

Williamtown Special Activation Precinct

Statutory Planning Considerations Paper

Prepared for the NSW Department of Planning and Environment

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Abbreviations and acronyms

Activation Precincts SEPP	State Environmental Planning Policy (Activation Precincts) 2020
Aerotropolis SEPP	State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
ANEF	Australian Noise Exposure Forecast
APC	Activation Precinct Certificate
BC Act	Biodiversity Conservation Act 2016
BOS	Biodiversity Offset Scheme
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Council	Port Stephens Council
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
EbD	Enquiry by Design Workshop
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
EPL	Environmental Protection Licence
HW Act	Hunter Water Act 1991
ISEPP	State Environmental Planning Policy (Infrastructure) 2008
LEP	Local Environmental Plan
LGA	Local Government Area
NPWS	National Parks and Wildlife Services
PFAS	Per- and Polyfluoroalkyl Substances
PSDCP 2014	Port Stephens Development Control Plan 2013
PSLEP 2013	Port Stephens Local Environmental Plan 2013
RAAF	Royal Australian Air Force
RFA	Rural Fires Act 1997
RGDC	Regional Growth and Development Corporation
RSD	Regionally Significant Development

SAP	Special Activation Precinct
SEARs	Secretary's Environmental Assessment Requirements
SEPP 33	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
SEPP 55	State Environmental Planning Policy No. 55 – Remediation of Land
SEPP (SRD)	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
Williamstown SAP	Williamstown Special Activation Precinct

Executive summary

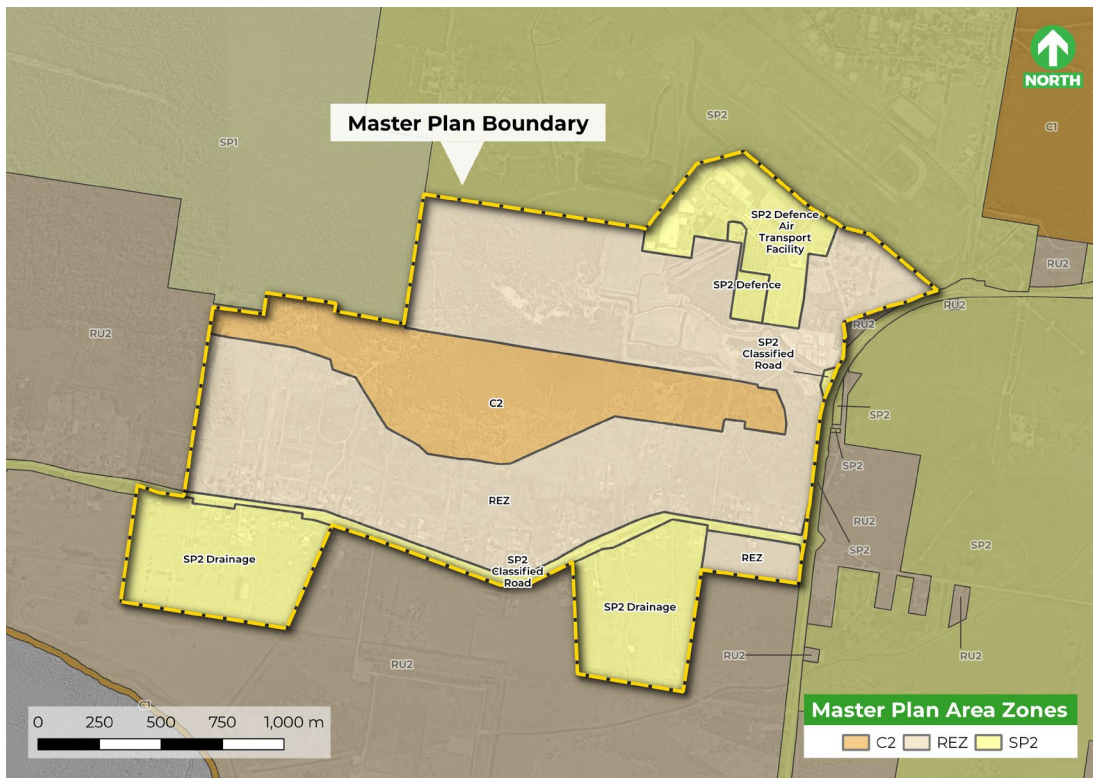
Mecone has been engaged by Hatch Roberts Day on behalf of the Department of Planning and Environment (DPE) to provide statutory planning advice to inform the finalisation of the Williamstown Special Activation Precinct (Williamstown SAP).

Introduction to Williamtown

The Williamstown SAP is intended to be Australia's first genuine innovation precinct of scale, capitalising on the emerging aerospace industry around Newcastle Airport and the Royal Australian Air Force (RAAF) Base Williamtown. This will be achieved through a place-led approach to aerospace, defence, advanced manufacturing, emerging industries, connection to country and ecological urbanism, and day and night activities.

A planning framework has been established for Special Activation Precincts (SAPs) based on an intent to streamline the planning process. It has been developed based on front-loaded strategic Environmental Impact Assessments (EIA) that identify the opportunities and constraints of each SAP. This will inform the preparation of appropriate planning controls and standards to ultimately allow the majority of development to be undertaken as complying development. This will be facilitated by *State Environmental Planning Policy (Activation Precincts) 2020* (the Activation Precincts SEPP), which will contain the planning framework for each SAP, largely replacing the relevant Local Environmental Plan (LEP). Each SAP will be supported by a Master Plan and Delivery Plan to control development outcomes.

For Williamtown, a simplified zoning structure is recommended which would see three zones established across the Williamstown SAP – a Regional Enterprise Zone (REZ), which is the primary developable zone, a C2 – Environmental Conservation zone, and an SP2 – Special Purpose zone. These proposed zones are shown in Figure 1.



Source: Mecone

Recommendations for permissible and prohibited uses have been provided within this report and will fall under the Activation Precincts SEPP. A range of commercial, industrial, and tourism uses are recommended for the Williamstown SAP, however any residential uses will be prohibited. The Master Plan itself will need to provide more refinement of the permissible uses by identifying compatible uses within each catchment.

Detailed considerations for the framework

A number of detailed considerations specific to the Williamstown SAP are considered as follows:

- Environmentally sensitive areas to be mapped, on which complying development should not be permitted
- Hunter Water drinking catchment to be mapped, with the Activation Precinct SEPP to replicate current referral provisions of the *Hunter Water Act 1991*
- Implementation of noise, obstacle limitation surface, wildlife risk, lighting risk, and wind shear controls to protect aircraft operations
- Incorporating relevant and suitable pathways for subdivision to progress as exempt or complying development within the Williamstown SAP, as would otherwise be allowed for under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP)
- Incorporating safeguards to minimise the risk of potentially hazardous or offensive development

- Ensuring the heritage value of St Saviour's Anglican Church and Devon House are protected through appropriate heritage provisions within the Activation Precincts SEPP.

Detailed consideration of the above issues is provided in the main body of the report.

Planning pathway recommendations

Consideration as to how certain development is undertaken within the pathways provided by the EP&A Act has also been provided within this report. This is summarised below:

- **Complying development:** prepare a set of standards for the Williamstown SAP under the Activation Precincts SEPP to restrict where complying development can take place. This will be similar to existing restrictions to complying development in the Codes SEPP with some more specific criteria relevant to Williamstown
- **State Significant Development (SSD):** only a limited amount of development is anticipated as SSD given that development classified as complying development cannot also be SSD. There is merit in DPE continuing to investigate an enabling SSD application for the precinct, given this will resolve many of the underlying challenges the precinct faces such as the prevalence of contamination and flood prone land, and enable road construction and subdivision to support future development.
- **Development without consent:** a number of development types permitted as 'development without consent' under *State Environmental Planning Policy (Infrastructure) 2007* need to be specifically addressed within the Williamstown Schedule of the Activation Precincts SEPP
- **Exempt development:** several low-impact development types have been recommended as exempt development. The controls for some of these have been extracted directly from the Codes SEPP whilst others have been formulated specifically for Williamstown.

1 Introduction

The NSW Government is currently in the process of identifying 'Special Activation Precincts' (SAPs) across the State, a unique program to bring together planning and investment, support industries in line with the competitive advantages and strengths of each area and streamline development outcomes. In mid-2020, the first SAP was finalised at Parkes within *State Environmental Planning Policy (Activation Precincts) 2020* (the Activation Precincts SEPP). Special Activation Precincts have also been announced for Wagga Wagga, Moree, Snowy Mountains, Narrabri, Williamtown.

Mecone has been engaged by Hatch Roberts Day on behalf of the Department of Planning and Environment (DPE) to provide statutory planning advice to inform the Williamtown Special Activation Precinct (Williamtown SAP). The Williamtown SAP is intended to be Australia's first genuine innovation precinct of scale, capitalising on the emerging aerospace industry around Newcastle Airport and the Royal Australian Air Force (RAAF) Base Williamtown. This will be achieved through a place-led approach to aerospace, defence, advanced manufacturing, emerging industries, connection to country and ecological urbanism, and day and night activities. The Williamtown SAP will also establish the area as a national and international hub primarily for defence and aerospace activities and potential for 24/7 freight and logistics services.

In April 2021, a final Enquiry by Design (EbD) workshop was held as part of the third stage of the Williamtown SAP Master Plan process where a draft Structure Plan for the Williamtown SAP was developed collaboratively. This report provides a review of the statutory implications associated with the Structure Plan and identifies recommendations which intend to support the aims and objectives of the Williamtown SAP and identify key land use and development controls to appropriately manage environmental, social and planning considerations which pertain to the site. Overall, this report:

- Provides a review of the legislative framework applying to SAPs including the Williamtown SAP
- Reviews the application of existing legislation and environmental planning instruments which currently pertain to the site
- Outlines the key aims, objectives and considerations which apply to the Williamtown SAP
- Recommends land use planning, development controls and provisions which should be implemented within the Activation Precincts SEPP and Master Plan for Williamtown SAP.

1.1 Site context

At a four day EbD in consultation with key stakeholders, a Structure Plan area was defined for the Williamtown SAP immediately south of the RAAF Base Williamtown and Newcastle Airport. The site is located within the Port Stephens Local Government Area (LGA) in the Hunter region of NSW, approximately 14 kilometres (km) from the Newcastle Central Business District and 10 kilometres from the Raymond Terrace Central Business District.

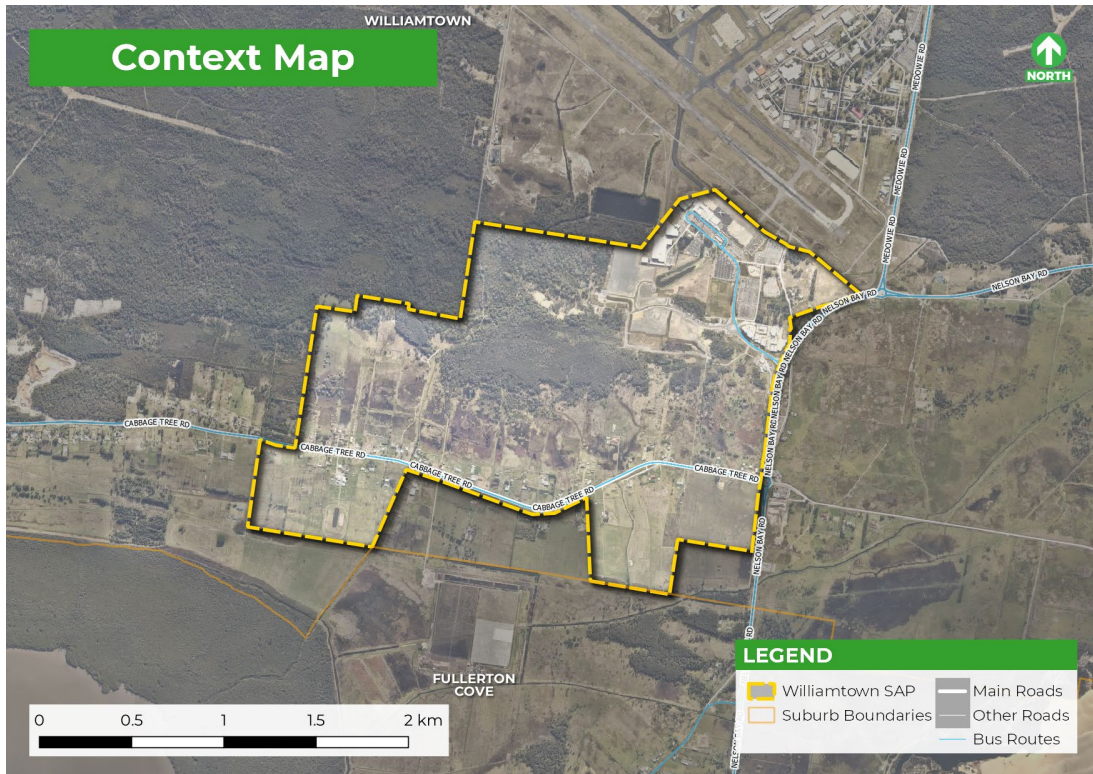


Figure 2 Context Map

The northern extent of the site contains the Newcastle Airport terminal area, and the developing Williamstown Aerospace Centre and Astra Aerolab, which have been strategically located and provide specialist business services for defence and the airport.

In the centre and northwest of the site is native vegetation of high biodiversity value. The vegetation is recognised as an important habitat area for the Swift Parrot and is identified as core koala habitat. Land situated along Cabbage Tree Road contains predominately rural lands which are largely undeveloped other than for associated rural structures.

The adjoining RAAF Base Williamstown is the Australian Government's main fighter pilot training base in Australia, whilst Newcastle Airport is a regional airport connecting to seven destinations across Australia as well as to New Zealand. These combined facilities are important landmarks close to the Williamstown SAP containing airport runways and taxi aprons, car parking areas, terminals, aircraft hangars, training buildings and other associated airport and defence buildings.

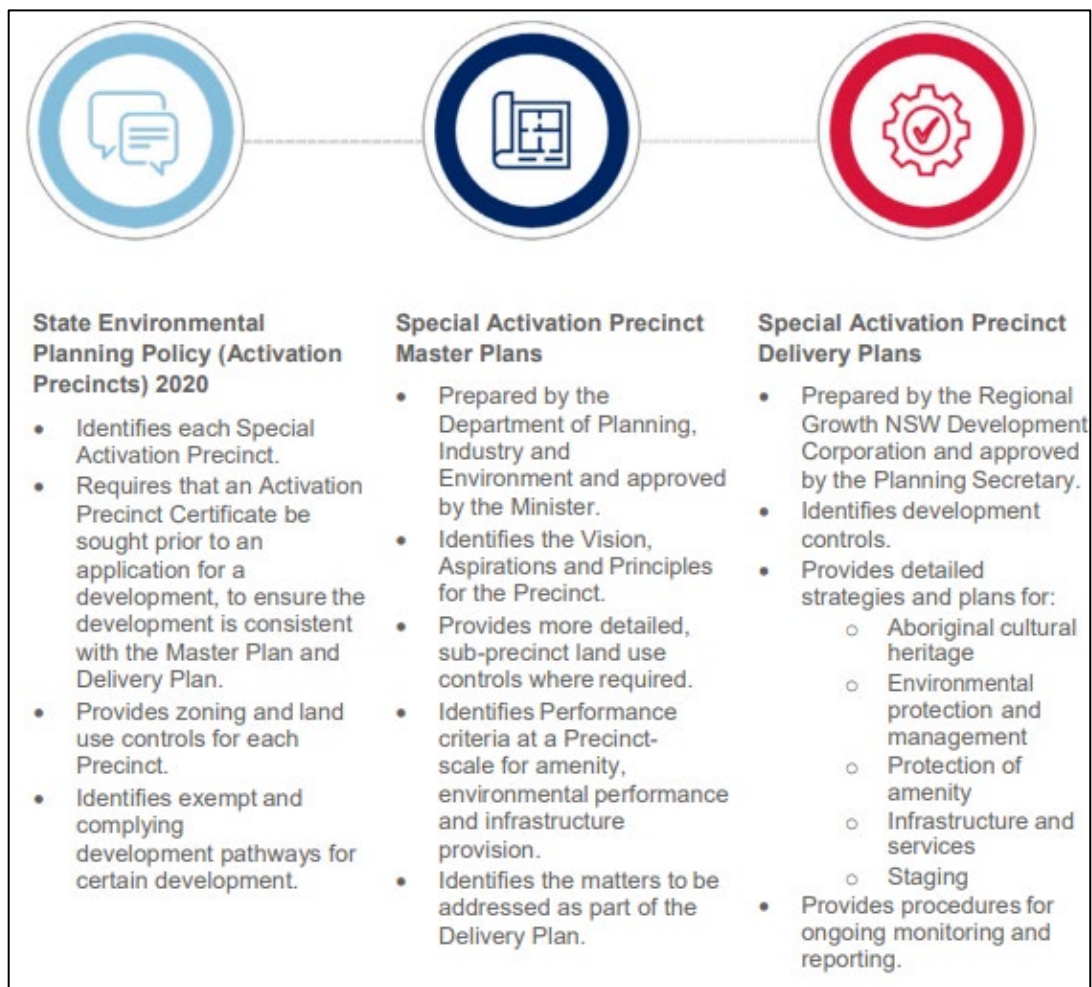
2 The SAP planning framework

The SAP planning framework has been developed with an intent to streamline planning processes for specific areas in regional NSW. It aims to ensure the right mechanisms are in place for industry to access and comply with a fast-tracked development approval process.

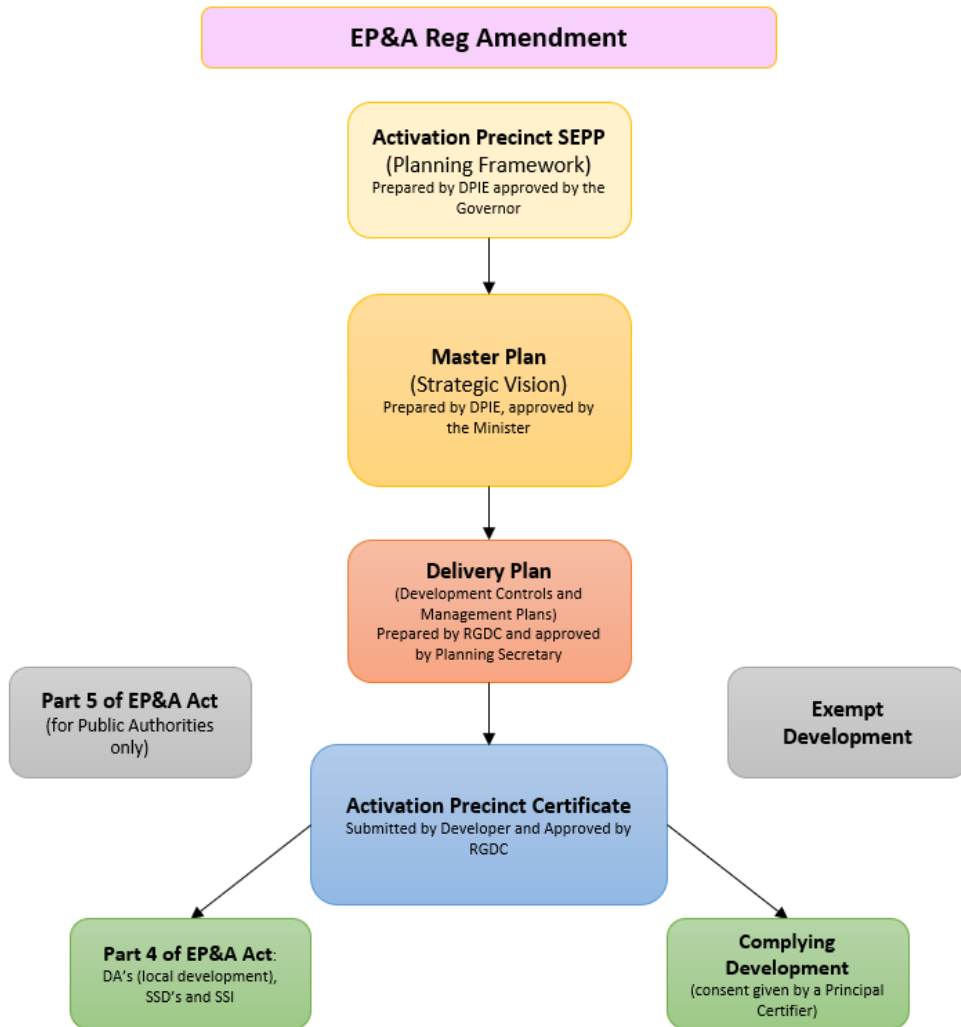
The planning framework has been developed based on front-loaded strategic Environmental Impact Assessments (EIAs) that identify the opportunities and constraints of each SAP, and the likely requirements and impacts of different land uses. This informs the preparation of appropriate land use controls, development standards, mitigation measures and design requirements that will allow relevant land uses to be undertaken as complying development. This will reduce cost and time associated with obtaining development approval for suitable land uses within each SAP and provides greater certainty for investment into the SAPs.

