

NORTHERN JOINT REGIONAL PLANNING PANEL REPORT

NEW SUPPLEMENTARY Section 79C ASSESSMENT June 2017: DA 871/15

Demolition, Earthworks and 98 lot subdivision plus 1 residue lot (Integrated Development) Lot 54, DP 1199012, Plan of Subdivision for Lease Purposes (affecting Lot 1 DP 1193850) and Multiple Lease Lots, Airport Drive, Coffs Harbour

This new Supplementary S.79 Assessment Report is submitted in response to the JRPP's request for additional Section 79C Assessment related to the subject DA871/15, at the JRPP meeting in Coffs Harbour on 15th March 2017.

This new Supplementary Report should be read in conjunction with the assessment already provided in the Section 79C Assessment Report considered at the 15th March 2017 JRPP meeting. Relevant details from the original March 2017 JRPP report include (but are not limited to) a description of the subject site and the particulars of the proposed development (aside from the deletion of 1 proposed lot, but including aerial photo detail of subject site) and an ecological assessment (including of proposed offsets), all of which remain unaltered from that considered at the meeting.

Confirmation of Approved Plans

Further to those noted in the March 2017 assessment report the applicants have since submitted a comprehensive final set of plans for the proposed development incorporating changes and requirements from the assessment of the application (aside from those required by proposed conditions of approval). These are the following (and which are listed in the recommended conditions of consent at the end of this report):

Plan Nos.	Prepared by	Dated
C01-C10, C12-C14, C16-C19	De Groot & Benson	Rev: DA6, 18/04/2017

The applicant has confirmed that the following minor changes have recently been made to the above final set of plans:

- a) Road 4 has been moved approximately 5m eastwards. The net effect of this is that Lots 63 to 71 have decreased in area and lots 87 to 89 and 95 to 99 have correspondingly increased in area.*
- b) Western boundary of Lots 81 to 86 moved to the east to minimise clearing and align with drainage works.*
- c) Road 4: Turning area added to Road opposite Lot 78 and 81 as required by condition of consent.*
- d) Lot 64 has been deleted and incorporated into airport controlled land to provide a buffer around retained airside refuelling dispenser.*

In addition, between the above and post lodgement of the subject application, other changes were made to the plans in response to the assessment of the application – these include the following:

- the existing fuel depot and refuelling facilities within the subject area will now be retained. The above ground storage depot will be contained within a lot which encompasses all related infrastructure. The lease area surrounding the refuelling bowser will be contained within the residual lot and a suitable buffer has been created around the perimeter of the facility with the deletion of Lot 64
- the buffer on the eastern boundary of the proposed subdivision to the adjoining high value heathland vegetation was increased to 50m

- the buffer to the EEC vegetation between Hogbin Drive and the western boundary of the proposed subdivision was increased to minimise impacts to EEC and allow revegetation
- existing airport security fence to be relocated to allow access by Koalas to the existing 10ha forest vegetated area to the south west of proposed subdivision, fronting Airport Drive,
- installation of Koala excluding fencing around the western, northern and eastern boundaries of the subject site as suggested by OEH.
- establishment of Koala food tree plantings along Christmas Bells Road to enhance linkages between existing areas of primary Koala habitat east and west of the subject site as suggested by OEH.

The minor amendments to the plans do not require re-advertising. There are no changes or additions to the DA reports considered in the March 2017 assessment report.

S.79C (a)(i) The provisions of any Environmental Planning Instrument

As assessed in the original and this subject Supplementary Assessment Report, the proposed development is consistent with the aims, objectives, and permissible uses established under the Coffs Harbour Local Environmental Plan 2013. Furthermore, the proposed development complies with all relevant State Planning Policies, Draft Instrument and the North Coast Regional Plan as set out in the supplementary details provided below.

State Environmental Planning Policy No. 55 (Remediation of Land) – In respect of SEPP 55, AAP's March 2017 JRPP S.79C Assessment Report stated that the land on which the industrial subdivision is proposed to occur was investigated for potential contaminated land within a submitted Preliminary Contaminated Lands Assessment.

Further to the above, it is confirmed that the submitted *"preliminary investigation identified that activities undertaken on the site that may have the potential to lead to contamination include:*

1. Existing aviation related land uses;
2. Sheds and hangers use for aircraft maintenance, fuel and chemical storage;
3. Existing fuel depot;
4. On-site effluent treatments systems associated with existing sheds, hangers and ancillary dwellings; and
5. Asbestos building products and lead-based paints associated with the construction and maintenance of existing dwellings, buildings and structures.

The preliminary assessments indicate that (any) contamination is likely to be localised to the source, ie. refuelling and maintenance areas, and pose no impediment to the proposed industrial subdivision.

Council has now recently provided the following updated advice on contamination issues:

"The current development site includes a range of aviation related activities which have the potential for contamination due primarily to minor fuel and chemical storage. The scale of these activities is similar to what would be expected in any industrial estate. The majority of these uses will continue to operate as is and in their current location, albeit within newly defined lot boundaries. Where an existing building or land use is proposed to be demolished or cease, then the demolition and/or decommissioning works will comply with the relevant standards. The land which is currently vacant, but will form part of the new subdivision, is land which has not been previously developed and council is not aware of any prior contaminating land uses.

There is a fuel storage and refuelling facility currently operated by Mobil from the airport site, which is a contaminated site notified to the EPA. The DA originally proposed the removal of the existing fuel depot and associated facilities in Stage 4 of the Subdivision. The fuel storage facilities are above ground and do not include any underground storage of fuels. Given the potential contamination issues resulting from this specific use (fuel storage and refuelling) it was expected that the necessary remediation and validation would occur in Stage 4 of the subdivision.

