

**JOINT REGIONAL PLANNING PANEL  
(HCC Region)**

<b>JRPP No</b>	<b>JRPP Reference Number</b>
<b>DA Number</b>	16-2011-226-1
<b>Local Government Area</b>	Port Stephens
<b>Proposed Development</b>	Aircraft Hanger /Office Space/Carparking
<b>Street Address</b>	57 Slades Road, Williamtown
<b>Applicant/Owner</b>	Applicant: Insite Planning Services Owner: Port Stephens Council and Newcastle Council
<b>Number of Submissions</b>	One
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Leonard Allen, Senior Development Planner

# Development Assessment Report

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## 1.0 APPLICATION DETAILS

Application no:	16-2011-226-1
Property:	57 Slades Road WILLIAMTOWN
Lot & DP:	LOT: 21 DP: 1053667
Description of development:	Aircraft Hanger / Office Space / Car Parking
Applicant:	INSITE PLANNING SERVICES PTY LTD
Date lodged:	30/03/2011
Present use:	Vacant land
Zoning:	5(a) - DEFENCE PURPOSES
Issues:	Aircraft Noise, Traffic, Drainage
Submissions:	One
Recommendation:	Approve
Integrated development:	Nil

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## 2.0 THE PROPOSAL

The development application seeks approval for a private aircraft hanger on the subject site. The subject site is located within the Newcastle Airport Precinct. The aircraft hanger is proposed to contain the following elements;

- Outdoor parking, undercover parking and indoor parking for 28 vehicles.
- A two storey hanger with attached departure lounge with kitchenette and toilet facilities.
- Ground level reception area including, Workshop/maintenance area, Loading bay and storage areas, Toilet facilities, Office Areas with private lounge and kitchenette, Laundry and reception waiting area.
- Second Storey level including, 2 x Flight Crew Offices, Bathroom Facilities, Parts Storage Area, Lunch Room, Meeting Room, Office Space and File Storage Area.

The hanger will be privately operated, used for parking and storage of aircraft. The development will allow private charters with plane movements dependant upon prior arrangements. No mechanical maintenance or fuelling of aircraft are proposed to occur in the hanger.

It is anticipated that there will be 2-3 part time employees working from the hanger with additional space provided to accommodate 10-15 people in the longer term with a mix of full time and part time employees.

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### **3.0 THE SITE AND SURROUNDING AREA**

#### **3.1 The Site**

Area	5,005m <sup>2</sup>
Dimensions	irregular
Slope	Generally Flat
Existing development	Vacant
DP and 88b instrument	Nothing to Note
Vegetation	Scattered
Constraints	Acid Sulfate Soils (Level 4), Flood Prone Land, ANEF – Aircraft Noise Affected,
Stormwater and drainage	On site.
Access	Via Williamtown Drive (alternate access off Slades Road)
Services	Utilities & Waste

### **3.2 Site Description:**

The subject site is known as Lot: 21 DP: 1053667, 57 Slades Road Williamtown.

The site has an area of approximately 5,005m<sup>2</sup> with the proposed hanger to be located in the south western corner of the site. The site is currently vacant, generally flat containing only scattered vegetation.

The site shares a boundary to the north with the Department of Defence land operating as the Williamtown RAAF Base.

### **3.3 Site Constraints:**

- Aircraft Noise
- Drainage
- Acid Sulfate Class 4
- Flooding

### **3.4 Surrounding Development:**

The subject site is located within the Newcastle Airport Precinct. Development surrounding the site include;

- Main runway and RAAF Base to the north.
- Carparking and Fuel Farm to the south.
- Vacant land to the east.
- Airport Terminal, Carparking and other Airport Related industry such as BAE to the East

### 3.5 Site Inspection



Photo 1 Looking into the site across the carpark adjoining western edge of the site.



Photo 2 – Looking westerly into the site from Slades road.



Photo 3 – Looking into south eastern portion of the site from the south



Photo 4 – looking into the site from the south



Photo 5 – View of the middle of the site



Photo 6 – View of the south west corner of the site





Photo 7 – view of the south western corner of the site.

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## 4.0 HISTORY

### 4.1 Site History:

Historically the development site has been used for defence force housing. The housing has been removed in the past and the site is currently vacant.

### 4.2 DA History:

- 31/03/2011 – DA Lodged
- 05/04/2011 – DA Distributed
- 05/04/2011 – JRPP Notified of application
- 06/04/2011 – Final Traffic Impact Assessment received from applicant
- 06/04/2011 – Site Inspection undertaken
- 07/04/2011 – Building Referral Received
- 11/04/2011 – Fire Safety Officer Referral Received
- 13/04/2011 – Notification Period Begins
- 13/04/2011 – Community Planning (Ageing and Disability) Referral Received
- 14/04/2011 – Flooding Referral Received
- 27/04/2011 – Notification Period Complete
- 29/04/2011 – Hunter Water Notified of proposal
- 29/04/2011 – List of Submissions forwarded to JRPP



- 29/04/2011 – Community Safety Referral Received
- 03/05/2011 – Hunter Water Comments Received.
- 05/05/2011 – Engineering Referral Received
- 28/06/2011 – Owners Consent Received
- 21/07/2011 – JRPP Meeting

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## 5.0 CONSULTATION – COMMUNITY

In accordance with Council's Notification Policy, adjoining neighbours were notified of the proposed development. In response, one submission was received in opposition to the proposal.

Issues raised in the submission include;

- Concern about increased plane movements and associated noise impacts on the Hunter Region,

**Comment:** It is considered that the aircraft hanger will not result in a significant variation in the current flight patterns and frequency at the airport. As such it is considered that the Hanger as proposed will not have any significant impact upon any development or property in the general vicinity.

The cumulative impact of the proposed hanger is considered to be manageable given that the hanger will not result in a significant increase in civil aircraft movements. In this sense the cumulative impacts resulting from increased flights and traffic will be negligible.

