

COUNCIL ASSESSMENT REPORT

| | |
|--|---|
| Panel Reference | 2016NTH030 |
| DA Number | T6-16-444 |
| LGA | Kempsey Shire |
| Proposed Development | Pilot Training Facility |
| Street Address | Airport Road, Aldavilla |
| Applicant | Australian International Aviation College Pty Ltd |
| Owner | Kempsey Shire Council |
| Date of DA lodgement | 13 December 2016 |
| Number of Submissions | 75 |
| Recommendation | That the Joint Regional Planning Panel grant development consent to DA T6-16-444 for a pilot training -facility on Lot 1 DP1144474 at Airport Road, Aldavilla subject to the Conditions of Consent contained Appendix A. |
| Regional Development Criteria (Schedule 4A of the EP&A Act) | <p>Clause 4(b)</p> <p>The Capital Investment Value of the proposed development is over \$5 million (\$18 million) and Kempsey Shire Council is the owner of the land on which the development is to be carried out.</p> |
| List of all relevant s79C(1)(a) matters | <ul style="list-style-type: none"> • Kempsey Local Environmental Plan 2013 • Kempsey Development Control Plan 2013 • State Environmental Planning Policy 33 – Hazardous and Offensive Development • State Environmental Planning Policy (State and Regional Development) 2011 |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> • <i>Statement of Environmental Effects, Development Application: Australian International Aviation College Flight Training Centre, Kempsey Airport, Lot 1 DP1144474, Airport Road, Aldavilla</i> (McNeil Architects, 31 January 2017) • <i>Proposed Site/ Locality Plan, Drawing Number: D01_B, DA Issue B</i>, McNeil Architects, 25/1/2017 • <i>Master Site Plan, Drawing Number: D02_B, DA Issue B</i>, McNeil Architects, 25/1/2017 • <i>Stage 1#1 Site Plan, Drawing Number: D03_B, DA Issue B</i>, McNeil Architects, 25/1/2017 • <i>Stage 1#2 Site Plan, Drawing Number: D04_B, DA Issue B</i>, McNeil Architects, 25/1/2017 • <i>Stage 1#1 Plan, Drawing Number: D05_B, DA Issue B</i>, McNeil Architects, 25/1/2017 • <i>Stage 1#2 Plan, Drawing Number: D06_B, DA Issue B</i>, McNeil Architects, 25/1/2017 • <i>Sections and Elevations, Drawing Number: D07_B, DA Issue B</i>, McNeil Architects, 25/1/2017 |

| | |
|---------------------------|--|
| | <ul style="list-style-type: none"> • <i>Hangar 1#2 Section & Elevations, Drawing Number: D08_B, DA Issue B, McNeil Architects, 25/1/2017</i> • <i>Roof Plan & Drainage Strategy, Drawing Number: D09_B, DA Issue B, McNeil Architects, 25/1/2017</i> • <i>Sediment Control Plan, Drawing Number: D10_B, DA Issue B, McNeil Architects, 25/1/2017</i> • <i>Notification Plan, Drawing Number: D11_B, DA Issue B, McNeil Architects, 25/1/2017</i> • <i>Stage 2 Section & Elevations, Drawing Number D12_B, DA Issue B, McNeil Architects, 25/1/2017</i> • Public submissions received • Civil Aviation Authority submissions • Airservices Australia submissions • NSW Environment Protection Agency submissions • NSW RMS submission |
| Report prepared by | Rachael Jeffrey – Town Planner, Kempsey Shire Council Erin Fuller – Manager Development Assessment, Kempsey Shire Council |
| Report date | 6 March 2017 |

Contents

| | | |
|-------|---|-----------|
| 1 | Introduction | 5 |
| 1.1 | Background | 5 |
| 1.2 | Existing pilot training facility | 5 |
| 1.3 | Site description and surrounding development | 5 |
| 1.4 | Airport operations..... | 7 |
| 1.4.1 | Aircraft and flight numbers..... | 7 |
| 1.4.2 | Aircraft noise..... | 7 |
| 1.4.3 | Aircraft emissions..... | 8 |
| 2 | Project description | 8 |
| 2.1 | Pilot training facility | 8 |
| 2.1.1 | Ground school lectures | 8 |
| 2.1.2 | Flight training | 8 |
| 2.1.3 | Planning, dispatch and de-briefing | 8 |
| 2.1.4 | Ground handling, maintenance training, and attendant training | 9 |
| 2.1.5 | Aircraft maintenance | 9 |
| 2.1.6 | Student transportation | 9 |
| 2.1.7 | Hours of operation..... | 9 |
| 3 | Development Assessment Framework | 9 |
| 3.1 | Consent Authority | 10 |
| 3.2 | Matters for consideration..... | 10 |
| | <i>(a)(i) the provisions of any environmental planning instrument</i> | <i>10</i> |
| 3.2.1 | State Environmental Planning Policy (State and Regional Development) 2011..... | 10 |
| 3.2.2 | State Environmental Planning Policy 33 – Hazardous and Offensive Development | 10 |
| 3.2.3 | Kempsey Local Environmental Plan 2013 (KLEP 2013) | 10 |
| | <i>(a)(iii) any development control plans</i> | <i>12</i> |
| 3.2.4 | Kempsey Development Control Plan (KDCP) 2013 | 12 |
| | <i>(b) the likely impacts of the development.....</i> | <i>13</i> |
| 3.2.5 | Noise | 13 |
| 3.2.6 | Traffic | 13 |
| 3.2.7 | Visual..... | 14 |

