

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-265 – DA2023/0627
PROPOSAL	NSW Rural Fire Service Control Centre
ADDRESS	Lot 1 DP1192555 – 419 Airport Road, Glenugie
APPLICANT	Public Works Authority
OWNER	Clarence Valley Council
DA LODGEMENT DATE	31 October 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	<p>Clause 3 Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>: Council related development over \$5 million, and</p> <p>Clause 4 Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>: Crown development over \$5 million</p>
CIV	\$11,214,724.00
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Clarence Valley Local Environmental Plan 2011</i> • <i>Clarence Valley Council Development Control Plan for Development in Environmental Protection, Recreation and Special Use Zones</i> • <i>North Coast Regional Plan 2041</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	<p>Four (4) unique submissions</p> <ul style="list-style-type: none"> - Traffic impacts on local road network safety - Flooding of Six Mile Lane - Contamination - Landscape design and impacts on obstacle limitation surface - Onsite Wastewater Management - Fencing

DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Attachment A - Draft Schedule of Conditions</p> <p>Attachment B - Site & Architectural Plans – NBRS & Partners 28 September 2023</p> <p>Attachment C - Conflict of Interest Management Statement</p> <p>Attachment D - DCP Compliance Table</p> <p>Attachment E – Supplementary Independent Review - Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team 28 February 2024</p> <p>Attachment F –Independent Review - Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team February 2024</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	13 March 2024
PLAN VERSION	28 September 2023 Issue No. P5
PREPARED BY	Carmen Landers, Development Planner (Systems)
DATE OF REPORT	28 February 2024

EXECUTIVE SUMMARY

- The proposal is for an emergency services facility for the New South Wales Rural Fire Service (NSW RFS). The site is located within the SP2 Special Infrastructure Zone. The fire control centre (FCC) is permissible with consent under the provisions of Clause 2.51 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).
- The development is located within the Grafton Regional Airport site approximately 11km from the Grafton township. The site is surrounded by large rural residential lots with associated agricultural uses.
- Key issues include contamination and traffic impacts.
- Key concerns raised in the submissions received include suitability of site given the potential traffic impacts on the local road network, safety, flooding of road, contamination and separation distance to existing refuelling structures. These issues are discussed in detail in Section 5 of this report.
- The proposal is consistent with the North Coast Regional Plan 2041 which identifies the Grafton Regional Airport as a site with opportunity to provide an emergency services cluster.
- The application was referred to Civil Aviation Safety Authority (CASA) and no issues were raised provided compliance with the obstacle limitation surface controls are complied with.
- The proposal is consistent with the public interest.
- The development is recommended for approval as the development is consistent with the aims and objectives of the legislative requirements such as the Transport and

The development application (DA2023/0627) seeks consent for the construction of a fire control centre (FCC) building, stores shed, pump room and associated parking for the use. The development forms the administrative and operational base for the coordination and direction of emergency services facilities to the Clarence Valley and other areas. The FCC building will provide training spaces and a dedicated operations centre which will be able to function as an emergency operations centre for State Government Authorities and Local Government in managing bushfire support and recovery functions.

The subject site is known as 419 Airport Road, Glenugie ('the site') and is owned by Clarence Valley Council. The site is located within the Grafton Regional Airport precinct which is surrounded by rural land uses and associated dwellings. The lot is rectangular in shape and has an area of 110.8 hectares. Access to the site is off the Big River Way via Six Mile Lane (from the north) or Eight Mile Lane (from the south).

The FCC will be located within the Grafton Regional Airport site which includes a refuelling facility, airports arrivals/departures building, control tower and associated infrastructure. There are currently two lease agreements over the land with the Bureau of Meteorology (BOM) for their Automatic Weather Information System (AWIS) and an adjacent land owner for farming purposes (grazing).

The site is located approximately 11kms from the Grafton township in a rural area. Large rural residential lots adjoin the site which are used for farming purposes. Dwellings adjacent the site range in distance from 320m (north-west of the site) with others being more than 450m and 800m from the edge of the site.

The site is located in the SP2 Special Infrastructure (Air Transport Facility) zone pursuant to Clause 2.2 of the *Clarence Valley Local Environmental Plan 2011* ('the LEP'). Emergency services facilities on the site are permissible with consent using the provisions of the Transport and Infrastructure SEPP.

The principle planning controls relevant to the proposal include *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the *Clarence Valley Local Environmental Plan 2011* and the *Clarence Valley Development Control Plan - Development in Environmental Protection, Recreation and Special Use Zones*. The proposal is consistent with various provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to the Civil Aviation Safety Authority (CASA) was sent to ensure that the proposed development did not create any conflicts with the existing airport facilities and no objections were raised.

The application was placed on public exhibition from 31 October 2023 to 4 December 2023, with four (4) submissions being received. The submissions raised issues relating to suitability of site, suitability of site given the potential traffic impacts on the local road network, safety, flooding of road, contamination and separation distance to existing refuelling structures. These issues are considered further in this report.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for Council related development over \$5 million and Clause 4 of Schedule 6 as the proposal is for Crown development over \$5 million.

A briefing was held with the Panel on 12 December 2023 where key issues were discussed, including contaminated land, concerns raised in the submissions including access and safety, traffic, onsite waste water, suitability of site and referral to CASA.

Following consideration of the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ("the Act"), the provision of the relevant State Environmental Planning Policies, the proposal is considered worthy of support.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the EP&A Act, DA2023/0627 is recommended for approval subject to the conditions of consent provided in **Attachment A** of this report.

As the development is for Crown development, the applicant is required to review and advise of the acceptance of the draft conditions of consent. The draft conditions were provided to NSW Public Works, however official acceptance of the conditions was awaiting final sign off from the Director of Logistics and Equipment NSW Rural Fire Service at the time of finalising this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject land is known as Lot 1 DP1192555, No. 419 Airport Road, Glenugie. An aerial photograph of the site is provided in **Figures 1 and 2**.

The site has an area of 110.8 hectares and is located on the western side of the Pacific Highway approximately 11 kilometres south-east of Grafton township, New South Wales (see **Figure 3**). The site is identified in the *Clarence Valley Regional Airport Masterplan 2018-2033* (The Airport Group, 2019).

The airport precinct includes an existing refuelling facility, airport arrivals/departures building, control tower, and associated infrastructure. A Rural Fire Service (RFS) Airbase Services Support Centre and Storage Shed was approved and constructed on the site under DA2017/0269. The facility includes the Clarence Valley Aviation Brigade, forming an emergency service precinct.

The Bureau of Meteorology (BoM) Automatic Weather Information System (AWIS) is based at the Airport under a lease agreement with Council.

Existing site constraints include bushfire and Class 5 Acid Sulfate Soils. The site is not flood prone and only one (1) tree is required to be removed for the proposed development.

An area of Clarence Lowland Ironbark Spotted Gum Grassy Forest (PCT 3420) is located 140m west of the development area and within the south-eastern corner of the allotment. Land directly to the north, east and south of the development area is cleared managed land which is maintained for the operation of the airport.

There is an existing dam located within 14 metres of the development site which includes vegetation consistent with that located around dams and water bodies such as, Water primrose (*Ludwigia peploides*), Frogsmouth (*Philydrum langinosum*), Water snowflake (*Nymphoides indica*), Creeping Knotweed (*Persicaria strigosa*), Spike rush

(*Eleocharis* sp) and common Club rush (*Schoenoplectiella mucronata*) The clearing of vegetation and dam habitat is not required to be disturbed to cater for the proposed development and as such, the FCC is not likely to negatively influence any foraging or life cycle requirements of any of these species.

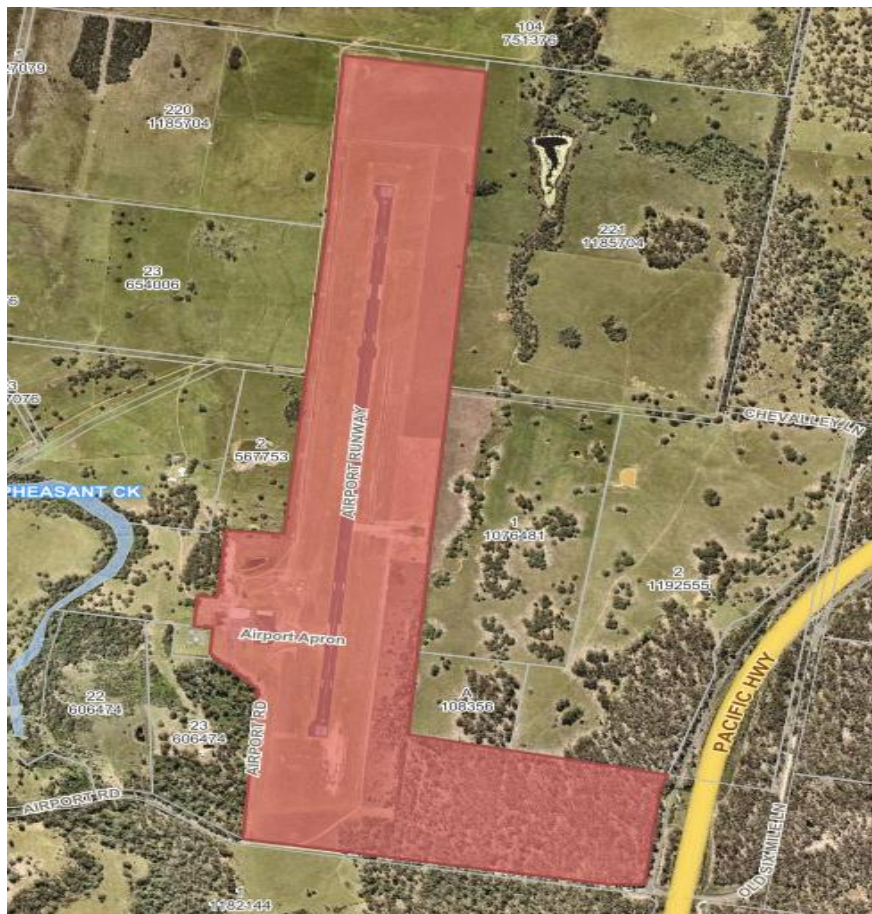


Figure 1 – Aerial Photograph CVC Intramaps



Figure 2 – Aerial View of Proposed Site – NBR & Partners 28 September 2023



Figure 3 – Location Plan NBR & Partners 28 September 2023

1.2 The Locality

- The surrounding area is predominantly rural with large lot rural residential blocks and farms.
- The site is located approximately 11km south-east of Grafton
- Forestry NSW operates forestry operations in the locality and the new Grafton correctional facility is located approximately 2km west.
- The closest house to the facility is 320m with others being located greater than 450m from the edge of the precinct.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the construction of a Fire Control Centre for the New South Wales Rural Fire Service. The proposed development (emergency services facility) is permitted with consent under Clause 2.51 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The development will be named the Clarence Valley Fire Control Centre. An extract of the site and architectural plans is provided in **Figures 4-7** with a full copy provided in **Attachment B**.

