



**Planning &
Environment**

DEVELOPMENT APPLICATION ASSESSMENT REPORT

CARWASH FACILITY

130 Cormorant Road, Kooragang

DA 6988



Assessment under Part 4 of the *Environmental
Planning and Assessment Act 1979*

November 2015

ABBREVIATIONS

Applicant	Sovechles Developments Pty Ltd
Consent	The development consent (see Appendix A) for the construction and operation of a carwash facility
Council	City of Newcastle
Department	Department of Planning and Environment
Development	The development as described in the SEE and RTS being for the construction and operation of a carwash facility
Secretary	Secretary, or nominee
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental planning instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
DPI Water	Department of Primary Industries - Water
PON	Port of Newcastle
RMS	Roads and Maritime Services
RTS	Response to Submissions titled ' <i>DA 6988 – 130 Cormorant Road Kooragang (Part Lot 1 DP 1195449) Development Application for proposed Carwash Facility – Response to Matters Raised</i> ' prepared by Sovechles Developments and dated May 2015
SEE	Statement of Environmental Effects titled ' <i>Carwash Facility, 130 Cormorant Road Kooragang (Part Lot 1 DP 1195449)</i> ' prepared by RJ Sinclair Pty Ltd and dated March 2015
SEPP	State Environmental Planning Policy
Three Ports SEPP	<i>State Environmental Planning Policy (Three Ports) 2013</i>

© Crown Copyright November 2015
NSW Department of Planning and Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. INTRODUCTION

Sovechles Developments Pty Ltd (the Applicant) is seeking development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to construct and operate a carwash facility on Kooragang Island which will include one automatic wash bay, six self-service wash bays and four vacuum bays.

1.1. Site Context and Location

The site is located at 130 Cormorant Road, Kooragang Island (Part Lot 1 DP 614718) within the Port of Newcastle Lease Area (See **Figure 1**).

The Port of Newcastle is one of the largest ports in Australia and is the economic and trading gateway for the Hunter Valley and northern NSW. The port handles more than 40 bulk commodities such as coal and grains and is currently the largest coal export port in the world, based on throughput.

Kooragang Island is located immediately adjacent to the Port of Newcastle, and is the main area of industrial activity within the Newcastle region. Kooragang Island currently supports a wide range of major industrial developments including heavy and light industry, transport and distribution and other port related activities. The northern portion of the Island is a nature reserve and forms part of the Hunter Wetlands National Park.



Figure 1: Regional and local context

The closest residences to the site are located approximately 1.4 kilometres (km) south-west of the site in Mayfield North (see **Figure 1**).

The site has been primarily cleared of vegetation and has been vacant and unused for a number of years. The total area of the site is around 2.1 hectares and is bordered by a range of industrial uses (see **Figure 2**) including:

- Boral cement facility, to the north;
- a number of vessel berths associated with coal loading infrastructure, to the south and south-east;
- Sims Metal Management and associated scrapyard to the east;
- BOC Australia facility with associated gas storage infrastructure, to the north east; and

- vacant land immediately to the west with coal loaders further west.



Figure 2: Site location and surrounding land uses

1.2. Approved and Future Developments on the Site

On 3 March 2015, the Director under delegation for the Minister for Planning dated 16 February 2015, approved a service station and food outlet (DA 6563) on the south-east section of the site as shown in **Figure 3**. The service station and food outlet (referred to as Site A) occupies approximately 8,349m² of the site and was approved for the following:

- construction of a service station and food outlet with associated parking, signage and landscaping; and
- installation of services and drainage infrastructure.

The service station and food outlet is currently under construction and due to commence operation in December 2015. In addition to the service station and food outlet, additional uses for the northern and western sections of the site (known as Site B and C) have been planned and will be subject to future development applications to be lodged with the Department. To date, a proposal to construct and operate an industrial unit complex on Site C has been lodged with the Department and the Applicant is preparing a response to submissions report.

The residual land within Site A has an area of around 1,618m² and is the subject of this assessment report being for a carwash facility (see **Figure 3**).

1.3. Need for the Development

The proposed development will complement the existing port activities by providing an additional service to the service station and food outlet. The carwash facility will also provide a service to the local area without affecting any future expansion of the port.

