



The Hon Barnaby Joyce MP

Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for New England

Ref: MS22-000554

29 MAR 2022

Mr Paul Ferguson
Chief Executive Officer
Moorabbin Airport Corporation Pty Ltd
66 Bundora Parade
MOORABBIN AIRPORT VIC 3194

Dear Mr Ferguson

Thank you for your letter of 7 February 2022 accompanying the submission of the Moorabbin Airport draft Master Plan 2021 (dMP) for my consideration.

I appreciate the effort and resourcing Moorabbin Airport Corporation (MAC) has invested in developing the dMP for my consideration.

However, under subsection 81(2) of the *Airport Act 1996* (the Act) I have refused to approve the plan. In accordance with subsections 81(6) and (7) of the Act, I am notifying you of my decision and the reasons for my decision. I have attached a Statement of Reasons.

In making this decision, I have had regard to all relevant matters, in particular the matters set out in section 81(3) of the Act in relation to the dMP, along with the supplementary report accompanying the dMP and the public submissions received by MAC. I have also considered whether to request additional material under s 80A of the Act. However, due to the reasons for my refusal, I have decided not to pursue this option.

Under section 242(3) of the Act, I am required to inform you that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for review of my decision.

The master planning process is critical to the long-term planning and development of an airport. A master plan demonstrates the airport lessee company's vision for the future of the airport, including a strategic direction for land use planning, and provides industry and community certainty to plan and invest for the long term. In reviewing the dMP, I do not have confidence that there is sufficient clarity provided to grant this certainty to airport users.

Public consultation is critical to the development of a master plan under the Act as it is the opportunity for the public to formally state views on airport development, activities and impacts. Under the Act, I must have regard to the outcome of those consultations.

The Hon Barnaby Joyce MP
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In reviewing the dMP, I found a disconnect between the significant public comments submitted during the exhibition period by aviation community members in particular, and the level of detail in the dMP responding to the issues raised in those comments. Because of this lack of detail, I was unable to determine or be satisfied with the extent to which the plan had taken into account stakeholder concerns and would meet the present and future requirements of civil aviation users of the airport.

In accordance with section 81(8)(a) of the Act, I now direct MAC to provide me with a fresh draft Master Plan within 180 days after the date of this letter. I expect MAC to address the deficiencies identified in the Statement of Reasons for my decision. In particular, I advise that if MAC persists with the Western Apron industrial development in a fresh draft master plan, it will be necessary to provide a greater level of transparency and justification for the development and detail how MAC will provide for existing and future aviation businesses to grow noting the sizable amount of aviation land which is proposed to change uses.

In updating the draft Master Plan, I anticipate that MAC will take every opportunity to share its plans with all relevant stakeholders and consult with my Department.

Until such time as a new draft Master Plan is approved, any development being considered by MAC must be consistent with the Moorabbin Airport Master Plan 2015, which remains in force. I would expect that no new non-aviation development occurs until a new Master Plan is approved.

If you have any questions relating to these matters, please contact Phil McClure on 02 6274 s22(1) or Phil.McClure@infrastructure.gov.au.

Yours sincerely



Barnaby Joyce MP

Enc

cc: Ms Narelle Di Toro, General Manager Commercial and Corporate, Moorabbin Airport Corporation

Assessment – Moorabbin Airport draft Master Plan 2021
 Airports Act 1996 - sections 71(2), 71(4), 71(5) 71(6), 71(7), 71A, 72, 76(1), 79, 80(1), 80(2)

Matters considered by the Airport-Lessee Company when developing their Master Plan
Acronyms

AEO	Airport Environment Officer
AES	Airport Environment Strategy
Airservices	Airservices Australia
ANEF	Australian Noise Exposure Forecast
DAWE	Department of Agriculture, Water and the Environment
dMP	draft Master Plan
EMS	Environment Management System
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
MAC	Moorabbin Airport Corporation
MDP	Major Development Plan
OLS	Obstacle Limitation Surface
PANS-OPS	Procedures for Air Navigation Services – Operations Surfaces
pdMP	preliminary draft Master Plan
the Act	<i>Airports Act 1996</i> (Cth)
the department	the Department of Infrastructure, Transport, Regional Development and Communications
the Regulations	Airports Regulations 1997

Airports Act 1996 - contents of draft or final master plan

71(2) In the case of an airport other than a joint-user airport, a draft or final master plan must specify:
(a) the airport-lessee company's development objectives for the airport; and

CRITERION SATISFIED

The key objectives of Master Plan 2021 are set out in section 1.1.2 and include:

- safety, aviation and aircraft noise
 - enhancing the airport's reputation through aviation safety
 - growing flight training activity
 - reviewing how aviation sub-precinct planning is undertaken
 - continuing the "Fly Friendly" program.
- sustainable planning and development
 - planning and delivering programs to support sustainability on airport
 - making investment in aviation and non-aviation activities
 - simplifying the airport's planning framework
 - improving the ground transport plan
- economics, community contribution and sustainability
 - fostering job creation
 - achieving initiatives under the airport's "Green Plan"
 - continuing a number of corporate social responsibility initiatives

Moorabbin Airport's Land use plan is located at Chapter 6, the Aviation Development Plan at Chapter 7, the Non-Aviation Development Plan at Chapter 8, and the Ground Transport Plan at Chapter 9.

The department considers MAC has adequately addressed its objectives for the airport for the planning period.

(b) the airport-lessee company's assessment of future needs of civil aviation users of the airport, and other users of the airport, for services and facilities relating to the airport; and

CRITERION NOT SATISFIED

Although MAC has detailed its own assessment of future needs of civil aviation users and how it will meet these needs (detailed below), the department believes this criterion has not been not satisfied.

This criterion is intrinsically linked to section 79(2)(b)(iii) of the Act, which requires MAC to have due regard to the comments received during the public exhibition of the pdMP. The department's view is that there is not enough supporting evidence that "due regard" has been given to public submissions received (appended to the Supplementary Report as Appendix K) as there is a lack of evidence in the dMP of changes being made taking the comments into account.

Public submissions centred around several issues with aviation development at the airport, among others:

- to the proposed reduction in aviation land in the "Western Apron" through the movement of the existing perimeter fence between Precincts 2 and 3 further eastwards to encroach on existing paved/hangered

Assessment – Moorabbin Airport draft Master Plan 2021
 Airports Act 1996 - sections 71(2), 71(4), 71(5) 71(6), 71(7), 71A, 72, 76(1), 79, 80(1), 80(2)

aviation apron space (compare the dMP Figure 6.1 “Precinct Plan” and compare the current Precinct Plan in force extracted below) – see further below.

Precinct Plan, Master Plan 2015 (different precinct numbering to dMP 2021)



Precinct Plan, dMP 2021(note the different precinct numbering and change of the Precinct 3 use from “aviation and industrial/commercial” to “industrial” only, with commentary in the dMP supporting aviation as a secondary use of that precinct):



- the change in runway coding of RWY17L/RWY35R from Code 3 to Code 2 and of RWY17R/35L from Code 2 to Code 1 and the effects of an “Ultimate Practical Capacity” ANEF as de facto constraints or restrictions on aviation activity at the airport
- a perception that the amalgam of these and other changes in the dMP amounts to an inability of the airport to accommodate growth in either its stated core aviation business of flight training or in other operations. The department notes the dMP does implicitly envisage a maximum capability of the airport.
- the perceived inadequacy of the Precinct 2 portion between the cross runways to the south of the airport site to cater for aircraft parking due to its inaccessibility to the rest of the aviation Precinct 2 in the “western apron” and perceived safety of operating aircraft
- the adequacy of the proposed hangar arrangements and the real or perceived reduction in their number, the numbers of which the department also has difficulty reconciling.

