



City of  
**KINGSTON**

10 November 2021

Committee Secretary  
Senate Rural and Regional Affairs and Transport Legislation Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Committee Secretary

**Re: Inquiry into the Current State of Australian's General Aviation Industry, with Reference to Aviation in Rural, Regional and Remote Australia**

The Committee are seeking to consider the operation and effectiveness of the Civil Aviation Safety Authority (CASA) and other relevant aviation agencies as well as any related matters. The City of Kingston welcomes the opportunity to make this submission to the Committee Secretary.

**Background**

The City of Kingston is in the south east of Melbourne. Moorabbin Airport is situated in the centre of the municipality on a 294-hectare parcel of land owned by the Commonwealth Government, 21 kilometres south east of the Melbourne CBD. Moorabbin Airport is recognised as one of the nation's busiest airports due to many flight movements being related to pilot training, which results in concentrated aircraft activity in the vicinity of the airport. Aircraft movements are approximately 300,000 each year.

The airport is operated by Moorabbin Airport Corporation (MAC), a private company, which in 1998 was granted a 50 year lease with a 49 year renewal option.

The Airport has largely since deregulation, formed a significant non-aviation commercial centre and as a consequence, compromised its potential for future expansion in terms of aviation. Council has consistently raised the inconsistencies between the lands legislative requirements to function as an Airport as required by the *Airports Act 1996*, whilst it continues to pursue expansive non-aviation development.

Substantial warehouses are now situated right around the periphery of the runways, including warehousing at the base of the southern runways (north side of Lower Dandenong Road) and bound by retail to the north west and east as illustrated in Figure 1 below. The Committee will appreciate that Council is not the responsible authority with legislative responsibilities for these building siting and design considerations.



Figure 1: Moorabbin Airport and surrounds (aerial taken Sept 2021)

## **Moorabbin Airport Preliminary Draft Masterplan 2021**

Council recently made its submission to the MAC draft Masterplan 2021 process. A primary issue reinforced through its submission was safety. The submission reinforced the critical role of aviation regulators to examine the substantive non-aviation building encroachments into areas in very close proximity to both fixed wing and helicopter approaches.

An objective assessment of the evolution of non-aviation development in very close proximity to aviation infrastructure over recent years, will illustrate how encumbered the airport approaches have now become. Council considers that Moorabbin Airport presents a very useful case study into the management of federally leased airports when considering the non-aviation developments that have dominated over the past 25 years.

A copy of Council's submissions to the Moorabbin Airport preliminary draft masterplan has been attached for the Committee's viewing. It illustrates the extent to which development has occurred within the proximity of the runway thresholds. Council do not support the preliminary draft masterplan and are calling upon the Federal Minister to refuse it in its current state.

## **Operation and Effectiveness of Civil Aviation Safety Authority (CASA) and Other Relevant Aviation Agencies**

With regards to safety and development that has occurred near the runway thresholds, Council has raised both through the preliminary draft masterplan process and also at any other opportunity, its concerns as to how these substantial factories were approved. Council have been assured by the MAC that these have been approved by CASA.

It is recommended that the enquiry critically examine the degree to which these developments comply with the relevant guidelines from the National Airport Safeguarding Framework in areas including obstacle limitations and windshear, with a particular focus on any variations to the technical requirements. Further, the enquiry should turn its mind to the level of independent technical oversight that has occurred.

Council is concerned that, on occasion, development on airport land may not meet the technical requirements under a NASF guideline that would appear to receive some discretion when considered by CASA. It would be most appropriate that this decision-making process better mirror that which occurs in State or Territory planning systems where significant decisions are publicly determined.

The community have a right to understand how such decisions are made, particularly given the regulatory regimes being established off the airport that can have the consequence of restricting development.

Over the past 12 months the State Government of Victoria, through an Advisory Committee, attempted to ensure that planning around airports consider the potential safety and amenity impacts on the surrounding communities and that airport operations are protected. The Melbourne Airport Environs Safeguarding Standing Advisory Committee (MAESSAC) is now trying to determine how the NASF can be implemented into planning schemes in Victoria.

Many local councils and residents have participated in this advisory committee process, making numerous submissions and appearing throughout the hearing. On the one hand the State Government and local government are actively trying to protect and safeguard the aviation industry by way of what occurs around airports, yet significant development (non-aviation) can occur seemingly unabated on airport land. The City of Kingston continues to advocate for the safeguarding of our aviation assets.

## **'any related matters'**

The Committee are also seeking comment on *d) any related matters*. Council believes that a more focused look into the management of federally leased airports is required to review the depletion of aviation activity on airport land to expedite non-aviation development.

Council respectfully submits this inquiry should consider the amount of non-aviation development occurring and planned on federally leased airport land.

The increase in non-aviation development is seen as a critical factor, inhibiting existing aviation tenants remaining on airport land into the future, with insufficient regard given to future needs. It is worthwhile the Committee consider the land use intent in the preliminary draft masterplan for Moorabbin Airport in 2021, when compared with the level of land set aside and protection for aviation at the time of airport deregulation, particularly in the context of a large city like Melbourne. This land cannot be replaced elsewhere limiting the reach of regional Australia into Australia's biggest cities.

The *Airports Act 1996* (the Act) sets out the regulatory arrangements between airports formerly owned and operated on behalf of the Commonwealth by the Federal Airports Corporation (FAC). It requires, as set out in Part 1, Section 3 that airports "*promote sound development of civil aviation in Australia*". The Moorabbin Airport is also subject to Part 5 of the Act and the corresponding regulations. As per Part 5, '*Obligation to use airport site as an airport*'. The Airport is declared to be an airport site within the meaning of Section 5 of the Act and Regulations.

The Lease agreement by the Commonwealth to the MAC over the Airport states that the MAC "*must provide for the use of the [Airport] as an airport*" and may "*permit the [Airport] to be used for other lawful purposes that are not inconsistent with its use as an airport*". The legislation that underpins the role of the Airport clearly seeks to ensure that an efficient and fully functioning airport is provided which gives priority to its core aviation function.

Council acknowledges that non-aviation development has some role to play in providing sufficient income for the Airport Lessee Company to ensure sufficient resources are available to maintain the airport. Consideration must, however, be given to the appropriate balance being struck between development and the risk of directly undermining aviation.

When the then FAC privatised airports in 1996, from the readings of the Act and the justification for selling off the leaseholds, it was not the intent of the Federal Government to legitimise business plans geared to maximising shareholder returns at the expense of the aviation industry.

The privatisation of federal airports was meant to do the exact opposite by assisting in bolstering of the aviation industry. It is now a unique situation where privatised airport leaseholders are able to hold unique and often unregulated monopoly powers which negatively impact the aviation industry and side-step State and Local planning powers. Developments (non-aviation) can completely disregard existing residential neighbours and provide serious negative amenity outcomes with no checks or balances available. Practical examples are reinforced through Council's submission to the 2021 preliminary draft masterplan.

