

2013/896

**REPORT TO GENERAL MANAGER
WESTERN JOINT REGIONAL PLANNING PANEL MEETING
1 OCTOBER 2013**

FROM TOWN PLANNER (CRUMP)

DATE 17 SEPTEMBER 2013

**ON DEVELOPMENT APPLICATION
136 AERODROME ROAD, 793, 864 AND 976 HUNTLEY ROAD,
1 CAPPS LANE, LAND IN ADRIANS LANE, LAND IN AERODROME
ROAD, LAND IN HUNTLEY ROAD, LAND IN MASON ROAD AND
UN-NAMED ROADS, ORANGE**

**ROADS AND AIR TRANSPORT FACILITY (EXPANSION OF
EXISTING)**

PR18572 - IC13/9283

Application Lodged	25 June 2013
Development Application No	DA 198/2013(1)
Plan No/s	Plan entitled 'Detailed concept design proposed scope of works' Rev 1 Dated 4/6/13 and accompanying addendum intersection design Rev A dated 18/5/13 (2 sheets)
Applicant	Orange City Council (Attention Chris Devitt) PO Box 35 ORANGE NSW 2800
Owner/s	Orange City Council PO Box 35 ORANGE NSW 2800
Land Description	Lot 8 DP 1042596, Lot 101 DP 1184776, Lots 3-7 DP 131656, Lot 1 DP 404309, Lots 6 and 7 DP 559537, Lot 1 DP 986711, Lot 1 DP 995797, Lot 384 DP 1045095 and Lot 3577 DP1159641, Lot 2 DP 230430, Lot 5 DP 805597 and Lot 7 DP 1042596 being 136 Aerodrome Road, 793, 864 and 976 Huntley Road, 1 Capps Lane, land in Adrians Lane, land in Aerodrome Road, land in Huntley Road, land in Mason Road and Un-named Roads, Orange
Proposed Land Use	Roads and Air Transport Facility (expansion of existing)
Value of Proposed Development	\$8,700,000.00
Provisions of LEP 2011	Zone SP2 Infrastructure (Airport) E3 Environmental Management
Details of Advertisement of Project	The development was advertised in the <i>Central Western Daily</i> on Saturday, 29 June 2013 and again on Saturday, 6 July 2013 in accordance with the requirements of designated development. The exhibition period concluded on Wednesday, 31 July 2013. Notices were placed on the subject land during the exhibition period in accordance with the requirements for designated development.
Recommendation	Approval

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EXECUTIVE SUMMARY

Council's consent is sought to expand the existing Air Transport Facility on land described as Lot 8 DP 1042596, Lot 101 DP 1184776, Lots 3-7 DP 131656, Lot 1 DP 404309, Lots 6 and 7 DP 559537, Lot 1 DP 986711, Lot 1 DP 995797, Lot 384 DP 1045095 and Lot 3577 DP1159641, Lot 2 DP 230430, Lot 5 DP 805597 and Lot 7 DP 1042596. The land is known as 136 Aerodrome Road, 793, 864 and 976 Huntley Road, 1 Capps Lane, land in Adrians Lane, land in Aerodrome Road, land in Huntley Road, land in Mason Road and Un-named Roads, Orange.

The development involves the following as outlined within the Environmental Impact Statement (EIS):

- the extension of runway 11/29 by approximately 538m to the northwest,
- construction of taxiway parallel to runway 11/29,
- widening of taxiways A and B and extension of taxiway D,
- construction of new run-up and by-pass bay adjacent to taxiway A to cater for aircraft with 15m wingspan,
- extension of the Regular Passenger Transport (RPT) apron by approximately 5,470m²,
- construction of new helipad,
- construction of new access road, realignment of Aerodrome Road and Huntley Road over a total length of approximately 2.2km, and
- localised site levelling and construction of gravel pad for potential future apron extension and hanger development (not included as part of this development).

The development is designated development pursuant to section 77A of the *Environmental Planning and Assessment Act* and Schedule 3 of the Environmental Planning and Assessment Regulation. An EIS has been prepared in support of the application in accordance with the Director General's Requirements. The development is also integrated development pursuant to section 91 of the *Environmental Planning and Assessment Act* as the development requires a licence to carry out a scheduled activity pursuant to the *Protection of the Environment Act*. To this end, General Terms of Approval have been provided by the Environmental Protection Authority for the carrying out of the scheduled activity.

The determining authority for this development is the Western Region Joint Regional Planning Panel (JRPP). Determination is required by the JRPP as the development is a Council-related development over \$5 Million as provided in schedule 4A of the *Environmental Planning and Assessment Act*.

The development was notified in accordance with the *Environmental Planning and Assessment Act*.

In addition to the, consultation that occurred in the preparation of the EIS as provided in the Director General's Requirements, the following agencies were invited to provide additional comment in relation to the application:

- NSW Office of Water
- NSW Department of Trade & Investment, Regional Infrastructure and Services
- CASA
- Air Services Australia
- Roads and Maritime Service
- Cabonne Council

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EXECUTIVE SUMMARY (cont)

- Blayney Council
- Rural Fire Service
- Fire & Rescue NSW
- Ambulance Service of NSW
- Ambulance Service of NSW
- Central West Catchment Management Authority
- Orange Local Aboriginal Land Council
- Essential Energy
- AGL
- Railcorp
- John Holland Rail Pty Ltd
- Department of Environment & Climate Change (DECCW)
- Department of Infrastructure and Transport

At the end of the exhibition period, comments were received from Roads and Maritime Service, CASA, Blayney Shire Council and Central West Catchment Management Authority. These comments are addressed below.

Key stakeholders were also advised of the development and invited to comment in relation to it. This included Aerodrome Community Committee, REX, Brindabella Airlines and Newcrest. No submissions were received from these groups.

The development was notified to adjoining and nearby properties likely to be affected by the proposed development. The rationale used behind the extent of those notified was based on the N70=10 (2032) noise contour with properties located within the contour notified. At the end of the exhibition period, three submissions were received in relation to the development. These are addressed below.

The development essentially involves two fundamental components; construction and operation of the Air Transport Facility. The assessment is divided into those two components for ease of assessment.

Appropriate conditions are attached to the notice and the development is required to be carried out in accordance with the commitments made within the EIS. On this basis, the development is considered acceptable and a recommendation is attached for approval.

FINANCIAL IMPLICATIONS

There are no expected financial implications from adopting the recommendation in this report.

POLICY/GOVERNANCE IMPLICATIONS

There are no expected policy or governance implications from adopting the recommendation in this report.