Of the 121 submissions received, 68 were deemed “positive”; however, these were all related to the Suburban Rail Loop, an off-airport project for which MAC has no responsibility. 32 submissions came from aviation stakeholders voicing a number of concerns:

- Vague descriptions and justifications used across the document.

Assessment – Moorabbin Airport draft Master Plan 2021
 Airports Act 1996 - sections 71(2), 71(4), 71(5) 71(6), 71(7), 71A, 72, 76(1), 79, 80(1), 80(2)

- A lack of clarity regarding plans for the aviation precincts and the vague comments regarding plans for the “mixed-use” precincts.
- Criticism from tenants on zones labelled MA-C2Z, which are mixed-use precincts described in the 2021 Master Plan as having the primary purpose of non-aviation development despite having a secondary purpose aviation support.
 - For example, land zoned MA-C2Z (Figure 6.2 page 87) provides for both aviation and non-aviation development but, to date, every location on airport already zoned under MA-C2Z has been developed solely for commercial or industrial (non-aviation) land uses.
- Dedicated aviation precincts, (MA-SUZ2) having secondary uses to support non-aviation businesses.
- No clear plans for hangars and aircraft parking that provide certainty to tenants.
- A clear demand for hangars in tenant submissions but the dMP does not indicate a high demand is high.
- Criticism of data relating to hangar square meterage and MAC’s claim that it has a plan for the highest level of hangar floor space since privatisation when it has demolished a number of hangars.
- No clear plans for tenants affected by the non-aviation industrial developments constructed under the 2015 Master Plan, along with those that will be impacted by the industrial developments under Master Plan 2021.
- Tenants being “forced off” of the airport by MAC not accommodating their needs.
- Tenants being “forced” into hangars that do not suit their needs.
- Little evidence to support non-aviation developments supporting the aviation business of the airport.
- MAC’s calculation of total Aviation precinct land (40ha) including parts of the airport which are **not** available for aviation use, including land containing utility services, the water retarding basin and the PFAS deposits in Precinct 5, and further clarity required on what land makes up the 40ha aviation support precinct.
- A lack of clarity regarding the 1.7 hectares of identified aviation support precinct developable land and a criticism that land available is not suitable for operators.
- Combining aviation and non-aviation investment to “distort facts” - for example, the dMP indicates MAC has invested \$500 million in the airport site since privatisation and there is a further \$300 million planned in dMP21, but no break up of what percentage has been and will be invested for aviation only..

The content included in the Land Use Plan and Aviation Development Plan in the dMP fails to demonstrate MAC gave due regard to the public submission comments regarding the moving of the western apron perimeter fence. While the 2015 Master Plan approved a similar move to reduce the western apron to where the new Kingston Central Boulevard has been constructed, and despite any plans to demolish and rebuild hangars, the department believes MAC has not provided sufficient detail to address the concerns of aviation stakeholders who are against the perimeter fence encroaching on current paved hangar space.

In addition, MAC does not provide a consistent description of how tenants affected will be relocated to appropriate sites. While a Master Plan does not require minute detail or specification of sites, the dMP does not present a clear vision of how the proposed aviation developments will be accommodated. The department notes a number of inconsistent figures in the dMP:

- On page 15 of the dMP, MAC states that aviation sites will be 1,500-2,000sqm in size.
- Page 23 of the Supplementary Report states MAC will be adopting a 2,000sqm standard site area subject to customer requirements.
- Page 135 of the dMP states that 5 new sites for aviation facilities (including additional hangars) and expansion of the National Aviation Museum will be constructed on one hectare (10,000sqm of land). However, the museum expansion site is 6,000sqm as indicated on page 13 of the dMP. Assuming these figures are correct, this means that 5 hangars would be constructed on 4,000sqm of land, providing only 800sqm of land for each site, well under the 1,500-2,000 MAC is claiming to provide.

Other details

MAC has outlined the purported future needs for aviation customers and airfield development in Section 7.3.3. *Subject to market demand, future aviation activity at the Airport is planned to include:*

- *a focus on ab-initio flight training operations whilst safely supporting broader general aviation uses;*
- *development of specialised aviation support services, including aircraft maintenance and avionics;*

- *ongoing charter and fixed-base operations for corporate and private aircraft;*
- *rotary operations;*
- *aircraft parking, hangarage and refuelling;*
- *a continued role as a base and staging ground for emergency service providers; and*
- *expansion of and improvements to the Australian National Aviation Museum.*

MAC summarises the aviation-related parts of Precinct 2 in Figure 7.9 (p.124). Contained in this section is MAC's view regarding the reorganising of the available aviation land at the airport:

- *Moorabbin Airport will continue to support the growth of aviation activities and the airport through its investment in infrastructure and by reorganising the available land having regard to aviation use, aircraft type and apron design."*
- *The result of this reorganisation will be an increase in the aircraft parking and hangar space available, while also reducing those parts of the airport precinct which are underutilised or practically inaccessible for efficient use.*
- *Moorabbin Airport has ensured that there is sufficient aviation land available in the long-term to meet the maximum practical capacity of aircraft movements at the Airport.*

While, these statements in isolation would likely support the fulfilment of this criterion, the department considers the strength and consistency of the views of aviation stakeholders has not been sufficiently considered in the drafting of these sections in the dMP.

The department considers that the dMP does not adequately address the future needs of civil aviation and other users of the airport.

- (c) the airport-lessee company's intentions for land use and related development of the airport site, where the uses and developments embrace airside, landside, surface access and land planning/zoning aspects; and**

CRITERION NOT SATISFIED

The department's view is that this criterion is not satisfied because it is not clear in chapter 6 Land Use Plan, chapter 7 Aviation Development Plan or chapter 8 Non-Aviation Development Plan the extent to which land uses are dedicated for specific aviation or non-aviation purposes. Moreover, there is inherent ambiguity of MAC's mixed-use aviation and commercial development precincts which the department views as contrary to the purpose of a final master plan under section 70(2) of the Act "(c) to indicate to the public the intended uses of the airport site" and "(d) to reduce potential conflicts between uses of the airport site...".

On this issue, aviation stakeholders have raised uncertainty in some submissions in Annexure K of the Supplementary Report regarding Precinct 2 and Precinct 3. MAC states that Precinct 3, while mainly commercial, can also be used for "aviation support" services. However, aviation stakeholders' views were that any "aviation" land in Precinct 3 is largely foregone and commercial only.

Further, stakeholder contentions with land use planning include:

- aviation land in Precinct 2 is being rezoned under Moorabbin Airport Commercial Zone 2 (MA-C2Z). Although this zoning can still be used for aviation related developments, MAC has clearly demonstrated this is not the intent as every other location on airport that holds the same zone is used for non-aviation developments.
- Precinct 2, which is the primary aviation precinct on the airport, has also been listed as having a secondary purpose as "non-aviation."
- As outlined above, the inclusion of Precinct 5 as aviation-related when the description of its predominant uses (utilities and environmental/PFAS management) do not seem consistent with this classification.

Other details

MAC's Land Use Plan in Chapter 6 at Section 6.2 provides a development framework for the use and development of the airport:

The Airport is divided into five precincts under the 2021 MP land use plan, a reduction from the seven precincts in the 2015 Master Plan. The adjustment of the precinct plan was adopted to:

- *simplify and streamline precincts with similar uses and strategies;*
- *better reflect the current uses of these precincts;*
- *provide customers and users with clarity about the intent of each precinct; and*
- *deliver a Precinct Plan that reflects that the mature nature of the Airport site which will be fit for purpose for the duration of the Master Plan 2021 and could be adopted for the subsequent Master Plan period.*

Section 6.4.1 Precinct 1- Airfield

The primary purpose of Precinct 1 is to provide land and infrastructure for existing and future aviation activities in a manner which is safe, consistent with the Aviation Development Plan and compliant with applicable regulatory regimes.