The critical role that Moorabbin Airport, as well as other regional and rural airports, cannot be downplayed. They are a vital part of the nation's transport infrastructure. The ongoing viability of Moorabbin Airport is now being called into question with aviation tenants questioning whether there will be enough space set aside for aviation both now and into the future.

Following the impact of Covid-19, this industry has been significantly impacted. The classifications of the runways at Moorabbin are proposed to be reduced, which according to airport tenants will deplete the core number of aircraft based at Moorabbin.

Tenants are being removed from the site, which has a huge flow on effect to other tenants on site. For example, where a maintenance company is no longer able to remain on site, this has a huge impact to operators who rely on that maintenance company to ensure planes do not remain grounded.

Council and the aviation community share the concern that the MAC require much greater regulation to ensure that they not only provide a safe efficient airport but also do not put warehousing/industrial developments ahead of the land's intended purpose.

There is very significant tension between the MAC's role in managing and future proofing Moorabbin Airport as an aviation asset, whilst advancing lucrative non-aviation related commercial endeavours.



During the consultation phase of the preliminary draft Masterplan process, Council was contacted by a number of aviation tenants at Moorabbin Airport who expressed significant concerns for the future of their businesses. The feedback indicated that existing aviation tenants believe that there is not enough space for each tenant on the site and that multiple tenants are now competing for the same hanger space. Noting the extent of land already developed for non-aviation uses, it is critical that existing aviation operators are provided with the ability to remain on site.

Regardless of whether the preliminary draft masterplan for Moorabbin Airport is approved or refused, the concerns raised throughout this submission are vitally important.

The extent of non-aviation development needs closer examination and the Senate enquiry provides a useful platform in which to consider the implications of what is occurring at Moorabbin at a broader national scale.

For the future of our small and medium aviation businesses, as well as residents who are adjacent to our airports and are impacted by decisions to construct major warehouses immediately adjacent to their properties without meaningful consultation, we submit that issues associated with the deregulation of Airports warrants review.

Council would like to thank the Committee for the opportunity and respectfully request the Committee's consideration of our submission.

Yours faithfully

**Cr Steve Staikos**

MAYOR

Attach



City of  
**KINGSTON**

5 July 2021

The Hon Barnaby Joyce MP  
Minister for Infrastructure, Transport and Regional Development  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

By Email:

Dear Minister

**Re: Moorabbin Airport Preliminary Draft 2021 Master Plan**

On behalf of Council, I wish firstly to congratulate you on your recent appointment as Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development.

I write to advise you of the resolution by Kingston City Council on 29 June 2021, of its enclosed submission to the Moorabbin Airport Preliminary Draft 2021 Master Plan [Preliminary Draft Master Plan] and would welcome the opportunity of meeting with you to discuss it further.

In resolving its position, Council has considered the contents of the exhibited Preliminary Draft Master Plan and conducted a process of direct stakeholder engagement to develop a clear appreciation of the concerns held across diverse segments of the community. You will appreciate that one of Australia's busiest airports is crucial in not only reaching into regional communities, but also providing critical career pathways for the nation's aviation industry something which is critical to the recovery of industries ranging from mining to farming to tourism.

Council has also placed 'safety' at the forefront of its submission and wishes to reinforce the critical role for aviation regulators to examine the substantive non-aviation building encroachments into areas in very close proximity to both fixed wing and helicopter approaches. Any objective assessment of the evolution of the non-aviation development in very close proximity to aviation infrastructure over recent years will illustrate how encumbered the airport approaches have become. Continuous incidents around the airport reinforce why safety must be put at the forefront of your consideration of this Preliminary Draft Master Plan.

In summary, the following matters must be comprehensively reviewed and lead to significant changes to the current Preliminary Draft Master Plan:

1. Insufficient land being set aside for the Airport's core aviation role and the extent to which non-aviation uses are being prioritised over aviation support services.
2. The threat that unconstrained retail, industrial and commercial development on the Airport land poses for Activity Centres across Kingston.

3. The location of proposed industrial and warehouse buildings along sensitive interfaces and the lack of any urban design guidance or performance measures to manage the amenity impact on adjoining residents.
4. The loss of green open spaces and the extent to which this exacerbates existing urban heat island issues associated with the airport.
5. Airport safety, noise and the extent of development proposed immediately adjacent existing runways.
6. The suggestion that the Moorabbin Airport could appropriately be located within the Urban Growth Boundary and the extent to which this proposal contradicts State Planning Policy.

Council believes very strongly that if the items identified in the submission are not addressed through explicit modifications to the Preliminary Draft Master Plan, it should be rejected pursuant to the provisions which are available to you in the Commonwealth Airports Act 1996.

Council is familiar with the role the Airport Lessee Company (ALC) performs in providing its position with respect to the contents of any submissions received in relation to the Preliminary Draft Master Plan. Although we acknowledge the requirements for this to occur, Council is firmly of the view that the ALC is conflicted due to the inherent tension created through its role in managing and future proofing the aviation asset whilst also seeking to advance what are now very significant non-aviation related commercial endeavours. For this reason, a critical analysis of the Preliminary Draft Master Plan is required by the Commonwealth Department and its relevant regulatory agencies.

I look forward to the opportunity of further discussing this matter with you.

Yours sincerely

**Cr Steve Staikos**  
MAYOR

Enc

cc: Senator David Van - [senator.van@aph.gov.au](mailto:senator.van@aph.gov.au)  
Hon Mark Dreyfus QC, MP – [mark.dreyfus.mp@aph.gov.au](mailto:mark.dreyfus.mp@aph.gov.au)  
Claire O'Neil MP - [Clare.O'Neil.mp@aph.gov.au](mailto:Clare.O'Neil.mp@aph.gov.au)  
Hon Katherine King MP - [Catherine.King.mp@aph.gov.au](mailto:Catherine.King.mp@aph.gov.au)  
Hon Richard Wynne MP – [richard.wynne@parliament.vic.gov.au](mailto:richard.wynne@parliament.vic.gov.au)

# Submission to Moorabbin Airport Draft 2021 Master Plan

Kingston City Council

28 June 2021

## **Introduction**

The City of Kingston welcomes the opportunity to make a submission to the Moorabbin Airport Corporation (the MAC) on the Moorabbin Airport Draft 2021 Master Plan (the draft Master Plan).

Having reviewed the draft Master Plan in detail, Council has significant concerns in relation how the Airport can appropriately satisfy its legislative requirements to function as an Airport whilst at the same time accommodating the extent of non-aviation development now proposed on site. This concern is reflected in the extent of airport land that was once utilised for aviation purposes, which is now identified to make way for large industrial/commercial uses that have no relevance to the aviation industry.

This increase in non-aviation development is also seen as a critical factor now inhibiting the ability for existing aviation tenants to remain on airport land into the future or for new aviation tenants to establish on the site.