The Activation Precincts SEPP provides the legislative framework for SAPs. It largely replaces the relevant Local Environmental Plan (LEP) applying to the SAP area, providing new land use and development controls. A Master Plan and Delivery Plan are also required to be prepared for each SAP, to ensure that development is consistent with the vision, staging and planning controls.

An overview of the three key parts of the SAP planning framework is provided in Figure 3 below with an outline of the overarching SAP planning framework provided in Figure 4.



Source: DPE



Source: DPE

2.1 Activation Precinct Certificates

With the exception of exempt development or development carried out by a public authority, any application for development in a SAP must firstly be accompanied by an Activation Precinct Certificate (APC).

Section 50(C) of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) states:

(1) A development application that relates to proposed development on land within an Activation Precinct under State Environmental Planning Policy (Activation Precincts) 2020 must be accompanied by a current Activation Precinct certificate.

(2) This clause does not apply to or with respect to a development application made by a public authority (other than the Development Corporation within the meaning of that Policy).

In addition, section 129(1) of the EP&A Regulation states:

(1) An application for a complying development certificate for proposed development on land within an Activation Precinct under State Environmental Planning Policy (Activation Precincts) 2020 must be accompanied by a current Activation Precinct certificate.

(2) This clause does not apply to or with respect to an application for a complying development certificate made by a public authority (other than the Development Corporation within the meaning of that Policy).

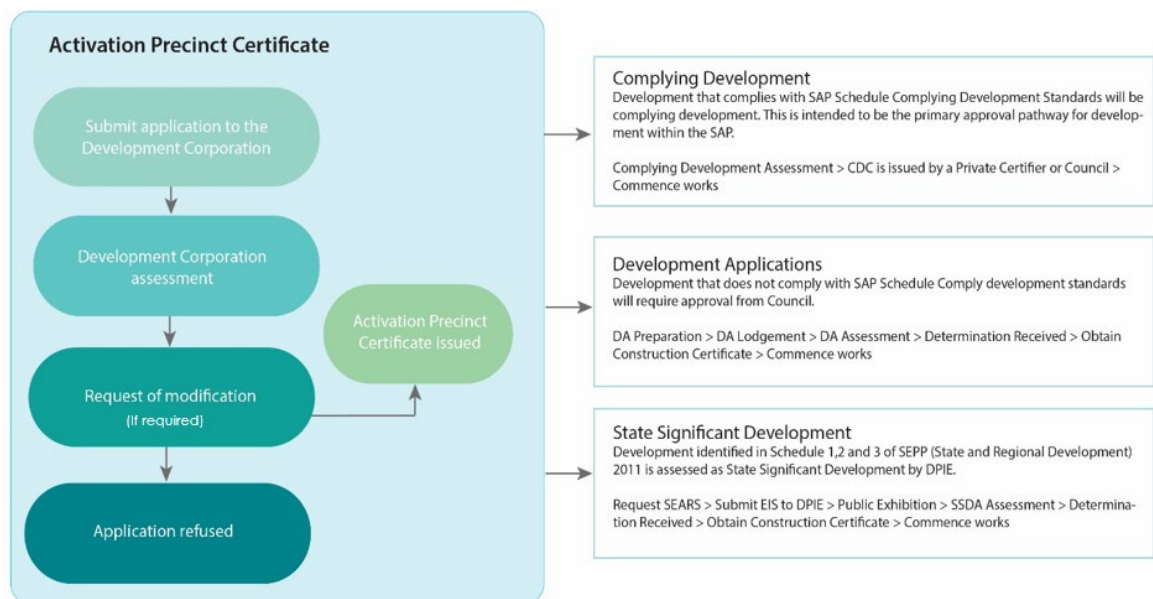
The purpose of the APC is to ensure that development is consistent with the Activation Precincts SEPP, Master Plan, and Delivery Plan.

The NSW Regional Growth Development Corporation (RGDC) will be responsible for issuing APCs, unless RGDC are the applicant, in which case the Planning Secretary will be the issuing authority.

APCs are to be issued in 30 days or less if development is consistent with the Master Plan and Delivery Plan. Once an APC is obtained, relevant approvals can then be obtained through complying development, a development application, or State Significant Development (SSD).

It should be noted that processes, approvals and licenses required under other legislation, such as the *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016*, the *Roads Act* and the *Environment Protection and Biodiversity Conservation Act 1999* will continue to be required following APC.

Figure 5 below identifies the APC Development pathway.



Source: Mecone, using data from DPE

2.2 Development pathways

Table 1 identifies the relevant planning pathways for undertaking development within a SAP.

Table 1. Approval Pathways for development within a SAP	
Development Category	Description
Exempt development	<p>Some very low impact development can be undertaken as exempt development. Exempt development for Williamstown will be identified within the Activation Precincts SEPP as discussed in Chapter 5.4.6 of this report.</p> <p>Exempt development does not require an APC.</p>
Complying development	<p>Complying development is a combined planning and construction approval for code assessable development. In the context of the Williamstown SAP, complying development will be determined through a fast-tracked assessment process by Port Stephens Council (Council) or an accredited certifier, following the receipt of an APC and where relevant requirements are met.</p>
Local development	<p>Development that requires consent, but which is not complying development is considered to be local development.</p> <p>Local development applications are to be prepared in accordance with Part 4 of the EP&A Act, which assesses the development on a range of matters. An APC, to be issued by RGDC, is required prior to the approval of any local development application by a consent authority. The consent authority for local development in the Williamstown SAP will be the Planning Secretary.</p> <p>Local development can also be categorised as designated or integrated development.</p>
	<p><u>Designated development</u></p> <p>Designated development relates to high-impact developments (e.g., likely to generate pollution) or developments that are located in or near environmentally sensitive areas (e.g. wetlands). Developments can be categorised as 'designated' either through Schedule 3 of the EP&A Regulation or by declaration within an Environmental Planning Instrument (EPI).</p> <p>An Environmental Impact Assessment (EIS) is required to be prepared for designated development in accordance with the Planning Secretary's Environmental Assessment Requirements (SEARs).</p>
	<p><u>Integrated Development</u></p> <p>Integrated development refers to development where approvals must be obtained from other public authorities, under separate legislation, before consent can be granted.</p> <p>Development that requires a permit/approval from another government body as listed in Section 4.46 of the EP&A Act, before consent can be granted.</p>

Table 1. Approval Pathways for development within a SAP	
Development Category	Description
Development without consent	<p>Development permitted without consent can apply to activities undertaken by government departments or agencies with environmental assessment undertaken under Part 5 of the EP&A Act. Many of these activities are enabled to be carried out under <i>State Environmental Planning Policy (Infrastructure) 2007</i> (ISEPP).</p> <p>Development which is to be carried out by a public authority under Part 5 of the EP&A Act will not require an APC. Development undertaken by the RGDC will require an APC where RGDC is the applicant, with the issuing authority to be the Planning Secretary.</p>
State Significant Development/ State Significant Infrastructure	<p>Some development and infrastructure types are considered State Significant due to their size, economic value or potential impact.</p> <p>Development listed in section 4.36 of the EP&A Act is SSD, whilst infrastructure listed in section 5.12 of the EP&A Act is State Significant Infrastructure (SSI).</p> <p><i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SRD SEPP) also identifies development that is SSD, SSI and Regionally Significant Development (RSD).</p> <p>An EIS is required to be prepared for SSD and SSI in accordance with the SEARs. An APC is also required prior to approval from a consent authority such as Council.</p> <p>However, clause 9 and clause 20 of SRD SEPP includes exclusions for certain development which are identified as being complying development.</p> <p>Development which is complying development under the provision of an EPI and is not carried out as part of other development that is SSD, is not SSD or RSD under the SRD SEPP.</p>

3 Existing zoning and development controls

This chapter provides an overview of key environmental planning controls which currently apply to the Williamstown SAP. Many of these will be superseded by the Activation Precincts SEPP.

3.1 Port Stephens Local Environmental Plan 2013

The *Port Stephens Local Environmental Plan 2013* (PSLEP 2013) is the primary environmental planning instrument (EPI) which currently applies to the site. The introduction of the Williamstown SAP will for the most part “turn off” the PSLEP 2013, though it is relevant to consider its existing provisions.

3.1.1 Land use zoning

The site is currently zoned for a mix of purposes including B7 - Business Park, RU2 - Rural Landscape and SP2-Special Purpose zone under PSLEP 2013. The land use zones are identified in Figure 6 and described in Table 2.

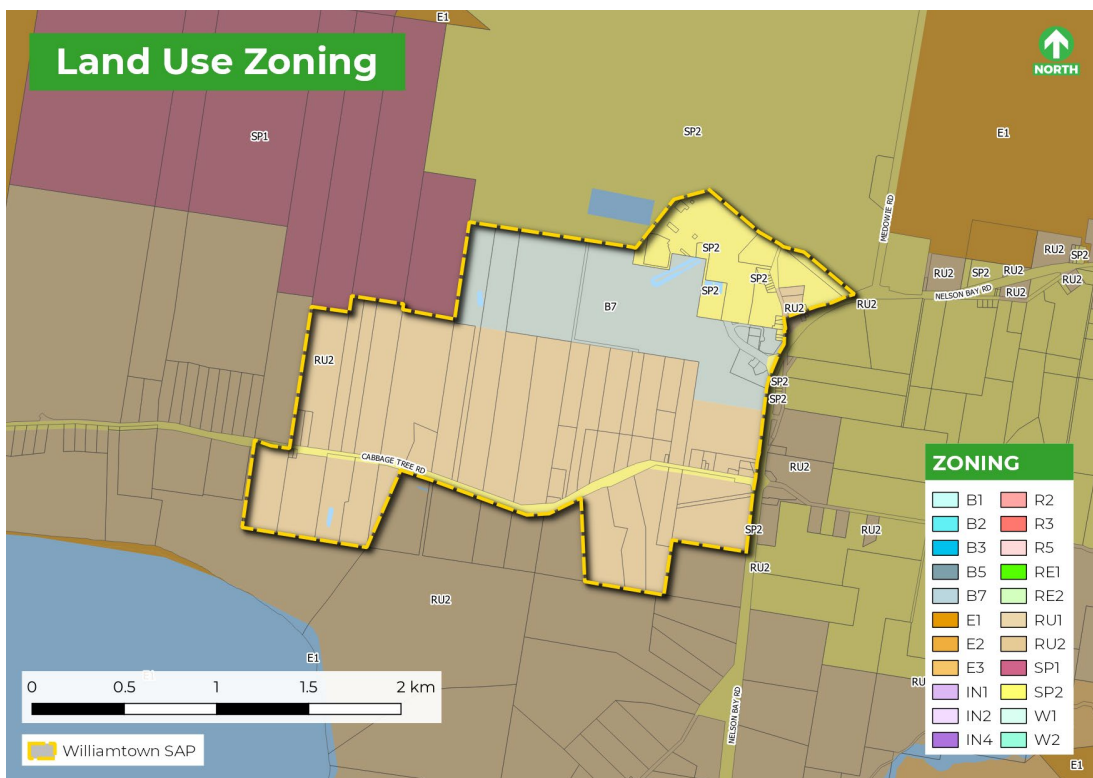


Figure 6 Current Land Use zone under PSLEP2013

Source: Mecone Mosaic

Table 2. Current Land Use Zone under PSLEP 2013	
Land Use Zone	Objectives
B7 Business Park	<ul style="list-style-type: none"> To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. To facilitate the future development of the land as an employment area relating to defence and airport operations to support the continued operation of the RAAF Base Williamtown Airport and the Newcastle Airport.
RU2 Rural Landscape	<ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To maintain the rural landscape character of the land. To provide for a range of compatible land uses, including extensive agriculture.
SP2 Special Purpose Zone - Defence/Air Transport Facility	<ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure.

3.1.2 Principal development standards and local / miscellaneous provisions

Other key standards and provisions contained within the PSLEP 2013 are described in Table 3.

Table 3. Current PSLEP 2013 provisions for the Williamtown SAP

Standard/ Provision	Detail
Height of Buildings (Clause 4.3)	<p>There is no specified maximum building height for development within the site under the PSLEP 2013, however any development currently proposed would need to be consistent with the objectives of clause 4.3 which are:</p> <ul style="list-style-type: none"> • To ensure the height of buildings is appropriate for the context and character of the area; • To ensure building heights reflect the hierarchy of centres and land use structure.
Minimum Lot Sizes (Clause 4.1)	<p>A minimum lot size of 20 hectares (ha) applies to the southern extent of the site zoned RU2 - Rural Landscape. The rest of the site does not have a minimum lot size. Notwithstanding this, any development currently proposed within the Williamtown SAP area would need to be consistent with the objectives of clause 4.1 of PSLEP 2013 which are:</p> <ul style="list-style-type: none"> • To ensure that lot sizes are able to accommodate development that is suitable for its purpose and that is consistent with relevant development controls; • To prevent the fragmentation of rural areas.
Floor Space Ratio (Clause 4.4)	<p>There is no specified Floor Space Ratio (FSR) for development within the Williamtown SAP under the PSLEP 2013. Notwithstanding this, any development proposed within the Williamtown SAP area would need to be consistent with the objectives of clause 4.4 of PSLEP 2013 which are:</p> <ul style="list-style-type: none"> • To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality; • To provide a suitable balance between landscaping and built form; • To minimise the effects of bulk and scale of buildings.
Heritage (Clause 5.10)	<p>Two local heritage items are located within the Williamtown SAP as follows:</p> <ul style="list-style-type: none"> • Item 108 'St Saviour's Anglican Church, including WW1 memorial plaque' at 12 Cabbage Tree Road (Lot 1 DP 607447) • Item 109 – 'Devon House', including former Moxey's slab cottage, dairy, hay shed and slab barn at 150 Cabbage Tree Road (Lot 1 DP 832554) <p>Development which has the potential to impact a heritage item typically requires the preparation of a specialist heritage assessment to assess the extent of any proposed development on the significance of the heritage item in accordance with the PSLEP 2013.</p>

Table 3. Current PSLEP 2013 provisions for the Williamtown SAP

Flood Planning (Clause 5.21)	<p>The site is identified as being on land at or below the flood planning level as mapped under the PSLEP 2013.</p> <p>Development on land at or below the flood planning level is to ensure the design is compatible to the flood function of the land will not adversely affect flood behaviour or affect the environment. Development also needs to ensure consistency with the NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005.</p>
Acid Sulfate Soils (Clause 7.1)	<p>The site is mapped as containing class 3, class 4 and class 5 Acid Sulfate Soils (ASS) under the PSLEP 2013. Under clause 7.1, development consent is required for the carrying out of works for any 'class of land' and 'works' combination shown in the table below. For any works below the 'class of land' and 'works' identified in table, the PSLEP 2013 would require an ASS management plan be prepared to ensure any future works would appropriately manage ASS on site in accordance with the NSW Government ASS Planning Guidelines.</p>
Airspace Operations (Clause 7.4)	<p>The site is located directly adjacent to the RAAF Base Williamtown and Newcastle Airport. The PSLEP 2013 contains provisions which requires that any development which may penetrate the Limitation or Operations surface of the RAAF Base Williamtown/Newcastle Airport be referred to the relevant Commonwealth body. Development consent must not be granted for such developments unless the Commonwealth body advises that:</p> <ul style="list-style-type: none"> • The development will penetrate the Limitation or Operations Surface, but it has no objection to its construction; or • The development will not penetrate the Limitation or Operations Surface.
Development in areas subject to aircraft noise (Clause 7.5)	<p>As identified above, the Williamtown SAP site is located directly adjacent to the RAAF Base Williamtown and Newcastle Airport. As such, before determining a development application in accordance with the PSLEP 2013, the consent authority:</p> <ul style="list-style-type: none"> <i>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</i> <i>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and</i> <i>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.</i>
Drinking water catchments (Clause 7.8)	<p>Part of the Williamtown SAP site includes land mapped as being within the drinking water catchment map under the PSLEP 2013. The objective of the provision under the PSLEP 2013 is to protect drinking water catchments and storages (Grahamstown Dam and Tomago Sandbeds) from the adverse impacts of development.</p> <p>Before determining a development application for development which is identified within a 'drinking water catchment', the consent authority must consider:</p>

Table 3. Current PSLEP 2013 provisions for the Williamtown SAP

	<p><i>(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—</i></p> <ul style="list-style-type: none"> <i>(i) the distance between the development and any waterway that feeds into the drinking water storage,</i> <i>(ii) the on-site use, storage and disposal of any chemicals on the land,</i> <i>(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,</i> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>The consent authority under the PSLEP 2013 is also to be satisfied that any proposed development will avoid any significant adverse environmental impact, or the impact is minimised or mitigated.</p>
Wetlands (Clause 7.9)	<p>Part of the Williamtown SAP contains land mapped as wetlands under the Wetlands map within the PSLEP 2013. Before determining a development application, the consent authority must consider:</p> <p><i>(a) whether or not the development is likely to have any significant adverse impact on the following—</i></p> <ul style="list-style-type: none"> <i>(i) the condition and significance of the existing native fauna and flora on the land,</i> <i>(ii) the provision and quality of habitats on the land for indigenous and migratory species,</i> <i>(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</i> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>

4

The Structure Plan

An overview of the Structure Plan for the Williamstown SAP is shown in Figure 7. It features a Northern catchment, immediately to the south of Newcastle Airport, which has an intended focus on defence and aerospace, freight and logistics, and research and development. Separated from the Northern catchment by an Environmental Protection Area are the Eastern and Western catchments, with an intended focus on commercial outcomes, advanced manufacturing, light industrial development, and research and development.

