

## Helping Our Community Prosper

Item: 11.02

Subject: **FINALISATION OF BIRDON MARINE WEST PLANNING PROPOSAL, DEVELOPMENT CONTROL PLAN AND VOLUNTARY PLANNING AGREEMENT**

Presented by: **Development & Environment Services, Matt Rogers**

### Alignment with Delivery Program

3.2.3 Facilitate growth in retail and commercial business through the provision of appropriately zoned land that meets the needs of sustainable business.

### RECOMMENDATION

That Council:

1. Pursuant to Section 58 of the Environmental Planning and Assessment Act, forward the planning proposal as exhibited, including the amendments specified in this report, to the NSW Department of Planning and Environment to finalise the amendment to Port Macquarie-Hastings Local Environmental Plan 2011.
2. Adopt the draft development control provisions, including the amendments described in this report, to commence on notification of the rezoning in No. 1 above.
3. Enter into the amended Birdon Planning Agreement relating to Lot 17 DP 1191370 (formerly part of Lot 2 DP 225413), Glen Ewan Road, Sancrox as attached to the report.

### Executive Summary

The purpose of this report is to consider the submissions received in response to the public exhibition of a planning proposal, supporting draft development control provisions and planning agreement, to rezone land on Glen Ewan Road to permit an expansion of marine-related industry adjoining the existing Birdon Marine operations and commercial wharf activities to the east.

The proposal seeks to build on the existing marine based industry and slipway infrastructure in the area and is supported in principle by the *Mid North Coast Regional Strategy 2009* and the *Port Macquarie-Hastings Urban Growth Management Strategy 2011* (UGMS). The UGMS identifies a number of key issues to be addressed in planning for an expansion of the existing marine industry.

In preparing the planning proposal, it was necessary from the outset for the proponent to clearly establish the relationship of proposed marine industry to Birdon's ongoing operations and to provide a concept for the ultimate, long-term development of the site, so that key issues such as vehicular access and traffic, flooding hazard, stormwater management, visual and local amenity impacts could be adequately assessed.

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In relation to the key issues identified in 2010, the following technical studies and documentation were received:

- Mar 2012 - development concept plan, stormwater management strategy and traffic impact study
- Mar 2013 - offer to enter into planning agreement to address highway access issues
- Jun 2013 - flood impact assessment
- Oct 2014 - noise and air quality assessment
- Jan 2015 - revised noise impact assessment
- Mar 2015 - endorsed planning agreement

The draft planning proposal was placed on public exhibition from 30 May to 27 June 2014 and from 30 January to 27 February 2015 following receipt of additional information.

A total of 20 submissions have been received to the public exhibition of the proposal with a range of issues raised including, traffic safety, flooding hazard, noise and air quality, site suitability and the like. Most commonly, the submissions relate to the potential for adverse amenity impacts to Glen Ewan Road residents as a result of future development. These issues have been reviewed, as discussed in this report.

The initial exhibition of the planning proposal resulted in the need for a more thorough review of noise impact assessment and changes have been made to the draft planning agreement. In addition, a number of changes have been made to the draft local environmental plan and draft development control provisions (DCP), including an increase to a proposed buffer width and additions to the DCP regarding air quality assessment.

Following consideration of the issues raised, including amendment and re-exhibition of the acoustic noise report for the proposal, it is recommended that Council endorse the exhibited planning proposal, adopt the development control provisions and enter into the planning agreement. Several amendments are proposed in response to the public exhibition periods as discussed in this report.

### Discussion

#### Background

In August 2007, Council resolved to prepare an amendment to the former *Hastings Local Environmental Plan 2001* to rezone rural land on the eastern side of the Pacific Highway to formalise the Birdon Group marine development operating on Lot 1 DP 225413 and to permit an expansion of future marine-related industry on adjoining land to the west, Lots 2 DP 225413 (now Lot 17 DP 1191370) and Lot 4 DP 225413.

Preliminary investigations had identified several key issues that needed to be resolved prior to rezoning Birdon's land on the western side of the highway. These issues included flooding hazard, highway access, visual amenity and local amenity impacts to adjacent residents.

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Under PMHLEP 2011, Lot 17 (formerly Lot 2) and Lot 4 are currently zoned RU1 Primary Production with a minimum subdivision lot size of 40 hectares.

Lot 17 has an area of approximately 3.9 hectares and is approved for sand processing and stockpiling (DA 208/98), office space within part of an existing dwelling (DA 561/99) and a storage and workshop shed for dredge equipment (DA 526/2004). Council's records indicate that this shed was commenced but is not yet constructed. It can be constructed without the need for rezoning or referral to the Roads and Maritime Services (RMS).

Lot 4 is a small (850 sqm) irregularly shaped property, which is physically separated from Lot 17 by Glen Ewan Road.

### Planning Proposal

A planning proposal has been prepared to rezone Lot 17 (the site) to Zone IN4 Working Waterfront as an amendment to PMHLEP 2011, to provide additional employment land for maritime-specific industries that genuinely require a location in close proximity to a waterfront.

Direct waterfront access to Lot 17 is proposed via the slipway and wharf facilities on the adjoining land to the east via an existing road access under the Dennis Bridge. The Glen Ewan Road frontage of the site, excluding existing vehicular access points, is proposed to be rezoned to Zone RU6 Transition, to a depth of 10 metres (m), to

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allow for future vegetative screen along the southern boundary to minimise visual impacts to adjacent residents. The proposal also provides for a reduction in the minimum subdivision lot size for the site from 40 hectares to 5,000 sqm.

Lot 4 has been excluded from the proposal because it is located to the south of the proposed buffer and has never been issued approval for use as part of Birdon's operations in the past.

In addition to the proposed PMHLEP 2011 map changes, amendments are proposed to the PMHLEP 2011 text to include the following:

- An additional zone objective to specify that any industry proposed in the IN4 zone requires direct waterfront access, or otherwise is to be associated with another industry that requires direct waterfront access.
- An additional local provision to reinforce the key objective of the IN4 zone, which is to conserve the limited amount of waterfront land that is available for marine-based industry to industries that genuinely require a location in close proximity to a waterfront.
- Additional land uses, 'Industrial training facilities' and 'wharf or boating facilities' as defined in the Dictionary to PMHLEP 2011, permitted with development consent in the IN4 zone .

The Department of Planning and Environment (DP&E) issued a Gateway Determination for preparation of the planning proposal on 18 November 2010. Subject to consultation with relevant State agencies and preparation of technical studies, the determination allowed Council to progress the proposal to public exhibition.

The Determination initially required that the proposal be finalised by the end of November 2011. However, due to protracted deliberations, consultations and negotiations in relation to preparation of the technical studies and planning agreement, it has been necessary to seek extensions to the timeframe for completion. The proposal is now proposed to be completed by the end of May 2015.

