

12.10	Review of National Airports Safeguarding Framework Implementation
Directorate	City Development
Director	Kelvin Walsh
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Attachment(s)	1. Draft Submission to the National Airports Safeguarding Framework [12.10.1 - 12 pages]
Purpose	For adoption
For Council to consider endorsing a draft submission to the Federal Government's review of the National Airports Safeguarding Framework.	

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2017-2021 goal and strategic objective of:

4. An Innovative and Responsive 'Community First Council'

- Council advocates and works in the interests of our community.

This report complies with the Brimbank Planning Scheme and the *Planning and Environment Act 1987*.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Issue For Consideration

The National Airports Safeguarding Advisory Group (NASAG) have commenced a review of the implementation of the National Airports Safeguarding Framework (the Framework). This review will look at the implementation of the Framework across planning jurisdictions throughout Australia.

The draft Submission to the Federal Government's Review of the National Airports Safeguarding Framework (Submission) has been prepared and is shown at **Attachment 1**. This Submission assesses the way the Framework has been implemented into the Brimbank Planning Scheme and in planning processes more generally.

Background

In May 2012 Commonwealth, State and Territory Ministers endorsed a national land use planning framework that aims to improve community amenity by minimising aircraft noise-sensitive developments near airports, and to improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions. The Framework comprises of a set of overarching principles and nine land use and development guidelines which include:

1. Measures for Managing Impacts of Aircraft Noise
2. Managing the Risk of Building Generation Windshear and Turbulence at Airports
3. Managing the Risk of Wildlife Strikes in the vicinity of Airports
4. Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation
5. Managing the Risk of distractions to Pilots from Lighting in the Vicinity of Airports
6. Managing the Risk of Intrusions into the Protected Airspace of Airports
7. Protecting Aviation Facilities – Communication, Navigation and Surveillance
8. Protection of Strategically Important Helicopter Landing Sites

9. Managing the Risk in Public Safety Areas at the ends of Runways.

On 21 August 2019, NASAG commenced a review of implementation of the Framework. The Review will consider the implementation of NASF across all jurisdictions focusing on its' application in making land use decisions across Australia in terms of:

- Whether the NASF has been/is being embedded in legislation/regulations
- Whether the NASF is reflected in policy, guidance and any other planning advice
- What impediments (if any) have there been to full implantation
- The level of awareness, consideration and use of the NASF principles and guidelines by relevant government agencies, public and private airport operators
- The level of industry and community stakeholder awareness and familiarity with the framework and guidelines and
- Any specific case studies to illustrate the impact of NASF on land use planning decisions.

Consultation

NASAG are requesting feedback from affected parties, particularly those expected to implement the guidelines within the Framework. All submissions must be electronically lodged by 22 November 2019.

Analysis

The Submission includes an assessment of planning legislation and guidance material specific to Brimbank. It is considered that the Framework is not well represented in the Brimbank Planning Scheme, even though there are provisions for land use planning around Melbourne Airport including the appropriateness of development and to ensure the protection of amenity and safety.

Key points in the Submission include:

- Clause 18.04 of the Planning Policy Framework lists the Framework as a key policy document when planning for the municipality however this is the only reference to the Framework. Importantly, there are no formal controls that require statutory planners to consider the Framework and related guidelines.
- It is uncommon to list a policy document, like the Framework, in the Planning Scheme without planning controls. The standard practice involves the inclusion of policy documents as strategic justification for the development of local planning policy or control.
- The policy and strategies of Clause 18.04-1 are triggered where the site is located within the Melbourne Airport Environs Overlay (MAEO), and a permit is required for land use and or development. Consideration must be given to the appropriateness of land use and development and the impact of aircraft noise. The MAEO does not mention or require an assessment against the Framework. On this basis the Framework is not required to be considered when assessing planning permit applications in the MAEO.
- The Submission suggests ways in which each Guideline within the Framework can be considered in the planning process, including further planning controls like the Design and Development Overlay to implement the Obstacle Limitation Surface controls which relate to the restriction of building heights and structures proximate to Melbourne Airport.
- The Submission identifies that the Victorian Government (Department of Environment, Land, Water and Planning (DELWP)) could include the Framework in all planning schemes, and that this should occur as a matter or priority, including clear permit triggers and formal referrals to ensure the Framework is considered as part of the planning process.

