APPLICATION FOR A PLANNING PERMIT

Applicant | Quelch Town Planning
Application description | Use and development of an Airfield

Land Address | 109 Netherwood Lane, Bass
Planning Scheme | Bass Coast Planning Scheme
Zoning | Farming Zone
Overlays | Environmental Significance Overlay (Schedule 3)- part
| Land Subject to Inundation Overlay (Schedule 3)- part

1. INTRODUCTION

This application seeks planning approval to for the use and development of an 'Airfield'. A permit is required for the following:

Farming Zone:
- Use of an innominate use (i.e. 'Airfield').
- Construct a building or works associated with a use in Section 2 of Clause 35.07-1 (i.e. 'Airfield').

Land Subject to Inundation Overlay
- Construct or carry out works (part of runway only).

2. SITE DESCRIPTION

The subject site is at the western end of Netherwood Lane, in Bass (VicRoads Ref 95 J10) and is irregular in shape with an area of 40.2 hectares.

The legal description of the subject site is Lot 1 on Plan of Subdivision 203874U. No restrictions are registered on the title and no easements affect the land.

3. SIGNIFICANT SITE FEATURES

The subject site is vacant (i.e. does not contain a dwelling or any other buildings) and is flat and almost entirely cleared of vegetation. The northern section of the site is used for pea farming. Vehicle access is provided from the south east corner of the site.
while there is a post and wire fence around the perimeter of the land. Note that the extreme western section of the site lies within the tidal zone of Western Port Bay while several intermittent waterways cross the site.

Figure 1- Aerial view of subject site.

4. SURROUNDING AREA

The subject site is surrounded by land located within the Farming Zone and is rural in character featuring wide flat open properties used for either extensive animal grazing or hay / straw production.

To the north are two separate properties. The smaller eastern property (known as Lot 2- 109 Netherwood Lane) has an area of 7.8 hectares and contains a dwelling that is surrounded by trees and other vegetation. Note that this property does not appear to be used for any intensive agricultural purpose. The larger western property has an area of 41.2 hectares and appears to be used for extensive animal grazing or hay / straw production and contains a farm building but no dwelling.

To the south are two separate properties. The western property at 3030 Bass Highway has an area of 40 hectares while the eastern property at 190 Phillip Island Rd has an
area of 56 hectares. Both properties appear to be used for extensive animal grazing or hay / straw production and do not contain a dwelling.

To the west is Western Port Bay.

To the east, on the opposite side of Netherwood Lane, is the property at 125 Bass Landing Rd. This property has an area of 54.8 hectares and is divided into two land parcels by the Anderson Link Road reserve. This property also appears to be used for either extensive animal grazing or hay / straw production and does not contain a dwelling. Note that the eastern boundary of this property abuts both Bass Hwy and Coast Rd.

5. THE PROPOSAL

The proposal seeks planning approval for the use and development of an ‘Airfield’. Details of the proposal are as follows:

Airstrip

The airstrip is a necessary element of the ‘Airfield’ use and is located in the south east corner of the site and setback 10 metres west from the Netherwood Lane property frontage and 50 metres from the south side boundary. The airstrip has a length of 550 metres and width of 25 metres and will retain the existing grass surface. Note that no vegetation removal is required.

Aircraft Hangar

The aircraft hangar is to be used in conjunction with the ‘Airfield’ use for the temporary storage of aircraft and is setback 300 metres from the Netherwood Lane property frontage and 20 metres from the south side boundary. The aircraft hangar has dimensions of 10 metres by 24 metres resulting in a total floor area of 240 sqm and will not contain any internal walls or plumbing fixtures. The aircraft hangar will have a maximum building height of 5.48 metres and constructed of Colorbond wall and roof cladding in the colour of ‘Slate Grey’. Note that due to the flatness of the site there will be minimal earthworks while no vegetation removal is required.

Operation

1. Use of the airfield will be restricted to ‘Recreational aircraft’ with a maximum of two (2) seats with one (1) passenger and a maximum 1500 kg take off weight. Refer to attached photos.

2. The flight path will generally follow the Bass Highway and then turn to land directly onto the airfield. The other option is to flow the beach line then turn to
land on the airfield. Depending on operational conditions, aircraft may need to change its approach direction and this can be done on the south side of the airfield. Refer to attached ‘Flight Path Plan’.

3. A maximum of ten (10) aircraft will be stored in the aircraft hangar at any one time.

4. A maximum of 20 flights (i.e. one take off and one landing) per day.

5. Flights will only operate between the hours of 7.00 am to 7.00 pm from 1\textsuperscript{st} April to 31 November and between the hours of 6.30am to 9.30pm from 1\textsuperscript{st} December to 31 March.

6. The maximum number of patrons at any one time is twenty (20).

7. Vehicle access will be provided by the existing driveway that runs along the south side boundary and is shown on the “Proposed use and development of an Airfield” plan.

8. A car parking area is located to the west of the aircraft hangar. Note that Table 1 to 'Clause 52.06 - Car Parking' does not have a car parking rate for an 'Airfield'. There will be no office, change rooms, waiting areas or toilets within the aircraft hangar building.