The site is accessed off the Big River Way via Six Mile Lane (from the north) or off the Pacific Highway via Eight Mile Lane (from the south). Both lanes connect into Airport Road. The FCC will be accessed through the existing airport site.

The proposal includes:

- Construction of a Fire Control Centre building and ancillary storage buildings
- Communications infrastructure
- Parking areas
- Waste Management for building and surrounds
- Extension of utility services (electricity and telecommunications)
- Onsite wastewater management system
- Stormwater infrastructure
- Landscaping
- Signage
- Fire water storage and rainwater tanks
- Associated earthworks

To clarify inconsistencies with the Statement of Environmental Statement of Effects, the development does not propose a training pad with helicopter capabilities.

The key development data is provided in **Table 1** below.

Table 1: Key Development Data

Control	Proposal
Site area	110.8 hectares
GFA	1510m ²

FSR (retail/residential)	n/a
Clause 4.6 Requests	No
No of apartments	0
Max Height	Fire Control Centre – 4.7m Store Room – 6.76m
Landscaped area	n/a
Car Parking spaces	100 spaces
Setbacks	Setback from Stores Building to boundary 6.198m

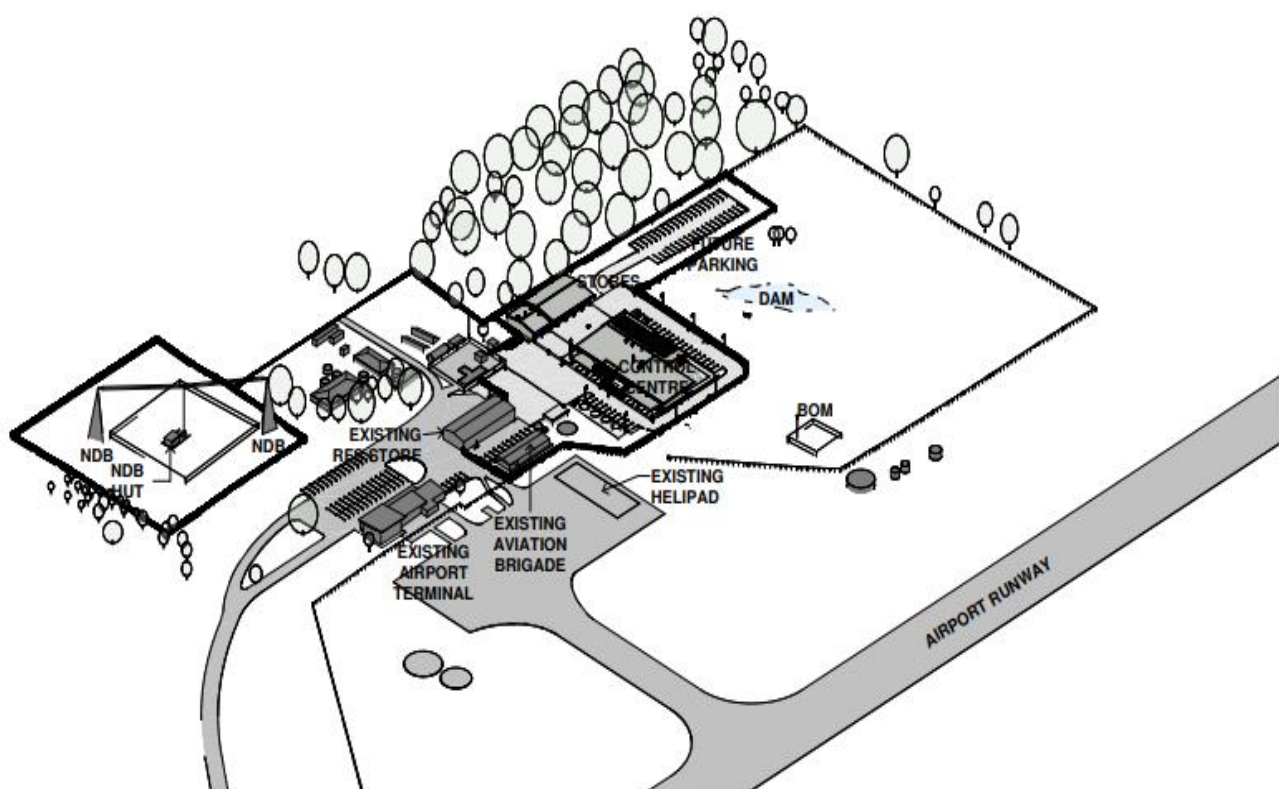
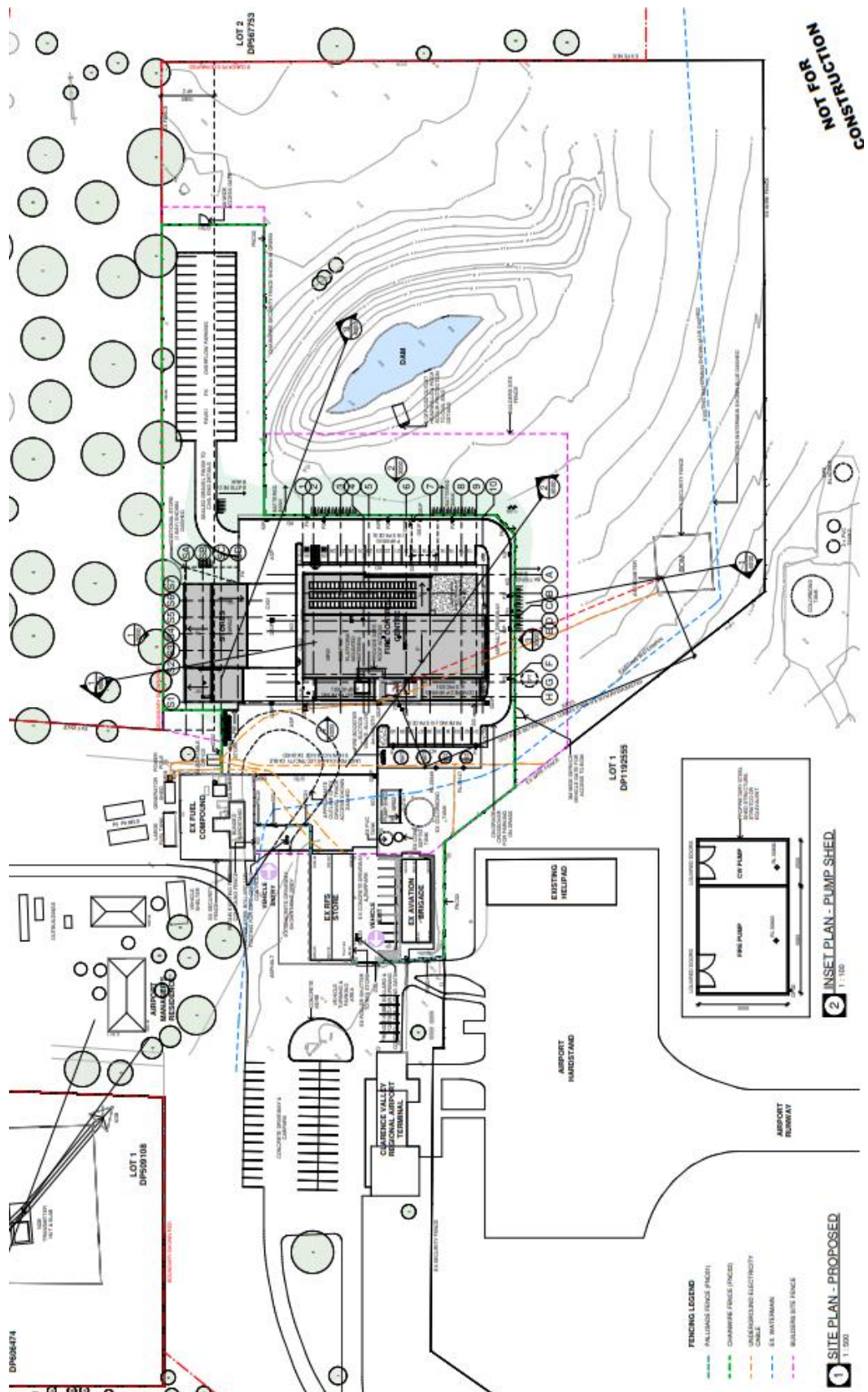


