



Town Planning Evidence Statement

Melbourne Airport Environs Standing Advisory Committee

Part B

Prepared for Australia Pacific Airports (Melbourne) Pty Ltd

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Table of Contents

1. INTRODUCTION	2
My evidence	2
Summary of Opinion.....	3
2. THE VICTORIA PLANNING PROVISIONS' APPROACH TO SAFEGUARDING	5
What is the VPP approach to airport safeguarding?	5
The evolution of the VPPs.....	12
3. IMPLEMENTING RECOMMENDATIONS FOR IMPROVEMENT	15
What are the recommendations for improvement?.....	15
Addressing Noise Impacts Through the MAEO.....	16
Introducing New Overlays to Address Lighting, Obstacles, Obstructions and Wildlife	17
Better utilising the Melbourne Airport Environs Overlay to address airport safeguarding.....	25
Planning Requirements for Helicopter Landing Sites	28
Planning Policies for Melbourne Airport	29
Referral Authority Status to Melbourne Airport.....	30
Creation of a Melbourne Airport Area of Influence	32
Preparation of a Planning Practice Note	33
4. CONCLUSION	35
5. REQUIREMENTS UNDER PLANNING PANELS VICTORIA'S GUIDE TO EXPERT EVIDENCE	36
APPENDIX A: PROPOSED CHANGES TO MAEO	38
APPENDIX B: MY INSTRUCTIONS	39





1. INTRODUCTION

1. I received instructions from Minter Ellison, acting on behalf of Australia Pacific Airports (Melbourne) Pty Ltd¹ ('APAM') to prepare a statement of evidence for the Melbourne Airport Environs Safeguarding Standing Advisory Committee ('MAESSAC') – Part B.
2. These Part B proceedings consider whether improvements to the planning provisions safeguarding Melbourne Airport and its environs are required, as well as whether any supporting material (such as practice guidance) is necessary.

My evidence

3. My instructions are attached at **Appendix A**.
4. Specifically, I have been asked to:
 - Consider whether the current framework for airport safeguarding, including that in the Victoria Planning Provisions (VPPs) is effective, having regard to the submission made to the Committee by APAM; and
 - Consider how, if changes are required, changes could be implemented within or outside of the VPPs.
5. My evidence is focused on critiquing the way in which the Victoria Planning Provisions ('the VPPs') respond to the need to safeguard the environs of Melbourne Airport.
6. I have particularly considered Mr Barlow's evidence, which takes a 'strategic planning' approach to the same exercise of reviewing the framework for airport safeguarding. I have been asked to consider Mr Barlow's evidence and his recommendations and whether they can be implemented within the architecture of the VPPs, or whether changes would be necessary to achieve those changes, if I support such changes.

¹ Australia Pacific Airports (Melbourne) Pty Ltd is the airport-lessee and operator of Melbourne Airport.





7. In preparing this statement, I have:

- Considered the VPPs and most particularly, those provisions which relate to Melbourne Airport and its environs (including policy and controls);
- Read the *Melbourne Airport Strategy 1990*;
- Read the *Melbourne Airport Environs Strategy Plan 2003*;
- Read the *Melbourne Airport Master Plan 2018*;
- Considered the *National Airports Safeguarding Framework* (May 2012) and its additions;
- Considered *Plan Melbourne 2017-2050*, along with previous metropolitan strategies, including *Melbourne 2030* and *Planning Policies for the Melbourne Metropolitan Region, November 1971*;
- Reviewed the submissions to the Melbourne Airport Environs Safeguarding Standing Advisory Committee;
- Considered the *Practitioner's Guide to Victorian Planning Schemes*; and
- Considered relevant Ministerial Directions, including (particularly) the Ministerial Direction on the Form and Content of Planning Schemes.

Summary of Opinion

8. My opinion is set out at **Sections 2 and 3** of this Statement.

9. In summary, my opinion is that:

- Melbourne Airport serves an important role for the state and national economies. Its unique and important status is recognised and must be protected;





- It is desirable to review the planning framework that applies to Melbourne Airport to take advantage of the evolution of the VPPs and provide stronger protection for the Airport and its environs;
- The National Airports Safeguarding Framework should be embedded within planning schemes. In my view, the most effective mechanism to achieve this is through an expanded application of the MAEO;
- There are mechanisms to allow APAM to be a referral authority (whether that be determining or recommending) of certain applications within these overlays;
- Consideration should be given to requiring a stronger consideration of the Airport and its environs in strategic planning decision making; and
- Other mechanisms such as introducing practice notes and an Airport Area of Influence are desirable.





2. THE VICTORIA PLANNING PROVISIONS' APPROACH TO SAFEGUARDING

What is the VPP approach to airport safeguarding?

10. At the time of the commencement of new format planning schemes, the Victorian planning system's approach to the safeguarding of Melbourne Airport was primarily driven by the application of State policy² and the Airport Environs Overlay³. Save for the introduction of the Melbourne Airport Environs Overlay (the MAEO) in 2007, this approach remains largely the same today.
11. The objective for airfields (including Melbourne Airport)⁴ within the (then) State Planning Policy Framework at the advent of new format schemes sought:

To facilitate the siting of airfields and extensions to airfields, restrict incompatible land use and development in the vicinity of airfields, and recognise and strengthen the role of airfields as focal points within the State's economic and transport infrastructure.

12. Geographical strategies for Melbourne Airport noted:
 - *Planning for areas around Melbourne Airport should:*
 - *Strengthen the role of Melbourne Airport as a key focal point within the State's economic and transport infrastructure.*
 - *Ensure the effective and competitive operation of Melbourne Airport at both national and international levels.*
 - *Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.*
 - *Ensure any new use or development does not prejudice the curfew-free operation of Melbourne Airport.*

² Used by planning authorities to inform strategic plan use and development policies and responsible authorities to assist in the exercise of discretion.

³ Used principally by responsible authorities to exercise discretion.

⁴ At Clause 18.04-1, as amended by Amendment V3.





