

DETERMINATION AND STATEMENT OF REASONS & RECORD OF DEFERRAL

SOUTHERN REGIONAL PLANNING PANEL

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| DATE OF DETERMINATION | Friday, 7 May 2021 |
| PANEL MEMBERS | Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | Cr Russell Fitzpatrick – Council is the Applicant Cr Mitchell Nadin – Council is the Applicant |

Papers circulated electronically on Monday, 8 March 2021.

MATTER DETERMINED

PPSSTH-16 – Bega Valley – 2019.359 at 371 Arthur Kaine Drive MERIMBULA 2548 – Merimbula Airport Upgrade (Runway Extension) - construction and operation of extended runway in two stages. Stage 1 being a 120 metre extension of the runway pavement at both ends of the existing runway. Stage 2 being a further 80m extension of the runway pavement at both ends of upgraded Stage 1 runway (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

DETERMINATION FOR STAGE 1 OF THE DEVELOPMENT APPLICATION

The panel determined to approve Stage 1 of the development application pursuant to section 4.16(4)(b) of the *Environmental Planning and Assessment Act 1979* (the Act), Stage 1 being a 120-metre extension of the runway pavement at both ends of the existing runway plus installation of a culvert at the southern end of the airport site.

The decision was unanimous.

Reasons for the Decision

The panel determined to approve Stage 1 of the application for the reasons outlined in the council assessment report. In particular, with regard to Stage 1 of the development, the Panel was satisfied that:

- The development is acceptable having regard to the heads of consideration under Clause 13 of *State Environmental Planning Policy (Coastal Management) 2018* – Development on land within the coastal environment.
- The development is generally consistent with the aims of the *Bega Valley Local Environmental Plan 2012* (BVLEP 2012);
- The development meets the definition of “air transport Facility” and is therefore permissible with consent in the SP2 Infrastructure Zone under BVLEP 2012;
- The development meets the objectives for development in the coastal zone under Clause 5.5 of BVLEP 2012;
- Offset requirements under the *Fisheries Management Act 1994* and the *Biodiversity Management Act 2016* will be able to be met. In this regard the Panel notes that DPI Fisheries has provided General Terms of Approval
- Other construction impacts associated with the proposed development will be able to be managed subject to the implementation of a Construction Environmental Management Plan and Soil and Water Management Plan which are required in the condition of consent for endorsement by Council, NSW Heritage, DPIE (Biodiversity and Conservation Division) and DPI Fisheries.

- Operational noise impacts of the proposed development are acceptable as the noise emission of new larger types of aircraft able to utilise the Stage 1 lengthened runway are able to meet operational noise goals at the nearest sensitive receivers
- The development will provide social and economic benefits to Merimbula and the wider Bega Valley as it will assist with future proofing the airport by enabling larger commercial passenger aircraft (70+ seats) to access the airport following the phasing out of the SAAB 340 aircraft which currently service the airport. .

DEFERRAL OF STAGE 2 OF THE DEVELOPMENT APPLICATION

The Panel agreed to defer Stage 2 of the Development Application consent relating to the further 80m extension of the runway pavement at both ends. The Panel was not satisfied that sufficient information has been provided by the Applicant to enable a determination for this part of the development.

Pursuant to 4.16(5) of the Act, the following information is required to be provided to Council for assessment to enable Stage 2 of the development to be determined:

- Detailed plans of the proposed Stage 2 extension, that include the height (and contents) of fill, and take-off and landing points;
- Clarification on whether a Cofferdam and revetment wall(s) is required;
- An assessment of the removal of the existing Haulage Road to address DPI (Fisheries) concerns and to satisfy offsetting requirements under the *Fisheries Management Act 1994*. If so, details of the removal of the road and assessment of the impact of this removal on the adjoining aquatic environment and Aboriginal cultural heritage;
- Review of the Biodiversity Development Management Plan (BDAR) and proposed offset strategies under the *Fisheries Management Act 1994* and *Biodiversity Conservation Act 2016* and where required, revisions to address any impacts associated with Stage 2 works.
- Specific clarification of the aircraft which will use the Stage 2 extended runway and the resultant noise impact on nearby residents and mitigation options if required;
- Evidence of further consultation with relevant stakeholders, including Oyster Lease holders regarding the additional information.

The information is to be submitted to Council within 6 months of the date of this notice.

CONDITIONS

The development application was approved subject to the revised conditions at Attachment A.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Biodiversity impacts, particularly coastal wetlands, threatened ecological communities and reduced habitats for terrestrial and aquatic species;
- Acid sulfate soil management
- Noise impacts of Stage 2 jet aircraft movements
- Impacts on tide behaviour in Merimbula Lake
- Traffic impacts
- Climate change consideration




The panel considers that concerns raised by the community have been addressed in the assessment report with regard to Stage 1 of the development. The panel notes that in addressing these issues a number of management plans will be required to be prepared, endorsed and implemented during construction and operation of the Stage 1 development. the management plans will address:

- Construction impact management
- Sols and water management
- Contamination (including acid sulfate soils)
- Biodiversity management

- Ongoing Council consultation with oyster leaseholders
- Operational management.

The consent will also require on-going consultation with Oyster Lease holders in Merimbula Lake.

For determination of Stage 2, the Applicant will be required to document on-going stakeholder engagement during the construction and operation of Stage 1.

| PANEL MEMBERS | |
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|  Gordon Kirkby (Chair) |  Renata Brooks |
|  Tim Fletcher | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSTH-16 – Bega Valley – 2019.359 |
| 2 | PROPOSED DEVELOPMENT | Merimbula Airport Upgrade (Runway Extension) - construction and operation of extended runway in two stages. Stage 1 being a 120-metre extension of the runway pavement at both ends of the existing runway plus installation of a culvert at the southern end of the airport site. Stage 2 being a further 80-meter extension of the runway pavement at both ends. |
| 3 | STREET ADDRESS | 371 Arthur Kaine Drive, Merimbula NSW 2548 |
| 4 | APPLICANT/OWNER | Bega Valley Shire Council |
| 5 | TYPE OF REGIONAL DEVELOPMENT | CIV > \$5M - Council interest |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Primary Production and Rural Development) 2019, previously SEPP 62 Sustainable Aquaculture State Environmental Planning Policy (Koala Habitat Protection) 2020 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 Bega Valley Local Environmental Plan (BVLEP) 2013 Bega Valley Section 94 and 94A Contribution Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bega Valley Development Control Plan (BVDCP) 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: State Environmental Planning Policy (Coastal Management) 2018 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> Council assessment report: 3 March 2021 Written submissions during public exhibition: 2 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: Tuesday, 10 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher <u>Council and DPIE assessment staff</u>: Mick Fallon, Mark Fowler, Lauren Rose, Jasmine Tranquille Final briefing to discuss council's recommendation: Wednesday, 17 March 2021 |

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| | | <ul style="list-style-type: none">○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher○ <u>Council assessment staff</u>: Mick Fallon, Mark Fowler, Lauren Rose, Jasmine Tranquille |
| 9 | COUNCIL RECOMMENDATION | Approval subject to conditions |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |