

## COUNCIL ASSESSMENT REPORT

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSHCC-276 – 16-2024-28-1
<b>PROPOSAL</b>	High technology industrial development comprising office and workshop areas, car parking, site works and associated landscaping
<b>ADDRESS</b>	Lot: 114 DP: 1295775 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>	29/01/2024
<b>APPLICATION TYPE</b>	Local Development
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Clause 3 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as: Council related development over \$5 million.
<b>CIV</b>	\$29,567,833.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Precincts—</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>Port Stephens Local Environmental Plan 2013;</i></li> <li>• <i>Port Stephens Development Control plan 2014.</i></li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY</b>	0

<b>ISSUES SUBMISSIONS</b>	<b>IN</b>	
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<b>FOR</b>	<ul style="list-style-type: none"> <li>• Attachment A: Draft Conditions of consent</li> <li>• Attachment B: Architectural Plans</li> <li>• Attachment C: Detailed Site Investigation</li> <li>• Attachment D: Remediation Action Plan</li> <li>• Attachment E: Landscape Plan</li> <li>• Attachment F: Acoustic Assessment</li> <li>• Attachment G: Access Report</li> <li>• Attachment H: Civil Engineering Report and Plans</li> <li>• Attachment I: Bushfire Assessment Report</li> <li>• Attachment J: Construction Waste Management Plan</li> <li>• Attachment K: Operational Waste Management Plan</li> <li>• Attachment L: Risk Screening Report</li> <li>• Attachment M: Traffic Report</li> </ul>
<b>RECOMMENDATION</b>		Deferred Commencement
<b>DRAFT CONDITIONS TO APPLICANT</b>		Yes
<b>SCHEDULED MEETING DATE</b>		1 April 2025
<b>PLAN VERSION</b>		Revision S – 20/09/2024
<b>PREPARED BY</b>		Courtney Sargent – Principal Development Planner
<b>DATE OF REPORT</b>		24 March 2025

## EXECUTIVE SUMMARY

This development application (DA 16-2024-28-1) seeks consent for the construction of a high technology industrial development at 38 Cabbage Tree Road, Williamtown (Lot: 114 DP: 1295775).

The development site is located at 38 Cabbage Tree Road, Williamtown, legally known as Lot: 114 DP: 1295775. The site is located within the approved industrial subdivision known as the 'Astra Aerolab'. The application specifically relates to approved Lots 200 and 201, which form part of Stage 2A of the approved subdivision. Subdivision works associated with Stage 2A are currently being undertaken. This report references Lots 200 and 201 as 'the site'. The lots are relatively flat in topography and have been cleared of significant vegetation as a result of the current subdivision works. The site has a total area of 67,121 m<sup>2</sup>, with the development located on an area of 22,840m<sup>2</sup> with a 251m wide frontage to the future Newton Parade to the south. It is intended the rear of the site, where the development is not located, will be subdivided off Lots 200 and 201 in the future.

The site is located to the 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 PSLEP 2013, the proposal satisfies the definition of a high technology industry, which is a

type of light industry, which is a permissible use with consent in the Land Use Table in Clause 2.3.

Currently, a planning proposal is underway and gazettal imminent, to change the zone from B7 Business Park to SP4 Enterprise. The SP4 zone will also permit with consent high technology industry.

The application was notified and advertised for a period of 28 days from 12 February 2024 – 11 March 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. No submissions were received during this time.

The key issues in respect of the assessment of this application related to impacts to Defence/airport operations. To address these issues, consultation was undertaken with the Department of Defence resulting in minor design changes to satisfy any potential concern. Defence ultimately supported the proposal.

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, as Port Stephens Council is part owner of the site.

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 site is located at 38 Cabbage Tree Road, Williamstown, legally known as Lot: 114 DP: 1295775 and has an approximate area of 58 hectares. The site is located to the south west of Newcastle Airport and the Royal Australia Air Force (RAAF) Base Williamstown, refer to **Figure 1** below. The development site forms part of the approved Astra Aerolab subdivision, with the application specifically relating to approved Lots 200 and 201, which have yet to be formally registered, refer to **Figure 2** below. The report will hereon refer to Lots 200 and 201 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 22,840m<sup>2</sup> with 251m frontage to what will be Newton Parade to the south.





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

- Weed Infestations
- Biodiversity Values Map
- Bushfire Prone – Category 1 and 3
- Koala Habitat – Preferred
- ANEF – 30-35
- Height trigger map – all structures
- 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 Prone Land
- Acid Sulfate Soils – Class 4
- Drinking water catchment
- LEP Wetlands

## **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.

There is no public transport directly servicing the site. The nearest public transport includes bus routes linking the Newcastle airport to Newcastle, Nelson Bay, Raymond Terrace and Maitland. The bus stop is located at the Newcastle airport terminal. However, there is no clear pedestrian link between the site and the Airport. Notwithstanding, the wider Astra Aerolab subdivision design shows an extension of 'Road 3' to the airport. Road 3 is located to the east of the site.

## **1.3 Site Inspection**

A site inspection was carried out on 20 September 2024.





**Photograph 1.** Looking west toward the subject site with subdivision works for Stage 2A currently under construction



**Photograph 2.** Looking west along Newton Parade

## **2. THE PROPOSAL AND BACKGROUND**

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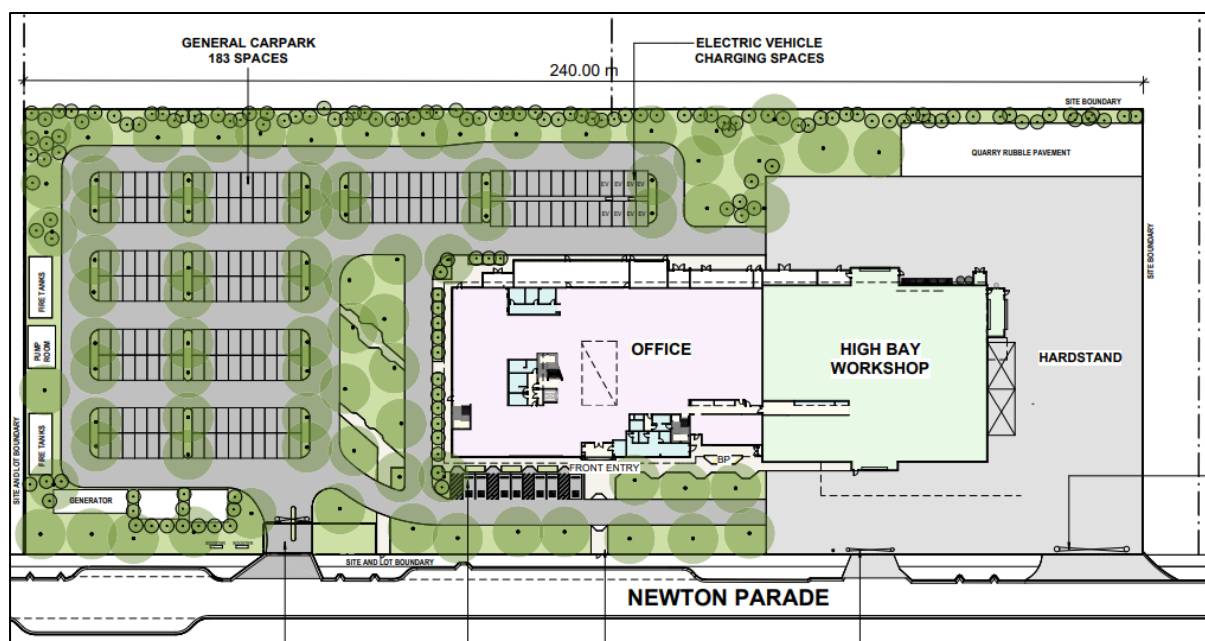
### **2.1 The Proposal**

The proposal seeks consent for the following:

- Construction of a high technology industrial development comprising of a high bay workshop and office areas.
- Provision of 183 car parking spaces
- Three new access driveways off Newton Parade.

- Landscaping internally within the site, along site boundaries and within the car parking areas.

**Figure 3** below shows the proposed site plan.



**Figure 3.** Proposed site plan

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

**Table 1: Key Development Data**

Control	Proposal
Site area	67,121m <sup>2</sup>
Development area	22,840m <sup>2</sup>
GFA	5,975m <sup>2</sup>
Clause 4.6 Requests	No
Max Height	19.23m
Landscaped area (deep soil)	4,770m <sup>2</sup>
Car Parking spaces	183

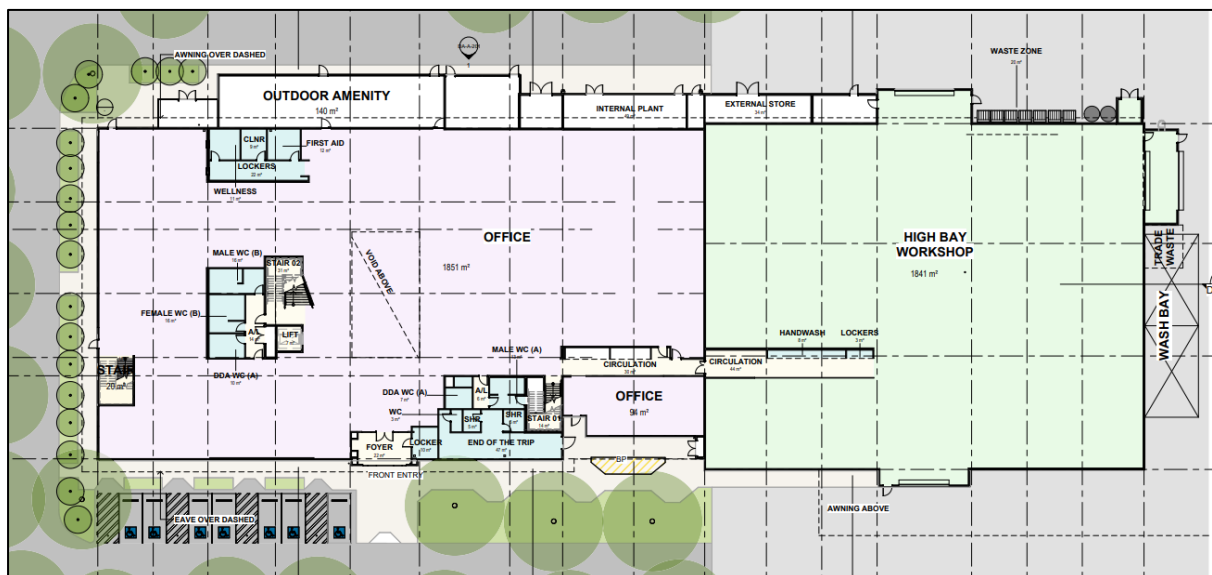
### Workshop and Office Area

The proposal involves the construction of a building that contains ground floor and first floor office spaces and a high bay workshop, which are proposed to be used for high technology industrial purposes, refer to **Figures 4 and 5**. The ground floor office area has a total area of 2,390m<sup>2</sup>, is an open plan design and contains the foyer for pedestrian access to the building

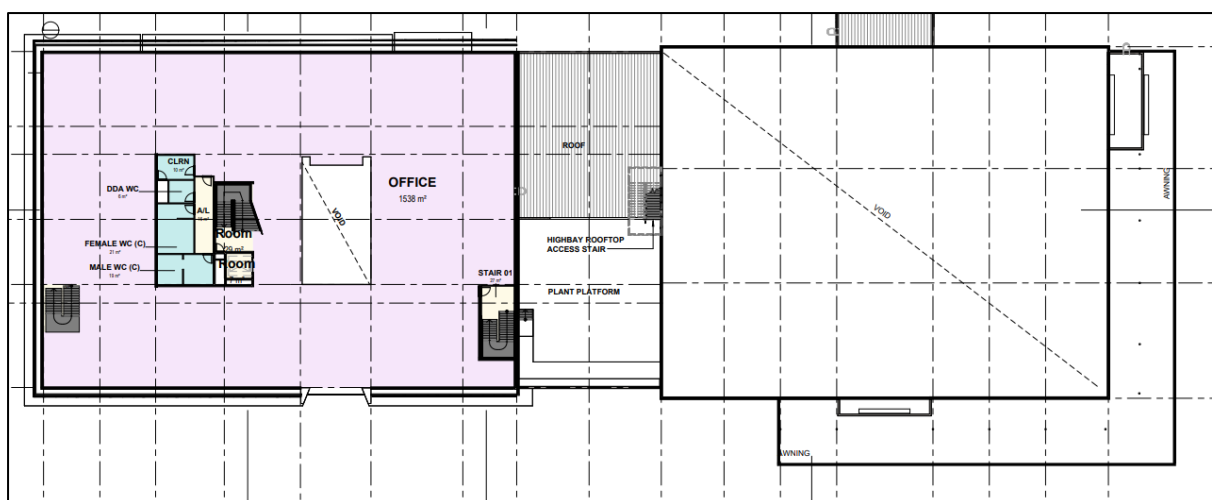
and to the high bay workshop. The ground floor also includes staff amenities including end of trip facilities. The first floor office has a total area of 1,700m<sup>2</sup> and is an open plan design. The first floor is accessible via three separate sets of stairs and a lift. One set of stairs are service stairs providing access to the plant platform and the high bay workshops roof. The first floor office area contains staff amenities. A void area is proposed through the middle of the office space. The office component of the development has a height of 12.03m.

The high bay workshop has a total area of 1,885m<sup>2</sup> and is located within the east of the site. The workshop has been designed with two roller doors parallel to each other to allow for larger vehicle access. One roller door fronts Newton Parade and the other is located along the rear elevation. The workshop has a maximum height of 19.23m.

The development is proposed to be constructed of a mixture of materials including pre-cast concrete, sheet metal cladding, monoclاد, and perforated aluminium sheeting. Both the office and warehouse are proposed to have pitched roofs. The warehouse roof is proposed to have solar PV panels installed on it.



**Figure 4.** Proposed ground floor plan

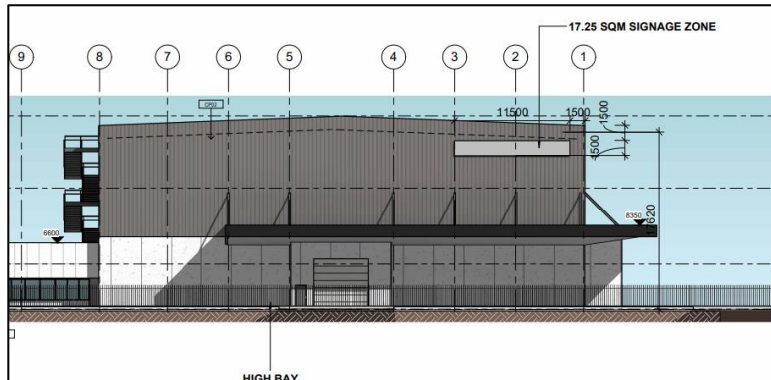


**Figure 5.** Proposed first floor plan



## Signage

The proposal includes one 'signage zone' for use of business identification signage. It is proposed to be located on the southern elevation of the high bay workshop fronting Newton Parade, refer to **Figure 6**. The signage zone is 17.25m<sup>2</sup> in area, 11.5m wide and 1.5m tall. The signage zone is not proposed to be illuminated and the final design will reflect the future tenant.



