

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-16
DA Number	2019.359
LGA	Bega Valley Shire Council
Proposed Development	Merimbula Airport Upgrade (Runway Extension). Stage 2 - construction and operation of extended runway being a further 80 metre extension of the runway pavement at both ends.
Street Address	371 Arthur Kaine Drive, Merimbula 2548
Applicant/Owner	Bega Valley Shire Council
Date of DA lodgement	30 October 2019
Number of Submissions	2 submissions previously received and addressed under Stage 1 determination
Recommendation	Stage 2 approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	<p>The proposal has been referred to the Southern Regional Planning Panel as the consent authority under Clause 4.5(b) of the <i>Environmental Planning and Assessment Act 1979</i> as the development comprises the following in accordance with Clause 20 and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011:</p> <p>“Council related development that has a capital investment value of more than \$5 million and includes the following —</p> <ul style="list-style-type: none"> <li>(a) a council for the area in which the development is to be carried out is the applicant for development consent, and</li> <li>(b) the council is the owner of any land on which the development is to be carried out, and</li> <li>(c) the development is to be carried out by the council”</li> </ul>
List of all relevant s4.15(1)(a) matters	<p>List of relevant Acts of Legislation</p> <ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> and Regulation 2000</li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> <li>• <i>Civil Aviation Act 1988</i> and <i>Civil Aviation Safety Regulations 1998</i></li> <li>• <i>Protection of the Environment Operations Act 1997</i></li> <li>• <i>Fisheries Management Act 1994</i></li> <li>• <i>Biodiversity Conservation Act 2016</i></li> <li>• <i>National Parks and Wildlife Act 1974</i></li> <li>• <i>Coastal Management Act 2016</i></li> <li>• <i>Biosecurity Act 2015</i></li> <li>• <i>Waste Avoidance and Resource Recovery Act 2001</i></li> <li>• <i>Water Management Act 2000</i></li> </ul> <p>List of all of the relevant environmental planning instruments under S4.15 (1)(a)(1) –</p> <p>State Environmental Planning Policies</p>

	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Coastal Management) 2018</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Primary Production and Rural Development) 2019, <i>previously SEPP 62 Sustainable Aquaculture</i></li> <li>• State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> </ul> <p><b>Local Environmental Plan</b></p> <ul style="list-style-type: none"> <li>• Bega Valley Local Environmental Plan (BVLEP) 2013</li> </ul> <p><b>Other policies</b></p> <ul style="list-style-type: none"> <li>• Bega Valley Section 94 and 94A Contribution Plan 2014</li> </ul> <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority under S4.15(1)(a)(ii)</p> <ul style="list-style-type: none"> <li>• Draft Remediation of Land SEPP</li> </ul> <p>List any development control plan under S4.15(1)(a)(iii)</p> <ul style="list-style-type: none"> <li>• Bega Valley Development Control Plan (BVDCP) 2013</li> </ul> <p>List any relevant regulations under S4.15(1)(a)(iv) e.g. Regs –</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul>
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1: Proposed development plans Stage 2</p> <p>Attachment 2: Additional information submitted by the applicant for Stage 2</p> <p>Attachment 3: Revised BDAR Version 4.1</p> <p>Attachment 4: Draft conditions of consent Stage 2</p> <p>Attachment 5: State Government Agencies submissions</p>
Clause 4.6 requests	Not Applicable
Summary of key submissions	<p>Key issues raised in public submissions include:</p> <ul style="list-style-type: none"> <li>• Biodiversity impacts and removal of coastal wetlands</li> <li>• Water quality and acid sulfate soils</li> <li>• Noise and air quality</li> <li>• Justification of expansion</li> <li>• Traffic and car parking arrangements</li> </ul>
Report prepared by	<p>Mark Fowler – Senior Town Planner – Bega Valley shire Council</p> <p>Keith Tull – Manager Planning and Sustainability – Bega Valley Shire Council</p>
Report date	21 October 2022

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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### Conditions

Have draft conditions been provided to the applicant for comment?

**No**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **Executive summary**

This report provides an assessment of Stage 2 of development application (DA) 2019.359 comprising the construction of an additional 80 metre extension to both ends of the runway from Stage 1 runway extensions. On 7<sup>th</sup> May 2021, the Southern Regional Planning Panel granted partial consent of DA2019.359, comprising Stage 1 runway extensions being the 120 metre extension to both ends of the existing runway.

The Southern Regional Planning Panel at the determination meeting expressly excluded Stage 2 subject to the provision of additional information within six months of the determination meeting.

The applicant has provided additional information in relation to the six points requested by the Panel and these are included as Attachments 2 and 3 of this report.

The additional information submitted by the applicant has been reviewed by the relevant State Agencies and comments provided.

Based on a detailed assessment of the proposed Environmental Impact Statement (EIS), Submission Report (SR) and additional information for Stage 2 against Section 4.15 matters of the EP&A Act, it is considered that Stage 2 should be approved subject to a time limited approval in accordance with the attached conditions of Consent provided as Attachment 4 to this Assessment Report.

## INTRODUCTION

This report details the Bega Valley Shire Council assessment of the Merimbula Airport Upgrade (Runway Extension Stage 2).

The Environmental Impact Statement detailed that Stage 2 proposes an additional 80m extension to both the northern and southern ends of the runway. The existing point of take-off and landing would be retained, consistent with Stage 1 and when completed would cater for larger aircraft (737) when demand arises.

DPIE issued Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) on 16 February 2018.

This application and accompanying EIS has been prepared in accordance with Schedule 2 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

## DESCRIPTION OF PROPOSAL

The Stage 2 proposal includes following:

- Stage 2 – the construction of an additional 80 metre extension to both ends of the runway and the removal of the old southern haul road to improve tidal functions on the southern end of the airport site.

The proposed extensions and haul road removal are shown in Error! Reference source not found. and 3 below.

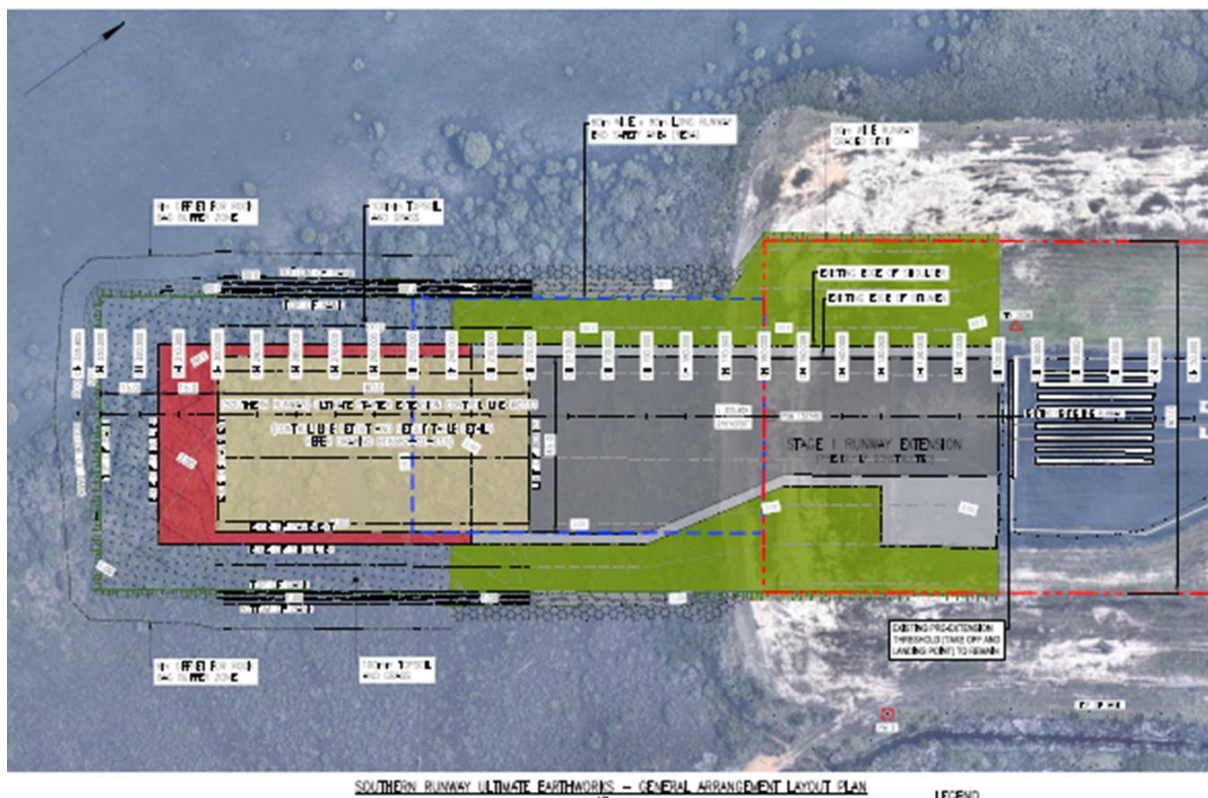


Figure 1 – Southern runway extension Stage 2 (Source: Proposed development plans Attachment 1)



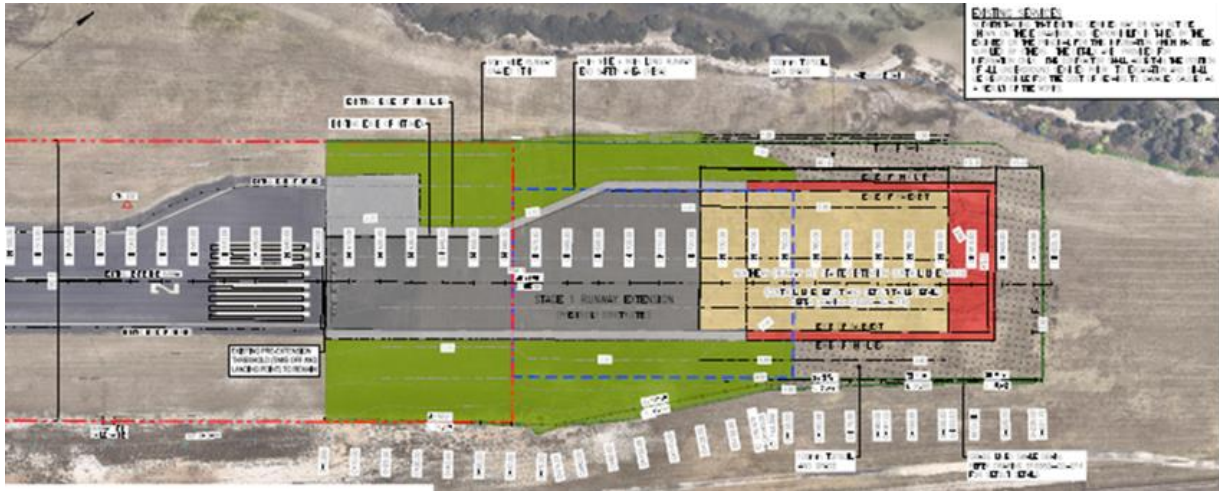


Figure 2 – Northern runway extension Stage 2 (Source: Proposed development plans Attachment 1)



Figure 3: Proposed Stage 2 southern haul road location, (Source: NGH Environmental, 2021)

As part of the additional information submitted for the construction the applicant has indicated that the construction method would be similar to the Stage 1 works but builds on additional experience gained by the team from the progress of Stage 1 works (as of November 2021) and includes.

