

Department of Planning, Housing and Infrastructure

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# High Technology Industry, Williamstown

State Significant Development Assessment Report (SSD-68721962)

November 2024





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Preface

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the proposed High Technology Industry located at Newton Parade, Williamstown.

The Department's assessment considers all documents submitted by Greater Newcastle Aerotropolis Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), submissions received from the public and Port Stephens Council, advice from government authorities, and all legislation and planning instruments relevant to the site and the development.

The report includes:

- a description of the development and the surrounding environment
- an assessment of the development against government policy and statutory requirements, including mandatory considerations
- an explanation of why the development is SSD and who the consent authority is
- consideration of matters raised by the community and other stakeholders
- an assessment of the likely environmental, social and economic impacts of the development and recommendations for managing any impacts during construction and operation
- an evaluation which weighs up the likely impacts and benefits of the development, having regard to the proposed mitigation measures, community views and government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the development should be granted and any conditions that should be imposed.

# Executive Summary

## Introduction

Greater Newcastle Aerotropolis Pty Ltd (the Applicant) proposes to construct and operate a high technology industry at Williamtown in the Port Stephens local government area (LGA).

The proposed development (the development) would manufacture, assemble and test defence related componentry and is identified as a priority project for establishing defence manufacturing and maintenance capability in Australia.

The development is located in the already approved Astra Aerolab subdivision, which includes commercial and industrial development lots to support aerospace and defence related industries given the close proximity to Newcastle Airport and the Royal Australian Air Force (RAAF) base at Williamtown.

## Site Context

The site is adjacent to Newcastle Airport, 14 kilometres (km) north of the Newcastle central business district. It covers 22 hectares (ha) of land zoned B7 Business Park under the Port Stephens Local Environmental Plan, 2013. Approved subdivision works are currently underway, with land clearing, earthworks, infrastructure servicing and road access to be established as part of the Astra Aerolab subdivision. Land uses immediately surrounding the site include the industrial subdivision, airport terminal and rural residential land. The nearest residences are 850 metres (m) south of the site.

The site is located within the catchment area of the Tomago Sandbeds, an underground water source managed by Hunter Water Corporation. The site is also within the Williamtown primary management zone for Per- and Polyfluoroalkyl Substances (PFAS) contamination.

## Current Proposal

The development includes construction and operation of a production building for the assembly, integration, testing and maintenance of defence related components.

The building would cover 9,189 square metres (m<sup>2</sup>) of gross floor area (GFA) including a production building and workshop space on the ground floor and office space on the first and second floors. The building includes surrounding hardstand and loading areas on the northern and eastern elevations, a security gatehouse, staff parking and landscaped areas. The building would be constructed of brick, precast concrete panels, fibre cement cladding and glazing. Architectural treatments are proposed on the street facing façade including a covered entry feature, aluminium screens, feature blades and hooded window treatments.

The development has a capital investment value of \$103 million and is expected to generate up to 170 construction jobs and 150 operational jobs.

## Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development with an estimated cost of more than \$30 million for the defence industry, meeting the criteria in Clause 11 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development under section 4.5(1) of the EP&A Act.

## Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from 18 July 2024 until 14 August 2024. During the exhibition period, the Department received 48 submissions from the public (48 objections), a submission from Port Stephens Council (Council) and advice from 13 government authorities and State owned corporations. The public submissions comprised of 44 individual submissions, 3 from special interest groups and 1 form letter.

No submissions were received from landowners and occupiers within a 5 km radius of the site. Around 90% of submissions were from the Newcastle area and 10% were from over 100 km from the site. Key issues raised in public submissions related to the public interest and ethics, weapons manufacturing and global conflicts, planning and environmental issues, consultation and transparency.

Council did not raise any concerns and recommended conditions to manage aircraft noise intrusion for building occupants and the requirement for development contributions.

Other Government authorities did not raise any major concerns, with several authorities stating they had no comments. Hunter Water Corporation and Heritage NSW requested some additional clarifications, which were addressed in the Applicant's Response to Submissions (RTS) and supplementary information.

The Applicant's RTS was made public on the NSW Planning Portal on 2 October 2024. The RTS provided a detailed response to the issues raised in public submissions and government authority advice. Following a review of the RTS, Heritage NSW advised it had no further comments. Hunter Water Corporation requested additional details on a proposed underground fuel storage tank, which was addressed in supplementary information provided by the Applicant.

## Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department acknowledges the duty under s 4.15(1)(d) and (e) of the EP&A Act requires the consent authority to take into consideration any submissions made in accordance with the EP&A Act or regulations in determining the DA and the public interest, respectively.

The Department notes concerns raised in certain submissions that the development, if approved, would, amongst other things, enable the manufacture of weapons to strengthen domestic defence capability, and that this gives rise to ethical concerns, including that the development is unethical and will be located on Council owned land, which in their opinion is inappropriate. There are also concerns that the future operator of the development, if approved, will lead to research partnerships with the University of Newcastle, which may also be unethical with regard to broader issues concerning social unrest and global conflicts. The concerns extend to the character of the Applicant and the future operator of the facility.

In relation to the public interest, the Department notes no submissions were received from landowners or occupiers within a 5 km radius of the site despite direct written consultation by the Department during public exhibition of the EIS and consultation by the Applicant during the preparation of the EIS. The majority of objections were received from the Newcastle area, highlighting the broader social concerns about weapons manufacturing and global geopolitics, rather than local and direct physical impacts of the development.

The Department has considered these submissions, which include concerns that the proposed development, being for the purpose of defence related industries, is unethical and is not in the public interest. The Department considers that these concerns are either not relevant to the assessment of the development (the identity of the Applicant or future operator), or if relevant, should be accorded little, if any, weight on the basis they do not identify any physical, objective, specific, concrete, observable, or likely impacts of the proposed development.

The Department has considered the ethical concerns about weapons manufacturing and those of the wider national public interest, noting the identified strategic need to strengthen Australia's sovereign defence capability. On balance, the Department considers the development is in the broader public interest.

Issues concerning permissibility and environmental impacts (such as biodiversity, bushfire, contamination and flooding) are planning considerations and these have been assessed in detail in **Section 6**, with the Department concluding the development is permissible and would not have adverse environmental impacts.

The Department's assessment found the development has minimal potential to interact with Per- and Polyfluoroalkyl Substances (PFAS) contamination as earthworks would be completed as part of the approved subdivision and the development involves filling and minimal excavation. An existing PFAS

Management Plan would be implemented throughout construction to mitigate any potential contamination impacts.

The development would be designed to minimise aircraft noise intrusion and maintain amenity for building occupants through the selection of building materials with adequate noise insulation. Noise reduction levels were identified for the building materials and these would be verified during the detailed design stage and prior to construction of the building.

Impacts on the Tomago Sandbeds water catchment would also be minimal as excavation would be limited and measures would be implemented to control spills and leaks during construction and operation. The development does not include any explosive components, proposes only limited storage of dangerous goods and is not deemed potentially hazardous. The design incorporates bushfire protection measures such as perimeter access for fire fighting, fire water storage and ember protection on windows. The potential for impacts on Aboriginal cultural heritage and non-indigenous heritage are minimal, noting the subdivision works included an Aboriginal Heritage Impact Permit for the collection of a single isolated find, which has been completed.

The Department's assessment concluded there would be minimal impacts during construction and operation and has recommended conditions for the development, including:

- procedures for managing potential PFAS contamination
- design verification to minimise aircraft noise intrusion for building occupants
- procedures to minimise potential water quality impacts on the Tomago Sandbeds
- limiting the storage of dangerous goods
- inclusion of bushfire protection measures within the design and preparation of a Fire Management Plan
- implementation of unexpected finds procedures for heritage protection.

The Department has also recommended conditions for the payment of development contributions and a Housing and Productivity Contribution.

## **Conclusion**

The Department's assessment has found the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

The Department's assessment has concluded the development:

- is consistent with strategic plans for the development of an aerospace and defence precinct at Newcastle Airport as identified in the Hunter Regional Plan 2014, Greater Newcastle Metropolitan Plan 2036 and the Port Stephens Local Strategic Planning Statement 2020

- would generate 150 new permanent jobs and contribute \$103 million in capital investment in the Port Stephens LGA
- would have minimal environmental impacts.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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# 1 Introduction

## 1.1 Development Background

Greater Newcastle Aerotropolis Pty Ltd (the Applicant) is seeking development consent for the construction and operation of high technology industry at Williamstown. The proposed development (the development) includes the manufacture, assembly, testing and maintenance of defence related components. A detailed description of is provided in **Section 2**.

The development is proposed on land to the south of Newcastle Airport and the Royal Australian Air Force (RAAF) Base at Williamstown in the Port Stephens local government area (LGA), see **Figure 1** and **Figure 2**.