13. New format planning schemes for Brimbank, Hume, Melton and Moonee Valley each acknowledged the role and importance of Melbourne Airport in local policy at Clauses 21 and 22. These schemes (among others in proximity to other airfields, such as Moorabbin and Bendigo) also introduced the Airport Environs Overlay, which largely reflected the interim Melbourne Airport Environs Areas Overlay 1, which had been applied on an interim basis since 1992.⁵
14. The Airport Environs Overlay:
 - Sought (through its Purpose) to identify areas subject to high levels of aircraft noise, to shield and limit people being subject to the impact of aircraft noise and to ensure development and land use were compatible with the operations of the airport;
 - Allowed the schedule to the zone to establish requirements for the use of land. These schedules prohibited some land uses and required permits for others;
 - Required the construction of buildings to comply with noise attenuation measures set out in Australian Standard AS2021;
 - Required a permit to subdivide land; and
 - Established decision guidelines which considered whether the proposal would increase the number of dwellings and people affected by aircraft noise, whether the proposal was compatible with the present and future operations of the airport and the views of the airport owner.
15. The Schedules to the Airport Environs Overlay included provisions requiring referral of certain applications to airport owners under Section 55 of the *Planning and Environment Act 1987*.
16. Subsequent amendments to the VPPs have made various changes to the statutory context for airport safeguarding, particularly for Melbourne Airport. These amendments are:

⁵ Melbourne Airport Environs Strategy Plan, p. 5.





- Amendment VC7, which made changes to the SPPF to require responsible and planning authorities to have regard to the Melbourne Airport Master Plan (1998) and amended the Airport Environs Overlay to establish the lessee of Melbourne Airport in decision guidelines⁶ and as a referral authority for certain applications⁷;
 - Amendment VC30, which introduced the MAEO, made changes to the SPPF to reference Australian Noise Exposure Forecast (ANEF) and deleted referral requirements under the Schedule to the Airport Environs Overlay. At the same time, the airport lessee of Melbourne Airport was designated as a notice authority; and
 - Amendment VC128, which amended Clauses 18.04-1 (Melbourne Airport) and 18.04-2 (Planning for Airports) to include the National Airports Safeguarding Framework ('the NASF') as a policy guideline and updated reference to the Melbourne Airport Master Plan 2013.
17. The introduction of the MAEO has been the most significant change to the safeguarding of Melbourne Airport since the commencement of new format planning schemes. Its introduction arose from the recommendations of the *Melbourne Airport Environs Strategy Plan 2003*.
18. The MAEO replaced the Airport Environs Overlay (to the extent that it applied to Melbourne Airport), with mapping of the schedules to this overlay based on 2003 ANEF noise exposure contours. The introduction of the MAEO also resulted in the airport lessee company losing its referral authority status and instead receiving notice of applications under section 52 of the Act.
19. Since its introduction in 2007, the MAEO is the primary planning tool for considering the impacts of land use and development on Melbourne Airport. Its consideration of impacts is largely restricted to the impact and management of aircraft noise.

⁶ Prior to this amendment, the decision guideline referred only to 'the views of the airport owner'.

⁷ Prior to this amendment, a Schedule to the AEO could specify that an application be referred to an airport owner under Section 55 of the Act. This amendment outlined that in the case of Melbourne Airport, the airport owner is the lessee of the airport lease for Melbourne Airport.





20. The Purpose of the MAEO includes:

- *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.*

21. The MAEO specifies that any building for which a permit is required under the overlay must be constructed 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.

22. The overlay also allows schedules to introduce requirements (including permit requirements) for the use of land, buildings and works and subdivision.

23. Notice⁸ of any permit applications triggered under the overlay is required to be given to the airport lessee company of Melbourne Airport under section 52(1)(c) of the *Planning and Environment Act 1987*.

24. The decision guidelines in the Overlay require the responsible authority to consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise.*

⁸ This is a key difference from the previous Airport Environs Overlay, which required referral of applications under section 55 of the Act.





- *Whether the proposal is compatible with the present and future operations 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 AS2021-2015.*
25. There are two schedules to the MAEO. Unlike other overlay schedules, which can be tailored to at least some degree, the content of both schedules to the MAEO is set by the *Ministerial Direction on the Form and Content of Planning Schemes*. This ensures that the provisions are consistent across each of the planning schemes where the overlay is applied.
26. Schedule 1 to the MAEO (MAEO1) applies to land within the 25 Australian Noise Exposure Forecast (ANEF) contour. The Purpose is:
- 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.*
27. MAEO1 requires a permit to use land and construct buildings and works for a range of uses, including Dwellings. A requirement of the MAEO1 is that land cannot be used for more than one dwelling on a lot or more than one dependent person's unit on a lot.
28. The use of land for Accommodation (other than a Dwelling, Dependent person's unit, Host farm and Residential hotel), Drive-in theatre, Education centre and Hospital is prohibited.
29. Subdivision of land which would increase the number of Dwellings for which the land could be used for is also prohibited within MAEO1.





30. Schedule 2 to the MAEO (MAEO2) applies to land within the 20 ANEF contour. The Purpose is:

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.

31. MAEO2 requires a permit to use land for a smaller range of land uses and for buildings and works associated with those uses. There are no prohibited land uses, although the development of a lot for two or more dwellings must not exceed a density of one dwelling per 300 square metres.
32. MAEO2 also specifies a 300 square metre minimum lot size for any subdivision.
33. The only other key change to this framework since 2007 has been the referencing of the National Airports Safeguarding Framework within the (State) Planning Policy Framework, as a result of Amendment VC128. The Framework is listed as a policy document at Clause 18.04-1S, but the objectives and strategies of the clause have not been amended to align with the content of the Framework.
34. My observation of the existing framework is that it focuses almost exclusively on the impact of aircraft noise. The VPP approach provides a relatively narrow consideration of Airport operations and how they affect land use and development (and how land use and development affect Airport operations), reducing substantive consideration to noise impacts solely. This approach is inconsistent with the National Airports Safeguarding Framework.
35. Despite references to the National Airports Safeguarding Framework as a policy document at Clause 18.04-1S, there is no substantive policy or statutory control within the VPPs that seeks to address or implement the principles or guidelines embedded within that Framework.