- The silt curtains are installed;
- The geotextile, geogrid and rock blanket are advanced in five metre widths, following the inner perimeter of the rock blanket footprint;
- Works will be timed in accordance with tidal conditions to ensure no sections cleared in advance of the advance of the rock blanket are subject to rising tides without the rock blanket being in place;
- Rock bags will be installed in the outer perimeter;

- The internal section of rock blanket will comprise stripping of vegetation, excavation of 100mm of the surface and spot removal of deeper pneumatophores/mangrove roots;
- Exposed surfaces and excavated material will be treated in accordance with the Acid Sulfate Soils Management Plan, with soils treatment occurring in the northern extension impact area;
- Composite geogrid and geotextile will be laid over the exposed surfaces, followed by the rock blanket;
- The layers of earthworks and biaxial grid will be constructed;
- The base layer of the pavement and then the pavement will be constructed;
- Earthworks including filling of land;
- Pavement construction;
- Pavement markings and installation of infrastructure such as runway lights and cables; and
- Minor regrading of runway strip extents.



Images of implementing Stage 1 works method (November 2021) and as per the work method for Stage 2 works – Source: Additional information submitted applicant 9/11/2021.

Unlike stage 1 of the runway extensions which was to enable the continuation of commuter services to Merimbula airport as smaller passenger aircraft were retired or replaced with larger airline aircraft, the Applicant has indicated that Stage 2 works would be constructed soon or as far away as 25 years, as it is dependent upon demand. The timing of, and justification for Stage 2, is discussed further under the assessment of likely impacts of the development.

The applicant as part of the additional information submitted to Council on the 9/11/2021 has now committed to removal of the southern haul road as part of the Stage 2 works. The removal would be undertaken within 3 years from the commencement of Stage 1 works, in advance of the other Stage 2 works components. In terms of associated permits and approvals, the following timing is proposed specific to the removal of the southern haul road:

Within 3 years of commencement of Stage 1 works:

1. Approval for haul road received
2. Once approval for haul road removal is obtained, seek FM Act Stage 1 permit amendment or a new FM Act permit to apply to this activity.
3. Prepare detailed monitoring program for areas east of the haul road.
4. Haul road removal.
5. Bank guarantee returned in full (should haul road not be removed within 3 years, the bank guarantee will be retained by DPI Fisheries).
6. Three year monitoring program implemented for areas east of the haul road. This monitoring period will commence once the road has been removed.
7. Before Stage 2 works:

8. Fisheries permit for Stage 2 works.
9. Pay out residual offset requirement directly (or agree to additional restoration action with DPI Fisheries in lieu of part or all of this payment).
10. Stewardship site to meet Stage 2 BC Act offsets established. As part of this, manage areas of vehicle damage in accordance with a perpetuity agreement.

Construction works would generally be undertaken during standard construction hours as follows:

- Monday - Friday: 7.00am to 6.00pm;
- Saturday: 8.00am to 1.00pm; and
- No work on Sunday or Public Holidays.

Work outside these hours may be required in the event of unscheduled impacts on the works from events such as heavy rain or to meet critical scheduled activities such as concrete pouring/setting times. The Applicant has not assessed impacts associated with out of hours works. Variations to standard construction hours may be considered by Council, if necessary, but have not been considered as part of the assessment.

Construction would require partial runway closure over an 18-week period. Construction vehicles would access the site via the existing airport access point on Arthur Kaine Drive adjacent to the terminal. No construction vehicles would use the historical haul route at the southern end of the site.

The applicant has confirmed in the detailed plans and additional information submitted, the following fill quantities for Stage 2:

The maximum fill height would be –

- 0.91m for the northern extension (drawing B16582-02-21, with stage 1 as approved being 0.75m), and
- 2.17m for the southern extension (drawing B16582-02-22, with stage 1 as approved being 2.07m).

Fill estimates identified by the software modelling identify 4985m<sup>3</sup> for the northern extension and 12 536m<sup>3</sup> for the southern extension (drawings B16582-02-22 and 23), noting that these have been calculated by the software modelling. (The amount for the southern extension was identified in the tender from the successful construction contractor is 12 622m<sup>3</sup>.)

The applicant has clarified that a Cofferdam and revetment wall(s) is not required in the construction works for Stage 2.

## STRATEGIC OVERVIEW

The extension of the Stage 2 runway would provide increased opportunities for tourism and employment in the Council area when the demand warrants its construction.

The EIS detailed that an extension to the Merimbula Airport runway is needed to support the overall airport expansion and to reach the long-term goal of expanding the tourism industry in Merimbula. As previously reported to the Panel, passenger numbers were gradually falling between 2007 and 2011 however the Airport operator expects passenger numbers to increase following an increase in airport infrastructure and capabilities. The availability of smaller turbo prop aircraft use has decreased in Australia and large aircraft are becoming more common. Expansion of the airport would enable larger aircraft to land and more flights resulting in increased job opportunities and local expenditure.

The Merimbula Airport expansion is supported by, and is consistent with, the following strategic plans:

- *Bega Valley Shire Local Strategic Planning Statement 2040* (BVSC, 2020) – the statement recognises the importance of the runway extension to increase accessibility to domestic and international markets and identifies the airport as a key asset for economic development and employment within the area. Implementing the Merimbula Airport Masterplan is identified as a medium-term goal in the strategy.
- *South East and Tablelands Regional Plan* (DPIE, 2017) – the plan recognises that an upgrade to the Merimbula Airport is vital to the local economy;
- *Far South Coast Strategic Regional Plan 2013-2018* – the plan recognises that an airport upgrade would encourage visits from international visitors by providing more flights and direct access to Merimbula;



- *'Working Towards Our Future': Bega Valley Shire Community Strategic Plan 2040 2008* (Bega Valley Shire Council) – the strategy aims to improve the economic viability of the airport;
- *Southern Regional Transport Plan* (Transport for NSW, 2014) – the plan acknowledges the importance of air travel for regional communities; and
- *Merimbula Airport Master Plan 2033* (Bega Valley Shire Council) – the plan identifies the need to extend the runway to accommodate a greater range of aircraft.

The construction of the Stage 1 runway extensions would provide capability for larger aircraft than the existing SAAB 340 which require a longer runway for take-off. At the time of finalising this report, Stage 1 construction and associated works are nearing completion.

The construction of the Stage 2 starter extension would make it more likely that the commercial passenger aircraft used by airlines for services to Merimbula will expand to include F100, B717 and B737 aircraft. As identified in the Lambert & Rehbein letter in Appendix G of the additional information. The letter detailed that there are runway constraints outside its strength and length that make the frequent use by B737 aircraft a low probability. However, the onground and airborne noise assessments for the Stage 2 component of the development application assumed they would be present during peak passenger demand periods in order to deliver a worst case noise assessment.

## OTHER ACTS OF LEGISLATION

### ***Protection of the Environmental Operations Act 1997***

The proposal does not include any scheduled activities outlined in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) and therefore an Environmental Protection Licence (EPL) is not required.

### ***Fisheries Management Act 1994***

Stage 2 requires permits under sections 201 and 205 of the FM Act as it involves impacts to marine vegetation and reclamation.

General Terms of Approval (GTA's) for Stage 2 have been issued by the NSW DPI Fisheries which are included in Attachment 5.

### ***Biodiversity Conservation (BC) Act 2016***

An amended BDAR has been provided by the applicant that considers the impacts on the removal of the southern haul road. Thereport identifies that inclusion of the removal of the old haul road would provides impact on Biodiversity within the site and identifies an additional four species offsets to mitigate those impacts.

The Biodiversity Conservation Division (BCD) of DPIE has reviewed the modified BDAR, and considers that there are no impediments for a determination to be considered on the modified with regards to the requirements of the BC Act.

### ***Environmental Protection and Biodiversity Conservation Act 1999***

The *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act) provides an assessment and approval process for actions likely to cause a significant impact on Matters of National Environmental Significance (MNES).

The additional information for Stage 2 submitted by the applicant maintains that the proposal is not likely to have a significant impact on threatened species and communities, migratory bird species and marine species under the EPBC Act.

### ***Civil Aviation Act 1988 and Civil Aviation Safety Regulations 1998***

Stage 2 would be consistent with the *Civil Aviation Act 1998*, relevant regulations and Manual of Standards. The application was referred to CASA and no objections were raised for either Stage of the development.

### ***National Parks and Wildlife Act 1974***

The NPW Act makes provision for the establishment of National Parks and other Parks and Reserves, and conservation of objects, places and features of cultural value.

The proposed development would impact on Aboriginal heritage sites and objects which are protected under the NPW Act and the applicant has obtained an Aboriginal Heritage Impact Permit (AHIP) as

part of the development for Stage 1. Accordingly, an Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared for the proposed development. The applicant has amended the existing AHIP to cover the entire site and incorporates all areas of works associated with Stage 2 of the runway extension, including the removal of the southern haul road (copy attached in Attachment 2).

### ***Coastal Management Act 2016***

The *Coastal Management Act 2016* (CM Act) establishes a framework to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development. The Act defines the coastal zone and includes coastal wetlands. The site includes land that is a coastal wetland. The EIS has addressed potential impacts on the coastal wetland and mitigation measures to meet the management objectives for Stage 2 including rehabilitation of previously impacted areas within the Coastal wetland.

Further detail on impacts to coastal wetlands is provided below.

### ***Biosecurity Act 2015***

The *Biosecurity Act 2015* provides a framework for prevention, elimination and minimisation of biosecurity risks. The Act provides for the establishment and functions of Local Control Authorities for weeds and weed control obligations on public and private land.

The EIS addresses the control of priority weeds occurring at Merimbula Airport.

### ***Waste Avoidance and Resource Recovery Act 2001***

The *Waste Avoidance and Resource Recovery Act 2001* aims to ensure the most efficient use of resources and to reduce environmental harm. The Act also aims to ensure that waste management is considered against the hierarchy of resource management.

The Applicant has considered waste minimisation and management in accordance with NSW Waste policy.

### ***Water Management Act 2000***

The *Water Management Act 2000* (WM Act) regulates controlled activities carried out in, on or under waterfront land. The proposed development is situated on waterfront land as it encroaches onto land within 40 metres of Merimbula Lake and within the Lake itself.

Clause 38 of the Water Management (General) Regulations 2011 states that a public authority is exempt from requiring an approval for a controlled activity (under section 91E(1) of the WM Act). Since Council is a public authority, a controlled activity approval is not required for the proposed development.

## **SECTION 4.15 ASSESSMENT ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

### ***Environmental Planning and Assessment Act 1979***

Matters relating to Section 3.17 and Section 4.46 of the EP&A Act remain consistent to the past Assessment Report submitted to the Panel at its determination meeting on 7 May 2021.

In determining a development application, a consent authority is to take into consideration matters referred to in Section 4.15(1) of the Act which are of relevance to the development application.

### **Environmental Planning Instruments - Section 4.15(1)(a)(i)**

#### **State Environmental Planning Policy (State and Regional Development) 2011**

As Stage 2 still relates to a Council related development over \$5 million dollars, the Southern Regional Planning Panel is still the determining authority in accordance with Section 4.5(b) of the EP&A Act.

#### **State Environmental Planning Policy 55 (Remediation of Land) 1998**

There are no additional matters relating to contamination and remediation as for Stage 2 than previously considered by the Panel at its meeting on the 7 May 2021.

#### **State Environmental Planning Policy 33 (Hazardous and Offensive Developments) 1992**

This SEPP is an enabling instrument that aims to ensure the merits of a proposal are properly assessed prior to determination.