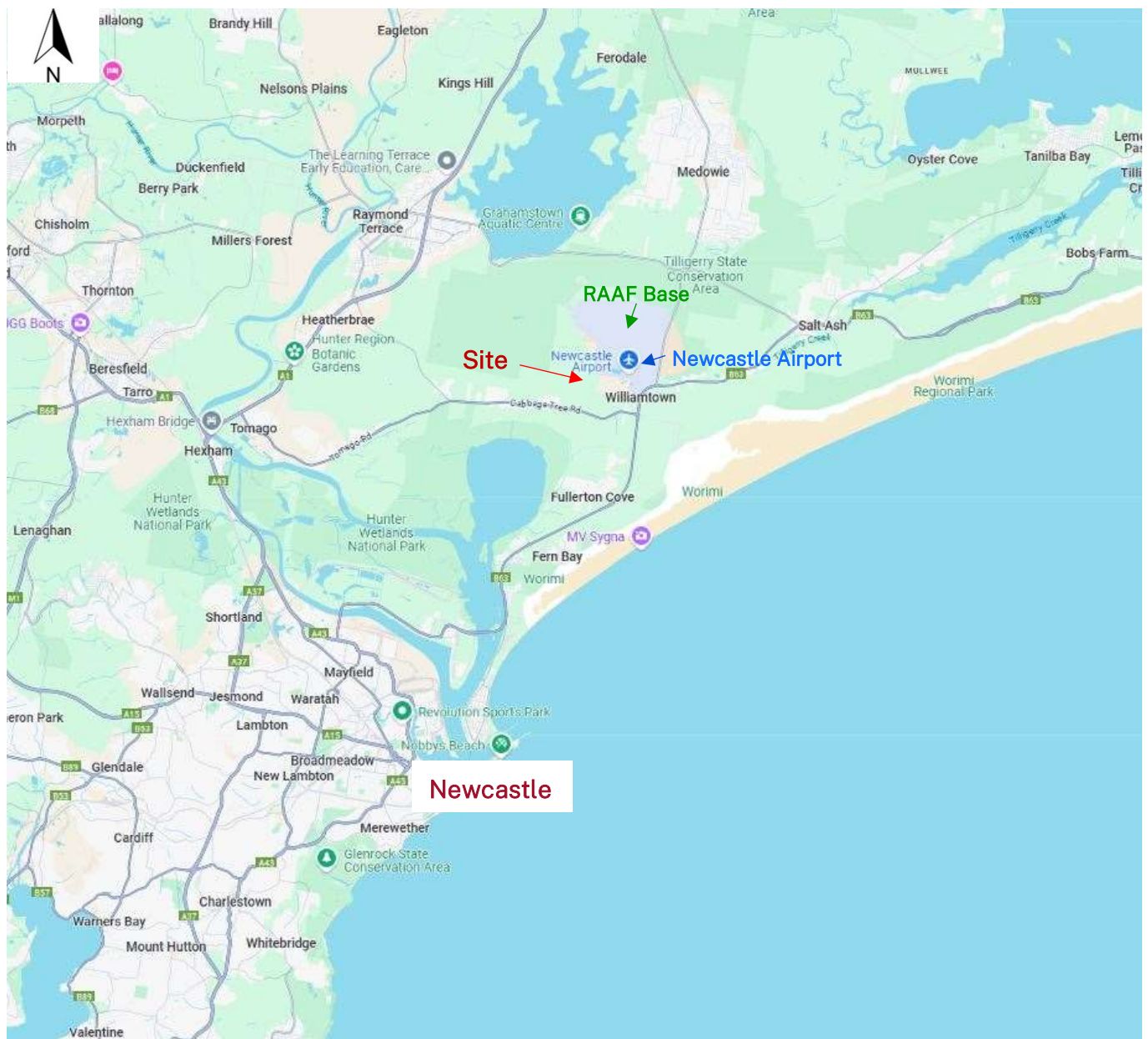
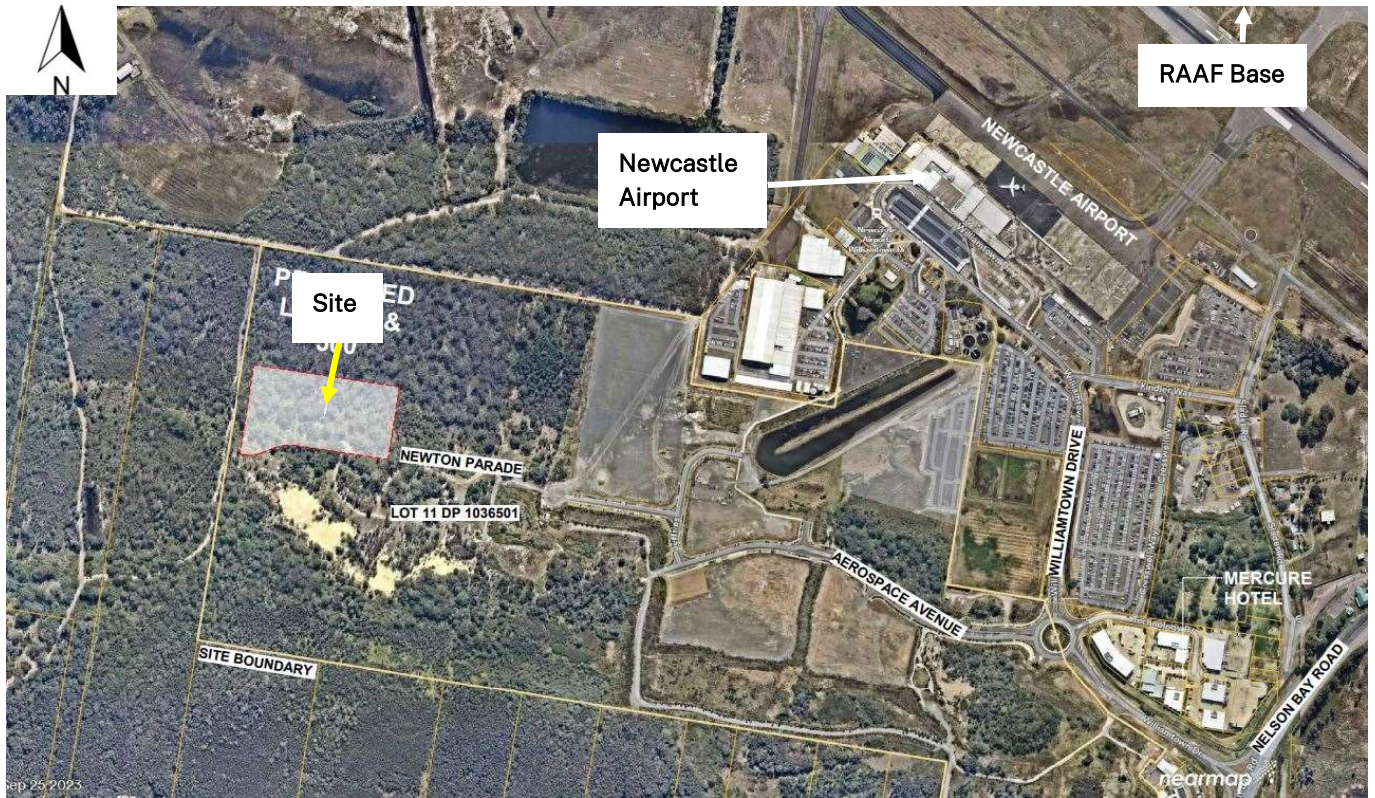


Figure 1 | Regional Location Plan



**Figure 2 | Site and Surrounding Land**

The Applicant operates Newcastle Airport and is developing adjacent land known as the Astra Aerolab Precinct for airport and defence related development. The Astra Aerolab Precinct was approved by Port Stephens Council (Council) in 2011 and provides a 101-lot subdivision and supporting infrastructure for future commercial and industrial development. The Applicant has identified the Astra Aerolab Precinct as an appropriate location for the development as it is co-located with other industries that support the airport and defence industries.

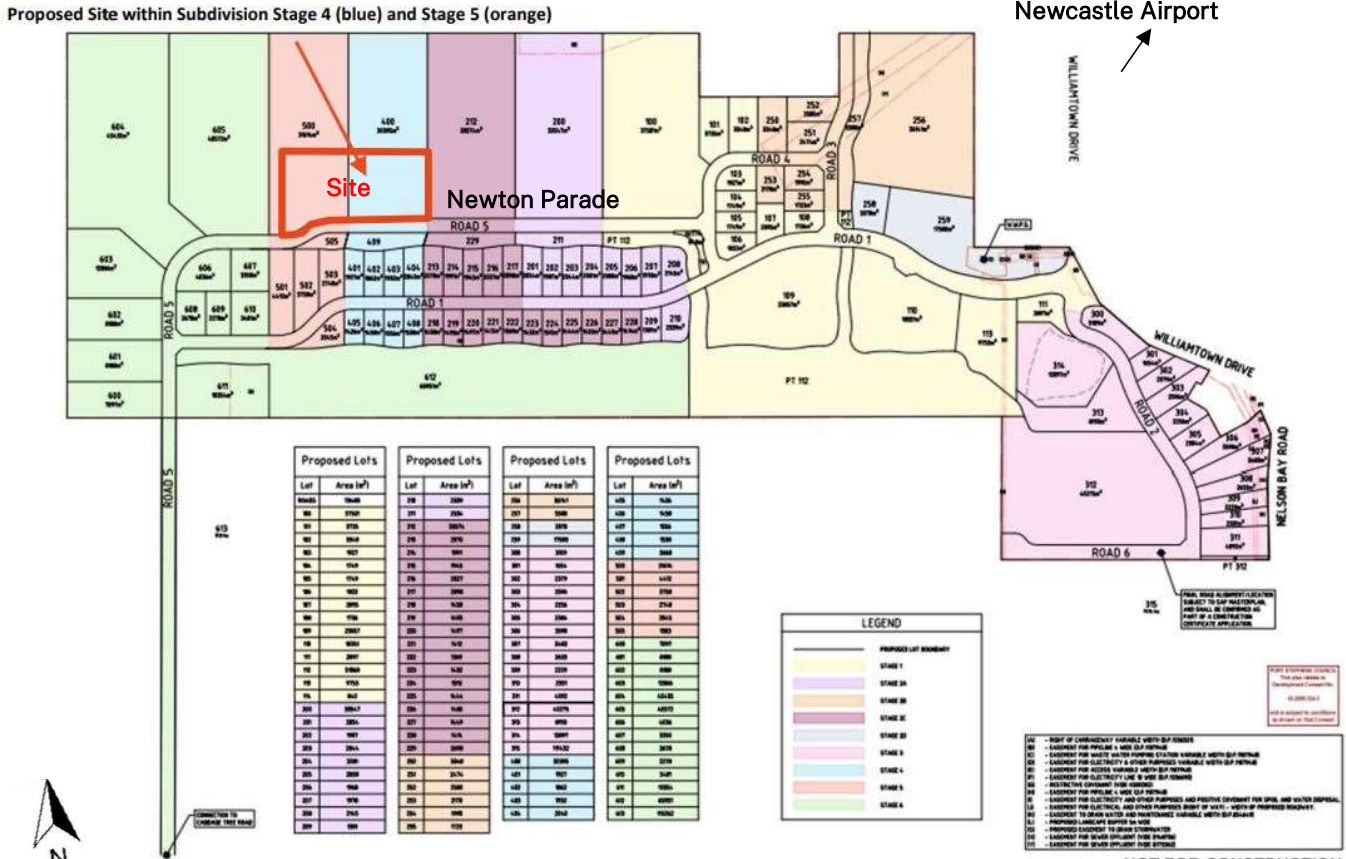
## 1.2 Site Description

The site comprises 22 hectares (ha) of land zoned B7 Business Park, located at Newton Parade, Williamtown (see **Figure 3**), and is legally described as Lot 11 on Deposited Plan (DP) 1036501.

