

Submission:**Draft Kyneton Airfield Masterplan**

6 June, 2016

1 ASSOCIATION'S RESPONSE TO THE KYNETON AIRFIELD MASTERPLAN

The Association does not support the draft Kyneton Airfield Masterplan, and objects to its adoption.

Bases for objection include:

The Masterplan proposal:

- 1) Fails to meet the Objectives for Planning In Victoria (Section 4, Planning and Environment Act 1987):
 - a) To provide for the fair, orderly, economic and sustainable use and development of land.
 - b) To provide for the protection of natural and man made resources and the maintenance of ecological processes and genetic diversity;
 - c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- 2) Lacks a policy or strategic basis.
- 3) Fails to include mechanisms to provide maximum transparency and accountability for all aspects of the proposal, and airfield operations.
- 4) Represents a mis-use of public land, and public money, for private profit.
- 5) Is contrary to the Macedon Ranges Planning Scheme.
- 6) Provides an advantage to airfield users and private interests over the public interest.
- 7) Condones existing unlawful commercial use of the airfield.
- 8) Lacks due diligence by proposing to substantially increase flight movements in unregulated 'uncontrolled' airspace, including over the town, without commensurate increased regulation.

The Association supports either relocating the airfield away from high population areas, or restricting operations to current or lesser usage, as well as registering with CASA.

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2 DOCUMENTATION REFERENCED IN THIS SUBMISSION

In preparing this submission, the Association has referenced the following documents:

22 February 2012:

- a) Council meeting Notice Paper / Minutes
- b) Draft Macedon Ranges Shire “Kyneton Airfield Future Directions Study” February 2012, (Item AO2 - Attachment 2) adopted for consultation. *Very limited consultation in preparation, targeted stakeholders only.*
- c) Draft Rehbein Airport Consulting “Kyneton Airfield Opportunities and Constraints Study”, 10 August 2011 (Item AO2 – Attachment 2). Rejected by Council officers as failing to include constraints and views of several stakeholders. Included in Notice Paper attachments for “*transparency and completeness*”.¹

27 June 2012:

- a) Council meeting Notice Paper / Minutes
- b) Draft Macedon Ranges Shire “Kyneton Airfield Future Directions Study” February 2012, (Item AO2 Attachment) adopted by Council.

24 September 2014:

- a) Council meeting Notice Paper / Minutes
- b) Tracked revision Essential Economics “Kyneton Airfield Economic Opportunities Analysis” August 2014 (Item PE1 Attachment 1) adopted by Council.
- c) Summary of submissions to “Kyneton Airfield Economic Opportunities Analysis” and Council responses (Item PE1 Attachment 2).

2016:

- a) Draft Kyneton Airfield Masterplan 2016

3 ISSUES WITH DOCUMENTATION

3.1 Consultant’s Report Rejected and Replaced

Macedon Ranges Council officers rejected the draft “Kyneton Airfield Opportunities and Constraints Study”, (Rehbein Airport Consulting, 10 August 2011) upon receipt, citing it “*focussed specifically on opportunities and did not specifically acknowledge any constraints, nor the views of several stakeholders.*”² (Note: Chapter 5.0 of the Rehbein study is titled “Constraints and Risks”).

The study’s brief called for “*limited stakeholder consultation with targeted stakeholders, with the intention of broad community consultation after Council were satisfied that the report was completed to Councils satisfaction.*”³ The study’s Appendix A, Stakeholder Consultation Schedule, shows consultation appears to have consisted primarily (if not exclusively) of Aero Club and aircraft/aviation interests.

The “Kyneton Airfield Future Directions Study”, (prepared in-house by Macedon Ranges Council, February 2012), replaced the Rehbein study, apparently without further consultation prior to adoption by Council for exhibition.

¹ Council officer report, 22/2/12, (Item AO2, page 46)

² Page 3, Kyneton Airfield Future Directions Study February 2012

³ Page 3, Kyneton Airfield Future Directions Study February 2012

Some significant differences exist between the two studies, for example, the Rehbein study's recommendation that application for CASA registration be considered for Kyneton airfield, is deleted from the Future Directions document.

3.2 Contradictions And Inconsistencies In Reports

A confusing and undermining feature of material referenced for this submission is the extent of contradictions and inconsistencies, including issues which should be a matter of fact. Examples are provided below.

3.2.1 Incorrect Zoning for 8 Rawson Place and Land Adjacent To The Airfield

Documents regularly fail to correctly identify 8 Rawson Place and land to the north and west of the airfield as **FARMING ZONE**.