Given that Stage 2 would enable take-off and landing of larger aircraft, the relevant matters contained in the SEPP have been considered. It is concluded that the development is not likely to increase risks at the site as it is already an established airport. The existing Merimbula Airport Aerodrome Manual and the Merimbula Airport Emergency Management Plan are sufficient to manage any hazards presented by operation of the development. These documents are reviewed annually and regularly audited by CASA.

### **State Environmental Planning Policy (Primary Production and Rural Development) 2008**

Part 5 of the SEPP includes provisions for sustainable aquaculture and Division 4 requires a consent authority to consider any potential impacts on oyster aquaculture. Merimbula Lake includes areas identified as priority aquaculture areas. The proposed development would result in the loss of 65 m<sup>2</sup> of oyster lease area within the southern area of the Merimbula airport site.

As previously reported to the Panel, it is noted that the reduction in lease area is negligible and not likely to significantly impact the operation of oyster leases in Merimbula Lake. The applicant has arranged additional consultation with the Oyster lease holders – lessees to the immediate south of the runway and the Merimbula Lake oyster farming membership group. The development is not considered to be incompatible with aquaculture in Merimbula Lake.

### **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

Clause 13 of the policy requires the determining authority to consider the compatibility of proposed development with mining, petroleum production or extractive industries. A further review of government databases for Stage 2 indicates that there are no extractive industries in the vicinity of the site.

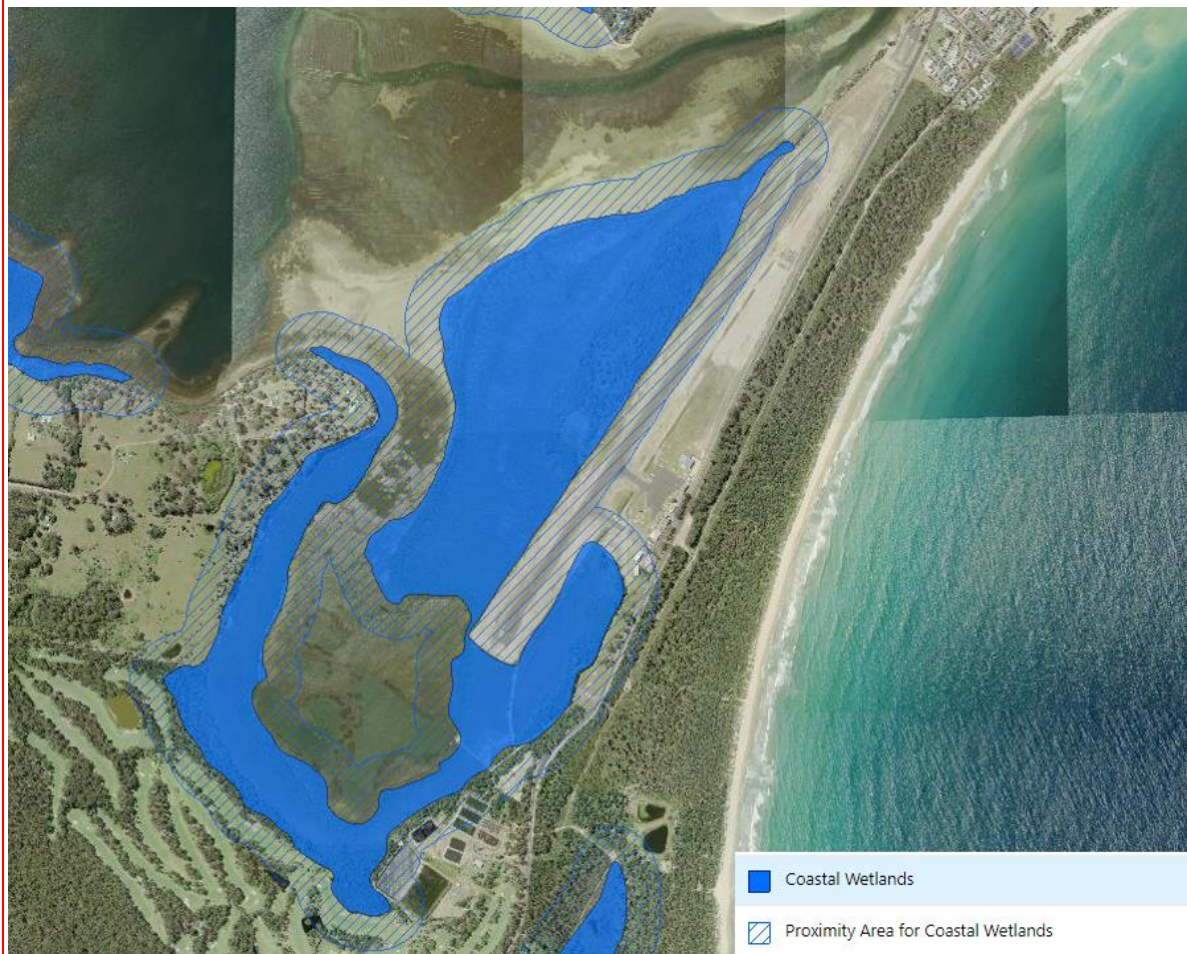
### **State Environmental Planning Policy (Coastal Management) 2018**

The Policy applies to the land and the development has been assessed having regard to the relevant sections of the policy. The clauses of the Policy relevant to the assessment of the proposed development are outlined and discussed below.

#### **Division 1 – Coastal wetlands and littoral rainforests area**

##### **Clause 10 Development on certain land within coastal wetlands and littoral rainforests area**

Coastal wetland areas are mapped within the development site.



Source: SEPP Coastal Management 2018 Maps

The Applicant has assessed the potential impacts of the proposed runway extension on the biophysical, hydrological and ecological integrity of the coastal wetland. It is considered that the Applicant's proposed mitigation measures for Stage 2 and the recommended conditions of consent would ensure that the coastal wetland is protected and enhanced with the removal of the southern haul road.

This would include the preparation of a Biodiversity Offset Strategy to offset impacts to the vegetation and species impacted by the proposed development. The removal of the southern haul road would improve tidal flows to the area of wetland to the south and east of the runway. This would likely have a beneficial outcome for the wetland area. Therefore, it is considered that sufficient measures will be undertaken to enhance the integrity of the coastal wetland not impacted by the runway extension.

### **Clause 11 Development on land in proximity to coastal wetlands or littoral rainforest**

The proposed development and access route include areas mapped as a Proximity Area for Coastal Wetlands. The Applicant has assessed the impact of the proposed development on the biophysical, hydrological and ecological integrity of the adjacent coastal wetland. Stage 2 is not likely to significantly impact on the integrity of these areas given construction access would be via existing roadways and disturbed areas supporting the existing runway.

### **Division 2 – Coastal vulnerability area**

### **Clause 12 Development on land within the coastal vulnerability area**

Stage 2 is not included on the Coastal Vulnerability Area Map under State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP).



## **Division 3 – Coastal environment area**

### **Clause 13 Development on land within the coastal environment area**

Is the proposed development likely to cause an adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment?

The proposed construction and operation of the Stage 2 runway extension and removal of the haul road would have potential impacts on water quality.

The EIS was supported by a Surface Water Assessment, Water Quality Management Plan and Aquatic Report. The reports have assessed potential impacts on water quality associated with:

- erosion of exposed soils during rainfall events and transfer of sediment to receiving waters via runoff;
- exposure of acid sulfate, or potentially acid sulfate soils during excavation, and the potential for acid leachate from exposed soils, stockpile areas and transfer to receiving waterways;
- leachate from foundation materials during construction; and
- disturbance of sediment and suspension of sediment during excavation and filling.

In recognition of the above, the Water Quality Management Plan (WQMP) makes specific recommendations in relation to water quality management and/or mitigation measures to be employed during construction of the proposed development.

It is considered that the WQMP outlines adequate measures and procedures for appropriately managing potential adverse risks to water quality resulting from construction, including mechanisms to monitor water quality throughout construction. It is considered compliance with the WQMP would mitigate any adverse impact on the integrity and resilience of the biophysical, hydrological and ecological environment.

<p>Is proposed development likely to cause an adverse impact on the coastal environmental values and natural coastal processes?</p>	<p>An existing maintenance haulage/access road constructed when the runway was built currently blocks flows to the eastern section of the wetland from Merimbula Lake. Construction of Stage 2 now includes the removal of this access road. The removal would improve flows and provide beneficial outcomes for coastal and natural processes within the site and for Merimbula Lake.</p> <p>It is noted that increased flows to the area would have a beneficial impact by reinstating tidal flows and would restore ecological function. To ensure the intent of improving processes the following were recommended;</p> <p>A three-year monitoring program would be developed and would include as a minimum:</p> <ol style="list-style-type: none"> <li>1. Monitor the extent of regeneration of marine vegetation in the footprint of the haul road after removal.</li> <li>2. Monitor the extent of tidal flushing upstream of the road following removal.</li> <li>3. Record obvious changes in the distribution of marine vegetation community types in this area.</li> <li>4. Provide annual status reports to DPI Fisheries (3 years).</li> </ol> <p>These would need to be detailed as conditions of consent.</p>
<p>Is proposed development likely to cause an adverse impact on the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1?</p>	<p>The site does not fall within the listed sensitive coastal lakes detailed in Schedule. The proposal is not likely to result in significant adverse impacts to water quality, as detailed further above.</p>
<p>Is proposed development likely to cause an adverse impact on the marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms?</p>	<p>The EIS and SR provided an assessment of the potential impacts on marine vegetation, native vegetation and fauna in the subject site and surrounding areas.</p> <p>Stage 2 of the proposal would result in the clearing of vegetation which is unable to be avoided due to the proposal being an extension of the existing runway at Merimbula Airport. Terrestrial and aquatic biodiversity impacts of the proposal would be offset in accordance with the BC and FM Acts, ensuring 'no net loss' of vegetation as a result of the proposal.</p> <p>The Applicant has committed to managing and monitoring water quality during construction to minimise adverse impacts on marine vegetation and biodiversity. A range of other mitigation measures have been employed to minimise adverse impacts on marine vegetation, native vegetation and fauna and their habitats.</p>

Is proposed development likely to cause an adverse impact on the existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability?	No impacts to public open space and safe access to the foreshore are envisioned as a result of the proposal. There is currently no public access to the foreshore from the Airport site due to compliance with security measures required for the site.
Is proposed development likely to cause an adverse impact on Aboriginal cultural heritage, practices and place?	<p>Artefact sites and possible fragmented shell midden material were identified in the proposal area. These archaeological sites have been heavily modified due to the highly disturbed context from the initial runway construction and ongoing maintenance. The applicant notes that it is not possible to avoid all known sites as earthworks associated with the proposal would involve the removal, breakage or displacement of artefacts. Commitments for the preservation of Aboriginal cultural values are included in the proposal, including avoidance or salvage of artefacts. Heritage NSW has advised that an AHIP can be issued for the proposed development.</p> <p>The coastal landscape is also of importance to Aboriginal people and culture. The construction of the runway extension would alter the landscape by introducing an additional hardstand feature. However, it is considered that the changes are consistent with the existing character of the surrounding area and consultation has been undertaken and detailed in the AHCAR.</p>
Is proposed development likely to cause an adverse impact on the use of the surf zone?	The development is not likely to cause an adverse impact on the use of the surf zone at Merimbula 'main' beach.
Is the proposed development designed, sited and managed to avoid an adverse impact referred to above?	The proposal has been designed to avoid impacts to adjacent beaches.