| | | |
|--------|--|----|
| 3.2.8 | Waste management..... | 14 |
| 3.2.9 | Flora and fauna | 14 |
| 3.2.10 | Aboriginal heritage..... | 14 |
| 3.2.11 | Bushfire | 14 |
| 3.2.12 | Economic..... | 15 |
| (c) | the suitability of the site for development | 15 |
| (d) | any submissions made in accordance with this Act or the Regulations..... | 15 |
| (e) | the public interest..... | 15 |
| 4 | Consultation | 15 |
| 4.1 | Public notification | 15 |
| 4.2 | Commonwealth agencies/bodies | 16 |
| 4.2.1 | Civil Aviation Safety Authority (CASA) | 16 |
| 4.2.2 | Airservices Australia..... | 17 |
| 4.3 | State agencies | 17 |
| 4.3.1 | Roads and Maritime Services..... | 17 |
| 4.3.2 | NSW Environment Protection Authority (EPA) | 18 |
| 5 | Conclusion..... | 18 |

1 Introduction

1.1 Background

The Australian International Aviation College (AIAC) has submitted a development application (T6-16-444) to Kempsey Shire Council ('Council') for the construction and operation of a pilot training facility at the existing Kempsey Airport.

1.2 Existing pilot training facility

The AIAC already operates a limited pilot training facility at the Kempsey Airport using the existing terminal building facilities (which are leased from Council) and temporary facilities comprising three portable buildings established with DA T6-15-381 in 2015. These buildings are currently used as lecture rooms and would be retired on completion of works proposed in the current DA. No works are proposed for the terminal building or the three portable buildings as part of this DA.

1.3 Site description and surrounding development

The location of the proposed pilot training facility is at the Kempsey Airport on Lot 1 DP 1144474, Airport Road at Aldavilla ('the site'). The location of the site is shown on Figure 1. The site is 156.72ha in area and is approximately 6.6km west of the Kempsey CBD.

The site is currently used as the Kempsey Airport which was first opened in 1936 and has undergone numerous upgrades since its initial construction. Figure 2 provides an aerial photograph of the site.

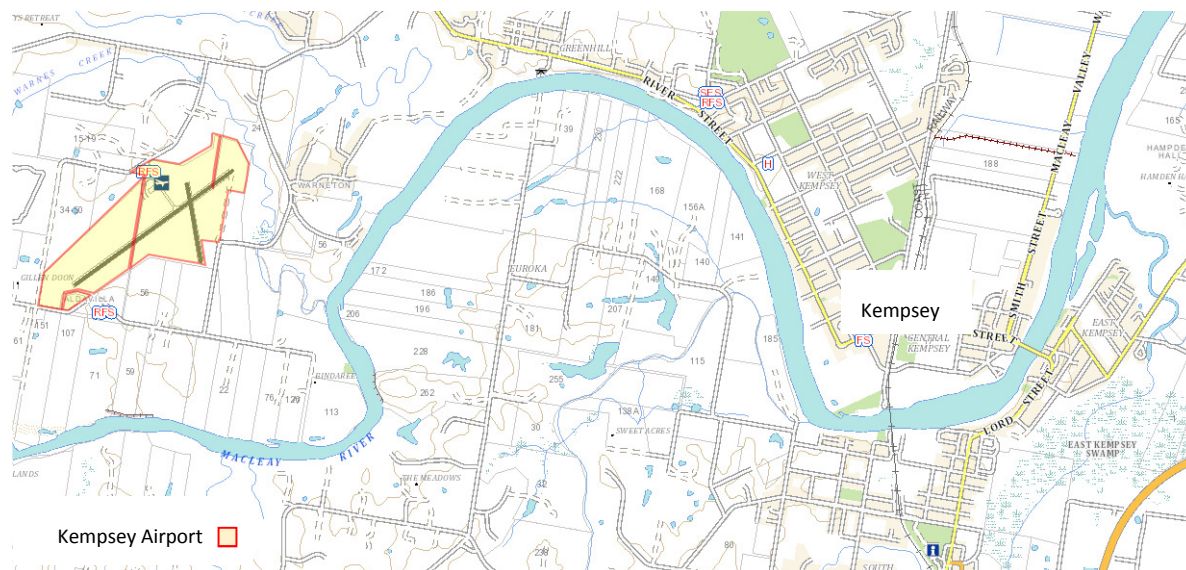


Figure 1: Kempsey Airport location (source: NSW Government not dated)

The Kempsey Airport is generally surrounded by land used for rural residential and rural purposes. The Macleay River is located approximately 1.1km to the east of the site and the Mid North Coast Correctional Centre is located approximately 250m to the west.

Access to the Kempsey Airport from Kempsey is via River Street, Sherwood Road and Airport Road.

The site is zoned *RU2 Rural Landscape* under the *Kempsey Local Environmental Plan 2013* (KLEP 2013) (refer to Figure 3). Surrounding land is zoned *R5 Large Lot Residential* to the north and

northwest, *RU1 Primary Production* to the south, north east and east and *RU2 Rural Landscape* to the west.

