

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-155 & 16-2022-763-1
PROPOSAL	Change of use to general industry – aircraft maintenance and associated alterations and additions to the existing aircraft hangar.
ADDRESS	LOT: 103 DP: 873512 55C Slades Road, WILLIAMTOWN
APPLICANT	RPS AAP CONSULTING PTY LTD
OWNER	Department of Defence
DA LODGEMENT DATE	28 October 2022
APPLICATION TYPE	Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Clause 6, Schedule 3 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council related development over \$5 million
CIV	\$15,244,135.00
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>Port Stephens Local Environmental Plan 2013</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Total Submissions: 0 Unique Submissions: 0
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment 1 – Recommended Conditions of Consent Attachment 2 – Architectural Plans Attachment 3 – Stormwater Management Report Attachment 4 – Aboriginal Cultural Heritage Report Attachment 5 – BCA Assessment Report

	Attachment 6 – Contamination Report Attachment 7 – Traffic Impact Assessment Attachment 8 – Cost Estimate Report Attachment 9 – Flood Certificate Attachment 10 - Waste Management Plan Attachment 11 – BAL Contour Plan Attachment 12 – Ausgrid Attachment 13 – EPA Attachment 14 – Defence Response Attachment 15 – Hunter Water
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	19 April 2023
PLAN VERSION	1
PREPARED BY	Isaac Lancaster – Senior Development Planner
DATE OF REPORT	4 April 2023

EXECUTIVE SUMMARY

Development consent is sought for a development application (No. 16-2022-763-1), for alterations and additions to the existing aircraft hangar operated by BAE systems at 55C Slades Road, Williamtown (LOT: 103 DP: 873512). The site is located within the Newcastle Airport precinct. Development consent is sought for works under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The key components of the development include the following:

- Internal demolition works within the South Hangar and the existing administration building;
- Partial demolition of the western end of the existing Ground Support Equipment (GSE) storage shed;
- Demolition of the existing enclosed walkway between the existing administration building and the South Hangar;
- Demolition of the existing parachute tower and slab;
- Installation of a High Voltage (HV) substation at the western end of the existing GSE storage area;
- New covered storage area including the installation of a Low Voltage (LV) room at the southern end of the South Hangar; and
- Construction of a new covered walkway between the existing administration building and the South Hangar.

The land subject of this Development Application (DA) is 55C Slades Road, Williamtown. The subject site forms part of the Newcastle Airport precinct, with current operations defined as General Industry – Aircraft Maintenance. The site is located within the Williamtown Special Activation Precinct (SAP), specifically in the aerospace subdivision (Newcastle Airport Precinct), with the development considered to be consistent with the aims and objectives of the Williamtown SAP Draft Masterplan.

The site is zoned SP2 – Defence / Air Transport Facility under the Port Stephens Local Environmental Plan 2013. The proposed development is defined as alterations and additions to an existing aircraft hangar. General Industry – Aircraft Maintenance, is a permissible land use within the SP2 Defence / Air Transport Facility zone, with the intended purpose of the development to provide facilities to support the maintenance of RAAF aircraft.

The application was notified for 14 days from 18 November 2022 – 2 December 2022 in accordance with the Port Stephens Council Community Participation Plan. During this time, no submissions were received.

The key issues in respect of the assessment of the application related to impacts to contaminated land, traffic and parking and stormwater management. To address these issues specialist studies were submitted in support of the application including; a preliminary contamination assessment report, car parking and traffic impact report and a stormwater management report. Additional information from the applicant was also requested during the assessment to address these key issues. The studies provided as part of the application were assessed by internal and external officers and, where appropriate, recommendations and mitigation measures outlined in the specialist studies have been included in the recommended conditions of consent contained in **Attachment 1**.

The proposal is referred to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for determination pursuant to Clause 3, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*.

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 conditions of consent contained in **Attachment 1**.

1. THE SITE AND LOCALITY

The subject site comprises a single allotment, legally identified as Lot 103 DP 873512. The site is irregular in shape, with a total area of 2.065 ha, as shown in **Figure 1** below. The site is predominately flat in topography, and supports development including an aircraft maintenance hangar with an attached administration building, hardstand areas, staff parking and auxiliary buildings.

The site currently holds between 150 and 200 employees and contractors on any one day, for approximately 12 hours / 7 days a week. Boundary security is provided on 24 hour / 7 days a week basis reflecting the sensitivity of the work on site associated with Defence operations. The site provides 122 car parking spaces.

The site is positioned within the Newcastle Airport precinct, which provides a range of tourist, commercial, aviation and defence uses. As shown in **Figure 1**, the subject site is located on the western end of the Newcastle Airport precinct (operated by Newcastle Airport Proprietary Limited (NAPL)), a mixed-use site sharing its runway with RAAF Base Williamtown to the north. The site is linked into the greater road network via Williamtown Drive, connecting it directly to Nelson Bay Road which provides access to Nelson Bay and Tilligerry Peninsula, south to Newcastle and north to Medowie and Raymond Terrace.

The site is a part of an overall Defence/Air Transport hub which includes the BAE Systems lease area, the NAPL passenger terminal, various commuter carparks and ancillary infrastructure. To the north of the site is the shared defence and commercial runway with associated slipways and infrastructure, and to the west of the subject site is mostly undeveloped land, both zoned SP2 Defence / Air Transport Facility. To the south of the site, is land zoned B7 Business Park, referred to as 'Astra Aerolab Business Park', which aims to provide a precinct for tourism, aviation, and defence related purposes.



Figure 1: Satellite image overview of site

The site is subject to a number of environmental constraints (as mapped on Councils' GIS system) including:

- Weed Infestations
- Bushfire Prone – Vegetation Buffer
- Koala Habitat – Preferred, 50m Buffer over Cleared and Link over Cleared
- Acid Sulfate Soils – Class 3 and 4

- Biodiversity value map
- ANEF –35-40 and 40+
- Height trigger map – Defence Boundaries
- Bird Strike – Group C
- Extraneous Lighting (CASA) – 6km radius, zone D and zone C
- Extraneous Lighting (DOD) – Restrictions on the amount of upward light emitted
- Engine Run Up Facility
- Hunter Water Special Area
- PFAS Management Area – Williamtown RAAF Base
- Flood Planning (PMF)
- Drinking water catchment

Site Inspection

A site inspection was carried out on 8 March 2023. The subject site can be seen in the photos below:



Photograph 1: Eastern elevation of Annex Support Building



Photograph 2: Existing enclosed walkway to be demolished



Photograph 3: Existing GSE storage building



Photograph 4: Plant booth to be demolished



Photograph 5: Western elevation of South Hangar Building



Photograph 6: Location of proposed roof extension to South Hangar Building



Photograph 7: Parachute tower to be demolished

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development proposes alterations and additions to an existing aircraft hangar as shown in **Figure 2 and 3** below.