Previously, the RURAL GENERAL FARMING B ZONE (1995-2000), then the RURAL ZONE (2000-2006) were applied to 8 Rawson Place and adjacent land to the north and west. Since 2006, the land has been zoned FARMING ZONE. Yet this zone is persistently misrepresented in Kyneton airfield discussions as variously non-residentially zoned land, rural residential land, farming land, rural land, very low density broad acreage, private properties, and commonly as **Rural Residential Zone** (particularly 8 Rawson Place), a zone which does not exist in the Victorian planning system. This occurs in the Masterplan, Council studies and officer reports, and consultant documents.

3.2.1 Please ensure 8 Rawson Place and surrounding adjacent land to the north and west of the airfield are consistently identified as FARMING ZONE.

3.2.2 Construction, Operation and Ownership of the Kyneton Airfield

- a) Rehbein Study – constructed 1966 by former Shire of Kyneton (page 5).
- b) Economic Opportunities Analysis – established as a crop dusting airfield in the early 1960s, under the management of the then Shire of Kyneton (page 5); Aero Club located at the airfield in 1966 (page 5). Aero Club has managed the airfield, through a service agreement, since 1999. (page 3)
- c) 24 September 2014 officer's report to Council (Item PE1, page 10) – Kyneton Airfield was acquired in 1966 by the former Shire of Kyneton; originally established for crop dusting activities.
- d) Draft Masterplan – operation since 1962, constructed by former Shire of Kyneton. Managed by Kyneton Aero Club since 1967. (page 5).

3.2.2 Please provide correct construction, operation, and ownership details for the Kyneton airfield.

3.2.3 Existing Length of the Kyneton Airfield North/South Runway

- a) Rehbein Study 2011: Main north-south “*partially sealed and has an operating length of 900 metres*” (page 7) and “*extension ... to a total length of around 1,200 metres would be desirable.*” (page 13).
- b) Economic Opportunities Analysis 2014: “*Expansion of the runway from its current length of 800 metres to 1,000 metres ...*” (page 16).
- c) Council documents. Draft Masterplan: “*700 metres bitumen with approximately 150 metres of gravel overrun...*” (page 6)

3.2.3 Please provide true measurements for the existing length, and sealed width, of the north/south runway.

3.2.4 Number Of Existing And Proposed Hangars

- a) Rehbein Study 2011: “**34 total**”; (8 parallel to north-south runway; 25 parallel to east-west runway)⁴. (page 8).
- b) Kyneton Airfield Future Directions Paper February 2012: “**approximately 35 hangars**” (page 1).
- c) Officer’s Report 27 June 2012: “**approximately 35 private hangars**” (page 140).
- d) Economic Opportunities Analysis 2014:
 - “currently **34 aircraft hangars service the site**” (**26 hangar sites on the East/West runway and eight hangar sites on the North/South runway**) (page 3).
 - “...Aero Club having prepared preliminary plans to accommodate an additional **35 hangars**” (page 19)
 - “... the **67 hangars will generate approximately...**” (Returns to Council, page 32)
 - “...(based on a total of **64 hangars...**)” (Funding and Investment, page 41)

3.2.4 Please provide true details of all existing hangars and construction dates/location, those that are proposed and location, and revise hangar details at income and other calculations.

3.2.5 Life of Aero Club Service Agreement

- a) Economic Opportunities Analysis 2014: **25 years** (page 34)
- b) Officer report, 24/9/14 (Item PE1, page 10): “management of the airfield has been undertaken by,, Kyneton Aero Club... by way of a Service Agreement. The current **nine year agreement** is due for review in 2015.”

Please provide true information about the life of the Service Agreement.

4 DRAFT MASTERPLAN

4.1 Lack of Policy / Strategic Basis

The **2014 Economic Opportunities Analysis** confirms there is no direct strategic or policy basis for proposed expansion of the airfield:

“The MSS provides no specific clauses in relation to aviation activities.” (page 10), and *“MRSC does not have any specific aviation related policies”* (page 44).

The **Masterplan** admits the Kyneton Structure Plan 2013 “provides no specific policy direction for the site” (page 14), and correctly observes that the Macedon Ranges Economic Development Strategy 2009-2019 provides only “some general direction for supporting development of the Airfield site”, in regard to infrastructure provision:

“the development of business and the potential for increased investment is dependent upon adequate infrastructure.”

The Masterplan’s search for some form of policy/strategic justification takes it to the Council Plan 2013-17 (page 13). Here it translates the Council Plan’s:

“community infrastructure should be planned for to meet the needs of the community”

into

⁴ Adds to 33 hangars

“In this regard, this masterplan must consider the demand for further hangar sites and potential increase in the use of the airfield site for recreational pilots and emergency services”. (page 13)

This confuses community need with market demand from a small specialist minority, including non-residents of the Shire, but confirms additional hangars will result in increased recreational use of the airfield.