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## 6.0 INTERNAL REFERRALS

### 6.1 Engineering

**Comments:** Received 05/05/2011

**Recommendation:** Approved subject to conditions of consent

### 6.2 Building

**Comments:** Received 07/04/2011

**Recommendation:** Approved subject to conditions of consent.

### 6.3 Community Safety

**Comments:** Received 29/04/2011

**Recommendation:** Approved Unconditionally

## 6.4 Flooding

**Comments:** Received 14<sup>th</sup> April 2011

Councils Flood Engineer provided the following comments;

*The flood data provided in the Acor Report is confirmed as correct based on the original flood study by WBM. However this does not take into account sea level rise and climate change. We have recently had WBM review the flood study for sea level rise and climate change impacts. Whilst the results are yet to be finalised it appears that in this area sea level rise will increase flood levels by approximately 400mm. i.e. 1% AEP flood level = RL 4.0m AHD.*

*Therefore on current available information the flood planning level for the site is considered to be RL 4.5m AHD.*

*From a review of the plans, the carpark level is RL 4.6m AHD and the main office area is at RL 4.8m AHD therefore are all above the FPL for the site.*

*The site is also considered low hazard flood fringe area therefore no objection to any filling of the site is raised.*

*On this basis I have no objection to the proposed development and see no reason to include specific flood conditions on the proposal.*

**Recommendation:** Approved without specific flood conditions

## 6.5 Fire Safety

**Comments:** Received 11/04/2011

*No special fire safety considerations other than those proposed on the plan. i.e. Foam deluge in lieu of sprinkler system shown on the plan.*

**Recommendation:** Approved unconditionally

## 6.6 Community Planning (Aging and Disability)

**Comments:** Received 13/04/2011

**Recommendation:** Approved subject to the following Conditions and Advices

### Conditions

- *The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.*

- *A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.*
- *The minimum number of accessible car parking spaces shall be provided in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1.*

### **Advice**

- *The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information can be obtained from Council or the Human Rights and Equal Opportunity Commission on 008 021199.*
- Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website [www.hreoc.gov.au](http://www.hreoc.gov.au)

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## **7.0 EXTERNAL REFERRALS**

### **Hunter Water Corporation**

The application was referred to the Hunter Water Corporation as the development site is located within a Hunter Water Special Catchment Area.

**Comment:** Hunter Water advised that they were currently in receipt of an application for a Section 50 Compliance Certificate (Ref: 2011-307) and had no further requirements to provide to Council.

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## **8.0 STATUTORY PROVISIONS**

### **8.1 State Environmental Planning Policies (SEPP)**

#### **SEPP 55 – Remediation of Land**

SEPP 55 provides a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment.

*Clause 7 states;*

*7 Contamination and remediation to be considered in determining development application*

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

**Comment:**

A Preliminary Environmental Assessment Report has been prepared by Environmental Resources Management Australia (July 2010) for the concept approval and State Significant Site Listing. The report states;

*Potential for land and water contamination at Newcastle Airport mainly arises from incidents involving the spillage of hazardous materials such as fuel during refuelling, drum or tank leakage, or leakage of other substances such as oil which have the potential to contaminate the ground. There is also potential for release of sediment laden water due to surface erosion, and exposure of acid sulphate soils during excavation works.*

*Newcastle Airport is underlain by the Tomago sandbeds system, with relatively shallow groundwater (0.5 to 1.0 metres below the surface). The aquifer is unconfined and infiltration rates through the surface sand layer are extremely high (ERM Mitchell McCotter 1999). There is therefore a high risk of rapid infiltration in the event of a hazardous material spill. Controls such as fuel interceptors, bunding and incident response clean up materials are located on site and are checked as part of the airport audit schedule.*

*The DoD maintains a number of ground water monitoring wells in the vicinity of the sewage treatment plant and former Caltex fuel farm to monitor ground water contamination (ERM 2010).*

Given the sites remote location from the Fuel farm and Terminal building, it is considered unlikely that fuel has been spilt on site. The adjacent Fuel Farm is a recent development and appropriate measures are in place to prevent the release of Fuel.

Given past uses of the site for dwellings and buildings associated with the RAAF Base is considered possible that asbestos is present on site. A condition of Consent requiring a Phase 2 Contamination report in accordance with SEPP 55 has been included as a condition of consent to be provided prior to the issue of a construction certificate.

**SEPP 64 – Advertising and Signage**

SEPP 64 regulates signage including advertising. The policy applies to all signage in NSW that is permissible with or without development consent. Under another environmental planning instrument and that is visible from a public space.

Clause 3 sets out the aims and objectives of the SEPP.

### *3 Aims, objectives etc*

#### *(1) This Policy aims:*

##### *(a) to ensure that signage (including advertising):*

*(i) is compatible with the desired amenity and visual character of an area, and*

*(ii) provides effective communication in suitable locations, and*

*(iii) is of high quality design and finish, and*

##### *(b) to regulate signage (but not content) under Part 4 of the Act, and*

*(c) to provide time-limited consents for the display of certain advertisements, and*

*(d) to regulate the display of advertisements in transport corridors, and*

*(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

#### *(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.*

**Comment:** The proposed signage is clearly identified as being associated to the proposed development and is wholly located on the subject site. The general area locality contains a localised cluster of development around the Roundabout area. When considered in this context the development is consistent with the character of the area.

Therefore, the signage is considered to be consistent with the aims and objectives of the SEPP.

Schedule 1 of the SEPP outlines the assessment criteria for signage.

#### *1 Character of the area*

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

**Comment:** The development is consistent with the character of the immediate locality being the Newcastle Airport Precinct.

Given the uses adjacent to the site, and the airport precinct in general, it is considered that the proposed signage will not be inconsistent with the immediate area.