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RECOMMENDATION

That Western Region Joint Regional Planning Panel grants consent to development application DA 198/2013(1) for Roads and Air Transport Facility (expansion of existing) at Lot 8 DP 1042596, Lot 101 DP 1184776, Lots 3-7 DP 131656, Lot 1 DP 404309, Lots 6 and 7 DP 559537, Lot 1 DP 986711, Lot 1 DP 995797, Lot 384 DP 1045095 and Lot 3577 DP 1159641, Lot 2 DP 230430, Lot 5 DP 805597 and Lot 7 DP 1042596 being 136 Aerodrome Road, 793, 864 and 976 Huntley Road, 1 Capps Lane, land in Adrians Lane, land in Aerodrome Road, land in Huntley Road, land in Mason Road and Un-named Roads, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

THE APPLICATION

Council's consent is sought for the expansion of the existing Air Transport Facility and constructions of Roads on land described as Lot 8 DP 1042596, Lot 101 DP 1184776, Lots 3-7 DP 131656, Lot 1 DP 404309, Lots 6 and 7 DP 559537, Lot 1 DP 986711, Lot 1 DP 995797, Lot 384 DP 1045095 and Lot 3577 DP 1159641, Lot 2 DP 230430, Lot 5 DP 805597 and Lot 7 DP 1042596. The land is known as 136 Aerodrome Road, 793, 864 and 976 Huntley Road, 1 Capps Lane, land in Adrians Lane, land in Aerodrome Road, land in Huntley Road, land in Mason Road and Un-named Roads, Orange, pursuant to the conditions of consent in the attached Notice of Approval.

THE PROPOSAL

The proposal involves the following as outlined within the Environmental Impact Assessment (EIS):

- the extension of runway 11/29 by approximately 538m to the northwest,
- construction of taxiway parallel to runway 11/29,
- widening of taxiways A and B and extension of taxiway D,
- construction of new run-up and by-pass bay adjacent to taxiway A to cater for aircraft with 15m wingspan,
- extension of the Regular Passenger Transport (RPT) apron by approximately 5,470m²,
- construction of new helipad,
- construction of new access road, realignment of Aerodrome Road and Huntley Road over a total length of approximately 2.2km, and
- localised site levelling and construction of gravel pad for potential future apron extension and hanger development (not included as part of this development).

The expansion of the existing Air Transport Facility provides capacity for it to function up to predicted 2032 demands.

MATTERS FOR CONSIDERATION

Section 79C of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

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PART 5A ASSESSMENT

Part 5A Significant effect on threatened species, populations or ecological communities, or their habitats

A flora and fauna assessment has been undertaken in support of the development and is addressed in detail below. The report concluded that the development would not have a significant effect on any threatened species, populations or ecological communities, or their habitat. The development is considered acceptable in this regard.

DESIGNATED DEVELOPMENT

Pursuant to section 77A of the *Environmental Planning and Assessment Act*, the development is designated development. The proposed development is identified as Aircraft facilities as listed in Schedule 3 of the Environmental Planning and Assessment Regulation. Schedule 3(2) states:

Aircraft facilities (including terminals, buildings for the parking, servicing or maintenance of aircraft, installations or movement areas) for the landing, taking-off or parking of aeroplanes, seaplanes or helicopters:

- (a) *in the case of seaplane or aeroplane facilities:*
 - (i) *that cause a significant environmental impact or significantly increase the environmental impacts as a result of the number of flight movements (including taking-off or landing) or the maximum take-off weight of aircraft capable of using the facilities, and*
 - (ii) *that are located so that the whole or part of a residential zone, a school or hospital is within the 20 ANEF contour map approved by the Civil Aviation Authority of Australia, or within 5 kilometres of the facilities if no ANEF contour map has been approved, or*
- (b) *in the case of helicopter facilities (other than facilities used exclusively for emergency aeromedical evacuation, retrieval or rescue):*
 - (i) *that have an intended use of more than 7 helicopter flight movements per week (including taking-off or landing), and*
 - (ii) *that are located within 1 kilometre of a dwelling not associated with the facilities, or*
- (c) *in any case, that are located:*
 - (i) *so as to disturb more than 20 hectares of native vegetation by clearing, or*
 - (ii) *within 40 metres of an environmentally sensitive area, or*
 - (iii) *within 40 metres of a natural waterbody (if other than seaplane or helicopter facilities).*

An EIS was prepared in accordance with Schedule 2 of the Environmental Planning and Assessment Regulations and the Director General's Requirements. The development was advertised and notified pursuant to the relevant provisions.

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INTEGRATED DEVELOPMENT

Pursuant to section 91 of the *Environmental Planning and Assessment Act*, the development is identified as nominated integrated development. A licence is required from the Environmental Protection Authority (EPA) to carry out a scheduled activity pursuant to sections 43(b), 48 and 55 of the *Protection of the Environment Act*. The scheduled activity is required for helicopter related activities as set out in clause 20 of Schedule 1 of the *Protection of the Environment Act*.

Clause 20 Schedule 1 states:

- (1) *This clause applies to a helicopter-related activity, meaning the landing, taking-off or parking of helicopters (including the use of terminals and the use of buildings for the parking, servicing or maintenance of helicopters), being an activity:*
 - (a) *that has an intended use of more than 30 flight movements per week (where take-off and landing are separate flight movements), and*
 - (b) *that is conducted within 1 kilometre of a dwelling not associated with the landing, taking-off or parking of helicopters,*

but not including an activity that is carried out exclusively for the purposes of emergency aeromedical evacuation, retrieval or rescue.

- (2) *The activity to which this clause applies is declared to be a scheduled activity.*

General Terms of Approval (GTA's) have been received from the EPA and have been incorporated into the consent. The GTAs and accompanying advice from EPA indicate that aircraft movements are largely governed by Federal (Commonwealth) legislation and, as such, at the time of issuing the GTAs the EPA will only be regulating noise from non-flight related activities - ie, maintenance, testing, etc. This stems from recent advice received by the EPA from the NSW Solicitor General.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (c) *to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*

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Clause 1.2 - Aims of Plan (cont)

- (d) *to manage rural land as an environmental resource that provides economic and social benefits for Orange,*

The application is considered to be consistent with the abovementioned aims of the plan.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council remains the consent authority for applications made under the LEP, despite the determination of the application being made by the Western Region Joint Regional Planning Panel.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*

