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Dear Sir/Madam

## **SUBMISSION TO THE IMPLEMENTATION REVIEW OF THE NATIONAL AIRPORTS SAFEGUARDING FRAMEWORK**

Thank you for the opportunity to provide a submission to the review of the implementation of the National Airports Safeguarding Framework (NASF). This submission has been prepared by Council Officers and outlines the current and desired application of the NASF in a planning scheme setting.

Housing densities in Moreland are increasing exponentially consistent with State policy. This includes areas beneath extended flight paths within proximity to the Essendon Fields and Melbourne Airports that are forecast in the long term to be affected by noise.

Over the long term inappropriate development around airports can result in unnecessary constraints on airport operations and negative impacts on community amenity. The NASF seeks to ameliorate these impacts, however these need to be managed in a balanced and transparent way.

The attached submission assesses the way the Framework should be implemented into the Moreland Planning Scheme and in planning processes more generally.

Key points in the submission include:

- The Framework is referenced in Clause 18.05 of the State Planning Policy Framework, however there are no formal controls that require statutory planners to consider the NASF or the noise contours.
- The Submission identifies that the Victorian Government (DELWP) should include the Framework in all planning schemes, and that this should occur as a matter of priority, including mapping areas affected, clear permit triggers and formal referrals to ensure the Framework is considered as part of the planning process.

### **Moreland Language Link**

|            |           |                     |           |
|------------|-----------|---------------------|-----------|
| 廣東話        | 9280 1910 | हिंदी               | 9280 1918 |
| Italiano   | 9280 1911 | 普通话                 | 9280 0750 |
| Ελληνικά   | 9280 1912 | ਪੰਜਾਬੀ              | 9280 0751 |
| عربي       | 9280 1913 |                     |           |
| Türkçe     | 9280 1914 | All other languages |           |
| Tiếng Việt | 9280 1915 | 9280 1919           |           |

We look forward to hearing more about the project and a response to matters raised. If you have any further queries please contact Kim Giaquinta, Unit Manager Strategic Planning on 9355 4210 or [kgiaquinta@moreland.vic.gov.au](mailto:kgiaquinta@moreland.vic.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kirsten Coster', with a stylized flourish at the end.

Kirsten Coster  
**DIRECTOR CITY FUTURES**

20 / 11 / 2019

# Review of National Airport Safety Framework (NASF)

## Moreland City Council Submission

Moreland City Council is located in the northern region of Metropolitan Melbourne and sits east of Essendon Fields Airport and in proximity to Melbourne Airport. Within the NASF, the implementation of Guideline A (Managing Aircraft Noise) and Guideline F (Managing Protected Airspace Intrusion) are of the most relevance to Moreland as they influence amenity and development outcomes.

From a planning perspective, housing densities surrounding the airport have increased over time consistent with Metropolitan Melbourne planning policy to encourage housing within proximity to public transport, community and retail services. This has occurred in the absence of any robust airport related planning policy such as an Airport Environs Overlay (AEO) to prevent these developments or mitigate any impacts.

Council officers have reviewed the framework in light of its level of awareness across the community and submit that until there is a statutory link or requirement to use the Framework in the planning system, the Framework is unlikely to be effectively used.

### **Has the NASF has been/is being embedded in legislation/regulations?**

#### *Managing impacts of Aircraft noise*

The NASF requires that long term noise impacts are considered in strategic planning decisions only where there is potential for future communities to be unnecessarily exposed to aircraft noise. This generally is limited to proposals to rezone land to facilitate more intensive residential development within identified airport environs. This does not extend to areas forecast to 2040 (as modelled and included in the Melbourne Airport Masterplan 20198 and approved by the Federal Minister for Infrastructure, Transport and Regional Development) that will be affected by aircraft noise.

Any modelling undertaken by Melbourne or Essendon Fields Airports are included in their masterplan as required but have not been provided to affected local government authorities. Whilst useful, the Melbourne Airport Noise Tool has no status in the planning scheme and as such, no statutory obligation for inclusion on permit condition notes, enforcement or referral requirements. The NASF is referenced as a key consideration within Planning Policy Framework at Clause 18.04-1S *Planning for airports and airfields*. However, the Moreland Planning Scheme does not adequately identify those areas sensitive to current or future airport operations. This includes areas around Essendon Fields Airport and Melbourne Airport where the Australian Noise Exposure Forecast (ANEF) has intrusions into Moreland.