## *2 Special areas*

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

**Comment:** The development signage will not detract from the amenity or scenic quality of the locality. The signage is located on the development façade and will not result in the obstruction of views or vistas.

## *3 Views and vistas*

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

**Comment:** It is not considered that the proposed signage will compromise important views, nor will it dominate the sky line.

## *4 Streetscape, setting or landscape*

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

**Comment:** The scale of the signage is consistent with that within the Airport Precinct. All signage, is integrated into the building bulk which in turn reduces clutter.

The cleared nature of the site reduces the need for vegetation management with management only required for vegetation proposed as site landscaping.

## *5 Site and building*

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

**Comment:** It is considered that the proposed signage is consistent and compatible with the built form of the proposed aircraft hanger.

#### *6 Associated devices and logos with advertisements and advertising structures*

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

**Comment:** No safety devices have been proposed for the signage.

#### *7 Illumination*

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

**Comment:** The signage is not proposed to be illuminated. Notwithstanding this, it is not considered that the signage be illuminated by external lights, that the sign will impact on any properties or aircraft due to the signage being flush mounted on the building requiring any lighting to be internally directed.

#### *8 Safety*

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

**Comment:** It is not considered that the proposed signage constitute a safety hazard.

## SEPP (Major Projects) 2005

### Part 2 – Major Projects and Significant Sites

The development is not identified in either Schedule 1, Part 3A projects—classes of development or Schedule 2, Part 3A projects—specified sites and as such the site is not considered to be a State Significant Site.

Notwithstanding this, the site is noted on the Department of Planning Website as being a "Potential State Significant Site". Further it is noted that a Concept plan under Part 3A of the Act has been lodged with the Department of Planning.

The proposed development is located within the Aerospace (East) Precinct which has been excluded from the concept plan. Further the concept plan description references Terminal Expansion, BAE Expansion, Multi-deck Carparks and Business Park.

As the development is not identified on the concept plan maps, nor is it described as being an activity subject to the concept plan, it is considered that the application for Aircraft Hanger in the Aerospace (east) precinct can be dealt with under Part 4 of the Act.

Part 3 Regional Development of SEPP (Major Projects) states;

*13B General development to which Part applies*

*(1) This Part applies to the following development:*

*(a) development that has a capital investment value of more than \$10 million,*

*(b) development for any of the following purposes if it has a capital investment value of more than \$5 million:*

*(i) affordable housing, air transport facilities, child care centres, community facilities, correctional centres, educational establishments, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,*

*(c) Crown development that has a capital investment value of more than \$5 million,*

*(d) development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,*

*(e) designated development,*

*(f) subdivision of land into more than 250 lots.*

*(2) This Part also applies to development that has a capital investment value of more than \$5 million if:*

*(a) a council for the area in which the development is to be carried out is the applicant for development consent, or*

*(b) the council is the owner of any land on which the proposed development is to be carried out, or*

*(c) the development is to be carried out by the council, or*

*(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council.)*

The development was determined to have a Capital Investment Value of \$12.9million and as such it is considered that Part 3 Regional Development of SEPP (Major Projects) applies and the Joint Regional Planning Panel is the consent authority under the provisions of Clause 13B(1)(a)

### **SEPP (Infrastructure) 2007**

Schedule 3 of SEPP (Infrastructure) outlines the types of developments that require referral to the Roads and Traffic Authority for concurrence. The development is accessed by Williamstown Drive and Slades Road at a distance of greater than 100m from Nelson Bay Road and as such is not subject to the triggers in Column 3. The development for the purpose of an aircraft hanger is also considered to not meet any of the triggers within Column 2.

As the development is not identified in either column 2 or 3, referral to the RTA is not considered to be required.

## **8.2 Port Stephens Local Environmental Plan 2000 (PSLEP 2000)**

### Clause 26 – Special Use Zones

The Development site is zoned 5(a) – Defence purpose zone. Clause 26 of the LEP states;

*Zone No 5 (a)—Defence Purposes Zone*

(1) *Description of the zone*

*The 5 (a) Defence Purposes Zone identifies land required for defence force use.*

(2) *Objective of the zone*

*The objective of the 5 (a) Defence Purposes Zone is to provide for specific defence force and associated uses of land in appropriate locations.*

**Comment:** It is considered that the development of an Aircraft Hanger within the NAL precinct is consistent with the zone description and objectives.

(3) *Development allowed without development consent*

*Development by the Department of Defence for defence purposes.  
Exempt development.*

**Comment:** The proposal is not considered to be exempt development.

(4) *Development allowed only with development consent*

*Development for the purpose of:*

- *aircraft maintenance,*
- *aircraft manufacture,*
- *airports,*
- *any activity associated with airports or defence,*
- *manufacture of components used in aircraft maintenance or manufacture,*
- *tourist facilities.*

**Comment:** Development for the purpose of an aircraft hanger is considered to be permissible in the zone with development consent. The aircraft hanger is ancillary to sites' predominant function supporting the existing airport and RAAF base.

Clause 37 - Objectives for development on flood prone land

Clause 37 outlines the objectives for development on Flood Prone Land. Specifically the clause states;

*The objectives for development on flood prone land are:*

- (a) to minimise risk to human life and damage to property caused by flooding and inundation through controlling development, and*

*(b) to ensure that the nature and extent of the flooding and inundation hazard are considered prior to development taking place, and*

*(c) to provide flexibility in controlling development in flood prone localities so that the new information or approaches to hazard management can be employed where appropriate.*

**Comment:** The development is considered to be consistent with the objectives contained within Clause 37 - Refer to section on flooding.

