

MinterEllison

5 August 2021

BY EMAIL

The Panel Co-ordinator
Planning Panels Victoria
by email: planning.panels@delwp.vic.gov.au

Dear Panel Co-ordinator

Melbourne Airport Environs Safeguarding Standing Advisory Committee (Committee)

We refer to the above matter and confirm we continue to act for Australia Pacific Airports (Melbourne) Pty Ltd (**APAM**), the operator of Melbourne Airport.

Further to APAM's correspondence to the Committee on 13 July 2021, APAM has now had the opportunity to consider the Committee's draft controls for discussion and now **encloses** proposed refinements and amendments to those controls for the Committee's consideration ahead of the Roundtable sessions scheduled to commence on 25 August 2021.

The enclosed draft has adopted the Committee's drafting, and has made some additions and refinements to the language to better capture the intent, to better accord with accepted drafting techniques used more broadly in the Victoria Planning Provisions (**VPPs**), or to raise for consideration matters which the Committee might address in its final draft and provoke discussion at the Roundtable sessions. In preparing the enclosed draft, APAM has reviewed the suggestions made by other submitters and where appropriate, embraced the language or suggestions made by those submitters.

There are five particular issues which APAM draws to the Committee's attention, which are reflected in the enclosed draft:

1. Light glare

The Committee's draft schedule to the Melbourne Airport Environs Overlay (**MAEO**) dealing with light glare properly reflects the issue and includes mechanisms for the engagement of the planning system that are proportionate and appropriate. That said, the refinements suggested by Hume City Council and Brimbank City Council seem to better capture in drafting terms the intent and APAM would support the adoption of that drafting if the Committee also agreed, with some minor changes.

2. Wildlife strikes

As with light glare, the potential safety risk to air travellers as a result of wildlife strike has been appropriately identified and addressed in the Issues and Options Paper and the Committee's draft MAEO schedule addresses the objective of the National Airports Safeguarding Framework (**NASF**) in broad terms.

On deeper reflection however, it appears that the Committee's draft draws a distinction between activities that are intrinsically incompatible, as compared with those activities which could occur with mitigation, but without mitigation, would be incompatible. The drafting changes suggested in the enclosed draft includes for consideration the activities which, if permitted without mitigation, would be problematic. The drafting has been guided by the content of the NASF and the terms used to describe activities which have the potential to generate a risk of wildlife strike. In adopting that technique, the drafting has not sought to "shoehorn" the activities into the defined terms in the VPPs. We note that this technique employed in the Committee's draft and with respect, we agree that in this instance, this is the most appropriate course.

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We note that the "mitigation" areas extend beyond the 3 kilometre radius identified by the Committee to a distance of 8 kilometres from the ends of the runways, but for reasons which we will explain in more detail in the Roundtable sessions, this extension is unlikely to give rise to significant impacts on future development potential.

3. **Airspace controls**

The Committee's drafting approach to prescribed airspace is proportionate and appropriate. The changes suggested in the enclosed draft are directed to refinements which would limit (and significantly reduce) the area to which any control might apply by including in MAEO6B a limitation based upon the Obstacle Limitation Surface being 50 metres above natural ground level.

4. **N Contours**

The Committee's commentary in the Issues and Options Paper regarding the potential role of N Contours in the VPPs has formed the basis of APAM's review of the draft controls. Our review of the submissions suggests that there is broad support for a form of planning control which references the N Contours in some way. To facilitate discussion at the Roundtable sessions, we have prepared a draft schedule to the MAEO which tries to capture that intent in an appropriate and proportionate way, having regard to the overarching strategic objectives sought to be achieved. We look forward to a discussion in the Roundtable sessions about this drafting and any other suggestions or models that might come forward.

5. **Planning Policy Framework**

The Committee's suggested changes to the Planning Policy Framework (**PPF**) and in particular, to Clause 18.04, capture the spirit and intent of both the NASF and the discussion in the Issues and Options Paper. On closer reflection however, some drafting refinements are necessary to avoid confusion or conflation of issues. In particular, the treatment of greenfield locations in growth areas as compared with infill development in existing urban areas (and in particular, proposals for the intensification of residential development in those areas) may warrant teasing out of the nuances that apply in the consideration of both land release and development.

The language suggested in the enclosed draft is for discussion, and represents an attempt to clearly articulate the subtle differences in treatment required in different circumstances. Again, APAM looks forward to a discussion about these matters in the Roundtable sessions.

We also enclose a slightly expanded version of Clause 51.04 (Melbourne Airport Environs Strategy Plan) for the Committee's consideration. After its review of the suite of controls in the Issues and Options Paper, it seemed that there was an opportunity to expand upon and make more relevant and useful, Clause 51.04.

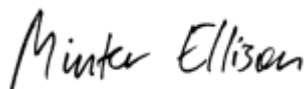
For ease of identification of APAM's changes, APAM has utilised the "track change" version of the Issues and Options Paper appendices provided by the Committee, and sought to highlight any further amendments it seeks in yellow. Additional clauses have been provided where relevant to the matters highlighted above. We have also included drafting comments to assist in understanding the rationale of the refinements or amendments.

APAM thanks the Committee for the opportunity to provide this further feedback and looks forward to engaging in the Roundtable sessions commencing on 25 August 2021.

Please contact Stephanie Mann or John Carey in relation to the above matter.

Yours faithfully

MinterEllison



Contact: Stephanie Mann [REDACTED]

[REDACTED]
[REDACTED]

enclosure

Planning and Environment Act 1987

Standing Advisory Committee

Melbourne Airport Environs Safeguarding Issues and Options Paper

23 April 2021

Appendix C Possible changes to the VPP for comment

Appendix C.1 Planning Policy Framework: Possible text changes for comment

18.04-1S PLANNING FOR AIRPORTS AND AIRFIELDS

Objective

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.