The site has been cleared under Council's 2011 approval in preparation for future development. Following completion of the subdivision works, the site will have sub-surface drainage infrastructure and road access via Newton Parade.

There are no watercourses on the site, however it is located within the catchment area of the Tomago Sandbeds, a large underground water source managed by Hunter Water Corporation. The site is also located within the Williamtown primary management zone for Per- and Polyfluoroalkyl Substances (PFAS) contamination. There are no listed heritage items on the site, and an Aboriginal Heritage Impact Permit (AHIP) was issued for the subdivision works. Clearing of the site was approved for the subdivision and a waiver was issued for biodiversity assessment for this application as there would be

no additional biodiversity impacts from the development. **Figure 3** shows the site location within the approved Astra Aerolab Precinct subdivision.



**Figure 3 | Site location within the Astra Aerolab Subdivision**

### 1.3 Surrounding Land Uses

The Newcastle Airport runway is located to the north of the site and the airport terminal, a hotel and commercial development is located to the east. Land immediately adjacent is currently undeveloped and would eventually include commercial and industrial uses.

The RAAF Base is located 1.4 kilometres (km) to the north east of the site. Rural residences are located to the south and west, with the nearest residential properties located 850 metres (m) from the site. The site is 14 km north of Newcastle and 7 km south east of Raymond Terrace.

### 1.4 Other Development Approvals

The development is located within the Astra Aerolab precinct, approved by Port Stephens Council in 2011 (DA 16-2009-324-3). The approved works include earthworks, construction of roads, installation of utilities (electricity, water, sewer and telecommunications), drainage infrastructure, landscaping in the public domain and creation of an Aboriginal Keeping Place for salvaged artefacts. The development consent was modified in 2022 to include conditions to manage PFAS contamination and to verify remediation works.

# 2 Development

## 2.1 Description of the Development

The major aspects of the development are summarised in **Table 1**, shown in **Figure 4** to **Figure 7** and described in full in the Environmental Impact Statement (EIS) and Response to Submissions (RTS) included in **Appendix A**.

**Table 1 | Main Aspects of the Development**

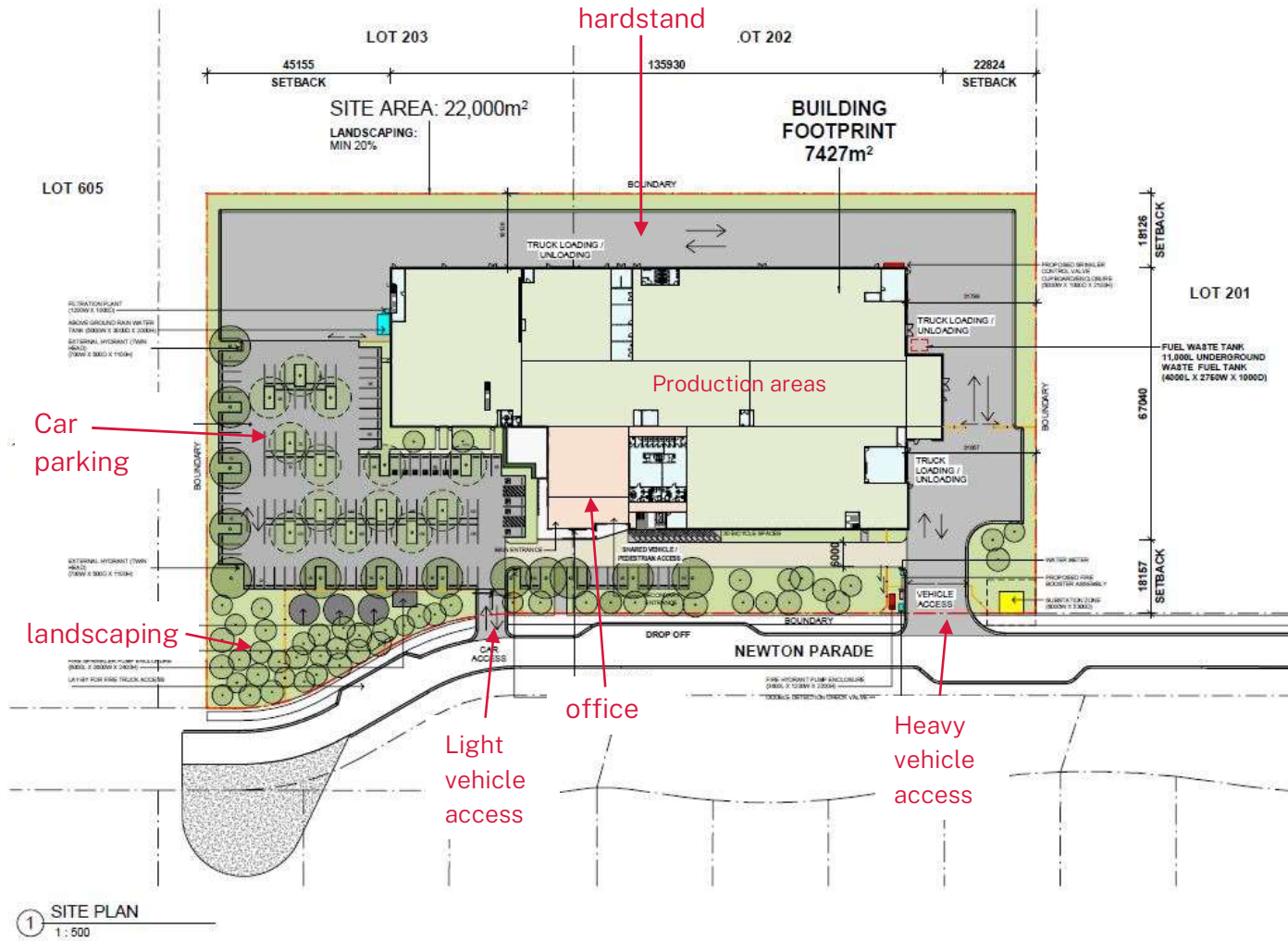
Aspect	Description
Development Summary	Construction, fit out and operation of a high technology industry
Site area	22 hectares (ha)
Gross floor area (GFA)	<ul style="list-style-type: none"><li>• Production building: 5,980 square metres (m<sup>2</sup>)</li><li>• Office: 2,448 m<sup>2</sup></li><li>• Amenities and services: 761 m<sup>2</sup></li><li>• Total GFA: 9,189 m<sup>2</sup></li></ul>
Earthworks	Earthworks involving net fill of 7,975 cubic metres to achieve the proposed finished floor level
Production building	<ul style="list-style-type: none"><li>• 12 metres high constructed of brick, concrete panels, cladding and glazing</li><li>• ground floor includes a workshop, assembly, testing, delivery area, fuel and dangerous goods storage areas</li><li>• production processes include assembly, welding, soldering of electric circuitry, software design, programming, testing and verification</li></ul>
Office	<ul style="list-style-type: none"><li>• aluminium screens on the southern elevation fronting Newton Parade. Feature blades, hooded window treatments and a covered entry structure</li><li>• end of trip facilities and security office on ground floor, administrative areas and staff amenities on the first and second floors</li></ul>
Loading docks and hardstand	<ul style="list-style-type: none"><li>• 5,728 m<sup>2</sup> of hardstand and vehicle circulation area</li><li>• 6 m high roller doors on the northern and eastern elevations covered by a raised awning</li></ul>

Aspect	Description
Access and parking	<ul style="list-style-type: none"> <li>• separate heavy and light vehicle access points to Newton Parade</li> <li>• 135 car parking spaces including 4 accessible spaces and 7 electric vehicle charging spaces. Provision of 30 bicycle parking spaces.</li> <li>• perimeter road for fire emergency access</li> </ul>
Traffic generation	<ul style="list-style-type: none"> <li>• 2 small delivery vans per week, one B-double truck delivery per week and 2 dispatches per month</li> <li>• 720 light vehicle trips per day (65 in AM peak and 72 in PM peak)</li> </ul>
Services and ancillary works	<ul style="list-style-type: none"> <li>• rooftop solar panels and a rainwater tank</li> <li>• extension of water, stormwater, sewer, electricity and communications services to the building</li> <li>• construction of a substation on site (by Ausgrid) and installation of a standby generator</li> <li>• three fire water storage tanks</li> <li>• waste storage room</li> </ul>
Landscaping, signage and fencing	<ul style="list-style-type: none"> <li>• 4,585 m<sup>2</sup> of landscaping on Newton Parade frontage and in parking areas</li> <li>• two business identification signs (15 m<sup>2</sup> each) on the southern and western facades</li> <li>• 1.8 m high palisade security fencing around site perimeter</li> </ul>
Construction timeframe	18 months
Hours of operation	24 hours a day, 7 days a week (operated over 3 shifts)
Capital Investment Value	\$102,995,000
Employment	170 construction jobs and 150 operational jobs

## 2.2 Applicant's Justification for the Development

The Applicant advised the development would leverage the investment in the Newcastle Airport by delivering a high technology industry with direct access to airside land. The development is situated on industrial zoned land, close to the Williamstown RAAF Base, with access to services, utilities, major road networks and a skilled workforce. The development would build Australia's sovereign defence industrial base through assembly and maintenance of defence components. No explosive components would be manufactured or stored at the facility.

The Applicant noted the development would build on and support the manufacturing sector in the Hunter region and generate 150 new permanent jobs.