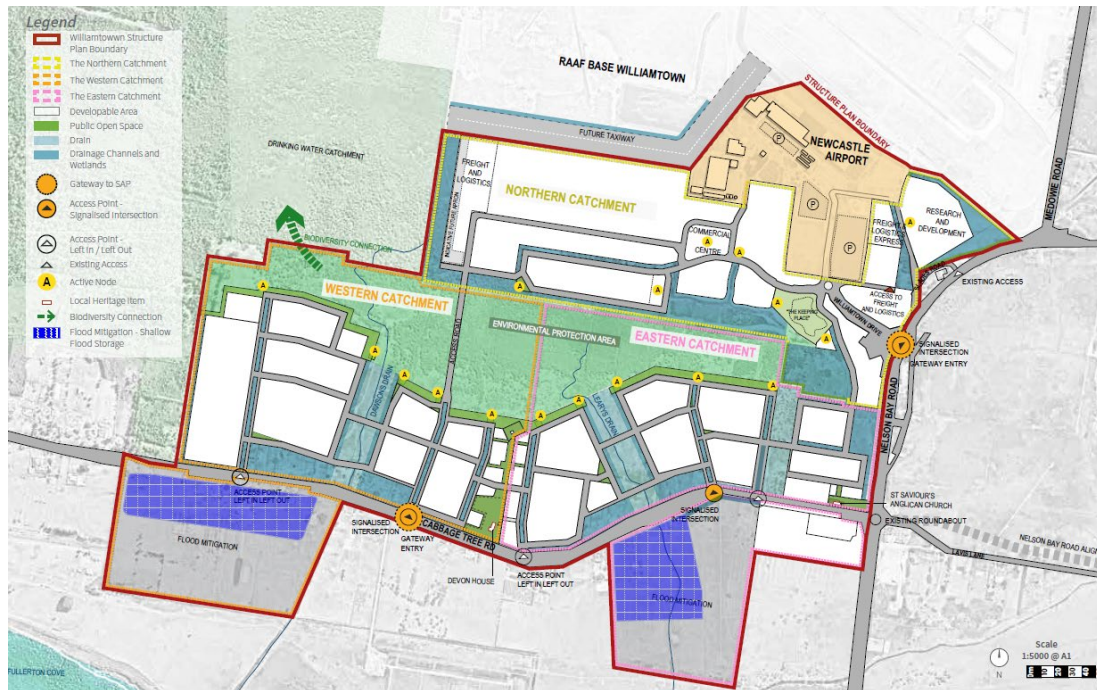


Figure 7 Williamstown SAP Structure Plan

Source: Hatch Roberts Day

4.1 Applicable legislation

This chapter provides an overview of the current legislative framework applying to the Williamtown SAP, including Acts and EPIs, and their implications on future development.

Table 4. Applicable Legislation for development within the Williamtown SAP	
Legislation/EPIs	Application to Williamtown SAP
Federal Legislation	
Civil Aviation Act 1998 & Civil Aviation Safety Regulations 1998	<p>The Civil Aviation Act and Regulation will continue to apply in order to maintain, enhance and promote safety for civil aviation for the RAAF Base Williamtown and Newcastle Airport.</p> <p>Referral will continue to be required as necessary for development which may affect the safe operations of the airport/RAAF Base including development which may penetrate the obstacle limitation surface.</p>
Defence Regulation 2016	<p>Defence Regulation 2016 aims to facilitate good governance and the effective and efficient operation of the Defence Force, and provide the Chief of Defence with the flexibility to deliver capability and preparedness outcomes.</p> <p>Defence Regulation 2016 will become applicable once a Defence Aviation Area is declared over Williamtown.</p>
Environment Protection and Biodiversity Conservation (EPBC) Act 1999	<p>Actions that are likely to have a significant impact on matters of national environmental significance, including the critically endangered swift parrot which has been sited within the Williamtown SAP, would need to comply with the EPBC Act and would require referral to the Commonwealth Department of Agriculture, Water and the Environment.</p>
Native Title Act 1993	<p>This Act recognises and protects the rights and interest of Aboriginal and Torres Strait Islander people in land and waters according to their traditional laws and customs. The Act provides the legal processes through which native title can be recognised and protected.</p> <p>A search of the National Native Title Tribunal does not identify any native title claims within the site.</p>
NSW Legislation	

Table 4. Applicable Legislation for development within the Williamtown SAP

Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000	<p>The EP&A Act and the EP&A Regulation are the primary pieces of legislation regulating development in NSW. Development within the Williamtown SAP will continue to be consistent with the requirements of the EP&A Act, in particular Division 4.5 (complying development) and Division 4.3 (development applications).</p> <p>APCs are required for all development within the SAP in accordance with Section 50(C) of the EP&A Regulation, with the exception of exempt development or development carried out by a public authority.</p>
Biodiversity Conservation Act 2016	<p>Local development and SSD/SSI that either exceeds the Biodiversity Offset Scheme (BOS) threshold or is located in an area mapped as containing biodiversity values, must apply the Biodiversity Assessment Method (BAM) to determine offset obligations.</p> <p>If clearing and other impacts exceed either trigger, the BOS applies to the proposed development. However, it is noted that the BOS threshold does not apply to exempt or complying development.</p>
Protection of the Environment Operations Act 1997	<p>The 'POEO' applies to scheduled activities listed within Schedule 1, some of which are permissible within the Williamtown SAP. These developments will continue to require an EPA licence to operate under the POEO Act and be subject to the relevant controls of <i>State Environmental Planning Policy No.33 - Hazardous and Offensive Development</i> (SEPP 33) and <i>State Environmental Planning Policy No 55 – Remediation of Land</i> (SEPP 55).</p>
Rural Fire Act 1997	<p>The 'RFA' provides prevention, mitigation and suppression approaches of bush and other fires across the State. Section 100B(1) of the RFA requires a bushfire safety authority for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes or development of bushfire prone land for a Special Fire Protection Purpose (SFPP). In addition, it states that such development is not complying development under the EP&A Act 1979 despite any EPI.</p>
Hunter Water Act 1991 and Hunter Water Regulation 2015	<p>The 'HWA' establishes and gives function for the Hunter Water Corporation (HWC) to provide, construct, operate, manage and maintain systems and services for supplying water, providing sewage and drainage services and disposing of waste water.</p> <p>Section 50 and 51 of the HWA will continue to apply to development within the Williamtown SAP. However, section 51, which relates to the requirement of consent authorities to notify the Hunter Water Corporation of certain application, will not</p>

Table 4. Applicable Legislation for development within the Williamtown SAP	
	technically apply to complying development within the Williamtown SAP.
Local Land Services Act 2013	<p>This Act categorises land to determine native vegetation management options for landholders and applies to rural land within specified local government areas including the Port Stephens local government area.</p> <p>Given the Williamtown SAP will be rezoned to REZ Regional Enterprise, C2 Environmental Conservation and SP2 Special Purpose zone, the Local Land Services Act will not continue to apply to the Williamtown SAP.</p>
Water Management Act 2000	<p>The objects of the Water Management Act 2000 are to provide for the sustainable and integrated management of the water sources for present and future uses.</p> <p>Section 89, 90 and 91 relate to water use, water management work and activity approvals for development within NSW. The requirement for these approvals will continue to be required for development within the Williamtown SAP.</p>
Environmental Planning Instruments	
SEPP (Exempt and Complying Development Codes) 2008	<p>The 'Codes SEPP' provides a State-wide approach and set of requirements for exempt and complying development types. It is recognised that the Codes SEPP will be "switched off" within the Williamtown SAP with certain clauses within the Codes SEPP to be specifically "switched on" within the Activation Precincts SEPP.</p>

Table 4. Applicable Legislation for development within the Williamtown SAP

<p>SEPP (State and Regional Development) 2011</p>	<p>'SEPP (SRD)' outlines the thresholds for development and infrastructure to be considered SSD or regionally significant. Under clause 8, a development is declared to be SSD if it requires consent under Part 4 of the EP&A Act, and is a type specified in Schedule 1 or Schedule 2 of the instrument. Whilst SEPP (SRD) will continue to apply to land within the Williamtown SAP, clause 9 indicates that any development that is identified as SSD, but is permitted as complying development under another EPI, cannot be SSD.</p> <p>As such, development will only be classified as SSD within the Williamtown SAP where:</p> <ul style="list-style-type: none"> • It is permissible with consent within the Williamtown SAP land use table, and • It is a development identified within the Schedule 1 or Schedule 2 of SEPP (SRD) and • It does not meet the overarching criteria to be complying development within the Williamtown SAP (see Section 5.4.1). <p>It is recommended that a stage 1 SSD could be explored to resolve some of the precinct's challenges on a macro level to streamline future development within the Williamtown SAP. This is discussed further in section 5.4.2 of this report.</p>
<p>SEPP (Infrastructure) 2007</p>	<p>The 'ISEPP' provides permissibility and development assessment provisions for a range of infrastructure types including electricity transmission and distribution, roads, and traffic facilities.</p> <p>The ISEPP will continue to apply within the Williamtown SAP to ensure the effective delivery of infrastructure including roads, railways, water and utilities within the Williamtown SAP. Some provisions however restrict development and activities to prescribed zones, thereby excluding certain development under the Infrastructure SEPP from the new Regional Enterprise Zone proposed within the Williamtown SAP. It is intended that these provisions will be transferred over to the Activation Precincts SEPP (refer to 5.4.5 for further analysis).</p>
<p>SEPP (Coastal Management) 2018</p>	<p>This SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone consistent with the objects of the Coastal Management Act 2016.</p> <p>Part of the Williamtown SAP is identified within the Coastal Environmental Area Map and Coastal Use Area Map under SEPP (Coastal Management) 2018. It is recommended that similar development considerations identified under Clause 13 and 14 of SEPP (Coastal Management) 2018 be replicated within the</p>

Table 4. Applicable Legislation for development within the Williamtown SAP

	Activations Precinct SEPP to support the objectives of the Coastal Management Act 2016.
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>This SEPP aims to provide a state-wide framework for delivery of education and childcare facilities. This includes provisions, guidelines and controls that are to be considered for the development of childcare centres and educational establishments.</p> <p>The SEPP will continue to apply within the Williamtown SAP unless it is specifically 'switched off' in which case it is recommended that specific controls are to be developed in relation to the establishment of childcare centres and or educational establishments within the Williamtown SAP.</p>
SEPP (Primary Production and Rural Development) 2019	<p>This SEPP seeks to support investment in sustainable agricultural development, reduce land use conflict, facilitate an adaptive approach to new and emerging agricultural practices, technology and industries, and protect environmental values.</p> <p>Given that most land will be rezoned from RU2 Rural Landscape to REZ, C2 and SP2, most provisions will not apply to land within the Williamtown SAP, except for development for the purposes of oyster aquaculture under Part 5 of the SEPP. These provisions will continue to apply to development for the purposes of oyster aquaculture in the Williamtown SAP.</p>
SEPP (Koala Habitat Protection) 2021	<p>This SEPP provides a process for Council's to strategically manage koala habitat through the development of koala plans of management.</p> <p>Clauses 10, 11 and 12 relate to the consideration of a koala management plan in relation to the determination of a development application. These clauses do not apply to complying development or exempt development. As such, this SEPP will continue to apply to development applications only within the Williamtown SAP.</p>
SEPP (Mining, Petroleum and Extractive Industries) 2007	<p>This SEPP specifies development for the purposes of mining, petroleum production or extractive industry that is permissible with or without consent, as well as complying and exempt development.</p> <p>As the Williamtown SAP will rezone existing rural land within the Williamtown SAP boundary, the SEPP will generally not apply. Given the desired land uses within the Williamtown SAP, it is recommended that this SEPP not apply to the Williamtown SAP and be 'switched off'.</p>
SEPP (Vegetation in Non-Rural Areas) 2017	The Vegetation SEPP regulates the clearing of vegetation in non-rural areas within NSW which are specified in clause 5.

Table 4. Applicable Legislation for development within the Williamtown SAP

	<p>Given a large portion of the Williamtown SAP will be rezoned REZ, the SEPP will not apply to much of the site. It is recommended that the Department considers the application for tree removal within the REZ land use zone. This is discussed further within section 5.3.1.</p>
SEPP 33 – Hazardous and Offensive Development	<p>SEPP 33 includes provisions relating to the management and control of hazardous and offensive development across the State and will continue to apply to development within the Williamtown SAP. Clause 12 and 13 of SEPP 33 in particular is identified within the Activation Precincts SEPP to apply to an application for an APC in the same way as it applies to development applications. As such, a preliminary hazard analysis' is to be prepared consistent with planning circulars.</p> <p>Potentially hazardous development that is high risk is not complying development and will require a development application delegated to DPE without notification requirements.</p>
SEPP 55 – Remediation of Land	<p>SEPP 55 provides a State-wide planning approach to the remediation of contaminated land and will continue to apply to development within the Williamtown SAP. Clause 7 of SEPP 55 in particular is identified within the Activation Precincts SEPP to apply to an application for an APC in the same way as it applies to development applications. Contamination risks and reporting will therefore be required for complying development within the Williamtown SAP which demonstrates that the land is or can be made suitable for the proposed use.</p> <p>Development for the purpose of remediation cannot be complying development and will be required to be conducted as development without consent or require a development application under SEPP 55.</p>
SEPP 64 – Advertising and Signage	<p>'SEPP 64' establishes objectives and assessment criteria relating to advertising and signage.</p> <p>Development for the purposes of signage and advertising which is permissible within the Activation Precinct SEPP and SEPP 64 will become exempt or complying development under the Activation Precincts SEPP.</p> <p>Given the uniqueness of the Williamtown SAP as a special activation precinct, it is however recommended that specific advertising controls and planning considerations be established within the Master Plan for Williamtown SAP and SEPP 64 to be "switched off" for land within the Williamtown SAP to enable greater control and management of the developments.</p>

5 Recommendations for the Williamtown SAP framework

5.1 Zoning and land uses

Consistent with the SAP frameworks for Parkes, Wagga Wagga, and the draft frameworks for Moree, the Activation Precincts SEPP will become the primary EPI for the Williamtown SAP and largely replace the PSLEP 2013. The recommended zoning structure is shown in Figure 8.

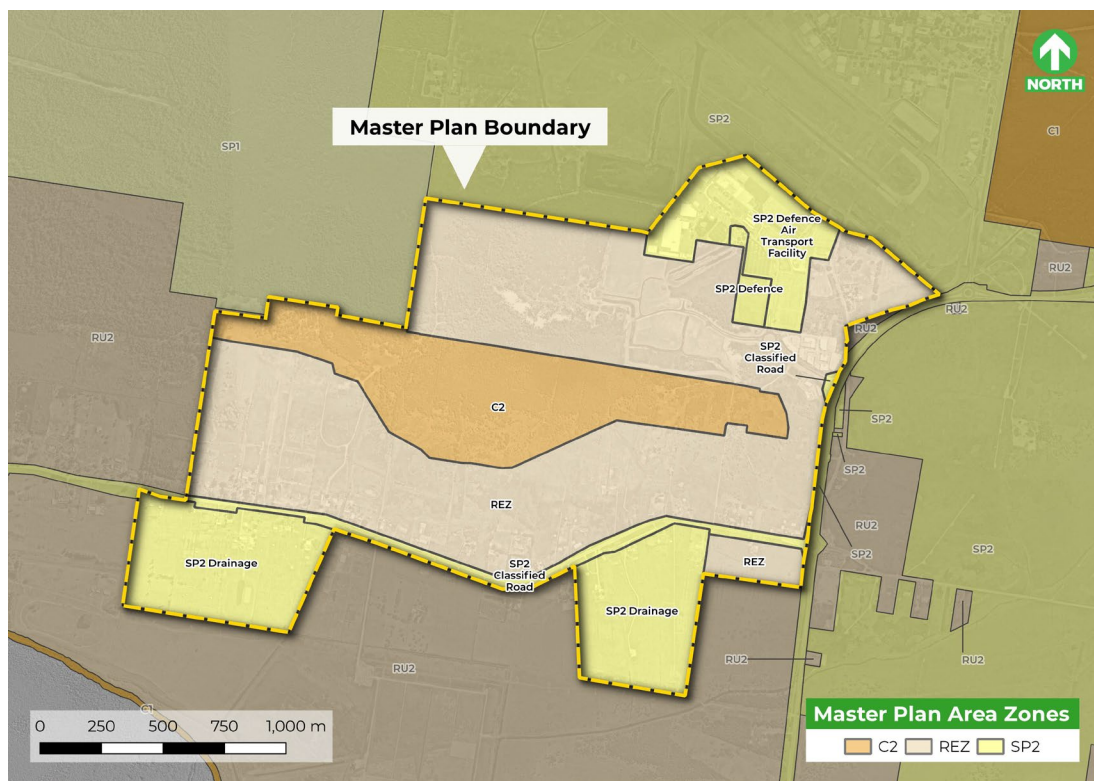


Figure 8 Proposed land use zoning map

Source: Mecone

A description of each zone, and the recommended land use breakdown, is provided in Table 5. A detailed matrix of land uses is contained in **Appendix 1**.

Table 5. Recommended land use table

Land Use Zone and description	Recommended land uses*		
	Permitted with consent	Permitted without consent	Prohibited
<p>REZ Regional Enterprise Zone</p> <p>This zone covers the core developable component of each SAP and can permit or prohibit any mix of land uses, given it is not a standard instrument zone. Its intended purpose is to facilitate the development of industrial and employment activity around focus uses connected with the defence and aerospace industries, whilst also allowing for ancillary development to occur within all catchments of the Williamtown SAP.</p>	<p>air transport facilities, airstrip, business premises, car parks, commercial premises, community facilities, depots, electricity generating works, emergency services facilities, entertainment facilities, environmental facilities, flood mitigation works., food and drink premises, freight transport facilities, function centres, general industries, health consulting rooms, helipad, hotel or motel accommodation, industrial retail outlets, industrial training facilities, information and education facilities, light industries, local distribution centres, medical centres, passenger transport facilities, places of public worship, public administration building, recreation areas, recreation facilities (indoor), research stations, retail premises, serviced apartments, sewage reticulation systems, signage, storage premises, transport depots, truck depots, veterinary hospitals, warehouse or distribution centres, water recycling facilities, water supply systems, wholesale supplies.</p>	<p>Roads, environmental protection works.</p>	<p>Funeral homes, cellar door premises, timber yards, home industry, any other use not specified as permitted with or without consent.</p>
<p>C2 Environmental Conservation</p> <p>The Environmental Conservation zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. It provides for the highest level of protection, management and restoration of such land and for</p>	<p>Business identification signage, community facilities, emergency services facilities, environmental facilities, flood mitigation works, information and education facilities, oyster aquaculture, recreation areas, research stations, water reticulation systems.</p>	<p>Roads, environmental protection works.</p>	<p>Any other use not specified as permitted with or without consent.</p>

Table 5. Recommended land use table

Williamtown is proposed across the central heavily vegetated area.			
<p>SP2 Special Purpose Zone</p> <p>The SP2 zone facilitates the development of specific infrastructure types and typically prohibits most land uses other than the infrastructure it is associated with. Two infrastructure types are recommended to be covered by unique SP2 zonings in Williamtown; Airport, and Drainage.</p> <p><u>Airport</u></p> <p>Part of the Williamtown SAP covers the existing Newcastle Airport, which is already zoned SP2 under the PSLEP 2013. It is recommended that the exact provisions of this zone as currently presented in the PSLEP 2013 be replicated into the zoning framework for Williamtown.</p> <p><u>Drainage</u></p> <p>Areas of the SAP will be needed to be protected for drainage purposes. At the time of this report, the exact boundaries for this infrastructure are still being determined.</p>	<p>The purpose shown on the Land Zoning Map including any development that is ordinarily incidental or ancillary to development for that purpose, emergency services facilities, water supply systems, flood mitigation works.</p>	<p>Roads, environmental protection works.</p>	<p>Any other use not specified as permitted with or without consent.</p>

5.1.1 Additional miscellaneous uses

Data Centres

Under clause 27 of the ISEPP, data storage premises are permitted with consent in 'prescribed zones' meaning a B5 – Business Development, B6 – Enterprise Corridor, B7 – Business Park, IN1 – General Industrial, IN2 – Light Industrial, and IN3 – Heavy Industrial. This specific use is otherwise not defined under the standard instrument.

