

Macedon Ranges Shire Council

Kyneton Airfield Local Law No. 12 of 2018

I certify that this is a true copy of a Local Law made by the Macedon Ranges Shire Council on the 27th March 2019, in accordance with the requirements of Section 119 of the Local Government Act 1989 (the Act)

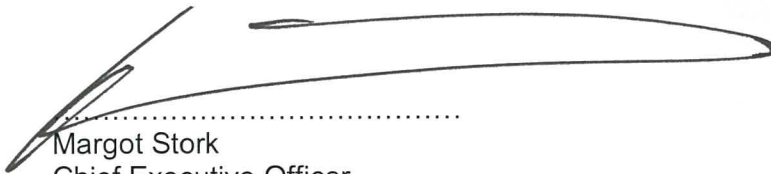
The notices required to be given by Section 119(3) of the Act were given in the Victorian Government Gazette No G19 of the 9th May 2019 and in newspapers circulating in the municipal district during the week beginning the 6th May 2019.

The Local Law came into operation on the 27th March 2019 and will expire on the 27th March 2029 or unless revoked sooner.

Margot Stork
Chief Executive Officer



The common seal of Macedon
Ranges Shire Council was affixed
on the ...3 May..... 2019


.....
Margot Stork
Chief Executive Officer


.....
Cr Janet Pearce
Mayor of Macedon Ranges Shire

**MACEDON RANGES SHIRE COUNCIL
KYNETON AIRFIELD LOCAL LAW
NO. 12 of 2018**

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the *Kyneton Airfield Local Law* No. 12 of 2018.

2. Objectives

The objectives of this Local Law are to provide for the peace order and good government of the Macedon Ranges Shire by:

- (a) implementing interim measures to assist with the safe operation of the Kyneton Airfield;
- (b) regulating and controlling potential hazards that could be a risk to the community and the safe operation of the Airfield; and
- (c) applying controls which will complement other measures being applied by the Council to assist with the safe operation of the Airfield which is an unregistered Airfield.

3. Authorising Provision

This Local Law is made under Section 111(1) of the Local Government Act 1989.

4. Commencement and revocation

This Local Law:

- (a) commences on 27 March 2019; and
- (b) unless it is revoked sooner, this Local Law ceases to operate on 27 March 2029.

5. Area of Operation

This Local Law applies to the Kyneton Airfield and land within the vicinity of the Kyneton Airfield as depicted on the survey map in Appendix 1. The area of operation extends 2750 metres from the Airfield Reference Point (ARP). Properties within the AO will need to comply with the height limitations as defined in appendix 1.

6. Incorporated Documents

- (1) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (2) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.

7. Interpretation and Definitions

- (1) In this Local Law the following words have the meaning given to them unless stated otherwise:

“ Act ”	means the Local Government Act 1989 .
“ Airfield operator ”	means the Kyneton Aero Club appointed by the Council to manage and operate the Airfield.
“ Authorised Officer ”	means a person appointed as an Authorised Officer under section 224 of the Local Government Act 1989 for the purposes of this Local Law.
“ Council ”	means the Macedon Ranges Shire Council.
“ Council land ”	means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not and includes a public place.
“ Municipal District ”	means the Municipal District of the Council.
“ obstacle limitation surface ” - OLS	means: (a) the series of surfaces established by the Airfield operator in the airspace around the Airfield which limits the height above ground level of objects surrounding the Airfield; and (b) an object which protrudes through the OLS for an Airfield becomes an obstacle to the operation of aircraft at the Airfield. Appendix 2 contains the technical description and diagrams used for the purposes of calculating the OLS for the Kyneton Airfield.
“ Penalty Unit ”	means the amount prescribed by section 110(2) of the Sentencing Act 1991 - 1 penalty unit is \$100.
“ Policy ”	means a policy made by the Council or that Council is required to comply with in relation to its activities and where those specified activities and uses are regulated by this Local Law.

- (2) The provisions of the *Interpretation of Legislation Act 1984* will be applied in aid of interpreting this Local Law and in facilitating the achievement of the objectives of this Local Law.
- (3) Unless the context requires otherwise, a reference to “the Council” in this Local Law includes a reference to an Authorised Officer who has been appointed and delegated the power to administer and enforce this Local Law and to exercise any discretion when required by this Local Law.

PART TWO – PREVENTION OF HAZARDS

Managing hazards

- (1) An owner or occupier of land in the vicinity of the Airfield must not permit or allow on land occupied by them any use, activity or condition, whether natural or man-made, to be or become a hazard to the safe operation of aircraft using the Airfield.