Section 6.4.2 Precinct 2- Aviation Support Services

The primary purpose of Precinct 2 is to provide land for aviation activities, building and infrastructure that protect, support and facilitate the aviation activities carried out in Precinct 1.

The secondary purpose of Precinct 2 is to provide buildings and infrastructure to accommodate a range of aviation and non-aviation businesses which may, consistent with the primary purpose, be located within Precinct 2.

Section 6.4.3 Precinct 3- Industrial, Office, Retail, Commercial & Aviation Support

The primary purpose of Precinct 3 is to provide for and encourage use of land for non-aviation activities, particularly industrial, warehouse, office, restricted retail, showrooms, motor vehicle related uses and a service station.

The secondary purpose of Precinct 3 is to allow for aviation and retail purposes.

Section 6.4.4 Precinct 4- Retail, Commercial and Industrial/Showroom

The primary purpose of Precinct 4 is to provide buildings and infrastructure for retail activities, including the development of non-traditional warehouse style and large format outlets as well as other business and commercial uses.

Section 6.4.5 Precinct 5- Airport Utility Infrastructure

The primary purpose of Precinct 5 is to provide land for utility infrastructure that supports airport activities, in a manner which is safe, consistent with the Aviation and Non-Aviation Development Plans, and compliant with applicable regulations.

Section 70 (2) of the Act defines the purposes of a final master plan for an airport, including 70 (2) (c) which requires the plan to indicate to the public the intended uses of the airport site.

While MAC has explained that the reduction in the number of precincts from seven to five is intended to 'provide customers and users with clarity about the intent of each precinct', the majority of submissions that raised concerns about the precincts indicated the dMP provides little or no clarity about the intended uses of each precinct and, by extension, the future of the airport site as a whole. In turn, this lack of clarity results in a lack of confidence from aviation businesses in particular about their future at the airport.

Consistent with a number of submissions received, the Department is also of the view that the Land Use Plan is ambiguous and lacks sufficient clarity to provide confidence about the intended uses of the airport site.

The department considers the dMP only partially outlines the ALC's intentions for land use and related developments at the airport.

(d) an Australian Noise Exposure Forecast (in accordance with regulations, if any, made for the purpose of this paragraph) for the areas surrounding the airport; and

CRITERION SATISFIED

A new Australian Noise Exposure Forecast (ANEF) for the Airport has been developed for this Master Plan 2021. The ANEF is outlined in Section 12.3.2 and presented at Figure 12.5. Although an ANEF does not need to do so, MAC has produced an "Ultimate Practical Capacity" ANEF in order to develop a long-range ANEF that sets out that 375,000 annual movements would be the ultimate maximum capacity operable at the airport. The ANEF was developed using the Aviation Environmental Design Tool (AEDT), as required by Airservices Australia since 2019. Airservices Australia also validated MAC's approach for an "Ultimate Practical Capacity" ANEF in its endorsement for technical accuracy obtained initially on 6 April 2021 and re-endorsed on 28 September 2021.

The department notes MAC has also provided the considerations for the development of the Ultimate Practical Capacity, as well as highlighting changes from the 2015 ANEF to the 2021 ANEF.

MAC has indicated support for adopting "Number above" (N) contours as a more meaningful summary of aircraft flight movements. They also support measures that better inform planning decisions on and off airport including the commissioning of expert reports for aircraft noise, use of noise monitoring devices in appropriate locations and appropriate building design and construction responses.

The department considers the dMP meets the ANEF requirements of this criterion.

(da) flight paths (in accordance with regulations, if any, made for the purpose of this paragraph) at the airport; and

CRITERION SATISFIED

Flight paths are identified in Section 12.2.4. Information has been provided on visual flight paths and instrument flight paths, as well as helicopter arrival, departure and training flight paths. Relevant figures depicting flight paths for specific runways have been included.

The department notes:

- The dMP provides detailed information for visual flight paths, instrument flight paths, circuit training and helicopter flight paths. Refer to Section 12.2 and Figures 12.1 - 12.4 pages 245-250.
- The impact of seasonal variations in runway usage patterns and the impact of wind direction on runway nomination are referenced in runway usage at section 12.2.3 page 246.
- The dMP indicates percentage of traffic utilising circuit training flight paths is not available. Refer section 12.2.3 page 246. Actual training circuits are shown at Figure 12.3 page 249.
- The dMP indicates helicopter flight paths at section 12.2.7 pages 249-250 and Figure 12.4 page 250.
- The dMP indicates 10% of total aircraft activity occurs as night-time training procedures. Refer Section 7.4.13 page 147.

Airservices Australia did not identify any significant issues in its review of the dMP.

The department considers the dMP adequately addresses this criterion.

(e) the airport-lessee company's plans, developed following consultations with airlines that use the airport and 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; and

CRITERION SATISFIED

Overall, the department notes that the dMP addresses noise elements satisfactorily.

The department also notes:

- The section 5.3.3 page 58 and section 12 pages 242-245 reference the use of airport safeguarding strategies for land use planning decisions to minimise noise-sensitive developments near the airport and improve aircraft noise disclosure mechanisms. There is reference to the *Australian standard 2021:2015 – Aircraft Noise Intrusion – Building Siting and Construction* and Guideline A: Measures for Managing Impacts of Aircraft Noise.
- The *Building Acceptability* table outlining what is 'acceptable', 'conditionally acceptable' and 'unacceptable' for ANEF contours has not been included. Therefore there is no easy reference to what is considered compatible and incompatible land use for development within the ANEF contours. As the ANEF has changed from 2015, the department recommends MAC highlight in the Final Master the reduction / increase in properties that fall under 'acceptable', 'conditionally acceptable' and 'unacceptable' for ANEF contours. This could be rectified by a small editorial change in the final MP.
- Moorabbin Airport operates on a 24 hour basis, therefore is not subject to a curfew period or curfew specific measures in relation to preferred runway selection, curfew noise abatement procedures or reference to the Commonwealth noise insulation scheme.
- The section 12.3.1 page 251 sets out voluntary adoption of noise abatement measures through the local "Fly Friendly Program":

Under the Fly Friendly program:

- *Moorabbin Airport expects pilots operating to and from the Airport to undertake operations in a manner which is considerate of local residents as the safe operation of an aircraft must be maintained at all time; and*
- *Practical measures are identified to decrease noise such as using the least noise-sensitive runways, providing a special test area for aircraft maintenance, limiting training hours and flights over residential areas, and promoting the good behaviour of pilots.*

Current noise abatement procedures include:

- *Circuit training operates on a Circuit Booking System and has restricted hours;*
- *Aircraft departing Runway 17R are requested to delay any turn until they have flown past the Woodland Golf Club to minimise noise intrusion over residential areas of Parkdale;*
- *Aircraft departing Runway 35L are requested to delay any turn until over Kingston Centre to minimise noise intrusion to residential property immediately to the north-west of the Airport; and*
- *Pilots are encouraged to be sensitive to the needs of local residents while in the circuit area of the Airport.*

The department considers the dMP adequately addresses MAC's plans for the management of aircraft noise.

(f) the airport-lessee company's assessment of environmental issues that might reasonably be expected to be associated with implementation of the plan; and

CRITERION SATISFIED

The dMP has provided an appropriate assessment of the environmental issues with Moorabbin Airport. The AEO has provided comments below.

The Airport Environmental Strategy (Section 11) of the draft Master Plan (dMP) has provided an appropriate assessment of the environmental issues associated with the Moorabbin Airport site.