**SITE AREA SUMMARY**

**PROPOSED GROSS FLOOR AREA (GFA)**

PRODUCTION	5 980 m <sup>2</sup>
ADMINISTRATION TOTAL	2 448 m <sup>2</sup>
ADMINISTRATION (GF)	563 m <sup>2</sup>
ADMINISTRATION (L1)	919 m <sup>2</sup>
ADMINISTRATION (L2)	966 m <sup>2</sup>
AMENITY / SERVICES (GF)	633 m <sup>2</sup>
AMENITY / SERVICES (L1)	82 m <sup>2</sup>
AMENITY / SERVICES (L2)	46 m <sup>2</sup>
<b>TOTAL GFA</b>	<b>9 189 m<sup>2</sup></b>

**FECA / UCA / UNENCLOSED PLANT**

TOTAL GFA	9 189 m <sup>2</sup>
OTHER: UNENCLOSED PLANT, SERVICES, WAREHOUSE, ETC.	568 m <sup>2</sup>
<b>FECA</b>	<b>9 757 m<sup>2</sup></b>
<b>UCA</b>	<b>695 m<sup>2</sup></b>
<b>UNENCLOSED PLANT</b>	<b>957 m<sup>2</sup></b>
<b>TOTAL AREA (FECA, UCA, PLANT)</b>	<b>11 409 m<sup>2</sup></b>

**PROPOSED SITE AREAS**

<b>SITE AREA (PROPOSED LOT)</b>	<b>22 000 m<sup>2</sup></b>
BUILDING FOOTPRINT	7 427 m <sup>2</sup>
TOTAL CAR PARKING (135 SPACES)	3 700 m <sup>2</sup>
HARDSTAND (INC. VEHICLE MNUVR)	5 728 m <sup>2</sup>
LANDSCAPE AREA	4 585 m <sup>2</sup>
OTHER	560 m <sup>2</sup>

<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	ADMINISTRATION
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span>	AMENITIES AND SERVICES
<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span>	PRODUCTION / WORKSHOP

**Figure 4 | Development Layout Plan**

	ADMINISTRATION
	AMENITIES AND SERVICES
	PRODUCTION / WORKSHOP



**Figure 5 | Building Layout – Ground Floor**



**Figure 6 | Photomontage – South Eastern Elevation**



**Figure 7 | Photomontage – Office Entry**

# 3 Strategic Context

## 3.1 Key Strategic Issues

The consistency of the development with key strategies, plans and policies relevant to the assessment of the development are outlined in **Table 2** below.

**Table 2 | Summary of Key Government Strategies, Plans and Policies**

Strategy, Plan or Policy	Comments
<p><b>Hunter Regional Plan 2041</b></p>	<p>The plan’s vision is to establish the Hunter Region as the leading regional economy in Australia, connected to and caring for Country, with a vibrant metropolitan city and sustainable 15 minute neighbourhoods. The development aligns with Objective 1 of the plan, to diversify the Hunter’s mining, energy and industrial capacity as it would establish a high technology manufacturing industry. The plan acknowledges that advanced manufacturing is occurring at the aerospace and defence precinct at Newcastle Airport.</p>
<p><b>Greater Newcastle Metropolitan Plan 2036</b></p>	<p>The plan’s vision for Greater Newcastle is for a globally competitive economy, offering great lifestyles, with smarter cities and carbon neutral initiatives. The plan recognises Williamstown as a catalyst area and an emerging defence and aerospace hub. The plan aims to provide for high-tech land uses and defence and aerospace industries. The development is consistent with the aims and vision of the plan as it would provide a high technology industry supporting the defence and aerospace sector.</p>
<p><b>Port Stephens Local Strategic Planning Statement 2020 (LSPS)</b></p>	<p>The LSPS identifies the land use planning required to achieve the vision of the Hunter Regional Plan and Greater Newcastle Metropolitan Plan. Newcastle Airport is identified in the LSPS as a significant economic driver for the region, with the expansion of the aerospace precinct identified as supporting up to 5,500 jobs by 2040. The development is consistent with the land use planning framework established in the LSPS and would assist in generating employment within the aerospace precinct.</p>

# 4 Statutory Context

## 4.1 Permissibility and Assessment Pathway

Table 3 details the permissibility of the development and the assessment pathway for the application.

Table 3 | Permissibility and Assessment pathway

Consideration	Description
Permissibility	<p><b>Permissible with consent</b></p> <ul style="list-style-type: none"> <li>The site is located on land subject to the Williamstown Special Activation Precinct (SAP) Process and was zoned B7 Business Park. Under the Port Stephens Local Environmental Plan 2013 (PLEP), the business and industrial zones that were in place as part of this process currently remain applicable to the land.</li> <li>The development is described as ‘light industry’, which includes high technology industry, and is permissible with consent in the B7 Business Park zone under the PLEP.</li> </ul>
Assessment pathway	<p><b>State significant development (SSD)</b></p> <p>The development is SSD under section 4.36 of the EP&amp;A Act as it satisfies the criteria under section 2.6(1) of the Planning Systems SEPP:</p> <ul style="list-style-type: none"> <li>– the development on the land concerned is not permissible without development consent, and</li> <li>– the development is specified in clause 11 of Schedule 1 of the Planning Systems SEPP, as it is development with an estimated cost of more than \$30 million for the defence industry.</li> </ul>
Consent authority	<p><b>Minister for Planning and Public Spaces (Minister)</b></p> <p>The Minister is the consent authority under section 4.5(a) of the EP&amp;A Act.</p>
Decision-maker	<p><b>Executive Director, Energy, Resources and Industry Assessments</b></p> <p>On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Executive Director, Energy, Resources and Industry Assessments where:</p> <ul style="list-style-type: none"> <li>– the relevant local council has not made an objection and</li> <li>– there are less than 50 unique public submissions in the nature of objections and</li> <li>– a political disclosure statement has not been made by the Applicant.</li> </ul> <p>The Department received 48 submissions from members of the community including 3 special interest groups, 44 individuals and 1 form letter submission. Of the 48 public submissions received, 48 objected to the development. Port Stephens Council did not</p>

Consideration	Description
	<p>object to the development and no reportable political donations were made by the Applicant in the last two years.</p> <p>Accordingly, the application can be determined by the A/Executive Director, Energy, Resources and Industry Assessments, under delegation.</p>

## 4.2 Other Approvals and Authorisations

Should development consent be granted, other approvals may be required in order to carry out the development. Section 4.42 of the EP&A Act lists a number of approvals that cannot be refused if required to carry out the development and must be approved in a manner that is consistent with any SSD consent granted under the EP&A Act.

No approvals listed under this section of the EP&A Act are required for this development, however the Department has consulted with and considered the advice of relevant agencies in its assessment of the development (see **Section 5**) and has included suitable conditions in the recommended consent (see **Section 6**).

## 4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application (DA). The Department’s consideration of these matters is shown in **Appendix D**.

## 4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from 18 July 2024 until 14 August 2024 (28 days). Details of the exhibition process and notifications are provided in **Section 5.2**.

## 4.5 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). The Department has fully considered these matters in **Appendix D**.

The Department is satisfied that the development is consistent with the objects of the EP&A Act and the principles of ESD.

## **4.6 Biodiversity Development Assessment Report**

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 14 March 2024 as part of the request for SEARs. The Environment Agency Head and the Director, Industry Assessments as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 14 October 2024.

## **4.7 Matters of National Environmental Significance**

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval are required from the Australian Government if a development is likely to impact on a Matter of National Environmental Significance (MNES), as it is considered to be a 'controlled action'.

The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) was not required.

# 5 Engagement

## 5.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS including meetings with government authorities, Council and utility providers. The Applicant also distributed a project factsheet to surrounding land owners, residents, businesses, political representatives, the Hunter Defence network, Newcastle Airport staff and the Worimi Local Aboriginal Land Council. The project factsheet provided an overview of the approved Astra Aerolab subdivision and the proposed development, and offered stakeholders the opportunity to meet to discuss the project in further detail. There were no requests by the surrounding landowners and occupiers for a meeting.

## 5.2 Consultation by the Department

### 5.2.1 Public Exhibition of the EIS

After accepting the DA and EIS, the Department:

- publicly exhibited the DA and EIS from 18 July 2024 until 14 August 2024 on the NSW planning portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government authorities and Port Stephens Council.

## 5.3 Submissions and Advice

During the public exhibition period, the Department received 48 submissions from the public including:

- 44 unique individual submissions
- three special interest groups (Hunter Community Forum, Free Palestine Newcastle and No Weapons for Genocide)
- one form letter submission of which there were 40 entries.

A submission was received from Port Stephens Council and advice was provided by 13 government authorities and State-owned corporations.

All 48 public and special interest group submissions objected to the proposal. The key reasons for the objections related to broad social concerns and values about weapons manufacturing and the impacts of their use in global conflicts. Submitters raised concerns about escalating international conflicts, impacts on civilians and the potential to contribute to an arms race. The objections also raised ethical concerns about this type of development on Council owned land and the proposed research ties with

the University of Newcastle. A range of other planning and environmental issues were raised, in particular PFAS contamination and management.

There were no public submissions from the immediate locality surrounding the site. Around 90% of submissions were from the Hunter region (between 5-100 km from the site) and 10% were from other areas of NSW (over 100 km from the site).

A summary of the issues raised in the advice and submissions is provided in **Table 4** and **Table 5** below and **Appendix A** includes a link to full copies of all advice and submissions.

### 5.3.1 Government Authority Advice and Council Submission

A summary of the government authority advice and Council’s submission is provided in **Table 4**.

**Table 4 | Summary of Government Authority Advice**

Agency	Advice summary
Transport for NSW (TfNSW)	Raised no objection and recommended conditions for the registration of subdivision certificates before the development commences. TfNSW noted the need for consultation with TfNSW under the subdivision DA approved by Port Stephens Council
Heritage NSW (Aboriginal)	Noted adequate assessment and consultation was undertaken. Requested additional information on the completion of salvage works under the Aboriginal Heritage Impact Permit issued for the subdivision DA. Requested an unexpected finds procedure in consultation with Registered Aboriginal Parties
Rural Fire Service (RFS)	Recommended conditions for asset protection zones, building construction and a Fire Management Plan
Ausgrid	Identified requirements for electricity connection and search for underground mains
Air Services Australia	Noted the 17 m high development would not affect Williamtown aerodrome airspace procedures, communications, navigation or surveillance facilities or air traffic control operations
Department of Defence	Recommended compliance with aircraft noise standards for the building, requirements to avoid bird attraction/strike (such as covering and limiting organic waste), requirements for lighting near the airport and use of non-reflective building materials

Agency			Advice summary
Civil Aviation Authority	Aviation	Safety	Advised there were no issues with the aviation safety elements of the proposal and agrees with the mitigation measures in the EIS. Noted the site is offset from the runway by a significant distance and is not near aircraft departure or approach zones
Hunter Water Corporation (HWC)	Water	Corporation	Requested additional information to demonstrate the development would have a neutral or beneficial effect on the Tomago Sandbeds
Port Stephens Council	Stephens	Council	Provided comments and recommended conditions for a post construction acoustic assessment to ensure compliance with standards for managing aircraft noise intrusion. Council also recommended a condition requiring Section 7.12 development contributions

The following agencies raised no concerns:

- Biodiversity and Conservation Science of the Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- DECCW Water
- Fire and Rescue NSW
- National Parks and Wildlife Service
- Heritage NSW (non-indigenous).