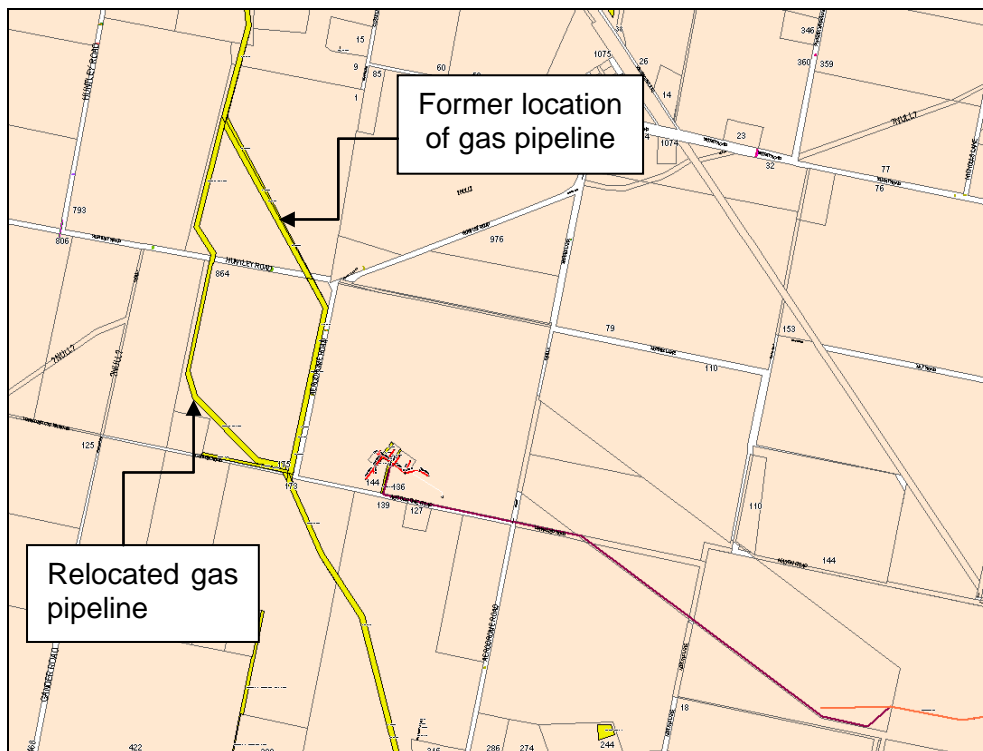


Image 1 - Location of Easements

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Clause 1.9A - Suspension of Covenants, Agreements and Instruments (cont)

An easement is identified on the subject land as shown on the above map for the Brown's Creek to Orange Gas Pipe Line, which is being relocated under a separate EIS. Once the pipeline is relocated, the easement will be transferred to the new location of the pipeline, rendering the former easement superfluous. Council staff are not aware of the titles of the subject land being affected by any of the above.

Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	Land zoned SP2 Infrastructure (Airport) and E3 Environmental Management
Lot Size Map:	No Minimum Lot Size – SP2 Land 100ha Minimum Lot size – E3 Land
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	Part High biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Ground water vulnerable
Drinking Water Catchment Map:	Within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	The land has a restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies

Those matters that are of relevance are addressed in detail in the body of this report.

Part 2 - Permitted or Prohibited Development

Land Use Zones

The subject site is located within the SP2 – Infrastructure (Airport) zone and E3 – Environmental Management zone. The proposed development is defined as Roads and Air Transport Facility under OLEP 2011. Pursuant to the dictionary contained within OLEP 2011 a road means:

a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

An Air Transport Facility means:

an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

Roads and Air Transport Facilities are permissible in the SP2 Infrastructure (Airport) and E3 Environmental Management zone with the consent of Council.

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Land Use Zones (cont)

Clause 2.3 of LEP 2011 references the Objectives for each zone in LEP 2011. These objectives for land zoned SP2 - Infrastructure (Airport) zone and E3 Environmental Management are as follows:

1 - Objectives of the SP2 Infrastructure (Airport)

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The development is not inconsistent with the above listed objectives of the SP2 Infrastructure (Airport) zone. The applicant, through the application, seeks to expand the existing infrastructure and related use of the existing site. The proposed development is therefore considered compatible and will not detract from the provision of infrastructure.

1 - Objectives of the E3 Environmental Management

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To manage development within water supply catchment lands to conserve and enhance the city and district's water resources.*
- *To maintain the rural function and primary production values of the area.*
- *To ensure development along the Southern Link Road has alternative access.*

The development is not inconsistent with the objectives of the E3 Environmental Management Zone. Mitigation measures have been implemented to protect, manage and restore the areas identified above through such measures as the requirement to compensate the loss of trees as a result of the development. The development is listed as permissible within the zone. Measures are required to be implemented to manage the development as it is located within the drinking water catchment; measures - such as waste management plan, soil and erosion control plan - are required through conditions of consent. The loss of rural land is considered acceptable when weighing up the wider benefits to the community. The Southern Link Road is not relevant to this application.

Part 3 - Exempt and Complying Development

The application is not exempt or Complying Development.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

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Part 7 - Additional Local Provisions

7.1 - Earthworks

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) *the effect of the development on the likely future use or redevelopment of the land*
- (c) *the quality of the fill or the soil to be excavated, or both*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties*
- (e) *the source of any fill material and the destination of any excavated material*
- (f) *the likelihood of disturbing relics*
- (g) *the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*
- (h) *any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

Extensive earthworks are proposed to facilitate the expansion of the runway, taxiways, apron, etc. Whilst the extent earthworks are extensive, the disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or receiving waterways.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

The site is not known to be contaminated and excavated materials will be reused on site as far as possible.

The earthworks will be appropriately supported on site and the change in ground level is not substantial relative to the scope of the works. Therefore, the effect on the amenity of adjoining properties is considered to be minor.

The site is not known to contain any Aboriginal, European or Archaeological relics as concluded within the submitted cultural heritage assessment. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions have been imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

The site is not in proximity to any sensitive waterway; however, the site is located within drinking water catchment. Conditions have been imposed to mitigate potential impacts through the requirement of a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment does not escape the site boundaries, waste management plan, etc.

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7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Retention of stormwater on the site is not required due to the rural characteristics of the land as advised by Council's Technical Services Department. There is sufficient permeable surfaces within the site to cater for additional impervious surfaces. The subject land does contain any sensitive water courses. Potential contamination of drinking water through accidental spillage and other accidents will be appropriately mitigated.

7.4 - Terrestrial Biodiversity

This clause seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal:

- (a) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*
- (b) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
- (c) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Additionally this clause prevents consent being granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is located on land that has been identified on the Terrestrial Biodiversity Map as partially comprising "High Biodiversity Sensitivity" land. The subject site was inspected on 24 July 2013 and the area of sensitivity was found to be unaffected by the proposed development (refer to below diagram). Notwithstanding this, the removal of two hollow bearing trees and up to three stags will be required to facilitate the development from an area identified as Tablelands Snowgum, Black Sallee, Candle Bark and Ribbon Gum Grassy Woodland EEC.

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7.4 - Terrestrial Biodiversity (cont)

Whilst these trees are isolated and fragmented from the canopy of any significant areas of EEC, it remains appropriate to compensate for their loss. The EIS suggests the two lost trees will be compensated through planting two new trees. However, it is considered more appropriate to require a condition that the compensation of the lost trees and stag trees is required at the ratio of 5:1 as advised by Council's Manager City Presentation. This ratio will allow a contingency for the potential for the death of some of the juvenile trees whilst making a more positive contribution to the area for those trees that survive to maturity. The off-sets shall be planted in the identified area of high biodiversity sensitivity under OLEP 2011 on Lot 6 DP 559537 to positively contribute and improve the identified mapped area.

In addition to the above, mitigations measures have been identified in section 7.7.4 of the EIS which state:

- *Minimise clearing of mature hollow-bearing trees and stags where possible*
- *Mark any hollow bearing trees to be removed prior to clearing. The removal of hollow-bearing trees would be undertaken in accordance with a tree hollow management protocol and would involve the presence of a qualified ecologist or wildlife expert experienced in the rescue of fauna*
- *Salvage habitat features such as mature tree trunks within the site and place within woodland areas as far as practicable*

Relevant conditions relating to the above measures are attached in this regard during construction of the development.

A flora and fauna assessment has been undertaken and is submitted in support of the application. The report concludes that the identified impacts are not expected to impose a significant negative effect on any local populations of native biota, including threatened species, Endangered Ecological Communities and their habits.

