

## COUNCIL ASSESSMENT REPORT

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSHCC-141 – DA 16-2022-663-1
<b>PROPOSAL</b>	Industrial development – general industrial warehouse with ancillary offices and site works
<b>ADDRESS</b>	Lot: 11 DP: 1036501 38 Cabbage Tree Road WILLIAMTOWN
<b>APPLICANT</b>	Barr Property and Planning Pty Ltd
<b>OWNER</b>	Greater Newcastle Aerotropolis Pty Ltd
<b>DA LODGEMENT DATE</b>	23 August 2023
<b>APPLICATION TYPE</b>	Regionally Significant Development
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 3, Schedule 6 of the of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council related development over \$5 million
<b>CIV</b>	\$8,748,082.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Nil
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Precincts – Regional) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Port Stephens Local Environmental Plan 2013;</li> <li>• Port Stephens Development Control Plan 2014.</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES SUBMISSIONS</b>	0
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Attachment A: Draft Conditions of consent</li> <li>• Attachment B: Architectural Plans</li> <li>• Attachment C: Validation Report</li> </ul>

	<ul style="list-style-type: none"> <li>• Attachment D: Draft Deposited Plan</li> <li>• Attachment E: Draft 88B Instrument</li> <li>• Attachment F: Landscape Plan</li> <li>• Attachment G: Acoustic Assessment</li> <li>• Attachment H: Survey Plan</li> <li>• Attachment I: Access Report</li> <li>• Attachment J: Civil Engineering Report</li> <li>• Attachment K: BCA Report</li> <li>• Attachment L: Civil Engineering Plan</li> <li>• Attachment M: Waste Management Plan</li> <li>• Attachment N: Preliminary Site Investigation</li> <li>• Attachment O: Traffic Report</li> <li>• Attachment P: Bushfire Report</li> <li>• Attachment Q: Operational Waste Management Plan</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	Nil
<b>RECOMMENDATION</b>	Approved - subject to Deferred Commencement Conditions
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	11 July 2023
<b>PLAN VERSION</b>	4 November 2022 - Version G
<b>PREPARED BY</b>	Courtney Sargent – Senior Development Planner
<b>DATE OF REPORT</b>	13 June 2023

## EXECUTIVE SUMMARY

This development application (DA 16-2022-663-1) seeks consent for the construction of a general industrial warehouse and ancillary offices (Building 1) and site works at 38 Cabbage Tree Road, Williamtown (Lot: 11 DP: 1036501).

The development site is located at 38 Cabbage Tree Road, Williamtown, legally known as Lot: 11 DP: 1036501. The site is located within the approved 101 lot subdivision known as the 'Astra Aerolab'. The application specifically relates to approved Lot 109, which forms part of Stage 1 of the approved subdivision. Lot 109 and Stage 1 of the subdivision is yet to be formally registered. This report references Lot 109 as 'the site'. Lot 109 (or the site) is relatively flat in topography and has previously been cleared of significant vegetation as a result of the previous subdivision works. The site has an area of 23,880m<sup>2</sup> with 200m frontage to the recently constructed Aerospace Avenue to the north.

The site is located to the south west of Newcastle Airport and the Royal Australia Air Force (RAAF) Base Williamtown. The site is zoned B7 Business Park pursuant to Clause 2.2 with the Port Stephens Local Environmental Plan 2013 (PSLEP 2013). According to the definitions

of the LEP, the proposal satisfies the definition of general industry, which is a permissible use with consent in the Land Use Table in Clause 2.3.

The application was notified and advertised for a period of 14 days from 6 September 2022 – 20 September 2022 in accordance with the Environmental Planning & Assessment Act (EP&A Act), Environmental Planning & Assessment Regulations (EP&A Regulations) and the Port Stephens Community Participation Plan. No submissions were received during the exhibition period.

The key issues in respect of the assessment of this application related to provision of car parking, aircraft noise, impacts to Defence/airport operations and contamination. To address these issues, specialist studies were submitted in support of the application, including site validation, noise, car parking and traffic impact reports. Additional information from the applicant was also requested during the assessment to address these key issues. The studies were assessed by Council officers and, where appropriate, recommendations and mitigation measures outlined in the specialist studies have been included in the conditions of consent.

The proposal is referred to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for determination pursuant to Section 3, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*: Council related development over \$5 million.

The development has been assessed under Section 4.15 of the EP&A Act and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to deferred commencement conditions and operational conditions of consent contained in **Attachment 1**.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The development site is located at 38 Cabbage Tree Road, Williamtown, legally known as Lot: 11 DP: 1036501 has an approximate area of 77 hectares. The site is located to the south west of Newcastle Airport and the Royal Australia Air Force (RAAF) Base Williamtown, refer to **Figure 1** below. The development site forms part of the approved Astra Aerolab subdivision, with the application specifically relating to approved Lot 109, which has yet to be formally registered, refer to **Figure 2** below. The report will hereon refer to Lot 109 as 'the site'.

The site is relatively flat in topography and has previously been cleared of significant vegetation as a result of the subdivision works. The site has an area of 23,880m<sup>2</sup> with 200m frontage to what will be Aerospace Avenue to the north.







- Bushfire Prone – Vegetation Buffer and Category 3
- Koala Habitat – preferred, 50m buffer over cleared and link over cleared.
- Biodiversity value map
- ANEF – 30-35 and 35-40
- Height trigger map
- Bird Strike – Group C
- Extraneous Lighting – 6km radius, controlled light installation area
- Hunter Water Special Area
- NSW Wildlife Atlas – Fauna
- PFAS Management Area – Primary management zone
- Flood Planning
- Acid Sulfate Soils – Class 3 and 4
- Drinking water catchment

### Site Inspection

A site inspection was carried out on 23 November 2022. The subject site can be seen in the photos below:



**Photograph 1.** Site from Aerospace Avenue



**Photograph 2.** Proposed Location of Building 1



**Photograph 3.** Location of common car park (subject to separate application)

## 1.2 The Locality

The proposal is located within Port Stephens Local Government Area (LGA) within the suburb of Williamstown, approximately 27.2km north of the Newcastle CBD. Williamstown contains a mixture of land uses including residential and rural development, the Williamstown RAAF Base and the Newcastle Airport.

The broader Astra Aerolab Business Park, within which the site is located, is zoned B7 – Business Park. Land to the north, including the Newcastle airport and Williamstown RAAF Base are zoned for various SP2 – infrastructure purposes including Defence, Air Transport Facility and Public Utility Undertaking. Land to the east, south and west of the site primarily consists of rural land and is zoned RU2 Rural Landscape. A number of smaller lots exist to the north east, accessed off Williamstown Drive and include various commercial uses related to the airport and a 95 room Mercure Hotel exists on the corner of Williamstown Drive and Technology Place.

There is no public transport directly servicing the site. The nearest public transport includes two bus routes linking the Newcastle airport to Newcastle, Nelson Bay, Raymond Terrace and Maitland. The bus stop is located at the Newcastle airport terminal, approximately 550m from the site. However, there is no clear pedestrian link between the site and the Airport. Notwithstanding, both the wider Astra Aerolab subdivision design and the Williamstown Special Activation Precinct (SAP) draft master plan shows an extension of ‘Road 3’ to the airport. Road 3 is located to the north of the site and is currently approved to be utilised for access to a communal car parking area.

The site is located within the Williamstown Special Activation Precinct (SAP) which covers an area of approximately 283 hectares. The SAP has three catchments being the Northern, Eastern and Western catchments. Astra Aerolab, including the subject site, is located within the Northern Catchment. The Northern Catchment of the SAP has been identified as the commercial core of the area. The site is currently zoned B7 Business Park in accordance with the Port Stephens Local Environmental Plan (PSLEP) 2013 although is proposed to be rezoned to ‘Regional Enterprise’ as part of gazettal of the SAP. The rezoning will be facilitated through the State Environmental Planning Policy (Precincts—Regional) 2021. The purpose of the rezoning is to provide a flexible land use zone that facilitates a range of employment and industrial uses.

The SAP is proposed to be delivered in stages which will be outlined within the Delivery Plan prepared for the precinct. The Delivery Plan has not yet been prepared by NSW RGDC yet, however the SAP draft masterplan has identified that development within the Northern Catchment is likely to be prioritised given the Astra Aerolab construction has commenced.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for the construction of a general industrial warehouse and ancillary offices and, associated site works as shown in **Figure 3** below.

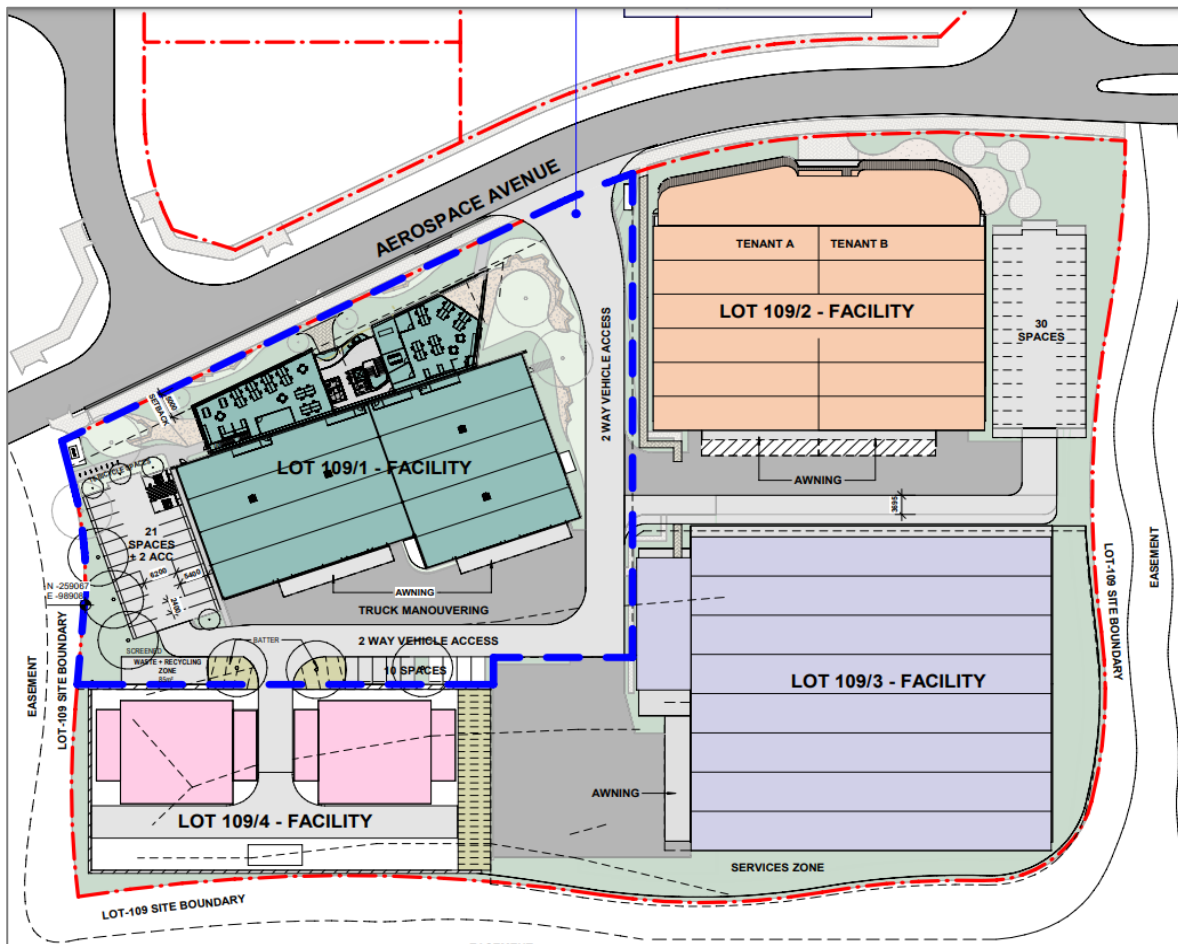
Specifically, the proposal involves:

- Construction and operation of a general industrial development consisting of a workshop and a two storey ancillary office identified as ‘Lot 109/1’ on the plans. Lot 109/1 will be here on referred to as ‘Building 1’.



- Site works including the construction of vehicular access, car parking, loading docks, stormwater infrastructure, and landscaping.
- There are expected to be 82 staff for Building 1. The proposed operational hours are 7:00 am – 6:00pm, 7 days a week.

The application also nominates three building footprints identified as Lot 109/2, Lot 109/3 and Lot 109/4 on the plans. The development of these footprints is not subject to this approval and have been included to provide context on future development intentions for the wider site. Development of these footprints will be subject to separate development applications.



**Figure 3. Proposed Site Plan**

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

**Table 1: Development Data**

Control	Proposal
Site area	23,880m <sup>2</sup>
GFA	Building 1 – 3,211m <sup>2</sup>
Clause 4.6 Requests	N/A
Max Height	12.5m



Landscaped area	Building 1 – 20.9% of site area
Car Parking spaces	33 including 2 accessible spaces for Building 1
Setbacks	Building 1 - <ul style="list-style-type: none"> <li>• 5m front setback</li> <li>• 19m western side setback</li> <li>• 94m eastern side setback</li> <li>• 53m rear setback</li> </ul>

## Building 1

Building 1 is proposed to contain a workshop and a two storey office building which are proposed to be used for general industry purposes. The building is located within the north western corner of the lot, having direct frontage to Aerospace Avenue. The building line is setback 5m from the front boundary. The awning over the foyer protrudes beyond this setback and is located 2.2m from the front boundary.