9. No advertising signage is required or proposed.

10. Operation of the airfield will be undertaken by Steve Paulet (property owner) who is a member of the 'Southern Microlight Club'. However, the airfield will not be used as the headquarters or clubhouse of the 'Southern Microlight Club'. Note that 'Southern Microlight Club' consists of enthusiasts with a common interest in flying microlight aircraft but is not a commercial or profit making organisation. Each aircraft owner will fly their own aircraft for personal recreational purposes and will not give flying lessons or act as sight-seeing tourist operators with fee paying passengers.

11. The 'Recreational aircraft' (commonly known as 'Microlight aircraft') are very small aircraft and do not require large volumes of fuel to fly. Each aircraft owner will bring their own jerry-can of fuel and will refuel their own aircraft in a similar way that a lawn mower or tractor is refuelled.
Excess fuel will be removed from the property upon completion of each flight. Note that the 'Civil Aviation Safety Authority' (CASA) has strict guidelines in the way that fuel is handled and aircraft are refuelled and this is the responsibility of each aircraft owner.

12. Apart from essential safety checks, there will be no servicing of aircraft on the subject site.

13. There will be no employees.

14. There is no power onsite and no lighting is required or proposed. Use will only operate during daylight hours.

6. Relevant Planning Controls

State Planning Policy Framework

Clause 11.01-S- Settlement: the objective of this clause seeks ‘To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements’.

Clause 12.02-1S- Protection of coastal areas: the objective of this clause seeks ‘To recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources’.

Clause 12.02-3S- Bays: the objective of this clause seeks ‘To improve the environmental health of Port Phillip Bay and Western Port and their catchments’.

Clause 13.05-1S- Noise abatement: the objective of this clause seeks ‘To assist the control of noise effects on sensitive land uses’.

Clause 13.07-1S- Land use compatibility: the objective of this clause seeks ‘To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects’.

Clause 14.01-1S- Protection of agricultural land: the objective of this clause seeks ‘To protect the state’s agricultural base by preserving productive farmland’.

Clause 15.01-2S- Building design: the objective of this clause seeks ‘To achieve building design outcomes that contribute positively to the local context and enhance the public realm’.
Clause 17.01-1S - Diversified economy: the objective of this clause seeks ‘To strengthen and diversify the economy’.

Clause 17.04-1S - Facilitating tourism: the objective of this clause seeks ‘To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination’.

Clause 18.04-1S - Planning for airports and airfields: the objective of this clause seeks ‘To strengthen the role of Victoria’s airports and airfields within the state’s economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation’.

Local Planning Policy Framework

Clause 21.03-4 - Tourism: the objective of this clause (among others) seeks ‘To encourage new tourist development in appropriate locations’.

Clause 22.06 - Non Agricultural Uses in the Farming Zone Policy: the objective of this clause seeks the following:

- To identify a preferred mix of land uses in the Farming Zone.
- To promote appropriate land use in the Farming Zone.
- To discourage non-agricultural uses in the Farming Zone, other than those that support agriculture.
- Where tourism uses are specifically supported within a strategic framework, the strategic framework is to take precedence.

Zone

Clause 35.07 - Farming Zone: the purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Pursuant to ‘Clause 35.07-1- Table of uses’, a permit is required for:

- **Use of an Airfield.**

Pursuant to ‘Clause 35.07-4- Buildings and works’, a permit is required to:

- **Construct a building or works associated with a use in Section 2 of Clause 35.07-1 (i.e. Airfield).**

Note¹: pursuant to ‘Clause 74- Land Use Terms’, there is no definition for the use of an ‘Airfield’. Also note that the use of an ‘Airport’ is included in the ‘Transport terminal group’ while there is no planning scheme definition for the use of an ‘Airport’, the ‘Oxford Dictionary’ defines an ‘Airport’ as ‘A complex of runways and buildings for the take-off, landing, and maintenance of civil aircraft, with facilities for passengers’. In this case, the proposed use consists of only one runway, there will be no maintenance of civil aircraft and there will be no facilities for passengers. Under these circumstances, it is considered that the correct and most appropriate land use term is an ‘Airfield’.

Note ²: the proposed aircraft hangar building is not located within 100 metres of a waterway.
Figure 2- Zoning Map

Overlays

Clause 42.01- Environmental Significance Overlay (Schedule 3): no buildings and works are proposed within the area affected by this overlay and therefore no permit is required.

Clause 44.04- Land Subject to Inundation Overlay:

Pursuant to ‘Clause 44.04-2- Buildings and works’, a permit is required to:

- Construct or carry out works (part of western section of runway only).

Note: the proposed aircraft hangar building is not affected by the LSIO.
7. Consideration and Assessment of Proposal

The proposed airfield is considered to satisfy the above planning controls, in particular the purpose of the ‘Farming Zone’ and objectives of ‘Clause 22.06- Non Agricultural Uses in the Farming Zone Policy’, for the following reasons:

Will land agricultural land be permanently removed?