The AES encompasses Moorabbin Airport's environmental commitments including:

- Airport Environment Strategy Overview
- Key achievements over the past five years
- PFAS Management
- Environmental Policy
- Environmental Management System

Environmental considerations, including management measures for all required environmental aspects in accordance with the Airports Act 1996 and the *Airport (Environmental Protection) Regulations 1997* have been addressed.

The AEO is satisfied that the dMP has provided the appropriate level of assessment of the environmental issues required to be addressed in accordance with the Airports Act 1996 and the *Airport (Environmental Protection) Regulations 1997* and specific to the Moorabbin Airport.

The department considers the dMP adequately provides an assessment of potential environmental issues at the airport.

(g) the airport-lessee company's plans for dealing with the environmental issues mentioned in paragraph (f) (including plans for ameliorating or preventing environmental impacts); and

CRITERION SATISFIED

As addressed in (f) above.

Section 11.7 to 11.16 identify environmental issues and each section has a table identifying the Strategy Action Plans for each environmental aspect.

The department considers the dMP contains suitable plans for the management of potential environmental issues at the airport

(ga) in relation to the initial period (see subsection (3A)) of the master plan – a plan for a ground transport system on the landside of the airport that details:

- i. a road network plan; and
- ii. the facilities for moving people (employees, passengers and other airport users) and freight at the airport; and
- iii. the linkages between those facilities, the road network and public transport system at the airport and the road network and public transport system outside the airport; and
- iv. the arrangements for working with the State or local authorities or other bodies responsible for the road network and the public transport system; and
- v. the capacity of the ground transport system at the airport to support operations and other activities at the airport; and
- vi. the likely effect of the proposed developments in the master plan on the ground transport system and traffic flows at, and surrounding, the airport; and

CRITERION SATISFIED

Section 9 of the dMP specifies, in relation to the first eight years of the Master Plan, a plan for ground transport on the airport within the sections below.

(i) – road network plan

- Section 9.4 of the dMP outlines the existing road network within the airport site
- Section 9.5 outlines the future road network in and adjacent to the airport site
- Section 9.12 discusses MAC's approach to the ground transport network
- Section 9.12 discusses MAC's future ground transport plan.

(ii) – facilities for moving people... and freight at the airport

- Section 9.4 of the dMP outlines the existing road network within the airport site
- Section 9.5 outlines the future road network in and adjacent to the airport site
- Section 9.6 Discusses Freight and Future Loading Traffic

- Section 9.8 discusses the Public Transport Network, including the proposed future Suburban Rail Loop, and mentions MAC working with the State Government to investigate opportunities for public transport linkages to the airport.
- Section 9.9 discusses Active Transport and Pedestrian Network
- Section 9.12 discusses the Approach to Ground Transport
- Section 9.13 discusses the Future Ground Transport Plan

In particular, the department notes:

- The dMP outlines its relationship with freight movements both within the airport itself, and in its surrounds, as located in a strategically significant area adjacent to a primary freight network, approved B-Double routes and co-located with Chifley Business Park.
- The dMP shares consistencies with the Victorian state plan for the *Victorian Freight Plan: Delivering the Goods* (2018) and articulates opportunity for greater use of freight corridors and opportunities to enhance freight movements to and from the airport.
- The dMP evaluates projected growth levels in thoroughfare around and through the airport with consideration of projected capacity for future land use around the airport.

(iii) – linkages between those facilities, the road network and public transport systems on and off airport

- This criterion is integrated throughout the discussion in section 9.
- Section 9.12's Ground Transport Objectives include a number of Projects and Objectives that will link the road network on airport to that off-airport.
- Section 9.8 States that MAC will work with State Government DoT to investigate opportunities for potential bus service improvements that align with the airport's future growth and connection to SRL stations in order to achieve an integrated public transport network. MAC will continue to advocate for improved frequency and coverage of public transport to the Airport in the future.

(iv) – working with state

- Section 9.14 describes how MAC works with government authorities responsible for the road network.

(v) – supporting operations and other activities at the airport

- Section 9.3.5 discusses results of future road network traffic congestion within the vicinity of the airport based on the Victorian Integrated Transport Model (VITM) and outputs sourced from the Traffic Impact Assessment undertaken as part of the Mordialloc Freeway Environment Effects Statement.
- The results found that:
 - There will have been traffic growth in most roads surrounding the airport;
 - There is expected to be a decrease in traffic along Boundary Road as a result of the Mordialloc Freeway completion
 - The network immediately surrounding the airport will not exceed capacity; and
 - There will be capacity for further growth.

(vi) – effect of the proposed developments on ground transport

- Section 9.13 states the expected land use development is not of a scale that is expected to significantly alter the ground transport characteristics of the airport.
- "A specialist traffic study commissioned by Moorabbin Airport for the purposes of this Master Plan 2021 found that the road network in the vicinity of the Airport is unsaturated and will remain so taking into account development contemplated in this Master Plan 2021".
- Moorabbin Airport is satisfied, based on the information available, that the off-Airport road network will have sufficient capacity to absorb passenger and freight movements through the planning period of MP21.

The department considers the ground transport plan provided in the dMP adequately addresses this criterion.

(gb) in relation to the initial period (see subsection (3A)) of the master plan – detailed information on the proposed developments in the master plan that are to be used for:

- i. commercial, community, office or retail purposes; or
- ii. for any other purpose that is not related to airport services; and

CRITERION SATISFIED

The department notes MAC's assertion that non-aviation development at the airport underpins the airport's ongoing viability and supports the aviation functions. It further notes that Chapter 8 Non-Aviation Development provides a robust, strategic and detailed breakdown of precinct activities and objectives relating to commercial, office, retail and other non-aviation related business types.

MAC's objectives in the Non-Aviation Development Plan include delivering different types of retail precincts catering to different types of visitation, delivering high-quality business spaces for different types of customers, offering a mix of different business park and retail opportunities, integrating services across the site, and reducing environmental impacts through implementing sustainability initiatives.

MAC notes 72 hectares of land has already been developed for industrial use and 44 hectares have been identified as undeveloped land for potential non-aviation land uses. The dMP indicates MAC will develop this land within the first eight years of the Master Plan period.

The department considers the dMP provides adequate information in relation to the proposed non-aviation developments over the first eight years of the Master Plan.

(gc) in relation to the initial period (see subsection (3A)) of the master plan – the likely effect of the proposed developments in the master plan on:

- i. employment levels at the airport; and
- ii. the local and regional economy and community, including an analysis of how the proposed developments fit within the planning schemes for commercial and retail development in the area that is adjacent to the airport; and

CRITERION SATISFIED

Chapter 2 of the dMP discusses economics and employment at the airport, and Chapter 5 outlines what effect the developments on airport would have on the surrounding community and the planning schemes for commercial and retail development in the area around the airport.