Council has been advocating to DELWP to update the MAEO mapping, which is currently based on the noise contours in the 2008 Airport Master Plan. Melbourne Airport has updated its Master Plan in 2013 and 2018. These matters remain unresolved and have been included in the Submission.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2019/2020.

Community: potential impact on community, including public trust and customer service impact

- Yes - At present there is little awareness of the Framework or guidelines and their potential impact on land use planning.

Environmental: Impacts on environmental sustainability, including water/waste management, climate change and contaminated land

- Yes – the impact of increased aircraft movements and expansion of Melbourne Airport does impact the environment.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- Yes - Potential changes to planning policy could have impacts the consideration of land use and development applications and associated planning resources.

Financial: significant financial impacts for all parties including landowners, developers, Governments and airports themselves

- None – although future changes to planning schemes may result in financial impacts to impacted landowners.

Health and safety: impact on Council, Council's community, or Council's stakeholders:

- Yes – there are concerns about the amenity impacts of increased aircraft movements, particularly from a health perspective, on the community. There is also a requirement for additional referrals in the regulatory system to ensure safety.

Officer Recommendation

That Council endorses the draft Submission to the Review of the National Airports Safeguarding Framework, at Attachment 1 to this report.



Brimbank City Council - Submission to Review of the National Airports Safeguarding Framework

Introduction

Brimbank City Council welcomes the opportunity to provide its Submission to the Review of the National Airports Safeguarding Framework.

Key points in this Submission includes:

- Clause 18.04 of the Planning Policy Framework lists the Framework as a key policy document when planning for the municipality however this is the only reference to the Framework. Importantly, there are no formal controls that require statutory planners to consider the Framework and related guidelines.
- It is uncommon to list a policy document, like the Framework, in the Planning Scheme without planning controls. The standard practice involves the inclusion of policy documents as strategic justification for the development of local planning policy or control.
- The policy and strategies of Clause 18.04-1 are triggered where the site is located within the Melbourne Airport Environs Overlay (MAEO), and a permit is required for land use and or development. Consideration must be given to the appropriateness of land use and development and the impact of aircraft noise. The MAEO does not mention or require an assessment against the Framework. On this basis the Framework is not required to be considered when assessing planning permit applications in the MAEO.
- The Submission suggests ways in which each Guideline within the Framework can be considered in the planning process, including further planning controls like the Design and Development Overlay to implement the Obstacle Limitation Surface controls which relate to the restriction of building heights and structures proximate to Melbourne Airport.
- The Submission identifies that the Victorian Government (Department of Environment, Land, Water and Planning (DELWP)) could include the Framework in all planning schemes, and that this should occur as a matter of priority, including clear permit triggers and formal referrals to ensure the Framework is considered as part of the planning process.



Background

The National Airports Safeguarding Framework, May 2012 (the Framework) is a national land use planning framework that aims to improve community amenity by minimising aircraft noise-sensitive developments near airports, and to improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions. It comprises of a set of overarching principles with nine guidelines relating to aircraft noise, windshear and turbulence, wildlife strikes, wind turbines, lighting distractions, protected airspace, communication equipment, helicopter landing sites and public safety areas at the end of runways.

The National Airports Safeguarding Advisory Group (NASAG) are of the view that it is the responsibility of each relevant jurisdiction across Australia to implement the Framework into their respective planning systems, as appropriate.