36. This outcome has consequences for decision making in a VPP environment. Relevantly, the operational provisions of the planning scheme explain how policy documents should be used in decision-making. Clause 71.02-2 identifies that:

A planning policy may include references to a policy document. A policy document may be an incorporated, background or other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning schemes.

37. Notably, this guidance does not outline whether a responsible authority or planning authority must take a policy document into account and/or whether they are required to give effect to the document.

38. The Practitioner’s Guide to Victorian Planning Schemes⁹ says this about policy documents:

There are two types of documents that can support local policy in the PPF, incorporated and background documents. State planning policy also includes some legislative references and references to ministerial directions. Policy (and other provisions) should generally be self-contained and include the information necessary to assess and decide an application. Where additional, more detailed guidance is absolutely necessary, it can be provided through an incorporated document.

.....

Background documents provide information to explain the context in which a particular policy has been framed. A background document may explain why particular requirements are in the planning scheme, substantiate a specific issue or provide background to a provision. Because background documents are not part of the planning scheme, the substantive planning elements of the document (such as built form guidelines or the like) will have been included in the planning scheme in either a local policy or a schedule. Where a background document is directly

⁹ Page 86.





related to a policy in clauses 10 to 19 it may be referenced in that specific policy as well as the schedule to Clause 72.08. If a background document relates to a substantial number of policies (such as a Regional Growth Plan) it should not be repetitively referenced in the PPF. The schedule to Clause 72.08 enables a consolidated list of local background documents to be maintained in the planning scheme.

39. The role of policy documents is clearly meant to be explanatory (what is the relevant context within which the policy was drafted or why particular requirements are the planning scheme and so on). The expectation is that the *substantive elements of the document* have been reflected in the policy proper. It is clear to me (and I think to Mr Barlow) that the airport policy in the Planning Policy Framework does not fully reflect the NASF.
40. In practical terms, this means that the NASF will be given little weight by decision makers and secondly that important content of the NASF will be overlooked by planners and others who might reasonably (on the basis of Clause 71.02-2 and the Practitioner’s Guide) assume that ‘state’ policy on airports has been drafted to reflect the NASF. It is only when goes to the document itself, would one find that this is not the case.

The evolution of the VPPs

41. The policy context outlined at Clause 18.04 has remained largely the same since the introduction of new format planning schemes, with a change to reference to the National Airports Safeguarding Framework in 2015. In terms of controls, the introduction of the MAEO in 2007, was the last substantive change in statutory settings from an airport operations management perspective.
42. In this regard, there hasn’t been a significant evolution of the planning framework for Melbourne Airport’s environs since the introduction of new format planning schemes¹⁰, but rather some incremental changes to the existing framework.

¹⁰ Noting that the MAEO replaced the Airport Environs Overlay, as it applied to Melbourne Airport.





43. It is trite to observe that over the same period, the architecture and application of the VPPs has evolved significantly.
44. Perhaps the most sustained change over those years has been that our planning system has progressively moved away from a 'policy-led' approach to managing land use and development, towards a more 'control-led' approach. This has been accompanied by a more aggressive change in recent years from a nearly uniformly performance-based approach to a system where prescription and mandatory controls are becoming more commonplace.
45. The emerging paradigm for the VPPs is that they are a much more organic and dynamic entity, capable of responding to emerging challenges differently than in the past. Where previously, it was necessary for implementation to 'fit within' the existing framework, there appears to be a much stronger appetite to adapt the VPPs and legislative framework to address complex problems and provide a more innovative response.
46. This is evidenced through successive reforms, which have included (but are not limited to):
 - The emergence of new approvals pathway streams, such as VicSmart;
 - The introduction of new overlays as a new and more transparent response to issues, such as the Specific Controls Overlay and (more recently) Buffer Areas Overlay, which is currently under active consideration by the DELWP;
 - The emergence of different classes of referral authorities in recommending referral authorities and determining referral authorities;
 - The iterative reform to residential zones, which continues to respond much more dynamically to housing policy and neighbourhood character;
 - The introduction of the Planning Policy Framework and (in turn) the introduction of a regional level of policy guidance;





- The elevation of the integrated decision-making and net community benefit considerations to an operational provision within the scheme¹¹; and
 - Improvement to the operation of Particular Provisions and separating provisions that apply to particular areas (Clause 51), provisions that trigger a permit (Clause 52) and provisions that set performance standards (Clause 53).
47. My observation is that this evolution to both the structure and content of the VPPs over time presents an opportunity to think laterally about how the planning system can best provide for airport environs safeguarding.

¹¹ Rather than sitting in the planning scheme as a planning policy.





3. IMPLEMENTING RECOMMENDATIONS FOR IMPROVEMENT

What are the recommendations for improvement?

48. Mr Barlow's evidence identifies several recommendations for improvement, which can be summarised as seeking to:

- Update the MAEO to better address noise matters and introduce new overlays to address lighting, obstacle limitation surface, building obstruction and wildlife strike buffer risks;
- Give APAM status as a recommending referral authority for applications in the above overlay controls;
- Create a Planning Practice Note for the Melbourne Airport Environs Area;
- Define an advisory 'Melbourne Airport Area of Influence'; and
- Prepare an updated *Melbourne Airport Environs Strategy Plan*.

49. I consider that these recommendations are generally sound and worthy of support. These recommendations will provide a more robust approach to the consideration of airport safeguarding in the Melbourne Airport environs and address the key shortfalls of the existing framework.

50. My evidence considers the extent to which these recommendations could be effectively drafted within the VPPs, where relevant.