4.2 Masterplan Objectives

Not supported. As presented, these are irresponsible, inadequate and biased towards one sector over another – that which benefits from commercial and recreational expansion. They do not address land use conflicts, landscape or environmental considerations, or adverse impacts upon rural and residential amenity.

4.3 The Masterplan Is Not A Comprehensive Masterplan

4.3.1 Requirements For Masterplan

The 2014 Economic Opportunities Analysis identified, at page 29, important planning actions required:

“Preparation of a comprehensive site masterplan.”

At page 26, the Analysis sets out what would TYPICALLY be included in an airfield masterplan. Omissions from this list in the Kyneton airfield Masterplan include:

Site analysis (site infrastructure, vegetation, access, surrounding land uses, user groups, etc.)

Community Consultation (site users, land owners, general community)

Development plan / Guidelines (building design and placement, fencing, car parking, landscaping and open space)

Operational / Management Plan (including addressing aircraft noise, obstacle limitation surfaces, etc)

4.3.2 Failure to Produce An Air Operational Management Plan

The 2014 Economic Opportunities Analysis (at page 29) makes the following recommendation:

“Prepare an air operations management plan”

At page 28, the Analysis says:

[As Kyneton airfield is not registered with CASA and has no reporting responsibilities] *“Currently, no formal monitoring and regulation process exists at Kyneton airfield...”*

“A formal Air Operational Management Plan is required as part of any future expansion of the airfield. The preparation of such a Plan should be undertaken in conjunction with the masterplan.”

The Masterplan, at page 26, says

“...this Plan will be drafted with input and oversight from Council’s Kyneton Airfield Advisory Committee.”

“The Operations Plan will be commenced once a masterplan is adopted for the airfield and will address issues that fall outside the scope of this masterplan project...”

The four items listed in the Masterplan to be addressed by Council's Operations Plan fall well short of the seven, more comprehensive issues an Operations Plan could address, as shown at page 28 of the Analysis.

4.3.2a Please advise why the Operations Plan is not being prepared IN CONJUNCTION WITH the Masterplan, as recommended.

4.3.2b Please advise who are the members of Council's Kyneton Airfield Advisory Committee. Is this a Section 86 committee?

4.3.2c Please provide details as to why the issues Council's Operations Plan will address are substandard compared to those offered in the 2014 Analysis.

4.4 Service Agreement: Lack of Transparency in Governance Arrangements:

The 25 year Service Agreement between Council and the Aero Club expired in March, 2015. This Agreement gave management of day-to-day operations to the Aero Club.

The 2014 Economic Opportunities Analysis (page 28) noted, that prior to its expiry the Agreement "will need to be reviewed... and the retention of this type of arrangement is unlikely to be suitable for the implementation of a Commercial Development option".

And at page 34, "It would be prudent for Council to review Governance Options within the coming 12 months [i.e. from 2014] to ensure any changes to the existing arrangements are legislated prior to the Service Agreement expiring."

The Analysis considered three Governance options, recommending Option B: Council management of the airfield, with an advisory committee.

A basis for this was the Aero Club's likely lack of skills and resources to manage commercial development at the airfield. Option B was considered to be superior - in part because Council is more accountable to the community - despite invoking costs to Council (amongst other things).

4.4a Please provide details of whether a Service Agreement currently exists, and if so, provide copies of the previous and current Service Agreements. If not, please explain why not, and who currently has legal responsibility for airfield management.

4.4b Please advise if the recommended Governance review has occurred, and whether the recommended structural change for the airfield (i.e. Council management and advisory committee) is in place. If so, please provide details of arrangements, responsibilities, costs, and membership of the advisory committee. If not, please explain why not, and who currently has legal responsibility for airfield management.

5 INFRASTRUCTURE DEFICIENCIES

5.1 Power and Water Supply

The 2011 Rehbein Opportunities and Constraints Study found (page 8):

"The vast majority of hangars do not have power or water connections."

The 2012 Kyneton Airfield Future Directions Study found (page 8) that airfield weaknesses included:

“Water supply may need upgrading.”

“Power supply most likely needs upgrading.”

The 2014 Economic Opportunities Analysis found (page 19):

“The potential exists to upgrade electricity supply, depending on proposed commercial activities on the site (this might include three-phase supply).”

5.1 Please provide detailed information about available services and existing power and water supply deficiencies, requirements for future expansion (as proposed), estimated costs for upgrading/installing same, and identify who is intended to bear those costs.