The key components of the development include the following:

- Internal demolition works within the South Hangar and the existing administration building;
- Partial demolition of the western end of the existing Ground Support Equipment (GSE) storage shed;
- Demolition of the existing enclosed walkway between the existing administration building and the South Hangar;
- Demolition of the existing parachute tower and slab;
- Installation of a High Voltage (HV) substation at the western end of the existing GSE storage area;
- New covered storage area including the installation of a Low Voltage (LV) room at the southern end of the South Hangar; and
- Construction of a new covered walkway between the existing administration building and the South Hangar.

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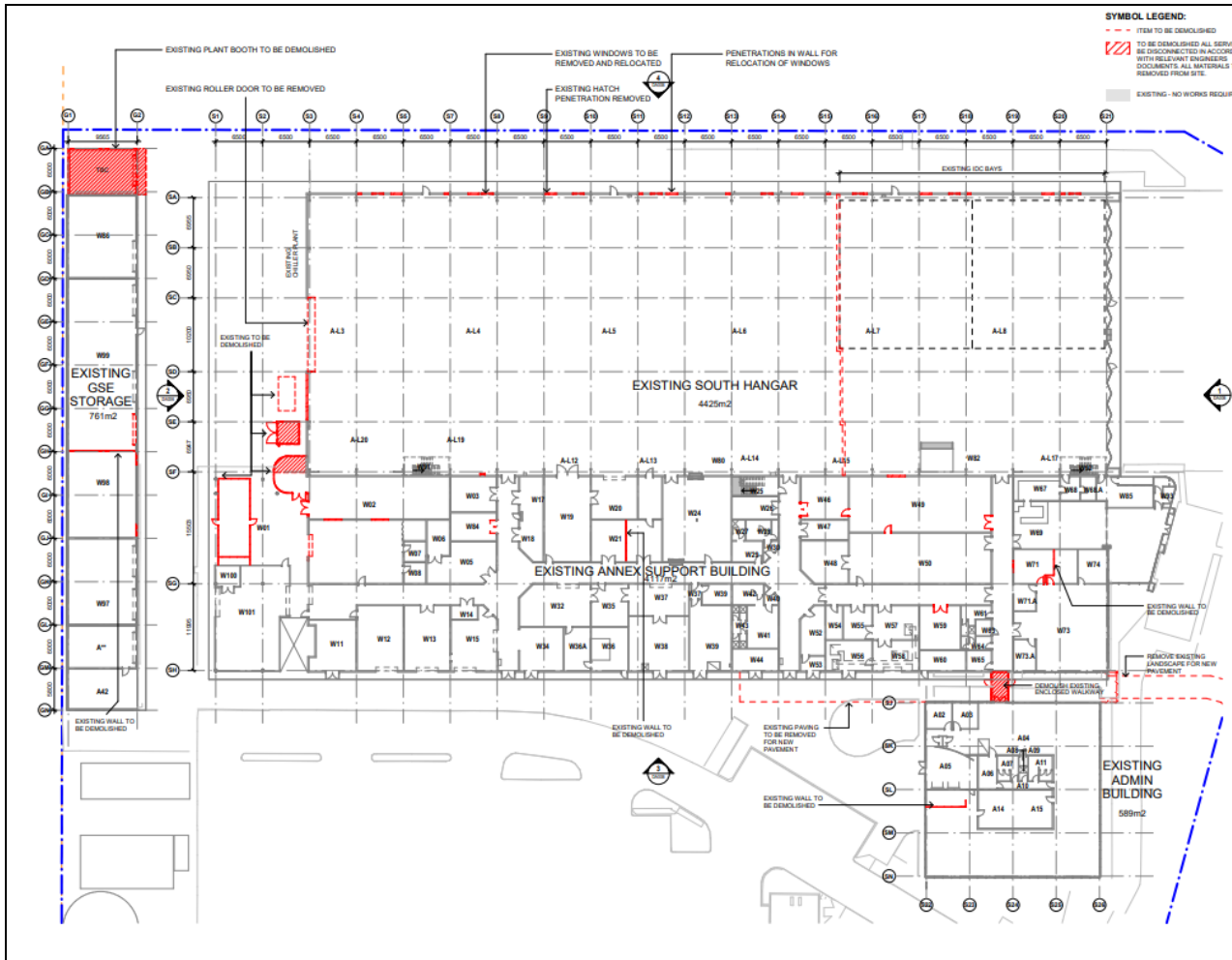


Figure 3: Demolition Plan

The proposal does not seek to increase the number of employees on site, or approved operating hours. As detailed the SEE, a minor re-configuration of car parking spaces will be required to address a current shortfall in accessible parking, however standard staff car parking will still exceed the minimum requirements set out in Chapter B8 of the Port Stephens Development Control Plan 2014 (PSDCP).

Alterations and Additions to Existing Buildings and Demolition

Alterations and additions including partial demolition is proposed for all of the existing buildings. A summary of the proposed alterations and additions and demolition is provided at **Table 1** below:

Table 1: Summary of Refurbishment works

Component.	Description of Works	Existing Floor Space (GFA m²)	Proposed Floor Space (GFA m²)	GFA Gain/Loss
South Hangar	Internal demolition works and alterations and additions to floor plan.	4,700m²	4,700m²	No change
Annex Support Building	Internal demolition works and alterations and additions to floor plan.	3,720m²	3,720m²	No change

South Hangar Administration Building	Internal demolition works, alterations and additions to floor plan and construction of a new covered walkway element between buildings.	731m ²	731m ²	No change
GSE Storage Building	Partial demolition of the western end of building and installation of a HV substation.	670m ²	670m ²	No change
Ancillary Buildings / Storage (south of the Existing Eastern Car Park)	Partial demolition of existing buildings for storage of goods and materials that will be used in construction.	352m ²	180m ²	-172m ²
Extension to South Hangar – Covered SE Storage / LV Room	Extension of roof and construction of LV room.	-	32m ²	+32m ²
				Net GFA change: - 140m ²

Traffic, Car Parking and Access

Access into the site via the existing connection to Williamtown Drive, will be maintained throughout the development.