As mentioned above, Council's Manager City Presentation has provided comment in relation to the development advising that the development is acceptable in terms of the impacts to the EEC provided the appropriate mitigation measures and conditions are implemented.

In this regard, the proposal has been designed to site the proposed road, runway, etc in a manner that seeks to avoid adverse consequences. Management of the proposal has been conditioned to further protect the environmental functions and values of the land.

Accordingly, the proposal is unlikely to unreasonably fragment, diminish or disturb the biodiversity structure, ecological functions or composition of the land and does not reduce habitat connectivity with adjoining sensitive areas and is considered acceptable.

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7.4 - Terrestrial Biodiversity (cont)

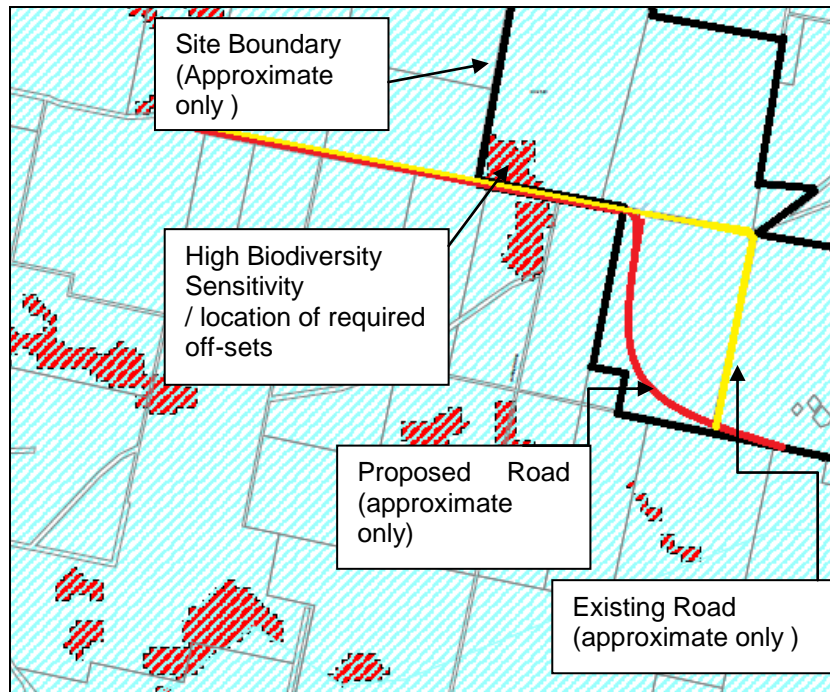


Image 2 – Representation of Impact upon High Biodiversity Sensitivity Land (above diagram is for explanation purposes and is indicative and approximate only)

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with “Groundwater Vulnerability” on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore consent may not be granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal will utilise two existing artesian bores on the land which are considered acceptable for the development. The design and siting of the proposal has sought to avoid impacts on groundwater and is therefore considered acceptable.

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7.7 - Drinking Water Catchments

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as "Drinking water" on the Drinking Water Catchment Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:*
 - (a) *the distance between the development and any waterway that feeds into the drinking water storage, and*
 - (b) *the onsite use, storage and disposal of any chemicals on the land, and*
 - (c) *the treatment, storage and disposal of waste water and solid waste generated or used by the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The subject land is identified as being located within the drinking water catchment. This is further assessed under the heading "Likely Impacts of the Development - Water", with consideration given to both construction and operational phases of the proposal.

7.9 - Airspace Operations

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide for the effective and ongoing operation of the Orange Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) *to protect the community from undue risk from that operation.*
- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*
- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:*
 - (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
 - (b) *the development will not penetrate the Limitation or Operations Surface.*

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7.9 - Airspace Operations (cont)

- (4) *The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.*

The development will not penetrate the Limitations or Operations Surface and is consistent with the above provisions. Air Services Australia were consulted during the assessment of the application and have confirmed their requirements can be met during the detailed design stage of the development. A condition is attached to that effect. Air Services Australia do not have an integrated development role in the assessment of the application.

7.10 - Development in Areas Subject to Aircraft Noise

This clause is not specifically related to this application.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 is applicable to the development. The SEPP provides a mechanism for Air Transport facilities permitted without consent where it is to be carried out by or on behalf of a public authority (clause 22). However, the development requires development consent as part of the subject land is not land to which clause 22 applies.

State Environmental Planning Policy 55 Remediation of Land

State Environmental Planning Policy 55 Remediation of Land is applicable to the assessment of this application. The subject land is not likely to be contaminated due to the previous uses of the land. Should any contamination be encountered during the construction or result through the operation of the development, the operators would be required to meet their responsibilities under the *Contaminated Land Management Act*. The development is consistent with the SEPP.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)

Orange Local Environmental Plan 2011 currently has a Draft Amendment that has been the subject of public consultation. The amendment relates to:

- the rezoning of five areas within the LGA for additional residential opportunities
- a rezoning in relation to a small area of industrial land in Leeds Parade
- rezoning of land in the vicinity of Orange airport to facilitate the planned expansion
- changes to schedule 5 including over 200 new heritage items, a new heritage conservation area and a reduction in the Spring Hill heritage conservation area
- changes to the minimum lot size required for dual occupancies in Ploughmans Valley
- rectification of a minor mapping anomaly in Ploughmans Valley for minimum lot sizes
- to reduce the minimum lot size required in rural areas for intensive plant agriculture, and
- introduction of a new clause clarifying that all subdivision of land is (or will be) adequately provisioned with essential services.

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Provisions of any Draft Environmental Planning Instrument that has been placed on exhibition s79C(1)(a)(ii) (cont)

This application relates to the rezoning of land in the vicinity of Orange airport to facilitate the proposed expansion. The amendment seeks to rezone land currently zoned E3 Environmental Management to SP2 Infrastructure (Airport). Air Transport Facilities are permissible in the E3 Environmental Management zone with the consent of Council regardless of the proposed amendment to the LEP. The amendment will have no bearing on the assessment of this application.

In addition to the above, the Obstacle Limitations Surface mapping of OLEP 2011 will need to be updated to reflect the extensions to the aerodrome. This is a separate process and will have no bearing on the assessment of the development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

Development Control Plan 2004

Development Control Plan 2004 ("the DCP") applies to the subject land (Part 0 – LEP 2011, Part 4 - Special Environmental Considerations and Part 10 Special Uses and Road Zones). An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below. Other matters raised in the DCP including Stormwater Quality, Soil Resource Management, Vegetation Management, Flora and Fauna Management, Cumulative Impacts, Waste Generation and Contaminated Land are all addressed elsewhere in this report.

Part 0 – Local Environmental Plan 2010

Part 0.2 of Orange DCP 2004 establishes a conversation table for old zones (under OLEP 2000) to new zones under LEP 2011 and, in turn, provides which chapters of the DCP are applicable in instances of new zonings under LEP 2011. This is pertinent given the subject land's new zoning, being SP2 Infrastructure (airport) and E3 Environmental Management. Part 0.2 provides that the equivalent zones are 5b Distributor Road Zone and 7 Environmental Zones. The relevant planning outcomes for these zones do not specially relate to the development or have been addressed elsewhere. The relevant outcomes are addressed below.