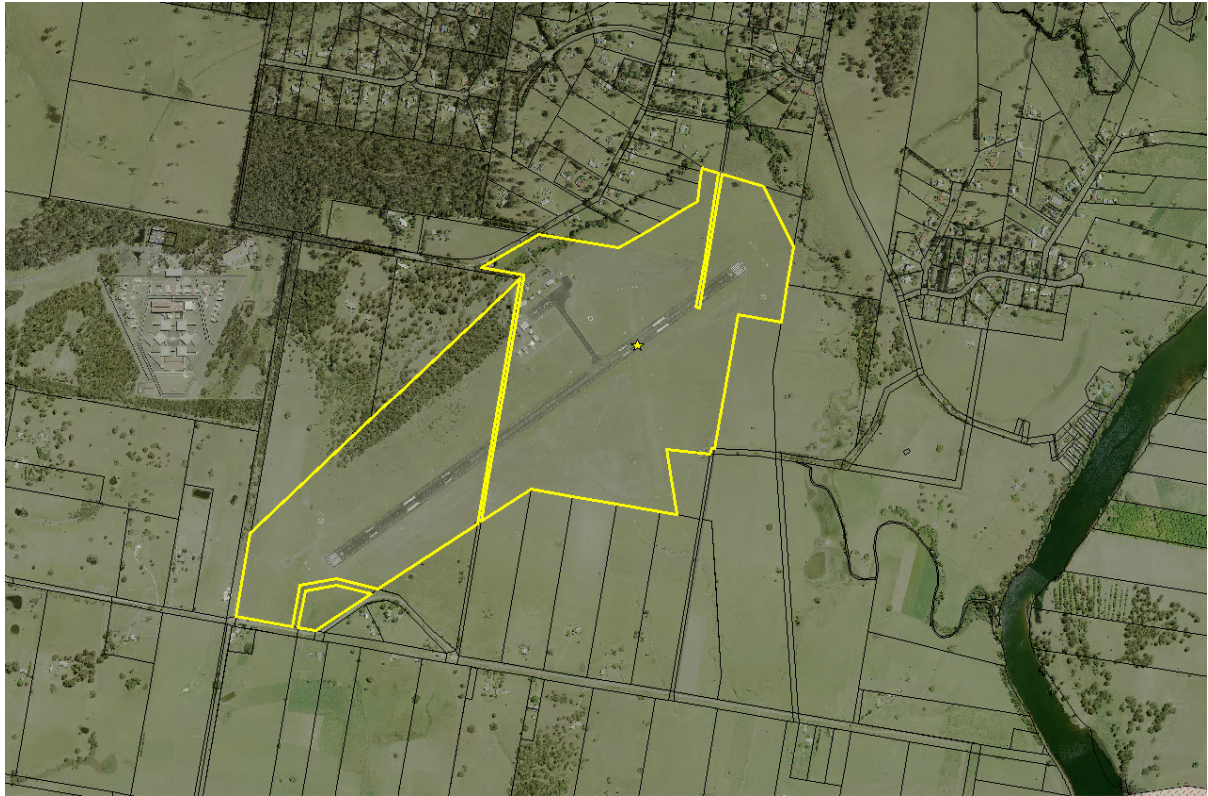


Figure 2: Kempsey Airport aerial photograph

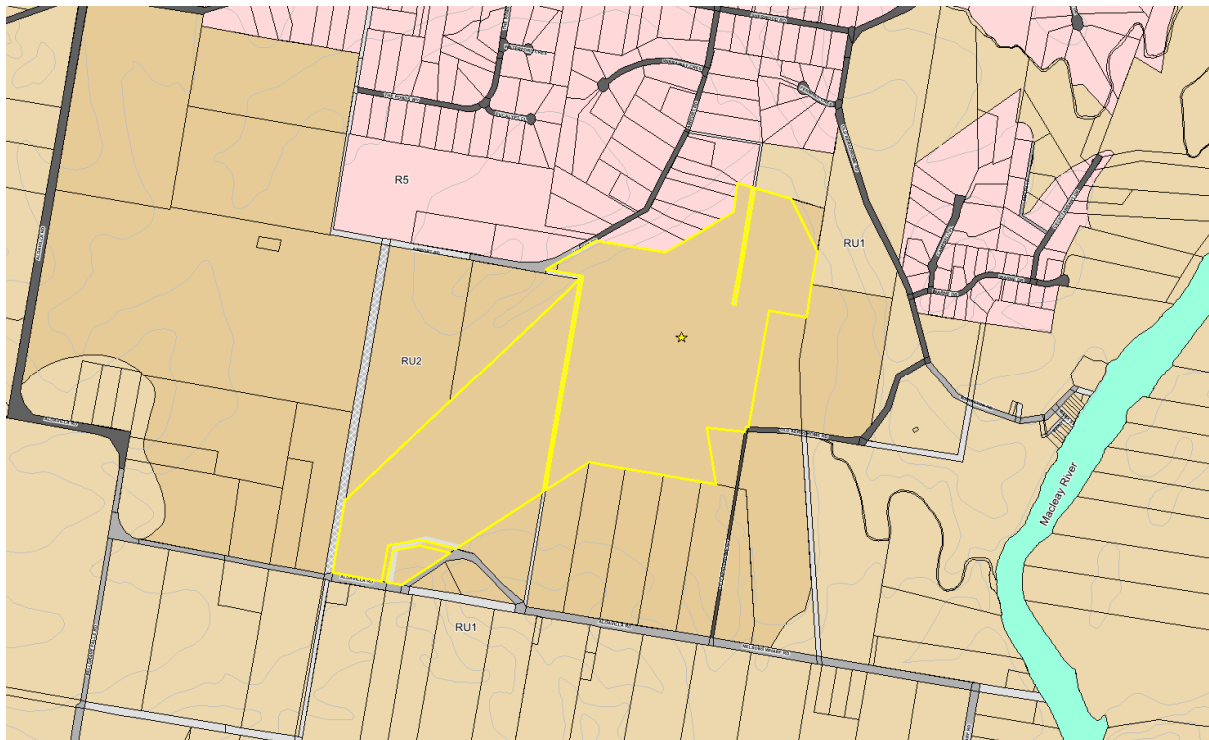


Figure 3: KLEP 2013 zoning overlay

1.4 Airport operations

Air operations are largely governed by Commonwealth legislation. The Civil Aviation Safety Authority (CASA) is the safety regulator for civil air operations in Australia. Airservices Australia is responsible for Australia's airspace management, including the management of impacts associated with air traffic (for example aircraft noise). The Department of Infrastructure and Regional Development oversees government legislation and policy relating to airports and aviation, including curfews.