Given a number of years have passed since adoption of the Framework NASAG have announced that they will be undertaking a review to assess how the Framework has been implemented into planning processes, and to test the level of awareness of the Framework . In particular, the NASAG are proposing to investigate the following:

- Whether the Framework has been/is being embedded in legislation/regulations
- Whether the Framework is reflected in policy, guidance and any other planning advice
- What impediments (if any) have there been to full implantation
- The level of awareness, consideration and use of the NASF principles and guidelines by relevant government agencies, public and private airport operators
- The level of industry and community stakeholder awareness and familiarity with the framework and guidelines and
- Any specific case studies to illustrate the impact of NASF on land use planning decisions.

The City of Brimbank is a local government area that abuts and is impacted by the operations of Melbourne Airport, particularly in the north of the municipality. The Brimbank Planning Scheme and some other strategic documents seek to implement airport legislation, policy and planning into land use planning tools, with a key focus on development and land use proximate to Melbourne Airport. These controls provide some level of awareness of Melbourne Airport, and legislation and controls relating to it, however awareness of the Framework itself is considered limited.

Council has considered the key areas of investigation outlined by the NASAG with a focus on the planning approvals framework within the planning scheme and other relevant Brimbank strategic planning documents, rather than assessing the level of awareness across the community.



Analysis

The Victorian Planning Framework

All Victorian planning schemes comprise of a State, Regional and Local Planning Policy which is contained in the Planning Policy Framework (PPF). The State and Regional land use policies are determined by State government through the Department of Environment, Land, Water and Planning (DELWP).

Councils, in partnership with the DELWP, are in the process of including into the PPF their own local policy content.

Planning Policy Framework (PPF) – existing airport specific content

The State considers airports as part of Clause 18.04 –1S titled *Planning for airports and airfields*. The purpose of this Clause is:

To strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.

The Strategies to achieve this include:

Protect airports from incompatible land uses.

Ensure that in the planning of airports, land use decisions are integrated, appropriate land use buffers are in place and provision is made for associated businesses that service airports.

Ensure the planning of airports identifies and encourages activities that complement the role of the airport and enables the operator to effectively develop the airport to be efficient and functional and contribute to the aviation needs of the state.

Ensure the effective and competitive operation of Melbourne Airport at both national and international levels.

Plan for areas around all airfields such that:

- *Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.*
- *The detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land.*
- *Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.*

Clause 18.04 –1S indicates that these strategies will be considered when making a decision about a planning permit application. In addition to these strategies Clause 18.04 –1S also requires the consideration of the following Policy documents (as relevant):

- *National Airports Safeguarding Framework (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)*



Policy specific for *Melbourne Airport* at Clause 18.04 – 1R states:

Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation.

Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.

Documents to support this Policy include:

- *Melbourne Airport Master Plan 2013 - People Place Prosperity* (Australia Pacific Airports (Melbourne) Pty Ltd, 2013)
- *Melbourne Airport Strategy* (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement.

Assessment of Safeguarding within the existing PPF

An assessment of the Strategies and Guidelines listed in Clause 18.04 in comparison to the Framework indicates there are no controls which clearly relate to the Framework. The controls tend to focus on ensuring amenity and restricting inappropriate development.

A key inclusion in Clause 18.04 would be to require the application or consideration of the guidelines within the Framework, when considering planning permit applications as this provides certainty that the Framework will be effectively considered by planners when assessing applications.

It is uncommon for a policy document to be referenced in the planning scheme without the content being included as specific controls in the relevant clauses within the planning scheme. Without this there is a risk that this will result in the Framework not being considered when assessing planning permit applications.

Further the policy, objectives and strategies outlined in the PPF are supposed to be derived from policy documents that have formed the strategic basis for inclusion in the planning scheme. This is the normal process when introducing new policy and strategy content into a planning scheme. Given the absence of Framework related content, this doesn't appear to have occurred, noting that Clause 18.04 sits at the State level and that DELWP would be responsible for this.

A further issue is that local policy content and the assessment of planning permit applications needs to consider State level planning policy, however the contents of Clause 18.04 is based on policy documents that are outdated. This results in assessments potentially being in conflict with current strategic documents pertaining to Melbourne Airport. For example, the *Melbourne Airport Master Plan 2013* was superseded by the 2018 Master Plan and the *Melbourne Airport Strategy* is now 29 years old and significant changes in legislation, standards and the Melbourne Airport itself have occurred in that time. An urgent review of Clause 18.04 is required to incorporate current strategic planning, and amenity and safety controls around the Melbourne Airport.



The NASAG should seek to ensure the Framework is outlined within the PPF as State, regional and local policy (as appropriate) to ensure that it is considered and assessed for all relevant planning permit applications. Only listing the Framework in State Policy and not giving effect to it as a specific control is a risk as statutory planners do not typically consider these when assessing planning permit applications as it is assumed the necessary requirements are included in planning schemes. Planners will only consider endorsed planning policies and decision guidelines that are included as controls or referrals in the planning scheme and that specify permit requirements, zone and overlay controls, matters that require a planning permit and the relevant decision guidelines.

Councils are consistently directed by the DELWP to only include Policy Documents in a planning scheme if they are current and form the strategic justification for the development and inclusion of local planning policy. (This process has also been consistently endorsed by Planning Panels Victoria.) However, this approach has not been applied in relation to the Framework or the current Clause contributing to the Framework not being, or rarely being considered in planning decisions in Victoria.

The Melbourne Airport Environs Overlay (MAEO)

The MAEO is an overlay provision that applies an additional controls over land proximate to Melbourne Airport that is likely to experience aircraft noise. The purpose of the MAEO is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.*
- *To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.*
- *To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure.*

The MAEO Schedule 1 area is that area around the airport located above the 25 Australian Noise Environment Forecast (ANEF) noise contour. The MAEO Schedule 2 area is that area between the 20 and 25 ANEF. Both overlay areas outline land use and development controls to minimise and control the location of noise sensitive uses. The objectives and strategies of Clause 18.04-1S and the overlay can only be considered when or if there is an application for a planning permit.

Statutory planners use this as the main tool to assess the appropriateness of planning permit applications in relation to the airport.

Assessment of the Framework within the existing MAEO

The Framework is not a Policy document referenced in the MAEO schedules and it is not referred to in any decision guidelines that assist in making decisions about planning applications. There is no requirement for the assessment of any of the guidelines in the Framework.

Similarly, Melbourne Airport has relied on council officer knowledge of the Obstacle Limitation Surface (OLS), which is included in the Framework, when considering developments that are multi-level and /or utilise cranes in construction in areas surrounding an airport. The OLS is not a consideration that is included in any planning scheme (despite many requests from councils and is more often overlooked in the



consideration of planning applications. Changing staff, a lack of knowledge and awareness of this control, and that it is not a mandatory planning consideration has resulted in some developments not meeting OLS criteria. This has and will continue to occur until relevant guidelines become a mandatory consideration.

The safety matters outlined in the Framework relate to specialised considerations which planners are not always equipped to deal with. Additional reports may be required to support development applications – showing that the development complies with the guidelines in the Framework – adding to costs and timelines for development proposals. This needs to be assessed by a suitably qualified expert which places additional costs on councils. A more streamlined approach is required – potentially through a formal referral to Melbourne Airport, or the Federal Government.

The Framework recognises that the responsibility for land use planning rests with state and local governments, but also states that a national approach to planning would assist in improving planning outcomes for safety at 22 federal airports that operate in Australia. A consistent approach to the application of the guidelines could contribute to uniform outcomes. However this would need to consider the differences in state and local planning controls across Australia, including terminology, zones, overlays, and restrictions. Alternatively greater support and encouragement from NASAG to ensure planning controls are effective, current and easy interpretation, particularly in relation to safety matters, may suffice.

Airport protection through other land use planning initiatives

In addition to airport specific planning tools there are a number of other mechanisms which both directly and indirectly provide safeguarding for airports.

These include:

- Green Wedges

There are twelve green wedges across Melbourne - located outside the urban growth boundary but still within metropolitan Melbourne. Green Wedges set aside land for the purpose of agriculture, quarrying, biodiversity, water catchments and to support major infrastructure. More specifically the Sunbury Green Wedge is in part designated to provide some protection for Melbourne Airport, and in turn meets some of the objectives of the Framework.

The Brimbank Green Wedge Management Plan was adopted in 2010, prior to the Framework's approval. Any future review of this Plan would consider the Framework, similarly to the Western Plains North Green Wedge Management Plan, which recognises green wedges as a tool to meet the objectives of Safeguarding, particularly in relation to restricting development, limiting lighting and reducing wildlife strikes.

- Urban Growth Boundary

Related to green wedges, the use of the Urban Growth Boundary (UGB) shows the extent to which urban land can be developed within Melbourne. Land use outside the



UGB is rural in nature with the exception of some urban uses such as schools and places of worship. This gives further protection to Melbourne Airport and its operations, particularly in relation to restricting urban development (limiting lighting and noise), key principles of the Framework. However the infiltration of urban type uses in green wedge areas through a relaxation of zoning controls have and will continue to impact safeguarding.

The UGB and Green Wedges can be changed by the Minister for Planning, but must also be ratified by Parliament. This occurred in 2010 when the UGB was moved to provide more residential and associated land for a growing Melbourne. Depending on the Government at the time, the need for safeguarding may not be enough to stop encroachment of urban uses through this process, although the two levels of approval required provides some security measures as well as lobbying by airports and the Federal Government.

- Plan Melbourne

The Metropolitan Planning Strategy for Melbourne, Plan Melbourne 2017-2050, identifies the importance of Melbourne Airport and protection of its curfew free status. Plan Melbourne also recognises a need to secure the UGB and protect green wedges. Whilst the mechanisms in place are all measures to safeguard Melbourne Airport and land surrounding it, metropolitan strategies can and do change depending on the sitting Government, and is potentially another risk for the safeguarding.

- Strategic Plans

Strategic plans are prepared for a range of matters but can include Significant Landscape and Biodiversity Strategies, Master Plans, and Design Guidelines. There is not a mechanism to identify or consider the Framework or guidelines when preparing these strategic documents. Further, consultation processes for general strategies rely on either Council officers to consider Melbourne Airport as a stakeholder, or it requires Melbourne Airport to search local papers and websites to see if there are any consultation processes which may have a direct relationship with the airport. Given the strategic nature of these documents there is no easy way to ensure the Framework is considered and captured where relevant however, this is less of a risk as often these projects apply a guideline or preferred approach, rather than a specific output that could have a direct conflict with the airport and its operations.

- Consultation and referral processes, including Planning Permit Conditions

Formal referrals to Melbourne Airport are made in accordance with the requirements of the MAEO. Responses generally require noise attenuation measures to be applied to buildings as is implemented through Planning Permit Conditions. The Framework is not specifically considered as part of this process.

In addition to formal referrals specified in the *Planning and Environment Act 1987*, informal consultation and notification also occurs. This can result in a greater awareness of safeguarding, but is not legislated and relies on the airport knowing



about processes which may impact them, or occurs when Council officers encourage planning permit applicants or planning scheme amendment proponents to contact the airport for advice on proposed land uses and development. Given there are no formal triggers or controls in the planning scheme it can be difficult to ensure safeguarding is achieved after guidance is given.

- Community and professional groups

Formal groups convened by the airport, such as the Community Consultation Aviation Group (CCAG) and the Planning Coordination Forum (PCF), and other bodies with an interest in the airport such as the Australian Mayoral Aviation Committee (AMAC) are convened to discuss and resolve airport related matters including issues around planning. It is understood the Federal Government is a member of the PCF and that key elements of the Framework are shared as part of discussions with the group.

