

## Attachment B

8 May 2023

### KSC Response to submission from SKAAG Inc.

#### Submission - Kempsey Shire Council SKAAG Inc. Response to DA 2200364 - Proposed Macleay Valley Recreation Adventure Park

##### Forward

This submission to Kempsey Shire Council is made by the Save Kempsey Airport Action Group Inc. (SKAAG) in response to the suite of documents collectively read as DA 2200364 as recently placed on public exhibition by Council.

SKAAG Inc. is an incorporated entity under the NSW Associations Incorporation Act 2009 administered by NSW Fair Trading. The object of Association is:

*“Protect rural/residential amenity, health, wellbeing and safety, agriculture and tourism businesses and the environment of the Macleay Valley from the encroachment of inappropriate and incompatible aviation operations and airport development”.*

SKAAG Inc. represents the interests of some 5,000 residents living in the communities of Aldavilla, Sherwood, Yarravel, Greenhill, Dondingalong, Euroka, Collombatti; up river including Mooneba, Skillion Flat, Turner Flat, Corangula, Temagog, Willawarrin and Kundabung (under the flight path to/from Port Macquarie).

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SKAAG Inc. has reviewed the suite of Development Application (DA) documents. SKAAG has concerns with aspects of the following documents and associated unanswered questions:

- Feasibility;
- DA Estimate;
- Building Design;
- Flood Impact Assessment Report;
- Traffic Impact Assessment;
- ANE Acoustic Assessment; and
- Trinity Acoustic Review

##### Feasibility

Can Council please explain why:

- The DA has no feasibility study included which clearly articulates how it was identified and confirmed by Council that a development of this type, scale and cost is warranted?
- There is no plan for how the business operations of the development will be managed by Council?

If this DA is approved and if the project is completed as planned,

- Who will be responsible for ongoing management costs of the site if no leases have been filled by operators?
- Who will be responsible for the ongoing maintenance and security costs of the site? If it is Council, how will Council pay for this?

**These questions are not planning matters and are therefore not required to be addressed.**

## **DA Estimate**

Firstly, the DA Estimate shows a total development cost of approximately \$17M. Kempsey Shire Council received a grant of \$11.2M under the Bushfire Community Economic Recovery Program. This leaves a projected budget shortfall of \$5.8M.

- How does Council intend to make up the \$5.8M shortfall?
- Does Council propose to make up the shortfall by injecting ratepayers' money?
- If yes to the above, does Council plan to seek community agreement to ratepayer funding?

Secondly, the DA Estimate includes a 10% contingency above the estimated gross construction cost. Given the rapidly rising cost of both construction materials and trade labour, a 10% contingency seems inadequate.

- Will Council consider a higher contingency rate and if yes, how will it be funded?
- If as we predict the construction cost escalates, how is Council going to fund further construction costs increases?

Thirdly, Capital expenditure of this nature incurs significant depreciation costs.

- What are the indicative depreciation costs associated with this project?
- What impact will the depreciation costs have on Council's drive toward financial sustainability?

**These questions are not planning matters and are therefore not required to be addressed.**

## **Building Design**

There is a clear line of sight to the proposed site of the development from a large number of rural and residential properties in close vicinity of the airport. SKAAG Inc. opposes the current proposed scale and design of the building as it is disproportionate to surrounding rural property buildings and does not align with the rural amenity of the surrounding areas.

**The building meets all height, floor area, setback and articulation requirements of Kempsey Shire Council's LEP and DCP.**

**The building design acknowledges that it is a large structure in an open semi-rural setting. The building form and aesthetic have been carefully considered to ensure that the building respects its surrounding context and sits comfortably within the rural landscape. The form and material composition of the development is intended to signify typology and use.**

**Triangular, faceted patterns have been employed in the precast concrete façade panels, with a repeated pattern providing rhythmic break-up of the large surfaces. The triangulated pattern references the rock-climbing walls found within the building and also the natural formations found in the mountains of the sports origin.**