Figure 4 – 3D View - NBR & Partners 28 September 2023



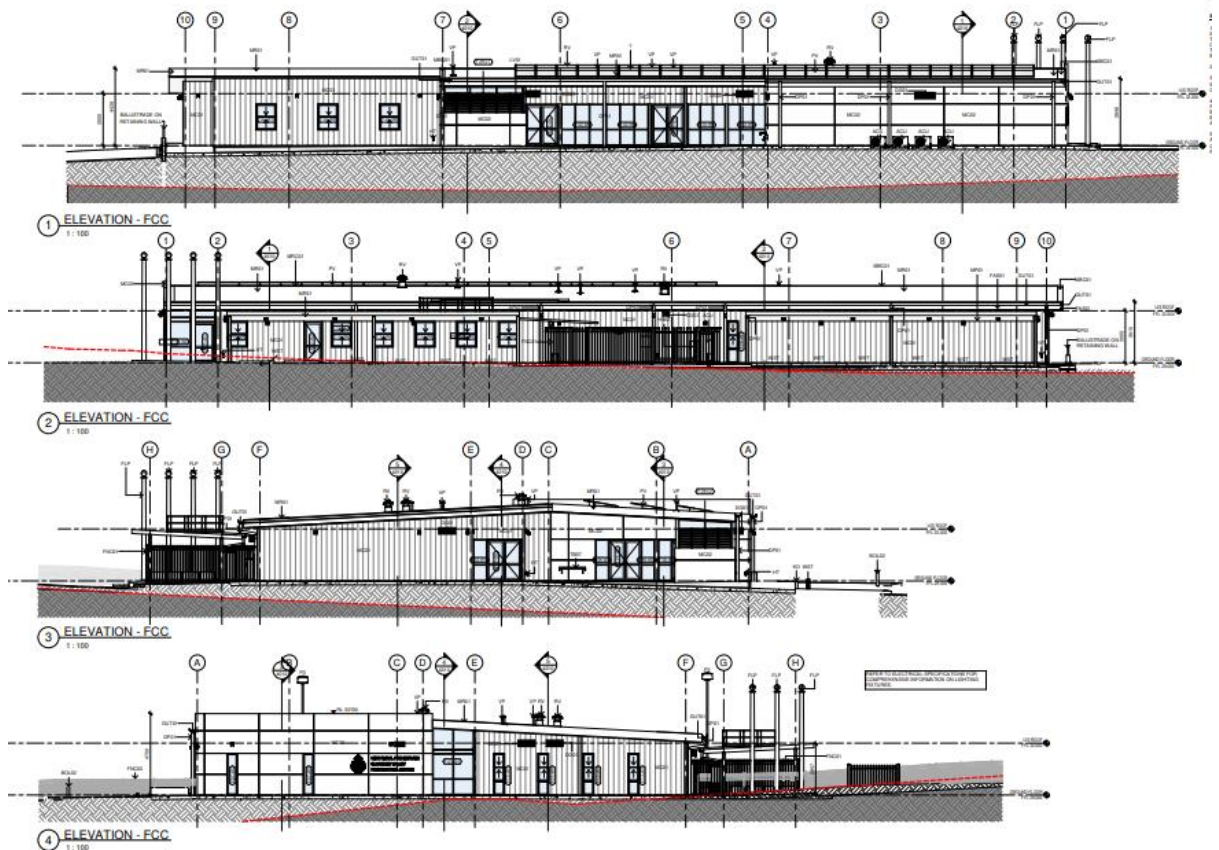


Figure 6 – Fire Control Centre Elevations NBRIS & Partners 28 September 2023

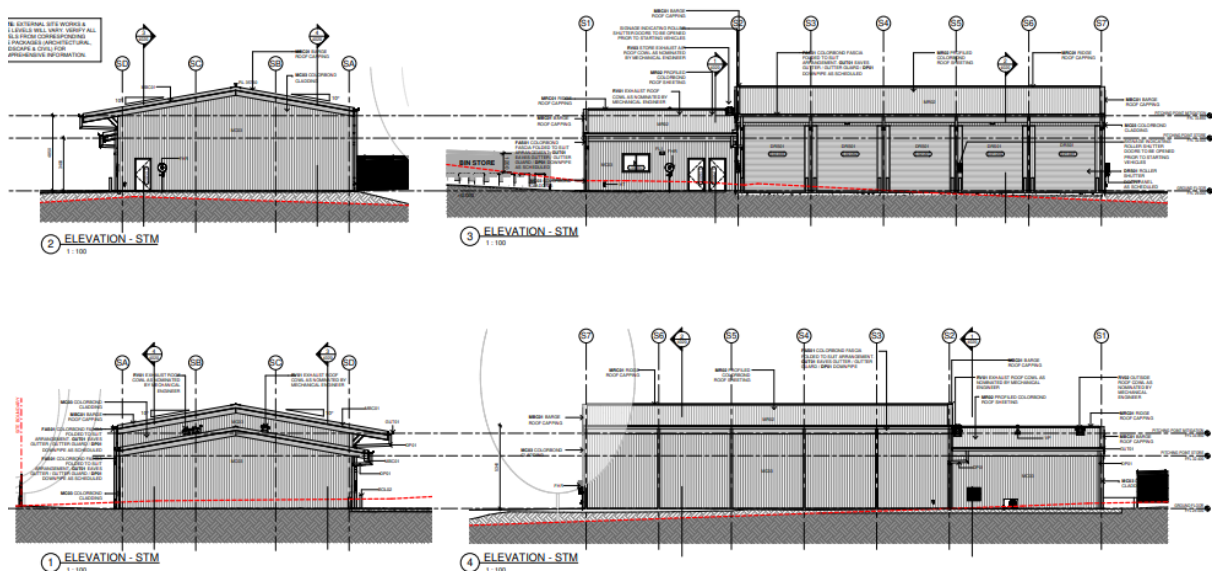


Figure 7 – Stores Elevations NBRIS & Partners 28 September 2023

2.2 Background

The development application was lodged on **31 October 2023**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
31 October 2023	Exhibition of the application
27 November 2023	Request for Information from Council to applicant loaded to portal
27 November 2023	Met with applicant and consultants to discuss required additional information
4 December 2023	Exhibition period closed
12 December 2023	Panel briefing
19 January 2024	Additional information lodged on 19 January 2024 (amended Environmental Site Assessment to address contaminated land and Onsite Wastewater Management Report) which was accepted under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 23 January 2024.
5 February 2024	Independent Review undertaken by the Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team
13 March 2024	Northern Regional Planning Panel

2.3 Site History

- The subject site is part of the Clarence Valley Regional Airport precinct. As per the Statement of Environmental Effects submitted with the application prepared by Andrew Martin Planning, and based on aerial photos, the site has been used as an airfield since at least some time between 1958 and 1966.

Prior to that time, the locality had been cleared for farming and grazing since colonial occupation. A naturally occurring drainage channel flows north-west from the current stormwater dam location which was installed between 1979 and 1987. The dam remains in place.

- Additions to the airport terminal building to upgrade the baggage handling area was approved by Council under Development Application DA2006/1009.
- The existing Clarence Valley District Rural Fire Brigade facility for an RFS Airbase Services Support Centre and storage shed was approved under Development Application DA2017/0269. The facility includes the Clarence Valley Aviation Brigade, forming an emergency services precinct.
- A Development Application (DA2023/0709) for the construction of a 7 x 17m shed and 26,000L watertank on the site (lodged on behalf of Council) is currently being considered and is awaiting additional information to make a determination.

- The existing airfield functions for small, light aircraft and no commercial flights currently operate.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Integrated Development (s4.46)

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Clarence Valley Local Environmental Plan 2011*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Clause 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as Council related development over \$5 million and Clause 4 of Schedule 6 as Crown related development over \$5 million 	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development Clause 3.2 – The development has been designed in accordance with the aims of policy and applicant has satisfied Clause 3.2(2) by quantifying the embodied emissions attributable to the development	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Clause 2.119(2) - Development with frontage to classified road Part 2.3 Division 6: Emergency services facilities and bush fire hazard reduction <ul style="list-style-type: none"> • Clause 2.51 – Development permitted with consent 	Y
Proposed Instruments	No compliance issues identified.	Y

Clarence Valley Local Environmental Plan 2011	<ul style="list-style-type: none"> • Clause 2.3 - Permissibility and zone objectives • Clause 5.10 - Heritage Conservation • Clause 5.12 - Infrastructure development and use of existing buildings of the Crown • Clause 7.1 - Acid Sulfate Soils • Clause 7.2 - Earthworks • Clause 7.8 - Essential Services 	Y
Development Control Plan for Development in Environmental Protection, Recreation and Special Use Zones 2011	<ul style="list-style-type: none"> • Part C - General Development Controls • Part F - Parking and Vehicular Access Controls • Part G - Sustainable Water Controls • Part H - Erosion and Sediment Control • Part I - Subdivision and Engineering Standards • Part S - Controls for Biodiversity and Habitat Protection 	Y
North Coast Regional Plan 2041	<p>Goal 1 – Liveable, sustainable and resilient</p> <p>Goal 2 – Productive and connected</p> <p>Local Government Narratives – Clarence Valley – progress opportunities for aviation, industrial and emergency services related clusters at Clarence Valley Regional Airport</p>	Y

Consideration of the relevant SEPPs is outlined below.

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Clearing vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) applies to the land as it is land located within the SP2 Infrastructure Zone (Cl. 2.3(1)(b)).

The aims of the Chapter are:

- to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

A Biodiversity Assessment prepared by ReconEco Pty Ltd dated 9 March 2023 was submitted with the application. One (1) Blackbutt (*Eucalyptus pilularis*) tree 18m in height with a diameter at breast height (dbh) of 92cm which is proposed to be removed as part of the development. As stated in the report, the tree contains a trunk hollow which is shallow, has high light penetration and which does not extend into the main trunk. On this basis, the hollow is unlikely to be utilised for nesting or denning.

The site is not identified on the Biodiversity Values Map and is not within an area of outstanding biodiversity value. The proposed clearing does not exceed the clearing threshold for the land under the *Biodiversity Conservation Act 2016* which is up to one (1) hectare of native vegetation. On this basis, the development did not trigger the need to prepare a Biodiversity Development Assessment Report.

To meet the aims of the chapter to protect biodiversity values and preserve the amenity of non-rural areas, it is recommended that the removal of the Blackbutt tree be offset within the proposed landscaping area at a rate of 5:1. This has been recommended in the Draft condition of consent contained in **Attachment A**.