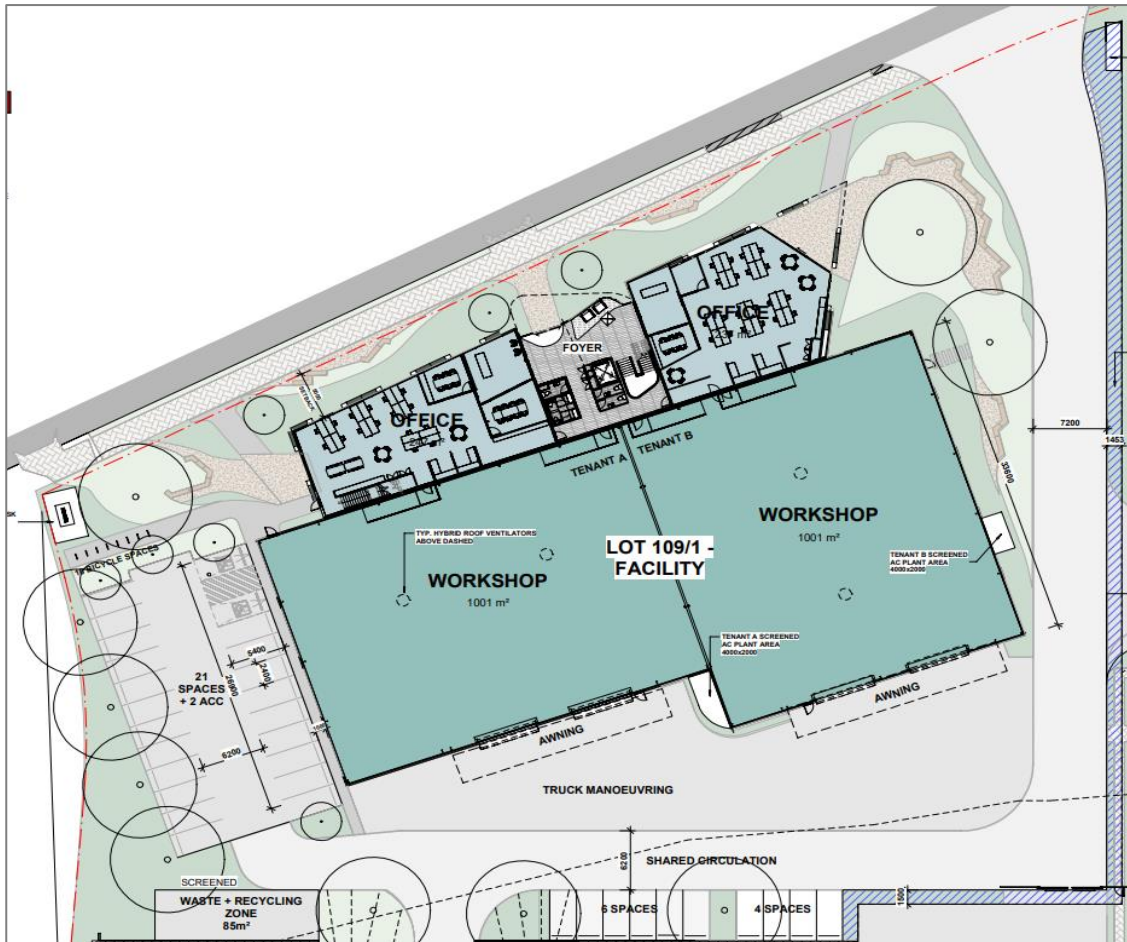
Building 1 is proposed to house two tenancies, identified as tenancy A and B on the plans, refer to **Figure 4** below. Both tenancies will have pedestrian access via a shared lobby fronting Aerospace Avenue which will contain a foyer, amenities, as well as lift and stair access to the upper level. Each tenancy is proposed to be provided with an office space on the ground floor and Level 1 of the building which has a floor area of 985m<sup>2</sup>. The offices have been designed as open plan spaces with a reception area on the ground floor, meeting rooms, private offices and kitchenettes.

The workshops are located to the rear of the office spaces and can be directly accessed via the shared lobby and from the ground floor of each office space. The Tenancy A workshop has a floor area of 1012m<sup>2</sup> and Tenancy B has a floor area of 1001m<sup>2</sup>. The floor areas of the workshops are currently column free to give flexibility for the future tenant.

Each workshop is provided with two loading bays at the rear which are covered by cantilevered awnings for weather protection.

The office component of the development has a pitched 'sawtooth' roof form whereas the warehouse component has a predominately flat roof. The external facade of the development comprises a mixture of smooth and grooved precast concrete panels, fibre cement cladding and glazed curtain walls.

Vehicular access to Building 1 is proposed from the shared access point off Aerospace Avenue. Building 1 is provided with 33 grade car parking spaces including 2 accessible spaces and 16 bicycle spaces.



**Figure 4. Building 1 plan**

## Building Footprints

The plans identify building footprints for Buildings 2, 3 and 4 within the residual portion of the site. The particulars of each building are identified in **Table 2** below. The development of these footprints is not subject to this approval and has been included to provide context on future development intentions for the wider site. Development of these footprints will be subject to separate development applications.

**Table 2: Building footprint particulars (indicative and not for approval)**

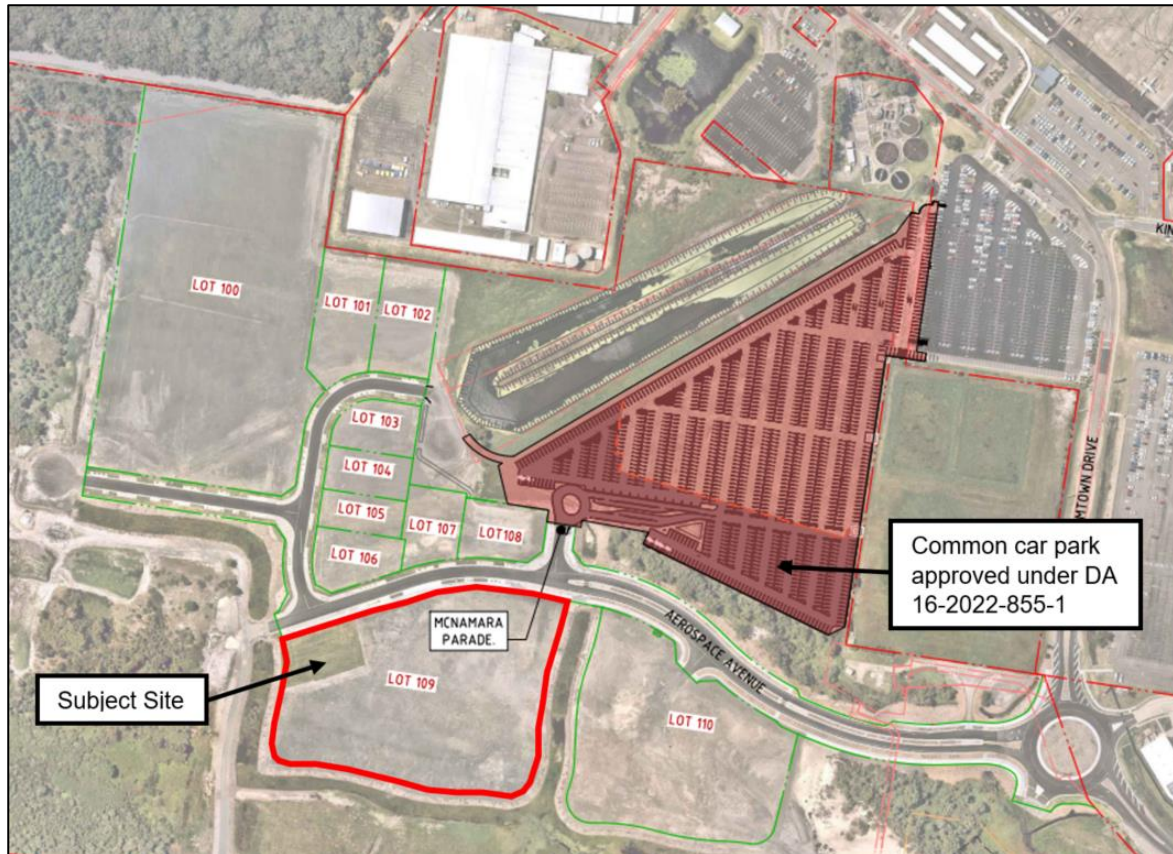
Building No.	Gross Floor Area
2	Workshop: 2,415m <sup>2</sup> Office space: 1,137m <sup>2</sup>
3	Workshop: 4,008m <sup>2</sup> Office space: 255m <sup>2</sup>
4	Building area: 1,068m <sup>2</sup>

## Traffic, Car Parking and Access

A single combined driveway and access point site is proposed off Aerospace Avenue. This access is proposed to service all development on the site and has been designed to cater for use by both heavy and light vehicles. The driveway and access point will be constructed as a

part of the construction of Building 1. A pedestrian pathway already exists along the sites frontage to Aerospace Avenue and will provide pedestrian access to the ground floor lobby within Building 1.

The development will provide 33 grade car parking spaces including the 2 accessible spaces within the site to service Building 1. Council has granted consent for a communal car park located to the north east of the subject site (DA 16-2022-855-1), refer to **Figure 5**. The communal car park under DA 16-2022-855-1 will service Stage 1 of the Astra Aerolab subdivision, including the provision of 81 car spaces to benefit future development on Lot 109 with 12 of these spaces specifically to service Building 1.



**Figure 5.** Location of approved common car park and the site

### Landscaping

Landscaping design has been provided for Building 1 and its surrounds. The landscaping design includes a range of native vegetation of various sizes including:

- Spotted Gum
- Brushbox
- Old Man Banksia

The landscaping equates for 20.9% of the development area for Lot 109/1 (Building 1). The landscaping also provides space for informal seating within the front setback of the development.

### Stormwater

The development proposes to construct a stormwater system with a traditional pit and pipe system which will have the capacity to convey the peak flows from a 5% AEP storm event.



It is proposed that the major system conveyance will be via overland flow to the public road carriage way and footpath. This has the capacity to convey the peak flows from a 1% AEP storm event.

The Astra Aerolab subdivision includes a stormwater detention system which has been sized to cater for 90% impervious site area across Stage 1. The development has less than 90% site coverage and therefore on-site detention is not required or proposed.

## **Waste**

The development includes an 85m<sup>2</sup> screened waste and recycling area located to the south west of Building 1, refer to **Figure 6** below. The waste area is intended to service all waste within the site. An Operational Waste Management Plan (OWMP) prepared by Elephants Foot Consulting Pty Ltd was lodged with the application. The OWMP includes an estimate of projected waste streams and volumes for general and recyclable waste for all future development on the site. The OWMP found that a total of six 1100L bins would be required to service Building 1, consisting of four recycling bins and two general waste bins. The OWMP found that two collections a week would be required, one for recycling and one for general waste.

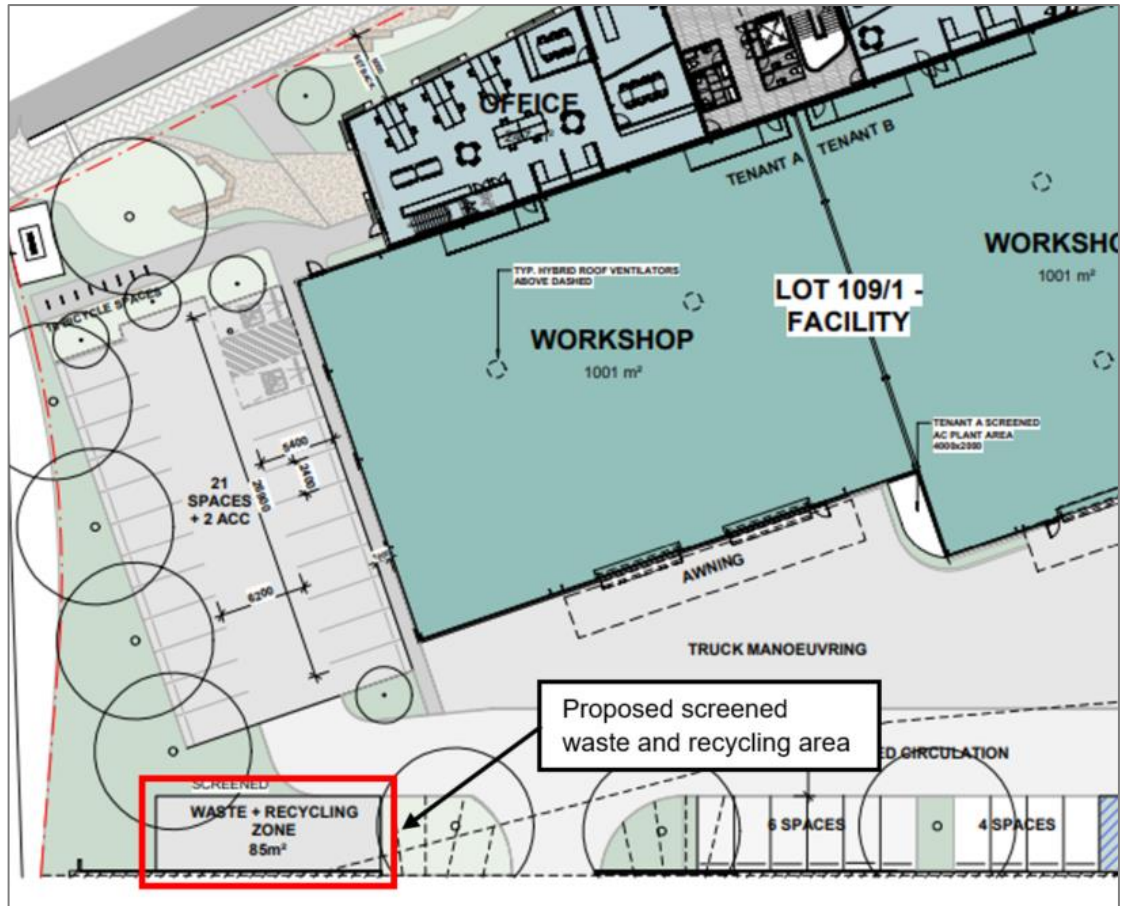
In regard to the indicative footprints for Buildings 2, 3 and 4 (not part of this application), it was found they would require 8 x 1100L general waste bins and 6 x 1100L recycling bins. Based on these calculations, the OWMP found that a total area of 35m<sup>2</sup> would be required to appropriately store bins for the whole lot. The area required for waste storage was calculated based on equipment requirements and/or bin dimensions with an additional 70% of bin GFA factored in for manoeuvrability. Whilst these footprints are not sought for approval, the waste area has demonstrated capacity to service the entire lot.