**Large-span roof forms float above the main structures like aircraft wings in flight, with tapered cantilever edges providing grand public spaces below, sheltered from the rain and sun. The roof space-truss structures are vibrantly expressed, echoing the language of large agricultural sheds and industrial aircraft hangars common to the region and similar rural settings.**

**All materials have been carefully considered to be robust, fit-for-purpose, and aesthetically complimentary to the rural/ industrial design intent.**

**The Macleay Valley Adventure Recreation Park will be a landmark development for the region, a recognisable icon for the local community to embrace, an advertisement to a wider national audience as an adventure sports destination.**

Additionally, there is extensive amounts of glass panelling included in the proposed design.

- What design features have been included to enhance the buildings insulation for heat transfer into and out of the building and cooling systems?
- What design features have been included to reduce glare and reflection of sunlight into neighbouring properties?

**The Building has been designed to meet the requirements for Energy efficiency as per Section J of the National Construction Code.**

**The building has been designed to meet requirements for glare and reflection as per Kempsey Shire Council's DCP and the Civil Aviation Safety Authority requirements.**

**The north-easterly orientation of the glazed frontage addresses the site approach, orientates views toward the canopy piloting area and also maximises the (winter) solar gain and (summer) shading efficiencies through the north-eastern orientation. Large roof overhangs prevent direct solar gain from heating up the external walls in summer and glazed curtain walls are limited to the key public interfaces, allowing more thermally efficient/ cost effective building envelope solutions to wrap the rest of the building.**

**Translucent skylights in the roof provide abundant natural lighting throughout the spaces below, whilst high level louvres provided around the building envelope perimeter allow the naturally ventilated spaces to expel hot air in summer months.**

On Architectural Drawing AR-1002 a 'Future Event Space' has been allocated.

- What is the purpose of this space?
- How will 'future events' be managed and by whom?

**The purpose of this space is for major events which are not part of the current development application.**

In the Aviation Feasibility Report Section 10 it is recommended "...that the final exterior lighting design is submitted to CASA for a safety assessment." There is a clear line of sight to the proposed site of the development from a large number of rural and residential properties in close vicinity of the airport. This lighting assessment must also take into account the rural amenity of its surroundings to ensure no excessive exterior lighting will impact neighbouring properties.

**The final exterior lighting design will also take into account the rural amenity of its surroundings.**

### **Flood Impact Assessment Report**

The report states that "...the flood hazard categories relevant to the site vary from H1 to H6 which indicate it is unsafe for people and vehicles to wade through flood water. The water depth within the site ranges from 0.3m to 0.5m therefore staff and customers are to be evacuated..."

How will Council:

- Ensure Section 4.3 is acted upon?

**This question has been addressed in the amended Flood Impact Assessment Report.**

- Who is responsible for costs of repairs and maintenance of buildings if inundation occurs?

**This question is not a planning matter and is therefore not required to be addressed.**

## **Traffic Impact Assessment**

The Traffic Impact Assessment identifies pavement width deficiencies on Sherwood and Old Aerodrome Roads. The DA Estimate doesn't list any costs allocated to road upgrades.

- Is Council considering upgrading both roads and if so, where is the funding being allocated from, given neither road is listed in the current operating or development plan?

The Traffic Impact Assessment also recommends reviewing the speed limits on both roads due to substandard road infrastructure. Lower speed limits are not an equitable solution for local residents to a problem created by the Adventure Park and Council's inability to fund road infrastructure upgrades.

The Traffic Impact Assessment fails to consider known problem intersections on both roads, particularly Old Aerodrome Road. Congestion on Sherwood Road at Aldavilla Public School drop off and pick up times is high and prolonged, especially when pick up times also coincide with end-of-shift for staff at Mid North Coast Correctional Centre, who use Sherwood Road as the main thoroughfare. Any further potential traffic increases, generated by the Adventure Park via Sherwood Road and Old Aerodrome Road, must take into consideration these other influences on traffic flow and congestion.