51. I also make comments about other recommendations which may be appropriate.





Addressing Noise Impacts Through the MAEO

52. Mr Barlow recommends that the MAEO be amended to update MAEO1 and MAEO2 to reflect best practice. He also considers that two new schedules should apply as follows:
- MAEO3 – Applied between the N70 contour and the ANEF20 contour. Principally, the control is advisory, with controls to uses such as aged care or child care and to provide a requirement for noise attenuation standards for new sensitive use developments. It could also include a density limit to reduce the risk of significant intensification of residential development.
 - MAEO4 – Applied between the N60 and N70 contours. The control would be principally advisory, but could include a density limit to reduce the risk of significant intensification of residential (and other noise sensitive) development.
53. I agree with Mr Barlow’s recommendations for improvement to the existing overlay schedules and the creation of the two new schedules. The implementation (and drafting) of these recommendations should be a relatively straightforward exercise.
54. The use of the MAEO to manage aircraft noise and require attenuation measures to be provided in development is a well-worn path. Indeed, the noise attenuation measures are embedded within the buildings and works control within the header provision. The proposed additions of MAEO3 and MAEO4 are consistent with the Purpose and operation of the control. The new schedules would represent an appropriate use of the MAEO.
55. I note that Mr Barlow recommends that MAEO3 and MAEO4 are ‘principally advisory’ and that only MAEO3 would include noise attenuation requirements. In this regard, there is an opportunity to consider whether these schedules should trigger a planning permit (either for use or buildings and works) or whether buildings and works and land use simply needs to meet the noise attenuation requirements. Alternatively, where those requirements are demonstrated to be met, perhaps no permit is required under the overlay.
56. The proposed density requirements could be appropriately managed within the MAEO3 and MAEO4 schedules, under the Subdivision requirements. This is the manner in which





density is principally managed under the MAEO2 now. Equal consideration should be given as to whether a land use requirement is also needed to ensure a low-scale density is achieved, noting that not all development will lead to subdivision.

Introducing New Overlays to Address Lighting, Obstacles, Obstructions and Wildlife

57. As I identified earlier, a significant limitation of the existing approach to airport safeguarding within the VPP is that it is predominantly focused on addressing aircraft noise impacts. While the National Airports Safeguarding Framework is listed as a policy document within the Planning Policy Framework, there is no policy support or control to give effect to any of the Framework's guidelines, other than noise.
58. Mr Barlow recommends that this be addressed by introducing new overlays to address:
 - The risk of wildlife strikes (NASF Guideline C);
 - The risk of distractions to pilots from lighting in the vicinity of airports (NASF Guideline E);
 - The risk of intrusions into protected airspace (NASF Guideline F); and
 - The risk in public safety areas at the ends of runways (NASF Guideline I).
59. The implementation of additional National Airports Safeguarding Framework Guidelines into the planning scheme would be a robust and more transparent outcome than the existing planning framework.
60. While Mr Barlow is somewhat agnostic about which overlays should be used to achieve this, he does consider that the use of the Design and Development Overlay (DDO) may be appropriate to address the risks of intrusion into protected airspace and distraction to pilots from lighting and the Environmental Significance Overlay (ESO) to manage the risk of wildlife strikes.





61. While I consider that the DDO may be an appropriate planning control to manage impacts, in my view, a more robust approach would be to utilise the MAEO as a dynamic, tailored control to address all relevant NASF Guideline matters and provide holistic planning protection that safeguards the environs of Melbourne Airport. I explore each option in detail, from an implementation and drafting perspective.

Managing the risks of intrusions into protected airspace and distraction to pilots from lighting

62. The VPPs have evolved to adopt a more cautious approach to the management of land use and development risks.

63. I am not qualified to comment on the extent or quantum of risk posed by the current conditions. What I can comment on is the way in which Victorian planning schemes deal with risk; the tools that can be selected to manage risk and whether the correct one has been selected in this case.

64. In recent years, governments and communities have become more aware of this issue of *risk management* and the use of public policy to prevent future impact. For instance, the emphasis on ‘prevention’ rather than on ‘cure’ is at the heart of public health policy on smoking and skin cancer.

65. As an example, the State Government and the Victorian Civil and Administrative Tribunal have consistently emphasised the importance of protecting potable water supply catchments from the ‘risk’ of contamination through the increased likelihood of failing septic systems discharging untreated or undertreated wastewater effluent to waterways. In this area, the Victorian Civil and Administrative Tribunal has set a high bar.

66. This approach was discussed in the *CL Simpson v Ballarat CC (Red Dot) [2012] VCAT 133*, where Deputy President Helen Gibson held:

67. In *Rozen*, the Tribunal said:

[18] In our view, any risk to human health must be regarded as serious.
....Therefore, when considering development in open potable water supply





catchment areas, risk to human health is highly relevant and, because of its serious nature, must be given priority over other planning objectives. This priority is recognised in the planning scheme [paragraph 55].

68. Planning Panels have also adopted a similar posture with respect to risk. In Amendment C119 to the Hume Planning Scheme, the Panel accepted an argument a planning control requiring a developer to construct a 1:1,000,000 year AEP bund to protect against the higher level of risk associated with urban development in the catchment was justified. This was implemented (in part) via Amendment C119 to the Hume Planning Scheme and is reflected in Schedule 2 to the Urban Growth Zone.
69. The consideration of risk to human health has extended to bushfire prone areas principally as a result of the Black Saturday tragedy. Land is now included in the Bushfire Management Overlay and changes have been made by inserting Clause 52.47 into the VPPs to include new planning requirements for development in bushfire prone areas as well as the advent of Clause 71.02-3, which says:

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

70. This is not to say that the planning system is 'risk averse' but rather that it is becoming more 'risk aware' and has started to apprehend the role that the planning scheme can play in that space. There is merit in the planning system revisiting its position around risks in relation to the airport and whether the current framework goes far enough in that regard.
71. The use of the DDO to address intrusions into protected airspace has been adopted at other airports, such as Essendon, Moorabbin and Bendigo, where the schedules to the DDO are used to manage development within the obstacle limitation surface (OLS) of





runway approaches.¹² These overlays trigger a planning permit for development of a certain height (in the case of Moorabbin and Bendigo this is the height of the development, while in the case of Essendon, it is triggered for development where works exceed a certain height above AHD). In these examples, notice of applications is provided either to the airport operator or the Federal Department of Infrastructure, Transport and Regional Services.

72. Similar DDO schedules could be drafted for the OLS for Melbourne Airport. The schedules could:

- Trigger a planning permit for buildings and works above a particular height (whether in metres or above a particular height to AHD), as determined by the airport lessee;
- Contain certain application requirements that must be met, such as outlining heights to AHD, surface colours and materials;
- Require notice or referral of an application to APAM, as the airport lessee; and
- Outline decision guidelines that give effect to NASF Guideline F, similar to those in the Kingston, Greater Bendigo and Moonee Valley Planning Schemes.

