levels of traffic exiting the site during the Friday evening peak period

3.7.3 Mitigation measures
Vehicular access to the site is to be provided off the northern extension of Bulla Road. In order to achieve the desired access arrangements, modifications will be required to the Bulla Road interchange ramps with Tullamarine Freeway, namely:

- A right turn lane provided for westbound traffic exiting onto Bulla Road and a signalised intersection constructed at the ramp intersection;
- Modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north);
- The ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road (this work is largely complete);
- The northbound traffic flow is to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

These mitigation measures as well as other proposed works indicated above at the Bulla Road interchange with the Tullamarine Freeway including the access to the site of the
development have been the subject of extensive and on-going discussions with VicRoads. Agreement has been provided by VicRoads to the construction of a roundabout treatment at the intersection of Bulla Road/site access road/northern Freeway access ramps as an acceptable short-term treatment for the interchange until the ultimate upgrade of the Tullamarine Freeway in the vicinity of the interchange. The roundabout fits in with the current preferred VicRoads proposal for the Tullamarine Freeway upgrade (Option 7A) so the roundabout may be an acceptable long term solution if circumstances don’t change substantially.

**Table 4** Post-development intersection operating conditions (a.m. commuter peak hour)

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Type of control</th>
<th>DoS*</th>
<th>Queue (n)</th>
<th>Average delay (secs)</th>
<th>Level of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulla Road/ eastbound on and off freeway ramps</td>
<td>North (proposed development)</td>
<td>Roundabout</td>
<td>0.03</td>
<td>2</td>
<td>13</td>
<td>Excellent</td>
</tr>
<tr>
<td></td>
<td>South (Bulla Road)</td>
<td>East (Freeway on ramp)</td>
<td>West (Freeway off ramp)</td>
<td>0.16</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>0.52</td>
<td>33</td>
<td>14</td>
</tr>
<tr>
<td>Bulla Road/ westbound on and off ramps intersection</td>
<td>North (proposed development)</td>
<td>Signalised</td>
<td>0.40</td>
<td>17</td>
<td>12</td>
<td>Excellent</td>
</tr>
<tr>
<td></td>
<td>South (Bulla Road)</td>
<td>East (Freeway off ramp)</td>
<td>West (Freeway on ramp)</td>
<td>0.23</td>
<td>27</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>0.37</td>
<td>24</td>
<td>44</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

* degree of saturation

**Table 5** Post-development intersection operating conditions (p.m. commuter peak hour)

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Type of control</th>
<th>DoS*</th>
<th>Queue (m)</th>
<th>Average delay (secs)</th>
<th>Level of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulla Road/ eastbound on and off freeway ramps</td>
<td>North (exit from site)</td>
<td>Roundabout</td>
<td>0.92</td>
<td>120</td>
<td>120</td>
<td>Poor</td>
</tr>
<tr>
<td></td>
<td>South (Bulla Road)</td>
<td>East (Freeway on ramp)</td>
<td>West (Freeway off ramp)</td>
<td>0.74</td>
<td>59</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>0.79</td>
<td>59</td>
<td>12</td>
</tr>
<tr>
<td>Bulla Road/ westbound on and off ramps intersection</td>
<td>North (proposed development)</td>
<td>Signalised</td>
<td>0.67</td>
<td>86</td>
<td>116</td>
<td>Very good</td>
</tr>
<tr>
<td></td>
<td>South (Bulla Road)</td>
<td>East (Freeway off ramp)</td>
<td>West (Freeway on ramp)</td>
<td>0.32</td>
<td>44</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>0.67</td>
<td>74</td>
<td>40</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
</tr>
<tr>
<td>Bulla Road/ Woodland Street</td>
<td>North (Bulla Road)</td>
<td>South (Bulla Road)</td>
<td>East (Woodland Street)</td>
<td>0.74</td>
<td>111</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>0.81</td>
<td>137</td>
<td>43</td>
<td>0.76</td>
<td>62</td>
<td>43</td>
</tr>
</tbody>
</table>

* degree of saturation

3.7.4 **Proposed public transport**

EAPL expects that the majority of customers of the development will come by car, in order to more readily transport the goods they will purchase. The development is designed for large purchases on a relatively infrequent basis so it is expected that most customers will purchase large quantities of goods. EAPL would support the use of public transport as a means of bringing customers to the site because of its potential efficiency both in terms of traffic movements and parking space required. EAPL intends to consult with public transport providers regarding the feasibility of public transport but buses seem the most likely form of transport.

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The development has been designed to allow chartered buses to drop off passengers at the entrance to the outlet centre and to park buses in the area to the west of the Bulla Road extension. Chartered buses are a popular means of bringing customers to existing outlet centres. If a route service were viable the same drop off point could be used. An extension to the existing 479 route is one possible means of bringing public transport to the site. A more comprehensive solution would be to have a dedicated route connecting the development with Essendon Railway Station and the Moonee Ponds Bus Terminus but this would require a greater level of traffic to be feasible.

3.8 Visual environment

3.8.1 Existing visual environment and views of the site

Existing visual environment

The Bulla Road precinct currently has mixed uses with a collection of large scale, single storey sheds and other buildings ranging in height from 4 to 6 metres. The site is located on the Airport’s southern perimeter adjacent to the Bulla Road overpass and Tullamarine Freeway. The site is generally flat and is elevated approximately 9 metres above the carriageways of the freeway.

The site has 2 metre high wooden paling fencing and chain mesh fencing that runs along the southern boundary and three mobile phone towers near the Bulla Road junction. A few scattered trees of low quality exist on site. All existing features of the site, with the exception of the buildings (subject to existing leases) occupied by the CityLink Service Centre and Essendon Produce and the three mobile phone towers, are proposed to be removed.

Overall, the site currently has an industrial appearance of low visual quality.

Existing views of the Site

From the Tullamarine Freeway

Views of the site from the city-bound lanes are interrupted. Coming from Melbourne (Tullamarine) Airport, the first view of the site is from the western edge of Essendon Airport. Glimpses of the site can be had between gaps in the screen planting along the western edge. Further views of the site can be had beyond the curve as the freeway heads east. As motorists approach the site, the freeway goes into a cutting to pass under the Bulla Road overpass which blocks the site from view. The dense 5 m high melaleuca plantings of the freeway batter also block views.

Views from the outbound lanes of the Tullamarine Freeway are not interrupted. The site is clearly visible after the freeway rounds a curve approximately 1 kilometre east of the site. As motorists approach the site and enter the cutting, the freeway curves to the south-west, and the cutting and the dense plantings diminish the view (see Figure 12).

From Bulla Road and Adjacent Neighbourhood

Views of the site from the adjacent residential areas are nearly impossible for the following reasons:

- Essendon Airport is on a hill top and all of the areas surrounding the site slope away from it. This means there are no vantage points where viewers can enjoy an overview of the existing airport.
- The combination of freeway fencing and landscaping obscure evidence of the freeway and airport beyond.
- The alignment of Bulla Road is beyond the western end of most of the proposed site. Most of the site does not become visible until motorists reach the overpass. The view exposure at this point is brief.
3.8.2 Visual assessment of the proposed development
A description of the proposal is contained in Section 2. The aspects of the proposal that are of primary importance in judging its visual impact and fit with its environment are its scale and architectural form and treatment.

* Scale
The proposed buildings will present a continuous elevation to the Tullamarine Freeway of approximately 650 metres long and between 6 and 7.5 metres tall (above finished floor level). As shown in figures 5 and 6 there will be “billboard” style panels on this elevation generally from 13 to 16.5 metres tall with one pylon sign near the entrance to the development being 19.5 tall.

* Architectural form and treatment
The buildings have been given architectural interest by providing a combination of angled and stepping façades. The stepped façade may be reinforced through the use of colour. A series of “billboard” style panels occur at building wall indentations that face the freeway.

The design of the proposed buildings borrows from, and reinforces, freeway acoustic wall design introduced throughout Melbourne freeways over the past 10 years. This proposal has responded to the problem of adding interest and variety to a single level building 650 metres in length. The stepped and angled articulations, together with the ‘billboard’ panels and colour variations, achieve a lively and interesting façade well within the experience of freeway users. The proposal will give identity to the precinct, in much the same way as the ‘cheese sticks’ denotes the entry to central Melbourne.

3.9 Flora and fauna
As indicated in Section 3.8.1, there is minimal existing landscaping on the site – consisting of a few scattered trees of low visual quality. As a result of the distribution of these trees over the 13 hectare site, they do not offer any meaningful habitat for native fauna. Flora and fauna
investigations for the Airport’s Environment Strategy did not identify any environmentally significant areas within the Airport’s boundaries (Ecology Australia Pty Ltd 1998).

The main impact of the proposal will be the removal of a small number of trees scattered over the site. None of these species is of conservation significance. The removal of these trees is unlikely to have any impact on fauna, as the habitat potential is limited and there is a high degree of disturbance.

Landscaping will be provided as part of the retail precinct development consistent with EAPL’s approach of developing high quality landscaping (see Section 3.8.2). By itself, this landscaping is unlikely to result in the permanent attraction of native fauna species to the retail precinct. Indeed, plant material will be selected to minimise the attraction of birds which may contribute to any increase in bird strike hazard at the Airport. However, some common introduced bird species may be attracted by improved landscaping around the proposed retail precinct. Design measures, including selection of appropriate plant species, will be used to discourage any birds from nesting in and around the proposed retail precinct.

3.10 Cultural heritage

3.10.1 Aboriginal heritage

Aboriginal Affairs Victoria (AAV) does not hold any records for any Aboriginal archaeological sites on the subject land. During the preparation of the Environment Strategy, AAV advised that:

‘Given the previously disturbed nature of the land and the absence of any remnant vegetation or architecturally sensitive landforms, the likelihood for any proposed works to impact upon Aboriginal cultural materials is considered to be low. On this basis, no further archaeological investigation is considered necessary at this stage. However, in the unlikely event that Aboriginal Archaeological material is uncovered during development or future land management works, it is recommended that the following procedures be noted in the Essendon Airport Environmental Strategy to ensure that the archaeological material is dealt with appropriately.

1. Development/land management works must cease immediately upon the discovery of any Aboriginal cultural material, and aboriginal Affairs Victoria shall be immediately notified of any such discovery.

2. Development/land management works on the subject land shall cease immediately upon the discovery of any suspected human remains. The Police or State Coroner’s Office must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria.’

EAPL will ensure that the relevant AAV procedures are followed during the construction of the proposed retail precinct.

3.10.2 European heritage

Essendon Airport was entered on Register of the National Estate on 20 May 2003 (File No. 2/13/005/0010). Inclusion on the Register of the National Estate was prompted by the disposal of the site by the Commonwealth Government under a long-term lease in 2001. In the citation, the Former Government Hangar (Building 10) is the only structure within the precinct referred to and is listed among the most historically significant elements of the airport complex. The statement of significance in the citation notes:

The former Government Hangar, which was built in 1924, was moved from its original location to another site in the airport complex. It is an important link to the pioneering phase in Australia’s civil aviation history. It was one of the four earliest structures to be erected at Essendon Airport and is the only surviving structure from Essendon’s establishment period, although its fabric has undergone major modification. The hangar was originally located within the Wirraway Road precinct, facing the airfield and its present location makes no contribution to its national estate values.

There are no other heritage listings applying to buildings in the Bulla Precinct.

Heritage assessments of Essendon Airport have identified that Building 10 was the only significant building in the Bulla Road precinct (Allom Lovell 2003 and 2000). In its 2003
report, Allom Lovell conducted a detailed appraisal of the heritage significance of all the buildings in the Bulla Road precinct before concluding:

"Buildings 9, 11, 165, 176, 189, and 200, the CityLink Customer Service Centre and the Essendon Produce building are of no significance [see Figure 13]. These buildings are of recent origin and from the period after which international flights to Essendon ceased. They do not make any meaningful contribution to an understanding of the Airport's history. The Bulla Precinct is located a considerable distance from the Wirraway Road precinct which has been identified as the most culturally significant part of the airport site. Demolition of these buildings would have no adverse impact on the significance of the airport as a whole.

Building 10 is considered to be of historical significance. Erected in 1924, it is the oldest building on the airport and is possibly the earliest remaining civilian aircraft hangar in Victoria. No physical evidence remains of the earliest civil aerodromes in the state, which were located at Glenhuntly, Glenroy, Coode Island and Fisherman's Bend. Moorabin Airport, the state's other major civil aerodrome, was not established until 1949. Three aircraft hangars located at Point Cook Air Base pre-date Building 10. The Waterplane Hangar (Building 56) was erected in 1914 and is one of the two oldest aviation buildings in Australia. The oldest section is steel-framed with iron cladding. Some weatherboard extensions were built a few years later. The Aeroplane Hangar (Building 210) was erected in 1914 and was the first Commonwealth-built hangar on the site. It has been relocated. The Battleplane Hangar (Building 104) of 1917, is one of only two surviving World War One hangars in Australia and the only one at Point Cook remaining. All three hangars remain largely intact.

The building is of no architectural significance, being of an unremarkable utilitarian design and conventional construction. The surviving original steel roof trusses are typical of the period and their span is not exceptional. The original plan form has been considerably altered and much of the original fabric has been lost. Previous assessments of significance for the building do not appear to have referenced the original and early drawings and therefore have been made without a full understanding of the low level of intactness.

The significance of the building has been further compromised by its relocation to the periphery of the airport. The building no longer addresses the runway and is therefore limited to a degree in its ability to demonstrate its original function as an aircraft hangar. The heritage assessment of Essendon Airport prepared by Allom Lovell and Associates suggested that it would be desirable to relocate the hangar to its original site. The Register of the National Estate citation for Essendon Airport also acknowledges that 'the present location makes no contribution to its national estate values.' Whilst relocation of heritage buildings is generally considered unacceptable, it can be supported in this instance given that the building has previously been moved. However, relocation of the building to its original site is no longer feasible as it would interfere with other airport operations, its original site now being used for other purposes. The cost of relocation would be quite substantial and the prudence and feasibility of relocation, given the lack of integrity, meaningful fabric and loss of original location must be questioned against its low heritage value.

Reuse of Building 10 for aviation purposes would require substantial modifications to the existing building. If (sic) wall cladding would need to be removed if the building is relocated and this would result in a considerable loss of existing fabric, whether or not it is of heritage significance. If the fibro cement sheet was found to contain asbestos, it would need to be removed as a hazardous material. Further, the building has no solid floor and, in all likelihood, future use would require a floor, probably concrete, with the result that a considerable quantity of new material would be required to be added.

Given its lack of intactness, the fact that it no longer occupies its original location and cannot be relocated to its original site, it is not required and probably not suitable for aviation purposes, and that it makes a minimal contribution to the significance of the airport, it is proposed that Building 10 be deleted from the Register of the National Estate, and that it be recorded prior to demolition."
A detailed report on Building 10 was sent by EAFL to the Australian Heritage Commission. Since the repeal of the Australian Heritage Commission Act, EAFL has been responsible for identifying heritage values at Essendon Airport and treating them appropriately. The EPBC Act amendments established the Commonwealth Heritage List which contains sites transferred from the Register of the National Estate. Airports, including Essendon Airport, were not included on the Commonwealth Heritage List in recognition of the processes under the Airports Act. EAFL has considered the advice of Allom Lovell and the Commonwealth Heritage Management Principles in Schedule 7B to the EPBC Regulations before deciding that demolition of building 10 would not have a significant impact on the heritage values of Essendon Airport. EAFL has since obtained a demolition permit from the Airport Building Controller, recorded Building 10 and arranged for its demolition.

3.11 Hazard and risk
Hazards and risks have been assessed for both the construction phase (see Table 6) and operation assuming the final land use is retail purposes (commercial/light industrial) (see Table 7). A subjective assessment has been made of risk, based on experience and knowledge of site conditions.
Table 6 Hazards and Risks – Construction Phase

<table>
<thead>
<tr>
<th>Hazard</th>
<th>Risk</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise and vibration</td>
<td>Low</td>
<td>Considering the close proximity of the Freeway and the airport, background noise is likely to exceed construction noise.</td>
</tr>
<tr>
<td>Impact surface water</td>
<td>Medium</td>
<td>Sediment control measures will be installed around stormwater drains on-site. Washing may also be required to minimise soil deposition on roads.</td>
</tr>
<tr>
<td>Air quality (emissions)</td>
<td>Low</td>
<td>Considering the close proximity of the Freeway and the airport, background air quality emissions are likely to exceed emissions resulting from construction activity.</td>
</tr>
<tr>
<td>Air quality (dust)</td>
<td>Medium</td>
<td>Dust generated from construction is likely to exceed background unless managed appropriately. Dust suppression measures on unsealed roads will be required and trucks carrying soils will be covered.</td>
</tr>
<tr>
<td>Underground tanks</td>
<td>Medium</td>
<td>A number of underground storage tanks (USTs) that formerly stored “dangerous goods” such as petrol and diesel require removal. Appropriate OH&amp;S and environmental procedures should be followed during the pulling of the tanks.</td>
</tr>
<tr>
<td>Contaminated Soils</td>
<td>Medium</td>
<td>It is probable that in addition to the soil impacts outlined in Section 3.2.2, soils surrounding the tanks will be impacted and will require excavation. Contaminated soils may be encountered during the excavation of building footings.</td>
</tr>
<tr>
<td>Asbestos</td>
<td>High</td>
<td>There is the possibility that existing buildings contain asbestos. An asbestos audit will be required prior to demolition and asbestos disposed in accordance with EPA guidelines.</td>
</tr>
<tr>
<td>Construction Waste</td>
<td>Low</td>
<td>Excluding contaminated soils and asbestos, construction waste is generally inert and poses a low risk to the environment.</td>
</tr>
</tbody>
</table>

Table 7 Hazards and Risks – Operation (Retail/light Industrial Land Use)

<table>
<thead>
<tr>
<th>Hazard</th>
<th>Risk</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise and vibration</td>
<td>Low</td>
<td>Considering the close proximity of the Freeway and the airport, background noise is likely to exceed noise generated by the development.</td>
</tr>
<tr>
<td>Impact surface water</td>
<td>Low</td>
<td>Impacts to surface waters are expected to be minimal having regard to the measures proposed in section 3.3.4 and table 8.</td>
</tr>
<tr>
<td>Air quality</td>
<td>Low</td>
<td>Considering the close proximity of the Freeway and the airport background air quality is likely to exceed air impacts associated with the development.</td>
</tr>
<tr>
<td>Underground tanks</td>
<td>Low</td>
<td>USTs will be removed during construction. Installation of new USTs is very unlikely considering the land use.</td>
</tr>
<tr>
<td>Contaminated soils</td>
<td>Low</td>
<td>Contaminated soils will be capped or removed.</td>
</tr>
<tr>
<td>Asbestos</td>
<td>Low</td>
<td>Asbestos will be removed during construction.</td>
</tr>
<tr>
<td>Waste</td>
<td>Low</td>
<td>Waste generated in the new development will be managed under the EAPL waste management plan.</td>
</tr>
</tbody>
</table>

3.12 Socio-economic issues

The proposed development in the Bulla Road precinct of Essendon Airport will provide an important level of new retailing to the residents in the surrounding region. The trade area for the proposed development is very extensive and includes primary and secondary sectors which comprise:

- a Primary Trade Area extending approximately 5km from the subject site and bounded to the east by Sydney Road/Hume Highway, to the south by the Maribyrnong River, and extending to the north into the suburbs of Brimbank and Gladstone Park, and to the west into Keilor and Keilor Park.
- a Secondary Trade Area which extends further to the south to include the suburbs of Kensington and Flemington, to the east to High Street Preston, to the north along the
Hume Highway as far as Craigieburn, and to the west along the Calder Freeway as far as Sydenham.

This extensive trade area reflects the regional-level of major outlet centres which typically draw thinly from over a wide regional area. These shopping patterns are supported by market research undertaken at the existing Direct Factory Outlet centre at Mooroobbin Airport. The extent of this trade area is due to very good road linkages in the Tullamarine Freeway, Bulla/Mt Alexander Roads, the Calder Freeway, Western Ring Road, the Hume Highway, and Bell Street. In addition to the regional catchment, there is likely to be an opportunity to attract trade from well beyond the trade area boundaries in the form of coach shopping tours from regional centres.

**Estimated resident population levels**

The trade area has an estimated resident population (2003) of approximately 458,050 persons. Population growth in the vicinity of 1% pa is forecast over the period 2003 to 2011. By 2011, the estimated resident population of the trade area (primary and secondary) is expected to reach approximately 496,910.

In general, the socio-economic characteristics of these residents reflect lower than average incomes (approximately 7% lower than the metropolitan average), however, some parts of the trade area (such as the suburbs of Essendon, Moonee Ponds and Kensington) have incomes which are above the metropolitan Melbourne average.

The development will provide an important shopping opportunity for the trade area population, particularly the opportunity to provide lower-cost shopping for residents who typically have lower than average income profiles compared with the metropolitan average.

**Retail spending and growth**

Residents living in the trade area have a significant level of retail spending, and this is forecast to increase over the next decade. In 2004, total retail spending of residents amounts to approximately $4,327 million annually. This is forecast to grow at 2.1% annually between 2003 and 2011, reflecting the effect of population changes and growth in spending per capita.

The total amount of retail spending by trade area residents is forecast to reach approximately $5,109 million in 2011 (in constant 2004 prices).

Expenditure on outlet-type retailing by trade area residents is estimated at approximately $812.4 million in 2004, and is forecast to rise to $1,032.9 million in 2011. Spending on bulky goods type merchandise within the main trade area in 2004 is estimated at approximately $884.5 million and is forecast to grow to approximately $1,137.3 million in 2011.

**Market Share**

The proposed Outlet Centre (including bulky goods) would be expected to generate total sales estimated at $208 million p.a. in 2007. This would be comprised of approximately $84 million in outlet type sales and approximately $77.3 million in bulky goods type sales and $47 million in traditional retail categories (in constant 2004 prices). Sales attributable to main trade area residents would be approximately $67 million in outlet type sales and approximately $70 million in bulky goods type sales and $42 million in traditional retail categories (in constant 2004 prices).

The market share would be equivalent to approximately 8% of the spending of main trade area residents on outlet type merchandise, 7% of available spending on bulky goods type merchandise and 1% of available spending on traditional retail categories. This market share would be readily achievable from a development of this size. It would be unlikely to have any significant adverse impact on other traders given that this trade is drawn from a very wide regional catchment (and hence any impacts are spread amongst a very wide selection of competing centres and shops).

**Conclusion**

The proposed development of approximately 20,000 m² of outlet floor space (after allowing 5,000 m² of malls and other common areas in the 25,000 m² outlet building) and 36,200 m² of bulky goods floor space on a site in the Bulla Road precinct of Essendon Airport would be accessible to an extensive trade area of approximately 481,750 persons in 2007, and
reaching 496,910 persons by 2011. The extent of this large trade area is due to very good road linkages in the Tullamarine Freeway, Bulla/Mt Alexandra Roads, the Calder Freeway, Western Ring Road and Bell Street, and the popularity of this form of shopping. The development would account for only 8% of spending on outlet merchandise, 7% of spending on bulky goods type merchandise and 1% of spending on traditional retail categories and would not be expected to have a significant adverse effect on other retail centres or traders in view of the wide regional draw on customers. This view is supported by Essential Economics Pty Ltd in its 2004 Essendon Airport Retail and Outlet Centre Development Economic Impact Assessment July 2004

The development of the proposed buildings in the Bulla Road precinct is unlikely to have an adverse impact on the existing social and economic environment: in the environs of the Airport. The proposed development would not adversely affect residential amenity. Traffic generation, noise and air emissions are dealt with elsewhere in this section. The proposed development will improve job availability and increase retail choice. The outlet centre will create more convenient access (particularly for customers in the north west of Melbourne as current offerings of this kind are located in the inner city and south east of Melbourne).

3.13 Resource use and waste management

Energy use and greenhouse gases
Operating energy use in and greenhouse gas emissions from the site will be reduced using an integrated energy efficiency strategy which will include initiatives such as:

- specifying roof and wall insulation values to reduce the demand for heating and cooling;
- solar efficient building design, including controlling solar gain, to reduce the demand for cooling and the attendant energy consumption;
- designing for day-lighting in most areas, to reduce the reliance on electric lighting and so reduce electricity consumption;
- using efficient heating and cooling equipment to reduce the consumption of electricity and gas;
- implementing efficient control of air-conditioning, heating and other mechanical plant to minimise unnecessary operation of heating and cooling equipment;
- using efficient lighting equipment, appropriate zoning, circuits, switching and controls; and
- using efficient water heaters.

The above list is an abridged sample of the energy efficiency initiatives which are included in Essendon Airport’s Lessor Design Requirements.

Materials use
The environmental impact of materials used in construction will be reduced by:

- minimising demolition and construction waste materials volume (see Section 2.7.4);
- using recycled materials where available and cost effective (for example, recycled steel in concrete reinforcing or recycled concrete in road base);
- using light weight construction methods for suitable internal building elements;
- designing for building durability and flexibility, to minimise future demolition and re-construction works while maintaining the building’s amenity and maximising the life over which the original material inputs can be amortised.

Waste management
EAPL’s Environment Strategy has the objective ‘...to minimise waste and promote recycling, and to comply with the Local and State Government waste management requirements.’

The operation of the proposed development would result in the generation of some waste materials, particularly related to packaging of goods. Recycling will be taken into account in managing the site and in the provision of facilities for paper and cardboard, metals, plastics and organic waste
Water consumption and stormwater

Rainwater would be collected from buildings, stored in tanks, and reused on site. This approach would reduce water consumption from the mains and stormwater flows.

Landscaping would be designed to minimise the demand for irrigation. Landscaping would be designed to allow some rain to percolate into the ground, reducing peak storm-water flows. Showers and taps for hand basins would have flow regulators.

3.14 Summary of environmental impacts and mitigation measures

All relevant impacts resulting from the development of the proposed retail precinct discussed in the previous sections are summarised in Table 8. Plans for dealing with the identified impacts are also presented. It is EAPL’s view that none of these impacts are significant and, as a result, the development has no significant impact on the environment.

Table 8 Operational period – likely environmental impacts and plans for dealing with impacts

<table>
<thead>
<tr>
<th>Impact</th>
<th>Plans for dealing with impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surface water quality</strong></td>
<td></td>
</tr>
<tr>
<td>Minor spillages of leakages of oil or petrol from parked vehicles in the sealed parking areas.</td>
<td>Detention and filtration of stormwater before allowing it off site by the internal stormwater drainage system and continued implementation of the Airport's stormwater quality management system.</td>
</tr>
<tr>
<td><strong>Ground traffic</strong></td>
<td></td>
</tr>
<tr>
<td>Additional traffic on the local and regional road system, especially the intersection of the Tullamarine Freeway and Bulla Road</td>
<td>Enhancement works on the intersection of the Tullamarine Freeway and Bulla Road and the northwards extension of Bulla Road.</td>
</tr>
<tr>
<td><strong>Visual impact</strong></td>
<td></td>
</tr>
<tr>
<td>Introduction of a significant built element on the southern boundary of Essendon Airport with the potential to become a predominant visual element when viewed from the outbound lanes on the Tullamarine Freeway to the south-east of the site.</td>
<td>Detailed design of the southern façade of the building to be appropriate to its setting adjacent to the Freeway.</td>
</tr>
<tr>
<td><strong>European Heritage</strong></td>
<td></td>
</tr>
<tr>
<td>Demolition of Building 10.</td>
<td>Recording of it prior to demolition.</td>
</tr>
</tbody>
</table>

3.15 Environmental impacts of not proceeding with the proposed action

If the proposed retail precinct is not developed on the subject site, there will be no additional impacts to those currently associated with the operation of Essendon Airport.

3.16 Potential construction impacts of the proposal

The following potential impacts have been identified during construction. Should these impacts occur, they would be managed in accordance with the Construction Environmental Management Plan to be prepared prior to the commencement of construction.

3.16.1 Noise and vibration

The disturbance of some sections of paving, guttering, lighting and other services on the site of the proposed buildings would generate some short-lived noise associated with the use of jack hammers and similar equipment. However, all construction equipment to be used on site would be consistent with the Airports (Environment Protection) Regulations. Overall, it is likely that there would be no significant noise or vibration impact associated with the construction works.

3.16.2 Construction traffic

Construction traffic associated with the works required to construct the proposed buildings would include the delivery of the building materials and equipment as well as vehicle movements associated with the construction workforce. It is estimated that there would be an
average of 40 to 80 construction vehicle movements daily during the 12 month construction period. This volume of traffic is insignificant relative to the forecast Average Annual Daily Traffic (AADT) volumes for the Tullamarine Freeway which forms the main road access to the Bulla precinct of Essendon Airport.

3.16.3 Water quality
Stormwater and de-watering (if required) control measures would be implemented to control any sediment-laden run-off during excavations for the foundations for the proposed buildings and minor works such as construction of footpaths and car parking areas. Dust suppression measures to be instituted would reduce the potential for sediment to be transported into the Airport's stormwater system and ultimately into the Moonee Ponds Creek.

3.16.4 Air quality
There would be the potential for some localised dust generation associated with soil excavation but dust suppression measures, such as watering of exposed soil surfaces, would be implemented to prevent dust generation as much for safety reasons as for environmental reasons. Emissions from diesel powered construction equipment and exhausts from vehicles travelling to and from the site are considered to be insignificant in both the local and regional traffic contexts.

3.16.5 Airport operations
As all the construction and related works would be undertaken on landside areas of the Airport, there would be no interference from construction activities on airport operation. Crane penetrations through the OLS if required during construction would be managed to ensure that there is no impact on airport operations.

3.16.6 Construction waste
Construction waste would be managed through approval conditions for the proposed buildings and construction.

3.17 Airport environmental management system

Construction and operations at Essendon Airport are covered by an Environmental Management System.

Contractors would be required to have a corporate Environmental Management System (EMS) consistent with ISO 14001 Environmental Management System – specification with guidance for use. Prior to the start of construction, the contractor for the proposed buildings must prepare and implement an EMP for approval by the Airport Environmental Officer (AEO). A draft EMP for the construction phase of the proposed development is included as Appendix B. EAPL has the primary responsibility, in conjunction with the operator(s) to ensure that the EMPs prepared are of a sufficient standard to enable sign off by the AEO.

The operation of the proposed buildings would not be substantially different to the current operation of other major buildings at Essendon Airport such as the Airport administration building. Thus the environment management procedures for the overall Airport would apply to the management of the proposed buildings in the retail precinct. Any specific requirements for the operation of this precinct will be incorporated in the environment management procedures for the overall Airport. Relevant aspects of the operational management plans will also be carried through to lease documents.

3.18 Statutory compliance

The processing of the Building Application by the Airport Building Controller will ensure that any standard or special conditions are included in the issue of a Building Permit which can be subsequently monitored for compliance. The system also provides a means to facilitate the coordination of concurrent construction works, whether they are associated with the proposed action or otherwise.
4 CONSULTATION

This chapter outlines the consultation undertaken with key stakeholders in the formulation and assessment of the proposed development.

4.1 Approach to consultation

EAAPL has a policy of on-going engagement with key stakeholders in relation to planning, development and operational issues related to Essendon Airport. For the MDP process, the consultation strategy covers the following stages:

- technical consultation during the preparation of the Draft MDP;
- the 90 day public comment period;
- the finalisation of the Draft MDP (including responses to issues raised in public comments) for submission to the Minister for Transport and Regional Services including certification in relation to responses to issues raised in the public comment period;
- advertising and making available copies of the MDP after approval by the Minister.

4.2 Stakeholder consultation

Essendon Airport consulted with relevant stakeholders to ensure that specific relevant issues were identified and appropriately addressed during the preparation of the draft MDP. General briefings about the proposed Bulla precinct development were also provided to other stakeholders. The agencies and organizations consulted or briefed are listed in Table 9.

Table 9 Stakeholders consulted or briefed during preparation of this draft MDP

<table>
<thead>
<tr>
<th>Agencies/consulted</th>
<th>Relevant issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Government agencies</td>
<td>Preliminary discussions in relation to any potential impact of the proposed development on navigational aids, in particular the impact on approach minima, building limitations around instrument approach runways, and AirServices' ring cable linking into the Instrument Landing System.</td>
</tr>
<tr>
<td>AirServices Australia</td>
<td>Confirmation of land development areas and runway transitional surfaces measurements from the 08/26 runway.</td>
</tr>
<tr>
<td>Civil Aviation Safety Authority</td>
<td>Relationship of proposed MAD to the approved Master Plan for Essendon Airport, the Airports Act and other Commonwealth legislation and guidelines. General briefing about the proposed Bulla precinct development</td>
</tr>
<tr>
<td>Department of Transport and Regional Services</td>
<td>Relationship of approved Master Plan for Essendon Airport to Melbourne 2030. Road design proposals for junction of Tullamarine and Calder Freeways and other regional traffic issues</td>
</tr>
<tr>
<td>Airport Environment Officer, Essendon Airport</td>
<td>Additional economic development and employment opportunities within the municipality</td>
</tr>
<tr>
<td>State Government agencies</td>
<td></td>
</tr>
<tr>
<td>Department of Infrastructure</td>
<td></td>
</tr>
<tr>
<td>VicRoads</td>
<td></td>
</tr>
<tr>
<td>Local Government authorities</td>
<td></td>
</tr>
<tr>
<td>Moonee Valley City Council</td>
<td></td>
</tr>
<tr>
<td>Councillors and senior managers</td>
<td></td>
</tr>
<tr>
<td>Community groups</td>
<td></td>
</tr>
<tr>
<td>Close Essendon Airport Committee</td>
<td>General briefing about the proposed Bulla precinct development</td>
</tr>
<tr>
<td>Strathmore Neighbourhood Watch Residents meeting</td>
<td>Political representatives</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Hon. Judy Maddigan, MLC</td>
<td>Hon Kelvin Thompson, MHR</td>
</tr>
<tr>
<td>Member for Wills</td>
<td></td>
</tr>
</tbody>
</table>
5 STATUTORY CONTEXT

This chapter documents the compliance of this MDP with relevant statutory and policy requirements.

5.1 The major development plan process

In accordance with the Airports Act 1996, Division 4, an MDP must be prepared where a major airport development (MAD) is proposed. Section 89 of the Act defines MADs as:

- constructing a new, or extending the length of, a runway;
- constructing a new building wholly or principally for use as a passenger terminal, with greater than 500 m² gross floor space;
- extending the gross floor space of a building that is wholly or principally for use as a passenger terminal, by more than 10%;
- constructing a new building (not wholly or principally for use as a passenger terminal) where the cost of construction is more than $10 million;
- constructing or extending a taxiway, road, vehicular access facility, railway or rail handling facility, which:
  i) exceeds a $10 million construction cost; and
  ii) significantly increases the capacity of the airport to handle movements of passengers, freight or aircraft; and
- any development of a kind that is likely to have a significant environmental or ecological impact, or which affects an area identified as environmentally significant in an airport environment strategy.

As the proposed development includes at least one building with a capital cost in excess of $10 million, Essendon Airport is required to prepare an MDP. Section 91 of the Act defines the contents of an MDP. Appendix A lists the required contents and refers to the relevant sections of this MDP.

Two Commonwealth government departments must assess MDPs:

- the Department of Transport and Regional Services (DoTARS) under Division 4 of the Airports Act 1996; and
- Environment Australia (EA) under sections 160-164 of the EPBC Act.

A combined assessment under the Airports Act and EPBC Act can be undertaken. In the case of this MDP EA has decided to accredit the MDP process under the Airports Act.

Table 10 indicates the matters to which the Minister for Transport and Regional Services must have regard in determining approval of an MDP in accordance with section 94(3) of the Airports Act. The relevant sections of this MDP are indicated in the table.

5.2 Commonwealth environmental impact assessment

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) prohibits actions that have, will have or are likely to have a significant impact on:

- world heritage values of World Heritage properties;
- the ecological character of a declared Ramsar wetlands;
- listed threatened species and communities;
- listed migratory species.
Table 10  Matters for determining approval of an MDP

<table>
<thead>
<tr>
<th>Matters to which the Minister must have regard</th>
<th>MDP Section(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the extent to which the carrying out of the plan will meet the future needs of civil aviation users of the airport, and other users of the airport, for services and facilities relating to the airport;</td>
<td>Section 1.3 and table 1</td>
</tr>
<tr>
<td>(b) the effect that carrying out the plan will be likely to have on the future operating capacity of the airport;</td>
<td>Section 2.9</td>
</tr>
<tr>
<td>(c) the impact that carrying out of the plan will be likely to have on the environment;</td>
<td>Chapter 3</td>
</tr>
<tr>
<td>(d) the consultations undertaken in preparing the plan (including the outcome of the consultations)</td>
<td>Chapter 4</td>
</tr>
<tr>
<td>(e) the views of the Civil Aviation Safety Authority and Airservices Australia, in so far as they relate to safety aspects and operational aspects of the plan.</td>
<td>Section 2.9</td>
</tr>
</tbody>
</table>

The EPBC Act also provides that a person must not take:

- nuclear action;
- in a Commonwealth marine area an action; and
- on Commonwealth land an action,

that has or will have or is likely to have a significant impact on the environment.

EAPL considers that this MDP does not involve any action of the kind prohibited by the EPBC Act.

In assessing whether an action may have a significant effect on the environment on Commonwealth land, a proponent must have regard to the following heads of consideration:

- all on-site and off-site impacts;
- all direct and indirect impacts;
- the frequency and duration of the action;
- the total impact which can be attributed to that action over the entire geographic area affected, and over time;
- the sensitivity of the receiving environment; and
- the degree of confidence with which the impacts of the action are known and understood.

Chapter 3 of this MDP provides an assessment of the potential environmental impacts of the proposal on Commonwealth land. An assessment against these heads of consideration is contained in Table 11.

5.3 Development and building approval

In addition to the preparation and approval of an MDP, construction of the proposed retail precinct is subject to:

- Application for Consent under the Essendon Airport Master Plan lodged with Essendon Airport;
- Building/Works Permit Application to the Department of Transport and Regional Services’ appointed Airport Building Controller (ABC).


<table>
<thead>
<tr>
<th>Matters to be considered</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>all on-site and off-site impacts</td>
<td>See Chapter 3 of MDP.</td>
</tr>
<tr>
<td>all direct and indirect impacts</td>
<td>See Chapter 3 of MDP.</td>
</tr>
<tr>
<td>the frequency and duration of the proposed action</td>
<td>The construction of the proposed buildings will take place sequentially over a 12 month period. The buildings are anticipated to be occupied by tenants for at least 25 years.</td>
</tr>
<tr>
<td>the total impact which can be attributed to that action over the entire</td>
<td>The cumulative impact of the proposed development will be relatively minor and will include both positive and negative impacts. Positive impacts will be on the socio-economic environment in terms of providing a location for jobs and in relation to enhancing retail facilities in Melbourne’s northern suburbs. Localised negative impacts would be experienced on-site primarily during the construction period but these impacts are able to be mitigated by the implementation of appropriate environmental management measures.</td>
</tr>
<tr>
<td>geographic area affected, and over time</td>
<td>The geographic areas likely to be affected by the proposal are the adjoining landside area of Bulla Road precinct in terms of potential construction impacts (during the 12 month construction periods). Off-airport impacts are the change to the visual environment from several viewing points beyond the Airport boundary. The impacts of the completed buildings are likely to continue over the 50 year structural life of the buildings.</td>
</tr>
<tr>
<td>the sensitivity of the receiving environment</td>
<td>The receiving environment within the airport boundary is a largely altered environment through reshaping of the landfill to accommodate extensive airport development in the southern sector of the Airport over more than 50 years. Beyond the airport boundary, the adjoining suburbs are largely man-modified and continuing efforts are being made to improve the water quality. Land uses to the south of the Bulla Road precinct include the Tullamarine Freeway and residential development in Essendon North and Strathmore.</td>
</tr>
<tr>
<td>the degree of confidence with which the impacts of the action are known and understood.</td>
<td>The likely minor impacts of the construction and operation of the two proposed retail buildings can be predicted with a high degree of confidence because of the well-established construction techniques that would be used which generally involve similar construction and environmental management methods to those proposed for the proposed retail buildings.</td>
</tr>
</tbody>
</table>

The Building/Works Permit Approval cannot be issued by the Airport Building Controller without written consent from Essendon Airport, as required under the Airports (Building Control) Regulations, confirming that the proposal is consistent with:

- the Environment Strategy;
- the Airport Master Plan;
- any major airport development plan; and
- Essendon Airport’s planning objectives for the airport.

5.4 Relationship of proposal to airport planning

A Master Plan for Essendon Airport was approved by the Minister for Transport and Regional Services on 27 March 2003.
The relationship of the proposed development to airport planning at Essendon Airport as required under section 2.04 (1) of the Airports (Building Control) Regulation is as follows:

- **Consistency with the Master Plan and Land Use Plan for Essendon Airport**
  The proposed development is consistent with the provisions of the approved Master Plan and Land Use Plan for Essendon Airport. This Plan indicates that the Bulla Road precinct
  
  ‘...will be developed to enable a range of activities and to reinforce the extension of Bulla Road as a secondary gateway to the airport site.

  The master Plan envisages the land being occupied by businesses which require larger building footprints and other uses that find it difficult to locate suitably sized parcels of land within other established areas of Melbourne.

  The Land Use Plan provisions reflect this planning intent through the application of Business 2 Zone to the Bulla Road precinct. The purpose of this zone is to enable a range of commercial activities (the proposed development is for activities within that range) and to assist in establishing a secondary urban gateway and create a distinct entry and sense of arrival (which the proposed development will achieve).

- **Consistency with any approved MDP**
  As there are no approved MDPs for Essendon Airport, the proposal is not inconsistent with any approved MDP under the Airports Act 1996.

- **Consistency with the Environment Strategy for Essendon Airport**
  The Essendon Airport Environment Strategy (January 2000) was approved by the Minister for Transport and Regional Services on 1 November 1999. The proposal is consistent with the Essendon Airport Environment Strategy (January 2000).

- **Consistency with EAPL’s planning objectives**
  The proposal is consistent with EAPL’s planning objectives for Essendon Airport (see above and Section 1.3).

5.5 **Consistency with prevailing State planning policies and controls**

As noted in the Essendon Airport Master Plan (2003, 61)

The Moonee Valley Planning Scheme does not allocate a zoning to Essendon Airport; it simply describes Essendon Airport as "Commonwealth Land Not Controlled by Planning Scheme". It is therefore difficult to say (sic) address the extent (if any) of consistency with planning schemes in force under a law of the State or Territory in which the airport is located, because the planning scheme acknowledges that it does not apply to Essendon Airport. The Moonee Valley Planning Scheme Strategic Statement, clause 21.02-3 is inconsistent with this Master Plan in that it states that "the future of Essendon Airport is uncertain" but it [is] consistent to the extent that it contemplates development for non aviation uses on the western side of the airport. Some of the uses contemplated are largely consistent with the Master Plan (high quality industrial parks), others less so (a diversity of housing types and sizes).

Essendon Airport lies within the boundaries of the City of Moonee Valley but is not subject to planning and development controls under Victorian legislation administered by State and Local Government. The site of the proposed development is at the southern boundary of the Airport adjacent to the suburbs of Essendon North and Strathmore.

In Victoria, the relevant legislation is the Planning and Environment Act 1987 and its related regulations which enable the planning and development consent process. The relevant state and local planning controls are contained in the Moonee Valley Planning Scheme (gazetted 17 October 1997). Under this Scheme, the Essendon Airport site is noted on the zoning maps as 'Commonwealth Land not controlled by Planning Scheme'. The zonings covering land to the south (Residential 1) and west (Business 1 and 2 zones) of the Airport generally reflect the existing land use pattern described in Section 3.1.2.
Within the Local Provisions of the Planning Scheme, Section 21.14 addresses the existing airport use as well as the potential future non-airport use and development of Essendon Airport. Under the objective for Essendon Airport, this section notes that:

The continued development of the airport should ensure that the existing amenity and safety of residents and their property is maintained. If Essendon Airport is to be closed, the site should be redeveloped for a range of uses that capitalise on the strategic location of the site. This may include high quality industrial park, and a major cultural/entertainment facility located adjacent to the Tullamarine Freeway on the western part of the airport with the balance of the site developed to provide a diversity of housing types and public open space.

Section 21.02-3 states

"The future of Essendon Airport is also uncertain. If Essendon Airport is to be closed, the site should be redeveloped for a range of uses that capitalise on the strategic location of the site by providing a range of business and employment opportunities in a quality environment. This should include high quality industrial parks, hotel with convention facilities and a major cultural/entertainment facility located adjacent to the Tullamarine Freeway on the western part of the airport. The balance of the site should be redeveloped to provide a diversity of housing types and sizes. The whole redevelopment of Essendon Airport should however be integrated and contribute to the life of the City. Non-aviation uses that are developed while the airport continues to operate should be located on the western side of the airport and be consistent with the long term vision of the site."

The Bulla Road precinct is to the south of the airport. The vision expressed in clause 21.02 does not mention retail development. There is little consistency between section 21.02-3 and the proposed development but this development does "...capitalise on the strategic location of the site" and adds to the "range of business and employment opportunities" at Essendon Airport "in a quality environment".

The Essendon Airport Master Plan includes the land in a Business 2 Zone. This terminology is based on that used in state planning schemes. Under such schemes, the proposed uses would require a planning permit. The MDP process has some features in common with the permit process in terms of, for example, the information provided, consultation with stakeholders and public advertising and submissions.