The Old Aerodrome Road - Sherwood Road intersection was upgraded as part of the State Government black spot program, but is still problematic during busy traffic times. The Old Aerodrome Road - Fernhill Crescent and the Old Aerodrome - Warne Drive intersections are also known locally as dangerous intersections that must be used with caution due to blind spots. SKAAG Inc. is surprised that the Traffic Impact Assessment does not recommend either of these intersections needing changes or upgrading as the increased traffic created by the Adventure Park will only make the current problems worse.

Old Aerodrome Road is currently subject to road inundation and flooding and is closed for extended periods between Warne Drive and the proposed site.

- What traffic access mitigation strategies will Council put in place to access the site when Old Aerodrome Road is flooded?

Contingency access via Aldavilla Road may also need to be considered, however it too is subject to inundation at times. This will require extensive upgrades from gravel to bitumen to become a satisfactory secondary access, especially for heavy traffic.

- How will Council schedule and pay for such work?

**The questions regarding costs are not planning matters and are therefore not required to be addressed.**

**The questions regarding speed limits, intersections and flooding have been addressed in the amended Traffic Impact Assessment Report and amended Flood Impact Assessment Report.**

## **ANE Acoustic Assessment**

The ANE Acoustic Assessment is based on data collected for the Airport Noise Assessment in 2018 for completely different aviation operations and flight profiles compared to the skydiving aviation operations and flight profiles subject to this Adventure Park DA.

The data collected at that time related solely to noise created by aircraft involved in low level, repetitive circuit training flight profiles, characterised by sub 1,000ft circular tracks within 3Nm of the airfield.

Aircraft conducting parachute operations use a completely different flight profile. A parachute flight profile uses an extended climb to gain altitude up to approximately 10,000 ft which may extend over a considerably larger area than the 3Nm for circuit training envelope.

Therefore, the assumptions made in the ANE Acoustic Assessment are invalid because of the

differing flight profiles and the aircraft used. Further, it is erroneous for the ANE Acoustic Assessment supporting the Adventure Park DA to infer the 2018 noise levels are a suitable 2022 'baseline' to make any comparative assessments in relation to the proposed skydiving operations.

The fact is that there has been no measurable noise data for circuit training since Australian International Aviation College (AIAC) ceased operations in early 2021.

A completely new aircraft noise monitoring study is required, focused on the skydiving flight profile operations associated with the Adventure Park DA, ensuring it is relevant and related to the type of aircraft included in the architectural drawing AR1100. This study must cover a larger area of flight operations before a valid acoustic assessment can be made.

**Please see below response from Trinity Consultants (formerly ANE):**

Date: 28 April 2023

Ref: 227401.0025.L02V01

To: Kirk MacDonnell

Company: Mode Design

Author: Samuel Wong/WM

Subject: Macleay Valley Adventure Recreation Park – Acoustic Review

Pages: 1 of 1

Dear Kirk,

The Kempsey Shire Council proposed to develop a new adventure recreation park, Macleay Valley Adventure Recreation Park, immediately east of the main runway of Kempsey Airport, Aldavilla NSW in November 2020. The proposed adventure park comprised a recreation building for indoor rock climbing, a pond for water activities, a BMX circuit and an area for skydiving activities. Trinity Consultants Australia (Trinity) has previously completed an acoustic assessment report Reference No. 6243 Report 01.pdf, dated 15 March 2021 for the Concept Design stage, and an acoustic review, Reference No. 227401.0025.L01V01, dated 17 February 2022 for the Development Application stage.

Since then, it is understood that a private community organisation, Save Kempsey Airport Action Group (SKAAG), lodged a public submission in relation to the proposed Macleay Valley Recreation Adventure Park. Our responses to the noise items raised are detailed below.

#### **Baseline Noise Monitoring**

The submission questioned the validity of the baseline noise monitoring, indicating that the International Aviation College (AIAC) had ceased training operations in 2021.