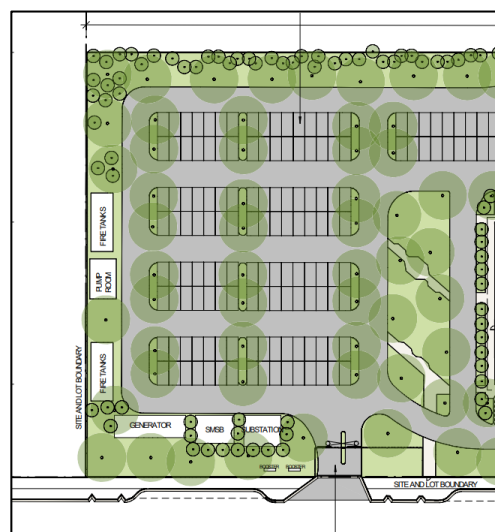
**Figure 6.** Southern elevation of the high bay workshop showing the proposed signage zone

## Ancillary Infrastructure

A number of services are proposed to be provided outside of the proposed workshop and office buildings including:

- Fire tanks
- Generator
- Pump room
- Transformer
- Substation
- Sub main switch board

This infrastructure is provided within the south western corner of the site within the front and side setbacks, see **Figure 7**. A landscape buffer has been provided between the infrastructure and the front setback to limit its visibility to the public domain.



**Figure 7.** Location of proposed ancillary infrastructure

## **Operational Details**

The development is proposed to have 187 staff members comprising 167 office staff and 20 workshop staff.

The operational hours are proposed to be 7:00am – 6:00pm, 7 days a week.

Only one pick up / delivery is expected per day. These deliveries are proposed within operational hours.

The warehouse is proposed to be used for the production, welding and assembly of equipment for defence activities. There are proposed to be chemicals stored within the warehouse including the following:

- diesel in packaged containers for back-up power generation
- bottled acetylene gas for brazing
- inert gases for welding
- minor quantities of oils and lubricants will be utilised to service machinery

## **Access and Parking**

Three crossovers from Newton Parade are proposed. The access located in the west of the site will be a regular vehicle crossover providing access to onsite car parking. The two access points in the east of the site have been designed for access by heavy vehicles. The largest vehicle proposed to enter the site is a b-double. Swept paths have been provided demonstrating that all vehicles expected to access the site (including a firetruck) can enter and exit in a forward direction.

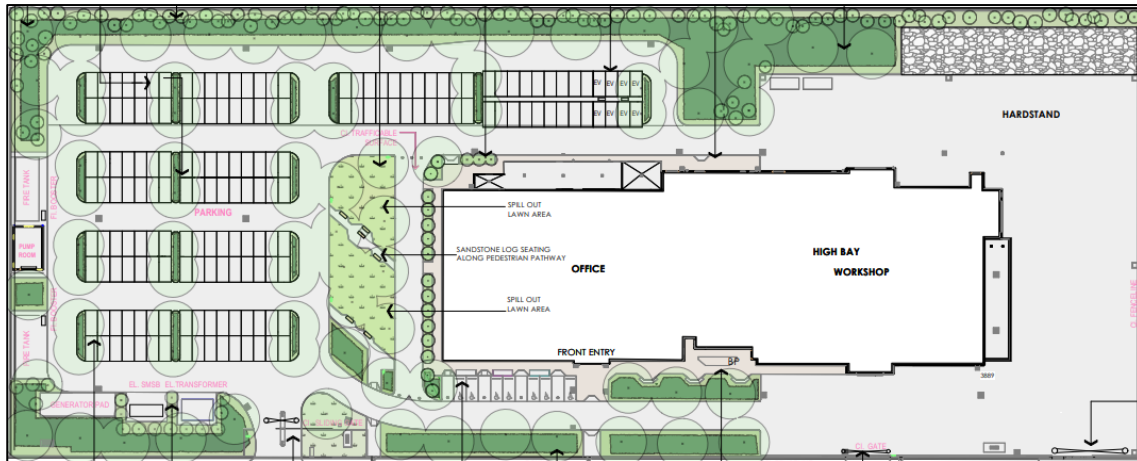
A total of 183 at grade car parking spaces including 8 electric vehicle charging spaces and 7 accessible spaces are proposed.

## **Landscaping**

Landscaping design has been provided for the proposed development, refer to **Figure 8**. The landscaping design includes a range of native vegetation of various sizes including:

- Coastal Banksia
- Spotted Gum
- Yellow Gum

A total of 20.88% of the development site is deep soil landscaping. The proposal also seeks consent for a 1.8m high black palisade fence along the perimeter of the development inclusive of the front setback.



**Figure 8. Proposed landscape plan**

### **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 2A. The development has less than 90% (approx. 80%) site coverage and therefore on-site detention is not required or proposed.

### **Waste**

The development includes a 21m<sup>2</sup> waste storage area located at the rear of the high bay workshop. 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 seven 1100L bins would be required to service the development, consisting of four recycling bins and three general waste bins. The OWMP found that two collections a week would be required for both recycling and general waste. It is proposed that the development will be serviced by a private waste contractor. The OWMP found that the waste storage area would need to be 21m<sup>2</sup> in order to store the required bins. This is consistent with the plans.

### **Site Servicing**

The site is currently not serviced by water, electricity, sewer or a road with subdivision works approved under the Astra Aerolab subdivision consent yet to occur. The subdivision works associated with the parent subdivision also include the clearing of existing vegetation, the filling of land, remediation, construction of associated stormwater drainage, installation of utilities, pedestrian pathways, street lighting and public domain areas and landscaping. A Subdivision Works Certificate (SWC) has recently been issued for stages 2A and 2C which the site forms part of. It is understood that these works are currently being undertaken. Due to this, the deferred commencement consent has been recommended.

The site is proposed to be connected high voltage electricity and therefore a substation has been provided in the south eastern corner of the site.

## 2.2 Background

The development application was lodged on **29 January 2024**. A chronology of the development application since lodgement is outlined in **Table 2**.

**Table 2: Chronology of the DA**

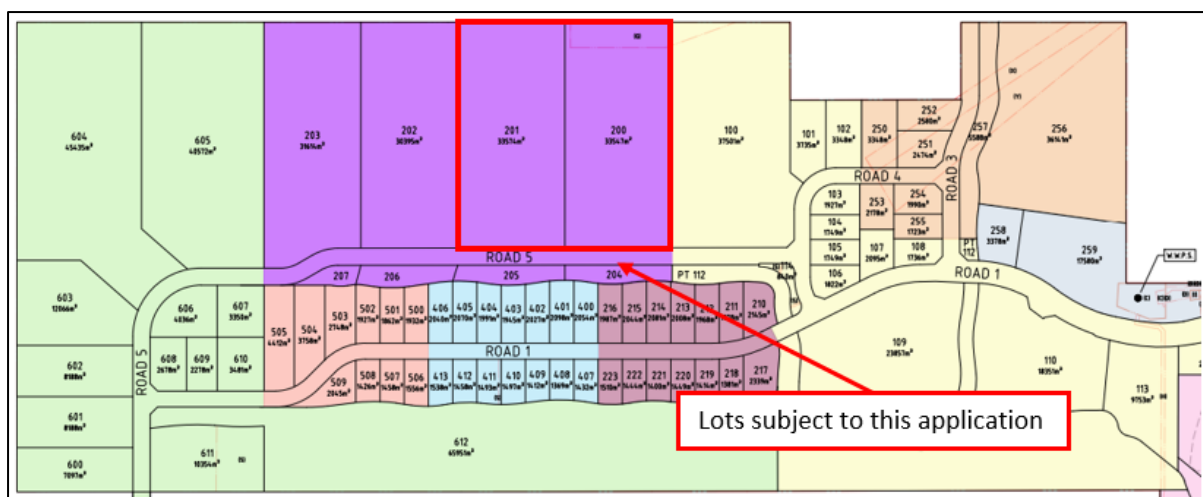
Date	Event
<b>29 January 2024</b>	DA lodged
<b>2 February 2024</b>	DA referred to external agencies
<b>29 February 2024</b>	S37 Amendment accepted by Council
<b>5 March 2024</b>	Panel preliminary briefing
<b>12 March 2024</b>	Request for Information from Council to applicant
<b>16 April 2024</b>	Partial response to request for information received.
<b>22 May 2024</b>	Remaining information provided to Council.
<b>22 May 2024</b>	Clause 37 amendment lodged and accepted to provide updated plans in response to Department of Defence comments and other minor design changes.
<b>21 February 2025</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. A second 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. Another modification was determined by Council in August 2024 (16-2009-324-4). The modification sought to amend staging only with no changes to the number of lots and physical works required.