### Draft development control provisions

As reported to the Council meeting on 19 February 2014, draft development control provisions (DCP) have been prepared to provide site specific guidance for new marine-related industrial development on the site. These provisions primarily address acoustic and visual amenity issues of relevance to any future development on the site. If adopted, they will supplement the General and Development Specific provisions of the *Port Macquarie-Hastings Development Control Plan (PMHDCP) 2013*.

### Planning agreement

In consultation with the RMS, it has been determined that an upgrade of the Glen Ewan Road/Pacific Highway intersection is necessary to accommodate any increase in vehicular traffic associated with new maritime industry, until the new Pacific Highway upgrade to the west is completed and traffic volumes on the old Pacific Highway have subsequently decreased. To allow for a rezoning notwithstanding this constraint, the proponent has offered to enter into a planning agreement with Council to restrict development of the site until such time as the Pacific Highway deviation is finalised, or otherwise, the Glen Ewan Road intersection is upgraded.

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### Public Exhibition

The planning proposal, draft DCP provisions and planning agreement were placed on public exhibition from 30 May to 27 June 2014. A total of 16 submissions were received, including two submissions from State government agencies (Roads & Maritime Services and the Office of Environment & Heritage) and a petition objecting to the proposal signed by 17 people. The issues raised by residents relate mainly to the potential for adverse amenity impacts and in particular, the adequacy of the proponent's noise impact assessment to support a rezoning.

Having regard to the noise impact assessment concerns raised, the proponent commissioned a revised noise report and the planning proposal was amended to include this detail. In addition, a minor amendment was made to the proposed Land Zone map to formalise existing access points to the site off Glen Ewan Road.

The objectives and intent of the originally exhibited proposal did not change as result of the above minor amendments. However, it was decided to re-exhibit the planning proposal from 30 January to 27 February 2015 to provide an opportunity for the community and previously consulted government agencies to consider and comment on the amended proposal. As a result, four submissions were received from Glen Ewan Road residents who had previously lodged submissions.

Copies of the re-exhibited planning proposal, draft DCP and planning agreement are provided in **Attachments 1 to 3** to this report.

### Summary of Issues Raised

All issues raised in the submissions as a result of the exhibition periods are addressed in the table in the 'Community Engagement & Internal Consultation' section of this report. Copies of the submissions and the petition are provided in **Attachment 4**.

A common theme in the submissions is that there has been inadequate technical assessment of potential impacts such as noise, flooding hazard, air quality and traffic to support the proposal. Concerns over work practices at the existing Birdon Marine operation regarding sandblasting, painting, welding, fibre glassing, tributyltin (TBT) disposal, heavy steel fabrication and the like were also common issues. The concerns raised suggested that future expansion of marine-related industry on the western side of the Dennis Bridge would exacerbate existing environmental and local amenity impacts.

Key issues raised in the submissions are considered below.

- Issue No 1 - Noise impact

A *Noise and Air Quality Report 2013*, prepared for the proponent by Land Dynamics, formed part of the initially exhibited proposal and is attached to the planning proposal as Annexure 5. A desktop approach was used to assess potential noise impacts, taking into account the proponent's conceptual development layout, as shown over page.

Four rural-dwellings on the southern side of Glen Ewan Road were identified as the nearest residential noise receivers. The report notes that the nearest receiver is approximately 140 metres (m) from the closest shed. The RMS has since purchased the dwelling nearest to the future highway upgrade.

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No specific noise sampling was carried out. Background noise levels were assumed from a report prepared on behalf of the RMS by Wilkinson Murray (2010), to investigate likely road traffic impacts from the proposed Pacific Highway upgrade in the vicinity of the site.



The assessment also assumed:

1. minimal wind effects due to prevailing wind direction
2. negligible thermal inversions
3. negligible impact from reflective surfaces and ground effects
4. omission of tonality, impulsiveness, intermittency, irregularity or dominant low frequency noise on the basis that at rezoning stage, no specific development is proposed and therefore, no specific noise type is able to be designed for, and that
5. development would generally operate during the day.

The report concluded that the proposal is not expected to adversely impact on adjacent residents from a noise perspective.

Use of the Wilkinson Murray background noise levels left a level of uncertainty among residents concerning the validity of the findings and conclusions of the noise report. It was suggested that collection of the data during the week leading up to Christmas (17-23 Dec 2006) and the location of the noise logger near the existing Pacific Highway, artificially elevated background noise levels for Glen Ewan Road. It was also suggested that background noise levels would be lower when the new highway bridge is constructed (concrete with an asphalt surface for less road noise) and the steel Dennis Bridge becomes an off ramp to Port Macquarie with significantly reduced traffic volumes and noise.

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Concerns were also raised about potential errors in the assessment report regarding separation distances to the nearest residential receivers, the impact of prevailing winds, lack of assessment for transmission of noise from the proposed elevated building platform and hard surfaces (e.g. carpark), as well as the potential for the tunnelling of noise between the existing highway to the east and the future upgraded highway to the west.

Following a meeting with Council staff in July 2014, the proponent offered to commission a revised noise impact assessment to address the concerns raised.

A revised noise impact assessment report, prepared by Matrix Industries, was submitted in January 2015 and is attached to the planning proposal as Annexure 6. The report provides a more detailed noise assessment of the proposal as well as additional supporting information, including background noise modelling and analysis of enhanced noise transmission due to meteorological conditions.

As part of the investigation, a development scenario was assessed involving development in accordance with the concept plan with typical and 'worst case scenario' (i.e. abrasive blasting) activities being undertaken. The results show that it is possible, with some activities requiring relatively minor acoustic treatment, to meet acceptable noise criterion at the nearest residential boundaries (min of 85m to the closest shed).

A second scenario involved the above plus the hypothetical relocation of two existing Port Macquarie metal fabrication businesses to the site. This assessment also showed that development would comply with the relevant noise criterion. Submissions to the re-exhibited proposal raised concerns about the accuracy of the background noise levels in the Matrix report due to truck movements and other activity occurring in Glen Ewan Road during data collection related to work being undertaken by Lend Lease on the Pacific Highway upgrade. Photos of these activities, with dates/times, are attached to one of the submissions received. It is also suggested that the 2010 RMS data used for projected traffic noise in the report is out-of-date.

Issues raised reiterated the previously stated concern that noise levels would be lower when the new highway bridge is constructed and on this basis it was considered that the revised noise impact assessment is misleading. It was requested that noise modelling occur following completion of the new highway upgrade to allow for the collection of more accurate background noise data.

The submissions also disagree with the report findings that no significant noise impacts are anticipated as a result of noise transmission from hard surfaces (e.g. carparking) and the potential for funnelling and amplification of noise between the existing and future upgraded Pacific Highway.

### Planning comment:

The photos of construction activity submitted as a result of the re-exhibition appear to indicate that noise levels may have been greater than during a normal period when data collection occurred and that this could potentially undermine the revised noise report as a whole. It should be noted that some of the photos show activities which on 16 and 17 September 2014, however data from these days has not been included in the 10-day dataset of background noise monitoring used in the noise report.