## **Division 4 – Coastal use area**

### **14 Development on land within the coastal use area**

Is the proposed development likely to cause an adverse impact on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability?	No structures are proposed to be erected within the foreshore area or beach to restrict accessibility for the public.
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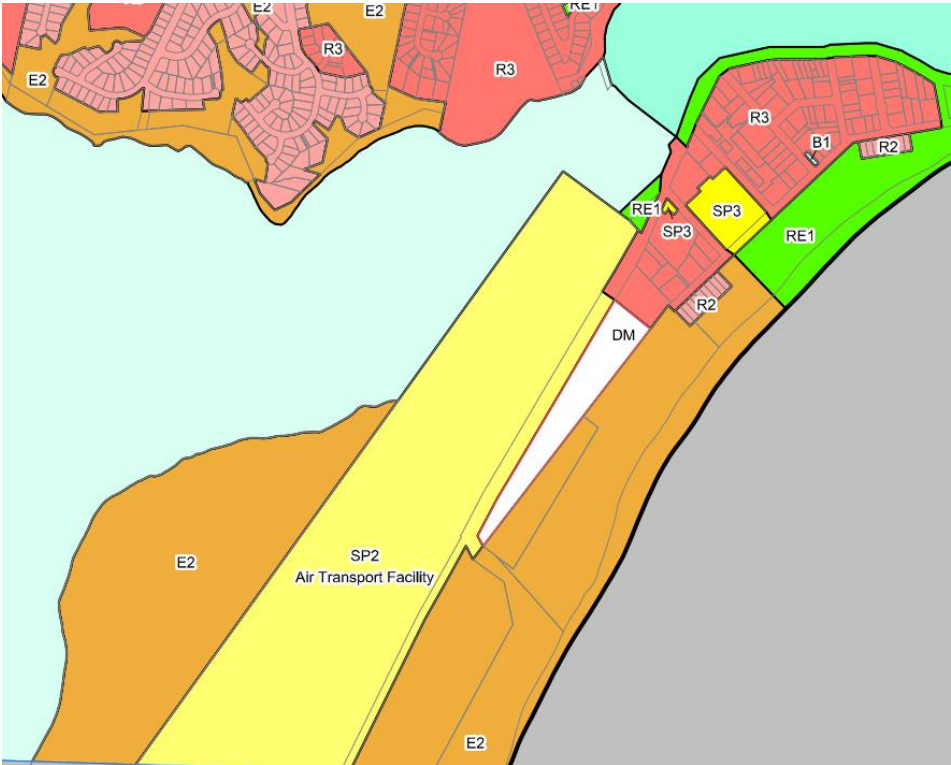
Is the proposed development likely to cause an adverse impact on overshadowing, wind funneling and the loss of views from public places to foreshores?	<p>It is considered that the runway extension would not be out of character with the locality and would result in a very similar visual landscape to the existing runway.</p> <p>The location of the runway extension would not have an adverse impact on overshadowing, wind funnelling or loss of views from public places to the foreshore as no additional buildings or structures are proposed.</p>
Is the proposed development likely to cause an adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands?	<p>The Airport is situated between Merimbula Lake and tree covered sand dunes. The impacts of Stage 2 runway extension on the visual amenity and scenic quality of the coast would be most notable during the construction period, due to vegetation removal, earthworks and vehicle and machinery use and storage. However, these impacts would be temporary.</p> <p>The finished runway would have a minor visual impact due to the extended length of hardstand areas and reduced vegetation cover. The proposal is considered to have a minimal view impact on the surrounding landscape character.</p> <p>The development would not cause an adverse impact on the visual amenity and scenic qualities of Merimbula Lake and Merimbula Main Beach including adjoining coastal headlands.</p>
Is the proposed development likely to cause an adverse impact on the cultural and built environment heritage?	There are no historic heritage items or places located within the site. The runway extension would not impact on heritage items located in the vicinity due to distances and visual separation.
Are you satisfied that the development is designed, sited and will be managed to avoid an adverse impact referred to above?	The development has been designed to minimise adverse impacts on heritage.
<b>15 Development in coastal zone generally—development not to increase risk of coastal hazards</b>	The EIS and SR for Stage 2 have considered the risks to coastal hazards resulting from the proposed development. This included assessments relating to erosion, wave runup, tidal inundation and sea level rise. The proposed southern haul road removal would not result in any significant increase in risks of coastal hazards with the implementation of the proposed mitigation measures.

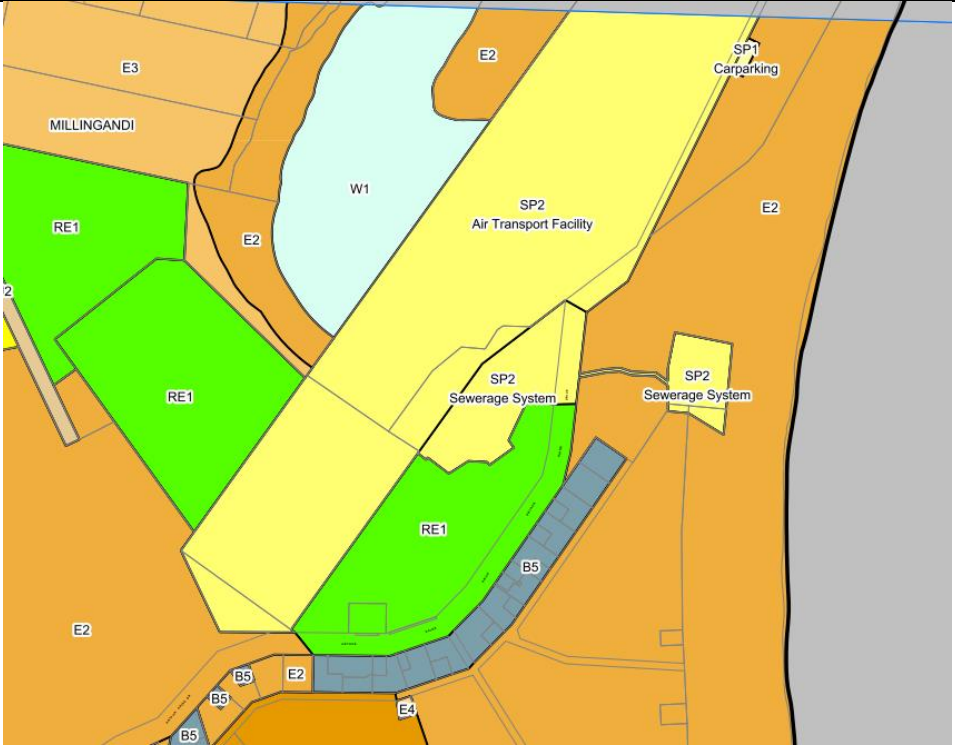
### **Bega Valley Local Environmental Plan 2013 (BVLEP 2013)**

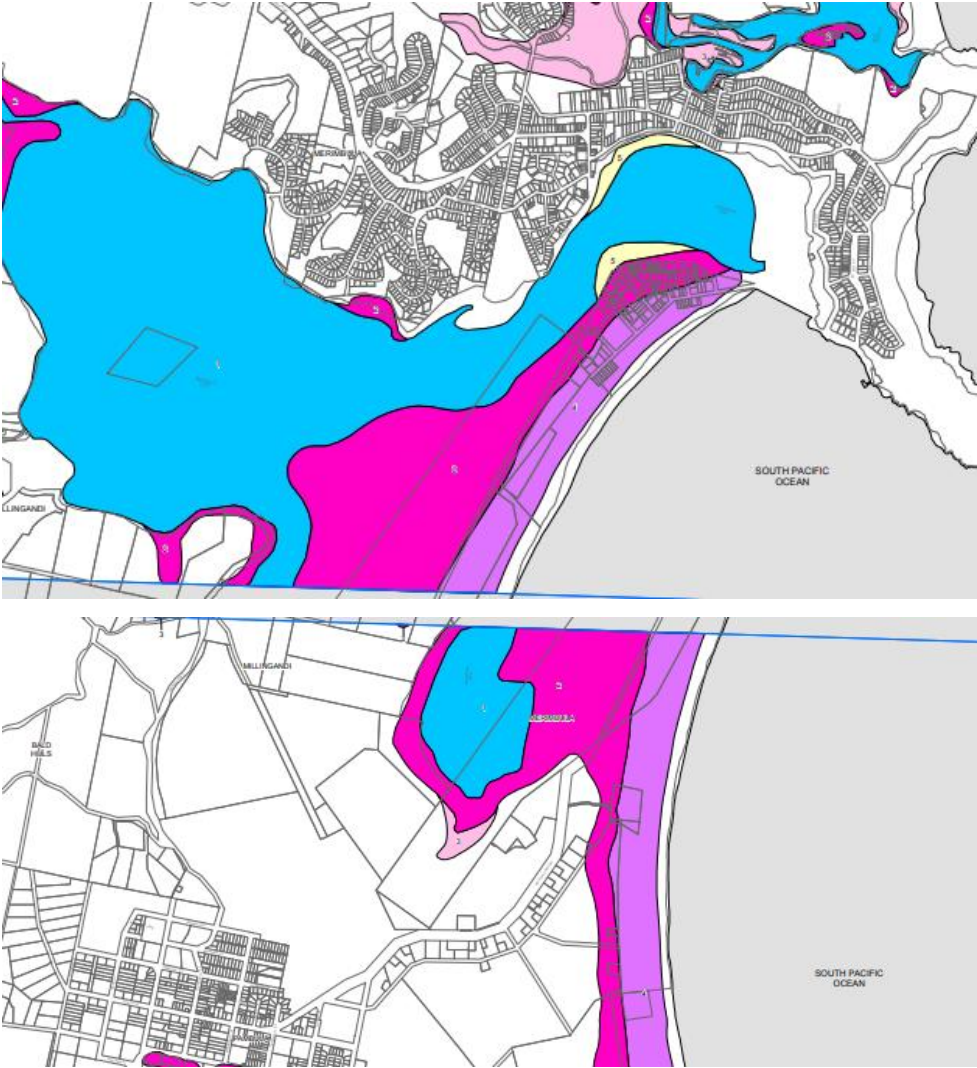
The development application has been assessed in accordance with the relevant sections of BVLEP 2013 detailed below.