1.4.1 Aircraft and flight numbers

Kempsey Airport is a public airport classified by CASA as a 'Registered Aerodrome'. CASA has advised Council that limits on flight numbers are generally only placed on airports/aerodromes if there are safety issues (such as the approach to the runway is difficult etc.). At present, there are no limits on the number of flights that may access Kempsey Airport nor are there any curfews in place. The only limit is on the size of aircraft that may use the airport, which is aircraft with up to 30 passenger seats and involved in Regular Public Transport.

1.4.2 Aircraft noise

The responsibility for aircraft noise is best described in the following extract from the Airservices Australia website <http://www.airservicesaustralia.com/aircraftnoise/frequently-asked-questions/>:

A number of organisations are responsible for aircraft noise management. The government is responsible for overall policy and legislation. Airservices is responsible for flight paths, providing noise information and managing complaints. Aircraft operators ensure their aircraft are compliant with noise standards and implement noise abatement principles for flight operations. The Civil Aviation Safety Authority certifies aircraft that meet noise standards. Airports develop noise management plans and manage local community engagement, while state and local governments manage land-use planning around airports.

Table 1 below is taken from the NSW Environment Protection Authority (EPA) publication *Noise Guide for Local Government* (2013).

Table 1: Noise regulatory authorities. Source: *Noise Guide for Local Government* (EPA:2013).

| Noise source | Responsibility |
|--|------------------------------------|
| Aircraft in flight and Commonwealth owned airports. | Commonwealth Airservices Australia |
| Aircraft when landing*, taking off* or taxiing at: - Non-Commonwealth owned and leased airports. | Commonwealth Airservices Australia |
| Noise resulting from airports operated by NSW public authorities such as local councils – e.g. aircraft on the ground undergoing excessively noisy engine maintenance. | EPA (ARA) |

* International Civil Aviation Organisation definitions:

'Take-off' commences with the application of power to the aircraft once it is on the runway to bring the aircraft to the speed necessary to become airborne.

'Landing' ends when an aircraft leaves the runway or comes to a stop on the runway.

In summary, aircraft noise in flight and when landing, taking off or taxiing is regulated by the Commonwealth body Airservices Australia. Other noise (i.e. 'on ground' noise) resulting from the airport is regulated by the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act (NSW) 1997*.

A number of general aviation airports have developed voluntary codes of practice, known as 'Fly Neighbourly Agreements', negotiated between aircraft operators, communities and authorities to reduce impacts caused by aircraft in particular areas. Such an agreement is not yet in place for

Kempsey airport but is currently being considered as part of the commercial negotiations with the operator of the pilot training facility.

1.4.3 Aircraft emissions

In Australia, aircraft engine emissions are regulated through the *Air Navigation (Aircraft Engine Emissions) Regulations (Cth)* which are administered by the Australian Government. These regulations require aircraft operating in Australia to meet emission standards established through the International Civil Aviation Organisation.

2 Project description

2.1 Pilot training facility

The proposed development comprises the following:

- six (6) lecture rooms each able to cater for up to 30 students;
- one (1) exam room catering for up to 10 students;
- recreation room;
- student library;
- two (2) dining rooms;
- kitchen;
- instruction room;
- planning, despatch and de-briefing areas;
- one (1) temporary hangar;
- three (3) maintenance hangars;
- aircraft parking, taxi lanes and clear zones;
- ground handling, maintenance and attendant training area;
- associated amenities, storerooms, offices and cleaner facilities; and
- total of 110 car parking spaces.

The development is proposed to be located to the south east and south west of the existing hangars and hangar apron zone at the Kempsey Airport. A complete set of plans is provided in Appendix B.

2.1.1 Ground school lectures

Theory lectures would be held in the lecture rooms illustrated on the accompanying plans. The applicant has advised that each class is expected to be in the vicinity of 20 to 25 students.

2.1.2 Flight training

Flight training will involve the following activities:

- actively flying in aircraft;
- using flight simulators (FTD Rooms);
- being briefed in the briefing rooms;
- being debriefed in the debriefing offices; and/or
- planning in the planning and dispatch areas.

2.1.3 Planning, dispatch and de-briefing

These areas of the proposed pilot training facility will be used for students that are engaged in flight training duties. In planning areas, students will be obtaining weather information and preparing or submitting flight plans. Aircraft role equipment and flight folders as well as products and cleaning equipment are obtained in dispatch areas, as well as determination of aircraft serviceability.

Students will complete post-flight debriefing one-on-one with a flight instructor in the debriefing areas.

2.1.4 Ground handling, maintenance training, and attendant training

The building identified as 'Stage 2' on the plans accompanying the DA will have a gross floor area of approximately 3,388m² and will generally be used for:

- flight training staff;
- AIAC administration offices;
- flight attendant training;
- maintenance training;
- ground handling training; and
- management areas and offices.