The DA now proposes to retain the fuel depot and refuelling facilities. The above ground storage depot will be contained within a lot which encompasses all related infrastructure. The lease area surrounding the refuelling bowser will be contained within the residual lot and a suitable buffer has been created around the perimeter of the facility with the deletion of Lot 64.

As part of the retention of the fuel storage and refuelling facility, Mobil engaged Golder Associates to undertake a "Site Closure Report". The report dated Feb 2017 summarised previous site investigations and undertook additional soil and groundwater testing. The end point goal of the report was to make the site suitable for "General Non-Sensitive Commercial land use" and confirm off-site areas impacted by the site are also suitable for their "as of right" use.

The report concluded:

- The conditions on-site are considered suitable for general non-sensitive commercial land use,*
- The condition of off-site contamination that originated from the site is suitable for the as of right land use*
- No further action was warranted in regard to assessment, monitoring or remediation at the existing site or off-site*

In conclusion, Council is satisfied that the subdivision design is responsive to the most up to date information regarding contamination and the retention of the current fuel storage and refuelling activity is appropriate in its current location. In accordance with SEPP55 and having considered the relevant contamination issues, it is considered that the land is suitable for the proposed development and conditional approval may be granted."

In light of the submitted Preliminary Investigation by de Groot & Benson Pty Ltd dated April 2015, the additional information provided by the applicant and the above additional discussion, it is assessed that the subject land is suitable for the proposed commercial/ industrial subdivision. Consequently, the proposal complies with State Environmental Planning Policy No. 55 (Remediation of Land).

To reflect the above, two additional conditions of consent are proposed for the subdivision construction phase. These conditions of consent require decommissioning and removal of all existing onsite wastewater systems on site and compliance with Workcover asbestos and fibro removal guidelines in respect of any demolition works proposed.

State Environmental Planning Policy No. 44 (Koala Habitat Protection) – In addition to the assessment of the likely impacts of the proposal in regard to Koala Habitat provided within the March 2017 JRPP report, the following supplementary comments from Council's Biodiversity Officer have now been provided:

- *“When the DA was lodged, 15 May 2015, State Environmental Planning Policy (SEPP) 44 did not apply to the Coffs Harbour LGA. SEPP 44 was amended 5 August 2016 to include Coffs Harbour LGA in Schedule 1 of the SEPP.*
- *The Coffs Harbour City Koala Plan of Management 1999 is referenced in the Coffs Harbour LEP 2013 ‘Part 7 Additional Local Provisions’ by clause 7.8(2) which states that ‘Development consent must not be granted to development on land to which this Plan applies unless the development is in accordance with Coffs Harbour City Koala Plan of Management, ISBN 0 7313 6050 8, published in November 1999.’*
- *However in section 2.5 of the Coffs Harbour City Koala Plan of Management 1999, ‘Areas to which this Plan Applies’, the Coffs Harbour Airport is specifically excluded from the plan. Additionally, the area affected by the Development Application contains no mapped Koala Habitat.*
- *Regardless, council recognises that the site does contain koala habitat and sought to reach a best practise outcome. As such the loss of Koala Habitat was avoided and minimised where possible, and lastly offsets provided at a ratio of 1:2 for the affected vegetation communities as per the Coffs Harbour Development Control Plan 2015.*
- *Amendments to existing airport security fence, and installation of new fencing has also been incorporated to minimise impacts to koalas.”*

The SEPP aims to encourage the proper conservation and management of areas that provide habitat for koalas, amongst other matters, by requiring preparation of a KPOM for areas of more than 1 hectare identified as Core Koala Habitat. Core Koala Habitat is defined as “an area of land with a resident population of koalas evidenced by attributes such as breeding females (females with young) and recent sightings of and historical records of a population.

Naturecall’s 2016 Supplementary Environmental Assessment of the site confirmed the site is not Core Koala Habitat and that it is also not an area of major koala activity.

Based on the Naturecall Environmental Assessment of 2015, their Supplementary Report of March 2016 and Council’s Biodiversity Officer’s additional 2017 Supplementary Advice, it is considered that the aims and relevant provisions of SEPP 44 are satisfied in the proposed development.

State Environmental Planning Policy No. 14 (Coastal Wetlands) – aims “to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the State.” Under the SEPP in respect of land to which this policy applies, a person shall not clear that land, construct a levee on that land, drain that land, or fill that land, except with the consent of the Council and the concurrence of the NSW Department Planning & Environment. The subject development does not trigger the SEPP provisions as the subject site does not include any mapped SEPP 14 Wetlands, the closest being just over 670m to the south west.

State Environmental Planning Policy No. 26 (Littoral Rainforests) – aims “to provide a mechanism for the consideration of applications for development that is likely to damage or destroy littoral rainforest areas with a view to the preservation of those areas in their natural state.” The SEPP does this by requiring the consent of the Council and the concurrence of the NSW Department Planning & Environment for various development and works within mapped rainforest or 100m buffers of such areas. The subject development does not trigger the SEPP provisions as the subject site does not include any mapped SEPP 26 Littoral Rainforest or associated 100m buffer, the closest being 3.5km to the south-south west.

State Environmental Planning Policy (Infrastructure) 2007 – aims “to facilitate the effective delivery of infrastructure across the State”. Under Division 1: Air Transport Facilities (clause 22), both

'airports' and 'air transport facilities' (being an airport, or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures) are permissible without development consent within the (subject) SP1 Special Activities zone.

Under Clause 23 of the infrastructure SEPP, ancillary development for the purpose of "passenger terminals, facilities for the receipt, forwarding or storage of freight, hangars for aircraft storage, maintenance and repair, and premises for retail, business, recreational, residential or industrial uses." may be carried out with consent on land within the boundaries of an existing air transport facility.

Relevant to the subject development, the above Clause 23 Infrastructure SEPP provisions are consistent with the provisions of the Coffs Harbour LEP 2013, in as much as various airport operations and related structures are permitted with consent under the LEP.