There are 122 car parking spaces on the site currently, none of which will be permanently lost as a result of the development. There may be temporary access restrictions to some car parking spaces during construction due to the presence of worker vehicles and plant equipment, however this is not expected to significantly reduce the total car parking spaces to a level in breach of the 117 spaces as required by the PSDCP. An additional five (5) accessible car parking spaces are proposed to satisfy the minimum number required in the PSDCP, and the required spaces would be re-configured / converted utilising existing spaces as a part of this development.

A review of the potential traffic activity associated with the proposed development has found that the minor building extensions are not expected to generate additional trips when compared to the current operation of the site.

Stormwater

Connection of the new roof areas will be made to the existing drainage network. These roof areas will not change the drainage regime (either flow rate or volume) and do not require any further drainage works to be undertaken during construction.

Waste

Demolition works, internal modifications and construction works will generate waste materials, some of which may be of a contaminated nature due to the age of structures being demolished/modified. Any waste from the site will be managed in accordance with NSW Waste regulations and disposed of at an EPA licensed waste facility, with any spoil to be managed under the Defence PFAS Management Framework.

2.2 Background

The development application was lodged on **28 October 2022**. The land subject of this Development Application (DA) is 55C Slades Road, Williamstown. The site currently contains an existing aircraft hangar, referred to as the South Hangar.

A pre-lodgement meeting was held with the applicant on 13 April 2022 (Council record no. 18-2022-12-1). The key issues discussed were:

- Consent Authority;
- Owners Consent;
- Permissibility;
- Operational Details;
- Bushfire;
- Aboriginal Heritage;
- DCP Compliance;
- Car Parking and Traffic;
- Stormwater;
- Flooding;
- Biodiversity;
- Development Contributions;
- Williamstown SAP;
- Building Code of Australia;
- PFAS Management;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017);
- State Environmental Planning Policy (Planning Systems) 2021; and
- State Environmental Planning Policy (Resilience and Hazards) 2021.

A chronology of the development application since lodgement is outlined below, including the Panel's involvement (briefings, deferrals etc.) with the application:

Table 2: Chronology of the DA

Date	Event
28 October 2022	DA lodged
10 November 2022	DA referred to internal officers and external agencies

18 November 2022	Exhibition of the DA
5 December 2022	DA accepted by Planning Panel
21 February	Panel kick off briefing
8 March 2022	Council site visit
4 April 2023	Council Assessment Report finalised

2.3 Site History

The site is positioned within the Newcastle Airport precinct, (operated by Newcastle Airport Proprietary Limited (NAPL)). The South Hangar building was constructed under a previous DA for a warehouse building, approved over the site in 2005.

A summary of the main applications relating to industrial uses lodged over the site has been included below.

Table 3: Records of Development Approval

Council Reference	Proposal	Determination
16-2003-2183	Two Storey Addition to Airport Terminal Building	Application Withdrawn
16-2004-1866-1	Warehouse	Approved – Council delegation
16-2004-1867-1	Enclose Existing Storage Area to create Workshop and Spray Booth	Approved – Council delegation
16-2005-1188-1	Canteen/Dining Room Extension	Approved – Council delegation
16-2008-691-1	Four (4) Lot Subdivision – TT	Approved – Council delegation
16-2011-804-1 & 16-2011-804-2	Consolidation & TT Subdivision (seven into eight lots)	Approved – Council delegation
16-2014-293-1 & 16-2014-293-2	Alterations and Additions – Airport Carparking	Approved – Council delegation
16-2017-159-1	General Industry – Aircraft Maintenance (North Hangar Extension)	Approved – Council delegation

3. STATUTORY CONSIDERATIONS

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.

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)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

Section 4.14 - Consultation and development consent - certain bushfire prone land

The proposed development is located on bushfire prone land categorised as 'vegetation buffer'. Section 4.14 of the *EP&A Act* requires that development consent for any purpose on bushfire prone land, other than subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose, must not be granted by the consent authority unless it:

- (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 application included the submission of a Bushfire Attack Level (BAL) contour plan, prepared by an accredited Bushfire Planning and Design Practitioner. The development type is classified as 'other non-residential development'. The National Construction Code (NCC) does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such, AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions, however compliance with AS 3959 and the NASH Standard must be considered when considering the aims and objectives of Planning for Bushfire Protection 2019 (PBP 2019).

The BAL contour plan has identified vegetation to the west and south of the site as a primary bushfire threat. Notwithstanding this, existing clearing occurs on the western and southern side of the site and beyond thus creating a defendable space around the buildings and an appropriate separation between the hazard and the buildings. Furthermore, completion of the Astra Aerolab development to the south of the site, will provide further separation from this bushfire vegetation source.

As outlined in the supporting BCA Assessment Report, the development will be constructed from non-combustible materials and withstand ember attack. The development will be serviced by static water supply and hydrants meeting AS 3959 and fire hose reels will be constructed in accordance with AS/NZS 1221:1997 and installed in accordance with the relevant clauses of AS 2441:2005. Access and egress are provided by Williamtown Drive, east of the subject site. It is considered that the proposed access and egress arrangements are appropriate and no issues have been identified with evacuation, safe haven zones, or firefighting logistics.

When applied, these measures will provide adequate protection to life and property within the proposed development in the event of a bushfire occurring in the immediate locality.

Overall, it is considered that the proposal can be supported in terms of bushfire consideration. A condition of consent has been included requiring the development to demonstrate compliance with PBP 2019.

3.1 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.*

The consolidated new SEPPs commenced on 1 March 2022. There are no savings and transition provisions in the new consolidated SEPPs, which means the repealed SEPPs no

longer apply to development applications under assessment and pending determination at the time of their commencement.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 4** and considered in more detail below.