Penalty: 20 penalty units

- (2) For the purposes of sub clause (1), a hazard is:
 - (a) a structure, including a pole, antenna or radio mast penetrating the OLS;
 - (b) a tree that is penetrating or is likely to penetrate the OLS because of further growth in a short period;
 - (c) a vehicle, including a crane or height extension apparatus penetrating the OLS;
 - (d) a light which can cause glare, confusion or generally interferes with the operation of aircraft or is likely to endanger the safety of aircraft;
 - (e) waste or other materials which attracts birds and is likely to constitute an attraction to birds so as to create a hazard or potential hazard to aircraft using or operating in the vicinity of the Airfield.

PART 3 - BREACH NOTIFICATION AND PERMIT REQUIREMENTS

10. Notifying existing hazards

- (1) If at the commencement of this Local Law an owner or occupier of land in the vicinity of the Airfield has a hazard as described in clause 9(2) on their land, they must notify Council of the location of the hazard.

Penalty: 20 penalty units

- (2) A notification of the hazard may be made by emailing Council at mrsc@mrsc.vic.gov.au and providing:

- (a) the address of the land on which the hazard is located;
- (b) a description of the hazard;
- (c) the location of the hazard on the land; and
- (d) name and contact details of the person making the notification.

- (3) An Authorised Officer will:

- (a) inspect the land and will assess the hazard to determine the extent of the risk and the risk reduction strategies that should be applied to reduce the risk to aircraft operating in the vicinity of the Airfield; and
- (b) notify the Airfield operator of the location of the hazard and of any risk reduction strategies that will be applied.

- (4) Risk reduction strategies may require an owner, occupier or business operator to:

- (a) install low intensity lighting;
- (b) lop trees to a height within the OLS;

- (c) dismantle the structure or the vehicle to a height that does not penetrate the OLS; or
- (d) any other measure considered necessary to reduce the risk of the hazard.

11. Applications for Temporary OLS Penetration

An owner or occupier of land or a business operator in the vicinity of the Airfield proposing to carry out a use or activity that may temporarily penetrate the OLS, must apply for a permit in the form of Appendix 3 at least 4 business days before the proposed use or activity is carried out.

PART 4 - ENFORCEMENT

12. Powers of Authorised Officers

- (1) If an Authorised Officer considers on reasonable grounds that there has been a breach of this Local Law, the Authorised Officer may take any or all of the actions provided in this Local Law and may:
 - (a) warn the person who is breaching the Local Law, which may also be an official warning issued in accordance with the requirements of the *Infringements Act 2006*;
 - (b) direct the person to cease the activity breaching the Local Law;
 - (c) serve a Notice to Comply to remedy the breach; or
 - (d) issue an infringement notice.

13. Notice to Comply

- (1) Where an Authorised Officer considers that there is a breach of this Local Law, he or she may serve a Notice to Comply on any owner, occupier or other relevant person to remedy the breach.
- (2) A Notice to Comply to remedy a breach of this Local Law may require, amongst other things, that the person on whom the Notice to Comply is served:
 - (a) if it is a breach of clause 9(2)(a), to remove or dismantle the structure, pole, antenna, radio mast so that it does not penetrate the OLS;
 - (b) if it is a breach of clause 9(2)(b), lop or remove that part of the tree that is penetrating or likely to be penetrating the OLS;
 - (c) if it is a breach of clause 9(2)(c), to remove or dismantle the vehicle so that it does not penetrate the OLS;
 - (d) if it is a breach of clause 9(2)(d), turn off the light or baffle or shield it to the extent necessary to remove any likely danger to the safety of the aircraft operation and not use the light or any other light having a similar effect; or
 - (e) if it is a breach of clause 9(2)(e), cover or remove the waste or other materials so that the waste or other materials do not attract birds.

- (3) A Notice to Comply issued in accordance with this Local Law must include:
- (a) the name of the alleged offender (if it is known);
 - (b) a description of the breach of the Local Law that has occurred;
 - (c) the time and date by which the thing must be remedied;
 - (d) the date on which it is given to the owner, occupier or other relevant person;
and
 - (e) the name of the Authorised Officer who has given it;.
- (4) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- (5) A person served with a Notice to Comply who fails to remedy the breach in accordance with the Notice to Comply within the time specified in the Notice is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

- (6) If any owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in a Notice to Comply, Council or an Authorised Officer may carry out the work itself or appoint another person to carry out the work and recover the cost of performing the work from the owner or appointed agent.
- (7) An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.

