

**16 February 2021**

**Notice of Motion, Cr Leppert: Fly Neighbourly Agreement**

**Motion**

That the Future Melbourne Committee:

1. Notes previous decisions of this Committee to establish a Fly Neighbourly Agreement (the Agreement) for the inner city to discourage non-essential flight patterns above sensitive land uses, and that the Agreement that was subsequently created committed to an annual review of the Agreement and the publication of any updated versions of the Agreement;
2. Notes that the Agreement was not reviewed and that the public and Committee were notified on 15 September 2020 that the Agreement had become “largely dormant for two years”;
3. Recognises that Council has no regulatory control over aircraft flight in the municipality, and can only play a facilitative role to educate and seek voluntary commitments from flight operators;
4. Directs that the Agreement (or Agreements) be reviewed and reinstated, inclusive of a commitment to annual review and publication of updated versions on the City of Melbourne website, within twelve months of this resolution, and that internal processes and ownership of the Agreement(s) within the administration also be reviewed to ensure that the review role is maintained; and
5. Reserves the power to discontinue the Fly Neighbourly Agreement(s).

**Background**

The Committee resolved<sup>1</sup> on 5 August 2014 to, *inter alia*, request management to produce online resources for residents explaining aircraft regulations and guidelines for aircraft operators, and provide advice to councillors regarding the process involved in the development of a Fly Neighbourly Agreement.

The resolution resulted in a briefing paper to councillors, setting out steps required to be undertaken to establish a Fly Neighbourly Agreement, in accordance with guidance from the Civil Aviation Safety Authority.

Ultimately, a report from management<sup>2</sup> was presented to the Committee on 16 February 2016, recommending “That the Future Melbourne Committee endorses management seeking to develop Fly Neighbourly Agreements with helicopter companies operating in the City of Melbourne.” The recommendation was carried unanimously.<sup>3</sup> The prospect of an additional future Agreement to cover fixed wing aircraft was contemplated at the time.

The sample Fly Neighbourly Agreement produced<sup>4</sup> committed to a review process whereby “the City of Melbourne will review the Fly Neighbourly Agreement each year in collaboration with aircraft operators and residents, taking into account: Aircraft noise concerns raised by Airservices Australia, City of Melbourne, Parks Victoria or any other agency; Any opportunities to improve the noise outcome. Updates to the Fly Neighbourly Agreement will be sent to Airservices Australia, CASA, Parks Victoria, and the Aircraft Noise Ombudsman and published on the City of Melbourne website.” These commitments were not fulfilled.

Following requests from the East Melbourne Group in early 2020, it was found that the Fly Neighbourly Agreement had been removed from the City of Melbourne website, with the rationale that it was an expired document. Following a public question to the Committee on 15 September 2020, an officer-prepared response

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<sup>1</sup> <https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/MeetingAgendaItemAttachments/656/AUG14%20FMC%20CONFIRMED%20MINUTES.pdf> page 7

<sup>2</sup> <https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/MeetingAgendaItemAttachments/719/13030/feb16-fmc2-agenda-item-6-7.pdf>

<sup>3</sup> <https://www.melbourne.vic.gov.au/about-council/committees-meetings/future-melbourne-committee-meetings/MeetingAgendaItemAttachments/715/feb16-fmc2-confirmed-minutes.pdf> page 7

<sup>4</sup> [fly-neighbourly-agreement-2016-sample.pdf \(melbourne.vic.gov.au\)](https://www.melbourne.vic.gov.au/about-council/committees-meetings/future-melbourne-committee-meetings/MeetingAgendaItemAttachments/715/feb16-fmc2-confirmed-minutes.pdf)

indicated that “the FNA... has been largely dormant for two years as a result of the relocation of some service operators.”<sup>5</sup>

Residents have continued to experience intolerable health impacts from non-essential flights since the abandonment of the Fly Neighbourly Agreement, with complaints to Council and councillors continuing. Helicopters hovering in place above a residence for extended periods, during a joy flight over the sporting precinct that takes in neighbouring residential areas, is the most common example of a flight pattern with harmful health effects for those on the ground. While the Fly Neighbourly Agreement itself cannot prevent inappropriate flight patterns, as a voluntary and continually reviewable mechanism, it is an opportunity to educate and work with helicopter operators to ensure that their operations are commercially productive while also minimising harm.

The Fly Neighbourly Agreement does not seek to influence flights by emergency and essential flight operators.

As Melbourne’s visitor and central city economies build post-lockdown, it is preferable that an Agreement is in place before operators significantly increase flights, not after the frequency and routes for those flights have been established.

Given the lack of commitment to the previous resolutions of this Committee to continual facilitation of the Fly Neighbourly Agreement, and the effective delegated decision to discontinue the Agreement without reference to Council, the motion proposes a review of how the function should be administered internally and explicitly reserves to the Committee any decision to discontinue any Fly Neighbourly Agreements in future.

**Mover: Cr Rohan Leppert**

**Seconder: Lord Mayor Sally Capp**

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<sup>5</sup> <https://www.melbourne.vic.gov.au/about-council/committees-meetings/meeting-archive/MeetingAgendaItemAttachments/918/SEP20%20FMC2%20MINUTES%20CONFIRMED.pdf> page 3