(i) – employment levels at the airport

- MAC states that the airport currently provides 6,500 jobs, representing 7% of employment in the City of Kingston, which is expected to grow to 9,050 jobs by 2029, further summarised in the table below taken from Figure 2.2:

Employment	2014	2020	2029 (forecast)
Direct jobs	3,300	6,500	9,050
Indirect jobs	6,000	10,000	14,050
TOTAL JOBS	9,300	16,500	23,100

- The airport supports over 67 aviation and 204 non-aviation businesses

(ii) – effect on local and regional economy and community, integration within planning schemes

In Chapter 2 Economics and Employment, MAC states that:

- the airport generates \$870 million of economic benefit per year, forecast to increase to \$1.2 billion over the next eight years
- the airport has contributed 30% of new jobs in the City of Kingston over the past 5 years

- *the opportunity for the airport to perform a significant role in the economic recovery for the City of Kingston and Melbourne's south-east is further highlighted by the Airport being the largest consolidated site in the region that can accommodate retail, commercial and industrial development (p.28)*

In Chapter 5 Planning Framework and Context, MAC states that:

- *although not directly applicable, state and local planning schemes and policies were considered and implemented where appropriate and Moorabbin Airport has endeavoured to minimise inconsistencies with them.*
- *The proposed developments set out in MP21 are supported by provisions in Plan Melbourne, the Kingston Planning Scheme and other City of Kingston policies.*

The department also notes MAC's discussion on the integration with the Victorian Government's Plan Melbourne, planning provisions and the Planning Policy Framework. Regarding Plan Melbourne, MAC states:

- *This Master Plan implements relevant objectives of Plan Melbourne by incorporating commercial, industrial and retail uses at Moorabbin Airport. Such uses are complementary to the airport's primary use for general aviation and aviation education services and will underpin and support the continuation of the Airport's primary function.*

The department also notes MAC's objectives for alignment with the PPF and its discussion within the dMP:

- Outlining a program for continued investment in aviation infrastructure to enhance the Airport's key purpose as a metropolitan airport (Chapter 7 Aviation Development Plan)
- Outlining Moorabbin Airport's vision of the Airport as an employment and economic hub within Victoria (Chapter 2- Economics and Employment)
- Future proofing the airport for increased public transport accessibility, including the potential to support part of the new Suburban Rail Loop (Chapter 9 Ground Transport Plan)

Moorabbin Airport has also listed several PPF provisions that, while not specifically referring to the Airport, outline relevant general policy objectives which have been considered in preparation of MP 21. These include, but are not limited to:

- Strategies for growth in places of State significance
- Green Wedges
- Supply of urban land for commercial, retail and industrial uses
- Activity centres

MAC also maintains that it has planned for consistency with the Kingston Planning Scheme and associated policies, including the Municipal Strategic Statement and the South East Non-Urban Area Policy, the latter of which "aims to 'protect the economic and operational viability of key industries and infrastructure in the non-urban area including Moorabbin Airport'" and contains a number of clauses and objectives that MAC states have been contemplated in the dMP.

The department considers that the dMP adequately provides information on the effect proposed developments will have on employment levels and the local and regional economy as well as local planning schemes, as required by this criterion.

(h) in relation to the initial period (see subsection (3A)) of the master plan--an environment strategy that details:

- the airport-lessee company's objectives for the environmental management of the airport; and

Regulation 5.02B(2) of the Airports Regulations 1997 (the Regulations) states that in specifying its objectives for the airport under subparagraph 71(2)(h)(i) of the Act, an airport -lessee company, must address its policies and targets for:

- continuous improvement in the environmental consequences of activities at the airport; and

- (b) progressive reduction in extant pollution at the airport; and
- (c) development and adoption of a comprehensive environmental management system for the airport that maintains consistency with relevant Australian and international standards; and
- (d) identification, and conservation, by the airport-lessee company and other operators of undertakings at the airport, of objects and matters at the airport that have natural, indigenous or heritage value; and
- (e) involvement of the local community and airport users in development of any future strategy; and
- (f) dissemination of the strategy to sub-lessees, licensees, other airport users and the local community.

CRITERION SATISFIED

(h)(i) the airport-lessee company's objectives for the environmental management of the airport

The Airport Environment Officer (AEO) has reviewed the dMP for this criterion and provides the following comments.

Within the Environmental Policy (Section 11.6), the dMP has identified a number of overarching environmental management objectives for the Moorabbin Airport, including:

- monitoring and evaluating its environmental performance, and applying this to the ongoing development and review of its environmental objectives and targets;
- preventing and/or minimising pollution from activities on Airport by implementing pollution prevention and control measures and increasing the environmental awareness of Airport stakeholders;
- complying with statutory requirements with regard to existing laws, regulations, codes of practice and quality standards;
- adopting and exceeding industry standards applicable to the environmental management of Airports;
- implementing and maintaining the Environmental Policy by adopting the Moorabbin Airport Environment Management System;
- Implementing the Moorabbin Airport Environment Strategy and Environment Management System.

In addition, Sections 11.7 – 11.16 identify a number of objectives for environmental management and each environmental issue. The objectives and the environmental issues have been appropriately recognised and addressed by MAC. In particular:

- The objectives and the environmental aspects/action themes have been appropriately recognised and addressed by MAC.
- Overall each environmental issue has been appropriately addressed with highly commendable actions identified for continuous improvement, particularly in the areas of sustainability, land management and biodiversity management.

(a) Implementing the Environment Strategy – refer Section 11.6 of the dMP

The Moorabbin Airport Environment Management System (EMS) is the system applied to mitigate, manage and improve environmental impacts from operations carried out at the airport.

Environmental Action Plans (EAPs) have been developed to manage specific elements of the environment at the Airport. Each EAP incorporates environmental management objectives and environmental actions to be implemented as part of the 2021-29 AES.

(b) progressive reduction in extant pollution at the airport – refer Section 11.11 of the dMP

- MAC has not satisfied previous comments around surface and groundwater monitoring which has been addressed on site. In the dMP 11.10.4 further actions have been added to the surface water targets and in table 11.11.4. However, there is no action which outline remediation or how contaminated soil, groundwater or surface water is managed.
- The department proposes that this be addressed in correspondence to MAC for inclusion in the final Master Plan.

(c) development and adoption of a comprehensive environmental management system for the airport that maintains consistency with relevant Australian and international standards; and

- MAC has updated the dMDP regarding this based on, and maintains consistency with, AS/NZS ISO 14001:2015 (to be updated in this Master Plan 2021) Environmental Management Systems – Requirements with Guidance for Use; and– Moorabbin Airport will maintain and review the EMS and Environment Policy in line with AES commitments.

The AES outlines environmental objectives and action plans for the Airport. The AES will apply for a period of 8 years from approval from the Commonwealth Minister and incorporates and responds to key environmental legislation including the Act, Airports (Environment Protection) Regulations 1997 and the EPBC Act.

(d) Aboriginal and European Heritage Management – refer Section 11.16 of the dMP

Objectives include:

- ensure that any confirmed Aboriginal or European heritage sites are managed and protected as required by relevant legislation

An archaeological survey of the Airport was first carried out in 1998 and reassessed in 2008 by Biosis Research. Both reports concluded there was no evidence of Aboriginal or historic cultural heritage at the Airport, therefore no management regimes are currently necessary.

Although no areas have been found, Moorabbin Airport maintains practices to continue to manage heritage value sites, including an undertaking to ensure that should they be found, management procedures included in the project development works will be implemented.

(e) Section 11.1

“The local community and Airport users will be consulted through the Community Aviation Consultancy Group (CACG) and other community forums as the AES is varied over time, updated, or redrafted, with any future Airport master plan. Moorabbin Airport will ensure that the AES is disseminated as contemplated under **Chapter 13- Implementing Master Plan 2021** and will regularly brief relevant stakeholders on the AES with a view to achieving ongoing compliance and awareness”

(f) Section 13.4.2 Additional Consultation

Environment Strategy:

“Moorabbin Airport has detailed ongoing consultation with Commonwealth, State and Local authorities, Airport customers and the community in relation to the Environment Strategy explained in Chapter 11”

The department considers the dMP adequately addresses this criterion, noting advice will be provided to MAC for amendments to be made before publishing a final Master Plan.

- ii. the areas (if any) within the airport site which the airport-lessee company, in consultation with State and Federal conservation bodies, identifies as environmentally significant; and
- Regulation 5.02B(3) of the Regulations states that in specifying under subparagraph 71(2)(h)(ii) of the Act, the areas within the airport site it identifies as environmentally significant an airport-lessee company must address:
- any relevant recommendation of the Australian Heritage Council; and
 - any relevant recommendation of the Department of Environment regarding biota, habitat, heritage or similar matters; and
 - any relevant recommendation of a body established in the State in which the airport is located, having responsibilities in relation to conservation of biota, habitat, heritage or similar matters.