<b>Standard</b>	<b>Comment</b>
<b><i>Clause 1.2 - Aims of Plan</i></b>	<p>Stage 2 is generally consistent with the aims of the BVLEP 2012 as:</p> <ul style="list-style-type: none"> <li>the proposal would provide opportunities to improve economic, natural and social resources to the Bega Valley by increasing opportunities for tourism and protecting biodiversity through establishment of an offset site and increasing the tidal flows to the wetland area;</li> <li>the proposal would increase employment opportunities at the airport and within the Bega Valley through increased access to larger cities;</li> </ul>



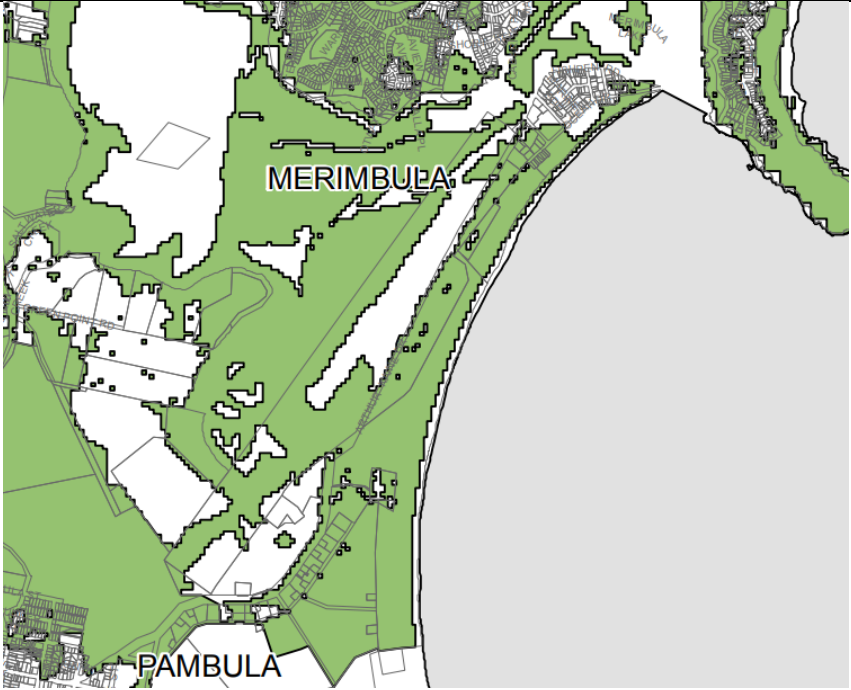
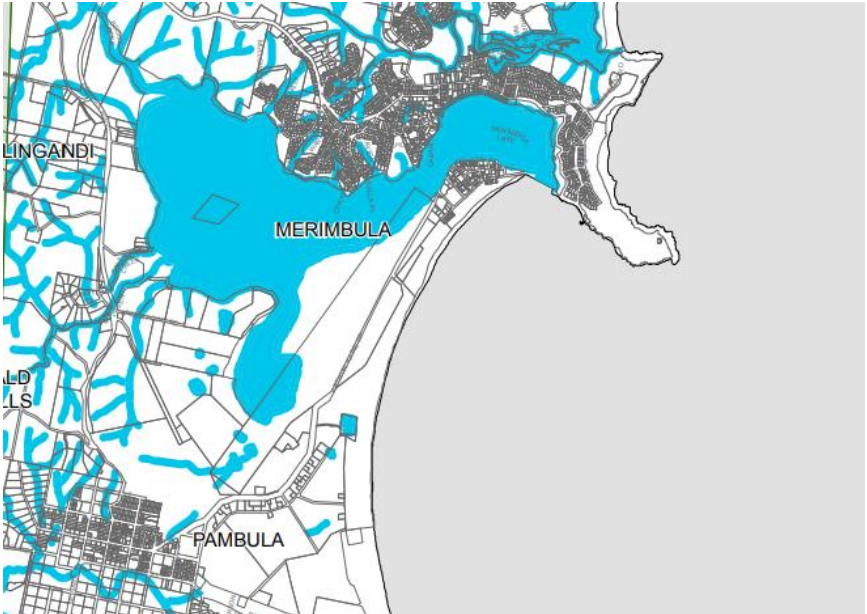
	<ul style="list-style-type: none"> <li>the proposal is consistent with the existing landscape given that it represents an expansion to an existing airport;</li> <li>the proposal would have negligible direct impacts on oyster lease areas;</li> <li>the application has acknowledged the impact on Aboriginal cultural heritage and the proposal would require salvage and reburial of identified surface artefacts in consultation with the Eden Local Aboriginal Land Council; and</li> <li>the proposed development would not be adversely affected by natural coastal hazards nor is likely to substantially impact on coastal processes.</li> </ul> <p>The development generally supports the Principles of Ecologically Sustainable Development (ESD), however, the unknown nature of when demand would warrant the construction of Stage 2 requires the recommendation of a time limited consent.</p>
<p><b>Clause 2.3 - Zone objectives and Land Use Table</b></p>	<p>The site is zoned SP2 Infrastructure under the BVLEP 2013.</p> <p>It is considered that the proposed development is consistent with the objectives of the SP2 zone as it would involve an extension to the existing airport infrastructure.</p> 

	 <p>Source: BVLEP 2013 maps</p>
<b>Clause 2.4 - Unzoned land</b>	<p>The proposal does not involve unzoned land.</p>
<b>Clause 4.3 - Height of buildings</b>	<p>No new buildings are proposed as part of the development.</p>
<b>Clause 5.5 - Development within the coastal zone</b>	<p>Clause 5.5 of the BVLEP 2013 provides objectives for development within the coastal zone. In accordance with clause 5.5, development consent must not be granted to development within the coastal zone unless the consent authority has considered factors, such as:</p> <ul style="list-style-type: none"> <li>• public access to the foreshore;</li> <li>• suitability of the proposed development and its impact on natural scenic quality;</li> <li>• amenity impacts;</li> <li>• conservation of biodiversity and ecosystems;</li> <li>• discharge of untreated stormwater to waterways; and</li> <li>• coastal hazards.</li> </ul> <p>These factors have been considered in detail throughout the report including in the “Assessment of Likely Impacts of the Development” section below and the assessment against the relevant provisions of the Coastal Management SEPP (above).</p> <p>It is considered that the application has assessed impacts to the coastal zone and the development is consistent with the objectives.</p>
<b>Clause 5.7 - Development</b>	<p>The proposed development includes works situated below the mean high water mark. The application is accompanied by an EIS, SR and additional information in</p>

below mean high water mark	support of Stage 2 that provide appropriate environmental assessment for that part of the runway extension to be carried out below mean high water mark.
<b>Clause 5.10 - Heritage Conservation</b>	The site does not contain listed non-Aboriginal heritage items and is not within a heritage conservation area identified under Schedule 5 of the BVLEP 2013. The proposal would not result in any significant impacts to any listed heritage items located away from the site due to their distance from the airport and noting that the airport is already operational.
<b>Clause 6.1 - Acid Sulfate Soils</b>	<p>The site is mapped as containing Class 1, 2, 3 and 4 Acid Sulfate Soils (ASS). The Applicant provided an Acid Sulfate Soils Management Plan (ASSMP) with the SR. The ASSMP outlines measures to manage risks associated with ASS prior and during construction of the proposal. It is considered that the ASSMP includes sufficient measures to appropriately manage risks associated with ASS. An updated ASSMP would be required for the removal of the southern haul road.</p>  <p>Source: BVLEP 2013 maps</p>
<b>Clause 6.3 – Flood planning</b>	While the site is periodically affected by localised flooding during major storm events, it is not mapped as flood liable under the provisions of the BVLEP 2013. The proposed increase in runway surface has the potential to contribute to flooding. The EIS modelled changes to flooding for the Probably Maximum Flood (PMF) event and 1% Annual Exceedance Probability (AEP). The proposed development is likely to increase flood levels and velocities however significant impacts would be confined to the airport boundary. Therefore, the proposal is not

	likely to significantly adversely affect flood behaviour or result in a detrimental increase to the potential flood affectation of other development or properties.
<b>Clause 6.4 – Coastal risk planning</b>	<p>The EIS and SR have examined the coastal processes affecting the site. The impacts of the development on the surrounding environment are considered appropriate. The design has considered how to avoid significant adverse impacts from coastal hazards, such as erosion and reduction of tidal flows. The following conditions have been recommended to minimise risks associated with sediment and erosion:</p> <ul style="list-style-type: none"> <li>• site disturbance must not commence until all sediment and erosion controls are in place;</li> <li>• all sediment control measures must be maintained at, or above their design capacity;</li> <li>• progressive stabilisation and rehabilitation of works; and</li> <li>• preparation of a Soil and Water Quality Management Plan for Construction.</li> </ul> <p>The EIS and SR have considered the potential for sea level rise. It is noted that over time, inundation of the runway is likely to become more frequent as sea level rise would impact on flood behaviour within Merimbula Lake. Given that there is no detailed timeline on when Stage 2 is proposed to be built then the issue of sea level rise may affect the design and construction requirements for Stage 2.</p> <p>Therefore, to provide certainty of construction requirements provided in the detailed plans and ongoing runway maintenance over time, it is recommended that a condition be applied to ensure that the construction of Stage 2 be undertaken within 5 years from the completion of the removal of the southern haul road.</p>
<b>Clause 6.5 - Terrestrial biodiversity</b>	<p>Part of the subject land is mapped as containing terrestrial biodiversity.</p> <p>Stage 2 would involve the removal of vegetation and impacts to vegetation have been considered further below in the assessment of likely impacts – biodiversity.</p> <p>Impacts to terrestrial biodiversity are unavoidable for the Stage 2 extensions. However, the Applicant proposes the following to mitigate the impacts:</p> <ul style="list-style-type: none"> <li>• preparation of a Construction Biodiversity Management Plan; and</li> <li>• preparation of a Vegetation Management Plan during construction and operation to manage removal of weeds, report of any occurrences of pathogens and identify appropriate landscaping for the site.</li> </ul> <p>The Applicant has designed the development to minimise adverse impacts to biodiversity and impacts to BC listed ecosystems and species. The impact on these would be offset in accordance with the BC Act.</p>



	 <p>Source: BVLEP 2013 maps</p>
<p><b>Clause 6.6 – Riparian land and watercourses</b></p>	<p>Part of the subject land is mapped as containing riparian land and watercourses (map extract provided below).</p> <p>The proposal is adjacent to and partly within Merimbula Lake. The southern runway extension would include reclamation of part of a wetland and an area within Merimbula Lake.</p>  <p>Source: BVLEP 2013 maps</p> <p>The EIS and SR have considered the impact of the proposed development on:</p> <ul style="list-style-type: none"> <li>• water quality and flows within Merimbula Lake;</li> <li>• aquatic and riparian species, habitats and ecosystems of the watercourse;</li> <li>• the stability of the bed and banks of the watercourse;</li> </ul>

	<ul style="list-style-type: none"> <li>the free passage of fish and other aquatic organisms within or along the watercourse; and</li> <li>any future rehabilitation of the watercourse and riparian areas.</li> </ul> <p>The development is not likely to increase water extraction from Merimbula Lake.</p> <p>The EIS, SR and additional information submitted for Stage 2 have identified a number of measures to avoid, minimise and mitigate impact of the development on Merimbula Lake, including:</p> <ul style="list-style-type: none"> <li>monitoring of saltmarsh habitat;</li> <li>implementation of compensatory offset measures to offset impacts to aquatic and terrestrial vegetation under the FM and BC Acts;</li> <li>preparation and implementation of an erosion and sediment control plan to minimise construction related impacts to water quality within Merimbula Lake; and</li> <li>preparation and implementation of a stormwater management plan to minimise impacts associated with runoff of exposed and potentially contaminated or ASS during construction.</li> </ul> <p>It is considered that the development is designed, sited and would be managed, to minimise impacts existing water quality and flows into Merimbula Lake.</p>
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## **LIST OF ANY DRAFT INSTRUMENTS Section 4.15(1)(a)(ii)**

### **Draft Remediation of Land SEPP**

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work is to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

It is considered that the proposal would be consistent with the objectives of the Draft Remediation SEPP.

## **BEGA VALLEY DEVELOPMENT CONTROL PLAN 2013 Section 4.15(1)(a)(iii)**

The proposed development has been assessed under the relevant provisions of the Bega Valley Development Control Plan (BVDCP 2013).

### **Clause 5.4 Social and Economic Impacts**

The Applicant has undertaken a qualitative assessment of the social and economic impacts of the proposed runway extensions. The assessment notes that the Bega Valley Shire Council area has a higher than average rate of disadvantage in terms of education outcomes and health factors. This is exacerbated by limited access to a range of services and employment. The airport expansion is likely to increase economic growth and increase social advantage by:

- providing construction and ongoing employment;
- supporting education and training in the area by improving air services and increased accessibility;
- facilitating the expansion of Bega Valley Hospital and other medical facilities;

- expanding tourism through increased air travel access; and
- potential increases to road safety (visitors travelling by air rather than road).