#### Clause 38 - Development on flood prone land

Clause 38 governs development on flood prone land and states;

*(1) A person shall not carry out development for any purpose on flood prone land except with the consent of the consent authority.*

*(2) Before granting consent to development on flood prone land the consent authority must consider the following:*

*(a) the extent and nature of the flooding or inundation hazard affecting the land,*

*(b) whether or not the proposed development would increase the risk or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,*

*(c) whether the risk of flooding or inundation affecting the proposed be imposed on any consent to further the objectives of this plan,*

*(d) the social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood prone areas,*

*(e) the provisions of any floodplain management plan or development control plan adopted by the Council.*

**Comment:** The development is considered to be consistent with the objectives contained within Clause 38 - Refer to section on flooding.

#### Clause 44 - Appearance of land and buildings

Clause 44 sets the requirements for considering the appearance of land and buildings. Specifically Clause 44 states;

*(1) The consent authority may consent to the development of land within view of any waterway or adjacent to any main or arterial road, public reserve or land zoned as open space, only if it takes into consideration the probable aesthetic appearance of the proposed building or work or that*



*land when used for the proposed purpose and viewed from that waterway, main or arterial road, public reserve or land zoned as open space.*

**Comment:** The proposed aircraft hanger is visible from an arterial road and is considered to not detract from the visual amenity of the immediate area. The proposal is consistent with and compliments the surrounding development.

*(2) The consent authority may consent to development of land on or near any ridgeline visible from a public road only if it is satisfied that the development would not be likely to detract substantially from the visual amenity of the locality.*

**Comment:** The development is not situated on or near a ridgeline and as such this clause does not apply.

*(3) In determining whether to grant a consent referred to in subclause (1) or (2), the consent authority shall consider the following:*

*(a) the height and location of any building that will result from carrying out the development,*

*(b) the reflectivity of materials to be used in carrying out the development,*

*(c) the likely effect of carrying out the development on the stability of the land,*

*(d) any bushfire hazard,*

*(e) whether carrying out the development is essential to the viability of the land concerned,*

*(f) the likely extent and effect of carrying out the development on vegetation on the land concerned.*

**Comment:** The development has a total height of 17.4m to accommodate varying sized aircraft including Boeing 737.

#### Clause 51A - Development on land identified on Acid Sulfate Soils Planning Map

Clause 51A governs development on Acid Sulfate Soils prone land. Specifically the clause states;

##### *51A Development on land identified on Acid Sulfate Soils Planning Map*

*(1) This clause applies to all land identified on the Acid Sulfate Soils Planning Map and classified as either 1, 2, 3, 4 or 5 land.*

*(2) A person must not, without development consent, carry out works of the kind listed in Column 2 of Table 1 on land of the class specified for those works in Column 1 of that Table, except as otherwise provided by this clause:*

*Table 1:*

<i>Column 1</i>	<i>Column 2</i>
<i>Class of land as shown on Acid Sulfate Soils Planning Maps</i>	<i>Works</i>
<i>1</i>	<i>Any Works</i>
<i>2</i>	<ul style="list-style-type: none"> <li><i>Works below the natural ground surface</i></li> </ul> <i>Works likely to lower the watertable</i>
<i>3</i>	<ul style="list-style-type: none"> <li><i>Works more than 1 metre below the natural ground surface</i></li> <li><i>Works likely to lower the watertable to a depth of more than 1 metre below the natural ground surface</i></li> </ul>
<i>4</i>	<ul style="list-style-type: none"> <li><i>Works more than 2 metre below the natural ground surface</i></li> <li><i>Works likely to lower the watertable to a depth of more than 2 metres below the natural ground surface</i></li> </ul>
<i>5</i>	<ul style="list-style-type: none"> <li><i>Works within 500 metres of Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on the adjacent Class 1, 2, 3 or 4 land</i></li> </ul>

*(3) The Council must not grant consent required by this clause unless it has considered:*

*(a) the adequacy of an Acid Sulfate Soils Management Plan prepared for the proposed development in accordance with the Acid Sulfate Soils Manual, and*

*(b) the likelihood of the proposed development resulting in the discharge of acid water, and*

*(c) (Repealed)*

*(d) where consent is sought for drainage works or maintenance of open drains—any comments from the Department of Environment, Climate Change and Water received within 21 days of the Council*

*having sent that Department a copy of the development application and the related Acid Sulfate Soils Management Plan.*

*(4) This clause does not require consent for the carrying out of works as described in subclause (2) if:*

*(a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the Acid Sulfate Soils Manual has been given to the Council, and*

*(b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an Acid Sulfate Soils Management Plan prepared in accordance with the Acid Sulfate Soils Manual.*

*(5) Despite subclause (4), an Acid Sulfate Soils Preliminary Assessment or an Acid Sulfate Management Plan will not be required:*

*(a) where the proposed works already require development consent under another clause in this plan, and*

*(b) total soil disturbance at or below the depth specified in Table 1 is less than one tonne.*

*(6) In approving any consent for works described in subclause (5), the Council must apply one or more consent conditions requiring appropriate management of potential or actual acid sulfate soils.*

*(7) Despite subclause (2), routine maintenance works may be carried out by the Council, a public authority or private drainage board without consent where an Acid Sulfate Soils Plan of Management relating to such works has been:*

*(a) prepared in accordance with the Acid Sulfate Soils Manual, and*

*(b) approved by the Council after considering any comments received from the Department of Environment, Climate Change and Water within 21 days of the Council having sent that Department a copy of the draft Acid Sulfate Soils Plan of Management.*

*(8) An Acid Sulfate Soils Plan of Management, as referred to in subclause (7), must be reviewed at least every 5 years and only has effect for 5 years from the date on which it is made.*

*(9) Despite subclause (2), the Council or a public authority may carry out emergency works without consent if the Council or public authority properly deals with those soils in accordance with the Acid Sulfate Soils Manual so as to minimise the actual or potential impact to the environment arising from the disturbance of the soils.*

**Comment:** The development site is classified as Category 4 Acid Sulfate Soils Area. It is considered unlikely that works will occur at a depth of greater than 2m and/or result in the watertable being lowered.