Lots 200 and 201 form part of this consent and are shown on the approved subdivision plans in **Figure 8** below. A Subdivision Works Certificate (SWC) has recently been approved by Council with these works currently underway.





**Figure 8. Approved subdivision plan**

### **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),*
- (b) *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)

- 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)**

The site is bushfire prone land and therefore Planning for Bushfire Protection (PBP) 2019 applies. A Bushfire Threat Assessment (BTA) was prepared by Anderson Environment and Planning which assessed the proposal against PBP 2019. It found the proposed development to be compliant with the requirements of PBP 2019.

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 1 and 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 is for a high technology industry which is a type of 'other non-residential development' to which section 8.3 of PBP 2019 applies. The proposal comprises class 5 and 7B/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.

The BTA found that the bushfire threat to the proposed development was from the existing vegetation located to north and south east (Aboriginal keeping place) of the site. It was noted that the site is surrounded by land that will be developed in the future (forming part of the approved subdivision) and therefore the hazards currently present are not likely to remain in the long term with the exception of the Aboriginal keeping place located to the south east of the site.

The BTA assessed the proposal against the six objectives of PBP 2019 and found that the proposal was consistent with them in that:

- The proposed development provides suitable defensible space around the building itself which is dominated by internal access roads, car parking and Newton Parade with only minimal landscaping provided within the defensible space areas.

- Adequate separation is provided between the proposed buildings and the hazard vegetation surrounding the proposed development.
- Proposed access is adequate and will be via sealed internal roads and from Newton Parade. Swept paths have been provided which demonstrate that fire fighting vehicles can safely enter and exit the site in a forward direction.
- Given much of the defensible space is hardstand, it will be maintained.
- Hydrants will be present along Newton Parade as part of the subdivision works.

In addition, PBP 2019 prescribes that the following objectives will be applied for Class 5 to 8 buildings:

- 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 Newton Parade via a three separate crossovers. Swept paths have been provided which demonstrate that fire fighting vehicles can safely enter and exit the site in a forward direction.

As a part of subdivision works, the site will be serviced by reticulated water.

Electricity provision has been located in the south west of the site which is located away from the hazard.

To address the remaining objectives, a condition of consent has been recommended requiring the following:

- The development is to be constructed in accordance with the access provisions of Chapter 8 of PBP 2019;
- The site is to be managed as an inner protection area.
- The development is to be connected to a reticulated 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 with the requirements of Table 7.4a of PBP 2019;
- Any hazardous materials must be stored away from the bushfire hazard wherever possible.
- An Emergency Evacuation Plan is to be prepared.

Noting the above, it is considered that the proposal conforms to the specifications and requirements of PBP 2019

### **3.2 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 (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *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 3** and considered in more detail below.

**Table 3: 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 2: Vegetation in non-rural areas The site has been approved for clearing associated with the subdivision works for the Astra Aerolab development (16-2009-324-4).</p> <p>Chapter 4: Koala Habitat Protection 2021 The development site is as preferred koala habitat. The site has been approved for clearing associated with the subdivision works for the Astra Aerolab development.</p>	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	<p>Chapter 3: Standards for Non-Residential Development The proposed development includes a NABERS Embodied Emissions Materials Form which complies with Section 3.2 of this policy. As per Clause 3.3, the application includes a NABERS commitment agreement, which satisfies the Schedule 3 energy and water use standards. The NABERS commitment demonstrates that the development minimises the use of on-site fossil fuels.</p>	Y
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Section 3 of Schedule 6 given it is Council related development over \$5 million.</p>	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	<p>Chapter 3: Hazardous and offensive development The proposal includes the storage of diesel in a packaged containers for a back-up power generator, bottled acetylene gas for brazing, inert gases for welding and minor quantities of oils and lubricants to service machinery. A Risk Screening was prepared by Riskcon Engineering which found that the quantities of dangerous goods proposed to be installed to not trigger the requirements of chapter, therefore it does not apply.</p>	Y



EPI	Matters for Consideration	Comply (Y/N)
	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered in the Detailed Site Investigation which found that the site can be made suitable for the proposed development subject to remediation works.	
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure 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 industry and the site area exceeds 20,000m <sup>2</sup> . The application was therefore referred to Transport for New South Wales (TfNSW). TfNSW raised no concerns with the proposed development noting that there will be no significant impact on the nearby classified road network.  Section 2.48(2) (Determination of development applications—other development) – electricity transmission. The application was referred to Ausgrid for comment. Ausgrid did not raise concern with regard to the proposal but rather provided advice in relation to the supply of electricity and works within proximity to underground mains.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage Section 3.6 – The proposed signage is consistent with the requirements of this clause.	
Proposed Instruments	N/A	N/A
LEP	<ul style="list-style-type: none"> <li>Section 2.3 – Permissibility and zoning objectives.</li> <li>Section 4.3 – Height of buildings.</li> <li>Section 5.10 – Heritage conservation</li> <li>Section 5.21 – Flooding 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>	Y
DCP	Port Stephens Development Control Plan 2014: <ul style="list-style-type: none"> <li>B1 – Tree management</li> <li>B2 – Natural resources</li> <li>B3 – Environmental Management.</li> <li>B4 – Drainage and Water Quality</li> <li>B5 – Flooding</li> <li>B6 – Williamtown RAAF Base</li> </ul>	Y

EPI	Matters for Consideration	Comply (Y/N)
	<ul style="list-style-type: none"> <li>B7 – Heritage</li> <li>B8 – Road Network and Parking. The proposal is generally consistent with the DCP.</li> <li>C3 – Industrial</li> <li>D15 - Williamtown Defence and Airport Related Employment Zone (DAREZ)</li> </ul>	

Consideration of the relevant SEPPs is outlined below.

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

#### Chapter 2: Vegetation in non-rural areas

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

The vegetation on site has been approved to be cleared as a part of the subdivision works associated with the Astra Aerolab development and no further clearing is proposed to facilitate the proposed development. Therefore, approval for tree clearing is not required and this chapter does not apply.

#### Chapter 4: Koala Habitat Protection 2021

This policy 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. The development control provisions of the SEPP apply to development on all zones other than RU1 (Primary Production), RU2 (Rural Landscape) and RU3 (Forestry) 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. Or;
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 Port Stephens Comprehensive Koala Plan of Management (CKPoM) applies to the land and therefore, the proposal must be consistent with the CKPoM.

The site is mapped as “Preferred Koala Habitat”. The vegetation on site has been approved to be cleared as a part 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 CKPoM which constitutes compliance with Chapter 4 of State Environmental Planning Policy (SEPP) (Biodiversity & Conservation) 2021.

### Chapter 3: Standards for non-residential development

This policy encourages the design and construction of more sustainable buildings to meet NSW climate change targets and adapt to more extreme weather, including hotter and drier summers.

Chapter 3 applies to non-residential development that has an estimated development cost of \$5 million or more. As such, this chapter applies to the proposed development.

Section 3.2(1) of the policy states that the consent authority must consider *whether the development is designed to enable the following—*

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*
- (f) the minimisation of the consumption of potable water.*

An assessment against each consideration is provided in **Table 4** below.