INTERIM PLANNING OUTCOMES - AIRPORT

- *Proposals must demonstrate that adequate utility services are available to provide for the development.*

The proposed expansion will not specifically generate the requirement for additional utility services. The existing Council services are considered appropriate for the overall expansion project.

- *Proposals must not compromise the current or future operations of the Airport, including establishment or expansion of public facilities such as the terminal building and car parking.*

The proposed development will facilitate expansion and not compromise future expansion.

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Interim Planning Outcomes - Airport (cont)

- *Water run off must be managed and treated to predevelopment quality or better and predevelopment quantities or less.*

Water run-off is addressed above under OLEP 2011 and below under the heading likely impacts of the development.

PLANNING OUTCOMES – AIRPORT-ASSOCIATED DEVELOPMENT

- *Development positively contributes to the operation of the airport.*

The proposed development positively contributes to the operations of the airport and elevates existing operational constraints of the Aerodrome. The development will also improve the capacity and services provided at the aerodrome for the expected demand until 2032.

- *Adequate services are available to meet the development's requirements and includes measures to protect the water quality of the City's water-supply catchment.*

Services and drinking water catchment issues are addressed elsewhere in this report.

PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

The development is not inconsistent with the provisions prescribed by the regulations.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)

CONSTRUCTION PHASE OF THE DEVELOPMENT

Context and Setting

The proposed development is acceptable in terms of the context and setting of the locality. The development is essentially an expansion of the existing use of the land, albeit with the acquisition of adjoining land to facilitate it. The aerodrome expansion is considered appropriate for the locality.

Visual Amenity

In the preparation of the EIS, a visual amenity assessment was carried out and is considered satisfactory. The visual assessment identifies sensitive receptors and then allocates scores for sensitivity rating, magnitude rating and visual impact rating. The assessment identified one property in the vicinity having an overall visual impact of minor significance during the construction of the road re-alignment; the property is 175 Aerodrome Road.

It is considered that such impacts would be temporary and within reasonable limits provided the recommended mitigation measures are implemented. These include providing screening from residential receptors around construction compounds and leaving work site(s) in a tidy manner at the end of each and every day. These are attached as conditions of consent during construction of the development.

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Access, Transport and Traffic

The construction of the runway, taxiway, RPT apron, etc will require the importation of material from two quarries, one located near Shadforth and one south of Spring Hill. A traffic impact assessment has been prepared in support of the application which details the likely increase traffic volumes associated with the construction of the development.

An assessment of the adequacy of the selected haulage routes has been undertaken by Council's Technical Services staff. The assessment concluded that the routes are acceptable for the proposed development. The likely impacts from the haulage of the material to the subject land will be time limited or, in other words, present only short-term impacts, rather than an ongoing concern. Notwithstanding this, a condition is attached that requires a condition assessment both pre- and post-development.

UtilitiesGas

The development has required the Brown's Creek Gas Pipeline to be redirected to allow for the road re-alignment. A separate EIS was prepared for this aspect of the whole expansion project. No other utilities are likely to be adversely impacted during the construction phase of the development.

Electricity

It is submitted that recent development at the site has necessitated an upgrade of electricity infrastructure to the site. The electricity main transformer for the site will be upgraded to cater for current and intermediate future capacity requirements. The proposed development will not impact upon the electricity supply to the site.

Sewer

Existing sewer services are not likely be effected by the construction component of the development.

Heritage

A cultural Heritage assessment was undertaken in support of the proposed development, which is considered satisfactory. The assessment concluded and recommended that:

- *No Aboriginal artefacts, sites or areas of potential were identified within the study area.*
- *No historical objects, sites or areas of potential were identified within the study area.*
- *No further cultural heritage assessment is required for the Orange Aerodrome Expansion.*

The study also recommended conditions relating to if objects, skeletal remains or historic items are found during construction. These have been attached as conditions of consent.

The construction component of the development is considered satisfactory in terms of heritage impacts.

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Other Land Resources

The expansion of the Orange Aerodrome will result in a loss to agricultural resources within the immediate vicinity and to the Orange Area. Notwithstanding this, the benefits to the wider community resultant of the Aerodrome Expansion are considered to outweigh the negative effects of the loss of agricultural land.

The development is considered to be within reasonable expectations in terms of a loss to agricultural land resources and is acceptable in this instance.

Water

Existing water supplies will be sufficient to cater for the water needs during construction. Water would primarily be used for dust suppression and compaction of pavement. It is estimated within the EIS that the water requirements for construction would be between 2ML to 3ML. It is submitted that water would be sourced from the existing water supply for the site in the form of two artesian bores. The development is considered acceptable in this regard.

Air and Micro-climate

Dust

With the volume of soil and rock proposed to be excavated and filled on the site, there is the potential for adverse impacts from dust. The mitigation measures detailed in Section 7.2.4 propose reasonable management controls to minimise the impact of dust on the residences surrounding the site. The mitigation measures are required to be maintained until the site is fully rehabilitated. Whilst the EIS does not state this, it would be expected to be a requirement of the Construction Environmental Management Plan applicable that would be developed for the development, prior to the commencement of works. It is noted that the EIS does not discuss the potential for dust from construction works to impact upon airport operations as well as operations from industries on the sites - eg, the aircraft engineering operation on the site. Conditions are recommended that address these two matters are included with this referral.

Odour

Odour from the development is not anticipated to adversely impact upon near by sensitive receptors, the development is considered acceptable in this regard.

Flora and Fauna

Flora and Fauna considerations are addressed above under the LEP considerations.

Waste

Waste is expected to be generated as a result of the construction phase of the development. This waste would include construction material, green waste through cleared vegetation, domestic waste (ie, glass, cans paper, etc) and sewerage. It is submitted in the EIS that a Waste Management Plan will be prepared and implemented as part of the development with waste minimisation practices applied that correlate with the waste management hierarchy. A condition is attached requiring a waste management plan to be prepared prior to work commencing and be implemented during construction.

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Energy

The construction of the development is not anticipated to use excessive energy consumption. The development is considered acceptable in this regard.

Noise and Vibration

Noise

The EIS proposes general construction hours of:

Proposed General Hours of Work	Proposed Extra Out of Hours Work	EPA Construction Hours Guideline	Standard works hours generally conditioned by Council on construction sites
7.00 am to 6.00 pm Monday to Friday	6.00 am to 8.00 pm Monday to Friday	7.00 am to 6.00 pm Monday to Friday	7.00 am to 6.00 pm Monday to Friday
7.00 am to 5.00 pm Saturdays	6.00 am to 8.00 pm Saturday	8.00am to 1.00pm Saturday	7.00 am to 5.00 pm Saturdays
8.00 am to 5.00 pm Sundays and public holidays		No work on Sundays and public holidays	8.00 am to 5.00 pm Sundays and public holidays

With the location of so many residential receivers and the very low background noise of the area surrounding the site, particular consideration needs to be given to the proposed extension of hours of construction. Firstly, in relation to the proposed general hours of work, whilst these hours exceed those recommended in the EPA's Draft Construction Guideline, as these hours are in line with those which are normally applied by Council on construction sites within the City, it is considered that the general hours of construction proposed are reasonable.