A condition is to be placed on the consent requiring further design, water table and slab depth investigations for the Construction Certificate. Should further investigations reveal a potential impact on the watertable or disturbance of the natural ground below 2m, an Acid Sulfate Soils Management Plan shall be prepared. (condition 31)

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## 9.0 POLICY PROVISIONS

### 9.1 Port Stephens Development Control Plan 2007.

The application has been assessed against the relevant provisions of Port Stephens Development Control Plan, 2007, as follows:

#### B2 - Environmental and Construction Management

The application has been assessed against the applicable provisions of Port Stephens Development Control Plan, 2007 – Environmental and Construction Management, as follows:

DCP Control	Control	Applicable	Compliance
B2.2	General Standards	Yes	Yes
B2.3	Water Quality Management	Yes	Yes/No/N/A
B2.4	Acid Sulfate Soils	Yes	Yes/No/N/A
B2.5	Landfill	No	N/A
B2.6	Contaminated Land	Yes	Yes
B2.7	Vegetation Management	Yes	Yes
B2.8	Koala Management	No	N/A
B2.9	Mosquito Control	Yes	Yes
B2.10	Weed Control	Yes	Yes
B2.11	Tree Management	Yes	Yes
B2.12	Waste Water	Yes	Yes
B2.13	Aircraft Noise	Yes	Condition

#### Comments:

The application is considered satisfactory with regards to B2 – Environmental and Construction Management.

## DCP 2007 - B3 - Parking and Access

DCP Control		Requirement	Proposed	Compliance
B3.C6	Turning Circles	Yes		Yes
B3.C6	Parking space dimensions	Yes		Yes
B3.8	Number of parking spaces	Merit	26	
B3.8	Provision of disabled parking		1	Yes

### Comments:

The application is considered satisfactory with regards to B3 – Parking and Access.

### 9.2 Newcastle Airport Master Plan

The Newcastle Airport Master Plan was developed as a key requirement of the Head Lease between the Commonwealth and owners of Newcastle Airport, Newcastle and Port Stephens Council's.

Section 5.3 – *Planning and Environmental Issues* sets the guidelines for development within the NAL precinct.

### Land Use Precincts

The proposed development site is identified in the Master Plan as being within an area designated for "Aerospace and Aviation Support". Specifically the site is within the Aerospace (east) area. This precinct is to include aircraft related industrial activities requiring airport apron access (primarily maintenance and repairs) and associated aviation support office space adjacent to the Business Park Precinct.

It is considered that the proposed Commercial Hanger is in keeping with the intent of the areas set aside for Aerospace and Aviation Support and will not compromise the future desired outcomes outlined in the master plan.

### Height of Development

Table 5-3, *NAL Height Restrictions* sets the guidelines for development height. No specific height is nominated for the aerospace (east) precinct, however the development height of 17.4m is consistent with heights for other precincts within the master plan.

The Master Plan notes that the Obstacle Clearance Surface (OCS) in the east of the NAL precinct is 29m. The proposed structure is well below this limit.

### Visual Impact

The development is not considered to constitute an adverse visual impact within the airport precinct and will be of a similar scale to other existing development.

The application has been supported by a suitable landscape design and stormwater drainage has been considered in the assessment of the proposal.

### Traffic Impact

The application was supported by a Traffic Impact Assessment prepared by Better Transport Futures (Ref: P0818 Newcastle Airport Hanger.Doc, Dated: 24 March 2011).

The assessment concluded

*From the study work completed for this project, it is considered that the proposed development should be approved on traffic and access grounds.*

### Acoustic Issues

The development site is noted as being within the 45+ aircraft noise contour (ANEC 2025, dated 1<sup>st</sup> September 2010).

The following conditions of consent have been included to ensure that the building is attenuated in accordance with AS 2021-2000 Acoustics – Aircraft Noise Intrusions – Building Sitting and Construction.

- An acoustic report is to be prepared, and provided to Council, demonstrating compliance with the Australian Standard 2021-2000 for the Aircraft Hanger **prior to the issue of the Construction Certificate**.
- An acoustic engineer shall certify the hanger and issue a compliance certificate **prior to the issue of an Occupation Certificate** confirming that the measures recommended in the acoustic report have been fully implemented. This certification should confirm specific details of measures and materials/methods of construction.

### Geology and Soils

Acid Sulfate Soils have been discussed elsewhere in this assessment.

### Aboriginal Heritage

While the development site has been previously disturbed, an advice has been included in the consent as follows,



- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the **National Parks and Wildlife Service** shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the **National Parks and Wildlife Act 1974**.

#### Existing Flora and Fauna

No Flora and/or Fauna of significance is proposed to be disturbed by this development.

#### RF Signals

The master plan states that any equipment to be used on the NAL lease which emits an RF signal shall be also subject to assessment and approval by Defence. An advice has been included in the consent to give effect to this.

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## 10.0 SECTION 94 CONTRIBUTIONS

The application attracts s94A contributions. The following has been conditioned.

- *Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Port Stephens Section 94A Development Contributions Plan, a contribution of 1% of the cost of the development, as determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000, shall be paid to Council*

*The amount to be paid is to be determined in accordance with the provisions of the Port Stephens Section 94A Development Contributions Plan. The contribution is to be paid **prior to issue of the Construction Certificate***

*A Quantity Surveyor's Detailed Cost Report (**form attached**) setting out an estimate of the proposed cost of carrying out development in accordance with Schedule 2 of the Port Stephens Section 94A Development Contributions Plan must be approved by Council **prior to issue of the Construction Certificate**.*

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## 11.0 LIKELY IMPACTS

### 11.1 Built Environment

#### Adjoining Properties

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon adjoining properties.