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To check the veracity of the noise monitoring, Matrix Industries has prepared a sensitivity analysis on the background noise levels collected in the area. A copy of the analysis is provided as **Attachment No 5** to this report.

The analysis notes that the NSW Environment Protection Authority (EPA) *Industrial Noise Policy* (INP) requires seven days of noise monitoring to determine L90 background levels. In the noise impact assessment report, 10 days of noise monitoring were used which would give a more accurate result. The sensitivity analysis involved:

1. Removing the three days that had the highest maximum (L10) noise levels during the day period. The L10 descriptor only records the top 10% of the noise level and is a good indicator that there was noisy machinery operating in the area.
2. Removing the three days that had the highest L90 noise levels during the day period. The L90 descriptor is the level exceeded for 90% of the time period. This is the average minimum background sound level.
3. Using the seven day L90 noise data from the evening period when no workplace activity is occurring.
4. Using the seven day noise data recorded in 2006 at the exact same location by Wilkinson Murray on behalf of the RMS. There were no other industrial operations present in 2006 apart from Birdon.
5. Use the single lowest L90 noise level recorded during the day period and use this figure for the seven day period.

The analysis shows that in each instance listed above, the predicted noise from the two possible development scenarios presented in the original Matrix report, i.e. a four shed layout in addition to the already approved shed and a high noise development involving two existing Port Macquarie metal fabrication businesses relocating to the site, the normal industrial activities of these operations can satisfy the NSW INP noise criterion and would not be a source of offensive noise. Even using the quietest day as the basis for the noise assessment does not alter the conclusion of the original Matrix report.

The sensitivity analysis demonstrates that the five alternative background noise level assessment methods, each one more conservative than that used in the original report, would satisfy the criteria required in the NSW INP if the land were to be rezoned as proposed. The analysis concludes that the locality is dominated by high traffic noise using data collection periods when there was no Birdon activity, no one using the Lend Lease office and no construction activities.

Having regard to the above, it is not considered necessary or warranted to delay the rezoning proposal for additional background noise monitoring pending completion of the highway upgrade. The original Matrix report and sensitivity analysis has established that the expected noise level would be within acceptable limits. In addition, the provisions in the exhibited draft DCP require that specific acoustic assessment be carried out the subsequent development application (DA) stage when the highway upgrade is complete.

- Issue No 2 - Flooding hazard

Several submissions raised concerns about the potential for increased flooding hazard in the locality as a result of the proposed fill platform for future development.

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One submission in particular notes that over the years, huge amounts of fill has been added along the riverbank and under the Dennis Bridge which has impacted the escape of floodwaters in the area. It is requested that peer review of the Flood Impact Assessment be carried out to take into account the fill that has been added in past years without Council's consent, fill associated with the new highway and additional fill required to develop the site.

A submission from the NSW Office of Environment and Heritage (OEH) notes that flood impact modelling has been based on assumptions of preliminary concept designs for the Pacific Highway and fill on the site and recommends that Council consider the need for an updated flood impact assessment once bridge construction is complete but prior to any development consent, to confirm the validity of these assumptions.

### Planning comment:

The proponent's *Flood Impact Assessment and Flood Emergency Response Strategy*, prepared by Worley Parsons (2013), indicates that it is possible to fill part of the site above the 1:100 year flood, with negligible impact on flood heights and flow velocities in the locality. The flood modelling took into account design drawings of the new Pacific Highway bridge available at that time, together with ground surface levels based on 2005 contour data.

Council's flooding engineer has reviewed the latest design drawings for the new bridge and it would appear that Worley Parsons has modelled the current design.

With respect to fill, the proponent has advised that no fill has been placed along the riverbank in the vicinity of the Birdon properties, or under the Dennis Bridge. The area under the Dennis Bridge is a controlled access road and is inspected regularly by RMS. From time to time over the last two years, the RMS has operated a small site depot on the Crown Land accessed from Lot 17, next to the Dennis Bridge. Any of the alleged activities would have impeded RMS access, as well as been illegal.

It has also been advised that the nature and volume of material stored on the site has remained consistent over the last 10 years. As a normal part of the approved sand dredging and stockpiling business on the site, the quantity of material stockpiled around the sand plant has varied depending on the natural cycles of the business. In this same location, there is currently a stockpile of clean fill, which was on site at the time of the Worley Parson flood study and the volume has not increased since then. It is expected that if the rezoning is successful, the fill on the site will be incorporated into the proposed fill platform subject to engineering advice on its suitability at the time.

Any change to the location and/or height of the proposed fill platform presented in the flood study will require re-modelling and assessment prior to development. At this stage of the process, it is considered that the level of assessment undertaken by Worley Parsons is sufficient to support the proposal and a peer review is not necessary.

- Issue No 3 - Air pollution

Many of the residents' submissions raise concerns about air pollution from toxic waste materials such as toxic biocide tributyltin (TBT), paint and fibreglass resin

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being directed towards properties as a result of the prevailing winds, which are said to be north and north-easterly, not south-westerly as specified in the Land Dynamics Noise/Air Quality Impact Assessment report.

Concerns were also raised that separation distances from the nearest dwellings are inadequate compared to the Victorian and South Australian buffer requirements for maritime construction/working waterfront (300m), fibreglass resin works where production is greater than 250 tonnes per annum (250m), abrasive blasting (500m), surface coating spray painting (300m) and the like, as specified by Land Dynamics in the absence of any NSW guidelines.

Planning comment:

The Matrix noise report considered the wind rose from the Port Macquarie Airport, which is consistent with the advice in the submissions that the prevailing wind direction in the area, is from the northeast. The Land Dynamics report considered the wind rose from Hill Street which has more relevance to prevailing wind directions in the Port Macquarie urban area.

Notwithstanding this discrepancy, it is very difficult to predict air quality impacts at the rezoning stage when the specifics of development have not yet been determined. This issue would largely be dealt with the DA stage where the applicant is required to demonstrate that air quality impacts will not adversely affect nearby residents.

As the NSW EPA and OEH do not have guidelines in respect to separation distances, it is recommended that the exhibited draft DCP be amended to include an additional provision flagging that an assessment of air quality impacts is to be submitted at the time of applying for consent to develop the site.

- Issue No 4 - Vehicular access

A number of submissions have raised concerns about the safety of the Glen Ewan Road intersection for any further increase in traffic, particularly for trucks.

Planning comment:

Prior to public exhibition, the RMS raised concerns about the safety and efficiency of the Pacific Highway and any further intensification of development on the site (excluding the existing approved shed). The RMS highlighted the potential for impact on the safe operation of the Glen Ewan Road/Pacific Highway intersection due to its existing layout and proximity to the adjacent Hastings River Drive intersection.

The capacity for an upgrade of the Glen Ewan Road intersection to accommodate any increase in vehicular traffic was considered to be constrained until the future deviation to the new Pacific highway was completed and traffic volumes on the old Pacific highway subsequently decreased.