5.2 Unsewered Industrial Use In A Potable Water Catchment

All of the airfield site, 8 Rawson Place, land to the south of the airfield and surrounding land is located within the proclaimed Lake Eppalock Special Water Supply Catchment. This is not addressed (other than acknowledgement of Environmental Significance Overlay schedule 4 Lake Eppalock Catchment, which is applied to these areas to protect water quality in the catchment).

The 2011 Rehbein report states

“a septic tank operates on the site for outside toilet and aero club rooms” (page 8)

and the 2012 Future Directions Study states (page 8, Weaknesses dot point 15)

“No reticulated sewerage”.

Nowhere else in relevant documentation is this critical issue – lack of reticulated sewerage – mentioned, let alone addressed.

Macedon Ranges Planning scheme has the following requirement, at Clause 21.10 Economic Development, Objective 2, Strategy 2.1:

“Discourage industrial activities in the unsewered portions of Special Water Supply Catchments”.

The Kyneton Airfield Masterplan does not comply with this planning scheme requirement.

For the Masterplan to progress, reticulated sewerage would be a mandatory infrastructure upgrade, but costs to provide it, for existing activities, proposed commercial expansion, expansion of visitations/visitors/aero club facilities, and industrial pollution and industrial uses, are not given or factored into costs.

5.2 Please provide details of existing effluent disposal, extent of upgrades required to provide reticulated sewerage and trade waste disposal for the Masterplan proposal, and identify who is to pay.

6 PUBLIC LAND AND MONEY

6.1 Use of Public Land For Private Profit

Council is once again handing publicly-owned land over to private interests, to the advantage of private interests, and over the objections of the land's owners: *ratepayers*.

6.1.1 Kyneton Airfield

The Association objects in the strongest terms to the Masterplan's proposal to allow public land to be used for private commercial interests. The airfield is zoned Public Use Schedule 6, which means it is public land to be used for Local Government purposes. Council is attempting to privatize it.

6.1.2 Potential Use and Development Restrictions At 8 Rawson Place

The **Officer's Report, 27/6/12** (Item AO2, page 140) says this land:

"was provided, as the developer's contribution to open space, to the former Shire of Kyneton for the development of Rawson Place."

The **2014 Economic Development Analysis** says of 8 Rawson Place (page 23):

"While there is no reserve status on this lot Council will need to confirm the history of this land including the ownership transaction to ensure the location of hangars on this land would be a permissible use."

These comments strongly suggest this land may be legally restricted from being used for commercial or residential purposes, regardless of zone.

Unlawful development may have already occurred. The Masterplan states (at page 6) that *"the northern most hangar is situated on the adjoining council owned lot at 8 Rawson Place."* This may explain why Council has described the number of hangars as "approximately 35". (see 3.2.4)

6.1.1, 6.1.2 Please provide titles for the airfield land, and 8 Rawson Place.

6.1.2a Please provide details of the acquisition of 8 Rawson Place, including documents relating to its status at the time it was acquired by the former Shire of Kyneton, and current legal status.

6.1.2b Please provide details of planning approvals, council motion consenting to construction, and ownership, for the 'northern most hanger'.

6.2 Public Costs for Private Profit

Estimated construction investment costs (in 2014 dollars) to Council (i.e. ratepayers) are provided at page 30 of the 2014 Economic Opportunities Analysis. These show a:

\$75,000 cost for earthworks / taxiways;
 \$250,000 cost for runways; and
 \$50,000 cost for public amenities upgrades (full cost to Council).
Sub-total: \$375,000 plus
 \$220,000 cost for land purchase (4.4ha @ \$50,000 per ha)
TOTAL: \$595,000

Additional costs to Council include preparation of various reports/studies since 2011, and preparation of the Masterplan, plus costs to review the planning scheme and run a planning scheme amendment to rezone the airfield.

Council may also incur additional operational costs for additional (part time) staff resources

6.2 Please provide details of all costs incurred to date relating to the airfield, and expected future costs.

6.3 Finances

6.3.1 Council Revenue From Airfield Lease Rentals

The Kyneton Airfield Future Directions Study 2012 said of Council's airfield lease [land] rentals:

"It is well known and widely recognised that the rentals charged by Council are well below market value and are out of step with similar Airfields throughout the state. Scope exists for a gradual increase in rents, by a factor of several hundred percent." (page 13).