Table 4: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Chapter 4: Koala Habitat Protection 2021</u> 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 works associated with the Newcastle Airport, and therefore is consistent with this policy and the Port Stephens Comprehensive Koala Plan of Management.	Y
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) declares the proposal is regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises Council related development over \$5 million.	Y
State Environmental Planning Policy (Precincts—Regional) 2021	<u>Chapter 3: Activation Precincts</u> The site is located within the Williamstown Special Activation Precinct. Once the Precinct Master Plan is finalised 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.	Y
SEPP (Resilience & Hazards)	<u>Chapter 4: Remediation of Land</u> 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. Contamination and remediation has been considered in the Contamination Report submitted with the application and the proposal would be considered satisfactory subject to conditions.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> Section 2.48(2) (Determination of development applications—other development) – electricity transmission requires consultation with relevant electricity authority.	Y

	<p>Referral correspondence with Ausgrid confirms the proposal can be safely undertaken with respect to nearby electricity assets.</p> <p>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 as the purpose is for industry and the site area exceeds 20,000m².</p> <p>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 within the referral which has been considered in the assessment.</p>	
Proposed Instruments	<p><u>State Environmental Planning Policy (Precincts—Regional) 2021</u></p> <p>As noted above, the site is located within the Williamstown Special Activation Precinct (SAP). Once the Precinct Master Plan is finalised 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><u>Port Stephens Local Environmental Plan</u></p> <ul style="list-style-type: none"> • Section 2.3 – Permissibility and zoning • Section 4.3 – Height of Buildings • Section 5.10 – Heritage Conservation • Section 5.21 – Flood Planning • Section 7.1 – Acid Sulfate Soils • Section 7.2 – Earthworks • Section 7.4 Airspace Operations • Section 7.5 – Development in areas subject to aircraft noise • Section 7.6 – Essential Services • Section 7.8 – Drinking water catchments • Section 7.9 – Wetlands <p>The proposal is generally consistent with the above provisions of the LEP.</p>	Y

DCP	<u>Port Stephens Development Control Plan 2014</u> <ul style="list-style-type: none"> • B1 – Tree Management • B2 – Natural Resources • B3 – Environmental Management • B4 – Drainage and Water Quality • B5 – Flooding • B6 – Williamstown RAAF Base • B7 – Heritage • B8 – Road Network and Parking • C3 – Industrial <p>The proposal is generally consistent with the DCP.</p>	Y
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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 provisions of the SEPP apply to development applications relating to land 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 around the perimeter of the site.

The site was cleared of vegetation as a result of works associated with establishment of the Newcastle Airport, and no further clearing is required to facilitate the proposed development. Given there are no clearing works proposed, the development 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’)

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 with a CIV over \$5 million. Accordingly, the Hunter and Central Coast Regional Planning Panel (HCCRPP) is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Precincts—Regional) 2021

The site is located within the draft 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 applicable to the site.



Figure 4: Revised Structure Plan including site identification (Williamstown Special Activation Precinct, Revised Draft Master Plan, January 2023)

State Environmental Planning Policy (Resilience and Hazards) 2021

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 a consent authority 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 Contamination Assessment was submitted with the application which found high levels of PFAS contamination within the high-water table around the site, which regularly interacts with and contaminates surface water runoff in the area. Additionally, a groundwater sample containing phenolic compounds was also identified near to the site.

The Preliminary Contamination Assessment notes that PFAS contamination in the region is managed under the RAAF Base Williamtown PFAS Management Area Plan (PMAP). The report noted that the management procedures in the PMAP would be relevant to users on site, whilst a variety of mitigation measures will be incorporated into a soil and water management plan. Recommended conditions from the Environmental Protection Agency (EPA), have also been issued to address PFAS. The recommendations from the EPA and Preliminary Contamination Assessment have been included in the conditions contained at **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

Chapter 2: Infrastructure

Section 2.48(2) of this policy requires consultation with the relevant electricity authority, where development is proposed in proximity to electrical infrastructure. Referral correspondence with Ausgrid confirms the proposal can be safely undertaken with respect to nearby electricity assets.

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 as the purpose is for industry and the site area exceeds 20,000m².

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 within the referral which has been considered in the assessment.

Port Stephens Local Environmental Plan 2013

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,*
- (e) to provide opportunities for housing choice and support services tailored to the needs of the community,*
- (f) to conserve and respect the heritage and cultural values of the natural and built environments,*
- (g) to promote an integrated approach to the provision of infrastructure and transport services,*
- (h) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.*

The proposal is consistent with these aims as the proposal contributes to the diverse land uses within a compatible zoning and will contribute to long term employment.

Section 2.3 Zone objectives and Land Use Table

The site is located within the SP2 – Defence / Air Transport Facility Zone, pursuant to Clause 2.2 of the LEP.