Retail precinct development in the City of Moonee Valley such as that referred to in Section 2.1 would require:

- Compliance with the zoning and development control provisions of the Moonee Valley Planning Scheme in particular, suitable business or mixed use zoning of the site, compliance with applicable overlays, submission of a planning permit application to Council, and notification of the proposed application on site, to nearby property owners, and possibly more widely by means of an advertisement in the local newspaper.

By comparison, this MDP is prepared in compliance with the zoning and development control provisions of the Essendon Airport Master Plan and the Airports Act 1996. The zoning of the site under the Master Plan is suitable. The MDP complies with the Master Plan overlays. A planning permit application will be made to Essendon Airport Pty Ltd but before that can occur this MDP must be submitted to the Minister for approval. Notification is made by means of an advertisement published in a newspaper circulating generally in the State or Territory in which the airport is located (The Age).

- Preparation of a supporting expert's report (SER) and supporting technical reports to accompany the planning permit application. The SER would be required to cover potential environmental effects on the local environment including traffic network, local amenity and urban design elements and site characteristics such as flora and fauna, cultural heritage and soil contamination.

This MDP also covers potential environmental effects on the local environment including traffic network, local amenity and urban design elements and site characteristics such as flora and fauna, cultural heritage and soil contamination.
Referral to relevant agencies such as VicRoads.

Relevant authorities have had the opportunity to make submissions on this MDP. EAPL has consulted extensively with VicRoads regarding roadworks associated with this MDP to facilitate road access to the site.

An assessment of the proposal in relation to the relevant provisions of *Melbourne 2030 – Planning for Sustainable Growth* (Department of Infrastructure 2002).

There can be no equivalent of this assessment for this MDP. As stated in the Essendon Airport Master Plan 2003, 61)

The Victorian Government has issued a draft 30 year plan to manage growth and change across Metropolitan Melbourne called Melbourne 2030. This document contains many worthy initiatives but there is a fundamental inconsistency between the statement in Melbourne 2030 that ‘in the medium term, this facility [Essendon Airport] should be closed’ and this Master Plan. The development of Essendon Airport as an activity centre with a variety of commercial uses in accordance with this Master Plan is, however, broadly consistent in the long term with the statement in Melbourne 2030 that ‘the creation of a mixed-use activity centre might be supported’. The Master Plan is consistent with the Commonwealth’s policy to encourage development on airport sites that provide economic and employment opportunities for the surrounding community.

As Essendon Airport site is Commonwealth land, State Planning legislation, in particular, the Victorian Planning and Environment Act 1987 does not apply.

*Melbourne 2030* makes a number of references to Essendon Airport which are generally inconsistent with the continued use of Essendon Airport as an airport.

"Safeguarding our airports

There will be protection for flight paths and future development options at Melbourne’s core airports – Melbourne, Avalon, Point Cook and Moorabbin. Essendon Airport (once closed) and the former RAAF Laverton airbase will be redeveloped for a mix of uses in accordance with the directions of *Melbourne 2030* (Initiatives 4.3.6 – 4.3.9)." (p 19)

"Essendon Airport’s current role in providing specialised functions related to aviation, freight and logistics is recognised. In the medium term, this facility should be closed as an airport and transformed into a significant employment and residential precinct that builds on the current functions. The creation of a mixed-use activity centre might be supported. This would depend on successful resolution of issues of public transport access (such as linking to the Principal Public Transport Network), and its role in the network of centres in the region." (p 78)

*Melbourne 2030* discourages what it calls "out-of-centre development”. The Bulla Road site is not an activity centre listed in Melbourne 2030, despite the substantial activity already occurring at Essendon Airport and the fact that Melbourne (Tullamarine) Airport is listed as an activity centre. The following section from *Melbourne 2030* illustrates this approach:

"Out-of-centre development

New single-use retail, commercial and recreational facilities that are remote from other attractions and from public transport generate an aggregate more car trips and longer journeys than similar facilities that are co-located and more easily accessible. Where development takes place distant from an activity centre, that is, ‘out-of-centre’, it is harder to provide equitable access to services and facilities for all the population. This form of development does not contribute to a local sense of place, and encourages people to use their cars more, thus increasing costs to the community. It can also divert the activity necessary to sustain a thriving and diverse range of accessible services at existing activity centres.

Proposals for development or expansion of activities remote from activity centres will be discouraged by giving preference to locations in or on the border of an existing activity centre. Out-of-centre proposals will only be considered where it can be convincingly demonstrated that the proposed use or development is of net benefit to the community in the region served by the proposal."
New evaluation criteria will be developed against which these proposals will be measured (see "Out-of-centre assessment criteria").

Although Essendon Airport is not currently nominated as an activity centre for the purposes of *Melbourne 2030*, this could be done in the future. Melbourne (Tullamarine) Airport has been nominated as a specialized activity centre. *Melbourne 2030* provides the following definition of an activity centre:

"Provide the focus for services, employment and social interaction in cities and towns. They are where people shop, work, meet, relax and often live. Usually well-served by public transport, they range in size and intensity of use from local neighbourhood strip shopping centres to traditional universities and major regional malls."
REFERENCES


Essential Economics Pty Ltd 2003 Essendon Airport Retail Development Assessment of Catchment Spending Potential November 2003

Essential Economics Pty Ltd 2004 Essendon Airport Retail and Outlet Centre Development Economic Impact Assessment July 2004


Meinhardt (Vic) Pty Ltd. 2002. Preliminary Environmental Site Assessment, Bulla Road Precinct, Bulla Road, Essendon Airport, Victoria.


### ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AADT</td>
<td>Average annual daily traffic</td>
</tr>
<tr>
<td>AAV</td>
<td>Aboriginal Affairs Victoria</td>
</tr>
<tr>
<td>ABC</td>
<td>Airport Building Controller</td>
</tr>
<tr>
<td>AEO</td>
<td>Airport Environment Officer</td>
</tr>
<tr>
<td>AHC</td>
<td>Australian Heritage Commission</td>
</tr>
<tr>
<td>AHD</td>
<td>Australian height datum</td>
</tr>
<tr>
<td>ALC</td>
<td>Airport Lessee Company</td>
</tr>
<tr>
<td>AS</td>
<td>Australian Standard</td>
</tr>
<tr>
<td>AsA</td>
<td>Airservices Australia</td>
</tr>
<tr>
<td>BCA</td>
<td>Building Code of Australia</td>
</tr>
<tr>
<td>CASA</td>
<td>Civil Aviation Safety Authority</td>
</tr>
<tr>
<td>Cwth</td>
<td>Commonwealth</td>
</tr>
<tr>
<td>DoTRS</td>
<td>Department of Transport and Regional Services</td>
</tr>
<tr>
<td>EA</td>
<td>Environment Australia</td>
</tr>
<tr>
<td>EAPL</td>
<td>Essendon Airport Pty Ltd</td>
</tr>
<tr>
<td>EMP</td>
<td>Environmental Management Plan</td>
</tr>
<tr>
<td>EMS</td>
<td>Environmental Management System</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Protection Authority (Victoria)</td>
</tr>
<tr>
<td>EPBC Act</td>
<td>Environment Protection Biodiversity Conservation Act 1996 (Cwth)</td>
</tr>
<tr>
<td>GLAR</td>
<td>Gross lettable area - retail</td>
</tr>
<tr>
<td>ILS</td>
<td>Instrument landing system</td>
</tr>
<tr>
<td>MAD</td>
<td>Major airport development</td>
</tr>
<tr>
<td>MDP</td>
<td>Major development plan</td>
</tr>
<tr>
<td>NLA</td>
<td>Net lettable area</td>
</tr>
<tr>
<td>SER</td>
<td>Supporting expert's report</td>
</tr>
<tr>
<td>TPH</td>
<td>total petroleum hydrocarbons</td>
</tr>
<tr>
<td>UST</td>
<td>underground storage tanks</td>
</tr>
</tbody>
</table>
APPENDICES
Appendix A  Consistency of the Draft MDP with Section 91 requirements

This appendix indicates the requirements under s91 of the Airports Act 1996 for the contents of a MDP and demonstrates that this MDP is consistent with these requirements.

<table>
<thead>
<tr>
<th>91 Contents of a major development plan</th>
<th>Relevant section(s) of this MDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A major development plan, or a draft of such a plan, must set out:</td>
<td></td>
</tr>
<tr>
<td>(a) The airport lessee company's objectives for the development; and</td>
<td>Section 1.3</td>
</tr>
<tr>
<td>(b) the airport-lessee company's assessment of the extent to which the future needs of civil aviation users of the airport, and other users of the airport, will be met by the development; and</td>
<td>Section 1.3 and Table 1</td>
</tr>
<tr>
<td>(c) a detailed outline of the development; and</td>
<td>Sections 2.1 to 2.9 inclusive</td>
</tr>
<tr>
<td>(d) if a final master plan for the airport is in force—whether or not the development is consistent with the final master plan; and</td>
<td>Section 5.4</td>
</tr>
<tr>
<td>(e) if the development could affect noise exposure levels at the airport—the effect that the development will be likely to have on those levels; and</td>
<td>Not applicable — see Section 3.4</td>
</tr>
<tr>
<td>(f) the airport lessee company's plans, developed following consultations with the airlines that use the airport, local government bodies in the vicinity of the airport and—if the airport is a joint user airport—the Department of Defence, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels; and</td>
<td>Not applicable — see Section 3.4</td>
</tr>
<tr>
<td>(g) an outline of the approvals that the airport-lessee company, or any other person, has sought, is seeking or proposes to seek under Division 5 or Part 12 in respect of elements of the development of the development; and</td>
<td>Division 5 — see section 5.3. Part 12 — not applicable (no changes to airspace protection)</td>
</tr>
<tr>
<td>(h) the airport lessee company's assessment of the environmental impacts that might reasonably be expected to be associated with the development; and</td>
<td>Sections 3.1 to 3.18 inclusive</td>
</tr>
<tr>
<td>(i) the airport lessee company's plans for dealing with the environmental impacts mentioned in paragraph (h) (including plans for ameliorating or preventing environmental impacts); and</td>
<td>Sections 3.1 to 3.18 inclusive</td>
</tr>
<tr>
<td>(k) if a draft environmental strategy has been approved—the date of the approval; and</td>
<td>Section 5.4</td>
</tr>
<tr>
<td>(l) such other matters (if any) as are specified in the regulations.</td>
<td>n/a</td>
</tr>
</tbody>
</table>

2 Paragraphs (1) (a) to (k) (inclusive) do not, by implication, limit paragraph (1) (l).

3 The regulations may provide that, in specifying a particular objective, assessment outline or other matter covered by subsection (1), a major development plan, or a draft of such a plan must address such things as are specified in the regulations.

4 In specifying a particular objective or proposal covered by paragraph (10) (a) or (c), a major development plan, or a draft of such a plan, must address the extent (if any) of consistency with planning schemes in force under a law of the State or Territory in which the airport is located.

5 Subsection 4 does not by implication, limit subsection (3)

6 In developing plans referred to in paragraph (1) (f), an airport lessee company must have regard to Australian Standard AS2021—1994 (Acoustics—Aircraft noise intrusion—Building siting and construction).

7 Subsection (6) does not, by implication. Limit the matters to which regard may be had.

n/a
<table>
<thead>
<tr>
<th>Regulation 5.04 of the Airports Regulations 1997</th>
<th>Relevant section(s) of this MDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>For subsection 91 (3) of the Act, a major development plan must address the obligations of the airport-lessee company as sublessor under any sublease of the airport site concerned, and the rights of the sublessee under any such sublease, including:</td>
<td>Section 1.01</td>
</tr>
<tr>
<td>(a) any obligation that has passed to the relevant airport-lessee company under subsection 22 (2) of the Act or subsection 26 (2) of the Transitional Act; or</td>
<td></td>
</tr>
<tr>
<td>(b) any interest to which the relevant airport lease is subject under subsection 22 (3) of the Act, or subsection 26 (3) of the Transitional Act.</td>
<td></td>
</tr>
</tbody>
</table>
Appendix B  Draft Construction Environmental Management Plan
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Document status

<table>
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<tr>
<th>Rev. no.</th>
<th>Document purpose</th>
<th>Project Engineer(s) / Scientist(s)</th>
<th>Reviewer</th>
<th>Approved for issue</th>
</tr>
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<tbody>
<tr>
<td>A</td>
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<td>H. Szabo</td>
<td>P. Fridell</td>
<td></td>
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<tr>
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<td>Approved by</td>
</tr>
<tr>
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<td>Final</td>
<td>H. Szabo</td>
<td>P. Fridell</td>
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<td>P. Fridell</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9/8/04</td>
</tr>
</tbody>
</table>
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1. **INTRODUCTION**

1.1 **PURPOSE**

The purpose of the Environmental Management Plan (EMP) is to outline management procedures of the potential impacts for the proposed Bulla Road Precinct Development (the site).

This Environmental Management Plan (EMP) is to be included as part of the Major Development Plan for the Bulla Road Precinct, to be submitted to the Department of Transport and Regional Services (DoTaRS). This EMP outlines procedures for the construction phase of the project only. An operation phase EMP will be developed prior to operations commencing at the site.

1.2 **OBJECTIVE**

The objective of the EMP is to:

- outline management procedures for potential environmental impacts identified within the Major Development Plan; and
- outline management procedures for any aspects of the project identified as having a potential impact.

The EMP presents a framework for environmental management during construction of the site, however it is recognised that this framework will require review and updating at key stages of development (i.e. appointment of construction contractors, commencement of works and commencement of operations).

1.3 **SCOPE**

The scope of work undertaken in assembling this EMP included:

- a walk-over site inspection of the site;
- a review of relevant legislation;
- a detailed description of the development;
- an investigation into the potential impacts of the proposal; and
- a description of management procedures which aim to reduce any environmental impacts.

1.4 **CONSULTATION**

The following personnel / organisations were consulted during the preparation of this EMP:

- Essendon Airport Pty Ltd; and
- Airport Environment Officer (Essendon Airport).
2. LEGISLATIVE FRAMEWORK

2.1 COMMONWEALTH LEGISLATION

2.1.1 Airports Act 1996

Essendon Airport is located on Commonwealth land and therefore is subject to Commonwealth law. Airports are leased to an airport-lessee company, which for Essendon Airport is Essendon Airport Pty Ltd (EAPL). EAPL manage and operate the airport and must provide major development plans for developments at the airport in accordance with the Airports Act 1996. The Airports Act 1996 is administered by the Department of Transport and Regional Services (DoTaRS), and by the DoTaRS representative - the Airport Environment Officer (AEO).

Specific environmental regulations are outlined in the Airports (Environment Protection) Regulations 1997.

2.1.2 Airports (Environmental Protection) Regulations 1997

The Airports (Environment Protection) Regulations 1997 were created under the Airports Act 1996. The Regulations establish a Commonwealth system of regulation of "activities at airports that generate, or have potential to generate pollution or excessive noise", and to promote improved environmental management practices for activities carried out at airport sites. These regulations do not apply to:

(a) "pollution generated by an aircraft; or
(b) noise generated by an aircraft in flight or when landing, taking off or taxiing at an airport".

The Regulations define pollution and excessive noise, outline the duties of operators of undertakings at airports, outline the monitoring and reporting requirements and provide accepted limits for air pollution, water pollution, soil pollution and excessive noise.

2.1.3 Other Relevant Acts

Other relevant federal Acts include:

- Environment Protection and Biodiversity Conservation Act 1999
- Air Services Act 1995
- Airports (Transitional) Act 1996
- Air Navigation (Aircraft Noise) Regulations 1984
- Air Navigation Act 1920
- Australian Heritage Commission Act 1975
- Ozone Protection Act 1989
2.2 STATE LEGISLATION

Essendon Airport is operated by EAFL and is principally subject to Commonwealth laws. The pre-eminent environmental legislation for operation of the airport is the Airports Act 1996 and for environmental matters, the Airports (Environmental Protection) Regulations 1997. The Commonwealth has recognised that with regard to areas not addressed in the federal legislation, State laws may be applicable with respect to regulating activities on airport land. Waste management is an example of where State laws apply.

Relevant state legislation that applies to construction activities at the Bulla Road Precinct on Essendon Airport includes:

- Industrial Waste Management Policy (Prescribed Industrial Waste) 2000

This policy aims to achieve the objective of the Environment Protection Act 1975 in relation to waste management. The Policy outlines a waste management hierarchy, with a focus on waste reduction.

- Environmental Protection (Prescribed Waste) Regulations 1998

The regulations outline the responsibilities of the waste generator, the waste transporter and the waste receiver. The regulations also define prescribed industrial wastes.

- Dangerous Goods Act 1985

This Act promotes the safety of persons and property in relation to the manufacture, storage, transport, transfer, sale and use of dangerous goods, and to ensure that adequate precautions are taken against certain fires, explosions, leakages and spillages of dangerous goods.

- Dangerous Goods (Storage and Handling) Regulations 2000

These regulations require occupiers of premises where dangerous goods are stored to undertake an assessment of hazards and risks associated with the storage of the dangerous goods.

- Occupational Health and Safety (Asbestos) Regulations 2003

These regulations are concerned with the processing and handling of asbestos in the workplace. The 2003 regulations took effect on 2nd February 2004.
3. BULLA ROAD PRECINCT DEVELOPMENT

The proposed development is an Outlet Centre and a group of smaller buildings intended for bulky goods retail use totalling approximately 81,200 m² on a 13 hectare site in the Bulla Road Precinct at Essendon Airport. The proposal involves:

- a single storey building (with an area of approximately 25,000 m²) to accommodate an Outlet Centre comprised of independent shops arranged around an internal mall system;
- three other buildings totalling approximately 36,200 m² to accommodate bulky goods use;
- associated facilities and works for the whole site namely:
  - demolition of most existing buildings and improvements on site;
  - installation of drainage and water treatment facilities;
  - relocation or reconfiguration of some existing physical services on the site;
  - surface parking for 1,917 cars;
  - site landscaping around sections of the site boundary and throughout the car park;
  - road and other civil works beyond the Airport boundary.
4. POTENTIAL ENVIRONMENTAL IMPACTS

4.1 LAND

The existing site has flat terrain, and as a result, the proposed development will not significantly impact on the site topography.

Potential impacts that may arise as a result of construction activities include:

- spoil from levelling of the site and from service trenches;
- dust created from earth-moving activities; and
- wind erosion of exposed soils.

These impacts can be managed through:

- following procedures for removal of spoil as per Victorian EPA guidelines;
- using water carts (for dust suppression); and
- limiting the amount of soil exposed at a time.

The potential impacts posed by the development of the Bulla Road Precinct on the land are therefore low.

4.2 WATER

The nearest waterways include Moonee Ponds Creek to the east and Steele Creek to the west. Stormwater drains on the Essendon Airport site drain into both Creeks.

During construction, stormwater may have an increased sediment load. Sediment reduction controls will be put in place to ensure that stormwater sediment concentrations are below the Airports (Environment Protection) Regulations 1997.

4.3 AIR

During the development of the Bulla Road Precinct, there is potential for dust and exhaust emissions. Dust will be reduced using dust suppression devices such as water carts spraying the soil on a regular basis. In addition, dust from haulage can be reduced by placing covers on the loads.

4.4 NOISE

The construction will create noise emissions from truck haulage, excavations and building construction. These impacts will be reduced by efficient site planning for operating hours and limiting the speed of trucks.

4.5 FLORA AND FAUNA

The site is currently covered by limited areas of grass and significant hardstand areas. No rare, endangered or vulnerable flora or fauna have been identified within the vicinity of the site.
5. CONSTRUCTION MANAGEMENT PROCEDURES

The Construction Management Procedures refer to the period during which the Bulla Road Precinct is being assessed, demolished and built. The Works Site Manager is responsible for recording any discrepancies or incidents and ensuring that the Construction Management Procedures are followed. A daily log of activities should be maintained by the Works Site Manager.

5.1 ENVIRONMENTAL MANAGEMENT

5.1.1 Land

These procedures describe how soil pollution and erosion management should be undertaken to protect environmental quality.

Objectives

- To reduce off-site soil loss and the erosion of soil during construction works.

Targets

- Sediment runoff controlled.
- No impact on surrounding environment from sediment runoff.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erosion</td>
<td>Install and maintain erosion controls on unstable slopes so that they remain effective during any pause in construction.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Keep vehicle traffic to well-defined haul roads.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Design the slope of a cut to reduce the angle of incline.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Vehicles to be washed down in a designated area, which will capture all wash down water. Vehicles are to be washed down to reduce dust and dirt being carried off site.</td>
<td>Vehicle operators</td>
</tr>
<tr>
<td>Stockpiles</td>
<td>Stockpiles are to be located away from stormwater drains.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Construct long term stockpiles with no slope greater than 2:1 (horizontal to vertical).</td>
<td></td>
</tr>
<tr>
<td>Fill Material</td>
<td>The site has been covered with a layer of fill. Excavations should be examined for signs of contamination within the fill (e.g. staining, rubble).</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Meinhardt</td>
<td></td>
</tr>
<tr>
<td>Spill</td>
<td>Excavated material to be removed off site is to be tested for potential contaminants.</td>
<td>Meinhardt</td>
</tr>
<tr>
<td></td>
<td>Any soil removed off site must be tested, transported and disposed according to Victorian waste disposal regulations and guidelines.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Meinhardt</td>
<td></td>
</tr>
<tr>
<td>Importe soil or fill</td>
<td>Any soil or fill imported to the site will be required to be tested by the supplier for contamination. Any imported material used onsite must be classified as fill material under EPA Publication 448.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Meinhardt</td>
<td></td>
</tr>
<tr>
<td>Asbestos</td>
<td>Asbestos will be handled, packaged and removed in</td>
<td>Asbestos Contractor</td>
</tr>
</tbody>
</table>

Revision 04

Meinhardt Infrastructure & Environment Pty Ltd
5.1.2 Water

These procedures describe how water pollution prevention and stormwater management should be undertaken to protect environmental quality.

Objectives

- Reduce wastewater discharge.
- No impact on offsite surface or groundwater(s) due to construction activities.
- Site stormwater will be managed such that there will be no contaminated water discharged off-site.

Targets

- No impact on surface waters.
- Wastewater management to incorporate the principles of reduce, re-use and recycling prior to disposal.
### 5.1.3 Air

These procedures describe how dust control and air quality management should be undertaken to protect air quality.

**Objectives**

- To ensure that air pollution and dust are within *Airport (Environment Protection) Regulations 1997*.

**Targets**

- Air exhausts within *Airports (Environment Protection) Regulations 1997* acceptable limits.
- Reduce dust emissions.
- No complaints received in relation to air emissions or dust.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dust control</td>
<td>Water exposed areas when visible dust is observed.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Water stockpiles to suppress dust.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consider using crushed rock or water on main haul roads in the event of excessive dust generation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A vehicle washdown area will be provided for all vehicles leaving the site.</td>
<td>Vehicle Operators Works Site Manager</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Site construction equipment and vehicles should be routinely maintained by operators.</td>
<td>Vehicle Operators</td>
</tr>
<tr>
<td></td>
<td>No burning or incineration of waste is to occur on-site.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Underground storage tank removal will be conducted with a LEL meter onsite to measure gases during excavation.</td>
<td>Meinhardt</td>
</tr>
</tbody>
</table>
5.1.4 Noise

These procedures describe how noise emissions will be reduced.

Objectives

- To ensure all noise emissions are within the acceptable limits as specified by the Airports (Environment Protection) Regulations 1997.
- To ensure that the generation of noise from construction activities is kept to a level low enough to not significantly affect the amenity of contractors and surrounding land users.

Targets

- No complaints received in regards to noise emissions during the construction phase.
- No violation of noise regulations.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise Emissions</td>
<td>Fit all pneumatic tools, vehicles and plant with silencers where specifications allow.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Ensure noise labels are affixed to new mobile air compressors and pavement breakers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintain noise suppression devices to the manufacturer's specifications.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Regularly maintain equipment and machinery.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintain a record of maintenance activities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No noise emissions from construction or demolition activities will be discernible from a habitable room of a sensitive area between the hours of 7pm and 7am.</td>
<td></td>
</tr>
</tbody>
</table>

5.1.5 Flora and Fauna

These procedures describe how the site should be managed to protect flora and fauna.

Objectives

- No impact on adjacent vegetated areas.

Targets

- No signs of impact on adjacent vegetation

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flora</td>
<td>Erosion, sedimentation and stormwater may impact on offsite flora and fauna. Refer to Land and water Management Procedures for control measures.</td>
<td>Works Site Manager</td>
</tr>
</tbody>
</table>
5.2 WASTE MANAGEMENT

These procedures describe how waste management should be undertaken to protect environmental quality.

Objectives

- Reduce the volume and the potential impact of waste generated on the site.
- Reuse of materials where possible.
- To ensure that all litter is disposed of in a responsible manner.

Targets

- To reuse or recycle materials where possible.
- Avoidance of waste where possible.
- No complaints will be received in relation to site litter or appearance.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Materials will be reused or recycled where possible, with appropriate storage and collection arrangements established as required.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Provide designated and well signed bins for materials to be recycled.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waste oil is to be collected in a dedicated container.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transport and dispose of all waste that can not be practicably recycled to appropriate EPA licensed facilities as per EPA waste policies and guidelines.</td>
<td>Meinhardt Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Follow the waste management hierarchy of reduce, reuse, recycle and recover wastes.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Waste will be managed to prevent generation of litter, transmission of odours and control vermin (e.g. bin lids are to be kept closed).</td>
<td></td>
</tr>
<tr>
<td>Litter control</td>
<td>Provide bins for general waste at prominent waste generation areas within the site (e.g. Lunch rooms, onsite offices).</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Ensure that litter is not left where it can be washed or blown off-site.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clean litter from key areas of the site at least weekly.</td>
<td></td>
</tr>
</tbody>
</table>
5.3 STORAGE AND HANDLING OF HAZARDOUS MATERIALS

These procedures describe how the storage and handling of hazardous materials management should be undertaken to protect environmental quality.

Objectives

- Reduce the volume and the potential impact of waste generated on the site.
- To prevent and control chemical spillage.
- Comply with:
  - Dangerous Goods Act 1985
  - Australian Standard AS1940-1993 Storage and Handling of Flammable and Combustible Liquids
  - Storage & Handling of Dangerous Goods Regulations

Targets

- No impact on the surrounding environment from hazardous materials generated at the site.
- No spillage of stored fuels and chemicals.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Wastes identified as Regulated Wastes will be disposed and transported as per the Regulations.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Only store the required volumes of fuel and/or chemicals.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chemical and oil containers are to be kept on spill control pallets.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintain the integrity of any storage tanks.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Label storage tanks appropriately in accordance with the Dangerous Goods Regulations and Australian Standards.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fit automatic cut-offs on fuel dispensers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Store an appropriately stocked spill kit on site, for use in the event of fuel or chemical spills.</td>
<td></td>
</tr>
</tbody>
</table>

5.4 HERITAGE AND ARCHAEOLOGY

Objectives

- To ensure archaeological features are protected during construction works.

Targets

- All historical and archaeological features identified.
- Manage all identified historical and archaeological features as per relevant statutory requirements.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Report any suspected aboriginal sites to Aboriginal Affairs Victoria. Stop work in the event that works may deface or damage an Aboriginal relic until the issue is resolved appropriately. Monitor heritage buildings for vibration damage during construction.</td>
<td>Works Site Manager</td>
</tr>
</tbody>
</table>

5.5 ENERGY CONSERVATION

Objectives
- Reduce wastage of energy, production of greenhouse gases and lifecycle costs of energy and energy using equipment.

Targets
- To achieve the lowest energy use.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Identify opportunities for energy conservation during the design and construction phase of the development.</td>
<td>Works Site Manager</td>
</tr>
</tbody>
</table>

5.6 GENERAL ENVIRONMENTAL MANAGEMENT PROCEDURES

These procedures describe how the site should be managed to reduce the impact on staff and nearby residents.

5.6.1 Occupational Health and Safety

Objectives
- Maintain a safe working environment for all staff and visitors.

Targets
- No incidents reported.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Wear / use protective equipment appropriate to tasks being undertaken. Conduct Induction training in respect of OH&amp;S for all staff. Maintain records for all employees who have undergone OH&amp;S induction training. Provide sufficient OH&amp;S equipment (e.g. First Aid Kits, emergency showers in appropriate locations). Undertake regular emergency drills. Maintain records of any incidents that have occurred, including management actions taken to prevent the incident from occurring again.</td>
<td>All staff Works Site Manager</td>
</tr>
</tbody>
</table>
5.6.2 Inspection and Maintenance Procedures

Objectives

- No impact on the surrounding environment, staff or nearby residents.

Targets

- Machinery working at optimum conditions.
- Reduce "down time" for machinery undergoing maintenance.

5.6.3 Training Procedures

Objectives

- Maintain a safe working environment for all staff and visitors.
- Ensure that staff and visitors are aware of environmental risks and procedures to reduce environmental impact.

Targets

- All staff receiving appropriate training.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Ensure there is sufficient signage regarding first aid locations.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Prepare a site occupational health and safety plan for demolition and construction works.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Keep a record of all inspections and maintenance.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td>General</td>
<td>Ensure all staff receive induction training at the start of their employment.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Maintain records for all employees who have undergone training.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provide ongoing training for all staff.</td>
<td></td>
</tr>
</tbody>
</table>
5.6.4 Emergency and Incident Reports

Objectives

No impact on the surrounding environment, staff or nearby residents.

Targets

All incidents will be managed and resolved as quickly as possible to reduce the impact on the environment and human health.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Develop and maintain emergency and incident procedures and reporting forms, including contact details for assistance and reporting (e.g. AEO, emergency services) and the procedure, responsibilities and roles to be observed for specific scenarios (e.g. spill management).</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>All staff will report every emergency incident to the site manager as soon as practicable.</td>
<td>All staff</td>
</tr>
<tr>
<td></td>
<td>Ensure incident is resolved and recorded.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Coordinate incident response and ensure incident is resolved.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Direct staff to control the discharge and supervise the operation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stop the spill at the source if possible.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Report incidents to the EPA where offsite impacts to air or waters occur.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Review incidents and response actions with a view to avoiding recurrence of incidents.</td>
<td></td>
</tr>
</tbody>
</table>

In the event of an emergency, at least one the following should be immediately contacted:

<table>
<thead>
<tr>
<th>Name</th>
<th>Company &amp; Position</th>
<th>Contact Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tim Anderson</td>
<td>Essendon Airport Pty Ltd General Manager</td>
<td>0419 143 003 (03) 9379 9077</td>
</tr>
<tr>
<td>Justin Giddings</td>
<td>Essendon Airport Pty Ltd Operations Manager</td>
<td>0402 043 471 (03) 9379 9077</td>
</tr>
<tr>
<td>Paul Fridell</td>
<td>Meinhardt Infrastructure &amp; Environment Senior Environmental Scientist</td>
<td>0401 692 622 (03) 8676 1200</td>
</tr>
</tbody>
</table>
5.6.5 Complaints

Objectives

- All complaints will be managed and resolved as quickly and efficiently as possible.

Targets

- No complaints received.
- All complaints resolved to the satisfaction of all parties involved.
- All complaints will be dealt with within 24 hours in accordance with the complaints procedure.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Establish nature of complaint and record details of complaint in the incident register.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Coordinate complaint response and ensure problem is resolved.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note details of complainant, time, date of incident, nature of problem, outcome of resulting investigation, solution to problem and name of person dealing with complaint.</td>
<td></td>
</tr>
</tbody>
</table>

5.6.6 Monitoring

Objectives

- No impact on the surrounding environment due to construction activities.

Targets

- Air, water and soil pollution below accepted limits as specified in the Airports (Environment Protection) Regulations 1997.
- Noise levels below excessive noise guidelines as specified in the Airports (Environment Protection) Regulations 1997.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Routine inspections of the stormwater system, are to be conducted, in particular after a rainfall event.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Noise monitoring will be conducted via observations and the review of any complaints received from surrounding residential areas or regulatory authorities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dust emissions will be monitored via personal observations and the review of any complaints received from surrounding residential areas or regulatory authorities.</td>
<td></td>
</tr>
</tbody>
</table>
5.6.7 Reporting and Auditing

Objectives
- No impact on surrounding environment.

Targets
- Compliance with DoTaRS requirements.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedures</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Conduct periodic reviews of maintenance and inspection procedures to ensure adequate controls on environmental impact.</td>
<td>Works Site Manager</td>
</tr>
<tr>
<td></td>
<td>Record details of incidents and the corrective actions taken.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Record details of complaints and the corrective actions taken.</td>
<td></td>
</tr>
</tbody>
</table>
ESSENDON AIRPORT
BULLA ROAD PRECINCT - RETAIL & FACTORY
OUTLET CENTRE

TRAFFIC REPORT

Prepared by:
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Web: www.grorich.com.au

29 October 2003

GR Ref: 101806BullaRep006.doc/CM/JG

Reviewed by: Chris Maragos
Date: ______________________

Authorised by: ______________________
Date: ______________________
1. **INTRODUCTION**

Grogan Richards Pty Ltd has been retained by The Becton Group and Linfox to prepare a traffic engineering assessment for a proposed direct factory outlet and bulky goods development at Essendon Airport.

In the course of preparing this report the subject site and environs have been inspected, plans of the proposal viewed, relevant traffic data collected and analysed and case study data reviewed.

2. **EXISTING CONDITIONS**

2.1. **Location and Land Use**

The development site is contained within the southeast portion of Essendon Airport as shown in Figure 1.

Essendon Airport abuts the Tullamarine Freeway along its south and west boundaries and is located approximately 15 kilometres north from Melbourne and around 7 kilometres southeast from Melbourne Airport. Surrounding land use to the north, east and south is predominantly residential and to the west are a mix of commercial, retail and light industrial uses. Adjacent to the southern boundary of the site is the Tullamarine Freeway/Bulla Road interchange.

The subject site currently contains existing airport buildings, car parks, taxiways, industrial buildings, 3 Telstra phone towers, a Citylink Customer Service Centre and the Essendon Produce business.
2.2. Road Network

*Tullamarine Freeway* forms part of Melbourne’s freeway network, linking Melbourne Airport in the northwest to Citylink in the southeast. In the vicinity of the site the Tullamarine Freeway has a dual carriageway and operates with 3 traffic lanes in either direction.

*Bulla Road* is classified as a secondary arterial road and extends from Mt Alexander Road in the southwest to Essendon Airport in the northwest. To the south of the site Bulla Road has a wide dual carriageway cross-section, however in the vicinity of the site Bulla Road narrows to a single carriageway approximately 8.0 metres wide.

At the Tullamarine Freeway and Bulla Road interchange, an off ramp is provided from the eastbound Freeway carriageway, which becomes the southbound carriageway of Bulla Road. A left turn lane is also provided from the ramp to Bulla Road.

An off ramp is also provided from the westbound Freeway carriageway to Bulla Road, however this ramp only permits southbound movement along Bulla Road.

On ramps are also provided from Bulla Road for westbound and eastbound Freeway traffic.

*Woodland Street* is classified as a secondary arterial road and runs west from Bulla Road with a divided carriageway. Its T-intersection with Bulla Road is controlled by traffic signals.
2.3. Traffic Volumes

Data collected on behalf of this firm and obtained from VicRoads and Moonee Valley City Council has been collated to produce estimates of current daily and peak hour traffic volumes on the adjacent road network. A review of the data suggests that the AM and PM peak commuter peak periods occur from 8.00-9.00am and 5.15-6.15pm respectively.

Figure 2 shows daily traffic volumes for a typical weekday and Figure 3 and Figure 4 indicate typical traffic volumes during the AM and PM commuter peak hours. A summary of typical peak hour turning movements is provided as Figure 5.

Additionally, Grogan Richards also commissioned peak hour turning movement counts at the intersection of Bulla Road and Woodland Street. The results are summarised in Figure 6.
Figure 3:  Adjacent Road Network  
Typical 8.00-9.00am Weekday Peak Hour Traffic Volumes

Figure 4:  Adjacent Road Network  
Typical 5.15-6.15pm Weekday Peak Hour Traffic Volumes
Figure 6: *Bulla Road / Tullamarine Freeway Interchange*

*Summary of Typical Weekday Peak Hour Flows – 2003 Conditions*

---

**Key:**
- 8.00-9.00am peak
- [5.15-6.15pm peak]
2.4. Public Transport

Limited public transport services operate in the vicinity of the subject site. Bus route 479, which runs between Moonee Ponds Junction & Airport West Shopping Centre and Sunbury Railway station runs along Bulla Road and the Tullamarine Freeway. On weekends this service extends south to Flinders Street in the City.

The Airport West tram service runs along Keilor Road approximately one kilometre south of the site where it connects to the bus route.
3. VICROADS FREEWAY PROPOSAL

3.1. General

Vic Roads have investigated options for improving the safety and capacity of the Tullamarine Freeway / Calder Freeway "merge". The design is influenced by a number of factors including the road design speed, which at present is 100kmh on the Calder and 80kmh on the Tullamarine and maximum road elevation constraints due to the proximity to Essendon Airport.

The current "preferred" option is option 7A, which is based upon design speeds on both freeways of 100kmh assuming that both runways are operating, other options are under consideration based upon 80kmh design speed.

Vic Roads, in conjunction with Transurban, are also investigating an alternative layout that requires less land acquisition from the airport.

3.2. Option 7A

Option 7A is represented in Figure 7. The currently proposed realignment will result in approximately 27 hectares of land being annexed from the Essendon Airport site, however final land requirements would be dependent on detail design and negotiation with the relevant stake holders.

The proposal is designed to remove the traffic congestion associated with the Tullamarine-Calder-Airport weaving manoeuvre, and also provides for a much longer off-ramp to Bulla Road.

Consequently, the design would represent a considerable improvement on the relatively short Bulla Road off-ramp that exists under 2003 conditions, and remove the possibility of cars queuing back from Bulla Road onto the freeway.

The concept for the Bulla Road Interchange, shown in Figure 7, could be modified to match into the proposed alignment of the freeway on and off-ramps as proposed as part of this development and shown on plans of the proposal. Consequently the redevelopment of the Bulla Road Precinct would not place a constraint on the future implementation of this or a similar option for the upgrade of the Tullamarine Freeway – Calder Freeway junction.
Figure 7: Proposed Tullamarine Freeway Realignment
4. THE PROPOSAL

4.1. General

It is proposed to retain the existing Telstra towers, Citylink Customer Service Centre and Essendon Produce business and to demolish the remaining buildings on the subject site to construct a mixed-use development containing the following components:

**Table 1: Proposed Floor Area Schedule**

<table>
<thead>
<tr>
<th>Use</th>
<th>Gross Floor Area</th>
<th>Lettable Floor Area (NLA)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory Outlet Centre</td>
<td>25,000 sq.m</td>
<td>20,000 sq.m</td>
</tr>
<tr>
<td>Bulky Goods</td>
<td>36,200 sq.m</td>
<td>36,000 sq.m</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>61,200 sq.m</strong></td>
<td><strong>56,000 sq.m</strong></td>
</tr>
</tbody>
</table>

*The lettable floor area of the proposed uses makes allowance for internal walkways, toilets etc.*

4.2. Car Parking

The development plans indicate provision for a total of 1,917 on-site car spaces, and 18 bus parking bays.

4.3. Vehicular Access and Proposed Road Improvements

Vehicular access to the site is to be provided off the northern extension of Bulla Road. In order to achieve the desired access arrangements modifications will be required to the Bulla Road interchange ramps with Tullamarine Freeway viz:

- A right turn lane provided for westbound traffic exiting onto Bulla Road and a signalised intersection constructed at the ramp intersection.

- Modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north).

- The ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road. In addition the northbound traffic flow is to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.
The Bulla Road extension will provide access for cars and service vehicles to the proposed carparking areas and development loading zones. Within the car park the major traffic flows are to be catered for by the main east-west boulevard that will intersect with the Bulla Road extension at a T-intersection approximately 110m north of the proposed roundabout.

The road layout at the Bulla Road and Tullamarine Freeway interchange is shown on Grogan Richards Pty Ltd plan 102295/C100/P2 (refer Appendix A).

4.4. Loading Provision

Development plans indicate that all manoeuvring associated with loading activities will be contained on-site. Separate loading areas will be provided for the Factory Outlet Centre and Bulky Goods developments, with loading vehicles using both the northern perimeter road and the east west road to access loading facilities located along the northern, southern and eastern sides of the development.
5. PARKING AND TRAFFIC CHARACTERISTICS OF THE PROPOSED DEVELOPMENT

5.1. Introduction

Traffic volumes and car parking demands generated by mixed-use commercial developments are a function of the level of parking provided, the quality, size, range and type of goods offered for sale/on display, the catchment population density, public transport, road accessibility and the level of competition in the area. Typically peak parking demands occur on a Saturday afternoon.

The impact of traffic generated by stand-alone developments, such as the proposed Bulky Goods and Factory Outlet Centre proposal, is usually the greatest during the Friday evening peak period, when relatively high development traffic volumes combine with peak commuter volumes to produce the greatest overall volumes on the adjacent road network.

For the purposes of this assessment both the Friday AM and PM road network commuter peak periods have been analysed.

5.2. Case Studies

Bulky Goods

Grogan Richards have organised a number of traffic and parking surveys at a number of bulky goods developments such as Myer Megamart at Thomastown and Chadstone, and the Northland Homemaker Centre.

A review of this data indicates that the following rates are appropriate parking and traffic design values to adopt for the proposal:

- Parking Demand 2.5 spaces/100sq.m NLA
- Traffic Generation
  - Friday AM Commuter Peak Hour:
    0.50 movements/100m², comprising
    0.45 IN movements/100m²
    0.05 OUT movements/100m²
  - Friday PM Commuter Peak Hour:
    2.5 movements/100m² comprising
    1.25 IN movements/100m²
    1.25 OUT movements/100m²
Factory Outlet Centre

A review of case study data held by this firm for existing Factory Outlet type developments indicates that the following parking and traffic ratios are appropriate design values to adopt for the proposal:

- Parking Demand 5.0 spaces/100m² NLA

- Traffic Generation
  - Friday AM Commuter Peak Hour:
    - 0.14 movements/100m², comprising
    - 0.05 IN movements/100m²
    - 0.09 OUT movements/100m²
  - Friday PM Commuter Peak Hour:
    - 1.87 movements/100m², comprising
    - 0.83 IN movements/100m²
    - 1.04 OUT movements/100m²

5.3. Adequacy of Car Parking

The parking demand ratios discussed in Section 5.2 will be applied to the proposal as shown in Table 2.

Table 2: Total Car Parking Demand

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Floor Area (m² NLA)</th>
<th>Anticipated Peak Parking Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ratio (spaces/100m² NLA)</td>
</tr>
<tr>
<td>Factory Outlet Centre</td>
<td>20,000</td>
<td>5.0</td>
</tr>
<tr>
<td>Bulky Goods</td>
<td>36,000</td>
<td>2.5</td>
</tr>
<tr>
<td>Total</td>
<td>56,000</td>
<td>-</td>
</tr>
</tbody>
</table>

The proposal is anticipated to generate a peak parking demand for 1,900 spaces. Accordingly, this peak demand will be accommodated by the proposed on-site parking provision of 1,917 spaces.
5.4. Anticipated Traffic Generation and Distribution

As discussed in Section 5.1, it is expected that the most significant impact the proposal will have on the surrounding road network will be during the PM commuter peak hour. However both the AM and PM commuter peak periods will conservatively be included in the following assessment.

Based on the traffic generation ratios adopted in Section 5.1, Table 3 provides a summary of the anticipated development traffic generation.

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Traffic Generation</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direction</td>
<td>Bulky Goods Retail</td>
</tr>
<tr>
<td>Friday, AM Peak Hour</td>
<td>In</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>Out</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>AM Total Movements</td>
<td></td>
</tr>
<tr>
<td>Friday PM Peak Hour</td>
<td>In</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>Out</td>
<td>450</td>
</tr>
<tr>
<td></td>
<td>PM Total Movements</td>
<td></td>
</tr>
</tbody>
</table>

The additional vehicle movements generated by the proposal have been distributed to the adjacent road network, generally based upon traffic volume data summarised in Figure 5, and results are summarised in Figure 8. Although the Citylink Customer Service Centre and Essendon Produce business are to be retained, the traffic volume data for the existing development on the site suggests that the traffic flows attributable to these uses is minimal during the morning and afternoon peak hours, and therefore it has not been included in the estimate of future development flows.

Figure 9 summarises the anticipated post development traffic flows at the Bulla Road and Tullamarine Freeway interchange.
Figure 8: Development Traffic Flows on the Adjacent Road Network Summary of AM and PM Peak Hour Flows
Figure 9:  Post Development Traffic Flows on the Adjacent Road Network
Future Weekday AM and PM Peak Hour Flows
Figure 10: Post Development Traffic Flows at Bulla Road / Woodland Street
Future Weekday PM Peak Hour Traffic Volumes
6. INTERSECTION OPERATING CONDITIONS

The operation of the Bulla Road interchange with the Tullamarine Freeway, and at the Woodland Street intersection has been analysed using aSIDRA (Signalised and unsignalised Intersection Design and Research Aid). This computer package, originally developed by the Australian Road Research Board, provides information about the capacity of an intersection in terms of a range of parameters, as described below:

- **Degree of Saturation (D.O.S.)** is the ratio of the volume of traffic observed making a particular movement compared to the maximum capacity for that movement. Various values of degree of saturation and their rating are shown in Table 4.