Data centres are considered an appropriate use within the Williamstown SAP, but it will include none of these prescribed zones. The Activation Precincts SEPP will need to include provisions allowing for the development of data centres to occur through wording such as the below:

The following provisions of State Environmental Planning Policy (Infrastructure) 2007 apply to land within the Regional Enterprise Zone in the same way as they apply to land within a prescribed zone within the meaning of that Policy

- Clause 27.

NB: Additional uses currently permitted to be undertaken without consent by public authorities under the ISEPP in certain prescribed circumstances or zones will also need to be captured under the legislative framework for the Williamstown SAP. This is discussed further in section 5.4.5.

DPE is also currently considering changes to the Codes SEPP to create a complying development pathway for data centres, as well as a range of technical standards to govern their impacts. This would include the implementation of zone-based building controls and technical specifications which development is to satisfy. It is recognised that these provisions, once finalised, could be adopted for Data Centres within the Williamstown SAP.

Childcare

Whilst childcare centres are not a key land use outcome for the Williamstown SAP, the potential for around 12,000 jobs¹ being located on the site brings with it a need to consider the childcare needs of workers. In principle, allowing for childcare centres is therefore warranted.

However, childcare is a sensitive use, and the site is and will be subject to noise and air pollution, and a history of contamination. Accordingly, widespread development of childcare centres is not encouraged, and any that are proposed need thorough assessment.

Childcare centre DAs are subject to the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the accompanying *Child Care Planning Guideline*. The guideline provides for specific matters that must be considered in the assessment of a childcare centre, including:

- Requiring the submission of an acoustic report where childcare centres are located on industrial land or within an ANEF contour of between 20 and 25

¹ As identified in Deloitte's *Williamstown Special Activation Precinct Market Sounding and Economics Report*

- Requiring an air quality assessment be submitted for centres located close to major roads or industrial developments.

The Australian Standard 2021:2015 (Acoustics- Aircraft Noise Intrusion –Building Siting and Construction) lists less sensitive uses such as schools and universities as unacceptable in an ANEF greater than 25. Therefore, it is recommended that childcare centres only be permitted in the least noise-constrained parts of the site, which would limit it to the southwest of the western catchment which is in an ANEF contour of 20-25 (refer to Figure 11 in section 5.3.3. of this report) subject to compliance with the relevant Australian Standards. This could be captured within an Additional Permitted Use map, which may also need to be supplemented by buffer zone mapping (or similar) within the Master Plan that limits noise generating industries in the immediate vicinity.

Given the many matters needing consideration for this development type, it is recommended that childcare centres not be permitted as complying development.

Additional Uses for consideration

The following land uses are also recommended to be included as additional permitted uses within the Williamstown:

- Service stations
- Vehicle body repair facilities
- Vehicle repair stations
- Resource recovery facilities.

Whilst these land uses may not be a desirable land use outcome from a place or economic perspective for the Williamstown SAP, and their widespread development would not represent a good planning outcome for the area, they should not be prohibited as there is likely to be demand for such uses.

Taking into consideration the above, it is recommended that these land uses be limited to the small and specific areas of the Structure Plan, which DPE would be able to manage through an Additional Permitted Use map.

5.1.2 Controlling land use within each catchment

As the zoning framework for the REZ within Williamstown is relatively open, more distinct guidance at a catchment level will be needed within the Master Plan itself to ensure the intended outcomes of each catchment can be established in a flexible manner. DPE will also need to consider the potential impacts of urban encroachment to RAAF Base in consultation with the Department of Defence.

It is recommended that further consideration is undertaken by DPE as to whether GFA limits or quotas are required for some developments such as service stations and food and drink premises to manage these uses within the Williamstown SAP.

5.2 Matters of external referrals

Certain developments will continue to require referral, licences and approval under other legislation including:

Commonwealth legislation

- *Civil Aviation Act 1988*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Defence Regulation 2016 (applicable once Defence Aviation Area declared over Williamstown)*

NSW State Legislation

- *Protection of the Environment Operations Act 1997*
- *Biodiversity Conservation Act 2016*
- *Heritage Act 1977*
- *National Parks and Wildlife Act 1974*
- *Roads Act 1993*

Whilst not within the scope of this report to resolve in detail, it is important that DPE and RGDC develop streamlined referral processes with other agencies to ensure these can occur in a timely manner and ensure issuance of an APC can occur within 30 days or less.

5.3 Detailed considerations for the framework

5.3.1 Protection/Clearing of Vegetation

Environmentally sensitive areas

Typically, complying development is not permitted on environmentally sensitive areas such as areas containing high biodiversity value, Aboriginal heritage, or wetlands. It is important to ensure development on any such area is subject to a more stringent and site-specific assessment through the development application process.

As such, it is recommended that an environmentally sensitive areas map be created within the Activation Precincts SEPP for Williamstown SAP which clearly maps areas where complying development is not to be carried out. A preliminary Environmentally Sensitive Areas map is shown in below, which has been adopted from mapping undertaken by ERM under separate cover.

Tree Removal

As identified in section 4, the change of land use zone applying to land within the Williamstown SAP will mean the provisions under SEPP (Vegetation in Non-Rural Areas) 2017 and the Local Land Services Act 2013 will not apply to the Williamstown SAP.

As such, it is recommended that an additional clause be included within the Activations Precincts SEPP which outlines provisions requiring a permit be required for

the clearing of vegetation, outside of environmentally sensitive area, within the Williamtown SAP. Suggested provisions to be included within the Activation Precincts SEPP are provided in Table 6.

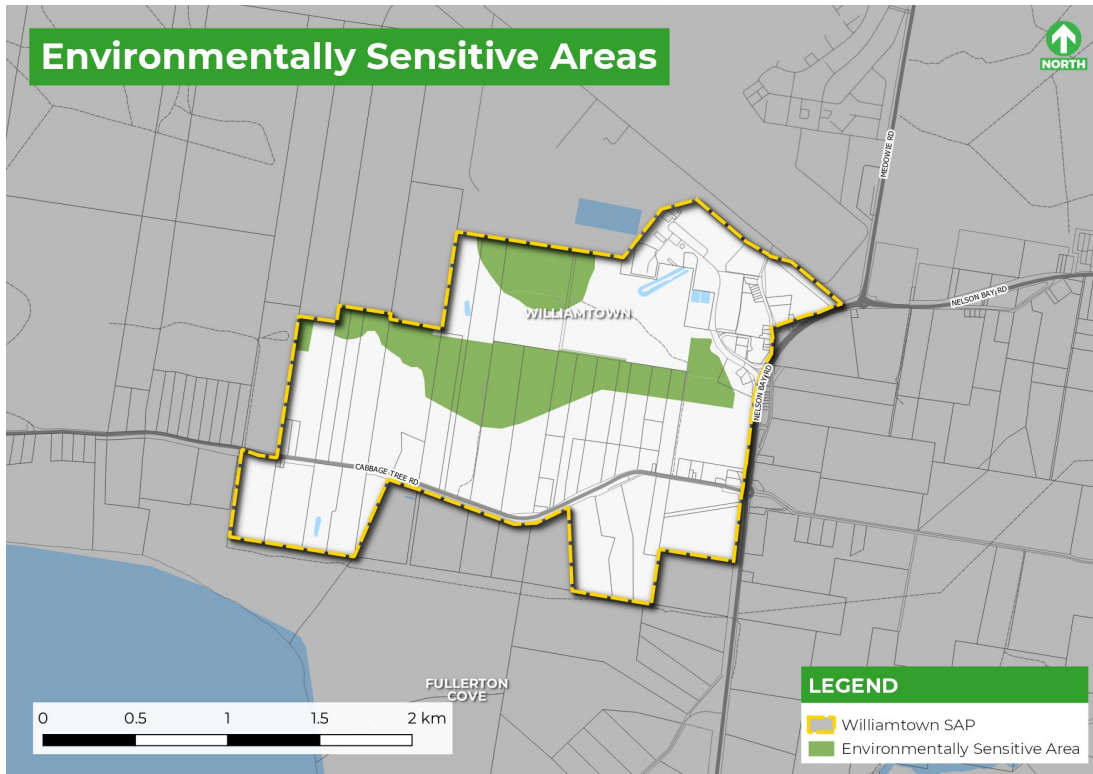


Figure 9 Potential environmentally sensitive land areas map
Source: Mecone using data provided by ERM

Table 6. Recommended Tree and Vegetation Preservation development controls

Suggested Activation Precincts SEPP Provisions	Additional Requirements
<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to preserve the amenity of the Williamstown Activation Precinct through the preservation of trees and vegetation, (b) to promote the conservation of native vegetation, (c) to minimise the impact of development on native vegetation. <p>(2) This clause applies to land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Williamstown Activation Precinct Environmentally Sensitive Areas Map.</p> <p>(3) A person must not clear native vegetation on land to which this clause applies without development consent.</p> <p>(4) Development consent under subclause (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing—</p> <ul style="list-style-type: none"> (a) there is no reasonable alternative available to the disturbance of the native vegetation, and (b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and (c) the disturbance of the native vegetation will not increase salinity, and (d) native vegetation inadvertently disturbed for the purposes of construction will be reinstated where possible on completion of construction, and (e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and 	<ul style="list-style-type: none"> • Include an Environmentally Sensitive Areas Map within Activation Precincts SEPP.

Table 6. Recommended Tree and Vegetation Preservation development controls

<p>(f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.</p> <p>(5) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 does not apply to land to which this clause applies.</p>	
<p>(1) The issuing authority may issue a permit to a landholder to clear vegetation on land any land within the Williamtown Activation Precinct except land identified within an environmentally sensitive area under the State Environmental Planning Policy (Activation Precincts) 2020 Williamtown Activation Precinct Environmentally Sensitive Areas Map.</p> <p>(2) A permit cannot be granted to clear native vegetation that exceeds the biodiversity offsets scheme threshold.</p> <p>(3) A permit under this Part cannot allow the clearing of vegetation—</p> <ul style="list-style-type: none"> (a) that is or forms part of a heritage item or that is within a heritage conservation area, or (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity— (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area. <p>(4) A permit may be granted under this Part subject to any conditions specified in the permit.</p>	

5.3.2 Hunter Water drinking catchment

The Hunter Water Act (HWA) establishes and gives function for the Hunter Water Corporation (HWC) to provide, construct, operate, manage and maintain systems and services for supplying water, providing sewage and drainage services and disposing of waste water.

Of particular relevance is section 51 of the HWA which relates to the referral requirements for development which may affect HWC's works, operations or quality of water where water supply is drawn from. The clause is listed in its entirety below:

51 Consent authority to notify Corporation of certain applications etc

(1) In this section, consent authority has the meaning given in the Environmental Planning and Assessment Act 1979 and includes a council to which an application for approval to erect a building under Part 1 of Chapter 7 of the Local Government Act 1993 may be made.

(2) If a consent authority within the area of operations or a special area receives a development application or building application in relation to any matter that, in the opinion of the consent authority, may:

- (a) significantly damage or interfere with the Corporation's works, or*
- (b) significantly adversely affect the Corporation's operations, or*
- (c) significantly adversely affect the quality of the water from which the Corporation draws its supply of water in a special area,*

the consent authority must, within 7 days of the receipt of the application, give the Corporation notice of the application.

(3) The consent authority must take into account any submissions made by the Corporation in relation to the development application or building application in determining whether to consent to the development application or building application or to attach conditions to any such consent.

(4) The consent authority may assume that the Corporation has no submissions to make in relation to a development application or building application of which notice has been given under this section if no such submissions are received by the consent authority within 21 days after the notice was given to the Corporation.

(5) If a consent authority has complied with this section in relation to a development application, the consent authority is not required to comply with this section in relation to a building application that deals with the same subject matter as the development application.

Section 51 will technically not apply to most development within the Williamstown SAP as the clause references a 'consent authority', which does not apply to complying development. However, it is assumed that this omission was unintentional and would not have foreseen the scale of complying development expected within the Williamstown SAP.

Given the critical importance of the Tomago Sandbeds and aquifers which are nearby and provide a significant proportion of the Hunter region's drinking water, HWC have advised that a referral process needs to remain for the Williamstown SAP similar to the current provisions of section 51. Such a referral should occur prior to an APC being issued and could implement the drinking water catchment maps currently contained within PSLEP 2013, shown in Figure 10.

Suggested provisions to be included within the Activation Precincts SEPP are provided in Table 7. The key changes from the existing HWA wording relate to the referral timeframe and are suggested in order to ensure APCs can be issued within 30 days of lodgement:

- The requirement for the issuing authority to refer applications to the HWC within 2 days of receipt of an application, instead of 7; and
- The issuing authority to assume that there is no submission by the HWC if nothing is received within 14 days, as opposed to the 21 days currently provided.

The latter point above is a starting point needing discussion with the HWC with a view to developing efficient referral practices whilst ensuring the necessary review can take place.

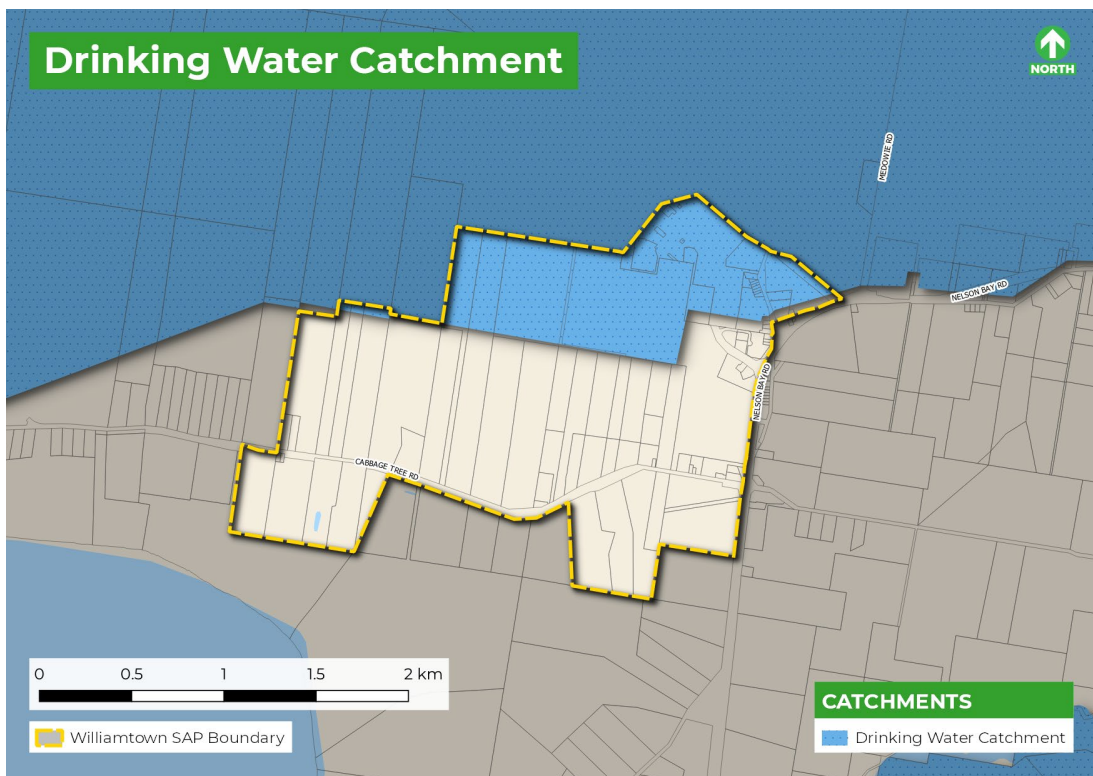


Figure 10 Current drinking water catchment defined by PSLEP2013

Source: Mecone using data provided by Port Stephens Council

Table 7. Recommended Drinking Water Catchment development controls

Suggested Activation Precincts SEPP Provisions	Additional Requirements
<p>(1) This clause applies to development on land shown on the Drinking Water Catchment Map.</p> <p>(2) The issuing authority must, within 2 days of the receipt of the application, give the Hunter Water Corporation notice of the application.</p> <p>(3) The issuing authority must take into account any submissions made by the Hunter Water Corporation in relation to the application in determining whether to consent to the application or to attach conditions to Activation Precinct Certificate.</p> <p>(4) The issuing authority may assume that the Hunter Water Corporation has no submissions to make in relation to an application of which notice has been given under this section if no such submissions are received by the issuing authority within 14 days after the notice was given to the Hunter Water Corporation.</p>	<ul style="list-style-type: none"> • Include a Drinking Water Catchment Map within Activation Precincts SEPP. • Identify streamlined referral process for certain land uses which are anticipated to have a negligible impact.

5.3.3 Aircraft operations

Development controls and safeguards for development in proximity to the RAAF Base Williamtown and Newcastle Airport are necessary to ensure that land use and development do not hinder or impact the ongoing, safe and efficient operations of the RAAF Base and airport, and likewise, to minimise the impacts to land uses and development against aeronautical operations (e.g., noise). Consequently, applicable development controls and safeguards are to be incorporated within the Activation Precincts SEPP and Master Plan.

In identifying potential development controls/standards, a review of the relevant controls within Australian Standard (AS) 2021, *the National Airports Safeguarding Framework* (Australian Government), *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (the Aerotropolis SEPP), PSLEP 2013 and Port Stephens Development Control Plan (PSDCP 2014) have been undertaken.

In addition, consultation and discussion with the Australian Department of Defence (Defence) also occurred through the EbD. Notably, Defence indicated that the aeronautical safeguards identified within the Aerotropolis SEPP were relevant to the Williamtown SAP and would largely need to be addressed within the planning framework.

An overview of applicable aeronautical safeguards is provided below and recommended development controls and considerations for inclusion within the planning framework for the Williamtown SAP as outlined in Table 8. We recommend these provisional controls be discussed in further detail with Defence prior to the finalisation of the Williamtown SAP.

Aircraft noise

When considering the acceptability of development in proximity to an airport or aerodrome, it is important to consider the type of building proposed and the Aircraft Noise Exposure Forecast (ANEF) in which it is located.

AS 2021 outlines standards which relate to aircraft noise and building siting and construction. Table 2.1 of AS 2021 (excerpt provided in Figure 12) identifies building types as 'acceptable', 'conditionally acceptable' or 'unacceptable' based on the ANEF zones in which they are located and the sensitivity of the land use. For example, it is 'unacceptable' for a residential dwelling or educational establishment to be within an ANEF zone greater than 25, but it is 'acceptable' for light industrial buildings to be in zone of up to 30.

All of the Williamtown SAP is identified within an ANEF contour of 20 – 25 or higher with most land with a contour of ANEF 25-30 or higher, as shown in Figure 11. Appropriate controls related to aircraft noise are recommended for incorporation within Master Plan, and Delivery Plan as outlined in Table 8.