It is noted that the extended hours of construction are not proposed as standard hours of operation and therefore would likely only be used on rare occasions, given that the Wilkinson Murray Noise Assessment Report identifies a very low background noise level and that Noise Management Goals would be exceeded for the development during construction, the proposed out-of-hours work has the potential to significantly impact on the surrounding residential receivers. The EPA Interim Construction Guidelines suggests that extended hours of construction can be considered when it is essential to sustain the operation of public infrastructure, not just for convenience. The EIS has not expanded on this issue to provide full justification for the extended hours of construction in terms of the Guidelines. However, given the nature of the proposed works, it is expected that there will be times when construction works must continue into the extended hours in order to sustain airport operations. In these periods, it is essential for the proponent to maintain good communications with all residential receivers surrounding the site. The EIS proposes communication practices to foster good relationships with the residential receivers. Provided residents are kept informed of the works and the mitigation measures recommended by Wilkinson Murray are implemented, it is considered that, whilst predicted construction noise levels and the extended hours are substantial, it is likely that the impacts of this can be appropriately managed by the proponent.

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Noise (cont)

A condition of consent is recommended that restricts noise from the works to not more than 10dB(A) above background noise during the hours of the EPA Interim Construction Guidelines and not more than 5dB(A) above background noise outside those hours, when measured at the nearest residential receiver. It is also recommended that this condition provide an ability for the proponent to negotiate noise agreements with any resident beyond the noise limits.

In addition to the above, a condition is attached that limits the times deliveries can be made to the site. The purpose of the condition is to control associated traffic noise along the proposed haulage routes.

Vibration

Whilst there are a number of residences surrounding the site, the Wilkinson Murray report suggests that any vibration from the proposed works would comply with the NSW Department of Environment and Conservation (EPA) "*Assessing Vibration – A Technical Guideline 2006*". It is considered that reasonable justification has been given to this matter in the Wilkinson Murray report and the proposal would not adversely impact on its surrounds in this regard.

Natural Hazards

Council staff are not aware of the subject land being affected by any natural hazards such as soil instability, bush fire risk or flooding.

Technological Hazards

The subject land is not known to contain any technological hazards.

Safety, Security and Crime Prevention

Fencing and a locked access gate will be erected to delineate between the construction site and other areas of the site and provide territorial reinforcement. The required CEMP should implement appropriate safety and security measures during the construction of the development.

Social Impacts

The submitted EIS has undertaken an extensive assessment of the socio-economic, social and economic impacts as a result of the development. Whilst the assessment acknowledges a degree of localised impacts, appropriate mitigation measures are recommended to be implemented to overcome such impacts. These are detailed in table 7-19 of the EIS. The mitigation measures proposed have been addressed in other parts of the report and relevant conditions are attached.

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Economic Impacts

The construction component has the potential to create positive economic impacts. It is submitted within the EIS that construction of the development is estimated to generate approximately 93 full-time equivalent jobs and \$10.9 Million in gross regional product for the Central West region. It is submitted that the development will be undertaken without jeopardising the continued operation of the existing aerodrome, on this basis the development will not impact upon existing commercial activities undertaken at the site.

Site design and Internal Design

The construction component of the development will require appropriate site design and internal design. This will need to be addressed in the detailed construction methods.

Construction

It is submitted within the EIS that, due to the characteristics of the site being in the vicinity of operational airspace, the work would be required to be undertaken in accordance with a Construction Environmental Management Plan (CEMP). Relevant conditions are attached to this effect. It is further submitted that the successful contractor would be required to develop and implement detailed Construction Methods for the carrying out of the work such as erosion and sediment control, fencing stockpiling, etc. A condition is also attached in this regard.

Cumulative Impacts

Time Crowded effects

Time crowded cumulative impacts could arise as a result of the use of a number machinery at the same time for example. Time crowded effects during construction will largely result in potential noise impacts. Noise impacts are addressed above and are considered to be within acceptable levels when considering the imposition of appropriate conditions of consent relating to construction component of the development.

Space Crowded effects

Similar to time crowded effects, space crowded effects may result whereby machinery are used in close proximity to other machinery, resulting in increased noise levels. These impacts are addressed above and are considered to be within reasonable limits.

Nibbling effects

Nibbling effects are the repetitive activities where in isolation would ordinarily be considered minor. The construction phase of the development has the potential to create cumulative impacts through nibbling effects through compaction of pavement, etc. Again, these impacts are addressed above and considered within reasonable limits.

Synergistic effects

Synergistic effects may be present where a number of different activities associated with construction occur at the same time - being general construction noise for example. These are addressed above and within reasonable limits.

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Synergistic effects (cont)

It is acknowledged that the construction component of the development is likely to generate a degree of cumulative impacts within the locality. These impacts are identified throughout the assessment of the development and appropriate mitigation measures have been implemented through the imposition of conditions of consent.

OPERATIONAL PHASE OF THE DEVELOPMENT

Context and Setting

The operation of the air transport facility is acceptable when considering the context and setting of the subject land. Whilst it is acknowledged that the development will generate some environmental impacts, primarily aircraft noise, the development is in the public interest as it will elevate operational constraints of the existing public infrastructure. Furthermore, mitigation measures such as ongoing noise assessment is required to address the potential impacts.

Access Transport and Traffic

The general public access to the site will be maintained and is considered appropriate for the ongoing use of the site as an air transport facility. The originally proposed road re-alignment and intersection was amended and formed an addendum to the application. This was required as the applicant could not secure tenure of the parcel of land required to facilitate the original intersection design.

The application was referred to the Roads and Maritime Service as the EIS identified the development as integrated development. RMS advised the development was not integrated development but provided comment in relation to the proposed reduced speed of the road and the general design. It was requested by RMS that the road be designed to a 100km/h speed zone standard and that RMS (whom control speed zones of all public roads) would not support the reduced speed.

The comments from RMS were referred to the applicant to address. The applicant advises that the road will remain at the required speed of 100km/h, but would be subject to recommended corner speeds. In addition to this, the applicant has provided justification in relation to the reasons for the design as proposed, including the existing geometric layout of the road, constraints imposed by aviation legislation and environmental considerations.

Ideally, in situations such as this, where a road is proposed in an essentially green field site, the road would be designed to suit a 100km/h speed zone, however, the applicant has suitably demonstrated the constraints of doing so and the overall design is considered acceptable in this instance. Moreover, Council's Technical Services have raised no objection in their assessment and referral in relation to the road design.

Utilities

The operational phase of the development is not likely to impact upon existing utilities in the area. All necessary utilities are available to the site and capable of servicing the development satisfactorily.

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Heritage

The operation phase of the development is not likely to impact upon environmental heritage or relics within the subject land. The development is considered acceptable in this regard.

Other Land Resources

The operational phase of the development will not lead to any impacts upon other land resources within the locality over and above those impacts identified during the construction phase of the development.