Chapter 4 Koala habitat protection 2021

Chapter 4 applies to the land as it is land located within the Clarence Valley Local Government Area (LGA) as specified by Clause 4.4(1) and Schedule 2 of the SEPP.

As the site area is greater than one (1) hectare in area and no approved koala plan of management applies to the land, consideration of the development against Clause 4.9 of the SEPP is required.

Clause 4.9(2) states that before a Council can grant consent to a development application, it must assess whether the development is likely to have any impact on koalas or koala habitat. If the consent authority is satisfied that the development will have low or no impact on koalas or their habitat, consent may be granted.

*There is one (1) Blackbutt Blackbutt (*Eucalyptus pilularis*) tree approximately 18m in height with a diameter at breast height (dbh) of 92cm which is proposed to be removed as part of the development. As stated in the Biodiversity Assessment prepared by ReconEco Pty. Ltd. dated 9 March 2023, the Blackbutt contains a trunk hollow which is shallow, has high light penetration and which does not extend into the main trunk. On this basis, the hollow is unlikely to be utilised for nesting or denning. While Blackbutt is not a preferred Koala feed tree within the Clarence LGA (e.g. Biolink 2018), it is recognised as such in Schedule 3 of SEPP (Biodiversity and Conservation) 2021.*

A review of Council's Koala Sighting Register showed no sightings of koalas within the immediate vicinity of the development site with BioNet showing only historical records of koala scats and scratches near the site.

The removal of one isolated tree which is not part of a continuous vegetation corridor, is not likely to have an impact on koalas or koala habitat in this location. However, it is recommended that the removal of the Blackbutt (*Eucalyptus pilularis*) tree be offset on a like for like basis at a rate 5:1 within the proposed landscaped area. This has been recommended in the Draft condition of consent contained in **Attachment A**.

- *State Environmental Planning Policy (Planning Systems) 2021* ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Council related development over \$5 million and Clause 4 Schedule 6 as the proposal is Crown Development over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Council staff were aware that there had been contaminating activities on the land (i.e. fuel spill and placement of uncontrolled fill), and therefore a Detailed Site Investigation ('DSI') was prepared and additional testing undertaken for the site by the applicant.

The objectives of the detailed site investigation were to:

- Define the extent and degree of contamination
- Assess the potential risk posed by the contamination to human health and the environment
- Obtain enough information to develop a remedial action plan
- Confirm that the site will be suitable for the proposed use once remediation and validation are completed.

The DSI found a small area of the land to be contaminated with total recoverable hydrocarbons (TRH) in a confined hotspot of 16m² to 0.15m depth adjacent to the refuelling compound. The DSI recommended that the contaminated material must be remediated either via excavation and bioremediation or waste classification and offsite disposal. Validation is required to confirm contamination has been reduced to acceptable concentrations.

Furthermore, the uncontrolled fill platform and stockpiles were created progressively by Council as excess nearby roadworks/bridge spoil was generated and demolition rubble from airport building renovations in around 2015. Analytical results from onsite testing confirmed that there were no exceedances of the investigation criteria and all contamination concentrations were found below the concentration thresholds. It is recommended that to reduce asbestos and TRH exposure risks, an environmental consultant must supervise any disturbance of the fill platform during earthworks.

The report concluded that the site can be made suitable for the proposed emergency services facility subject to conditions of consent requiring the remediation and validation of land. This conclusion was based on the contaminated material being remediated and validated prior to commencement of building works. This will mitigate the potential health and ecological risks associated with these materials for future and ongoing use of the site. The proposal is consistent with the Resilience and Hazards SEPP, subject to imposition of relevant conditions of consent requiring remediation and validation works to be completed prior to commencement of building works. A draft condition that all recommendations contained within the DSI be included in a Construction Environmental Management Plan (CEMP) prior to remediation works commencing is provided in **Attachment A**.

Council is satisfied, in accordance with Clause 4.61(b) and (c) of the Hazards and Resilience SEPP, that once the land is remediated and validated prior to building works commencing in accordance with the recommendations of the Environmental Site Assessment by Earth Water Consulting dated 17 January 2024, the site will be suitable for the intended use.

- *State Environmental Planning Policy (Sustainable Buildings) 2021*

Chapter 3 Standards for non-residential development applies to the development

Under Clause 3.2, in deciding whether to grant consent to a non-residential development, the consent authority must consider whether the development is designed to enable the following:

- (1) (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*

A detailed waste management plan has been submitted that adequately addresses waste avoidance and minimisation during the construction and ongoing operation

phase of the building. Suitable conditions have also been included to ensure compliance with the submitted waste management plan.

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

The building has been designed to meet the energy and thermal performance requirements of Section J of the National Construction Code (NCC) including for building fabric, external glazing, building sealing, air conditioning, artificial lighting and hot water.

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

Passive design principles are proposed including the long direction of the building and training room facing due north and the siting of the stores building directly west of the main building to block afternoon sun. Well designed shaded windows to air-conditioned areas of the building reduce heat entry and reliance on artificial lighting has also been provided.

(d) the generation and storage of renewable energy,

A 75 panel rooftop photovoltaic solar system will be installed on the main building. Monitoring applications are available to monitor energy consumption.

(e) the metering and monitoring of energy consumption,

The electricity meter must record time of use consumption of electricity under NCC Part J8.3.

(f) the minimisation of the consumption of potable water.

Four additional rainwater tanks are proposed to supplement existing onsite water storage. Two (2) of these will be for reuse of rainwater in the building (e.g. toilet flushing).

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

In line with the Department of Planning and Environment Embodied Emissions Technical Note, the applicant prepared and submitted a NABERS Embodied Emissions Material Form that quantified the embodied emissions attributable to the development. A Sustainability Report was also submitted which demonstrated that the proposed development aligns to the sustainability objectives of the Sustainable Buildings SEPP through the following key design initiatives:

- A commitment to energy efficiency exceeding the requirements of Section J of the Building Code of Australia.
- A highly efficient façade wall-glazing system designed to minimise heat gains into the building while promoting the entry of daylight for the areas occupied during the day.
- Reduction of potable water use
- The use of highly efficient and high Water Efficiency Labelling and Standards (WELS) rated sanitary fixtures and fittings.
- A photovoltaic solar array to contribute to renewable energy supply and reduce reliance on the grid.

Clause 3.3 does not apply as the development is not for large scale commercial development.

Clause 3.4 does not apply as the development is not for state significant development.

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The proposed emergency services facility is permitted with consent under Clause 2.51 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The land is zoned SP2 which is a prescribed zone for the purposes of the clause.

- *Clarence Valley Local Environmental Plan 2011*

The relevant local environmental plan applying to the site is the *Clarence Valley Local Environmental Plan 2011* ('the LEP'). The aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage and enable the sustainable use, development and management of natural and man-made resources, including agricultural land resources and productive rural lands,*
- (b) to limit dispersed rural settlement,*
- (c) to provide a mix of housing, including affordable housing, to meet the needs of the community,*
- (d) to protect areas of high ecological, scientific, cultural or aesthetic value,*
- (e) to provide adequate access and services to development carried out in accordance with this Plan,*
- (f) to maintain the character of villages and towns,*
- (g) to conserve items and areas of environmental and cultural heritage,*
- (h) to provide a hierarchy of business/retail centres,*
- (i) to identify land for industrial and business development that provides opportunities for employment,*
- (j) to protect key infrastructure and ensure adequate integration of infrastructure and development,*
- (k) to maintain or improve the natural conservation and scenic amenity values of the land, including significant habitat areas and wildlife corridors.*

The proposal is consistent with these aims as the proposal protects key infrastructure and ensures adequate integration of infrastructure and development whilst maintaining the character and scenic value of adjacent rural land.

Zoning and Permissibility (Part 2)

The site is located within the SP2 Special Infrastructure Zone pursuant to Clause 2.2 of the LEP. An extract of the zoning map is provided in **Figure 8** below.



Figure 8 – Extract of LEP Land Zoning Map Sheet LNZ_012

According to the definitions contained in the Dictionary, the proposal satisfies the definition of an **emergency services facility** which means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation. Emergency services facilities are not permissible with consent within the SP2 zone and are not identified as a purpose shown on the Land Zoning Map (Sheet LZN_012) for this parcel of land.

Whilst the development is not permitted under the LEP, the proposed emergency services facility is permitted using the provisions of Clause 2.51 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The zone objectives of the SP2 zone include the following (pursuant to the Land Use Table in Clause 2.3):

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

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed FCC will provide essential infrastructure to assist in managing bush-fire support and recovery functions in the Clarence Valley
- The FCC will provide administrative and training spaces and a dedicated NSW Rural Fire service operations centre
- The FCC benefits the Clarence Valley community by providing much needed improved additional fire service facilities
- The proposed FCC is identified within the Clarence Valley Regional Airport Masterplan and is compatible with the existing uses on the land.