Strategies

Protect airports from incompatible land uses. [18.04-1S: s1]

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. [18.04-1S: s2]

~~Limit the intensification of sensitive uses in areas adversely affected by aircraft noise.~~

~~Avoid zoning changes that would provide for noise-sensitive developments within a 20 ANEF.~~

Plan for areas ~~around-affected by~~ all airfields so ~~that~~ the detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land [18.04-1S: s12] [18.04-1S: s12.2] where ultimate capacity or long range noise modelling for the airport indicates either:

- ~~20 or more daily events greater than 70 dB(A).~~
- ~~50 or more daily events of greater than 65 dB(A).~~
- ~~100 events or more daily events of greater than 60 dB(A).~~
- ~~6 events or more between the hours of 11pm to 6am of greater than 60 dB(A).~~

~~This includes:~~

- ~~In undeveloped areas avoid rezoning land to permit noise sensitive development.~~
- ~~In existing areas exposed to aircraft noise avoid rezoning land currently zoned for non noise sensitive uses for residential development or increased residential densities unless:~~
 - ~~The need to provide housing, economic growth and strategic planning outcomes outweighs the operational needs of the airport.~~
 - ~~The development can be undertaken in a manner that physically reduces noise impacts.~~
 - ~~Future residents are made aware of these impacts prior to purchase.~~
 - ~~The development is undertaken in a manner that physically reduces noise impacts to comply with AS2021.~~

Plan for areas ~~around-affected by~~ all airfields so: [18.04-1S: s13]

- ~~Any new use or development that could prejudice the safety or efficiency of an airfield is precluded or managed. This includes: [18.04-1S: s13.1]~~
 - ~~Buildings that have the potential to generate advise windshear to aircrafts taking off and landing.~~
 - ~~Land uses and landscaping treatments within eight kilometres of an airport that have the potential to attract avifauna and increase the risk of wildlife strike.~~
 - ~~Risk of pilot distraction from lighting glare.~~
 - ~~Protection of airspace~~
 - ~~Protection of communication navigation and surveillance facilities~~

Commented [A1]: Text proposed to be relocated to Clause 18.04-1R.

Commented [A2]: Text proposed to be relocated to Clause 18.04-1R.

Public safety at the end of runways

- 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. [18.04-15: s13.3]

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. [18.04-15: s3]

Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield. [18.04-15: s12]

[Achieve the airport specific strategies in Table 1 for the relevant airport](#)

Table 1: Airport specific strategies

Airport	Role
Melbourne Airport	Ensure the effective and competitive operation of Melbourne Airport at both national and international levels. [18.04-15: s4] Protect the curfew constraint-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation. [18.04-1R s1] Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport. [18.04-1R s1]
Avalon Airport	Protect the environs of Avalon Airport so it can operate as a full-size jet airport focussing on freight, training and services. [18.04-15: s5]
Essendon Airport	Recognise Essendon Airport's current role in providing specialised functions related to aviation, freight and logistics and its potential future role as a significant employment and residential precinct that builds on the current functions. [18.04-15: s6]
Moorabbin Airport	Recognise Moorabbin Airport as an important regional and state aviation asset by supporting its continued use as a general aviation airport, ensuring future development at the site encourages uses that support and enhance the state's aviation industry and supporting opportunities to extend activities at the airport that improve access to regional Victoria. [18.04-15: s7]
Point Cook Airfield	Maintain Point Cook Airfield as an operating airport complementary to Moorabbin Airport. [18.04-15: s8]

Preserve long-term options for a new general aviation airport south-east of Metropolitan Melbourne by ensuring urban development does not infringe on possible sites, buffer zones or flight paths. [18.04-15: s9]

Avoid the location of new airfields in areas that have greater long-term value to the community for other purposes. [18.04-15: s10]

Plan the location of airfields, nearby existing and potential development, and the land-based transport system required to serve them as an integrated operation. [18.04-15: s11]

Policy documents

- 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) [18.04-15: pd01]
- Any Master Plan approved pursuant to Part 5 of the Airports Act 1996 (Cth)
- Avalon Airport Master Plan (Avalon Airport Australia Pty Ltd, 2015) [18.04-15: pd02]
- Avalon Airport Strategy (Department of Business and Employment/AeroSpace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts [18.04-15: pd03]

Commented [A3]: Text proposed to be relocated to Clause 18.04-1R.

Commented [A4]: Refinement of language to reflect broad range of constraints which could be placed on airport operations.

- ~~Melbourne Airport Master Plan 2013 – People Place Prosperity (Australia Pacific Airports (Melbourne) Pty Ltd, 2013) [18.04-1R: pd01]~~
- ~~Any Melbourne Airport Environs Strategy Plan approved pursuant to Part 3C of the Planning and Environment Act 1987 (Vic)~~
- Melbourne Airport Strategy (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement [18.04-1R: pd01]

Commented [A5]: Replaced with reference to "any approved Master Plan" above, to avoid need to update the VPPs each time the Commonwealth Government approves a new Master Plan.

Commented [A6]: Inserted to automatically reference any approved Melbourne Airport Environs Strategy Plan pursuant to the P&E Act.

Appendix C.2 Parent provision to the MAEO: Possible text changes for comment

45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY ~~SHOWN ON THE PLANNING SCHEME MAP AS MAEO WITH A NUMBER~~

~~Shown on the planning scheme map as MAEO with a number~~

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework

To ensure that the optimum safe and efficient use of Melbourne Airport is not prejudiced.

To ensure that land use and development is consistent with the National Airports Safeguarding 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

Commented [A7]: This text has been moved from the heading immediately above (formatting change only).