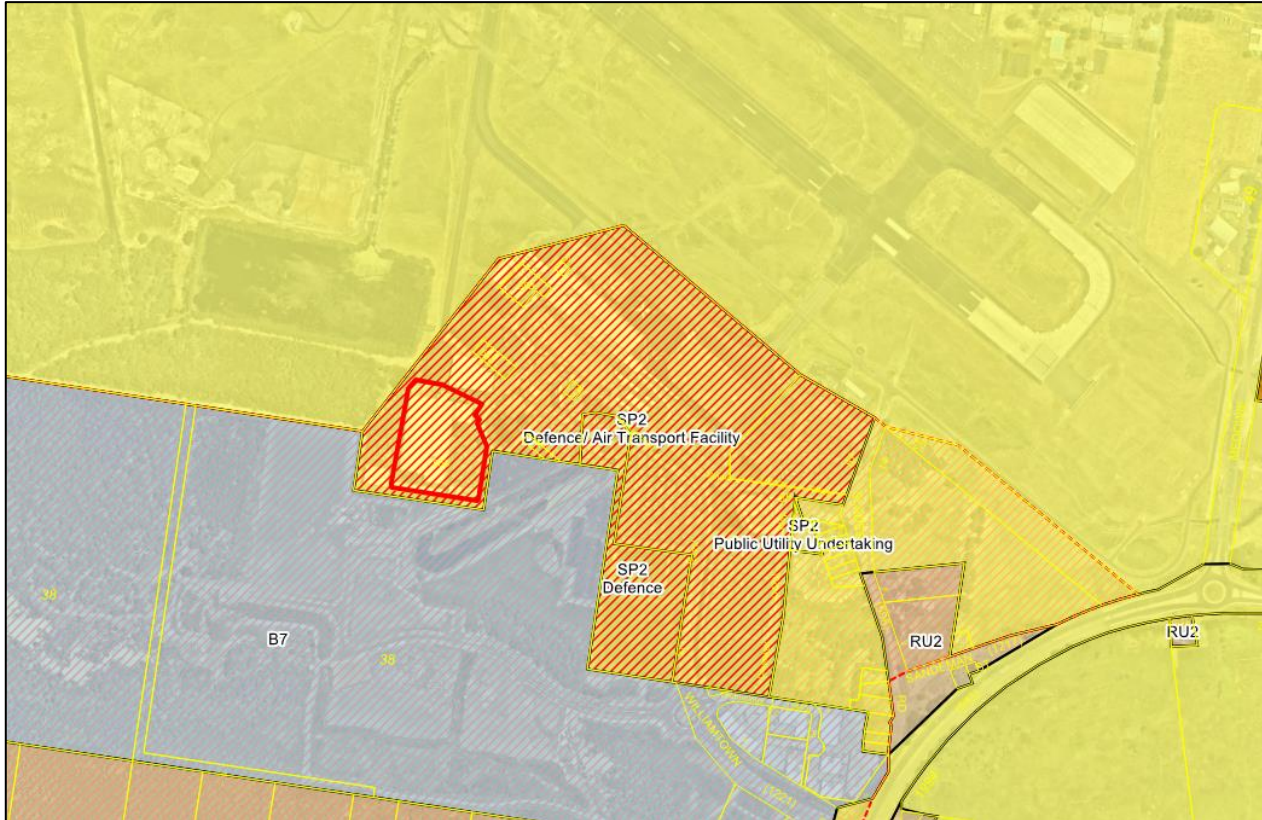


Figure 5. Zoning Map

According to the definitions contained within the PSLEP, 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 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

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

- The proposed development is compatible with surrounding airport and RAAF base infrastructure and operations;
- The development provides for upgraded infrastructure to service the adjoining Defence and Air Transport Facility;
- The proposed development will enable the applicant to upgrade its facilities to meet operational obligations associated the maintenance of Royal Australian Air Force (RAAF) aircraft.

Section 2.7 – Demolition requires development consent

The proposed development includes minor demolition activities, associated with the alterations and additions to the aircraft hangar and ancillary buildings. This demolition cannot be carried out as exempt or complying development and requires development consent.

The applicant provided a demolition plan and conditions of consent has been recommended to manage demolition works.

Section 4.3 Height of buildings

There is no building height limit applying to the site under the PSLEP. The development does not seek to increase the height of the existing building. Modifications to the south hangar and administrative building are internal only and will not exceed 15 metres in height. The proposed height of the development continues to demonstrate consistency with the surrounding built form context and character of the area, and reflects the hierarchy of centres and land use structure, satisfying the objectives of this clause.

Section 4.4 – Floor space ratio

There is no floor space ratio applying to the site under the PSLEP.

Section 5.10 Heritage conservation

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

The site is not listed as being locally significant under Schedule 5 of the PSLEP or on the State Heritage register. An AHIMS search for a 3 x 3 km area centred on the subject site was undertaken, with a total of nine (9) registered sites comprising eight open artefact sites, one with an associated area of Potential Archaeological Deposit (PAD), and one burial site were identified. No AHIMS sites are registered within the subject site and no sites are registered within 100 metres of the site.

The Aboriginal and Historic Heritage Due Diligence Assessment provided with the application determined that there are no identified Aboriginal or historical heritage constraints applicable to the proposal that are located within the development area. There are no registered Aboriginal or historical sites or relics located within the site and both the landform and high levels of previous disturbance documented across the site render the potential for unknown and/or subsurface artefacts unlikely. The proposed works are not considered to negatively impact the heritage significance of heritage items outside of the site.

Notwithstanding, an advice note has been recommended in the conditions, noting that in the event of any Aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Heritage NSW (HNSW) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by HNSW to proceed.

Section 5.21 – Flood planning

The objectives of this clause are to minimise flood risk to life and property and avoid significant adverse impacts on flood behaviour and the environment, while allowing development on land that is compatible with the flood hazard.

The activity area of the proposed works is classified as Minimal Risk Flood Prone Land. Minimal Risk Flood Prone Land is land on the floodplain that is above the Flood Planning Level. Due to the minor nature of the works, the proposed development is not expected to increase the flood risk profile of the area.

On this basis, risk to property and life from flooding is adequately management and the proposal is consistent with the requirements of Section 5.21.

Section 7.1 – Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The site is mapped as Class 4 Acid Sulfate Soils and as such works exceeding 2 metres below natural ground surface Australian Height Datum (AHD) is considered a potential environmental risk. No works are proposed below 2m AHD, therefore an Acid Sulfate Soils Management Plan is not necessary to accompany the application.

Accordingly, the proposed development is considered to be satisfactory in regard to the management of ASS.

Section 7.4 Airspace operations

The subject site is located approximately 0.68 kilometres south of the main runway at RAAF Base Williamtown, and falls within the 'Obstacle Limitation (OLS) or Operations Surface Map' and 'Extraneous Lighting Map'. The application was referred to the Department of Defence for comment, who raised no objection. Advice was given to Council within the referral which has been considered in the assessment.

Section 7.5 Development in areas subject to aircraft noise

The proposal is located within the 30-35 and 40+ Australian Noise Exposure Forecast (ANEF) contours for RAAF Base Williamtown. Accordingly, the site is subject to high levels of aircraft noise. In accordance with Australian Standard (AS) 2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, the proposed development is a heavy industry, which is considered to be acceptable in any ANEF Zone.

The proposed development will continue to meet relevant indoor design sound levels outlined in AS2021-2000. A condition of consent has been included on the notice of determination requiring the development be constructed in accordance with this Australian Standard.