**Table 4: Summary of Applicable Environmental Planning Instruments**

<b>Matters for Consideration</b>	<b>Comment</b>
The minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials	No demolition is proposed. A construction waste management plan (CWMP) was prepared for the proposal by Elephants Foot Consulting Pty Ltd. Section 3.3 of the CWMP discusses opportunities for reuse and recycling during the construction phase of the development. The CWMP has been stamped as a part of the recommended conditions.
A reduction in peak demand for electricity, including through the use of energy efficient technology	A Net Zero Statement was prepared for the proposed development by Marline Newcastle Pty Ltd. The report discusses features of the development which incorporate energy efficient design including: <ul style="list-style-type: none"><li>• Provision of shading to reduce cooling energy consumption during sunny weather.</li><li>• Evaporative coolers for cooling some larger spaces which operate e with significantly lower energy consumption compared to refrigerant-based air conditioning systems.</li><li>• High efficiency LED lighting and a lighting controls system that automatically turns off or reduces lighting levels in areas where appropriate.</li></ul>
A reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design	The insulation used in the development will be required to comply with the requirements under NCC Section J. This will ensure improved

Matters for Consideration	Comment
	insulation and therefore reduce reliance of mechanical heating and cooling.
The generation and storage of renewable energy	The development includes solar panels on the roof of the workshop. The Net Zero Statement states that the solar panels are expected to generate 14kWh/m <sup>2</sup> /year.
The metering and monitoring of energy consumption	Metering and monitoring of energy consumption is required by Section J.
The minimisation of the consumption of potable water	The Net Zero Statement states that the water efficient equipment will be used through the development including 6 star WELS (Water Efficiency Labelling Scheme) dishwashers and 4 star WELS showers.

Section 3.2(2) provides that development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. An NABERS Embodied Emissions Materials Form was provided with the development quantifying the embodied emissions.

Section 3.3 applies to large commercial development. The proposal is considered a large commercial development as the office space a floor area that exceeds 1000m<sup>2</sup>.

As per Section 3.3(1), the consent authority must consider whether the development minimises the use of on-site fossil fuels. A Net Zero Statement was prepared for the proposed by Marline Newcastle Pty Ltd which demonstrates that the design incorporates the minimisation of the use of fossil fuels.

As per Section 3.3(2), development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3 of the policy. Section 3.3(3) states that *for the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.* A NABERS agreements has been provided to Council demonstrating compliance with this section.

*State Environmental Planning Policy (Planning Systems) 2021*

## 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 as the proposal is Council related development with an estimated development cost of more than \$5 million. Accordingly, the Hunter Central Coast Regional Panel (HCCRPP) is the consent authority for the application. The proposal is consistent with this Policy.

*State Environmental Planning Policy (Resilience and Hazards) 2021*

## Chapter 3: Hazardous and offensive development



The proposal includes the storage of diesel in a packaged containers for a back-up power generator, bottled acetylene gas for brazing, inert gases for welding and minor quantities of oils and lubricants to service machinery. A Risk Screening was prepared by Riskcon Engineering which found that the quantities of dangerous goods proposed to be installed to not trigger the requirements of chapter, therefore it does not apply.

#### 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 Contamination Review dated 2 May 2024 was prepared for the site by Qualtest Laboratory (NSW) Pty Ltd (Qualtest) identified three areas of environmental concerns based on the sites historic use (agriculture) and site observations (illegal dumping and presence of PFAS). Noting this, it was recommended that a Detailed Site Investigation (DSI) be prepared.

A DSI dated 20 May 2024 was prepared for the site by Qualtest. As a part of the DSI, soil samples from test pits and surface soils were obtained and tested. The sampling and analysis identified contamination in the form of Asbestos Fines (AF) in one sample in stockpile being sample SP4. In addition, it was noted that based the review of the data in the AECOM (2022) report, groundwater beneath the site is inferred to be contaminated with PFAS above the adopted criteria for protection of construction workers.

It was concluded that the site can be made suitable for the intended use subject to compliance with recommendations detailed in the report. The recommendations are:

- Preparation and implementation of a Remediation Action Plan (RAP) for the asbestos contamination identified in SP4;
- Preparation of a Validation Report, following remediation works;
- Implementation of the Northrop (2024) PFAS Management Plan for Astra Aerolab Stages 2A, 2C, 4 & 5 during earthworks and construction works; and
- Preparation of an Unexpected Finds Procedure, which would be implemented during earthworks and construction works. This will be included in the RAP to be prepared for the site.

A RAP was prepared by Qualtest which details the remediation method which includes removal/excavation of contaminated soils in SP4 and disposal to an appropriately licensed waste facility, followed by validation of the resulting footprint of SP4.

A condition has been recommended requiring compliance with the Qualtest RAP and another requiring that the applicant obtain a validation report prior to the issue of a construction certificate.

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

#### Chapter 2: Infrastructure

Section 2.122 of this chapter identifies that development that is considered traffic generating is required to be referred to Transport for NSW (TfNSW). Schedule 3 of this policy identifies

what development types are considered to be traffic generating development. The proposed development is considered traffic generating development as the purpose is for industry and the site area exceeds 20,000m<sup>2</sup>.

The application was therefore referred to 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. It was noted that Stages 2A and 2C of the Astra Aerolab subdivision trigger the requirement for civil works at the signalised intersection of Williamtown Drive / Nelson Bay Road to be completed. These items will be addressed as a part of the Subdivision Certificate application for Astra Aerolab subdivision. A deferred commencement condition has been recommended requiring that the lots to which the development is located on be registered prior to operational consent being issued. This will ensure that this matter is addressed.

In addition to the above, 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.
- Consultation with TfNSW will be required to review trip generation rates for any Subdivision Certificate being granted beyond Stage 2A of development – refer Condition 100A of DA 16/2009/324/3.

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 no parking is 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 August 2024. 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.

In regard to consultation with TfNSW associated with the Astra Aerolab subdivision, similarly to the civil works requirement, this will need to be addressed during the SC application for the approved subdivision which will be satisfied prior to operational consent being issued for this application.

Noting this, it is considered that the proposal is consistent with s2.122 of this policy.

*State Environmental Planning Policy (Industry and Employment) 2021*

### Chapter 3: Advertising and Signage

This chapter sets out planning controls for advertising and signage in NSW. The SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high quality design and finish.

The proposal includes one 'signage zone' for use a business identification signage. It is proposed to be located on the southern elevation of the high bay workshop fronting Newton Parade. The signage zone is 17.25m<sup>2</sup> in area, 11.5m wide and 1.5m tall. The signage zone is not proposed to be illuminated.

S3.11 of this policy provide matters for consideration. The proposal is consistent with the matters for consideration as follows:

- The proposal is consistent with the objectives of this Chapter as set out in section 3.1(1)(a) in that the proposal signage is compatible with the desired amenity and visual character of an area, will provide effective communication in that it will identify the business on site and subject to conditions, will be constructed of a high quality design and finish.
- The development has been assessed in accordance with the Assessment Criteria set out in Schedule 5 of the policy, refer to **Table 5** below.
- The proposal satisfies relevant requirements of this chapter.

Schedule 5 provides an assessment framework to determine if the proposed signage scheme is acceptable in terms of its impacts. An assessment of the proposed signage scheme against the assessment criteria is provided in **Table 5** below.