Negative social and economic impacts may be experienced during construction due to impacts such as noise and vibration, visual amenity (construction machinery), increased traffic and possible dust pollution. However, these impacts would be minor and temporary. Residual impacts could be effectively managed through the Applicant's mitigation measures.

The Applicant has consulted with the community to obtain their views on the proposed development. In particular, close consultation has been undertaken with oyster growers in Merimbula Lake and the Local Aboriginal Land Councils.

It is considered that the social and economic impacts of the proposed runway extensions have been adequately addressed by the EIS and SR, and that the development would generally be beneficial for Merimbula and the wider community.

## **Clause 5.5 Sustainable Design Principles**

### **➤ The Precautionary Principle**

It is considered that the potential impacts associated with the Stage 2 runway extensions have generally been identified and quantified with an adequate degree of certainty, except for when the proposed construction would actually take place. The EIS at the outset identified that Stage 2 is only required when demand arises, with further clarification provided that it could be from now or out as far as 25 years time.

Similar to Stage 1, implementation of identified mitigation measures during construction and operation of the proposal in the short term can be supported, with the applicant detailing that the removal of the southern haul road would take place within the next three years to ensure that environmental impacts are acceptable due to offsetting of the runway extensions. However, beyond this timeframe, social, economic and further environmental considerations are difficult to ascertain. Without an identified demand requirement beyond 5 to 8 years the design and construction of Stage 2 runway extensions could possibly be compromised due to changes in environmental attributes on and surrounding the site.

In the interest of the precautionary principle, the recommendation of this report has focused on the short term to provide the greatest amount of certainty on identifying and mitigating impacts. Impacts associated with Stage 2 cannot be fully considered and evaluated until the timeframe for construction is more certain and passenger demand has been met. Given the location of the proposal in a dynamic coastal zone, it is recommended that a time limited consent for Stage 2 be approved.

### **➤ Intergenerational Equity**

Intergenerational Equity is defined as "Meeting the needs of the present without compromising the ability of future generations to meet their needs". It articulates the concept of fairness amongst all generations in the use and conservation of the environment and its natural resources.

The Stage 1 runway extension was to enable the ongoing continuation of flight services to Merimbula to support the long-term goal to expand tourism in Merimbula and its surrounds. This has been balanced with the need to maintain environmental integrity through best practice controls and management consistent with social and intergenerational equity.

Similar to Stage 1, the commitments and environment safeguards outlined in the EIS for Stage 2 would be supported by a Construction Environmental Management Plan, an Operation Environmental Management Strategy and a Decommissioning Environmental Management Plan which would ensure the effective mitigation of impacts.

Impacts associated with Stage 2 cannot be fully considered and evaluated until the timeframe for construction is more certain and passenger demand has been met. In the interest of the principle of intergenerational equity, given that the location of the proposal is in a dynamic coastal zone, it is recommended that only a time limited consent for Stage 2 be approved.

### **➤ Conservation of Biological Diversity and Ecological Integrity**

The EIS, SR and accompanying amended BDAR Version 4.1 have adequately considered the potential impacts of the proposal on biodiversity, including BC Act and EPBC Act listed species.

Whilst the proposal has minimised clearing, the proposed runway extension would have biodiversity impacts as a result of vegetation clearing and potential soil and water contamination. Biodiversity impacts would be offset in accordance with the BC Act. The proposed safeguards and mitigation measures would reduce the impact of the proposal on biological diversity and ecological integrity.

Impacts on biodiversity and ecology cannot be accurately assessed for Stage 2 as the Applicant has indicated that construction of Stage 2 may not commence for up to 25 years. Surrounding ecosystems and the approach to offsetting may change within this time period and further revisions and consideration of EPBC Act listed species may also change. To provide certainty on the assessment and mitigation on Biodiversity and ecology, it is recommended that a time limited consent for Stage 2 be approved.

#### ➤ **Improved valuation of environmental resources**

The EIS and SR concluded that the value of environmental resources affected by the proposed runway extensions have been acknowledged and provided for through the examination of environmental consequences and the identification of appropriate mitigation measures needed to address potential impacts, including any short-term construction impacts. Pollution risks have been assessed and would place all management responsibilities and any cost of remediation solely upon the Applicant.

The commitments and environment safeguards outlined in the EIS would be supported by a Construction Environmental Management Plan, an Operation Environmental Management Strategy and a Decommissioning Environmental Management Plan which would ensure the effective mitigation of impacts for all proposal stages.

An accurate valuation of environmental resources which may be impacted from construction of Stage 2 (possibly in 10-25 years' time) cannot be assessed with the information available. Therefore, it is recommended that only a time limited consent for Stage 2 be approved.

### **Clause 5.8 Planning for Hazards**

#### ➤ **Flood Planning**

The proposal has the potential to increase flood levels and flow velocities, however the impacts are confined within the airport boundary and there are no significant implications in terms of property inundation and erosion associated with velocity changes. The proposal is consistent with the objectives of the BVDCP 2103.

#### ➤ **Coastal Hazards**

The proposed runway extension would be exposed to and would influence coastal processes. In response, the EIS discusses the potential impacts associated with:

- elevated water levels (climate change);
- water movement patterns; and
- sediment movement and shoreline stability.

The EIS noted that inundation of the runway would become more frequent as sea level rise increases and the infrastructure would need to adapt accordingly. It is considered that the EIS adequately identified and addressed potential impacts associated with the Stage 1 extension given that it was to respond to the current need for runway extension to continue flight operation with the phasing out of existing commuter plans utilising the site.

For Stage 2, the applicant has identified that the need for the further runway extension would be based on when demand requires with indication for its need from anywhere from now to the next 25 years. The EIS did not quantify when demand would be reached except when Projected Maximum Passenger Inbound and Outbound numbers would warrant the need for larger plans. These projections did not quantify a timeframe when that would be reached.

Given the unknown timeframe when the Stage 2 runway construction maybe warranted and that inundation of the runway and the site itself would become more frequent as sea level rise increases and that infrastructure would need to adapt accordingly, it is considered appropriate that a time limited consent be provided to the construction of Stage 2. Such impacts associated with the construction and infrastructure includes access to and within the site, construction compounds and stockpile areas. A time limited consent would ensure that future coastal hazards can be suitably accommodated for with the current design and methodology of construction for the Stage 2 runway extension at this time.



Accordingly, the objectives of the Plan are satisfied subject to a time limited consent being applied for the construction of Stage 2.

#### ➤ **Contaminated Land**

The EIS found the proposal development footprint is not located on contaminated land and surrounding contaminated sites where PFAS have been detected, and would therefore be avoided during the works. As a result, the contamination risks associated with Stage 2 are considered to be low and manageable subject to the implementation of mitigation measures.

#### **Clause 5.9 Off-street Car and Bicycle Parking**

The DCP does not list specific parking requirements for airports. Patronage at the airport is dictated by the capacity of the airport terminal. Since no changes to the terminal and associated capacity are proposed as part of the development, there is no change to off-street car and bicycle parking requirements.

### **BEGA VALLEY SECTION 94 AND 94A CONTRIBUTIONS PLAN 2014**

#### **Section 4.15(1)(a)(iii)**

The development proposes the extension of the existing infrastructure. Section 94A contributions are not applicable to the proposed development.

#### **Any Regulations applying to the Development Section 4.15(1)(a)(iv)**

Nil Regulations apply to the development.

#### **Section 4.15(1)(a)(v)**

Repealed.

### **Assessment of Likely Impacts of the Development Section 4.15(1)(b)**

Council staff and State Agencies have assessed and reviewed the EIS, SR and accompanying additional information having regard to the likely impacts of the development. An assessment of the key impacts is provided below for Stage 2.

#### **Justification and alternatives considered Stage 2 extension to the runway**

The Applicant has clarified that the method of constructing Stage 2 would be similar to the construction of Stage 1.

As part of the original development application, the Applicant sought approval for the Stage 2 extensions to be added onto the end of Stage 1 runway extensions. The EIS indicated that Stage 2 extension is required to support the take-off and landing of larger aircraft and the timing of Stage 2 is not known at this time and is dependent on increasing passenger demand. However, the applicant estimated the extension may be required anytime from now out to 25 years.

It is considered that there is currently insufficient demand to warrant a runway of that length at the airport based on past tourist numbers reported by the applicant. The timing of Stage 2 is ambiguous as the longer runway would only be required as passenger demand increases and subject other improvements at the airport including terminal upgrades. Given that the Airport has experienced fluctuating periods of growth and decline in visitor numbers over the past two decades, it is difficult to determine if and when the Stage 2 extension would be required.

The uncertainties surrounding timing make it difficult to accurately assess the impacts of the proposed development on the surrounding environment over time, and hence gauge the adequacy of the mitigation and management measures to be applied into the future, especially having regard to issues associated with sea level rise, potential changes in the aviation industry and changes to surrounding land uses.

Since the lodgement of the this DA, Council is in receipt of a development application for the construction of up to 59 units closer to the Airport than the most affected residence identified in the EIS.

It is difficult to determine the potential impacts decades into the future are appropriate at this current time. The surrounding environment, particularly the wetland may change and alter the suitability of

proposed construction methods, construction haulage routes, as well as impacts on vegetation communities, threatened species and associated offsetting requirements.

Based on these uncertainties, it is considered that a time limited consent be provided to the construction of Stage 2.

## **Biodiversity**

### **Biodiversity - Terrestrial**

The EIS and SR originally identified direct impacts to Threatened Ecological Communities (TEC's) and threatened flora and fauna species within and adjoining the site. An update to the BDAR (now V4.1 see Attachment 3) was undertaken after the approval of Stage 1 works to assess the removal of the southern haul road which is considered an environmental remediation action supported in principle by BCD.

The adverse impact of the removal of 0.09 ha of native vegetation associated with the removal of the southern haul road has been assessed in the revised BDAR. The action removes a key threatening process under the BC Act (Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands). The beneficial impacts of re-establishment of native vegetation in the area now occupied by the barrier (0.24 ha) and increased inundation to the east, modelled as 4.5 ha, are long term benefits of the action but do not influence the updated offset requirement for the project.

The impacts on terrestrial vegetation for the removal of the southern haul road, as calculated using the NSW BC Act's Biodiversity Assessment Method, generate additional offset credits for Stage 2 of the project as follows:

- One additional ecosystem credit for Zone 5 PCT 920 Mangroves (was 27 ecosystem credits now 28 for the Ultimate EIS; Stage 1+Stage 2).
- One additional species credit for Pied Oystercatcher (was 63, now 64 for addition of zone 5 mangrove inside haulage track for the Ultimate EIS; Stage 1+Stage 2).
- One additional species credit for Sooty Oystercatcher (was 63, now 64 for addition of zone 5 mangrove inside haulage track for the Ultimate EIS; Stage 1+Stage 2).

No changes to Stage 1 result from the update.

The revised BDAR has been reviewed by BCD who identified that the revision provides the assumed presence of certain species on-site without the necessary surveys to identify that the species are actually on the site. BCD detail that assuming presence is allowed under the Biodiversity Assessment Method (BAM) but is not recommended as it can lead to high offsetting costs for species that may not be there and BCD prefers actual surveys are undertaken to reduce costs to the proponent. BCD advised that there are no impediments for a determination of the modified BDAR with regards to the requirements of the BC Act.

A review of the revised BDAR has been undertaken in accordance with the provisions of the BAM and therefore is considered appropriate in identifying the impacts on Biodiversity for the Stage 2 development of the site.