In terms of the CCAG and AMAC it considered that key inclusions in the Framework are considered as part of their everyday discussions and terms of reference, including safety and amenity considerations, although there may not be an awareness of the Framework and maybe something NASAG could investigate further.

Implementation of the Guidelines

While NASAG continue to review and support the implementation of the Framework on a national level, it will remain the role of individual jurisdictions to identify opportunities for the implementation of the guidelines contained in the Framework at a State and local level.

Meaningful implementation of the Framework requires the Victorian government to amend all planning schemes in a timely manner to include a range of planning tools that requires the Guidelines within the Framework to be considered in land use and development applications.

In operational terms, if there is no permit trigger or mandatory referral for specialist advice, these matters will not be considered by planners when assessing planning applications. These matters are technical and specialised. Training and education of council planners on a regular basis (new and changing staff) is required, as well as the introduction of new planning controls, policies and strategies which can be easily interpreted. Expert advice would also assist in determining the appropriateness of a proposed use and/or development. Melbourne Airport does conduct regular safeguarding workshops for planners which is considered valuable.

Any change to the planning framework must be led and championed by DELWP.

A range of potential changes that could improve the planning framework and implement the Guidelines are identified below:

Guideline A Measures for Managing Impacts of Aircraft Noise

This guideline notes that reliance on the ANEF to depict areas impacted by aircraft noise may not be the only or most accurate measure to provide a comprehensive understanding of the impact of noise on communities. This assertion has been



supported by information from Sydney airport, where the majority of noise complaints are received in areas outside the 20 ANEF. It is agreed that aircraft noise does not stop at the end of a noise contour.

The N contour is an additional and complimentary noise measure which measures noise based on the frequency of noise events and the decibel measure from those events to provide a more easily understood noise frequency measure.

The guideline states:

These contours represent areas within which land use planners should consider aircraft noise impacts, particularly for new noise-sensitive developments.

This guideline provides little certainty for developers, land owners and the community regarding any planning restrictions that could be applied for a sensitive land use. It is Council's experience that all parties to the planning process prefer certainty regarding planning restrictions. The N contours are not included in any planning scheme, therefore are not part of any planning consideration in the assessment of permit applications. There is no requirement to consider this noise measure or refer a permit application to the airport operator for comment.

Guideline B Managing the risk of building generation windshear and turbulence at airports

This guideline recognises the safety issue caused by a significant obstacle, such as a building, that is located in the path of a crosswind to an operational runway, resulting in the diversion of wind flow around and over the buildings, causing variation in crosswind speed.

Civil Aviation Safety Authority (CASA) can provide advice regarding potential risk of buildings protruding into airspace however, there is no statutory requirement to refer applications or seek advice from CASA. There is also no guidance on building heights that would impact wind shear. Council planners are also not expert in these matters.

In the Victorian planning context, a new planning control, such as a Design and Development Overlay could be applied to those areas where building height or other structures might result in windshear and turbulence. A notification of such a permit application to CASA or other relevant body, to provide expert advice on building height, design and location to mitigate the impacts of the new development could form part of the permit assessment. It is noted that this guideline within the Framework does provide advice for how to use the guideline, but it is technical and specialised and not generally within the scope of a general planning assessment. Even if an assessment was prepared and submitted with the application, in the absence of a professional assessment such as CASA, this may require councils to fund a peer review, representing additional resourcing in rate capped environment.



Guideline C Managing the risk of wildlife strikes in the vicinity of airports

This guideline identifies a range of land uses that potentially attract wildlife, including garbage disposals, sewage treatments, lakes, abattoirs, bird sanctuaries.

The guideline recommends that airport operators and councils work together to identify potential risks.

Over the last 10 years Council has worked with Melbourne Airport to develop a landscape planting policy to identify appropriate plant species to ensure new development has non-bird attracting species (to reduce bird strike). In addition, Melbourne Airport are given notice of all permit applications within the MAEO for comment and advice. It is also general practice to include a note on any planning permit regarding landscaping requirements.