Additional maintenance hangars will also be constructed as part of this component of the development with a gross floor area of approximately 1,456m².

2.1.5 Aircraft maintenance

Aircraft maintenance including scheduled maintenance and repairs would be undertaken in hangars. Oils and chemicals would be used as part of aircraft maintenance activities. The applicant has advised the quantities of these products are below the threshold limits of *State Environmental Planning Policy 33 – Hazardous and Offensive Development*. The applicant has also advised Council that AIAC will maintain an account with an appropriate supplier for the removal and disposal of chemicals at the pilot training facility.

2.1.6 Student transportation

It is company practise that students undertaking training at the facility are transported via bus from Kempsey and surrounds to and from the facility each day.

2.1.7 Hours of operation

Generally, the proposed hours of operation are as follows, however the applicant has indicated that some flexibility within these hours will be required to ensure the viability of the proposed pilot training facility.

Table 2: Proposed hours of operation for the pilot training facility

| Activity | | Start Time | Finish Time |
|------------------------------|--------------------------|------------|-------------|
| Lectures | | 06:00 | 18:00 |
| Flight Training - Daytime | | 06:00 | 18:00 |
| Flight Training – Night Time | Winter | 18:00 | 23:00 |
| | Autumn and Spring (EDST) | 19:30 | 23:00 |
| | Summer (EDST) | 20:00 | 24:00 |

3 Development Assessment Framework

The applicant is seeking development consent for the proposed pilot training facility pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

3.1 Consent Authority

As Kempsey Shire Council is the owner of the Kempsey Airport, and the capital investment value of the proposal is over \$5 million (approximately \$18 million), Schedule 4A of the EP&A Act applies and the Northern Joint Regional Planning Panel (Northern JRPP) is the consent authority for the application.

3.2 Matters for consideration

In determining a development application, a consent authority is to take into consideration, as are of relevance to the development, the matters set out in section 79C(1) of the EP&A Act. These are set out below.

(a)(i) the provisions of any environmental planning instrument

3.2.1 State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 states that Part 4 of SEPP State and Regional Development applies to development of a class or description included in Schedule 4A of the EP&A Act. The proposed development is a type of development identified in Schedule 4A of the EPA Act (refer to section 3.1 of the report). Therefore, pursuant to clause 21 of SEPP State and Regional Development, the JRPP is the determining authority for the proposed pilot training facility.

3.2.2 State Environmental Planning Policy 33 – Hazardous and Offensive Development

Substances likely to be used at the airport that are relevant to SEPP 33 are diesel, oils, aircraft fuel and lubricants. The applicant states within the SoEE that the quantities of the abovementioned hydrocarbons stored on site will be minimal and will not trigger SEPP 33. It is noted that a separate fueling facility is located elsewhere within the airport site.

3.2.3 Kempsey Local Environmental Plan 2013 (KLEP 2013)

Permissibility

The site is zoned *RU2 Rural Landscape*. The proposed pilot training facility will be located within, and form part of, the existing Kempsey Airport. The KLEP 2013 defines an airport as:

...a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

An airport is considered a type of 'Air Transport Facility' which is permissible with consent in the RU2 zone.

Earthworks

Pursuant to clause 7.2(3) of KLEP 2013, before granting consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

Table 3: Matters for consideration pursuant to clause 7.2 of KLEP 2013.

| | Comment |
|--|--|
| (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, | No disruption to drainage patterns is considered likely. |
| (b) the effect of the development on the likely future use or redevelopment of the land, | The proposed development is considered appropriate having regard to the future use of the airport. |

| | |
|---|---|
| (c) the quality of the fill or the soil to be excavated, or both, | Advice has been incorporated into the recommended conditions of consent in Appendix A pertaining to the requirement for any fill to be clean. |
| (d) the effect of the development on the existing and likely amenity of adjoining properties, | No earthworks are proposed immediately adjacent to adjoining properties. |
| (e) the source of any fill material and the destination of any excavated material, | Advice has been incorporated into the recommended conditions of consent in Appendix A pertaining to the requirement for any fill to be clean. |
| (f) the likelihood of disturbing relics, | See section 3.2.10 of report. |
| (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, | It is considered that the proposed development is unlikely to impact on any waterway, drinking water catchment or environmentally sensitive area. |
| (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. | Consent conditions have been recommended to ensure appropriate erosion and sediment control measures are in place during construction. |

Flood planning

Pursuant to clause 7.3(3) of KLEP 2013, development consent must not be granted to development on the land unless the consent authority is satisfied that the development:

Table 4: Matters to be satisfied of pursuant to cl 7.3 of KLEP 2013.

| | Comment |
|---|--|
| (a) is compatible with the flood hazard of the land, and | <p>The applicant has addressed the flood hazard associated with the site with a flood study for the pilot training facility. Recommended conditions of consent relating to the following have been included in Appendix A:</p> <ul style="list-style-type: none"> - adequate storage is to be provided for equipment and goods above the 1% AEP Flood level of 15.5m AHD; - all chemicals, oils and hydrocarbons used for aircraft maintenance is to be stored above the 1% AEP Flood level of 15.5m AHD; - suitable flood proofing procedures are in place outlining steps to protect aircraft that may be subject to minor inundation; - a Structural Engineers Certificate is provided advising that the structures can withstand the force of flowing floodwaters, including debris and buoyancy forces and details of flood vents or other flood proofing measures to ensure that all hangars and other structures can stand the associated hydrostatic forces; and - a flooding evacuation procedure is to be provided as the school will likely become isolated during the 1% AEP events. Such a procedure should have regard to the Kempsey Shire Local Flood Plan. |
| (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and | |
| (c) incorporates appropriate measures to manage risk to life from flood, and | |
| (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and | |
| (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. | |

Airspace operations

The development application was referred to CASA, pursuant to clause 7.7 of KLEP 2013, to ensure that the ongoing operation of the Kempsey Airport will not be compromised by the proposed development by penetrating the Limitations or Operations Surface for that airport. CASA's response

is discussed in section 4.2.1 of the report. The applicant has demonstrated that the proposed development will not penetrate the Limitation or Operations Surface.