73. In this manner, they would be drafted in a similar way to those which are already used to protect the approaches to other airports.

74. I consider that this would be an appropriate use of the DDO and is consistent with its purpose, which is:

To identify areas which are affected by specific requirements relating to the design and built form of new development.

¹² See DDOs 16 and 17 to the Greater Bendigo Planning Scheme, DDOs 8 and 9 to the Moonee Valley Planning Scheme and DDOs 5 and 6 to the Kingston Planning Scheme.





75. In terms of addressing the risks of lighting distractions, a DDO schedule could similarly include buildings and works requirements that require lighting to be carefully managed to reduce distraction to pilots.
76. While the DDO would be an appropriate candidate to manage these risks, in my view there is greater logic in these risks being managed by new schedules to the MAEO.
77. The MAEO header provision allows requirements to be introduced for land use, buildings and works and subdivision. While these requirements currently relate only to noise, there is an opportunity to utilise the MAEO as a much more robust provision for airport safeguarding.
78. I explore measures that would be required to enable greater use of the MAEO later in this section of my evidence.

Managing the risk of wildlife strikes

79. NASF Guideline C identifies that certain land uses in the vicinity of an airport pose a potential attractant to wildlife, resulting in an increased risk of wildlife strikes. Attachment 1 to the Guideline outlines that there is a hierarchy of land uses that may be incompatible, may need to be mitigated and others that need to be monitored.
80. It distinguishes that existing uses can continue, but that their effects may need to be mitigated or monitored.
81. New land uses that are considered to be incompatible within a 3 kilometre radius include:
 - Certain agricultural uses (such as a turf farm, piggery, fruit tree farm and fish processing / packing plant);
 - Wetland wildlife sanctuary;
 - Food processing plants (such as abattoirs);
 - Putrescible landfills and transfer stations; and





- Food and organic waste facilities.
82. Some of these uses (such as a turf farm and fruit tree farm) can establish within zones adjacent to the Airport without a permit, while other uses require a permit.
83. A broader range of land uses require mitigation within the 3 kilometre radius, including:
- Certain agricultural uses (such as a Cattle/dairy farm and Poultry farm);
 - Dryland wildlife sanctuary;
 - Race tracks and horse riding schools;
 - Golf courses;
 - Sports facilities (e.g. tennis / bowls);
 - Parks and playgrounds;
 - Picnic and camping grounds;
 - Non-putrescible waste facilities and transfer stations; and
 - Sewage / wastewater treatment plants.
84. Some of these uses (such as informal outdoor recreation, poultry farm and sewage treatment plant¹³) can also establish without a permit within the 3 kilometre radius.
85. Guideline C states that:

Airport operators should work with local councils (or the relevant land-use planning authority) to establish mechanisms that will identify land uses and prevent the creation of land uses that would cause hazardous wildlife attraction or activity at or across the airport and/or its approaches and departures. This can be accompanied through the following:

¹³ If the use meets the 'Minor utility installation' test.





- *Airport operators and land use planning authorities should use the guidance at Attachment 1 as the criteria for deciding on appropriate action in relation to a particular existing or proposed development within a 13 km radius of an aerodrome. Airport operators should conduct ongoing and regular consultation with planning authorities on land uses of concern;*
- *.[...]*
- *Land use planning authorities should ensure that airport operators are given adequate opportunity to formally comment on planning applications that fall within the guidance provided in Attachment 1. Airport operators will be expected to comment on how the proposed changes to land use might increase the risk of wildlife strike and on any regulatory actions that could increase the risk of wildlife strike, such as permits related to land uses of concern. [...]*

86. The Guideline also outlines that where mitigation is recommended, this can be managed through requirements such as a Wildlife Management Plant or changes to the design of the development (among other measures).

87. Mr Barlow recommends that the wildlife strike risk buffer be defined through an ESO. His evidence considers that the ESO could include a permit requirement for some development, along with certain performance standards that must be met. He opines that it could include permit conditions that could be placed on permits, without a need for the ESO itself to trigger a planning permit.

88. In my view, the use of the ESO in this circumstance would be consistent with its Purpose, which includes:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*





89. A key advantage, relevant to controlling wildlife, is that it can trigger a planning permit for vegetation removal, in addition to buildings and works.
90. Additionally, I agree with Mr Barlow that the ESO is often a tool used to manage ‘buffers’ – typically for adverse amenity caused by industry and infrastructure.
91. However, the ESO has limited effectiveness in being able to manage land use change within this context. The key constraints of the ESO are that
- It can only trigger a permit to manage development, not land use. This is a key limitation of its application as a buffer control, where land use is often more important to regulate and control than the development itself. I consider that this is a particular issue here, where some uses are unlikely to require significant buildings and works (e.g. transfer stations, agricultural and recreational uses);
 - Unlike the DDO, it cannot include the type of performance standard requirements that Mr Barlow envisages. In terms of requirements, a schedule to the overlay can only vary in what circumstances a permit is required for buildings and works and vegetation removal; and
 - It cannot include mandatory or standard permit conditions to be included in any permit granted. However, it can include application requirements. For instance, the overlay could require development associated with certain land uses to provide a Wildlife Management Plan.
92. Some of these challenges can be overcome with the use of the DDO, which could include performance standards and requirements for buildings and works. However, the ability to control vegetation is lost. The use of the DDO also does not resolve the first (and most critical) limitation, which is that it is a sub-optimal control for land use, as it relies on a development permit trigger.
93. In my view, a more robust approach would be to create a new schedule to the MAEO to control land use that increases the risk of wildlife strike. As the overlay can already introduce





requirements for land use, buildings and works and subdivision, a new schedule could be drafted for the wildlife strike buffer.

94. The Schedule could require a permit for uses that need to be managed and where the risk needs to be mitigated. Incompatible uses could be prohibited, similar to the way in which MAEO1 prohibits certain land uses from establishing within the 25 ANEF noise contour.