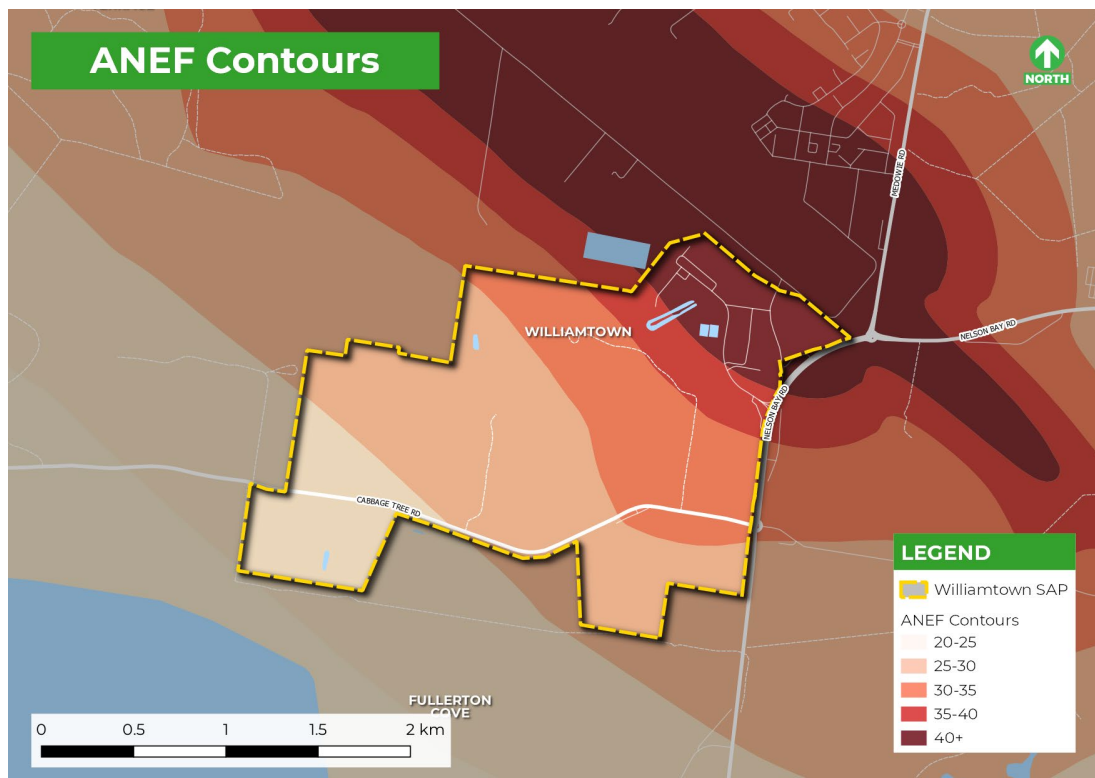


Figure 11 ANEF contours for the Williamtown SAP

Source: Mecone using data provided by Port Stephens Council

TABLE 2.1
BUILDING SITE ACCEPTABILITY BASED ON ANEF ZONES
(To be used in conjunction with Table 3.3)

Building type	ANEF zone of site		
	Acceptable	Conditionally acceptable	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

NOTES:

- 1 The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Because of this, the procedure of Clause 2.3.2 may be followed for building sites outside but near to the 20 ANEF contour.
- 2 Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate (see also Figure A1 of Appendix A).
- 3 There will be cases where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building (e.g. an office in an industrial building). In these cases Table 2.1 should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3.
- 4 This Standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered.
- 5 In no case should new development take place in greenfield sites deemed unacceptable because such development may impact airport operations.

Figure 12 Table 2.1 Building Site Acceptability Base on ANEF Zones

Source: AS2021:2015

Airspace operations

To ensure sustainable growth and safety of aircraft and airline passengers, the height of buildings and other structures (such as cranes) surrounding the RAAF Base Williamtown and Newcastle Airport must be managed appropriately. An Obstacle Limitation Surface (OLS) is a tool used to define the airspace surrounding an airport that must be protected from obstacles to ensure the safe operations of aircraft activity in proximity to the airport/aerodrome, particularly during take-off and landing.

Currently, referral mechanisms already required under the Civil Aviation Act are captured in the PSDCP 2014, shown in Figure 13.

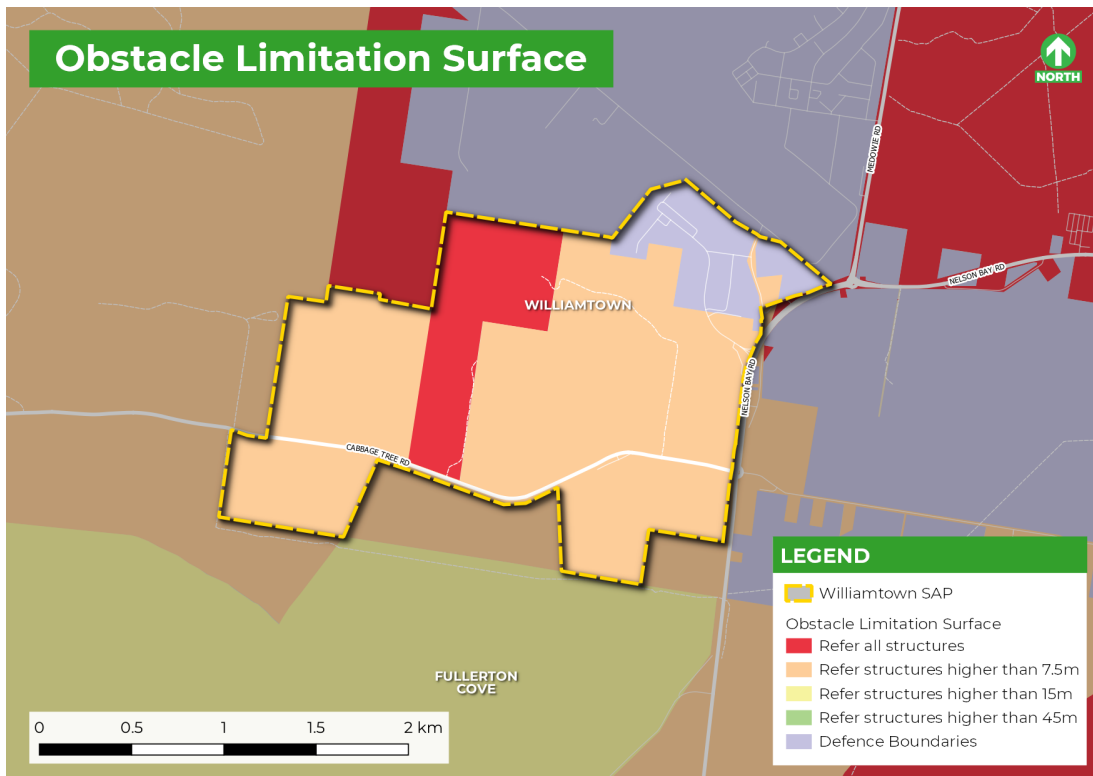


Figure 13 Obstacle Limitation Surface Map for the Williamtown SAP

Source: Mecone using data provided by Port Stephens Council

In order to ensure the safe operations and future growth of RAAF Base Williamtown and Newcastle Airport is not compromised, land use planning and development controls must also be implemented into the Activation Precincts SEPP and accompanying documents. Additional mitigation and monitoring controls including obstacle monitoring surveys should be addressed within the Master Plan and or Delivery Plan in collaboration with the Department of Defence and Newcastle Airport.

Recommended provisions and controls are outlined in Table 8.

Wildlife hazard

Some development has the potential to attract wildlife including birds which may present a risk to airport operation and safety. These include agricultural produce industries, aquaculture, eco-tourist facilities, plant nurseries and recreational facilities.

Mitigation measures for permissible developments within the Williamtown SAP including recreational facilities and sewage works should be identified to manage the risk of wildlife to the operation of the airport. This may include measures relating to waste management, landscaping, grass, fencing, stormwater, wetland and water areas.

It is recommended that provisions and controls for the Activation Precincts SEPP and Master Plan be developed in line with the Aerotropolis SEPP and PSDCP 2014 as outlined in Table 8.

NB: The following is the full list of items captured under the replica clause of the Aerotropolis SEPP:

- Agricultural produce industries
- Aquaculture
- Camping grounds
- Eco-tourist facilities
- Garden centres
- Intensive livestock agriculture
- Intensive plant agriculture
- Livestock processing industries
- Plant nurseries
- Recreation facilities (major)
- Recreation facilities (outdoor)
- Sewage treatment plants
- Waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste
- Water storage facilities.

Only those uses permitted within the Williamstown SAP need to be captured in the relevant clause for Williamstown. Should the list of permissible uses within the Williamstown SAP expand to include any more of the above, the SEPP clause will need to be updated accordingly.

Lighting

Aeronautical ground lights, such as runway and approach lights, are vital in enabling pilots to align their aircraft with the runway in use, and it is extremely important that lighting in the vicinity of airports does not compromise airport operations. Accordingly, development controls and measures are required to manage light spill within the Williamstown SAP, which would be similar to those already captured under the PSDCP 2014 replicated in Figure 14.

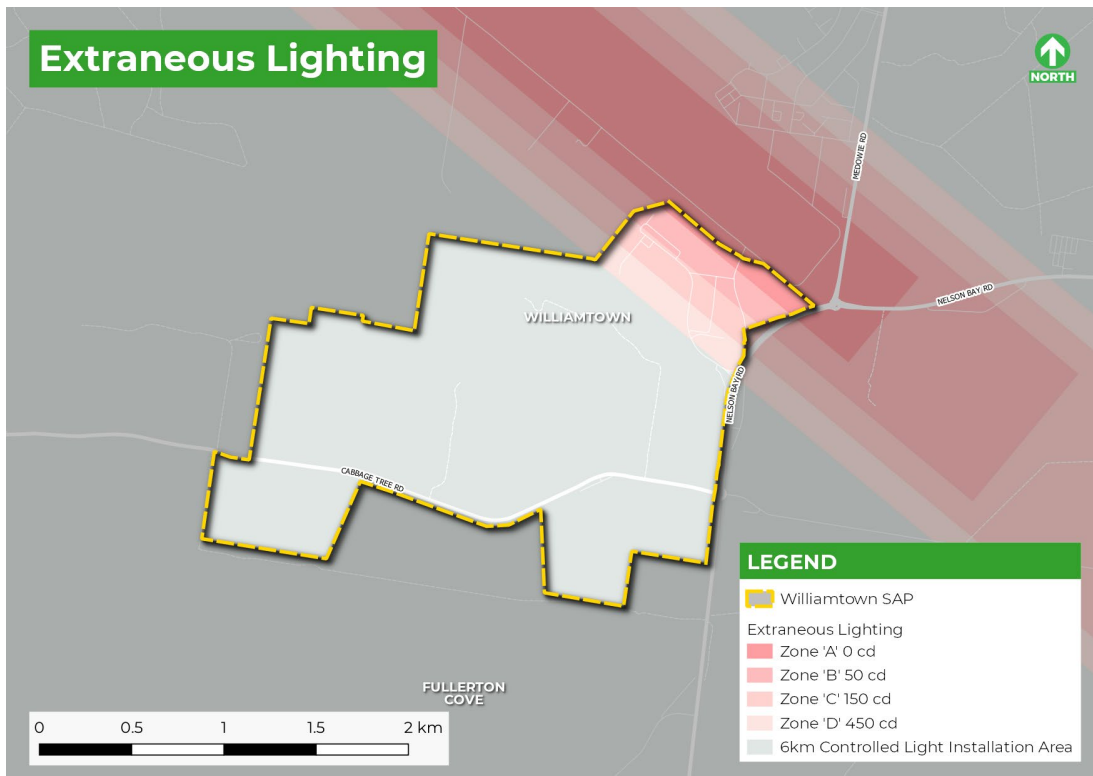


Figure 14 Extraneous lighting map

Source: Mecone using data provided by Port Stephens Council

Additionally, certain development such as those identified in clause 23(1)(2) of the Aerotropolis SEPP (e.g., classified roads, heavy industrial storage establishments, external lighting associated with construction works), should be referred to the relevant Commonwealth body prior to address any safety risks to the RAAF Base and airport.

It is recommended that provisions and controls for the Activation Precincts SEPP and Delivery Plan be developed in line with those captured under the Aerotropolis SEPP and PSDCP 2014 as outlined in Table 8.

Wind shear and turbulence

Building generated windshear and turbulence relates to rapid and irregular changes in wind speed and/or direction. It becomes an issue when a significant obstacle, such as a building, is located in the path of a crosswind to an operational runway causing crosswind speeds to vary along the runway and presenting a considerable safety risk to airport operations.

The *National Airports Safeguarding Framework; Guideline B: Managing Building Generated Windshear and Turbulence 2018* (Australian Government), and the Western Sydney Aerotropolis SEPP identify that development consent must not be granted for development which penetrates the 1:35 surface unless the relevant Commonwealth body has been consulted. The 1:35 surface is a general rule adopted in Australia based on one developed in the Netherlands, used to manage building development in proximity to airport/aerodrome.

It is recommended that this development control be included within the Activation Precincts SEPP for Williamstown SAP to manage development which may pose a potential risk to building generated windshear/turbulence. Recommended provisions for inclusion within the Williamstown SAP are outlined in Table 8 which are in line with the Western Sydney Aerotropolis SEPP provisions.

Additionally, further controls will be needed within the Master Plan and Delivery Plan to manage the risk of building generated windshear/turbulence in line with the *National Airports Safeguarding Framework; Guideline B: Managing Building Generated Windshear and Turbulence 2018* (Australian Government) including requirements for expert assessment reports to be prepared instances where a proposed development penetrates the 1:35 surface.

It is recognised that cross wind impact may also be overcome through careful consideration of subdivision and block layout through development of the masterplan.

Wind turbines

Tall structures such as wind turbines and wind monitoring towers present obstacles to airport operations, particularly in proximity to an airport or aerodrome where aircrafts fly at lower altitudes in order to take off and land.

The Aerotropolis SEPP prohibits development for wind turbines and wind monitoring towers within 3km of the airport. This same distance from the runway at Williamstown broadly covers the entirety of the Williamstown SAP. Consequently, wind turbines are recommended to be prohibited in full, with no need for any other planning controls.

Public safety area

Public safety areas are designated areas of land at the end of airport runways within which development is restricted in order to control the number of people on the ground at risk of injury or death in the event of an aircraft on take-off or landing.

Development within public safety areas should not increase risk to public safety from an aircraft accident near the ends of the runways. Therefore, changes in land use should avoid the following:

- Increase in numbers of people living, working or congregating in public safety areas, or
- The use of noxious or hazardous materials.

Based on consultation with Defence during the EbD, it is understood that the Williamstown SAP does not fall within the public safety area for the airport, hence no specific provisions are required in the planning framework.

Table 8. Recommended Aeronautical Safeguards

Aeronautical Safeguard	Suggested Activation Precincts SEPP Provisions	Additional Requirements
Aircraft Noise	<p>(1) The objectives of this clause are—</p> <ul style="list-style-type: none"> (a) to prevent certain noise sensitive development on land near RAAF Base Williamtown Airport, and (b) to minimise the impact of aircraft noise for other noise sensitive development, and (c) to ensure that land use and development near the RAAF Base Williamtown Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient operation of that Airport. <p>(2) This clause applies to all land within the Williamtown Special Activation Precinct</p> <p>(3) Before issuing an Activation Precinct Certificate, the issuing authority—</p> <ul style="list-style-type: none"> (a) must consider whether the development will result in an increase in the number of people affected by aircraft noise, and (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015. <p>Aircraft Noise Levels used to determine the required Aircraft Noise Reduction must be obtained from the Department of Defence.</p> <p>(3) In this clause—</p> <p>ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the RAAF Base Williamtown Airport prepared by the Department of the Commonwealth responsible for airports.</p>	<ul style="list-style-type: none"> • Include Noise Exposure Forecast Contour Map within Master Plan. • Prohibit development for the purposes of residential accommodation within the Williamtown SAP.

Table 8. Recommended Aeronautical Safeguards

	<p>AS 2021—2015 means AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting and construction.</p> <p>indoor design sound levels means the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting and construction.</p> <p>noise sensitive development means development for the following purposes—</p> <ul style="list-style-type: none"> (a) centre-based child care facilities, (b) educational establishments, (c) exhibition homes, (d) exhibition villages, (e) funeral homes, (f) hospitals, (g) information and education facilities, (h) places of public worship, (i) residential accommodation, (j) respite day care centres, (k) school-based child care (other than in an existing school). 	
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Table 8. Recommended Aeronautical Safeguards

Airspace Operations	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide for the effective and ongoing operation of the RAAF Base Williamtown by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,</p> <p>(b) to protect the community from undue risk from that operation.</p> <p>(2) This clause applies to development which will penetrate the obstacle limitation surface on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth</p> <p>Note—Controlled activities include the construction or alteration of buildings or other structures that penetrate the prescribed airspace. Controlled activities cannot be carried out without an approval under Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.</p> <p>(3) An Activation Precinct Certificate must not be issued to development to which this clause applies unless—</p> <p>(a) the issuing authority has consulted the relevant Commonwealth body, and</p> <p>(b) the relevant Commonwealth body advises the issuing authority that—</p> <p>(i) the development will penetrate the prescribed airspace but it does not object to the development, or</p> <p>(ii) the development will not penetrate the prescribed airspace.</p> <p>(4) An Activation Precinct Certificate must not be granted to development to which this clause applies if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be carried out.</p>	<ul style="list-style-type: none"> • An Obstacle Limitation Surface Map is to be included within the Activation Precincts SEPP.
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Wildlife hazards	<p>(1) The objective of this clause is to regulate development on land surrounding the RAAF Base Williamtown Airport where wildlife may present a risk to the operation of the Airport.</p> <p>(2) This clause applies to all land within the Williamtown Special Activation Precinct</p> <p>(3) An Activation Precinct Certificate must not be issued for relevant development unless the issuing authority—</p> <ul style="list-style-type: none"> (a) has consulted the relevant Commonwealth body, and (b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes— <ul style="list-style-type: none"> (i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and (ii) whether any of the wildlife is a threatened species, and (iii) a description of how the assessment was carried out, and (c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to— <ul style="list-style-type: none"> (i) waste management, landscaping, grass, fencing, stormwater or water areas, or (ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets. <p>(4) In this clause, relevant development means development for the following purposes—</p> <ul style="list-style-type: none"> (a) aquaculture (b) garden centres (c) plant nurseries (d) water storage facilities. 	<ul style="list-style-type: none"> • Outline mitigation controls within the Master Plan for all relevant proposals (i.e., requirement for Waste management report to be prepared for specified developments). • Identify General Consent Provisions for development types identified with Department of Defence to limit correspondence requirements.
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Table 8. Recommended Aeronautical Safeguards

Lighting	<p>(1) The objective of this clause is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots.</p> <p>(2) An Activation Precinct Certificate must not be issued for the following purposes on land shown on the Lighting Intensity Map unless the issuing authority has consulted the relevant Commonwealth body—</p> <p>(a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—</p> <p>(i) classified roads,</p> <p>(ii) freight transport facilities,</p> <p>(iii) recreation facilities (major),</p> <p>(b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.</p>	<ul style="list-style-type: none"> • A Light Intensity Map is to be included within the Activation Precincts SEPP (input from Department of Defence required) • Include detail within the Master Plan about acceptable lighting outcomes to expediate any referrals. Confirm with Defence if the existing PSDCP 2014 provisions are sufficient. • Identify standard consent conditions for lighting i.e., requirement to comply with CASA Manual of Standards (MOS-139) aerodromes
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Table 8. Recommended Aeronautical Safeguards

<p>Wind Shear and Turbulence</p>	<p>(1) The objective of this clause is to safeguard Airport operations from wind shear and turbulence generated by buildings.</p> <p>(2) An Activation Precinct Certificate must not be granted to the following development unless the issuing authority has consulted the relevant Commonwealth body—</p> <p style="padding-left: 40px;">(a) development on land shown on the Wind Shear Map, and</p> <p style="padding-left: 40px;">(b) development that penetrates the 1:35 surface.</p> <p>(3) For the purposes of this clause, development penetrates the 1:35 surface if the distance from the runway centreline to the closest point of the building is less than or equal to 35 times the height above runway level of the building.</p> <p>Example—</p> <p>A building with a height of 10 metres does not penetrate the 1:35 surface if the building is located more than 350 metres from the runway centreline.</p>	<ul style="list-style-type: none"> • A Wind Shear Map is to be included within the Activation Precincts SEPP (input from Department of Defence required)
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5.3.4 Flooding

The low lying and flood prone nature of the area is identified as a significant constraint for the Williamstown SAP. Consequently, a number of flood management measures have been adopted in the proposed structure plan to achieve a level of flood protection for development. It is recognised that flooding and drainage works could form part of the upfront development through a potential SSD pathway (refer to section 5.4.2 for detailed discussion).