<table>
<thead>
<tr>
<th>D.O.S.</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 0.6</td>
<td>Excellent</td>
</tr>
<tr>
<td>0.6 to 0.7</td>
<td>Very Good</td>
</tr>
<tr>
<td>0.7 to 0.8</td>
<td>Good</td>
</tr>
<tr>
<td>0.8 to 0.9</td>
<td>Acceptable</td>
</tr>
<tr>
<td>0.9 to 1.0</td>
<td>Poor</td>
</tr>
<tr>
<td>Above 1.0</td>
<td>Very Poor</td>
</tr>
</tbody>
</table>

Whilst rated as ‘poor’, it is considered acceptable for some critical movements in an intersection to operate in the range of 0.9 to 1.0 during the high peak periods, reflecting actual conditions in a significant proportion of suburban signalised intersections.

- The **95th Percentile (95%ile) Queue** represents the maximum queue length, in metres, that can be expected in 95% of observed queue lengths in the peak hour; and

- **Average Delay** is the delay time, in seconds that can be expected over all vehicles making a particular movement in the peak hour.

The subject intersections have been analysed with the estimated post-development traffic volumes summarised in Figures 9 and 10, and the geometry as shown on Grogan Richards Pty Ltd plan, numbered 10295/C100/P2.

A review of the results indicates the following:-

**Bulla Road / Woodland Street** – this intersection is expected to operate satisfactorily with an acceptable to good rating, which effectively represents little change compared to 2003 operating conditions, i.e. pre and post development queues and delays are similar.
Bulla Road / Tullamarine Freeway Interchange

Southern On and Off-Ramps – The installation of traffic signals to control flows at the intersection of the southern freeway off-ramp is expected to satisfactorily accommodate the expected traffic movements with a rating of very good to excellent during the AM and PM commuter peak hours. Queues and delays at this intersection are not expected to adversely affect the operation of the adjacent intersections or the Tullamarine Freeway.

Northern On and Off Ramps – The construction of a roundabout at the northern section of the interchange is expected to satisfactorily accommodate the anticipated traffic flows during the AM peak hour with a rating of excellent, however, the operation during to PM peak hour is expected to result in relatively long queues on the eastbound off-ramp.

To improve the operation of the freeway off-ramp it is proposed to partially signalise the northbound traffic flow by installing detector loops on the off-ramp whereby queuing vehicles can call up a red light to face northbound traffic and thereby give priority to the traffic exiting from the freeway.

Under these conditions the intersection with the ramps serving the northern freeway carriageway is expected to operate satisfactorily with a rating of good on the western and southern approaches.

A summary of the anticipated intersection operating conditions is provided in Tables 5 and 6.

Table 5: Post-Development Intersection Operating Conditions
Future AM Commuter Peak Hour

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Type of Control</th>
<th>DoS</th>
<th>Queue (m)</th>
<th>Average Delay (secs)</th>
<th>Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulla Road / Eastbound on &amp; off freeway ramps</td>
<td>North (development)</td>
<td>Roundabout</td>
<td>0.03</td>
<td>2</td>
<td>13</td>
<td>Excellent</td>
</tr>
<tr>
<td></td>
<td>South (Bulla Rd)</td>
<td></td>
<td>0.16</td>
<td>0</td>
<td>12</td>
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</tr>
<tr>
<td></td>
<td>East (Freeway on ramp)</td>
<td></td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td></td>
<td>West (Freeway off ramp)</td>
<td></td>
<td>0.52</td>
<td>33</td>
<td>14</td>
<td>Excellent</td>
</tr>
<tr>
<td>Bulla Road / Westbound on &amp; off ramps intersection</td>
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<td>Signalised</td>
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<td>17</td>
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<tr>
<td></td>
<td>South (Bulla Rd)</td>
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<td>0.23</td>
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<td></td>
<td>East (Freeway off ramp)</td>
<td></td>
<td>0.37</td>
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<tr>
<td></td>
<td>West (Freeway on ramp)</td>
<td></td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td>Intersection</td>
<td>Approach</td>
<td>Type of Control</td>
<td>DoS</td>
<td>Queue (m)</td>
<td>Average Delay (secs)</td>
<td>Level of Service</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------</td>
<td>-------------------------</td>
<td>------</td>
<td>-----------</td>
<td>----------------------</td>
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<tr>
<td>Bulla Road / Eastbound on &amp; off freeway ramps</td>
<td>North (development)</td>
<td>Roundabout (with metered south approach)</td>
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<td>120</td>
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<td>0.74</td>
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<td>16</td>
<td>Good</td>
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<td>Na</td>
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<td></td>
<td>West (Freeway off ramp)</td>
<td></td>
<td>0.70</td>
<td>59</td>
<td>12</td>
<td>Good</td>
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<td>Bulla Road / Westbound on &amp; off ramps intersection</td>
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<td>Signalised</td>
<td>0.67</td>
<td>86</td>
<td>16</td>
<td>Very good</td>
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<tr>
<td></td>
<td>South (Bulla Rd)</td>
<td></td>
<td>0.32</td>
<td>44</td>
<td>19</td>
<td>Excellent</td>
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<tr>
<td></td>
<td>East (Freeway off ramp)</td>
<td></td>
<td>0.67</td>
<td>74</td>
<td>40</td>
<td>Very good</td>
</tr>
<tr>
<td></td>
<td>West (Freeway on ramp)</td>
<td></td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
<td>Na</td>
</tr>
<tr>
<td>Bulla Road / Woodland Street</td>
<td>North (Bulla Rd)</td>
<td>Signalised</td>
<td>0.74</td>
<td>111</td>
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<tr>
<td></td>
<td>South (Bulla Rd)</td>
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<td>East (Woodland St)</td>
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<td>0.76</td>
<td>82</td>
<td>43</td>
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</table>
7. SUMMARY AND CONCLUSIONS

Having visited the site, viewed plans of the proposal and collected and analysed relevant traffic and parking data, it is our opinion that:

- The proposal comprises 20,000 square metres NLA of Direct Factory Outlet floor area and 36,000 square metres GLA of Bulky Goods floor area.

- A total provision of 1917 car spaces is to be provided on-site.

- It is anticipated that the proposal will have a peak parking demand for up to 1,900 car spaces, which can be catered for on-site.

- All loading requirements will be catered for on-site.

- Road improvements on the adjacent road network are proposed as part of the development, including the extension of Bulla Road to the north to provide access for the site, as shown on Grogan Richards Plan numbered 102295/C100/P2.

- The partial signalisation of the south approach to the Bulla Road interchange with the eastbound freeway ramps has been proposed to ensure that vehicle queues do not adversely impact on traffic flows along the Tullamarine Freeway for city-bound traffic during the PM peak hour. The installation of detector loops on the off-ramp would allow traffic queuing on the ramp to bring up a red light to face traffic travelling northbound and thereby give priority to traffic exiting from the freeway, particularly during the busy afternoon commuter peak hour.

- At the ultimate development level it is expected that vehicle queues exiting the subject site may be up to 120m long, but that these queues would not interfere with the internal traffic circulation within the carpark areas, or the operation of the external road network.
APPENDIX A

FUNCTIONAL LAYOUT PLAN 102295/C100/P2
ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT

Retail Needs and Economic Impact Assessment

Prepared for

Essendon Airport Pty Ltd

by

Essential Economics Pty Ltd

July 2004
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ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT
ECONOMIC IMPACT ASSESSMENT

1 INTRODUCTION

1.1 Background

This report has been prepared for Essendon Airport Pty Ltd, and presents an independently prepared retail needs and economic impact analysis for the proposed commercial development of the Bulla Precinct of Essendon Airport, located on the north side of the intersection of Tullamarine Freeway and Bulla Road.

This report is part of the environmental assessment process outlined in the Airports Act and specifically relates to the impacts of the proposed development on the surrounding community and existing retail centres.

The Bulla Road development is proposed to include an outlet centre of 20,000 m², and an adjacent retail facility including both bulky goods retailing and traditional retailers, comprising combined floorspace of 36,200 m². Traditional retailers in the development are likely to include a pharmacy, some lifestyle stores, discount variety store and other non-food uses.

Total gross leasable floorspace for the development is 56,200 m².

1.2 Objectives

This report has been undertaken in order to confirm that the following requirements of the Airports Act will be met or exceeded:

- "A major development plan, or a draft of such a plan, must set out ... the airport-lessee company's assessment of the environmental impacts that might reasonably be expected to be associated with the development and the airport-lessee company's plans for dealing with [those] ... impacts ... (including plans for ameliorating or preventing environmental impacts)" [s91(1)(h) & (j)]; and

- "In deciding whether to approve the plan, the Minister must have regard to the following matters ... the impact that carrying out the plan would be likely to have on the environment" [s94(4)(c)].

The following analysis has been undertaken by Essential Economics:

- assess the market potential, demand and need for commercial development of the type proposed at the subject site;

- assess the potential economic impact such a development would have on existing retail centres in the region; and

- identify the overall contribution to net community benefit that would arise from the development.

The retail analysis presented in this report is to a level of reporting typical of that presented at the State level for hearings by the Victorian Civil and Administrative Tribunal.
1.3 Approach

The following tasks have been undertaken as part of this study:

- Examine the subject site in terms of its location and accessibility and its suitability for commercial development
- Identify the trade areas likely to be served by the various components of the proposed development
- Prepare estimates of current and forecast population and expenditure levels in the identified trade areas
- Assess the market potential for commercial development at the subject site by undertaking a need and demand analysis, having regard for the market share that would be required in order to achieve typical sales levels for the types of uses proposed
- Analyse the potential economic impact on existing retail centres in the surrounding region
- Assess the overall contribution to net community benefit likely to arise from the proposed development, including net employment generation

1.4 Key Findings

The analysis presented in this report leads us to make the following conclusions in respect to the proposed commercial development at the subject site:

1. **An attractive site for commercial development**: The site enjoys high levels of exposure and is easily accessible from a wide regional catchment; it enjoys good access from the surrounding major road routes.

2. **Trade area served**: The development of an outlet centre, homemaker retailing and other retailing at the site would serve a wide trade area in the surrounding region, as well as trading substantially from residents from beyond the identified main trade area.

3. **Market potential for proposed development**: The analysis shows that there is sufficient market opportunity for commercial development of an outlet centre and other retail stores in the surrounding region and that there scope for a centre of the type and size proposed for the Bulla Road site.

4. **No significant adverse economic impact**: The proposed commercial development at the subject land is not expected to lead to a significant economic impact on existing retailers, having regard for the fact that most of the identified components will trade widely and thinly across a large regional catchment. The potential for commercial impacts on existing retailers is also limited by the substantial population and retail spending growth that will occur in the region over coming years. In 2007, no identified existing centre is expected to have turnover levels reduced below existing 2004 levels as a result of the Bulla Road proposal. The impacts on 2007 turnover levels have been estimated at less than 7% for all identified centres, this is considered an acceptable impact in the context of a standard competitive environment and is well below the 10-15% benchmark above which VCAT panels typically consider there to be potential for a substantial negative economic impact on an existing centre.
5. **Economic benefits**: The proposal would create substantial economic benefits for the surrounding region, including direct ongoing employment generation of approximately 870 persons plus a further 780 indirect jobs (these figures include full-time, part-time and casual positions), and additional employment during the construction period of around 2,210 job years (including direct and indirect effects).
2 THE PROPOSAL

2.1 Introduction

The proposal involves commercial development of the Bulla Precinct of Essendon Airport, which is located on the north side of the intersection of Tullamarine Freeway and Bulla Road, and immediately to the south of runway 08-26. The proposed development would have access via an extension to Bulla Road, and would be easily accessible via the off-ramp from Tullamarine Freeway.

The *Essendon Airport Masterplan 2004* (draft) identifies the subject land as the "Bulla Road precinct" and "envisages the land being occupied by businesses which require larger building footprints and other uses that find it difficult to locate suitably sized parcels of land within other established areas in Melbourne" (*Essendon Airport Masterplan 2003*, p56).

As a result, the *Essendon Airport Bulla Road Precinct Draft Major Development Plan* outlines the development of the Bulla Road Retail and Outlet Centre which is to contain the following commercial retail components:

- Outlet centre retailing
- Bulky goods/homemaker retailing
- Traditional retail (comprising pharmacy, lifestyle stores, and other mainly non-food traders in primarily larger sized tenancies of 400m² and greater)

The following Table 2.1 provides details of the retail floorspace involved in each of the commercial uses described above. Please note that this is an indicative floorspace distribution only and that minor variations in the floorspace mix between homemaker retailing and traditional retailing will occur.

**Table 2.1: Bulla Road Retail and Outlet Centre Proposed Retail Floorspace**

<table>
<thead>
<tr>
<th>Commercial activity</th>
<th>Floorspace (GLA) m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory outlet retailing</td>
<td>20,000</td>
</tr>
<tr>
<td>Homemaker retailing</td>
<td>24,950</td>
</tr>
<tr>
<td>Traditional retailing</td>
<td>11,250</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>56,200</strong></td>
</tr>
</tbody>
</table>

Source: Essendon Airport Pty Ltd

Note: *Indicative mix only

The proposal includes a single building containing the entire factory outlet retail component of 20,000m² and three other buildings of 36,200m² containing a mixture of bulky goods retail and traditional retail categories.

Although the building comprising the factory outlet component will be 25,000m² in size, total gross leaseable area will be 20,000m² excluding common areas and mall space etc. It is the gross leaseable retail floorspace that is generally considered in any retail economic analysis.

The subject land is flat, highly visible and suitable for large scale retail development.
2.2 Location and Regional Context

The subject land comprises the Bulla Precinct as identified in the Essendon Airport Masterplan 2004, and is located north of the Bulla Road/Tullamarine Freeway intersection, and south of runway 08-26. The site is approximately 11 km north-west of central Melbourne.

The site is excellently located in terms of its accessibility via road. The Tullamarine Freeway is a road of state importance and provides direct access from the surrounding region and is a key route for residents living across northern and western Melbourne and beyond, carrying approximately 160,000 vehicles per day, including to and from Melbourne Airport. The presence of the Calder Freeway and Western Ring Road to the west will also provide straightforward access to the site from an extended catchment. Additionally, Bulla Road (which becomes Mt Alexander Road) provides direct access from residential areas to the south.

The subject land has very good exposure to traffic on major road routes to and through the region, and there is potential for destination-type commercial development at the site to trade from a wide catchment.

The overall Essendon Airport site is largely surrounded by residential development, although the Moonee Ponds Creek is located to the east and there is an area of light industrial activity along the western side of the Tullamarine Freeway at Airport West.

The identification of an appropriate main trade area for the development, having regard for the types of retail uses proposed, is contained in Chapter 3. However, it is important to note that it is difficult to identify a more accessible site for retailing to the north or west of the Melbourne CBD.

Maps 2.1 and 2.2 present an illustration of the regional context for the subject site.

2.3 Accessibility

As described above, the subject site enjoys good accessibility from the surrounding region. The site is served by major roads including:

- The Tullamarine Freeway, which provides an important link between Citylink and Melbourne Airport. This freeway is used regularly by people from across the Melbourne metropolitan area and beyond.

- The Western Ring Road is located 4km to the west of the subject site and provides an outer ring road connecting the outer northern and western suburbs of Melbourne.

- The Calder Freeway connects to the Tullamarine Freeway just 1km to the west of the subject site and extends north west to Sydenham and areas beyond Melbourne including Bendigo.

- Other access is provided by Bulla Road running to the south east into established residential areas such as Moonee Ponds as well as by Pascoe Vale Road which runs 1.5km to the east of the subject site and is an important north-south connector road.
ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT

ECONOMIC IMPACT ASSESSMENT

Overall, the site is easily accessible from throughout the inner northern, and outer northern and north-western parts of metropolitan Melbourne, and this is expected to be the main source of trade for commercial tenants at the proposed development. A substantial share of centre turnover will also come from beyond this natural trade area catchment however.

The site has potential to be served by public transport facilities, including bus services that currently run along the Tullamarine Freeway and Bulla Road.

Map 2.3 shows major road access for the proposed Bulla Road centre.

2.4 Conclusion

In summary, the site has the following main strengths as a location for commercial development:

- Located in the middle north western suburbs of Melbourne approximately 11km from the Melbourne CBD
- The site enjoys excellent transport accessibility from a large potential market in the inner, northern and outer northern and north-western suburbs of Melbourne
- There is a high degree of exposure to passing traffic along the Tullamarine Freeway, which is an important connector between Citylink and Melbourne Airport
- The subject site is flat and suitable for large scale retail development.

The site is also relatively flat and can be developed at relatively low cost, which is important in the context of developing a volume retail centre comprising factory outlet and homemaker retailing.
Map 2.3: Major Road Access

Source: CDBs with Mapinfo
Produced by: Essential Economics
3 TRADE AREA AND POPULATION

3.1 Introduction

This Chapter presents the following analysis as input to the economic assessment of commercial development at the subject site:

- the identification of a geographic region from which most trade will be derived (the main trade area), noting that the main trade area has been defined with reference to the main components of the proposed development;
- analysis of population levels and forecasts for the defined trade areas; and
- estimates of retail expenditure levels associated with the residential population in each of the defined trade areas.

3.2 Identification of Trade Area

The main trade area has been identified with regard to a number of factors that typically influence the likely trading extent of any retail development, and which include (amongst others):

- the location and relative attractiveness of competing shopping centres/outlets;
- the extent of road access to the centre, including consideration of barriers such as rail lines, freeways, etc;
- public transport access (noting that this typically accounts for only a small proportion of trade for the types of uses proposed for the site);
- exposure to passing traffic; and
- existing travel patterns such as travel to work.

A major consideration is the actual form of the proposed new development, the retail tenants involved, and its overall 'attractiveness' in the context of its competition.

In the case of the proposed development which includes a number of different commercial activities, a main trade area has been identified that reflects the broad draw of the overall centre given the presence of Factory outlet retailing and Homemaker retailing that will also increase the catchment size of the traditional retail component beyond what would otherwise be the case.

Main Trade Area

The main trade area for the proposed Bulla Road Centre is shown in Map 3.1, and comprises:

- A Primary Trade Area (PTA), which extends approximately 5km from the subject site and is bounded to the east by Sydney Road/Hume Highway, to the south by the Matibymong River, and extends to the north into the suburbs of Broadmeadows and Gladstone Park, and to the west into Kellar and Kellar Park.
Map 3.1: Bulla Road Centre Main Trade Area

Primary Trade Area
Secondary Trade Area
Regional Shopping Centre

ESSENTIAL ECONOMICS PTY LTD

11
A Secondary Trade Area (STA), which extends southwards to include the suburbs of Kensington and Flemington, to the east to High Street Preston, to the north along the Hume Highway including Craigieburn, and to the west along the Calder Freeway as far as Sydenham.

The PTA and STA combine to make the main trade area (MTA)

3.3 Trade Area Population

Regional population trends and forecasts

Table 3.1 provides details of the historical and forecast population growth in the Local Government Areas (LGAs) in the general region in which the main trade area lies. The region includes the LGAs of Brimbank, Darebin, Hume, Maribyrnong, Melbourne, Melton, Moonee Valley, Moreland and Whittlesea. The LGA boundaries are shown in Map 3.2.

Table 3.1 Regional Population Growth, 1996 to 2011

<table>
<thead>
<tr>
<th></th>
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<td>Population Level</td>
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<td>165,580</td>
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<td>172,985</td>
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<td>Darebin</td>
<td>127,430</td>
<td>127,990</td>
<td>127,321</td>
<td>130,074</td>
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<tr>
<td>Hume</td>
<td>120,820</td>
<td>135,990</td>
<td>144,314</td>
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<td>61,883</td>
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<td>Melbourne</td>
<td>39,720</td>
<td>50,670</td>
<td>58,031</td>
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<td>52,830</td>
<td>65,507</td>
<td>57,067</td>
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<td>110,510</td>
<td>106,587</td>
<td>111,149</td>
<td>111,199</td>
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<td>Moreland</td>
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<td>138,360</td>
<td>135,762</td>
<td>141,072</td>
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<td>118,120</td>
<td>123,397</td>
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<td>996,757</td>
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Change Per Annum (No.)

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<td>2,373</td>
<td>1,380</td>
<td>1,035</td>
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<tr>
<td>Darebin</td>
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<td>688</td>
<td>40</td>
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<td>3,962</td>
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<td>18,444</td>
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Average Annual Growth (% pa)

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<tr>
<td>Darebin</td>
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<td>0.5%</td>
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<tr>
<td>Hume</td>
<td>2.4%</td>
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<td>2.3%</td>
<td>1.9%</td>
<td>1.9%</td>
</tr>
<tr>
<td>Maribyrnong</td>
<td>0.0%</td>
<td>0.5%</td>
<td>2.2%</td>
<td>1.2%</td>
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<tr>
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<td>5.0%</td>
<td>7.0%</td>
<td>6.0%</td>
<td>4.1%</td>
<td>4.1%</td>
</tr>
<tr>
<td>Melton</td>
<td>5.4%</td>
<td>11.4%</td>
<td>7.4%</td>
<td>4.8%</td>
<td>4.8%</td>
</tr>
<tr>
<td>Moonee Valley</td>
<td>0.1%</td>
<td>-0.4%</td>
<td>0.4%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Moreland</td>
<td>-0.1%</td>
<td>-0.2%</td>
<td>1.0%</td>
<td>0.4%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Whittlesea</td>
<td>2.1%</td>
<td>2.2%</td>
<td>3.1%</td>
<td>2.6%</td>
<td>2.6%</td>
</tr>
<tr>
<td>Total</td>
<td>1.4%</td>
<td>1.8%</td>
<td>2.1%</td>
<td>1.6%</td>
<td>1.6%</td>
</tr>
</tbody>
</table>

Source: ABS, DSE

ESSENTIAL ECONOMICS PTY LTD
Map 3.2: Local Government Area Boundaries

ESSENTIAL ECONOMICS PTY LTD
The region, which extends across north-west of Melbourne, experienced average annual population growth of 12,690 persons or 1.4% per annum over the 1996 to 2001 period. Between 2001 and 2003 population growth accelerated sharply and population growth of 18,440 persons or 1.9% was experienced across the region in the years 2001 to 2003. The rate of population growth in the region has been above the metropolitan Melbourne average over the entire 1996 to 2003 period. The LGAs of Melton, Melbourne and Whittlesea in particular experienced significantly high rates of population growth in this period.

Interim population forecasts by LGA were released by the Department of Sustainability and Environment (DSE) in June 2003 and have been used in the population forecasts shown in Table 3.1. Population growth across the region is expected to slow from approximately 21,710 persons or 2.1% per annum between 2003 and 2007, to 17,290 persons or 1.6% per annum between 2007 and 2011. The rate of population growth in this period is once again forecast to be higher than the overall metropolitan Melbourne benchmark. Total growth in the population of the region is forecast at a substantial 156,000 persons over the 2003 to 2011 period.

**Main Trade Area Population**

Table 3.2 shows the existing 2003 main trade area population and the forecast population growth expected to occur within the main trade area, up until 2011. The population forecasts are derived from interim population forecasts prepared by the DSE in June 2003. The current (2003) estimated resident population of the main trade area is approximately 458,050 persons, including 212,490 persons in the primary trade area and 245,560 persons in the secondary trade area.

<table>
<thead>
<tr>
<th>Table 3.2</th>
<th>Main Trade Area Population, 2001 to 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2001</td>
</tr>
<tr>
<td><strong>Population Level</strong></td>
<td></td>
</tr>
<tr>
<td>Primary Trade Area</td>
<td>213,570</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>238,660</td>
</tr>
<tr>
<td>Main Trade Area</td>
<td>452,430</td>
</tr>
<tr>
<td><strong>Change Per Annun (No.)</strong></td>
<td></td>
</tr>
<tr>
<td>Primary Trade Area</td>
<td>-640</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>3,350</td>
</tr>
<tr>
<td>Main Trade Area</td>
<td>2,810</td>
</tr>
<tr>
<td><strong>Average Annual Growth (% pa)</strong></td>
<td></td>
</tr>
<tr>
<td>Primary Trade Area</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>1.4%</td>
</tr>
<tr>
<td>Main Trade Area</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

Source: ABS Regional Population Growth, DSE, Essential Economics

Over the period 2003-2011, the main trade area population is forecast to record an average annual growth rate of 4,860 persons or 1% per annum. Over this period, the total population in the main trade area is expected to increase by approximately 38,860 new residents, bringing total population to 496,910 people.

Population growth in the main trade area will result from a mixture of new “greenfield” residential development in outer suburban areas such as Roxburgh Park and Craigieburn, as well as infill urban development in existing suburban areas as a result of policy changes bought by the Melbourne 2030 metropolitan strategy.
3.4 Trade Area Retail Spending

This section presents estimates of current and forecast retail expenditure by residents in the main trade area defined for the proposed development.

The retail expenditure estimates have been calculated on the basis of the population estimates presented in section 3.3 above, and with application of estimates of per capita retail expenditure, derived from MarketInfo, a micro-simulation model developed by MDS Market Data Systems Pty Ltd. This model uses data from the ABS Household Expenditure Survey (HES), the Census of Population and Housing, National Accounts and other data sources, and applies micro-simulation techniques to combine household spending on particular commodities with the socio-economic characteristics of households, to produce spending per capita estimates by commodity group on a small area basis.

Detailed estimates of current and forecast retail expenditure are presented in the following sections for each of the defined trade areas, and have been prepared on the basis of the following commodity groups:

- **Food retailing** – comprises expenditure on take-home food and groceries and liquor
- **Food catering** – comprises expenditure on take away food and expenditure at cafés and restaurants
- **Apparel** – includes expenditure on clothing, footwear, fashion accessories and jewellery
- **Homewares** – includes expenditure on glassware and tableware, lights, computer hardware and software, home entertainment equipment and home decorations merchandise
- **Bulky goods** – includes expenditure on furniture, floor coverings, large electrical and gas appliances and hardware
- **Leisure and general goods** – comprises expenditure on a range of convenience and other goods, including newspapers, pharmacy merchandise, books, CDs, toys and games, sport equipment, etc.
- **Retail services** – comprises expenditure on a range of retail services such as hairdressers and beauty salons, dry cleaning, video hire, and optical goods

The food retailing and food catering product categories are often combined to describe “food” retail spending while the other five categories combined form what is also often called the “non-food” retail categories.

In general terms, the proposed Bulla Road Centre will be comprised primarily of non-food retail floorspace.
ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT
ECONOMIC IMPACT ASSESSMENT

A summary of the estimated average spending per capita in each of the defined trade areas is presented in Table 3.3 below, and includes comparison against Melbourne metro averages.

Table 3.3  Estimated Main Trade Area Retail Spending per Capita, 2004 ($2004)

<table>
<thead>
<tr>
<th>Per Capita Spending ($2004)</th>
<th>Food Retailing</th>
<th>Food Catering</th>
<th>Apparel</th>
<th>Homewares</th>
<th>Bulky Goods</th>
<th>Leisure &amp; General</th>
<th>Services</th>
<th>Total Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Trade Area</td>
<td>3,756</td>
<td>1,289</td>
<td>1,223</td>
<td>1,070</td>
<td>1,149</td>
<td>1,152</td>
<td>291</td>
<td>9,929</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>3,476</td>
<td>1,148</td>
<td>1,083</td>
<td>984</td>
<td>1,049</td>
<td>1,066</td>
<td>241</td>
<td>9,968</td>
</tr>
<tr>
<td>Total Main Trade Area</td>
<td>3,605</td>
<td>1,213</td>
<td>1,147</td>
<td>1,013</td>
<td>1,095</td>
<td>1,073</td>
<td>264</td>
<td>9,410</td>
</tr>
<tr>
<td>Metro, Average</td>
<td>3,755</td>
<td>1,331</td>
<td>1,259</td>
<td>1,106</td>
<td>1,192</td>
<td>1,161</td>
<td>292</td>
<td>10,104</td>
</tr>
</tbody>
</table>

| Var’n from Metro, Average (%) | Primary | -0.0% | -3.2% | -2.9% | -3.3% | -3.6% | -0.8% | -2.5% | -1.7% |
| Var’n from Metro, Average (%) | Secondary | -7.4% | -13.8% | -14.0% | -12.9% | -12.0% | -13.4% | -19.3% | -11.3% |
| Var’n from Metro, Average (%) | Total Main Trade Area | -4.0% | -8.9% | -6.9% | -8.5% | -8.1% | -7.6% | -11.5% | -6.9% |

Source: MarketInfo; Essential Economics

Retail spending per capita by main trade area residents in 2004 is approximately 6.9% below the Melbourne average. Per capita spending is higher in the PTA than in the STA.

Main Trade Area Retail Spending Growth

In order to calculate main trade area retail expenditure forecasts, real growth factors have been applied to per capita retail spending as follows:

- Food retailing: +0.3% pa
- Food catering: +0.2% pa
- Apparel: +1.2% pa
- Homewares: +4.7% pa
- Bulky goods: +2.3% pa
- Leisure and general goods: +1.8% pa
- Retail services: +3.4% pa

These real growth estimates reflect the historical patterns of real per capita retail expenditure growth, as shown in National Accounts data.

Per capita retail spending estimates have been applied to the main trade area population forecasts in order to calculate main trade area retail spending between 2004 and 2011. This is shown in Table 3.4 below.

Residents in the main trade area have total available retail spending estimated at $4,327 million in 2004, including an estimated $2,105 million by PTA residents, and an estimated $2,222 million by STA residents.
### Table 3.4  Current and Forecast Main Trade Area Retail Spending, 2004-2011 ($2004)

<table>
<thead>
<tr>
<th>Retail Expenditure ($m)</th>
<th>Food Retailing</th>
<th>Food Catering</th>
<th>Apparel</th>
<th>Homewares</th>
<th>Bulky Goods</th>
<th>Leisure &amp; General</th>
<th>Services</th>
<th>Total Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>800.2</td>
<td>270.4</td>
<td>257.6</td>
<td>229.7</td>
<td>238.0</td>
<td>249.4</td>
<td>64.4</td>
<td>2,105.6</td>
</tr>
<tr>
<td>Primary Trade Area</td>
<td>885.3</td>
<td>281.4</td>
<td>266.8</td>
<td>241.8</td>
<td>253.8</td>
<td>260.4</td>
<td>82.3</td>
<td>2,221.6</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>1,665.5</td>
<td>551.8</td>
<td>524.1</td>
<td>471.4</td>
<td>491.8</td>
<td>485.8</td>
<td>126.7</td>
<td>4,327.2</td>
</tr>
<tr>
<td>Total Main Trade Area</td>
<td>2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Trade Area</td>
<td>823.6</td>
<td>277.4</td>
<td>272.3</td>
<td>268.9</td>
<td>259.9</td>
<td>264.1</td>
<td>72.6</td>
<td>2,238.9</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>920.7</td>
<td>298.5</td>
<td>291.3</td>
<td>292.6</td>
<td>286.5</td>
<td>278.5</td>
<td>72.6</td>
<td>2,440.8</td>
</tr>
<tr>
<td>Total Main Trade Area</td>
<td>1,744.3</td>
<td>576.9</td>
<td>563.6</td>
<td>561.5</td>
<td>546.4</td>
<td>542.7</td>
<td>145.2</td>
<td>4,679.7</td>
</tr>
<tr>
<td>2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Trade Area</td>
<td>841.1</td>
<td>282.2</td>
<td>286.2</td>
<td>326.0</td>
<td>287.2</td>
<td>286.2</td>
<td>83.7</td>
<td>2,394.7</td>
</tr>
<tr>
<td>Secondary Trade Area</td>
<td>978.4</td>
<td>316.0</td>
<td>320.8</td>
<td>399.2</td>
<td>329.5</td>
<td>314.1</td>
<td>87.2</td>
<td>2,715.3</td>
</tr>
<tr>
<td>Total Main Trade Area</td>
<td>1,819.5</td>
<td>598.2</td>
<td>609.0</td>
<td>695.2</td>
<td>616.7</td>
<td>600.4</td>
<td>170.9</td>
<td>5,109.9</td>
</tr>
</tbody>
</table>

Retail Expenditure Growth ($m)

| 2004-2007 | Primary Trade Area | 23.4 | 7.1 | 14.7 | 39.2 | 21.9 | 18.7 | 8.2 | 133.3 |
|           | Secondary Trade Area | 55.4 | 17.1 | 24.8 | 50.8 | 32.7 | 28.2 | 10.3 | 219.2 |
|           | Total Main Trade Area | 78.8 | 24.2 | 39.5 | 90.0 | 54.8 | 46.8 | 18.5 | 352.6 |
| 2007-2011 | Primary Trade Area | 17.5 | 4.8 | 15.9 | 57.1 | 27.3 | 22.1 | 11.1 | 165.8 |
|           | Secondary Trade Area | 57.7 | 17.5 | 29.5 | 76.6 | 43.0 | 35.6 | 15.5 | 274.4 |
|           | Total Main Trade Area | 75.2 | 22.2 | 45.4 | 133.7 | 79.3 | 57.7 | 25.7 | 432.2 |

Source: MarketInfo; Essential Economics

By 2007, total trade area expenditure is forecast to reach $4,680 million pa, and by 2011 residents in the trade area will have total retail expenditure of $5,110 million pa.

In terms of retail expenditure on the types of goods normally sold at factory outlet centres, the figures show that residents in the main trade area have total expenditure on Apparel of $524 million in 2004, and this is expected to increase to $564 million in 2007, and to $609 million in 2011.

Residents in the main trade area have expenditure on Homewares estimated at $471 million in 2004, and this is forecast to grow to $556 million in 2007, and to $683 million in 2011.

These two retail categories are identified as being the most appropriate with which to assess the market potential and economic impacts associated with the factory outlet development at the subject site. Previous analysis of other factory outlet centres by this office shows that approximately 70% of merchandise sold at factory outlets consists of apparel, with a further 20% in homewares merchandise, and 10% in other categories (such as general merchandise, food catering, etc).

In terms of retail expenditure on the types of goods normally sold at homemaker centres, the figures show that residents in the MTA have total expenditure on Bulky goods of $492 million in 2004, and this is expected to increase to $593 million by 2007, and to $617 million by 2011.

The Bulky goods and Homewares retail categories are identified as being the most appropriate with which to assess the market potential and economic impacts associated with the homemaker component of the proposed development. Typically, approximately 70% of merchandise sold at homemaker centres consists of bulky goods merchandise such as furniture, large appliances, etc, with a further 25% in homewares merchandise (home entertainment equipment, computers, etc), and 5% in other categories (CDs, videos, DVDs, etc).
ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT
ECONOMIC IMPACT ASSESSMENT

The forecasts presented show that there is expected to be substantial growth in retail spending in the main trade area, equivalent to an additional $353 million pa on retail merchandise over the period 2004-2007, including an additional $40 million pa on apparel, an additional $90 million pa on homewares and an additional $55 million on bulky goods.

Over the period 2007 to 2011, total expenditure growth is forecast to be an additional $430 million pa, including an additional $45 million pa on apparel, an additional $134 million pa on homewares and an additional $70 million on bulky goods.

This represents substantial growth in the market that would be served by factory direct and homemaker stores at the proposed development, and indicates an opportunity for the proposed development to serve this market without leading to a significant loss in sales for existing centres.
4 COMPETITIVE FRAMEWORK

4.1 Introduction

This Chapter presents an overview of the competitive framework in the region served by development of the kind proposed at the subject site, and includes:

- identification of major competitors for each component of the development; and
- description of existing floorspace by type at major competitors in the surrounding region, as input to the impact assessment presented later in this report.

4.2 Main Competitive Locations

Factory Outlets

The main competitive locations for a factory outlet development at the subject site include factory outlet centres located elsewhere in Melbourne, as well as major shopping centres which have strong representation of fashion retailers, including department stores, discount department stores and smaller fashion brand tenants.

For the proposed factory outlet development, the key competitive locations have been identified as follows:

Highpoint Shopping Centre – is one of the largest enclosed shopping centres in Australia containing around 90,000m² of retail floorspace. This centre serves as the regional shopping centre for western Melbourne and includes the only full line department store (Myer) in the region. The centre also includes Target, Big W and Harris Scarfe discount department stores and a wide range of national brand and independent fashion outlets.

Watergardens – is a large shopping centre located 12km to the west of the proposed Bulla Road Centre. There are two major components to the precinct comprising of a traditional enclosed shopping centre and a large bulky goods precinct. In terms of factory outlet, the traditional shopping centre component is of relevance. The shopping centre is anchored by a Target discount department store and contains a basic range of fashion and homewares outlets. Total floorspace of the shopping centre is estimated at around 26,000m².

Melbourne CBD – is the main shopping district serving the metropolitan region, and has a major role in the provision of higher-order shopping facilities, including fashion and homewares outlets. Total retail floorspace in the Melbourne CBD is nearly 500,000m².

Moonee Ponds – the Moonee Ponds centre is a traditional strip based retail destination based around Puckle Street and also includes the Moonee Ponds Central Shopping Centre. There is a strong apparel retail offer along Puckle Street including a small number of factory outlet stores although the overall centre has a diverse retail floorspace mix including strongly performing supermarkets and a café/restaurant offer.

Niddrie – is primarily an important convenience retail strip, however its proximity to the Bulla Road site and the presence of some fashion and homewares stores (primarily independent) gives it some competitive relevance.
ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT

ECONOMIC IMPACT ASSESSMENT

Brunswick – is a large retail strip containing over 75,000m² of retail floorspace and includes a small range of factory outlet type retailers in addition to its more traditional functions.

Coburg – the Coburg Central Business Area is primarily focused on convenience food retail however there is a small apparel and homewares offer.

Westfield Airport West – is a large sub-regional shopping centre of around 45,000m² located just 3km to the north west of the Bulla Road site. The centre includes Target, Kmart and Harris Scarfe discount department stores as well as a large range of apparel and homewares specialty traders.

Broadmeadows – is a sub-regional shopping centre of around 40,000m² located 6km to the north of the subject site. The centre is anchored by Target and Big W discount department stores and contains a mix of apparel and homewares specialty traders. The centre also includes an adjacent homemaker precinct.

Other – other centres of lesser competitive relevance include the centres at Northland, Roxburgh Park, Craigieburn, Preston Central, Gladstone Park, Sunshine, Keilor Plaza and the Essendon strip centre as well as many smaller centres that play a minor role in serving the fashion and homewares shopping needs of residents in the region.

Homemaker Retail

The main competitive locations for homemaker retailing at the subject site include dedicated bulky goods/homemaker centres elsewhere in the region, as well as major shopping centres which also have a role in the sale of furniture, floor coverings, electrical appliances, home entertainment equipment, computers, and so on. Major department stores and discount department stores are also key competitors for a share of some types of homemaker type shopping.

For the proposed homemaker component of the development, the key competitive locations have been identified as follows:

Highpoint Bulky Precinct – this precinct is located opposite Highpoint Shopping Centre and includes a mixture of both integrated and freestanding retailers. Total retail floorspace is estimated at around 46,500m² and includes traders such as Bunnings, Harvey Norman, Dick Smith PowerHouse and Officeworks. This is the largest and closest major bulky goods precinct to the proposed Bulla Road development.

Sunshine – is located approximately 8km south west of the subject site, and includes major bulky goods component including a Myer Megamart, Bunnings and Guests Furniture. The balance of the Sunshine Central Business Area is located to the south of this bulky goods precinct and includes Big W and Target discount department stores.

Watergardens – the Watergardens bulky goods component is split and located both opposite the shopping centre on the northern side of the Melton Highway and directly to the west of the centre. Major retailers include Bunnings, Harvey Norman, Spotlight and Capth Snooze. This precinct serves the rapidly growing outer western suburbs of Melbourne and will benefit substantially from market growth in coming years.

Other – other bulky goods competitors of relevance include the strip along Mt Alexander Road at Moonee Ponds (considered separately to the Moonee Ponds centre), the (generally poor quality) bulky goods retail in Brunswick, the Melbourne CBD, Broadmeadows bulky goods component, Roxburgh Park, and the homemaker centres at Northland, Thomastown and Epping. There are also a wide range of standalone bulky goods stores located across the trade area and beyond.
As noted above, major shopping centres are also key competitive locations; the main centres in the region include Highpoint, Airport West, Gladstone Park, Roxburgh Park, Broadmeadows, etc.

Traditional Retail

The traditional retail component of the Bulla Road development will be competing to an extent with virtually all notable retail locations in the trade area, although the modest size of the component and the broad catchment it will be serving means that there are no specific centres for which this retail is of particular competitive relevance.

Map 4.1 shows the major retail competitors to the overall Bulla Road Centre.
ECONOMIC IMPACT ASSESSMENT

Map 4.1: Bulla Road Centre Competition

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5 ECONOMIC ASSESSMENT

5.1 Introduction

This Chapter presents an economic analysis of the market impact associated with the proposed development of the subject site, and includes the following components:

- an analysis of the potential trading levels likely to be achieved by the various components of the development, based on the application of typical industry average trading levels;

- an analysis of the market shares likely to be achieved by each of the components of the development, having regard for sales derived from residents in each of the identified trade areas, and the opportunity to draw sales from non trade area residents (e.g. tourists);

- an analysis of the potential competitive impact on other shopping locations, having regard for the competitive framework described in Chapter 4, and the likely capture of trade from key competitors;

- a summary of the cumulative effects of the centre as a whole, and the market shares achieved across all retail categories; and

- a summary of the centre specific impacts arising from the Bulla Road development.

5.2 Forecast Trading Levels

Estimates of the projected trading levels for the retail commercial components of the development are shown in Table 5.1. These estimates have been prepared on the basis of typical industry average sales levels for the types of development proposed, the trading performance of other centres in the region as well as achievable market shares and are considered indicative of the sales levels likely to be achieved by the centre.

<table>
<thead>
<tr>
<th>Retail Category</th>
<th>Floorspace (m²)</th>
<th>Sales Level ($/m²)</th>
<th>Total Sales ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory Outlet</td>
<td>20,000</td>
<td>4,200</td>
<td>84.0</td>
</tr>
<tr>
<td>Bulky Goods</td>
<td>24,950</td>
<td>3,100</td>
<td>77.5</td>
</tr>
<tr>
<td>Total Traditional Retail</td>
<td>11,250</td>
<td>4,180</td>
<td>46.8</td>
</tr>
<tr>
<td><strong>Total Development</strong></td>
<td><strong>56,200</strong></td>
<td><strong>3,704</strong></td>
<td><strong>208.1</strong></td>
</tr>
</tbody>
</table>

Source: Industry sources, Essential Economics.

The projected sales forecasts have been prepared for 2007, which is likely to be the first full year of trading for the proposed centre.

The centre is expected to achieve total sales of approximately $208.1 million in 2007, of which the Factory Outlet component is likely to comprise of some $84 million in sales, the bulky goods component $77.5 million in sales and the traditional retail component some $46.8 million.

These sales figures represent healthy average trading levels at the outset of the development; growth in sales would be expected to occur thereafter, associated with growth in the level of available...
spending in the surrounding residential market and the establishment of a market presence and awareness across the main trade area and broader metropolitan region.

Given the strong growth in retail spending expected across the trade area over coming years, the popularity of factory outlet and homemaker retailing in the community and the excellent location of the site from a retail trading perspective; the above turnover levels for the Bulla Road Centre are considered highly achievable. This reflects the economic demand for, and viability of, the Bulla Road proposal.

5.3 Economic Assessment of Proposed Outlet Centre Component

This section presents an economic assessment of the factory outlet component of the development, including estimates of market share likely to be achieved by the development, and the potential competitive impacts on existing centres.

Market share analysis

Table 5.2 shows that the factory outlet component is expected to generate total sales of $84 million in 2007, of which an estimated $58.8 million (or 70%) represents sales of apparel merchandise (clothing, footwear and fashion accessories), and a further $16.8 million (or 20%) represents sales of homewares. An estimated 10% of sales, or $8.4 million is expected to be in other retail categories.

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
<th>Share, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floorspace, m²</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>Average sales, $/m²</td>
<td>4,200</td>
<td></td>
</tr>
<tr>
<td>Total sales, $m</td>
<td>84.0</td>
<td></td>
</tr>
<tr>
<td>Apparel sales, $m</td>
<td>58.8</td>
<td>70%</td>
</tr>
<tr>
<td>Homewares sales, $m</td>
<td>16.8</td>
<td>20%</td>
</tr>
<tr>
<td>Other merchandise, $m</td>
<td>8.4</td>
<td>10%</td>
</tr>
</tbody>
</table>

Source: Essential Economics Pty Ltd

An estimated 43% of the total factory outlet sales at the development is estimated to come from the identified PTA, while a further 37% is expected to be drawn from spending by STA residents. Overall, the trade area is expected to account for approximately 80% of factory outlet sales at the development, with the remaining 20% coming from residents living further afield, and including tourists, Melbourne residents travelling from outside the trade area, and so on.

Estimates of the share and value of sales for apparel and homewares merchandise that are expected to be captured from trade area spending are shown in Table 5.3.

The analysis presented in Table 5.3 shows that the factory outlet development at the subject land is forecast to achieve an overall market share of 8.3% of the total available spending by trade area residents on apparel merchandise, and a 2.4% share of spending on homewares.