The development provides an 85m<sup>2</sup> screened waste storage area and is therefore consistent with the OWMP in this regard.

The OWMP provides the following description of the proposed operational waste management:

*“Waste streams generated by Building 1 (subject of development application) will be separated with general waste and comingled recycling receptacles located centrally on each level of the building. On completion of each trading day, or as required, nominated staff or contracted cleaners will collect general waste and recyclables and deposit them into the appropriate collection bins located in the centralised external storage area. Other waste streams such as green waste and e-waste will be managed by each commercial tenancy with collection and disposal from site scheduled on a needs basis.”*

The waste storage area is appropriately located adjacent a loading bay, with access via the proposed 7.2m driveway from Aerospace Avenue to enable pick-up by a private contractor. The OWMP notes that a designated staff member will ensure bins are accessible on servicing days, and that they are returned to resume operational use afterward.



**Figure 6.** Proposed waste and recycling area

A Construction Waste Management Plan (CWMP) was also prepared for the proposal by Elephants Foot Consulting Pty Ltd. The CWMP provides management procedures of different types of waste that may be encountered during constructing including excavation waste and hazardous waste. The CWMP also identifies the expected volumes of construction waste noting that it will be managed by the principal contractor. The CWMP estimates that a total volume of 1142.3m<sup>3</sup> of waste will be generated as a result of the proposal.

## 2.2 Background

The development application was lodged on **23 August 2022**. A chronology of the development application since lodgement is outlined in **Table 3**.

**Table 3: Chronology of the DA**

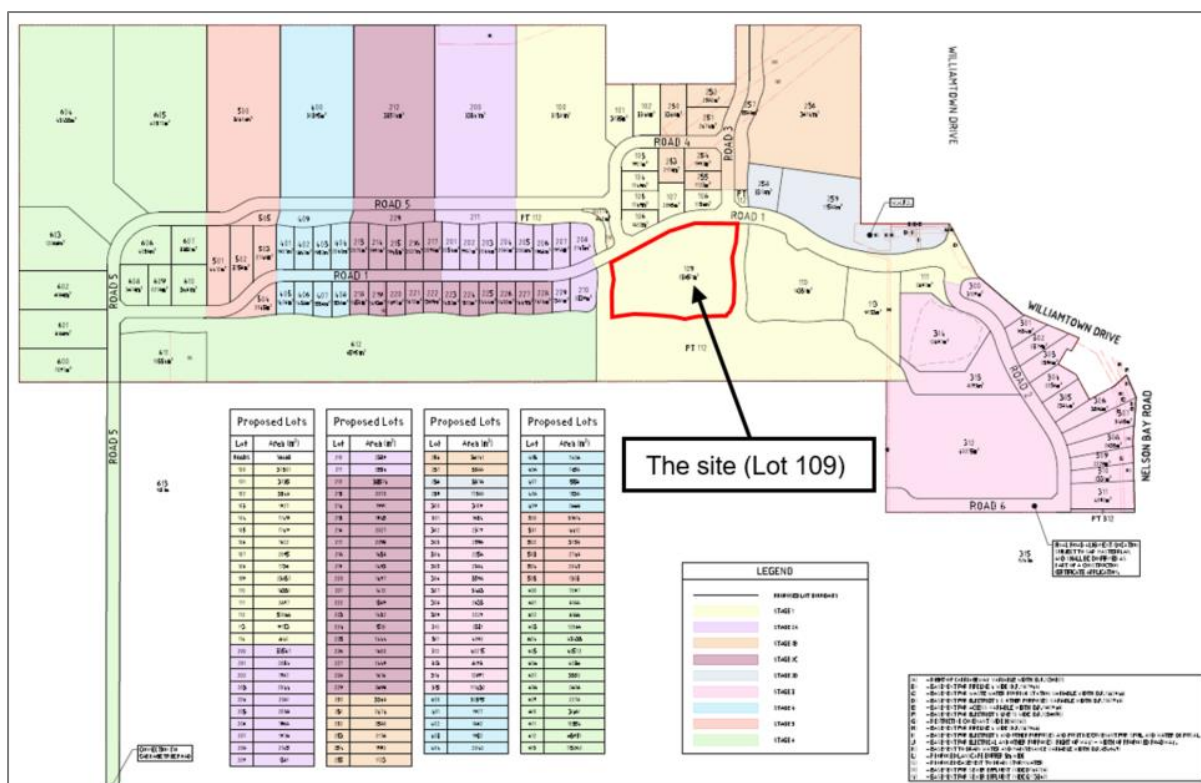
Date	Event
<b>6 September 2022 – 20 September 2022</b>	Exhibition of the application
<b>24 August 2022</b>	DA referred to external agencies
<b>30 August 2022</b>	Request for Information from Council to applicant for outstanding information
<b>23 September 2022</b>	Documentation provided to Council

<b>5 October 2022</b>	Kick-off Panel briefing
<b>24 October 2022</b>	Request for Information from Council to applicant issued
<b>7 November 2022</b>	Additional Information provided to Council
<b>24 November 2022</b>	Assessment Briefing
<b>8 December 2022</b>	Request for Information from Council to applicant issued
<b>15 December 2022</b>	Partial response to Request for Information provided to Council
<b>22 December 2022</b>	Further Request for Information from Council to applicant issued
<b>7 February 2023</b>	Additional Information provided to Council
<b>17 May 2023</b>	Council Assessment Report finalised

### 2.3 Site History

The site is located within the Astra Aerolab subdivision first approved by Council in January 2011 (DA No. 16-2009-324-1) for the subdivision of the land into 103 lots for defence and airport related purposes. A modification application was lodged in February 2019 (DA No. 16-2009-324-2) and was later withdrawn. Another modification application was determined by Council (16-2009-324-3) in March 2022 which amended the approved lot layout including the reduction in lots from 103 to 101, as well as amendments to the approved road network, staging, stormwater design and conditions. Lot 109 forms part of this consent and is shown on the approved subdivision plans at **Figure 7** below. A Subdivision Certificate (SC) is currently being assessed by Council for the approved subdivision.





**Figure 7. Approved Astra Aerolab Lot Layout**

There have been a number of other applications lodged over the site which are summarised in **Table 4** below.

**Table 4: Development Application's lodged over the site**

Application No.	Proposal Description	Determination
16-2021-1153-1	Extension of existing car park	Approved 29/4/22
16-2022-366-1	Fencing and Signage	Approved 8/7/22
16-2022-367-1	Fencing and Signage	Approved 8/7/22
16-2022-379-1	Fencing and Signage	Approved 8/7/22
16-2022-690-1	Office Premise	Returned by Council due to insufficient information
16-2022-834-1	Commercial Development	Currently under assessment to be determined by the HCCRPP.
16-2022-855-1	Construction of 314 new car parking spaces	Approved 23/5/23

### 3. STATUTORY CONSIDERATIONS

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

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

These matters are further considered below.

It is noted that the proposal is not considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Concept Development (s4.22)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

#### 3.1 Other Statutory considerations - Section 4.14 – Consultation and development consent (certain bushfire prone land)

Section 4.14(1) provides that development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the*

*purposes of this paragraph, that document) that are relevant to the development (**the relevant specifications and requirements**), or*

*(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The proposed development is mapped as bushfire prone land, category 3, and as such requires assessment under the NSW RFS Planning for Bushfire Protection (PBP) 2019. A Bushfire Threat Assessment (BTA) was prepared by Anderson Environment and Planning which assessed the proposal against PBP 2019. The report was not prepared by a person recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment and therefore subclause (1)(b) does not apply.

The proposed development for general industry is a type of 'other non-residential development' to which section 8.3 of PBP 2019 applies. The proposal comprises class 5 and 8 buildings. The NCC does not provide for any bush fire specific performance requirements for these particular building classes. As such AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions. Notwithstanding, PBP 2019 provides that compliance with AS 3959 and the NASH Standard must be considered when meeting the aims and objectives of PBP 2019.

In addition, PBP 2019 prescribes that the following objectives will be applied in relation to access, water supply and services, and emergency and evacuation planning:

- *to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;*
- *to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;*
- *to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and*
- *provide for the storage of hazardous materials away from the hazard wherever possible.*

The proposed development provides safe access to and from Aerospace Avenue (proposed to be dedicated as a public road under the parent subdivision approval) via a 16.25m crossover and minimum 7.2m wide internal carriage width. This access is considered suitable to provide access for firefighters during a bushfire. This was also the conclusion reached in the BTA.

The BTA found that the bushfire threat to the proposed development was from the existing vegetation located to west and south of the site. It is noted that the existing vegetation to the west is approved to be removed as a part of Stages 2A and 2C of the Astra Aerolab subdivision. The vegetation to the south of site is approved to contain a stormwater detention basin which will be delivered as a part of Stage 1 of the Astra Aerolab subdivision works. Noting that the subject lot forms a part Stage 1 as well. Notwithstanding, the proposed development provides appropriate defendable space by virtue of the access driveway, truck manoeuvring area and car park. These areas are hardstand spaces and not vegetated as recommended by the BTA.

The BTA recommends that static water supply be provided to the site. However, PBP 2019 states that where reticulated water is available, static water supply is not needed. The site will be serviced by reticulated water.

To address the remaining objectives relating to water supply and services, a condition of consent has been included requiring the following:



- The development is to be constructed in accordance with the access provisions of Chapter 8 of PBP 2019;
- The area of the site identified as Lot 109/1, as indicated in the approved 'Lot 109 – Site Plan', Drawing No. A-0-001, Revision G prepared by EJE Architecture and dated 04/11/2022 is to be managed as an inner protection area.
- The development is to be connected to a reliable water supply network and suitable fire hydrants are to be clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, fixing and pressure shall comply with AS2419.1 – 2005 and PBP 2019 (Table 7.4a);
- The provision of electricity must comply the following in accordance with Table 7.4a of PBP 2019;
- An Emergency Evacuation Plan is to be prepared.

Subject to the above conditions the access, water supply and services; and emergency and evacuation planning provisions of Chapter 8 of PBP2019 are satisfied.

With regard to the broader aims and objectives under Section 1.1 of PBP 2019, compliance with AS 3959 and the NASH Standard has been considered. In accordance with AS 3959 and Appendix 1 of PBP 2019, the site is subject to a maximum BAL rating of 19, based on a vegetation type of forest, the land being flat and taking into account the area to be managed as an IPA.

Based on the BAL level of 19 and construction of the development in accordance with the general fire safety construction provisions of the AS 3959.2018 'Construction of Buildings in Bushfire Prone Areas', which has been included as a condition of consent, the proposed development provides adequate protection of the buildings and their occupants from exposure to bushfire. It is noted that BAL ratings do not apply to Class 5 to 8 buildings. Subject to the conditions recommended above relating to access, water supply and services; and emergency and evacuation planning the proposed development is consistent with the aims and objectives under Section 1.1 of PBP 2019.

On this basis, the proposal conforms to the specifications and requirements of PBP 2019.

### **3.2 Section 4.22 – Concept development applications**

Section 4.22(3) provides that a "development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application". Whilst the plans identify 'building footprints' for Buildings 2, 3 and 4, the application has not been lodged as a concept development application. As such, the development of these footprints is not subject to this approval and has been included to provide context on future development intentions for the wider site. Development of these footprints will be subject to separate development applications.

### **3.3 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

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

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

The following Environmental Planning Instruments are relevant to this application:

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

- *State Environmental Planning Policy (Precincts—Regional) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *Port Stephens Local Environmental Plan 2013.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 5** and considered in more detail below.