The RMS advised that they are supportive of the proposal, provided that an appropriate agreement is in place between the landowner and Council to restrict development of the site until the Pacific Highway deviation is completed. As previously noted, the proponent has offered to enter into a planning agreement with Council to address this issue. The planning agreement requires that no development occur on the site prior to completion of the Pacific Highway deviation, or otherwise,

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completion of an upgrade to the Glen Ewan Road intersection to the satisfaction of the RMS.

During the public exhibition, the RMS requested that a small number of amendments be made to the exhibited planning agreement. These minor amendments have subsequently been made and do not change the meaning or intent of the exhibited agreement. The amended planning agreement is provided as **Attachment 6** to this report, together with a list of the changes made.

The RMS provided advice that notwithstanding completion of the future Pacific Highway upgrade, the Glen Ewan Road intersection may still need to be upgraded to address any impacts on the safety and efficiency of the road network at the DA stage, subject to prevailing traffic conditions and the traffic generating characteristics of proposed development.

The RMS also noted that the deviation of traffic following completion of the future Pacific Highway Upgrade Project, may not in itself resolve all potential concerns regarding the safety and efficiency of the Glen Ewan Road, Pacific Highway and Hastings River Drive intersection. It is emphasised that this intersection will remain an important regional link carrying a significant volume of traffic between Port Macquarie and the upgraded Pacific Highway.

- Issue No 5 - Suitability of proposed IN4 zone

Several submissions question the suitability of the site for marine-related industrial development and the appropriateness of the proposed IN4 Working Waterfront zone given that the site does not have direct access to the Hastings River. The Sancrox Employment Precinct is considered to be a more suitable location for the proposal.

Planning comment:

The site has been included for investigation as marine-related industry in the *Port Macquarie-Hastings Urban Growth Management Strategy 2011* owing to its proximity to key marine infrastructure (i.e. commercial wharf & slipway) and the existing operations of Birdon Marine.

IN4 Working Waterfront is a specialised zone that provides for maritime-specific activities and complementary industries, which require direct waterfront access. Zone IN4 has a more limited range of permissible land uses compared to the other industrial land zones in PMHLEP 2011. The Sancrox Employment Precinct is zoned to permit a range of general and light industrial uses with no specific river access requirements.

As previously noted, direct waterfront access is proposed via the slipway and wharf facilities on the adjoining land to the east using an existing access road under the Dennis Bridge. The proponent has provided correspondence from the Department of Main Roads NSW, dated 17 March 1987, which indicates that this access arrangement has formal approval. A copy of the correspondence is attached to the planning proposal as Annexure 8.

It is proposed to include an additional zone objective and local provision in PMHLEP 2011 as part of the proposal, to ensure that any new industry proposed in Zone IN4 requires direct waterfront access, or otherwise is to be associated with another industry that requires direct waterfront access.

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- Issue No 6 - Impact on lifestyle and rural amenity

Many of the submissions comment that the proposal is not appropriate for the quiet, rural lifestyle of residents in the area and there is concern about the amenity impact on nearby dwellings.

### Planning comment:

As described under Issue 1 above, the amenity of residents on Glen Ewan Road is affected by existing highway noise. Nevertheless, the aim in preparing a planning proposal has been to ensure that there will be no additional significant impacts on the amenity of adjacent residents.

The proposed zoning scheme has been informed by the proponent's concept plan which shows future buildings contained to the northern area of the site with the closest shed 85m from the boundary of the four adjacent properties. The noise impact assessment indicates future development of the site can comply with the noise criterion of the *NSW Industrial Noise Policy*. In addition, a DCP requirement for more detailed noise and air quality assessment at DA stage will ensure that any potential for adverse impact from a noise and air quality perspective is considered in detail at the DA stage.

The visual impact of future development to adjacent residents is proposed to be ameliorated through the implementation of landscaping within a 10m wide RU6 Transition zone along the southern site boundary. In addition, vegetated areas to the north, east and west will screen development from the existing and proposed Pacific Highway, as well as the Hastings River. Requirements for provision of this screening are addressed in the draft DCP provisions.

### **Options**

The proposal seeks to expand existing marine based industry and slipway infrastructure in the area and is generally supported in principle by Council's strategic land use planning framework. Having regard to the issues described in this report, the following options exist:

1. Support the exhibited planning proposal, draft DCP and planning agreement, with amendments as discussed in this report.
2. Make changes to the planning proposal, draft DCP and planning agreement referred to in 1 above.
3. Defer consideration of the planning proposal, draft DCP and planning agreement.
4. Not support the planning proposal.

Following detailed consideration of the key issues, it is recommended that Council support option 1.

### **Community Engagement & Internal Consultation**

As previously noted, the planning proposal, draft DCP and planning agreement were placed on public exhibition from 30 May to 27 June 2014. Following receipt of a revised noise impact assessment and minor amendment to the Land Zone map to formalise the existing access points to the site, the proposal was re-exhibited from 30 January to 27 February 2015.

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The exhibition periods have included the following components:

- advertisement in local newspapers
- advice of the planning proposal, draft DCP and planning agreement on Council’s PMHC Listening website
- copies of the planning proposal, draft DCP and planning agreement at the Port Macquarie Customer Service Centre and the Wauchope and Laurieton Branch offices
- written notice of the proposal to relevant State government agencies and adjoining/adjacent landowners
- individual meetings with adjoining/adjacent residents upon request.

The key matters identified in the public submissions have been considered in the ‘Discussion’ section of this report. A summary of all submissions received and a planning response to the issues raised is provided below.

**Submission Nos 1 - 16: initial exhibition 30 May to 27 June 2014**

Submission		Issue
1.	Gordon Witherspoon	a. Inaccurate measurements regarding distances from our house and boundary to the proposed sheds with respect to noise. b. Cracking to our house due to heavy trucks entering and exiting the site. c. Funnelling and amplification of noise from future operations, particularly when the wind blows towards our house. d. Air pollution from toxic waste materials such as toxic biocide tributyltin (TBT) anti-fouling waste (a by-product from sand-blasting used to clean boat hulls) and fibreglass directed to our house. e. Filling the land for the proposed sheds, on acid sulfate soil, to a height above the 1:100 year flood level, will back flood waters up and cause a greater flooding impact for the surrounding area. f. My family and I live here for the quiet, safe rural lifestyle. What Birdon is proposing is not appropriate for this area, especially for young children, when there are designated areas close by for this type of activity.
	<b>Response/ Comment:</b>	a. Errors regarding separation distances in the initial noise impact assessment are considered in the report as part of <b>Issue No 1</b> . b. No evidence has been submitted to verify that any cracking is a consequence of development or use of adjoining land. c. The potential for noise tunnelling is considered in the report as part of <b>Issue No 1</b> . d. Air quality is considered in the report as part of <b>Issue No 3</b> .