Council Minutes, 27/6/12 (Item AO2, page 12): Motion (carried) *"That Council (3) enacts the provisions within the current lease to adjust the lease values to current market rates."*

The 2014 Economic Opportunities Analysis (page 9) shows average rental (\$6,000 pa) and rates (\$15,000 pa) revenue to Council from the airfield each year over the 10 years 2003/4 to 2012/13. It also shows on average \$11,000 expenditure for each of those years. Based on average \$6,000 rental per year, and 35 sites, rental income averages \$171 per site. Also shown is \$10,000 per year net revenue to Council.

The Analysis also says (page 32) *"Based on existing lease (\$300 per site)..."* Assuming 35 hangar sites, at \$300 per site (existing), this would equate to \$10,500 revenue annually, which differs from the amount shown at page 9 (above).

6.3.1a Please advise if the lease rentals were increased to current market rates in 2012, in accord with Council's resolution. If not, why not?

6.3.1b Please provide the current annual lease rental cost per site, and how it relates to current market value.

6.3.1c Please explain the average \$11,000 per year expenditure (after returning \$6,000 to the Aero Club, this leaves \$5,000 unaccounted for).

6.3.1d Please explain why Council says the airfield is revenue neutral, when the Analysis shows income.

6.3.1e Please explain discrepancies between pages 9 and 32 of the 2014 Economic Opportunities Analysis.

6.3.1f Please explain why rates received from hangar sites are placed in consolidated revenue and not a Statutory Financial Reserve.

6.3.1g Please provide a comprehensive explanation of why airfield users enjoy such liberal (cheap) financial arrangements. And, with respect, the Aero Club is not the same as the local netball club

6.3.2 Liability Insurance

Documents do not address insurance cover for the airfield. A specific concern is the Masterplan's proposal to increase unregulated air traffic in uncontrolled airspace, at an airfield where not all structures meet safety standards, and with a runway extended to within 300 metres of Kyneton's town residential areas.

6.3.2 Please provide details and history of insurance cover, including costs, who pays, what is insured, and when insurance was first taken out. What, if any, potential liabilities is Council exposed to?

6.3.3 Lease Rental Arrangements

Council leases public land to private individuals who carry out works and erect and own structures on the public land.

6.3.3 Please provide details of how private individuals' ownership of structures on public land is legally valid.

7 PROPOSED AIRFIELD EXPANSION IS UNJUSTIFIABLE

7.1 Reports Are Biased To Support Expansion and Commercial Development Over Amenity

There are synergies in this proposal with Council's previous excessive economic development proposals at Hanging Rock (stopped by the State government) and the Equine 'Everything' Centre.

Airfield studies and reports since 2011 have singularly focused on economic development perspectives. Endorsement of airfield expansion and recreational / private commercial development is made without due regard to, or resolving, external impacts. There is a discernible lack of regard – and concern – for increased noise nuisance and loss of amenity for surrounding residents, and the town of Kyneton. Recommended actions are biased towards resolving the airfield's 'needs' and 'threats' alone. Solutions advantage the airfield, while inequitably penalising others. Community objections are over-ridden by an aggressive quest for economic development – at any social or environmental cost. Council is failing to exercise due diligence.

7.2 Conflicting Justifications for Runway Extension

There are conflicting propositions being presented to justify extending the airfield's north-south runway.

The Masterplan stresses the "community benefit" of extending the north-south runway, particularly to enable using or basing Air Tractor AT-802F fixed-wing retardant/water bombers at Kyneton, and this is given priority in the Masterplan's "Vision" (page 4):

"To develop the Kyneton Airfield site in line with all applicable standards to ensure that the site remains a unique recreational and emergency services asset for the Shire providing for recreational aircraft, associated commercial activity and broader community benefits."

The Masterplan's 'priority' for community benefit would no doubt be viewed favourably for State and Federal funding applications. For example, one criterion the Federal "National Stronger Regions Fund" turns on is: *"Meeting an identified and pressing community need"*

The Masterplan ensures a 'pressing community need' is identified. However, evidence of State fire-fighting services' support and endorsement – and need – for the runway extension for fixed-wing bombers has not been provided.

The Association understands all Victorian fire and emergency aircraft services are managed by the Department of Environment, Land, Water and Planning [DELWP]. From the DELWP State Aircraft Unit's webpage:

- "A new governance structure has been established that positions the Aviation Services Unit as a service provider for the emergency agencies."
- "The State Aircraft Unit Policy and Procedures remain the authority for all aviation operations, authorised by the Emergency Management Commissioner."
- "All Aviation operations need to be endorsed by the Aviation Services Unit before the operation can be conducted."