CRITERION SATISFIED

The AEO indicates that Sections 11.7-11.16 outline how this will be undertaken and planned environmental actions during the masterplan period 2021-2029. Section 11.2 states there are no environmentally significant areas within the airport.

The department considers the dMP adequately addresses this criterion.

iii. the sources of environmental impact associated with airport operations; and

Regulation 5.02B(4) of the Regulations states that in specifying the sources of environmental impact under subparagraph 71(2)(h)(iii) of the Act, an airport-lessee company must address:

- (a) the quality of air at the airport site, and in so much of the regional airshed as is reasonably likely to be affected by airport activities; and
- (b) water quality, including potentially affected groundwater, estuarine waters and marine waters; and
- (c) soil quality, including that of land known to be already contaminated; and
- (d) release, into the air, of substances that deplete stratospheric ozone; and
- (e) generation, and handling, of hazardous waste and any other kind of waste; and
- (f) usage of natural resources (whether renewable or non-renewable); and
- (g) usage of energy the production of which generates emissions of gases known as 'greenhouse gases'; and
- (h) generation of noise.

CRITERIA SATISFIED

The AEO indicates that Sections 11.7-11.16 outline how this will be undertaken and planned environmental actions during the masterplan period 2021-2029

The department considers the dMP adequately addresses this criterion.

iv. the studies, reviews and monitoring to be carried out by the airport-lessee company in connection with the environmental impact associated with airport operations; and

Regulation 5.02B(5) of the Regulations states that in specifying under subparagraph 71(2)(h)(iv) of the Act, the studies, reviews and monitoring that it plans to carry out, an airport-lessee company must address:

- (a) the matters mentioned in subregulation 5.02A(2) [any areas identified as sites of indigenous significance] and subregulation 5.02B(3) [any areas identified as environmentally significant] and 5.02B(4) [the sources of environmental impact]; and
- (b) the scope, identified by the airport-lessee company, for conservation of objects and matters at the airport that have natural, indigenous or heritage value; and
- (c) the approaches and measures identified by airport-lessee company as its preferred conservation approaches and measures; and
- (d) the professional qualifications that must be held by a person engaged in carrying out the monitoring; and
- (e) the proposed systems of testing, measuring and sampling to be carried out for possible, or suspected, pollution or excessive noise; and
- (f) the proposed frequency of routine reporting of monitoring results to the airport environment officer (if any) for the airport, or to the Secretary.

CRITERION SATISFIED

The AEO indicates that Sections 11.7-11.16 outline how this will be undertaken and planned environmental actions during the masterplan period 2021-2029:

- (a) There are no areas of Indigenous or Heritage significance located on airport. Section 11.2 states there are no environmentally significant areas at the airport.
- (b) NA/Covered above.

- (c) NA/Covered above.
- (d) Section 11.7.4 states: Project management of environmental works is undertaken by suitably qualified environmental consultants familiar with airport legislation and environmental issues management. The Moorabbin Airport EMS establishes a process for identifying and delivering the environmental training needs for stakeholders including:
 - Induction training for new staff, contractors and other relevant stakeholders regarding the EMS
 - Training for all staff regarding implementation of procedures in the EMS
 - Especial training for staff with specific roles and responsibilities to ensure they have the skill and competences required to fill these.
- (e) Covered above for each identified potential environment impact Sections 11.8-4- 11.15.4.
- (f) 11.7.4 states the AEO is involved in regular meetings with the Airport and conducts site inspections and facility audits.

The department considers the dMP adequately addresses this criterion.

- v. the time frames for completion of those studies and reviews and for reporting on that monitoring; and

CRITERIA SATISFIED

The AEO indicates that Sections 11.7-11.16 outline how this will be undertaken and planned environmental actions during the masterplan period 2021-2029

The department considers the dMP adequately addresses this criterion.

- vi. the specific measures to be carried out by the airport-lessee company for the purposes of preventing, controlling or reducing the environmental impact associated with airport operations; and

Regulation 5.02B(6) of the Regulations states that in specifying under subparagraph 71(2)(h)(vi) of the Act, the measures that it plans to carry out for the purposes of preventing, controlling or reducing environmental impact, an airport-lessee company must address:

- (a) the matters mentioned in sub-regulations 5.02B(2) to (4); and
- (b) the means by which it proposes to achieve the cooperation of other operators of undertakings at the airport in carrying out those plans.

CRITERIA SATISFIED

The AEO indicates that Sections 11.7-11.16 outline how this will be undertaken and planned environmental actions during the masterplan period 2021-2029

The department considers the dMP adequately addresses this criterion.

- vii. the time frames for completion of those specific measures; and

CRITERIA SATISFIED

The AEO indicates that Section 11.7-11.16 outlines how this will be undertaken and planned environmental actions during the masterplan period 2021-2029

The department considers the dMP adequately addresses this criterion.

viii. details of the consultations undertaken in preparing the strategy (including the outcome of the consultations); and

CRITERION SATISFIED

The AEO indicates that Section 11.7-11.16 outlines how this will be undertaken and planned environmental actions during the masterplan period 2021-2029

Section 11.7.4 states Management of internal and external communications is addressed within the Moorabbin Airport EMS which includes:

- monthly management meetings involving the AEO
- quarterly meetings with relevant stakeholders and the CACG
- participation in the Australian Sports Association
- participation in environment forums including with other airports
- responding to public enquiries on environmental issues such as noise from the ground running of aircraft engines for maintenance purposes
- community consultation on major airport developments
- the Environmental Review Program (assets and audits)
- ongoing environmental management for projects of environmental risk

MAC states the preliminary AES was included and subject to the consultation prior to the Master Plan's submission to the Minister.

The department considers the dMP adequately addresses this criterion.

ix. Any other matters that are prescribed in the regulations; and

Regulation 5.02A(2) states the environment strategy must specify any areas within the airport site to which the strategy applies that the airport-lessee company for the airport has identified as being a site of indigenous significance, following consultation with:

- (a) any relevant indigenous communities and organisations; and
- (b) any relevant Commonwealth or State body; and

Regulation 5.02A(3) states the environment strategy must specify the airport lessee company's strategy for environmental management of areas of the airport site that are, or could be, used for a purpose that is not connected with airport operations; and

Regulation 5.02A(4) states the environment strategy must specify:

- (a) the training necessary for appropriate environment management by persons, or classes of persons, employed on the airport site by the airport-lessee company or by other major employers; and
- (b) the training programs, of which the airport-lessee company is aware, that it considers would meet the training needs of a person mentioned in paragraph (a); and

Regulation 5.02B(7) states an airport-lessee company, in specifying the company's strategy for environmental management under subregulation 5.02A(3), must address the matters in subregulations 5.02B(2) - (6).

CRITERION SATISFIED

The AEO indicates that Section 11.16 focuses on indigenous cultural heritage and how this will be addressed.

As stated in the Master Plan, there are no sites of Indigenous, Heritage or Environmental significance located on the Airport. However, MAC maintains practices to continue to manage valuable sites should they be uncovered in the future.

The department considers the dMP adequately addresses this criterion.

(j) Such other matters (if any) as are specified in the regulations.

Paragraphs (a) and (h) do not, by implication, limit paragraph (j).

Regulation 5.02(1) following matters are specified:

- a) any change to the OLS or PANS-OPS surfaces that is likely to result, if development proceeds in accordance with the master plan;
- b) for an area of an airport where a change of use of a kind described in subregulation 6.07(2) of the Airports (Environment Protection) Regulations 1997 is proposed:
 - i. the contents of the report of any examination of the area carried out under regulation 6.09 of those Regulations; and
 - ii. the airport-lessee company's plans for dealing with any soil pollution referred to in the report.