Section 7.2 Earthworks

The objectives of clause 7.2 are to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Any earthworks associated with the construction of a new HV substation is considered to be exempt per 2.46 of the SEPP Transport and Infrastructure 2021. Furthermore, the existing hardstand is expected to be maintained for all alterations and additions.

Clause 7.6 Essential services

This clause provides that consent must not be granted 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.

The site is already connected to all relevant services and its electrical infrastructure will be upgraded upon completion of the works. Conditions can be included to require that essential services are connected prior to the issue of an Occupation Certificate. Accordingly, it is considered the proposed development satisfies this clause as adequate arrangements have been made to service the site.

Clause 7.8 Drinking Water Catchments

The proposed development is located within a drinking water catchment and accordingly the requirements of this clause apply. The subject development has been designed to avoid negative impacts on the quality or quantity of water entering the drinking water storage (Tomago Sandbeds Special Area). The existing stormwater management system was designed in accordance with Councils requirements to reduce the levels of identified pollutants to acceptable levels, prior to discharge from the site into the receiving water body via underground pipes.

The application was referred to Hunter Water Corporation (HWC) accordance with Section 51 of the Hunter Water Act 1991. In response, HWC provided conditions of consent to manage water quality should the application be approved.

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

Proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, include the following:

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

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.

The site is located within the draft Williamstown Special Activation Precinct (SAP). The revised draft master plan was exhibited from 25 January 2023 through to 22 February 2023. The Master Plan is expected to be finalised in 2023. There are no current or draft provisions to consider under this SEPP.

The revised draft Master Plan identifies the site as part of the infrastructure zone (SP2) of the SAP, which includes Newcastle Airport and associated land in Commonwealth ownership to support ADF operations. The proposal is consistent with the revised draft master plan.

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.

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

The following sections of the Port Stephens Development Control Plan 2014 (DCP) are relevant to the proposal:

Section B – General Controls

Section B1 – Tree Management

No trees are proposed for clearing. All proposed works are to take place on already transformed surfaces or are internal alterations and additions.

Section B2 – Natural Resources

The site is heavily disturbed, with all proposed works to be undertaken on already transformed surfaces. As such, it is not considered likely the development will result in significant ecological impacts, with specialist reports on biodiversity impacts not warranted.

Despite the development occurring within 500m of preferred koala habitat, no koala feed trees or corridors will be impacted as part of the proposal. Accordingly, the proposed development complies with the performance criteria listed in Appendix 4 of the Port Stephens CKPOM.

On this basis, the proposal is consistent with the requirements of this chapter.

Chapter B3 – Environmental Management

Acid Sulfate Soils

The subject site is identified as containing Class 4 Acid Sulphate Soils (ASS). Works will be contained to existing hardstand areas and will not disturb earth below the existing ground surface, therefore an Acid Sulfate Soils Management Plan is not necessary to accompany the application. Accordingly, the proposed development is considered to be satisfactory in regard to the management of ASS.

Air Quality

The proposed development is not a development type anticipated to produce adverse impacts to air quality or require specific odour control measures. Accordingly, an air quality report was not deemed necessary for the proposed development. Any potential impacts as a result of the construction phase will be temporary and will be managed and mitigated by appropriate standard measures.

Noise

The site is already utilised for industrial (defence) purposes, and it is not expected that the proposed works will increase noise generation after the completion of works. There will be a temporary increase in noise from construction vehicles which will not make a significant impact on ambient noise due to the proximity to the RAAF Williamtown / Newcastle Airport runway areas.

Earthworks

All associated earthworks are considered to be exempt development per 2.46 of the SEPP Transport and Infrastructure 2021. See clause 7.2 of this assessment report for further detail.

Chapter B4 – Drainage and water quality

A stormwater management plan was submitted with the application and includes adequate water quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with Councils Infrastructure Specification.

Chapter B5 – Flooding

The site is identified as being within the flood planning area (Minimal Risk Flood Prone Land). Due to the nature of the works, the proposed development is not expected to increase the flood risk profile of the area. On this basis, risk to property and life from flooding is adequately managed and the proposal is consistent with the requirements of Chapter B5.

Chapter B6 – Williamtown RAAF Base-Aircraft Noise and Safety

The site already supports general industry (defence) on land adjacent to the Williamtown (Newcastle) Airport. The development therefore falls within the acceptable criteria of the 2025 ANEF. Given the proposed alterations and additions are greater than 40% of the gross floor area of the South Hangar and attached administrative building, noise attenuation measures will be consistent with Figure BM of the PSDCP (maximum average 55dB(A) for the offices and 85dB(A) for the hangar bay). Furthermore, the continued use of the site for General Industry (defence), will not increase risk of bird strike on aircraft.

On this basis, the proposal is consistent with 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.

The site is not listed as locally significant under Schedule 5 of the PSLEP or State Heritage register. An AHIMS search did not reveal any Aboriginal sites on the subject site. The site has been subject to previous disturbance from its historical land uses. Further detail on heritage matters have been assessed in the preceding sections of this report against Clause 5.10 of the LEP.

Chapter B8 – Road network and parking

Traffic Impacts

The application includes a Traffic and Parking Assessment, prepared by ptc Consulting Engineers, dated 12 September 2022. The assessment noted the development is ancillary to the existing land uses within the site, with no additional trips or parking requirements generated over and above what is currently generated in existing daily operation.

The assessment included traffic counts at the Nelson Bay Road/Williamstown Drive intersection, during AM and PM peak periods. The impacts of the traffic generation were modelled using SIDRA INTERSECTION 9.0, indicating the intersection performs at a high level of service during both commuter peak periods. Based on the traffic counts, the assessment finds that the proposed development is unlikely to have a significant impact on the surrounding road network above and over the existing situation.

During construction, traffic and parking can be managed through a Construction Traffic Management Plan. A condition for the preparation of a Construction Traffic Management Plan (CTMP) is recommended in the conditions at **Attachment 1**.

Car parking

The development includes use of 122 existing on site car parking spaces, none of which will be permanently lost due to the development. As per ptc's Traffic Impact Assessment, the proposed GFA (m²) of Schedule 1 works is 10,033m² (extract below), consisting of:

- 9,302m² of heavy industrial storage, establishments, heavy industry and general industry
 - South Hangar
 - Annex Support Building
 - GSE Storage
 - Ancillary buildings / storage
 - Extension to South Hangar – Covered SE Storage / LV Room
- 731m² of Office Premises
 - South Hangar Admin

The minimum and proposed car parking rates associated with the development is summarised in Table 5 below.

