

PEER REVIEW SUPPLEMENT – Fire Control Centre 419 Airport Road, Glenugie

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BACKGROUND

This supplementary report considers the extent to which Council's final assessment report has addressed matters raised in an independent peer review forwarded to Council on 5 February 2024 re Clarence Valley Council's assessment of development application DA2023/0627 (PPSNTH-256) for NSW Rural Fire Service Control Centre at 419 Airport Road, Glenugie. The review was prepared at the request of Council, in line with Council's conflict of interest policy, as the development site is in council ownership. The peer review concluded that additional information and assessment was required to address the issues raised within the review.

KEY ISSUES RAISED IN THE PEER REVIEW AND COUNCIL'S RESPONSE

- **Utilities** – incorrect comment indicating all utilities are available to the site.
 - The report now highlights that provision of a new onsite wastewater facility is required and this is adequately conditioned.
- **State Environmental Planning Policy (Sustainable Buildings) 2022** – Chapter 3 of the SEPP was not addressed in the draft assessment report.
 - The SEPP has now been adequately addressed in the final version of the assessment report with the proposed development found to comply with the SEPP requirements, subject to additional draft conditions of consent.
- **Clarence Valley Development Control Plan (DCP)** for Development in Environmental Protection, Recreation and Special Use Zones 2011. Council undertook an assessment of the proposal against the relevant provisions of the DCP at Attachment B – DCP Compliance Table.
 - A. The assessment did not identify the requirements relating to the following controls, which would assist to confirm whether the proposal is consistent:
 - C5 Building Design
 - C26 Provision of Essential Services
 - F2 Delivery Service Vehicles
 - Council has since identified that the proposal does not comply with C5.2 Cut and Fill and justification is provided for departure from this DCP provision.
 - Additional detail has been added regarding C26. This is now complete.
 - F2, although discussed in Attachment B, is not applicable to this land use.
 - B. Under F5 Manoeuvring, Loading and Unloading – the adequacy of the swept path testing undertaken by the applicant, given concern raised in a public submission regarding the airport terminal roof.

- This is now addressed within the report.
- C. Stormwater Management in Attachment B does not include any detail on how the proposal meets the requirements.
- Council is satisfied that the proposed stormwater basin sizing appears adequate and has included a condition requiring a Stormwater Management Plan to confirm compliance, prior to commencement of works.
 - **Flora and fauna impacts** - the report should include additional information from the Biodiversity Assessment prepared by ReconEco regarding the type and quality of vegetation within and adjoining the site.
 - The report now includes a more thorough description of existing flora and fauna and potential impacts on the dam. Aquatic habitat and therefore fauna utilising the nearby dam are unlikely to be impacted as there will be a minimum 40m setback from the proposed onsite wastewater system and a 104,000L of on-site detention to mitigate the impacts of stormwater runoff.
 - **Landscaping plan** – the assessment report did not include a heading for landscaping or provide any assessment of this aspect of the development.
 - The report now includes satisfactory detail regarding landscaping.
 - **Traffic and Access** (note this issue also relates to site suitability and public submissions) - the draft assessment report did not individually address all traffic and access concerns raised in submissions. The peer review recommended that Council reconsider whether any road upgrades, including road widening, resurfacing or a turning lane into the airport are warranted, or other safety measures such as lower speed limits.
 - There remains a lack of information on heavy vehicle traffic generation during the construction period for remediation works, extensive cut and fill and building works to determine potential traffic impacts. This issue is addressed through a condition of consent requiring a Construction Management Plan (CMP).
 - In relation to Airport Road, that part of Six Mile Lane between Big River Way and the site and that section of Eight Mile Lane between Big River Way and the Pacific Highway: the suitability of road widths for the passing of heavy vehicles and other road traffic, the existing road surface condition and the susceptibility of Six Mile Lane to damage following flood events has not been assessed in the draft or final assessment report, which instead relies on the findings of the SEE and TIA. The assessment report recommends a condition of consent requiring a Road Safety Audit (RSA). A site inspection has not been undertaken as part of the peer review process, and therefore based on the written information available at the time of preparing this report, it is considered that this is not an appropriate approach as:
 - The assessment report argues that road upgrades are not required, as the roads meet the engineering standards for rural roads. This does not address the issue of whether the roads in their existing condition are suitable to service both the worst-case construction and operational traffic impacts generated by the development.

- the potential impacts of the development should be known prior to determination, so that any necessary conditions can be imposed
- a Road Safety Audit, if needed, should therefore be undertaken PRIOR to determination to inform the assessment and conditions
- another reason for a Road Safety Audit prior to determination is that it may recommend upgrade works that require DA approval, rather than only s138 approval.
- The RSA should consider both construction and operational traffic impacts as if not, it's possible that the RSA may conclude that no road upgrades are required given the temporary nature of the construction period.

Furthermore, the following amendment below is recommended to draft condition no.24 to ensure it addresses the particular issues of concern.

24. Road Safety Audit

Prior to works commencing, a Road Safety Audit shall be submitted to and approved by Council.

The Road Safety Audit shall consider construction and worst-case operational traffic impacts, including:

- whether the existing road surface condition of the local road network (i.e. Airport Road, that part of Six Mile Lane between Big River Way and the site and that section of Eight Mile Lane between Big River Way and the Pacific Highway) requires upgrading to ensure safe driving conditions for construction traffic, and
 - whether the road width of the local road network at its narrowest points is adequate to allow the safe passing of other road users with construction traffic during all weather conditions
- ~~with the surrounding local road network (between the site and Big River Way) and their potential impacts to existing background traffic.~~ The Road Safety Audit shall identify potential unsafe driving conditions due to the condition of the road surface; conflict points due to limited sight distance and/or limited pavement widths and provide suitable amelioration measures based on risk assessment.