CRITERION SATISFIED

Section 12.8 states "the Airport's prescribed surfaces are shown in Figure 12.13 and Figure 12.14". However, section 12.8.3 states "the OLS and PANS-OPS shown in Figures 12.13 and 12.14 reflect the prescribed airspace necessary to accommodate development in accordance with this Master Plan 2021. These will be subject to technical review and agreement by Airservices prior to declaration under the relevant regulations on approval of this Master Plan 2021".

The charts included in Figures 12.13 and 12.14 do not appear to be of current/existing prescribed airspace rather, they appear to be proposed surfaces that have yet to be assessed by or receive technical endorsement (in writing) from CASA and Airservices. Therefore they may not apply for some time after the Master Plan is finalised.

State/Local governments and the community refer to these charts for land-use planning and development purposes. To avoid any confusion as to which charts should be used by planning agencies and the community and to avoid any potential unintentional unauthorised intrusions into Moorabbin Airport's prescribed airspace, the department recommends MAC include the actual (i.e. current) charts that should be relied upon for the assessment of potential intrusions into prescribed airspace in the Master Plan or at least specify where they can be found (i.e. on their website) prior to finalisation of the Master Plan.

The department considers the dMP adequately addresses this criterion, noting advice will be provided to MAC regarding amendments that will be required before a final Master Plan is published.

71 (4) The regulations may provide that the objectives, assessments, proposals, forecasts and other matters covered by subsection (2) or (3) may relate to one or more of the following:

- (a) the whole of the planning period of the plan;
- (b) one or more specified periods that are included in the planning period of the plan;
- (c) subject to any specified conditions, a specified period that is no longer than the planning period of the plan.

NOTED

71 (5) The regulations may provide that, in specifying a particular objective, assessment, proposal, forecast or other matter covered by subsection (2) or (3), a draft or final master plan must address such things as are specified in the regulations.

Regulation 5.02(3) states a draft or final Master Plan must:

- a) address 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; and
- b) address 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.

CRITERION SATISFIED

MAC states (refer to Section 6.9) “in developing this Master Plan, all interests existing at the time the airport lease was created were considered, including easements, licences, leases and sub-leases. There are no conflicts or inconsistencies existing between these interests and any proposals in this Master Plan 2021. Moorabbin Airport will continue to ensure that any airport development contemplated will not interfere with the rights granted under any pre-existing interest.”

The department considers the dMP adequately addresses this criteria.

71(6) In specifying a particular objective or proposal covered by paragraph (2)(a), (c), (ga), (gb) or (gc), a draft or final master plan must address:

- (a) the extent (if any) of consistency with planning schemes in force under a law of the State in which the airport is located; and

CRITERION SATISFIED

In addition to the assessment under section 71(2)(gc) above, MAC sets out in Section 6.10 of the dMP the key considerations it has had regard to in being consistent with the Victorian Planning Policy Framework (PPF), as well as Plan Melbourne.

Section 6.10 outlines how the concepts underpinning the Land Use Plan are generally consistent with the Victorian Planning Scheme and recognise the importance of aviation operations to the region.

In particular, MAC was proactive in making minor changes to the dMP in response to feedback on the pdMP received from the Victorian Government during the public exhibition. The Victorian Government identified several places in the pdMD where MAC had identified and equated Plan Melbourne and PPF “Activity Centre” zones with precincts on the airport, and Victoria disagreed with this assessment. In response, MAC ensured that in the dMP in the various sections, including Section 5.5.2 on page 63, precincts on the airports were compared to “Activity Centre” zones off airport as a point of reference and to demonstrate a type of planning objective, but ultimately did not fully equate the precinct to an “Activity Centre” in the Victorian planning definition.

The department considers the dMP adequately addresses this criterion.

- (b) if the draft or final master plan is not consistent with those planning schemes – the justification for the inconsistencies.

CRITERION SATISFIED

Section 5.5.2 of the dMP provides a detailed explanation of those aspects of the dMP that are not aligned with the Victorian Planning Provisions and Planning Policy Framework and why. Section 5.7.5 outlines why the Airport Environs Overlay within the Kingston Planning Scheme does not apply to Moorabbin Airport land.

The department considers the dMP adequately addresses this criterion.

71(7) Subsection (6) does not, by implication, limit subsection (5).

NOTED

71(8) In developing plans referred to in paragraph (2)(e), an airport-lessee company must have regard to Australian Standard AS2021 – 2015 (“Acoustics – Aircraft noise intrusion – Building siting and construction”) as in force or existing at the time.

CRITERION SATISFIED

MAC has provided an overview of existing frameworks for airport safeguarding at 12.1.4, which includes AS2021. Noise abatement measures have been developed by acknowledging relevant factions including AS2021-2015, as stated in section 12.3.1

The department considers the dMP adequately addresses this criterion.

Draft or final master plan must identify proposed sensitive developments

71A(1) A draft or final master plan must identify any proposed sensitive development in the plan.

CRITERION SATISFIED

MAC states in Section 6.8 that there are no sensitive developments in Master Plan 2021. However the provision of some of the zones applicable to the Airport will enable certain sensitive developments to be considered in the future, subject to the Airports Act requirements to obtain approval from the Commonwealth Minister and prepare a draft MDP.

The department considers the dMP adequately addresses this criterion.

71A(2) A sensitive development is the development of, or a redevelopment that increases the capacity of, any of the following:

- (a) a residential dwelling;
- (b) a community care facility;
- (c) a pre-school;
- (d) a primary, secondary, tertiary or other educational institution;
- (e) a hospital.

NOTED

71A(2A) A sensitive development does not include the following:

- (a) an aviation educational facility;
- (b) accommodation for students studying at an aviation educational facility at the airport;
- (c) a facility with the primary purpose of providing emergency medical treatment and which does not have in-patient facilities;
- (d) a facility with the primary purpose of providing in-house training to staff of an organisation conducting operations at the airport.

NOTED

71A(3) In this section:

aviation education facility means any of the following:

- (a) a flying training school;
- (b) an aircraft maintenance training school;
- (c) a facility that provides training in relation to air traffic control;
- (d) a facility that provides training for cabin crew;
- (e) any other facility with the primary purpose of providing training in relation to aviation related activities.

Community care facility includes the following:

- (a) a facility that provides aged care within the meaning given by the *Aged Care Act 1997*
- (b) a retirement village within the meaning given by the *Social Security Act 1991*;
- (c) a facility that provides respite care within the meaning given by the *Aged Care Act 1997*.

NOTED

Planning period

72 A draft or final master plan must relate to a period of 20 years. This period is called the *planning period*.

CRITERION SATISFIED

The planning period for this master plan is 2021-2041.

The department considers the dMP adequately addresses this criterion.

New draft master plan to be submitted before expiry of old plan

76(1) If a final master plan (the original plan) is in force for an airport, the airport-lessee company must give the Minister, in writing, a draft master plan for the airport:

- (a) no later than:
 - i. in the case of Sydney (Kingsford Smith) Airport, Sydney West Airport, Melbourne (Tullamarine) Airport, Brisbane Airport or Perth Airport—5 years after the original plan came into force; or
 - ii. in the case of any other airport—8 years after the original plan came into force; or
- (b) within a longer period that the Minister specifies in a written notice to the airport-lessee company.

The planning period for the draft master plan must begin immediately after the expiry of the original plan

CRITERION SATISFIED

The final Master Plan in force was approved on 2 August 2016, meaning a new Master Plan was required to be submitted by 2 August 2021.