North Coast Regional Plan 2036 – The North Coast Regional Plan 2036 (the Regional Plan) is the NSW Government's *"blueprint for the next two decades that reflects community and stakeholder aspirations and opportunities from leveraging the North Coast's position between two of the fastest growing population corridors in the nation"*.

Under the Regional Plan's "Direction 10: Facilitate air, rail and public transport infrastructure", it states that *"The North Coast's air, rail and public transport systems are major economic assets that will help to underpin economic growth."*

Airports are important gateways for business, tourism and personal travel, as well as high-value freight. Airport precinct plans will be developed to investigate opportunities for compatible and complementary air transport-related industry and business uses on land adjoining airports. The development of retail and bulky-goods uses should be avoided in these areas."

To the above end the Regional Plan includes at *"Actions 10.1: Deliver airport precinct plans for Ballina- Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports."* The subject subdivision development directly aligns with and is consistent these regional plan provisions and the current adopted Coffs Harbour Airport Masterplan.

Section 117 – Directions By The Minister, (Environmental Planning and Assessment Act 1979) – No. 3.5: Development Near Licensed Aerodromes, seeks *"to ensure the effective and safe operation of aerodromes, ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise."*

Section 117 Direction No. 3.5 *"applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome."*

In light of this provision, the s117 Direction does not apply to the subject DA for a subdivision of land, (no Planning Proposal is required). Nevertheless, it is relevant to note that the same issues raised in the Direction are addressed in clauses 7.9 – Airspace Operations and 7.10 - Development in areas subject to aircraft noise, of the Coffs Harbour Local Environmental Plan 2013 (ref below).

Coffs Harbour Local Environmental Plan 2013

Further to the assessment of the proposed development under the Coffs Harbour Local Environmental Plan 2013 provided in the report to the 15 March 2017 meeting of the JRPP, the following additional LEP assessment is provided:

Clause 7.2 Earthworks and Clause 7.3 Flood Planning – In addition to the assessment of the proposal provided in the original S.79C Assessment Report under clause 7.2 and 7.3 of the LEP, and in response to the request from the JRPP, the applicants have provided the following summary of their flood impact assessment of the proposal.

The submitted summary of flood impact assessment confirms advice given at the 15 March 2017 JRPP meeting that the submitted flood assessment was based on a flood study undertaken by Council in 2012 for an earlier version of the subject proposal. This 2012 study was *“quite robust”, used “best practice two dimensional modelling and considered a range of soil parameters, and receiving water levels”, “going into far greater detail, (including modelling every stormwater pipe and pit), than was necessary to gauge impacts, formulate mitigation measures and inform the consent authority”*.

The summary flood assessment also confirms that the 2012 previous version of the subject proposal modelled in the earlier flood study was very similar to the current development with an overall larger footprint with filling likewise proposed – the main difference being the road and lot layout.

In light of this the submitted flood assessment has not remodelled the proposed changes in the internal road and lot layout. Instead the current development has been compared to the earlier modelling in relation to the key elements of (i) floodwater conveyance through the development and (ii) loss of floodplain storage. As stated in the flood assessment summary:

(i) Conveyance of Flood Waters Through the Development -....the defining feature of the floodplain at and upstream of the proposal is the very limited flood conveyance currently available, resulting in widespread flooding upstream. Such flooding is in large part tolerable due to the nature of the land

The modelling predicts that at its peak, the 100-year ARI overflow that spills through the development is just 3.5 m³/s. Such overflow can be easily accommodated for as shown on Drawings 08129-C06 in Appendix J of the SEE, and attached to this summary. Flood conveyance is catered for by upgrading the open drain on the south side of Christmas Bells Road, a detention basin, a floodway running along the western edge of the subdivision and additional culvert capacity under Hogbin Drive.

The floodways and culverts shown on drawing 08219-C06 have been conservatively sized to carry some 12.0 m³/s, more than 3 times that required in the 100-year ARI event.

Interestingly, the engineering challenge in this case is not in providing sufficient flood conveyance capacity, but rather in not providing too much. It would be quite possible to substantially improve drainage to the race course area and thereby reduce its flood levels.

However, reducing its flood levels is also reducing its flood storage and is effectively the same as filling. It increases flow rates that could lead to adverse impact downstream. In this case, the flooded

area upstream is large. Reducing flood levels across the race course by say 0.2 m would see a reduction in flood storage of some 90,000 cu.m. That's about three times the flood storage loss proposed for the subdivision.

As part of the development, it will be necessary to carefully size the flood conveyance structures to closely replicate the existing situations. That is, so that flood levels are not increased upstream, but nor are they significantly reduced. In doing so, it will be necessary to consider a full range of flood events, not just the flood standard of 100-year ARI.

The concept shown on Drawing 08219-C06 is to conservatively make the floodways and culverts larger than they need to be and to control flood discharge at the basin inlet structure. This structure can then be accurately and reliably sized to provide the required performance while the downstream floodways and culverts become less critical and less dependent on maintenance into the future."

(ii) "Loss of Floodplain Storage - It is clear that the current proposal will have less of an impact on floodplain storage than that modelled in 2012....