Commented [A8]: Relocated to the appropriate MAEO schedule (noting that the schedules are now proposed to deal with matters beyond noise).

45.08-1 USE OF LAND

Any requirement in a schedule to this overlay must be met

45.08-2 BUILDINGS AND WORKS

Any requirement in a schedule to this overlay must be met.

A schedule to this overlay may specify that a permit is required for a:

▪ A television antenna.

▪ A flagpole.

▪ A sign

~~Any building for which a permit is required under this overlay must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics—Aircraft Noise Intrusion—Building Siting and Construction, issued by Standards Australia Limited~~

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme

Commented [A9]: Controls on signage inserted to capture potential light glare issues.

45.08-3 SUBDIVISION

~~A permit is required to subdivide land~~

~~Subdivision must occur in accordance with any lot size or other~~ Any requirement specified in a schedule to this overlay must be met.

Commented [A10]: Deleted to allow for subdivision triggers to be managed in each overlay.

45.08-4 APPLICATION REQUIREMENTS

An application must be accompanied by any information specified in a schedule to this overlay.

45.08-5 EXEMPTION FROM NOTICE AND REVIEW

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d) ~~the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.~~

Commented [A11]: Scope extended to reflect suggested elevation of the airport operator to referral authority status.

Notification requirements

~~In accordance with section 52(1)(c) of the Act, notice of an application under this overlay to use land, subdivide land or to construct a building or construct or carry out works must be given to the airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996, unless otherwise agreed in writing between the responsible authority and the airport lessee. The notice must be accompanied by a copy of the application, existing condition and development plans.~~

45.08-4 DECISION GUIDELINES

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework
- [The National Airport Safeguarding Framework](#)
- * ~~Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise~~
- * Whether the proposal is compatible with the present and future operation of the airport ~~in accordance with the current Melbourne Airport Master Plan approved in accordance with the Airports Act 1996~~
- * ~~Location of the development in relation to the criteria set out in Table 2.1 Building Site Acceptability Based on ANEF Zones in Australian Standard AS 2021 2015~~
- * ~~Whether the proposal will prejudice the optimum usage of Melbourne Airport~~
- * ~~The purposes contained in a schedule to this overlay~~
- [Any other matters and decision guidelines specified in the schedule to this overlay](#)

Commented [A12]: This decision guideline has been relocated to the relevant MAEO schedule.

Commented [A13]: This decision guideline has been relocated to the relevant MAEO schedule.

Commented [A14]: Insertion to reflect broader remit of the MAEO head clause.

Commented [A15]: Amendment to provide consistency with decision guidelines in other VPP overlay provisions.

Appendix D Possible changes to MAEO schedules

Appendix D.1 Possible MAEO Schedule 1: Possible text changes for comment

SCHEDULE 1 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as MAEO1

NOISE EXPOSURE AREA 1 – ANEF 25

Purpose

- To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure
- 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 in development

Commented [A16]: Insertion of heading for clarity.

Commented [A17]: Relocated from Clause 45.08.

Commented [A18]: Relocated from Clause 45.08.

1.0 USE OF LAND

Dwelling and Dependent person's unit

A permit is required to use land for a:

- ~~Dwelling-Dependent person's unit~~
- ~~Land must not be used for:~~
- ~~More than one Dwelling on a lot~~
- ~~More than one Dependent person's unit on a lot~~

Other use

A permit is required to use land for:

- Art and craft centre
- Bar
- Brothel
- ~~Cinema based entertainment facility~~
- Crematorium
- Display home centre
- Funeral parlour
- Host farm
- Hotel
- Home based business
- Indoor recreation facility
- Office
- Place of assembly (other than Drive-in theatre)
- Research and development centre
- Research centre
- Residential hotel
- Restricted recreation facility
- Retail premises

Commented [A19]: Deletion of this reference as cinema is captured in Place of assembly.

Commented [A20]: Host farm is captured in the Accommodation nesting diagram. Clarification is sought as to whether the Committee intends to prohibit this use.

- Veterinary centre

Land must not be used for:

- Accommodation (other than Dwelling, Dependent person's unit, Host farm and Residential hotel)
- Education centre
- Hospital

2.0 BUILDINGS AND WORKS

A permit is required to construct a building or construct or carry out works for a use in Clause 1.0

A permit is not required for the following:

- An open sided carport, verandah, pergola or other open sided structure
- A non-habitable room or outbuilding
- A swimming pool or tennis court
- An alteration or extension to a Dwelling which existed as at 14 May 2007 provided the extension is less than 50% of the floor area of the Dwelling at that date

3.0 DWELLINGS

Land must not be used for a Dwelling. This does not apply to the use of land for one Dwelling on a lot where:

- The land was used for one Dwelling at the gazettal date of [the amendment that introduced these provisions]; or
- The use of land is for one Dwelling on a vacant lot that was created prior to the gazettal date of [the amendment that introduced these provisions].

A permit is required to construct or extend one dwelling on a lot. This does not apply to an alteration or extension to a Dwelling which existed as at 14 May 2007 provided the extension is less than 50% of the floor area of the Dwelling at that date.

Any dwelling or extension to a dwelling must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.

A permit cannot be granted to construct or extend more than one dwelling on a lot.

3.4.0 SUBDIVISION

A permit is required to subdivide land.

Any subdivision of land which would increase the number of Dwellings which the land could be used for is prohibited

This does not apply to the subdivision of land to create a lot for a Dwelling in respect of which a permit has been granted

4.5.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written statement, plan or diagram outlining how the proposal incorporates the noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2015.

Commented [A21]: Amendments are proposed to:

- seek to preserve the rights of those landowners who could currently construct a dwelling on their land.
- set out all requirements relating to dwellings within a single clause, instead of throughout the schedule.