General Controls and Development Standards (Part 2, 4, 5 and 7)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	There are no building height limit restrictions for this land under Clause 4.3(2) of the LEP		N/A
FSR (CI 4.4(2))	This clause was not adopted under the LEP		N/A
Heritage (CI 5.10)	The land does not contain a heritage item, is not located within a heritage conservation area and is not located within proximity to any Aboriginal sites or places		Yes
Infrastructure Development (CI. 5.12)	This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, under Chapter 2 of the SEPP (Transport and Infrastructure) 2021.		Yes
Flood planning (CI 5.21)	The subject land is not identified within a flood planning area		N/A
Special flood considerations (CI. 5.22)	Evacuation management of risk for sensitive and hazardous development on land between the flood planning area and the probable maximum flood	The land is located above the PMF and as a such this clause does not apply	N/A
Acid sulphate soils (CI 7.1)	Class 5 Acid Sulfate Soils - Consent is required under this clause where works are within 500 m of adjacent Class 1, 2, 3 or 4 land	The subject land is partially identified as containing Class 5 Acid Sulfate Soils and is within 500m of land mapped Class 3 and 4	Yes

	that is below 5 m AHD and by which the watertable is likely to be lowered below 1 m AHD on adjacent Class 1, 2, 3 or 4 land.	(Acid Sulfate Soils Map – sheet ASS_012). No works are being carried out within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD and by which the watertable is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 and 4 land. Therefore, the works do not trigger the need for consent under Clause 7.1(2)	
Earthworks (Cl. 7.2)	Where consent for earthworks are required, Council must consider effects on existing drainage patterns, future use or redevelopment of the land, quality and source of fill or soil to be excavated, amenity of adjoining properties, disturbance of relics etc.	Earth works proposed for the development are not likely to have a detrimental impact on environmental functions and processes, or features of the land or surrounding land. Suitable conditions have been included to ensure appropriate erosion and sediment controls will be applied for any works required. Additionally, excavation and earthworks around the identified contaminated land hotspot are to be undertaken in accordance with the recommendations contained in the Environmental Site Assessment Report by Earth Water Consulting dated 17 January 2024. A condition to this effect has been included.	Yes
Essential Services (Cl. 7.8)	That the consent authority be satisfied that the development has access to the following services; water, electricity, disposal and management of sewage, stormwater	The development will be connected to reticulated water and electricity. Access to the site is via Airport Road, a Council maintained road. Connection to Council's reticulated water network is	Yes

	<p>drainage and suitable road access</p>	<p>required as part of the development. While water main infrastructure has been provided to the Clarence Valley Regional Airport, no water meters have been established on-site. The development is required to provide 1 unspecified diameter water meter to service the subject development.</p> <p>The development will attract 1ET headworks for water as there is no existing credit available to the site. The development will be subject to Council's Non-Residential High Consumption Charges for the ongoing operational use of the site. Conditions to this effect have been included in Draft Conditions of Consent – Attachment A.</p> <p>There is no reticulated sewer available in the area, the development triggers the need for the installation of a new onsite wastewater facility to service the use. The proposed system meets Council's Onsite Wastewater Management Strategy.</p> <p>Suitable road access to the site is via Council maintained roads and this is discussed in further throughout the report.</p>	
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The proposal is considered to be generally consistent with the LEP.

(f) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There is one proposed environmental planning instrument which has been the subject of public consultation under the EP&A Act, and is relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

The proposal is generally consistent with the proposed instrument.

(g) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Clarence Valley Council Development Control Plan for Development in Environmental Protection, Recreation and Special Use Zones 2011*

The proposal is generally consistent with the DCP. A detailed DCP Compliance Table is provided in **Attachment D**.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Clarence Valley Contributions Plan 2011, and*

Section 7.12 levy rates for development other than Residential Accommodation development.

- *Ulmarra Shire Council Section 94 Contributions Plan 1993*

No contributions are levied under the Ulmarra Shire Council Section 94 Contributions Plan for this development type. Contributions under the plan are generally based on a per lot/dwelling basis.

In consideration of the applicable contributions that may be levied for the proposed development, the NSW Department of Planning Circular *D6 – Crown Development Applications and Conditions of Consent* dated 21 September 1995 has been considered. The Circular sets out suggested procedures in determining applications for Crown development applications and provides advice on appropriate conditions of consent

The Circular notes that Crown activities providing a public service or facility lead to significant public benefits in terms of essential community services and employment opportunities and that these activities are not likely to require the provision of public services and amenities the same way as development undertaken with a commercial objective.

The matrix located on page 7 of the Circular, sets out justifiable categories of section 94 contributions towards off site works for Crown developments that provide an essential community service. The proposed Fire Control Centre is considered to be an essential community service and the purposes of this application has been categorised as being within the law/order category of the matrix as there is no specific mention of emergency service facilities.

The circular recommends that, where the applicant is a Crown authority and the development is for law/order, no contributions should be collected for open space, community facilities, parking, and general local and main road upgrades. The development should only be levied for drainage and upgrading of Local Traffic Management. However, the levying of these contributions needs to be justified within the Section 7.11 (previously section 94) contributions plan. No drainage or local traffic management contribution levies apply to this type of development within the adopted relevant contributions plans.

As the proposal provides for an emergency services facility as infrastructure on behalf of the Crown, it should not be subject to development contributions. The nature of the development means that the infrastructure provides a material public benefit through the provision of training facilities and essential bushfire management, support and recovery services to the Clarence Valley community.

For the reasons outlined above, the exemption from the payment of development contributions is considered appropriate in this case.

(h) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(i) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

Clause 61(1) Applications for demolition is not proposed as part of the application.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

Clause 66A – Conflict of Interest – The application has been considered against Council's adopted Conflict of Interest Policy and potential conflicts have been managed appropriately. An independent review of the application was undertaken by the Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team under the RSD Supported Assessment Program Pilot.

Matters raised in the review have been considered and the necessary/recommended changes have been incorporated into the final Planning Panel Assessment report.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed emergency services facility is appropriate as a result of consideration of the zone objectives and compliance with other relevant

planning instruments. The development is compatible with the setting of the Grafton Regional Airport which already includes a refuelling facility, airport arrival/departure building, control tower and associated infrastructure. Additionally, the site contains an existing Clarence Valley District Rural Fire Brigade facility for RFS Airbase Services Support Centre and storage shed which was approved by Council under DA2017/0269. The Facility includes the Clarence Valley Aviation Brigade, cementing the site as an emergency services precinct.

As discussed earlier in this report, the land surrounding the site is generally made up of large rural residential lots with dwellings which are rural in character in terms of scenic qualities. An area of Clarence Lowland Ironbark-Spotted Gum Grassy Forest exists within 140m of the site with land in the north, east and south direction being managed land for the function of the airport.

- Access and traffic – A Traffic and Parking Assessment prepared by McLaren Traffic Engineering dated 24 August 2023 was provided to support the application. The assessment estimates some 12 trips (1 trip every 5 minutes) in the AM and PM peak periods for standard operational use, while large scale training events/meetings (approximate frequency to be once or twice per month), are estimated to generate 50 trips to and from the site (note that depending on the scheduling of events, this may not coincide with the AM/PM peak hour). Assessing the traffic volumes generated by the development, the TIA adopted a conservative assessment of 1 vehicle per person for events and did not identify any impacts to the local road network and did not identify any existing areas within the local road network which required upgrading to service the development. Therefore, no upgrade of the local road networks is warranted in this case.

The construction phase of this development is likely to draw a higher traffic demand than is typical of the existing background traffic behaviour or the typical future operational use of the development. Development traffic during the construction phase is also likely to have higher frequency of heavy vehicles. The submitted Statement of Environmental Effects identified that the existing local road network (between Big River Way/Pacific Highway and the development) are typically narrow rural roads and suggested that a Construction Management Plan (CMP) should be prepared to consider potential construction impacts. Submissions received highlighted concerns of a similar nature.

Historic crash data (2010 - 2017) of the local road network indicate 1 crash on Six Mile Lane resulting in minor injury, and 1 crash on both Airport Road and Eight Mile Lane (between Airport Road and Big River Way) resulting in no injuries. These crashes occurred prior to the Pacific highway diversion and while the Grafton Regional Airport was still functioning in a commercial capacity.

Concerns regarding road safety were raised in submissions, citing a recent accident within the vicinity of Old Six Mile Lane and Avenue Road. This road network is not a functional route for traffic generated by the development or access to the site. If these external roads are used for construction purposes i.e. delivery of fill material, risks/hazards will be identified and mitigated through the Road Safety Audit process.

The proposed CMP is supported and shall be endorsed by Council/Private Certifier, prior to commencement of construction works. The CMP shall consider anticipated construction traffic, frequency, background traffic, peak hour and any necessary advanced warning signage.

Further, in consideration to potential impacts to existing traffic, a Road Safety Audit has been conditioned to be provided prior to commencement of works. The Road Safety Audit shall consider:

- whether the existing road pavement of Airport Road, Six Mile Lane (between Airport Road and Big River Way) and Eight Mile Lane (between Airport Road and Big River Way) requires upgrading to ensure safe driving conditions for construction traffic,
- whether there is sufficient road width to accommodate existing background + development traffic, and
- 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.

Council assessment of the local road network has not identified any areas which would require approval outside the scope of a Part 5 or Section 138 approval. As such, a condition requiring a Road Safety Audit is considered appropriate and has been included in the Draft Conditions in **Attachment A** in line with recommended changes from the independent review by the Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team.

- Public Domain – the development does not impact on the public domain.
- Utilities – reticulated water and electricity are available to the site. However, as there is no reticulated sewer available in the area, the development triggers the need for the installation of a new onsite wastewater facility to service the use. The proposed systems meets Council's Onsite Wastewater Management Strategy and will not adversely impact on adjoining uses. Suitable draft conditions of consent are provided in **Attachment A** requiring the lodgement of a consultants report and Section 68 application for the installation of the system.
- Heritage – The land does not contain a heritage item, is not located within a heritage conservation area and is not located within proximity to any Aboriginal sites or places. An Aboriginal Due Diligence Assessment by Niche Environment and Heritage dated 1 March 2023 was submitted with the application. The report stated that when an Aboriginal Heritage Information Management System (AHIMS) web service search was undertaken in October 2022, an Aboriginal Cultural heritage Site was found to be located on the site. However, further investigations found that the coordinates were incorrect and that the cultural heritage site is not actually located on the land. The matter was reported to AHIMS and later corrected. A new AHIMS web search was carried out on 22 January 2024, and it is confirmed that there are no recorded Aboriginal sites or places located on or within 1km of the site . In any case, a condition requiring the preparation of an Unexpected Heritage Finds Procedure for Aboriginal and non-Aboriginal Heritage has been included should actual or potential items or areas of Heritage be discovered during construction activities.
- Other land resources – none
- Water/air/soils impacts – The detailed site investigation prepared by Earth Water Consulting dated 17 January 2024 identified contaminated material on the site. Recommended conditions have been applied to require remediation and validation of the land prior to building works commencing. Refer to Part 3.1(a) of this report for a full assessment of contamination under the Resilience and Hazards SEPP considerations.