### 5.3.2 Public Submissions

The issues raised in public submissions were broad ranging covering global issues, ethics, social, planning and environmental issues. **Table 5** summarises the key issues raised across all submissions.

**Table 5 | Analysis of Issues Raised in Public Submissions**

Key Issues	Details
Public interest and ethics	<ul style="list-style-type: none"> <li>• weapons manufacturing is not in the public interest</li> <li>• object to increasing investment in military related industries</li> <li>• unethical for Councils to collect revenue from weapons manufacturing</li> <li>• project is not in line with ethical standards of the Local Government Act and Council's Investment and Borrowing Policy</li> <li>• not the interests of the Newcastle community</li> </ul>

Key Issues	Details
	<ul style="list-style-type: none"> <li>serious concerns among students, staff and the broader community about increasing ties between the University of Newcastle and weapons manufacturers</li> </ul>
<b>Weapons manufacturing and global conflicts</b>	<ul style="list-style-type: none"> <li>weapons manufacturing contributes to genocide, harm to civilians and threatens peace and security</li> <li>leads to an arms race and international weapons trade</li> <li>would make the Hunter a military target</li> </ul>
<b>Planning and environmental issues</b>	<ul style="list-style-type: none"> <li>questions about the development's permissibility</li> <li>environmental and social impacts of the development including waste disposal, PFAS contamination, Aboriginal heritage, emissions from weapons manufacturing and use, biodiversity, bushfire and flooding</li> <li>inadequate information on PFAS contamination</li> <li>project would re-direct skilled workforce away from much needed low carbon industries and renewable energy projects, inhibiting sustainable industries</li> </ul>
<b>Consultation and transparency</b>	<ul style="list-style-type: none"> <li>lack of transparency about the application and the intended occupier</li> <li>lack of consultation with the public and traditional owners</li> <li>consultation failed to meet requirements of planning legislation</li> </ul>

## 5.4 Applicant's Response to Submissions (RTS)

Following the public exhibition period, the Department requested the Applicant respond to the issues raised by the public and government authorities. The Applicant provided a Response to Submissions (RTS) report on 2 October 2024 (see **Appendix A**). The Department published the RTS on the NSW planning portal and forwarded it to relevant government authorities for comment. The RTS included:

- a detailed analysis of the submissions including the location of submitters, the key issues raised and the frequency that each issue was raised
- a response to the key issues raised by the public
- responses to each of the Government agencies
- the Archaeological Salvage report for the subdivision
- clarifications on the potential impacts on the Tomago Sandbeds

- updated architectural and civil engineering drawings to reflect new proposed lot numbers following subdivision.

## 5.5 Government Agency Advice on RTS

The RTS was referred to HWC, Heritage NSW (Aboriginal) and the Department of Defence as the only agencies that requested further clarifications on the development.

**HWC** noted the proposed development would achieve a neutral or beneficial effect on water quality provided conditions are included for spill management and leak protection and maintenance of the underground storage tank.

**Heritage NSW (Aboriginal)** reviewed the Archaeological Salvage Report, advised their comments had been addressed and recommended conditions for on-going consultation and management of unexpected finds.

The **Department of Defence** did not provide a further response.

## 5.6 Consideration of Community Views

The Department has also undertaken a detailed analysis of the public submissions. The issues raised can be generally summarised into the following categories:

- public interest and ethics
- weapons manufacturing and global conflicts
- planning and environmental issues
- consultation and transparency.

The Department’s consideration of the public submissions is included in **Table 6** and summarised in **Appendix D**.

**Table 6 | Consideration of Community Views**

Issue	Details	Response
Public interest and ethics	<ul style="list-style-type: none"> <li>• Weapons manufacturing not in the public interest</li> <li>• Councils must act ethically</li> <li>• Ties with University of Newcastle</li> </ul>	<p><u>Public Interest</u></p> <p>The Department’s consideration of the public interest has taken into account the submissions received from the local and wider community and the strategic need for the development.</p> <p>There were no submissions received from the immediate community located within a 5 km radius of the site. Around 90% of submissions were from the Newcastle area, indicating that interest in the development comes</p>

Issue	Details	Response
		<p>from the broader region. The issues raised around public interest related to a value based position on weapons manufacturing and their use in global conflicts.</p> <p>The Department has considered these concerns and those of the wider national public interest, noting the identified strategic need to strengthen Australia's sovereign defence capability.</p> <p>The Department also notes the facility does not propose to manufacture or assemble explosive components and the assessment of risks from on site production processes concluded the development complies with NSW land use safety guidance, see Section 6.</p> <p>After considering all relevant planning matters including the public interest of the local community, Newcastle region and the national interest, the Department's assessment concluded the development is consistent with strategic planning, would strengthen sovereign defence capability and would not have any significant amenity or environmental impacts on the locality. On balance, the Department considers the development is in the broader public interest.</p> <p>It is beyond the scope of the EP&amp;A Act to consider the identity or ethics of the landowner or the Applicant, when considering a development application. The Department's assessment is of the proposed use of the land.</p>
<b>Weapons manufacturing and global conflicts</b>	<ul style="list-style-type: none"> <li>Weapons manufacturing and harm caused to civilians in global conflicts</li> <li>Newcastle will become a military target</li> </ul>	<p>These are broader social and global issues that are matters for the Federal government to determine whether to invest in developing Australia's sovereign defence capability. The Department understands the development is to support national sovereignty and would not be supplying international markets.</p> <p>The site has been identified in strategic plans as a future aerospace and defence precinct and is located near an existing large military base.</p>

Issue	Details	Response
		<p>The Department considers that these concerns, even if relevant, should be accorded little, if any, weight on the basis they do not identify any physical, objective, specific, concrete, observable, or likely impacts of the proposed development.</p>
<p><b>Planning and environmental issues</b></p>	<ul style="list-style-type: none"> <li>• Permissibility</li> <li>• Aboriginal heritage</li> <li>• PFAS contamination</li> <li>• Bushfire, biodiversity and flooding</li> </ul>	<p>The development is permissible with consent (see Section 4.1).</p> <p>The potential environmental impacts of the development have been assessed in Section 6.</p> <p>The application included an Aboriginal Cultural Heritage Report including consultation with Registered Aboriginal Parties. Heritage NSW reviewed the assessment and recommended conditions for the development.</p> <p>PFAS contamination was identified in the SEARs as a key issue for assessment. The application included a Preliminary Contamination Review and a Detailed Site Investigation to address PFAS contamination. The EPA, as the NSW regulator of contaminated land, advised it had no issues provided the PFAS Management Plan for the site is implemented. This requirement has been included in the recommended conditions.</p> <p>Other environmental issues such as bushfire, biodiversity and flooding have also been assessed in accordance with the SEARs, see Section 6.</p>
<p><b>Consultation and transparency</b></p>	<ul style="list-style-type: none"> <li>• Lack of consultation</li> <li>• Secrecy about building occupant</li> </ul>	<p>The Applicant’s consultation activities are detailed in the EIS and summarised in Section 5.1. The consultation focussed on land owners and occupiers surrounding the site, as those most likely to be impacted by the development. The Worimi Local Aboriginal Land Council were also consulted. The Applicant’s consultation activities were undertaken in accordance with the Department’s <i>Undertaking Engagement Guidelines for State Significant Projects, 2024</i>.</p> <p>The EIS and supporting technical appendices provided adequate information to understand the potential impacts of the development as required by the SEARs. It</p>

Issue	Details	Response
		is not uncommon for a building tenant to be unspecified at the development assessment stage. These are commercial matters for the Applicant and are not planning considerations.

# 6 Assessment

The Department has considered the EIS, the issues raised in submissions, the Applicant’s RTS and supplementary information in its assessment of the development. The Department’s assessment has considered contamination, noise, water quality, stormwater management, flooding, access and traffic, airport safeguarding, hazards and risk, bushfire and heritage, see **Table 7**.

**Table 7 | Department’s Assessment of Key Issues**

Findings and conclusions	Recommended conditions
<b>Contamination</b>	
<ul style="list-style-type: none"> <li>• Earthworks will be completed as part of the already approved subdivision and an additional 1 m of fill placed on the site as part of the proposed development. The potential to encounter contaminated material is limited to minor excavation for building foundations and hardstand construction.</li> <li>• The EIS included a Detailed Site Investigation (DSI) as the site is located above the Per and poly-fluoroalkyl substances (PFAS) contamination area associated with the RAAF Base.</li> <li>• The DSI included soil sampling across the site, with no samples found above relevant criteria for contamination. Groundwater is estimated to be 2 m below ground level (and deeper once the site is filled) and is considered unlikely to be intercepted during construction. The DSI concluded the site is suitable for commercial/industrial land use and recommended the PFAS Management Plan prepared for the subdivision DA be implemented throughout construction.</li> <li>• The EPA recommended conditions for preventing and limiting offsite migration of PFAS contamination and management of unexpected finds.</li> <li>• The DSI noted there is some potential to encounter acidic soils and a management plan was included detailing procedures for lime application and verification testing.</li> <li>• The Department considers there is minor potential to encounter contaminated material as the site would be filled and excavation would be limited. Measures to manage PFAS contamination have been well documented in an existing management plan for the subdivision, and this is an appropriate plan for managing the proposed construction. The acidic soils management plan is also adequate for managing the minor quantities expected to be encountered.</li> <li>• The Department’s assessment concludes the development would not adversely impact on the PFAS contamination area, and the potential for exposure to</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>• manage construction activities in accordance with the PFAS Management Plan for the subdivision DA</li> <li>• implement the recommendations of the EPA for PFAS management</li> <li>• prepare an unexpected, contaminated finds procedure</li> <li>• implement the acidic soils management plan during construction.</li> </ul>

Findings and conclusions	Recommended conditions
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contaminants during construction is low and would be strictly managed in accordance with the existing PFAS Management Plan.

Noise
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- The development is located within an approved business park, adjacent to Newcastle Airport and 850 m from the nearest residential properties.