<table>
<thead>
<tr>
<th>Item</th>
<th>PTA</th>
<th>STA</th>
<th>Total trade area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Share of sales from trade area, %</td>
<td>43%</td>
<td>37%</td>
<td>80%</td>
</tr>
<tr>
<td><strong>Apparel</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales from trade area, $m</td>
<td>25.3</td>
<td>21.8</td>
<td>47.0</td>
</tr>
<tr>
<td>Total available apparel spending in the trade area, $m</td>
<td>272.3</td>
<td>291.3</td>
<td>563.6</td>
</tr>
<tr>
<td>Market share: % of available spending</td>
<td>9.3%</td>
<td>7.5%</td>
<td>8.3%</td>
</tr>
<tr>
<td><strong>Homewares</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales from trade area, $m</td>
<td>7.2</td>
<td>6.2</td>
<td>13.4</td>
</tr>
<tr>
<td>Total available homewares spending in the trade area, $m</td>
<td>269.9</td>
<td>292.6</td>
<td>561.5</td>
</tr>
<tr>
<td>Market share: % of available spending</td>
<td>2.7%</td>
<td>2.1%</td>
<td>2.4%</td>
</tr>
</tbody>
</table>

Source: Essential Economics Pty Ltd

These market share forecasts show that the development will capture only a modest proportion of the available expenditure in the wide region in which it will trade; this reflects the typical trading pattern of developments of this type, whereby a small share of available spending is drawn from a very wide catchment area.

**Economic Impacts**

The analysis presented in Table 5.3 shows that the factory outlet component of the proposed development is expected to only capture only a modest share of the available spending on the types of merchandise in which it trades. The broad trade area catchment served by the centre also means that the potential impacts from the development are likely to be spread widely amongst a variety of competitive locations (of which the main ones are identified in Chapter 4).

Moreover, the substantial growth in the trade area retail spending market means that any reduction in turnover arising from the Bulla Road Centre will be short-lived, and trading levels for competitors will improve as retail spending levels grow beyond 2007. The analysis in Chapter 3 shows that over the period 2004-2007 (i.e. preceding the development), main trade area expenditure on apparel is forecast to grow by $39.5 million, and expenditure on homewares is forecast to grow by $90 million (expressed in constant 2004 dollars). In the period 2007-2011, following the development, trade area spending on apparel is forecast to grow by $45.4 million, while spending on homewares is forecast to grow by $133.7 million (all expressed in 2004 dollars).

Clearly there will be considerable opportunities for other retailers to meet this market growth.

**5.4 Economic Assessment of Proposed Homemaker Component**

**Market share analysis**

The homemaker component is forecast to generate total sales of $77.3 million in 2007, of which an estimated $54.1 million (or 70%) represents sales of bulky goods merchandise (furniture, floor coverings, large appliances, etc), and a further $19.3 million (or 25%) represents sales of homewares (small appliances, home entertainment equipment, computers). An estimated 5% of sales, or $3.9 million, is expected to be in other retail categories.
Table 5.4: Sales Analysis, Homemaker, 2007 ($2004)

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
<th>Share, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor space, m²</td>
<td>24,950</td>
<td></td>
</tr>
<tr>
<td>Average sales, $/m²</td>
<td>3,100</td>
<td></td>
</tr>
<tr>
<td>Total sales, $m</td>
<td>77.3</td>
<td></td>
</tr>
<tr>
<td>Bulky goods sales, $m</td>
<td>54.1</td>
<td>70%</td>
</tr>
<tr>
<td>Homewares sales, $m</td>
<td>19.3</td>
<td>25%</td>
</tr>
<tr>
<td>Other merchandise, $m</td>
<td>3.9</td>
<td>5%</td>
</tr>
</tbody>
</table>

Source: Essential Economics Pty Ltd

An estimated 48% of the homemaker sales is estimated to come from the identified PTA, while a further 42% is expected to be drawn from spending by STA residents. Overall, the MTA is expected to account for approximately 90% of homemaker sales at the development with the remaining 10% coming from residents living further afield.

Estimates of the share and value of sales for bulky goods and homewares merchandise that are expected to be capture from trade area spending are shown in Table 5.5 below.

Table 5.5: Market Share Analysis, Homemaker Component, 2007 ($2004)

<table>
<thead>
<tr>
<th>Item</th>
<th>PTA</th>
<th>STA</th>
<th>MTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Share of sales from trade area, %</td>
<td>50%</td>
<td>40%</td>
<td>90%</td>
</tr>
<tr>
<td><strong>Bulky goods</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales from trade area, $m</td>
<td>27.1</td>
<td>21.7</td>
<td>48.7</td>
</tr>
<tr>
<td>Total avail. bulky goods spending, $m</td>
<td>259.9</td>
<td>288.5</td>
<td>518.4</td>
</tr>
<tr>
<td>Market share: % of available spending</td>
<td>10.4%</td>
<td>7.6%</td>
<td>9.9%</td>
</tr>
<tr>
<td><strong>Homewares</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales from trade area, $m</td>
<td>9.7</td>
<td>7.7</td>
<td>17.4</td>
</tr>
<tr>
<td>Total avail. homewares spending, $m</td>
<td>268.9</td>
<td>292.6</td>
<td>561.5</td>
</tr>
<tr>
<td>Market share: % of available spending</td>
<td>3.6%</td>
<td>2.6%</td>
<td>3.1%</td>
</tr>
</tbody>
</table>

Source: Essential Economics Pty Ltd

The analysis presented in Table 5.5 shows that the homemaker component of the development is forecast to achieve an overall market share in the MTA of 8.9% of the total available spending by MTA residents on bulky merchandise, and a 3.1% share of MTA spending on homewares.

The development is expected to achieve a market share of 10.4% of bulky goods spending by PTA residents, and 3.6% of homewares spending in the PTA.

These figures represent achievable market share for the type of development proposed, having regard for the competitive situation, which includes:

- The relative lack of a major homemaker competitor in the PTA with the exception of the modest component at Broadmeadows and the Moonee Ponds- Mt Alexander Road strip;
- The competition provided by homemaker precincts located beyond the main trade area including at Highpoint, Watergardens and Thomastown;
- the relative accessibility of the site to a broad regional catchment; and

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ECONOMIC IMPACT ASSESSMENT

- the competition from major shopping centres in the region.

Economic impacts

The analysis shows that the homemaker component of the proposed development is expected to capture around 9% of the market for bulky merchandise in the MTA, and around 3% of the homewares market. This market share will be achieved at the expense of achievable market shares for existing and future homemaker retail development in the region, and may also have a small adverse impact on the market shares achieved by some tenants of traditional shopping centres, such as department stores and discount department stores.

If the impacts are distributed equally amongst all competitors on a pro-rate basis, then the adverse impact on market shares at these competing centres/shops would approximate the market share achieved by the proposed development — i.e. a -9% adverse impact on the bulky goods market share, and -3% impact on the market share of homewares competitors. In terms of homewares, the combined factory outlet/homemaker centre market share impact will be in the order of of -5.5%.

These are not significant impacts in the context of a competitive retail environment.

However, the actual impacts will be much lower than that simply indicated by the market share achieved at the proposed development, due to the very significant levels of market growth that are forecast for the region. The analysis in Chapter 3 shows that the core homemaker market (comprising expenditure on bulky goods and homewares combined) is expected to grow by approximately $145 million in the MTA over the period preceding the development (2004-2007) and by approximately $204 million in the following four years (2007-2011).

This substantial market growth will support growth in sales at existing facilities, as well as enabling the expansion of homemaker retailing in the region. Any competitive impacts arising from the proposed development would be quickly absorbed by the growth in the market.

5.5 Economic Assessment of Proposed Traditional Retail Component

The traditional retail component of the Bulla Road Centre is expected to comprise of retailers in a broad range of categories. Most of these retailers will be operating out of larger tenancies of greater than 400m² in non-food product categories, although there is also expected to be a small food related component including some cafes and takeaway outlets serving visitors to the centre. Examples of non-food related traders at the centre might include a large discount variety store, sporting equipment or music and video outlet.

Given that the final tenancy mix of the centre is not finalised, an indicative sales and market share analysis is shown below in Table 5.6 at the basic food and non-food product category level rather than the more detailed categories shown for the Factory Outlet and Homemaker components of the development.

The table shows that total sales of the traditional retail component are forecast at $46.8 million including $11.2 million in food and $35.5 million in non-food turnover.

Allowing for 10% of sales from beyond the main trade area, the total market share of this component of the proposed Bulla Road Centre is estimated at just 0.9% in 2007.
Table 5.6  Traditional Retail Sales and Market Share, 2007 ($2004)

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
<th>Market Share, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor space, m²</td>
<td>11,250</td>
<td></td>
</tr>
<tr>
<td>Food sales, $m</td>
<td>11.2</td>
<td>0.4%</td>
</tr>
<tr>
<td>Non-Food sales, $m</td>
<td>35.5</td>
<td>0.4%</td>
</tr>
<tr>
<td>Total sales, $m</td>
<td>46.8</td>
<td>0.9%</td>
</tr>
<tr>
<td>Average sales, $/m²</td>
<td>4,150</td>
<td></td>
</tr>
</tbody>
</table>

Source: Essential Economics

Given that these sales will be across a variety of product categories, will be spread across an extensive catchment and will comprise a total of just 0.9% of total retail spending by main trade area residents, no substantial impact is expected to be felt on existing retail in the region as a result of the traditional retail component of the Bulla Road Centre.

5.6 Summary of Effects

A summary of the cumulative (total) effect of the development in terms of the market share achieved is presented in Table 5.7. This has been done at the food and non-food level to allow comparison between all three major components of the development.

The analysis has been prepared by assigning all of the retail floorspace to the appropriate food or non-food retail categories, and by applying estimates of the share of sales derived from the homemaker main trade area that have already been prepared in the analysis of the factory outlet, homemaker and traditional retail components, as presented in earlier sections of this report.

Table 5.7  Total (Cumulative) Market Shares in the MTA, 2007 ($2004)

<table>
<thead>
<tr>
<th>Sales to MTA Residents ($M)</th>
<th>Food</th>
<th>Non-Food</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory Outlet</td>
<td>0.0</td>
<td>67.2</td>
<td>67.2</td>
</tr>
<tr>
<td>Bulky Goods</td>
<td>0.0</td>
<td>69.6</td>
<td>69.6</td>
</tr>
<tr>
<td>Total Traditional Retail</td>
<td>10.1</td>
<td>32.0</td>
<td>42.1</td>
</tr>
<tr>
<td>Total Development</td>
<td>10.1</td>
<td>168.8</td>
<td>178.9</td>
</tr>
<tr>
<td>Available Spending ($M)</td>
<td>2,320</td>
<td>2,339</td>
<td>4,659</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Market Share</th>
<th>Food</th>
<th>Non-Food</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory Outlet</td>
<td>0.0%</td>
<td>2.8%</td>
<td>2.8%</td>
</tr>
<tr>
<td>Bulky Goods</td>
<td>0.0%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Total Traditional Retail</td>
<td>0.4%</td>
<td>1.4%</td>
<td>1.9%</td>
</tr>
<tr>
<td>Total Development</td>
<td>0.4%</td>
<td>7.2%</td>
<td>7.6%</td>
</tr>
</tbody>
</table>

Source: Essential Economics

The analysis shows that the centre as a whole is expected to achieve a small total market share of 3.8% throughout the MTA. The market share forecast for non-food categories is 7.2%.

Overall, these figures show that the development is not expected to capture an unreasonably high share of the available spending in the identified trade areas. There are not expected to be any significant cumulative adverse impacts on centres in the surrounding region as a result.
5.7 Centre Specific Impacts

A study of the centre specific impacts arising from the development of the Bulla Road Centre has been undertaken taking into account the estimated existing turnover and market share of 15 existing centres that will be of most competitive relevance to the proposed Bulla Road Centre.

An assessment of the competitive relevance of each centre to the Bulla Road proposal has also been made taking into account the results of a floorspace survey undertaken by Essential Economics in July 2004 and other industry sources. Centres such as the Highpoint homemaker precinct that have a high degree of competitive relevance given its proximity and floorspace mix, have been allocated a higher market share impact as a result of the Bulla Road development.

In Table 5.8 below the relative turnover impacts resulting from the proposed Bulla Road Centre are shown.

Two calculations have been made, the first calculation compares the turnover of each centre in 2007 with the turnover currently being achieved at each centre in 2004. In all centres investigated, the combination of population and retail spending growth will mean that even with the proposed Bulla Road Centre, turnover will increase from existing 2004 levels in 2007 when the Bulla Road Centre is operating.

The second calculation compares the 2007 turnover of each centre with proposed Bulla Road Centre against the turnover level in 2007 that would have been achieved if the Bulla Road Centre was not operating.

Thus, looking at Moonee Ponds we can see that in 2007 after construction of the Bulla Road Centre, turnover will be 3.1% higher than currently in 2004, although 4.6% lower than what would be the case without the proposed development being constructed.

Table 5.8  Assessment of Turnover Impacts

<table>
<thead>
<tr>
<th>Competing Centre</th>
<th>2007 Turnover Compared with Existing 2004 Turnover</th>
<th>2007 Turnover Compared with 2007 Do Nothing Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moonee Ponds Centre</td>
<td>+3.1%</td>
<td>-4.6%</td>
</tr>
<tr>
<td>Moonee Ponds Mt Alexander Rd Strip</td>
<td>+4.4%</td>
<td>-4.8%</td>
</tr>
<tr>
<td>Niddrie</td>
<td>+4.3%</td>
<td>-3.6%</td>
</tr>
<tr>
<td>Essendon</td>
<td>+4.5%</td>
<td>-3.3%</td>
</tr>
<tr>
<td>Brunswick</td>
<td>+5.4%</td>
<td>-2.6%</td>
</tr>
<tr>
<td>Coburg</td>
<td>+4.8%</td>
<td>-2.4%</td>
</tr>
<tr>
<td>Airport West (SC &amp; Bulky Precinct)</td>
<td>+2.3%</td>
<td>-5.7%</td>
</tr>
<tr>
<td>Highpoint BC</td>
<td>+5.9%</td>
<td>-4.4%</td>
</tr>
<tr>
<td>Highpoint Bulky Precinct</td>
<td>+4.3%</td>
<td>-6.6%</td>
</tr>
<tr>
<td>Sunshine</td>
<td>+7.6%</td>
<td>-1.7%</td>
</tr>
<tr>
<td>Watergardens</td>
<td>+6.1%</td>
<td>-3.3%</td>
</tr>
<tr>
<td>Broadmeadows</td>
<td>+4.5%</td>
<td>-4.5%</td>
</tr>
<tr>
<td>Roxburgh Park</td>
<td>+4.8%</td>
<td>-3.8%</td>
</tr>
<tr>
<td>Craigieburn</td>
<td>+4.5%</td>
<td>-1.5%</td>
</tr>
<tr>
<td>Preston Central</td>
<td>+5.7%</td>
<td>-1.9%</td>
</tr>
</tbody>
</table>

Source: Essential Economics.

The impacts on 2007 turnover levels have been estimated at less than 7% for all identified centres, this is considered an acceptable impact in the context of a standard competitive environment and is
ECONOMIC IMPACT ASSESSMENT

well below the 10-15% benchmark above which VCAT panels typically consider there to be potential for a substantial negative economic impact on an existing centre.

5.8 Conclusion

In conclusion, the analysis presented in this report shows that there is substantial market potential for the proposed Bulla Road Centre development at the subject site, and that each of the components of the development can be accommodated without a significant adverse impact on existing retailers in the surrounding region.

The development would trade from a wide area, and would only achieve a relatively modest market share from throughout the region. Impacts would be distributed across many competing locations, and any potential impacts would be offset by substantial market growth resulting from population and real retail spending growth.
6 NET COMMUNITY BENEFITS

6.1 Introduction

Net community benefit is a term which expresses the net outcome of a development for a community, in terms of a range of factors which include (amongst others):

- Net employment creation/loss;
- Improved customer choice and higher levels of retail provision;
- Improvements in accessibility for shoppers; and
- Lower retail prices through competition and new business models

An assessment of the contribution to these measures of net community benefit arising from the proposed development on the subject site is provided in the following sections.

6.2 Expected Employment Outcomes

The proposed development will increase employment opportunities in the region surrounding the Essendon Airport site. Opportunities include:

- Employment associated with the construction phase
- Ongoing retail employment
- Indirect employment through the operation of the employment multiplier

Construction employment

We estimate that the project will directly generate approximately 850 construction job years over the period during which construction takes place. This calculation is based on an estimated development cost in the order of $85 million, and a typical construction industry average of 1 job year for every $100,000 in construction cost. Most of these jobs are likely to be sourced from the local labour market.

With an employment multiplier of 2.6 in the construction sector (refer ABS), the number of indirect jobs that would flow from this project during the construction phase would be in the order of 1,360 new indirect job years elsewhere in the economy, bringing total employment in construction-related activity to 2,210 job years over the period during which construction occurs. These job years will be spread over the time of construction, therefore a construction time of say 2 years, would result in the creation of 1,105 jobs over the two year period.

These indirect jobs would be created locally, as well as further afield in the national and state economies.

In addition, site preparation costs (including site levelling, internal roads and infrastructure) would create even further construction employment before the actual construction of the centre.
ESSENDON AIRPORT RETAIL AND OUTLET CENTRE DEVELOPMENT
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Retail Employment

We estimate that the proposed development will directly lead to the creation of approximately 870 retail jobs (including full-time, part-time and casual positions), based on typical employment averages for the types of retailing proposed, and which vary from 15 m² per job for any food component, to 80 m² per job for homemaker tenants.

Many of those employed at the development will be young people for whom this is their first job, or people who have previously been unemployed. Moreover, these jobs are likely to be taken up mostly by people living in the region surrounding the subject site. Thus, the development would be an important source of employment, especially in providing job opportunities for people who may be otherwise unemployed and seeking a job.

It is estimated that these 870 direct retail jobs will inject around $22 million of wages income directly into the regional economy annually (measured in 2004 dollars).

Due to the multiplier effect, a further 780 or so jobs will be generated elsewhere in the economy. This assumes an employment multiplier for the retail industry of approximately 1.9, which is based on National Accounts data.

The total ongoing economy wide employment generated by the proposed Bulla Road Centre is therefore estimated at 1,650 jobs.

6.3 Other Benefits to the Community

The proposed development at the subject site is expected to bring benefits in addition to the employment and incomes it creates for people living in the surrounding region. These additional benefits include, for example, the following:

- *providing shoppers with access to price-competitive outlets* in apparel, homewares, bulky goods and other retailing – this is the principal reason why large format precincts are an increasingly popular shopping choice, and it depends on a business model that emphasises low cost development and operational costs and offers low prices in return;

- *improving environmental outcomes through a reduction in trip-making, and meeting policy objectives* as a result of the development of an Integrated Centre for non-traditional and convenience shopping (including homemaker and factory outlets, as well as some traditional retail categories) at the one location;

- *providing access to popular new forms of retailing* which is increasingly being demanded by shoppers; and

- *providing choice* for residents in the surrounding area, who will be presented with a more diverse range of retail opportunities.

Importantly, the proposed development is not expected to cause any adverse impacts on the current turnover levels of existing traders.
7 CONCLUSION

The analysis presented in this report shows that the proposed development of a mixture of factory outlets, homemaker retail and traditional retail is an appropriate development for the site. This conclusion is reached on the following grounds:

- The subject site has particular advantages as a location for such uses, having regard for the high levels of exposure to a large regional catchment, and the opportunities to trade from a precinct that will generate high visitation levels.

- The proposed development meets with the intentions for the use of the site, as identified in the Essendon Airport Masterplan 2003.

- The main trade area to be served by the development contains a large population, and there is substantial forecast growth in retail expenditure on the types of merchandise that will be sold at the centre.

- The analysis shows that there is a market opportunity for the proposed factory outlet development; it would capture a market share of 8.3% of total apparel spending in the MTA, and just 2.4% of spending in the MTA on homewares merchandise. The impacts of the development will be spread among a wide range of competitive centres.

- The homemaker component is forecast to achieve a 9% share of expenditure in the MTA on bulky goods merchandise, which is achievable without generating significant impact on existing centres. The homewares market share is estimated at 3.1%, representing a combined factory outlet/homemaker share of around 5.5%. Importantly there is expected to be strong growth in main trade area spending on homemaker merchandise, which will offset any potential initial impacts.

- The traditional retail component can be accommodated in the market without significant adverse impacts on existing traders. The analysis shows that the initial market share impact of the development may be in the order of -1% of sales, but this is normal in a healthy competitive retail environment, and will be more than offset by future market growth.

- The proposal will generate substantial job opportunities, including a total of 2,210 job years during the construction period (including 850 direct jobs and 1,360 indirect jobs), and an identified 1,650 ongoing jobs (direct and indirect, and including full-time, part-time and casual positions). Around 870 ongoing retail jobs will be created onsite, including full-time, part-time and casual positions.

- The project provides contribution to net community benefit in other ways, including improved choice and availability of retail facilities, provision of popular new retail forms, opportunities for price-competitive retail outlets, and so on.

Overall, the project represents a positive development for the Essendon Airport precinct and surrounding region.
Assessment Summary

The department finds that the draft major development plan (MDP) for the Bulla Road Precinct of Essendon Airport, lodged with the Minister on 20 August 2004 by Essendon Airport Pty Ltd, meets the minimum criteria required by the *Airports Act 1996* (the Act) and Airports Regulations 1997 (the Regulations).

This document should be read in conjunction with the *Factors the Minister Must Consider* document.

### Statutory Requirement: s 89 Meaning of major airport development

s 89(1) *a major airport development* is a development that is carried out at an airport site and that consists of:

(e) constructing a new building, where:

(i) the building is not wholly or principally for use as a passenger terminal; and

(ii) the cost of construction exceeds $10 million or such higher amount as is prescribed;

### Assessment - Criteria satisfied

The proposed development is a major airport development pursuant to paragraph 89(1)(e) of the Act.

Section 90 of the Act specifies that a major airport development must not be carried out except in accordance with an approved MDP.

Essendon Airport Pty Ltd (EAPL) lodged a draft MDP with the Minister on 20 August 2004. The draft MDP covers the construction of:

- a single story outlet retail centre covering an area of approximately 25,000 m² in the Bulla Road Precinct of Essendon Airport. EAPL advises that the outlet centre is intended to be an internal mall with independent shops. The cost of construction of this structure is expected to exceed $10 million; and

- a group of smaller buildings, to be constructed either at the same time as the outlet centre or later. These buildings are intended for bulky goods use and will cover approximately 36,000 m². The cost of construction for these buildings is not expected to exceed $10 million but they are included in the draft MDP as part of the same development.

The entire development will cover approximately 61,200 m² on a 16.5 hectare site. (Ref: Sections 1.1 and 2.2.3 of the draft MDP.)

### Statutory Requirement: s91, Contents of major development plan

s 91(1) A major development plan, or a draft of such a plan, must set out:

---

¹ Among other things.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Satisfied</th>
<th>Assessment of Company’s objectives for the development:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EAPL’s objective is to create an additional income stream for the airport by establishing a quality commercial development that is consistent with maintaining safe and functional aviation facilities. (Ref: Section 1.3 of the draft MDP.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assessment - Criteria Satisfied</td>
<td>EAPL notes that an immediate benefit of the development is the relocation of the emergency services staging area closer to the centre of aviation operations in English Street (relocation already completed). EAPL also states that the proposed development complements the needs of civil aviation and other users of the airport by producing an income stream for the airport. (Ref: Section 1.3 of the draft MDP.)</td>
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<tr>
<td></td>
<td>Assessment of Company’s assessment of the extent to which the future needs of civil aviation users of the airport, and other users of the airport, will be met by the development:</td>
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<td></td>
<td>The draft MDP provides such an outline. (Ref: Sections 1.1 and 2.2.3 of the draft MDP.)</td>
<td>The proposed development is for an outlet centre and a group of smaller buildings intended for bulky goods use totalling approximately 61,200 m² on a 16.5 hectare site in the Bulla Road Precinct of Essendon Airport. Specifically, the proposal involves:</td>
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<td>a single storey building (approximately 25,000 m²) to accommodate an outlet centre comprised of independent shops arranged around an internal mall system;</td>
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<td>three other buildings totalling approximately 36,000 m² to accommodate bulky goods use.</td>
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<td>The site is located immediately north of the Tullamarine Freeway at its grade-separated intersection with Bulla Road. On the northern and western sides, the site is bounded by airport operational areas for runways and related aviation infrastructure. To the south of the Freeway are the well-established residential areas of Strathmore and Essendon North. (Ref: Section 2 of the draft MDP.)</td>
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<td>Associated facilities and works for the site are:</td>
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<td>demolition of most existing buildings and improvements on-site;</td>
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<td></td>
<td>installation of drainage and water treatment facilities (ref: section 2.3);</td>
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<td>relocation or reconfiguration of some existing physical services on the site (ref: section 2.3);</td>
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<td>surface parking and access roads for 1,917 cars (ref: section 2.4);</td>
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<td>site landscaping around sections of the site boundary and throughout the car park (ref: section 2.5);</td>
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<td></td>
<td></td>
<td>road and other civil works beyond the Airport boundary (ref: section 2.4).</td>
</tr>
</tbody>
</table>
Vehicle access to the precinct is to be provided from the northern extension of Bulla Road. The draft MDP states that, in order to achieve the desired access arrangements, modifications will be required to the Bulla Road interchange ramps, as below:

- a right turn lane provided for westbound exiting traffic onto Bulla Road and a signalised intersection constructed at the ramp intersection;
- modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north);
- the ramps servicing the eastbound freeway carriageway to be realigned and a roundabout constructed at their intersection with Bulla Road;
- the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

The proposed buildings will present a continuous elevation to the Tullamarine Freeway of approximately 650 metres long and between 6 and 7.5 metres tall. It is intended that there be billboard style panels on this elevation generally from 13 to 16.5 metres tall with one pylon sign near the entrance to the development being 19.5 metres tall. (Ref: section 3.8.2 of the draft MDP.)

(d) if a final master plan for the airport is in force—whether or not the development is consistent with the final master plan:

Assessment – Criteria Satisfied

EAPL asserts that the draft MDP is consistent with the Master Plan for Essendon Airport on the grounds that the proposed development is in accordance with:

- the vision for the airport contained in the Master Plan, as below (ref: section 1.3 of the draft MDP)
  "To establish a commercially viable, safe, and functional general aviation facility which meets projected aviation requirements whilst utilising the property's strategic land holdings for high quality commercial development."
- the five objectives set out in the Master Plan to achieve this vision (ref: Table 1, section 1.3 of the draft MDP)
  - to maintain safe, secure, and efficient airport operations;
  - to add value to the airport by realising and taking advantage of development opportunities;
  - to increase market awareness of development opportunities at the airport;
  - to improve the integration of the airport with its surrounds;
  - to consolidate airport operations and aviation requirements to ensure efficient and sustainable land use;
- statements in the Master Plan that the Bulla Road Precinct (ref: section 5.4 of the draft MDP):
  - "will be developed to enable a range of activities and to reinforce the extension of Bulla Road as a secondary gateway to the airport site" and
"The Master Plan envisages the land being occupied by businesses which require larger building footprints and other uses that find it difficult to locate suitably sized parcels of land within other established areas of Melbourne."

provisions in the Essendon Airport Land Use Plan (an annexure to the Master Plan) which applies a Business 2 Zone (terminology adopted from State planning schemes) overlay to the Bulla Road Precinct. The purpose of this zone is to enable a range of commercial activities and EAPL note that the proposed development is for activities within that range. The zone is also intended to assist in establishing a secondary urban gateway and create a distinct entry and sense of arrival, which EAPL states will be achieved by the proposed development (ref: section 5.4 of the draft MDP).

**Department Comment**

Further analysis of the proposed development’s consistency with the Airport Master Plan is provided in the companion document *Factors the Minister Must Consider*. The department’s conclusions are given below.

The department is of the view that the draft MDP is consistent with the airport Master Plan. The department acknowledges the consistencies between the draft MDP and the Airport Master Plan identified by EAPL, noted above, however EAPL has failed to comment on the proposed development’s consistency with the Bulla Road Precinct Policy contained in the airport’s Land Use Plan (annexed to the Master Plan). The department considers that, for completeness, EAPL should have done so.

The Bulla Road Precinct Policy states that:

- a wide range of commercial activities (including office and retail) will be encouraged;
- development will have regard to aviation operational requirements;
- developments with exposure to Tullamarine Freeway appropriately address the freeway;
- developments will reinforce the campus-style theme of the airport;
- the development does not prejudice possible access to the Hart Precinct.

The department has had regard to the Policy in assessing the consistency of the draft MDP with the Master Plan. In summary, the department considers that the proposed development is consistent with the Policy for the following reasons:

- although the proposed development is a retail outlet and does not offer ‘a wide range of commercial activities (including office and retail)’, retail activities are among those envisaged for the Bulla Road Precinct by the Master Plan and, additionally, the Bulla Road Precinct Policy notes only that other commercial activity will be encouraged, not mandated;
- EAPL states⁴ that the site is not required for aviation purposes and that the proposed development will not interfere with aviation operations.

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⁴ Draft Major Development Plan, Table 1, page 3.
Assessment of Essendon Airport Bulla Road Precinct Draft Major Development Plan
Against the Requirements of the Airports Act 1996 and Airports Regulations 1997

<table>
<thead>
<tr>
<th>(c) if the development could affect noise exposure levels at the airport—the effect that the development would be likely to have on those levels;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment - Criteria Satisfied</td>
</tr>
<tr>
<td>EAPL expects that</td>
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<tr>
<td>- there will be no adverse impacts associated with ground traffic noise from the proposed development; and</td>
</tr>
<tr>
<td>- noise from vehicular traffic movements to and from the proposed retail precinct will be masked by existing air and ground traffic noise levels.</td>
</tr>
<tr>
<td>(Ref: section 3.4.2 of the draft MDP.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(f) the airport-lessee company’s plans, developed following consultations with the airlines that use the airport, local government bodies in the vicinity of the airport, for managing aircraft noise intrusion in areas forecast to be subject to exposure above the significant ANEF levels;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment - Criteria Satisfied</td>
</tr>
<tr>
<td>EAPL states in the draft MDP that the current ANEF prepared for Essendon Airport estimates that the Bulla Road Precinct is mostly between the 20 and 25 noise exposure contours. (Ref: section 3.4.1 of the draft MDP, Existing noise environment, page 25.)</td>
</tr>
<tr>
<td>No part of the proposed development falls within the ANEF 30 contour. Australian Standard 2021-2000 Table 2.1 indicates that commercial building sites are acceptable if less than 25 ANEF and are conditionally acceptable if within 25 to 35 ANEF.</td>
</tr>
</tbody>
</table>

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3 Draft Major Development Plan, section 2.4.3 Vehicle Access, page 18.
5 ibid.
Assessment of ... Essendon Airport Bulla Road Precinct Draft Major Development Plan Against the Requirements of the Airports Act 1996 and Airports Regulations 1997

(g) an outline of the approvals that the airport-lessee company, or any other person, has sought, is seeking or proposes to seek under Division 5 or Part 12 in respect of elements of the development,

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Assessment - Criteria Satisfied

**Division 5 (Building Control)**

The department has undertaken an assessment under the Act and concluded that matters affecting the environment have been examined as fully as practicable. All relevant areas appear to be covered. Management strategies have been identified as detailed in the assessment of the draft MDP against paragraph 91(1)(h), below.

**Construction**

EAPL has indicated that contractors would be required to have a corporate Environmental Management System (EMS) consistent with ISO14001. Prior to the start of construction, the contractor would prepare and implement an Environmental Management Plan for approval by the Airport Environment Officer. A draft Environment Management Plan for the construction phase has been included.

- **Surface Water Quality:** Stormwater may have an increased sediment load due to construction activities.
- **Groundwater:** It is not anticipated that the proposed development will have any effect on the quantity or quality of groundwater.
- **Flooding:** The site of the proposed development is not subject to any flooding risk from Moonee Ponds Creek.
- **Underground tanks:** A number of underground storage tanks (USTs) that formerly stored dangerous goods such as petrol and diesel require removal.
- **Contaminated Soil:** Surface soil samples reported impacts of total petroleum hydrocarbons greater than the accepted trigger levels. An additional localised area of isolated hydrocarbons was identified in the eastern portion of the site. In addition, soils surrounding the USTs may be impacted and require excavation. Contaminated soils may be encountered during the excavation of building footprints.
- **Traffic:** Construction traffic would include the delivery of building materials and equipment as well as vehicle movements associated with the construction workforce. It is estimated that there would be an average of 40 to 80 vehicle movements daily. This is not considered significant in comparison to the average annual daily traffic.
- **Flora and fauna:** The main impact will be the removal of a small number of trees scattered over the site. None of these species are of conservation significance. The removal of these trees is unlikely to have any impact on fauna, as the habitat potential is limited and there is a high degree of disturbance.
### Indigenous heritage:
Aboriginal Affairs Victoria does not hold any records for any Aboriginal archaeological sites on the subject land.

### Non-indigenous heritage:
Essendon Airport was entered on the Register of the National Estate on 20 May 2003. The former Government Hangar (Building 10) is the only structure within the precinct referred to and is listed among the most historically significant elements of the airport complex. A detailed appraisal of the heritage significance of all buildings in the Bulla Precinct was conducted by EAPL. Building 10 was considered to be of historical significance though, for a number of reasons including risk from asbestos, demolition was considered acceptable. The building was recorded before demolition. See also page 10.

### Air Quality:
Dust generated from construction is likely to exceed background unless managed appropriately. Dust may be created from earth moving activities and wind erosion of exposed soils. Exhaust emissions will also be created from vehicles and machinery used on site.

### Noise:
Site preparation and construction methods to be used for the proposed buildings would not result in any significant vibration beyond the immediate construction site. The disturbance of some sections of paving, guttering, lighting and other services on the site of the proposed buildings would generate some short-lived noise associated with the use of jack hammers and similar equipment. There will also be noise emissions from truck haulage, excavations and building construction. Essendon Airport has determined that there will be no significant noise or vibration impact.

### Waste:
Excluding contaminated soils and asbestos, construction waste is generally inert and poses a low risk to the environment.

### Hazardous Materials:
Asbestos sheeting was found on the ground in the vicinity of a former maintenance shed and site offices north of building 30. There is also the possibility that existing buildings contain asbestos.

### Socio-Economic:
EAPL has stated that the development will provide an important level of new retailing to the residents in the surrounding region that is not expected to have a significant adverse effect on other retail centres or traders in view of the wide regional draw on customers. EAPL note that this view is supported by a study it commissioned by Essential Economics Pty Ltd, *Essendon Airport Retail and Outlet Centre Development Economic Impact Assessment* July 2004.

NB: The department understands that EAPL commissioned this study in the light of concerns raised in submissions made during the public consultation phase regarding the impact of the proposed development on existing shopping centres.
EAPL considers that the development is unlikely to have an adverse impact on the existing social and economic environment in the environs of the Airport and will not adversely affect residential amenity. EAPL further contend that the proposed development will improve job availability and increase retail choice, and the outlet centre will create more convenient access (particularly for customers in the north-west of Melbourne as current offerings of this kind are located in the inner city and south-east of Melbourne).

(Ref: section 3.12 of the draft MDP.)

NB: the department has undertaken its own consideration of socio-economic issues – see the companion document, *Factors the Minister Must Consider (interests of the community)*.

**Operation**

EAPL has indicated that the environment management procedures for the entire airport would apply to the management of the proposed buildings in the retail precinct. Any specific requirements of the development would be incorporated in the environment management procedures for the overall airport.

<table>
<thead>
<tr>
<th>Surface Water Quality:</th>
<th>Impacts are expected to be minimal but may include minor spillages or leakage of oil or petrol from parked vehicles in the sealed parking areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic:</td>
<td>It is anticipated that there will be additional traffic on the local and regional road system, especially the intersection of the Tullamarine Freeway and Bulla Road.</td>
</tr>
<tr>
<td>Air Quality:</td>
<td>The additional vehicle movements generated by the proposed development may result in increased emissions. However, these estimates represent relatively minor increases in the total vehicular movements and are not expected to have any significant impact on air quality in the vicinity of Essendon Airport.</td>
</tr>
<tr>
<td>Visual:</td>
<td>A significant built element will be introduced on the southern boundary of Essendon Airport.</td>
</tr>
<tr>
<td>Noise:</td>
<td>There are not likely to be any adverse impacts associated with noise.</td>
</tr>
</tbody>
</table>

*Part 12 (Airspace Protection)*

EAPL notes that Part 12 does not apply in relation to the proposed development because there will be no impact on airspace protection. (Ref: Appendix A of the draft MDP.)

Airservices Australia has provided comment on the draft MDP. Airservices' comment is outlined in the companion document, *Factors the Minister Must Consider*.
Assessment of Essendon Airport Bulla Road Precinct Draft Major Development Plan
Against the Requirements of the Airports Act 1996 and Airports Regulations 1997

(h) the airport-lessee company's assessment of the environmental impacts that might reasonably be expected to be associated with the development;

<table>
<thead>
<tr>
<th>Assessment - Criteria Satisfied</th>
</tr>
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<tbody>
<tr>
<td>Measures outlined by the airport operator are considered acceptable for dealing with identified environmental impacts for the project.</td>
</tr>
</tbody>
</table>

**Construction**

EAPL has stated that a construction Environment Management Plan will be prepared prior to the commencement of construction. A draft of this document is attached to the draft MDP; indicative management measures have been included in the draft Environment Management Plan.

**Surface Water Quality:**

Sediment control measures will be installed around stormwater drains on site. Stormwater detention will also be provided to ensure that there is no increase in stormwater runoff generated from the site. This will be provided within the proposed car parking areas, using both below and above ground storage and natural absorption. Incorporation of relevant measures from Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) will ensure that both the treatment and retardation requirements of the proposal are achieved. Stormwater and de-watering control measures will be implemented if required to control any sediment laden run-off during excavations for the foundations and other works. Dust suppression measures would reduce the potential for sediment transportation. In addition, routine inspections of the stormwater system, are to be conducted, particularly after a rainfall event.

**Underground tanks:**

Appropriate occupational health and safety procedures will be followed during the pulling of the tanks.

**Contaminated Soil:**

For offsite disposal, the material will be classified as Low Level Contaminated Soil under the Victorian Environment Protection Authority's (EPA’s) Classification of Wastes. Contaminated soil will be capped or removed.

**Flora and fauna:**

Landscaping will be provided as part of the retail precinct development.

**Indigenous heritage:**

The following procedures will be undertaken to ensure that the archaeological material is dealt with appropriately:

- development/land management works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria shall be immediately notified of any such discovery; and
- development/land management works on the subject land shall cease immediately upon the discovery of any suspected human remains. The Police or State Coroner's Office must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria.
Non-indigenous heritage:

EAPL note that Building 10 is the only heritage building within the Precinct (see earlier reference page 7).

EAPL propose in the draft MDP that Building 10 be deleted from the Register of the National Estate, and that it be recorded prior to demolition given:

- Its lack of intactness;
- The fact that it no longer occupies its original location and cannot be relocated to its original site;
- It is not required and probably not suitable for aviation purposes, and
- It makes minimal contribution to the significance of the airport.

Essendon Airport obtained a demolition permit from the Airport Building Controller, recorded Building 10 and completed its demolition. DEH has provided comment on this process, see the companion document *Factors the Minister Must Consider*.

Air Quality:

Dust will be reduced using dust suppression devices such as water carts spraying exposed soil surface on a regular basis. In addition, dust from haulage can be reduced by placing covers on the loads. Dust emissions will be monitored via personal observations and the review of any complaints received from surrounding residential areas or regulatory authorities.

Noise:

All construction equipment to be used on site would be consistent with the *Airports (Environment Protection) Regulations 1997*. Impacts will be reduced by efficient site planning for operating hours and limiting the speed of trucks. Noise monitoring will be conducted via observations and the review of any complaints received from surrounding residential areas or regulatory authorities.

Waste:

The environmental impact of materials used in construction will be reduced by:

- Minimising demolition and construction waste materials volume;
- Using recycled materials where available and cost effective;
- Using light weight construction methods for suitable internal building elements; and
- Designing for building durability and flexibility.

Hazardous Materials:

Materials considered hazardous under Commonwealth or State law or regulations will not be used in the construction of the buildings.

An asbestos audit will be required prior to demolition and asbestos disposed in accordance with EPA guidelines.

Natural Resources:

Water tanks to capture rainwater will be integrated into the buildings design. Water collected will be used for watering of landscaped areas or for flushing of toilets or both.
Energy Use and Greenhouse Gas Emissions:

- An integrated energy efficiency strategy will be used which includes:
  - specifying roof and wall insulation values;
  - solar efficient building design;
  - designing for day-lighting in most areas;
  - using efficient heating and cooling equipment;
  - implementing efficient control of air-conditioning, heating and other mechanical plant; and
  - using efficient lighting equipment, appropriate zoning, circuits, switching and controls and water heaters.

The draft Environment Management Plan for the construction phase has indicated that the following mitigation measures may be included:

**Water:**

- storage of materials and waste is to be located at least 2 metres away from stormwater drains;
- vehicles to be washed down in designated areas to capture wash down water. Vehicles are to be washed down on a daily basis to reduce dust and dirt carried off site;
- oils, fuel and other liquid chemicals are to be located on spill trays, or in a bunded area, at least 5 metres from any stormwater drains;
- all chemical spills will be contained and cleaned up immediately;
- prevent stormwater from adjacent sites entering the development site;
- hay bales are to be placed around all stormwater outlets on the site to remove sediment from stormwater;
- regular inspections of the effectiveness of sediment control measures will be undertaken, with necessary improvements made where required. An inspection should be undertaken after the first storm event;
- undertaken inspections of surface runoff during or immediately after storm events;
- apply crushed rock to other frequently used tracks and haul roads that may produce sediment;
- circle long term stockpiles with hay bales; and
- wastewater must be disposed to sewer under a Trade Waste agreement with the local water authority. Wastewater must not be disposed to stormwater drains.

**Land:**

- install and maintain erosion controls on unstable slopes so that they remain effective during any pause in construction;
- keep vehicle traffic to well-defined haul roads;
- design the slope of a cut to reduce the angle of incline;
- vehicles to be washed down in a designated area, which will capture all wash down water. Vehicles are to be washed down to reduce dust and dirt being carried off site;
stockpiles are to be located away from stormwater drains;
construct long term stockpiles with slopes no greater than 2:1;
excavations should be examined for signs of contamination within fill material;
excavated material to be removed off site is to be tested for potential contaminants;
any soil removed off site must be tested, transported and disposed according to Victorian waste disposal regulations and guidelines;
any soil or fill imported to the site will be required to be tested by the supplier for contamination. Any imported material used onsite must be classified as fill material under EPA Publication 448;
asbestos will be handled, packaged and removed in accordance with appropriate guidelines; and
any empty drums removed off-site should be done so in accordance with EPA Publication 344 Transport and Disposal of empty drums containing hazardous compounds, October 1994.

Indigenous and non-indigenous heritage:
report any suspected aboriginal sites to Aboriginal Affairs Victoria;
stop work in the event that works may deface or damage an Aboriginal relic until the issue is resolved appropriately; and
monitor heritage buildings for vibration damage during construction.

Air quality:
water exposed areas where visible dust is observed;
water stockpiles to suppress dust;
consider crushed rock or water on main haul roads in the event of excessive dust generation;
a vehicle washdown area will be provided for all vehicles leaving the site;
site construction equipment and vehicles should be routinely maintained by operators;
no burning or incineration of wastes is to occur on-site; and
underground storage tank removal will be conducted and gases measured during excavation.

Noise:
fit all pneumatic tools, vehicles and plant with silencers where specifications allow;
ensure noise labels are affixed to new mobile air compressors and pavement breakers;
maintain noise suppression devices to the manufacturer’s specifications;
regularly maintain equipment and machinery;
maintain a record of maintenance activities; and
no noise emissions from construction or demolition activities will be discernible from a habitable room of a sensitive area between the hours of 7pm and 7am.
Waste Management:
- materials will be reused or recycled where possible with appropriate storage and collection arrangements established as required;
- provide designated and well signed bins for materials to be recycled;
- waste oil is to be collected in a dedicated container;
- transport and dispose of all waste that cannot be practically recycled to appropriate EPA licensed facilities as per EPA waste policies and guidelines;
- follow the waste management hierarchy of reduce, reuse, recycle and recover wastes;
- wastes will be managed to prevent generation of litter, transmission of odours and control vermin;
- provide bins for general waste at prominent waste generation areas within the site;
- ensure that litter is not left where it can be washed or blown off-site; and
- clean litter from key areas of the site at least weekly.

Hazardous Material:
- wastes identified as regulated wastes will be disposed and transported as per the appropriate regulations;
- only store the required volumes of fuel and/or chemicals;
- chemical and oil containers area to be kept on spill control pallets;
- maintain the integrity of any storage tanks;
- label storage tanks appropriately in accordance with the Dangerous Goods Regulations and Australian standards;
- fit automatic cut-offs on fuel dispensers; and
- store an appropriately stocked spill kit on site, for use in the event of fuel or chemical spills.

Energy conservation:
- identify opportunities for energy conservation during the design and construction phase of the development.