Conditions are recommended requiring the offset of impacts to be completed prior to any works commencing for Stage 2, including the removal of the southern haul road which is now proposed as part of Stage 2 works.

### **Biodiversity – Aquatic**

A separate aquatic assessment was prepared to inform the offset strategy for the loss of aquatic seagrass habitat, mangroves and saltmarsh noted above. Impacts to aquatic habitat also trigger the requirement for compensatory offsets under the FM Act. The request from the Panel at its meeting on the 7 May 2021 required an assessment of the removal of the existing haulage road to address DPI (Fisheries) concerns and to satisfy offsetting requirements under the FM Act.

The Applicant has now committed to removing the southern haul road. The removal of the southern haul road, which acts as a barrier to tidal flow, has been justified in terms of the beneficial impact it will provide to offset marine habitat impacts of the runway extension, under the FM Act.

To offset this pre existing impact, the additional information provided by the applicant confirmed the removal of the access road to improve tidal flows to that part of the site from Merimbula Lake.

The mitigation measures, including management plans and offsets, are considered appropriate to reducing impacts to biodiversity aquatic values impacted by the proposal. It is recommended that the revised GTA's for Stage 2 issued by DPI Fisheries are included as conditions of consent.

### **Oyster leases**

Updated construction plans would see a loss of 65 m<sup>2</sup> of oyster leases. The applicant has negotiated directly with the affected oyster leaseholders and the meeting notes are included in Attachment 2. Water quality management and contaminated soil management plans have been progressed to provide certainty regarding the management of impacts. Council is comfortable that impacts on oyster leases have been appropriately addressed.

### **Aboriginal Heritage**

An ACHAR was prepared as part of the EIS and has later been revised to accommodate the entire site to include the impacts associated with the removal of the old southern haul road. An AHIP has been issued for the entire site by Heritage NSW regarding impacts on identified Archaeology items identified within the site and is included in Attachment 2.

### **Noise and Vibration**

#### **Construction**

The construction noise assessment was prepared in accordance with the NSW Interim Construction Noise Guideline (DECC, 2009) and the NSW Noise Policy for Industry (EPA, 2017). The EIS identified that the closest receivers to the north of the proposal are located at the noise monitoring location at 12 Arthur Kane Drive, at a distance of approximately 400 m, and the nearest residential receivers to the south of the proposal are located at 232 Arthur Kane Drive approximately 800 away. A low ambient background noise environment categorises the site.

Since the lodgement of the this DA, Council is in receipt of a development application for the construction of up to 59 units closer to the northern Airport extent than the most affected residence identified in the EIS.

Construction noise would be generated by compacting, rolling and laying of bitumen for the runway, as well as from excavation for trenching and saw cutting of pavement. Construction vehicles accessing the site would also generate noise.

The Applicant has not assessed impacts associated with out of hours works but has committed to standard construction hours. Variations to standard construction hours may be considered by Council, if necessary, but have not been considered as part of the assessment.

The results of the construction noise and vibration modelling indicate that the specific noise goals can be achieved at nearest receivers to the north and to the south of the proposal, and that the potential for noise impacts are low. Due to the nature of the works and the distance to buildings and other infrastructure the vibration risk is also conserved low.

The assessment recommends that standard construction noise management measures would successfully mitigate residual noise impacts. These measures include appropriate consultation with the community of upcoming noisy works, and implementation of a Construction Environmental Management Plan to guide construction contractors on correct procedures to reduce noise impacts from equipment.

Standard management measures would ensure that noise and vibration generated by the proposal would not result in damage to nearby properties or unreasonable loss of amenity to nearby residents. Standard construction hours, in accordance with the NSW Interim Construction Noise Guideline, would further mitigate this risk.

#### **Operation**

Potential noise sources generated from ground-based operations at Merimbula Airport would include:

- aircraft ground movement around the airport (taxiing; take-off and landing);
- aircraft maintenance and testing activities;
- road traffic on site and off site;

- reversing alarms and warning systems;
- fixed or mobile plant and equipment operations; and
- infrastructure maintenance activities.

The expansion of the runway under Stage 2 would locate larger aircraft further north and south for take off which would be the primary operational noise source. Aircraft take-off would be the most noticeable of all operational activities.

The operational noise assessment considered the Australian Noise Exposure Forecast (ANEF)/ Australian Noise Exposure Concept (ANEC) for the potential noise impacts of the extended runway. ANEF/ANEC is the primary noise metric used in Australia for land use planning around airports, that uses an “average day” of noise exposure, based on flight volumes and flight paths. Alternative noise metrics, including the N60 (60 dB(A)) and N70 (70 dB(A)) contours were also considered, which measure aircraft noise generated by individual events.

Results indicate that that all daytime operational noise goals would be met at the nearest sensitive receivers except for the north to south take off for the Boeing 737 which would exceed noise goals by 8 dB(A). It should be noted that this is based on the Stage 2 runway extension accommodating the Boeing 737.

The applicant has detailed that with the utilisation of a larger plans like the Boeing 737, it would necessitate fewer flights from Merimbula Airport as those planes would carry more people.

While the runway extension (additional 80m starter extension to the south) will facilitate the operations of larger aircraft, an analysis undertaken by Rheiben Consulting of likely fleet types, forecast passenger demand and service frequency indicates this will have no material impact on the key aircraft noise measures of ANEC, N70 and N60. In particular:

- There is a small change to the extents of the ANEC, which is not material in terms of land use impacts; and
- No increase to the extents of the N60 and N70 contours.

The EIS identified that the impact associated with the increased noise from the Boeing 737 for the Stage 2 extensions would be managed with the implementation of an Operational Noise Management Plan which would be prepared in consultation with the affected closest sensitive receivers prior to the Construction of Stage 2.

The assessment has committed to modelling future growth scenarios as outlined in the Merimbula Airport Master Plan, where larger airport capacity is necessary for the increases in arrivals and hence larger aircraft such as the Boeing 737. This would be required for Stage 2. The application has identified that residual impact for Stage 2 can be managed to an acceptable level as detailed in the Merimbula Airport Master Plan 2033.

However, given the unknown timing for the demand to require the construction of Stage 2, it is recommended that a condition be applied providing a time limited consent for its construction.

### **Visual Amenity and Impact**

The assessment identified medium to low visual impacts during construction and low impacts post-construction of Stage 2. Minor mitigation measures were recommended including construction screening at the immediate site. No submissions were received on visual impact.

Most residents in Merimbula do not have a direct view of the construction area because of local topography, vegetation and separation distances of over a kilometre, minimising visual impacts further.

The low visual impacts are attributed to the temporary nature of the construction works and consistency with current land use at the site. The largest impact would be to motorists, pedestrians and cyclists using the recreation pathway along Arthur Kaine Drive. These run parallel to the airport's eastern boundary, however an existing nature strip and vegetation provide some natural screening.

Visual impacts are considered acceptable for Stage 2 and the visual impact study in the EIS was conducted for a worst-case scenario that combined potential impacts from Stage 1 and 2. The recommended mitigation measures of construction site screening is considered appropriate. The need to provide construction screening has been reinforced by a recommended condition of consent.

### **Soil, Water Quality and Contamination**

There is a low risk of impacts regarding soil, water quality and contamination. The proposed Soil and Water plans of management utilise standard industry measures that can adequately mitigate possible impacts.

### **Potential Acid Sulfate Soils (PASS) or Acid Sulfate Soils (ASS)**

The assessment noted the potential for disturbance of either Potential Acid Sulfate Soils (PASS) or Acid Sulfate soils (ASS) during vegetation clearing and excavation of the wetland site.

Disturbance of these soils could impact on the water quality of Merimbula Lake, the primary receiving environment, with subsequent impacts to aquatic ecology and aquaculture.

An Acid Sulfate Soils Management Plan would be developed and included as part of the Construction Environment Management Plan to manage possible impacts including with the removal of the southern haul road. While the risk of disturbing acid sulfate soil is low, if disturbed appropriate measures to remove, cover and relocate contaminated soils are proposed, which would manage this risk in an appropriate way.

The applicant as part of Stage 1 construction utilised the northern end of the runway for the treatment of Acid Sulfate Soils. The applicant has detailed that for Stage 2 the construction proposes to undertake the similar construction methods as Stage 1.

Given that the site would be subject to future Climate change risks as described earlier in this assessment, it is considered appropriate to provide a time limited consent to ensure future risks associated with sea level rise identified in the EIS would not alter the construction requirements for Stage 2 and impact actions in the control and management of Acid Sulfate Soils.

### **PFAS (Per- and Poly-Fluorinated Alkyl Substances)**

There are two sites of low-level PFAS contamination at the airport from a history of firefighting and training exercises. These locations have been mapped and are not within the Stage 2 construction footprint and should not be disturbed. The Construction Environmental Management Plan would include mapping of PFAS “no go” areas with stop work and containment measures outlined if PFAS is detected.

### **Contamination Risk and Water Quality**

The EIS identified a risk of contamination to Merimbula Lake and associated wetland from a possible discharge of sediment-laden water from the site during construction. To manage this risk, runoff and wastewater from the site would be captured and treated prior to discharge. The EPA endorses this approach. Water quality would be treated to the levels and objectives developed to meet ANZECC water quality guidelines. The EIS has also committed to developing appropriate Soil and Water management plans prior to construction which would include water quality testing of the sediment basin and Merimbula Lake.

### **Traffic Impacts**

#### **Construction Vehicle Numbers, Access and Haulage**

Access to the construction site would occur via the airport’s main entrance at the intersection with Arthur Kaine Drive. Traffic studies concluded that the intersection would adequately accommodate the proposed construction traffic volumes and vehicles up to 8.8 metres in length, estimating up to 30 vehicle movements per hour during construction.

Modelling used peak holiday traffic data to identify the worst-case scenario. Construction traffic for the proposal would be a 3.2% increase to typical peak traffic movements along Arthur Kaine Drive. The increase is considered acceptable as there is sufficient capacity within the network.





Figure 1 – Google Map 2020 – Merimbula Airport intersection

Figure 4 – Location of Merimbula Airport Intersection and main entrance on Arthur Kaine Drive (SR: APPENDIX N TRAFFIC IMPACT STATEMENT)

## Traffic Management Plans and Haulage Routes

The applicant has committed to developing a Traffic Management Plan to manage associated road safety, consultation protocols, heavy vehicle movements and haulage routes. The plan is to be developed in consultation with Council's traffic management committee.

Haulage of construction materials and spoil would use the Princess Highway to travel both north to Sydney and south-west to Melbourne. Regarding local roads, a road dilapidation report would be produced prior to construction of Stage 2 and provided to the relevant road authorities. Traffic studies noted minimal impact by using the Toallo Street and Quondola Street intersection for haulage.

Transport for New South Wales considered that the above measures would appropriately manage construction traffic throughout the proposal.

## Increased operational traffic and parking

The operational traffic impact study identified that the proposed development would not adversely affect the performance or safety of the surrounding road network.

Traffic flow limitations are imposed on the airport by aviation regulators which limit the number of passengers allowed to arrive per plane dependent on the terminals size. These limits may be reviewed during future airport terminal expansions which would be subject to future development applications and assessment.

## Air quality

The EIS has considered potential air quality and odour impacts associated with construction and operation of the proposed development.

Construction of the runway extensions has the potential to impact local air quality due to dust generation as a result of the following activities:

- excavation and earthworks;

- vehicle movement on unpaved surfaces;
- movement of vehicles to and from the site;
- dust from uncovered stockpiled material;
- dust and particulates from transportation, spreading and compaction of materials; and
- emissions from diesel generators, heavy plant and other mechanical equipment.