It is understood that the circuit training was operating during the baseline noise monitoring in 2018. The acquired data was valid at the time when the noise assessment was undertaken in 2020 and report was finalised in March 2021.

#### **Flight Paths**

Trinity's review of aircraft noise impacts focused on the change in the number of aircraft events in a day, based on the 2018 monitoring data and likely increase due to skydiving operations. The submission has raised the issue of skydiving aircraft having different flight paths compared to the circuit training aircraft (which contributed to the baseline noise monitoring).

Ultimately, it was recommended that noise monitoring be undertaken during skydiving operations to ensure that the noise footprint, in terms of aircraft noise exposure levels around aerodromes N60, N65 and N70, does not increase over current operations. It is recommended that the proposed skydiving operations be adjusted and optimised based on the operational noise data set.

Please feel free to contact me should you have any queries regarding the above items.

Yours faithfully

**Trinity Consultants Australia**



Samuel Wong

Environmental Manager

Council has an existing Aircraft Noise Management Plan (NMP) and a Fly Neighbourly Advice (FNA) called out in the En Route Supplement Australia (ERSA). However, the FNA is based on 2018 circuit training operations and associated flight profiles.

- How will Council ensure compliance with the FNA is maintained by any successful tender to operate a skydiving business at this development?
- Will Council commission another noise monitoring study following the commencement of skydiving operations associated with the Adventure Park?
- Will Council review and update the NMP, FNA and ERSA entry for Kempsey Airport,



including hours of operation of parachute activity, in recognition of the different flight and noise profiles associated with skydiving operations?

**Council will not be reviewing or updating the Aircraft Noise Management Plan or the Fly Neighbourly Advice.**

### **Trinity Acoustic Review**

The Trinity Acoustic Review doesn't list any hours of operation for either indoor or outdoor activities at the Adventure Park. The review does note that outdoor amplified music should be limited to daylight and evening hours up to 10pm. Given the low ambient background noise in the area and the relatively flat terrain:

- Will Council consult with residents on hours of operation for the Adventure Park?

**Council will not consult with residents on hours of operation.**

- How will Council manage lessee activities to minimise nuisance noise for residents?

**Council will manage lessee activities to minimise nuisance noise for residents using the Aircraft Noise Management Plan and Fly Neighbourly Advice.**

- Will Council establish a complaints management process, similar to the aircraft noise complaints process, for residents to raise excessive noise issues?

**Council will not establish a complaints management process for residents to raise excessive noise issues. Council has an existing complaints process for any of Council's services, which can be utilised by residents.**

### **Additional Comments & Questions**

SKAAG Inc. has reviewed the documents and cannot find any reference to water supply, both potable and non-potable. Like large parts of the DA, we can only assume the Adventure Park will be connected to the existing Council potable water supply infrastructure.

- Does the Council intend to use potable water from existing infrastructure to fill and maintain the swoop pond associated with this development?

**Council will fill and maintain the swoop pond with rainwater collected and piped from the roof of the building.**

- Is the water usage plan compatible with current Council water conservation plans and climate change initiatives?

**Council will implement a water conservation plan.**

- How will Council manage evaporation from what is a shallow body of water, which will heat quickly in the summer?

**Council will manage evaporation by topping up the pond with rainwater collected from the roof and stored in tanks that can be pumped to the pond as required.**

- How will Council manage potential wildlife and vegetation contamination in the swoop pond and manage blue/green algae outbreaks to a level acceptable for human contact?

**Council will manage the swoop pond in accordance with health requirements.**

- Does Council have any plans for renewable energy generation and storage for this development?

**Council will install solar panels on the roof of the building.**

- Does Council have any plans for onsite water storage to reduce the reliance on existing water infrastructure, particularly for in-building non-potable use like toilets, washing machines etc?

**Council will install tanks to collect rainwater from the roof of the building.**

- Does Council have any plans for alternate water supply for landscape-garden maintenance?

**Council will maintain the gardens with rainwater collected from the roof and stored in tanks.**