In summary, Council's key concerns in relation the content and direction contained in the draft Master Plan include:

1. Insufficient land being set aside for the Airport's core aviation role and the extent to which non-aviation uses are being prioritised over aviation support services.
2. The threat that unconstrained retail, industrial and commercial development on the Airport land poses for Activity Centres across Kingston.
3. The location of proposed industrial and warehouse buildings along sensitive interfaces and the lack of any urban design guidance or performance measures to manage the amenity impact on adjoining residents.
4. The loss of green open spaces and the extent to which this exacerbates existing urban heat island issues associated with the airport.
5. Airport safety, noise and the extent of development proposed immediately adjacent existing runways.
6. The suggestion that the Moorabbin Airport could appropriately be located within the Urban Growth Boundary and the extent to which this proposal contradicts State Planning Policy.

## **Background**

In preparing this submission Council has had regard to:

- The provisions of the *Airports Act 1996*
- The provisions of the *Planning and Environment Act 1986*
- The exhibited draft document (the Master Plan)
- The views expressed by the previous Minister upon approval of the current Airport Master Plans (2010 and 2015)
- Determinations which have occurred more recently on Airport Land
- Melbourne Airport Environs Safeguarding Standing Advisory Committee (MAESSAC)
- Melbourne Industrial and Commercial Land Use Plan (MICLUP)

## **Key Issues**

A summary of key issues identified by Council in reviewing the draft Master Plan is provided below:



**1. *Insufficient land being set aside for the Airport's core aviation role and the extent to which non-aviation uses are being prioritised over aviation support services.***

***Legislative Framework***

The ***Airports Act 1996*** (The Act) sets out the regulatory arrangements between airports formerly owned and operated on behalf of the Commonwealth by the Federal Airports Corporation (FAC). It requires, as set out in Part 1, Section 3 that airports “*promote sound development of civil aviation in Australia*”.

The Moorabbin Airport is also subject to Part 5 of the Act and the corresponding regulations. As per Part 5, ‘*Obligation to use airport site as an airport*’. The Airport is declared to be an airport site within the meaning of s5 of the Act and Regulations. The Lease agreement by the Commonwealth to the MAC over the Airport states that the MAC “***must provide for the use of the [Airport] as an airport***” and may “*permit the [Airport] to be used for other lawful purposes that are not inconsistent with its use as an airport*”. The legislation that underpins the role of the Airport clearly seeks to ensure that an efficient and fully functioning airport is provided which gives priority to its core aviation function.

The Moorabbin Airport is designated as a Transport Gateway in the Melbourne Industrial and Commercial Land Use Plan (MICLUP) 2020. Due to the scarcity and the impracticalities that are involved with the creation of a new airport, sufficient land must be designated and protected to ensure the primary purpose of the airport can be realised into the future.

***Non-aviation developments***

Council acknowledges the important role of the Moorabbin Airport in terms of the economic and employment outcomes it generates, which are significant at both a local and regional scale.

Council’s primary concern relates to the sheer number of non-aviation developments that have occurred to date and are now proposed to occur as a result of the draft Master Plan. The Master Plan states (page 152) that 118 hectares of land has already been developed for non-aviation land uses and that a further 44 hectares has been identified as potential non-aviation land for development over the next eight years. This leaves 40 hectares of the site for aviation related activity.

If the Master Plan is approved and developed as currently proposed, the result will be that only approximately 24.6% of Moorabbin Airport land will be used for aviation purposes. Whilst Council supports a large range of employment generating activities that the Airport has or is proposing to accommodate, it does not believe that this should occur at the expense of the Airport’s primary role as an airport, which it is legislatively bound to operate. Appendix 1 illustrates the level of development that has occurred on the site over the past decade; the majority of which is non-aviation.

The Master Plan identifies a number of ‘airside’ spaces that are proposed for industrial/commercial development in the future, some of which are currently accommodating aviation uses. In order to ensure that an efficient and fully functioning airport can be provided into the future which gives priority to the site’s core aviation function, it is Council’s view that the areas described below (refer to the map at Appendix 2) be retained for aviation uses only:

- Existing aviation land within Precinct 3 between Northern Avenue and First Avenue. This is airside space which cannot safely be replaced elsewhere on the Airport. Refer Figure 1, Appendix 2.
- The southern extent of Precinct 3 (MA-C2Z) adjacent the site's western boundary as illustrated in Figure 2, Appendix 2.

### ***Aviation Operators***

Noting the extent of land now proposed for commercial/industrial development it is critical that existing aviation operators are provided with the ability to remain on site.

Whilst the Moorabbin Airport is the busiest flight training airport in Australia, the role of the airport and the value of aviation support services extends beyond a simple analysis of flight training capacity.

Throughout the consultation phase, Council has been contacted by a number of aviation tenants at Moorabbin Airport who have expressed significant concerns for the future of their businesses. The feedback received by Council has indicated that existing tenants believe that there is not enough space for each tenant on the site and that multiple tenants are now competing for the same hanger space.

The masterplan lacks detail in identifying how the MAC can work with its aviation operators to enhance investment in infrastructure on the airport in order to grow potential from aviation support services.

The draft Master Plan refers to 'Ultimate Practical Capacity' (UPC) which is the forecast of noise exposure level likely if the airport was to operate at its ultimate practical capacity. Council is concerned that this is being used as a benchmark which could restrict supplementary aviation uses and inappropriately encourage the addition of commercial/industrial uses on the airport land.

The UPC states that no more than 375,000 flight movements will occur on the site in future. This number is used within the Master Plan to justify the extent of land designated for aviation purposes, with the focus on the flight training capacity. The draft Master Plan makes provisions for accommodating flight schools for flight training but provides limited analysis of the role of aviation support services needed on site. By facilitating the construction of non-aviation developments on prime airside land, the Master Plan limits the future potential growth for the aviation sector and its necessary support services.

### ***Recommendation:***

#### ***That the Master Plan be modified to:***

- ***Include no further provision for non-aviation development for areas illustrated in Appendix 2.***
- ***Provide for suitable accommodation and/or land for the retention and future growth of all aviation operators on site.***

## ***2. The threat that unconstrained retail, industrial and commercial development on the airport land poses for Activity Centres across Kingston.***

The increase in commercial and industrial tenancies at the Airport has presented difficulties for Council when attempting to undertake strategic planning at a municipal level. In the previous two Master Plans (2010 and 2015) the Federal Minister for Airports, indicated that the MAC should work with State and Local Planning agencies to undertake:

*“A strategic economic analysis to identify the level of retail and commercial services required to adequately meet the needs of the projected working population at the airport, and the level of retail and commercial floor space that can be provided at Moorabbin Airport having regard to the viability of surrounding centres, the core aviation function and accessibility to the airport”.*

This work remains critically important in order to develop an agreed position with the MAC as to the level of ‘conventional retailing’ that is appropriate on the airport land without undermining the viability of the airport itself or existing centres such as Thrift Park, Dingley Village and Aspendale Gardens.