Commented [A22]: Provision relocated from Clause 45.08.

Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.

None specified

Commented [A23]: Drafting proposed to assist permit applicants in meeting the requirements of the schedule.

56.0 EXEMPTION FROM NOTICE

None specified

6.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under this schedule, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- Whether the proposal will adequately shield any building or dwelling constructed from aircraft noise.
- Location of the development in relation to the criteria set out in Table 2.1 Building Site Acceptability based on ANEF Zones in Australian Standard AS2021:2015.
- The National Airports Safeguarding Framework Guideline A.

None specified

Commented [A24]: The first two dot points have been relocated from Clause 45.08. The third decision guideline has been added to direct consideration of the most relevant NASF Guideline.

Appendix D.2 MAEO Schedule 2: Possible text changes for comment

SCHEDULE 2 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO2**.

NOISE EXPOSURE AREA 2 – ANEF 20-25

Purpose

To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.

[To assist in shielding people from aircraft noise impacts by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.](#)

[To provide for appropriate levels of noise attenuation within development.](#)

10 USE OF LAND

Dwelling

A permit is required to use land for a dwelling.

The development of a single lot for two or more dwellings must not exceed a density of one dwelling per 300 square metres.

Commented [A25]: This requirement has been relocated to a new sub-heading under Clause 2.0 (Buildings and Works).

Other use of land

A permit is required to use the land for:

- Accommodation.
- Arts and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

20 BUILDINGS AND WORKS

A permit is required to construct a building or construct or carry out works for a use in Clause 1.0, **including where constructing a building or carrying out of works is associated with a change of use to a use listed in Clause 1.0.**

Commented [A26]: Text added to clarify that a permit is required for buildings and works where a change in use is sought.

[Any building for which a permit is required for under this Schedule must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.](#)

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.

A permit is not required to construct the following:

- An open sided carport, verandah, pergola or other open sided structure.
- A non-habitable room or outbuilding.
- A swimming pool or tennis court.
- An alteration or extension to a Dwelling which existed as at 14 May 2007 provided the extension is less than 50% of the floor area of the Dwelling at that date-

Dwellings

The development of a single lot for two or more dwellings must not exceed a density of one dwelling per 300 square metres.

Commented [A27]: Relocated as noted above.

3.0 SUBDIVISION

A permit is required to subdivide land.

Each lot must be at least 300 square metres.

A permit may be granted to create smaller lots:

- If the responsible authority is satisfied the lots will not be used for Accommodation; or
- Provided the average area of all lots is not less than 300 square metres. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided.

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under this schedule, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written statement, plan or diagram outlining how the proposal incorporates the noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.

~~None specified~~

Commented [A28]: Drafting proposed to assist permit applicants in meeting the requirements of the schedule.

5.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- ~~Whether the proposal will adequately shield any building or dwelling constructed from aircraft noise. Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise.~~
- Location of the development in relation to the criteria set out in Table 2.1 Building Site Acceptability Based on ANEF Zones in Australian Standard AS 2021-2015.
- The National Airports Safeguarding Framework Guideline A.

Commented [A29]: Refinement proposed to this decision guideline to consider qualitative outcomes sought by the schedule.

Appendix D.3 Possible new MAEO Schedule: Windshear protection

SCHEDULE 3 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO3**.

To be applied

- 1200 metres perpendicular from the runway centreline (or extended runway centreline)
- 900 metres beyond the runway threshold towards the landside of airport
- 500 metres from the runway threshold along the runway.

WINDSHEAR PROTECTION AREA

Purpose

To ensure that the risk to aircraft from building windshear is ~~considered~~ limited.

Commented [A30]: Drafting refined to seek limitation of the effect of windshear on aircraft.

1.0 USE OF LAND

None specified

2.0 BUILDINGS AND WORKS

A permit is required to construct a building or to construct or carry out works.

A building ~~Building~~ should be located at least 35 times the height of the building (above runway level) from the centre line ~~or extended centre line~~ of the runway.

Commented [A31]: Drafting refined to require a permit for buildings and works under this schedule, due to the technical nature of this overlay and the limited area of its application.

The relevant runway height levels in AHD are:

- LIST RUNWAY HEIGHTS FOR EASE OF USE

Commented [A32]: Text inserted to reflect intended application of overlay, as stated above.

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The height of the building to AHD
- As assessment from a qualified wind expert if the requirement in Clause 2.0 is not met.

5.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under this schedule, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- The potential risk to aircraft caused by windshear from the building.
- The National Airports Safeguarding Framework Guideline ~~B~~.

Commented [A33]: Text added to create consistency with other decision guideline clauses in the VPPs.

Commented [A34]: Insertion of reference to the relevant NASF Guideline to assist in decision-making.

Appendix D.4 Possible new MAEO Schedule: Wildlife strike buffer

SCHEDULE 4 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO4**.

POTENTIAL WILDLIFE STRIKE AREA

To be applied

Within an 8-3 kilometre radius of the ends of the runways.

Purpose

To ensure that the risk to aircraft from land uses and landscaping that attract birds is considered.

Commented [A35]: The commentary in NASF Guideline C regarding the need to actively "mitigate" particular uses in the 3 – 8km zone suggests it may be appropriate to expand the application of this overlay.

10 USE OF LAND

Uses should ensure that waste is covered and collected so that it is inaccessible to birds and bats.