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		<p>e. Flooding hazard is considered in the report as part of <b>Issue No 2</b>. With respect to acid sulfate soil, the planning proposal notes that the site is mapped as Class 3 land. For this land classification, PMHLEP 2011 requires that development consent be obtained for any works more than 1m below the natural ground surface, or for works by which the watertable is likely to be lowered more than 1m below the natural ground surface. This issue would be assessed at the DA stage.</p> <p>f. Impact on lifestyle is considered in the report as part of <b>Issue No 6</b>.</p>
2.	Jess Witherspoon	Issues raised as per submission No 1.
	<b>Response/ Comment:</b>	Comments as per <b>submission No 1</b> .
3.	Kerry Witherspoon	Issues raised as per submission No 1. Concerns also raised that sufficient or accurate noise testing has not been carried out to support the proposal.
	<b>Response/ Comment:</b>	Comments as per <b>submission Nos 1 and 2</b> .
4.	Emma Francis	Issues raised as per submission Nos 1 to 3.
	<b>Response/ Comment:</b>	Comments as per <b>submission Nos 1 to 3</b> .
5.	Shane Francis	Issues raised as per submission Nos 1 to 4.
	<b>Response/ Comment:</b>	Comments as per <b>submission Nos 1 to 4</b> .
6.	Darrell Stout	Issues raised as per submission Nos 1 to 5.
	<b>Response/ Comment:</b>	Comments as per <b>submission Nos 1 to 5</b> .
7.	John Waldron	Issues raised as per submission Nos 1 to 6.
	<b>Response/ Comment:</b>	Comments as per <b>submission Nos 1 to 6</b> .
8.	Elizabeth Doyle	<p>Truck access on Glen Ewan Road will be a safety hazard and is likely to cause damage to the road surface. Will Birdon Marine wear the cost of future road maintenance?</p> <p>Other concerns raised are as per issues <i>c) noise tuning, d) air pollution, e) flooding and f) impact on rural lifestyle</i>, in submission Nos 1 to 7.</p>
	<b>Response/ Comment:</b>	Truck access is considered in the report as part of <b>Issue No 4</b> . Any requirement for future road maintenance would be assessed



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		at the detailed DA stage and have regard to the proposed land use and likely traffic generation.  In relation to all remaining issues comments are as per the response to issues (c), (d), (e) and (f) in <b>submission Nos 1 to 7.</b>
9.	Peter Doyle	Issues raised as per submission No 8.
	<b>Response/ Comment:</b>	Comments as per <b>submission No 8.</b>
10.	George Waldron	Concerns raised as per issues in submission Nos 1 to 9 - <i>d) air pollution, e) flooding and f) impact on rural lifestyle.</i>
	<b>Response/ Comment:</b>	Comments as per <b>submission Nos 1 to 9.</b>
11.	George Waldron	<p>The submission notes that over the past years huge amounts of fill have been added along the riverbank and under the existing Dennis Bridge which have impacted on the escape of floodwaters in the locality. The concern is that additional fill for the site could be catastrophic to houses and properties on Glen Ewan Road in the event of flooding.</p> <p>A peer review of the Flood Impact Assessment is requested with such to take into account the fill that has been added in past years without Council consent, the new highway with walls of up to 5 metres across the floodplain, and the proposed additional fill required to develop the site. It is noted that several factors will impact on flooding in the area, all of which need to be considered in the peer review process.</p>
	<b>Response/ Comment:</b>	Flooding hazard is considered in the report as part of <b>Issue No 2.</b>
12.	Joanna & Jeffrey Lutze	<p>a. Concerns raised as per issue (a) in submission Nos 1 to 7 - <i>separation distance errors in the initial noise report.</i></p> <p>b. Data used to establish background noise levels is not a true example of a yearly average because it is dated and collected during the busiest time of year (17-23 Dec 2006).</p> <p>c. Noise will travel across the car parking area but the noise impact assessment does not include consideration of this issue.</p> <p>d. Ground effects have not been included in any noise calculations. Due to the flat terrain and few trees, sound will travel.</p> <p>e. Concerns raised as per issue (b) in submission Nos 1 to 7 - <i>structural damage to nearby dwellings as a result of truck movements.</i></p> <p>f. It is misleading to suggest in the noise report that future buildings will be used for light steel fabrication.</p>



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		<p>The sheds will be used for heavy steel fabrication - sandblasting, grinding steel, cutting steel, hammering steel and spray painting. The doors of the sheds will not always be closed and sound will escape.</p> <ul style="list-style-type: none"> <li>g. Concerns raised as per issue (c) in submission Nos 1 to 7 - <i>noise tunnelling</i>.</li> <li>h. The noise/air quality report mentions that the wind mainly comes from the south and south-west, which is incorrect, as the prevailing wind is from the north-east and this will blow sound, noise, paint and fibreglass resin directly at adjacent households.</li> <li>i. The air quality assessment notes that the Victorian EPA suggests a separation distance of 250m for fibreglass resin activities, where production is greater than 250 tonnes per annum, and that this type of activity would occur in the shed closest to the Dennis bridge. This shed will be less than 250m from residents and fibreglass resin has the potential to become trapped between the Dennis Bridge and new highway abutment and blown towards households. The distance recommended for maritime construction is 300m. What are the NSW EPA separation distances?</li> <li>j. No street or other form of lighting exists on Glen Ewan Road. Having towers security lighting to light up the carpark and other facilities will illuminate the whole area, with the headlights of cars and trucks headlights pointed directly at adjacent residents.</li> <li>k. Why is a Working Waterfront zone proposed when the site does not have direct access to the Hastings River?</li> <li>l. The site is contaminated by toxic soil (toxic biocide tributyltin, or TBT anti-fouling waste which is a by-product from the sand-blasting process used to clean boat hulls contaminating the water, fish, oysters and people.</li> <li>m. Adjacent residents are well within the SA recommended buffer areas for working waterfront (300m), fibreglass resin works (250m), abrasive blasting (500m), surface coating spray painting (300m), steel fabrication, grinding and hammering steel.</li> <li>n. My front boundary is 9.5 m west side and 10.5m east side from Birdon's front boundary and separated only by Glen Ewan Road. The distance for an industrial area to residential housing is too close.</li> <li>o. The existing highway and Dennis Bridge will only be an off-road to Port Macquarie from the new highway with very little traffic when the new highway is constructed. The sound readings were directed at the east of the Dennis Bridge and existing Pacific</li> </ul>
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		<p>Highway but the new bridge and highway is to the west.</p> <p>a. Most of the traffic noise is generated by cars changing down gears and trucks slowing down using their exhaust brake from 100km to 80km per hour as they approach the Dennis bridge. The Dennis Bridge is a steel bridge and rattles when trucks travel over it. The new highway upgrade bridge is a concrete bridge with the spans sitting on large rubber blocks to absorb vibration and the road base is asphalt and has been designed for less road noise. Cars and trucks will be travelling at 100km/hr there will be no need to change down in gear, which means less noise and vibration. Cars and truck passing by is only a fleeting sound a few seconds, not a constant sound from a sandblaster or grinding metal.</p> <p>p. The concept plan shows two dams for holding stormwater runoff. In a flood prone area this would be a real problem, contaminating the Hastings river, let alone all the other toxic materials leaching out of the sheds and surrounding areas that could float down river in a flood.</p> <p>q. Concerns raised as per issue <i>f) impact on rural lifestyle</i>, in submission Nos 1 to 10.</p> <p>r. Concerns raised as per issue <i>e) flooding</i>, in submission Nos 1 to 10.</p> <p>s. Truck access on Glen Ewan Road will be and is currently a potential hazard.</p> <p>t. Glen Ewan Road residents bought here for a rural lifestyle and to raise children. The proposal for industrial rezoning and heavy industry would make this a toxic environment for all residents of the area, especially children. This proposal offers no benefit to the immediate residents, coupled with the road works exacerbates the toxicity.</p> <p>u. The Sancrox Employment Precinct is a more suitable location for the proposal and only a short distance south of the proposed site.</p>
	<p><b>Response/ Comment:</b></p>	<p>a. Comments as per submission Nos 1 to 7.</p> <p>b. Noise impact is considered in this report as part of <b>Issue No 1</b>.</p> <p>c. As above.</p> <p>d. As above.</p> <p>e. Comments as per submission Nos 1 to 7.</p> <p>f. Noise impact is considered in this report as part of <b>Issue No 1</b>.</p> <p>g. Comments as per submission Nos 1 to 7.</p> <p>h. The prevailing wind in the area is considered in this report as part of <b>Issue No 3</b>.</p>