Council proactively plans for investment decisions of retailers to ensure that projects are consistent with the objective of seeking to encourage retailing in identified locations. Council is concerned by the level of non-aviation development occurring on site in the absence of this strategic analysis. A more strategic and collaborative approach must be prioritised, to inform the masterplan with Council welcoming the opportunity to work with MAC and others to undertake this work.

**Recommendation:**

***That the Master Plan be modified to:***

- ***Include the need to undertake strategic economic analysis to identify the level of retail and commercial services required to adequately meet the needs of the projected working population at the Airport, and the level of retail and commercial floor space that can be provided at Moorabbin Airport having regard to the viability of surrounding centres, the core aviation function and accessibility to the Airport.***

**3. The location of proposed industrial and warehouse buildings along sensitive interfaces and the lack of any urban design guidance or performance measures to manage the amenity impact on adjoining residents.**

Section 5.7 (page 65) of the Master Plan states that ‘...as required by the Airports Act and associated Regulations, consistency with State and local planning schemes has been considered, with any inconsistencies justified.’

Section 6.4.8 (page 101) ‘Interface Amenity Design’ of the Master Plan, states that:

*“Moorabbin Airport’s view is that where a change in zoning or land use and development control is proposed or takes effect, the proponent of the change should be primarily responsible for design measures to address or mitigate actual amenity impacts at or near the interface between on Airport and off Airport land”.*

However, the Master Plan is silent in relation the role of building design requirements for development on airport land where it abuts existing sensitive interfaces; specifically Dallas Street, Houston Street and Allandale Road.

The clear need for such design guidance is demonstrated by the height, bulk, setback and scale of the industrial development recently constructed to the rear of properties fronting Lower Dandenong Road and Bundoora Parade (as shown in Appendix 3). Whilst technically satisfying relevant standards applicable to the MAC site, the construction of these warehouses does not reflect the principles embedded in the Victoria Planning Provisions and has resulted in an extremely poor amenity outcome with significant impacts on adjoining residential properties.

The draft Master Plan has a similar statutory role to that of the Kingston Planning Scheme with the key difference being that it is applicable only to the Airport site. Consistent with the precedent set by State and Local Planning Policy it is not unreasonable to expect that for a site the size of Moorabbin Airport an ability exists to provide for a respectful transition in scale and height to adjacent sensitive interfaces. A comparable example in the Victoria Planning Provisions would be the application of the Industrial 3 Zone on the edges of larger industrial precincts where they abut a sensitive residential interface.

The negative amenity outcomes created as a result of the above referenced development are considered entirely avoidable particularly as the land has been developed to accommodate non-aviation uses which provide no nexus with the site's core function as an airport. The outcome suggests an approach whereby a minimum standard has been achieved to facilitate a commercial outcome without regard for the significant impact on adjoining residential properties.

Whilst not applicable to the airport land, at a minimum, the Kingston Planning Scheme requires that in assessing comparable applications the Responsible Authority must consider, as appropriate:

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects,*
- *Streetscape character.*
- *Built form.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*
- *Parking and site access.*
- *Loading and service areas.*
- *Outdoor storage.*
- *Lighting.*
- *Stormwater discharge.*
- *The effect of nearby industries.*

Council request the MAC uses similar guidelines and that the Master Plan be revised to ensure that a maximum height of 9 metres (to be consistent with the adjacent General Residential Zone (Schedule 3)) be required for all development immediately adjacent to existing residential area of Allandale Road, Houston Street and Dallas Street. Further to this it is Council's view that the Master Plan must be revised to provide for:

- Adequate setbacks from adjoining sensitive interfaces to reduce visual bulk and overshadowing.
- Noise attenuation as part of building design to future proof potential noise from uses incompatible with adjoining residential uses.

- Clear and specific design guidelines and performance measures applicable to all development abutting sensitive residential interfaces.
- Compliance with Clause 53.10 in the Kingston Planning Scheme so that any future use proposed next to a residential interface is appropriately designed and located and does not cause any offence or unacceptable risk as also set out under S71 and 5:02(2) of the *Airports Act 1996*.

The above approach would ensure that activities proposed in Precinct 3 would respond to the existing residential interface in the same way Council is seeking to request of others off airport land. This would most appropriately be expressed in the planning provisions contained in the Master Plan.

***Recommendation:***

***That the Master Plan be modified to:***

- ***Include building design, height and setback requirements to ensure that new development abutting existing residential areas does not unreasonably impact the amenity of adjoining properties.***
4. **The loss of green open spaces and the extent to which this exacerbates existing urban heat island issues associated with the airport.**

Green spaces in urban areas are fundamental to a healthy and liveable city. Aerial photos provided at Appendix 1 illustrate the loss of green open spaces at Moorabbin Airport over the past twenty (20) years.

Heat mapping conducted by Council as part of its adopted Urban Cooling Strategy shows that Moorabbin Airport is the hottest place within the City of Kingston. The research undertaken shows that the airport can be more than 4°C hotter than surrounding areas during the Summer period. This is brought about by the removal of trees and vegetation over time, the extent of hard stand areas, unirrigated grass and impermeable surfaces on and around the airport.

Council acknowledges the 'Biodiversity and Habitat' initiatives (page 38) identified in the draft Master Plan which seek to provide for 2,500 trees on site by 2029. However, it is unclear from the Master Plan how this will be achieved, particularly given the extent of the site earmarked for future development. Council seeks greater clarity in relation the timing, location and overall approach to landscaping and canopy tree planting on the airport site and suggests that such outcomes be progressed with a view to mitigating to the extent possible known urban heat island impacts.

The Master Plan also identifies as a 'Biodiversity and Habitat' initiative the establishment of a recreation track. It is unclear how the provision of a recreation track will contribute to biodiversity and habitat outcomes on the site and Council understands that the track is not proposed to be developed on the MAC land but rather on an adjoining retarding basin owned by Melbourne Water. Whilst supported by Council, it is unclear why this initiative is referenced as an outcome of the draft Master Plan.

***Environmentally Sustainable Design***

Council's Climate and Ecological Emergency Response Plan (draft) outlines Council's science-derived targets to reduce sources of emissions. Council will support the community to reduce



emissions by 40% by 2025 and achieve net zero by 2030. Council itself aims to reduce its corporate emissions to achieve net zero by 2025.

The Moorabbin Master Plan supports these targets by including its own site specific targets for:

- 100% renewable energy use within operations by 2025.
- Carbon neutral operations by 2025.

Council supports the inclusion of these targets and notes the extent to which they align with the objectives of Council's draft Climate and Ecological Emergency Response Plan.

***Recommendation:***

***That the Master Plan be modified to:***

- ***Provide further detail in relation the timing, location and overall approach to landscaping and canopy tree planting on the airport site.***
- ***That tree planting and landscaping outcomes on the airport site be progressed with a view to mitigating to the full extent possible known urban heat island impacts.***
- ***Provide greater clarity in relation the MAC's role in providing for a recreational track on land adjacent Southern Road owned by Melbourne Water.***

**5. Airport safety, noise and the extent of development proposed immediately adjacent existing runways.**

Council's desire is to ensure that the approach used in developing the draft Master Plan for a Commonwealth Place (which has as its primary purpose aviation) mitigates to the maximum extent possible, any external implications / encumbrances for surrounding property owners associated with aviation activity for the term of the existing Airport Lease.

