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5 October, 2017

Simon Temple
Principal Planner
Melton City Council
PO Box 21
Melton VIC 3337

Dear Simon,

13-15 DIGGERS REST-COIMADAI ROAD, DIGGERS REST

Thank you for your email of 13 September 2017 notifying Melbourne Airport of an application to amend the Section 173 Agreement (the Agreement) which applies to 13-15 Diggers Rest-Coimadai Road, Diggers Rest (subject site).

It is understood that the purpose of the amendment application is to remove a lot size restriction (0.2ha) which will in turn increase the subject site's potential residential lot yield up to six fold. For the reasons outlined below, Melbourne Airport **strongly objects** to the application to amend the Agreement.

As you are aware, Melbourne Airport is infrastructure of State and National importance. Its importance is recognised in the State Planning Policy Framework and has recently been acknowledged by the Victorian Civil and Administrative Tribunal in *Ozzi Trade Pty Ltd v Hume CC [2016] 1876* and *Avid Property Group Nominees Pty Ltd ATF Diggers Rest Trust B v Melton CC [2017] VCAT 805*.

The majority of the subject site is affected by the Melbourne Airport Environs Overlay No. 2 (MAEO2) under the Melton Planning Scheme, which indicates that the land is subject to the 20 to 25 Ultimate Capacity Australian Noise Exposure Forecast (ANEF) 2003 noise contours. One of the decision guidelines in the MAEO is whether the proposal will result in an increased number of dwellings and people affected by aircraft noise.

In assessing the suitability of the site for this degree of residential density, it is important to highlight that the ANEF is not often reflective of how aircraft

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noise is experienced "on the ground" and that it is not a noise metric that should be used in isolation when considering noise-sensitive development proposals.¹

Importantly, the Melbourne Airport Master Plan (completed every 5 years) utilises both the ANEF and N Contour noise metrics in assessing the impact of aircraft noise on communities. Unlike the ANEF contours which are calculated on the basis of an average distribution of aircraft noise over a year, the N contours measure aircraft noise at a day-to-day level as well as differentiate between daytime and night time noise. The latter metric is more reflective of how individuals generally experience aircraft noise.

More specifically, the subject site is significantly affected by daily aircraft noise evidenced by its location within **all** of the possible four (4) N Contours, being:

- N60: 100 or more noise events per day exceeding 60 decibels;
- N65: 50 or more noise events per day exceeding 65 decibels;
- N70: 20 or more noise events per day exceeding 70 decibels; and
- Night: six (6) or more noise events per evening exceeding 60 decibels.²

Comparatively, 60 decibels is equivalent to the decibel level of an office conversation whilst 70 decibels is equivalent to the sound of busy traffic. It can therefore be comfortably assumed that these levels of aircraft noise would interfere with daily residential activities such as watching television, sleeping or a normal conversation.

We further note that in the *Avid* case, VCAT accepted that preliminary work undertaken by Melbourne Airport for the 2018 Master Plan indicated that the Diggers Rest area may be further impacted by aircraft noise in the future.

Whilst the MAEO2 requires noise attenuation to be incorporated into dwelling construction in accordance with Australian Standard AS 2021:2015, and that this may ameliorate aircraft noise in certain circumstances, it is not a perfect solution for the issue. Specifically, attenuation is only effective when houses or rooms remain sealed, which is impractical during warmer months, inevitably leading to an increased reliance on mechanical ventilation (if available). Its application is also limited to indoor spaces and does nothing to mitigate the impact of aircraft

¹ National Airport Safeguarding Framework, Guideline A: Measures for Managing the Impact of Aircraft Noise, referenced in Clause 18.04-1 (SPPF) of the Melton Planning Scheme.

² Available via the Melbourne Airport Online Noise Tool (<http://melbourneairport.com.au/about-melbourne-airport/planning/melbourne-airport-noise-tool.html>).

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noise as experienced in outdoor living areas. As such, it is Melbourne Airport's view that attenuation does not adequately address the full suite of issues and is not a substitute for orderly and proper land use planning; nor does it respond to the Decision Guidelines of the MAEO which seek to limit the number of dwellings and persons affected by aircraft noise.

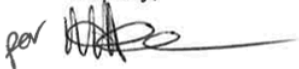
The importance of retaining the airport's curfew-free status by protecting the surrounding area from sensitive land uses is also well recognised and reinforced by both State and federal government, as evidenced within:

- The National Airports Safeguarding Framework;
- State Planning Policy Framework, Clause 18.04-1 – Melbourne Airport; and
- Plan Melbourne (2017 – 2050): Policy 1.1.5, Direction 3.4.

It is also noted that the subject site is already capable of being redeveloped with the current agreement in force into over 100 lots, and as such it is considered that the retention of the lot size restriction does not unreasonably burden the landowner.

If you wish to discuss this matter further, please do not hesitate to contact Nicola Clark on 9297 1003 or via email at nicola.clark@melair.com.au.

Sincerely,

per 

Michael Jarvis
Executive Planning

CC: Joanna Kormas – Department of Environment, Land, Water & Planning
Pip Spence – Department of Infrastructure & Regional Development