A permit is required for a:

- Turf farm.
- Piggery.
- Fruit tree farm.
- Fish processing/packaging plant.
- Wildlife sanctuary/ conservation ~~are wetland~~.
- Showground.
- Food processing plant.
- Food / organic waste facility.
- ~~Putrescible waste facility – landfill.~~
- ~~Putrescible waste facility – transfer station.~~
- ~~Cattle / dairy farm.~~
- ~~Poultry farm.~~
- ~~Racetrack.~~
- ~~Horse riding school.~~
- ~~Golf course.~~
- ~~Sports facility.~~
- ~~Park / playground.~~
- ~~Picnic / camping ground.~~
- ~~Wastewater treatment plant.~~

Comment: These are the land use terms used in the NASF

Commented [A36]: Addition of activities which require "mitigation" within the 3 – 8km radius as defined by NASF Guideline C.

20 BUILDINGS AND WORKS

A permit is required to construct a building or to construct or carry out works associated with a use in Clause 10.

Commented [A37]: Insertion of a permit requirement for buildings and works in association with the above activities.

Development involving landscaping or drainage works, including artificial water bodies, are designed and constructed to minimise the potential to attract birds and bats.

3.0 SUBDIVISION

A permit is required to subdivide land if it the subdivision includes a wetland or other waterbody.

None specified

Commented [A38]: This permit trigger is proposed on the basis that a subdivision for dwellings may create a lot which is associated with a wetland or waterbody.

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under this schedule, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application for use of land, buildings and works or a subdivision (where the subdivision includes a wetland), must include a Wildlife Management Plan outlining the risk of wildlife strike resulting from the activities on the land and proposed mitigation strategies to minimise the potential to attract birds and bats.

None specified

Commented [A39]: Application requirements inserted to assist applicants responding to the purpose of this overlay.

5.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under this schedule, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- The potential risk to aircraft caused by the attraction of wildlife.
- The National Airports Safeguarding Framework Guideline C.

Commented [A40]: Updated to provide consistent formatting with other schedules, and introduce a reference to the most relevant NASF Guideline.

Appendix D.5 Possible new MAEO Schedule: Light glare protection

SCHEDULE 5 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAE05**.

POTENTIAL LIGHT GLARE RISK TO AIRCRAFT AREA

To be applied

The area of application is shown diagrammatically in [Error! Reference source not found.](#) ~~Figure 11~~

Purpose

To ensure that the risk to aircraft from light glare is ~~considered~~ limited.

Commented [A41]: Proposed refinement of drafting to reflect safety risks associated with light glare.

10

USE OF LAND

A permit is required to use land for

- Store (sea container yards)
- Transport terminal (wharf)
- Earth and energy resources (refinery flare plume)
- Leisure and recreation (outdoor recreation and sporting facility lighting)

None specified

Commented [A42]: Amended to reflect the approach proposed by Hume City Council and Brimbank City Council.

Commented [A43]: Expanded to include reference to outdoor recreation / sporting facility lighting, which could create glare.

20

BUILDINGS AND WORKS

A permit is required to construct a building or construct or carry out works for a use in Clause 1.0.

A permit is required to construct roadworks associated with motorway and freeway lighting.

A permit is required to construct or put up for display a sign, if the sign is illuminated.

This overlay applies to:

- motorway and freeway lighting
- sea container yards
- wharves
- refinery flare plumes
- stadium flood lighting.

The luminous intensity of light measure at three degrees above the horizontal should of externally visible lighting must not exceed the value specified in Table 1.

The luminous intensity requirements of Table 1 must be measured at three degrees above the horizontal.

Commented [A44]: Permit trigger inserted for illuminated signage.

Commented [A45]: Redrafted for clarity and to create a mandatory requirement for compliance.

Table 1: Maximum luminous intensity

Area	Maximum luminous intensity
Shown as MAE05A	0 candela
Shown as MAE05B	50 candela
Shown as MAE05C	150 candela
Shown as MAE05D	450 candela

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A statement from an appropriately qualified person **as outlining** the intensity of the light glare.

Commented [A46]: Formatting change.

5.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- The potential risk to aircraft caused by pilot distraction from lighting.
- The National Airports Safeguarding Framework Guideline [E]

Commented [A47]: Amended to achieve consistency with other provisions and include reference to the most relevant NASF Guideline.

Appendix D.6 Possible new MAEO Schedule: Aviation Obstacle Height Limitation

SCHEDULE 6 TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO6**.

AVIATION OBSTACLE HEIGHT LIMITATION AREA

To be applied	
MAEO6A	Where the OLS is less than 10 metres above natural ground level.
MAEO6B	Other areas where the OLS applies up to height of 50 metres above natural ground level.

Purpose

To ensure the height of buildings and works do not exceed the Obstacle Limitation Surface of Melbourne Airport without express consent from the relevant airspace manager.

1.0 USE OF LAND

None specified

2.0 BUILDINGS AND WORKS

A permit is required to construct a building or to construct or carry out works in MAEO6A.

A permit is not required to construct a building or to construct or carry out works in MAEO6B above a height of 10 metres above natural ground level if consent has been obtained from the relevant airspace manager.

Buildings and works must not be taller than Obstacle Limitation Surface for Melbourne Airport without express consent from the relevant airspace manager.

A permit is required for a television antenna or flagpole taller than Obstacle Limitation Surface for Melbourne Airport without express consent has been obtained from the relevant airspace manager.

The Committee's reading of Clause 62.02-2 of the VPP is that for television antenna and flagpoles mandatory requirements cannot be applied. Requirements only apply 'if a permit is specifically required for any of these matters'.

3.0 SUBDIVISION

None specified

4.0 APPLICATION REQUIREMENTS

The following application requirements apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Table 1: Information to be supplied

Area	Information to be supplied
Shown as MAEO6A	The height of the building or works in AHD.

Commented [A48]: Formatting amendment to reflect correct MAEO numbering.