14. Impounding

- (1) Where any goods, items or equipment which have been placed or left on a road or land in contravention of this Local Law, an Authorised Officer may impound those goods, items or equipment and they must be dealt with in accordance with the requirements of this Local Law.

- (2) Where any item has been impounded under this Local Law, the Council or an Authorised Officer must serve a notice of impounding personally or by ordinary mail on the person who appears to be the owner of the impounded item if it is practicable to do so.
- (3) An impounded item must be surrendered to:
 - (a) its owner; or
 - (b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of his or her authority from the owner; or
 - (c) evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the item; and
 - (d) on payment of any fee determined by the Council or an Authorised Officer.

15. Disposal

- (1) An Authorised Officer may sell, destroy, dispose of or give away any item impounded under the provisions of this Local Law if the owner of the item has not paid the fee within 14 days of service of the notice under clause 14(2).
- (2) In the case that the impounded items are perishable and will not survive the period specified in subclause (1), the Authorised Officer may dispose of the items sooner.
- (3) Council is entitled to retain from the proceeds of sale of any impounded item or its reasonable costs incurred in impounding, keeping and selling the item.

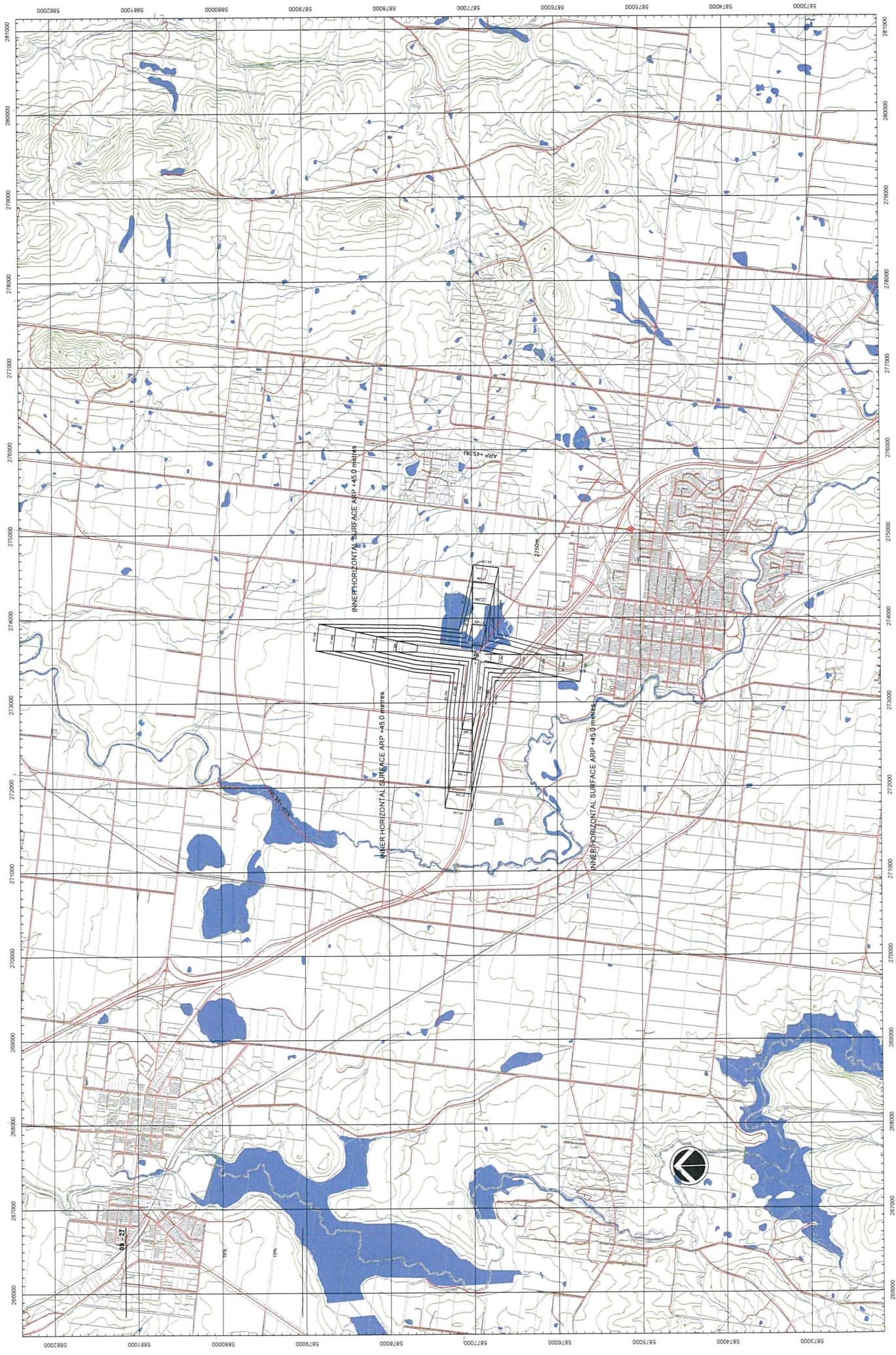
16. Infringement Notices

- (1) Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue and serve on that person an infringement notice as an alternative to prosecution for the offence.
- (2) The penalty fixed for an infringement notice under this Local Law is 20 penalty units.