As a result of the impact of COVID-19 lockdowns in Victoria throughout 2021, on 21 June 2021 MAC wrote to the Minister to request an extension of the above submission deadline under section 76(1)(b) or section 78(2A)(b) of the Act.

On 20 July 2021 the Minister wrote to MAC granting an extension on the submission under section 76(1)(b) of the Act to 7 February 2022.

The dMP was received by the Minister on 7 February 2022.

The department considers the dMP adequately addresses this criterion.

Public comment and advice to State etc.

79(1A) Before giving the Minister a draft master plan for an airport under section 75, 76 or 78, the airport-lessee company for the airport must advise, in writing, the following persons of its intention to give the Minister the draft master plan:

- (a) the Minister, of the State in which the airport is situated, with responsibility for town planning or use of land;

CRITERION SATISFIED

Annexure C of the dMP provides a copy of the letter provided to the State Minister for Planning.

The department considers the dMP adequately addresses this criterion.

- (b) the authority of that State with responsibility for town planning or use of land;

CRITERION SATISFIED

Annexure C of the dMP provides a copy of the letter provided to the Secretary of the Victorian Department of Environment, Land, Water and Planning.

The department considers the dMP adequately addresses this criterion.

- (c) each local government body with responsibility for an area surrounding the airport.

CRITERION SATISFIED

Annexure C of the dMP provides a copy of the letter provided to the Chief Executive Officer of the Kingston City Council.

The department considers the dMP adequately addresses this criterion.

79(1B) The draft plan submitted to the Minister must be accompanied by:

- (a) a copy of the advice given under section (1A); and

CRITERION SATISFIED

Copies of the letters are provided at Annexure C of the Supplementary Report.

The department considers the dMP adequately addresses this criterion.

- (b) a written certificate signed on behalf of the company listing the names of those to whom the advice was given.

CRITERION SATISFIED

MAC has included a copy of this certificate signed by its duly authorised delegate in Annexure B of the Supplementary Report

The Department considers the dMP adequately addresses this criterion.

79(1) After giving the advice under subsection (1A), but before giving the Minister the draft master plan, the company must also:

- (a) cause to be published in a newspaper circulating generally in the State in which the airport is situated, and on the airport's website, a notice:

- (i) stating that the company has prepared a preliminary version of the draft plan; and
- (ii) stating that copies of the preliminary version will be available for inspection and purchase by members of the public during normal office hours throughout the period of 60 business days after the publication of the notice; and
- (iii) specifying the place or places where the copies will be available for inspection and purchase; and
- (iiia) in the case of a notice published in a newspaper—stating that copies of the preliminary version will be available free of charge to members of the public on the airport's website throughout the period of 60 business days after the publication of the notice; and
- (iiib) in the case of a notice published in a newspaper—specifying the address of the airport's website; and
- (iv) in any case—inviting members of the public to give written comments about the preliminary version to the company within 60 business days after the publication of the notice; and

CRITERION SATISFIED

MAC has included evidence of compliant notices published in the Herald Sun on 14 April 2021 and 4 August 2021 covering both the original 60 day exhibition period (14 April to 12 July 2021) and the supplementary 60-day exhibition period (3 August to 28 October 2021). Copies of these notices are at Annexure G of the Supplementary Report. A copy of the notice was also published on the airport's website.

The Department considers the dMP adequately addresses this criterion.

- (b) make copies of the preliminary version available for inspection and purchase by members of the public in accordance with the notice; and

CRITERION SATISFIED

Section 2.3 of the Supplementary Report states that hard copies of the pdMP were made available for inspection in the Terminal Building of the airport during business hours Monday to Friday, and soft copies were available on the airport's website for free download.

The Department considers the dMP adequately addresses this criterion.

- (c) make copies of the preliminary version available free of charge to members of the public on the airport's website:
 - i. in a readily accessible format that is acceptable to the Minister; and
 - ii. in accordance with the notice.

CRITERION SATISFIED

Section 2.3 of the Supplementary Report states that soft copies were available on the airport's website for free download.

The Department considers the dMP adequately addresses this criterion.

79(2) If members of the public (including persons covered by subsection (1A)) have given written comments about the preliminary version in accordance with the notice, the draft plan submitted to the Minister must be accompanied by:

- (a) copies of those comments; and

CRITERION SATISFIED

Annexure K of the Supplementary Report includes copies of all 121 submissions received from the public and stakeholders during both public exhibition periods.

The Department considers the dMP adequately addresses this criterion.

- (b) a written certificate signed on behalf of the company:
- i. listing the names of those members of the public; and
 - ii. summarising those comments; and
 - iii. demonstrating that the company has had due regard to those comments in preparing the draft plan; and
 - iv. setting out such other information (if any) about those comments as is specified in the regulations.

CRITERION NOT SATISFIED

MAC has supplied a written certificate as specified in this criterion at Annexure J of the Supplementary Report.

While the department has assessed that the requirements under i., ii. and iv. of this criterion have been satisfied, it is the department's view that the requirement under iii., for MAC to have due regard to the comments in preparing the draft plan, has not been satisfied.

The supplementary report submitted by MAC provides very limited commentary to support its decision to not implement changes as a result of feedback, simply stating "considered but no change made", with no further commentary as to why it considers no changes were necessary and how the dMP may already address the issues raised.

Where MAC has indicated it has taken into account comments raised in submissions, how those changes have been implemented or addressed in the dMP has not been made clear. For example, MAC has indicated in the table at Annexure J on numerous occasions that changes have been implemented as a result of an issue raised in a submission, but does not specify how it was addressed and instead simply refers to a section or sections of the Master Plan. Some of the sections referred to are quite broad in nature and, in many cases, it remains unclear to the department how these comments were addressed. Further, public comments are grouped into "sub-themes" which are quite broad in nature and combine issues such as flight paths, safety, flight training and movement estimates into a higher level 'Aviation Operations' which again makes it difficult to ascertain exactly what the common issues in submissions were.

In addition, the department has serious concerns that, in a number of instances, due regard was not demonstrated at all. For example, of the 31 submissions that raised concerns about new commercial and retail non-aviation development at the Airport, MAC's response to that issue in all 31 cases was "Considered but no change made". While making no change can be an appropriate approach to take, MAC has provided no additional explanation in the Supplementary Report to assist the Minister's and department's understanding regarding this decision.

The requirements for this criterion ultimately circle back to the requirements under section 71(2)(b) and 71(2)(c) in the analysis above, which were similarly inadequately addressed.

The department considers that the dMP does not satisfy the requirements of this criterion.

79(3) Subsection (2) does not, by implication, limit the matters to which the company may have regard.

NOTED

Consultations

80(1) This section applies if:

- (a) an airport-lessee company gives the Minister a draft master plan under section 75, 76 or 78; and

APPLICABLE

MAC gave the Minister the dMP on 7 February 2022 in accordance with section 76 of the Act.

The department considers the dMP adequately addresses this criterion.

- (b) Before the publication under section 79 of a notice about the plan, the company consulted (other than by giving an advice under subsection 79(1A)) a person covered by any of the following paragraphs:

- i. a State government;
- ii. an authority of a State;
- iii. a local government body;
- iv. an airline or other user of the airport concerned;
- v. any other person.

CRITERION SATISFIED

MAC consulted with the parties listed in this sub-section.

A summary table of all submissions and comments received is Annexure F of the Supplementary Report.

The department considers the dMP adequately addresses this criterion.

80(2) The draft 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.

CRITERION SATISFIED

A written certificate signed by its duly authorised delegate – stating the Supplementary Report contains the information required for the purposes of s80(2) – is included at Annexure E of the Supplementary Report.

A table listing the names of persons consulted and summarising the views expressed by the persons consulted is provided at Annexure F of the Supplementary Report.

The Department considers the dMP adequately addresses this criteria.