### **Streetscape and Amenity**

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon the local streetscape and amenity of adjoining properties.

### **Landscaping**

The applicant has provided a landscape plan, prepared by a suitably qualified professional. The landscape plan sufficiently addresses Council's requirements for landscaping under DCP 2007.

### **Views**

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon existing views of neighbouring properties.

## **11.2 Access and Traffic**

The proposed development utilises access from Williamtown Drive with alternate access to Slades Rad.

As the proposal is not considered likely to generate significant additional traffic to, the existing road network, the development is considered satisfactory with regards to Access, Transport and Traffic.

Discussion of the Traffic Generating Guidelines contained within SEPP (Infrastructure) 2007 is contained elsewhere in this report.

## **11.3 Natural Environment**

### **Flora and Fauna**

There is minimal scattered vegetation proposed for removal as part of the development application. A seven part is not required.

The development is considered satisfactory in terms of environmental considerations, and is considered unlikely to result in any environmental degradation or long term impacts.

Furthermore, appropriate conditions of consent shall be imposed to ensure that the site will be managed appropriately during construction to mitigate any potential environmental impacts.

### **Water –**

The construction of the proposed development at the subject site is considered unlikely to result in any adverse impacts upon existing water within the locality.

#### **Site Contamination –**

Site contamination has been discussed elsewhere within this report. Refer to discussion around SEPP 55.

#### **Noise –**

The construction of the proposed development at the subject site is considered unlikely to result in any adverse acoustic impacts within the locality.

#### **11.4 Social and Economic Impacts**

The construction of the proposed development at the subject site is considered unlikely to result in any adverse social or economic impacts upon the local community.

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### **12.0 SUITABILITY OF THE SITE**

The site is considered to be suitable for the proposed development being an aircraft hanger in an existing airport precinct.

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### **13.0 PUBLIC INTEREST**

The approval of the application is considered to be in the public interest.

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### **14.0 ANY OTHER RELEVANT MATTERS**

There are no other matters for discussion. However, it is noted that relevant owners consent has been received and all submitted plans have been submitted by Hunter Water Corporation.

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### **15.0 UNAUTHORISED WORKS**

None identified.

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### **16.0 CONCLUSION**

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved.

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### **17.0 RECOMMENDATION**

That the consent authority, grant development consent to Development Application No.

16-2011-226-1 for Aircraft Hanger / Office Space / Car Parking on land at 57 Slades Road  
WILLIAMTOWN.

Signed

Leonard Allen

9 May, 2011

Officer:

Date

## **Conditions of Consent**

### **STANDARD CONDITIONS**

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
2. Works shall not commence until such time as a construction certificate, where necessary, has been issued for the works approved by this application.
3. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
4. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
5. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
6. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.

### **PLANNING DRAFT CONDITIONS OF APPROVAL**

7. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the following stages of construction:
  - a. On completion of ground floor construction, confirming that the floor levels are in accordance  
with the Reduced Levels indicated on the approved plan.
  - b. When the roof has been completed, confirmation that the building does not exceed the Reduced  
Levels, as indicated on the approved plan.

8. Landscaping shall be carried out in accordance **with an approved landscaping plan**. The landscaping must be completed prior to issue of Occupation Certificate.
9. The development shall provide 26 on-site car parking spaces, including 1 disabled parking spaces. These spaces shall be separately accessible, clearly line-marked (disabled spaces clearly signposted) and adequately paved and drained in accordance with the Section B3 – Parking, Traffic and Transport, of Port Stephens Development Control Plan 2007. Car parking must be provided prior to the issue of the occupation certificate or use of the development.
10. Where materials or goods are stored outside the building they should be screened from view from any public place and adjacent premises and should not encroach on the parking, vehicular manoeuvring or landscaped areas.
11. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

#### **STANDARD BUILDING CONDITIONS**

12. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
13. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
14. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

15. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
16. The principal certifying authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans,



specifications and conditions of consent. No occupational use is permitted until the principal certifying authority issues an occupation certificate. Note: if an accredited certifier approves occupation, the accredited certifier is to immediately notify council in writing.

17. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
18. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
  - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
  - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
19. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
20. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
21. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
  - \* Monday to Friday, 7am to 6pm;
  - \* Saturday, 8am to 1pm;
  - \* No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L<sub>10</sub> level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

22. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.

### Community Planning

23. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.
24. A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
25. The minimum number of accessible car parking spaces shall be provided in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1.

### CONDITIONS RELATING TO ISSUE OF CONSTRUCTION CERTIFICATE

#### PLANNING

26. A Phase 2 Contamination Report shall be prepared and submitted to Council prior to the **issue of a Construction Certificate**. Details of how the proposal will comply with the recommendations of the report shall also be provided with the report.
27. An acoustic report is to be prepared, and provided to Council, demonstrating compliance with the Australian Standard 2021-2000 for the Aircraft Hanger **prior to the issue of the Construction Certificate**.
28. An acoustic engineer shall certify the hanger and issue a compliance certificate **prior to the issue of an Occupation Certificate** confirming that the measures recommended in the acoustic report have been fully implemented. This certification should confirm specific details of measures and materials/methods of construction.
29. A Construction Management Plan shall be submitted and approved by Council, **prior to the issue of the Construction Certificate**. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work:, primary route for truck movements, etc.
30. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Port Stephens Section 94A Development Contributions Plan, a contribution of 1% of the cost of the development, as determined in accordance with clause 25J of

the Environmental Planning and Assessment Regulation 2000, shall be paid to Council

The amount to be paid is to be determined in accordance with the provisions of the Port Stephens Section 94A Development Contributions Plan. The contribution is to be paid **prior to issue of the Construction Certificate**.

A Quantity Surveyor's Detailed Cost Report (**form attached**) setting out an estimate of the proposed cost of carrying out development in accordance with Schedule 2 of the Port Stephens Section 94A Development Contributions Plan must be approved by Council **prior to issue of the Construction Certificate**.