**Table 5: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p>Chapter 4: Koala Habitat Protection 2021</p> <p>Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. The site was cleared of vegetation as a result of the subdivision works associated with the Astra Aerolab development. Given there is no removal of Koala Habitat, the proposal is consistent with this policy and the Port Stephens Comprehensive Koala Plan of Management.</p>	Y
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <p>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises Council related development over \$5 million.</p>	Y
State Environmental Planning Policy (Precincts—Regional) 2021	<p>Chapter 3: Activation Precincts</p> <p>The site is located within the Williamstown Special Activation Precinct. Once the Precinct Master Plan is made for the Williamstown SAP, it will be a statutory planning document that supports the State Environmental Planning Policy (Precincts—Regional) 2021 (Precincts—Regional SEPP). However, until such time that the SEPP (Precincts – Regional) is made, the Port Stephens Local Environmental Plan 2013 is the principal instrument that applies to the site.</p>	Y
SEPP (Resilience & Hazards)	<p>Chapter 4: Remediation of Land</p> <p>Section 4.6 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out.</p> <p>A validation report prepared by Qualtest Laboratory (NSW) Pty Ltd has been submitted with the application which found that the site is suitable with respect to contamination for the proposed development.</p>	Y
State Environmental Planning Policy	Chapter 2: Infrastructure	Y

(Transport and Infrastructure) 2021	<p>Section 2.122(4) of the SEPP relates to traffic-generating development. The application is considered to be traffic generating development as the purpose is for general industry and the site area exceeds 20,000m<sup>2</sup>.</p> <p>The application was referred to Transport for New South Wales (TfNSW) for comment in accordance with this SEPP. TfNSW raised no objection to the proposal as it was considered that there would be no significant impact on the nearby classified road network. Advice was given to Council within the referral which has been considered in the assessment. This is discussed further under the assessment against the Transport and Infrastructure SEPP.</p> <p>Section 2.119 of SEPP (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure) provides that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the matters listed under Section 2.119(2) have been satisfactorily addressed. The proposed development is consistent with the access and compatibility criteria under Section 2.119(2) as outlined in the Traffic Impact Assessment prepared by Seca Solution.</p>	
Proposed Instruments	<p>State Environmental Planning Policy (Precincts—Regional) 2021</p> <p>As noted above, the site is located within the Williamstown Special Activation Precinct (SAP). Once the Precinct Master Plan is made for the Williamstown SAP, it will be a statutory planning document that supports the State Environmental Planning Policy (Precincts—Regional) 2021 (Precincts—Regional SEPP). However, until such time that the SEPP (Precincts – Regional) is made the Port Stephens Local Environmental Plan 2013 applies to the site.</p>	Y
LEP	<p>Port Stephens Local Environmental Plan 2013:</p> <ul style="list-style-type: none"> <li>• Section 2.3 – Permissibility and zoning</li> <li>• Section 4.3 – Height of Buildings</li> <li>• Section 5.10 – Heritage Conservation</li> <li>• Section 5.21 – Flood Planning</li> <li>• Section 7.1 – Acid Sulfate Soils</li> <li>• Section 7.2 – Earthworks</li> <li>• Section 7.4 Airspace Operations</li> <li>• Section 7.5 – Development in areas subject to aircraft noise</li> <li>• Section 7.6 – Essential Services</li> <li>• Section 7.8 – Drinking water catchments</li> <li>• Section 7.9 – Wetlands</li> </ul> <p>The proposal is generally consistent with the LEP.</p>	Y
DCP	<p>Port Stephens Development Control Plan 2014</p> <ul style="list-style-type: none"> <li>• B1 – Tree Management</li> </ul>	Y

	<ul style="list-style-type: none"> <li>• B2 – Natural Resources</li> <li>• B3 – Environmental Management</li> <li>• B4 – Drainage and Water Quality</li> <li>• B5 – Flooding</li> <li>• B6 – Williamstown RAAF Base</li> <li>• B7 – Heritage</li> <li>• B8 – Road Network and Parking</li> <li>• C3 – Industrial</li> <li>• D15 – Williamstown Defence and Airport Related Employment Zone (DAREZ)</li> </ul> <p>The proposal is generally consistent with the DCP.</p>	
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Consideration of the relevant SEPPs is outlined below.

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

#### Chapter 4: Koala Habitat Protection 2021

This chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This SEPP replaces the previous State Environmental Planning Policy No 44 - Koala Habitat Protection. The development control provisions of the SEPP apply to development on all zones other than RU1 (Primary Production), RU2 (Rural Landscape) and RU3 (Forestry) within Port Stephens Council and:

1. Where there is an approved Koala Plan of Management for the land, the development application must be consistent with the approved koala plan of management that applies to the land.
2. Where there is no approved Koala Plan of Management for the land,
  - a. if the land is identified on the Koala Development Application Map, and
  - b. has an area of more than 1 hectare, or
  - c. has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.

The Comprehensive Koala Plan of Management (CKPoM) applies to the land and therefore, the proposal must be consistent with the CKPoM. The site is largely mapped as containing “link over cleared” koala habitat. Areas mapped as “Preferred Koala Habitat” and “50m Buffer over Cleared” also exist within the south of the site.

The site was cleared of vegetation as a result of the subdivision works associated with the Astra Aerolab development and no further clearing is proposed to facilitate the proposed development. As there is no proposed additional clearing, the proposal is consistent with the Port Stephens Comprehensive Koala Plan of Management which constitutes compliance with Chapter 4 of State Environmental Planning Policy (SEPP) (Biodiversity & Conservation) 2021.

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

#### Chapter 2: State and Regional Development



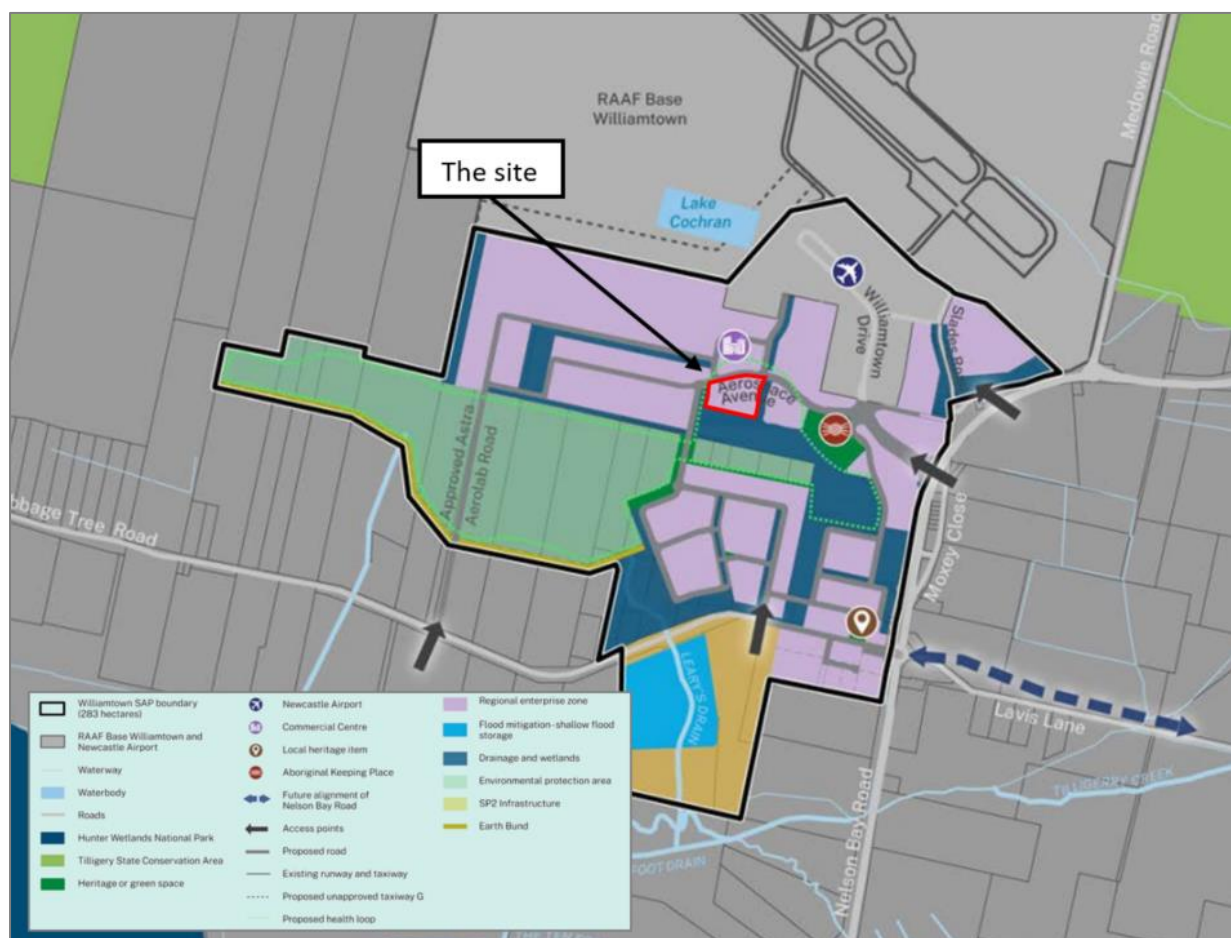
The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 of Schedule 6 of the Planning Systems SEPP being Council related development over \$5 million. Accordingly, the Hunter and Central Coast Regional Planning Panel is the consent authority for the application.

### *State Environmental Planning Policy (Precincts—Regional) 2021*

Chapter 3 - Activation Precincts of the State Environmental Planning Policy (Precincts—Regional) 2021 seeks to promote economic development, industry investment and innovation through the implementation of various Activation Precincts.

The site is located within the Williamstown Special Activation Precinct (SAP), refer to **Figure 8** below. Once the Precinct Master Plan is made for the Williamstown SAP, it will be a statutory planning document that supports the State Environmental Planning Policy (Precincts—Regional) 2021 (Precincts—Regional SEPP). The revised draft Master Plan was on public exhibition from 25 January – 22 February 2023. Until such time that the SEPP (Precincts – Regional) is made and gazetted, the Port Stephens Local Environmental Plan 2013 is the principal EPI applicable to the site.

On this basis, there are no current or draft provisions to consider under this SEPP, other than the draft Master Plan, noting the statutory provisions for the Precincts—Regional SEPP are yet to be placed on public exhibition. A further discussion considering the proposal against the draft Master Plan is provided later in this report.



**Figure 8.** Williamstown Special Activation Precinct

#### Chapter 4: Remediation of Land

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

A Preliminary Site Investigation (PSI) prepared by Douglas Partners was submitted with the application which found low potential for gross contamination across the site, with the exception of previously identified PFAS contamination. Sources of potential contamination on the site were found to likely be as a result of historic uses (filling, rubbish stockpiles etc). The PSI noted that there is some information suggesting that the previously observed potential sources of contamination were removed prior to subdivision works, however, a validation report for the Astra Aerolab Stage 1 area had not been submitted to Council. The PSI therefore recommended that documentation demonstrating remediation works have been completed be obtained by the applicant.

In response to the recommendation of the PSI, a Validation Report prepared by Qualtest Laboratory (NSW) Pty Ltd dated 30 January 2023 has been provided. The Validation Report found that works on the site were carried out in general accordance with the approved Remediation Action Plan (RAP) under the Astra Aerolab subdivision approval. The Validation Report prepared by Qualtest Laboratory (NSW) Pty Ltd concluded that the site is considered suitable with respect to contamination for the proposed use.

The Validation Report did note that groundwater on the site is impacted by PFAS from the RAAF Base Williamtown and that PFAS contamination in the region is managed under the RAAF Base Williamtown PFAS Management Area Plan (PMAP). The Validation Report noted that the management procedures in the PMAP would be relevant to users on site.

Standard conditions have been recommended to address PFAS. It is noted that applications within PFAS management area have previously been referred to the NSW EPA being the lead organisation for the investigation into PFAS use across NSW. However, the EPA have since provided Council with standard PFAS conditions to manage interaction with PFAS contamination for development in the Williamtown area. These conditions have been included in **Attachment 1**.

Given the above, the proposal is considered to satisfy the requirements of Chapter 4 of this SEPP.

*State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP')

#### Chapter 2: Infrastructure

Section 2.122 of this policy requires that where development is considered 'traffic generating' it must be referred to TfNSW. The proposed development is considered traffic generating development, in accordance with the thresholds listed in Schedule 3 of the Transport and Infrastructure SEPP as the purpose is for industry and the site area exceeds 20,000m<sup>2</sup>. In addition, Section 2.122 (4) requires the consent authority to take into consideration the following:

- Any TfNSW comments;
- The efficiency of movements to and from the site and extent of multi-purpose trips;
- The accessibility of the site; and
- Any potential traffic safety, road congestion or parking implications of the development.

The application was referred to Transport for New South Wales (TfNSW). TfNSW raised no objection to the proposal as it was considered that there would be no significant impact on the nearby classified road network. Advice was given to Council which was as follows:

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.

In response to the advice above, a condition has been recommended requiring the creation and implementation of a Construction Environmental Management Plan which will include construction traffic measures.

Sight distances are considered to be acceptable given the wide shared pathway and no parking permitted on the street. The proposal was deemed to be compliant with AS2890.2.

Internal arrangement's, manoeuvring, and pedestrian access have been assessed by Council and are considered to be appropriate.

In addition to the above, a Traffic Impact Assessment (TIA) was prepared for the proposed development by SECA Solution dated 16 September 2022. The TIA highlighted that the Astra Aerolab subdivision and associated road network has been designed to cater for development such as that proposed and therefore the proposal would not result in adverse impacts to the road network. The proposed access and site lines were considered to be appropriate and capable of complying with the relevant Australia Standards. Noting this, it is considered that the proposal is consistent with s2.122 of this policy.

### Port Stephens Local Environmental Plan 2013

#### *Preliminary (Part 1)*

The relevant local environmental plan applying to the site is the *Port Stephens Local Environmental Plan 2013* ('the LEP'). The aims of the LEP are:

- (a) *to cultivate a sense of place that promotes community well-being and quality of life,*
- (b) *to provide for a diverse and compatible mix of land uses,*
- (c) *to protect and conserve environmental values,*
- (d) *to facilitate economic growth that contributes to long-term employment,*

- The proposal is consistent with the above aims as the development contributes to the diverse land uses envisaged within this zone, in an appropriate location to service the expanding Defence and Aerospace industry in the Williamstown area and contributes to long term employment.

## Zoning and Permissibility (Part 2)

According to the definitions of the LEP, the proposal satisfies the definition of general industry which is a permissible use with consent in the Land Use Table in Clause 2.3.