**Operational Noise**

- The development would operate 24 hours a day, with most activities undertaken inside the building. External noise sources include truck movements, unloading and mechanical plant such as chillers, cooling towers, heat pumps and fire pumps.
- The Applicant provided a noise and vibration impact assessment (NVIA) to determine if the development would comply with the relevant noise criteria. The NVIA also considered the potential impacts of aircraft noise on future occupants within the proposed building.
- The NVIA considered cumulative noise from all sources and noted that acoustic louvres would be required on the northern and southern sides of the chillers, cooling towers and heat pumps to achieve criteria at neighbouring (future) industrial premises. The fire pump would be enclosed and its operation would not result in noise levels above the relevant criteria.
- Heavy vehicle movements would be low and loading docks have been situated to face away from residential areas. The NVIA predicted noise from traffic movements would be below criteria at all receivers.

**Construction Noise**

- The assessment of construction noise indicated the works would comply with criteria at the nearest receiver, and construction vibration would be minimal.

**Aircraft Noise Intrusion**

- The NVIA considered noise intrusion from military and commercial aircraft, with the joint strike fighter take off generating the highest noise level of 97 decibels (dBA).
- The NVIA recommended sound insulation values for the building façade, roof, windows and doors, to achieve the required noise reduction levels for industrial working areas and offices. The NVIA also recommended these be further investigated during detailed design to ensure the building elements achieve the required level of noise reduction for the amenity of its occupants.
- The Department of Defence commented that the building should be designed to achieve appropriate aircraft noise reduction, noting the proximity to the airfield.

Require the Applicant to:

- comply with standard working hours for construction
- comply with noise limits during operation at residential, commercial and industrial receivers
- install acoustic louvres around chillers, cooling towers and heat pumps
- prepare a design noise verification report to ensure the building complies with aircraft noise reduction levels.

## Findings and conclusions

## Recommended conditions

### Department's Consideration

- The Department has considered the NVIA and notes the development is located in an approved business park adjacent to an airport. It is well located away from residential areas and is unlikely to generate adverse noise impacts. The key aspect to consider is the amenity of building occupants due to the noise levels generated by nearby military aircraft.
- The Department recommends a design noise verification report be prepared prior to construction of the building to ensure the building materials achieve the necessary aircraft noise reduction levels to maintain amenity for building occupants.
- The Department's assessment concludes the construction and operation of the development would have minimal noise and vibration impacts.

### Water Quality

- The development is located in the Tomago Sandbeds catchment area which is a drinking water source managed by Hunter Water.
  - The Applicant's civil engineering report noted stormwater quality from the development would be managed via the stormwater system installed for the subdivision which includes grassed swales, in-street rain gardens, storage basins and a wetland. No additional water quality treatment devices are proposed for the development.
  - Hunter Water advised the development must prevent pollution or contamination of the water source and noted its key concerns had been addressed including the management of PFAS and other contaminants during construction and operation. Hunter Water requested further details of the proposed underground fuel storage tank and leak protection.
  - The Applicant provided additional information in its RTS and a supplementary response, including details of leak protection and maintenance for the underground tank.
  - After reviewing the RTS, Hunter Water considered the development would achieve a neutral or beneficial effect on water quality provided spill management procedures are included as conditions. Hunter Water also requested notification in the event of any spill or contamination event that may impact on water quality in the Sandbeds.
  - The Department considers the development would have minimal potential to interact with the Tomago Sandbeds as there would be only minor excavation. A stormwater management system has been designed for the subdivision with water quality
- Require the Applicant to:
- construct the underground fuel storage tank in accordance with POEO Regulations and Australian Standards
  - prepare a procedure for spill management to ensure hydrocarbons and other pollutants are managed
  - notify Hunter Water of any spill or contamination event that could impact on the Tomago Sandbeds.

## Findings and conclusions

## Recommended conditions

treatment to capture and treat runoff from the site. The Applicant has committed to designing, installing and managing the underground fuel storage tank in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 and Australian Standard AS 4897-2008, to ensure leak protection and long-term tank integrity.

- The Department's assessment concludes the development would be designed and managed to minimise potential impacts on water quality and has incorporated the recommendations of Hunter Water into the conditions.

## Stormwater Management

- The approved subdivision includes stormwater drainage infrastructure to service the development. Minor flows would be collected in pits and pipes and conveyed to a drainage swale on the southern side of Newton Parade. Major flows would be conveyed overland, away from the building to two stormwater outlets.
- Water quality treatment devices are included to achieve Port Stephens Council's pollutant reduction targets. No additional stormwater detention or water quality treatment is required for the development.
- Council did not raise any issues for stormwater management and Hunter Water recommended conditions for a compliance certificate for water and sewer servicing.
- The Department notes the stormwater infrastructure for the subdivision has considered the fully developed Astra Aerolab precinct, and no additional stormwater detention or water quality treatment is required to service the development.
- The Department's assessment concludes the development would have adequate stormwater infrastructure to manage flows and water quality to meet relevant Council targets.

Require the Applicant to:

- obtain a compliance certificate for water and sewer infrastructure prior to construction.
- install the stormwater infrastructure prior to operation
- operate and maintain the system for the duration of the development.

## Flooding

- The development is located 2 km north east of Fullerton Cove and may be subject to flooding from the Hunter River.
- The Applicant prepared a flood risk assessment (FRA), considering the potential impacts from the development, for comparison with 'pre-developed' conditions, with consideration for climate change.
- The FRA concluded the development is unlikely to impact on flood behaviour as the finished floor level would be constructed above the 1% Annual Exceedance Probability (AEP) event (under current and climate change conditions). There may be

Require the Applicant to:

- construct the floor level above the 1% AEP with a minimum of 500 mm of freeboard
- prepare a flood emergency response plan for the operational phase of the development.

## Findings and conclusions

## Recommended conditions

minor localised changes in flood behaviour during the Probable Maximum Flood event, however this is not expected to be significant due to the extent of inundation during a PMF event.

- The FRA proposed the preparation of a flood emergency response plan for the operational phase to enable efficient evacuation in the event of a major flood.
- Council and BCS did not provide any comments on flooding.
- The Department has reviewed the FRA and considers as the development would be constructed above the 1% AEP it would have minimal to negligible impacts on flood behaviour. The Department's assessment concludes the development would have minimal flood risk.

## Access and Traffic

- Upgrades to road infrastructure have been undertaken for the subdivision including the intersection of Williamtown Drive and Nelson Bay Road. The extension of Newton Parade would also be undertaken, and is required for access to the development.
- The EIS included a traffic impact assessment (TIA) comparing the traffic generated by the development with the traffic levels modelled for the subdivision DA.
- The TIA noted the development would generate small numbers of heavy vehicle movements (2 small vans per day and 6 B-doubles per month). Staff vehicle movements were estimated at 65 trips in the AM peak and 72 trips in the PM peak.
- The TIA concluded the development would be adequately accommodated on the newly upgraded road network as traffic volumes for the development are lower than predicted in the subdivision DA. No adverse traffic impacts are expected and no further upgrades are required to support the development.
- Construction traffic impacts were also assessed cumulatively with other proposed development in the subdivision. Cumulative construction traffic volumes of 200 vehicles per hour over a two hour AM and PM peak period (worst-case) would be adequately accommodated on the upgraded road network.
- Council did not raise any concerns regarding traffic and access. TfNSW recommended the commencement of the development be subject to completion of the Williamtown Drive / Nelson Bay Road intersection works and noted these were completed on 23 July 2024.
- The Department notes the TIA predicts the traffic volumes from operation of the development would be below those modelled for the subdivision and would be safely

Require the Applicant to:

- implement a construction traffic management plan
- ensure roads, driveways and parking complies with relevant Australian Standards.

Findings and conclusions	Recommended conditions
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and efficiently accommodated on the upgraded road network. Construction traffic volumes would also be adequately accommodated.

- The Department’s assessment concludes the development would not adversely impact on road network capacity, safety or efficiency. The Department recommends the Applicant implement a construction traffic management plan.

Airport Safeguarding	
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- Given the proximity of the site to Newcastle Airport and the RAAF base, the Department of Defence noted the development must limit the potential for bird strike and must control extraneous lighting to maintain the safety of flying operations.
- The Department of Defence recommended the development minimise bird attraction by ensuring waste bins are covered, the lighting complies with the National Airports Safeguarding Framework Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports, and the building is constructed with non-reflective materials to minimise glare.
- In the RTS, the Applicant agreed to the recommended conditions and the Department notes these conditions are routinely applied to developments near airfields.
- The Department’s assessment concludes the development can be designed to minimise any impacts on the operations of the nearby airfield.

- Require the Applicant to:
- secure waste in an enclosed storage area to prevent the attraction of vermin and birds
  - ensure lighting complies with the National Airports Safeguarding Framework
  - ensure the building façade and roof is constructed with non-reflective building materials.

Hazards and Risk	
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- The Applicant provided a Preliminary Hazards Analysis (PHA) for the development demonstrating it is not potentially hazardous development.
- The Department reviewed the PHA and confirmed the dangerous goods storage and handling quantities are below the thresholds in the Department’s *Hazardous and Offensive Development Application Guidelines - Applying SEPP 33*. The storage quantities proposed are small scale and of a type that presents no significant hazards. There are no explosive components to be manufactured or stored at the facility.
- The Department’s assessment concludes the development would comply with land use safety criteria and recommends conditions for the storage of dangerous goods below threshold quantities and in accordance with Australian Standards.

- Require the Applicant to:
- ensure quantities of dangerous goods stored and handled at the site remain below threshold quantities
  - store dangerous goods in accordance with relevant Australian Standards.

Bushfire	
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- The development is located on bushfire prone land with category 1 and 3 vegetation.