The 2012 modelling found that the then proposed loss of floodplain storage had acceptably low impact on the downstream flood behaviour. As the current proposal involves less loss of floodplain storage, the same can be concluded and can be reached because:

- The loss in floodplain storage, as modelled in 2012, will result in an average increase in 100- year ARI flood discharge of 1.7 m³/s during the rising of floodwaters. This peaks at about 4.0m³/s, but early in the flood event. This must be compared with the 130 m³/s peak in Newports Creek, increasing to 350 m³/s by the confluence with Boambee Creek.*
- The timing of peaks is such that the far larger peak flow from the Newports Creek catchment will generally arrive later than that from the proposal. It would need a specific and unlikely storm pattern for the peaks to coincide. The increase in peak flow in Newports Creek will generally be less than 1 to 2 m³/s.*
- There are no 'at risk' properties at or near to confluence of the proposal's discharge and Newports Creek. The closest at risk properties upstream on Newports Creek are the hospital and the industrial area around Cook Drive. Both are sufficiently upstream for the effects to be insignificant. Downstream, the closest at risk properties are those off Hi-tech Drive and Craft Close. These are protected by the vast flood storage in the Newports and Boambee Creek systems which will greatly attenuate any minor increase in flow, caused by the development. Any increase in flood levels here would be insignificant."*

By way of conclusion the submitted Summary Flood Assessment states: "Based on the detailed modelling undertaken in 2012, plus the peculiarities of the proposed site (the existing restriction to flood conveyance and the remoteness of 'at risk' properties on Newports Creek downstream), it can be concluded that the development, generally as presented in the conceptual design, can have acceptably low impact on the surrounding flood behaviour.

To ensure so, any approval should be conditioned that a detailed flood study be undertaken prior to construction approval and that study takes into account floodplain storage, a full range of flood events and demonstrates acceptable flood impact."

A peer review of Council's Flooding comments on the application to date and the above additional information from the applicant have been provided by a second Council Engineer whom has provided the following recent comments:

"I have reviewed the comments made by Martin Rose (ECM 5358202), spoken with Brendan Stockdale, Graham Knight & Rob de Groot, read the 'SEE Flood Impact Assessment' and the 'Summary Flood Impact Assessment of 3 April 2017' (both prepared by de Groot & Benson).

My conclusions are:

- 1. The original 2012 Flood Study by Coffs Harbour City Council involved a detailed 2D 'Tuflow' computer flood model analysis which included a 1d 'Drains' computer model of the existing pipe and pit network. The existing surface digital terrain modelling was based on accurate 'LiDar' aerial laser survey, enhanced by detailed ground survey.*
- 2. The 2012 flood study was rigorously completed to a detail normally presented for 'Construction Certificate' approval.*
- 3. The applicant's consultant engineer (de Groot & Benson) has undertaken a detailed peer review of the previous study, the boundary conditions applied, assumptions made and conclusions reached.*
- 4. The applicants engineer has demonstrated that the latest development proposal is of similar footprint to the 2012 DA but with a reduction in fill and increase in cut (refer attached plan).*
- 5. The applicants engineer has confirmed that the proposed engineering works incorporating basin, swales & channels with engineered drainage structures may be undertaken to control and mitigate flood flows with negligible upstream and downstream impacts.*

The review findings support the concepts and conclusions of the 2012 Flood Study that the development impact on flooding in this area may be mitigated to match and/or improve existing conditions during flood events up to and including the 1 in 100 Year ARI event.

Martin Rose (ECM 5358202) advised on 1/8/2016 that:

'As per previous comments the flood information submitted relies heavily on the flood modelling undertaken by council for the previous DA and lot configuration.

No detailed flood modelling undertaken as part of the submission but de Groot and Benson have provided comments on council issues raised.

De Groot and Benson acknowledge that flooding is a significant constraint on the site but enough flood assessment has been done to have confidence that flood issues can be addressed at the detailed design stage prior to issues of the construction certificate.

This will require submission of the detailed flood study prior to issue of the construction certificate and condition to be applied at that stage to satisfy council's flood planning controls.'

I support the position as stated above and recommend that the flood impact assessment provided with the development application (0871/15DA) be accepted and approved by the JRPP."

As can be seen from the above information, the proposed subdivision has been conservatively designed to not exacerbate down or upstream flooding and to effectively manage flood events on

the subject site. Therefore the application is supported on grounds that it complies with Clause 7.3, of the Coffs Harbour LEP 2013.

Furthermore, the earlier recommended conditions of approval (and as attached to this report) includes appropriate engineering conditions giving effect to the above (with a minor additional clarification now added by the proponents).

Clause 7.9 – Airspace Operations and Clause 7.10 – Development in areas subject to aircraft noise

In the assessment report to the 15th March 2017 JRPP meeting, Clause 7.9 and 7. 10 of the Coffs Harbour LEP were not considered to be directly applicable to the proposed subdivision development application. Rather it was assessed that these clauses will directly apply to future applications for building structures on the subject land, being development applications for airport related and ancillary airport uses.

Clause 7.9 - Airspace operations applies to proposed development that the consent authority is satisfied will penetrate the Obstacle Limitation Surface (OLS) and in such cases, the concurrence of the relevant Commonwealth Body must be obtained.

No building structures are proposed as part of the subject development application for a subdivision of the site. No penetration of the Limitation or Operations Surface for the Coffs Harbour Regional Airport will therefore result.

In addition, the applicant has supplied advice from the CASA registered Technical Inspector/ Aerodrome Safety Inspector for the Coffs Harbour Airport that confirms the subject proposal is located outside of the existing approach/ take-off splays and OLS for the main airport run-way (RWY 21). Further, the OLS's for the other runways will ensure that any future development will be kept below the maximum heights.

The Inspector's advice also confirmed that the proposed subdivision will not inhibit any possible future plans to extend the main airport runway as such extensions will only increase the existing separation between the development and the relocated runway approach and take-off splays/ OLS.

In light of the above information it is confirmed that the current subdivision proposal and any future land uses of same will maintain compliance with clause 7.9, of the Coffs Harbour LEP 2013.

Clause 7.10 - Development in areas subject to aircraft noise, seeks to prevent certain noise sensitive developments from being located near the Coffs Harbour Regional Airport and its flight paths, to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings, and to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

No land uses or building structures are proposed and therefore this LEP provision is only directly relevant to future light and heavy industry, technology and education, commercial and aviation land uses on the site.