Operation

Surface Water Quality:
Mitigation measures will include:
- continued implementation of the Airport’s stormwater quality management system;
- treatment of stormwater runoff from the car park pavement prior to discharge. Sediment, oils and associated vehicle pollutants will be removed from water leaving the site by a system that will incorporate gross litter traps, sediment swales, planting varieties and organic materials. A specification of the most suitable measures will be identified and discussed with the Airport Environment Officer at detail design stage; and
- reduction of discharge from the site by the implementation of re-use initiatives including collection and re-use of roof stormwater and construction of stormwater swales.
## Assessment of Essendon Airport Bulla Road Precinct Draft Major Development Plan Against the Requirements of the Airports Act 1986 and Airports Regulations 1997

| Traffic: | Enhancement works on the intersection of the Tullamarine Freeway and Bulla Road and the northwards extension of Bulla Road will improve traffic flow in the vicinity of the site. Modifications will be required to the Bulla Road interchange ramps with the Tullamarine Freeway. |
| Visual: | Detailed design of the southern façade of the building will ensure it is appropriate to its setting adjacent to the Tullamarine Freeway. |
| Waste: | Waste generated in the new development will be managed under the Essendon Airport waste management plan. Recycling will be taken into account in managing the site and in the provision of facilities for paper and cardboard, metals, plastics and organic waste. |

(i) the airport-lessee company's plans for dealing with the environmental impacts mentioned in paragraph (h) (including plans for ameliorating or preventing environmental impacts);

Assessment – Criteria Satisfied

In addition to the environmental measures identified above in relation to the requirements of paragraph 91(1)(h), EAPL must also comply with the requirements of the approved Essendon Airport Environment Strategy. EAPL has identified the existence of the current document, approved by the Minister for Transport and Regional Services on 1 November 1999. A fresh Strategy has been submitted to the Minister for consideration, as required by the Act, and is under consideration; a decision is required by 29 January 2005.

EAPL did not mention that, at the time of forwarding the draft MDP to the Minister, there was a draft Airport Environment Strategy on public exhibition which was due for submission to the Minister by 1 November 2004 (since received). It would have been beneficial to do so, and to explain how this would impact on the draft MDP if approved. This said, it is expected that undertakings in this draft MDP would be subject to the management measures and controls of the new strategy, should it be approved.

(k) if a draft environment strategy has been approved—the date of the approval;

Assessment – Criteria Satisfied

Section 5.4 of the draft MDP notes that the Essendon Airport Environment Strategy (January 2000) was approved by the Minister for Transport and Regional Services on 1 November 1999. As noted above, a new draft Airport Environment Strategy has been submitted to the Minister, as required; a decision is required by 29 January 2005.

(l) such other matters (if any) as are specified in the regulations.

Matters specified in the Regulations are assessed later in this document.

Statutory Requirement: Ss 91(2)

Paragraphs (1)(a) to (k) (inclusive) do not, by implication, limit paragraph (1)(l).
No additional matters.

**Statutory Requirement: Ss 91(3)**
The regulations may provide that, in specifying a particular objective, assessment, outline or other matter covered by subsection (1), a major development plan, or a draft of such a plan, must address such things as are specified in the regulations.

Matters specified in the Regulations are assessed later in the document.

**Statutory Requirement: Ss 91(4)**
In specifying a particular objective or proposal covered by paragraph (1)(a) or (c), a major development plan, or a draft of such a plan, must address the extent (if any) of consistency with planning schemes in force under a law of the State or Territory in which the airport is located.

**Assessment – Criteria Satisfied**
The draft MDP addresses the proposed development’s consistency with local planning schemes, as follows (ref: Section 5.5 of the draft MDP):

- The Moonee Valley Planning Scheme does not allocate a zoning to Essendon Airport but does contemplate development for non aviation uses on the western side of the airport (the proposed development in this case is on the southern boundary). These uses are for high quality industrial parks and residential housing, which are generally not consistent with the Airport Master Plan;
- the Bulla Road Precinct is classed as a Business 2 Zone in the Master Plan, which reflects State planning terminology. EAPL note that, under State requirements a planning permit would be required and that the MDP process has some common features with the permit process;
- retail precinct development in the City of Moonee Valley would require, among other things, compliance with suitable business or mixed use zoning of the site, and compliance with applicable overlays. EAPL note that the draft MDP reflects the zoning specified in the Master Plan;
- if the proposed development fell under the jurisdiction of State planning authorities, the planning permit would have to be accompanied by a supporting expert’s report and technical reports, including potential environmental effects such as traffic, local amenity, urban design, flora and fauna, cultural heritage and soil contamination. EAPL notes that these issues are covered in the draft MDP;
- referral to relevant agencies such as VicRoads would be required. EAPL note that such agencies have been consulted, particularly VicRoads, (ref also: section 3.7.3 of the draft MDP)
- an assessment of the proposal in relation to the relevant provisions of Melbourne 2030 – Planning for Sustainable Growth. EAPL notes that Melbourne 2030 is generally inconsistent with the proposed development. This is explored further below.

The department is of the view that the issue of the proposed development’s consistency with State and local planning regimes is an important one that warrants further analysis. This is provided in the companion document, *Factors the Minister Must Consider*. 

<table>
<thead>
<tr>
<th>Statutory Requirement: Ss 91(5)</th>
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<tbody>
<tr>
<td>Subsection (4) does not, by implication, limit subsection (3).</td>
</tr>
<tr>
<td>No assessment required.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Statutory Requirement: Ss 91(6)</th>
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</thead>
<tbody>
<tr>
<td>In developing plans referred to in paragraph (1)(f), an airport-lessee company must have regard to Australian Standard AS2021—1994 (&quot;Acoustics—Aircraft noise intrusion—Building siting and construction&quot;).</td>
</tr>
<tr>
<td><strong>Assessment: Criteria satisfied</strong></td>
</tr>
<tr>
<td>EAIP has had regard to the more recent version of the above standard, the Australian Standard 2021-2000. (Ref: Draft MDP, section 3.4.1 Existing noise environment, page 25.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Statutory Requirement: Ss 91(7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsection (6) does not, by implication, limit the matters to which regard may be had.</td>
</tr>
<tr>
<td>No additional matters.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Statutory Requirement: Ss 92, Public comment</th>
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<tbody>
<tr>
<td>(1) Before giving the Minister a draft major development plan, the airport-lessee company concerned must:</td>
</tr>
<tr>
<td>(a) cause to be published in a newspaper circulating generally in the State or Territory in which the airport is situated a notice:</td>
</tr>
<tr>
<td>(i) stating that the company has prepared a draft version of the plan; and</td>
</tr>
<tr>
<td>(ii) stating that copies of the draft version will be available for inspection and purchase by members of the public during normal office hours throughout the period of 90 days after the publication of the notice; and</td>
</tr>
<tr>
<td>(iii) specifying the place or places where the copies will be available for inspection and purchase; and</td>
</tr>
<tr>
<td>(iv) inviting members of the public to give written comments about the draft version to the company within 90 days after the publication of the notice; and</td>
</tr>
</tbody>
</table>
| (b) make copies of the draft version available for inspection and purchase by members of the public in accordance with the notice.
Assessment: Criteria satisfied

EAPL has provided the department with a copy of the advertisement, published in the Melbourne Age Newspaper on 28 January 2004, providing notice that the draft MDP would be for sale and on public display until 28 April 2004. Copies of the draft version of the MDP were made available for inspection and purchase by members of the public in accordance with the notice. Twelve submissions were received; these are outlined in a summary of submissions provided by EAPL. There was one complaint from a person making submission that the advertisement was not sufficient for a project of this size. Nevertheless, EAPL has met the statutory requirements.

Statutory Requirement: Ss 92, Public comment

(2) If members of the public have given written comments about the draft version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by a written certificate signed on behalf of the company

(a) listing the names of those members of the public; and

(b) summarising those comments; and

(c) stating that the company has had due regard to those comments in preparing the draft plan; and

(d) setting out such other information (if any) about those comments as is specified in the regulations.

(3) Subsection (2) does not, by implication, limit the matters to which the company may have regard.

Assessment: Criteria satisfied

A written certificate and summary of submissions has been provided in accordance with the above requirement. EAPL has attested that due regard has been given to the submissions. The department agrees that this appears to be the case. This said, the department considers that a closer examination of a number of these issues is warranted and this analysis is set out in the companion document, Factors the Minister Must Consider.

Issues raised in the submissions include:

- traffic congestion in the local area;
- the impact of the proposed signage;
- conflict with state and local land use planning schemes;
- lack of public transport to the site;
- impact on other shopping centres;
- contravention with s 32 of the Airports Act (Airport-operator company must not carry on non-airport business);
the pending review of the Minister's decision to approve the Master Plan by the Administrative Appeals Tribunal;
energy use and greenhouse gas impacts;
compliance with the Australian Heritage Commission Act;
visual assessment;
landscaping and site planning;
water sensitive urban design principles;
stormwater management;
recycling of existing site materials;
scope and status of the environmental management plan; and
heritage significance of Building 10 (it should be noted that Building 10 has already been demolished).

**Statutory Requirement: S93 Consultations**

(1) This section applies if:
(a) an airport-lessee company gives the Minister a draft major development plan; and
(b) before the publication under section 92 of a notice about the plan, the company consulted a person covered by any of the following subparagraphs:
   (i) a State or Territory government;
   (ii) an authority of a State or Territory;
   (iii) a local government body;
   (iv) an airline or other user of the airport concerned;
   (v) any other person.

(2) The draft major development plan submitted to the Minister must be accompanied by a written statement signed on behalf of the company:
(a) listing the names of the persons consulted; and
(b) summarising the views expressed by the persons consulted.

**Assessment: Criteria satisfied**

EAPL has provided a written statement that the following agencies have been consulted:
- Airservices Australia;
Civil Aviation Safety Authority;
Department of Transport and Regional Services;
the Airport Environment Officer (general briefing);
Department of Infrastructure (Vic);
VicRoads;
Moonee Valley City Council (Councillors and senior managers);
Close Essendon Airport Committee (general briefing);
Strathmore Neighbourhood Watch Residents meeting (general briefing);
the Hon Judy Maddigan, MLC (general briefing);
the Hon Kelvin Thomson, MHR (general briefing).

The summary of consultations provided by EA PL could be considered sparse. At the department’s request, EA PL subsequently provided further information regarding its consultations with VicRoads and the Department of Infrastructure. The department notes that those consulted also had the opportunity to make submission as part of the public consultation phase and that at least two did so (the Airport Environment Officer and the Moonee Valley City Council).

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**Statutory Requirement: S22 Airport lease granted subject to existing interests in the land**

(1) An airport lease is granted under section 13 subject to all existing leases in relation to the land concerned.

(2) The following provisions have effect:

(a) all obligations and benefits of the Commonwealth under, or connected with, such an existing lease:
   (i) pass to the airport-lessee company; and
   (ii) cease to be enforceable by or against the Commonwealth,
   whether or not the obligations or benefits touch and concern the land;

(b) an instrument relating to such an obligation or benefit continues to have effect after the grant of the airport lease as if a reference in the instrument to the Commonwealth of the Federal Airports Corporation were a reference to the company;

(c) the company becomes the Commonwealth’s successor in law, in relation to such an obligation or benefit, immediately after the grant of the airport lease.

Note 1: The lessees of existing leases become lessees of the airport-lessee company.

Note 2: Subsections (1) and (2) relate to the obligations and benefits of the Commonwealth as lessor. Section 17 of the Airports (Transitional) Act 1996 deals with a case where the Commonwealth is the lessee under an existing lease.

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Assessment: Criteria satisfied

EAPL states that nothing in the draft MDP is inconsistent with any obligations or rights which passed to company under the Airports Act 1996. (Ref: Section 1.1 of the draft MDP.)

Statutory Requirement: S 26 Airports (Transitional) Act 1996, Airport lease granted subject to existing interests in the land

(1) An airport lease is granted under section 21 or 22 subject to all existing leases in relation to the land concerned.

(2) Unless the Minister for Finance otherwise determines:
   (a) all obligations and benefits of the Commonwealth under, or connected with, such an existing lease:
      (i) pass to the airport-lessee company; and
      (ii) cease to be enforceable by or against the Commonwealth;
           whether or not the obligations or benefits touch and concern the land; and
   (b) an instrument relating to such an obligation or benefit continues to have effect after the grant of the airport lease as if a reference in the instrument to the FAC or to the Commonwealth were a reference to the company; and
   (c) the company becomes the Commonwealth's successor in law, in relation to such an obligation or benefit, immediately after the grant of the airport lease.

Note 1: The lessees of existing leases become lessees of the airport-lessee company.

Note 2: Subsections (1) and (2) relate to the obligations and benefits of the Commonwealth as lessor. Section 17 deals with a case where the Commonwealth is the lessee under an existing lease.

(3) An airport lease is granted under section 21 or 22 subject to all other existing interests in the land concerned.

Assessment: Criteria satisfied

EAPL states that nothing in the draft MDP is inconsistent with any obligations or rights which passed to company under the Airports Act 1996. (Ref: Section 1.1 of the draft MDP.)

Statutory Requirement: Airports Regulation 5.03, Developments exempt from Division 4 of Part 5 of the Act

(1) For paragraphs 90 (1) (d) and (4) (d) of the Act, a major airport development that is the subject of written permission or approval (however described) of the Federal Airports Corporation when it was the operator of the airport concerned, is exempt from Division 4 of Part 5 of the Act.

(2) If a development referred to in sub regulation (1) was approved subject to a condition, and the condition is not inconsistent with the Act or these Regulations, that condition is taken to continue to apply to the development.
Assessment: Criteria satisfied

No part of the development is the subject of an approval by the former Federal Airports Corporation. (Ref: Section 1.1 of the draft MDP.)

<table>
<thead>
<tr>
<th>Statutory Requirement: Airports Regulation 5.04, Contents of major development plan</th>
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<tbody>
<tr>
<td>For subsection 91 (3) of the Act, a major development plan must address the obligations of the airport-lessee company as sublessor under any sublease of the airport site concerned, and the rights of the sublessee under any such sublease, including:</td>
</tr>
<tr>
<td>(a) any obligation that has passed to the relevant airport-lessee company under subsection 22 (2) of the Act or subsection 26 (2) of the Transitional Act; or</td>
</tr>
<tr>
<td>(b) any interest to which the relevant airport lease is subject under subsection 22 (3) of the Act, or subsection 26 (3) of the Transitional Act.</td>
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</table>

Assessment: Criteria Satisfied

In accordance with Regulation 5.04 of the Airport Regulations 1997, EAPL acknowledges the rights of sublessees under any sublease of the airport. Those rights and obligations include those which passed to EAPL under the transitional arrangements in section 22 of the Airports Act 1996. EAPL states that nothing in this draft MDP is inconsistent with any such obligations or rights. (Ref: draft MDP section 1.1, page 1.)
## Factors That Minister Must Consider In Assessing Major Development Plan

<table>
<thead>
<tr>
<th>Statutory Requirement</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>Subsection 94(3)</td>
<td></td>
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<tr>
<td>In deciding whether to approve the MDP, the Minister must have regard to certain matters:</td>
<td></td>
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<tr>
<td>Para. 94(3)(a)</td>
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<tr>
<td>The extent to which carrying out the plan would meet the future needs of civil aviation users of the airport, and other users of the airport, for services and facilities relating to the airport.</td>
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</tr>
<tr>
<td>1. The airport lessee company, Essendon Airport Pty Ltd (EAPL) notes that an immediate benefit from the proposed development is the relocation of the emergency services staging area for aviation purposes closer to the centre of aviation operations in English Street (relocation has already been completed).</td>
<td></td>
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<tr>
<td>2. Other potential benefits from the proposed development are likely to include:</td>
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<tr>
<td>&gt; an additional income stream for the airport which will permit other improvements, for example creation of a more efficient centralised aviation precinct(^1). Additional income will be important if, as noted in the Essendon Airport Master Plan(^2), landing fees do not adequately cover the cost of maintaining existing aviation facilities</td>
<td></td>
</tr>
<tr>
<td>&gt; the projected growth of aviation traffic over the next 20 years is noted in the Master Plan(^3) as being modest, which is likely to mean that airport income from its aviation business will not significantly improve. A more complete discussion of these issues is given below, paragraphs 40-43;</td>
<td></td>
</tr>
<tr>
<td>&gt; consistent with one of the objects of the Airports Act, the promotion of the efficient and economic development and operation of the airport, thereby adding value to it;</td>
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<tr>
<td>&gt; improved access to the airport from its surrounds through the proposed improvements to the Bulla Road intersection.</td>
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\(^1\) Essendon Airport Master Plan, May 2003, page 53.  
\(^2\) Essendon Airport Master Plan, May 2003, page 15.  
\(^3\) Ibid.
Factors That Minister Must Consider In Assessing Major Development Plan

<table>
<thead>
<tr>
<th>Para. 94(3)(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The effect that carrying out the plan would be likely to have on the future operating capacity of the airport</td>
</tr>
</tbody>
</table>

3. The proposed development is not likely to have any impact on the future operating capacity of the airport. EAPL state that the airport currently has aviation facilities in excess of what is necessary to support the current general aviation operations of approximately 64,000 aircraft movements annually.⁴

<table>
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<tr>
<th>Para. 94(3)(c)</th>
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<tbody>
<tr>
<td>The impact that carrying out the plan would be likely to have on the environment</td>
</tr>
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</table>

4. The department has undertaken an assessment under the Airports Act and concluded that matters affecting the environment have been examined as fully as practicable (see also the companion document to this one, Assessment Of The Essendon Airport Bulla Road Precinct Draft Major Development Plan Against Requirements Of The Airport Act 1996). All relevant areas appear to be covered. Environmental management strategies have been detailed in that document in relation to the assessment of EAPL’s compliance with paragraph 91(1)(h).

5. Consistent with this requirement, the department sought and received advice from the delegate of the Minister for the Environment and Heritage within the Department of the Environment and Heritage (DEH). DEH determined that, in relation to the Bulla Road Precinct draft MDP,

   “there are no unacceptable environmental impacts associated with the proposal and that it can be approved subject to the environmental safeguards proposed in the major development plan by the proponent. In addition, ... there are no other matters that need to be employed to protect the environment from the proposed action...”

6. The suggested letter from the Minister to EAPL notes that the company will be required to act consistently with the environmental safeguards proposed in the draft major development plan, and with the Environmental Management Strategy in force for the airport.

7. The advice of DEH also had regard to heritage issues. Essendon Airport was entered on the Register of the National Estate (RNE) on 20 May 2003. EAPL note in the draft MDP⁵ that the former Government Hangar (Building 10) is the only heritage structure located within the Bulla Road Precinct and that construction of the proposed development would require its demolition. In the light of this, EAPL commissioned a detailed appraisal of the heritage significance of all buildings in the Bulla Precinct by heritage consultants, Allom Lovell. EAPL note that Allom Lovell’s report (dated October 2003) confirmed Building 10’s historical significance but found that the building’s heritage value was compromised by the fact that, among other things, it was not intact and was not in its original location. Allom Lovell recommended that Building 10 be deleted from the RNE and recorded prior to its demolition.

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⁴ Draft MDP, section 3.9.3 Effect on future operating capacity, page 21.
⁵ Letter to the department dated 28 October 2004.
⁶ Draft MDP, section 3.10.2 European heritage, page 33.
Factors That Minister Must Consider In Assessing Major Development Plan

8. Building 10 has already been demolished. The department acknowledges that EA PL appear to have acted in good faith in this regard. This said, DEH has advised that it would have been desirable for EA PL to have formally raised the need for demolition of Building 10 with DEH as part of, or parallel with, the assessment and advice process in relation to the draft MDP under the EPBC Act. In keeping with a recommendation made by DEH, the department has written to EA PL noting DEH’s concerns about the process associated with the demolition of Building 10 and advising that any future developments at Essendon airport should accord with both the spirit and letter of the EPBC Act.

9. The consultations undertaken by EA PL in relation to the draft MDP cover those required by section 93 (Consultations) and section 92 (Public comment) of the Act.

10. The department considers that consultations undertaken pursuant to section 93, undertaken prior to the public consultation phase, have been acceptable. This said, the summary of consultations provided by EA PL could be considered sparse. At the department’s request, EA PL subsequently provided further information regarding its consultations with VicRoads and the Department of Infrastructure 7. The department also had regard to the fact that those consulted had the opportunity to make submission as part of the public consultation phase and that at least two did so (the Airport Environment Officer and the Moonee Valley City Council).

11. EA PL has provided a statement pursuant to ss 93(2) stating that they consulted with the following agencies/ persons:

   VicRoads, which advised on road design proposals for junction of Tullamarine and Calder Freeway and other regional traffic issues (VicRoads did not provide a submission as part of the public consultation phase);

   NB: EA PL subsequently advised 8 that VicRoads:

   o commented, in a letter dated 16 July 2004, that it considered the Grogan Richards traffic analysis for the Bulla Road interchange to be satisfactory;

   o is not responsible for local traffic (which falls under the jurisdiction of the Moonee Valley City Council) but has not objected to drawings provided to it showing the proposed separation of First Avenue from the westbound freeway off ramp; and

   o has not commented on the proposed signage for the development and, in particular, has not raised any safety concern relating to signage that is proposed for the site.

   The Victorian Department of Infrastructure and Planning, which advised on the relationship of approved Master Plan for Essendon Airport to Melbourne 2030;

   NB: As part of a machinery of government change in Victoria, portfolio responsibility for planning issues has transferred to the Department of Sustainability and Environment (DSE). DSE made a formal submission as part of the public consultation phase.

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8 ibid.
Factors That Minister Must Consider in Assessing Major Development Plan

- Airservices Australia, which advised on the potential impact of the proposed development on navigational aids, in particular the impact on approach minima, building limitations around instrument approach runways, and Airservices' ring cable linking into the Instrument Landing System;
- The Civil Aviation Safety Authority (CASA), which confirmed the runway transitional surfaces measurements from the 08/26 runway - relevant to the space available for development.
  
  NB: the department referred the draft MDP to CASA for formal comment but none was received;
- The Federal Department of Transport and Regional Services, which advised on the relationship of the proposed major airport development to the approved Master Plan, the Airports Act and other Commonwealth legislation and guidelines;
- The Airport Environment Officer (AEO) - EAPL advise that they provided a general briefing to the AEO on the proposed Bulla Road Precinct development.
  
  NB: the AEO also provided a formal submission as part of the public consultation phase.
- The Moonee Valley City Council (Councillors and senior managers) - EAPL advise that they provided a general briefing about the proposed Bulla Road Precinct development and received views about additional economic development and employment opportunities within the municipality.
  
  NB: the Council also provided a formal submission.
- The Close Essendon Airport Committee - EAPL advise that they provided a general briefing about the proposed Bulla Road Precinct development;
- The Strathmore Neighbourhood Watch Residents Meeting - EAPL advise that they provided a general briefing about the proposed Bulla Road Precinct development;
- The Hon Judy Maddigan MLC, Member for Essendon - EAPL advise that they provided a general briefing about the proposed Bulla Road Precinct development;
- Mr Kelvin Thomson MP, Federal Member for Wills - EAPL advise that they provided a general briefing about the proposed Bulla Road Precinct development.

12. In terms of public comment/consultation undertaken by EAPL pursuant to section 92, a written certificate and summary of submissions has been provided and the department considers that EAPL has given due regard to the matters raised in the submissions. This said, the department considers that a closer examination of a number of these issues is warranted and this analysis is provided in other sections of this document.

13. Issues raised in the public submissions include:
- Traffic congestion in the local area;
- The impact of the proposed signage;
- Conflict with state and local land use planning schemes;
- Lack of public transport to the site;
### Factors That Minister Must Consider In Assessing Major Development Plan

- impact on other shopping centres;
- contravention with s 32 of the Airports Act (Airport-operator company must not carry on non-airport business);
- the pending review of the Minister's decision to approve the Master Plan by the Administrative Appeals Tribunal;
- energy use and greenhouse gas impacts;
- compliance with the Australian Heritage Commission Act;
- visual assessment;
- landscaping and site planning;
- water sensitive urban design principles;
- stormwater management;
- recycling of existing site materials;
- scope and status of the environmental management plan; and
- heritage significance of Building 10 (it should be noted that Building 10 has already been demolished).

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#### Para. 94(3)(e)

The views of CASA and Airservices Australia in so far as they relate to safety aspects and operational aspects of the plan.

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### Airservices Australia

14. Airservices Australia has underscored the importance that the integrity of Runway 26 ILS (navigation aid) be maintained. Airservices also stressed the importance that the LLZ/GP beams not be affected by the steel cladding of buildings 1 and 4, or the vehicular movement within the 1900 place car park as degradation of the ILS signal may result in higher minima, and potentially a greater workload for MS TMA.

15. EAPL has stated in the draft MDP that the proposed development will have no adverse impact on any navigation aids or operational activities at the airport. This said, given the importance of the function, the following recommendation is made pursuant to ss 94(7), Minister may approve the draft major development plan subject to one or more conditions.

**Recommendation 1:** that it be made a condition of the approval of the MDP that the proposed development will have no adverse impact on any navigation aids or operational activities at the airport.

16. Airservices Australia point out two minor factual errors in the MDP, which have been brought to EAPL's attention. Airservices Australia also state that they do not consider that the proposed development will have any impact on cabling, microwave links, satellite facilities or nav aids.

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9 Draft MDP, section 2.9.1 *Airport Navigational Aids*, and section 3.6.2 *Navigational Aids*. 
Factors That Minister Must Consider In Assessing Major Development Plan

CASA

17. Comment from CASA on the draft MDP was not received. This being the case, based on legal advice, the following recommendation is made pursuant to ss 94(7), Minister may approve the draft major development plan subject to one or more conditions.

Recommendation 2: that it be made a condition of approval of the MDP that EAPL consult CASA during construction of the proposed development and comply with any safety requirements specified by that agency. Additionally, EAPL must advise the department of any changes to the approved major development plan arising from the need to comply with CASA standards.

Para. 94(4)
Subsection (3) does not, by implication, limit the matters to which the Minister may have regard.

18. There are a number of additional matters which the department considers should be taken into account by the Minister in deciding whether, or not, to approve the draft MDP. These are:
   » consistency of the proposed development with State and local planning regimes;
   » Commonwealth policy;
   » the interests of the community and whether there would be a net benefit from the proposed development;
   » pending legal action and applications for administrative review; and
   » review of the Airports Act.

Consistency with State and local planning regimes

19. The department has examined the proposed development against State and local planning schemes and has made recommendations, outlined below, in order to make the development more consistent with them. The department has suggested that, in a number of cases, these recommendations form conditions of the Minister’s approval of the draft MDP.

20. In particular, the analysis undertaken by the Department considered the proposed development against the following:
   » Melbourne 2030 – Planning for Sustainable Growth;
   » consultation with VicRoads and the Moonee Valley City Council;
   » the Moonee Valley Planning Scheme.

10 Email advice dated 11 October 2004.
11 Advice from DOTARS’ General Counsel dated 28 July 2004.
Factors That Minister Must Consider in Assessing Major Development Plan

Melbourne 2030

21. One of the most significant ways that the proposed development varies from Melbourne 2030 is that it is not a prescribed activity centre. As a result, it is likely that it would only be considered by local planning authorities if it could be shown to be a net benefit\textsuperscript{12} to the community. This issue is considered later in this document (interests of the community). The Department has assessed the proposed development against the criteria that apply to activity centres in Victorian planning schemes\textsuperscript{13}. The most significant differences are:

\begin{itemize}
  \item the proposed development is solely retail centred and does not incorporate a variety of land uses;
  \item Essendon Airport is not directly serviced by public transport nor does the proposed development appear to provide good access to pedestrians or cyclists.
\end{itemize}

22. The department considers that it should be possible to ensure a mix of commercial development across the airport as a whole even if it is not planned in relation to the proposed development. Additionally, measures can be taken to facilitate future access to the site by modes of transport other than car. With this in mind the following recommendations are made:

**Recommendation 3:** If the draft MDP is approved, EAPL be advised that there will be close scrutiny of future development proposals at the airport to ensure a balance of mixed commercial activities, in keeping with the broader intention of the airport Master Plan’s Land Use Plan for the airport. This will include developments submitted to the Airport Building Controller that do not trigger the requirement to submit a major development plan.

**Recommendation 4.1:** That, as a condition of the Minister’s approval of the MDP pursuant to ss 94(7), \textit{Minister may approve the draft major development plan subject to one or more conditions}, EAPL be required to ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately.

**Recommendation 4.2:** The Minister strongly encourage EAPL to develop an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking.

**Recommendation 5:** That, in the absence of any direct public transport to the site, the Minister strongly encourage EAPL to fund any appropriate upgrade or construction of a safe walking path from the public transport stopping point closest or most convenient to the Bulla Road entrance of the proposed development. The department envisages that this work would be undertaken with the full consultation and approval of the Moonee Valley City Council.

\textsuperscript{12} Melbourne 2030: Planning for Sustainable Growth, Policy 1.2, page 55.

\textsuperscript{13} State Planning Policy Framework – Clause 17 Economic Development (11 June 2004)
Factors That Minister Must Consider in Assessing Major Development Plan

Consultation with VicRoads and the Moonee Valley City Council

23. The department has confirmed with VicRoads that they have worked with EAPL and with EAPL's traffic consultants, Grogan Richards, and are now satisfied that the Grogan Richards traffic report, which forms part of the draft MDP, adequately addresses traffic issues within VicRoads jurisdiction. This said, the department notes that the Department of Sustainability and Environment were of the view that further analysis of the impact on the surrounding road network was required and that the Moonee Valley City Council sought additional justification for the traffic generation rates used and traffic assessments of Woodland Street and nearby local streets. EAPL, on the other hand, considered that the impacts have been fully assessed and declined further justification on the basis of their view that the Grogan Richards Report is adequate.

24. Various traffic mitigation measures have been proposed by the Moonee Valley City Council and EAPL to reduce the impact of increased traffic as a result of the development. EAPL has advised that those put forward by its consultants, Grogan Richards, are expected to be completed by the time the proposed development opens for business. These are described in section 4.3 of the Grogan Richards report as modifications to the Bulla Road interchange ramps with Tullamarine Freeway, as below:

1. right turn lane provided for westbound traffic exiting onto Bulla Road and signalised intersection constructed at the ramp intersection;
2. modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north);
3. the ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road. In addition the northbound traffic flow is to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

25. Even with these measures in place, the Grogan Richards report states that during the afternoon peak hour traffic is expected to result in relatively long queues exiting the proposed development, with potential queues of 120 metres resulting in an average delay of 2 minutes and a level of service rated as poor. Notwithstanding this, the Grogan Richards report states that queues will not interfere with the internal traffic circulation within the car park areas, or the operation of the external road network.

26. Other mooted traffic mitigation measures involve partial road closures. EAPL has advised that the Moonee Valley City Council has completed consultations with local residents and an option preferred by residents and supported by Council will result in First Avenue being made a court fully separated from the freeway off ramp. EAPL has undertaken to fund the required works and has stated that it will do what it can to ensure that they are completed by the time the development is opened, if approved.

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15 Letter to Department dated 12 October 2004.
16 ibid.
17 ibid.
Factors That Minister Must Consider In Assessing Major Development Plan

27. In its response to submissions, EA PL has indicated that it is reluctant to fund other traffic mitigation measures recommended by Council, such as preventing traffic leaving the development from turning left from Bulla Road onto residential streets. EA PL is of the view that the forecast additional traffic travelling south along Bulla Road as a result of the development does not justify EA PL being required to fund these measures. According to the Grogan Richards report, at its worst (pm peak hour traffic), traffic along this route as a result of the development will increase by some 12%, or about 198 cars. The department notes, however, that traffic would be likely to increase beyond this forecast if population growth of the resident population of the trade area occurs. EA PL quote forecasts of approximately 1% per annum over the period 2003 to 2011 in this respect.

Conclusion – consultation with VicRoads and the Moonee Valley City Council

28. The department acknowledges the traffic mitigation measures that EA PL have put in place and/or agreed to fund. Nevertheless, the department notes that Council is apprehensive about the impact of the development on local traffic management and that this concern is echoed by members of the public (S) who also made submission, as well as by the Victorian Department of Sustainability and Environment. While the Grogan Richards report is useful, there is clearly concern that it has not gone far enough in assessing the impact of the traffic on the local residents. Neither does it factor in the expected population growth of the trade area.

29. Given the economic benefit that will accrue to EA PL should the proposed development be approved, the department considers it appropriate that EA PL take reasonable measures to protect the safety and amenity of the local residents and road users. For that reason, the following recommendations are made pursuant to ss 94(7), Minister may approve the draft major development plan subject to one or more conditions.

Recommendation 6: It is recommended that it be made a condition of approval of the MDP that:

6.1: EA PL fund the following traffic mitigation measures, as set out in section 2.4.3 of the draft MDP submitted to the Minister. The funds should be available so that, subject to the cooperation and agreement of State and local agencies, there is no impediment to the early completion of the measures, preferably before the opening of any part of the proposed development for business:

- a right turn lane provided for westbound traffic exiting onto Bulla Road and signalised intersection constructed at the ramp intersection; and
- modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and
- the ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road; and

18 Grogan Richards Traffic Report, Figure 8, page 15, dated 29 October 2003.
Factors That Minister Must Consider in Assessing Major Development Plan

- the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised; and

6.2 EAPL fund modifications to First Avenue to turn it into a court fully separated from the freeway off ramp, or as otherwise agreed with the Moonee Valley City Council;

6.3 within two years of the date of the full development opening for business (all buildings), EAPL commission, in consultation and agreement with Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and

6.4 based on the result of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the findings of the independent assessment, fund a minimum 20% of their fair cost or any other reasonable amount that may be agreed.

Signage

30. The draft MDP notes\(^{21}\) that some ‘blades’ of signage will vary in height from 13 to 16.5 metres. The signage will be readily apparent from the freeway. A pylon sign 19.5 metres high is also proposed for the centre of the roundabout on Bulla Road to the north of the Tullamarine Freeway\(^{22}\).

31. Both the Moonee Valley City Council and the Victorian Department of Sustainability and Environment raise concerns about the possibility that the proposed signage of the development may represent a safety concern by distracting motorists using the high-speed Tullamarine Freeway. Council is also concerned about the visual amenity of people using the Freeway. EAPL do not agree that this is an issue and has provided a copy of case law\(^{23}\) to the department suggesting that there is no definitive evidence that advertising signs cause or have an effect on traffic safety. EAPL also notes that VicRoads has not raised the issue of signage directly and that the proposed signage was not considered a safety concern by their traffic consultants, Grogan Richards. The Department of Sustainability and Environment note that the content of the signage is not specified in the draft MDP and request that such detail be assessed by VicRoads and Citylink.

\(^{21}\) Draft Major Development Plan, section 2.2.2, Design Response, page 9.

\(^{22}\) Draft Major Development Plan, section 2.5.2, Signage, page 19.

32. Relevant to this discussion is EAPL’s own Land Use Plan ²⁴ (an annexure to the Master Plan) which states that the purpose of signage should be to, among other things, ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road. At least some of the signs proposed by EAPL in relation to the development are of a significant size, and could be regarded as ‘Major Promotion Signs’ ²⁵ for the purposes of the Land Use Plan. The decision guidelines for EAPL approving such signs recognise the need to maintain driver safety.

33. The department believes that the Land Use Plan provides adequate guidance on the appropriate nature of advertising signs at the site and therefore makes the following recommendation.

**Recommendation 7**: that the Minister reinforce with EAPL that all advertising signage erected in relation to the proposed development must be consistent with the airport Master Plan’s Land Use Plan.

**Moonee Valley Planning Scheme**

34. Essendon Airport falls within the area administered by the Moonee Valley City Council, however is not covered by any local zones or overlays given that the site is Commonwealth land. Nevertheless the Scheme does comment on possible development of the site, stating that non aviation development should be located on the western side of the airport (not the southern part, where the Bulla Road Precinct is located). Also that such development should also be consistent with Council’s long term vision of the site, upon its closure, which is to provide housing and a mix of commercial, industrial and entertainment facilities. The Municipal Strategic Statement (March 2000) notes Council intention not to support the expansion of substantial new retail floor space outside the major centres of Moonee Ponds, Airport West or Niddrie.

35. The discrepancy between the proposed development and the Council’s preference for the site was not, however, raised as an issue by the Council in its submission as part of the public consultation phase. Such issues were, however, raised by the Shopping Centre Council of Australia (SCCA), the Victorian Department of Sustainability and Environment, and the City of Darebin. The SCCA and the City of Darebin were both concerned that an out of centre development will detract from the profitability of existing centres. The Department of Sustainability and Environment expressed the view that the development should be located on the western side of the airport in the English Street Precinct if the development went ahead (which, on the whole, it did not support).

36. The department considers that there is no reason to reject the proposed development because of its location on the southern boundary of the airport site, on the grounds that retail development is consistent with the Master Plan and, significantly, the Moonee Valley City Council, the body responsible for the Moonee Valley Planning Scheme, has not pressed any objections to the proposed development because of its location or the nature of its (retail) activities.

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²⁴ Essendon Airport Land Use Plan, Clause 52.05, Advertising Signs.
²⁵ Essendon Airport Land Use Plan, Definitions – clause 73 – “A sign which is 18 square metres or greater....”
Factors That Minister Must Consider in Assessing Major Development Plan

37. A discussion of the impact of the proposed development on other shopping centres is given below, see paragraphs 45-47.

Commonwealth policy

National Charter of Integrated Land Use and Transport Planning

The National Charter of Integrated Land Use and Transport Planning was endorsed nationally by State/ Territory and Commonwealth Ministers for Transport and Planning in 2003\(^{26}\). One of the Charter’s objectives is to achieve greater integration of land use planning and transport planning to facilitate effective and sustainable urban and regional development across Australia.

38. The proposed development has some elements that are not consistent with the National Charter of Integrated Land Use and Transport Planning but, given that the Charter is non-binding, it does not preclude the Minister from approving the draft MDP, particularly if it were considered that there would be an overall benefit from the development proceeding, or it was consistent with other policy. Recommendations made by the department as to conditions to attach to the MDP may also assist to reduce incongruence between the proposed development and the Charter.

Airport Development

39. Development of leased Federal airports is encouraged, consistent with requirements of the Airports Act and Regulations, and the lease and sales agreements. The Australian Government’s aim in this regard is to balance commercial and public interests. In-principle support of commercial development at Essendon Airport has already been given via the Minister’s approval of the airport Master Plan, which foreshadowed development of the Bulla Road Precinct, among others.

Interests of the Community

Airport Income

40. The Essendon Master Plan\(^ {27}\) notes that landing fee income does not cover the cost of maintaining existing aviation facilities. Commercial development of the airport will diversify EAPL’s income stream, potentially improving profitability and increasing investment in the airport. This could result in improved services for all airport users, including those that provide a public good such as the Royal Flying Doctor Service, Air Ambulance, and the Victorian Police Air Wing.

41. Diversification of income sources has already been shown to be important for airport lessee companies, assisting them to cope with reductions in passenger and aircraft traffic, for example following the September 11 terrorist attacks and the collapse of the Ansett Group of companies. In the current context, income diversification could assist EAPL ride out any fall in income from reduced aircraft traffic as a result of, for example, increases in the price of oil and increases in air navigation charges following the withdrawal of the Location Specific Pricing Subsidy from 1 July 2005.

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\(^{27}\) Essendon Airport Master Plan, May 2003, page 15.
Factors That Minister Must Consider In Assessing Major Development Plan

42. The Master Plan’s forecast aviation growth over the next 20 years is very modest, rising from the current 62,060 aircraft movements in 2000/01 to 64,633 over the next 20 years. This means that economies of scale at Essendon Airport, with a possible lowering of air navigation charges, are not likely to improve in that period. Nor is income to the airport from fees and charges likely to significantly increase.

43. The Government has expressed its commitment to maintain Essendon as a viable airport, for the benefit of airport users and the region generally. Commercial developments that improve the overall viability of the airport, in the absence of a robust aviation business, support the Government’s policy in this respect.

Employment

44. EAPL has not specified in the draft MDP how many new employment positions will be generated by the proposed development, however an economic analysis it commissioned has estimated that 870 direct ongoing positions and 780 indirect jobs (full-time, part-time and casual) would be generated. These would not appear to be net figures, although it is possible that there would be a net increase rather than just job displacement.

Competition with other shopping centres

45. The proposed development will provide competition to local retail centres, and submissions made during the public consultation phase have expressed concern at the possible negative impact on existing shopping centres. EAPL is of the view that the impact will be modest with market share equivalent to approximately 8% of the spending of main trade area residents on outlet type merchandise, 7% of available spending on bulky goods type merchandise and 1% of available spending on traditional retail categories. EAPL states that this market share would be unlikely to have any significant adverse impact on other traders given that this trade is drawn from a very wide regional catchment (and hence any impacts are spread amongst a very wide selection of competing centres and shops).

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29 Joint Media Release, Sale of Essendon Airport, by the Hon John Anderson MP, Deputy Prime Minister and Minister for Transport and Regional Services, and the Hon John Fahey MP, Minister for Finance and Administration, 10 August 2001.
31 Submissions from the Queensland Investment Corporation, the Shopping Centre Council of Australia, and the City of Darebin.
Factors That Minister Must Consider In Assessing Major Development Plan

46. Submissions by the Victorian Department of Sustainability and Environment and the City of Darebin note that the proposed development is out of centre development and, as such, potentially threatens the social and economic viability of existing centres, including Airport West, Niddrie, North Essendon, Preston Central and Reservoir. In its submission as part of the public consultation phase, the Queensland Investment Corporation were concerned that the development would have an adverse impact on trading in surrounding centres and sought an impact analysis. EAPL has responded by commissioning such an analysis, as noted above, and it is from this that their conclusions are drawn.

47. The department has formed the view that the proposed development is likely to take market share from existing outlet centres offering similar goods for sale. This said, EAPL's economic analysis suggests that this impact will not be excessive. The department considers that potential competition to existing centres should not, of itself, stand as an impediment to the proposed development, particularly in the light to benefits the development could bring to airport users and the region.

Pending legal action and applications for administrative review

The pending AAT review of Minister's decision to approve the Master Plan

48. Queensland Investment Corporation (QIC) currently has an application pending with the Administrative Appeals Tribunal (AAT) for a review of the Minister's decision to approve the Essendon Airport Master Plan. In their submissions as part of the public consultation phase, both QIC and the Shopping Centre Council of Australia (SCCA) state that the Minister should not approve the draft MDP until the outcome of QIC's application is decided.

49. The department has received advice\textsuperscript{33} that there is no legal requirement for the Minister to defer his decision to approve or not to approve the draft MDP in the absence of an application for a stay order made by QIC to the AAT.

Legal challenge to the approval of non-airport business

50. Section 32 of the Airports Act provides that an airport-operator company must not carry on non-airport business. This provision was intended to ensure that the airport-operator company's only core business is the airport, to enhance the transparency of the operation of that business and quarantine airport operation from the outcomes of other unrelated business activities. The Government has, however, permitted the development of airport land for sub-lease to other companies. Such developments produce important non-aeronautical commercial revenue to leased Federal Airports.

51. The SCCA has stated in its submission as part of the public consultation phase that the proposed development is contrary to section 32 of the Airports Act. EAPL has responded that it does not intend to build or operate the Outlet Centre itself and does not consider that sub-leasing the development is prohibited by Section 32.

\textsuperscript{33} P Hanks QC, Memorandum of Advice, 5 October 2004.
Factors That Minister Must Consider In Assessing Major Development Plan

52. The department disagrees that the approval of non-aviation commercial developments contradicts section 32 of the Airports Act and, in the absence of a ruling to this effect by the Federal Court, does not consider that the Minister is precluded from making a decision to approve the draft MDP.

Airports Act 1996 Review

53. The SCCA has stated in its submission that, in the light of the Airports Act review, consideration of the proposed development should be deferred until the changes to the Airports Act have been implemented. The department considers that there is no requirement or capacity for the Minister to defer making a decision for this reason. EAAPL has submitted the draft MDP and, unless the company itself elects to withdraw it, the Minister is required to consider the application according to current legislation.

<table>
<thead>
<tr>
<th>Para. 94(5) If a final master plan is in force for the airport, the Minister must not approve the dMDP unless it is consistent with the final master plan.</th>
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<tbody>
<tr>
<td>54. Consistency of the draft MDP against the airport master plan is considered against the following aspects that have been called into question in submissions as part of the public consultation phase:</td>
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<td></td>
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<tr>
<td>Nature of the development</td>
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<tr>
<td>55. The Essendon Airport Master Plan notes(^{34}) that the Bulla Road Precinct falls within the Business 2 Zone, whose purpose is to “encourage a range of commercial activities and to assist in establishing an urban gateway and create a distinct entry and sense of arrival at each point”. The Master Plan also states(^{35}) that the Bulla Road Precinct “will be developed to enable a range of commercial activities... The Master Plan envisages the land being occupied by businesses which require larger building footprints and other uses that find it difficult to locate suitably sized parcels of land within other established areas in Melbourne.”</td>
</tr>
<tr>
<td>56. Although the Master Plan states that a range of commercial activities will be developed on the Bulla Road Precinct, it does not specify what these should be. The proposed development could therefore be regarded as being consistent with this prescription even though, ultimately, businesses will only be operating different types of retail outlets. This said, it could also be argued that the body of the Master Plan should reflect the intention of the Bulla Road Precinct Policy, contained in the Land Use Plan annexed to the Master Plan.</td>
</tr>
<tr>
<td>57. The Bulla Road Precinct Policy notes that, as one of only two entry points to the airport, the precinct will be developed to enable a range of activities and development to reinforce the extension of Bulla Road as a secondary gateway to the airport. The objective of the Policy is to ensure development enhances and makes use of the entry to the airport by enabling a range of appropriately designed and sited activities and developments.</td>
</tr>
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\(^{34}\) Section 12.2, *Land Use Plan Structure*, page 62.