- *To provide a range of office and light industrial uses.*



- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To facilitate the future development of the land as an employment area relating to defence and airport operations to support the continued operation of the RAAF Base Williamtown Airport and the Newcastle Airport.*

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

- It provides a general industrial warehouse and associated office space which will encourage employment opportunities.
- The proposal would supply general industrial floor space, conveniently located in close proximity to RAAF Base Williamtown and the Newcastle Airport to support the expanding Defence and Aerospace industry in the Williamtown area.
- The proposal is not an offensive type that would prohibit development of land uses on the site or nearby sites that could provide facilities or services to meet the day to day needs of workers in the area.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

**Table 6: Consideration of the LEP Controls**

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Comply</b>
Height of buildings (CI 4.3(2))	No maximum building height specified.	The proposed development has a maximum height of 12.5m. This is consistent with the desired future character of the area and the surrounding Astra Aerolab subdivision. The proposal is consistent with the objectives of this clause which are as follows:  <i>(a) to ensure the height of buildings is appropriate for the context and character of the area.</i> <i>(b) to ensure building heights reflect the hierarchy of centres and land use structure.</i>	Yes
Heritage (CI 5.10)	Clause 5.10 specifies the requirements for consent and associated assessment requirements for impacts relating to	There are no local or state heritage listed items on the site.  An Aboriginal Place was identified on the site	Yes

	European and Aboriginal heritage.	<p>through a AHIMs search. However, impacts to Aboriginal Heritage were assessed as part of the parent DA (16-2009-324), which required an Aboriginal Heritage Impact Permit covering the site area. As a part of the Astra Aerolab approval, an Aboriginal Keeping Place will be established containing salvaged items from across the site. The Aboriginal Keeping Place will form part of the Astra Aerolab subdivision and will exist to the sites east.</p> <p>A local heritage item is located at 150 Cabbage Tree Road, to the south west of the site. The heritage item is known as Devon House (I109). The proposed development will not impact the heritage significance of this item or curtilage given the proximity and natural screening elements between the site.</p> <p>A condition of consent is recommended regarding the implementation of an unexpected finds procedure should artefacts be discovered during works.</p> <p>In accordance with the above, the proposal is consistent with the requirements of this clause.</p>	
Flood Planning (CI 5.21)	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the	The site is located on flood prone land. Building 1 is largely located within the minimal risk flood prone land area with a small portion of the site impacted by low hazard flood fringe. The development site,	Yes

	<p>development complies with the following matters identified in 5.21(2):</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses</p> <p>Section 5.21(3) requires that the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p>	<p>being a vacant lot in the recently constructed Astra Aerolab estate, is already filled to the Flood Planning Level (FPL) with this filling assessed under the original subdivision application. The proposal is therefore is not expected impact the flood behaviour.</p> <p>Given the site is already constructed to the FPL, the proposal is afforded appropriate flood immunity to protect property and a flood free evacuation route is available to minimise risk to life from flooding.</p> <p>A condition has been recommended requiring the preparation of a flood evacuation plan to ensure the safe evacuations of people in a flood event.</p> <p>On this basis, the proposal satisfies the requirements of this clause.</p>	
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	<p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
<p>Arrangements for designated State public infrastructure (CI 6.1)</p>	<p>Clause 6.1(2) provides that development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p>	<p>The proposal does not involve subdivision and therefore this clause is not applicable.</p>	<p>N/A</p>
<p>Public utility infrastructure (CI 6.2)</p>	<p>Clause 6.2(1) provides that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that</p>	<p>The site is mapped as an Urban Release Area (URA) on Councils LEP maps. On this basis, the provisions of Clause 6.2 are applicable. The area is nominated as URA for the purposes of a business park and aerospace development.</p> <p>Following the recent completion of the parent</p>	<p>Yes</p>



	adequate arrangements have been made to make that infrastructure available when it is required.	<p>subdivision works, the site is serviced by reticulated water, electricity and sewer.</p> <p>In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Councils requirements. The subject land will have direct access to the local road network being Aerospace Avenue, which has been constructed as part of the Astra subdivision. This road will become a public road once the parent subdivision is formally registered. As the parent subdivision has not yet been registered a deferred commencement condition has been included requiring that Stage 1 of DA 16-2009-324-1 is registered prior to the consent becoming operational. Subject to this condition, the proposal meets the requirements of this clause.</p>	
Development control plan (CI 6.3)	Clause 6.3(2) provides that development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.	Chapter D15 Williamstown Defence and Airport Related Employment Zone (DAREZ) which provides development controls for future development on the Astra Aerolab site where the proposed development is located. Consideration of the development against this chapter is provided in the DCP section elsewhere in this report. The DCP satisfies the jurisdictional prerequisites outlined under Clause 6.3.	Yes
Infrastructure—Pacific Highway access (CI 6.5)	Clause 6.5(2) provides that development consent must not be granted for the	The proposal does not involve subdivision and therefore this clause is not applicable.	N/A

	subdivision of land in an urban release area unless arrangements have been made, to the satisfaction of Transport for NSW and the consent authority, for the provision of vehicular access from the urban release area to the Pacific Highway, including the closure or modification of any existing vehicular access from any land adjoining the Pacific Highway		
Acid sulphate soils (CI 7.1)	<p>The subject land is mapped as containing potential Class 4 acid sulfate soils.</p> <p>Under Clause 7.1, on land mapped class 4 acid sulfate soils, consent is required for works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p>	<p>As a part of the subdivision works, the site has been filled between 0.18m to 1.46m. The proposal involves excavations for building footings and stormwater drainage installation. The building footings extend approximately 0.4m below the existing ground level whilst the pit and pipes for the stormwater system extend approximately 0.6m below the existing ground level. Therefore, no earthworks 2m below the natural ground level on site are proposed and the development is not considered likely to expose ASS. On this basis, the proposal satisfies clause 7.1.</p> <p>It is noted that the PSI prepared by Douglas Partners identified that the southern portion of the site is mapped as having a high probability of ASS at depths between 1 and 3 metres below natural ground surface. No disturbance is proposed within this area of the site</p>	Yes

		as a part of this DA nor are any earthworks at depths between 1m and 3m proposed.	
Earthworks (CI 7.2)	Under Clause 7.2(3) before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<p>Earthworks are required to create a level building platform, construct footings and services. The proposed earthworks are considered to be minor in nature and ancillary to the proposed development. The majority of site earthworks were completed as part of Stage 1 of the Astra Aerolab.</p> <p>The proposed earthworks, subject to the recommended conditions, will include appropriate sediment and erosion controls to prevent adverse impacts to the environment, adjoining properties and relics.</p> <p>No adverse impacts are expected to the water quality of the drinking water catchment, as confirmed in the referral comments from HWC.</p> <p>Subject to the recommended conditions, it is considered that the proposal satisfies the requirements of this clause.</p>	Yes
Airspace Operations (CI 7.4)	Clause 7.4(2) provides that if a development application is received	The subject site is identified within the Limitation or Operations Surface map	Yes

	<p>and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>Sub clause 3 provides that the consent authority may grant development consent for the development if the relevant Commonwealth body advises that—</p> <p>(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or</p> <p>(b) the development will not penetrate the Limitation or Operations Surface</p>	<p>where all structures over 7.5m in height are to be referred to the Department of Defence (DoD). The development has a maximum height of 12.5m and was therefore referred to DoD. No objection was made relating to the height of the proposal. The referral provided comments relating to extraneous lighting and glare. It was requested that outdoor lighting be made to comply with the requirements of the Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes. A condition to this effect has been recommended.</p> <p>It was also requested the building be constructed of non-reflective building materials. The selected materials and finishes consist of fibre cement and concrete cladding and metal sheeting. These materials are considered to be of low reflectivity. Regardless, a condition has been recommended that materials and finishes must be non-reflective.</p> <p>Subject to the condition and conformance with Defence advice, the proposal complies with the requirements of this clause.</p>	
Development in areas subject to aircraft noise (CI 7.5)	<p>Clause 7.5(2) provides that (2) This clause applies to development that—</p> <p>(a) is on land that—</p> <p>(i) is near the RAAF Base Williamtown Airport, and</p>	<p>The proposed development is located on land identified as being within the 2021 30-35 ANEF contour. A Noise Assessment prepared by Renzo Tonin &amp; Associate was submitted with the application which demonstrates that the development can be</p>	Yes



	<p>(ii) is in an ANEF contour of 20 or greater, and</p> <p>(b) the consent authority considers is likely to be adversely affected by aircraft noise.</p>	<p>constructed in accordance with 'AS2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements'. A condition has been recommended that the development be constructed in accordance with recommendations of the Noise Assessment. On this basis, the proposal satisfies the requirements of this clause.</p>	
Essential Services (Cl. 7.6)	<p>Cause 7.6 provides that development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.</p>	<p>The subject site is serviced by reticulated water, electricity and sewer through the parent subdivision works. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Councils requirements subject to the construction of the wider stormwater management plan for the subdivision. The subject land also maintains direct access to the local road network, meeting the requirements of this clause.</p> <p>To ensure that services including the stormwater system and access road are constructed prior to works being undertaken on the subject lot, a deferred commencement condition has been recommended requiring Lot 109 to be formally registered.</p>	Yes
Drinking Water Catchments (Cl. 7.8)	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the</p>	<p>The proposed development is located within a drinking water catchment and accordingly the requirements of this clause apply. No site specific stormwater quality</p>	Yes

	<p>development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>measures/devices are proposed for the site given there is an approved stormwater master plan under the Astra Aerolab subdivision. The precinct wide approach to stormwater management caters for the entire subdivision in a fully developed state. The approved plan achieves the required pollutant reductions.</p> <p>Further, given the site does not exceed the 90% maximum impervious area required by the DCP, no additional site-specific stormwater quality measures/devices are required. The development was supported by Council's Development Engineers.</p> <p>Additionally, the application was also referred to Hunter Water Corporation (HWC) given the site is within a mapped drinking water catchment. HWC raised no objections to the proposal but requested the development comply with a number of requirements including undertaking the development in accordance with the stormwater management plan approved under the Astra Aerolab subdivision. A deferred commencement condition requiring the registration of Lot 109 has been recommended. This will ensure the stormwater design approved under the Astra Aerolab subdivision is constructed and operational prior to development on Lot 109 as part of this application.</p>	
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		Subject to conditions of consent the proposal satisfies this clause.	
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The proposal is considered to be generally consistent with the LEP.

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

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Williamstown Special Activation Precinct Draft Masterplan - State Environmental Planning Policy (Precincts—Regional) 2021*
- *Draft Remediation of Land State Environmental Planning Policy*

These proposed instruments are considered below:

*State Environmental Planning Policy (Precincts—Regional) 2021*

Chapter 3 Activation Precincts of the State Environmental Planning Policy (Precincts—Regional) 2021 seeks to promote economic development, industry investment and innovation through the implementation of Activation Precincts.

As outlined below, Section 3.8 of the State Environmental Planning Policy (Precincts—Regional) 2021 stipulates that a consent authority must have regard to any draft master plan or draft delivery plan that is published on the NSW planning portal.

*3.8 Consent authority to consider master plans and delivery plans*

*A consent authority must have regard to the following when determining an application for development consent to carry out development on land within an Activation Precinct—*

- (a) the master plan for the Activation Precinct,*
- (b) any delivery plan that applies to the land on which the development is to be carried out,*
- (c) any draft master plan or draft delivery plan that is published on the NSW planning portal.*

The site is located within the Williamstown Special Activation Precinct (SAP) area. A revised draft Master Plan was exhibited from 25 January 2023 through to 22 February 2023. The Master Plan is expected to be finalised in late 2023.

The revised draft Master Plan identifies the site within the Regional Enterprise Zone (REZ) of the SAP, which has been identified as the commercial centre of the precinct. REZ is a flexible land-use zone that applies to special activation precincts, allowing a wide range of employment and industrial uses within the Precinct whilst safeguarding the airport and Defence operations. The Regional Enterprise Zone includes a wide range of employment uses to support defence and aerospace industries, advanced manufacturing, training, innovation, research and development, commercial, freight, logistics, industry and tourism opportunities.

The proposal, being for industrial development that supports aerospace and manufacturing activities, is consistent with the draft Master Plan as it aligns with the intended land uses identified for the northern catchment and Regional Enterprise Zone. The Master Plan also recognises the Astra Aerolab subdivision and future development of the lots as being the initial stages for delivery of the Williamstown SAP. Moreover, the draft Master Plan recognises Stage 1 of the Astra Aerolab subdivision as being suitable for development now and provides opportunities for commercial activities, such as that proposed under the subject application.

An assessment against the aims of the draft Master Plan has been undertaken in **Table 7** below.