Commented [A49]: Drafting refined to limit the application of MAEO6B to areas where the OLS applies up to a height of 50 metres above natural ground level (cf at any height).

Commented [A50]: Permit triggers have been required to reflect the application thresholds above.

Commented [A51]: Drafting change to expression only.

Commented [A52]: Formatting change as above.

Shown as MAE05B	A building of three or more storeys or works taller than 10 metres above natural ground level must show the height of the building or works in AHD.
-----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

5.0 DECISION GUIDELINES

The following decision guidelines apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority

- The National Airports Safeguarding Framework Guideline F.
- Airports (Protection of Airspace) Regulations 1996.
- The effect of any application on the optimum usage of Melbourne Airport.

~~None specified.~~

Commented [A53]: Amended to achieve consistency with other provisions and include reference to the most relevant NASF Guideline.

Appendix D.7 Land uses that would require control in a possible new MAEO Schedule: Public Safety Area protection

Consistent with the UK approach to Public Safety Areas, this Guideline suggests a balanced approach with the Public Safety Area made up of two different areas:

- **Outer area = 1 in 100,000 (1×10^{-5}) risk level per year**
This identifies the area (or risk contour) within which, any person living or working for a period of a year, has approximately a 1 in 100,000 chance per year of being killed as a result of an aircraft incident (see Figure 1).
- **Inner area = 1 in 10,000 (1×10^{-4}) risk level per year**
This identifies the higher risk area (or risk contour) immediately adjoining the end of the runway within which, any person living or working for a period of a year, has approximately a 1 in 10,000 chance per year of being killed as a result of an aircraft incident (see Figure 1).

The dimensions of the two areas are dependent on a range of airport specific factors (such as forecasts about the numbers and types of aircraft movements).

PUBLIC SAFETY AREA	COMPATIBLE USES	INCOMPATIBLE USES/ACTIVITIES
OUTER AREA - 1 in 100,000	<ul style="list-style-type: none"> • Long stay and employee car parking (where the minimum stay is expected to be in excess of six hours) • Shorter stay car parking (with a safety case – depends on intensity of use) • Built development for the purpose of housing plant or machinery and would require no people on site on a regular basis, such as electricity switching stations or installations associated with the supply or treatment of water • Golf courses, but not club houses (provided appropriate mitigation measures are in place to reduce wildlife attraction risk - see NASF Guideline C) • Open storage and types of warehouses with a very small number of people on site. The planning authority could consider imposing conditions to prevent future intensification of the use of the site and limit the number of people to be present on the site • Developments which require few or no people on site on a regular basis such as buildings housing plant or machinery • Low intensity public open space 	<ul style="list-style-type: none"> • Accommodation activities: This includes dwelling houses, multiple dwellings, resort complexes, tourist park, hostels, retirement villages or other residential care buildings • Community activities: educational establishment, community centres, hospitals, theatres, child-care and playgrounds, detention facilities, place of worship • Recreation activities: This includes parks, outdoor recreation and sport, major sport and entertainment facilities • Entertainment and centre activities: Shopping centres, service stations, showrooms, markets, hotels, theatres, tourist attraction, garden centres • Industrial and commercial uses involving large numbers of workers or customers: Intensive uses such as high impact, medium and low impact industry, warehousing, services industry • Manufacture or bulk storage of flammable, explosive or noxious materials • Public passenger transport infrastructure: This includes bus, train and light rail stations

**INNER AREA –
1 in 10,000**

- **Long stay and employee car parking** (where the minimum stay is expected to be in excess of six hours)
- **Built development for the purpose of housing plant or machinery** and would require **no people** on site on a regular basis, such as electricity switching stations or installations associated with the supply or treatment of water
- **Golf courses, but not club houses** (provided appropriate mitigation measures are in place to reduce wildlife attraction risk - see NASF Guideline C)
- **Accommodation activities:** This includes dwelling houses, multiple dwellings, resort complexes, tourist park, hostels, retirement villages or other residential care buildings
- **Community activities:** educational establishment, community centres, hospitals, theatres, child-care and playgrounds, detention facilities, place of worship
- **Recreation activities:** This includes parks, outdoor recreation and sport, major sport and entertainment facilities
- **Entertainment and centre activities:** Shopping centres, service stations, showrooms, markets, hotels, theatres, tourist attraction, garden centres
- **Industrial and commercial uses involving large numbers of workers or customers:** Intensive uses such as high impact, medium and low impact industry, warehousing, services industry
- **Manufacture or bulk storage of flammable, explosive or noxious materials**
- **Public passenger transport infrastructure:** This includes bus, train and light rail stations

Appendix E Clause 52.15 Heliport and Helicopter Landing Site: Text changes for comment

HELIPORT AND HELICOPTER LANDING SITE

To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

[The ensure that heliports and helicopter landing sites do not adversely impact the operation of airports.](#)

52.15-1 PERMIT REQUIREMENT

A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

Table of exemptions for use

No permit is required to use land for a helicopter landing site if any of the following apply:

Emergency services	The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.
Agriculture	The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.
Public land management	The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following: <ul style="list-style-type: none"> ▪ The Department of Environment, Land, Water and Planning; ▪ The Department of Economic Development, Jobs, Transport and Resources; or ▪ Parks Victoria, whether on private land or not.
General	The helicopter landing site is located ; where either: <ul style="list-style-type: none"> ▪ The helicopter landing site is located outside the controlled airspace of an airport "control zone" of an airport pursuant to the Airspace Regulations 2007 (Cth). ▪ The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided: <ul style="list-style-type: none"> • The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements). • Flight movements do not take place before 7am or after sunset on a weekday. • Flight movements do not take place before 8am or after sunset on a weekend or holiday; and ▪ The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne.