Essential services

Pursuant to clause 7.9 of KLEP 2013, development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

Table 5: Matters to be satisfied of pursuant to clause 7.9 of KLEP 2013.

| | Comment |
|--|--|
| (a) the supply of water, | Whilst reticulated water is available to the site, pressure tests indicate that pressure is low. The recommended conditions of consent at Appendix A require a Certificate of Compliance under the <i>Water Management Act</i> 2000 to be obtained prior to the issue of a construction certificate. This will ensure that any required extension and augmentation of water mains to service the proposal is undertaken and relevant developer contributions paid. |
| (b) the supply of electricity, | Available. |
| (c) the disposal and management of sewage, | The applicant has provided a Sewage Management Assessment (Whitehead & Associates, January 2017) demonstrating that sewage generated by the facility can be satisfactorily disposed of on-site. |
| (d) stormwater drainage or on-site conservation, | The concept stormwater management strategy is considered adequate. Further detail will be required to be submitted with any construction certificate application. |
| (e) suitable vehicular access. | Provided. |

(a)(iii) any development control plans

3.2.4 Kempsey Development Control Plan (KDCP) 2013

KDCP 2013 provides comprehensive controls for development within the LGA. Relevant sections of the DCP and where they are addressed within this report are provided in Table 6.

Table 6: KDCP 2013

| | Relevant Kempsey DCP 2013 Chapter | Report Reference |
|----|---|------------------|
| B2 | Parking, Access and Traffic Management | 3.2.6 |
| B4 | Earthworks and Sediment and Erosion Control | 3.2.3 |
| B5 | Stormwater Management | 3.2.3 |
| B7 | Floodplain Management | 3.2.3 |
| B8 | Onsite Sewage and Wastewater Management | 3.2.3 |

(b) the likely impacts of the development

3.2.5 Noise

As discussed in section 1.4.2 of the report, aircraft noise in flight and when landing, taking off or taxiing is regulated by Airservices Australia. This is outside the scope of this development application. Kempsey airport is a public airport that is open for use for pilot training, development consent for this activity is not required. That said, Council is currently working with the operator of the pilot training facility to develop a voluntary code of practice, known as a 'Fly Neighbourly Agreement' to balance the concerns of residents with the operational needs of the airport.

This development application seeks consent for the erection and use of the pilot training facility building. Noise resulting from the use of this building is therefore a matter for consideration as part of this development application. To ensure that the ground based activities associated with the pilot training facility do not cause unacceptable noise impacts in the locality, the EPA have recommended the imposition of conditions requiring compliance with the lowest criteria set out in the *NSW Industrial Noise Policy* (EPA:2000).

The following conditions have been incorporated into the recommended conditions of consent at Appendix A:

Ground based activities associated with the pilot training facility (including maintenance activities, for example engine tests and fixed and mobile mechanical plant) that are audible at any sensitive receiver off the airport site, shall only be undertaken between 7am and 6pm Monday to Friday, and between 8am and 1pm Saturday.

Ground based activities associated with the pilot training facility shall be undertaken in a manner that does not result in a noise level exceeding LAeq 15 minutes 35 dB(A) when assessed at any sensitive receiver, including a residence. NOTE: The assessment location to measure levels at a sensitive receiver shall be in accordance with the NSW Industrial Noise Policy.

3.2.6 Traffic

The current practice is for AIAC to bus students between their place of accommodation and the Kempsey Airport using private 22 seater buses. Students are currently residing at various places in the Kempsey locality.

The traffic study submitted is based on the assumption that 5% of students and all staff would use private vehicles.

In terms of traffic efficiency, the SIDRA analysis undertaken has adequately demonstrated additional capacity is available for the affected intersections at Airport Road/Sherwood Road and Sherwood Road/River Street. The traffic study does not however go on to address potential impacts on amenity, safety, or road pavement life as stipulated in the *NSW RMS Guide to Traffic Generating Developments*.

Given this, conditions have been recommended (at Appendix A) as follows:

- the applicant is responsible for ensuring that all students, and all staff beyond Stage 1 Phase 1, are to commute to/from the pilot training facility via bus; and
- prior to the issue of any construction certificate for any of the buildings associated with the pilot training facility, a traffic management plan, a road safety audit, and a driver code of conduct shall be prepared and submitted to Council for approval;

It should be noted that Airport Road is currently planned for upgrade in Council's 2018 roads maintenance program.

3.2.7 Visual

The proposed buildings would be visible from a number of residential properties adjacent to the airport, as well as from Old Aerodrome Road to the east and south east, Campbell Place and Springfield Drive to the north east. Views of the airport and therefore potentially distant views of the proposed buildings may also be visible from Warne Drive, Cecil Tarrant Drive and Smyth Lane to the east and Sherwood Road and River Street to the north and north east. The buildings are to be located approximately 380 metres from the nearest residence, which is located adjacent to the airport to the northwest.