Table 5: On-Site Car Parking Requirements

CHAPTER B8 ON-SITE PARKING REQUIREMENTS				
Land-use	DCP On-site Parking Requirement	Number of parking spaces required	Number of accessible parking spaces required	Proposed number of parking spaces
Heavy industrial storage establishments, heavy industry and general industry	1 car space per 100m ² floor area or 4 spaces per work bay. 1 bike spaces per 20 employees.	9,302m ² / 100 = 93.02 (94 spaces)	113 / 30 = (4 spaces)	94 of the existing 122 spaces, including 4 accessible spaces.
Office premises	1 car space per 40m ² floor area 1 bike space per 200m ² floor area	731m ² / 40 = 18.275 (19 spaces).		19 of the 122 spaces, including 4 accessible spaces.

As outlined in Table 5 above, the development requires a total of 117 car spaces (113 spaces and 4 accessible spaces) to satisfy DCP parking rates. The development proposes to utilise the 122 existing on site car parking spaces, with 8 accessible spaces, therefore satisfying DCP parking rates.

On this basis, the proposal satisfies Section B8.4 of the DCP.

Chapter C3 – Industrial

C3.A Height

The objective of this section is to ensure the height of buildings is appropriate for the context and character of the area, and reflects the hierarchy of centres and land use structure.

The development does not seek to increase the height of the existing building. Modifications to the south hangar and administrative building are internal only will not exceed 15 metres in height. The proposed height of the development continues to demonstrate consistency with the surrounding context and character of the area, and reflects the hierarchy of centres and land use structure.

C3.B Building siting and design

The objective of this section is to ensure development is situated within an appropriate building envelope. Buildings will maintain their setbacks on the lease boundary and new structures will not impact on the minimum front, side, or rear setbacks.

C3.C Shipping Container Stacks

Not applicable.

C3.D Fencing

The objective of this section is to avoid the dominance of fences on the streetscape and similar hostile design, and to soften the built environment in industrial areas.

There is no fencing proposed along the front setback and side and rear fencing is not proposed to be changed. Rear fencing around the current GSE storage shed may be temporarily removed during demolition.

C3.E Facades and Articulation

The objective of this section is to ensure facades consist of appropriate materials and colours that contribute to streetscape amenity.

Building colours and materials will align with the existing site context. Weather protection awnings for new external builds will be provided. Main building access points will not be change, with offices located near the entry point of the development. It is considered that the proposed building will retain a modern design that will make a positive contribution to the Williamstown SAP.

C3.F Landscaping

The main objective of this section is to enhance the appearance and amenity of developments through the retention and/or planting of large and medium sized trees.

There are no proposed changes to the parking area of the site, and there is to be no reduction in the total landscaped area of the site.

C3.G Signage

No signage is proposed.

Port Stephens Local Infrastructure Contributions Plan

The development attracts Section 7.12 Contributions pursuant to the *Environmental Planning and Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan (LIC Plan).

Fixed Section 7.12 development contributions have been included in the recommended draft consent conditions.

(d) Section 4.15(1)(a)(iiia) – 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

The design was found to be compliant with the BCA 2019, and as a result is deemed to comply with Clause 64 of the Environmental Planning and Assessment Regulation 2021. These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

This Section specifies the likely impacts of the proposed 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.

The consideration of impacts on the natural and built environments includes the following:

Built Environment

The proposed development is not considered to have a negative impact on the physical built environment. The proposed alterations and additions are consistent with the established and emerging character of the Newcastle Airport precinct and broader Williamstown SAP.

The proposal is generally consistent with the objectives and development controls contained within relevant environmental planning instruments and development control plan that applies to the site. For these reasons, it is considered that the development will not adversely impact on the built environment of the area.

Natural Environment

The environmental value of the site is low due to the previous clearing undertaken on the site and assessment of this application has not identified any adverse environmental impacts as a result of the proposal.

The development incorporates suitable stormwater management and water quality measures that satisfy Council's infrastructure specification.

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

Social and Economic Impact

The proposed development will have a positive social and economic impact through improving Defence and airport related facilities that provide for aircraft maintenance activities.

The proposal will generate direct employment opportunities during construction and ongoing operation with flow on employment multipliers benefitting the local community.

3.3 Section 4.15(1)(c) - Suitability of the site

The subject site is considered suitable to accommodate the development, given it is a developed parcel of land that currently supports an operational aircraft maintenance hangar with administration building, hardstand areas, sufficient staff parking and auxiliary buildings. The site is free of any significant constraints and is well separated from any residential areas and sensitive receivers.

The site is appropriately located on the western end of the Newcastle Airport precinct, with an appropriate buffer in place to avoid potential land use conflicts within the adjoining 'Astra Aerolab Business Park'. The site will remain linked into the greater road network via Williamtown Drive, connecting it directly to Nelson Bay Road which provides access to Nelson Bay and Tilligerry Peninsula, south to Newcastle and north to Medowie and Raymond Terrace.

Based on this assessment, the site is suitable to accommodate the proposed development.

3.4 Section 4.15(1)(d) - Public Submissions

The proposal was exhibited for a period of 14 days from 18 November 2022 – 2 December 2022 in accordance with the *EP&A Act*, *EP&A Regulations* and the Port Stephens Community Participation Plan. Council did not receive any submissions in relation to the development during the exhibition period.

3.5 Section 4.15 (1)(e) the public interest

The development does not have any adverse impacts on the built or natural environment, and results in positive social and economic impacts.

The proposal is consistent with the relevant environmental planning instruments applying to the land. The works, upon completion, will enable BAE Systems to fulfil its obligations to the Department of Defence in the provision of appropriate care and maintenance for Williamtown RAAF Base aircraft by providing suitable and purpose-built facilities. The development will also ensure that the South Hangar and associated structures can be upgraded in accordance with the provisions of the PSDCP and BCA. 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 6.