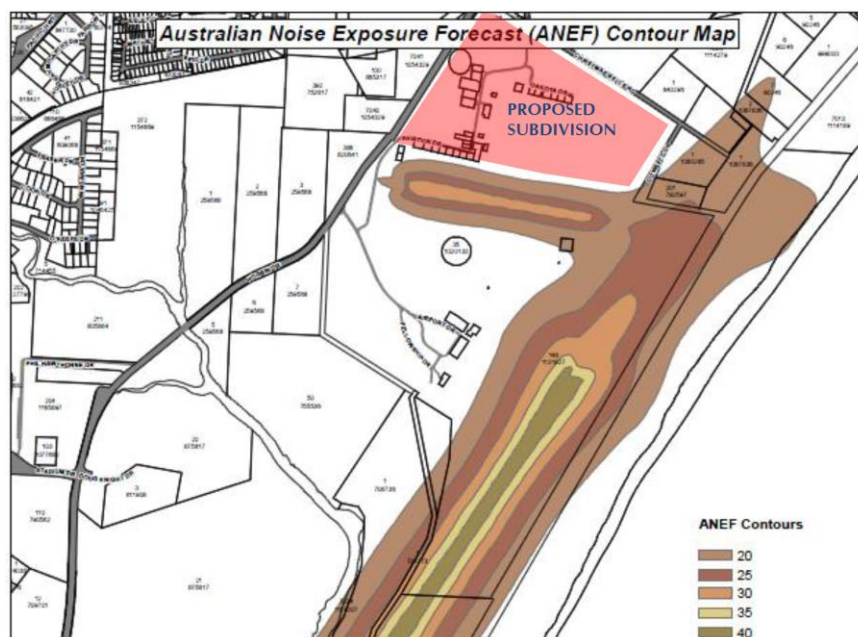
Table 12-1: Building Site Acceptability Based On ANEF Zones

Building type	ANEF zone of site		
	Acceptable	Conditionally acceptable	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF (Note 1 of AS2021)	20 to 25 ANEF (Note 2 of AS 2021)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1 of AS2021)	20 to 25 ANEF (Note 2 of AS 2021)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1 of AS2021)	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF (Note 1 of AS2021)	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

Source: Australian Standard AS 2021-2000

Nevertheless, in response to the JRPP's requests it is confirmed that the proposed subdivision is located outside of the 20 ANEF on the ANEF mapping for the airport as illustrated below.

Relevantly Australian Standard AS2021-2000 (as updated by AS2021-2015), provides recommended land use compatibility in relation to aircraft noise as shown on the table above.



As noted in the table an ANEF of less than 20 is acceptable without noise insulation or other measures for residential development including caravan parks, educational institutions, hospital/nursing homes and public buildings. As also noted, an ANEF of up to 25 is acceptable for temporary or tourist accommodation, commercial and light industrial building. Other industrial buildings are acceptable in all ANEF zones.

So whilst the subject proposal is only for the subdivision of land, the consent authority can have confidence that any future light and heavy industry, technology and education, commercial and aviation land uses of the development will not be constrained by the ANEF of the airport and the requirements of AS2021-2015.

In addition, in light of the above information it is confirmed that the current subdivision proposal and any future land uses of same will maintain compliance with clause 7.10, of the Coffs Harbour LEP 2013.

S.79C(a)(ii) Any Proposed Instrument That Is Or Has Been The Subject Of Public Consultation

The Draft Coastal Management State Environmental Planning Policy (Draft SEPP) will establish a new, strategic land use planning framework for coastal management. It will support implementation of the management objectives set out in the *Coastal Management Act 2016*.

The public consultation period for the Draft SEPP and maps was from 11 November 2016 to 20 January 2017. Under the Draft SEPP an approximate 2.78ha area in the south east and another 1.4ha area in the south west of the subject site is within the Coastal Use Area. The objectives for such areas is to protect and enhance the scenic, social and cultural values of the coast, through having appropriate type, bulk, size and scale of development, providing adequate public open space and associated public infrastructure, and avoiding adverse impacts of development on cultural and built environmental heritage.

The above objectives and the proposed criteria for assessment of development within these zones are commensurate with the provisions of State Environmental Planning Policy No 71 - Coastal Development. For an assessment under these provisions please refer to the assessment under SEPP 71 included in the original report to the 15th March 2017 JRPP meeting.

S.79C(b) Likely Impacts of the Proposal

Context and Setting – The proposed subdivision is a development that is reasonably expected in this location. The immediate context and setting is that of airport land and associated airport related development, and which potential future uses are also fully consistent with broader future objectives for the airport precinct.

Hogbin Drive is a collector road which not only services the existing immediate road network and proposed subdivision area, but surrounding precincts.

The subject location is not only well suited to the proposed subdivision, it is essential to the future anticipated mixed airport related land uses.

Access, Transport and Traffic – In addition to the assessment of traffic impacts included in the original report to the JRPP dated 15 March 2017, the applicants have recently submitted a Traffic

Impact Summary in response to the JRPP's deferral of the application. This summary confirms that *"Traffic generation for the site has been modelled and analysed and is summarised below.*

Proposed Hogbin Drive Intersection – Traffic modelling results indicate that acceptable delays will be experienced at the (proposed) Hogbin Drive intersection irrespective of additional side road traffic (ie Christmas Bells Road) that would be generated by the development from Stage 1 until full development of the site.

An analysis of the effective capacity of the intersection compared to flow changes was prepared. It showed that the intersection should perform satisfactorily even if the traffic volumes increase about 20% higher than those assumed in this case.

Existing Hogbin Drive Intersection with Christmas Bells Road - The current intersection configuration has been modelled for growth in traffic volumes both on Hogbin Drive and as part of the development.