The Precinct Plan for the Airport must prioritise the following:

- Acknowledging the importance of ensuring sufficient land is set aside for airside operations and aviation support services, priority must be given to identifying locations over the entire Airport site which ensure that external implications associated with the application of potential planning 'encumbrances' are mitigated.
- The MAC must be able to demonstrate to the Commonwealth that it has planned for the life of the Airport Lease to progressively strategically position all aviation infrastructure including helicopter approaches in locations that have the least impact on how planning controls off airport land (overlays and zones) would need to be applied.
- Ensuring that land use activities on the Airport land in Precincts particularly exposed to a high level of aircraft approaches are not developed in a manner that creates an inappropriate additional level of safety risk. Noting the location of areas proposed for development in the current draft Master Plan this should include a focussed consideration of the risk presented by building generated windshear and turbulence. Building generated windshear and turbulence is caused when a significant obstacle,

such as a building, is located within the path of crosswind to a runway. The wind flow is diverted around and over the building causing unstable airflow potentially compromising aircraft light.

The Australian Transport Safety Bureau (ATSB) data provides that there have been at least two serious incidents in Australia caused by building induced windshear, which resulted in passenger injuries or damage to the aircraft and triggered safety investigations. In both cases, the buildings were located on-airport. Development in and around the runway must be addressed as part of safety. Windshear from development to the north and south creates a much more dangerous situation for pilots attempting to land at the Airport. A northwest wind can make it exceptionally difficult to land on the northwest runway. Council acknowledges that this consideration is one best managed by those regulating the manner in which the aviation and land use activities at the airport will operate. Developments must address all guidelines contained within the NASF.

It is further noted that the Melbourne Airport Environs Safeguarding Standing Advisory Committee (MAESSAC) has been appointed to advise the Minister for Planning, on improvements to the planning provisions to safeguard airports within Victoria. In June 2021, the MAESSAC sought specific comments on controls that the Committee has proposed including a new Schedule to the Airports Environs Overlay addressing NASF Guideline B: Windshear.

The regulations adopted in Australia in relation to windshear require that buildings should not penetrate a 1:35 surface extending perpendicular from the runway centreline (that is the building should be located at least 35 times its height from the runway centreline). This control would require any buildings and works off airport land, to ensure that *'buildings should be located at least 35 times the height of the building (above runway level) from the centre line of the runway'*. This would be applied to the following area:

- 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.

Given these are the measurements in the already existing Guideline B: Windshear, MAC should have addressed these previously for developments on airport land. Consideration should be given as to whether the current and proposed buildings on airport land comply with these calculations. For example, the existing Grain and Bake, Flavour Makers and Unichem buildings, all constructed post the introduction of the NASF and located within metres of the runway threshold.

It is further noted that the location of the weather station (Bureau of Meteorology) has not been addressed in the Master Plan. A terminal area forecast is required to be provided under Air Services Australia. Council understands that its current location is under an exception and is not ideally located. Furthermore, Council believes that the Bureau of Meteorology is seeking for this to be relocated. It is unclear in the Master Plan where this location would be given the restrictions that apply for the safety of the station to be guaranteed (for example, the station needs little interference).

### **Noise - Rotary (helicopters)**

Council is mindful that a significant number of the Long-Range Aircraft Movements are envisaged to be helicopters undertaking circuit training noting helicopters have previously been a source of significant community concern.

In its submission to the 2015 Master Plan, Council identified this as an ongoing issue and requested that MAC consider strategies to carefully manage non-essential helicopter operations mindful of the recommendations made by the Minister upon approval of the 2010 Master Plan.

During discussions in 2018 and 2019 between Council and the MAC an intent to relocate all helicopters from the southern end of the Airport near the existing residential area to a new northern precinct was identified by MAC to address noise concerns.

It is of concern to Council that the draft Master Plan (Figure 7.5 (page 125)) now designates the rotary precinct as being located on the southern side of the airport adjacent existing residential land. It is unclear how the noise impacts associated with this rotary precinct will be managed nor why the preferred northern location could not be delivered.

#### ***Recommendation:***

##### ***That the Master Plan be modified:***

- ***To accommodate the retention of the rotary precinct on the northern side of the Airport to mitigate negative impacts on residential areas.***
- ***To clearly demonstrate how the outcomes proposed in the Precinct Plan:***
  - ***Mitigate external impacts associated with the proposed land use designations including the proposed 'southern rotary precinct'.***
  - ***Prioritise and futureproof airport safety and functionality in light of the designation of new commercial and industrial precincts.***

#### **7. *The suggestion that the Moorabbin Airport could appropriately be located within the Urban Growth Boundary and the extent to which this proposal contradicts State Planning Policy.***

The Airport site is located within the Kingston Green Wedge, bound by residential and industrial uses to the south and west. Council does not support the Airport being included within the Urban Growth Boundary (UGB). This would be in direct contradiction with both State and Local Planning policies aside from being largely redundant on the basis the land is already controlled by the Federal Government.

Section 5.7 (page 65) of the Master Plan states that '*...as required by the Airports Act and associated Regulations, consistency with State and local planning schemes has been considered, with any inconsistencies justified.*'

Planning Practice Note 62 states '*The Green Wedge Zone is appropriate to recognise and protect non-urban land outside the UGB in the metropolitan area for its agricultural, environmental, historic, landscape or recreational values, or mineral and stone resources. The zone provides opportunity for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate*

*in urban areas for amenity and other reasons (such as **airports**, schools, waste treatment plants, land fills and reservoirs). A dwelling requires a permit and is restricted to one dwelling per lot.'*

In order to achieve consistency with State and Local Planning policy references to the inclusion of the Airport within the UGB should be removed from the draft Master Plan.

Locating the Airport within the UGB would not provide greater clarity for Moorabbin Airport and would arguably instead introduce a level of ambiguity around the legislated primary role of the site as an Airport. There is no reasonable justification for the request noting other key infrastructure items such as the Eastern Treatment Plant are appropriately located outside the UGB.

***Recommendation:***

***That the Master Plan be modified:***

- ***To remove all references to the Moorabbin Airport being located inside the UGB.***

**Conclusion**

Council requests the MAC consider its submission and make recommendations to update the Master Plan as outlined above. Any further opportunity to discuss and resolve the matters identified in this submission with the MAC, would be welcomed by Council.

**Appendix 1: Moorabbin Airport development since 2009**







## Appendix 2: Areas to be retained for aviation uses



Figure 1 – existing aviation land between Northern Avenue and First Avenue recommended for retention as aviation land.