Require the Applicant to:

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> <li>• A Bushfire Threat Assessment (BTA) was prepared to determine bushfire risk levels and any required protection measures. The BTA recommended the proposed office have ember protection on the windows and doors and the workshop be constructed of non-combustible materials.</li> <li>• The BTA noted that defendable space is provided around the perimeter of the building with hardstands separating the building from adjacent vegetation. A draft Bushfire Emergency Management Plan was included in the EIS.</li> <li>• Rural Fire Services (RFS) reviewed the BTA and noted the development includes bushfire protection measures including asset protection zones, ember protection and a reticulated hydrant system. RFS recommended a Fire Management Plan be prepared in consultation with RFS.</li> <li>• The Department notes the development is located on bushfire prone land, however adjacent sites have been approved for clearing as part of the subdivision works, which would ultimately reduce the adjoining bushfire risk. The BTA has outlined the bushfire protection measures required and these have been included in the architectural design.</li> <li>• The Department’s assessment concludes the proposed bushfire protection measures are appropriate and recommends conditions including construction requirements for the office and workshop and the preparation of a Fire Management Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• comply with <i>Planning for Bushfire Protection 2019</i>, and the construction standards and asset protection zone requirements of the BTA</li> <li>• install a reticulated hydrant system in accordance with Australian Standards</li> <li>• prepare a Fire Management Plan, in consultation with RFS.</li> </ul>

Aboriginal Heritage	
<ul style="list-style-type: none"> <li>• The development is located on land zoned for industrial use that has been approved for clearing and earthworks as part of the Council approved subdivision DA. An Aboriginal Heritage Impact Permit was issued for these works and involved salvage of Aboriginal objects.</li> <li>• Heritage NSW reviewed the EIS and requested confirmation the AHIP requirements had been completed.</li> <li>• The Applicant’s RTS included the Archaeological Salvage Report and confirmation the AHIP process had been completed and the salvaged objects recorded.</li> <li>• After reviewing the RTS, HNSW confirmed the Aboriginal cultural heritage assessment and consultation requirements had been satisfied. HNSW recommended conditions for on-going consultation with Registered Aboriginal Parties and preparation of an unexpected finds procedure for construction.</li> <li>• The Department notes the site has been subject to clearing and an AHIP process has been completed for salvage of one Aboriginal object that was located on the site. The</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>• take all reasonable steps to avoid harm, modification or impact to Aboriginal objects</li> <li>• continue consultation with Registered Aboriginal Parties throughout construction of the development</li> <li>• prepare and implement a procedure to manage unexpected finds in accordance with Heritage NSW guidelines and AHIP 5221.</li> </ul>

Findings and conclusions	Recommended conditions
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Applicant has satisfied the assessment and consultation requirements and no further impacts on Aboriginal heritage have been identified.

- The Department’s assessment concludes the development would not adversely impact on Aboriginal heritage and any unexpected finds would be managed throughout construction.

Heritage
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- The site is located 1.1 km from the locally listed heritage item ‘Devon House’ and 1 km from the Commonwealth listed heritage item, RAAF Base Williamtown.
- The EIS noted the development would have no adverse impacts on these heritage items.
- Heritage NSW reviewed the EIS, noted there are no State listed heritage items on site or close by and advised it had no comments. Council and the Department of Defence did not comment on heritage matters.
- The Department considers the development would not have adverse impacts on local, State or Commonwealth listed heritage items and recommends conditions for managing any unexpected finds.

Require the Applicant to:

- manage unexpected finds by stopping work in the vicinity and notifying Heritage NSW.

Air Quality
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- The development has the potential to generate dust during detailed earthworks and building construction and vehicle combustion emissions during operation.
- An Air Quality Assessment (AQA) was prepared which concluded dust impacts during construction would be minor (noting bulk earthworks have already been approved) and the site is located 850 m from residential properties.
- Operational air emissions would be negligible as the manufacture, assembly and maintenance activities would be undertaken inside the building with air filtration installed to ensure minimal dust levels inside the building. Vehicle combustion emissions would be negligible as traffic volumes would be very low.
- The Department reviewed the AQA and considers construction and operation of the development is unlikely to result in adverse air quality impacts. The site is located well away from sensitive receivers and the majority of earthworks would already be completed for the subdivision. Operational activities would be undertaken inside the building and subject to air filtration, with negligible off-site emissions expected.
- The Department’s assessment concludes the development would have minimal air quality impacts and recommends standard conditions for dust management.

Require the Applicant to:

- minimise dust throughout construction and operation of the development.

# 7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Applicant is proposing to construct and operate a high technology industry within the approved Astra Aerolab subdivision next to Newcastle Airport. The development would manufacture and assemble defence related components. No explosive components, such as warheads and rocket boosters, would be manufactured or stored at the facility. The development covers 9,189 m<sup>2</sup> of GFA, has a capital investment value of \$103 million and would generate 150 operational jobs and 170 construction jobs.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from Government authorities, including Council, and submissions from the public.

A total of 48 unique public objections were received with the key reasons for objection relating to the manufacture of weapons, their use in global conflicts and ethical concerns about links with Council and the University of Newcastle. Concerns were also raised about planning and environmental issues, the public interest, consultation and transparency. Council did not object to the development and all other Government authorities raised no concerns or recommended conditions.

The Department acknowledges the public concerns raised about the development and notes many of the issues are either not relevant to the assessment of the development (the identity of the Applicant or future operator), or if relevant, should be accorded little, if any, weight on the basis they do not identify any physical, objective, specific, concrete, observable, or likely impacts of the proposed development.

The decision to manufacture weapons to strengthen domestic capability is a matter of national security for the Federal Government. The Department's assessment is focussed on the physical impacts of the development.

The Department's consideration of the public interest has taken into account the submissions received from the local and wider community and the strategic need for the development.

There were no submissions received from the immediate community located within a 5 km radius of the site. Around 90% of submissions were from the Newcastle area, indicating that interest in the development comes from the broader region. The issues raised around public interest related to a value based position on weapons manufacturing and their use in global conflicts.

The Department has considered these concerns and those of the wider national public interest, noting the identified strategic need to strengthen Australia's sovereign defence capability.

The Department also notes the facility does not propose to manufacture or assemble explosive components and the assessment of risks from on site production processes concluded the development complies with NSW land use safety guidance.

After considering all relevant planning matters including the public interest of the local community, Newcastle region and the national interest, the Department's assessment concluded the development is consistent with strategic planning, would strengthen sovereign defence capability and would not have any significant amenity or environmental impacts on the locality. On balance, the Department considers the development is in the broader public interest.

Issues around permissibility and environmental impacts (such as biodiversity, bushfire, contamination and flooding) are planning considerations. These have been assessed in detail in Section 6, with the Department concluding the development is permissible and would not have adverse environmental impacts.

The Department's assessment concluded there would be minimal impacts during construction and operation of the development. The Department has recommended conditions to minimise potential impacts, including:

- procedures for managing potential PFAS contamination
- design verification to minimise aircraft noise intrusion for building occupants
- procedures to minimise potential water quality impacts on the Tomago Sandbeds
- limiting the storage of dangerous goods
- inclusion of bushfire protection measures within the design
- implementation of unexpected finds procedures for heritage protection.

The Department is satisfied the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. The Department has also recommended conditions for the payment of development contributions and a Housing and Productivity Contribution.

Overall, the Department's assessment has concluded the development:

- is consistent with strategic plans for the development of an aerospace and defence precinct at Newcastle Airport as identified in the Hunter Regional Plan 2014, Greater Newcastle Metropolitan Plan 2036 and the Port Stephens Local Strategic Planning Statement 2020
- would generate 150 new permanent jobs and contribute \$103 million in capital investment in the Port Stephens LGA
- would have minimal environmental impacts.

The Department considers that these benefits can be realised without any significant amenity or environmental impacts and therefore, considers the development is in the public interest and should be approved, subject to conditions.

# 8 Recommendation

For the purpose of section 4.38 of the EP&A Act, it is recommended that the **Executive Director, Energy, Resources and Industry Assessments** , as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the High Technology Industry, Williamtown (SSD-67821962), subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix E**).

Recommended by:

Recommended by:



25 November 2024



25 November 2024

**Deana Burn**  
Specialist Planner  
Industry Assessments

**Joanna Bakopanos**  
A/Director  
Industry Assessments

## 9 Determination

The recommendation is **adopted** by:



25 November 2024

**Chris Ritchie**

A/Executive Director

Energy, Resources and Industry Assessments

# Glossary

Abbreviation	Definition
Applicant	Greater Newcastle Aerotropolis Pty Ltd
BCS	Biodiversity Conservation and Science group of the NSW Department of Climate Change, Energy, the Environment and Water
CIV	Capital Investment Value
Council	Port Stephens Council
DA	Development Application
DCCEEW	NSW Government Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure (DPHI)
Development	The development as described in the EIS for a High Technology Industry, Williamtown
DPHI	Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement High Technology Industry Williamtown</i> , prepared by Barr Planning dated June 2024
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development

Abbreviation	Definition
Heritage NSW	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
RTS	Response to Submissions titled <i>Submissions Report High Technology Industry Williamtown</i> , prepared by Barr Planning and dated September 2024
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW

# Appendices

## Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the development:

### Environmental Impact Statement

- Environmental Impact Statement titled *Environmental Impact Statement High Technology Industry Williamtown*, prepared by Barr Planning dated June 2024

### Submissions

- All submissions received from relevant public authorities and the general public

### Submissions Report

- Submissions Report High Technology Industry Williamtown, prepared by Barr Planning and dated September 2024

### Supplementary Information

- Letter titled High Technology Industry Williamtown SSD 68721962 prepared by Barr Planning and dated 21 October 2024

### Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see Appendix D)
- Relevant environmental planning instruments, policies and guidelines (see Appendix D)

All documents relied upon by the Department during its assessment of the application may be viewed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/high-technology-industry-williamtown>

## **Appendix B – Submissions and Government Authority Advice**

All submissions and government authority advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/high-technology-industry-williamtown>

## Appendix C – Community Views for Draft Notice of Decision

Table 8 | Key issues and how they have been considered

Issue	Consideration
<p><b>Public interest and ethics</b></p> <ul style="list-style-type: none"> <li>• Weapons manufacturing not in the public interest</li> <li>• Councils must act ethically</li> <li>• Ties with University of Newcastle</li> </ul>	<p><u>Public Interest</u></p> <p>The Department’s consideration of the public interest has taken into account the submissions received from the local and wider community and the strategic need for the development.</p> <p>There were no submissions received from the immediate community located within a 5 km radius of the site. Around 90% of submissions were from the Newcastle area, indicating that interest in the development comes from the broader region. The issues raised around public interest related to a value based position on weapons manufacturing and their use in global conflicts.</p> <p>The Department has considered these concerns and those of the wider national public interest, noting the identified strategic need to strengthen Australia’s sovereign defence capability.</p> <p>The Department also notes the facility does not propose to manufacture or assemble explosive components and the assessment of risks from on site production processes concluded the development complies with NSW land use safety guidance, see Section 6.</p> <p>After considering all relevant planning matters including the public interest of the local community, Newcastle region and the national interest, the Department’s assessment concluded the development is consistent with strategic planning, would strengthen sovereign defence capability and would not have any significant amenity or environmental impacts on the locality. On balance, the Department considers the development is in the broader public interest.</p> <p>It is beyond the scope of the EP&amp;A Act to consider the identity or ethics of the landowner or the Applicant, when considering a development application. The Department’s assessment is of the proposed use of the land.</p> <p>The Department has recommended conditions for minimising the potential environmental impacts of the development including limiting the storage of dangerous goods on the site.</p>