The airfield use is confined to the south east corner of the subject site while the significantly larger remaining area will be retained for pea growing and other farming activities. The airstrip will have a grass surface and therefore the land will not be permanently removed from agricultural production.

The above view is supported by the decision of Malone v Bass Coast SC [2018] VCAT 1442 (17 September 2018) where the decision of the Responsible Authority was set aside and a permit granted for the ‘Use of land for an innominate use in a Farming Zone (joy flights in a single engine, fixed wing aircraft) and development of land with a shed containing an office and waiting room’ at 5610 Bass Highway, Inverloch. In this decision, Tribunal Member Ian Potts stated that ‘First, there is the fact that the airstrips are grassed runways. As such they can support some light grazing. The only time that stock would not be able to graze the area would be during flight operations. Second, the operations do not physically prevent the use of adjoining paddocks that form part of the site. Third, because the airstrips are grass, these parts of the land can return to agricultural use if the joy flight operations were to cease and the runways are no longer required’.

Overall, the proposal will help achieve the objective of ‘Clause 18.04-1S- Planning for airports and airfields’ which seeks ‘To strengthen the role of Victoria’s airports and airfields within the state’s economic and transport infrastructure, facilitate their siting
and expansion and protect their ongoing operation’. Specifically, the subject site is located about 790 metres west of Bass Highway which provides direct land based transport access to Phillip Island which is located about 7.5 km to the west. It is also pertinent to note that ‘Clause 22.06-3- Policy’ does not specifically discourage the use of an ‘Airfield’ within the Farming Zone while ‘Clause 21.03-4- Tourism’ seeks (among others) ‘To encourage new tourist development in appropriate locations’.

**Will the airfield result in unreasonable amenity impacts or conflict of land use?**

The subject site has an area of over 40 hectares while the airstrip is located on the south side of the property and setback not less than 270 metres from the nearest dwelling located on the north adjoining property at 109 Netherwood Lane (Lot 2). Regardless, the purposes of the Farming Zone does not seek to establish nor protect residential amenity in working agricultural areas where noise is commonly generated by tractors, farm machinery and other sources. Also note that traffic noise from Bass Highway to the east is audible from the subject site and adjoining property to the north.

Another site context advantage is that the western boundary of the subject site abuts Western Port Bay while all other boundaries abut large vacant properties that are used for the production of stock feed and therefore non-sensitive land uses with minimal potential for future land use conflict. Further, the ‘flight path’ (refer to attachment) will only pass over these properties and not the north adjoining property that contains a dwelling and thereby minimise potential amenity impact from noise.

Importantly, the use of the airfield is restricted to the use of ‘Recreational aircraft’ only which are the smallest and quietest class of aircraft. Advice from ‘Audiometric and Acoustic Consultants’ dated 18 March 2019 states that ‘…the standard does not even provide data for microlights, but does for some 55 “real” aircraft, from Cessnas and Pipers to jumbos. As I read the standard if there are less than 30 flights per average days that are less than 70dB(A) externally at the site in question then there is no issue’. Operation of the airfield will also be restricted to a maximum of 20 flights (i.e. one take off and one landing) per day; will only operate between the hours of 7.00 am to 7.00 pm from 1st April to 31 November and between the hours of 6.30am to 9.30pm from 1st December to 31 March; while a maximum of ten (10) aircraft will be stored in the aircraft hangar at any one time.

**Will the buildings and works have an adverse impact on the environment or landscape?**
The proposed aircraft hangar is setback 300 metres from the Netherwood Lane property frontage and 20 metres from the south side boundary and therefore easily meets the schedule to the Farming Zone front setback requirement of 20 metres and 5 metre from any other boundary requirement. Importantly, the aircraft hangar is sited on low flat ground and has a modest maximum building height of 5.48 metres while being constructed of materials and colours (i.e. Colorond sheet metal- Slate Grey) that are muted in tone that will blend in with the rural setting. Further, the aircraft hangar requires minimal earthworks and does not require the removal of any vegetation and therefore will not have an adverse impact on environmental values or landscape quality.

8. Conclusion

It is considered that the proposed use and development of an Airfield satisfies the objectives of the State Planning Policy Framework and Local Planning Policy Framework (including the Municipal Strategic Statement) of the Bass Coast Planning Scheme. More specifically, the proposal meets the purpose of the Farming Zone and objectives of ‘Clause 22.06- Non Agricultural Uses in the Farming Zone Policy’ and will not have an adverse impact on local amenity, environmental values or the orderly and proper planning of the area.
Photo 1- view from the south east of the subject site and north adjoining properties beyond.

Photo 2- view from the east of the subject site and Western Port Bay in the background.
Photo 3 - view from the west of the subject.

Photo 4 - view from the south west of the subject site.
Photo 5 - view from the west north west of the subject site and adjoining properties beyond.

Photo 6 - view from the north west of the south adjoining property at 3030 Bass Hwy.
Photo 7- view from the north east the south adjoining property at 3030 Bass Hwy.

Photo 8- view from east north east of the subject site and south adjoining property at 3030 Bass Hwy.