<http://delwp.vic.gov.au/news-and-announcements/aircraft-arrive-in-bendigo-to-boost-firefighting-efforts>

The absence of *official* State endorsement of the need for runway extension for fixed-wing fire-fighting benefits transforms the Masterplan's aspirations to a 'build it and they will come' scenario. Evidence of State level support for runway extension for a second air ambulance facility in Kyneton (additional to the helipad already provided by the State government at Kyneton Hospital) has also not been provided.

The Association recognises the Shire's high fire risk and the importance of fire-fighting capabilities, and the vital role helicopter water bombers (which can currently operate from Kyneton if required) have played in recent years. However without higher level endorsement, fixed-wing fire-fighting services may never eventuate, in which case extending the runway will benefit private commercial and recreational interests, not community interests, at ratepayers' expense.

The 2014 Economic Opportunities Analysis confirms the primary reason for the runway extension:

"In order to support commercial operations at the airfield, an extension to the runway will be required to provide adequate capacity and safety to support business operations. Additionally, an expansion of the runway will support the use of fixed wing emergency aircraft and allow for a broader range of recreational aircraft to access the facility." (page 18)

7.2a Please provide written endorsement from the State Air Services Unit (DELWP), that runway extension is sought to accommodate Air Tractor AT-802F fixed wing fire-fighting bombers at Kyneton airfield.

7.2b Please provide written endorsement from the State government that runway extension is sought to provide a second air ambulance facility, additional to the helipad already provided at Kyneton hospital.

7.3 Failure To Recognise, Take Responsibility For and Address Conflicts & Constraints

7.3.1 Physical and Planning Constraints, Including Close Proximity To Town Residential Areas

Macedon Ranges Planning scheme: Clause 21.10 Economic Development, Objective 2, Strategy 2.2 has the following requirement:

"Ensure the treatment of industrial and commercial development interfaces and business operations appropriately respond to the reasonable amenity expectations of adjoining sensitive land uses."

The draft Kyneton Airfield Masterplan conflicts with this planning scheme requirement.



Figure 1 Kyneton town residential areas (purple) relative to the Kyneton airfield (red). The green area is the existing Airport Environs Overlay applied to the airfield.

Kyneton airfield is a mere 19.7ha in size (197,000 sqm, page 5 Masterplan). It has no physical buffer areas.

The airfield is also only 600 metres from Kyneton’s township residential areas, and planes presently (and will continue to) fly over the town proper, increasing safety and noise concerns/objections. The proposed runway extension will bring the runway to within 300 metres of town residential areas (separated by the Calder Freeway). The Masterplan fails to identify this proximity and instead misleadingly says the airfield is “2 km from Kyneton”.

Kyneton township is also projected to experience substantial population growth (+50%) out to 2036.

- The 2011 Rehbein Kyneton Airfield Opportunities and Constraints Study acknowledged:

“the existing [airfield] site is extremely constrained and effectively precludes further development.” (page 15).

“Residential development surrounding airfields is generally incompatible with aeronautical operations and presents a risk to the ongoing operation or expansion of activities at the airfield.” (page 17)

“Residential and other development in the vicinity of the airport including those within Kyneton Town itself may prove a constraint to increased aviation activity at the airfield in the future.” (page 17)

- The 2012 Kyneton Airfield Future Directions Study stated:

“Expanding the Airfield operations at its present location could be controversial and in addition to the actual footprint of the land required, additional land would need to be secured to ensure a buffer zone and planning controls would need to be implemented.” (page 12)

- The 2014 Economic Opportunities Analysis states:

“however, future expansion of the facility needs to be considered with regard to sensitivity of surrounding land uses...” (page 9)

“If major conflicts remain, this is likely to constrain development due to potential ongoing opposition to any initiative which will create uncertainty and a disincentive to investment.” (page 18)

“Could result in increased adverse impacts (safety, amenity and operational) through increased aviation and on-site activities).” (page 25)

- The 2016 Masterplan (page 12) itself admits residential use occurs within 500 metres to the north and west of the airfield, triggering a permit requirement for heliport and helicopter landing sites.

Despite these identified constraints, the Masterplan does not resolve land use conflicts, community objections, or the inadequacy of the airfield’s location and size, but instead proposes to progress the proposed expansion and increased recreational and commercial use at an obviously inappropriate and unsuitable location.