Commented [A54]: Drafting amended to create cumulative requirements to obtain the benefit of a permit exemption.

Commented [A55]: Replacement of "controlled airspace" to a defined term within the relevant Regulations.

52.15-2 Application requirements

An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
 - –Site boundaries and dimensions.
 - The current land use.
 - The existing siting and layout of buildings and works.
 - The proposed siting and layout of buildings and works.
 - Existing vegetation and proposed vegetation removal.
 - Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
 - The siting and use of buildings on adjacent properties.
 - – The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.
- A written report which:
 - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
 - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or – Providing an acoustic report by a suitably qualified consultant.
 - Includes details of the proposed frequency of flight movements.
 - Includes the proposed hours of operation.

52.15-3 DECISION GUIDELINES

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
- [The effect of the proposal on the efficient operation of any airport.](#)
- [The effect of the proposal on the optimum usage of Melbourne Airport.](#)

Commented [A56]: Insertion of new decision guideline specific to Melbourne Airport.

11.02-1S

31/07/2018
VC148

Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- **The effects of aircraft operations (such as noise) in regulating and restricting the use and development of affected land.**
- Service limitations and the costs of providing infrastructure.

Monitor development trends and land supply and demand for housing and industry.

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

Restrict rural residential development that would compromise future development at higher densities.

Policy guidelines

Consider as relevant:

- Victorian Government population projections and land supply estimates.
- **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)**

Commented [ME1]: Drafting inserted to clarify relevance of aircraft operations.

Commented [ME2]: Drafting inserted to guide consideration of airport operations in early urban planning.

11.03-1S

31/07/2018
VC148

Activity centres

Objective

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies

Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres.

Give clear direction on preferred locations for investment.

Encourage a diversity of housing types at higher densities in and around activity centres.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

Ensuring new residential development provides appropriate protection from adverse amenity impacts including noise

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009)
- *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)

Commented [ME3]: Drafting inserted to encourage consideration of how to protect future development from amenity impacts.

Commented [ME4]: Drafting inserted to guide consideration of the impacts of airport operations in activity centre planning.

11.03-2S

31/07/2018
VC148

Growth areas

Objective

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies

Concentrate urban expansion into growth areas that are served by high-capacity public transport.

Implement the strategic directions in the Growth Area Framework Plans.

Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.

Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.

Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.

Provide a diversity of housing type and distribution.

Retain unique characteristics of established areas impacted by growth.

Protect and manage natural resources and areas of heritage, cultural and environmental significance.

Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop Growth Area Framework Plans that will:

- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.
- Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas, including quarry buffers.

Develop precinct structure plans consistent with the *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009) approved by the Minister for Planning to:

- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.

- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

Policy documents

Consider as relevant:

- *The Victorian Transport Plan* (Victorian Government, 2008)
- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009)
- *Ministerial Direction No. 12 – Urban Growth Areas*
- *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)*

Commented [ME5]: Drafting inserted to guide consideration of the impacts of airport operations in growth area planning.

13.05-1S

31/07/2018
VC148

Noise abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy documents

Consider as relevant:

- *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*
- *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* in metropolitan Melbourne
- *Interim Guidelines for Control of Noise from Industry in Country Victoria* (Environment Protection Authority, 1989)
- *A Guide to the Reduction of Traffic Noise* (VicRoads 2003)
- *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) – Guideline [A](#)*

Commented [ME6]: Drafting included confirm relevance of aircraft-specific noise guidelines.

13.07-1S

26/05/2020
VC175

Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial, **airport operations** and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Commented [ME7]: Drafting included confirm relevance of airport operations to land use compatibility considerations.

Policy documents

Consider as relevant:

Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013).

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

Commented [ME8]: To supplement / provide guidance to strategy above.

18.01-1S

31/07/2018
VC148

Land use and transport planning

Objective

To create a safe and sustainable transport system by integrating land use and transport.

Strategies

Develop integrated and accessible transport networks to connect people to jobs and services and goods to market.

Plan urban development to make jobs and services more accessible by:

- Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
- Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.
- Focussing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.

Integrate public transport services and infrastructure into new development.

Improve transport links that strengthen the connections to Melbourne and adjoining regions.

Policy documents

Consider as relevant:

- *The Victorian Transport Plan* (Victorian Government, 2008)
- *Public Transport Guidelines for Land Use and Development* (Victorian Government, 2008)
- *Cycling into the Future 2013-23* (Victorian Government, 2012)
- *Principal Public Transport Network 2017* (Department of Economic Development, Jobs, Transport and Resources, 2017)
- *Any Melbourne Airport Environs Strategy Plan approved under Part 3C of the Planning and Environment Act*
- *Any Master Plan approved under Part 5 of the Airports Act 1996* (Cth)

Commented [ME9]: References inserted to supplement transport strategies with relevant Melbourne Airport documentation.

18.04-1R Melbourne Airport

Strategies

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

Commented [ME10]: Drafting refined to reflect range of potential impacts on airport operations.

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

This includes the intensification of urban development and the cumulative impact of:

- Buildings that have the potential to generate ~~adverse~~-adverse windshear to aircrafts taking off and landing
- Land uses and landscaping treatments that have the potential to attract avifauna and increase the risk of wildlife strike
- Risk of pilot distraction from glare, including lighting glare
- Protection of airspace
- Protection of communication navigation and surveillance facilities
- Public safety at the end of runways

Commented [ME11]: Relocated from clause 18.04-1S, with minor amendments to particularly refer to lighting glare.

Limit the intensification of Accommodation (other than Residential hotel), Education centre, Hospital or other noise sensitive uses in areas adversely affected by aircraft operations including noise.

Commented [ME12]: Relocated from Clause 18.04-1S, otherwise as drafted by the Committee.