**Table 7: Assessment against the draft Williamstown SAP Masterplan**

Chapter	Sections	Council Comment
5. Built form and landscape	5.1 built form and landscape 5.2 Bulk and Scale 5.3 Open public space 5.4 Airside access interface	<p>Section 5.1 of the draft Master Plan identifies the desired future character of the precinct as being leading defence and aerospace hub, becoming a well-connected, vibrant campus style employment precinct that is an attractive place to work, visit and play with high quality urban form with leading architecture solutions and open space.</p> <p>The proposal is considered to be consistent with the aims of this section in that it provides a contemporary, high quality building that will support employment opportunities in defence and aerospace industries. In addition, the proposal addresses the street and provides passive surveillance through the location of office spaces and street activation through the use of outdoor seating within the landscape plan.</p> <p>Consequently, the proposal is consistent with the desired built form and landscape aims and performance criteria within Section 5.1.</p> <p>Section 5.2 seeks to ensure a mix of contemporary, high-quality building types and sizes are provided to support employment opportunities within the Precinct. The proposal is consistent with this aim.</p> <p>Section 5.3 seeks to provide a range of open public spaces, provide high amenity and create a highly accessible area. The proposal does not incorporate public open space, however, this is incorporated throughout the Astra Aerolab subdivision. The landscape plan approved under DA 16-2009-324 for</p>

		<p>the Astra Aerolab subdivision identifies locations for recreational areas, as well as a shared pathway network and activation nodes. The approved areas of public open space align with the aims of Section 5.3.</p> <p>Section 5.4 seeks to protect the security and operations of RAAF Base Williamtown and Newcastle Airport. This section apply to sites that have direction airside access. The subject site does not and therefore this section is not relevant.</p>
6. Culture and social infrastructure	6.1 Aboriginal Heritage 6.2 European Heritage 6.3 Social Infrastructure	<p>Section 6.1 seeks to retain, protect and celebrate Williamtown's proud Aboriginal cultural heritage through the contribution of the local Aboriginal community. This section recognises the approved Aboriginal Keeping Place that is located within Astra Aerolab. The proposed development will not impact the Keeping Place or other artefacts known to exist in the precinct.</p> <p>Section 6.2 relates to a local heritage listed item being St Saviour's Anglican Church. This item may be impacted by flood mitigation work associated with the delivering the wider Williamtown SAP. However, will not be impacted by the proposed development.</p> <p>Section 6.3 seeks to provide social infrastructure that will create desirable and functional places for workers, visitors and surrounding residents. The landscape design for the proposed development includes outdoor seating which will encourage social interaction. Moreover, as noted previously, the overall Astra Aerolab subdivision design included recreational zones, as well as a shared pathway network and activation nodes.</p>
7. Environment and sustainability	7.1 Groundwater and stormwater 7.2 Geotechnical, earthworks and acid sulfate soils	<p>The proposal is considered to be consistent with Chapter 7 for the following reasons:</p>



	<p>7.3 Contamination</p> <p>7.4 Sustainability and climate change</p> <p>7.5 Flood risk management</p> <p>7.6 Biodiversity conservation</p> <p>7.7 Bushfire</p> <p>7.8 Air quality and odour</p> <p>7.9 Noise and aeronautical limitations</p> <p>7.10 land use safety</p>	<ul style="list-style-type: none"> <li>• Appropriate stormwater and water quality management procedures are proposed.</li> <li>• The proposal is not considered likely to disturb Acid Sulfate Soils.</li> <li>• Appropriate conditions have been recommended to manage PFAS contamination on the site.</li> <li>• The development has been design to appropriately respond to flood risk.</li> <li>• The proposal does not seek to remove any vegetation.</li> <li>• The proposal has been designed in accordance with Planning for Bushfire Protection 2019.</li> <li>• The proposal is not considered likely to impact air quality.</li> <li>• The proposal is capable of complying with AS2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements.</li> </ul>
8. Transport and infrastructure	<p>8.1 Transport network</p> <p>8.2 Road network</p> <p>8.3 Active and public transport</p> <p>8.4 Utilities and services</p>	<p>Section 8.1 relates to upgrades of the wider road network surrounding the SAP area which are not related to the proposed development.</p> <p>Section 8.2 seeks to ensure that the safety of the road network is maintained. The Traffic Impact Assessment submitted with the DA found that the road network has capacity to cater for the additional traffic resulting from the proposal. Site distances and access design were also considered to be suitable.</p> <p>Section 8.3 aims to provide a cohesive walking and cycling network as well as a more public transport. The proposal includes bicycle parking as well as a shower to encourage active transport.</p>

		Section 8.4 relates to servicing. The site will be appropriately serviced.
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Following the gazettal of the Williamstown Special Activation Precinct (SAP) under the State Environmental Planning Policy (Precincts— Regional) 2021, a Delivery Plan will be prepared by the NSW Regional Growth Development Corporation and approved by the Planning Secretary. Consistent with the other Precincts - Regional SEPP, the Delivery Plan may apply to all land or specified land within each Sub-precinct and will contain specific development controls for particular development. The Delivery Plan is to be consistent with the Master Plan. No draft Delivery Plan has been released to date.

The discussion paper released for the Williamstown SAP also notes savings and transitional provisions will be included for development where a development application has been lodged but not yet determined. This will allow for those development applications to be determined as per the controls that were in force at the time the development application was lodged.

#### *Draft Remediation of Land State Environmental Planning Policy*

The proposed Remediation of Land SEPP is intended to repeal and replace Chapter 4 of SEPP Resilience and Hazards 2021. The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under SEPP Resilience and Hazards 2021 – Chapter 4 elsewhere within this report. The subject site has been identified as suitable for the proposed development and further investigation in respect to contamination is not warranted in this instance.

There are no other draft environmental planning instruments that apply to the proposal.

#### **(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Port Stephens Development Control Plan 2014 ('the DCP')*

##### *Chapter B1 – Tree Management*

This Chapter does not apply as the development application does not seek consent for the removal of trees. Tree removal over the site was approved under the Astra Aerolab subdivision approval.

##### *Chapter B2 – Natural Resources*

This chapter applies to development located within 500m of areas of environmental significance, development that contains koala habitat, noxious weeds or development that is seeking to use biodiversity credits.

The site is located within proximity to items of environmental significance, including koala habitat and is partially mapped on the Biodiversity Values (BV) map. As noted above, vegetation clearing was approved under the parent subdivision application for the land and no additional clearing is proposed under this application.

On this basis, it is considered that the proposal is consistent with Chapter B2 of the DCP.

### *Chapter B3 – Environmental Management*

Chapter B3 contains provisions relating to earthworks and have been assessed below.

#### Earthworks

As discussed at clause 7.2 above, the proposed development involves minor excavations associated with footings and stormwater infrastructure to a depth of 0.4m. The proposed development does not include cut exceeding 2m in depth or fill of a total area of 100m<sup>2</sup> or more, therefore B3.3 does not apply. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements of this chapter.

### *Chapter B4 – Drainage and Water Quality*

This section applies to development that:

- Increases impervious surfaces; or
- Drains to the public drainage system; or
- Involves a controlled activity within 40m of waterfront land.

#### Water Quantity

A stormwater management plan was submitted with the application. Stormwater runoff is proposed to be collected via a traditional pit and pipe system which will have the capacity to convey the peak flows from a 5% AEP storm event.

It is proposed that the major system conveyance will be via an overland flow path. This will be via the road carriage way and footpath. Stormwater management has been designed in the Astra Aerolab subdivision to have the capacity to convey the peak flows from a 1% AEP storm event.

The Astra Aerolab subdivision has been designed with precinct wide stormwater detention. In accordance with Figure BC of the DCP, the site has been allowed 90% impervious area based on the Astra stormwater system. The development is proposed to stay under this target and therefore additional detention on the subject lot is not required.

The proposed stormwater drainage design was support by Council's Development Engineer.

#### Water Quality

The approved stormwater design for the Astra Aerolab subdivision included a treatment train consisting of grassed swales, in-street rain gardens, storage basins and the existing downstream wetland. Given the inclusion of water quality provisions for the subdivision overall, the proposed development does not propose any site specific stormwater quality measures. Hunter Water Corporation (HWC) requested that the stormwater management for the development is undertaken in accordance with the approved stormwater strategy for Stage

1 of the Astra Aerolab subdivision. The Stage 1 stormwater management system has been constructed. To ensure that stormwater works are undertaken as approved under the Astra Aerolab subdivision, a deferred commencement condition has been recommended requiring that the subject lot be registered. This will legally formalise the existing stormwater system for Stage 1 of Astra Aerolab.

Additionally, a condition of consent has also been recommended requiring the provision of detailed engineering plans, consistent with the controls of this chapter, prior to the issue of a Construction Certificate.

#### *Chapter B5 – Flooding*

This section applies to all development on flood prone land. The subject land is mapped as being within the Flood Planning Area.

As discussed against Clause 5.21 of the PSLEP above, the proposed development is located on land mapped within the Flood Planning Area. Building 1 is largely located within the minimal risk flood prone land area with a small portion of the site impacted by low hazard flood fringe. The Astra Aerolab subdivision included the filling of land to ensure each resulting lot and adjoining road network had a finished level equal to or greater than the flood planning level (FPL). The relevant FPL for site is 3m AHD. The location of Building 1 currently has a minimum finished level of 3.37m. This is consistent with the requirements of the DCP.

Council's Development Engineer recommended that a condition requiring that a flood evacuation plan be prepared for the site. This condition has been included in the recommended conditions.

On this basis satisfies the requirements of this chapter.

#### *Chapter B6 – Williamstown RAAF Base – Aircraft Noise and Safety*

This section applies to development that is situated within the 2025 Australian Noise Exposure Forecast (ANEF), bird strike zone, extraneous lighting area or the Royal Australian Air Force (RAAF) Base Williamstown Obstacle Limitation map.

The impact of aircraft noise on the proposed development has been assessed in the discussion against clause 7.5 of the PSLEP above. The proposed development is located on land identified as being within the 2021 30-35 ANEF contour.

The proposed development consists of a general industrial warehouse and ancillary office space. As per Figure BL of the DCP, general industries are conditionally acceptable within the 30-40 ANEF zone. Commercial premises which includes offices are also conditionally acceptable in the 25-35 ANEF contour.

As required by this Chapter of the DCP, an Acoustic Assessment prepared by Renzo Tonin & Associate was submitted with the application. The Acoustic Assessment identified the maximum aircraft noise level likely to impact the development and with this information identified the construction measures required to ensure the proposal meets the indoor design sound levels required by both Figure BM of the DCP and AS2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements.

The Acoustic Assessment also recommended that a full acoustic assessment be undertaken during the detailed design phase of the development.

A condition has been recommended that the development be constructed in accordance with recommendations of the Acoustic Assessment.

The site is located within Bird Strike Group C. The proposed development is not a development type to be avoided within the Group C zone as identified within Figure BN of the DCP. A condition has been recommended that requires that the storage of bins be covered / enclosed. This is consistent with the referral from Defence and DCP control B6.7.

The subject site is located within the Limitation or Operations Surface map in an area where all structures over 7.5m in height are to be referred to the Department of Defence (Defence). The development has a maximum height of 12.5m and was therefore referred to Defence. No objection was made relating to the height of the proposal.

A condition was recommended by Defence requiring that any outdoor lighting proposed must comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes. This condition is consistent with Councils DCP controls.

Noting the above, the proposal satisfies the requirements of this chapter.

#### *Chapter B7 – Heritage*

The objectives of this section is to conserve environmental heritage, heritage items and conservation areas, archaeological sites and Aboriginal sites and objects of heritage significance.

An AHIMS search identified 1 Aboriginal site located on the subject site. Notwithstanding, impacts to Aboriginal heritage were assessed as part of the Astra Aerolab subdivision (16-2009-324), which required an Aboriginal Heritage Impact Permit covering the entire site area. An Aboriginal Keeping Place is being constructed as part of the Astra Aerolab subdivision which will contain any salvaged artefacts uncovered during works.

The site is not listed as locally significant under Schedule 5 of the LEP or State Heritage register. However, a local heritage item is located at 150 Cabbage Tree Road, to the south of the site. The heritage item is known as Devon House (I109). The proposed development is located approximately 500m from the site and therefore considered unlikely to impacts its heritage significance.

#### *Chapter B8 – Road Network and Parking*

This section applies to development with the potential to impact on the existing road network or create demand for on-site parking.

#### Traffic Impacts

A Traffic Impact Assessment (TIA) was prepared for the proposed development by SECA Solution dated 16 September 2022. The TIA highlighted that the Astra Aerolab subdivision and associated road network has been designed to cater for development such as that proposed and therefore the proposal would not result in adverse impacts to the road network,

It is noted there are upgrades to the surrounding road network that will be progressively delivered as the Astro Aerolab precinct further develops, in accordance with conditions of consent imposed on DA 16-2009-324.



The road and intersection upgrades and associated timing include the following:

- A second right turn lane on the western leg of the intersection of Williamtown Drive and Nelson Bay Road prior to Stage 2A. This requirement has also been imposed as part of a consent issued for an upgrade to the airport terminal (DA 16-2008-940-6).
- Duplication of Williamtown Drive between Nelson Bay Road and the development site prior to Stage 4.
- Single connection with Cabbage Tree Road prior to Stage 5.

The application was referred to Transport for New South Wales (TfNSW) as it is considered traffic generating development. TfNSW raised no objection to the proposal as it was considered that there would be no significant impact on the nearby classified road network. Advice was given to Council within the referral which was as follows:

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.

In response to the advice above, a condition has been recommended requiring the creation and implementation of a Construction Environmental Management Plan which will include construction traffic measures.

Sight distances are considered to be acceptable given the wide shared pathway and no parking permitted on the street. The proposal was deemed to be compliant with AS2890.2,

Internal arrangement's, manoeuvring, and pedestrian access have been assessed by Council and are considered to be appropriate.

Overall, the proposal subject to conditions regarding construction traffic is considered unlikely to result in adverse traffic impacts.

#### Car parking

In accordance with the DCP, the car parking rates identified in **Table 8** below apply to the proposed development.

**Table 8: DCP Car Parking Rates**

Use	Car parking rate
General Industry	1 car space per 100m <sup>2</sup> floor area OR 4 space per work bay 1 bicycle space per 20 employees 1 accessible car space per 30 car spaces

Office	1 car space per 40m <sup>2</sup> floor area 1 bicycle space per 200m <sup>2</sup> floor area
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The 'workshop' area of Building 1 has a floor area of 2002m<sup>2</sup> with no work bays identified. Therefore, 20.02 (20) car parking spaces are required to service the workshop portion of the development. The office area of Building 1 has a floor area of 985m<sup>2</sup> and therefore requires 24.6 (25) car parking spaces.

The development of Building 1 overall therefore generates demand for 44.6 (45) car parking spaces including 1 accessible space and 5 bicycle spaces.

It is proposed to provide grade 33 car parking spaces including 2 accessible spaces on site to service Building 1, representing a 12 space shortfall. There are also 16 bicycle spaces proposed. The TIA originally had sought a 40% concession for the number of car parking spaces to service the office premises due to hybrid working arrangements reducing the car parking required for Building 1 to 35 spaces. The proposed parking concession was not well founded and subsequently not supported by Council.