Figure 2 – Areas recommended for retention for aviation purposes

Appendix 3 – Recent development: Lower Dandenong Road looking north towards airport land



#### Appendix 4: Location of Rotary (helicopters)





*City of*  
**KINGSTON**



1230 Nepean Highway,  
Cheltenham, VIC 3192  
PO Box 1000, Mentone, VIC 3194



1300 653 356



131 450



info@kingston.vic.gov.au



kingston.vic.gov.au





27 October 2021

Mr Paul Ferguson  
Chief Executive Officer  
Moorabbin Airport Corporation  
66 Bundoora Parade  
MOORABBIN AIRPORT VIC 3194

Dear Paul

**Re: Addendum to the City of Kingston's Submission to Preliminary Draft Moorabbin Airport Master Plan 2021**

With submissions extended by the Minister for Infrastructure, Transport and Regional Development, the Hon Barnaby Joyce, Council wishes to make an addendum to its submission endorsed on 28 June 2021.

In accordance with the Airports Act 1996, significant obligations exist on the Airport Lessee Company (ALC) to demonstrate through its submission to the Minister that the company has had due regard to those comments it has received in preparing the draft plan. Council is aware that substantive feedback has been provided by a range of parties with respect to the preliminary draft Moorabbin Airport Master Plan 2021. At the end of this submission, I have identified the questions that have arisen for Council and attached those from the Moorabbin Airport Chamber of Commerce and Industry (MACCI) that I agreed to outline following our meeting on 7<sup>th</sup> October, 2021 with the MACCI.

As Moorabbin Airport Corporation (MAC) will be aware, section 70 and 71 of the Airports Act 1996, sets out the purpose and contents of a master plan. The following matters put forward by Council in its original submission are of particular relevance and include:

1. Insufficient land being set aside for the Airport's core aviation role, and the extent to which non-aviation uses are being prioritised over aviation and aviation support services.
2. The threat that unconstrained retail, industrial and commercial development on the Airport land poses for Activity Centres across Kingston.
3. The location of proposed industrial and warehouse buildings along sensitive interfaces, and the lack of any urban design guidance or performance measures to manage the amenity impact on adjoining residents.
4. The loss of green open spaces and the extent to which this exacerbates existing urban heat island issues associated with the airport.
5. Airport safety, noise and the extent of development proposed (and already developed) immediately adjacent to existing runways.
6. The suggestion that the Moorabbin Airport could be appropriately located within the Urban Growth Boundary and the extent to which this proposal contradicts State Planning Policy.

Council seeks a substantive response from the MAC in terms of its serious concerns with regards to the above.

This addendum to its original submission builds upon the above points with particular reference to the following:

1. The location of rotary (helicopters).
2. Amenity / Siting of proposed non-aviation factories alongside the airport's well established existing residential interface.
3. The need to contemplate the requirement for a Major development Plan (MdP) to be triggered for works proximate to residential properties.
4. Noise issues raised by Dingley Village residents.

### **Rotary location**

Council is extremely disappointed to see through recent aerial photos and discussions with the MAC, the locations of helicopters in the southern precinct. During discussions with Council in 2019-2020, it was stated by the MAC that they would be relocating all helicopters from the southern end of the Airport (which is the area of the airport which is most exposed to the existing residential community) to a location further away from the residential interfaces at the airport.

Due to the loss of prime airside land caused by the extent of non-aviation development, one of the many flow-on effects evident is the lack of space now provided on the airport site for the effective strategic positioning of aviation uses. Thus, the designation and desire by the MAC for potential consolidation of the rotary precinct to the southern side of the airport, adjacent to the residential area. The impact that this will have upon the surrounding community's amenity has yet to be clearly explained to any stakeholder, residents, or Council. Concern has been reflected through ongoing submissions and discussions with the MAC that airport activities should be sited as far as possible from the residential interfaces of the airport to the south and west.

### **Amenity**

Of great concern to Council and residents, are the proposed locations for further non-aviation development, particularly across the western precincts of the airport. In Council's June submission, this was discussed at length with regards to the removal of irreplaceable aviation land. What this addendum wishes to address and strongly reiterate, are our concerns with the proposed location of non-aviation development to the north of Dallas Street and Houston Street, and east of Allandale Road, Mentone. The lack of consultation and detail provided to all stakeholders, but particularly existing residents, with what the MAC are intending to construct there, is extremely concerning.

As per section 71 (2) (gb) of the Airports Act 1996, MAC are required to...*'in relation to the initial period of the master plan-[provide] detailed information on the proposed developments in the master plan that are to be used for:*

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

*71(2) (gc) in relation to the initial period (see subsection (3A)) of the master plan—the likely effect of the proposed developments in the master plan on:*

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

No substantive details are contained within the draft masterplan, other than that the area 3 (specifically area 3 that is circled below in Figure 1) is nominated for non-aviation purposes.

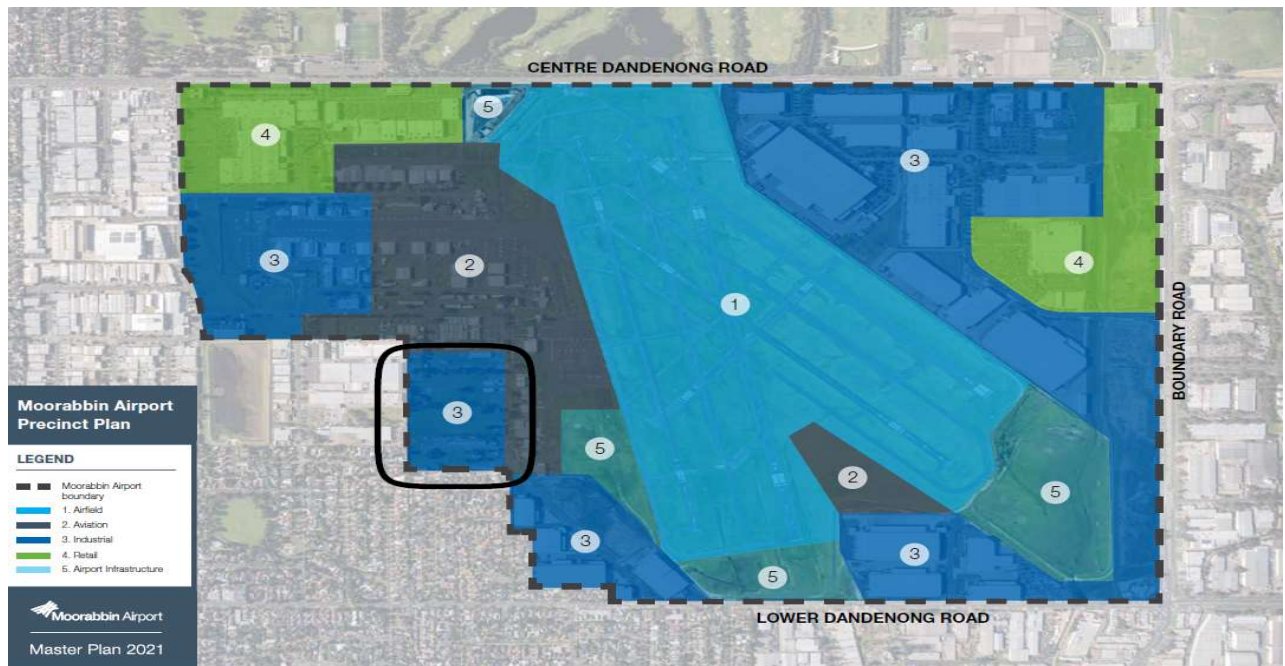


Figure 1: Area 3 (circled) proposed to be developed for non-aviation uses adjacent to existing residential community

The Airports Act 1996 is very deliberate in its intent through Section 79 to explicitly notify both State and Local authorities with responsibility for ‘town planning’. It is then clear at Section 81 that the Minister, in deciding whether to approve the plan, must have regard to several matters, including the use of the land within the airport and in surrounding areas.