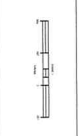
17. Offences and Penalties

- (1) Where any provision in this Local Law requires that something must be done, any person who fails to do that act may be guilty of an offence.
- (2) Where any provision in this Local Law requires that something must not be done, any person who does that act may be guilty of an offence.
- (3) Where a provision in this Local Law requires a person to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law a person who fails to comply with those requirements may be guilty of an offence.

- (4) After a finding of guilt for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to a penalty of 2 Penalty Units for each day after a finding of guilt during which the contravention continues.
- (7) A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to a penalty not exceeding 20 Penalty Units.



PROJECT	KYNETON AERODROME
DATE	2024



Contact mrc@mrc.vic.gov.au if you require assistance.

- Using the Map
- This Local Law No. 12 PDF map can be zoomed in and out.
 - Height Limitation = (Color height - 503) + 45.
 - If parcel is within approach/departure surface, height limitations are labeled.

KYNETON AERODROME

Airfield Reference Point (ARP) Elevation = 502.92 M / 1650 FT
Outer Area of Operation 2750m from ARP

NOTE:
 1. THIS MAP IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY DECISIONS.
 2. THE AIRPORT OPERATOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. THIS MAP IS SUBJECT TO CHANGE WITHOUT NOTICE.
 4. ANY CHANGES TO THIS MAP SHALL BE THE RESPONSIBILITY OF THE AIRPORT OPERATOR.
 5. THIS MAP IS VALID FOR THE YEAR 2024.

Technical description of the Obstacle Limitation Surface

Definition of OLS.

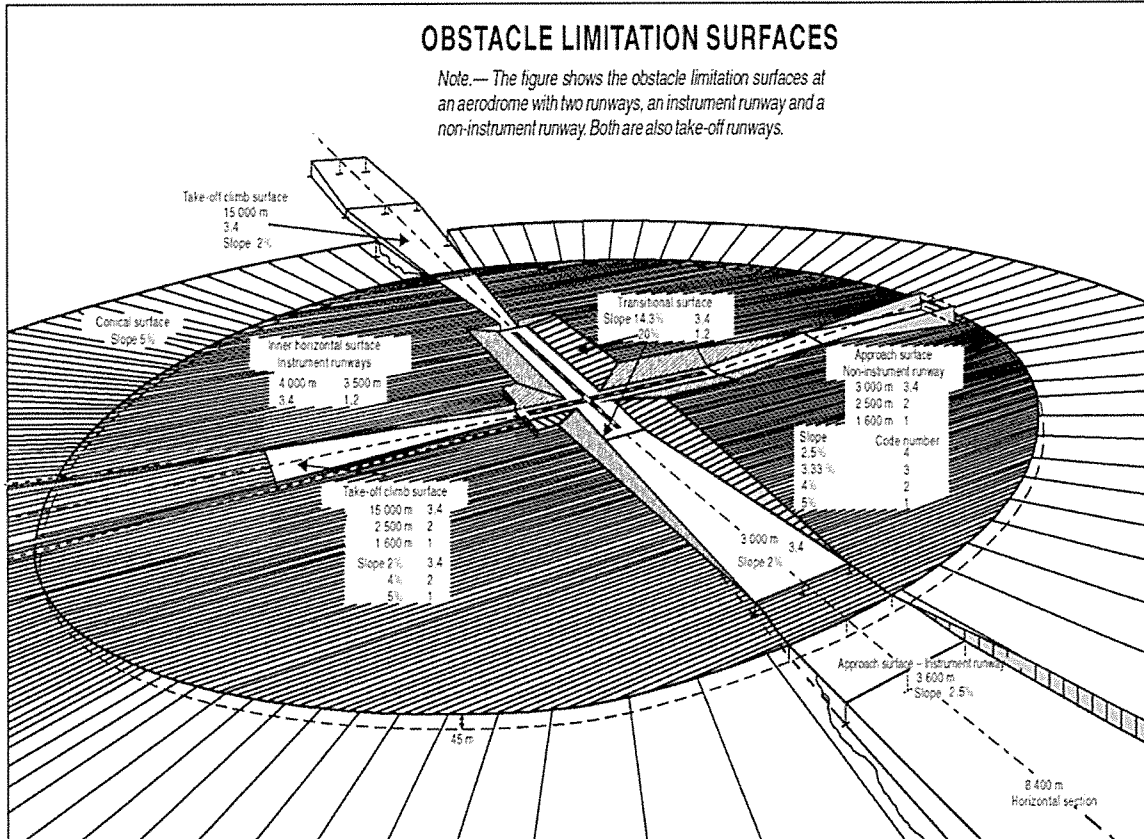
The Obstacle Limitation Surfaces (OLS) are conceptual surfaces associated with a runway, which identify the lower limits of the aerodrome airspace above which objects become obstacles to aircraft operations.