Therefore, to address the car parking shortfall, 12 car parking spaces are proposed to be provided in an offsite communal car park. This car park is located to the north east of the site and was approved by Council on 23 May 2023 (16-2022-855-1). The approved car park provides 1070 car parking spaces to service future development within the Astra Aerolab subdivision. A draft s88B instrument and plan of easement has been provided to Council which shows an easement for car parking and right of access identified as (B) on the plan which benefits future development on the subject site (Lot 109). **Figure 10** below shows an overlay of the draft easement and the approved car parking layout as per DA 16-2022-855-1.

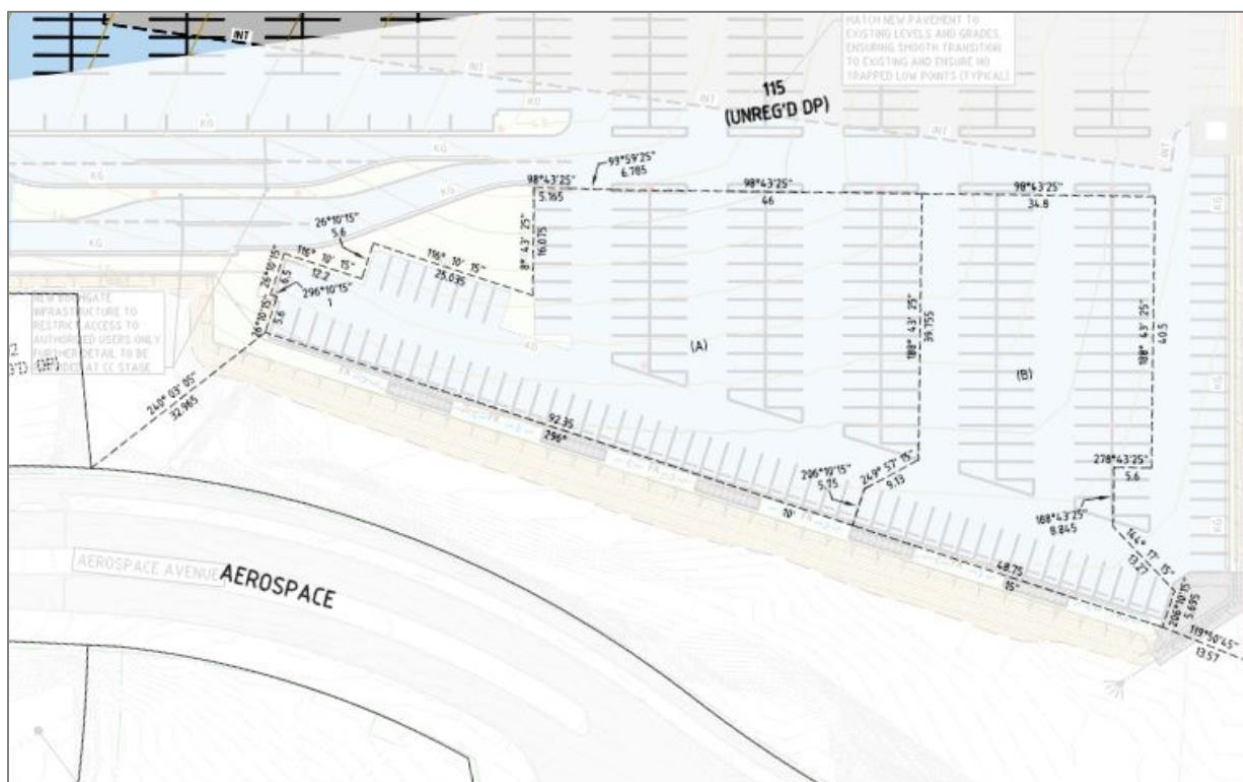
A total of 81 car parking spaces are provided for Lot 109 within the communal carpark via the easement on the draft 88B instrument, which is to service both Building 1 and future development on Lot 109.

A total of 16 bicycle spaces are provided, which is considered suitable for the scale of the proposal.

Future development of Lot 109, combined with Building 1, is expected to generate the requirement for a total of 144 car parking spaces (based on indicative footprints shown on the plans). As shown on the submitted site plan, the indicative footprints show a total of 63 car parking spaces are expected to be provided within the site, representing an 81 space shortfall, hence the provision of 81 car parking spaces benefiting Lot 109 in the communal car park. Notwithstanding, parking assessment for future development of Lot 109 beyond Building 1 will form part of separate development applications. The indicative footprints on Lot 109 do not form part of this assessment.

Offsite parking arrangements are permitted under B8 of the DCP where the parking requirements for B8.4 cannot be provided for on-site in accordance with Figure B. Council has discretion to consider alternative off-site arrangements for parking demand, such as providing parking on another site in proximity to the development. The common car park is approximately 200m from Building 1 and can be accessed by already constructed pedestrian paths along Aerospace Avenue, refer to **Figure 11** below.

Given the proposed development relies upon car parking being provided under DA 16-2022-855-1, a deferred commencement condition has been recommended requiring that the carpark be constructed with easements in place prior to an operational consent being issued for development on Lot 109.



**Figure 10.** Draft easement and approved car parking overlay



**Figure 11.** Distance from the site to offsite car parking

## Access

The development is proposed to have vehicular and pedestrian access from Aerospace Avenue. The vehicular access is proposed to service both Building 1 and future development on Lot 109 and is been mid-way along the site frontage on Aerospace Avenue.

The access has been designed for both light and heavy vehicle movements with the largest vehicle expected to be semi-trailers. The access driveway width is 7.2m wide which expands to 16.25m at the boundary with Aerospace Avenue. The access width is considered to be consistent with the DCP and capable of complying with AS2890.

In regard to site lines, the site access is located on the inside of a slight bend on Aerospace Avenue. The TIA prepared by SECA Solution found that given the cross section of the road, the provision of a wide shared pathway, no on street parking and a 50km/h speed limit, appropriate site lines are provided. This was supported by Council's Development Engineer.

## *Chapter C3 Industrial*

The development specific provisions for industrial development within Chapter C3 of the DCP apply and are considered in the following section.

### C3.A Height

There is no maximum height limit specified under the PSLEP 2013 for the site and therefore the 15m maximum height stipulated by the DCP is applicable. The proposed development has a maximum height of 12.5m, which is compliant with the DCP. As noted against the assessment of Clause 4.3 of the PSLEP, the proposed height is considered to be consistent with the desired future character of the area and the surrounding Astra Aerolab subdivision.

### C3.B Building siting and design

As per control C3.2 of the DCP, the maximum front setback is required to be 6m. Building 1 has a maximum front setback of 5m and is therefore compliant. However, it is noted that there are site specific setbacks applicable to the area as per Chapter D15 discussed below.

A minimum site setback of approximately 19.4m is proposed. This is capable of meeting the Building Code of Australia as conforms with C3.B requirements.

The minimum rear setback proposed is approximately 53.4m. A building pad is proposed behind Building 1, which necessitates the significant rear setback. The setback is therefore considered suitable.

### C3.C Shipping container stacks

No shipping containers are proposed and therefore the provisions of this section are not applicable.

### C3.D Fencing

The landscape plan prepared by Terras Landscape Architects does not indicate any fencing forward of the building line. Controls C3.9 and C.10 therefore do not apply. Notwithstanding, conditions have been recommended to ensure compliance with the DCP.

### C3.E Facades and Articulation

### *C3.12 Colour and Materials*

The proposed materials are considered to be sympathetic to the natural environment and future desired character of the Astra Aerolab subdivision consisting of fibre cement, concrete cladding and metal sheeting. The colour palate includes neutral and grey tones which are appropriate within the business park setting. It is noted that these materials are also non-reflective to ensure no impacts to the nearby airport operations.

### *C3.13 Awnings*

The pedestrian entry is proposed via the foyer fronting Aerospace Avenue which is provided with an awning. Roller door access to each workshop is also provided with an awning. The proposal is therefore compliant with the DCP in this regard.

### *C3.14 Building Frontage*

The office space is provided within the front of the development site. The car parking area only occupies 31% of Building 1's site frontage, below the maximum 60%.

The building faces the street and provides a clear entry point through the foyer from Aerospace Avenue.

### *C3.18 Blank Walls*

The proposed range of materials and finishes which comprise fibre cement, concrete cladding and metal sheeting, ensure there are no large expanses of unarticulated blank walls. The proposal is therefore compliant with this DCP control.

### *C3.19 Screening*

The proposal does not seek to screen the development using vegetation, consistent with the requirements of this section.

### C3.F Landscaping

The Building 1 development area consists of a total of 20.9% of landscaping which is compliant with the minimum DCP requirement of 20%.

A total of 31.03% of the car parking areas are provided with shading which is compliant with the minimum DCP requirement of 30%.

The landscaping has been designed to complement the building and be consistent with the existing landscaping through the Astra Aerolab subdivision. The landscaping design consists of a range of native vegetation, of various sizes including:

- Spotted Gum
- Brushbox
- Old Man Banksia

Street trees and plantings are already provided along the sites frontage to Aerospace Avenue. The proposed driveway will not require the removal of these trees. A green and natural outlook has been achieved for the site, with built form elements appropriately screen from the public domain.



### C3.G Signage

No signage is proposed.

## *Chapter D15 Williamtown Defence and Airport Related Employment Zone (DAREZ)*

### D15.A Lodgement Requirements

Control D15.1 requires that a landscape plan is provided that is consistent with the Williamtown Aerospace Park Landscape Master Plan. A landscape plan has been submitted with the application that includes 20.9% landscape coverage.

The Williamtown Aerospace Park Landscape Master Plan does not provide specific guidance to plantings on private land. Notwithstanding, the proposed landscape qualities and species selection is generally consistent with those in the Landscape Master Plan and is consistent with the existing landscaping throughout the Astra Aerolab subdivision.

### D15.B Setbacks

As per Figure DAG, the site is located within the Aerospace Support Precinct and therefore is required to have minimum front setback of 5m. The proposal has a minimum building setback of 5m and is therefore compliant with this control. It is noted that the foyer awning encroaches the front setback being 2.2m from the front boundary. The encroachment is considered to be acceptable as it is only 7.6% of the buildings site frontage and helps to clearly identify the location of the pedestrian entry.

### D15.C Street Layout

These controls relate to subdivision. The proposal does not seek to amend the approved street layout associated with the Astra Aerolab subdivision.

### D15.D Drainage and Water Quality

A stormwater management plan was submitted with the application and discussed in detail under Chapter B4 of the DCP. The proposed development and associated stormwater plan has been designed remain consistent with the approved Astra Aerolab subdivision stormwater design.

### D15.E Flooding

Building 1 is largely located within the minimal risk flood prone land area with a small portion of the site impacted by low hazard flood fringe. The Astra Aerolab subdivision included the filling of land to ensure each resulting lot had a finished level equal to or greater than the flood planning level (FPL). The relevant FPL for site is 3m AHD. The location of Building 1 currently has a minimum finished level of 3.37m. This exceeds to the minimum of 2.5m AHD required by the DCP.

The proposed finished floor level of the workshop is 3.7m AHD whilst the proposed finished floor level of the office is 4.1m AHD both exceeding the FPL.

### D15.F Parking

Car parking is proposed to be located at the side of the building which is consistent with Control D15.9.

The car parking is located behind a 7.4m landscape buffer which exceeds the 2m requirement in the DCP.

#### D15.G Airport Operational Requirements

The proposed development does not include any significant electromagnetic radiation or radio emitting devices and no objection was raised by Defence in this regard.

The proposed development does not interfere with any navigational markers and no objection was raised by Defence in this regard.

The proposal is not expected to impact airport operations through the use of non-reflective materials. A condition is recommended requiring the external lighting comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes.

#### *Port Stephens Development Contributions Plan*

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

- Port Stephens Local Infrastructure Contributions Plan 2020 (PS LIC Plan)

Under the PS LIC Plan S7.11 contributions do not apply to the proposed development. There are no exemptions for the proposed use and therefore S7.12 contributions apply. A condition has been included on the consent requiring that a monetary contribution is to be paid to Council, pursuant to section 7.12 of the EP&A Act and the Port Stephens Council Fixed Development Contributions Plan, prior to release of the Construction Certificate.

#### **(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

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

#### **(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 62 (consideration of fire safety) of the 2021 EP&A Regulation are relevant the proposal. These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary). Council's Building Surveyor raised no objection in this regard.

Section 66A of the 2021 EP&A Regulation is applicable to the proposed development as the application is a Council related development application. This Clause came into effect on 3 April 2023 which was after the lodgement of this application. Notwithstanding, Council's assessment of the DA is consistent with the now adopted conflict of interest policy which states that where a Council related development application has a cost of works greater than \$5 million it is to be assessed by Council staff and determined by the Hunter Central Coast Regional Planning Panel.

### **3.4 Section 4.15(1)(b) - Likely Impacts of Development**

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

### Built Environment

Acknowledging that the land surrounding the site is largely undeveloped, it is considered that the proposal represents a contemporary industrial development that is of an appropriate height and scale that will positively contribute to the desired future character of the Astra Aerolab subdivision. In addition, the proposed built form is consistent with the strategic direction provided in the Williamstown SAP Master Plan, including performance criteria relating to built form, landscaping and bulk and scale.

The development proposes good quality landscaping that is consistent with existing landscaping provided as a part of the wider subdivision works which will contribute to the uniformity throughout the precinct.

### Natural Environment

The site has been cleared of vegetation as a part of the Astra Aerolab subdivision works and the assessment of this application has not identified any significant environmental impacts as a result of the proposal.

The proposal incorporates a suitable stormwater management plan that is consistent with the wider Astra Aerolab stormwater system and Council's infrastructure specifications.

Conditions have been recommended to manage any environmental impacts associated with the construction of the development.

### Social and Economic Impact

The proposal will have a positive social and economic impact as it will create more jobs within the area during both construction and throughout the developments operation. The Statement of Environmental Effects prepared by Barr Property and Planning notes that the development is expected to create up to 100 construction jobs with up to 120 permanent jobs during the operation of the completed Building 1.