With specific respect to ‘town planning’, Council have attended meetings with representatives from the MAC who assure Council that the factories already on site, including the McCormick’s building (which was discussed in the original submission - refer to Figure 2), located in the south west corner, directly adjacent to the existing residential area, are in fact compliant with Rescode and the Victorian Planning Provisions. It has been stated that this factory will be replicated again behind the existing residential area north of Dallas Street. Council strongly disagrees with the assessment that, in using the McCormick’s building (as illustrated below in Figure 3), that it complies.



Figure 2: Lower Dandenong Road looking north to the McCormick’s building



Rescode is not a standard used in the Victorian Planning Provisions for the industrial siting of buildings immediately adjacent an established residential area. In fact, in an Industrial Zone a 30-metre setback would generally be triggered from an established Residential Zone otherwise a Planning Permit would likely be required. Considerations in relation to any setback reduction under 30 metres would include detailed engagement with adjacent property owners on issues including:

- Overshadowing
- Acoustic controls
- Visual Bulk
- Detail of buildings finishes
- Window locations
- Articulation of walls
- Trees and landscaping to provide further articulation and amenity

The justification put forward by the MAC within the draft Masterplan to try to explain the extent of non-aviation development in such locations, is at best limited and at worst disingenuous to those that reside immediately next to the land designated for an airport. It further does not negate the fact that residential amenity has not been considered.

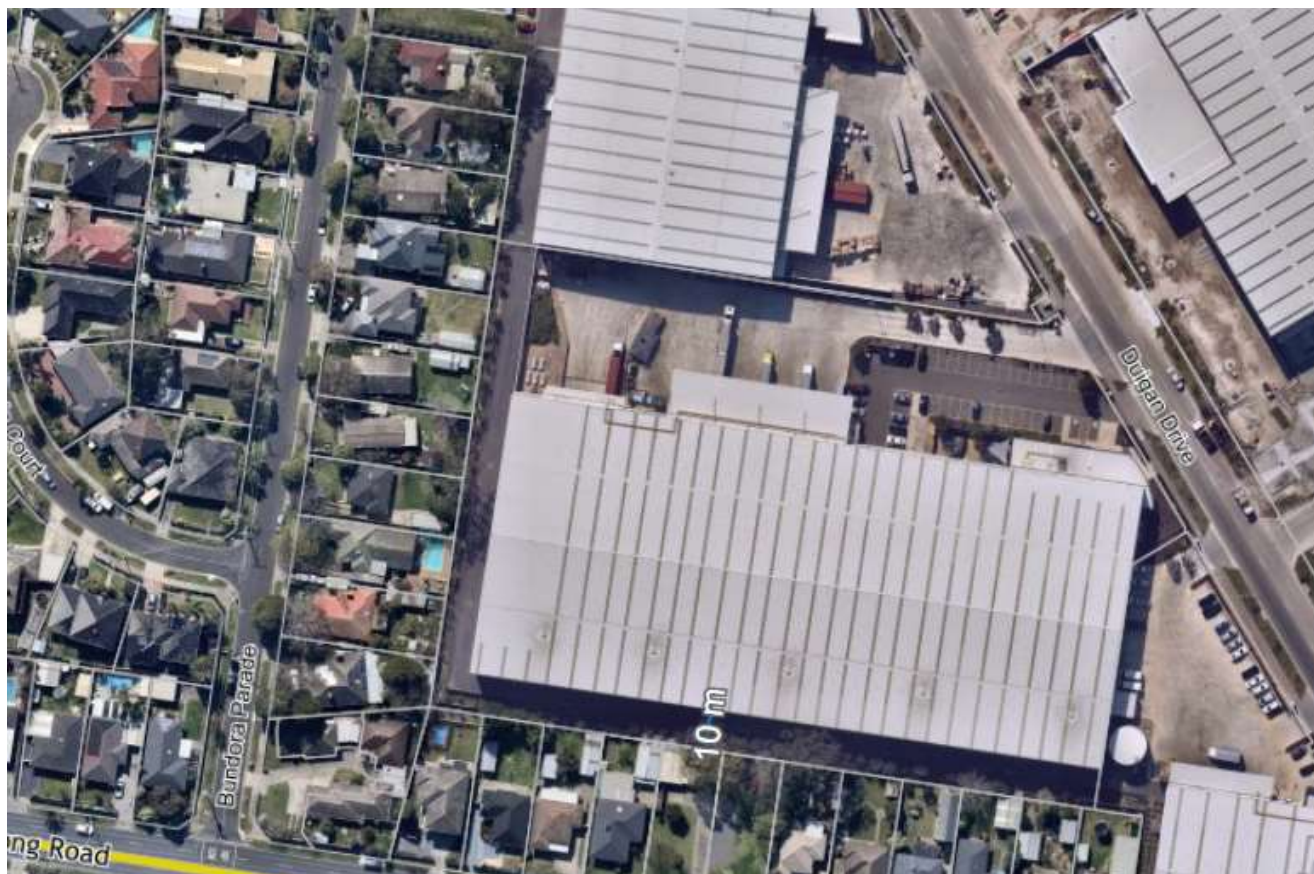


Figure 3: Aerial photograph of the McCormick's building with approximate setbacks to residential boundary

## Draft Major Development Plan

As you will be aware, major development plans are addressed in Division 4 of Part 5 of the Airports Act 1996. Under s89(1)(e) and (na), a major airport development is, *'a development that is carried out [on] an airport and that consists of...constructing a new building, where...the building is not wholly or principally for use as a passenger terminal, and the cost of construction exceeds \$20 million...or a development of a kind that is likely to have a significant impact on the local or regional community'* (emphasis added).

Given that the type of outcome shown on the previous page is so incongruous with any example of orderly and proper 'town planning' in 2021, a draft major development plan process would be a mechanism to ensure that those affected are appropriately consulted and a detailed and meaningful assessment on an outcome which has a *'significant impact on the local community'* is robustly scrutinised.