**Table 5: Schedule 5 Assessment**

Assessment Criteria	Assessment	Comply (Y/N)
<p><i>1 Character of the area</i></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>Given the approved Astra Aerolab business park is still largely under construction, signage has been assessed with the desired future character in mind. Noting this, it is considered that the proposed signage is consistent with the desired future character of the area which based on the zoning and the approved subdivision, which will be surrounded by a mixture of business, industrial and warehouse uses that require large floor areas, meaning they will be of a similar scale to the proposed design and will likely require a similar size business identification sign.</p> <p>There is no currently theme for outdoor advertising in the area.</p>	Y
<p><i>2 Special areas</i></p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other</p>	<p>The proposed signage is not considered to detract from the amenity or visual quality of any special areas.</p>	Y

Assessment Criteria	Assessment	Comply (Y/N)
conservation areas, open space areas, waterways, rural landscapes or residential areas?		
<p><i>3 Views and vistas</i></p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The signage is proposed to be located on the façade of the highbay workshop and therefore will not obscure or compromise important views or dominate the skyline.</p> <p>Given its location on the façade, the signage is considered to be respectful of viewing rights of other advertisers.</p>	Y
<p><i>4 Streetscape, setting or landscape</i></p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The Astra Aerolab business park is will likely be surrounded by business, industrial and warehouse uses that require large floor areas and therefore business identification signage that is of a similar scale to the proposed signage. Therefore, it is considered that the signage is appropriate for the future streetscape and setting.</p> <p>The signage will contribute to the visual interest of the streetscape and will appropriately identify the business on site.</p> <p>Only one signage is proposed and therefore does not result in clutter.</p> <p>The signage does not screen unsightliness.</p> <p>The signage does not protrude above the building.</p> <p>No ongoing vegetation management is required.</p>	Y
<p><i>5 Site and building</i></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p>	<p>The proposed signage is compatible with the scale of the building and site it is located and respects important features of the building.</p> <p>The sign is located in a position on the building that will allow for the business to be appropriately identified.</p>	Y



Assessment Criteria	Assessment	Comply (Y/N)
Does the proposal respect important features of the site or building, or both?		
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
<i>6 Associated devices and logos with advertisements and advertising structures</i>  Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.	N/A
<i>7 Illumination</i>  Would illumination result in unacceptable glare?  Would illumination affect safety for pedestrians, vehicles or aircraft?  Would illumination detract from the amenity of any residence or other form of accommodation?  Can the intensity of the illumination be adjusted, if necessary?  Is the illumination subject to a curfew?	N/A illumination is not proposed.	N/A
<i>8 Safety</i>  Would the proposal reduce the safety for any public road?  Would the proposal reduce the safety for pedestrians or bicyclists?  Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal would not reduce safety along Newton Parade. It is not a digital nor illuminated.	Y

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.*

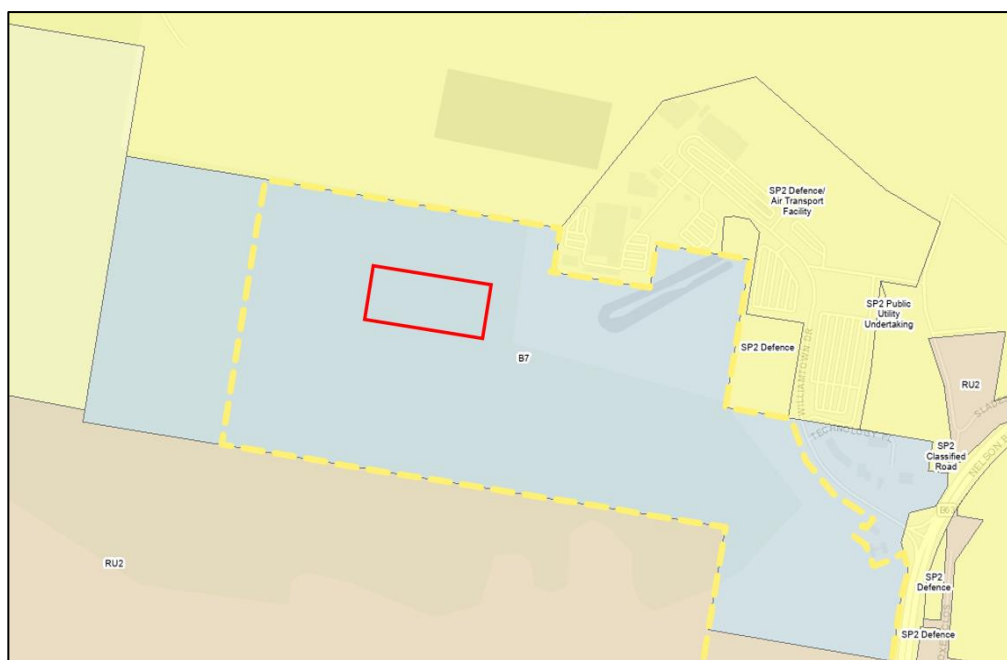
The proposal is consistent with these aims as the proposal contributes to the provision of diverse land uses, facilitating economic growth whilst not impacting environmental values.

#### *Zoning and Permissibility (Part 2)*

The site is located within the B7 Business Park zone pursuant to Clause 2.3 of the LEP, refer to **Figure 9** below. The B7 Business Park zoning does not currently exist under the LEP 2013. However, as per note 2 of the land use table, any amendments made to the LEP commencing on 26 April 2023 do not apply to land subject to the 'Williamstown Special Activation Precinct Process' on the Land Zoning Map (the subject site). On this basis, the site retains B7 Business Park zoning.

High technology industries are a type of light industry which are permissible in the zone with consent.

Currently, a planning proposal is underway and gazettal imminent, to change the zone from B7 Business Park to SP4 Enterprise. The SP4 zone will also permit with consent high technology industry.



**Figure 9. Zoning map**

The zone objectives include the following (pursuant to 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:

- The development provides a high technology industry and associated office space which will encourage employment opportunities.
- The proposal supplies floor space for use as a high technology industry located in close proximity to RAAF Base Williamtown and the Newcastle Airport and therefore is capable of supporting the continued operation of these uses.

#### *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 19.23m. This is consistent with the desired future character of the area and the surrounding Astra	Yes

Control	Requirement	Proposal	Comply
		<p>Aerolab subdivision noting that existing approvals within Astra Aerolab had a maximum height of 12.5m on approved Lot 109 and 33m on approved Lots 106 and 107.</p> <p>It is noted that the application was referred to the Department of Defence to review potential impacts that may occur to the operations of the Newcastle Airport and RAAF Base Williamtown. In response, Defence initially raised concern with height noting that it obstructed the Australian Defence Air Traffic System (ADATS) and Tactical Air Defence Radar Systems (TADRS) radars. Following further assessment, Defence supported the proposal noting that its siting and height would not impact the current and ongoing operations of RAAF Base Williamtown.</p>	
Heritage (CI 5.10)	Clause 5.10 specifies the requirements for consent and associated assessment requirements for impacts relating to European and Aboriginal heritage.	<p>There are no local or state heritage listed items on the site.</p> <p>An Aboriginal Place was identified on the site through a AHIMs search. However, impacts to Aboriginal Heritage were assessed as part of the subdivision 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</p>	Yes

Control	Requirement	Proposal	Comply
		<p>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)	<p>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 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</p>	<p>The site is located on flood prone land. The site is mostly mapped as minimal risk flood prone land with a small portion of the site impacted by a higher flood hazard category. Land mapped as minimal risk flood prone land is already above the flood planning level(FPL).</p> <p>Notwithstanding, the bulk earthworks undertaken as a part of the Astra Aerolab subdivision included filling the land to ensure each new lot would be at the FPL. The proposal is therefore is not expected impact the flood behaviour.</p>	Yes



Control	Requirement	Proposal	Comply
	<p>development or properties, and (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 (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (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>(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</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>	

Control	Requirement	Proposal	Comply
	surrounding area is impacted by flooding or coastal erosion.		
Public utility infrastructure (CI 6.2)	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 adequate arrangements have been made to make that infrastructure available when it is required.	<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 completion of the parent subdivision works, the site will be 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 Newton Parade, which will be constructed as part of the Astra subdivision works. This road will become a public road once the parent subdivision is formally registered. As the parent subdivision works have not yet been completed, a deferred commencement condition has been included requiring that Lot 200 and 201 be registered prior to the subject consent becoming operational. Subject to this condition, the proposal meets the requirements of this clause.</p>	Yes
Development control plan (CI 6.3)	Clause 6.3(2) provides that development consent must not be	Chapter D15 Williamtown Defence and Airport Related Employment Zone	Yes