Better utilising the Melbourne Airport Environs Overlay to address airport safeguarding

95. As I have identified above, while there are other controls that could be utilised to address Mr Barlow's recommendations on implementing stronger NASF Guideline protection, the most logical approach would be to broaden the scope of the MAEO.
96. While the overlay has been narrowly applied to deal solely with managing the impact of aircraft noise, the overlay itself has fairly broad powers. I observe that it allows any requirements to be introduced in a schedule to the overlay for use of land, buildings and works and minimum lot sizes.
97. There is a strong strategic benefit in applying the MAEO as a broad overlay to address all airport safeguarding requirements, consistent with NASF principles and guidelines.
98. From a transparency perspective, the MAEO alerts future purchasers, landowners, developers, decision-makers and the broader community that land is within an area that is likely to be impacted by the Airport's operations. This approach, in and of itself, would assist in 'elevating' both awareness of the Airport and the need for decision-makers to place considerable weight on policy which seeks to protect the airport from constraint-free operation.
99. From a planning perspective, the overlay has strategic advantages over other overlays in its ability to regulate land use and introduce requirements that must be met for use and development.
100. This is important in the context of the type of matters that need to be addressed in airport safeguarding. The NASF Guidelines, when read collectively, require a sophisticated





approach to regulating land use and development in different ways and in different circumstances. While, as I have identified above, other overlays would be capable of addressing some of those aspects, they are not able to do so in a holistic way. The end result would be the use of several different overlays (the MAEO, DDO and ESO), each with deficiencies in achieving the intended purpose of airport safeguarding.

101. No other overlay currently available within the VPPs is able to offer the level of protection and consistency that the MAEO can, subject to some minor changes.

102. Taking Mr Barlow's recommendations into account, this approach would see the following application of schedules:

- MAEO1 – Noise – as currently applied to land within the existing 25 ANEF contour¹⁴;
- MAEO2 – Noise – as currently applied to land within the existing 20-25 ANEF contour¹⁵;
- MAEO3 – Noise – new overlay to be applied to land within the N70 contour;
- MAEO4 – Noise – new overlay to be applied to land within the N60 contour;
- MAEO5 – Obstacle Limitation Surface – new overlay applied to land where height controls need to be applied (this could be one or more overlays, as applied to other airports);
- MAEO6 – Lighting Intensity Zone – new overlay applied to land where lighting intensity needs to be managed; and
- MAEO7 – Wildlife Strike Buffer – new overlay to be applied to regulate land use within a radius of the Airport. This could be one or more overlays, depending on the radius adopted in line with NASF Guideline C.

¹⁴ This schedule would be based on the existing schedule, but updated to reflect changes recommended by Mr Barlow and in my evidence.


¹⁵ This schedule would be based on the existing schedule, but updated to reflect changes recommended by Mr Barlow and in my evidence.





103. This approach may result in some land being affected by multiple schedules to the MAEO. that outcome is not uncommon in VPP planning schemes. It is a somewhat cumbersome system to administer, but on the other hand, it does provide the most transparent identification of the types of impact likely to be relevant to individual properties.
104. To facilitate this change in approach, there will need to be some amendments to the MAEO header provision, including:
- Updating the Purpose;
 - Moving the requirement for buildings to be constructed to comply with AS2021-2015 measures to the MAEO1-4 schedules, rather than the header provision;
 - Removing the permit trigger for subdivision within the header provision and replacing it with a catch all which allows any requirement for subdivision to be specified in a schedule; and
 - Updating decision guidelines.
105. In particular, the Purpose and decision guidelines within the provision should specifically reference the NASF Guidelines at a high level.
106. It would also be advantageous for the provision to allow for application requirements to be specified in the schedule.
107. I have prepared a version of the MAEO which takes account of these recommendations at **Appendix A** of my statement.
108. The Ministerial Direction on the Form and Content of Planning Scheme and schedules should also be amended to allow for each schedule to include:
- Application requirements; and



- 
- An ability to introduce decision guidelines in the schedule. These would allow for more specific decision guidelines, which could draw on the relevant NASF Guideline for which the schedule applies.

Planning Requirements for Helicopter Landing Sites

109. APAM's Part B submission to this Committee raises the Airport's concerns about Helicopter Landing Sites. In particular, APAM notes that:

The current planning controls do not require a planning permit to use land for the purpose of a helipad in close proximity to Melbourne Airport if the exemptions contained in Clause 52.15 of the relevant planning scheme are met.

The controls presently require a planning permit if the landing site is within 1000 metres of a residential property – which is presumably directed to the impact of noise upon residential uses. The controls also require a permit within 200 metres of a shipping channel in the Port of Melbourne.

Aircraft activity in these locations have the potential to impact upon Airport operations and to cause delays at Melbourne Airport. To that extent, use related matters that arise from these activities have the potential to affect the achievement of planning objectives for the airport. Clause 52.15 contains no provision that invites consideration of the impact upon Melbourne Airport of aircraft (such as helicopters) taking off or landing from private facilities or approaching private helipads through controlled airspace.

This is a considerable deficiency in the current planning framework.¹⁶

110. As I understand APAM's submission, to the extent that rotorcraft taking off and landing from these sites is a risk to aircraft on approach or take off from Melbourne Airport, the MAEO could regulate the use and development of land for Helicopter Landing Sites and Helipads.

111. This could be achieved by requiring a planning permit (for use or development) under a schedule to the MAEO and triggering referral to APAM. This could be drafted into the proposed OLS control (MAEO5), for instance.

¹⁶ APAM Submission, p. 19.





112. I have also reviewed Clause 52.15 'Heliport and Helicopter Landing Site'.

113. Its Purpose is:

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

114. Decision guidelines require a responsible authority to consider:

- *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.*

115. I note that the control appears to function primarily as an amenity control, to manage the noise impacts of helicopters taking off and landing.

116. Given this Purpose and the decision guidelines, it is curious that the control requires a permit for a Heliport or Helicopter Landing Site within 200 metres of a shipping channel in the Port of Melbourne.

117. In my view, Clause 52.15 does not focus on the type of operational impacts that are highlighted by APAM's submission.

118. If this Committee considers that the scope of Clause 52.15 should include impacts on Airport operation, the control would need to be redrafted to give effect to this within its Purpose and decision guidelines. Planning Practice Note No. 75: Planning requirements for heliports and helicopter landing sites would also need to be reviewed.