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		<ul style="list-style-type: none"> <li>i. Air quality issues and EPA requirements are considered in this report as part of <b>Issue No 3</b>.</li> <li>j. The impacts of any proposed outdoor lighting would be assessed at the detailed DA stage. The exhibited draft DCP requires external and security lighting to be shielded to avoid light spillage to adjoining and adjacent dwellings.</li> <li>k. Application of the IN4 zone is considered in the report as part of <b>Issue No 5</b>.</li> <li>l. Extensive soil and groundwater contamination tests on Birdon's land and the adjoining Crown land were carried out by the EPA in response to Birdon's disposal of toxic TBT. Clean Up Notices were subsequently issued for the mouth of the slipway and surrounds on the eastern side of the Pacific Highway/Dennis Bridge and Birdon has since removed the contaminated material from these areas in accordance with EPA's requirements. None of the material removed as a result of the EPA's Clean Up Order has been placed onto the subject site.</li> <li>m. Air quality issues and EPA requirements are considered in this report as part of <b>Issue No 3</b>.</li> <li>n. Amenity impacts to adjacent residents are considered in this report as part of <b>Issue No 6</b>.</li> <li>o. Noise impacts are considered in this report as part of <b>Issue No 1</b>.</li> <li>p. The planning proposal includes consideration of the proponent's <i>Total Water Cycle Management Plan</i>, prepared by Land Dynamics (2012), which indicates that a stormwater treatment train comprising rainwater tanks, bio-retention swales and an end-of-line wetland is able to be accommodated on-site and exceed Council's AUSPEC Stormwater requirements. Council's stormwater drainage engineer has advised that the recommendations of the Plan regarding requirements for a future maintenance plan, demonstrate an understanding of the working of the proposed systems and commitment to on-going maintenance and performance. A detailed stormwater management plan will be required at the time of applying to develop the site.</li> <li>q. Comments as per submission Nos 1 to 10.</li> <li>r. As above.</li> <li>s. Truck access to the site is considered in the report as part of <b>Issue No 4</b>.</li> <li>t. The impact on the rural amenity and lifestyle of existing residents is considered in the report as part of <b>Issue No 6</b>.</li> <li>u. The suitability of the site relative to the Sancrox Employment precinct for the proposal is considered in the report as part of <b>Issue No 5</b>.</li> </ul>
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13.	Peter & Lynne Morris	<p>Issues raised as per submission No 12.</p> <p>In addition the submission notes that during the last flood in 2013, flood waters flowed across that area of the site proposed for the stormwater detention entered the house on the other side of Glen Ewan Road.</p> <p>It is also noted that the open stormwater drain which has been redirected by Birdon, acts as a channel for water to cross over Glen Ewan Road and into adjacent houses.</p>
	<b>Response/ Comment:</b>	<p>Comments as per <b>submission No 12.</b></p> <p>With respect to localised flooding any open drains and/or requirement for upgraded culverts and the like will be sized at the detailed DA stage.</p>
14.	Robert & Anne Gilligan	<p>Issues raised as per submission Nos 12 and 13.</p>
	<b>Response/ Comment:</b>	<p>Comments as per <b>submission Nos 12 and 13.</b></p>
15.	NSW Office of Environment & Heritage	<p>a. Submission requests further consideration is given to the impact of allowing direct waterfront access via the Crown Reserve adjoining the site.</p> <p>b. An assessment of aboriginal heritage should be undertaken to support the findings of the Aboriginal Heritage Information Management System search. Careful consideration should be given to the potential adverse direct and indirect impacts on the biodiversity and Aboriginal cultural heritage values of the Crown reserve and estuary that could arise from future development of the site.</p> <p>c. Flood impact modelling provided in the Worley Parsons report is based on assumptions of preliminary concept designs for the Pacific Highway and fill on the proposed site. As sensitivity of flood impacts to these assumptions can be significant in floodway areas, OEH recommend that Council considers the need for an updated flood impact assessment once bridge construction is complete and prior to any development consent to confirm the validity of the preliminary assumptions.</p>
	<b>Response/ Comment:</b>	<p>a. This matter has since been discussed with the author and clarification provided that no new water accesses over the adjoining Crown land to the north are proposed. The Crown land will retain its current E2 Environmental Conservation zoning.</p> <p>b. An inspection of the site has since been carried out by an officer of the Birpai Local Aboriginal Land Council and correspondence provided raising no objection to the proposal. A copy of the correspondence is attached to this report as</p>



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		<p><b>Attachment No 7.</b></p> <p>c. Flooding hazard is considered in the report as part of <b>Issue No 2.</b></p>
16.	NSW Roads & Maritime Services	<p>a. A small number of minor amendments are requested to the exhibited planning agreement.</p> <p>b. RMS emphasise that the deviation of traffic following completion of the future Pacific Highway Upgrade Project, may not in itself resolve all potential concerns regarding the safety and efficiency of the Glen Ewan Road, Pacific Highway and Hastings River Drive intersection. It is stressed that this intersection will remain an important regional link carrying a significant volume of traffic between Port Macquarie and the upgraded Pacific Highway.</p> <p>c. Advice provided that any future development applications (DAs) should consider the prevailing traffic conditions and any proposed traffic generation as part of the DA process. It is also noted that appropriate measures may be required to address any impacts on the safety and efficiency of the road network.</p> <p>d. Submission flags that the current use of areas under the Dennis bridge for vehicle parking and storage of machinery may be considered an inappropriate use of Council’s road reserve and may cause undue risk to RMS’s bridge asset. RMS suggests further consideration of this issue in consultation with Council and Birdon Marine to determine a way forward.</p>
	<b>Response/ Comment:</b>	<p>a. Amendments to the exhibited planning agreement are considered in the report as part of <b>Issue No 4.</b></p> <p>b. Noted.</p> <p>c. Noted.</p> <p>d. Agreed.</p>

