

# Tyabb Airfield – Position Statement



**In response to a Notice of Motion by Watson ward Councillor Julie Morris, Council has prepared this position statement relating to the Tyabb Airfield, as of 13 August 2020, pursuant to the *Planning & Environment Act 1987* and the Mornington Peninsula Planning Scheme.**

Given our understanding, we appreciate this significantly compromises the operations currently undertaken at the airfield. It is Council's belief the only way to resolve this and provide both clarity and amenity to the Peninsula Aero Club and the surrounding community is to seek a formal decision at VCAT.

From that point we will be in a position to work constructively to ensure a thriving airfield within a controlled, responsible environment.

## **Land Use**

The approved planning permits (for land use and development) at 98 Stuart Road, Tyabb (also known as the Tyabb Airfield) only allow an authorised landing ground.

No planning permit approval has ever been granted for the use of the land as follows:

- an airport,
- an airfield,
- a pilot training school/education centre (on 98 Stuart Road),
- a heliport,
- a transport terminal,
- a place of assembly or major sports and recreation facility (other than temporary approval granted via Planning Permit P19/1875 for the 2020 Air Show).

Existing use rights have not been established for any of these uses.

There has been no explicit approval relating to the use of the east-west landing strip.

## **Planning Scheme Amendment – C233**

The current provisions of the Mornington Peninsula Planning Scheme do not include airport or airfield as a permissible use within the current Special Use Zone.

This is a critical anomaly that is proposed to be addressed by Amendment C233, enabling an application for the current uses at the Tyabb Airfield to lawfully continue, subject to applying for a Planning Permit and preparing an Airfield Master Plan.

## **Planning Permit conditions**

All three of the major permits for the site are listed below:

**P65/0002** - Authorised Landing Ground For Aircraft;

**P72/0268** - The use of the land (in addition to the existing permitted use) for the purpose of the use of the existing aircraft land ground facilities for the landing and take-off of aircraft having an

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all up weight between 4,500 pounds and 12,500 pounds but not exceeding a maximum all up weight of 12,500 pounds; and

**P91/7308** - The use and development of the land for the purpose of an extension of existing north-south runway in accordance with the details submitted with the application.

The various conditions of all these planning permits continue to be in force.

Under the current circumstances, where a new permit is in conflict with the conditions of an existing permit, all of the permit conditions (of all three of the key planning permits) continue to apply.

In effect, the most restrictive requirement is the effective condition. Accordingly, the current Council position for the various conditions are as follows:

1. The weight limit on aircraft specified in permit P65/0002 continues to apply, regardless of permit no P72/0268. The reference to all up weight at take-off should be interpreted as the actual weight at take-off rather than maximum take-off weight (MTOW).
2. The number of movements per day by aircraft over 4500 lbs. allowed under permit no P72/0268 is limited to the total of both take-offs and landings, that is a total of 10 movements, with each take-off and landing counted as a movement (e.g. 8 take-offs and 2 landings equals 10 movements or 5 take-offs and 5 landings equals 10 movements). In any event, this allowance does not override the ongoing weight limit of 4500 pounds under permit P65/0002.
3. The limit on the use of the airfield for take-offs and landings on Sunday mornings between the hours of 9.30 am and 10.30 am, stated in all three permits, continues to apply to all aircraft, despite the wording of P72/0268 and P91/7308, as Permit P65/0002 is still in force.
4. The condition stating that no secondary airstrip shall be constructed nor shall the present strip be enlarged or extended without the consent of the Minister continues to apply and would now require the permission of both the Minister (for Planning) and Council as the responsible authority.
5. The condition included in permit P72/0268 which prohibits night landings (except in the case of emergency) and night take-offs from the subject Authorised Landing Ground is considered to apply to all aircraft. Council believes that this condition appears unambiguous and with a clear intention for it to operate as a prohibition on night landing and night take-offs for all aircraft, with no reference to the size or type of aircraft prohibited. Night is the period between sunset and sunrise.
6. All other permit conditions - including those relating to compliance with endorsed plans, use of jet aeroplanes, and the need to take every reasonable precaution to avoid disturbance to primary producers in the area - continue to apply and are enforceable.