\(^{35}\) *Airport Development Proposals – Bulla Road Precinct*, page 56.
58. The Bulla Road Precinct Policy notes that:
  a wide range of commercial activities (including office and retail) are encouraged;
  development within this precinct is to have regard to aviation operational requirements;
  developments with exposure to Tullamarine Freeway appropriately address the freeway;
  developments will reinforce the campus-style theme of the airport; and,
  ensure that development does not prejudice possible access to the Hart Precinct.

59. The proposed development is for retail outlets only and does not offer a wide range of commercial activities, including office and retail. The Victorian Department of Sustainability and Environment has stated in its submission as part of the public consultation phase that the proposed development is therefore contrary to the Precinct Policy. EAPL has responded\(^{38}\) that the Bulla Road Precinct Policy encourages but does not require that office development occur at Bulla Road. Also that, most of the land to the west of Bulla Road in the Bulla Road Precinct remains available for commercial use and that use of that land for offices is possible. EAPL also considers that the airport precincts accessed from English Street offer ample opportunities for integrated office development.

60. It is the department's view that the proposed development is consistent with the commercial activities proposed in the Master Plan, including the Bulla Road Precinct Policy. In reaching this conclusion, the department considered the following:
  
  while the Precinct Policy does, indeed, form part of the approved Master Plan, the fact that it is only a policy does permit the Minister some discretion to permit a development that is wholly retail if he believes there are sound reasons for doing so. Policy "guides but does not control the making of decisions" and "leaves the range of discretion intact while guiding the exercise of the power"\(^{37}\). This is supported by the language used in the Policy, whereby a mix of commercial activities is "encouraged" rather than mandated;
  
  EAPL's assertion that the airport precincts accessed from English Street offer ample opportunities for integrated office development\(^{38}\) is consistent with the Master Plan. For example, office buildings have been proposed for the English Street and Beaufort North Precincts. If the proposed development is approved by the Minister, the department recommends that consideration of any future application for development of those sites be assessed according to whether they provide the balance in a mix of commercial activities, to offset the retail only development proposed by this draft MDP (see Recommendation 3);
  
  the proposed development does have regard to aviation operational requirements;

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\(^{36}\) Submissions Summary, response to the criticism by DSE that the proposed development is contrary to the Bulla Road Precinct Policy (clause 22.04).

\(^{37}\) Re: DANIEL DWIGHT DRAKE And: MINISTER FOR IMMIGRATION AND ETHNIC AFFAIRS No. 78/10017 Immigration ADMINISTRATIVE APPEALS TRIBUNAL GENERAL ADMINISTRATIVE DIVISION Brennan J. CANBERRA #DATE 21:11:1979

\(^{38}\) Essendon Airport Master Plan, May 2003, Airport Development Proposals, page 54.
Factors That Minister Must Consider In Assessing Major Development Plan

- developments with exposure to Tullamarine Freeway appropriately address the freeway - as shown by the Grogan Richards traffic report commissioned by EAPL and annexed to the MDP;
- the proposed development will reinforce the campus-style theme of the airport; and,
- the proposed development will not prejudice possible access to the Hart Precinct.39

Car Parking

61. Based on the recommendations of traffic consultants Grogan Richards, EAPL intend to provide 1,917 car parking spaces for the development. This number is based on formulas developed by Grogan Richards following surveys of similar retail outlets, as below.

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Floor Area (m² NLA)</th>
<th>Anticipated Peak Parking Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ratio (spaces/ 100m² Net Lettable Area)</td>
</tr>
<tr>
<td>Factory Outlet Centre</td>
<td>20,000</td>
<td>5.0</td>
</tr>
<tr>
<td>Bulky Goods</td>
<td>36,000</td>
<td>2.5</td>
</tr>
<tr>
<td>Total</td>
<td>56,000</td>
<td>-</td>
</tr>
</tbody>
</table>

62. The Victorian Department of Sustainability and Environment’s submission takes issue with the formula used to calculate the number of car park spaces required for the proposed development, noting that it is not consistent with the formula contained in the car parking table of Essendon Airport Land Use Plan.40 The Land Use Plan stipulates that for shops (other than specified in the table) 8 car spaces should be allowed for every 100m² of leasable floor area. This would result in the need for 4,480 car spaces instead of the planned 1,917.

63. The Department of Sustainability and Environment acknowledge that the Land Use Plan permits EAPL to waive or vary the number of car spaces required but states that EAPL has not correctly applied the criteria, contained in that document, that must be met to justify their granting a waiver or variation (even to themselves). EAPL has responded that the most relevant matter is the expected car park requirement for this particular development and they are of the view that the Grogan Richards formula is appropriate.

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40 Essendon Airport Land Use Plan, Car parking table, section 52.06-5.
Factors That Minister Must Consider In Assessing Major Development Plan

64. In relation to the number of car spaces provided, the Land Use Plan states that:

- among other things, the purpose of car parking is to "ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality";
- "a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land";
- "the table at Clause 52.06-05 sets out the number of car spaces required for uses not covered by a parking precinct plan or another clause" (none apply in this case);
- "approval may be given to reduce or to waive the number of car spaces required by the table";
- "where a use is not specified in the table at Clause 52.06-05 an adequate number of car spaces must be provided to the satisfaction of the Airport Operator";
- "before a requirement for car spaces is reduced or waived, the applicant must satisfy the Airport Operator that the reduced provision is justified due to:
  - any relevant parking precinct plan;
  - the availability of car parking in the locality;
  - the availability of public transport in the locality;
  - any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
  - any car parking deficiency or surplus associated with the existing use of the land;
  - any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement;
  - local traffic management;
  - local amenity including pedestrian amenity;
  - an empirical assessment of car parking demand;
  - any other relevant consideration".

65. It is the department's assessment that the car parking formula recommended by Grogan Richards and intended to be implemented by EAFL is consistent with the Land Use Plan for the following reasons:

- it is based on an empirical study that resulted in the conclusion being drawn that the formula will meet the purpose of the Land Use Plan to provide enough car parking spaces for the proposed development;
- EAFL is able to waive or vary the car space ratio set out in Clause 52.06-05 if it is satisfied that car spaces will be adequate and justified by the above criteria.

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41 Essendon Airport Land Use Plan, Car parking, section 52.06.
Factors That Minister Must Consider In Assessing Major Development Plan

EAPL has made the decision to vary the formula contained in Clause 52.06-05 based on the criteria “an empirical assessment of car parking demand”.

66. This said, it is also true that if car parking demand exceeds that anticipated by the Grogan Richards report, it could have significant implications for the functioning of nearby roads, including Bulla Road and, potentially, the Tullamarine Freeway. These roads are already congested. For that reason the department makes the following recommendation pursuant to ss 94(7), Minister may approve the draft major development plan subject to one or more conditions.

Recommendation 8: It is recommended that it be made a condition of approval of the MDP that, if EAPL becomes aware, by whatever means, that car parking at the development is not sufficient and is impacting on the functioning of the external road system, EAPL must consult with the Moonee Valley City Council and/or the relevant State authority without delay with a view to taking appropriate measures to resolve the problems identified. In doing so, EAPL must act in good faith and must fund any fair and reasonable measures to resolve the problem.

Conclusion – consistency with Master Plan

67. On the basis of the above, the department has formed the view that the proposed development is consistent with the Master Plan. Future development of the airport should, however, provide balance to the overall mix of commercial activity on the airport and it is recommended that future applications for development be considered with this in mind (see Recommendation 3).

subsection 94(7) provides that the Minister may approve the draft major development plan subject to one or more conditions.

68. Based on recommendations made above, the department suggests that the Minister’s approval of the draft MDP be subject to the following (5) conditions:

1. There must be no adverse impact from the proposed development on any navigation aids or operational activities at the airport.

2. EAPL must consult CASA during the construction of the proposed development and comply with any safety requirements specified by that agency. Additionally, EAPL must advise the department of any changes to the approved major development plan arising from the need to comply with CASA standards.

3. EAPL must ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately.

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42 Reflects Recommendation 1.
43 Reflects Recommendation 2.
44 Reflects Recommendation 4.1.
4 Fulfilment of the following:

4.1 EAPL to fund the following traffic mitigation measures, as set out in section 2.4.3 of the draft MDP submitted to the Minister. The funds should be available so as to promote the early completion of the measures, preferably before the opening of any part of the proposed development for business:
   - a right turn lane provided for westbound traffic exiting onto Bulla Road and signalised intersection constructed at the ramp intersection; and
   - modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and
   - the ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road; and
   - the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

4.2 EAPL to fund modifications to First Avenue to turn it into a court fully separated from the freeway off ramp, or as otherwise agreed with the Moonee Valley City Council;

4.3 within two years from the date of the development opening for business, EAPL to commission, in consultation with Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and

4.4 based on the result of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the findings of the independent assessment, fund a minimum 20% of their fair cost or any other reasonable amount that may be agreed.

5 If EAPL becomes aware, by whatever means, that car parking at the development is not sufficient and is impacting on the functioning of the external road system, EAPL must consult with the Moonee Valley City Council and/or the relevant State authority without delay with a view to taking appropriate measures to resolve the problems identified. In doing so, EAPL must act in good faith and must fund any fair and reasonable measures to resolve the problem.

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46 Reflects Recommendation 6.1.
47 Reflects Recommendation 6.2.
48 Reflects Recommendation 6.3.
49 Reflects Recommendation 6.4.
40 Reflects Recommendation 8.
Factors That Minister Must Consider In Assessing Major Development Plan

As previously discussed, the department has also incorporated the following advice to EAPL in the suggested letter from the Minister:

6. There will be close scrutiny of future development proposals at the airport to ensure a balance of mixed commercial activities, in keeping with the overall Land Use Plan for the airport. This will include developments submitted to the Airport Building Controller that do not trigger the requirement to submit a major development plan.

7. In the absence of direct public transport to the site of the development, EAPL is strongly encouraged to fund an appropriate upgrade or construction of a safe walking path from the public transport stopping point closest or most convenient to the Bulla Road entrance of the proposed development. This work should be undertaken with the full consultation and approval of the Moonee Valley City Council.

8. EAPL is strongly encouraged to develop an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking;

9. All advertising signage erected in relation to the proposed development must be consistent with the airport Master Plan’s Land Use Plan.

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Airport Planning & Regulation, December 2004

80 Reflects Recommendation 3.
81 Reflects Recommendation 5.
82 Reflects Recommendation 4.2.
83 Reflects Recommendation 7.
Mr Neil Williams
Assistant Secretary
Airport Planning & Regulation
Department of Transport and Regional Services
GPO Box 594
CANBERRA 2601

Dear Mr Williams

The proposal by the Department of Transport and Regional Services to approve a Major Development Plan (MDP) for a retail and outlet centre in the Bulla Road Precinct at Essendon Airport (EPBC 2003/1313)

On 15 December 2003 the above proposal was referred to the Department of the Environment and Heritage under Section 160 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for assessment and advice on the environmental impacts associated with the proposal. The action was assessed by an accredited assessment process under the Airports Act 1996 and your assessment report of that process was received by the Minister’s Delegate on 15 September 2004.

I note that the draft MDP attached to your assessment report has been amended from the version referred to the Department on 15 December 2003. The proposed actions in the referred version included the demolition of existing buildings on site. These works appear to be included only as background in the amended version rather than works for which approval is sought. I note that these works have already been undertaken.

My letter to you of 11 October 2004 outlined our concerns in relation to this change and I thank you for the opportunity to discuss these in more detail at our meeting on 21 October 2004. I note your advice at that meeting that occupational health and safety issues related to asbestos were key factors underlying the action of the lessee. While this Department is cognisant of OH&S concerns, we believe it would have been desirable for the lessee to have formally raised the need for demolition with us as part of, or parallel with, the assessment and advice process under the EPBC Act prior to the demolition, particularly as some of the buildings had previously been identified as having heritage values. Where there may be obligations under the EPBC Act which interact with other legal requirements, we believe it is imperative that all statutory responsibilities are appropriately and transparently taken into account in decision-making.

Your Department has advised that the amendment of the MDP has not invalidated the assessment and approval process under the Airports Act 1996. On this basis, I advised at our meeting that we would complete the necessary process for providing advice under the EPBC Act. I also note that, even though we would have preferred a more transparent and rigorous consideration of the need for demolition, some consideration of heritage values was provided by the lessee’s consultants.
As delegate to the Minister for the Environment and Heritage and in accordance with Section 163 of the EPBC Act, I have now completed my consideration of the proposed action. I have determined that there are no unacceptable environmental impacts associated with the proposal and that it can be approved subject to the environmental safeguards proposed in the major development plan by the proponent. In addition, I consider that there are no other matters that need to be employed to protect the environment from the proposed action. Nevertheless, it may be useful to bring our concerns about the process of the demolition to the lessee’s attention to ensure that any future developments at Essendon Airport accord with both the spirit and the letter of the EPBC Act.

As discussed, the development of the guidelines for MDP assessment, together with a renewed communication push with airport lessees amongst others, will assist both Departments. I believe we should also develop a protocol on dealing with asbestos and other OH&S issues as part of the guideline process so that these issues are handled in a far more consistent manner in the future. We will provide suggested changes to the draft guidelines as soon as possible.

Yours sincerely

Malcolm Forbes
Assistant Secretary
Environment Assessment and Approvals Branch
28 October 2004
File Reference: L2003/1421

Mr Malcolm Forbes
Assistant Secretary
Environment Assessment and Approvals
Department of the Environment and Heritage
GPO Box 787
CANBERRA ACT 2601

Dear Mr Forbes

DRAFT MAJOR DEVELOPMENT PLAN (MDP) FOR A RETAIL OUTLET CENTRE AT ESSENDON AIRPORT

Essendon Airport Pty Ltd (EAPL), the airport lessee company of Essendon Airport, has submitted a draft MDP for the consideration of the Minister for Transport and Regional Services (the Minister) pursuant to the Airports Act 1996 (the Act). The draft MDP is for a proposed retail outlet centre at Essendon Airport.

In accordance with your determination under s87 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), dated 16 January 2004, this draft MDP is to be assessed by an accredited process; namely the MDP process provided for by the Act.

The Department now seeks to obtain the advice of the Minister for the Environment and Heritage in relation to the draft MDP (copy at Attachment A), as required under s160 of the EPBC Act, for the consideration of the Minister through this assessment process. We are advised that consideration of such matters can proceed even though the caretaker convention is now in place ahead of the forthcoming Federal election.

Copies of the consultation and submissions summaries prepared by EAPL, the latter from submissions made during the statutory public comment period, are also attached for your information (Attachment B), as is an initial assessment report regarding the environmental issues identified in the draft MDP (Attachment C), conducted by the Department against the statutory requirements of the Act. In summary, we believe there are no significant ecological or environmental considerations associated with the proposal.
Should the Minister decide to approve the draft MDP I am confident the Act and associated Regulations provide the necessary mechanisms to ensure this project is undertaken in an environmentally responsible manner.

Please contact [s.22(1)(a)(ii)] on [s.22(1)(a)(ii)] (email [s.22(1)(a)(ii)]@dotars.gov.au) should you require further information on this matter.

Yours sincerely

[Signature]

Neil Williams
Assistant Secretary
Airport Planning and Regulation

6 September 2004
s.22(1)(a)(ii)  
Director  
Planning and Aircraft Noise Regulation  
Airport Planning and Regulation  
Department of Transport and Regional Services  
GPO Box 594  
CANBERRA  ACT  2601

Dear s.22(1)(a)(ii)

Essendon Airport/Urban and commercial new development/Essendon Airport/VIC/Retail and outlet centre (EPBC Reference: 2003/1313)

On 17 December 2003 we received your referral for the above action seeking the Minister’s advice in accordance with section 160 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Preliminary information for the action was received under section 86 in conjunction with the referral, for decision on assessment approach under Part 8 of the EPBC Act.

The assessment approach for the action has now been considered under the EPBC Act and I, as a delegate for the Minister for the Environment and Heritage, have decided that assessment by an accredited process, namely the Major Development Plan process under the Airports Act 1996, must be conducted.

The proponent has been advised to contact you in relation to the requirements under the Airports Act 1996.

Yours sincerely

Lynden Ayliffe  
A/g Assistant Secretary  
Environment Assessment and Approvals Branch  
6 January 2004
Dear [s.22(1)(a)(ii)]

Essendon Airport Major Development Plan (MDP)

I refer to your letter of 27 August 2004, with which you attached the Essendon Airport MDP with the request that Airservices Australia review and comment on any aspect of the plan that might relate to safety and operational issues.

The plan has been reviewed by the appropriate staff and the following comments have been made:

1. As indicated under 2.9.1, the integrity of Runway 26 ILS is important to operations at Essendon and Melbourne airports. It provides a CAT 1 precision approach and is an important training aid for transient flights and guidance for the final stage of the BADGR9, BELLA 2, NAREL 2, WAREN 6 STARS into Melbourne Airport.

2. On page 26, this statement appears: "...considers that the development of the Bulla Road precinct will have no adverse impact on the airport's navigational aid infrastructure or operational activities". It is important that the LLZ/GP beams not be affected by the steel cladding of buildings 1 and 4, or the vehicular movement within the 1500 place car park as degradation of the ILS signal may result in higher minima, and potentially a greater workload for ML TMA.

3. There are two minor factual errors:
   a. Page 21, paragraph 2.9.1 refers to a T-VASIS for RWY 26. This does not exist, but may refer to the 08 T-VASIS which would not be affected by the MDP.
   b. The Grogan Richards report, page 1, paragraph 2.1 refers to taxiways existing as part of the subject site. This is incorrect.

4. Airservices Australia Infrastructure Support Services advise that they do not consider that the proposed development will have any impact on cabling, microwave links, satellite facilities or nav aids.

Yours sincerely

Alastair Hodgson
General Manager Airport Services
2A- September 2004
APPLICATION FOR REVIEW OF THE DECISION TO APPROVE THE ESSENDON AIRPORT MASTER PLAN

Background
The Essendon Airport Master Plan was approved by the Minister on 27 March 2003. On 11 July 2003, Queensland Investment Corporation (QIC) applied to the AAT for a review of the Minister’s decision to approve the Master Plan. On 1 September 2003, the Shopping Centre Council of Australia sought to be joined as a party to the application.

In broad terms, QIC and SCCA took issue with the property development envisioned in the Master Plan. In particular, they are of the view that retail development proposed for the airport would significantly impact upon the shopping centres within the vicinity of Essendon Airport.

AAT Decision
On 30 September 2004, the AAT handed down a decision finding that QIC has legal standing to seek a review of the Minister’s decision to approve the draft Essendon Airport Master Plan, but that the SCCA did not.

Current Status
At the directions hearing, Weinberg J. found that the review was appropriate to be heard by the Federal Court. Aside from the Minister’s application, the Federal Court will also hear an application by the SCCA seeking a review of the AAT decision denying its application for joinder with QIC. Both matters will be heard by the Federal Court together.

Orders were made as to affidavits, appeal books and submissions:
- QIC to file and serve affidavit material by 31 January 2005;
- DOTARS to file and serve affidavit material in response by 14 February 2005;
- SCCA to compile a Court Book common to both matters, in consultation with QIC and DOTARS by 28 February 2005;
- DOTARS to file and serve submissions by 15 March 2005;
- QIC and SCCA to file and serve submissions by 5 April 2005;
- A hearing will be scheduled for May 2005, with an estimate of one day;
- Costs were reserved.
CONDITIONS OF APPROVAL
ESSENDON AIRPORT BULLA ROAD PRECINCT
DRAFT MAJOR DEVELOPMENT PLAN

Pursuant to subsection 94(7) of the Airports Act 1996 (the Airports Act), the Minister for Transport and Regional Services may approve a draft major development plan subject to one or more conditions. While the department considers that the draft major development plan for Essendon Airport meets the statutory requirements of the Airports Act, it is recommended that approval be subject to the conditions detailed below:

1. There must be no adverse impact from the proposed development on any navigation aids or operational activities at the airport.

2 EAPL must consult the Civil Aviation Safety Authority (CASA) during the construction of the proposed development and comply with any safety requirements specified by that agency. Additionally, EAPL must advise the department of any changes to the approved major development plan arising from the need to comply with CASA standards.

3 EAPL must ensure that plans for the proposed development accommodates facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately.

4 Fulfilment of the following:

4.1 EAPL to fund the following traffic mitigation measures, as set out in section 2.4.3 of the draft MDP submitted to the Minister. The funds should be available so as to promote the early completion of the measures, preferably before the opening of any part of the proposed development for business:

4.1.1 a right turn lane provided for westbound traffic exiting onto Bulla Road and signalised intersection constructed at the ramp intersection; and

4.1.2 modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and

4.1.3 the ramps serving the eastbound freeway carriageway are to be realigned and a roundabout constructed at their intersection with Bulla Road; and

4.1.4 the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised; and

4.2 EAPL to fund modifications to First Avenue to turn it into a court fully separated from the freeway off ramp, or as otherwise agreed with the Moonee Valley City Council;
4.3 within two years from the date of the development opening for business, EAPL to commission, in consultation with Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and

4.4 based on the result of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the findings of the independent assessment, fund a minimum 20% of their fair cost or any other reasonable amount that may be agreed;

5 If EAPL becomes aware, by whatever means, that car parking at the development is not sufficient and is impacting on the functioning of the external road system, EAPL must consult with the Moonee Valley City Council and/or the relevant State authority without delay with a view to taking appropriate measures to resolve the problems identified. In doing so, EAPL must act in good faith and must fund any fair and reasonable measures to resolve the problem.
Approval of the Bulla Road Major Development Plan at Essendon Airport

A X /2004 X December 2004

The Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson MP, has approved a major development plan for the Bulla Road Precinct of Essendon Airport.

The major development plan is for a retail outlet centre comprising independent shops arranged around an internal mall system, and three other buildings that will accommodate bulky goods use. The site is currently used for non aviation activities.

"Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria, including as an airbase to a number of regional service providers such as the Air Ambulance and the Victorian Police Airwing. The proposed retail outlet centre will not affect the provision of this important service to the community. On the contrary, it will provide an additional income stream to the Airport that will reinforce its vitality and will bring income and employment to the local area, including some 2,210 direct and indirect jobs during the construction phase" Mr Anderson said.

"The major development plan takes account of the opinions of the public, government agencies and other stakeholders, on a range of matters including the environment and consistency with local planning regulations. In the light of these, I have attached conditions to my approval which have the following objectives: to protect the integrity of ongoing aviation operations at the airport; to reduce any adverse impact on the external road system arising from increased traffic; and to reduce the discrepancy between State and local planning schemes."

"I have also urged EAPL to undertake a number of other measures, in addition to those which form conditions of my approval, such as developing an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking."

EAPL is required to make copies of the approved major development plan available to the public for inspection or purchase within 90 days of my approval, for a period of 180 days.

Media contact: Bill McKinley 02 6277 7680
Mr Andrew Nicholls  
Director  
Essendon Airport Pty Ltd  
1st floor  
250 English Street  
ESSENDON AIRPORT VIC 3041

Dear Mr Nicholls,

Thank you for your letter, received on 20 August 2004, submitting for my consideration a major development plan (MDP) for the proposed development of the Bulla Road Precinct of Essendon Airport.

I have decided to approve the MDP in accordance with my power under subsection 94(2) of Airports Act 1996 (the Act), subject to certain conditions.

The MDP was assessed against the requirements of the Act and Airports Regulations 1997 and it has been determined that the MDP meets the statutory requirements set out in those documents. The MDP was also assessed against the requirements of the Environment Protection and Biodiversity Conservation Act 1999 and a delegate of the Minister for the Environment and Heritage advised, in accordance with section 163 of that Act, that there are no unacceptable environmental impacts associated with the proposal.

In addition to the requirements of the Act and Regulations, there were a number of particular issues associated with the proposed development that I considered, as is permitted to me by subsection 94(4) of the Act. Foremost among these was the fact that Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria. I believe the proposed development will provide a valuable additional income stream to the Airport that will reinforce its vitality, to the benefit of civil aviation and other users of the airport.

I also had regard to the impact of the proposed development on the local community and its consistency with State and local planning schemes. I was particularly conscious of concerns raised by members of the public and local and State agencies regarding the impact of any increased traffic on the local road system as a result of the proposed development. I acknowledge, in this regard, the traffic analysis EAPL commissioned as part of the MDP process and the traffic facilitation measures proposed in that document will be important. However, as I am permitted to do by subsection 94(7) of the Act, I have decided to put a
number of conditions on my approval of the MDP. These are set out at Attachment A to this letter.

Additionally, there are a number of other issues regarding the proposed development which, although not requiring a condition to be placed on my approval, are nevertheless appropriate to bring to your attention.

I note that the vision for the airport contained in the Essendon Airport Master Plan, and in the Land Use Plan, is for a range of commercial activities to be developed on specified Precinct sites. This is also true for the Bulla Road Precinct. After carefully considering the fact that this MDP only covers retail activities, I have nevertheless formed the view that the MDP is consistent with the Master Plan. Notwithstanding this, I consider that future development of the airport should ensure that the original vision of mixed activity is met. On this basis, I have asked my Department to closely monitor future development proposals at the airport to ensure a balance of mixed commercial activities, in keeping with the overall Land Use Plan for the airport. This will include developments submitted to the Airport Building Controller that do not trigger the requirement to submit a major development plan.

The lack of direct public transport to the site is a particular concern, hence condition No. 3 to my approval. In the light of this, I strongly encourage EAPL to fund an appropriate upgrade or construction of a safe walking path from the public transport stopping point closest or most convenient to the Bulla Road entrance of the proposed development. I would expect this work to be undertaken with the full consultation and approval of the Moonee Valley Council. I also strongly encourage EAPL to develop an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking.

I am aware that there has been some concern by those making submissions as part of the public consultation phase regarding the possible impact of advertising signs planned in relation to the proposed development. I gave serious regard to these concerns but have formed the view that compliance with the appropriate section of the airport Land Use Plan covering advertising signage would appear to be adequate. Notwithstanding this, I would expect EAPL to take every measure to ensure that no advertising signage erected on the airport site compromised the safety of motorists.

I mentioned earlier in my letter that a delegate of the Minister for the Environment and Heritage advised that there are no unacceptable environmental impacts associated with the proposal. This presumes, of course, that EAPL will act consistently with the environmental safeguards proposed in the draft major development plan, and with the Environmental Management Strategy in force for the airport. I am advised that my Department has written to you separately about the demolition of the heritage building on the site (Building 10).

I would like to wish you well with the development. In the light of my approval, Section 96 of the Airports Act now requires you meet certain obligations regarding publication of the Plan within 90 days of the date of this letter.
In closing, I mention that it is open to EAPL to apply to the Administrative Appeals Tribunal (AAT) for a review of my decision, pursuant to section 242 of the Act.

Yours sincerely

JOHN ANDERSON
The conditions to my approval of the Bulla Road MDP at Essendon Airport are as follows:

1. There must be no adverse impact from the proposed development on any navigation aids or operational activities at the airport. A copy of Airservices Australia’s comments in relation to the draft MDP is provided at Attachment B for your reference.

2. Essendon Airport Pty Ltd (EAPL) must consult the Civil Aviation Safety Authority (CASA) during the construction of the proposed development, and comply with any safety requirements specified by that agency. Additionally, EAPL must advise my department of any changes to the approved major development plan arising from the need to comply with CASA standards.

3. EAPL must ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately. I note in this regard that the MDP already provides that public transport buses could use the same passenger drop off point as the facilities already planned for charter buses.

4. Fulfilment of the following:

4.1 EAPL to fund the following traffic mitigation measures, as set out in section 2.4.3 of the draft MDP submitted to the Minister. The funds should be available so as to promote the early completion of the measures, preferably before the opening of any part of the proposed development for business:

- a right turn lane provided for westbound traffic exiting onto Bulla Road and a signalised intersection constructed at the ramp intersection; and
- modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and
- the ramps serving the eastbound freeway carriageway to be realigned and a roundabout constructed at their intersection with Bulla Road; and
- the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

4.2 EAPL to fund modifications to First Avenue to turn it into a court fully separated from the freeway off ramp, or as otherwise agreed with the Moonee Valley City Council. I note in this regard that EAPL has already made an undertaking to fund this work;

4.3 within two years from the date of the development opening for business, EAPL to commission, in consultation with the Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and

4.4 based on the result of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the findings of the independent assessment, fund a minimum 20% of their fair cost, or any other reasonable amount that may be agreed;
If EAPL becomes aware, or has drawn to its attention by the Moonee Valley Council or a
State authority, that car parking at the development is not sufficient and is impacting on
the functioning of the external road system, then EAPL must without delay consult with
Council and/or the State authority with a view to commissioning an independent study of
car parking demand and taking appropriate measures to resolve the problems identified.
In doing so, EAPL must act in good faith and must fund any fair and reasonable measures
recommended by the study and agreed by Council and/or the State authority, as
appropriate.
s.22(1)(a)(ii)

Department of Transport and Regional Services
GPO Box 594
CANBERRA ACT 2601

Yours reference: L2003/1421

Dear s.22(1)(a)(ii)

Essendon Airport Major Development Plan (MDP)

I refer to your letter of 27 August 2004, with which you attached the Essendon Airport MDP with the request that Airservices Australia review and comment on any aspect of the plan that might relate to safety and operational issues.

The plan has been reviewed by the appropriate staff and the following comments have been made:

1. As indicated under 2.9.1, the integrity of Runway 26 ILS is important to operations at Essendon and Melbourne airports. It provides a CAT 1 precision approach and is an important training aid for transient flights and guidance for the final stage of the BADGR9, BELLA 2, NAREL 2, WAREN 6 STARS into Melbourne Airport.

2. On page 26, this statement appears: "...considers that the development of the Bulla Road precinct will have no adverse impact on the airport's navigational aid infrastructure or operational activities". It is important that the LLZ/GP beams not be affected by the steel cladding of buildings 1 and 4, or the vehicular movement within the 1900 place car park as degradation of the ILS signal may result in higher minima, and potentially a greater workload for ML TMA.

3. There are two minor factual errors:

   a. Page 21, paragraph 2.9.1 refers to a T-VASIS for RWY 26. This does not exist, but may refer to the 08 T-VASIS which would not be affected by the MDP.

   b. The Grogan Richards report, page 1, paragraph 2.1 refers to taxiways existing as part of the subject site. This is incorrect.

4. Airservices Australia Infrastructure Support Services advise that they do not consider that the proposed development will have any impact on cabling, microwave links, satellite facilities or nav aids.

Yours sincerely

Alastair Hodgson
General Manager Airport Services
24 September 2004
Senator the Hon Ian Campbell  
Minister for the Environment and Heritage  
Parliament House  
CANBERRA ACT 2600

Dear Minister,

I am writing to inform you of my decision to approve a major development plan submitted by Essendon Airport Pty Ltd (EAPL) for the construction of a retail outlet centre in the Bulla Road Precinct of Essendon Airport.

The plan was assessed against the requirements of the Airports Act 1996 and Airports Regulations 1997, and the requirements of the Environment Protection and Biodiversity Conservation Act 1999 based on advice provided by your own department in this regard.

In reaching my decision to approve the plan, I had regard to the fact that Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria. I believe the proposed development will provide a valuable additional income stream to the Airport that will reinforce its vitality, to the benefit of civil aviation and other users of the airport.

I also had regard to the impact the development may have on the local community and the extent of its consistency with State and local planning schemes. I was particularly conscious of concerns raised by members of the public and agencies, such as the Victorian Department of Sustainability and Environment, regarding the impact of any increased traffic on the local road system as a result of the proposed development. My consideration of these, and other issues, is reflected in the conditions I have put on my approval of the plan. These are:

1. There must be no adverse impact from the proposed development on any navigation aids or operational activities at the airport.

2. Essendon Airport Pty Ltd (EAPL) must consult the Civil Aviation Safety Authority (CASA) during the construction of the proposed development, and comply with any safety requirements specified by that agency. Additionally, EAPL must advise my department of any changes to the approved major development plan arising from the need to comply with CASA standards.

Reference: 2004080583
3 EAPL must ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately. I note in this regard that the major development plan already provides that public transport buses could use the same passenger drop off point as the facilities already planned for charter buses.

4 Fulfilment of the following:

4.1 EAPL to fund the following traffic mitigation measures, as set out in section 2.4.3 of the draft MDP submitted to the Minister. The funds should be available so as to promote the early completion of the measures, preferably before the opening of any part of the proposed development for business:

- a right turn lane provided for westbound traffic exiting onto Bulla Road and a signalised intersection constructed at the ramp intersection; and
- modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and
- the ramps serving the eastbound freeway carriageway to be realigned and a roundabout constructed at their intersection with Bulla Road; and
- the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

4.2 EAPL to fund modifications to First Avenue to turn it into a court fully separated from the freeway off-ramp, or as otherwise agreed with the Moonee Valley City Council. I note in this regard that EAPL has already made an undertaking to fund this work;

4.3 within two years from the date of the development opening for business, EAPL to commission, in consultation with the Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and

4.4 based on the results of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the findings of the independent assessment, fund a minimum 20% of their fair cost, or any other reasonable amount that may be agreed;

5 If EAPL becomes aware, or has drawn to its attention by the Moonee Valley City Council or a State authority, that car parking at the development is not sufficient and is impacting on the functioning of the external road system, EAPL must without delay consult with Council and/or the State authority with a view to commissioning an independent study of car parking demand and taking appropriate measures to resolve the problems identified. In doing so, EAPL must act in good faith and must fund any fair and reasonable measures recommended by the study and agreed by Council and/or the State authority, as appropriate.
Additionally, there are a number of other issues regarding the proposed development which I have raised with EAPL, although I have not made them conditions of my approval. They are:

- future development of the airport should ensure that the original vision of mixed activity for the airport is met;
- in the absence of direct public transport, EAPL is strongly encouraged to fund an appropriate upgrade or construction of a safe walking path from the public transport stopping point closest or most convenient to the Bulla Road entrance of the proposed development. I would expect this work to be undertaken with the full consultation and approval of the Moonee Valley City Council;
- EAPL is strongly encouraged to develop an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking.

I am also aware that there has been some concern regarding the possible impact of advertising signs planned in relation to the proposed development. I gave serious regard to these concerns but have formed the view that compliance with the appropriate section of the airport Land Use Plan covering advertising signage would appear to be adequate. The Land Use Plan is an annexure to the airport Master Plan. Notwithstanding this, I have advised EAPL that I expect the company to take every measure to ensure that no advertising signage erected on the airport site compromises the safety of motorists.

I am advised that my department has also written to EAPL regarding the demolition of Building 10, in the light of recommendations made by the Department of the Environment and Heritage in relation to the MDP. A copy of that letter is attached for your information.

If your officers have any queries regarding the content of this letter, they may wish to contact [Redacted] of my Department on [Redacted] or email [Redacted]@dotars.gov.au.

Yours sincerely

[Signature]

JOHN ANDERSON
Mr Andrew Nicholls  
Director  
Essendon Airport Pty Ltd  
1st floor  
250 English Street  
ESSENDON AIRPORT VIC 3041

Subject: Demolition of Building 10

Dear Mr Nicholls,

I am writing to you about the demolition of Building 10.

As you know, we referred the draft Bulla Road Precinct Major Development Plan (MDP) to the Department of the Environment and Heritage (DEH) for assessment and advice pursuant to sections 160 and 163 of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act).

That advice has been received and, in it, the DEH delegate voices his concern that demolition of Building 10 took place outside the MDP process, contrary to their understanding that it would be considered as part of the assessment of the draft MDP.

We have no reason to believe that EAPL acted in anything other than good faith in this matter. This said, we agree with DEH that it would have been desirable for the demolition of Building 10 to have been formally considered by DEH, given the building’s heritage value. This could either have been through the MDP assessment process, or through a parallel process pursuant to the EPBC Act.

In the light of this, I ask EAPL to keep in mind that future developments at Essendon Airport must accord with both the spirit and the letter of the EPBC Act, in addition to the Airports Act and Regulations. It is imperative that all statutory responsibilities are appropriately and transparently taken into account in decision making.

In considering the Building 10 matter, I have noted what appears to be a misunderstanding contained in the draft MDP in relation to the Register of the National Estate (page 35). It is our understanding that, even though the Australian Heritage Commission Act 1975 has been repealed, the Register of the National Estate still exists and Essendon Airport remains on it. This further reinforces the need to closely consult with DEH in terms of the requirements of the EPBC Act.
If you have any queries regarding the Register of the National Estate and its implications for development at the airport, I recommend you contact Mr Malcolm Forbes of DEH on §22(1)(a)(ii). For all matters relating to the Airports Act and Regulations, please don't hesitate to contact §22(1)(a)(ii) .

Yours sincerely

[Signature]

Neil Williams  
Assistant Secretary  
Airport Planning & Regulation  

14 December 2004

cc Airport Environment Officer §22(1)(a)(ii)  
Department of the Environment and Heritage, Mr Malcolm Forbes
Mr Rasiah Dev  
Group Manager  
Development & Infrastructure  
Moonee Valley City Council  
PO Box 126  
MOONEE PONDS VIC 3039

Dear Mr Dev,

I am writing to inform you of my decision to approve a major development plan submitted by Essendon Airport Pty Ltd (EAPL) for the construction of a retail outlet centre in the Bulla Road Precinct of Essendon Airport.

The plan was assessed against the requirements of the Airports Act 1996 and Airports Regulations 1997, and the requirements of the Environment Protection and Biodiversity Conservation Act 1999.

In reaching my decision to approve the plan, I had regard to the fact that Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria. I believe the proposed development will provide a valuable additional income stream to the Airport that will reinforce its vitality, to the benefit of civil aviation and other users of the airport.

I also had regard to the impact the development may have on the local community and the extent of its consistency with State and local planning schemes. I was particularly conscious of concerns raised by members of the public and agencies, such as the Department of Sustainability and Environment, regarding the impact of any increased traffic on the local road system as a result of the proposed development. My consideration of these, and other issues, is reflected in the conditions I have put on my approval of the plan, which are attached to this letter for your information.

While not conditions of the approval, I have also encouraged EAPL to:

> ensure that future development of the airport meets the original vision of mixed activity;
in the absence of direct public transport, fund an appropriate upgrade or construction of a safe walking path from the public transport stopping point closest or most convenient to the Bulla Road entrance of the proposed development. I would expect this work to be undertaken with the full consultation and approval of the Moonee Valley City Council;

develop an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking.

EAPL is also expected to comply with the appropriate section of the airport Land Use Plan covering advertising signage. Notwithstanding this, I have advised EAPL that I expect the company to take every measure to ensure that no advertising signage erected on the airport site compromises the safety of motorists.

If your officers have any queries regarding the content of this letter, they may wish to contact [s.22(1)(a)(ii)] of my Department on [s.22(1)(a)(ii)] or email [s.22(1)(a)(ii)] @dotars.gov.au.

Yours sincerely

JOHN ANDERSON
ESSENDON AIRPORT BULLA ROAD PRECINCT MAJOR DEVELOPMENT PLAN

The conditions to the approval of the Bulla Road MDP at Essendon Airport are as follows:

1. There must be no adverse impact from the proposed development on any navigation aids or operational activities at the airport. A copy of Airservices Australia's comments in relation to the draft MDP is provided at Attachment B for your reference.

2. Essendon Airport Pty Ltd (EAPL) must consult the Civil Aviation Safety Authority (CASA) during the construction of the proposed development, and comply with any safety requirements specified by that agency. Additionally, EAPL must advise my department of any changes to the approved major development plan arising from the need to comply with CASA standards.

3. EAPL must ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately. I note in this regard that the MDP already provides that public transport buses could use the same passenger drop off point as the facilities already planned for charter buses.

4. Fulfilment of the following:

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   o a right turn lane provided for westbound traffic exiting onto Bulla Road and a signalised intersection constructed at the ramp intersection; and

   o modification to the freeway on-ramp for westbound traffic to incorporate a third lane from Bulla Road (north); and

   o the ramps serving the eastbound freeway carriageway to be realigned and a roundabout constructed at their intersection with Bulla Road; and

   o the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

   4.2 EAPL to fund modifications to First Avenue to turn it into a court fully separated from the freeway off ramp, or as otherwise agreed with the Moonee Valley City Council. I note in this regard that EAPL has already made an undertaking to fund this work;

   4.3 within two years from the date of the development opening for business, EAPL to commission, in consultation with the Moonee Valley City Council, an independent traffic impact assessment of Woodland Street and nearby local streets; and

   4.4 based on the result of the above independent traffic impact assessment, EAPL to cooperate in good faith with the Moonee Valley City Council in any community consultation conducted by the Council regarding left turn bans (from Bulla Road) and/or partial road closures in relation to Dublin, Balmoral and Holyrood Avenues and, if these works are deemed to be required by Council and are consistent with the findings of the independent assessment, fund a minimum 20% of their fair cost, or any other reasonable amount that may be agreed;
5 If EAIP becomes aware, or has drawn to its attention by the Moonee Valley Council or a State authority, that car parking at the development is not sufficient and is impacting on the functioning of the external road system, then EAIP must without delay consult with Council and/or the State authority with a view to commissioning an independent study of car parking demand and taking appropriate measures to resolve the problems identified. In doing so, EAIP must act in good faith and must fund any fair and reasonable measures recommended by the study and agreed by Council and/or the State authority, as appropriate.

****
16 DEC 2004

The Hon Steve Bracks MP
Premier of Victoria
1 Treasury Place
MELBOURNE VIC 3000

Dear Premier,

I am writing to inform you of my decision to approve a major development plan submitted by Essendon Airport Pty Ltd (EAPL) for the construction of a retail outlet centre in the Bulla Road Precinct of Essendon Airport.

The plan was assessed against the requirements of the *Airports Act 1996* and Airports Regulations 1997, and the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.

In reaching my decision to approve the plan, I had regard to the fact that Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria. I believe the proposed development will provide a valuable additional income stream to the Airport that will reinforce its vitality, to the benefit of civil aviation and other users of the airport.

I also had regard to the impact the development may have on the local community and the extent of its consistency with State and local planning schemes. I was particularly conscious of concerns raised by members of the public and agencies, such as the Department of Sustainability and Environment, regarding the impact of any increased traffic on the local road system as a result of the proposed development. My consideration of these, and other issues, is reflected in the conditions I have put on my approval of the plan, which are attached to this letter for your information.

While not conditions of the approval, I have also encouraged EAPL to:

- ensure that future development of the airport meets the original vision of mixed activity;
- in the absence of direct public transport, fund an appropriate upgrade or construction of a safe walking path from the public transport stopping point closest or most convenient to the Bulla Road entrance of the proposed development. I would expect this work to be undertaken with the full consultation and approval of the Moonee Valley City Council;
 develop an integrated transport plan aimed at promoting various forms of transport to the proposed development, including public transport, cycling and walking.

EAPL is also expected to comply with the appropriate section of the airport Land Use Plan covering advertising signage. Notwithstanding this, I have advised EAPL that I expect the company to take every measure to ensure that no advertising signage erected on the airport site compromises the safety of motorists.

If your officers have any queries regarding the content of this letter, they may wish to contact s.22(1)(a)(ii) of my Department or email s.22(1)(a)(ii) @dotars.gov.au.

I have also written in like terms to the Minister for Planning (Victoria), the Hon Mary Delahunty MP.

Yours sincerely

JOHN ANDERSON
ESSENDON AIRPORT BULLA ROAD PRECINCT MAJOR DEVELOPMENT PLAN

The conditions to the approval of the Bulla Road MDP at Essendon Airport are as follows:

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3. EAPL must ensure that plans for the proposed development accommodate facilities for public transport access, in the expectation that they will serve the site in the medium to long term, if not immediately. I note in this regard that the MDP already provides that public transport buses could use the same passenger drop off point as the facilities already planned for charter buses.

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- the northbound traffic flow to be partially signalised to ensure traffic queues on the freeway off-ramp are minimised.

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The Hon Mary Delahunty MP
Minister for Planning (Victoria)
Nauru House
80 Collins Street
MELBOURNE VIC 3000

Dear Minister

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The plan was assessed against the requirements of the Airports Act 1996 and Airports Regulations 1997, and the requirements of the Environment Protection and Biodiversity Conservation Act 1999.

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› ensure that future development of the airport meets the original vision of mixed activity;

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If your officers have any queries regarding the content of this letter, they may wish to contact [s.22(1)(a)(ii)] of my department or email [s.22(1)(a)(ii)] @dotars.gov.au.

I have also written in like terms to the Premier, the Hon Steve Bracks MP.

Yours sincerely

John Anderson
ESSENDON AIRPORT BULLA ROAD PRECINCT MAJOR DEVELOPMENT PLAN

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Mr Kelvin Thomson MP  
Federal Member for Wills  
3 Munro Street  
COBURG VIC 3058

Dear Mr Thomson

I am writing to inform you of my decision to approve a major development plan submitted by Essendon Airport Pty Ltd (EAPL) for the construction of a retail outlet centre in the Bulla Road Precinct of Essendon Airport.

The plan was assessed against the requirements of the *Airports Act 1996* and Airports Regulations 1997, and the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.