The performance of this intersection under all traffic variations is acceptable. However additional considerations are appropriate such as safety of both through traffic and turning traffic. Austroads "Guide to Traffic Engineering Practice – Part 5 Intersections at Grade" provides guidance for the design of the various turning movements associated with the intersection as follows:

- *Left turn into Christmas Bells Road from Hogbin Drive - Warrants for Rural Turn lanes, suggests that for the through volumes and turning volumes described in Traffic Assessment Report, an auxiliary left turn deceleration lane should be provided. It suggests for this intersection the overall length of the left turn deceleration lane should be 90m, with the taper being 55m.*
- *Right turn into Christmas Bells Road from Hogbin Drive - Warrants for Rural Turn lanes, suggests that for the through volumes and turning Volumes described in the report, a sheltered turning lane should be provided. The existing sheltered turning lane conforms to this requirement.*

Proposed Upgrading Works - The following upgrading works are proposed for this intersection:

- *Provision of a left turn deceleration and turning lane from Hogbin Drive into Christmas Bells Road. The lane should fit between the existing eastern southbound lane and the cycleway. However, in the interests of safety, it is recommended that the cycleway be relocated further to the east.*
- *Provision of some widening on the western side of Christmas Bells Road, leading into the intersection with Christmas Bells Road. This is to allow the queuing of northbound and southbound traffic side by side.*

Traffic Efficiency and Amenity on Christmas Bells Road - Christmas Bells Road from Hogbin Drive to the development is essentially a rural standard road. The only alignment issue with the road is the relatively short radius bend just prior to its intersection with Hogbin Drive.

The following works are proposed to cater for the additional load resulting from the proposal:

1. *Carry out a detailed pavement investigation of Christmas Bells Road from the intersection of Hogbin Drive.*
2. *If pavement thicknesses are inadequate for the nominal design life as set out in Council's Subdivision standards, then upgrading works should be undertaken in Stage 1.*
3. *Carry out widening of Christmas Bells Road to provide a left turn lane onto Hogbin Drive.*

Intersection of Christmas Bells Road and Aviation Drive - As part of the development it is proposed to realign this "T" intersection so that Aviation Drive / the north south alignment of Christmas Bells Road becomes the through road and the east / west alignment of Christmas Bells Road becomes the leg of the "T". This reflects the fact that this will be the dominant traffic flow movement.

Internal Road Widths - The proposed internal road widths and geometries satisfy all relevant policies and standards, and as such are deemed to be satisfactory for this development.

Pedestrian Links - Pedestrian traffic generated by the development will be serviced by concrete footpaths which run within the verge of the new internal roads. These new footpaths will connect to the existing bike path which runs alongside Hogbin Drive.

Garbage Contractors and Service Vehicles - The proposed road widths and road alignment conform to Council's technical guidelines for subdivision. As such all the roadways are suitable for access by Garbage contractors, and standard service vehicles.

Bus Routes - At present, there is no bus route to the area of the proposed development. However, there are regular bus services that travel along Hogbin Drive."

In response to the further queries from the Consent Authority, Council's Engineers have provided the following detailed comments on the traffic impacts and assessment of the proposal:

"The following is a summary of the key steps in the assessment of The DA with regard to traffic:

- *DA submission was accompanied by a detailed traffic assessment prepared by deGroot & Benson dated MAY 2015 which considered traffic generation from the proposed development in relation to traffic volumes on Hogbin Drive and Christmas Bells Road which are the main access points to the subdivision. Based on this analysis, and in addition to internal works the assessment recommended external upgrade works to the Hogbin Drive intersection with Christmas Bells Road, the intersection of Christmas Bells Road and the subdivision (Road 5) and a new intersection at Hogbin Drive providing primary access to the subdivision (Road 1).*
- *The DA was referred to RMS as traffic generating development under Cl 101 and 104 of the Infrastructure SEPP. The RMS requested further information and a subsequent Addendum to the Traffic Assessment was prepared dated May 2016.*
- *The RMS provided final comments dated 30/6/2017 as follows:*

"RMS has reviewed the additional information provided by for the Airport Drive Subdivision and is of the view Council can be confident with the traffic impact recommendations. Council should consider the potential for future operational difficulties with the right turn from Christmas Bells Road to Hogbin Drive. Excessive delays may create a future crash risk at this intersection. Council may wish to undertake infrastructure planning to manage this risk into the future."

- *Council officers finalised assessment of the DA and recommended conditional approval of the subdivision with the following traffic upgrades and improvements:*
 - *Condition 12 – Cycle path linkages from Hogbin Drive to the subdivision*
 - *Condition 13 – (a) internal roads, (b) upgrade Christmas Bells Road with Road 5, (c) upgrade intersection Christmas Bells Road and Hogbin Drive, (d) upgrade and widen Christmas Bells Road, (e) new intersection Hogbin Drive and Road 1, (f)*

provide acceleration and deceleration lanes at new intersection with Hogbin Drive, (g) bicycle paths to be maintained and (Note 1) new bus stop provided near Hogbin Drive.

- *Condition 18 – Access restrictions, construction of internal cul de sac, gates and fencing*

It is understood that the JRPP are now requesting further clarification regarding the traffic impacts of the development and confirmation on the proposed works (upgrades and improvements) to address traffic efficiency, safety and amenity. The issue of traffic volumes on Hogbin Drive has been specifically mentioned.