Water

The operational phase of the development has the potential to impact upon the drinking water catchment through accidental fuel and oil spills, aircraft and vehicle leaks and fuel storage leaks. A condition is attached requiring the relevant mitigation measures relating to the ongoing operation of the air transport facility to be adhered to at all times. These include, appropriate locations of wash down areas, storage of fuels, oils, chemicals and the like in appropriately bunded areas, provide training in appropriate handling methods of fuels, oils, chemicals and the like to persons likely to be handling such goods, and provide an appropriate number of spill kits.

Air and Micro-climate

An air report has been prepared in support of the application. The report concluded:

The predicted aerodrome operational emission inventories due to the expansion proposal have been compiled and assuming maximum growth in aerodrome activity out to year 2032. The overall emissions inventories between year 2011 (existing condition) and year 2032 were predicted to increase approximately 84 per cent. This is mainly from the increase in aircraft operational emissions, and that the main pollutants were identified to be of NO₂ and SO₂. Orange City Council has no control mechanisms available for operating aircraft or vehicle parking and fuel storage will be controlled to the maximum extent achievable as a matter of course. The operator of the fuel storage facility will need to comply with NPI reporting requirements for fuel storage emissions only as aerodrome activity increases going forward. Environmental impact off-site from operations is considered negligible as is the case commonly found for regional airport operations well removed from heavily urbanised regions (cities).

The development is considered acceptable in this regard.

Flora and Fauna

The operational phase of the development has the potential to result in fauna mortality. The submitted flora and fauna assessment concludes that the development would have a minimal impact on flora and fauna during operation, whilst acknowledging that bird strike and animal deaths may occur on the site. It is submitted that the Australian Transport Safety Bureau provides recommendations for limiting bird strike. This would be considered an operational management procedure to monitor such occurrences and should be implemented as a matter of best practice of the air transport facilities operation.

The development is considered acceptable in this regard.

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Waste

Minimal waste would be generated as part of the operational phase of the development. The development is considered satisfactory in this regard.

Energy

The development is not likely to unreasonably impact upon the environment through excessive energy consumption. Whilst it is acknowledged that additional energy will be used during the operation of the air transport facility for runway lighting and general lighting, the use of such energy is not considered significant and is considered acceptable in this instance.

Noise and VibrationNoise

Wilkinson Murray have prepared an assessment report relating to the operation noise of the airport, which projects expected noise emissions from operations in approximately 20 years (2032). The report submits that the ANEF levels of the airport would result in five rural and two suburban houses being located within the 'conditional' area prescribed by 'Acoustics - Aircraft Noise Intrusion - Building Siting and Construction' AS2021-2000. The report concludes there are no houses within the ANEF of 25, beyond the existing house which is located on the aerodrome. The EIS states that the management of noise at the identified houses is to be the responsibility of Council. Given this, a condition requiring ongoing monitoring of noise emissions from airport operations is recommended to confirm that predicted operational noise levels are as expected and are managed appropriately. Future residential development would be required to also comply with AS2021-2000.

The Wilkinson Murray Report and the EIS identify an N70 contour (noise level of 70 dB(A)) which extends over much of Spring Hill. Whilst this impact may be considered significant to residents of Spring Hill and the surrounds, noise management criteria for the operation of airports relates only to the ANEF contours, which have been managed above. The N70 contour may however be used by Council in planning development for the area.

Natural Hazards and Technological Hazards

The operational phase of the development is not likely impact or present a risk to people or property as a result of any natural or technological hazards on the land. The operation of the development is required to be carried out in a manner that is consistent with Commonwealth legislation.

Safety Security and Crime Prevention

The operation of the air transport facility would need to be managed in accordance with relevant Commonwealth legislation that restricts public access to air space. This is not relevant to the assessment of the application.

Social Impacts

Similar to comments made above relating to the construction phase of the development, the operational phase of the development has the potential to result in both positive and negative socio-economic, social and economic impacts.

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Social Impacts (cont)

Firstly, the development will provide additional services and address operational constraints currently experienced by the existing arrangements of the aerodrome, providing positive impacts. Other potential positives for the operational phase of the development as submitted in the EIS include employment, cost savings (potentially passed on to the consumer) and additional training.

The operational phase of the development has the potential to impact upon adjoining residents through, primarily noise related impacts. These are addressed in more detail above. The likely socio-economic, social and economic impacts both positive and adverse are considered to be within reasonable limits with the imposition of appropriate conditions of consent.

Economic Impacts

Addressed above under social impacts.

Site design and Internal Design

The site design and internal design is considered appropriate. The expansion design formed part of the master planning carried out by expert consultants. It is considered the design will allow the continued efficient functions of the air transport facility. The development is considered acceptable in this regard.

Cumulative Impacts

Time Crowded

The scale of the development is not likely to get to the point where time crowded effects such as a number of plans landing at the same time to point where it would generate unreasonable environmental impact. Relevant conditions relating to ongoing noise assessment is required to assess the ongoing impacts of the development.

Space Crowded, Nibbling and Synergistic effects

Likely spaced crowded, nibbling and synergistic effects would be localised to the site and any associated impacts would be within reasonable limits. There may be exceptional circumstances where two aircraft are taking off at the same time, or two aircraft are being repaired at the same time, but this would not be common and such occurrences would be within acceptable limits. In any event, such circumstances would be managed through the operation of the aerodrome, and State and Federal legislation through EPA for the helicopter-related activities and Air Services Australia for aircraft noise. The development is considered acceptable in this regard.

THE SUITABILITY OF THE SITE s79C(1)(c)

The site is considered suitable for the proposed development. The development is not inconsistent with the aims of the plan or the objectives of the relevant zones. The development will be of benefit to the community at a regional scale and is necessary to alleviate existing operational constraints that currently exist with site.

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ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The proposed development is defined as "advertised development" under the provisions of the relevant designated development provisions under the *Environmental Planning and Assessment Act*. The application was advertised on two separate occasions for the prescribed period of 30 days and at the end of that period three (3) submissions were received from residents within the locality. These area addressed below.

Submission 1

The submission relates to a triangular shaped property which is created by the provision of the road re-alignment. The submitter raises objection to any additional infrastructure or the sale of the portion of land for the purposes of erecting a dwelling house on the subject triangular-shaped land adjacent to the proposed road realignment.

There is currently nothing before Council that Council staff are aware of to further development the land referred to in the submission. Furthermore, the area of land referred to would not met Council's minimum development standards for the erection of a dwelling house under the current zoning.

Submission 2

The submission raises concerns relating to the selected heavy haulage route during the construction phase of the development. This is addressed above under the heading likely impacts of the development.

