

Attachment 2: State Environmental Planning Policy Compliance Assessment

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

Chapter 2: State and Regional Development

The proposed development is declared regionally significant development pursuant to section 2.19 (1), Clause 3 of Schedule 6 of the *SEPP (Planning Systems) 2021* as the proposal is a Council related development with a cost of works over \$5 million. Accordingly, the Southern Regional Panel 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

Part 3 Potentially hazardous or potentially offensive development

3.11 Preparation of preliminary hazard analysis

A person who proposes to make a development application to carry out development for the purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.

Comment: In accordance with the definition and requirements of Chapter 3 Part 3.1 Section 3.2 the proposal would not be considered a potentially hazardous industry. The application does not apply for the storage of hazardous materials or for the production of hazardous materials. A preliminary hazard analysis report is therefore not required to be provided.

3.12 Matters for consideration by consent authorities

In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development)—

- current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*
- whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*
- any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*
- any likely future use of the land surrounding the development.*

A potential hazardous industry is defined as follows:

“a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to

the locality: (a) to human health, life or property; or (b) to the biophysical environment, and includes a hazardous industry and a hazardous storage establishment;”

Comment: It is acknowledged that the proposed use will involve the storage of air craft and potentially hazardous liquids and materials will be used as part of the maintenance activities undertaken in the hangar. The applicant has confirmed that all hazardous good are to be stored in a designated storage area in accordance with the Civil Aviation Safety Authority. Therefore, it is appropriate that a standard condition of consent for the management of fuels and chemical has been imposed. The matters S3.12 have been considered and satisfactory.

Chapter 4: Remediation of Land

The site is located within an operating airport and therefore has a historic use that is linked to contamination such as petroleum fuel and PFAS fire foam usage. However, the building footprint is not mapped specifically as being contaminated. The proposal the proposal does not comprise a change of use as it is consistent with the intended use of the land as an airport and minimal earthworks are proposed to accommodate the development. Therefore, no further investigation is required and a precautionary condition has been included in the consent and a for a waste classification assessment be carried out on any soil materials proposed for disposal off-site as per the NSW EPA Waste Classification Guidelines. The proposal complies with the requirements of Section 4.6.

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

Division 1 Air Transport Facilities

2.25 Development Permitted with Consent

Development for any of the following purposes may be carried out with consent on land within the boundaries of an existing air transport facility if the development is ancillary to the air transport facility—

- (a) passenger transport facilities,*
- (b) facilities for the receipt, forwarding or storage of freight,*
- (c) hangars for aircraft storage or maintenance,*
- (d) commercial premises,*
- (e) industries,*
- (f) recreation areas, recreation facilities (indoor) or recreation facilities (outdoor),*
- (g) residential accommodation,*
- (h) tourist and visitor accommodation.*

The proposed development is located on SP1 Special Activities and E4 General Industrial zoned land. Pursuant to the Shellharbour LEP 2013, the proposed development being alterations and additions to an existing aircraft hangar is prohibited in the E4 zone. The proposal is permitted with consent under Section 2.25 as it meets the following requirements:

- Whilst Shellharbour Airport comprises of multiple allotments, the proposed development is considered to be located within the operational boundaries of the Airport.
- The proposed Hangar 3 extension will be used for the storage and maintenance of aircraft that are part of HARS aircraft collection.
- The aircraft that will be stored within Hangar 3 have direct access to the Airport's runway and associated hardstand area to undertake flying operations.

PPSSTH-526 DA0472/2025
Lot 201 DP 1111193 and Lot 2 DP 1296896
54 and 42 Airport Road, Albion Park Rail

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