It is considered that the proposed buildings are of a suitably appealing design for their proposed use and are in keeping with the desired future character at the Kempsey Airport. The buildings would not create any visual impacts in terms of bulk and scale or overshadowing to sensitive receivers or locations.

3.2.8 Waste management

Waste from the classroom component of the proposed development will be of domestic nature only and would utilise Council's three bin waste disposal system. Trade waste from the proposed kitchen and cafeteria will be treated via an appropriate grease arrestor prior to entering the on-site sewage management system. Trade waste from the mechanical workshops will be treated using an appropriate oil separator before entering the on-site sewage management system.

3.2.9 Flora and fauna

The proposal does not include the removal of any vegetation other than grass to allow for the construction of the proposed buildings and aircraft parking areas.

3.2.10 Aboriginal heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the site. This search indicated that there are not items or places of Aboriginal heritage significance located within the airport site.

The proposal involves excavation in previously disturbed areas. Whilst it is not expected that any Aboriginal heritage items will be uncovered, advice has been recommended in the conditions of consent requiring that in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed.

3.2.11 Bushfire

Parts of the Kempsey Airport are mapped as being bushfire prone and a Bushfire Hazard Assessment (Midcoast Building and Environmental, 2016) was submitted with the development application. The NSW Rural Fire Service advised Council that the proposed development was not considered a Special Fire Protection Purpose.

It is considered that provided the proposed development is undertaken in accordance with the Bushfire Hazard Assessment (Midcoast Building and Environmental, 2016) and the recommendations from the of the report are implemented, the development is consistent with Planning for Bushfire Protection, 2006. The recommended conditions of consent at Appendix A require compliance with these bushfire protection recommendations.

3.2.12 Economic

The proposed pilot training facility is expected to result in significant economic benefits for the Kempsey community. When operating at full capacity, the development is expected to directly generate 58 Full Time Equivalent (FTE) jobs and indirectly generate 226.3 FTE jobs. Students are expected to spend in the order of \$8,780,000 per year locally. In addition, international visitors to students will likely spend around \$200,000 in the local community each year.

(c) the suitability of the site for development

It is considered that the site is suitable for the proposed development. The pilot training facility is located within the airport grounds, can be adequately serviced, will not require any vegetation removal, and natural hazards can be appropriately managed.

(d) any submissions made in accordance with this Act or the Regulations

See section 4 of this report.

(e) the public interest

The proposed development complies with relevant legislation, environmental planning instruments and development controls ensuring that the public interest is maintained. The recommended conditions of consent (refer to Appendix A) will further ensure that impacts are minimal.

4 Consultation

4.1 Public notification

The application was notified in accordance with Council's notification policy. A total of 72 public submissions were received by Council.

A summary of the issues raised in the submission is provided in Table 7 below.

Table 7: Summary of matters raised in public submissions.

| Issue | Comment |
|---|---|
| Substantial increase in noise impact to neighboring residences. | See section 1.4.2 of report. |
| Air pollution from the significant increase in air traffic in the sky. | See section 1.4.3 of report. |
| Substantial increase in road traffic. | See section 3.2.6 of report. |
| No mention of road traffic and repair of local roads. | See section 3.2.6 of report. |
| The road is too narrow for two (2) cars to pass. | The recommended conditions of consent will require the applicant to undertake a road safety audit prior to works commencing to determine any safety measures that may be required as a result of the development. |
| Concerns over the likely increase in heavy vehicles using local roads both during construction and ongoing to deliver fuel and other supplies to the facility. The road is inadequate for this use. | As above. |
| The increase in students will result in further road damage. | See section 3.2.6 of report. |

| | |
|---|---|
| Noise impacts to nearby residents resulting from the increase in heavy vehicles accessing the site. | During construction there is likely to be an increase in heavy vehicles both at the airport site and using local roads to deliver materials. Conditions of consent have been recommended to limit the construction hours and noise levels at the airport. |
| Concerns over construction noise and dust. | Conditions of consent have been recommended to limit the construction hours and noise levels, as well as to minimise dust impacts. |
| The reports only discuss the increase in student numbers for the next two (2) years. | The applicant states that it is intended the proposed pilot training facility will reach maximum capacity of 250 students in 2018. Therefore, discussion of student numbers for the next two years only is considered appropriate. |
| The proposal will result in a significant increase in flights at the airport. Currently there are only 8 flights per day. The number of flights per day will increase to 48 in 2017 and approximately 140 flights per day in 2018. | See section 1.4.1 of the report. |
| Concerns over runoff to private property from the airport during heavy rain as the extra development is likely to result in increased runoff. The rubble drain previously installed to address this is totally ineffective during heavy rainfall resulting in creek bank collapse and soil erosion on neighboring private land. | The applicant has submitted a strategy that adequately addresses the management of stormwater for the proposed development. Further detail and approval will be required prior to the issue of a construction certificate. The matter of the existing rubble drain has been raised with the relevant Council Department for investigation. |
| What will the number of flights be daily? | The applicant has advised that the maximum is 79 flights in a 24 hour period. |
| Will there be flights at night. | The applicant has advised yes. |
| What is the size of the planes/jets compared to what is used currently? | The applicant has advised that the aircraft the AIAC are planning to use are Diamond DA 40 Next Generation planes. |
| Will the flights be restricted to a timetable? | The applicant has advised no. |
| Will the school operate on weekends? | Yes, it is proposed that the pilot training facility operate seven (7) days per week. |