31. **Prior to the Issue of Construction Certificate**, further design, water table and slab depth investigations shall be undertaken. Should further investigations reveal a potential impact on the watertable or disturbance of the natural ground below 2m, an Acid Sulfate Soils Management Plan shall be prepared and submitted to Council for assessment.

## ENGINEERING

### Geometric Aircraft Manoeuvring

32. **Prior to the issue of construction certificate** the applicant shall submit to council geometric aircraft manoeuvring design details for the proposed apron, taxiway extension and hanger hardstand which has been prepared by a Chartered Professional Civil Engineer who has extensive experience in the design of airports for aircraft eligible to use the runway as is currently designated as a minimum (ie runway category in accordance with CASA). The engineer shall design the apron, taxiway extension and hanger hardstand areas strictly in accordance with CASA's Manual of Standards 139.

### Apron and Taxiway Extension – Pavement and Surface Treatment

33. **Prior to the issue of construction certificate** the applicant shall submit to council design details for the proposed apron, taxiway extension and hanger hardstand pavement and surface treatments which has been prepared by a Chartered Professional Civil Engineer who has extensive experience in the design of airport pavements for aircraft eligible to use the runway as is currently designated as a minimum (ie runway category in accordance with the CASA).

The engineer:

- Shall consider and report against the comparative equivalent requirements from the US FAA Engineering Standard AC 150/5320-6E - Airport Pavement Design and Evaluation as a check prior to submission of the design.

- Shall specify all pavement materials as appropriate for the purposes of construction eg Concrete / Asphalt Mix Design, Asphalt Binder, Steel Design (if required), Construction Specification and Method.

#### Soil and Water Management Plan

34. **Prior to the issue of construction certificate** a Soil & Water Management Plan for use during and after construction in accordance with 'Managing Urban Stormwater - Soils & Construction', Department of Housing, 2004 Manual is to be prepared by a suitably qualified practicing Civil or Environmental Engineer detailing temporary and permanent measures proposed to be installed. The plan is to include an analysis of the susceptibility of soil to erosion and is to be submitted with the Engineering plans. All erosion and sediment control measures undertaken on the site are to conform to the specifications and standards contained in the document 'Managing Urban Stormwater - Soils & Construction', Department of Housing, 2004 Manual.

#### Drainage Design – Quantity and Quality

35. A drainage design (prepared by a suitably qualified and experienced person who is eligible for membership to Institute of Engineers Australia) indicating all engineering details are to be submitted to and approved by Council in accordance with Section 68 of the Local Government Act 1993 **prior to the issue of a Construction Certificate**. The Design and details are to strictly reflect the principles and strategies contained within the report *"Potential Impacts of WAP and DAREZ/NAL Development of Fullerton Cove Drainage System"* prepared by Umwelt Australia PTY LTD on behalf of Port Stephens Council, in particular calculation of an apportioned outflow rate for this development which demonstrates proportional alignment of council's adopted maximum outflow rate of 0.8m<sup>3</sup>/s (for the entire NAL developed site) for events up to a 10% ARI and pre and post detention up to 1% ARI. Details are to include stormwater quality improvement devices, detention devices, existing site levels, finished site levels, calculations, pipeline and pit sizes, and all grades associated with the design.

#### Traffic and Pedestrian Management Plan

36. **Prior to the issue of construction certificate** the applicant shall submit to council for approval a Traffic and Pedestrian Management Plan for use during the period of establishment through to construction and completion, the plan shall include:
- Details of pedestrian control measures including barriers, hoarding, signage, lighting, disability requirements, exit points.
  - Details of traffic control measures including Traffic Control Plans (TCP's), localised traffic management around the site for all stages of construction, signage, lighting, line marking, delineation and devices etc.
  - Measures that consider emergency situations.

- Measures that consider the efficiency and the amenity/reduction of service as a result of the required controls.

#### Construction Management Plan

37. **Prior to the issue of construction certificate** the applicant shall submit to council a Construction Management plan, the plan shall include:

- Stages of construction from establishment to commission
- Detail of measures and controls that are relevant to construction equipment and vehicles such as machinery (concrete trucks, jack hammers, earth moving equipment, EWP's, cranes etc), safe storage of materials, safe process of acceptance of deliveries, site shed/amenities for the contractor, vehicle parking for construction employees etc
- Detail of measures that consider environmental impacts such as dust, vibration, noise, spillages, wash down of machinery and equipment, general maintenance of the site and hours of work.
- Detail of measures that consider any affects to the amenity and reduction of service as a result of the construction works.

#### Erosion and Sediment Control - During and after construction

38. No release, or flow is permitted from the site, throughout the earthworks and construction period, to any waterway, or stormwater drain or drainage line leading to a waterway or area of native vegetation, unless the level of Total Suspended Solids does not exceed a concentration of 50 milligrams per litre.
39. All measures of the approved Sediment and Erosion Control Plan, except as otherwise required in this approval, must be adopted and implemented.
40. The Soil and Water Management Plan must be updated as required to reflect construction activities, which vary site conditions and/or where objectives/targets are not being met. The Soil and Water Management Plan must also be updated as required to reflect current standards, best practices, and plant modifications, but any modifications with the potential to result in increased environmental impacts must be approved in advance in writing by Council.
41. There must at all times be a nominated person responsible (the 'responsible person') for day to day supervision of erosion and sediment control conditions of this Permit, and the name and available telephone number of such person is to be visible and securely maintained on, or affixed to, the site office, or if this is inaccessible after-hours, adjacent to the main site entrance.