Avoid zoning changes that would provide for development of sensitive uses within a 20 ANEP.

Plan for areas around Melbourne Airport so that the detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land [18.04-1S: s13] [18.04-1S: s13.2] where ultimate capacity or long range noise modelling for the airport indicates either:

Commented [ME13]: Relocated from Clause 18.04-1S, otherwise as drafted by the Committee.

- 20 or more daily events greater than 70 dB(A).
- 50 or more daily events of greater than 65 dB(A).
- 100 events or more daily events of greater than 60 dB(A).
- 6 events or more between the hours of 11pm to 6am of greater than 60 dB(A).

This includes:

- Avoiding or managing as appropriate the release of land by rezoning to permit residential development or other noise-sensitive uses.
- In designated urban growth areas exposed to aircraft noise ensure that:
 - Precinct planning seeks to avoid or minimise as appropriate the impact of aircraft noise on future residents.
 - The planned development can be undertaken in a manner that physically reduces noise impacts to provide acceptable internal residential amenity.
 - Residential densities should be equal to or less than the required minimum densities for urban growth areas.
 - Future residents are made aware of the potential impacts of airport operations, including noise, prior to purchase.
 - The planned development is undertaken in a manner that physically reduces noise impacts.

Commented [ME14]: Drafting suggested to reflect potential differences between planning for release of land / urban growth areas / established urban areas.

- In established urban areas exposed to aircraft noise, avoid the rezoning of land and / or the development of land facilitating residential development or increased residential densities unless all of the following apply:

Commented [ME15]: Relocated from Clause 18.04-1S, with some proposed amendments to the Committee's drafting to create cumulative requirements.

- The need to provide housing, economic growth and strategic planning outcomes outweighs the operational needs of the airport and ensures the continuing constraint free operations of the airport;
- The location is in an area identified for extensive residential growth;
- The development can be undertaken in a manner that physically reduces noise impacts to provide residential amenity;
- Future residents are made aware of these impacts prior to purchase; and
- The development is undertaken in a manner that physically reduces noise impacts.

Policy documents

Consider as relevant:

- Any Master Plan approved for Melbourne Airport under Part 5 of the Airports Act 1996 (Cth)
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*
- Any Melbourne Airport Environs Strategy Plan approved under Part 3C of the Planning and Environment Act (Vic)

Commented [ME16]: Drafting refined to allow for automatic reference to the most up to date Master Plan for Melbourne Airport.

Commented [ME17]: Drafting amended to allow consideration of any approved MAESP.

51.04

31/07/2018
VC148

MELBOURNE AIRPORT ENVIRONS STRATEGY PLAN

Scope/Purpose

To ensure consistency between this planning scheme and the Melbourne Airport Environs Strategy Plan pursuant to the requirements of Part 3C of the *Planning and Environment Act 1987*.

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

To protect the constraint free status of Melbourne Airport and ensure any new use or development and any expansion of an existing noise sensitive use does not prejudice its operation.

To ensure any new use or development and any expansion of an existing noise sensitive use does not prejudice the optimum usage of Melbourne Airport.

51.04-1 Application

This clause applies to all land identified in MAEO1, MAEO2, MAEO3-MAEOX, also shown in Map to Clause 51.04-6.

51.04-2 Interpretation

If there is an inconsistency between any provision in this clause or a schedule to this clause and any other clause or provision of the XX Planning Scheme, the requirements of this clause or a schedule to this clause prevail.

51.04-3 Use of Land

Use of land in the noise exposure overlays (MAEO1, MAEO2 & XXX)

51.04-4 Development of Land

Development in Aviation Prescribed Height Limitation Area.

This clause applies to any buildings and works or temporary buildings and works exceeding 50 metres above natural ground level in any location in Metropolitan Melbourne, Greater Geelong, Moorabool, Hepburn, Macedon Ranges, Mitchell or Murrindindi.

A permit is not required if the buildings and works (including temporary works) will not penetrate the Obstacle Limitation Surface associated with Melbourne Airport.

A permit is required if the buildings and works (including temporary works) will penetrate Obstacle Limitation Surface associated with Melbourne Airport.

51.04-5 Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the Municipal Planning Strategy and the Planning Policy Framework.

51.04-6 Melbourne Airport Area of Influence

[map to be inserted]

SCHEDULE X TO THE MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEOX**.

NOISE EXPOSURE AREA 3 – N60-N70 CONTOUR AREA

Purpose

XX/XX/2020
Proposed
VCXX

To identify areas that are or will be subject to moderate levels of aircraft noise based on the Noise Above 60 decibels (N60), Noise Above 65 decibels (N65) and Noise Above 70 decibels (N70) contours.

To assist in shielding people from aircraft noise impacts by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.

1.0

Use of land

XX/XX/2020
Proposed
VCXX

None specified.

2.0

Buildings and works

XX/XX/2020
Proposed
VCXX

A permit is not required to construct a building or to construct or carry out works, provided the requirements of this clause are met.

Any building associated with the use of land for Accommodation, Education centre or Place of assembly must achieve the required Aircraft Noise Reduction (ANR) requirements determined according to Clause 3.2 and Table 3.3 of Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.

3.0

Subdivision

XX/XX/2020
Proposed
VCXX

None specified.

4.0

Application requirements

XX/XX/2020
Proposed
VCXX

None specified.

5.0

Decision guidelines

XX/XX/2020
Proposed
VCXX

The following decision guidelines apply to an application for a permit under Clause 45.08, in addition to those specified in Clause 45.08 and elsewhere in the scheme, which must be considered, as appropriate by the responsible authority:

- Whether the proposal will adequately shield any building or dwelling constructed from aircraft noise.
- The National Airports Safeguarding Framework Guideline A.