In addition to these flood protection measures, it is recommended that flood planning controls be adopted within the Activation Precincts SEPP for Williamstown SAP which are reflective of the current controls identified under the PSLEP 2013. This will ensure that flood risk can be appropriately managed to minimise site specific flood risks to life and property and avoid adverse cumulative impacts on the surrounding sensitive environment. Suggested provisions to be included within the Activation Precincts SEPP are provided in Table 9.

Table 9. Recommended Flood prone land development controls

Suggested Activation Precincts SEPP Provisions	Additional Requirements
<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. <p>(2) The issuing authority must not issue an Activation Precinct Certificate on land the authority considers to be within the flood planning area unless the issuing authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. <p>(3) In deciding whether to grant an Activation Precinct Certificate on land to which this clause applies, the issuing authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the impact of the development on projected changes to flood behaviour as a result of climate change, 	<ul style="list-style-type: none"> • A Flood Planning Map is to be included within the Activation Precincts SEPP

Table 9. Recommended Flood prone land development controls

<p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p>Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.</p> <p>flood planning area has the same meaning as it has in the Floodplain Development Manual.</p> <p>Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.</p>	
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5.3.5 Pathways for subdivision

The Codes SEPP contains specific provisions for subdivision. Part 2, Subdivision 38 of the Codes SEPP allows for development such as minor boundary re-alignments or acquisition by government for a public purpose to proceed as exempt development, whilst Part 6 allows for a range of low impact strata and Torrens title subdivisions to be undertaken as complying development. Given the Codes SEPP will not apply to development under the Activation Precincts SEPP, consideration needs to be given to replicating or permitting its subdivision related provisions.

The exempt development provisions contained under Part 2 are appropriate to replicate within the Williamstown SAP. These simply allow for a range of very low impact subdivisions, or creation of lots for public purposes, to take place in a streamlined fashion. The exact provisions suggested for the Williamstown SAP are discussed in Section 5.4.6.

For complying development, Part 6 (the Subdivisions Code) of the Codes SEPP currently allows:

- Under Division 1 - strata subdivision of a building for which development consent or a complying development certificate has been issued, for up to 5 years from the date of consent
- Under Division 2 – Torrens title subdivision of a dual occupancy or multi-dwelling housing.

Division 3 provides that an accredited certifier for subdivision may issue a subdivision certificate, and Division 4 provides standard conditions for which a complying development issued under the Subdivisions Code must be subject to.

It is conceivable that landowners in the future may wish to subdivide industrial estates or commercial buildings for strata purposes in the Williamstown SAP, which is acceptable. The provisions of Division 1 as relevant to industrial development (i.e., Clause 6.1(1)) are therefore considered appropriate to allow within the Williamstown SAP and could be captured within the Activation Precincts SEPP.

We note that this has not occurred within Parkes or Wagga Wagga, and is not proposed within Moree, however it is not clear if this was an intentional omission is intentional. We recommend DPE investigate this further and consider whether other SAPs should also switch on Clause 6.1(1) of the Codes SEPP.

As no residential development is to be permitted within the Williamstown SAP, the provisions of Division 2 are not relevant.

5.3.6 Potentially hazardous or offensive industry

SEPP 33 provides a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage. It defines these as:

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

on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment."

Under the standard instrument framework, where development is considered potentially hazardous or potentially offensive in line with the definitions provided above, it would typically not be undertaken as complying development. Under the SAP framework however, provisions have been established by DPE which enable potentially hazardous and offensive development to proceed as complying development.

The process that will apply to development to which SEPP 33 applies is outlined below²:

1. Pursuant to clause 12(6) of the Activation Precincts SEPP, clauses 12 and 13 of SEPP 33 apply to complying development at the APC stage in the same way that they apply to a development application. This requires a preliminary hazard analysis to be prepared, planning circulars to be considered and land use safety requirements to be met.
2. Pursuant to clause 12(A) of the Activation Precincts SEPP, the Planning Secretary must give approval prior to an APC being issued that the development is suitable for complying development. Only low to medium risk development can be conducted as complying development.
3. Major hazards facilities are not permitted as complying development, and would require a DA.
4. Potentially hazardous development that is high risk is not to be complying development and will require a DA.
5. Conditions for CDC's will include conditions for low and medium risk development which will include fire safety study, emergency plan, and more.
6. Delivery Plans must detail how hazard audits and compliance reports for potentially hazardous developments will be conducted.

² As advised to Mecone by DPE. At the time of writing, changes to the EP&A Regulation and the Activation Precincts SEPP for Wagga Wagga which implement this process have not yet been finalised.

7. Hazard audits must be conducted every 12 months after the commencement of operation and every three years thereafter.

5.3.7 Heritage conservation

The *Non-Aboriginal Heritage Assessment* prepared by ERM (2021) provides an overview of the known non-Aboriginal heritage values within the Williamtown SAP.

The Williamtown SAP is identified as containing two locally listed heritage sites (Devon House [Item 109], and St Saviour's Church [Item 108]) already listed under PSLEP 2013 and one Commonwealth Heritage List site, the RAAF Base Williamtown, immediately adjacent. ERM's assessment includes a recommendation that the two locally listed items be included on the heritage schedule for the Williamtown SAP under the Activation Precincts SEPP.

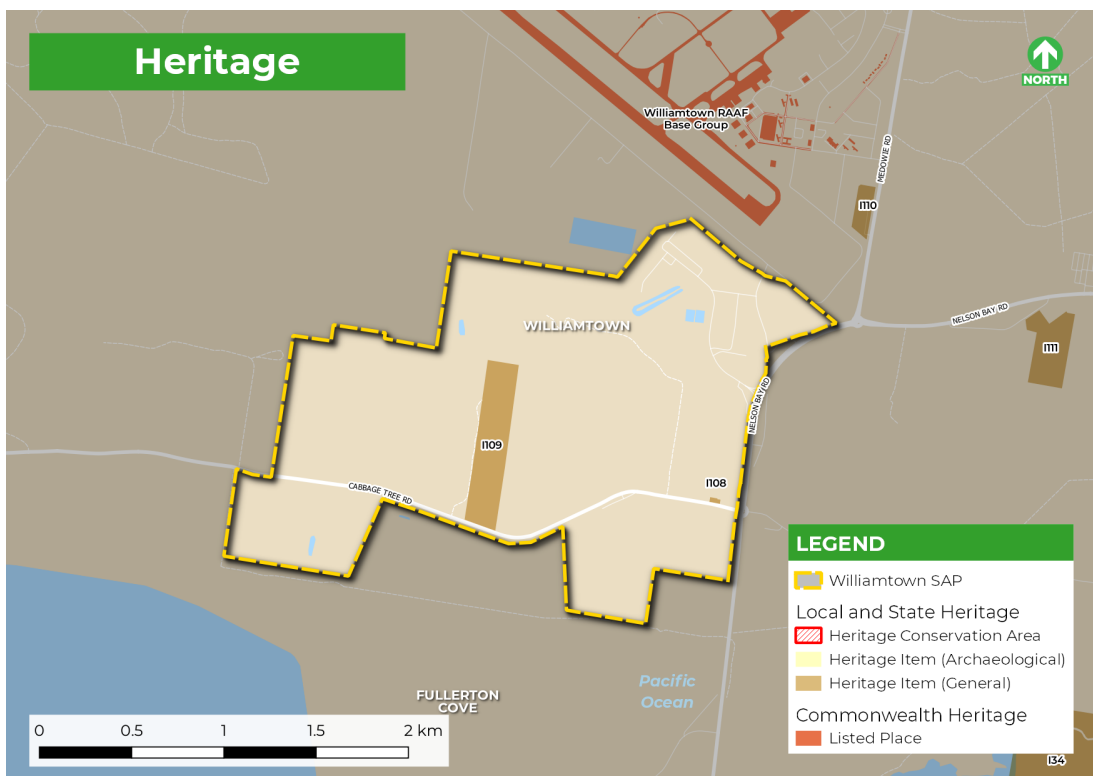


Figure 15 Heritage map

Source: Mecone using data sourced from NSW Government

The suggested provisions are provided in Table 10 and are consistent with other SAPs, with reference made back to clause 5.10 of the PSLEP 2013. Proposed development located within the curtilage of the heritage items will not be able to be undertaken as complying development. Conservation Management Plans for both Devon House and St Saviour's Anglican Church should be undertaken to inform the Delivery Plan and later detailed design phase of the Williamtown SAP.

The ERM assessment also identifies an additional two sites that have potential heritage value: Williamtown Public School and Dawson's Drain. ERM recommend further heritage assessment be undertaken for these two sites to determine their heritage significance. Depending on the findings of the assessment, the two sites

may also need to be incorporated within the Williamstown SAP's heritage schedule and Master Plan as required.

Additionally, in order to protect and manage heritage items, the Master Plan and Delivery Plan for the Williamstown SAP should include appropriate controls including:

- Importance of setting, views, access and the visual and landscape context of the identified heritage places
- Appropriate setbacks and buffer zones between heritage items and future development
- Inclusion of mitigation measures detailed within the *Non-Aboriginal Heritage Assessment*.

Table 10. Recommended Heritage development controls

Suggested Activation Precincts SEPP Provisions						Additional Requirements
(1) Clause 5.10 of Port Stephens Local Environmental Plan 2013 applies to the heritage items specified in the following Table in the same way as it applies to heritage items under that Plan—						<ul style="list-style-type: none"> Develop Conservation Management Plans for both Devon House and St Saviour's Anglican Church to inform the Delivery Plan and later detailed design phases. Outline appropriate controls within the Master Plan to protect and manage heritage significance of items of heritage significance within the Williamtown SAP.
Suburb	Item name	Address	Property description	Significance	Item No.	
Williamtown	St Saviour's Anglican Church, including WWI memorial plaque	12 Cabbage Tree Road	Lot 1, DP 607447	Local	I108	
Williamtown	"Devon House", including former Moxey's slab cottage, dairy, hay shed and slab barn	150 Cabbage Tree Road	Lot 1, DP 832554	Local	I109	
(2) A reference in clause 5.10 of Port Stephens Local Environmental Plan 2013 to the issuing authority is to be read as a reference to the issuing authority for the Williamtown Activation Precinct.						

5.3.8 Bushfire

The majority of the Williamstown SAP precinct is identified as bushfire prone land containing Category 1, 2 and 3 vegetation or associated buffer zones as shown in Figure 16. Consequently, appropriate development controls and standards are to be incorporated within the planning framework to manage this risk on future development.

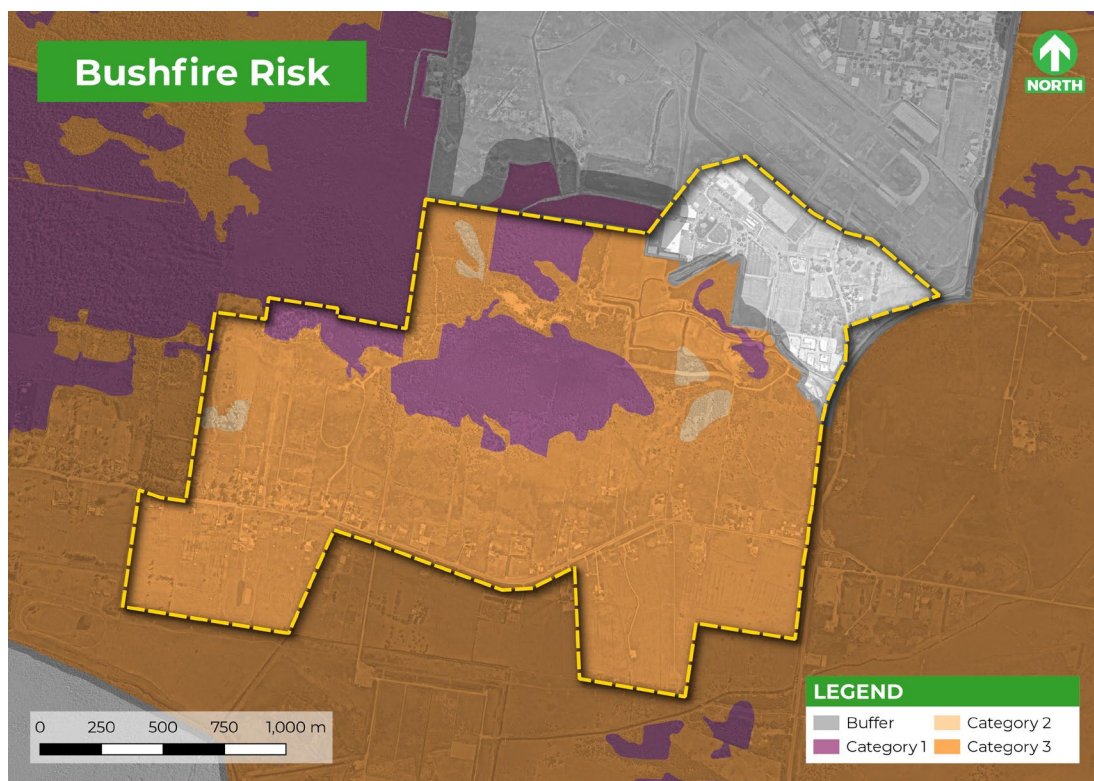


Figure 16 Bushfire prone land map

Source: Mecone informed by NSW Government data

Section 100B(1) of the RFA requires a bushfire safety authority for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes or development of bushfire prone land for a special fire protection purpose (SFPP). In addition, it states that such development is not complying development under the EP&A Act 1979 despite any EPI.

SFPP means any of the following:

- A school
- A child care centre
- A hospital (including a hospital for the mentally ill or mentally disordered)
- A hotel, motel or other tourist accommodation
- A building wholly or principally used as a home or other establishment for mentally incapacitated persons
- Seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

- A group home within the meaning of State Environmental Planning Policy No 9—Group Homes
- A retirement village
- Any other purpose prescribed by the regulations.

Of the above, only child care centres and hotel, motel or other tourist accommodation is anticipated within the Williamstown SAP. Unless land has been cleared and bushfire mapping updated accordingly, these development types will have to be undertaken through the development application process.

The *Bushfire Constraints and Opportunities Report (2021)* prepared by ERM addresses bushfire planning considerations and identifies the constraints and opportunities for the Williamstown SAP. The report identifies that provisions similar to those described in clause 5A.29 of the Codes SEPP be included within the Activation Precincts SEPP as they are consistent with existing provisions for assessing complying development applications within bushfire prone areas. Suggested provisions for inclusion within the Activation Precincts SEPP are provided in Table 11.

Bushfire constraints, particularly vegetation clearing for blocks and asset protection zones (APZs), could be undertaken as part of a 'stage 1' SSD application which would reduce bushfire constraints across the Williamstown SAP for future development. For further detailed discussion, refer to section 5.4.2.

Table 11. Recommended Bushfire prone land development controls

Suggested Activation Precincts SEPP Provisions	Additional Requirements
<p>(1) This clause applies to all development to be carried out on a lot that is wholly or partly bush fire prone land.</p> <p>(2) The development may be carried out on the lot only if—</p> <ul style="list-style-type: none"> (a) the development conforms to the specifications and requirements of Planning for Bush Fire Protection that are relevant to the development, and (b) the lot has direct access to a public road, or a road vested in or maintained by the Development Corporation or Port Stephens Council, and (c) a reticulated water supply is connected to the lot, and (d) a fire hydrant is located less than 70m from the location on the lot of the proposed development, and (e) mains electricity is connected to the lot, and (f) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2014, The storage and handling of LP Gas and the requirements of relevant authorities (such as the requirement that metal piping be used), and (g) any gas cylinders on the lot that are within 10m of a dwelling— <ul style="list-style-type: none"> (i) have their release valves directed away from the dwelling, and (ii) are enclosed on the hazard side of the installation, and (iii) have metal connections to and from the cylinders, and (h) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to any dwelling on the lot or an adjoining lot. <p>Note— The requirements relating to the construction of buildings in bush fire prone areas set out in the Building Code of Australia also apply.</p>	<ul style="list-style-type: none"> • Bushfire Prone Land mapping within the Master Plan.

5.3.9 Contamination and the application of SEPP 55

Categorisation of Remediation work

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land, defining two different categories of contamination under clauses 9 and 14, respectively:

Category 1 remediation work: work needing consent

SEPP 55 states the following in relation to category 1 remediation work, which requires development consent:

"For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14(b) applies) that is

- (a) designated development, or*
- (b) carried out or to be carried out on land declared to be a critical habitat, or*
- (c) likely to have a significant effect on a critical habitat or a threatened species, population or ecological community, or*
- (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or*
- (e) carried out or to be carried out in an area or zone to which any classifications to the following effect apply under an environmental planning instrument—*
 - (i) coastal protection,*
 - (ii) conservation or heritage conservation,*
 - (iii) habitat area, habitat protection area, habitat or wildlife corridor,*
 - (iv) environment protection,*
 - (v) escarpment, escarpment protection or escarpment preservation,*
 - (vi) floodway,*
 - (vii) littoral rainforest,*
 - (viii) nature reserve,*
 - (ix) scenic area or scenic protection,*
 - (x) wetland, or*
- (f) carried out or to be carried out on any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council for any local government area in which the land is situated (or if the land is within the unincorporated area, the Minister)."*

Clause 12 of SEPP 55 provides that, "The consent authority must not refuse development consent for a category 1 remediation work unless the authority is satisfied that there would be a more significant risk of harm to human health or some other aspect of the environment from the carrying out of the work than there would

be from the use of the land concerned (in the absence of the work) for any purpose for which it may lawfully be used".

Category 2 remediation work: work not needing consent

Category 2 remediation work, which does not need consent, is a remediation work that is not a work of a kind described in clause 9(a)–(f) above.