In response to this request Council can provide the following information:

- *Council has undertaken a comprehensive assessment of the DA and has considered traffic studies and referral comments from the RMS.*
- *Councils Development Engineer recommends conditional approval of the DA – the recommended conditions are detailed in the consent.*
- *The approved plans are consistent with the recommended conditions, though detailed Civil Works Plans will provide additional clarification of works required.*
- *Comment on Hogbin Drive traffic volumes:*
 - *the development is expected to generate approximately 6,983vpd (in and out). The projected traffic volumes on Hogbin Drive are in the order of 25,000 vpd.*
 - *It is expected in any development that traffic will increase.*
 - *Measures have been implemented to reduce the impact. These include ensuring provisions for public transport and alternative transportation types (i.e. bicycle).*
 - *An assessment of the impact on intersections outside of the development on Hogbin Drive other than the intersection of Hogbin Drive and Christmas Bells Road was not undertaken.*
 - *An assessment of the impact on the intersection of Hogbin Drive and Christmas Bells Road was undertaken, with the analysis showing the intersection had capacity with minor works undertaken. This has been included in Condition 13(b)."*

As assessed above, the proposal will be adequately serviced by the existing street network provided the above detailed modifications to the existing road network as included in the March 2017 report to the JRPP are incorporated. These modifications include widening of Christmas Bells Road to provide a left turn lane onto Hogbin Drive, a pedestrian link and left turn deceleration and turning lane from Hogbin Drive into Christmas Bells Road.

Subject to the above recommendations for modifications to the existing road network (as reflected in the recommended conditions attached to this report), the proposed development will not create any unreasonable impacts that exceed the capacity of the local road system or intersections and will achieve compliance with the Coffs Harbour LEP 2013 and DCP 2015.

Public Domain

The proposal will be of benefit to the surrounding area and public domain, due to the augmentation of the existing pedestrian pathway in this location, enhancement of environmental outcomes and because the overall development represents a positive local and regional development opportunity of quality design, centred around the characteristics and environmental values of the site and surrounds.

As assessed elsewhere in this and the original JRPP report, the proposal is also in keeping with Council's strategic objectives for the future development of the area.

Utilities

The proposed development will not create any unreasonable impacts on the existing utility services available to the subject site. The recommended conditions of development consent and the proposed plans address all necessary services.

Heritage

Refer to the assessment of the proposal under Clause 5.10 Heritage conservation, of the Coffs Harbour LEP 2013, as already provided in the report to the 15th March 2017 JRPP meeting.

Flora and Fauna

Refer to the Flora and Fauna assessment of the proposal as already provided in the report to the 15th March 2017 JRPP meeting.

Energy

No specific energy demand or use issues have been identified relevant to the proposed subdivision.

Noise and Vibration

During the site construction phase some noise and vibration will be created however construction activities will only occur during those hours permitted by Council and as represented in the development permit.

The anticipated ongoing operational noise levels from the proposed subdivision will be in keeping with the existing and future context of the area immediately adjoining the airport and any new uses on the site will require separate development assessment and which can include consideration of noise and vibration impacts.

Natural Hazards

The site is identified by Council as being affected by the natural hazards of bushfire, flooding, and acid sulphate soils. These hazards have been assessed elsewhere in this supplementary assessment and the original report to the 15th March 2017 JRPP meeting.

Bird Strike

Aside from the above, another potential natural hazard which is a common issue for airport operations is that of bird strike with aircraft. The Civil Aviation Safety Regulations 1998 requires Bird Strike Management Plans to address the procedures to deal with dangers to aircraft operations caused by the presence of wildlife (birds and other animals) on or near aerodromes.

Coffs Harbour Regional Airport has in place a "Wildlife Hazard Management Plan", dated April 2016 which continues to be in effect. The aim of the management plan "is to minimise the hazard to aircraft operations created by the presence of wildlife on or in the vicinity of the airport". Three categories of management are specified in the Plan – being Monitoring Risks (regular airside and landside bird counts), Detecting and Reporting Hazards (serviceability, perimeter fence, runway and

flight strip inspections) and Managing Wildlife Hazards (both actively– directly removing or reducing the numbers of wildlife, and passive- modifying habitats or other aspects of the environment to indirectly remove or reduce the number of wildlife).

Under CASA Regulations the Management Plan also includes mandatory centralised reporting of wildlife survey results, managing activities and occurrences of bird strike.

The subject proposed subdivision will not pose a heightened risk of bird strike to airport operations. The airport has an effective and legislated wildlife management regime which dynamically monitors and actively controls wildlife on and near the airport (as outlined above). In addition, the proposed stormwater management design for the site will effectively collect and convey stormwater away from the site in contrast to the existing onsite pooling of stormwater which currently occurs. This will reduce the potential attraction of wildlife to the site.

Finally to minimise any remaining potential for such issues to arise the recommended amended conditions of consent attached to this report requires the selection of all planting within the proposal to minimise the congregation or encouragement of birds, flying foxes and similar within the proposed development to avoid a heightened risk from same to aircraft and maintain compliance with the Coffs Harbour Regional Airport “Wildlife Hazard Management Plan”, dated April 2016 and the Coffs Harbour Regional Airport 2014 Master Plan Update.

No other unresolved matters of concern are identified.

Contaminated Land

Refer to the assessment of the proposal under State Environmental Planning Policy No 55 Remediation of Land, in the original report to the 15th March 2017 JRPP meeting, and this Supplementary Assessment Report.

Technological Hazards

Not applicable.

Social and Economic Impacts in the Locality

With regard to the Economic Impacts of the proposed development, the Coffs Harbour Regional Airport 2014 Master Plan Update confirms that:

“Coffs Harbour Regional Airport is one of the largest and busiest regional airports in NSW and has for some years accommodated the greatest number of passengers flying to and from Sydney compared to other destinations within the state. The airport is a facilitator of major economic activity for the city and people of Coffs Harbour by:

- *providing for high capacity and high frequency quality regular public transport (RPT) passenger services to/from Sydney and Melbourne;*
- *providing for a range of GA opportunities such as flying training, emergency services such as the Air Ambulance, private and commercial operators etc; and*
- *accommodating a number of aviation and non-aviation related businesses and organisations.”*

The 2014 Airport Master Plan update also refers to a study undertaken for the Australian Airports Association which *“noted that Australia’s regional airports face considerable challenges in*

maintaining, let alone growing, the service they provide to their local communities. It is estimated that as many as 50% may be operating at a loss each year, and are heavily dependent upon cross-subsidisation by their local government owners who face multiple and competing demands on their limited finances. Developing non-aeronautical activity on-airport can be essential in order to maintain future capacity for aeronautical activity.