In reaching my decision to approve the plan, I had regard to the fact that Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria. I believe the proposed development will provide a valuable additional income stream to the Airport that will reinforce its vitality, to the benefit of civil aviation and other users of the airport.

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If your officers have any queries regarding the content of this letter, they may wish to contact [contact information] of my Department or email [email address].

Yours sincerely

[Signature]

JOHN ANDERSON
ESSENDON AIRPORT BULLA ROAD PRECINCT MAJOR DEVELOPMENT PLAN

The conditions to the approval of the Bulla Road MDP at Essendon Airport are as follows:

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16 DEC 2004

The Hon Judith Maddigan MP
State Member for Essendon
PO Box 699
MOONEE PONDS VIC 3039

Dear Mrs Maddigan

I am writing to inform you of my decision to approve a major development plan submitted by Essendon Airport Pty Ltd (EAPL) for the construction of a retail outlet centre in the Bulla Road Precinct of Essendon Airport.

The plan was assessed against the requirements of the Airports Act 1996 and Airports Regulations 1997, and the requirements of the Environment Protection and Biodiversity Conservation Act 1999.

In reaching my decision to approve the plan, I had regard to the fact that Essendon Airport plays an important role in providing access to Melbourne for rural and regional Victoria. I believe the proposed development will provide a valuable additional income stream to the Airport that will reinforce its vitality, to the benefit of civil aviation and other users of the airport.

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If your officers have any queries regarding the content of this letter, they may wish to contact [redacted] of my Department on [redacted] or email [redacted]@dotars.gov.au.

Yours sincerely

[Signature]

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*****
Senator the Hon Rod Kemp
Senator for Victoria
PO Box 556
Moonee Ponds VIC 3039

Dear Senator,

I am writing to inform you of my decision to approve a major development plan submitted by Essendon Airport Pty Ltd (EAPL) for the construction of a retail outlet centre in the Bulla Road Precinct of Essendon Airport.

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Senator Julian McGauran  
Senator for Victoria  
Suite 17, Collins Place  
45 Collins Street  
Melbourne VIC 3000

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Senator the Hon Kay Patterson  
Senator for Victoria  
Shop 3  
10-40 Burwood Highway,  
Burwood East Vic 3151

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Senator Mitch Fifield
Senator for Victoria
Commonwealth Parliamentary Offices
4 Treasury Place
Melbourne VIC 3002

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Senator Tsebin Tchen  
Senator for Victoria  
Ground Floor  
1013 Whitehorse Road  
Box Hill  VIC  3128

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16 DEC 2004
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Senator for Victoria  
Ground Floor  
Unit 1  
322-332 St Kilda Road  
St Kilda  VIC  3182

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### Attachment B of the Minister’s Package: Assessment Against the Requirements of the Airports Act and Regulations

<table>
<thead>
<tr>
<th>Footnote #</th>
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<tbody>
<tr>
<td>2, 3</td>
<td>The draft major development plan is at Attachment A of the Minister's approval.</td>
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<tr>
<td>4, 5, 6</td>
<td>EAPL’s letter to the department dated 12 October 2004 is at folios ................ on file L2004/ 3874.</td>
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### Attachment C of the Minister’s Package: Factors that the Minister Must Consider

<table>
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<tr>
<td>1, 2, 3, 27, 28, 34, 35, 38</td>
<td>A hard copy of the Essendon Airport Master Plan may be found in the Section (Airport Oversight and Planning) bookcase. An electronic copy on CD may be found in the Master Plan file L2003/ 0808.</td>
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<td>10</td>
<td>The email from department to EAPL dated 11 October 2004 is at folio ....... of file L2004/ 3874.</td>
</tr>
<tr>
<td>11</td>
<td>Attached, advice from DOTARS’ General Counsel dated 28 July 2004.</td>
</tr>
<tr>
<td>18</td>
<td>Grogan Richards Traffic Report, Figure 8, page 15, dated 29 October 2003 – the Report is attached to the draft MDP, see Attachment A of the Minister's approval.</td>
</tr>
<tr>
<td>24, 25, 40, 41</td>
<td>Attached, extracts from the Essendon Airport Land Use Plan, which is an annexure to the Master Plan.</td>
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29   Attached, Joint Media Release, Sale of Essendon Airport, by the Hon John Anderson MP, Deputy Prime Minister and Minister for Transport and Regional Services, and the Hon John Fahey MP, Minister for Finance and Administration, 10 August 2001.
30   Essential Economics Pty Ltd,  Essendon Airport Retail and Outlet Centre Development, Retail Needs and Economic Impact Assessment, July 2004 – see copy at Attachment A of the Minister’s approval.
31   Submissions from the Queensland Investment Corporation, the Shopping Centre Council of Australia, and the City of Darebin, see folios ................. on file L2004/ 3874.
33   Attached, P Hanks QC, Memorandum of Advice, 5 October 2004.
36   See Attachment A of the Minister’s approval.
Broaden the base of activity in centres that are currently dominated by shopping to include a wider range of services over longer hours, and restrict out-of-centre development.

Government can contribute to the growth of strong activity centres by the decisions it makes about locating public facilities. When additional facilities and services are located in activity centres, the provision of public transport services becomes more viable and people using the centre can make one trip to meet several needs at one destination. More people, including those without cars, also have access to the centre.

Significant new education and health facilities – including secondary schools, university and TAFE campuses, libraries and hospitals – that attract users from large geographic areas, as well as justice, community and administrative facilities should be located in or on the edge of Principal or Major Activity Centres with good public transport. Such co-location will help share resources and will make the most of infrastructure and transport services. These facilities should be located at centres that are within the service catchment of the facility, and in a type of centre appropriate to the intensity of service, measured by trip generation, and to the primary functions of the facility (for example, research and development, user services).

New small-scale education, health and other community facilities that meet local needs – including maternal and child health centres, kindergartens, local branch libraries and primary schools – will be encouraged to locate in or next to Neighbourhood Activity Centres. These are important local uses for the community. Their siting should create effective links with related activities, reduce the need to make trips, and encourage walking, cycling and use of local public transport services.

Proposals for development or expansion of activities remote from activity centres will be discouraged by giving preference to locations in or on the border of an existing activity centre. Out-of-centre proposals will only be considered where it can be convincingly demonstrated that the proposed use or development is of net benefit to the community in the region served by the proposal.

New evaluation criteria will be developed against which these proposals will be measured (see ‘Out-of-centre assessment criteria’).

Out-of-centre development

New single-use retail, commercial and recreational facilities that are remote from other attractions and from public transport generate in aggregate more car trips and longer journeys than similar facilities that are co-located and more easily accessible. Where development takes place distant from an activity centre, that is, ‘out-of-centre’, it is harder to provide equitable access to services and facilities for all the population. This form of development does not contribute to a local sense of place, and encourages people to use their cars more, thus increasing costs to the community. It can also divert the activity necessary to sustain a thriving and diverse range of accessible services at existing activity centres.

Sports and entertainment facilities generate a significant number of trips. They should be located within or at the edge of activity centres. Large facilities of metropolitan, State or national significance may be considered for out-of-centre locations, but they should be on the Principal Public Transport Network and at locations that are highly accessible to their catchment of users.
17 ECONOMIC DEVELOPMENT

17.01 Activity centres

17.01.1 Objective
To encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of local uses and are highly accessible to the community.

17.01.2 General implementation
Activity centres should implement so:
- Provide a range of shopping facilities in locations which are readily accessible to the community.
- Incorporate and integrate a variety of land uses, including retail, office, education, human services, community facilities, recreation, entertainment and residential uses where appropriate.
- Provide good accessibility by all available modes of transport (particularly public transport) and safe pedestrian and cycling routes, and to encourage multi-purpose trip-making to such centres.
- Facilitate ease of pedestrian movement between components of centres, public transport interchanges and parking areas.
- Maximize opportunities for the co-location, multiple use and sharing of facilities.
- Provide child care facilities in a level consistent with the role of the centres.
- Minimize the effects of commercial development on the amenity of residential and pastoral areas, for example as a result of traffic congestion, noise or overshadowing.
- Provide attractive environments for community activities.

17.01.3 Geographic strategies
Planning for the City of Melbourne is so reliant on the design of activity centres. The city’s focus on urban design has been set by Streetscape Projects and Victorian Capital City Policy (Governments of Victoria/Melbourne City Council 1994).
The location of new activity centres in the metropolitan area is to be consistent with the objectives of Transporting Melbourne (Department of Infrastructure 1996).

17.02 Business

17.02.1 Objective

To encourage developments which meet community needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficiency infrastructure use and the aggregation and sustainability of commercial facilities.

17.02.2 General implementation
Commercial facilities should be located in existing or planned activity centres unless they:

17.03 Industry

17.03.1 Objective

To ensure availability of land for industry and to facilitate the seamless development and operation of industrial and research and development activity.

17.03.2 General implementation

Industrial activity in industrial zones should be protected from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability. Planning authorities should zone land for industrial development in urban growth areas where good access for employees and freight movement is available and appropriate buffer strips can be provided between the proposed industrial land and existing sensitive land uses.
Planning authorities should protect the existence of large areas of industrial land of state significance to ensure availability of land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive uses. Industrial areas of state significance include but are not limited to:
- Dandenong South in the City of Greater Dandenong,
- Campbellfield and Sunbury in the City of Hume and Whittlesea, and
- Laverton North in the City of Wyndham and Deer Park in the City of Hume.
Existing industrial areas that include key manufacturing or processing industries; a major clustering of allied industries; and key industrial infrastructure should be protected and carefully planned so as to facilitate further industrial development. Responsible authorities should not approve non-industrial land use which will prejudice the availability of land for future industrial requirements in industrial areas. Adequate separation and buffer areas must be provided between sensitive uses and offensive or dangerous industries and factories to ensure that residents are not affected by adverse environmental, noise or nuisance to hazards. Planning and responsible authorities must have regard to Recommended Buffer Distances for Industrial Flooded Air Inflations (SPE 1999) and promote best practice risk and environmental management.
Responsible authorities should ensure that industrial activities involving substantial threshold distances are located in the zone of suitable zones industrial areas and encourage activities with minimal threshold requirements to locate towards the periphery of the area.
Responsible authorities should, where possible, minimize inter-industry conflict and encourage like industries to locate within the same area.

Planning and responsible authorities should consult with the Victorian Workcover Authority on requirements for industrial land use and development under the Dangerous Drugs Act 1952 and associated legislation.

Informed use of more appropriate standards of safety and amenity should be encouraged to locate within activity centres.

17.63-3 Geographic strategies

Planning authorities should have regard to the following documents when preparing planning scheme amendments to zoned new industrial land:
- Transporting Melbourne (Department of Infrastructure 1996).
- Freightways Melbourne (Department of Transport 1995).

17.84 Tourism

17.84-1 Objective

To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

17.84-2 General implementation

Planning authorities should consult with the Victorian Workcover Authority on requirements for industrial land use and development under the Dangerous Drugs Act 1952 and associated legislation.

Informed use of more appropriate standards of safety and amenity should be encouraged to locate within activity centres.

17.84-3 Geographic strategies

Planning authorities should have regard to any relevant regional tourism development strategy.

17.85 Agriculture

17.85-1 Objective

To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to detrimental changes of land use and to enable protection of productive farmland which is of strategic significance to the local or regional context.

17.85-2 General implementation

Land capability is a fundamental factor for consideration in rural land use planning.

17.86 Intensive animal industries

17.86-1 Objective

To facilitate the establishment and expansion of cattle stations, dairies, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

17.86-2 General implementation

In considering proposals for use and development of cattle stations, responsible authorities should consult with the Victorian Workcover Authority on requirements for industrial land use and development under the Dangerous Drugs Act 1952 and associated legislation.

Informed use of more appropriate standards of safety and amenity should be encouraged to locate within activity centres.
In considering proposals for use and development of linear forms, responsible authorities must have regard to the Victorian Code for Linear Forms, September 2001.

17.05 Forestry and timber production

17.05-1 Objective

To facilitate the establishment, management and harvesting of plantations, harvesting of timber from native forests and the development of forest based industries consistent with the National Forest Policy Statement.

17.05-2 General implementation

Planning and responsible authorities should consider environmental, social and economic factors in planning for forestry and timber production activities, including protection of water quality and soil stability. Timber production in native forests should be conducted in an environmentally sustainable manner.

Planning and responsible authorities should prevent the establishment of agricultural and horticultural plantations on permanently cleared land as well as other areas subject to or contributing to land and water degradation.

Planning authorities should identify areas which may be unsuitable and developed for plantation timber production.

Timber production (except agroforestry, vineyards and small woodlots) on leased Crown land and private land is to be conditional in accordance with the Code of Forest Practices for Timber Production (Department of Natural Resources and Environment, Revision No. 3, November 1996) or as amended from time to time.

17.06 Mineral resources

17.06-1 Objective

To protect identified mineral resources, to encourage mineral exploration and mining in accordance with acceptable environmental standards and to provide a consistent planning approval process.

17.06-2 General implementation

Mining schemes must not be permitted or require approval for mineral exploration. Mineral exploration is to be managed solely under the Mineral Resources Development Act 1990.


Planning and responsible authorities should ensure on-site access to land prospective for mining where this is consistent with overall planning considerations and application of acceptable environmental practice.

Planning schemes should recognise the possible need to provide mining infrastructure in urban areas with mineral deposits.

In considering planning permit applications for mining operations, responsible authorities should follow the procedures set out in Draft Planning Guidelines for Mining (Department of Natural Resources and Environment & Department of Infrastructure 1996) and must have regard to relevant provisions of State environment protection policies.

17.07-3 Geographic strategies

Planning and responsible authorities in Central Gippsland must act to protect the brown coal resource and should ensure that:

- Changes in use and development of land overlying coal resources, as generally defined in Framework of the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Ministry for Planning and Environment, 1985), do not compromise the mining or processing of coal.
- Coal-related developments are adequately separated or screened from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, such subsidence, and visual intrusion.
- Uses and development within the buffer areas are compatible with uses and development adjacent to these areas.

17.08 Extractive industry

17.08-1 Objective

To identify and protect those resources accessible to major projects and to provide a consistent planning approval process for extraction in accordance with acceptable environmental standards.

17.08-2 General implementation

Except for convening and bulk sampling activities, planning schemes must allow the use and development of land for the search for mines without planning approval.

Planning schemes must not prohibit extractive industry in core-zones, except if it is prohibited by an Act of Parliament.


Provisions for buffer areas between new extractive industries and sensitive land uses should be determined on the following principles:

- Clearly defined buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry, are specified in an application for permit.
- Performance standards for the buffer areas are in accordance with requirements of the Extractive Industries Development Regulations 1996 or a work out of a permit and have regard to the zoning of the land surrounding the extractive industry.
- Activities within buffer zones are subject to permit conditions in determining the buffer areas.

Provisions for buffer areas between existing extractive industries and sensitive land uses should be determined on the following principles:

- The buffer areas are determined so that appropriate limits or effects can be met at the sensitive locations using practical and readily available technology.
- The required buffer areas are taken into consideration if a change of land use or the addition of an extractive industry is proposed.
- Land within the buffer areas may be used for purposes that are not adversely affected by the extractive industry.
Geographic strategies

The long term protection of store resources in Victoria is to be generally in accordance with:


- The concept of the Extractive Industry Interest Areas expressed in Extractive Industry Interest Areas, Melbourne Supply Area Geology Survey of Victoria, Technical Record 3855/2 (Department of Natural Resources and Environment 1996) for the remainder of Victoria. Extractive Industry Interest Areas have been defined for the Ballarat, Bendigo, Geelong and Latrobe Supply Areas.

Agriculture

Objective

To facilitate the use of land for agriculture including the proper location and management of bee hives for the production of honey and other apiary products and for the pollination of crops, and to ensure that the location and density of the bee hives have a minimal impact on people.

General Implementation

In considering a proposal for agriculture, responsible authorities should have regard to the Apiary Code of Practice, May 1997 and any relevant scientific reports.
18 Infrastructure

18.01 Declared highways, railways and tramways

18.01.1 Objective
To integrate land use and transport planning around existing and planned declared highways, railways, principal bus routes and tram lines.

18.01.2 General Implementation
Transport routes should be located to achieve the greatest overall benefit to the community and with regard to striking the best balance of existing social, cultural and economic infrastructure, minimizing impacts on the environment and optimizing accessibility, safety, emergency access, service and amenity.

New transport routes and adjacent land uses should be located and designed to minimize disruption of residential communities and their amenity.

New use or development of land near an existing or proposed transport route should be planned or regulated to avoid disruption to, and where possible enhance, the service, safety and amenity desirable for that transport route in the short and long term.

Higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges, tramways and principal bus routes. Pedestrian access to public transport should be facilitated and safeguarded.

The design of transport routes and nearby areas should be planned and regulated to achieve visual standards appropriate to the importance of the route with particular reference to landscaping, the control of outdoor advertising and, where appropriate, the provision of buffer zones and planting places.

The design of transport routes must provide for grade separation at railway crossings except with the approval of the Minister for Transport.

18.01.3 Geographic Strategies
Planning and responsible authorities should have regard to all relevant principles and strategies set out in the following documents when preparing planning scheme amendments or considering permit applications for the location of transport routes or developments that are in proximity to major transport routes:
- Linking Victoria (Department of Infrastructure 1995).
- Transporting Melbourne (Department of Infrastructure 1996).
- Metropolitan Melbourne (Department of Transport 1992).
- Any other highway management strategy published by VicRoads.

18.02 Car parking and public transport access to development

18.02.1 Objective
To ensure access to development is in accordance with forecast demand taking advantage of all available modes of transport and to minimize impact on existing transport networks and the amenity of surrounding areas.

18.02.2 General Implementation
Consideration should be given to all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and design) for providing access to new developments.

The integration of public transport services should be encouraged in new developments.

In allocating or requiring land to be set aside for car parking, planning and responsible authorities should:
- Have regard to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity, and the potential for demand management of car parking.
- Encourage the efficient provision of car parking through the consolidation of car parking facilities.

Planning and responsible authorities should prepare or require parking plans for the design and location of land car parking to:
- Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.
- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of public areas and other road uses.
- Conserve a safe environment for users, particularly at night.
- Facilitate the use of public transport.

The amenity of residential precincts should be protected from the effects of road congestion created by on-street parking.

Appropriate provisions for off-mall should be planned as part of activity centres, transport interchanges and major commercial, retail and community facilities.

18.03 Geographic Strategies
In the City of Melbourne, on-site car parking in the CBD and Southbank is to be limited in view of limited road capacity, good access to public transport and the need to preserve potential amenity.

18.03.1 Objective
To integrate planning for bicycle travel with land use and development planning and encourage cycling as an alternative mode of travel.

18.03.2 General Implementation
Wherever possible, off-road bicycle networks should be planned for in new urban development.

Responsible authorities should ensure that adequate bicycle parking and related facilities to meet demand are provided at recreation, recreation, shopping and community facilities when initiating planning approvals. Bicycle facilities should be designed in accordance with the Victorian Guides to Traffic Engineering Practice Part 14 - Bicycles (ALSTOM 1993).
18.03-3 Geographic strategies
Planning and responsible authorities should have regard to the values of bicycle infrastructure and the location of
in the planning of new roads and urban developments, including the location of

18.04 Airfields

18.04-1 Objective
To facilitate the siting of airfields, and extensions to airfields, in areas where there is no significant land use
and development in the vicinity of airfields, and to recognise and protect the role of airfields in the overall
and transport infrastructure.

18.04-2 General implementation
New airfields should be located in areas which have genuine long-term values to the community for other purposes.
The location of airfields, existing and potential development activity, and the land-based transport systems required to serve them, should be planned as an integrated plan.
The visual amenity and impact of any use or development of land on the approach to an airfield should be planned to be consistent with the status of the airfield.

Planning for areas around all airfields should:

- Precise any new use or development which could prejudice the safety or efficiency of an airfield.
- Take into account the detrimental effects of aircraft operations (such as noise in particular, the health and environmental effects of aircraft operations, and the local environment in general, including the impact on the environment and the community).
- Precise any new use or development which could prejudice the safety or efficiency of an airfield or an airfield extension in accordance with an agreed strategy or master plan for the airfield.

18.04-3 Geographic strategies
Melbourne Airport
Planning for areas around Melbourne Airport should:
- Strengthen the role of Melbourne Airport as a key strategic point in the State's economic and transport infrastructure.
- Ensure the effective and timely operation of Melbourne Airport at both national and international levels.
- Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.
- Ensure any new use or development does not prejudice the effective operation of Melbourne Airport.

Planning and responsible authorities should have regard to the Melbourne Airport Master Plan (Australia Pacific Airports (Melbourne) Pty Ltd, December 1998), the Melbourne Airport Strategy (Government of Victoria/Tertiary Airports Corporation, 1999) and its associated First Environmental Impact Statement to assist in planning decisions

Airports
Planning and responsible authorities should have regard to the Athens Airport Strategy (Department of Business and Employment/Aerospace Technologies of Australia (DAVA) and its associated Aircraft Noise Exposure Constructions.

18.05 Ports

18.05-1 Objective
To recognise the importance of Victoria as an economically significant major port (Melbourne, Geelong, Portland, Hastings) to the State's economy and transport infrastructure.

To plan the land resources adjacent to ports to facilitate the efficient operation of the port and provide for the adequate and efficient use of resources in managing urban development and the environment.

18.05-2 General implementation
The land resources adjacent to ports should be planned to ensure that the economic development of Victoria, particularly in the transport sector, is maintained and that the economic benefits of development are maximised.

Planning for the use of land adjacent to ports should also aim to maximise the economic benefits of development and the environment, by integrating policies for the planning of the economic development of Victoria's ports and the environment in particular and take into account planning for adjacent areas and the relevant industries.

18.05-3 Geographic strategies
Planning for land-use and port-related facilities adjacent to the deep channels in the North Arm of Western Port Bay (the area between Hastings Point and Wonthaggi) should be consistent with the Department of Planning and Development's Planning Policy 1 - Western Port (1971 and 1979).

Planning for the future development of the Hastings Port industrial area is to be undertaken in accordance with the Hastings Port Industrial Area Land Use Strategy Plan (Department of Planning and Development 1996).

18.06 Health facilities

18.06-1 Objective
To plan and develop health facilities in areas that are accessible and convenient to residents of local and regional communities.

18.06-2 General implementation
Planning and responsible authorities should have regard to the location of health-related facilities, including access to health, aged care, disability services and community care facilities, with consideration given to demographic trends, the existing and future demand for health services, and the integration of services into communities.
Consideration should be given to planning public and private developments together and to including some degree of flexibility in use.

Hospitals and other large health service facilities should be located in areas highly accessible to public and private transport.

Adequate car parking facilities should be provided for staff and visitors.

18.07 Education facilities

18.07.1 Objective

To assist the integration of education facilities with local and regional communities.

18.07.2 General Implementation

Secondary and tertiary education facilities should be located in areas which are highly accessible to public transport. Primary education facilities should be located to maximise access by walking.

Tertiary education facilities should be encouraged to locate within or adjacent to activity centres.

In planning for the location of education facilities, planning authorities should consider demographic trends, the existing and future demand requirements and the integration of facilities into communities.

Planning areas near to education facilities, adjoining streets and access, should be designed to encourage safe bicycle and pedestrian routes.

18.08 Survey Infrastructure

18.08.1 Objective

To protect generic sites (survey marks) that support infrastructure projects, local development, survey, mapping and geospatial information systems.

18.08.2 General Implementation

Planning and responsible authorities should be aware of the location of survey marks established by the Office of the Surveyor-General and ensure that planning decisions do not prejudice their usefulness.

18.09 Water supply, sewerage and drainage

18.09.1 Objective

To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

18.09.2 General Implementation

Planning and responsible authorities should ensure that water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.

Urban development must be provided with sewerage at the time of subdivision, or later ceased if the subdivision is not capable of adequately treating and removing all domestic wastewater within the boundaries of each lot consistent with the Code of Practice - Septic Tank (EPA 1996) and relevant State or local government policies.

Planning and responsible authorities should ensure that:

- planning for urban stormwater drainage systems considers the catchment centre and is consistent with adjacent land use;
- best environmental management practice is used where practicable in the design and management of urban stormwater drainage systems, including measures to control peak flows and waste screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts to water quality in receiving waters;
- drainage systems are protected where necessary from the intrusion of litter, in accordance with strategies set out in Victoria's Litter Reduction Strategy (EPA 1995).

The re-use of wastewater including urban run-off, stormwater, effluent and run-off from agricultural land should be encouraged where appropriate, consistent with the Guidelines for Wastewater Reuse (EPA 1996).

18.08 Geographic strategies

Metropolitan councils should have regard to the Litter Prevention and Control Strategy for the Greater Melbourne Area (Water Management Council 1995).

Planning and responsible authorities should have regard to the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999).

18.10 Waste management

18.10.1 Objective

To assist control of the generation, transport and disposal of wastes so as to prevent pollution and land degradation.

18.10.2 General Implementation

The siting and management of waste disposal facilities must be in accordance with State environment protection policy (Siting and Management of Landfills Receiving Municipal Waste) and relevant regional waste management plans.

18.10.3 Geographic strategies

Planning authorities should have regard to Victoria's Litter Reduction Strategy (EPA 1995) and participate in the development of regional waste management plans.

Planning and responsible authorities in the metropolitan are should have regard to the Litter Prevention and Control Strategy for the Greater Melbourne Area (Water Management Council, 1995).

18.11 High pressure pipelines

18.11.1 Objective

To plan for the development of pipelines that utilise pipelines subject to the Pipelines Act 1967 to ensure that gas, oil and other substances are safely delivered to users at minimal risk to people and the environment.

STATE PLANNING POLICY FRAMEWORK - CLAUSE 18 24 JULY 2001
18.11-2 General Implementation

Existing transmission-pressure gas pipelines should be recognised in planning schemes and protected from further development by residential development or other sensitve land uses, unless suitable additional protection of pipelines is provided.

The siting of new pipelines should be planned along routes with adequate buffers to residences, roads and sensitive land uses and with strategic regard to waterways, wetlands, flood plains, sensitive areas and other environmentally sensitive sites.

Planning for pipeline assessment should ensure appropriate provision for environmental management during construction and on-going operation.

18.12 Developer contributions to infrastructure

18.12.1 Objective

To facilitate the timely provision of pleasant infrastructure to communities through the preparation and implementation of development contributions plans.

18.12.2 General Implementation

Development Contributions Plans, prepared and approved under the Planning and Environment Act 1987, should be used to manage contributions towards infrastructure.

Development contributions may be collected on the basis of an approved Development Contributions Plan.

When preparing Development Contributions Plans, planning authorities should have regard to the Development Contributions Guidelines (Department of Sustainability and Environment, June 2003).

18.13 Telecommunications

18.13.1 Objective

To recognise the importance of telecommunications to all aspects of modern life and the essential and beneficial contributions of modern telecommunications facilities to local communities and the state and national economy.

18.13.2 General Implementation

Planning decisions should recognise that telecommunications is an essential utility service and, in particular, should:

- Facilitate the upgrading and maintenance of telecommunications facilities.
- Ensure that modern telecommunications facilities are widely accessible to businesses, industry and the community.
- Facilitate the orderly growth of telecommunications by recognising that new communications technology needs to meet the continuous and growing demand for better communications and multi-media facilities in business, domestic, environment and community services.
- Reflect the economic contribution of telecommunications through improvements in business and industrial technology, rapid communications and enabling business and industry, amenity, competitive and provide increased employment opportunities.

Planning decisions should not prohibit the use of land for telecommunications facilities in any zone.

Planning decisions should reflect a reasonable balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts resulting from telecommunications infrastructure.

Planning decisions should reflect the national implications of telecommunications network and the need for consistency in infrastructure design and implementation. A Code of Practice for Telecommunications Facilities in Victoria should be used in the consideration of applications for the use and development of telecommunications facilities and sites.
Date: 26 October 2004
Re: Telecon with [redacted] of VicRoads

Phoned [redacted] of VicRoads [redacted] is the VicRoads contact given to me by [redacted] the contact in the Department of Sustainability and Environment who assisted with their submission on the Bulla Road MDP.

I mentioned that the DSE submission noted their concern that the proposed development was 30% larger than the original proposal assessed by VicRoads for the installation of a roundabout. I asked him if he still had concerns or whether the Grogan Richards report had allayed them.

[redacted] confirmed that they had been working with Grogan Richards and EAPL over the last 7-8 months and were now satisfied that the Grogan Richards report adequately addressed traffic issues in terms of the roundabout.

[redacted] can be reached on [redacted] or [redacted]

s.22(1)(a)(ii)
MEDIA RELEASE

The Hon Wilson Tuckey MP
Minister for Regional Services, Territories and Local Government

15 July 2003
WT52/2003

LOCAL GOVERNMENT AND PLANNING ON NATIONAL AGENDA

Federal Minister for Transport and Regional Services, Wilson Tuckey, has welcomed the commitment of Local Government and Planning Ministers and the Australian Local Government Association to address the critical issues facing local government and urban planners.

The inaugural meeting of the Local Government and Planning Ministers' Council was held in Darwin today.

Mr Tuckey said the Council had already begun to address key issues such as water recycling, the better integration of land use and transport planning, and funding arrangements to ensure the viability of local government.

"As one of the driest continents on Earth, Australia faces huge challenges in making best use of our limited water resources. The drought we are currently facing vividly illustrates the fickle nature of our access to water," Mr Tuckey said.

"While significant advances have been made in adopting environmentally sustainable water management practices, we need to do more to better use and re-use our water - we must become a nation of water recyclers.

"This Council has agreed for the need to establish national guidelines for water recycling and water-sensitive urban design, and to support the inclusion of water recycling in the COAG-initiated National Water Reform Framework."

Minister Tuckey said the Council had also endorsed a National Charter of Integrated Land Use and Transport Planning, the simple aim of which was to make cities and towns more livable.

"This Charter will help ensure that transport planning and land-use planning are considered together, to improve peoples' access to services, widen transport choice, maximise investment in infrastructure, and create safer and healthier communities."

Minister Tuckey said Ministers had also gained a clearer understanding of the financial hardships confronting many local government councils, particularly those in rural and remote areas, following an address by David Hawker, chair of the local government and cost-shifting inquiry.

"Many councils are facing very real financial difficulties having taken on more functions and responsibilities, many of which have been handed to them by the States, without the
capacity to raise the revenue to fund these new services.

"We are all in the business of promoting effective and efficient local government. This Council meeting provided an important opportunity for Ministers to discuss the issues that are a barrier to this.

"I understand the Inquiry will present its findings by the end of the year and I look forward to presenting them to the next meeting of the Local Government and Planning Ministers' Council."

The Local Government and Planning Ministers' Council brings together the former Local Government Ministers' Conference and Planning Ministers' Conference to enhance the effectiveness of local government and planning in Australia and New Zealand. It will next meet in Perth towards the end of the year.

Media Contacts

Graeme Hallett (Minister Tuckey's Office) 0419 688 440

Local Government and Planning Ministers' Council
Joint Communiqué - 15 July 2003

First meeting of Council

The Local Government and Planning Ministers' Council met for the first time on Tuesday 15 July 2003.

Local Government and Planning Ministers from across Australia and New Zealand as well as the President of the Australian Local Government Association convened in Darwin. Northern Territory Minister for Local Government, Mr John Ah Kit MLA and Northern Territory Minister for Lands and Planning Kon Vatskalls MLA, jointly chaired the meeting.

Members agreed that the Council would lead debate and decision making on key strategic policy matters for Local Government and planning in Australia and New Zealand that can be addressed at the national level.

The Council agreed a number of priorities for local government and planning which the Council will consider including:

- local government autonomy and funding;
- community strengthening;
- management of natural resources;
- working towards more economically, socially and environmentally sustainable towns and cities;
- addressing the implications of population and demographic change for infrastructure supply and demand;
- land use and transport planning; and
- local government services and indigenous communities.
Specific issues dealt with by the Council are detailed below.

**COAG review of Australia’s natural disaster arrangements**

The Council considered the broad direction of the recommendations of the draft COAG review report *Natural Disasters in Australia, Reforming mitigation, relief and recovery arrangements*. Members noted the recommendation for the development and implementation of a *Disaster Mitigation Australia Package* and that the objective of the *Package* would be for structural reform in disaster management across Australia.

Members noted that the Federal Government supported a shift in approach beyond recovery and relief, towards cost-effective, evidence based disaster mitigation across Australia.

The Council noted that other Australian jurisdictions were currently deciding their levels of support for the review recommendations and that in principle support was likely to be canvassed at a full meeting of COAG later in 2003.

Members noted that, if COAG agreed to proceed with the recommended reforms, an augmented Police Ministers Council would likely have carriage of the implementation review report’s 66 recommendations.

The Council agreed it would play a key role in implementing many of the review recommendations, particularly in the areas of planning and development control reform.

**Urban sustainability**

The Council considered a proposal for a National Summit on the Future of Australian Cities and Towns to be held in March 2004 and a proposal for further discussion of strategic planning issues for Australia’s capital cities. The latter proposal stemmed from a request by the Capital City Lord Mayors Forum to have widely canvassed the various pressures on Australia’s capital cities.

Members noted that the prosperity and success of its major settlements would largely influence Australia’s future. The Council noted that change, including globalisation, social and demographic shifts and the information economy have significant economic, social and environmental consequences, and represent challenges for urban as well as regional communities.

The Council discussed the need for collaboration in areas such as economic development, population policy, the management of urban and regional growth, housing affordability, taxation policy and environmental sustainability - all aimed at achieving urban sustainability.

The States and Territories and the Australian Local Government Association endorsed the proposal for a national summit to address these issues and that the Planning Officials Group would be responsible for the organisation of the summit.

The Commonwealth strongly supported the role of the Local Government and Planning Ministers’ Council as the appropriate body to deal with urban planning issues but did not accept the need for a national summit.

Council agreed that the consideration of urban planning issues is wider than those covered by the Capital City Lord Mayors Forum.

**Urban Water Re-Use - An Opportunity for Australian Governments**

The Council noted that in 1994 COAG initiated the National Water Reform Framework for
the management and use of water across Australia. Members noted that although significant advances had been made in legislative and policy reforms across Australia as well as in environmentally sustainable water management practices in many areas, that as yet water recycling measures had not been included under the Framework.

Members discussed the need for national guidelines for water recycling and water-sensitive urban design to facilitate an integrated whole of water cycle approach to water management.

The Council was advised that in April 2003 the Natural Resource Management Ministerial Council had considered broadening the Framework to include water recycling and associated measures in urban areas.

Members sought the inclusion of water recycling in the National Framework and agreed to seek inclusion or urban water reuse in the National Framework. In particular the Council agreed to work in partnership with the Resource Management Council as well as the National Environmental Protection and Heritage Council in the area of water recycling and water sensitive urban design.

**Commonwealth and Parliamentary Reviews**

Mr David Hawker, MP, Chair and Ms Anna Burke, MP, Deputy Chair of the House of Representatives Standing Committee on Economics, Finance and Public Administration briefed the Council on progress with the Committee’s Inquiry into Local Government and Cost Shifting. Members noted that the terms of reference for the Inquiry required that the Committee also consider the findings of the Commonwealth Grants Commission report of June 2001.

Mr Hawker advised that the Inquiry was considering: the roles and responsibilities of Local Governments; current funding arrangements; the capacity of Local Government to meet its obligations; changes in powers, functions and responsibilities; and the scope for achieving a rationalisation of roles and responsibilities between levels of government.

The Council welcomed advice that the Inquiry report is scheduled for release later in 2003. Members agreed it is important that the next meeting of the Council consider the report prior to the finalisation of the Commonwealth response.

The Council requested that the cost shifting inquiry and officials consider a change to the Financial Assistance Grant legislation and principles to provide a basis for removing any financial penalties that operate as obstacles to local government amalgamations and boundary reforms.

**Community Strengthening and Community Resilience**

Members considered advice from Victoria that community strengthening strategies have been widely adopted internationally to improve overall social and economic wellbeing.

Members were advised that research indicates that there is a role for governments in community strengthening; however the issue of the most effective ways for government involvement in strengthening communities is still problematic. The Council noted that one of the key ‘success’ features of community strengthening strategies is the focus on local areas or neighbourhoods and that in Australia, Local Government was best placed to lead community strengthening.

Members agreed, in principle that community strengthening is a key role of modern governments and that local government has the capacity to provide a significant local leadership role.
The Council agreed to that the Local Government Joint Officials Group should consider this issue and develop a common understanding of the concepts and benefits of community strengthening and effective approaches for achieving it. The Officials Group is to report back to the Council.

**National Charter of Integrated Land Use and Transport Planning**

Council members endorsed the National Charter of Integrated Land Use and Transport Planning and agreed to write to the Australian Transport Council to advise of support.

Council noted that Transport Ministers had already endorsed the Charter at a meeting of the Australian Transport Council on 23 May 2003.

The endorsement of the Charter by both Councils establishes a national commitment to an agreed set of good planning practices and to working together to achieve better land use and transport outcomes across Australia.

Council noted that all States, Territories, and the Commonwealth Government had collaborated to develop the Charter. The Charter is designed to support existing and future planning mechanisms by providing a national commitment to a framework for responsive planning, consistent decision making, and good design and management.

Council noted that responsibility for its implementation now rests with each State, Territory and the Commonwealth governments and that local governments will play a central role in land use and transport planning for local areas.

**Development Assessment Forum**

The Council noted that Recommendation 29 of the Federal Government’s 1997 *Time For Business* (or Bell) Report, was the catalyst for forming the Development Assessment Forum. It brought together the relevant parties to reach agreement on ways to streamline the processes used for development approval and cut red tape - without sacrificing the quality of the decision making.

The Forum’s membership includes the three spheres of government, the development industry, and related professional associations. The Council noted that Mr Peter Verwer, Chief Executive of the Property Council of Australia has recently taken up the role as Chair of the Forum.

Members noted that currently the work of the Forum is reported separately to State and Territory Planning Ministers. The Forum Secretariat (provided by the Commonwealth) regularly briefs the Commonwealth Minister with responsibility for planning. Council discussed the lack of a formal reporting mechanism for the work or strategic direction of the Forum.

Members endorsed the continuation of the Forum and supported its work directions. It was agreed that in future the Forum would report on its work, activities and strategic direction to the Council and that, where appropriate, the Council would provide direction to the Forum.

**Next meeting**

The Council agreed to meet next in Western Australia, followed by Victoria. The timing of the next meeting was tentatively agreed for early December 2003.

MEDIA RELEASE

The Hon John Anderson MP
Deputy Prime Minister
Minister for Transport and Regional Services
Leader of the National Party

10 August 2001
Joint

Joint Media Statement

The Hon John Anderson MP
Deputy Prime Minister
Minister for Transport and Regional Services
Leader of the National Party

THE HON JOHN FAHEY MP
MINISTER FOR FINANCE AND ADMINISTRATION

SALE OF ESSENDON AIRPORT

We are pleased to announce that following a competitive tendering process the Commonwealth's shares in Essendon Airport Limited (EAL) will be sold to Edgelear Pty Ltd for $22.044 million.

Edgelear P/L is jointly owned by the Linfox Group and the Becton Group. The Government is encouraged that between them they bring strong aviation and property development experience and robust financial and managerial capability to Essendon Airport. Edgelear P/L will assume control of EAL following sale completion, scheduled to occur by mid September 2001. The offer from Edgelear P/L has been evaluated as best meeting the Government's sale objectives.

The sale of the Commonwealth’s shareholding in EAL to Edgelear P/L will ensure that Essendon Airport continues to operate as a general aviation airport. With Linfox's strong airport management credentials, through its ownership of Avalon Airport, Essendon Airport will continue to play a vital role in providing access to Melbourne for rural and regional Victoria, including as an airbase to a number of regional service providers such as the Air Ambulance and the Victorian Police Airwing.

Under the Airports Act 1996 the new owner of the Essendon Airport lease will be subject to a comprehensive regulatory regime that will ensure the public interest is protected. The Airports Act requires an airport operator to submit an airport master plan and major development plans for the approval of the Minister for Transport and Regional Services, following a minimum 90 day 'public comment' process. This means there can be no major development occurring on the airport site without the community being fully informed. No radical changes to the runways will be countenanced.

Essendon Airport will continue to be subject to government controls relating to safety,
curfews, security, environmental assessment and aircraft size. EAL will continue as the long-term leaseholder, with the Commonwealth retaining ownership of the Essendon Airport site.

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The Tribunal's function, when it undertakes a review of a Minister's decision to deport, is to form its own judgment of what is the correct or preferable decision in the circumstances of the particular case as revealed in the material before the Tribunal (Drake's case, supra, at p.589). It is a discretionary judgment: see p.12 of this decision. The Minister may play a part in it. In Drake's case, Dixon J. left it to the Tribunal to determine the part which Ministerial policy should play, saying (supra, at p.589):

'It is not desirable to attempt to frame any general statement of the precise part which government policy should ordinarily play in the determinations of the Tribunal. That is a matter for the Tribunal itself to determine in the context of the particular case and in the light of the advice given to it in the interests of good government, between, on the one hand, the desirability of consistency in the treatment of citizens under the law and, on the other hand, the ideal of justice in the individual case.'

In the first of the deportation cases, Be Rees and Minister for Immigration and Ethnic Affairs (1977) 1 A156, I sought to identify the questions falling for the tribunal's determination in this way (at pp.161,162):

'There are four related but distinct issues which may arise in any application to review a decision to order deportation under s.13(1) of the Migration Act 1958. First, is it a case where the Minister may order deportation under s.13(1)? Second, if the Minister has a policy which governs or affects his exercise of the power, is that policy consistent with the Act? Third, if the Minister has such a policy, is any cause shown why the tribunal ought not to apply that policy, either generally or in the particular case? And finally, on the facts of the case and having regard to any policy considerations which ought to be applied, is the Minister's decision the right or preferable decision?'

Since then, the Minister has promulgated a new policy statement with reference to the powers conferred by ss.12 and 13 of the Migration Act, and it is desirable to examine that statement and to determine, in the light of the reasons for judgment of the Federal Court of Australia in Drake's case, what part that policy statement should play, both generally and in the particular circumstances of this case.

The Minister's policy statement sets out his approach in determining deportation cases. Paragraphs 4.01 and 4.02 of the statement read:

'4.01 A decision by the Minister to order the deportation of a person from Australia is made after consideration by the Minister of all the material facts and circumstances relating to that person. Every case is decided upon the basis of its individual circumstances.

4.02 The basic question considered by the Minister is whether in all the circumstances it is in the best interests of the Commonwealth of Australia that the person be deported.'

The question whether the best interests of the Commonwealth of Australia are served by deportation may be simply stated, but the Minister's statement points to the vidual complexity of factors which the endless variety of human activity exposes for consideration. Paragraph 4.07 reads:

'The following matters are taken into account when a decision is being made whether to order the deportation of a person from Australia:

The nature of the offence:

http://www.austlii.edu.au/cgi-bin/disp.pl/su/cases/cth/austunrep/194.html?query-title+&z...

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Drake's case (supra, at p.598 and fr.) has to do with balancing the protective effect of a deportation order with other effects which an immigration officer has upon the person to be deported, upon those directly affected by the proposed deportation and upon the community as a whole. And good government is, of course, in the best interests of Australia.

The Minister's understanding of the purpose for which the power is conferred on him, is expressed in paragraphs 4.02 and 4.04 of his policy statement. The power is to be exercised in protection of the Australian community against immigration or aliens who have a tendency to or that their continued presence is detrimental to the existence or welfare of the Australian community. Clearly enough, the power is conferred for such a protective purpose, but it is left to the Minister to determine what kinds of conduct reveal the perpetrator to be a threat to the Australian community. The continued presence of the perpetrator within the Australian community must be detrimental to its existence or welfare. Often times such will turn upon an ascription of the likelihood that a perpetrator will engage again in offensive conduct.

The gravity of conduct engaged in and the risk of recidivism are elements in quantifying the seriousness of the threat to the Australian community or in determining whether the continued presence of the perpetrator is indeed inimical to the existence or welfare of the Australian community. The risk of recidivism is not ascertainable by reference to policy, of course. It is to be ascertained in the circumstances of each case, and on the other hand, the comparative gravity of various kinds of offending conduct depends upon a perception of the best interests of Australia and of the way in which offending conduct adversely affects those interests. This is largely a matter of standards and values which may change over time and the exercise of discretion.

The multiplicity of factors for consideration in each case evidences the intrinsic difficulty of the Minister.of Immigration and Ethnic Affairs (1978) 1 ALR 55 at p.56; (1977) 17 ALR 412 at p.434)

The expression 'the best interests of Australia' leaves much to open to determination. It is my view that in the application of policy as stated that expression is to be understood not in a narrow and restricted sense, but as extending to such interests broadly regarded, and embracing, on occasion and according to circumstances, the making of decisions by reference to a liberal outlook appropriate to a free and confident nation.