This provides job reassurance and security contributing to positive social outcomes. The proposal is in proximity to the urban areas of Newcastle, Raymond Terrace, Nelson Bay and Medowie, allowing for short commute times and promotes professional workers to remain in the LGA.

The proposed development is located within the Williamstown SAP area. The building has incorporated design elements to reinforce the unique aerospace qualities of the precinct. This creates a unique sense of place and reinforces the emerging aerospace industry in Williamstown. The proposal includes the provision of bicycle parking promoting the use of active transport to access the site, encouraging positive physical and mental health outcomes.

Accordingly, it is considered that the proposal will result in any significant adverse impacts in the locality as outlined above.

## **3.5 Section 4.15(1)(c) - Suitability of the site**

The site is considered to be suitable for the proposed development for the following reasons:

- The site is located within an approved subdivision (Astra Aerolab) and is therefore cleared of vegetation, has a broader stormwater system and an appropriate finished level from a flooding perspective.
- The site is located within the Williamstown SAP with the site specifically being located in the Regional Enterprise Zone which has been identified as the commercial centre of the precinct as per the draft Master Plan. The proposed development is considered to be consistent with this draft Master Plan and the envisaged commercial centre.
- Whilst the site is located within proximity to the Newcastle Airport and the RAAF Base Williamstown, the proposal has incorporated design measures to reduce potential impacts including acoustic attenuation and non-reflective materials. Conditions have been recommended to address outdoor lighting and the screening of waste areas.
- The wider subdivision has been designed to cater for development similar to the proposed and therefore is not expected to be any adverse impacts to the existing road network. Further, it is considered that appropriate car parking has been provided to service the development.

Based on the above, the site is suitable to accommodate the proposal.

### **3.6 Section 4.15(1)(d) - Public Submissions**

The proposal was exhibited for a period of 14 days from 6 September 2022 – 20 September 2022 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. No submissions were received during this time.

It is noted that whilst the proposed development is considered to be 'Council-related development' it was lodged before 3 April 2023, and therefore was not required to be notified for a period 28 days as prescribed by clause 9B(1) of Schedule 1 of the Regulations.

### **3.7 Section 4.15(1)(e) - Public interest**

The development is considered to be in the public interest as it would not have any significant adverse impacts on the built or natural environment, and has positive social and economic impacts. The proposal is largely consistent with the relevant of environmental planning instruments applying to the land.

The proposed use, built form and landscaping is consistent with desired future character of the area. Whilst there is a car parking shortfall on site, additional car parking to meet the DCP requirements is provided off site in a communal car park that is a short distance from the subject site.

The proposal is also consistent with the Williamstown SAP draft Master Plan.

On this basis, the proposal is considered to be in the public interest.

## **4. REFERRALS AND SUBMISSIONS**

### **4.1 Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 9**.

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

**Table 9: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
N/A			
<b>Referral/Consultation Agencies</b>			
Transport for New South Wales	S2.122 – SEPP (Transport and Infrastructure) 2021 – Traffic Generating Development	A referral was received from TfNSW who raised no objection to the proposal as it was considered that there would be no significant impact on the nearby classified road network. Advice was given to Council within the referral which has been considered in the assessment and conditions.	Y
Department of Defence	S7.5 – PSLEP 2013 – Development in areas subject to aircraft noise	<p>A referral was received from the Department of Defence. The referral noted that the development should not divert any stormwater to the Defence base and expects that post development flows do not exceed pre-development flows. The proposed stormwater system has been designed to ensure the post-development flows equal pre-development flows. The referral notes that the site is located within a bird strike area and that conditions should be added to ensure waste is appropriately stored and managed. A condition will be added to the recommended conditions.</p> <p>In regard to extraneous lighting, Defence suggested that all outdoor lighting design associated with the proposal is</p>	Y



		<p>to comply with the requirements of the Civil Aviation Safety Authority (CASA) Manual of Standards Part 139 Aerodromes. A condition has been recommended to the consent to enforce compliance with this standard. It was further noted that the development should not be constructed of reflective surfaces. The building is proposed to be constructed using a mix of pre-cast concrete and colorbond which are not considered to be reflective.</p> <p>General advice sent to Council from CASA advised the Defence assessment can be relied upon for OLS and external lighting considerations as Defence is the Aerodrome Operator and would have much better situational and site awareness. On these grounds, CASA have advised specific referrals beyond that to Defence is only required for new major development that penetrates the OLS far beyond existing structures in the Williamtown airport precinct. The proposed development is well below the height of other structures and buildings in the area.</p> <p>A condition has been recommended requiring that outdoor lighting design associated with the proposal is to comply with the requirements of the Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes.</p>	
Regional Growth NSW Development Corporation (RGDC)	Non-statutory requirement - The referral has been sent due to the site being identified within the Williamtown SAP Draft Masterplan.	A referral was received from RGDC, which raised no objection to the proposed development but recommended Council consider the significant shortfall in car parking particularly given the	Y

		<p>underserviced public transport. The shortfall in parking is now proposed to be serviced by an offsite communal car park located to the north east of the subject site.</p> <p>The referral also noted the lack of detail regarding the waste storage area and consideration for potential impacts on the streetscape. The waste storage area is located at the rear of Building 1 and is proposed to be screened. Given the significant setback, location behind the building and screening proposed, the waste storage area is not considered likely to negatively impact upon the streetscape.</p>	
Hunter Water Corporation (HWC)	S51 – Hunter Water Act 1991 – Consent authority to notify Corporation of certain applications	<p>The site is located within a drinking water catchment and was therefore referred to HWC for comment. HWC had no objection to the proposed development subject to:</p> <ul style="list-style-type: none"> <li>• The Stormwater management for the development is undertaken in accordance with the stormwater strategy for the Stage 1 Astra Aerolab subdivision.</li> <li>• Recommendations provided by Douglas Partners in relation to site contamination are adhered to.</li> <li>• Only certified fill material is used.</li> <li>• Erosion and sediment control measures are implemented in accordance with the Landcom guidelines and Council's Development Control Plan.</li> <li>• Best practice measures for the use, storage and disposal of oils and chemicals are implemented</li> </ul>	

		<p>at all times during construction activities and site operation.</p> <p>In response to the HWC referral the following is noted:</p> <ul style="list-style-type: none"> <li>• A deferred commencement condition requiring the registration of Lot 109 has been recommended. This will ensure the stormwater design approved under the Astra Aerolab subdivision is formalised prior to development of Lot 109.</li> <li>• The Douglas Partners Report referenced in the HWC comments related to the parent Astra Aerolab subdivision. A validation report for the site prepared by Qualtest Laboratory (NSW) Pty Ltd has since been provided. The Validation Report found that works on the site were carried out in general accordance with the Remediation Action Plan (RAP) undertaken for the site. The Validation Report concluded that the site was considered suitable with respect to contamination for the proposed use. In regard to PFAS, standard conditions have been recommended on the consent.</li> <li>• No fill is proposed.</li> <li>• Conditions have been recommended regarding erosion and sediment control and storage of goods during construction and site operations.</li> </ul>	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
N/A			

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 10**.

**Table 10: Consideration of Council Referrals**

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Development Engineer	Council's Development Engineer reviewed the proposed stormwater management plan and traffic impact assessment. The proposal was supported subject to conditions. The recommended conditions included standard conditions relating to details civil and stormwater design and a deferred commencement condition requiring that the lot be registered.	Yes (conditions)
Building Surveyor	Council's Building Surveyor found that the proposed development is capable of being constructed in compliance with the Building Code of Australia and therefore supported the DA subject to conditions.	Yes (conditions)
Development Contributions	Council's Development Contributions Officer found that pursuant to the Port Stephens Local Infrastructure Contributions Plan, s7.11 contributions do not apply. As such, s7.12 contributions apply.	Yes (conditions)
Environmental Health	<p>Council's Environmental Health Officer reviewed assessed noise impacts and connection to sewer. It was noted that a proposal should be constructed in accordance with the Noise Impact Assessment prepared by Renzo Tonin Acoustics. A condition to address this has been recommended.</p> <p>Council's Environmental Health Officer indicated that the site was not connected to the reticulated sewer network and therefore would require an on-site sewerage management system. However, as per the parent subdivision (DA 16-2009-324-3) all sites are to be connected to reticulated services. Therefore, on-site sewerage management is not required. The deferred commencement condition will ensure that site has access to reticulated sewer.</p>	Yes (conditions)

### 4.3 Community Consultation

The proposal was exhibited for a period of 14 days from 6 September 2022 – 20 September 2022 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. No submissions were received during this time.

It is noted that whilst the proposed development is considered to be 'Council-related development' it was lodged before 3 April 2023 and therefore was not required to be notified for a period 28 days as prescribed by clause 9B(1) of Schedule 1 of the Regulations.

## 5. KEY ISSUES

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

## **5.1 Car Parking**

The proposed development is required to provide 45 car parking spaces including 1 accessible space and 5 bicycle spaces as per the DCP.

The development proposed to provide 33 on-site car parking spaces including 2 accessible spaces on site to service Building 1, representing a 12 space shortfall. There are also 16 bicycle spaces proposed. The TIA had sought a 40% concession for the number of car parking spaces to service the office premises due to hybrid working arrangements reducing the car parking required for Building 1 to 35 spaces. The concession was not supported by Council.

To address the car parking shortfall, 12 car parking spaces are proposed to be provided in an offsite communal car park. This car park is located to the north east of the site and was approved by Council on 23 May 2023 (16-2022-855-1). The approved car park provides 1070 car parking spaces to service the Astra Aerolab subdivision. A draft s88B instrument and plan of easement has been provided to Council which shows an easement for car parking and right of access identified as (B) on the plan which benefits the subject site (Lot 109). A total of 81 car parking spaces are provided for development on Lot 109 via the easement which is to service both Building 1 and future development on the lot.

Future development of Lot 109, combined with Building 1, is expected to generate the requirement for a total of 144 car parking spaces (based on indicative footprints shown on the plans). As shown on the submitted site plan, the indicative footprints show a total of 63 car parking spaces are expected to be provided within the site, representing an 81 space shortfall, hence the provision of 81 car parking spaces benefiting Lot 109 in the communal car park. Notwithstanding, parking assessment for future development of Lot 109 beyond Building 1 will form part of separate development applications. The indicative footprints on Lot 109 do not form part of this assessment.

The common car park is approximately 200m from Building 1 and can be accessed by already constructed pedestrian paths along Aerospace Avenue.

To ensure car parking is available for the development, a deferred commencement condition has been recommended stipulating that the consent would not become operational until such time that the common car park under DA16-2022-855-1 is complete and operational. This condition will include formalising associated easements and right of access to park over Lot: 11 DP: 1036501, benefitting Lot 109 registered with the NSW Land Registry Services.

Noting the above, the proposed car parking arrangements are considered adequate and satisfy Section B8 of the DCP.

## **5.2 Noise Impacts and Airport Operations**

The proposed development is located within proximity to Newcastle Airport and the RAAF Base Williamtown and therefore consideration of noise and impacts to airport operations are a key consideration.

The site is located on land identified as being within the 2021 30-35 ANEF contour. The proposed development consists of a warehouse and ancillary office space. These uses are conditionally acceptable within these contours as per the Chapter B6 of the DCP.

An Acoustic Assessment prepared by Renzo Tonin & Associate was submitted with the DA. The acoustic assessment identified the maximum aircraft noise level likely to impact the development and with this information identified the construction measures required to ensure the proposal meets the indoor design sound levels required by both Figure BM of the DCP and AS2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements.

The acoustic assessment also recommended that a full acoustic assessment be undertaken during the detailed design phase of the development.

A condition has been recommended that the development be constructed in accordance with recommendations of the acoustic assessment.

The site is located in an extraneous lighting control area. The development is proposed to be constructed of non-reflective materials consisting of smooth and grooved precast concrete panels, fibre cement cladding and glazed curtain walls. Notwithstanding, a condition has been recommended to ensure all finishes are non-reflective. A condition has also been recommended requiring that any outdoor lighting proposed must comply with the extraneous lighting controls detailed in the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS-139) Aerodromes.

Noting the above, the proposal is not considered likely to impact airport operations and capable of meeting noise criteria.

### **5.3 Contamination**

A Validation Report prepared by Qualtest Laboratory (NSW) Pty Ltd has been provided with the application which found that Stage 1 works associated with the parent subdivision on the site were carried out in general accordance with the approved Remediation Action Plan (RAP). The Validation Report submitted for this application concluded that the site was considered suitable with respect to contamination for the proposed use.

The Validation Report did note that groundwater on the site is impacted by PFAS from the RAAF Base Williamstown and that PFAS contamination in the region is managed under the RAAF Base Williamstown, PFAS Management Area Plan (PMAP). The report noted that the management procedures in the PMAP would be relevant to users on site. Standard conditions have been recommended to address PFAS.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

That the Development Application 16-2022-663-1 for the construction of a general industrial warehouse with ancillary offices and site works at 38 Cabbage Tree Road, Williamstown (Lot 11 DP 1036501) (future Lot 109) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans
- Attachment C: Validation Report
- Attachment D: Draft Deposited Plan
- Attachment E: Draft 88B Instrument
- Attachment F: Landscape Plan
- Attachment G: Acoustic Assessment
- Attachment H: Survey Plan
- Attachment I: Access Report
- Attachment J: Civil Engineering Report
- Attachment K: BCA Report
- Attachment L: Civil Engineering Plan
- Attachment M: Waste Management Plan
- Attachment N: Preliminary Site Investigation
- Attachment O: Traffic Report
- Attachment P: Bushfire Report
- Attachment Q: Operational Waste Management Plan