The northern sector of the airport offers scope for further non-aeronautical opportunities to be identified, while still providing for current and future levels of GA activities to be facilitated. The 2003/04 Master Plan (as amended in 2007) identified such opportunities, and since then, Council has undertaken further studies. Enhancing overall airport revenues from non-aeronautical activity is one of Council's primary goals."

In regard to wider impacts in the LGA, the original report to the 15th March 2017 JRPP meeting addressed social and economic impacts inherent within the consideration of strategic planning issues in the following assessments:

"A review of the various strategic policy documents as set out above has confirmed that the proposed subdivision is consistent with Council's CHCC Employment Lands Strategy 2009 and is not inconsistent with the Department of Planning's Draft North Coast Strategy or the North Coast Employment Land Review – Section 10 Coffs Harbour (2014). In particular, AAP is satisfied to note that the CHCC Local Growth Strategy - Industrial Lands 2009 included the subject Airport lands in its calculations of Industrial Land Supply for the area and that the subject subdivision is therefore consistent with that current adopted local strategy."

Further, with reference to the Coffs Harbour Regional Airport 2014 Master Plan Update mentioned above:

"In 2014 Council adopted a Master Plan update which was primarily focussed on the northern sector of the Airport lands (the subject land) which accommodates, among other things, the Airport's General Aviation activities.

Within this area, Figure 6.1 '2004 Master Plan Review – Master Plan Layout' outlines additional possible development areas under consideration for a wide range of land uses with either a link to aviation, or for non-aviation purposes that are compatible with adjacent aviation activities. The subject proposal is consistent with the adopted Airport Masterplan."

For the above reasons the proposed industrial subdivision is anticipated to have a significant positive social and economic impact on the local area and in respect of the future sustainable operation of the Coffs Harbour Airport.

Construction

Construction of the development will be undertaken in accordance with the approved plans and in accordance with Council standards and the conditions on any development consent issued.

Cumulative Impacts

As assessed in the original report to the 15th March 2017 JRPP meeting and this Supplementary Assessment, the proposed development (subject to the application of the attached recommended conditions), will not have any significant negative cumulative impacts on the area, the community or the natural environment.

S.79C (c) The Suitability Of The Site For The Development

Having regard to the location of the subject site and the assessment of the proposal contained within the assessment report to the 15th March 2017 JRPP meeting and this Supplementary Report, the site is considered eminently suitable for the proposed development in that:

- the site can adequately accommodate the proposed development
- the adjacent developments (including the Coffs Harbour Airport) do not pose any prohibitive constraints and will be positively affected by the proposal; and
- other than those addressed in the subject assessment reports, the site is not subject to any natural hazards that are considered likely to inhibit the subdivision in the proposed form.
- as a subdivision proposal, the development will not create any overshadowing, bulk and scale or privacy issues to the adjoining properties or the coastal zone;
- the proposed development is consistent with the aims, objectives, and permissible uses within the Coffs Harbour Local Environmental Plan 2013, complies with relevant State Planning Policies, and the North Coast Regional Plan – therefore the proposed subdivision is a development that is reasonably expected in this location.

S.79C(d) Any Submissions Made In Accordance With This Act Or The Regulations

As assessed in the original report to the 15th March 2017 JRPP meeting, two submissions by way of objection were received in answer to Council's advertising and notification of the proposed development. These two submissions and the issues raised were discussed in detail in the March report.

Post the 15th March 2017 JRPP meeting, representations and an additional submission was made to Council from the Coffs Harbour Racing Club which owns and runs the Coffs Harbour Race Course immediately opposite the subject site across Christmas Bells Road. The Club has indicated they are very supportive of the development, however they wanted to ensure that the proposal and associated new water management would not accentuate existing flooding patterns on their site.

As a response to the above, a meeting and detailed briefing was co-ordinated by Council between the Club and the applicants. Subsequent to this the club has advised they are satisfied that their concerns have been addressed, stating in writing that *"the club has been left with the view, based on the information presented, that the new subdivision would not have a negative impact with respect to water flows in the Racecourse precinct."* Further Council and the Airport Management have committed to ongoing consultation with the Race Club regarding final design plans and commencement of construction.

S.79C(e) The Public Interest

As noted in the original assessment report to the 15th March 2017 JRPP meeting the proposed development does not present any issues that are contrary to the public interest.

It is further noted that the proposal is in the public interest as:

- the subdivision will ensure that the Coffs Harbour Regional Airport is provided with ongoing opportunity to attract sustained and viable aviation related land uses within the Coffs Harbour Airport land holding and which in turn will also support the ongoing sustainable operation of the airport.
- the proposed subdivision and anticipated future industrial and airport related uses will not negatively affect nor be detrimentally impacted by, the operation of the airport,
- in respect of proposed earthworks, flooding and the design of the proposed stormwater facilities, advice has been provided that confirms flooding of the site (both up and downstream), will not be exacerbated by the proposed development and that the proposed stormwater management design for the site will not represent any unreasonable increased risk of bird strike for aircraft,
- in respect of traffic and the public interest, the submitted Traffic Assessment Report and Council's Engineering Traffic Review have confirmed that no unreasonable increase in traffic on Hogbin Drive is anticipated beyond that currently planned for by Council in respect of future upgrades to the road, including the proposed new intersection design, subject to proposed mitigation measures as detailed in this report,
- all other relevant site constraints, including bushfire, and potential for site contamination, have been addressed in the S.79C Assessment Report and this Supplementary Report.

There are no outstanding issues relevant to the public interest.

In addition, it is considered to be clearly in the public interest to support the sustained economic operation of the Coffs Harbour Regional Airport, through release of otherwise underutilised airport land for subdivision.