Construction activities have the potential to impact on residences and tourist facilities within the area if not managed effectively. It is noted that standard mitigation measures are proposed and are adequate for activities of this scale. These include:

- dust suppression from water application during earthworks;
- ceasing dust generating works during periods of high winds where other measures are not effective at controlling dust;
- covering vehicle loads during transport;
- undertaking appropriate maintenance of vehicles and machinery; and
- committing to progressive rehabilitation and revegetation of disturbed areas.

The proposed mitigation measures would adequately control risks associated with air quality impacts for Stage 2.

Existing operational activities at the airport are likely to result in a minor and highly localised reduction in air quality due to aircraft and maintenance activities. The proposed Stage 2 extension is not likely to result in significant changes to these activities and aircraft emissions may have a minimal increase with the introduction of larger aircraft that would offset by fewer flights as they carry greater numbers. These changes to emissions are not likely to significantly affect air quality. Aircraft operators are required to self-regulate compliance with the *Air Navigation (Aircraft Engine Emissions) Regulations 1995*.

### **Hazard management**

The EIS includes a hazard management assessment. Emergencies and hazards are currently managed under the Merimbula Airport Aerodrome Manual which includes both the Merimbula Airport Emergency Plan and the Merimbula Airport Wildlife Hazard Management Plan. The requirement for an Aerodrome Manual and Emergency Plan is regulated by CASA. The Airport Emergency Plan is reviewed on an annual basis and regularly audited by CASA. Scenarios such as aircraft crashes and hazard material spills are also covered in detail under the Emergency Plan.

The assessment identifies the following as potential hazards which could occur within the airport during construction and operation and result in environmental impacts:

- aircraft crashes;
- hazardous materials emergency; and
- natural disasters such as flooding and fire

Construction of the proposal has the potential to impact on hazards. Risks associated with contamination related to hazardous materials, such as fuel spills, and flooding have been addressed in the soil, water and contamination section above.

The ongoing operation of the airport would continue to be managed in accordance with above plans and is not likely impact on the level of risk. It is noted that the Applicant has committed to continuing to implement the Merimbula Airport Aerodrome Manual during construction and operation, and the manual would be appended to the CEMP. In accordance with CASA's manual of standards, the Manual and Emergency Plan is updated yearly.

### **Compatibility with existing surrounding uses**

The EIS and SR have considered whether the proposed development is compatible with existing surrounding land uses. The site is currently surrounded by tourist and visitor accommodation, residential accommodation, commercial uses and aquaculture. Construction and operation of the

proposed development has the potential to impact on these surrounding land uses if not managed appropriately. This includes the impacts discussed above in relation to noise and vibration, visual impacts, air quality, traffic, soils, water quality, contamination and hazard management.

The Applicant's assessment of these issues and proposed mitigation measures are considered adequate to ensure that the proposed development would not result in significant adverse impacts to surrounding land uses. However, due to the unknown nature for the demand to construct Stage 2, it is recommended that a time limited approval be applied to ensure that changes in the built environment are appropriately considered to ensure impacts into the future can be managed.

## **SUBMISSIONS Section 4.15(1)(c)**

The application was advertised in accordance with the provisions of the EP&A Act and its Regulation 2000. The application was exhibited between 20 November 2019 until the 20 January 2020. As previously report to the Planning Panel, Council received 2 public submissions including one objecting to the proposal and the other providing comments. The submissions raised the following issues:

- concern for biodiversity impacts due to the proposed removal of coastal wetlands, TEC's and reduced habitat for terrestrial and aquatic species;
- concern for water quality impacts from disturbance of acid sulphate soils;
- concern for impact of noise pollution and exhaust discharge on health of residents;
- a runway extension is not required to accommodate jets;
- alternative sites should be investigated further;
- lack of consideration for climate change impacts;
- insufficient justification for the airport expansion;
- incorrect information about lake depths and tidal conditions in the EIS;
- importance of ensuring appropriate measures are implemented to ensure that construction does not contaminate the lake with acid sulfate soils;
- concerns regarding flow dynamics and siltation;
- recommended that mangroves be planted around the periphery of runway extensions to provide stability; and
- suggested that council consider opportunities to adjust car parking and traffic arrangements at the site.

The Applicant responded to the issues raised in submissions in the SR which were attached to the last report to the Planning Panel on the 12 May 2021. It is considered that the issues raised in submissions were reasonably addressed in the SR and supporting documentation. These issues have been considered throughout the assessment report.

Following receipt of the SR, the application was re-exhibited between 13 November to 11 December 2020. No submissions were received from members of the public during this time.

## **AGENCY SUBMISSIONS**

The application was referred to a number of State Agencies, for either concurrence or comment. Public submissions were provided to Integrated Development Authorities (DPI Fisheries and Heritage NSW) as required by Clause 61 of the EP&A Regulation 2000. A copy of all responses from State Agencies is included as Attachment 5.

State agency submissions are summarised below:

### **Civil Aviation Safety Authority (CASA)**

CASA previously noted that as the Certificate Holder for the Merimbula Aerodrome, Council is required to comply with applicable aviation regulations and standards for all aerodrome works and aerodrome infrastructure. CASA recommended that the principles of the National Airports Safeguarding Framework (NASF) be applied to the proposal.

There has been no changes to Certificate Holder for the Merimbula Aerodrome and no conditions are recommended.

### **Air Services Australia (ASA)**

ASA previously advised the proposed development would not require any changes to the existing flight procedures or take off and landing areas (thresholds) Therefore, ASA are not required to undertake a noise assessment.

Comment: The proposal would not change flights paths or thresholds.

### **DPIE – Crown Lands**

Crown Lands provided no objection to the proposed development however noted that the adjoining Crown Land (Lot 2196 DP 1204467) is a wetland and should not be impacted by the development.

Comment: The proposal would not cause any direct impacts to the adjacent lot owned by Crown Lands. Indirect impacts have been considered in the biodiversity and water quality sections above.

### **Environment Protection Authority (EPA)**

Comments previously issued by EPA noted that an Environment Protection Licence (EPL) is not required as no schedule activities, as outlined in Schedule 1 of the POEO Act, would be undertaken as part of the proposal. EPA noted that the EIS incorrectly stated that Council would be the regulatory authority for management of water quality on site. EPA is considered the appropriate regulatory authority as the works would be undertaken by Council and on Council owned land.

It is noted that the Applicant prepared a preliminary Soil and Water Quality Management Plan as part of the SR. A condition is recommended which requires the Applicant to prepare a revised Soil and Water Quality Management Plan and submit it to EPA and Council for endorsement prior to commencement of works for Stage 2. The management plan would need to detail how monitoring would be undertaken in regards management of turbidity and suspended solids.

### **Department of Primary Industries (DPI) Fisheries**

DPI Fisheries have provided revised GTA's and are included as Attachment 5 to this Report.

Comment: Compliance with the GTA's issued by DPI Fisheries has been included as a recommended condition of consent. A condition has also been recommended which requires the Applicant to revise the Biodiversity Offset Strategy and to submit a copy to Council following endorsement from BCD and DPI Fisheries. DPI Fisheries comments in relation to a bond or other financial agreement are acknowledged.

### **DPE BCD**

The revised BDAR has been reviewed by BCD who identified that the revision provides the assumed presence of certain species on-site without the necessary surveys to identify that the species are actually on the site. BCD detail that assuming presence is allowed under the Biodiversity Assessment Method (BAM) but is not recommended as it can lead to high offsetting costs for species that may not be there and BCD prefers actual surveys are undertaken to reduce costs to the proponent. BCD provided that there are no impediment for a determination of the modified BDAR with regards to the requirements of the BC Act.

The conditions recommended as part of the development consent are consistent with BCD's model conditions.

### **Heritage NSW**

Comments from Heritage NSW are provided in Attachment 5 to this report. An AHIP for the entire site has been issued for the entire site and is included in Attachment 2. It is considered impacts associated with Aboriginal Archaeology have been appropriately considered under the National Parks and Wildlife Act.

### **Transport for NSW**

No change to general Stage 2 works and no further comments were received from TfNSW. Traffic generation associated with the proposed development is limited to the construction phase. The EIS, SR and accompanying documents have assessed the impact of construction vehicles on local traffic conditions, as discussed earlier in the report.

## **Essential Energy**

Essential Energy previously had no comments to make as to potential safety risks arising from the proposed development. However, general safety procedures for working around electricity infrastructure were recommended.

## **NSW Rural Fire Service (RFS)**

RFS previously did not raise any concerns or provide comments in relation to the proposed development.

## **Public Interest Section 4.15(1)(e)**

Stage 2 is consistent with relevant legislation and environmental planning instruments applying to the land and its use. The impacts of Stage 2 have been assessed and are considered to address concerns raised by the public through the exhibition of the development application. The development is consistent with the relevant strategic plans and policies for Merimbula, and the broader Bega Valley Shire Council area, being central to economic growth and a key tourism driver to the area.

The proposed Stage 2 runway extensions would allow for future expansion of the airport to cater for larger aircraft when the demand arises.

Under the provisions of Section 4.15(1)(e), the determining authority is to have regard to the principles of ecologically sustainable development in cases where issues relevant to those principles arise. As detailed earlier in this report, the assessment has considered the justification and timing of the proposed Stage 2 runway extensions.

The timing of Stage 2 is ambiguous as the longer runway would only be required as passenger demand increases and therefore necessitate the need for larger aircraft. Given that the Airport has experienced fluctuating periods of growth and decline in visitor numbers over the past two decades, it is difficult to determine if and when the Stage 2 extension would be required.

The uncertainties surrounding timing make it difficult to accurately assess the impacts of the proposed development on the surrounding environment over time, and hence gauge the adequacy of the mitigation and management measures to be applied, especially having regard to issues associated with sea level rise, potential changes in the aviation industry and changes to surrounding land uses.

It is in the public interest to approve the development subject to a time limited approval to ensure that identified impacts detailed in the EIS, SR and additional information in response to the Deferral matters raised by the Panel at its meeting on the 7 May 2021 are met.

## **CONCLUSION**

The development application (2019.359) for Stage 2 has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the EP&A Act. The proposed development is permissible with consent and is reflective of the objectives of the SP2 Infrastructure – Air Transport Facility zone.

The development is generally consistent with the applicable provisions of the relevant planning instruments including SEPP (Coastal Management) 2018, SEPP (Primary Production and Rural Development) 2019, SEPP 55 – Remediation of Land and Bega Valley LEP 2013.

The development is appropriate with regard to the requirements and controls outlined in the Bega Valley DCP 2013.

NSW DPI Fisheries have provided updated GTA's for Stage 2 and Heritage NSW has issued a AHIP for the entire site which includes the area of the site proposed for the removal of the southern haul road. Therefore the proposed works complies with the provisions of the FM Act and the NPW Act, respectively.

The Stage 2 extensions are only required to cater for larger planes and when demand arises. To ensure that the identified impacts associated with the further extension of the runway can be achieved and removing uncertain environmental changes over time including issues associated with sea level rise and changes to the estuarine attributes of the Coastal wetland, including changes as a result of Stage 1 construction works, it is considered appropriate that the consent be time limited to five years after the removal of the southern haul road.



## **RECOMMENDATION**

It is recommended that Stage 2 of Development Application 2019.359 be approved pursuant to Section 4.16(4)(b) of EP&A Act subject to the draft conditions provided in Attachment 4.