The OLS comprises the following: (Refer to **Diagram 1** for pictorial view)

- (a) outer horizontal surface;
- (b) conical surface;
- (c) inner horizontal surface;
- (d) approach surface;
- (e) inner approach surface;
- (f) transitional surface;
- (g) inner transitional surface;
- (h) baulked landing surface; and
- (i) take-off climb surface.

For the purpose of the Kyneton Airfield, the transitional surface and the approach surface are the relevant factors.

Diagram 1





**Macedon
Ranges**
Shire Council

**Assets and Operations Directorate
Kyneton Airfield Local Law**

ABN 42 686 389 537 – PO BOX 151, KYNETON VIC 3444
T 03 5422 0333 – F 03 5422 3623 – operationsadmin@mrsc.vic.gov.au

Application to Temporarily Penetrate the Kyneton Airfield OLS

Local Law No. 12

You must complete this form and send to operationsadmin@mrsc.vic.gov.au for approval. The information will be then sent to Kyneton Aero Club for display on their website. **4 business days is the minimum required notification time.** There is no charge for this permit.

Proponent Details

Full Name: _____

Address: _____

Mobile No (Must be contactable during operation): _____

Obstacle details

Type of equipment: _____

Commencement date: _____ Hours of Operations: _____ to _____

End date: _____

Address of temporary obstacle: _____

Maximum working height: (In feet) _____

Will the obstacle be lowered outside operating hours? _____

Signature: _____ Date: _____

(OFFICE USE ONLY) Kyneton Airfield Management

I _____ authorised officer of Macedon Ranges Shire Council, approve/not approve the OLS penetration as per above details. (cross out as appropriate)

Comments or additional conditions: _____

Signature: _____ Date: _____

MAG BRG FM ARP: _____ DSTC FM ARP: _____

KYNETON AERO CLUB NOTIFICATION ACKNOWLEDGEMENT

Signature: _____ Date: _____

**MACEDON RANGES SHIRE COUNCIL
KYNETON AIRFIELD LOCAL LAW NO. 12**

**SCHEDULE 1
(Clause 14)**

NOTICE OF IMPOUNDING

To:

of:

..... Postcode

The following item/s has/have been impounded in accordance with clause 14 of Local Law No. 12.

.....
.....
.....

You or an agent authorised in writing to act on your behalf may collect the items by attending at the Municipal Offices between the hours of and to see(Contact Officer) and by paying the following:

DETAILS OF FEES AND CHARGES:

.....	\$
.....	\$
.....	\$
Total	\$

If you fail to collect the item (s) and pay the required fees and charges by (date), the Authorised Officer will proceed to dispose of the item(s) in accordance with the provisions of section 58 of this Local Law.

Date:

Name of Authorised Officer:

Telephone No:

Signature of Authorised Officer:



**MACEDON RANGES SHIRE COUNCIL
KYNETON AIRFIELD LOCAL LAW NO. 12**

**SCHEDULE 2
(Clause 13)**

NOTICE TO COMPLY

To: Name:

Address:

..... Postcode

You have, in the opinion of Macedon Ranges Shire Council (**the Council**) or an authorised officer of the Council, committed a breach of Clause of the Council's Kyneton Airfield Local Law No. 12 by:

.....
.....

To remedy the breach you must do the following, within days from the date of this Notice:

.....
.....
.....

You should contact

at the Municipal Office,

between the hours of for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty of \$ and the Council will proceed to carry out any required work, for the cost of which, in addition to the above penalty, you will be liable.

Date:

Name of Authorised Officer:

Telephone No:

Signature of Authorised Officer:

Note: If this Notice relates to a contravention of a permit and you do not comply with the Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.