Additional to the Aero Club’s existing flight school, and recreational flying, known expansion and development proposals include:⁵

At the Airfield

Small scale aviation hub (e.g. aircraft maintenance, restoration, painting)

Introduction of charter flights/tourism and joy flights

Development of education/training facilities (aviation sector)

Potential redevelopment of Aero Club rooms into a conference/community hub facility

Expansion of existing terminal building or develop new terminal building in the longer term⁶

Hosting aviation events

35 additional hangars⁷

Potential for commercial hangars⁸

Commercial helicopter operations, aircraft related uses and tourism development⁹

On land to the south:

Small-scale aviation park

Commercial accommodation (motel/caravan park – fly-in/fly out accommodation)

Museum / café

⁵ Pages 16 and 21 / 22, *Economic Opportunities Analysis, Essential Economics, 2014*

⁶ Page 9, *Kyneton Airfield Future Directions Study 2012*

⁷ Proposal by the Aero Club, Page 19, *Economic Opportunities Analysis, Essential Economics, 2014.*

⁸ Page 26, *Economic Opportunities Analysis, Essential Economics, 2014*

⁹ Page 20, draft *Kyneton Airfield Masterplan 2016*

7.3.2 Community Objections Dismissed

Instead of recognising constraints and addressing conflicts in a responsible way, residents' objections are dismissed, often with advice along the lines of 'you bought next to / near an airfield – live with it'. This is arrogant and unfair, particularly when construction of 26 additional privately-owned hangars since 2003 has increased airfield operations along with 24/7 refuelling and runway lighting facilities introduced in 2014. Kyneton residents live with the airfield, a major railway line, a sewerage treatment plant, and the Calder Freeway. They complain about the airfield.

7.3.3 Masterplan's Proposed Planning 'Solutions' Are Inequitable

Page 26 of the Masterplan ('Next Steps') already includes a 'step' to apply a **Special Use Zone**, and to revise existing Airport Environs and Design and Development overlays.

A. Proposed Special Use Zone

*"... rezoning of some land might be required e.g. hangar expansion on Rawsons Place. Generally a **Special Use Zone** would be the most appropriate zone to use to allow for the range of facilities likely to be established on the site."* Economic Opportunities Analysis 2014, page 26

With a Special Use Zone, Council may exclude residents from planning decisions on the land in two ways:

- a) Extinguish residents' rights to be notified and object to use and development proposals, and
- b) Remove permit requirements for use and development.

Either (or both) effectively remove residents' rights to have any say in what happens at the airfield, while concurrently providing considerable administrative, commercial and cost advantages to existing and future airfield users and businesses. Those most affected, with it all to lose, get no say.

B. Planning Controls - Overlays

Discussion across the range of reports suggests Council's "plan" for the airfield is to introduce new planning controls in existing Airport Environs / Design and Development overlays to restrict the height of obstacles including trees, and particularly those at the northern end of the runway.

- a) Trees planted at the northern end of the north-south runway *"will create an obstacle in the approach surface effectively decreasing the available length of runway"* (page 15 Rehbein)
- b) *"It is important to ensure appropriate planning controls are implemented in order to minimise the impact of these trees and prevent any further obstacles from impacting on the future operation of the airfield."* (page 15 Rehbein)
- c) *"Council should implement planning controls restricting the height of all activities (including landscaping) to protect the airfield from the establishment of obstacles which will limit future aeronautical operations as a result of uncontrolled development."* (page 18 Rehbein)
- d) *"A review of the Airport Environs overlay (AEO) is also required to facilitate the development of the airfield. For example, the AEO might be changed to include requirements relating to the need for a permit for tree planting (above a certain height) or other measures which support aviation-related activities."* Economic Opportunities Analysis, page 26.

8 PLANNING

8.1 Masterplan Does Not Meet Macedon Ranges Planning Scheme Requirements

8.1 Please advise how the Masterplan and its proposals meet the following planning scheme requirements.

Clause 21.10-1 Commercial and industry

Strategy 1.14

Ensure industrial uses locate within industrial centres and meet appropriate standards of safety and amenity.

Strategy 1.16

Facilitate best practice standards of commercial and industrial development.

Objective 2

To maintain the amenity of the areas interfacing industrial and commercial uses and the quality of the rural environment.

Strategy 2.3

Ensure industrial and commercial development is designed to complement and enhance local township character.

Strategy 2.4

Minimise negative impacts of industrial and commercial development on residential amenity.

Strategy 2.5

Ensure industrial and commercial development at township gateways and along major roads does not detract from the valued elements of the surrounding landscape.

Clause 21.10-2 Tourism

Strategy 1.2

Facilitate improvements to the function, design and presentation of the town centres and entrances to enhance the area's tourism appeal.

Strategy 2.2

Ensure tourism development does not adversely impact on water quality in Special Water Supply Catchments.

Clause 21.10-3 Retail and Services

Strategy 1.6

Direct commercial facilities to existing centres to minimise out of centre development.