## Noise Complaints from Dingley Residents

Council have continued to receive feedback on noise complaints, particularly from residents in the Dingley Village precinct. Some residents feel that through the life of the existing Masterplan, responses to complaints are not treated seriously. Residents feel that any noncompliance with the fly friendly program, is ignored or not sufficiently actively pursued. Council consider that additional work should be done to provide for a more robust process whereby the resident registering the complaint is not only able to see that the complaint has been logged, but also provided with substantive advice that the relevant entity responsible for a breach in the fly friendly protocols is formally followed up.

## Meeting with Moorabbin Airport Chamber of Commerce and Industry

Council wishes to acknowledge the efforts of the MAC in co-ordinating a meeting with representatives of the Moorabbin Airport Chamber of Commerce and Industry (MACCI). It was agreed at the meeting that Council would identify, with the MACCI, a series of questions it wished to be followed up, noting some relate to Council raised items and others are of greater importance to the MACCI. It was requested that responses to the matters raised, would be provided to the Council and the MACCI prior to the Airport Lessee Company (ALC) submitting its preliminary draft masterplan to the Minister, so Council and the MACCI are sufficiently confident that the ALC has had due regard to the questions in considering its submission to the Commonwealth Minister.

The questions collated by Council have been themed as follows:

- Use of Commonwealth Land
- Aviation Noise (Helicopters)
- Residential Interface

## Use of Commonwealth Land

A range of objectives exist under Section 3 of the Commonwealth Airports Act including:

- a) to promote the sound development of civil aviation in Australia;
- b) to establish a system for the regulation of airports that has due regard to the interests of airport users and the general community; and
- c) to promote the efficient and economic development and operation of airports.

The Victorian Planning Policy Framework also states as a strategy to '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'.



### **Questions:**

1. What is the extent of the airport land allocated for committed aviation purposes under the current masterplan? What is the extent of the reduction proposed under the preliminary draft masterplan?
2. On the basis a reduction in land for aviation is proposed, what basis exists to reduce the amount of land identified in previous master plans?
3. What studies have been completed that effectively demonstrate that for the life of the ALC's approved tenure of the Commonwealth Land, it has sufficiently planned for all anticipated aviation uses and aviation safety requirements at the Airport to warrant any reduction?
4. If the preliminary masterplan were to proceed as exhibited, and further loss of aviation land were to occur between Second Avenue and Northern Avenue, what land is remaining that could be safely and functionally made available for aviation on the balance of the airport (fixed wing and/or rotary), if it were required during the extended lease period provided to the ALC?
5. Can you please outline the consequence of downgrading a runway classification, in relation to what it has the effect of excluding, with respect to the airport's aviation role in the future?

### **Aviation Noise (Helicopters)**

Concern has been reflected through ongoing submissions and discussions with the MAC that airport activities should be sited as far as possible from the residential interfaces of the airport to the south and west.

Given this ongoing request:

1. Can you please clearly outline the original location(s) of all non-emergency helicopter arrivals and departure landing points and storage areas at the Moorabbin Airport at the establishment of the lease of the land with the Commonwealth, when compared with the envisaged location(s) of helicopter arrival and departure landing points and storage areas in the current preliminary draft masterplan?
2. Is it correct that more of the helicopter approaches are proposed to be moved closer to residential properties to the south and west of the airport which would appear to contradict previous discussions between the MAC and Council regarding a desire to locate helicopter movements further away from existing residential areas?
3. Can you please provide information which illustrates whether the MAC is able to demonstrate that the intended future consolidation and siting of the helicopter arrival and departure locations, as envisaged in the preliminary draft master plan, will cause more or less noise for residents to the south and west of the airport from these activities?

### **Residential Interface**

Concerns have consistently been communicated to the MAC regarding the siting and design of non-aviation industrial development adjacent to established residential areas on Commonwealth land. Can the MAC indicate:

1. The minimum setback distance any buildings will be located from the Dallas and Houston Streets and the Allandale Road residential interface to the Airport?
2. The maximum building height of any buildings which are planned to be located adjacent to the Dallas and Houston Streets and Allandale Road interface with the Airport?

3. What buffers are proposed to be prescribed between the well-established residential areas in Dallas and Houston Streets and Allandale Road interface with the Airport, and what form will these buffers take?
4. What information has MAC provided residents of Dallas and Houston Street and Allandale Road of its intentions with respect to development adjacent to their property boundaries?

### **Moorabbin Airport Chamber of Commerce and Industry questions**

The MACCI have provided Council with the following questions that have asked that I forward also requesting a written response too:

1. *As a result of all submissions, it appears MAC are now putting more emphasis on solutions for Aviation. However, every operator appears to need more space than before, both as Hangars and leased/parking areas. So how can this happen as so much "good" area has been lost already to Non-Aviation development?*
2. *MAC appear to be offering multiple solutions to operators but the question is how does this get resolved. The solutions are all dependent on other operators answers and so somehow decisions need to be made. How will this be brought to a conclusion? A drawing showing all the proposed development for hangars, access, aircraft parking, vehicle parking, timing etc will assist in answering this question. The ADP needs to be circulated.*
3. *Is MAC going to submit in writing answers to all the individual submissions?*
4. *Is MAC going to have a public consultation prior to the next step of it going to the Minister for approval?*
5. *The airport is located in a critical area S/East of Melbourne. This area is expanding rapidly and hence so should the airport. MAC state that the airport is primarily for training and other larger charter aircraft should use other airports. What would happen if Flight Training diminishes due to Covid? MB should provide a service that has the best MRO's, FBO's for attracting newer charter/RPT aircraft and more private operators as well as trying to maintain flying training. This would not be high volume and surely could be handled in the circuit, and this would service the S/East with better charter/RPT and medical facilities. Assuming this can be accommodated it still requires MAC to improve and or at least maintain the runway coding that supports these slightly larger aircraft. Will that happen as at this stage they have reduced the coding to level 1?*
6. *Turbulence is still a major issue to not only small training aircraft but also helicopters and larger jets. MAC's answer is that the modelling says it is OK. Talk to the operators and find out their opinion as most have a serious issue. How can the turbulence issue be resolved?*
7. *It is stated in the Master Plan that Non-Aviation development will subsidise Aviation development- provide the evidence of that.*
8. *How does the MAC plan to control/regulate B Double trucks making left hand turns into Grange Rd from Lower Dandenong Rd given they have to turn from the right hand side of the road. The same applies when they make a left hand turn out of Grange Rd, totally disrupting surrounding traffic.*
9. *The 2021 plan calls for the "decommissioning" of nine established buildings, many owned by the tenant. What genuine plan does the MAC have to relocate these businesses into suitable premises. In the last grab, 2 of the decommissioned businesses left the airport forever, will the same occur to all or some of these businesses?*

We look forward to your consideration of this addendum submission and your substantive responses to the questions Council and the MACCI have provided above.

Yours sincerely

**Cr Steve Staikos**  
MAYOR