Remediation under the SAP framework

The SAP will result in no changes to how remediation work is characterised by SEPP 55, with category 1 remediation continuing to require development consent in order to be undertaken. As such, in the event remediation work is identified as category 1, development consent through either a development application or SSD application will be required for this work.

In addition, contamination and remediation (whether category 1 or category 2) is required to be considered within the SAP in accordance with Clause 12(6) of the Activation Precincts SEPP which states the following:

"...clause 7 of State Environmental Planning Policy No 55—Remediation of Land apply to an application for an Activation Precinct certificate that relates to complying development in the same way as they apply to an application for development consent."

Clause 7 of SEPP 55 requires a consent authority (or the RGDC within the SAP) to not consent to the carrying out of development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

5.3.10 Existing PSLEP 2013 provisions to retain

The PSLEP 2013 contains some provisions that provide high level development considerations and allowances. Many of these are worthy of either direct replication within the proposed Williamstown SAP SEPP.

Table 12. Retention of existing PSELP 2013 provisions	
Clause	Justification
2.6 Subdivision – consent requirements	<p>Will ensure that subdivision applications require development consent, including complying development.</p> <p>Note that subclause (2) applies to secondary dwellings and is not needed for replication.</p>

Table 12. Retention of existing PSELP 2013 provisions

2.7 Demolition requires development consent	Will ensure that demolition requires development consent (unless specified as exempt development elsewhere).
2.8 Temporary use of land	Clause 2.8 provides flexibility by allowing temporary uses (up to 52 days) for uses that are otherwise prohibited. This is an important provision which is established within many EPLs.
5.1 Relevant acquisition authority	To be applied to any land that needs to be acquired by a public authority, such as roads or drainage channels.
5.8 Conversion of fire alarms	Provides the ability for quite specific types of development associated with fire alarm conversion to be undertaken as complying development.
5.11 Bush fire hazard reduction	Will allow for bushfire hazard reduction works (as authorised under the <i>Rural Fires Act 1997</i>) to be undertaken without development consent.
7.9 Wetlands	Will ensure that appropriate consideration is given to the preservation and protection of wetland areas.

A new clause in line with similar provisions of the Parkes and Wagga Wagga SAPs is suggested, as per below:

"Clauses 2.6–2.8, 5.1, 5.8, 5.11 and 7.9 of Port Stephens Local Environmental Plan 2013 apply to land in the Williamstown Activation Precinct in the same way as they apply to land to which that Plan applies."

5.4 Planning pathway recommendations

5.4.1 Complying development

A key objective for all SAPs is to create a streamlined planning pathway where most uses are permissible as complying development.

Given that many industrial and commercial uses would ordinarily require a development application currently, measures and standards are needed within the Activation Precincts SEPP and Master Plan to minimise the potential impacts of increased complying development. The following sections identify key considerations needing to be addressed to ensure that complying development can be undertaken safely and appropriately within the Williamstown SAP.

Key provisions controlling complying development

In order for development to be carried out as complying development, DPE must be satisfied that site conditions and the anticipated outcome are acceptable. Under the Codes SEPP currently, a range of standards apply limiting where complying

development can be carried out, though these will not apply to the Williamstown SAP. Similarly, the existing Parkes Schedule and the proposed Wagga Wagga and Moree Schedules of the Activation Precincts SEPP each contain unique standards as to where and when permitted land uses can be progressed as complying development.

In determining whether similar standards should control the complying development pathway within the Williamstown SAP, we undertook a review of those which apply currently in the Codes SEPP, under the Parkes SAP, and the draft provisions for the Wagga Wagga and Moree SAPs whilst considering the unique environmental circumstances of Williamstown. The suggested provisions are contained in Table 13 on the following page.

Whilst similar to the provisions found in the aforementioned instruments, key differences are that development for or associated with 'air transport facilities' or 'centre-based childcare' are not recommended as complying development. A list of 'hazardous industry' types, as defined in ERM's *Bushfire Assessment Report*, have also been included as a list of items not permissible as complying development, if located on bushfire prone land.

Table 13. Key provisions to control CDC within Williamstown SAP

Suggested Activation Precincts SEPP Provisions	Additional Requirements
<p>(1) Development that is permitted with development consent on land within the Williamstown Activation Precinct is complying development if the development is carried out in compliance with the development standards specified in this clause.</p> <p>(2) Despite subclause (1), development for the purposes of air transport facilities, airstrip, helipad, electricity generating works or centre-based child care facilities is not complying development.</p> <p>(3) To be complying development, the development must—</p> <ul style="list-style-type: none"> (a) meet the relevant provisions of the <i>Building Code of Australia</i>, and (b) in the case of development other than for the purposes of environmental protection works or recreation areas—not be carried out on land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Williamstown Activation Precinct Environmentally Sensitive Areas Map, and (c) not be located on Commonwealth Land, and (d) not be carried out on land on which a heritage item or Aboriginal object is located or that is within a heritage conservation area or Aboriginal Place of heritage significance, and (e) not penetrate the Obstacle Limitation or Operations Surface unless there is evidence of concurrence from the relevant Commonwealth body, and (f) not be located on bushfire prone land for a special protection purpose as defined by s100B of the Rural Fires Act 1997, and (g) not be located on bushfire prone land for any of the below purposes: <ul style="list-style-type: none"> (i) electricity generating works (ii) sawmill or log processing works (iii) waste disposal facility (iv) liquid fuel depots (v) hazardous industry and/or hazardous storage establishment (vi) chemical industries / storage (vii) service stations (viii) ammunition storage / manufacture (ix) fireworks manufacture / storage. (h) not be located in drinking water catchment identified in any other environmental plan unless concurrence has been provided by Hunter Water, and (i) not be for the purpose of remediation work within the meaning of State Environmental Planning Policy No 55—Remediation of Land, and (j) not be located on land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997, and 	<ul style="list-style-type: none"> • Prepare environmental sensitive areas map for inclusion within Activation Precincts SEPP

Table 13. Key provisions to control CDC within Williamtown SAP

- | | |
|--|--|
| (k) be carried out in accordance with the relevant provisions of the Blue Book, and
(l) not be a major hazard facility.
(m) Be constructed in accordance with AS 2021:2015, Acoustics—Aircraft noise intrusion—Building siting and construction. | |
|--|--|

Implications on complying development under other EPIs

Given the unique vision, aims and objectives of the Williamstown SAP and the distinctive environmental and planning considerations that affect the site, it is recognised that specific development controls and standards are required to manage land uses within the Williamstown SAP.

As such, it is intended that complying development types and applicable standards found within the Codes SEPP will not apply to the Williamstown SAP as is the case with the Parkes SAP and Wagga Wagga SAP. Additionally, whilst no development types are identified in Part 1, Schedule 3 of the PSLEP 2013, complying development identified within the PSLEP 2013 will also not apply to the Williamstown SAP.

Matters needing the development of performance criteria

The following matters will require additional consideration and formulation of appropriate development controls and performance criteria within the future Master Plan in order to protect sensitive land uses and ensure aims and principles within the Williamstown SAP are realised. An outline of the general nature and intent of these performance criteria has been provided however more input from technical specialists will be required.

Table 14. Performance criteria requirements for the Master Plan

Matter	Detail
Visual Character	<p>The Williamstown SAP is located adjacent to Newcastle Airport which is a major domestic and international gateway to the Hunter region. Consequently, landscape and visual character provisions should be identified to ensure the Williamstown SAP supports the intended character for the area. These provisions should include:</p> <ul style="list-style-type: none">• Vision for future character of the Williamstown SAP• Landscaping and tree planting requirements• Any design considerations (i.e., colours, materials, design).
Place and Landscape	<p>Controls and criteria that celebrate aboriginal cultural values and protect significant cultural places and sites. These should include protection of any identified Aboriginal sites and places.</p>
Biodiversity	<p>Controls that complement the environmentally sensitive areas map to preserve the precinct's biodiversity significance, including key habitat areas in particular for the swift parrot and koalas. These may include:</p> <ul style="list-style-type: none">• Areas of high-ecological value are to be retained• All trees and grasslands to be retained where possible• Precinct to provide green infrastructure network.

Table 14. Performance criteria requirements for the Master Plan

Aboriginal Heritage	<p>The Master Plan is to include controls which protect the on-going conservation of non-Aboriginal heritage sites identified within the Williamstown SAP, and where impacts are unavoidable, appropriate mitigation measures are identified. These may include:</p> <ul style="list-style-type: none"> • Requirement for a Heritage Impact Statement to be prepared demonstrating how development preserves and mitigates for the protection of heritage significance • Adjoining development complements and is sympathetic to the heritage significance of heritage items • Development is to respect the importance of setting, views, access and the visual and landscape context of the identified heritage places to be detailed in the Master Plan or Conservation Management Plan • Any changes to non-Aboriginal heritage sites to be guided by Burra Charter Principles
Non-Aboriginal Heritage	<p>Aboriginal items are identified to be located or potentially located within the Williamstown SAP. Controls and provisions will be required to identify when the requirement for an Aboriginal Due Diligence or Aboriginal Cultural Heritage Assessment Reports are required for certain developments and locations, particularly near AHIM sites and in Pleistocene dunes.</p>
Flood	<p>The flood prone nature of most of the Williamstown SAP site is a significant constraint for the Williamstown SAP. As such, key performance criteria are to be developed within the Master Plan to ensure the risks of flooding can be suitably managed to minimise flood risk to life, property and the environment and allow for compatible land uses.</p> <p>These performance criteria may include:</p> <ul style="list-style-type: none"> • Development on flood prone land to demonstrate risks can be suitably managed • Development to be sited, designed and located to mitigate flood risk with consideration of the 2007 DECC Guide for the practical consideration of climate change in floodplain risk management.
Stormwater and Groundwater	<p>Catchments for the Williamstown SAP include a number of different land uses with potential impact to groundwater conditions in the underlying Tomago Aquifer. As such, it is imperative that appropriate controls and performance criteria are identified within the Master Plan to ensure stormwater runoff quality is appropriately managed and to protect ground water resources.</p>

Table 14. Performance criteria requirements for the Master Plan

	<p>These performance criteria may include:</p> <ul style="list-style-type: none"> • Development is to maintain or improve ecological condition of waterbodies including Tomago Sandbeds, • Requirement to restrict groundwater abstractions due to existing PFAS and non-PFAS contamination, • Special measures for all dewatering activities, • Management of acid sulfate soils.
Noise	<p>Given the proximity of the Williamtown SAP to the RAAF Base Williamtown and Newcastle Airport, future development should be located and designed in accordance with NSW EPA noise standards and AS 2021.</p> <p>Proposed uses within the Williamtown SAP also have the potential to make noise from construction, operation and transportation. As such, detailed noise performance criteria is also required to mitigate noise impacts for the precinct including buffer distances and project noise trigger levels.</p> <p>These performance criteria may include:</p> <ul style="list-style-type: none"> • Provisions of appropriate buffer distances for particular noise generating activities • Specific provisions for noise generating development/industry • Cumulative noise management measures • Development and implementation of Noise Management Precinct, to manage cumulative noise impacts • Compliance with EPA noise standards and AS 2021.
Air quality and odour	<p>Air quality and odour performance criteria are required to ensure amenity for workers and nearby residents.</p> <p>These performance criteria may include:</p> <ul style="list-style-type: none"> • Development to be consistent with nominated air quality and odour limits • Air emission and odour producing developments to be separated from sensitive land uses • Development with stacks should be located in preferred stack locations and not impact on operations of RAAF Base Williamtown and Newcastle airport.
Airport/RAAF Base Safeguards	<p>Key safeguards and performance criteria will need to be developed to protect the current and future operations of the RAAF Base Williamtown and Newcastle airport including maximum height of</p>

Table 14. Performance criteria requirements for the Master Plan

	<p>buildings, stacks and plumes and lighting does not compromise the aeronautical operations.</p> <p>These safeguards and performance criteria may include:</p> <ul style="list-style-type: none"> • Building height limit in accordance with OLS. • Framework for windshear, wildlife, lighting, reflectivity and public safety.
Contamination	<p>It is recognised that an Activation Precinct Certificate cannot be issued unless the Issuing authority has considered whether the land is contaminated and is satisfied the subject land is suitable for the proposed development or will be after remediation.</p> <p>Detailed performance criteria and controls should also be identified within the Master Plan to manage contaminated land in accordance with SEPP 55.</p> <p>These safeguards and performance criteria may include:</p> <ul style="list-style-type: none"> • Standard management requirements for PFAS and non-PFAS contamination • Development to be consistent with requirements of clause 7 of SEPP 55.
Bushfire	<p>Complementary bushfire management and mitigation strategies should be developed in order to achieve compliance in accordance with the Planning for Bushfire Protection 2019.</p> <p>These management and mitigation strategies may include:</p> <ul style="list-style-type: none"> • Identifying Asset Protection zones • Landscaping and development to comply with <i>Planning for Bush Fire Protection</i> • Identify requirements for adequate water supply and access roads.
Potentially Offensive/hazardous development	<p>SEPP 33 will continue to apply within the Williamstown SAP for potentially hazardous and offensive development. Performance criteria should be identified in the Master Plan to manage risks in line with the SEPP 33 framework.</p> <p>This may include including a requirement for high risk potentially offensive/hazardous development to require a development application rather than be complying development.</p>
Sustainability	<p>Key performance criteria should be developed in line with the long term sustainability objectives that guide initiatives and development within the Williamstown SAP.</p> <p>These performance criteria controls may include:</p>

Table 14. Performance criteria requirements for the Master Plan

	<ul style="list-style-type: none"> • Minimising impervious development areas • Maximising active transportation participation • Development to be consistent with principles in the UNIDO Eco-Industrial Park framework • Design considerations to be given to climate responsiveness and resilience.
Community facilities	<p>The Master Plan should identify performance criteria to ensure the delivery of social and community infrastructure that meets the growing needs of the community and workers within the Williamstown SAP.</p> <p>These may include requirement within the Master Plan for Issuing Authority to consider how development will contribute to community and infrastructure needs. Additionally, community facilities should be provided that meet growing needs within the Williamstown SAP.</p>
Transport and infrastructure	<p>The Master Plan should clearly identify how enabling and planned infrastructure will be provided within the Williamstown SAP and how it will support future development and activities.</p> <p>Additionally, performance criteria should be developed to ensure impacts to the safe and efficient use of road networks and active transport is considered for future developments.</p> <p>Performance criteria may include:</p> <ul style="list-style-type: none"> • Development to provide operational access and egress for occupants and emergency services • General car parking and loading bay requirements • Consideration of impact on demand on road network for new developments. • Cycling infrastructure (e.g., bicycle parking)
Fire, safety and human health	<p>Additional performance criteria should be included within the Master Plan which ensures hazards such as fire safety and human health are appropriately managed in order to protect people and the environment.</p> <p>These performance criteria may include:</p> <ul style="list-style-type: none"> • Consideration of Fire and Rescue NSW's Safety Guideline – Fire Safety in Waste facilities • Consideration of human health impacts of chemical, physical and microbiological hazards.

Table 15. Performance criteria requirements for the Master Plan or Delivery Plan

Matter	Detail
Built form	<p>General controls and criteria which ensure future development achieves an appropriate built form that is representative of a high quality regional enterprise precinct. These may include:</p> <ul style="list-style-type: none"> • Siting of buildings • Building height <p>General design principles.</p>
Landscaping	<p>Site specific controls which address landscaping which is consistent with biodiversity controls in Master Plan:</p> <ul style="list-style-type: none"> • Landscaping consistent with Native species list for the area; • Requirement for offset tree planting
Flood	<p>Site specific performance indicators are to ensure</p> <ul style="list-style-type: none"> • Building floor levels and flood sensitive equipment/infrastructure is located above the Flood Planning Level <p>Hazardous materials are located above flood planning level</p>
Stormwater and Groundwater	<p>The Delivery Plan is to respond to the principal controls in the master plan</p> <p>These performance criteria may include:</p> <ul style="list-style-type: none"> • Water quality treatments to ensure water potentially containing contaminants is treated before leaving the site <p>Design specifications required to connect to stormwater network</p>
Contribution payments	<p>The Delivery Plan should outline requirements on when contribution payments are to be paid in contributing to the establishment of civil infrastructure, roads and community facilities.</p>

5.4.2 State Significant Development

As outlined earlier in this report, SEPP (SRD) outlines the thresholds for development and infrastructure to be considered SSD or regionally significant. Under clause 8 of SEPP (SRD), a development is declared to be SSD if it requires consent under Part 4 of the EP&A Act, and is a type specified in Schedule 1 or Schedule 2 of the SEPP (SRD).

Development classified as SSD will still require an APC but will be assessed by DPE and subject to the SSD process which includes a scoping phase, issuing of SEARs, the preparation of an EIS, and public consultation.

Development is only expected to be SSD within the Williamstown SAP where it is a permissible use and is captured under Schedule 1 or Schedule 2 of SEPP (SRD) and does not meet the general thresholds for complying development as recommended in Section 5.4.1 above. Overall, this is not expected to result in a large number of applications progressing through the SSD pathway, though examples may include:

- Manufacturing industries (for vehicle, defence, or aerospace industries) with a capital investment value of more than \$30 million dollars, within a mapped Environmentally Sensitive Area (Clause 11 of SEPP (SRD));
- A warehouse of distribution centre with a capital investment value of more than \$30 million (prior to 31 May 2023) or \$50 million (after 31 May 2023) within a mapped Environmentally Sensitive Area (Clause 12 of SEPP (SRD)); or
- Category 1 remediation works on significantly contaminated land required to be carried out by a management order (Clause 24 of SEPP (SRD)).

The benefit of an enabling SSD

Notwithstanding the limited number of developments expected to be classified as SSD, there is merit in exploring the potential for an enabling SSD to be progressed by the RGDC to resolve some of the precinct's challenges, which are likely to be difficult for individual landowners to resolve on a lot-by-lot basis. This 'Stage 1' SSD could for example include:

- Clearing of vegetation, including the resolution of biodiversity offsets,
- Civil works including cut and fill, installation of flooding and drainage infrastructure, and provision of roads,
- Remediation,
- Review minimum lot sizes, and
- Provision of development pads ready for complying development.

The benefit of such an approach is that many of the ongoing challenges which would otherwise be faced by individual proponents caused by bushfire prone land, contamination, and biodiversity offsets, could be resolved upfront by government for the entire precinct.

This is nevertheless a matter of government policy which will require further resolution by DPE. It may require an amendment to Schedule 2 of SEPP (SRD) similar to the below, ensuring that the addition is not inadvertently switched off by clause 9.

5.4.3 Existing Development Consents

There are several existing development consents which apply to land within the Williamstown SAP. Some of these development consents include:

- Tourist Facility, Fast-Food Restaurants and three (3) Lot Subdivision at 21 Cabbage Tree Road (DA 16 - 2013 - 275 – 1), and
- 103-lot subdivision along Williamstown Drive and Cabbage Tree Road (DA 16 - 2009 - 324 - 1).

It is recognised that existing consents can co-exist with any future SSD application (refer to Section 5.4.2 above) which applies to the same land, except for aspects in which they are inconsistent with each other. As such, development under existing consents may continue to be developed as approved despite the legislative changes resulting from the Williamstown SAP.

In the event that a future SSD application would be inconsistent with an existing consent, DPE may wish to seek legal advice to consider how an existing consent may be modified or surrendered to enable the lodgement of an SSD application.