Strategy 1.7

Provide retail facilities to provide for the needs of the local population and tourists within or immediately adjacent to, existing retail development.

8.2 Council Failure To Act On Existing Unlawful Commercial Land Use

The 2014 Economic Opportunities Analysis notes:

“Some commercial scenic flights and aircraft maintenance are also occurring at the airfield. These commercial activities have been approved by Council on a temporary basis, that is, until the long term direction of the airfield is resolved” (page 6), and

At “main issues relating to Council’s role” (page 21), “Council’s temporary planning arrangements which are allowing some commercial activities to occur in the PUZ without appropriate permits”.

8.2a Please provide details of the unlawful uses, including how long they have been allowed to “temporarily” operate at the airfield.

8.2b Please advise how “temporary” planning approval works, and under which section of the Planning and Environment Act it is provided for, and also advise what legal authority a Planning Authority has to knowingly allow “temporary” unlawful use to continue.

8.3 Creation of Additional Industrial Land Use Outside Existing Industrial Zones

The Masterplan proposal in effect creates new industrial use opportunities (land), when the town already has 180ha of vacant industrial zoned land. Both the Macedon Ranges Settlement Strategy (2011) and Kyneton Structure Plan (2013) are clear that no further industrial land is needed in Kyneton until 2036.

8.3 Please explain why Council proposes to increase land available for industrial use, contrary to its own strategic documents.

8.4 Lack of Response To Environmental Issues

- 1) Summary of Submissions: **Submission 30** to the 2014 Economic Opportunities Analysis (Coliban Water)

In its submission, Coliban Water raises concerns about separation distances for sensitive uses at the airfield from its Water Reclamation Plant, advises EPA has adopted new guidelines, and provides Coliban Water’s Separation Distances policy. Coliban Water requests Council give strong consideration (for development at the airfield) to whether the proposed use would be of a sensitive nature.

The Masterplan attaches proposed Environmental Significance Overlay 7 (Amendment C99), which is applied to Coliban’s facility, but is not yet in the planning scheme. ESO7 covers most, but not all, of the airfield and land to the south, and if approved would trigger a permit requirement for most buildings and works.

8.4a Please advise if ESO7 would provide sufficient identification of adequate separation distances, as requested by Coliban Water.

Coliban’s submission also requested consideration of catchment management objectives in development of the Masterplan, and consideration of water sensitive design principles, neither of which are featured in the Masterplan.

8.4b Please provide details of how the Masterplan has considered, and responded, to these issues.

- 2) Summary of Submissions: **Submission 11** to the 2014 Economic Opportunities Analysis (Kyneton resident)

This submission raised concerns about potential for heightened lead contamination from planes (and more planes) flying over the town. It is considered prudent, and in Council’s and the community’s best interests, if Council undertook testing – NOW – to set benchmarks for lead levels.

8.4c Please advise if Council intends to undertake benchmark testing for lead levels, particularly for children, at this time.

3) Landscape Protection

The Masterplan makes no provision for protection of landscapes or the rural environment, nor does it provide guidance / requirements for built form.

8.4d Please advise if these important matters are intended to be addressed.

9 LACK OF REGULATION

9.1 Increased Airfield Usage

The 2011 Rehbein Opportunities and Constraints Study stated (page 8):

“...It has been estimated that there is a maximum of approximately 2,500 [flight] movements per annum.”

The draft Masterplan states (page 15):

“Currently there are approximately 10,000 annual aircraft movements...” and

“...there will be sufficient future demand for up to 30,000 annual movements.”

9.2 Decision To Maintain Uncontrolled Airspace Is Irresponsible

The 2011 Rehbein Opportunities and Constraints Study made the following recommendation (page 18):

“Consideration should be given to the benefits associated with, and the feasibility of obtaining, Registered Aerodrome status under Part 139 of the Civil Aviation Safety Regulations, 1998.”

The 2014 Economic Opportunities Analysis (page 27) discusses CASA registration, saying the Kyneton airfield, even with significantly increased, unregulated flight traffic, does not require registration *“unless charter services exceed 30 passengers...”* Benefits are identified, with a caution that such an increase in regulation, monitoring and accountability would add to the costs of the operator.

Best guess is Council is not applying for registration because it wishes to avoid any regulation, and keep a cheap operation, regardless of increased flight traffic over the Kyneton township, and potentially with commercial helicopter flights in the mix.

A responsible Council would not place its ratepayers at so much risk. What this Council is proposing is tantamount to negligence.

9.1 Please provide information explaining the sharp increase in flight movements (from 2,500 to 10,000 annually) between 2011 and 2015.

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