Control	Requirement	Proposal	Comply
	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.	(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.	
Infrastructure— Pacific Highway access (CI 6.5)	Clause 6.5(2) provides that development consent must not be granted for the 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	The proposal does not involve subdivision and therefore this clause is not applicable.	N/A
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>	The Civil Engineering Report prepared by Acor Consultants confirms that cut with a maximum depth of 1 metre will be required. In addition, the DSI prepared by Qualtest noted that the site has a low probability of acid sulfate soils. Noting this, it is considered that consent is not required under this clause.	N/A

Control	Requirement	Proposal	Comply
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 will be completed as a part of Stage 2A subdivision works for the Astra Aerolab development.</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 and the consent authority is satisfied that the proposed	The subject site is identified within the Limitation or Operations Surface map where all structures over 7.5m in height are to be referred to the Department	Yes

Control	Requirement	Proposal	Comply
	<p>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>of Defence (DoD). The development has a maximum height of 19.23m and was therefore referred to DoD.</p> <p>As previously noted, the application was referred to the Department of Defence. Defence originally raised concern with height noting that whilst the development did not penetrate the Limitation or Operations Surface, it obstructed the Australian Defence Air Traffic System (ADATS) and Tactical Air Defence Radar Systems (TADRS) radars. Following further assessment, Defence supported the proposal noting that it's siting and height would not impact the current and ongoing operations of RAAF Base Williamtown.</p> <p>The referral recommended that the recommendations within the Acoustic Assessment be considered in the design and constructed process. Conditions have been recommended on this basis.</p> <p>The referral also provided comments relating to the site being located within a Bird Strike area. A condition has been recommended relating to bird strike and waste storage.</p> <p>Subject to the recommended conditions and conformance with Defence advice, the proposal complies with the requirements of this clause.</p>	

Control	Requirement	Proposal	Comply
Development in areas subject to aircraft noise (Cl 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>(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>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; Associates was submitted with the application which demonstrates that the development can be 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>	Yes
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>Following completion of the subdivision works associated with the parent subdivision, the subject site will be serviced by reticulated water, electricity and sewer. 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</p>	Yes



Control	Requirement	Proposal	Comply
		being undertaken on the subject lot, a deferred commencement condition has been recommended requiring that Lot 200 and 201 be registered.	
Drinking Water Catchments (Cl. 7.8)	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised— the development will be managed to mitigate that impact.	<p>The proposed development is located within a drinking water catchment and accordingly the requirements of this clause apply. No site specific stormwater quality 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</p>	Yes

Control	Requirement	Proposal	Comply
		<p>management plan approved under the Astra Aerolab subdivision. A deferred commencement condition requiring Lot 200 and 201 to be registered has been recommended. This will ensure the stormwater design approved under the Astra Aerolab subdivision is constructed and operational prior to development on the subject lots as part of this application.</p> <p>Subject to conditions of consent the proposal satisfies this clause.</p>	

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:

- *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. These proposed instruments are considered below:

**(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 that:

- Has the potential to impact upon native flora and/or fauna; or
- Is any LEP or State mapped wetlands or watercourses, and has the potential to impact these areas; or
- Is located on land containing biosecurity risks; or
- Is located on land mapped as Koala habitat identified by Council's Comprehensive Koala Plan of Management (CKPoM)

The site is mapped as containing a biosecurity risk, LEP wetlands and preferred koala habitat. The proposal is not considered likely to have adverse impact on the mapped koala habitat, wetlands and native flora and fauna noting that vegetation clearing was approved under the parent subdivision application for the land and no additional clearing is proposed under this application. The parent subdivision was designed with water quality measures in place which will further reduce impacts on nearby wetlands.

In regard to biosecurity risks, the site has been mapped as containing Alligator Weed. Whilst much of the weeds should be removed from the site as a part of subdivision works, a number of conditions have been recommended which seeks prevent the spread of weeds from the site.

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 maximum depth of 1m. 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 2A of the Astra Aerolab subdivision. To ensure that stormwater works are undertaken as approved under the Astra Aerolab subdivision, a deferred commencement condition has been recommended requiring that Lot 200 and 201 be registered prior to the consent being operational.

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. The site is largely located within the minimal risk flood prone land area with a small portion of the site impacted a higher flood hazard category. 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 FFL of the building is proposed to be 4.5m AHD. This is consistent with the requirements of the DCP.

Council's Development Engineer recommended that a condition requiring that a flood emergency response 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 – Williamtown 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 Williamtown 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 high technology industry and ancillary office space. A high technology industry is a type of light industry. As per Figure BL of the DCP, light 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 A. The proposed development is not a development type to be avoided within the Group A 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 19.23m and was therefore referred to Defence. Defence raised no objection to the height or siting of the proposed development.

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 impact 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 August 2024. 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 application was therefore referred to TfNSW as the development is considered to be 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. It was noted that Stages 2A and 2C of the Astra Aerolab subdivision trigger the requirement for civil works at the signalised intersection of Williamtown Drive / Nelson Bay Road to be completed. These items will be addressed as a part of the Subdivision Certificate application for Astra Aerolab subdivision. A deferred commencement condition has been recommended requiring that Lot 200 and 201 be registered prior to operational consent being issued. This will ensure that this matter is addressed.

In addition to the above, 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.
- Consultation with TfNSW will be required to review trip generation rates for any Subdivision Certificate being granted beyond Stage 2A of development – refer Condition 100A of DA 16/2009/324/3.

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 no parking is 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 7** below apply to the proposed development.

**Table 7: DCP Car Parking Rates**

Use	Car parking rate
Light Industry	1 car space per 100m <sup>2</sup> floor area OR or 1 car space per employee (whichever is greater) 1 bicycle space per 20 employees
Office	1 car space per 40m <sup>2</sup> floor area 1 bicycle space per 200m <sup>2</sup> floor area

The high bay workshop has a floor area of 1,885m<sup>2</sup>. Therefore, 18.85(19) car parks are required based on floor area. The Statement of Environmental Effects indicates that there are expected to be 20 workshop staff, which would trigger the requirement for 20 car parking spaces and 1 bicycle space.

The office has a total area of 4,090m<sup>2</sup>. Therefore, 102 car parks and 20 bicycle spaces are required for this component.

The development overall, generates the demand for 122 car parking spaces and 21 bicycle spaces.

A total of 183 car parks and 30 bicycle spaces are proposed to be provided. The development is therefore compliant with the DCP in this regard.

Control B8.F requires that car parking for non-residential development where 10 or more parking spaces are provided is to include provision for the installation of at least 1 shared electric vehicle charging point per 10 car parking spaces. Based on 183 car parking spaces being provided, 18 car parks are required to include provision for the installation of an electric vehicle charging point. The proposal includes 8 EV car parks and is therefore non-compliant with this control. A condition has been recommended requiring that another 10 car parks be designed to include provision for the installation of a vehicle charging point.

### Access

The development is proposed to have vehicular and pedestrian access from Newton Parade.

Two of the access driveways located adjacent to the high bay workshop have been designed for heavy vehicle movements with the largest vehicle expected on site being a b-double. The third access driveway adjacent to the car parking area has been designed for light vehicle movements. The access widths are considered to be consistent with the DCP and capable of complying with AS2890.

In regard to sight lines, the TIA prepared by SECA Solution found that appropriate sight lines were met.

### *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 as per control C3.1, a maximum height limit of 15m applies or a merit based approach is to be taken. The proposed development has a maximum height of 19.23m, which is non-compliant with the 15m height limit. Notwithstanding, the proposal is considered to be consistent with the objective of this control which seek to ensure that buildings are appropriate for the context and character of the area and reflect the hierarchy of centres and land use structure. The proposed building 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, a maximum front setback of 6m is required. The development has a minimum front setback of 17.86m and is therefore non-compliant with this control. Notwithstanding, the setback proposed is considered suitable as it allows for appropriate landscaping to be provided which improves visual interest and softens hard stand spaces. The setback provided also allows for provision of vehicle manoeuvring areas and accessible car parks within proximity to the pedestrian entry to the site.