Submission 3

The submission raises concerns primarily to:

- *Impact of construction traffic noise upon residents of Carcoar Street Spring Hill; and*
- *Inadequacies of the proposed Operational Environmental Management Plan (OEMP) as detailed in the Environmental Impact Statement (EIS)*

The proponent has addressed the comments raised in the submission in detail and are provided below:

Stakeholder recommendation	Proponent's response
<i>I request that Council consider not allowing the extended construction working hours as proposed throughout the EIS, in order to maintain the current early morning amenity enjoyed by the residents of Carcoar Street Spring Hill.</i>	<i>As noted in the EIS extended working hours work would only be undertaken following receipt of approvals from the relevant authorities.</i>

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Any Submissions made in accordance with the Act s79C(1)(d) (cont)

Stakeholder recommendation	Proponent's response
<i>Restriction of Regular Passenger Transport (RPT) and General Aviation (GA) flights to hours outside of 10.00pm to 6.00am, except for emergencies or flights delayed due to weather or issues at the point of take-off, etc.</i>	<p><i>The Proponent does not intend to restrict airport operations. The operational noise assessment has been undertaken on this basis, with noise calculations inclusive of a decibel (dB) penalty applied to all predicted movements outside the hours of 7:00am to 7:00pm as required under AS2021.</i></p> <p><i>Currently no Regular Public Transport or Charter flights, which tend to be the larger aircraft, are scheduled to operate outside the hours of 6:00am to 10pm inclusive. The number of aircraft operating at night (10pm to 7am) is not expected to change as a result of the proposal.</i></p>
<i>Minimize the number of landings and takeoffs over Spring Hill, ie from/to the east in the evening and early morning hours.</i>	<p><i>As noted above the Proponent does not intend to restrict airport operations.</i></p> <p><i>There are also a number of safety constraints, beyond the proponents control, that dictate the direction aircraft operating from the airport will travel including:</i></p> <ul style="list-style-type: none"> <i>• environmental impacts, prominently prevalent wind direction and temperature</i> <i>• the Design procedures (flight paths)</i>
<i>Restrict the number of movements by GA flights in/out of the airport per hour over the village of Spring Hill to reduce disturbance to residents of Spring Hill. Specifically, it seems that flight training operators will take off and land in/out of the airport with their students, directly over Spring Hill, sometimes, repeatedly within a short time frame, which can become quite a nuisance for residents. The EIS details the largest increase in flights by 2032 as being by GA flights. This has a great potential for increasing number of complaints by residents.</i>	<p><i>As noted above the Proponent does not intend to restrict airport operations.</i></p> <p><i>The proponent is considering introducing a "fly neighbourly policy" addressing many on the stakeholders concerns relating to avoidable nuisance or disruption.</i></p>
<i>Establishment of minimum approach heights for all types of flights into the airport. Currently, some flights come in very low over residential properties. With the EIS detailing a significant increase in the number of flights by 2032, this may also be a cause for concern and complaint for residents of Spring Hill.</i>	<p><i>Minimum flying heights for aircraft are governed by Regulation 157 of the Civil Aviation Regulations 1988. This states that pilots must not fly over cities, towns or populous areas at a height lower than 1,000 ft, or over any other area lower than 500 ft, taken as height above the highest point in the terrain. However exceptions do apply, including where an aircraft is in the course of taking off or landing at an airport.</i></p> <p><i>These and other exceptions are set out in the regulations.</i></p> <p><i>With regard to landing Air Services Australia is responsible for designing and reviewing all procedures (flight paths) including raising a procedural minima or withdrawing an aeronautical procedure.</i></p>

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Any Submissions made in accordance with the Act s79C(1)(d) (cont)

In relation to the extended hours of operation, Council's Manager Building & Environment has attached relevant conditions of consent. Also, in relation to increased traffic, a condition is attached limiting the times of delivery to the site. In relation to the other matters, Council staff consider that the comments provided adequately address the concerns raised by the objector in relation to the development, except the last point in relation to the minimum heights of aircraft. Council assessment staff have requested the proponent to consider implementing a fly neighbourly advice to address the concerns raised above. A Fly Neighbourly Advice (FNA) is a voluntary code of practice established between aircraft operators and communities or authorities that have an interest in reducing the disturbance caused by aircraft within a particular area. (CASA online) The proponent has responded by stating:

The Proponent has indicated a strong preference against any condition mandating the use of a Fly Neighbourly Policy.

The Proponent has noted it is generally rare to find comment on aircraft operating heights (apart from those contained in the regulation) in a Fly Neighbourly Policy as it is a voluntary policy that cannot be enforced under aviation law.

Further this it would be very difficult to monitoring and enforce height restrictions within such a policy, particularly in the Township of Spring Hill.

Whilst the proponent has indicated a preference against the requirement of a fly neighbourly policy [advice], it is considered a good opportunity to consult with stakeholders to arrive at an acceptable outcome for all parties that will protect the longevity of the Aerodrome. Such a policy will be required to be prepared and implemented to coincide with the first five-yearly review of the ANEF contour. To this end a condition is attached.

Other Submissions

Furthermore, submissions were received from RMS, Catchment Management Authority, Blayney Shire Council and CASA which area addressed below.

The submission from RMS relates to the road design and proposed speed zones. This is addressed above under the heading likely impacts of the development.

The submission from Blayney Shire Council raises concerns primarily to the effect on Millthorpe through noise and vibration. Noise and vibration is addressed above with consideration given to both construction and operational aspects of the development.

Further, the development is not likely to unreasonably impact upon properties within the Millthorpe settlement as the aerodrome is appropriately separated from Millthorpe. Additionally, Millthorpe a considerable distance from the ANEF contour.

The submission from the Catchment Management Authority required Council to confirm the loss of vegetation to the EEC. Council staff responded to their comments under separate cover.

The submission from CASA relates primarily to the addendum regarding the revised road re-alignment design, specially the potential of vehicle headlights distracting uses of the air transport facility.

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17 September 2013

Any Submissions made in accordance with the Act s79C(1)(d) (cont)

The applicants expert consult has provided the following comment in relation to CASA's comments:

With respect to the comment regarding possible lighting limitations, as you are aware no road lighting is proposed in the design. We have reviewed CASA MOS Part 139 Section 9.21 'Lighting in the Vicinity of Aerodromes' and do not believe it is applicable to transient vehicle headlights. The wording of that section is clear that the guidance within it is provided in relation to the installation of lighting systems. Vehicle headlights would not fall into this category. We therefore believe that the design is compliant with MOS Part 139 9.21.

Even so, having reviewed the proposed design, we are of the opinion that, given the very low traffic volumes on Huntley Road and the short time in which any vehicle would be travelling in a direction where it might be possible for headlights to be visible to the pilots of approaching aircraft, the likelihood of transient vehicle lighting causing confusion, glare or distraction sufficient to pose an unacceptable risk to aircraft operations would be extremely low.

Council staff agree with these comments and the development is considered acceptable in this regard.

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of significant interest to the wider public due to the nature of the development elevating existing constraints of the public infrastructure and the potential impacts discussed throughout the report, both positive and adverse impacts. Notwithstanding this, the proposal is not inconsistent with any relevant policy statements, planning studies, guidelines, etc that have not been considered in this assessment other than licencing agreements from Air Services Australia and ongoing requirements of CASA. Given the level of public interest, extensive consultation was undertaken during the preparation of the EIS and the assessment of the development.

SUMMARY

The proposed development is permissible with the consent of Council (via the JRPP). The applicant has adequately demonstrated that the proposed development complies with the relevant aims, objectives and provisions of the LEP. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval, as well as the General Terms of Approval from the EPA.

Andrew Crump
TOWN PLANNER
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