- Flora and fauna impacts – One (1) isolated *Blackbutt* Blackbutt (*Eucalyptus pilularis*) tree approximately 18m in height with a diameter at breast height (dbh) of 92cm is proposed to be removed as part of the development. The removal of the tree is not part of a continuous vegetation corridor and is not likely to have an impact on koalas or koala habitat in this location. It is recommended that the tree removal be offset on a like for like basis at a rate 5:1 within the proposed landscaped area. Appropriate conditions of consent to this effect have been included in **Attachment A**.

Vegetation occurring around the dam area includes Water primrose (*Ludwigia peploides*), Frogsmouth (*Philydrum langinosum*), Water snowflake (*Nymphoides indica*), Creeping Knotweed (*Persicaria strigosa*), all common native macrophytes found in dams and along water bodies. Additionally, Spike rush (*Eleocharis* sp) and common Club rush (*Schoenoplectiella mucronata*) were also found being both common native species. The dam would provide habitat for common waterfowl (e.g. black duck, wood duck, herons and ibis etc) and also turtles. The clearing of vegetation and dam habitat is not required to be disturbed to cater for the proposed development and as such, the FCC is not likely to negatively influence any foraging or life cycle requirements of any of these species.

- Natural environment – the natural contours of the site will be changed by the construction of fill pads and levelling of site for the new buildings and car park areas, however all stormwater will be collected and discharged to meet the Council's standards.
- Noise and vibration – construction noise is mitigated by a condition imposing restricted construction hours – to between 7:00 am to 6:00 pm Monday to Friday, 8:00am to 1:00pm Saturdays with no work permitted on Sundays and public holidays due to the proximity of nearby dwellings. The reduced construction hours (rather than 8:00 am to 6:00 pm on Saturdays) has been applied as considered more appropriate for a development adjacent residential land use.

Cumulative noise impacts from the proposed general use of the Fire Control Centre building are considered to be acceptable as the facility is located within the Grafton Regional Airport precinct which when operating as a commercial airport, is a noise generating development. The FCC is a strategic base providing operational coordination, administration, planning, training and support roles rather than functioning as an operational fire brigade station responding to emergencies. Therefore, it is considered that there will be no unreasonable cumulative noise impacts from the new facility to the surrounding area.

- Natural hazards – the site is mapped as being bush fire prone land containing part Vegetation Category 1 (high bushfire risk vegetation) and Vegetation Buffer. However the location of the FCC within the site is not mapped as bushfire prone land. A Bushfire Report prepared by Peterson Bushfire (Ref 23027) dated 29 May 2023 was submitted in support of the application and the recommendations contained therein are to be provided as a condition of consent to minimise any risk from bushfire to the development. This includes the requirement for the preparation of a Bushfire Emergency Management Plan and Evacuation Plan and construction standards of the FCC to a Bushfire Attack Level (BAL) 19 specification.
- Safety, security and crime prevention – Crime Prevention Through Environmental Design (CPTED) Principles have been considered. Appropriate lighting and landscaping in line with the principles is to be a condition of consent and must meet the CASA's regulations.

- Social impact – the proposed development will provide a new state-of-the-art FCC which will be the dedicated operations centre for bushfire management in the Clarence Valley. The facility will also be able to function as an emergency operations centre for State Agencies and Local Government to assist in managing bushfire support and recovery functions resulting in many social benefits to the community.
- Economic impact – The proposed development supports the Clarence Valley community by providing a new improved FCC which is likely to generate employment during the construction phase and into the future once operational. The FCC will also provide training facilities which may attract people to the area resulting in indirect economic benefits to the community. For example, provision of catering from local business for training events and accommodation.
- Site design and internal design – the proposal is set out appropriately on the site with respect to existing land uses and provides adequate setbacks to adjoining and other land uses within the site. Accesses to other uses within the site (e.g. BOM weather station), will be maintained at all times so no adverse impacts are likely to existing land uses.
- Construction – Construction noise is mitigated by a condition imposing restricted construction hours. A Construction Environmental Management Plan is required prior to commencing works to mitigate impacts from increased traffic movements during construction.
- Cumulative impacts – the proposal will not result in any adverse cumulative impacts and is consistent with the planning controls.
- Obstacle limitation surface – Development within the vicinity of airports is subject to consideration under the CASA Regulations to ensure that development does not penetrate the obstacle limitation surface (OLS). A referral was sent to CASA who raised no objection to the proposed FCC on the basis that the obstacle limitation surfaces associated with the airport is reviewed for potential impacts on instrument flight procedures and navigation equipment as required by CASA's Manual Standards Part 139, Clause 7.20.

The design was reviewed by Councils delegated Officer and Airport Manager in the early stages of design and at various milestones beyond to consider any impact the facility may have on the OLS.

It was determined that the proposed design and construction of the FCC will not impact on the OLS of the Grafton Regional Airport OLS unless something extraordinarily high was to be built. The proposed facility does not meet the measurements which would cause concern or infringe the OLS.

As detailed in the NBRS Plan (Drawing Reference 22398-NBRS-A_GRA-DD-4000 Revision P3) provided in **Figure 9** overpage, the development does not penetrate the obstruction clearance zone/maximum permissible building height for the site and will not obstruct the non-directional beacon (NDB) required for operation of the airport.

- Landscaping – A landscape plan was submitted with the application in accordance with Clause C13 of the DCP and overall is generally consistent with the requirements of the Clause.

As discussed in detail in section 3.1(a) of this report, one (1) isolated Blackbutt (*Eucalyptus pilularis*) tree approximately 18m in height with a diameter at breast height (dbh) of 92cm is proposed to be removed as part of the development. This is required to be offset a rate of 5:1A. To ensure that the proposed plantings provided in the landscape plan and required offset plantings do not penetrate on the OLS for the Grafton Regional Airport, details of compliance with CASA must be provided to Council prior to the commencement of building works. A condition to this effect has been included in the Draft Conditions (**Attachment A**). An additional condition requiring a minimum pot size and planting methods to the Australian Standards has also been provided to ensure plantings survive.

3.3 Section 4.15(1)(c) - Suitability of the site

- The proposed emergency services facility is considered to fit within the locality and Grafton Regional airport precinct
- Services, access and infrastructure are considered adequate to support the proposal
- The south-eastern portion of the land is affected by bushfire, however the location of the FCC is on land that is not identified as bushfire prone.
- The site attributes such as zoning, location within the Grafton Regional Airport precinct and adjoining land uses are conducive to the development, subject to the inclusion of draft conditions to protect the amenity of adjoining landowners and users of the local traffic network during construction
- The site of the proposed emergency services facility within the Grafton Regional Airport Precinct is consistent with the North Coast Regional Plan 2041.

3.4 Section 4.15(1)(d) - Public Submissions

The application was placed on public exhibition from 31 October 2023 to 4 December 2023 in accordance with Council's Community Participation Plan (CPP). Four (4) submissions were received during the exhibition period which are considered in Section 5 of this report.

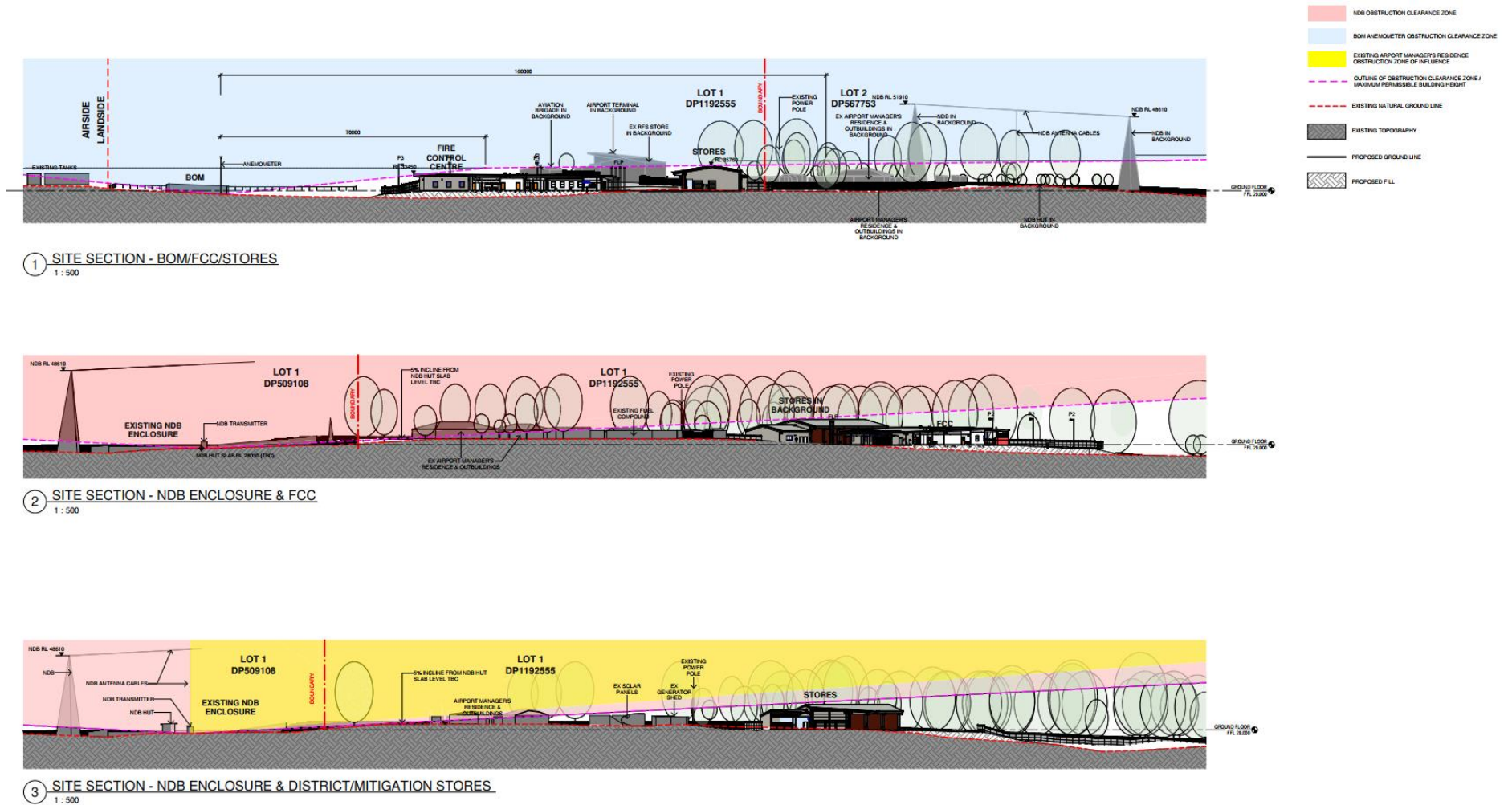


Figure 9 – NBRs Plan showing Obstruction ClearanceZone/Maximum Permissible Building Heights