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 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			

Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Correspondence with the electrical supply authority, Ausgrid, has confirmed that the proposed works are in the vicinity of underground electricity assets. Accordingly, Ausgrid recommended compliance with Ausgrid's Network Standard 156 - Working near or around underground cables during works.	Y
Transport for New South Wales (TfNSW)	Section 2.122 - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Traffic-generating development	TfNSW reviewed the information provided and raised no objection to, or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.	Y
Hunter Water Corporation (HWC)	Section 51 - <i>Hunter Water Act 1991</i> Consent authority to notify Corporation of certain applications etc.	Recommended conditions of consent were provided from HWC, relating to management of contaminants within a drinking water catchment. These conditions have been included in the conditions at Attachment 1.	Y
NSW Environment Protection Agency (EPA)	The site is located within the Williamtown RAAF Base Investigation Area for Per-and Polyfluroalkyl Substances (PFAS). As the EPA is the lead authority investigating these contamination issues, the application was referred to the agency for comment and/or conditions.	Recommended conditions of consent were provided from EPA, relating to PFAS management. These conditions have been included in the conditions at Attachment 1.	Y
Department of Defence (DoD)	The site is located within an identified bird strike and/or height trigger area. The application was referred to the agency for comment and/or conditions.	Recommended conditions of consent were provided from DoD, relating to obstacle limitation and extraneous lighting. These conditions have been included in the conditions at Attachment 1.	Y
Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted Stormwater Concept Plan and supported the application unconditionally.	Y
Traffic	Council's Traffic Engineering Officer reviewed the submitted Traffic Impact Assessment and supported the application unconditionally.	Y
Flooding	Council's Flooding and Drainage Engineer reviewed the Stormwater Concept Plan and supported the application unconditionally.	
Building & Certification	Referral comments were not received from Council's Building Surveyor within the allocated timeframe and concurrence was assumed. Standard BCA conditions apply to the consent.	Y
Environmental Health	Council's Environmental Health Officer reviewed the submitted Desktop Contamination Assessment, and supported the application unconditionally.	Y
Development Contributions	Council's Development Contributions Officer reviewed the proposal and supported the application subject to payment of the fixed development contributions levy.	Y

4.3 Community Consultation

The proposal was exhibited for a period of 14 days from 18 November 2022 – 2 December 2022 in accordance with the *EP&A Act*, *EP&A Regulations* and the Port Stephens Community Participation Plan. Council did not receive any submissions in relation to the development during that time.

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 and traffic

Car parking

The development includes use of 122 existing on site car parking spaces, none of which will be permanently lost due to the development. The development proposes minor reconfiguration of

the lower car park, to increase the number of accessible spaces from 3 to 8. New line marking for parking is proposed to allow safe travel through the existing car park.

The proposed development has an overall GFA of 10,033m², comprising 9,302m² of heavy industrial storage and 731m² of Office Premises. The PSDCP refers to separate car parking requirements for heavy industrial storage establishments and office premises, being (1 car space per 100m² floor area or 4 spaces per work bay and 1 car space per 40m² floor area) respectively.

The Traffic Impact Assessment prepared for the proposed development, states a total of 117 car spaces (113 spaces and 4 accessible spaces) must be provided to satisfy DCP parking rates. The development proposes the use of 122 existing on site car parking spaces, with 8 accessible spaces, therefore satisfying DCP parking rates.

During construction, parking will be managed through a construction traffic and car parking management plan.

In conclusion, the proposed car parking supply is considered adequate for the proposed use, and a discernible improvement on the existing situation. On this basis, the proposed car parking arrangements are considered adequate and satisfy Section B8 of the DCP.

Traffic and Access

The application includes a Traffic and Parking Assessment, prepared by ptc Consulting Engineers, dated 12 September 2022. The assessment noted the development is ancillary to the existing land uses within the site, with no additional trips or parking requirements generated over and above what is currently generated in existing daily operation.

The assessment included traffic counts at the Nelson Bay Road/Williamstown Drive intersection, during AM and PM peak periods. The impacts of the traffic generation were modelled using SIDRA INTERSECTION 9.0, indicating the intersection performs at a high level of service during both commuter peak periods. Based on the traffic counts, the assessment finds that the proposed development is unlikely to have a significant impact on the surrounding road network above and over the existing situation. During construction, traffic and parking can be managed through a Construction Traffic Management Plan.

The Traffic and Parking Assessment submitted by the applicant has been reviewed by Council's Traffic Engineer and Transport for New South Wales (TfNSW) who concurred with the findings of the report and confirmed there are no outstanding traffic and access related concerns regarding the proposal.

5.2 Airspace operations

The subject site is located approximately 0.68 kilometres south of the main runway at RAAF Base Williamstown, and falls within the 'Obstacle Limitation (OLS) or Operations Surface Map' and 'Extraneous Lighting Map'. Due to the proximity of the proposed development to the RAAF Williamstown / Newcastle Airport runway areas, there is potential for adverse impacts to occur for airspace operations during and post construction.

The application was referred to the Department of Defence for comment, who raised no objection. The agency noted the proposed development does not seek to increase the height of

the existing building, with standard conditions provided in relation to the use of non-reflective building materials and construction management processes.

On this basis, the proposed alterations and additions are considered adequate with respect to RAAF Williamtown / Newcastle Airport airspace operations.

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 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 have been resolved satisfactorily through amendments to the proposal and/or in the recommended conditions at **Attachment 1**.

7. RECOMMENDATION

That Development Application DA 16-2022-763-1 for 'change of use to general industry – aircraft maintenance and associated alterations and additions to the existing aircraft hangar' at 55C Slades Road, Williamtown (Lot 103 DP 873512) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent to this report at **Attachment 1**.

The following attachments are provided:

- Attachment 1 – Recommended Conditions of Consent
- Attachment 2 – Architectural Plans
- Attachment 3 – Stormwater Management Report
- Attachment 4 – Aboriginal Cultural Heritage Report
- Attachment 5 – BCA Assessment Report
- Attachment 6 – Contamination Report
- Attachment 7 – Traffic Impact Assessment
- Attachment 8 – Cost Estimate Report
- Attachment 9 – Flood Certificate
- Attachment 10 – Waste Management Plan
- Attachment 11 – BAL Contour Plan
- Attachment 12 – Ausgrid
- Attachment 13 – EPA
- Attachment 14 – Defence Response
- Attachment 15 – Hunter Water