**Submission Nos 17 - 20: re-exhibition 30 Jan to 27 Feb 2015**

Submission	Issue
17. Joanna & Jeffrey Lutze	<p>a. The background noise levels reported in the revised Noise Impact Assessment are inaccurate because they were collected during a noisy period when construction work on the new highway was in progress with a lot of truck movements and other activity occurring along Glen Ewan Road. Photos of these activities with dates/times are attached to this submission.</p> <p>b. The Matrix report is misleading as the data collected is not giving a true indication of what noise will be</p>



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		<p>once the new highway is constructed. The RMS has advised that the new highway will create less traffic noise and there will be very little traffic on the existing highway and Dennis Bridge as this road will only be an off ramp to Port Macquarie.</p> <p>c. The data for projected traffic noise that is used in this proposal was from 2010 RMS Traffic and Transport Projects. These are not current to what is happening with the Pacific Highway upgrade in 2015.</p> <p>d. Birdon Marine is under a clean-up order from the EPA for their land, including the subject site. However, there is no risk management policy for contaminated soil that contains TBT/Organothin waste as part of the planning proposal.</p> <p>e. The revised noise impact assessment does not talk about distances to the four houses directly affected by this proposal.</p> <p>f. In the absence of NSW guidelines, the Air Quality Assessment report used guides from Victoria and South Australia for determination of buffer distances. Table 9 (p36) clearly shows Marine Construction Works need to have a buffer zone of 300m to the closest receiver. The distance from Birdon’s boundary fence to 19 Glen Ewan Road’s front fence is only 9.5 to 10.5m with a single lane road dividing the properties.</p> <p>g. The proposed car park located between the noise generators and the receivers does have the potential to reflect noise and allow sound to travel. This area will be used for trucks, forklift and storage and is only 15.5m from the edge of the car park to the front fence of 19 Glen Ewan Road.</p> <p>h. The RMS advised Council by letter dated 22/8/13 that in the interest of road safety any further development of the site resulting in additional traffic generation should be constrained until such time as a suitable alternative is identified and/or the Pacific Highway Upgrade Project is completed. There is no agreement made with the RMS on this dangerous complex intersection on when, or if, this intersection will be upgraded.</p> <p>i. The highway upgrade from the southern abutment of the Hastings River to the Fernbank Creek Bridge will be solid fill. The southern abutment of the Dennis Bridge is solid fill as well. If the ground level of the subject site is raised this will cause a plug and stop the flood water from escaping back into the Hastings River. This will increase the flood levels to the four houses between the two bridges, the flood water will</p>
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		<p>be trapped.</p> <p>j. The Sancrox Employment Precinct is a more suitable site for the proposal. The houses on Glen Ewan Road were built in the 1970s, years before Birdon Marine's slipway was in operation. Maybe they should have been looking for a more appropriate site in the first place.</p> <p>k. There is a question as to validity of working waterfront for the site, as there is no waterfront access to the site. RMS correspondence to Council indicates that no consent has been issues for access from the site under the Dennis Bridge to Lot 1 (Controlled Access Road).</p> <p>l. A reasonable person would question why is this land rezoning proposal is being pushed through Council. The only conclusion I can think of is that the new Pacific Highway upgrade and new Hastings River Bridge will be far quieter, hence the noise impact study will be outdated and inaccurate in approximately 2 years time and will not comply with the Noise Impact Assessment guidelines.</p>
	<p><b>Response/ Comment:</b></p>	<p>a. Noise impact is considered in this report as part of <b>Issue No 1</b>.</p> <p>b. As above.</p> <p>c. From discussions with the Community Relations Manager of the Oxley Highway to Kundabung - Pacific Highway upgrade, it is understood that as part of the Environmental Assessment for the highway upgrade, the RMS is required to report on operational noise both during the design phase and following completion of the works. It has been advised that a report on the latest design has been prepared and is currently being reviewed by the RMS. However, this information is not yet publicly available. The data included in the Matrix report is the latest available information on projected noise levels for the proposed highway upgrade.</p> <p>d. As per comments to issue (l) in <b>Submission No 12</b>.</p> <p>e. The Matrix report indicates that the nearest residential receiver is 85m from the closest shed shown on the proponent's concept plan.</p> <p>f. The issue of buffer distances as specified in the Land Dynamics air quality assessment is considered in the report as part of <b>Issue No 3</b>.</p> <p>g. This matter is considered in the report as part of <b>Issue No 1</b>. It should be noted that the omission of sound transmission from the flat surfaces such as the car parking area shown on the proponent's concept plan was raised during the initial exhibition and was factored into the revised Matrix Industries report. Any impact is expected to be negligible.</p> <p>h. The adequacy of the Glen Ewan Road intersection is considered in the report as part of <b>Issue No 4</b>.</p>



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		<ul style="list-style-type: none"> <li>i. Flooding is considered in the report as part of <b>Issue No 2.</b></li> <li>j. The suitability of the site relative to the Sancrox Employment precinct for the proposal is considered in the report as part of <b>Issue No 5.</b></li> <li>k. Application of an IN4 zoning for the site is considered in the report as part of <b>Issue No 5.</b></li> <li>l. As noted earlier, noise issues are considered in the report as part of <b>Issue No 1.</b></li> </ul>
18.	George Waldron	<ul style="list-style-type: none"> <li>a. Pollution and toxic waste materials from the sand-blasting process contaminating the land, water and fish. Toxic air pollution will travel in the wind directly to my grazing land and house.</li> <li>b. The intersection to Glen Ewan Road is dangerous. Any further traffic increase would be a danger to my family and other residents.</li> <li>c. Raising the height of the land for the sheds, on acid sulphate soil to a height above the 100 year flood, will back the water up and cause a greater flood impact for the surrounding area.</li> <li>d. The sound testing was carried out whilst the road works were in progress.</li> <li>e. The configuration of the area will change when the Pacific Highway upgrade is complete.</li> <li>f. Subdividing the site for more marine related business in a rural area will have a massive impact on the community of Glen Ewan Road. I do not believe this is in the best interests of the residents of Glen Ewan Road.</li> <li>g. I live here for the quiet and rural lifestyle and what Birdon is proposing is not appropriate for the area. There is designated area close by at Sancrox Employment Precinct for this sort of activity.</li> </ul>
	<b>Response/ Comment:</b>	<ul style="list-style-type: none"> <li>a. Air quality issues are considered in the report as part of <b>Issue No 3.</b></li> <li>b. The adequacy of the Glen Ewan Road intersection is considered in the report as part of <b>Issue No 4.</b></li> <li>c. Flooding hazard is considered in the report as part of <b>Issue No 2.</b></li> <li>d. Noise issues are considered in the report as part of <b>Issue No 1.</b></li> <li>e. Noted.</li> <li>f. The expected impact on the rural amenity and lifestyle of existing residents is considered in the report as part of <b>Issue No 6.</b></li> <li>g. The suitability of the site relative to the Sancrox Employment precinct for the proposal is considered in the report as part of <b>Issue No 5.</b></li> </ul>