The way in which executive power is exercised, whether sternly or leniently, helps to mould the character of society; and the manner in which the deportation power is exercised, reveals in particular, to Australia's migrant and ethnic communities, an important aspect of this nation's attitude to immigrants and aliens. The manner of its exercise shows the security which immigrants and aliens have in their residence here and the circumstances in which that security is likely to be forfeited: it shows the security with which an Australian on the one hand, and an immigrant or alien on the other, may build their relationships and join their lives, and the circumstances in which the relationship is liable to be ruptured. "Good government", as I understand it, is to use the phrase in his judgment in

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By a Presidential Member sitting alone, results in the appointment of a number of Presidential Members to decide the cases brought to the Tribunal from decisions of the Chief Minister under ss.19 and 21 of the Migration Act 1983 and in the circumstances, the procedural advantages which the Tribunal enjoys in the production and testing of evidence, the insufficiency of the findings of the Minister, and the questions of the Tribunal attributing a particular kind of offending conduct a gravity different from the gravity attributed to the same conduct by another Presidential Member, or by the Minister, adds to the prospect of inconsistency in decision-making. In the deportation jurisdiction, the Tribunal (unlike the other tribunals already referred to) cannot by a three constant panel whose standards and values may provide a constant reference point for decisions. The Minister and each Presidential member may perceive Australia's interests differently and may differ in their perception of the way in which offending conduct adversely affects those interests. Such differences will lead to inconsistency in decision-making.

Inconsistency is not merely inevitable; it brings the process of deciding into disarray, by supporting an arbitrariness which is incompatible with community accepted notions of Justice. In matters of deportations, which so profoundly affect the interests of the deportee and his family and which are of relevance to the community at large, inconsistency bums of the application of differing standards and values should be considered as far as it is possible to do so.

The possibility of inconsistency in exercising the deportation power arises from two sources: the Minister's entitlement to change the standards and values by which he has regard, and the possibility of disparity from standards and values adopted by the Minister and by the several Presidential Members who constitute the Tribunal to review his decisions. Those courses which may lawfully be taken and which are desirable to eliminate the possibility of inconsistency in making deportation decisions should be examined.

Sections 13 and 16 of the Migration Act require the Minister to determine whether or not to deport an immigrant or alien whose criminal conviction exposes him to that jeopardy. The Minister is free to exercise that power without adopting any policy as to the standards and values by which he will have regard in deciding particular cases. He is equally free, in point of law, to adopt such a policy as to guide him in the exercise of the statutory discretion, provided the policy is consistent with the statute. In Strick v. Minister of Housing and Local Government [1970] 1 W.L.R.1281, Cooke J. (at p.1298) held the effect of the relevant authorities to be -

"that a Minister charged with the duty of making individual administrative decisions on this subject is bound not to deprive the administrative body of his freedom to make the policy in respect of matters which are relevant to those decisions, provided that the existence of that general policy does not prejudice him from fairly judging all the issues which are relevant to each individual case as it comes up for decision."

There are powerful considerations in favour of a Minister adopting a guiding policy. It can serve to focus attention on the purpose which the exercise of the discretion is designed to achieve, and thereby to assist the Minister and others to see more clearly, in each case, the desirability of exercising it in one way or another. Decision-making in particular cases is the better assured if decisions can be tested against such a policy. By diminishing the importance of individual predilections, an adopted policy can diminish the inconsistencies which might otherwise appear in a series of related decisions, and enhance the sense of satisfaction with the fairness and continuity of the administrative process.

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Of course, a policy must be consistent with the statute. It must allow the Minister to take into account the relevant circumstances, it must not require him to act in accordance with any rule of law. The Minister has discretion to decide whether circumstances exist which justify the rejection of an application. The policy must be based on the considerations which have relevance to the decision to be made. The policy must be based on a policy which may reasonably be advanced in particular cases. The discretion which is vested in the Minister by those sections cannot be exercised according to broad and binding rules (as some directions may be, see, e.g. direction in the case of Strick v. Minister of Housing and Local Government [1970] 1 W.L.R.1281, Cooke J. (at p.1298)), the Minister must decide each of the cases under ss.19 and 21 on its merits. His discretion cannot be so constricted by a policy as to preclude consideration of the merits of specified classes of cases. A letter of that kind would be objectionable even though it was adopted by the Minister on his own initiative. A Minister's policy, framed for the purposes of ss.13 and 16 of the Migration Act, must leave him free to consider the unique circumstances of each case, and no part of a lawful policy can determine in advance the decision which the Minister will make in the circumstances of a given case.

That is not to deny the lawfulness of adopting an appropriate policy which guides but does not control the making of decisions: a policy which is informative of the standards and values which the Minister usually applies.

There is a distinction between an unlawful policy which creates a fetter purporting to limit the range of discretion conferred by a statute, and a lawful policy which leaves the range of discretion intact while guiding the exercise of the power. (See British Oxygen Co. v. Board of Trade [1971] A.C.610 at pp.625 and 631). Lord Denning referred to the distinction in Segesta Investments Ltd. v. Norwich Corporation [1971] 2 Q.B.614 at p.626, where he said:

"I take it to be perfectly clear now that an administrative body, including a licensing body, which may have to consider numerous applications of a similar kind, is entitled to lay down a general policy which it proposes to follow in order to guide individuals, provided always, so far as is relevant, that the policy is fair and just to apply. Once laid down, the administrative body is entitled to apply the policy in the individual cases which come before it. The only qualification is that the administrative body must not apply the policy so rigidly as to reject an applicant without hearing what he has to say, or without giving him the chance to put his case forward in some manner to an applicant. (See [1971] A.C.610, 625 per Lord Reid. The applicant is entitled to put forward reasons urging that the policy should be changed, or saying that in any case it should not be applied to him. But, so long as the administrative body is entitled to apply the policy in the cases which come before it, and is entitled to apply its general policy to him as to others."

Subject to these limits the Minister may arrive at his decisions by reference to a policy of his own making. When the Minister forms his present policy, he disseminates it through his Department and he advises this Tribunal. Perhaps I should add that the Tribunal required that the policy be added as an exhibit to the case, so that applicants to the Tribunal, whose interests are affected by decisions made by reference to the policy, should know of its existence.

The policy statement alludes to factors which are relevant for consideration, and identifies the kind of conduct which the Minister regards as likely to have a particularly grave effect upon Australia's interests. I do not purport to preclude the consideration of relevant factors other than those which are listed: and the factors listed are relevant to decisions under ss.13 and 16 of the Migration Act. Some parts of the policy statement show the
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Minister's perception of Australian's interests and identify the kinds of
courts which, as having a significant adverse effect on those
interests. These factors are referred to principally in paragraph 4.05 and in
a manner in which the Minister sent his policy statement to the Tribunal, Paragraph 4.05 reads:

"Such persons will have revealed by their conduct either that they are
prepared to overthrow existing institutions accepted by the Community or that
they are unprepared to accept and adhere to standards by the Community of its
members (sic) as revealed in its laws."

In his letter, the minister wrote:

...I am less disposed to exercise my discretion nor to deport than would
otherwise be the case in respect of people whose offences involved injury to
or corruption of young people. I am particularly concerned about re-offences
against children or trafficking in or distribution of drugs has been involved

It was submitted by counsel for the applicant that the statement of policy
unlawfully fettered the exercise of the Minister's discretionary power, and
exceeded the lawful limits of policy. The Minister's policy, as it appears in
the letter and the statement, does not go beyond the limits charted by the
authorities. It merely identifies factors to which the Minister refers, and
the kind of conduct which he regards as more gravely affecting Australia's
interests: It does not record a conclusive effect on any factor, or deny the
ability of countering factors to lead the Minister to that particular decision
to determine to deportation. The Minister thus maintains the discretionary
power intact, specifying merely the weight which he ordinarily gives to
consideration of the stated kind.

It is possible to consider the policy as though it was affected by a
conception of the relevant policies. The Minister's letter refers to the
administrative law, Professor K.C. Davis, a view which has received judicial
approval in the United States:

"When legislative bodies delegate discretionary power without meaningfull
standards, administrations should develop standards at the earliest feasible
time, and, when, as circumstances permit, should further confine their own
discretion through guidelines and rules."

(see Administrative Law, J. Davis, 2nd ed, vol 2 para 9.9)

That is a commendable approach. It is not a role of law, but it is
nonetheless valuable as a principle of discretionary decision-making.

In this case, supra, at p.601, Smith v. J. expressed the opinion that "no
substantial fault can be found with the Minister's policy and as that is so
there is no reason why the Minister should not apply it in deciding the cases
before him. Application of the policy has no effect on the Minister, his
unquestioning adoption of its standards and values, but rather an assumption
that, in the absence of any reason to the contrary, its standards and values


he should be left to formulate that policy in whatever manner he thinks appropriate from time to time. Administrative policies are necessarily emergent and the exercise of control or alteration on the part of the minister is best formed and amended in a political context.

Moreover, the discretionary power granted by an administrative policy is exposed to review by the Tribunal, however, the powers with which this Tribunal is vested by s.3 of the Administrative Appeals Tribunal Act 1975 are wide enough to enable the Tribunal to review the exercise of this discretion in all cases which come before it. Although the Tribunal might not, indeed cannot, deprive itself of its freedom to give no weight to a Minister’s policy in a particular case, there are substantial reasons which favour only cautious and permitting departures from Ministerial policy, particularly if Parliament has in fact approved it, and approved that policy be overridden in cases against the policy itself or against its application in the particular case will be considered, but cogent reasons will have to be shown against its application, especially if the policy is shown to have been exposed to Parliamentary scrutiny.

The general practice of the Tribunal will not preclude the Tribunal from making appropriate observations on ministerial policy, and thus contributing the benefit of its experience to the growth or modification of general policy; but the practice is intended to leave to the Minister the political responsibility for broad policy, to permit the Tribunal to function as an adjudicative trier rather than as a political policy-maker, and to facilitate the making of consistent decisions in the exercise of the same discretionary power.

The general practice of the Tribunal will require it to determine whether the policy is lawful, not in order to supervise the exercise by the Minister of his discretion, but in order to determine whether the policy is appropriate for application by the Tribunal in making its own decision on review.

In the present case, no grounds going to the merits of the Ministerial policy are deployed, a political functional approach was advanced on behalf of the applicant. Having regard to the terms in which the present statement of Ministerial policy is couched, the fulsome consideration of relevant circumstances which it invited, and the unaffected range of discretion which it leaves for exercise in each case, it appears to me to be right to apply it in this case. It is in the plain responsibility of the applicant to do so, and the Tribunal, in the light of the opinion of other President administrators (the Attorney-General), is concerned to uphold the applicant, and does not find in the absence of material which would deprive the decision of the Minister of the Minister’s policy, whether the order should be affirmed or not.

The applicant was born on 13 December 1937 and lived with his mother, father and four siblings in San Bernardino, California. He left school at 15 or 16 after a row with his father, but he returned home for a period of recuperation after a motor car accident in which he was injured. His formal unemployment ceased in the second year of high school. He got some unskilled labouring jobs on fishing boats and in the blueprint business, and he stayed in the construction business until he reached assistant manager status. He contracted a brief and unsuccessful marriage when he was 15, and after a divorce he lost contact with his first wife and a child born of their union.

He married a second wife when he was 20. In 1969, that marriage also ended in...
since 1956, and remembers nothing of his life in the United States. It would be an enormous upheaval for him to leave Australia, for his life has been here. He was given a good education as a boy, and he has both the ambition and ability to become a teacher. A departmental officer, who interviewed Mark in February 1978, 100% Australian in outlook. The officer questioned him about America and he appears to have little affinity with that country. This is an accurate description of Mark now, as it was not so when the report was made. He is attached to Mrs. Drake and is apparently happy in the home environment of the most basically disturbed by its execution, and he would lose a sense of Australia. He and the applicant have applied for citizenship. Mrs. Drake would be enjocled and Mr. Mark would be on the one hand, and his family and homeland on the other. If the applicant were departed. For she has always been a family of six children, all girls. She left home when she was 17, seeking secretarial work in Port Macquarie, and later in Sydney. She went back to Port Macquarie when she was 19, and worked in a bank. She met the applicant when she was working there and, after a time, they started to live together. That was in October 1974 or thereabouts. Later, she took the tenancy of a flat, and he used to stay there frequently at night, working during the day on a farm at Red Hill. He paid some of the rent, and she described their relationship at that time as permanent. "I considered us married," she said in evidence. "I had no need for a ceremony. Suppose you would say so?" She agreed that the marriage record did not exist. Mark took up residence with them. He had been sent to board at Scots College in Sydney at the beginning of the 1975 school year. Shortly after his father went to Port Macquarie, but at the end of the first term in 1975. Mark also went to live in Port Macquarie with Valerie in the left Port Macquarie in late 1975, and went to Sydney. They lived in Port Macquarie. Valerie has always been a very popular and successful student and has earned them a well-deserved reputation among others interested in the same pursuits. Their collection was valuable, and their knowledge gained during the applicant's stay on this branch of Australia. The threat of deportation therefore has not been a factor. Her expertise may be lost to Australia. She also has some skills as a legal stenographer, and she is now employed by a firm of solicitors practicing in the city of Sydney. The Tribunal had in fact examined the applicant, Mrs. Drake, and Mrs. Drake, his mother, had lived in the United States or both. That is not to denigrate their motives for marriage. I am satisfied that there is a genuine affection between them and, importantly, I am satisfied that Mrs. Drake has taken the place of a mother for their children. If the applicant is deported from Australia, Mark will certainly go with him, and Mrs. Drake may well go too. Mark is 17. He has lived in Australia.
(11) possessing a small quantity of cannabis on the 28th of September 1977 for his own use (for which he was fined $50, in default five days imprisonment);

(11) possessing cannabis at Wollogorang between the 28th September 1977 and the 9th December 1977 (for which the fine and sentence already mentioned were imposed).

It was the last mentioned offence which enlivened the Minister's power to deport under s.13 of the Migration Act, and which principally concerned this Tribunal.

On the same occasion, the applicant was convicted of offences relating to the possession of firearms, but those firearms were satisfactorily explained to be personal firearms for personal use and not to be considered as being for unlawful purposes. The offence took place at Wollogorang Station in the Northern Territory, a large pastoral property on the Queensland border owned by Mr. Ron Calide and managed by Mr. Harold Pake. The offence arose out of the cultivation of cannabis on a large scale on a part of Wollogorang Station. The cultivation was revealed when a Mr. Neil Trinc was apprehended at Mount Isa in possession of approximately 140 lbs of marijuana which had been grown on the Wollogorang plantation and transported from there by Trinc. The police went to Wollogorang and arrested the applicant and others on 9 December 1977.

Ultimately Calide, Pake, Trinc, Michael Hartley, Timothy Hughes and the applicant were prosecuted for offences relating to or arising out of the cultivation of cannabis at Wollogorang Station. The extent of the undertaking there appears from the evidence of Detective Constable Hart and Mr. Taylor (previously Detective Sergeant in charge of the Drug Squad in the Northern Territory) to be vast, from records of interview and from a diary kept by the applicant at a campsite established near the cannabis plantation. Some entries in the diary were made by Trinc, some by the applicant and others by an unidentified person or persons. Certainly, although the cultivation was on a large scale, no one had bothered to establish additional cultivation centres elsewhere or to bedevil the police by the efforts involved. The police had discovered that a satisfactory site could be found. He returned to Sydney and drove a transit van provided by Trinc to Mount Isa and from Mount Isa to Wollogorang, the latter stage of the journey being the most difficult and that lacking proper facilities and provision for the venture. He said Trinc provided the money for buying the supplies. Pake and Calide brought in Mount Isa and drove another vehicle which "it was the same car" to the same rough spot between Mount Isa and Wollogorang. He arrived in late August or early September. The applicant was furnished with six marijuana seeds (also known as "poppa" or "pap" by Trinc) and placed on the site to allow him to germinate. The diary records the planting of thousands of seeds, with varying success in germination. The applicant says he was by himself at first, but was joined by other helpers after a few weeks. A tractor was brought out to him, and he started ploughing a place which appeared suitable for the plantation. By then the site was well established, and the applicant decided to move the proposed plantation site to another position which, according to the diary, was known as the lower plateau. The diary records a number of agricultural details associated with the planting of seeds, planting out seedlings, watering, fertilising and combating the growing plants. The pulling of male plants (a feature of marijuana cultivation), the fencing of the plantation and the chasing of trespassing cattle, some seed plants and some plants out of seedlings took place at night, according to the diary. It seems that temperature and moisture control were important for successful cultivation. The diary records the difficulties that were encountered, a pump motor and some particulars of the work to be done by the various people who were living at the camp and working on the plantation. The


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applicant left Wollogorang for a short trip to Sydney. In October, he flew back to Mount Isa on 17 October, and arrived at the plantation site on 18 October. Although the helpers lived in a camp at the plantation site, the applicant insisted that he could not furnish the surnames of any of the helpers who had not been present. He knew only their Christian names. It seems that aliens were used. The applicant used the name John Blake, and Neil Trinc was evidently known as Steve.

At the end of November 1977, the applicant was told that Calide wanted $10,000 urgently, and he reported this in a letter he wrote to Trinc. He wrote that Calide was being pressed by his mortgagee, that Calide had a note falling due in February, and that there was a foreclose notice out on the Wollogorang plantation. Calide wanted a load of cannabis to be taken to Queensland and marketed, and Trinc tried to be connected with a truck to be sold to provide the money. The mortgagee, "15" (presumably $15,000) to take care of the "original note", and "$5" (presumably $5,000) for expenses. The applicant was not very enthusiastic about letting the trucking up, for the newly arrived policemen would be suspicious if vehicle tracks were seen after the station truck left. "We was enthusiastic about Calide's desire to send track on vacation in late December or early January - a proposal which, in the applicant's view, would leave them with 'no one up front for protection, help or emergency contact in case of trouble or accident.'

He said that he was having second thoughts regarding the carrying out of the plan through to a new phase or on through February. He was cross-examined about the meaning of this observation, but affected not to understand the reference to "a new phase" and denied that there was any intention of having a fresh planting or a fresh crop. He wrote, however, that "we should not change the second phase of the project" and it thus appears that, at least until the police arrived, there was further activity beyond the harvesting of the existing plants. This was contemporaneous with the police discoveries in South Australia. The applicant had radio and telephone facilities for the Queensland and Northern Territory police, and he claimed that he had these recorded because he "wouldn't mind listening in on it" and he could call for help in an emergency. He accepted that he had no "evidence" if he discovered that the police had found out about the plantation.

In his records of interview, he admitted that the site in the venture was "too dry - everything I could do to grow (the crop) on the land". He denied that he had any prior experience in growing cannabis on plantations. He is consistent with the police evidence, when they found a book recording the applicant's farming activities at Had Hill near Port Macquarie, he admitted that he had been involved in cultivating marijuana in 1974 with Neil Trinc. The applicant strongly denied that he had made any admission of growing marijuana in Port Macquarie, and he asserted that he had moved from New South Wales to Queensland except in the Northern Territory. Taylor was the only police witness whom I saw in the witness box. Hart had given evidence at the first hearing. Taylor impressed me as a truthful witness on the issue of the applicant's evidence, and the record of Hart's evidence on that issue is enough for doubting the truth of the applicant's allegations. On the other hand, I found the applicant frequently to be evasive, and I did not judge him to be a reliable witness. His denial of the allegation was strong, but unconvincing.

In the context of evidence between the police evidence and the evidence of the applicant as to the making of the statement, I accept the former evidence as the more likely. Nevertheless, I should not have felt satisfied as to the truth of the latter admitted, having regard to the gravity of the issue, had there been no other evidence to give credence to the allegation that the applicant grew marijuana at Red Hill (with Mr. Trel). It seems to me that the known facts were such as to suggest that the applicant was growing marijuana at Red Hill. But, first, reference was made to the conviction for the cultivation of marijuana on 9 December 1977. When the police arrived at the property, they interviewed the applicant and the accused, who were driving along a bush track. The police alleged that the applicant was then very much under the influence of marijuana and that he subsequently admitted cultivating and consumed marijuana that day. Although the accused denied the police evidence, I do not give significant weight either to this conviction or to the conviction for possessing a small quantity of marijuana on 9 December 1977.

The applicant’s involvement in the Molloogorang plantation was attributed to him by the desire to make some money quickly. He claimed that this was a foolish act only once engaged in and never to be repeated. The applicant thus presents the conduct for which he was convicted as a temporary and much regretted aberration in an otherwise blameless life in Australia — an aberration which is not to be given too much weight in comparison with the useful and law-abiding life which he has led since arriving here in October 1956.

It is difficult to accept that view. If it were true, Trel (who financed the purchases of all provisions) estimated that the applicant would spend money on a 2000 sheep farm and would have no knowledge of cattle or grassland cultivation. In order to select a suitable plantation site on the Molloogorang land, to plant in order to manage the cultivation, harvest dry the crop, and sell it in casual markets for transport to the market. The same was done by Trel. The applicant and the owner of Molloogorang were not the same person, with or without Trel’s financial assistance. Moreover, the applicant must have had great trust in his own ability to bring the crop to a successful harvest and to dry and press the crop into saleable form, for he was not to be paid in cash for the indoor time when the crop was being cultivated. He had to wait until he was paid. Yet, on his own account, he had to find the money when he left the property for Molloogorang to start the cultivation, and he then had to pay in cash to Trel for the amount. Some of these payments were made in the form of a cash payment to the applicant’s wife. The same was true of failure of the notice of five years. The notice was not of great financial importance to the applicant. Trel and Caidel.

If the applicant had engaged in the production of marijuana at Red Hill, his selection to work the Molloogorang plantation and undertake of their work without wages is easily applicable. And the applicant’s earlier life style and financial position are also more understandable. To put the applicant’s work at Red Hill into some perspective, it is necessary to follow his activities since he came to Australia. His reclamation of state is impressive, but it is possible to fix events with some accuracy by looking at his places where he has been sent to school. His first place was to a private school for the balance of 1973. To Scars College, Sydney, 1974, and 1975, and the first term of 1976. To Port Macquarie High for the balance of 1976 and to Sydney Grammar School in 1977 and 1978.

The applicant arrived in Sydney in October 1956 with $1,000. He spent $1,000 in buying a vehicle and providing boarding for a flat. The balance of the money was withdrawn from his bank. He had bought a car. Some time before he arrived in Sydney, he had accompanied him to Australia. The applicant’s first job in Sydney did not return much more than living expenses, and subsequently he went into business...
units at a profit which was divided equally between them. There was never a written agreement between the applicant and Valmire, nor any statement of account kept by the applicant. The applicant was not paid by him to be related to the time when the profit on the sale of any unit was available, but rather to the time when the applicant could use any funds for his own purposes. The applicant did not know how much was paid for the units, and he received the whole of the $15,000 since arriving in Australia, $5,000 or $6,000 being received before that time. The applicant left before he finished the carpet-laying business, but did not demand, the applicant's involvement in growing marijuana with Trin in 1974.

Trin was a carpenter who, according to the applicant, had visited Red Hill spending "a few days like a vacation, a chance to get away from Sydney."

He was sufficiently surprised at the applicant's $7,000 at the profits on the carpet-laying business, but did not know of the "holiday occassions" for Trin. But it emerged from Mr. Weimann's evidence that the applicant had a close association with Trin on the Red Hill farm. Mr. Weimann produced a letter from the applicant dated 14 April 1975 saying that "Well left for 2 days up north to see a friend of his re: raising some more capital to do what we want here to carry us thru the end of the year. Well just called from Brisbane (he still be here tomorrow)." It transpired that Trin actually bought the Red Hill property from Mr. Weimann, that the applicant was involved in the negotiations, and (if Mr. Weimann's uncertain recollection on the point is accurate) that the applicant continued to work on Red Hill after Trin acquired the property.

At all events, the applicant did not believe that Trin was involved in the negotiations, and (if Mr. Weimann's uncertain recollection on the point is accurate) that the applicant continued to work on Red Hill after Trin acquired the property.

In considering the evidence on the question of the applicant's involvement with Trin in growing marijuana at Port Macquarie, I approach the finding in the following way:

Re: DANIEL D. DRAKE And MINISTER FOR IMMIGRATION AND ETH. 1974.

He must have made the October mortgage payment, his counsel's statement suggests the contemporaneous holding of funds (which he now denies), and he was sufficiently surprised at the applicant's $7,000 at the profits on the carpet-laying business, but did not know of the "holiday occassions" for Trin. But it emerged from Mr. Weimann's evidence that the applicant had a close association with Trin on the Red Hill farm. Mr. Weimann produced a letter from the applicant dated 14 April 1975 saying that "Well left for 2 days up north to see a friend of his re: raising some more capital to do what we want here to carry us thru the end of the year. Well just called from Brisbane (he still be here tomorrow)." It transpired that Trin actually bought the Red Hill property from Mr. Weimann, that the applicant was involved in the negotiations, and (if Mr. Weimann's uncertain recollection on the point is accurate) that the applicant continued to work on Red Hill after Trin acquired the property.

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At all events, the applicant did not believe that Trin was involved in the negotiations, and (if Mr. Weimann's uncertain recollection on the point is accurate) that the applicant continued to work on Red Hill after Trin acquired the property.

In considering the evidence on the question of the applicant's involvement with Trin in growing marijuana at Port Macquarie, I approach the finding in the following way:

At all events, the applicant did not believe that Trin was involved in the negotiations, and (if Mr. Weimann's uncertain recollection on the point is accurate) that the applicant continued to work on Red Hill after Trin acquired the property.
order to save Mark and Mrs. Drake from the consequences of his deportation. But I am not satisfied that there is no real prospect of future drug offences. Having regard to his earlier involvement in growing marijuana at Fort Macquarie, I do not estimate the prospects of recidivism as small. I give no more credence to his assurance of lawful conduct in the future than I give to his denial of involvement in marijuana growing at Fort Macquarie in the past.

As to Mrs. Drake’s knowledge of his marijuana activities, it appears that he wrote to her on 3 December 1977 (though he did not receive it) making arrangements for Mark’s vacation if she should come up to join him, and informing her that the “February to March possibilities do not stand now as we have decided against it this time”. (The second phase, it seems, was not then to be pursued). He sought to explain this letter as something to reassure her, but the explanation was unconvincing and, in part, inconsistent with what was written. I do not accept his assertions (or those of Mrs. Drake) that Mrs. Drake did not know where he was and that she believed that he was on a cattle property in Queensland.

I have earlier referred to Australia’s interest in Mark and Mrs. Drake as weighing factors favouring revocation of the deportation order. However, their influence on the applicant can give no guarantee in the future (as their influence has failed to guarantee in the past) that the applicant will desist from large scale drug offences. The applicant’s activities were clearly damaging to the welfare of Australian society. In the light of the Minister’s policy, I consider that the best interests of Australia will be served by deporting him from Australia, and thus ensuring that the Australian community is protected from the risk of his engaging again in large scale drug offences. That consideration clearly outweighs the considerations in favour of allowing the applicant to remain.

The decision which the Minister made is, in my view, the preferable one, and it should be affirmed accordingly.
21.14 ESSendon AIRPORT

Objective

The continued operation of the airport should ensure that the existing amenity and safety of residents and their property is maintained. If Essendon Airport is to be closed, the site should be redeveloped for a range of uses that capitalise on the strategic location of the site. This may include high-quality residential, a major cultural/entertainment facility located adjacent to the Essendon Aerodrome on the reserve part of the airport with the balance of the site developed to provide a diversity of housing types and public open space.

Key Issues

- The provision of major cultural and entertainment facilities will enhance quality of life for Moonee Valley residents.
- The provision of housing will allow greater consumer choice and affordability.
- Employment provided financial reward and individual growth and is therefore central to the well-being of community.
- Redevelopment will create substantial economic multipliers for the local economy and for the population of Moonee Valley in the longer term.
- The site offers the opportunity to create a quality industrial /park and major tertiary/entertainment facilities that will create jobs and provide services.
- The development of an industrial park will complement the existing industrial activity adjacent to the Airport West Industrial Area.
- An industrial park will capitalise on the access to several of Melbourne's major roads.
- Development of the airport must enhance the surrounding residential amenity and quality of life.
- Development in established areas will utilise existing infrastructure, may reduce reliance on private transport and reduce the associated pollution.

Corporate Strategies:

- Ensure that the City of Moonee Valley is involved in all discussions with the State and Federal governments regarding the future of the site.
- Advocate the closure of the Airport and the redevelopment of the site for mixed use developments that includes a major entertainment tourism facility, a high quality and mixed use industrial area, approximately 2000 additional dwellings and significant areas of public open space.
- Review an environmental audit on the site to ensure that there are no negative impacts associated with residential development.
- Advise that if the site is sold or leased for non-government development, that new planning policies and requirements shall apply to those activities.
- Protect the amenity of people living and working in Moonee Valley by providing appropriate buffers between industrial or residential development.
52.05 ADVERTISING SIGNS

Purpose

To allow adequate and effective signs appropriate to each zone.
To provide for the orderly display of signs.
To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

52.05-1 Requirements

Advertising categories

Clauses 52.05-7 is the advertising control that applies to Essendon Airport.

A sign in Section 1 of the category may be displayed without an Airport Operator’s Consent, but a condition opposite the sign must be met. If the condition is not met, the sign requires approval unless specifically included in Section 3 as a sign that does not meet the Section 1 condition.

A sign in Section 2 may be displayed only with approval and a condition opposite the sign must be met. If the condition is not met, the sign is prohibited.

A sign in Section 3 is prohibited and must not be displayed.

Some overlays require approval for Section 1 signs.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Expiry of Permit

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

52.05-2 Decision guidelines

Before deciding on a proposal to display a sign, in addition to the decision guidelines in Clause 65, the Airport Operator should consider:

- Such guidelines, rules or policies that the Airport Operator may issue from time to time.
- The effect of the sign on the amenity of the area including the need to avoid visual disorder or clutter of signs.
- The effect of the sign on the built environment or the landscape, with particular thought to its effect on any objects of scenic, historic, architectural, scientific or cultural interest.
- The need for identification and the opportunities for adequate identification on the site and nearby.
- The advertising pattern and theme in the area and the number of signs of the same type.
- The effect of the sign on existing signs.
- The size and likely impact of the sign having regard to the size of the premises on which it is to be displayed and the scale of surrounding buildings.
- The effect of the sign on the safety, warning and security of premises and public areas.
- The effect of the sign on the appearance and efficiency of a road, railway, waterway or other public way, having particular regard to the sign’s colour, brightness and location.
The views of the Roads Corporation if the sign is an animated, floodlit, internally-illuminated, panel, reflective or sky sign to be displayed within 60 metres of, or to project over, a freeway, state highway, metropolitan bridge or other road declared under the Transport Act 1983.

52.05-3 Signs not requiring a permit

Airport Operator’s Consent is required for all signs, including without limitation:

• A sign identifying the functions or property of a government department, public authority or municipal council, a promotion sign displayed at the direction of any of these bodies.
• A sign controlling traffic on a public road, railway, tramway, water or in the air, whether or not it is displayed at the direction of a government department, public authority or municipal council.
• A sign required by statute or regulation, whether or not it is strictly in accordance with the requirement.
• A sign of any size to premises that provides information about a place of worship whether it is an animated or internally-illuminated sign.
• A sign inside a building that cannot generally be seen outside.
• A sign of any size publicising a local educational, cultural, political, religious, social or recreational event whether or not held for commercial purposes.
• A sign publicising a special event on the land or in the building on which it is displayed.
• A sign of any size publicising the sale of goods or livestock on the land or in the building on which it is displayed, whether or not the land or building is not normally used for that purpose.
• A sign of any size publicising the sale or letting of the property on which it is displayed.

A permit is not required to display the following signs:

• A sign with an advertisement area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally-illuminated sign and it must be removed when the work is completed.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953. If the flag is attached to a pole, the pole must not affect airport operations.

52.05-4 Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed on that date may be displayed or continue to be displayed and may be repaired and maintained.

A lawfully displayed advertisement may be renewed or replaced. However, approval is required:

• To renew or replace the advertisement of an animated or internally-illuminated sign.
• If the advertisement area is to be increased.
• If the renewal or replacement would result in a different type of sign.

A sign that is reconstructed must meet the relevant advertising sign requirements.
Major promotion sign

Purpose

To achieve high quality visual standards for the siting of major promotion signs.
To ensure that the signs are not detrimental to the appearance of their surroundings or the safe and efficient operation of the route.

Permit requirement

A permit for a major promotion sign must include conditions that specify:

- An expiry date.
- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Airport Operator must consider, as appropriate:

- The Essendon Airport Master Plan, the Essendon Airport Planning Policy Framework, including the Essendon Airport Strategic Statement, Essendon Airport Local Planning Policies and the Essendon Airport Environment Strategy.
- The effect of the sign on road safety. A sign is a safety hazard if the sign:
  - Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.
  - Obstructs a driver’s view of a traffic sign or signal, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic sign or signal.
  - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, animated or flashing.
  - Is at a location where particular driver concentration is required.
  - Is likely to be mistaken for a traffic signal, for example because it contains red, green or yellow lighting or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows.
  - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
  - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is not time to signal and turn safely.
  - Is within 100 metres of a rural railway crossing.
  - Has insufficient clearance from vehicles on the carriageway.
- The effect of the proposed sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

When determining the effect of a proposed sign, the following locational principles should be taken into account:

- Major promotion signs are encouraged in commercial and industrial locations in a manner which complements or enhances the character of the area.
- Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
- Major promotion signs are discouraged within open space reserves or corridors and around waterways.
- Major promotion signs are discouraged where they will form a dominant visual element from residential areas, or where they will obstruct significant viewlines.
- In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.
OUTDOOR ADVERTISING TERMS

The following table lists terms which may be used in this Land Use Plan in relation to outdoor advertising. A term listed in the first column, under the heading "Outdoor Advertising Term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>OUTDOOR ADVERTISING TERM</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>A sign above a verandah or, if no verandah, that is more than 3.7 metres above pavement level, and which projects more than 0.3 metre outside the site.</td>
</tr>
<tr>
<td>Advertisement area</td>
<td>The total area of an advertisement. If the advertisement does not rotate or move, the area is one side only.</td>
</tr>
<tr>
<td>Animated sign</td>
<td>A sign that can move, contains moving parts, changes its message, flashes, or has a moving or flashing border.</td>
</tr>
<tr>
<td>Bed and breakfast sign</td>
<td>A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.</td>
</tr>
<tr>
<td>Bunting sign</td>
<td>An advertisement that consists of bunting, streamers, flags, windvanes, or the like.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td>A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>A sign illuminated by external lighting provided for that purpose.</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>A sign on the wall of a building so that part of it is more than 10 metres above the ground.</td>
</tr>
<tr>
<td>Home occupation sign</td>
<td>A sign at a dwelling that advertises a home occupation carried on in the dwelling, or on the land around the dwelling.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.</td>
</tr>
<tr>
<td>Major promotion sign</td>
<td>A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Panel sign</td>
<td>A sign with an advertisement area exceeding 10 square metres.</td>
</tr>
</tbody>
</table>
52.06 CAR PARKING

Purpose

To ensure that car parking facilities are provided in accordance with:

- The Essendon Airport Master Plan, the Essendon Airport Planning Policy Framework including the Essendon Airport Strategic Statement, Essendon Airport Local Planning Policies and the Essendon Airport Environment Strategy.
- Any parking precinct plan.

To provide the opportunity to use parking precinct plans in appropriate locations.

To promote the efficient use of car spaces through the consolidation of car parking facilities.

To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.

To ensure that the design and location of car parking areas:

- Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.
- Achieves a high standard of urban design.
- Creates a safe environment for users, particularly at night.
- Enables easy and efficient use.
- Protects the role and function of nearby roads.
- Facilitates the use of public transport and the movement and delivery of goods.

52.06-1 Car spaces

Provision of car spaces

A new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

Where the floor area occupied by an existing use is increased, the parking requirement only applies to the floor area of any extension of the use or site area provided the existing number of car spaces is not reduced.

Number of car spaces required

The table at Clause 52.06-5 sets out the number of car spaces required for uses not covered by a parking precinct plan or another clause. The requirement for car spaces for a use listed in column 1 of the table is the product of columns 2 and 3 of the table.

Approval may be given to reduce or to waive the number of car spaces required by the table.

Where a use is not specified in the table at Clause 52.06-5, an adequate number of car spaces must be provided to the satisfaction of the Airport Operator.

These requirements do not apply if there is a parking requirement for the particular use under another clause or in a parking precinct plan.

Decision guidelines

Before a requirement for car spaces is reduced or waived, the applicant must satisfy the Airport Operator that the reduced provision is justified due to:

- Any relevant parking precinct plan.
- The availability of car parking in the locality.
- The availability of public transport in the locality.
• Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
• Any car parking deficiency or surplus associated with the existing use of the land.
• Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.
  • Local traffic management.
  • Local amenity including pedestrian amenity.
  • An empirical assessment of car parking demand.
  • Any other relevant consideration.

52.06-2 Design and construction

Car parking plan

Before any use commences or any building or works associated with that use or an existing use is constructed, a plan must be prepared to the satisfaction of the Airport Operator showing all required car spaces, access lanes, driveways and associated works and landscaping.

Provision before commencement

Before any use commences or any new building is occupied, the car spaces, access lanes, driveways and associated works and landscaping shown on the plan must, to the satisfaction of the Airport Operator, be provided and available for use and be:

• Formed to such levels and drained so that they can be used in accordance with the plan.
• Treated with an all-weather seal or some other durable surface.
• Line-marked or provided with some other adequate means of showing the car spaces.

Decision guidelines

Before deciding that any plan is satisfactory, in addition to the decision guidelines in Clause 65, the Airport Operator should consider:

• Any relevant parking precinct plan.
• Whether the layout of car spaces and access lanes are consistent with Clause 52.06-5 or a variation generally in accordance with Australian Standard AS2890.1 - 1993, Parking facilities, Part 1: Off-street car parking.
• The protection and enhancement of the streetscape.
• The provision of landscaping for screening and shade.
• The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
• The provision for pedestrian movement within and around the parking area.
• The measures proposed to enhance the security of people using the parking area.
• The provision of parking facilities for cyclists and disabled people.
• The type and size of vehicle likely to use the parking area.
• The ease and safety with which vehicles gain access to the site and circulate within the parking area.
• The need for the required car spaces to adjoin the premises used by each occupier, if the land is occupied by more than one occupier.
Design of car spaces and accessways

Design requirements

Accessways should:
- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersections or be wider than 4.2 metres.
- Provide a turning space so that cars can exit the site in a forward direction if the accessway serves four or more car spaces or connects to a road in a Road Zone.
- Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves 10 or more spaces and is either more than 50 metres long or connects to a road in a Road Zone.

Car spaces and accessways should have the following minimum dimensions:

<table>
<thead>
<tr>
<th>Angle of car spaces to accessway</th>
<th>Accessway width</th>
<th>Car park width</th>
<th>Car park length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>3.6 m</td>
<td>2.3 m</td>
<td>6.7 m</td>
</tr>
<tr>
<td>45°</td>
<td>3.5 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>60°</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90°</td>
<td>6.4 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.8 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.2 m</td>
<td>3.0 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>4.6 m</td>
<td>3.2 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

A building may project into the space if it is at least 2.1 metres above the space.

If entry to the car space is from a road, the width of the accessway may include the road.

If an accessway to 4 or more car spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the frontage.

Variation of requirement

A permit may be given to vary any dimension or requirement of this clause. Before deciding on an application, the Airport Operator should consider:
- Whether the dimensions and layout of car spaces and access lanes are generally in accordance with Australian Standard AS2890.1 - 1993, Parking facilities, Part 1: Off-street car parking.
- Any relevant parking precinct plan.
<table>
<thead>
<tr>
<th>USE</th>
<th>CAR SPACE MEASURE</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential building, other than specified in this table</td>
<td>Car spaces to each lodging room</td>
<td>1</td>
</tr>
<tr>
<td>Caretaker's house</td>
<td>Car spaces to each dwelling</td>
<td>1</td>
</tr>
<tr>
<td>Dwelling, other than Caretaker's house if at least 2 on a lot</td>
<td>Car spaces to each dwelling</td>
<td>2</td>
</tr>
<tr>
<td>Shop other than specified in this table</td>
<td>Car spaces to each 100 sq m of leasable floor area</td>
<td>8</td>
</tr>
<tr>
<td>Betting agency</td>
<td>Car spaces to each 100 sq m of net floor area</td>
<td>8</td>
</tr>
<tr>
<td>Market</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>Car spaces to each seat available to the public</td>
<td>0.6</td>
</tr>
<tr>
<td>Office other than specified in this table</td>
<td>Car spaces to each 100 sq m of net floor area</td>
<td>3.5</td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel or Tavern</td>
<td>Car spaces to each 100 sq m of bar floor area available to the public</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Car spaces to each 100 sq m of lounge floor area available to the public</td>
<td>30</td>
</tr>
<tr>
<td>Motel</td>
<td>Car spaces to each unit, plus</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Car spaces to each resident employee, plus</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Car spaces to each 100 sq m of motel service floor area not available for use by guests</td>
<td>2</td>
</tr>
<tr>
<td>Industry other than specified in this table</td>
<td>Car spaces to each 100 sq m of net floor area</td>
<td>2.9</td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Percentage of site area to be set aside for car spaces and access lanes, but not driveways</td>
<td>10</td>
</tr>
<tr>
<td>Fuel depot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milk depot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor repairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Percentage of site area to be set aside for car spaces and access lanes, but not driveways</td>
<td>10</td>
</tr>
<tr>
<td>Saleyard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Store other than specified in this table</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Timber yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>USE</strong></td>
<td><strong>CAR SPACE MEASURE</strong></td>
<td><strong>RATE</strong></td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Freezing and cool storage Warehouse other than specified in this table</td>
<td>Car spaces to each 100 sq m of net floor area</td>
<td>1.5</td>
</tr>
<tr>
<td>Display home</td>
<td>Car spaces to each dwelling for five or fewer contiguous dwellings, plus Car spaces to each additional contiguous dwelling</td>
<td>5</td>
</tr>
<tr>
<td>Medical centre Veterinary centre</td>
<td>Car spaces to each practitioner</td>
<td>5</td>
</tr>
<tr>
<td>Hospital</td>
<td>Car spaces to each bed available for use by patients</td>
<td>1.3</td>
</tr>
<tr>
<td>Place of assembly Funeral parlour</td>
<td>Car spaces to each seat or to each sq m of net floor area, whichever is greater</td>
<td>0.3</td>
</tr>
<tr>
<td>Golf course</td>
<td>Car spaces to each hole</td>
<td>4</td>
</tr>
<tr>
<td>Bowling green</td>
<td>Car spaces to each rink</td>
<td>6</td>
</tr>
<tr>
<td>Squash court other than in conjunction with a dwelling</td>
<td>Car spaces to each court</td>
<td>3</td>
</tr>
<tr>
<td>Swimming pool other than in conjunction with a dwelling</td>
<td>Car spaces to each 100 sq m of site</td>
<td>5.6</td>
</tr>
<tr>
<td>Tennis court other than in conjunction with a dwelling</td>
<td>Car spaces to each court</td>
<td>4</td>
</tr>
<tr>
<td>Primary school</td>
<td>Car spaces to each employee</td>
<td>1</td>
</tr>
<tr>
<td>Secondary school</td>
<td>Car spaces to each employee</td>
<td>1.2</td>
</tr>
<tr>
<td>Tertiary institution</td>
<td>Car spaces to each full-time student and three part-time students</td>
<td>0.6</td>
</tr>
<tr>
<td>Convenience shop if the leasable floor area exceeds 80 sq m</td>
<td>Car spaces to each premises</td>
<td>10</td>
</tr>
</tbody>
</table>
52.06-6 Parking precinct plan

A parking precinct plan is a strategic plan relating to parking of cars and other vehicles within a defined area which is incorporated into this scheme and listed in the schedule to this clause. A parking precinct plan may form part of a more general land use or other strategic plan or policy.

A parking precinct plan may specify different requirements to those set out in the table at Clause 52.06-5.

The parking precinct plan must include the following information:

- The purpose of the plan.
- The area to which the plan applies.
- The parking outcomes to be achieved by the parking precinct plan.
- An assessment of car parking demand and supply in the precinct.
- Any locational, financial, landscape or other actions or requirements necessary to implement the parking precinct plan.
16 December 2004

s.22(1)(a)(ii)

Airport Planning
Airport Planning and Regulation
Department of Transport and Regional Services
GPO Box 594
CANBERRA ACT 2601

Dear s.22(1)(a)(ii)

Thank you for your letters dated 27 August and 29 October 2004 seeking the Authority's comments on the draft Major Development Plan for the Bulla Road Precinct of Essendon Airport (Essendon Airport).

As there are numerous civil aviation safety requirements imposed upon airport operations, many of which are technical in nature or which are dependent upon numerous factors, CASA has determined that the Authority can no longer provide substantive comment on Draft Master or Master Plans. Invariably, Draft Master Plans do not contain sufficient detail to determine compliance with civil aviation safety requirements. Further, much of this detail is beyond the scope of a Draft Master Plan, which is necessarily a land-use and development-planning document of broad scope and intent.

It appears to CASA that gathering the information required for the Authority's assessment of whether every item in a Draft Master Plan will be compliant with civil aviation safety requirements would be time-consuming and expensive, and inconsistent with the purpose of the Master Plan in any case. Any such assessment itself would be extremely time-consuming and as Draft Master Plans can change and have very long lifetimes, much of this work may ultimately be unnecessary.

In addition, CASA does not provide "no objection" responses to draft airport Master Plans, as such a response is apt to be construed by the airport operator as an approval by CASA of the Plan. Based on the position outlined above, CASA is not able to provide substantial comments on the Essendon Airport Major Development Plan. CASA notes however that the airport is obliged to comply with the relevant Civil Aviation Regulations.

Please feel free to contact me should you require any further information.

Yours sincerely

Nicola Hinder
Acting Executive Manager
Corporate Affairs