3.5 Section 4.15(1)(e) - Public interest

The proposal is in the public interest for the following reasons:

- The application provides a development outcome that will result in a positive benefit for the community and local emergency service authorities through the provision of a new bushfire emergency management and training facility
- By providing a new emergency services facility for the NSW RFS, it is expected the proposal will have a positive impact on the health and safety of the public, due to the improved social and economic benefits.
- The public interest is maintained by the proposal as it is generally consistent with the objects of the Act, relevant state legislation, LEP and local development control as adopted by Council.
- The proposal is consistent with the North Coast Regional Plan 2041 which identifies the Grafton Regional Airport as an emergency services hub.
- The proposal is consistent with the principles of Ecologically Sustainable Development as it provides for a facility that will benefit the greater community now and into the future
- The impacts on climate change are expected to be minimal with the building complying with the energy efficiency provisions of section J of the National Construction Code.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Civil Aviation Safety Authority (CASA)		CASA raised no objection to the proposed FCC on the basis that the obstacle limitation surfaces associated with the airport is reviewed for potential impacts on instrument flight procedures and navigation equipment as required	Y

		by CASA's Manual Standards Part 139, Clause 7.20.	
Bureau of Meteorology (BOM)		Council notified BOM as a lessee of part of the land. during the exhibition period. No correspondence was received from BOM during the assessment process. A condition requiring the access to the weather station upon their leased site area to be maintained at all times has been included in the Draft Conditions of Consent in Attachment A .	Y
Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineer has reviewed the application and submissions in relation and recommended conditions of consent have been included in Attachment A .	Yes (conditions)
Building	No objections subject to recommended conditions	Yes (conditions)
Environmental Health	No objections and no recommended conditions	Yes (no conditions)
Water Cycle	No objections subject to recommended conditions	Yes (conditions)
Open Spaces and Facilities	No objections subject to recommended conditions to maintain access to the existing BOM weather station and leased land	Yes (conditions)
Trade waste	No objections subject to recommended conditions	Yes (conditions)

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 31 October 2023 until 4 December 2023. The notification included the following:

- Notification letters sent to adjoining and adjacent properties; and
- Notification on the Council's website.

The Council received a total of four (4) unique submissions, which were not generally opposed to the development but rather raised concerns regarding the potential impacts from the development. The issues raised in these submissions are considered in **Table 7 below**.

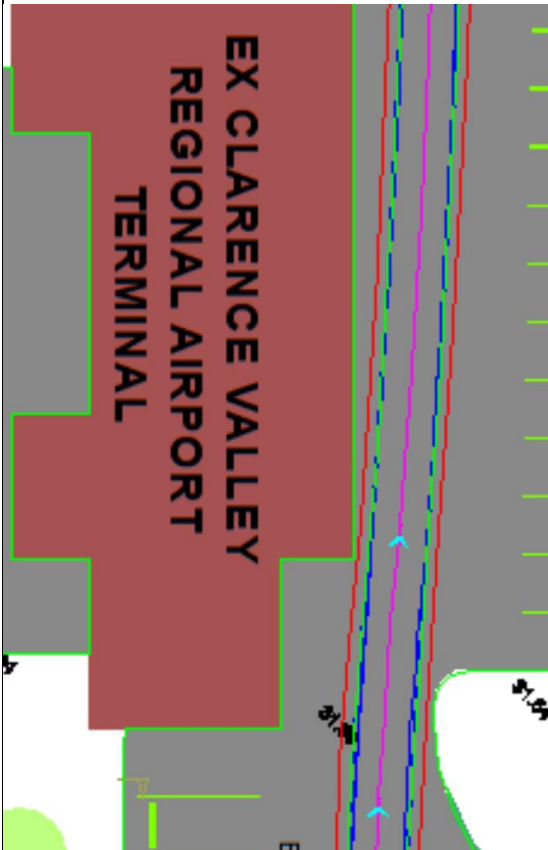
Table 7: Community Submissions

Issue	No of submissions	Council Comments
<p>Impacts on safety of road network from traffic increases</p> <p>Submissions raised concern the development will adversely impact on safety of road users due to an increase in traffic</p>	<p>4</p>	<p>Submissions were received in relation to the existing Council maintained road network and the increased safety risks that the development may generate due to narrow seal widths and restricted sight distances on crests and tight corners.</p> <p>Following receipt of these submissions, Council staff carried out road safety inspections of the surrounding road network, taking into consideration the anticipated traffic generated by the development, the existing background traffic and the typical speeds of motorists. The inspections did not identify any areas which presented significant risk to motorists or any areas which would require modification to service the development. Six Mile Lane, Eight Mile Lane and Airport Road are defined as rural roads under current engineering standards, with the existing pavement widths and shoulders currently meeting specification. The local road network between the development and Big River Way is sealed, with Council traffic records (2020) for Six Mile Lane and Eight Mile Lane indicating an average speed of <80km/h. Daily traffic volumes of 160 and 970 respectively. The traffic generated by the development will not alter the rural road classification of the surrounding Council maintained road network and no pavement upgrades are required to service the development.</p> <p>Google Maps nominates the typical access to the site to be via Big River Way/Six Mile Lane for south bound vehicles and Pacific Highway/Six Mile Lane for north bound vehicles. Alternate access to the development is via Eight Mile Lane/Airport Road. Six Mile Lane, Eight Mile Lane and Airport Road are Council maintained rural roads, while Big River Way and the Pacific Highway are both State funded.</p> <p>Given that the construction phase of this development will require higher traffic demand and of higher vehicle classes than is typical of the local road network, attention should be drawn to this stage of the development. The submitted Statement of Environmental Effects made comment on the existing narrow roads between Big River Way/Pacific Highway (CI2.16) and suggested that Construction Management Plans be prepared which consider these constraints and to provide suitable provisions to manage/mitigate risk to road users.</p> <p>The proposed CMP is supported and shall be endorsed by Council/Private Certifier, prior to commencement of</p>

		<p>construction works. The CMP shall consider anticipated construction traffic, frequency, pavement conditions (local roads), background traffic peak hour and any necessary advanced warning signage. Further, with consideration towards potential impacts to existing traffic, a Road Safety Audit shall be submitted which considers any high risk areas. The Road Safety Audit shall provide suitable temporary measures of managing risks through construction. This has been conditioned appropriately. This matter is further discussed under the Key Issues section in Part 5.2.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
Flooding of Access across Six Mile Lane	3	<p>As mentioned in the submissions, Six Mile Lane is subject to minor and major riverine flooding at the Glenugie Creek bridge.</p> <p>Access via Six Mile Lane is currently not possible during flood events due to the creek profile and current bridge abutments. However, Council has received funding from a natural disaster flood grant to upgrade the area to make it flood resilient with works due to commence on 17 June 2024.</p> <p>Outcome: The road infrastructure around the Glenugie Creek Bridge will be upgraded to improve flood resilience. Access via Six Mile Lane will still be affected during flood events however and an alternative flood free access to the development is available via Eight Mile Lane which can be used if necessary. Eight Mile Lane is not affected by flood.</p>
Bushfire	1	<p>Concerns were raised that the site is bushfire prone land and the presence of refuelling infrastructure onsite increases the danger to staff and users of the centre.</p> <p>A portion of the land within the south-eastern section is identified as being bushfire prone land. However, the location of the FCC is not identified as Bushfire Prone Land.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of a condition requiring the recommendations of the Bushfire Report be implemented.</p>
Adequacy of onsite waste water disposal when facility at full capacity	1	<p>The development will be serviced by an onsite wastewater management system as there is no reticulated sewer system available to the site.</p> <p>A draft onsite wastewater report prepared as part of the application has considered this issue and recommends that 21,000L of storage and buffering tanks are installed pre-treatment to cater for peak flows when the facility is being used at full capacity. In light of concerns raised by the independent review, further consideration must be given as to</p>

		<p>how pump-outs will be achieved when roads are closed due to hazard events that may prevent tanker access. As such, an amended report must be submitted with the section 68 application for approval prior to building works commencing to ensure the proposed system meets Council's Onsite Waste Water Management Strategy.</p> <p>Outcome: This issue has been satisfactorily addressed through the imposition of relevant recommended conditions of consent (Attachment A).</p>
Contamination and remediation of land and adequacy of onsite testing	1	<p>Concerns were raised within one of the submissions regarding the presence of contamination on the site and lack of details in the report as to how the land will be remediated. Additionally, the submission raised concerns regarding the adequacy of onsite testing.</p> <p>As part of Council's request for information, the applicant was required to provide additional sampling and information to determine the extent of contamination and an amended detailed site investigation by Earth Water Consulting Pty Ltd dated 17 January 2024 was submitted with the application. The report concluded that the site can be made suitable for the proposed emergency services facility subject to conditions of consent requiring the remediation and validation of land. This conclusion was based on the contaminated material being remediated and validated prior to commencement of building works.</p> <p>Soil testing to determine the extent of contamination was undertaken within the development footprint and additional locations of known contaminating activities (e.g. fuel spill and uncontrolled fill pads/stockpiles). Justification as to where sampling was undertaken on the site is provided in Section 9 of the Earth Water Consulting Pty Ltd Report which was in accordance with the NSW EPA Guidelines.</p> <p>This matter is further discussed in detail in the Key Issues Section 5.21 below.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
Landscape design	1	<p>Concerns were raised regarding the use of some tree species within the landscaped area that could reach 30-40 metres in height impacting on the obstacle limitation surface (OLS) for the airport.</p> <p>To ensure that future landscaping complies with the OLS for this site, a condition has been included to ensure that all tree plantings comply with the CASA OLS requirements for the Grafton Regional Airport.</p>