In the past, Moreland City Council has sought to mitigate the impacts on future development in the areas known to be affected by noise through a Development Plan Overlay – Schedule 6 (DPO6). These controls provide some level of awareness of the Melbourne Airport and the mitigation required to address noise impacts, however awareness of the Framework is absent. This Overlay affects most of Gowanbrae and requires the following condition where a planning permit is required:

*Any new dwelling must incorporate noise attenuation measures to achieve internal noise levels generally in accordance with Australian Standard 2021-1994 “Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.*

Council has previously advocated to the Melbourne and Essendon Fields Airports and in State led planning reforms that areas identified as having potential noise exposure as a result of current and future airport operations should be included in an Airport Environs Overlay (AEO). The current AEO tool in the Victorian Planning Provision is expected to be updated following the approval of the Melbourne Airport 2018 Masterplan once it is updated with the revised orientation of the third runway. This would be an opportune time for a new AEO to extend to the areas in Moreland that are forecast to be impacted by aircraft noise as shown in the endorsed ANEF boundaries.

#### *Managing intrusions into protected operational airspace of airports*

Prescribed airspace for Essendon Airport extends through Moreland City Council. Whilst the development potential (i.e. heights) of much of Moreland falls well below the Obstacle Limitation Surface (OLS) and Procedures for Air Navigation Services – Airport Operations (PANS OPS) contours, Moreland’s activity centres allow for much higher heights where it would be beneficial for the OLS and PANS OPS to be considered during the design stage. Currently there are no planning mechanisms to identify areas and manage potential intrusions into the prescribed airspace. Useful tools would include:

- Inclusion of prescribed airspace heights and surfaces within an overlay control
- Mandatory conditions directing compliance with Essendon Fields Airport
- Essendon Fields Airport inclusion as a statutory determining referral authority

Implementing such mechanisms is considered the responsibility of the Victorian State Government in collaboration with Essendon Fields Airport and affected municipal Councils. The OLS is not a consideration that is included in any planning scheme relevant to the assessment of building heights and for the purposes of transparency the area affected by the OLS should be included in the appropriate planning mechanisms specifically for referral to the appropriate airport operators. The AEO could potentially be amended to address all relevant guidelines from the Framework applicable to the local context with the relevant airport operators as the statutory referral authorities.

While Council is not advocating for the construction stage of development (i.e. the intrusion of cranes into airspace) be managed through the planning permit application process, it is common for Councils to remind applicants of their obligation to obtain approvals through other authorities at the planning permit stage. The establishment of airports as statutory referral authorities could provide this opportunity in relation to the gaining of approval from airports to intrusions during construction.

#### **Is the NASF reflected in policy, guidance and any other planning advice?**

As mentioned in the section above, DPO6 that covers areas in Gowanbrae provide the only planning advice relating to aircraft noise mitigation. Moreland City Council currently does not have access to a useful tool or mapping to accurately identify areas affected by aircraft operations within the municipality to inform policy or consideration of development applications.

#### **What impediments (if any) have there been to full implementation?**

The impediments to local government implementing the framework would require significant resources, modelling and technical support. For this reason, Council sees the Victorian State Government as the leader in facilitating this process, working in collaboration with airport providers and affected local government Councils to progress the introduction of an AEO or other planning mechanisms that can address built form considerations around airports, as well as providing mechanisms for statutory referral to the relevant airport providers in strategic locations.

**The level of awareness, consideration and use of the NASF principles and Guidelines A to I by relevant government agencies, public and private airport operators**

As stated above protected airspace and noise mitigation are the main considerations for Moreland City Council. The guidelines currently in place lack transparency and clear direction in the standard application and assessment process in planning schemes to make decisions in a Victorian setting.

**The level of industry and community stakeholder awareness and familiarity with the NASF framework and guidelines**

The purpose of the National Airports Safeguarding Framework (the Safeguarding Framework) is to enhance the current and future safety, viability and growth of aviation operations, by supporting and enabling:

- the implementation of best practice in relation to land use assessment and decision making in the vicinity of airports and strategic helicopter landing sites;
- assurance of community safety and amenity near airports and strategic helicopter landing sites;
- better understanding and recognition of aviation safety requirements and aircraft noise impacts in land use and related planning decisions;
- the provision of greater certainty and clarity for developers and land owners;
- improvements to regulatory certainty and efficiency; and
- the publication and dissemination of information on best practice in land use and related planning that supports the safe and efficient operation of airports and strategic helicopter landing sites.

As outlined in the purpose of the NASF, future airport operations need to be managed in a balanced and transparent way in each affected local planning scheme. Best practice in terms of land use includes transparency for clear decision making. There is a low level (limited to Gowanbrae and at the Pentridge development area) community stakeholder awareness of the NASF in Moreland. This may be primarily as there are no airports located within the municipal boundaries of Moreland. By applying the relevant planning tools to areas that may be affected by airport operations, enhancing the safety, viability and growth of aviation operations will be at the forefront of decision making and design considerations.