Issue	Consideration
<p><b>Weapons manufacturing and global conflicts</b></p> <ul style="list-style-type: none"> <li>Weapons manufacturing and harm caused to civilians in global conflicts</li> </ul>	<p>These are broader social and global issues that are matters for the Federal government to determine whether to invest in developing Australia's sovereign defence capability. The Department understands the development is to support national sovereignty and would not be supplying international markets.</p> <p>The site has been identified in strategic plans as a future aerospace and defence precinct and is located near an existing large military base. The issues raised are not planning matters for consideration under the EP&amp;A Act.</p> <p>The Department considers that these concerns, even if relevant, should be accorded little, if any, weight on the basis they do not identify any physical, objective, specific, concrete, observable, or likely impacts of the proposed development.</p>
<p><b>Planning and environmental issues</b></p> <ul style="list-style-type: none"> <li>Permissibility</li> <li>Aboriginal heritage</li> <li>PFAS contamination</li> <li>Bushfire, biodiversity and flooding</li> </ul>	<p>The development is permissible with consent (see Section 4.1).</p> <p>The Department's assessment of the environmental impacts of the development considered Aboriginal cultural heritage, PFAS contamination, bushfire, biodiversity, flooding and other issues and concluded the development would have minimal environmental impacts.</p> <p>The Department has recommended conditions for implementation of an unexpected finds procedure for heritage, a PFAS Management Plan and a Fire Management Plan.</p>
<p><b>Consultation and transparency</b></p> <ul style="list-style-type: none"> <li>Lack of consultation</li> <li>Secrecy about building occupant</li> </ul>	<p>The Applicant consulted with surrounding landowners and occupiers and the Worimi Local Aboriginal Land Council, in accordance with the Department's <i>Undertaking Engagement Guidelines for State Significant Projects, 2024</i>. The Department also consulted the community and government agencies during public exhibition of the EIS in accordance with the EP&amp;A Regulation 2021. This included writing to landowners and occupiers surrounding the site and making the EIS publicly available on the NSW Planning Portal.</p> <p>The EIS and supporting technical appendices provided adequate information to understand the potential impacts of the development as required by the SEARs. It is not uncommon for a building tenant to be unspecified at the development assessment stage. These are</p>

Issue	Consideration
	commercial matters for the Applicant and are not planning considerations.

## Appendix D – Statutory Considerations

Table 9 | Mandatory Matters for Consideration

Matter for Consideration	Department's Assessment
Environmental planning instruments, proposed instruments and development control plans	The Department's consideration of the relevant EPIs (including draft instruments subject to public consultation under the EP&A Act) is provided after <b>Table 10</b> .
Planning agreements	There are no Planning Agreements related to the site or development.
EP&A Regulation	The Department has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation, the findings of which are contained in this report.
Likely impacts	The Department has considered the likely impacts of the development in detail in <b>Section 6</b> . The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
Suitability of the site	The site is suitable for the development as it is located within an approved industrial subdivision that has been identified as an emerging precinct to support defence and airport related industries. The development is permissible with consent.
Public submissions	All matters raised in submissions are summarised in <b>Section 5</b> of this report and where relevant, given due consideration as part of the assessment of the development in <b>Section 6</b> .
Public interest	<p>The Department's assessment concludes the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. The Department's assessment has concluded the development:</p> <ul style="list-style-type: none"> <li>• is consistent with strategic plans for the development of an aerospace and defence precinct at Newcastle Airport as identified in the Hunter Regional Plan 2014, Greater Newcastle Metropolitan Plan 2036 and the Port Stephens Local Strategic Planning Statement 2020</li> <li>• would generate 150 new permanent jobs and contribute \$103 million in capital investment in the Port Stephens LGA</li> </ul>

Matter for Consideration	Department's Assessment
	<ul style="list-style-type: none"> <li>would have minimal environmental impacts.</li> </ul> <p>The Department considers that these benefits can be realised without any significant amenity or environmental impacts and therefore, considers the development is in the public interest and should be approved, subject to conditions.</p>

### Objects of the EP&A Act

The Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) is provided in **Table 10**.

**Table 10 | Objects of the EP&A Act and how they have been considered**

Object	Consideration
<p>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</p>	<ul style="list-style-type: none"> <li>The development would promote social and economic welfare through the creation of 150 operational jobs on industrial zoned land at Williamstown and investment of \$103 million in the Port Stephens LGA.</li> <li>The development is located on land already approved for industrial development and would not result in additional impacts on natural resources.</li> </ul>
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<ul style="list-style-type: none"> <li>The Department has considered the principles of ecologically sustainable development (ESD) in its assessment of the application.</li> <li>The development incorporates environmental management measures and would promote social and economic growth by providing jobs and investment. The development incorporates ESD measures within the building, including solar panels and a rainwater tank, and façade treatments to minimise heating and cooling requirements.</li> <li>The application included a signed agreement with the National Australian Built Environment Rating System (NABERS) to certify the performance of the building in relation to energy and water.</li> </ul>
<p>(c) to promote the orderly and economic use and development of land,</p>	<ul style="list-style-type: none"> <li>The development ensures orderly and economic use of land that has been approved for industrial development. The project is consistent with the development of a precinct to support the defence and airport industries located nearby.</li> </ul>

Object	Consideration
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> <li>• Not relevant.</li> </ul>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> <li>• The development is located within an approved industrial subdivision that has been cleared of vegetation. The development would have no further impacts on threatened species or ecological communities.</li> </ul>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> <li>• The development would not impact on Aboriginal cultural heritage as the site has been cleared and subject to an Aboriginal Heritage Impact Permit for the approved subdivision.</li> </ul>
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> <li>• The development promotes good design and amenity of the built environment as it would include specific building materials to limit aircraft noise intrusion for the amenity of its occupants, includes ESD measures (solar generation and rainwater collection and reuse) and provides over 4,500 m<sup>2</sup> of landscaping. The building incorporates high quality façade treatments to minimise heating and cooling requirements and present an attractive streetscape.</li> </ul>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> <li>• The building would be constructed to meet the requirements of the National Construction Code, Planning for Bushfire Protection 2019 and would incorporate aircraft noise reduction for the amenity of the building occupants.</li> </ul>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<ul style="list-style-type: none"> <li>• The Department assessed the application in consultation with Port Stephens Council and government agencies, incorporating the recommendations into the conditions of consent.</li> </ul>
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> <li>• The application was publicly exhibited for 28 days. The Applicant's EIS, RTS and supplementary information, public submissions and advice from government agencies were made publicly available on the Department's website, providing opportunity for public participation throughout the assessment process.</li> </ul>

## EP&A Regulation 2021

Part 4, Division 1 of the EP&A Regulation requires the consent authority to consider additional matters for certain developments as part of the matters for consideration under section 4.15 of the EP&A Act. There are no additional matters in Division 1 of the EP&A Regulation that the consent authority must consider.

## Environmental Planning Instruments (EPIs)

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

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is SSD pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development with an estimated cost of more than \$30 million for the defence industry which meets the criteria in Clause 11 of Schedule 1 in the Planning Systems SEPP.

### State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2 of the T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The Department consulted with TfNSW as part of its assessment of the application. TfNSW's comments are detailed in **Section 5**.

### State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter 3 of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. The EIS included a Preliminary Hazard Analysis (PHA) which concluded the development would not be potentially hazardous or offensive. The Department reviewed the PHA and noted the proposed quantities of dangerous goods storage is small scale and of a type that presents no significant hazards. There are no explosive components to be manufactured or stored at the facility.

The Department's assessment concludes the development would comply with land use safety criteria and recommends conditions for the storage of dangerous goods below threshold quantities and in accordance with Australian Standards.

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land. The development is located in the primary management zone of the Williamstown PFAS contamination area. A Detailed Site Investigation (DSI) was included in the EIS which noted the development would have minimal potential to encounter contaminated material as

the site would be filled and excavation would be limited. The Department's assessment concluded the development would not adversely impact on the PFAS contamination area and the existing PFAS Management Plan for the subdivision is an appropriate measure for managing potential exposure to contamination during construction of the development.

### **State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)**

Chapter 3 of the I&E SEPP aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish. The development includes two business identification signs (15m<sup>2</sup> each) on the southern and western facades. The signs are compatible with the industrial character of the area and are consistent with the aims of the I&E SEPP.

### **State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)**

The Sustainable Buildings SEPP commenced on 1 October 2023 and aims to encourage the design and delivery of sustainable buildings. This includes recording the embodied emissions of materials used in construction and the measures to minimise energy and water consumption and the generation of greenhouse gas emissions. For non-residential development, the consent authority must consider if the design of the development meets the aims of the Sustainable Buildings SEPP. The Department has considered the proposed development including the signed NABERS Agreement to Rate (for energy and water), the embodied emissions statement and the ESD measures including a rainwater tank and solar panels. The Department considers the development has been designed to minimise energy and water consumption and the generation of greenhouse gas emissions and is consistent with the aims of the Sustainable Buildings SEPP.

### **Port Stephens Local Environmental Plan 2013 (PLEP)**

The PLEP aims to promote community well-being, provide a compatible mix of land uses, protect environmental values and facilitate economic growth and long-term employment.

The development is consistent with the objectives of the B7 Business Park zone as it would provide a light industrial use, provide employment opportunities and facilitate development of a precinct to support defence and airport operations at the nearby RAAF base.

The Applicant has assessed and designed the proposal having regard to the relevant considerations of the PLEP including setbacks, building heights, flood planning, airspace operations, aircraft noise and drinking water catchments. The Department is satisfied the development is consistent with the aims of the PLEP and the objectives of the B7 Business Park zone.

## **Appendix E – Recommended Instrument of Consent**

The recommended instrument of consent can be viewed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/high-technology-industry-williamtown>