A minimum site setback of approximately 41.6m is proposed. This is capable of meeting the Building Code of Australia as conforms with C3.B requirements.

Control C3.5 notes that a merit based approach is to be taken for rear setbacks. The minimum rear setback proposed is approximately 32m. The setback is considered suitable as it provides area for car parking, vehicle manoeuvring and landscaping.

### C3.C Shipping container stacks

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

### C3.D Fencing

The development proposes a 1.8m black palisade fence around the perimeter of the development site including forward of the building line. Control C3.9 requires that fencing forward of the building line must not exceed a height of 1.2m. The proposal is therefore non-compliant with this control. Notwithstanding, the fencing is considered acceptable as it provides for secure entry to the site which is understood to be required by the future tenant.

The fencing is proposed to be black palisade which is consistent with control C3.10.

The fencing does not exceed 2m in height and is therefore compliant with control C3.11.

### 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 perforated aluminium sheeting, pre-cast concrete and sheet metal cladding in neutral and grey tones which are

appropriate within the business park setting, refer to **Figure 10**. It is noted that these materials are also non-reflective to ensure no impacts to the nearby airport operations.



**Figure 10.** Proposed materials

### *C3.13 Awnings*

The pedestrian entry is proposed via the foyer fronting Newton Parade which is provided with an awning. Awnings are also provided to the two roller doors to the high bay workshop. The proposal is therefore compliant with the DCP in this regard.

### *C3.14 Building Access*

The pedestrian building access is clearly distinguishable.

### *C3.15-17 Building Frontage*

The office space is provided within the front of the development site.

The car parking area only occupies 48% of the site frontage, below the maximum 60%.

The building faces the street and provides a clear entry point through the foyer from Newton Parade.

### *C3.18 Blank Walls*

The proposed range of materials and finishes which comprise perforated aluminium sheeting, pre-cast concrete and sheet metal cladding, ensuring that 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

A total of 20.88% of the development site is deep soil landscaping. This is compliant with the DCP requirement of 20%. The landscaping provided results in 31.46% of the car parking area being shaded which complies 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:

- Coastal Banksia
- Spotted Gum
- Yellow Gum

### C3.G Signage

The proposed sign is a non-illuminated wall sign, which are not a signage type listed as being not supported.

## *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 20.88% 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 Precinct. Control D15.3 does provide any setback controls for developments within the precinct.

### 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 to remain consistent with the approved Astra Aerolab subdivision stormwater design.

### D15.E Flooding

The civil engineering plans prepared by Acor Consulting indicate that the access driveways and car parking area will have a minimum FFL of RL 4.03m AHD exceeding the 2.5m required by the DCP.

The FFL of the proposed building is 4.5m AHD which exceeds the flood planning level as required by the DCP.

### D15.F Parking

The controls listed under this section relate only to the Commercial and the Aerospace Support precincts and therefore not the proposed development.

#### 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. As previously noted in the assessment the application was referred to the Department of Defence. Defence originally raised concern with height noting that it obstructed the Australian Defence Air Traffic System (ADATS) and Tactical Air Defence Radar Systems (TADRS) radars. Following further assessment, Defence supported the proposal noting that its siting and height would not impact the current and ongoing operations of RAAF Base Williamtown.

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 recommended 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 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the

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). Councils 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 section requires that a council-related development application must not be determined by the consent authority unless—

- (a) the council has adopted a conflict of interest policy, and

(b) the council considers the policy in determining the application.

Council has adopted a 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. This application is therefore consistent with this policy.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

### **3.3 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.

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 and up to 187 permanent jobs.

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 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 and end of trip facilities 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.

### **3.4 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.
- 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, a suitable building height 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.

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

These submissions are considered in Section 5 of this report.

The proposal was exhibited for a period of 28 days from 12 February 2024 – 11 March 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. No submissions were received during this time.

### **3.6 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.

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 5.

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 8: 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
Ausgrid	S2.48 – SEPP (Transport and Infrastructure) 2021 – Determination of development applications – other development Traffic Generating Development	A referral was received from Ausgrid who provided advice in relation to the supply of electricity and works within proximity to Ausgrid assets.	Y
Department of Defence	S7.4 – Airspace Operations and S7.5 – Development in areas subject to aircraft noise – PSLEP 2013	A referral was received from the Department of Defence who concluded that the proposed buildings siting and height would not impact the current and ongoing operations of RAAF Base Williamtown. Advice was also provide in regard to Bird Strike and compliance with the recommendations of the Acoustic Assessment.	Y
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>• Erosion and sediment control measures are implemented in accordance with the Landcom</li> </ul>	Y

		<p>guidelines and Council's Development Control Plan.</p> <ul style="list-style-type: none"> <li>Best practice measures for the use, storage and disposal of oils and chemicals are implemented at all times during construction activities and site operation.</li> </ul> <p>In response to the HWC referral the following is noted:</p> <ul style="list-style-type: none"> <li>A deferred commencement condition requiring that the lots be registered has been recommended. This will ensure the stormwater design approved under the Astra Aerolab subdivision is formalised prior to operational consent being issued for the proposed development.</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 6**.

**Table 9: Consideration of Council Referrals**

Officer	Comments	Resolved
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)

Officer	Comments	Resolved
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 the Noise Impact Assessment prepared by Renzo Tonin. It was noted that a proposal should be constructed in accordance with the Noise Impact Assessment prepared by Renzo Tonin and that a Construction Noise Management Plan be prepared for the development. Conditions to address these items have been recommended.</p> <p>Council's Environmental Health officer noted that the storage of chemicals and hazardous materials should be within appropriately sealed and bunded areas or otherwise in accordance with manufacturers specifications and where applicable, the requirements Chapter 3 of the Resilience and Hazards SEPP. As per the letter provided from Riskon Engineering, Chapter 3 of the Resilience and Hazards SEPP does not apply. Notwithstanding, a condition has been recommended requiring that chemicals are appropriately stored.</p>	Yes (conditions)

### 4.3 Community Consultation

The proposal was exhibited for a period of 28 days from 12 February 2024 – 11 March 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. No submissions were received during this 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:

### 4.1 Airport Operations

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

The subject site is identified within the Limitation or Operations Surface map 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 19.23m and was therefore referred to DoD.

As previously noted, the application was referred to the Department of Defence. Defence originally raised concern with height noting that whilst the development did not penetrate the Limitation or Operations Surface, it obstructed the Australian Defence Air Traffic System (ADATS) and Tactical Air Defence Radar Systems (TADRS) radars. Following further assessment, Defence supported the proposal noting that it's siting and height would not impact the current and ongoing operations of RAAF Base Williamtown.

The proposed development is also located on land identified as being within the 2021 30-35 ANEF contour. A Noise Assessment prepared by Renzo Tonin & Associates was submitted with the application which demonstrates that the development can be constructed in accordance with 'AS2021:2015 Acoustics - Aircraft noise intrusion - Building siting and construction indoor noise requirements'. Defence recommended that recommendations within this report be considered in the design and construction process of the proposed development. Noting this, a condition has been recommended that the development be constructed in accordance with recommendations of the Noise Assessment.

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

## **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 subject to a deferred commencement condition.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## **7. RECOMMENDATION**

That the Development Application 16-2024-28-1 for a High Technology Industrial Development at 38 Cabbage Tree Road, Williamstown (Lot 114 DP 1295775) (future Lots 200 and 201) be APPROVED subject to the deferred commencement condition pursuant to Section 4.16(3) 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: Detailed Site Investigation
- Attachment D: Remediation Action Plan
- Attachment E: Landscape Plan
- Attachment F: Acoustic Assessment
- Attachment G: Access Report
- Attachment H: Civil Engineering Report and Plans
- Attachment I: Bushfire Assessment Report
- Attachment J: Construction Waste Management Plan
- Attachment K: Operational Waste Management Plan
- Attachment L: Risk Screening Report
- Attachment M: Traffic Report