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19.	John Waldron	<ul style="list-style-type: none"> <li>a. Noise issues raised as per issue (b) in submission 17. It is also suggested that noise impact testing in the area should be carried out for the proposal when the highway upgrade is complete.</li> <li>b. Noise funnelling impact due to the highway upgrade.</li> <li>c. Safety hazard of the Glen Ewan Road intersection.</li> <li>d. Insufficient or inaccurate noise impact data. Testing was carried out whilst the road works were in progress.</li> <li>e. Air quality impact as a result of pollution and toxic waste materials from the sand-blasting process contaminating the land, water and fish. Toxic air pollution will travel in the wind directly to my house and neighbouring houses.</li> <li>f. Worsening of flooding impact in the locality.</li> <li>g. Adverse impact of rural lifestyle and amenity.</li> <li>h. The proposal is better suited to the Sancrox Employment Precinct.</li> </ul>
	<b>Response/ Comment:</b>	<ul style="list-style-type: none"> <li>a. Noise impact is considered in this report as part of <b>Issue No 1</b>.</li> <li>b. The Matrix Industries Noise Impact Assessment report assessed the potential for tunnelling of noise to occur as a result of the new highway and concluded that there are no tunnelling effects, now or after the highway upgrade.</li> <li>c. The adequacy of Glen Ewan Road is considered in the report as part of <b>Issue No 3</b>.</li> <li>d. Noise impact is considered in this report as part of <b>Issue No 1</b>.</li> <li>e. Air quality issues are considered in the report as part of <b>Issue No 3</b>.</li> <li>f. Flooding hazard is considered in the report as part of <b>Issue No 2</b>.</li> <li>h. The expected impact on the rural amenity and lifestyle of existing residents is considered in the report as part of <b>Issue No 6</b>.</li> <li>g. The suitability of the site relative to the Sancrox Employment precinct for the proposal is considered in the report as part of <b>Issue No 5</b>.</li> </ul>
20.	Peter & Lynne Morris	<ul style="list-style-type: none"> <li>a. Noise issues raised as per issue (a) in submission 18.</li> <li>b. Worsening of flooding impact in the locality.</li> <li>c. The 5m tree screen proposed for the Glen Ewan Road frontage is in the middle of a large drainage channel.</li> <li>d. Noise funnelling impact due to the highway upgrade.</li> <li>e. Toxic waste materials from the sand-blasting process</li> </ul>



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		<p>used to clean boat hulls contaminating the river.</p> <p>f. Safety hazard of the Glen Ewan Road intersection.</p> <p>g. Adverse impact of rural lifestyle and amenity.</p> <p>h. The proposal is better suited to the Sancrox Employment Precinct.</p>
	<p><b>Response/Comment:</b></p>	<p>a. Noise concerns are considered in the report as part of <b>Issue No 1.</b></p> <p>b. Flooding hazard is considered in the report as part of <b>Issue No 2.</b></p> <p>c. The width of the proposed RU6 Transition zone required for vegetative screening along the Glen Ewan Road is proposed to be increased from 5m to 10m. This width is clear of the drainage channel at the western end of southern site boundary.</p> <p>d. Noise tunnelling is addressed in the Matrix report as noted in the response to issue (b) in <b>submission No 19.</b></p> <p>e. The onus would be on the applicant at the DA stage, to demonstrate that any toxic waste materials (if any) would be disposed of in an appropriate manner.</p> <p>f. The Glen Ewan Road intersection is considered in the report as part of <b>Issue No 4.</b></p> <p>i. The expected impact on the rural amenity and lifestyle of existing residents is considered in the report as part of <b>Issue No 6.</b></p> <p>g. The suitability of the site relative to the Sancrox Employment precinct for the proposal is considered in the report as part of <b>Issue No 5.</b></p>

All persons who lodged submissions and signed the petition have been notified that the matter is being considered at this Council meeting and given the opportunity to address Council on any issues relating to the proposal.

**Planning & Policy Implications**

The expansion for marine industry is supported in principle in the *Port Macquarie-Hastings Urban Growth management Strategy 2011* subject to consideration of related issues, as described in this report.

Council does not have delegation to progress the planning proposal to finalisation. If Council decides to endorse the proposal, it will be reported to the DP&E pursuant to section 58 of *Environmental Planning and Assessment Act 1979* for finalisation by the Planning Minister.

The proposed amendment to the exhibited Land Zone map to increase the width of the RU6 Transition buffer post-exhibition, does not alter the intent or objectives of the exhibited proposal and is not expected to require the issue of an amended Gateway Determination or re-exhibition.



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As noted in the 'Discussion' section of this report, an amendment to the exhibited draft DCP is proposed to include a provision to specify that:

- Prior to carrying out any development on the site, an air quality assessment is to be prepared by a suitably qualified and experience person with reference to relevant legislation and guidelines, to demonstrate that development will be carried out in a way that prevents and/or mitigates any air pollution generated by the development and that all practicable measures are implemented to minimise any off-site odours and emissions generated by the development.

In addition, a small number of minor changes are required to the exhibited DCP to improve sentence structure. These changes do not alter the intent or meaning of the originally exhibited draft DCP. If adopted, the DCP will supplement the provisions of PMHDCP 2013 and become a matter for consideration in the assessment of development applications for the site.

### Financial & Economic Implications

The preparation of the planning proposal and draft DCP has been carried out by Council's Strategic Planning section in consultation with other sections of Council and the DP&E.

Fees to prepare the planning proposal, the planning agreement and support studies have been funded by the proponent and assessed by staff from relevant sections within Council.

The site was identified as an investigation area for future marine-related industry in the *Port Macquarie-Hastings Industrial land Strategy 2007* and the *Port Macquarie-Hastings Urban Growth Management Strategy 2011* both of which included supply and demand analysis for marine-related employment lands in the local government area. The proposal is expected to have a positive economic effect through increased local employment opportunities and impetus for the regional economy.

### Attachments

- 1 [View](#). Re-exhibited planning proposal
- 2 [View](#). Exhibited draft development control provisions
- 3 [View](#). Exhibited planning agreement
- 4 [View](#). Public submissions and petition
- 5 [View](#). Matrix Sensitivity Analysis
- 6 [View](#). Amended planning agreement and list of changes
- 7 [View](#). Birpai correspondence