Planning Policies for Melbourne Airport

119. Mr Barlow observes in his statement that there is a need to improve State and local policy for Melbourne Airport.





120. I agree with his assessment about State and regional policy in particular. In my view, this policy framework should be extensively reviewed and updated to (at the very least):

- Include strategies which support a consideration of the National Airports Safeguarding Framework in decision-making;
- Reference the Melbourne Airport Area of Influence (as recommended by Mr Barlow); and
- Implement any necessary land use planning direction from an updated Melbourne Airport Strategy Plan.

121. While I also agree with Mr Barlow that there is a high degree of variability between local policies for the planning schemes that apply within the vicinity of the Airport, I do not consider that it is necessary to redraft and align these local policies.

122. In my view, the PPF translation exercise currently being managed by DELWP presents a better opportunity to expand direction in regional policy at Clause 18.04-1R to ensure there is a consistent regional policy direction for Melbourne Airport across all planning schemes within its vicinity. This regional policy should be redrafted to draw upon NASF Guidelines, any updated Melbourne Airport Environs Strategy Plan and Melbourne Airport Master Plan.

123. At a local level, energy of planning authorities should be focused on ensuring that land use zoning is aligned with development expectations outlined in policy and controls (existing and proposed) for Melbourne Airport.

Referral Authority Status to Melbourne Airport

124. APAM, as the airport lessee company of Melbourne Airport, currently receives notice of applications under section 52 of the Act, as set out in the MAEO. I am also advised that some responsible authorities also give notice to APAM of certain applications outside of the MAEO, where the responsible authority is aware that the operation of the airport may be affected.





125. Prior to the introduction of the MAEO, the airport owner received referral of applications under section 55 of the Act for applications within the Airport Environs Overlay.
126. As Mr Barlow observes, demoting the status of the Airport in any referral / notice of an application is likely to have been due to the Airport being leased by a private entity. At the time, only government entities were designated as referral authorities.
127. Mr Barlow recommends that APAM should be provided with status as a recommending referral authority for any planning application within the existing MAEO and any proposed overlay (if supported).
128. Recommending referral authorities can object to permit applications or recommend that conditions be included on a planning permit. The responsible authority is not bound by the decision of a recommending referral authority. Where the responsible authority makes a decision contrary to that contained in a response from the recommending referral authority, the authority has a right to appeal that decision before the Victorian Civil and Administrative Tribunal.
129. I support Mr Barlow's recommendation. However, the Committee should turn its mind to whether there may be some circumstances where the planning system should elevate APAM's status to that of a determining referral authority.
130. While the noise impacts that are managed by the MAEO currently are a significant amenity concern, intrusions into the OLS and the risk of wildlife strike are significant public safety issues. In these circumstances, perhaps the views of the Airport should be determinative in decision-making and a reasonable consideration should be given as to whether APAM warrants determining referral authority status in these situations.
131. In terms of the VPP 'mechanics' of making APAM a recommending or determining referral authority, this requires a simple addition to the Schedule to Clause 66.04 for each planning scheme. The benefit of separating out the referral trigger to schedules (rather than the notice trigger being in the header provision as it is now), is that it allows a decision to be





made about whether APAM should be a recommending or determining referral authority on a schedule-by-schedule basis.

Creation of a Melbourne Airport Area of Influence

132. Mr Barlow recommends that a Melbourne Airport Area of Influence be identified and accessible through planning mapping services such as VicPlan. He considers it should show up on a Planning Property Report, similar to the way in which such reports identify Bushfire Prone Areas or Areas of Aboriginal Cultural Heritage Sensitivity.
133. While Mr Barlow considers that this could be purely advisory (for statutory planning matters), I think that the Area of Influence could also be used to appropriately define where Airport policy at Clause 18.04-1 (and particularly Clause 18.04-1R) should be applied in decision-making.
134. This is similar to the way that Clause 13.02-1S outlines that bushfire policy must be applied to all planning and decision making under the *Planning and Environment Act 1987* where it is within a bushfire prone area or even the way the Principal Public Transport Network (PPTN) Area maps inform car parking rates at Clause 52.06.
135. In my view, this would help to ensure that the Airport policy is considered as a relevant factor in decision-making in areas outside of the existing and proposed overlays.
136. Mr Barlow also identifies that the Area of Influence could be used to:
- Inform planning authorities of the potential for impacts arising from any rezoning proposal;
 - Require planning authorities to have regard to the nature and extent of these potential impacts when considering the rezoning proposal; and
 - Ensure that the Melbourne Airport operator is formally notified of any rezoning proposal within the defined area.





137. I agree with Mr Barlow and consider that the Area of Influence will be an important and transparent mechanism for allowing responsible and planning authorities to be aware of Melbourne Airport and appropriately consider it in any consultation processes for planning scheme amendments.
138. In my view, further consideration could also be given to whether a Ministerial Direction would be advantageous, similar to Ministerial Direction Nos. 18-20, which require planning authorities to consult with the Victorian Planning Authority, Environmental Protection Authority and WorkSafe Victoria (respectively) for certain planning scheme amendments.
139. While I accept it would be unusual for a private company to receive this level of influence, I consider that the safety implications for the airport could warrant this approach in some circumstances.
140. Alternatively (or perhaps concurrently), the Strategic Assessment Guidelines should be amended to consider whether the amendment is within the Area of Influence and how the amendment has had regard to the Airport in the preparation of the amendment.

Preparation of a Planning Practice Note

141. Mr Barlow recommends that a planning practice note be prepared to provide:
- Background to the importance of the Airport and its environs area;
 - Guidance for the assessment of amendments;
 - Guidance for local policies to reflect the importance of the Airport and means to address NASF through the use of appropriate zones and overlays;
 - Details on each of the NASF matters and how they are to be defined in the planning framework;
 - Appropriate measures to be used in ensuring the achievement of desired outcomes; and
 - A summary of the performance requirements of AS-2021.