42. All reasonable and practicable measures must be taken which are appropriate to ensure that the activities of all persons working on the site, including employees, agents and contractors, conform with the requirements of this approval and their general environmental duty as required under the Environmental Protection Act.
43. There must be no site disturbance, including vegetation clearing, other than for the approved site office and store, and to enable compliance with this condition, until the following measures are implemented:
- (a) Areas to be disturbed marked out
  - (b) Vehicle barriers around areas to be protected
  - (c) Vehicle site access point(s)
  - (d) Vehicle wash/rumble pad
  - (e) Clean runoff diversion drain installed and stabilised
  - (f) Any required sedimentation pond installed and stabilised
44. Sufficient stockpiles of mulch and/or other similar required erosion and sediment control materials and stores must be maintained on site at all times to enable ongoing erosion control, as well as site contingencies eg imminent wet weather etc
45. All erosion and sediment control measures must be properly and effectively maintained, and must be in good working order and condition at the completion of each day's work
46. The maintenance of erosion and sediment control measures must continue until the site has been stabilised and further disturbance of soil by erosion is prevented
47. Where the findings of the required performance self-monitoring program indicate that the 50 mg/L TSS compliance limit is being or is likely to be exceeded, remedial action must be taken without delay to ensure ongoing compliance
48. No vegetation is to be removed or soil disturbed except where expressly indicated on the approved plan
49. Exposed areas such as embankments, cleared and filled areas subject to erosive forces not being actively worked must be fenced off to plant and vehicular traffic, stabilised and protected by the application of seeded mulch and/or turf, (not grass seeding alone) to ensure that the area exposed and time that areas are exposed is minimised as far as practicable

Driveways

50. **Prior to the issue of Occupation Certificate** reinforced concrete vehicle driveways from the roadway to the property boundary incorporating the gutter crossing shall be constructed in accordance with the options shown on Council's Standard Drawing S123.

#### Car Parking

51. Internal driveway and parking area details including site plan drawn to scale showing the location, layout and levels of the parking spaces, vehicle access and manoeuvring areas, signs, line marking and lighting are to be designed in accordance with AS 2890.1, are to be submitted to and approved by Council **prior to issue of a Construction Certificate**.

#### Car Parking

52. Car parking areas are to be completed **prior to the issue of Occupation Certificate**.

#### Verge area

53. The verge area adjoining the full road frontage is to be regraded and an approved grass cover established in an adequate depth of topsoil **prior to the issue of an Occupation Certificate**.

#### Repair Damage to roads as a result of construction

54. The applicant is to repair any damage to existing roads and concrete foot paving caused during the construction works, in accordance with Council requirements, **prior to the issue of an Occupation Certificate**.

#### Utilities

55. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

#### Filling

56. Where depth of filling exceeds 300mm it is to be constructed in horizontal layers not exceeding 150 mm compacted thickness. Each layer shall be compacted to at least 95% of the maximum dry density, when tested, in accordance with AS 1289 - 1993 Clauses 5.1.1 and 5.3.1. Verification of the compaction is to be provided by a Certificate, incorporating a location plan indicating filled areas in relation to road and lot boundaries, from a registered N.A.T.A. testing laboratory prior to the issue of an Occupation Certificate.

#### Loading / Unloading

57. All vehicles being loaded or unloaded are to be parked wholly within the subject land.

WAE

58. A works-as-executed plan prepared by a registered surveyor is to be submitted showing levels on any drainage structures, driveways, parking areas and any changes to the original land levels, **prior to the issue of an Occupation Certificate**.

Disruption of access etc

59. Any works on adjoining properties including discharge of stormwater and disruption of access will require written consent from the affected parties prior to the approval of the engineering drawings

## GENERAL ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) *The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information can be obtained from Council or the Human Rights and Equal Opportunity Commission on 008 021199.*
- c) Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website [www.hreoc.gov.au](http://www.hreoc.gov.au)
- d) Should groundwater dewatering be required during construction, an aquifer interference license under the Water Management Act 2000 will be required.
- e) The installation and operation of the air conditioning system is to comply with Part 4 of the Public Health Act.

Where the system is a water cooling system or warm water system, Council is to be notified in accordance with Clause 15 of the Public Health (Microbial Control) Regulation 2000 in order to ensure that the required particulars of the system are entered into the regulated systems register.

- f) Any equipment to be used on the NAL lease which emits an RF signal shall be also subject to assessment and approval by the Department of Defence.
- g) Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the **National Parks and Wildlife Service**



shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the **National Parks and Wildlife Act 1974**.

- h) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

### **SCHEDULE 3 – APPROVED PLANS AND DOCUMENTATION**

Statement of Environmental Effects prepared by Insite Planning dated March 2011
<p>Stamped plans prepared by Suters Architects, project number N21905 and dated 22 March 2011</p> <ul style="list-style-type: none"> <li>• Location Plan/Persepectives, Dwg No. A201, Issue A</li> <li>• Perspectives, Dwg No. A202</li> <li>• Site/Landscape Plan, Ground Floor Plan, Dwg No. A203, Issue A</li> <li>• Floor Plan Level 1, Dwg No. A204, Issue A</li> <li>• Elevations, Dwg No. A501, Issue A</li> <li>• Elevations Sections, Dwg No. A502, Issue A</li> </ul>
<p>Stamped plans prepared by ACOR Consultants, project number SY110150 and dated March 11</p> <ul style="list-style-type: none"> <li>• Airfield Planning 737-600 Pathways, Dwg No. SK1.01, Issue C</li> <li>• Proposed Hanger Site Plan Part A, Dwg No. SK2.01, Issue C</li> <li>• Proposed Hanger Site Plan Part B, Dwg No. SK2.02, Issue C</li> <li>• Newcastle Airport Hanger Development, Dwg No. SK3.01, Issue C</li> </ul>
Stormwater Management – Short Report to support DA prepared by ACOR Consultants and dated 23 March 2011
Traffic Report Prepared Better Transport Futures and dated 24 March 2011