4.2 Commonwealth agencies/bodies

4.2.1 Civil Aviation Safety Authority (CASA)

Table 8: Summary of CASA submissions

| CASA Comment | Council Comment |
|---|--|
| CASA recommends Council undertake a detailed OLS assessment taking into consideration Council's Kempsey Airport OLS Plan and standards for Transitional Surface specified in the paragraph 7.3.2.6 of the Manual of Standards Part 139 – Aerodrome (MOS). | Council requested the applicant undertake a detailed survey of the runway centerline to ensure the proposal met OLS limitations. This was undertaken by the applicant and some building heights adjusted that did infringe on the OLS and amended plans submitted. |
| The impact of the proposed development on Taxiway Alfa | Council has considered these comments and is satisfied |

| | |
|--|--|
| and Taxiway Delta should be addressed. The Kempsey Airport Concept Plan 2012 identifies a future extension and widening of the Taxiway Delta that will provide an additional runway entry/exit point for larger aircraft and an access to a future aircraft hangar development site. It appears that the proposed development may impact on the existing Taxiway Alfa and Taxiway Delta clearances as required by MOS. | with the development having regard to the future operation of the airport. |
| The impacts on the proposal of prop wash and jet blast should be addressed. For example, prop wash from aircraft turning from Taxiway Delta onto Taxiway Alfa may impact on the proposed 'Stage 1#2' building. | The applicant has advised that AIAC consider that prop wash from the size of the aircraft using a Code A taxiway will not have any impact on Stage 1-1 or Stage 1-2 buildings. |
| Provision of aircraft parking in front of hangars should be addressed. For example, not providing a sufficient aircraft parking area in front of hangar 1 may severely restrict usage of Taxiway Delta due to the infringement of the taxiway strip. | In response to this comment, the orientation of hangar 1 was amended by the applicant to face west (as opposed to south), therefore removing the potential restriction on Taxiway Delta. |
| Increased pedestrian movements airside and a direct access from the proposed facilities onto the Taxiway Delta should be addressed at the early stage of the development. | In response to this comment, airside access directly onto Taxiway Delta was removed from the proposed development by the applicant. |
| Lighting in the vicinity of aerodromes as per the MOS needs to be considered. | Appropriate conditions of consent have been recommended to ensure lighting at the Kempsey Airport complies with MOS requirements. |
| Detailed information about the use of the construction equipment to be used on site is needed to ensure the ongoing safety of aircraft operations during works. | The recommended conditions of consent require a construction management plan, addressing the ongoing operational requirements of the airport, to be prepared prior to the issue of a construction certificate. |

4.2.2 Airservices Australia

Airservices have advised Council that the only role Airservices has in relation to development applications is to assess whether any proposed new structures may pose an impediment to flight paths, obstruct navigational aids or require any change to flight procedures. As the proposed development does include new structures, a condition has been recommended that requires the developer to consult with Airservices Australia, and provide written evidence of this to Council, prior to the issue of any construction certificate for the development.

4.3 State agencies

4.3.1 Roads and Maritime Services

The application was referred to the NSW Roads and Maritime Services (RMS) as a public authority who may have an interest in the determination of the application (clause 77 of the *Environmental Planning and Assessment Regulation 2000*).

The RMS response is provided in full at Appendix C and summarised below.

Table 9: Summary of Roads and Maritime Services response

| RMS Comment | Council Comment |
|---|------------------------------|
| Council should be satisfied that the intersection of Airport Road and Sherwood Road is appropriately designed and delineated to accommodate the increase in daily peak traffic volumes generated by the proposed development. | See section 3.2.6 of report. |
| Any improvements to the Airport Road and Sherwood Road intersection should be consistent with the current Austroads Guidelines, Australian Standards and associated Roads and Maritime supplements. | Noted. |
| Traffic Management Plans required in relation to approved events at the site should be updated to reflect the proposed development. | Noted. |

4.3.2 NSW Environment Protection Authority (EPA)

The application was referred to the EPA as a public authority who may have an interest in the determination of the application (clause 77 of the *Environmental Planning and Assessment Regulation 2000*).

The EPA have advised that it is the Appropriate Regulatory Authority (ARA) for noisy on-ground activities at Kempsey Airport, including activities associated with the pilot training facility. It has also advised that the proposal does not require an Environment Protection Licence from the EPA as it does not trigger schedule 1 of the *Protection of the Environment Operations Act 1997*.

The EPA responses are provided in full at Appendix C. In summary, the EPA have recommended that conditions be imposed to regulate ground based activities based on the lowest criteria set out in the *NSW Industrial Noise Policy* (EPA:2000). See section 3.2.5 of the report for further discussion.

5 Conclusion

After consideration of the proposal against the relevant statutory considerations, it is concluded that on balance the proposed development is appropriate. The development is permissible with consent, natural hazards can be appropriately managed and services essential to the development are available. CASA have reviewed the proposal and are satisfied in terms of safety, and the EPA have recommended conditions with respect to on-ground noise to ensure the amenity of the locality. A condition has been recommended to maintain the existing practise of shuttling students via bus to/from the airport. In conclusion, it is recommended that the JRPP grant development consent to DA T6-16-444 for a pilot training facility on Lot 1 DP1144474 at Airport Road, Aldavilla subject to the Conditions of Consent contained *Appendix A*.

Appendix A

Recommended Conditions of Consent

Appendix B

Development Plans

Appendix C

Authority Correspondence