		Outcome: This issue has been addressed through the imposition of relevant recommended conditions of consent (Attachment A).
Fencing	1	<p>Concerns were raised regarding the need to fence the development site and impacts this would have on mobility of wildlife across the site and access to the dam.</p> <p>The development proposes a 1.8m chainwire security fence around the perimeter of the FCC buildings and car park area.</p> <p>As shown on the proposed Site Plan prepared by NBRIS (drawing no. 22398-NBRIS-A-GRA-DD-0200), fencing for the proposed rural fire service building shown in green does not impede access to the existing dam. Temporary fencing will be in place during construction to comply with WJHS regulations and this is shown in pink on the plan (see Figure 5).</p> <p>Outcome: Fencing around the perimeter for security purposes is considered acceptable and the dam area will not be fenced and still accessible to wildlife. The erection of temporary fencing during construction is legally required to enable the developer to meet their WHS obligations.</p>
Impact of development on existing dam	1	<p>Concerns were raised within one (1) of the submissions regarding the impacts of the development to the storage capacity of the existing downstream dam.</p> <p>Reviewing the contours included in the civil plan set, the existing dam outlet is between 25.0m & 25.5m AHD, while the fill batter on the northern extent of the development terminates at approximately 25.2m AHD (refer Dwg #C2001). From this survey information, if the fill batter does reduce the capacity, the impact would be negligible. Additionally, the development proposes 104,000L of on-site detention to cater for additional hardstand areas generated by the development and to meet Council's stormwater quantity and quality requirements.</p> <p>A minimum 40m setback from the proposed onsite wastewater system is provided to the dam in compliance with Council's onsite wastewater strategy which provides adequate buffer distances to ensure protection of community health and the environment.</p> <p>Outcome: Through the implementation of the measures above including the provision of adequate setbacks, there will be no likely adverse impacts on the dam or surrounding environment from the proposed development.</p>
Adequacy of onsite manoeuvring/swept path movements	1	<p>One of the submissions raised concerns that a fixed section of roof of the FCC extending towards the car park area protrudes into the swept path movements. The fixed roof area in question has minor intrusion onto the parking area, but</p>

		<p>would not obstruct or conflict with any through traffic servicing the subject development. The existing fuelling bay is currently serviced by heavy vehicles and has operated without incident. There is approximately 5.75m of carriageway available to motorists with unobstructed sight distance.</p> <p>The submitted TIA provides vehicle swept path movements for articulated vehicles in this location, which did not identify any conflict - note that the red line in the below screenshot denotes a 500mm clearance from the vehicle, tyre path is represented in blue and the chassis in green.</p>  <p>Outcome: The development has demonstrated compliance with AS2890. No further action is required.</p>
Proposed Training Pad with helicopter capability	1	<p>One of the submissions raised concerns that no details were provided with regard to the training pad with helicopter capabilities which was listed within section 3.1 of the Statement of Environmental Effects.</p> <p>As confirmed by the applicant, the development does not propose any training pad with helicopter capabilities and this was an error within the SEE.</p> <p>Outcome: The development is not proposing or recommending approval for a training pad with helicopter capabilities on the site. If this is proposed in future, separate development approval will be required.</p>

Proximity of access points to fuel storage areas	2	<p>Two of the submissions raised concerns that the vehicular access points should not be in close proximity to the fuel storage area due to vehicle circulation conflict with fuel trucks accessing the fuel depot.</p> <p>Access through the site has been modelled against an articulated vehicle (as a worst-case scenario) and submitted manoeuvring plans do not identify any conflict points in this scenario. Further, the existing fuel compound will retain the existing fencing around the perimeter and there is sufficient buffer between the perimeter fencing and the fuel storage area.</p> <p>The development will provide for separate entry and exit points. Vehicles utilising the existing fuel compound area will exit via the nominated exit lane improving manoeuvrability compared to pre-development scenario.</p> <p>Outcome: The development will provide separate entry and exit lanes for all vehicles using the fuel compound and FCC.</p>
Exit gate location and lack of signage	1	<p>One of the submissions raised the issue that the exit gate presents a drive safety hazard and therefore should be moved and a give way sign installed.</p> <p>Modifying the location of the exit gate would present conflicts with exiting service vehicles and the potential for public vehicles to enter the RFS and Aviation Brigade Areas. The existing location of the gate provides opportunity for exiting vehicles to yield to any circulating traffic. Internal regulatory signage will be provided by the applicant which will include a give-way sign at the exit gate.</p> <p>Outcome: The proposed location of the exit gate is the most appropriate and signage will be provided.</p>

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Contaminated Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (*the Resilience and Hazards SEPP*) have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Council staff were aware that there had been contaminating activities on the land (i.e. fuel spill and placement of uncontrolled fill), and therefore a Detailed Site Investigation ('DSI') was prepared and additional testing undertaken for the site by the applicant.

The objectives of the detailed site investigation were to:

- Define the extent and degree of contamination
- Assess the potential risk posed by the contamination to human health and the environment
- Obtain enough information to develop a remedial action plan
- Confirm that the site will be suitable for the proposed use once remediation and validation are completed.

The DSI prepared by Earth Water Consulting dated 17 January 2024 found a small area of the land to be contaminated with total recoverable hydrocarbons (TRH) in a confined hotspot of 16m² to 0.15m depth adjacent to the refuelling compound. The DSI recommended that the contaminated material must be remediated either via excavation and bioremediation or waste classification and offsite disposal. Validation is required to confirm contamination has been reduced to acceptable concentrations.

Furthermore, the uncontrolled fill platform and stockpiles were created progressively by Council as excess nearby roadworks/bridge spoil was generated and demolition rubble from airport building renovations in around 2015. Analytical results from onsite testing confirmed that there were no exceedances of the investigation criteria and all contamination concentrations were found below the concentration thresholds. It is recommended that to reduce asbestos and TRH exposure risks, an environmental consultant must supervise any disturbance of the fill platform during earthworks.

The report concluded that the site can be made suitable for the proposed emergency services facility subject to conditions of consent requiring the remediation and validation of land. This conclusion was based on the contaminated material being remediated and validated prior to commencement of building works. This will mitigate the potential health and ecological risks associated with these materials for future and ongoing use of the site. The proposal is considered to be consistent with the Resilience and Hazards SEPP', subject to imposition of relevant conditions of consent requiring remediation and validation works to be completed prior to commencement of building works. A draft condition that all recommendations contained within the DSI be included in a CEMP prior to remediation works commencing is provided in **Attachment A**.

Resolution: An amended DSI was submitted and Council is satisfied, in accordance with Clause 4.61(b) and (c) of the Hazards and Resilience SEPP, that once the land is remediated and validated prior to building works commencing in accordance with the recommendations of the Environmental Site Assessment by Earth Water Consulting dated 17 January 2024, the site will be suitable for the intended use.

5.2 Development Traffic Impacts to existing road network

The Traffic Impact Assessment submitted with the DA estimated approximately 12 trips in both the AM and PM peak periods for standard operational use, while large scale training events/meetings; approximate frequency to be once or twice per month, are estimated to generated 50 trips to and from the site (note that depending on the scheduling of events, this may not coincide with the AM/PM peak hour). Assessing the traffic volumes generated by the development, the TIA did not identify any impacts to the local road network and did not identify any existing areas within the local road network which required upgrading to service the development.

Several submissions were received in relation to the existing Council maintained road network and the increased safety risks that the development may generate due to narrow seal widths and restricted sight distances on crests and tight corners.

Following receipt of these submissions, Council staff carried out road safety inspections of the surrounding road network, taking into consideration the anticipated traffic generated by the development, the existing background traffic and the typical speeds of motorists. The inspections did not identify any areas which presented significant risk to motorists or any areas which would require modification to service the development.

The construction phase of this development is likely to draw a higher traffic demand than is typical of the existing background traffic behaviour or the typical future operational use of the development. Development traffic during the construction phase is also likely to have higher frequency of heavy vehicles. The submitted Statement of Environmental Effects identified that the existing local road network (between Big River Way/Pacific Highway and the development) are typically narrow rural roads and suggested that a Construction Management Plan (CMP) should be prepared to consider potential construction impacts. Submissions received highlighted concerns of a similar nature.

The proposed CMP is supported and shall be endorsed by Council/Private Certifier, prior to commencement of construction works. The CMP shall consider anticipated construction traffic, frequency, background traffic peak hour and any necessary advanced warning signage. Further, with consideration towards potential impacts to existing traffic, a Road Safety Audit shall be submitted which considers any high risk areas. The Road Safety Audit shall provide suitable temporary measures of managing risks through construction. This has been conditioned appropriately.

Resolution: A Draft condition of consent is provided in **Attachment A** to ensure that traffic impacts during construction are considered and measures implemented as part of a Construction Environment Management Plan.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2023/0627 for a proposed Fire Control Centre at 419 Airport Road, Glenugie be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A - Draft Conditions of Consent
- Attachment B – Site and Architectural Plans – NBRS & Partners 28 September 2023

- Attachment C – Conflict of Interest Management Statement – Clarence Valley Council
- Attachment D – DCP Compliance Table
- Attachment E - Supplementary Independent Review - Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team 28 February 2024
- Attachment F - Independent Review - Department of Planning Housing and Infrastructure – Regionally Significant Development (RSD) Assessment Team February 2024