The development of strategic work in relation to landscapes and vegetation proximate to the airport considers the needs of the Framework however this relies on officer knowledge only.

Guideline D Managing the risk to aviation safety of wind turbine installations (wind farms)/wind monitoring towers.

Council is not located within a rural or semi-rural location and has no wind turbine installations or towers, and is unlikely to receive this type of application.

However, unless an application is received for a turbine within a MAEO area, it would be unlikely that the application would be referred to CASA as there is no permit trigger for a referral.

Given the 30km radius of influence around airports that is impacted by the development of wind turbines, greater information and education to councils is required. While larger 'wind farms' attract community attention, single turbine applications may not. Without a permit trigger/referral the impacts of any wind turbine may not be adequately assessed.

Guideline E Managing the risk of distractions to pilots from lighting in the vicinity of airports

New sources of significant lighting, including freeway lighting, refinery flare plumes, stadium flood lighting, and construction lighting within a 6km radius of an airport, may cause interference to aircraft approaching an airport.

The MAEO area generally covers this designated radius. As outlined above, it is usual practice to give notice of an application to Melbourne Airport. Council relies on specialist advice from the airport operator to ensure the appropriate conditions are applied to any permit issued.



There may however be instances where no planning permit is required for the provision of lighting hence the inclusion of controls in a planning scheme will not be captured. An example of this is for a freeway upgrade where lighting may be upgraded as part of urbanisation works.

This might also be an issue for the installation of signage, particularly in relation to a major promotion signage which is not considered within the MAEO but in accordance with the Framework may be an issue for Guideline E. There have been recent examples of this at Council.

Guideline F Managing the risk of intrusions into the protected operational airspace of airports

This guideline applies to the height of structures (buildings, cranes, telecommunication towers etc.) within an area known as OLS. This area often extends beyond the MAEO and there is no statutory trigger or control that requires notice to be given to the airport operator.

A new planning control, like a Design and Development Overlay, would ensure a mandatory notice to the airport operator to provide specialist advice.

Guideline G Protecting aviation facilities – communication, navigation and surveillance (CNS)

This guideline is designed to protect Air Services and Defence systems and manage the flow of aircraft.

Building Restricted Area's (BRA's) are generally defined as a 15km radius around an airport and should be kept clear of buildings, structures, plume rises, electromagnetic emissions etc. between airport transmitting and receiving devices. This area extends beyond the MAEO which is the area where notice of a permit application is given to Melbourne Airport. There are no permit application requirements to refer or guide applications that require consideration of this guideline. It is unlikely that councils have full knowledge of the location of all satellite ground stations, surveillance radar, and navigational beacons etc. In addition, there would be little understanding of the types of permit applications that would impact these facilities by councils.

Further consultation and education is required at both a state and local level.

Guideline H Protecting strategically important helicopter landing sites

There are no known helicopter landing sites within Brimbank. A notification of any future application would be given to Melbourne Airport.

Guideline I Managing the risk in public safety areas at the ends of runways

A Public Safety Area (PSA) is a designated area of land at the end of an airport runway, where development may be restricted in order to control the number of people on the ground around the runway end. The size and shape of a PSA will



depend on the location of the runway, the number of aircraft movements and the distance from take-off and landing points.

The Brimbank Planning Schemes does not have any declared PSA's, however this area may be included in the MAEO area. Any declared area would have to be determined by Airservices Australia (or other like body) and incorporated into relevant planning schemes by each State government.

To implement this guideline, the PSA should be included the MAEO area and appropriate controls should then apply.

Conclusion

While these comments are directed at the possible application of the Framework and its' guidelines, it remains the responsibility of DELWP to undertake the required changes and updates to the relevant planning schemes. It is important to note that until there is a statutory link or requirement to use the Framework, the Framework is unlikely to be effectively used.