142. I agree with Mr Barlow's recommendation.

143. The preparation of a Planning Practice Note will be important in assisting the planning community with understanding the importance of the Airport, the role of new overlays and how statutory and strategic planning decisions should be made within this area.





4. CONCLUSION

144. My conclusions are summarised below:

- Melbourne Airport serves an important role for the state and national economies. Its unique and important status is recognised and must be protected;
- It is desirable to review the planning framework that applies to Melbourne Airport to take advantage of the evolution of the VPPs and provide stronger protection for the Airport and its environs;
- The National Airports Safeguarding Framework should be embedded within planning schemes. In my view, the most effective mechanism to achieve this is through an expanded application of the MAEO;
- There are mechanisms to allow APAM to be a referral authority (whether that be determining or recommending) of certain applications within these overlays;
- Consideration should be given to requiring a stronger consideration of the Airport and its environs in strategic planning decision making; and
- Other mechanisms such as introducing practice notes and an Airport Area of Influence are desirable.

145. I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Committee.

John Glossop FPIA
Director, Glossop Town Planning Pty Ltd
18 January 2021





5. REQUIREMENTS UNDER PLANNING PANELS VICTORIA'S GUIDE TO EXPERT EVIDENCE

146. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, Level 5, 111 Cecil Street, South Melbourne VIC 3205. I am a Director of the firm. The firm has been in business since 1997.

147. I am a Fellow of the Planning Institute of Australia.

148. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:

- Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
- Strategic and Social Planning Manager, Shire of Melton until 1997.
- Sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02) and RMIT University (2016-present).
- Member of the ResCode Advisory Committee 2000.
- Sessional member, Planning Panels Victoria between 1997-2012.

149. I have sat as a Chairman or member on several planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.

150. I have considerable experience in statutory and strategic planning and new format planning schemes.

151. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of Melbourne Airport and its operations and my experience as a planner in both the private and public sectors.





152. I have been instructed by Minter Ellison, acting on behalf of APAM to provide an opinion on the statutory drafting of planning controls for the Airport.
153. I have previously given evidence for APAM before the Logical Inclusions Advisory Committee.
154. I have relied on the documents referred to in the introduction section of my statement.
155. There were no tests undertaken in the preparation of this statement.
156. I was assisted in this statement by Matthew Gilbertson, Senior Associate.





APPENDIX A: PROPOSED CHANGES TO MAEO



DRAFT VICTORIA PLANNING PROVISION

45.08
XX/XX/2020
Proposed
VCXX

MELBOURNE AIRPORT ENVIRONS OVERLAY

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 [JG1]: These Purposes relate to Noise only and could be relocated to MAEO1-4 schedules.

45.08-1

Use of land

XX/XX/2020
Proposed
VCXX

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

45.08-2

Buildings and works

XX/XX/2020
Proposed
VCXX

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

~~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 AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia Limited.~~

~~Note: In Section 3 of Australian Standard AS2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type has its ordinary meaning and should not be interpreted as defined in this scheme.~~

Commented [JG2]: Move to a requirement of MAEO1-4.

45.08-3

Subdivision

XX/XX/2020
Proposed
VCXX

~~A permit is required to subdivide land.~~ Any requirement in a schedule to this overlay must be met.

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

45.08-4

Application requirements

XX/XX/2020
Proposed
VCXX

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

45.08-5

Exemption from notice

XX/XX/2020
Proposed
VCXX

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act.

DRAFT VICTORIA PLANNING PROVISION

45.08-46 Decision guidelines

XX/XX/2020
Proposed
VCXX

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 Airports 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 operations of the airport. ~~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.~~
- Whether the proposal will prejudice the optimum usage of Melbourne Airport.
- 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.
- Any other matters specified in the schedule to this overlay.

Commented [JG3]: This decision guideline could be relocated to MAEO1-4 schedules

Commented [JG4]: This decision guideline could be relocated to MAEO1-4 schedules

45.08-5 Exemption from notice

XX/XX/2020
Proposed
VCXX

~~An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act.~~

45.08-6 Notification requirements

XX/XX/2020
Proposed
VCXX

~~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.~~

Commented [JG5]: Introduce any notice/referral requirements in the relevant schedules to Clauses 66.04 and 66.06, as relevant.



APPENDIX B: MY INSTRUCTIONS



MinterEllison

17 November 2020

John Glossop
Glossop Town Planning
by email: john@glossopco.com.au

Dear John

Melbourne Airport Environs Safeguarding Standing Advisory Committee (Advisory Committee) Part B

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

The Advisory Committee has been established by the Victorian Government. The Terms of Reference of the Advisory Committee are attached.

In relation to Part B, the Terms of Reference provide as follows:

APAM wishes to engage you to prepare an expert witness statement for a forthcoming hearing in respect of Part B, which is expected to run during the weeks of **1 February 2021 and 8 February 2021**.

Your expert witness statement is to address the following questions:

1. Consider whether the current framework for airport safeguarding, including that in the Victorian Planning Provisions (**VPPs**) is effective, having regard to the submission made to the Committee by APAM;
2. if, in your view, changes to the current framework are required, how these changes could be implemented. You may wish to consider options involving:
 - (a) amendments to existing planning controls and policies within the VPPs;
 - (b) creation and implementation of new controls or policies for introduction into the VPPs; or
 - (c) use of tools outside of the VPPs.

You may wish to have regard to other local or international examples of airport safeguarding frameworks in undertaking this exercise.

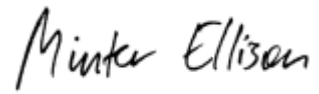
Our client requests that you prepare a fee estimate to:

- (d) prepare a witness statement in relation to the above questions, including drafting of any amendments to existing controls and policies and / or new controls and policies as necessary; and
- (e) appear before the Advisory Committee to present that witness statement.



Please contact Stephanie Mann or John Carey if you have any questions in relation to the above.

Yours faithfully
MinterEllison

The image shows a handwritten signature in black ink that reads "Minter Ellison". The signature is written in a cursive, flowing style.

Contact: Stephanie Mann T: +61 458 602 860
stephanie.mann@minterellison.com
Lead: John Carey T: +61 3 8608 2687
john.carey@minterellison.com
OUR REF: SCG JUD 1302289