Any necessary works will require a Section 138 approval prior to commencement and any such application shall be accompanied by traffic control plans.

- The conditions as drafted by Council requiring a CMP and RSA only address construction traffic impacts. With regard to operational traffic, the Traffic Impact Assessment (TIA) focused on 12 typical weekday staff, fire events with an average of 50 staff occurring up to 4 times per year and suggested that meetings/training events of up to 100 people would occur at a "low" frequency twice per month. Therefore, it is considered that the final assessment report as at 28 February 2024, does not adequately consider the potential ongoing operational traffic impacts, taking into account the considerable volume of worst-case scenario traffic i.e. up to a maximum of 100 persons attending the site at any one time for up to one month during fire events as well as staff meetings/training events of up to 100 persons, estimated to be held on a fortnightly basis. The TIA is also considered inadequate in terms of detailing traffic movements during a 24/7 bushfire emergency event. During emergency events, the center will be operational 24hrs/day, although if staff

are assumed to work in 3 x 8hr shifts with 100 staff on each shift, this could result in a maximum of 600 vehicle movements per day.

- The issues of road width, road condition and flooding are not limited to the construction period. This peer review recommends that:
 - further details are obtained regarding the expected volume of traffic during all stages of construction (including remediation and fill) and operation, then
 - a Road Safety Audit (RSA) is undertaken by an independent traffic expert prior to determination (or that Council's Engineer undertake an equivalent investigation) with the process and justification for findings clearly outlined in the assessment report, then
 - should the RSA/investigation indicate that road upgrade works are required, ascertain whether the applicant/Crown is agreeable to the works at no cost to Council.
 - should upgrade works be required and the applicant not agree to fund the works, the Panel then has the option to refer the matter to the Minister to seek approval to impose a relevant condition (a compulsory negotiation meeting would need to be held beforehand). It should further be noted that Circular D6 indicates that "there will be no contributions towards the widening of roads or other general traffic management improvements", although the Circular is dated September 1995 and may not longer be in use. Therefore, if this option is pursued, further advice would be needed to confirm whether the cost of road upgrades can be conditioned for Crown DA's.
- **Utilities and Waste Water Treatment** – the conditioned wastewater consultants report should address how adequate pump-out is to be achieved when roads are closed due to hazard events, preventing tanker access for pump-out purposes.
 - The relevant condition has now been appropriately amended.
- **Obstacle Limitation Surface (OLS)** – there was no assessment undertaken regarding potential impacts on the safe operation of the airport.
 - Sufficient additional information has now been provided to adequately address this.
- **Referral response from Civil Aviation Safety Authority (CASA)** – there was no evidence provided that the CASA requirement for the proposal be reviewed by the Aerodrome Manager had been satisfied.
 - The report now indicates that the proposal has been reviewed by the Aerodrome Manager who indicates that it will not impact the OLS or safe operation of the airport.
- **Public Submissions** – the following issues raised in submissions have not been addressed or not adequately addressed.
 - A. Safety of access considering the proximity to existing fuel storage areas.
 - two submissions raise concern that the vehicular access points should not be in close proximity to the fuel storage area, due to a vehicle circulation conflict with fuel trucks accessing the fuel depot. The assessment report has still not addressed this issue.

B. Waste water management system

- Adequacy of the proposed waste water management system is addressed by a condition requiring section 68 approval under the *Local Government Act 1993* prior to the commencement of works to ensure the facility meets Council's Waste Water Management Strategy. Although, the Panel should note that *Circular D6 Crown Development Applications and Conditions of Consent*, indicates that the Crown is not required to obtain approval under section 68 to do anything incidental to the erection of a building. Therefore it is recommended that council be satisfied as to the waste water management system prior to determination or that an alternative condition be considered to achieve the desired outcome.

C. The exit gate presents a driver safety hazard and therefore should be moved, and a give way sign installed.

- This has not been addressed in the assessment report.
- **Helipad** - Although the SEE indicates that the proposal will include a training pad with capability for helicopter landings, this is not shown on the plans.
 - The assessment report now clarifies this was an error and no helipad is proposed.
- **Operational noise** - this was not addressed.
 - Adequate detail has now been included in the report to indicate the reasons why there will be no significant operational noise impacts.
- **Draft consent conditions** – a number of recommendations were made regarding the draft conditions.
 - The majority of suggestions within the peer review have been incorporated into the amended set of draft conditions. One notable instance that has not been amended as suggested is removal of a duplicated condition (Suitability of Land for Intended Use) to submit a Validation Report to council. This requirement is included once on completion of remediation works (no.47) and again prior to commencement of any building construction (no.12), even though there is a separate condition specifying that the site must be remediated prior to commencement of construction. Condition 12 could be deleted as it's superfluous.

CONCLUSION

The final assessment report and draft conditions reflect the majority of findings presented in the peer review. The only notable outstanding matter following this supplementary peer review regards the consideration of traffic impacts. The assessment report indicates that local access roads meet rural road specifications but does not make comment on the suitability of the existing road network, in terms road width, the existing condition of the road surface and susceptibility of Six Mile Lane to flood damage, to safely accommodate construction traffic and worse-case scenario ongoing operational traffic.

Construction traffic impacts have been conditioned by way of a CMP and RSA (that should be amended as indicated above), although it's recommended that an RSA or equivalent should be undertaken prior to determination and detailed in the assessment report. The potential impacts of worse-case scenario operational traffic should also be further assessed and potentially conditioned.