5.4.4 Designated development

Under the EP&A Regulation, high impact developments are identified as 'designated development'. This includes but is not limited to development which is likely to generate pollution, or that is in or near an environmentally sensitive area. Designated development requires an EIS to be prepared and publicly exhibited.

Currently within Parkes and Wagga Wagga, and Moree, designated development has been 'switched off' for a handful of development types, via an amendment to the EP&A Regulation with the effect that these development types become complying development. Mecone was requested to consider similar such provisions for Williamstown.

A review and workshopping of which types of designated development could reasonably be 'switched off' was undertaken with key stakeholders in the development of the Structure Plan. This primarily considered uses most compatible with the Structure Plan outcome and for which, at a high level, it was believed the impacts could potentially be mitigated upfront despite being complying development. This included breweries and distilleries, ceramic and glass industries, chemical industries and works, petroleum works, and contaminated soil treatment works (storage purposes only).

Switching off designated development for any development type is only appropriate where it can be demonstrated that overarching risk can be mitigated through upfront strategic planning. We therefore recommend that DPE seek further specialist advice to ensure there is a detailed understanding regarding the abovementioned uses and their potential impacts at Williamstown, prior to finalising any EP&A Regulation amendment de-classifying them as designated development. This could lead to the development of use-specific controls which could fall into the Master Plan.

Further, we recommend that these de-classified uses not be permitted as complying development on any area of bushfire prone land (noting that almost the entirety of

the Williamstown SAP area is bushfire prone, but that this is expected to change once the site begins to be cleared and mapping is updated).

Finally, it is noted that the de-classification of certain designated development types will not negate the need for these developments to obtain an EPA licence to operate under the POEO. The relevant provisions of SEPP 33 and SEPP 55 will also continue to apply.

5.4.5 Development without consent

The ISEPP facilitates the effective delivery of public infrastructure including roads, railways, water, utilities and more, allowing many of these to be carried out without consent by public authorities.

The introduction of the Williamstown SAP will not impede the ability for works and activities to be undertaken as development without consent under the ISEPP in most cases. However, some works under the ISEPP are restricted to 'prescribed zones', which will not be present within the Williamstown SAP. For example, emergency services facilities carried out by a public service facility are permitted without consent under the ISEPP in prescribed zones which include a range of typical 'urban' zones like the B3 – Commercial Centre, B4 – Mixed Use, or IN2 – Light Industrial Zones, none of which are in the Williamstown SAP.

It is important that the Williamstown SAP does not inadvertently impede agencies' ability to undertake these critical works hence certain provisions within the ISEPP will need to be specifically identified and allowed for under the Activation Precincts SEPP.

In determining these uses, a review of uses under the ISEPP, which are allowed for in a 'prescribed zone', was undertaken, with reference also made to the existing provisions of the Parkes and Wagga Wagga SAPs. The following provisions identified for inclusion under the new Williamstown Schedule of the Activation Precincts SEPP include:

Electricity generating works	- Clause 39(3) exempt development for solar energy systems
Emergency services facilities and bushfire hazard reduction	- Clause 48 Development permitted without consent
Research and monitoring stations	- Clause 91 development permitted with consent, - Clause 92 development permitted without consent
Roads and road infrastructure facilities	- Clause 94 development permitted without consent – general - Clause 95A notification of carrying out of certain development under clause 94 or 95 without consent

Sewerage systems	- Clause 106(3) and 106(3A) development permitted with or without consent
Water supply systems	- Clause 125 development permitted without consent

The proposed wording to be included within the new Williamstown Schedule of the Activation Precincts SEPP is outlined in Table 16.

Table 16. Recommended provisions from Infrastructure SEPP
Suggested Activation Precincts SEPP Provisions
<p>(1) The following provisions of State Environmental Planning Policy (Infrastructure) 2007 apply to land within the Regional Enterprise Zone in the same way as they apply to land within a prescribed zone within the meaning of that Policy—</p> <ul style="list-style-type: none"> (a) clause 27*, (b) clause 39(3), (c) clause 48, (d) clause 91 and 92 (e) clauses 94 and 95A, (f) clause 106(3) and (3A), (g) clause 125 (in respect of land within Regional Enterprise Zone). <p>Note. State Environmental Planning Policy (Infrastructure) 2007 applies to land within the SP2 Special Purpose zone.</p> <p>*Applying to data centres, as discussed in Section 5.1.1 of this report.</p>

5.4.6 Exempt development

Exempt development relates to very low impact development not needing any form of building approval, including an APC. For Williamstown, exempt development is currently controlled under the Codes SEPP which will not apply to the Williamstown SAP. Precinct specific exempt development provisions therefore need to be provided for within the Activation Precincts SEPP.

The following sections identify exempt development types and standards which are recommended for inclusion within the Williamstown SAP. These have been developed based on:

- A review of existing exempt provisions which are permitted within the Schedule 1 of the Activation Precincts SEPP applying to Parkes and Wagga Wagga SAPs
- A review of exempt development provisions under Part 2 of the Codes SEPP to identify specified development and development standards for inclusion within the Activation Precincts SEPP for Williamstown SAP
- Identifying bespoke exempt development provisions to be included for the Williamstown SAP consistent with the provisions identified for Parkes and Wagga Wagga where existing development provisions under Part 2 of the Codes SEPP were not appropriate.

The inclusion of certain exempt development provisions under Codes SEPP and bespoke exempt development provisions have been based on the direction of the other SAPs including Parkes and Wagga Wagga. In order to maintain consistency between the SAP's, the same approach has been recommended for the Williamstown SAP. Notwithstanding, DPE may consider the inclusion of all exempt development provisions under the Codes SEPP be included within the Williamstown SAP for simplicity and to remain consistent with exempt development throughout NSW.

Certain exempt development under Codes SEPP

Despite the Codes SEPP being effectively 'switched off' within SAPs, many development types and standards outlined within Part 2 of the Codes SEPP are appropriate for inclusion within the Williamstown SAP in their current form.

It is recommended that exempt development specified within Table 17 be included within the Williamstown Schedule of the Activation Precincts SEPP only where development:

- Is exempt development for the purposes of the Codes SEPP
- Is not on land identified as within an environmentally sensitive area (to be developed for the Williamstown SAP)
- Complies with clause 20(2)(a)-(f) of the I SEPP.

The two right columns of Table 17 indicate whether the exempt development clause applies to Parkes and/or Wagga Wagga SAP's.

Table 17. Codes SEPP exempt development recommended for Williamstown			
Development purpose	Codes SEPP Clause	Application to Parkes SAP	Application to Wagga Wagga SAP
Automatic teller machines	2.6C and 2.6D	N	Y
Awnings, blinds and canopies	2.9 and 2.10	N	Y
Barbecues and other outdoor cooking structures	2.13 and 2.14	N	Y
Change of use of premises	2.20A and 2.20B	N	Y
Container recycling equipment	2.23, 2.23A and 2.24	N	Y

Table 17. Codes SEPP exempt development recommended for Williamstown			
Driveways and hardstand spaces	2.27 and 2.28	N	Y
Earthworks, retaining walls and structural support	2.29 and 2.30	N	Y
Evaporative cooling units (roof mounted)	2.30A and 2.30B	N	Y
Fences (business and industrial zones)	2.37 and 2.38	N	Y
Flagpoles	2.39 and 2.40	N	Y
Footpaths—outdoor dining	2.40A and 2.40B	N	Y
Hot water systems	2.46A and 2.46B	N	Y
Landscaping structures	2.47 and 2.48	N	Y
Letterboxes	2.49 and 2.50	Bespoke provision provided in Activation Precincts SEPP	Bespoke provision to be provided in Activation Precincts SEPP
Minor building alterations (internal)	2.51 and 2.52	N	Y
Mobile food and drink outlets	2.54A and 2.54B	Y	Y
Pathways and paving	2.55 and 2.56	N	Y
Privacy screens	2.61 and 2.62	N	Y
Shade structures of canvas, fabric, mesh or the like	2.71 and 2.72	N	Y
Shipping containers (temporary installation and use for storage purposes following a bush fire)	2.72A and 2.72B	N	Y

Table 17. Codes SEPP exempt development recommended for Williamstown			
Shipping containers and portable offices (temporary installation and use for existing commercial and industrial purposes)	2.72C and 2.72D	N	Y
Subdivision	2.75 and 2.76	N	Y
Sculptures and artworks	2.77 and 2.78	Y	Y
Waste storage containers	2.78E and 2.78F	Y	Y
Internal signs	2.98 and 2.99	N	Y
Community notice and public information signs	2.100 and 2.101	N	Y
Temporary event signs	2.102 and 2.103	N	Y
Real estate signs	2.104 and 2.105	N	Y
Scaffolding, hoardings and temporary construction site fences	2.109 and 2.110	Y	Y
Temporary builders' structures	2.111 and 2.112	Y	Y
Tents or marquees used for filming purposes and private functions	2.117 and 2.118	Y	Y
Tents, marquees or booths for community events	2.119 and 2.120	Y	Y
Stages or platforms for private functions	2.121 and 2.122	Y	Y
Stages or platforms for community events	2.123 and 2.124	Y	Y

Specific exempt development provisions for Williamstown SAP

Bespoke exempt development provisions are also needed where the full application of Part 2 of the Codes SEPP is not appropriate, or where new development types/standards were not previously identified within the Codes SEPP.

Consistent with the specified exempt development provisions outlined for the Parkes and Wagga Wagga SAPs, Table 18 outlines the recommended exempt development types and standards for Williamstown.

In order for such specified development to be exempt development, it is recommended that the Activation Precincts SEPP requires it to:

- Meet the standards specified for that development outlined in the table
- Not be on land identified as within an environmentally sensitive area (to be developed for the Williamstown SAP)
- Meet the relevant provisions of the *Building Code of Australia*.

Other exempt development provisions which apply for Parkes and/or Wagga SAP's that have been excluded from the Williamstown SAP are provided in Table 20. In each case, the exempt development provisions were not considered to be applicable to the Williamstown SAP or the land uses to be provided within the Williamstown SAP.

Table 18. Specific exempt development provisions recommended for the Williamstown SAP			
Development purpose	Development Standard	Application to Parkes SAP	Application to Wagga Wagga SAP
Access ramps	Must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water.	Y	Y
Aerials, antennae and communication dishes	Must resist loads in accordance with AS/NZS 1170.0:2002, <i>Structural design actions, Part 0: General Principles</i> and AS/NZS 1170.2:2011, <i>Structural design actions, Part 2: Wind actions</i> . Must be anchored by a concrete slab or footing designed in accordance with AS 3600:2018, <i>Concrete structures</i> .	Y	Y
Air-conditioning units	Must not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road. Must not reduce the existing fire resistance level of a wall. Must be designed so as not to operate during peak time at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary.	Y	Y
Bollards	Must not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.	Y	Y
Carports (within the meaning of the Codes SEPP)	Must not have a floor area of more than 100 square metres. Must not involve the construction of a new driveway or gutter crossing unless the consent of the relevant road authority for each opening of a public road required for the development has been obtained under the Roads Act 1993.	Y	Y

Table 18. Specific exempt development provisions recommended for the Williamstown SAP

	Must not be located between the building line and the primary road.		
Demolition of development that would be exempt development if it were being constructed or installed	If demolition involves the removal of asbestos, that removal must be undertaken in accordance with <i>How To Safely Remove Asbestos: Code of Practice</i> , ISBN 978 0 642 33317 9, published by Safe Work Australia in July 2020.	Y	Y
Emergency work and repairs, consisting of the repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in land in the Activation Precinct in an area declared by an order under the <i>State Emergency and Rescue Management Act 1989</i> , section 33 to be an area where a state of emergency exists	<p>Must be carried out within 6 months of the declaration being made.</p> <p>Must not change the configuration of the floor space of the building or structure being repaired.</p> <p>Must not increase the floor space of the building or structure being repaired.</p>	Y	Y

Table 18. Specific exempt development provisions recommended for the Williamstown SAP

Minor external non-structural building alteration, including—			
(a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,			
(b) the replacement of an external window, glazing areas or a door, other than those on bush fire prone land,	Must not reduce the existing fire resistance level of a wall or roof. If located on bush fire prone land, must be adequately sealed or protected to prevent the entry of embers and must use equivalent or improved quality materials.		
(c) the repair to or replacement of a non-structural wall or roof cladding,	Must not affect any existing fire resisting components of the building. Must not involve the use of external combustible cladding.	Y	Y
(d) the installation of a security screen or grill to a door or window or a security door,	Must not affect the means of egress from the building in an emergency.		
(e) the repair to or replacement of a balustrade,			
(f) restumping or repairing structure foundations			

Table 18. Specific exempt development provisions recommended for the Williamstown SAP

without increasing the height of the structure.			
Rainwater tanks (above ground)	<p>Must not have a capacity of more than 25,000 litres.</p> <p>Must be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank.</p> <p>Must be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank.</p> <p>Must be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it.</p> <p>Must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners.</p> <p>Must have a sign affixed to it with a statement to the effect that the water in the tank is rainwater.</p> <p>If reticulated water is provided to the lot—must not be interconnected with any system supplying drinking water to the lot unless it complies with the Council's requirements.</p>	Y	Y
Stairway	<p>Must be constructed in accordance with AS 1657:2018, <i>Fixed platforms, walkways, stairways and ladders—Design, construction and installation</i>.</p>	Y	Y

Table 18. Specific exempt development provisions recommended for the Williamstown SAP

	If it is located on bush fire prone land and is less than 5m from a dwelling—must be constructed of non-combustible material.		
Building identification signage – Williamstown Activation Precinct Only	<p>Must be a business identification sign and must not include advertising of goods or services.</p> <p>Must have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land.</p> <p>Must be approved under section 138 of the Roads Act 1993, if the sign or part of the sign projects over a public road, including a footway.</p> <p>Must not obstruct or interfere with a traffic sign.</p> <p>Must not be located on or in a heritage item or heritage conservation area.</p> <p>Must not be illuminated or flashing.</p> <p>Must be constructed of non-reflective materials.</p>	Y	N

Table 19. Specific exempt development provisions excluded for the WILLIAMTOWN SAP

Development purpose	Development Standard	Application to Parkes SAP	Application to Wagga Wagga SAP
Emergency services facilities—Wagga Wagga Activation Precinct only	<p>Must be carried out by or on behalf of the NSW Rural Fire Service.</p> <p>Must not be constructed or installed on or in a heritage item, heritage conservation area, land on which an Aboriginal object is located or land at or below the flood planning level.</p> <p>Must be located on land in the Rural Activity Zone.</p> <p>Must not have an area of more than 140m².</p> <p>Must not exceed a height of 5m above ground level (existing).</p> <p>Must be located at a distance of at least 20m from the primary road frontage and at least 10m from each other lot boundary.</p> <p>Must not be constructed or installed within 50m of a dwelling.</p> <p>Must be located at least 50m from a natural waterbody.</p> <p>To the extent it is comprised of metal components—must be constructed of low reflective materials and designed and constructed in accordance with a professional engineer's specifications.</p> <p>If it is located on bush fire prone land—must be constructed in accordance with Planning for Bush Fire Protection, ISBN 978 0 646 991 26 9, prepared by the NSW Rural Fire Service in November 2019.</p>	N	Y
Farm buildings (other than stock holding yards, grain silos and grain bunkers)	<p>Must not be used for habitable purposes.</p> <p>Must not include or comprise a stock and sale yard.</p> <p>Must not be roofed.</p> <p>Must be located at least 10m from any road boundary and at least 200m from any other boundary.</p> <p>Must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot.</p> <p>Must be located at least 6m from any other farm building (including any farm building that is a</p>	Y	Y

Table 19. Specific exempt development provisions excluded for the WILLIAMTOWN SAP

	grain silo or grain bunker) on the landholding or on an adjoining landholding. Must be located at least 100m from a waterbody (natural).		
Stock holding yards not used for sale of stock	Must not be used for habitable purposes. Must be located at least 100m from any dwelling. Must be located at least 6m from any other farm building (including any farm building that is a stock holding yard) on the landholding or on an adjoining landholding. Must be located at least 50m from a waterbody (natural).	Y	Y
Grain silos and grain bunkers	Must not have a capacity of more than— (a) for a fuel tank—5,000 L, or (b) for a gas tank—1,000 L. Must be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary. Must be bunded with the capacity to contain at least 110% of the capacity of the tank. Must be located at least 1m from any registered easement, sewer main or water main. For a fuel tank—must be constructed of prefabricated metal, be freestanding and installed in accordance with the requirements of AS 1940:2017, The storage and handling of flammable and combustible liquids. For a gas tank—must be designed and constructed in accordance with the requirements of AS/NZS 1596:2014, The storage and handling of LP Gas by a professional engineer. Note— Other existing legislative requirements still apply in relation to work health and safety issues.	Y	Y
Signage— Parkes Activation Precinct only	Must be a business identification sign and must not include advertising of goods or services. Must have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land. Must be approved under section 138 of the Roads Act 1993, if the sign or part of the sign projects over a public road, including a footway. Must not obstruct or interfere with a traffic sign.	Y	N
Signage— Wagga Wagga Activation Precinct only	Must be a business identification sign or a building identification sign and not include advertising of goods or services. Must have the consent in writing of the owner of the land on which the sign is to be located and, if the sign or part of the sign projects over adjoining land, the consent of the owner of the adjoining land. Must be approved under section 138 of the Roads Act 1993, if the sign or part of the sign projects over a public road, including a footway. Must not obstruct or interfere with a traffic sign. Must be erected at right angles to the wall of	N	Y

Table 19. Specific exempt development provisions excluded for the WILLIAMTOWN SAP

	the building to which it is attached. Must not be illuminated or flashing. Must be constructed of non-reflective materials. Must not be more than 1.5m ² in area. Must not result in more than one building identification sign for the building. Must not result in more than one business identification sign for a business. Must not be located on or in a heritage item or heritage conservation area		
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6 Conclusion

Williamtown is the latest precinct pursued by the NSW Government as a part of its SAP program, which will stimulate the economy and provide opportunities for investment and jobs in regional areas. Through a comprehensive and consultative process, a Structure Plan has been developed for the Williamtown SAP just south of the existing Newcastle Airport and RAAF Base Williamtown, which is intended to facilitate a mix of land uses and support the aerospace and defence industries.

As outlined in this report, and in more detail in several accompanying technical reports prepared by others, the Structure Plan area contains many environmental constraints. Whilst the broad planning framework for SAPs has been established under the Activation Precincts SEPP, there are factors unique to Williamtown which have implications for statutory planning processes and the intent for most development to be complying development, namely:

- The site has known contamination and will need to be remediated or otherwise made suitable for intended development outcomes
- The site is flood prone and will therefore require substantial volumes of cut and fill to minimise ongoing flooding impacts on development
- Much of the land is bushfire prone, meaning certain uses will be unable to, or should not, progress as complying development unless vegetation clearing firstly removes this affectation
- Biodiversity offsets are likely to be required.

This report has provided a number of recommendations with respect to land use permissibility, planning pathways for complying development, SSD, designated development, development without consent, and exempt development, and some more detailed advice regarding how the future framework for the Williamtown SAP could respond to the Hunter Water drinking water catchment, the site's proximity to the airport, potentially hazardous or offensive industry, contamination, heritage, and bushfire.

It is recognised that more detailed 'performance criteria' now need to be developed for the Master Plan and Delivery Plan. This will require ongoing input from the relevant technical specialists in consultation with key stakeholders.



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