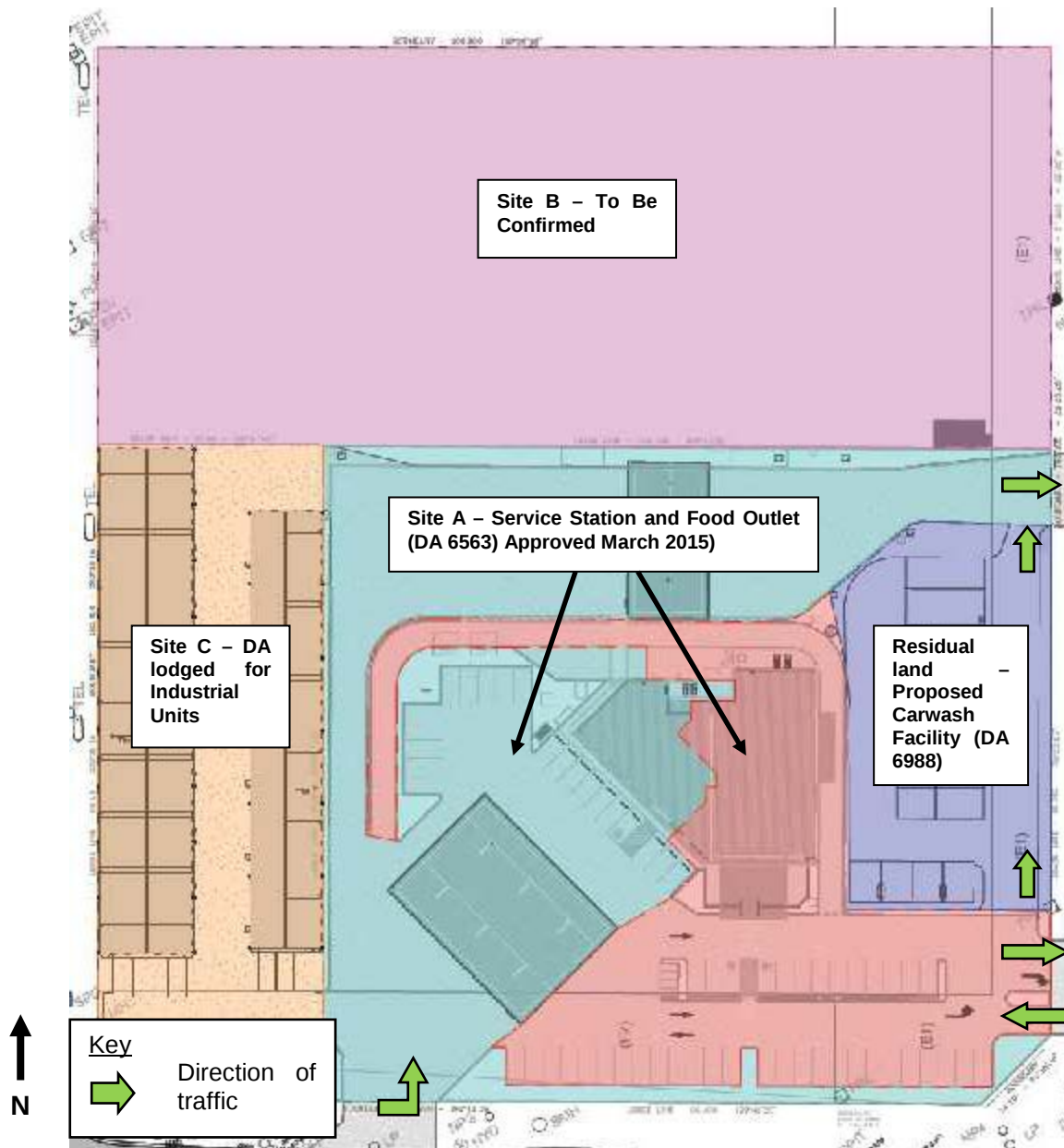


Figure 3: Approved and proposed site uses

2. PROPOSED DEVELOPMENT

The Applicant proposes to construct a new carwash facility which would include:

- an automatic wash bay;
- six self-serve bays and four vacuuming bays;
- rainwater tanks, underground water recycling and sewage discharge tanks; and
- an office with an attached plant room.

The proposed carwash facility is for light vehicles only and consent is sought to operate 24 hours a day, 7 days a week in line with the service station and food outlet. The carwash, plant room and office would occupy approximately 355 m² of the site while the vacuum bays would occupy 108 m² of the site.

The proposed development would employ around 6-10 people during construction and 2 people during operation and would be constructed in a single structure to the east of the site along the boundary with Egret Street.

The carwash operations are summarised in **Table 1** and is described in full in the Statement of Environmental Effects (SEE), see **Appendix D**. The site layout as proposed in the SEE is shown in **Figure 4**. The site layout was amended during the assessment of the proposal and the final site layout is discussed in section 5.

Table 1: Proposed carwash operations

Carwash Operations	Description
Vacuum Bays	The proposed development would include 4 vacuum bays to enable customers to manually vacuum their vehicles.
Manual Wash Bays	The proposed development would include six (6) manual wash bays. Vehicles can access the manual wash bays from the vacuum bays.
Automatic Wash Bay	The proposed development would include a drive through style automatic wash bay
Vehicle Access Arrangements	- Vehicles can access the site using one of two shared driveways approved for the service station food outlet on Cormorant Road and Egret Street (see Figure 3). - As shown in Figure 3, there is one entry point to the carwash at the southern end of the site. Light vehicles can access this entrance point via two ways – enter from Cormorant Road and travel via the service station or via the southern driveway off Egret Street. - Movement through the car wash will be in a one way direction with vehicles exiting onto Egret Street from the northern driveway.

2.1. Water Usage

The proposed development has been designed to use recycled rainwater for the automatic and manual wash options. Potable water will also be used but will be limited to the car rinse process and as top up water when the rainwater volume is low.

Rainwater tanks

The proposed development will include three above ground water tanks to be situated north of the primary structure. The tanks will have a capacity of 10 kilolitres and will be 2.51m in diameter and 2.3m in height. These tanks are designed to collect water from the building roof and guttering for subsequent use in the proposed development.

In the event that tank water levels are low, potable water would be used. However, if all rainwater tanks are full, excess rainwater would be directed into the existing stormwater drainage system for the site, where it will be treated and discharged.

Underground Water Recycling and Sewage Discharge Tanks

The proposed development would also include three underground water storage tanks. Two of these tanks will be used as settlement and recycling tanks for the wastewater collected from the wash bays and the third tank will function as a sewer discharge pit for excess water.

This recycled wastewater is then redirected back into the carwash operations or discharged in the sewer system once treated.

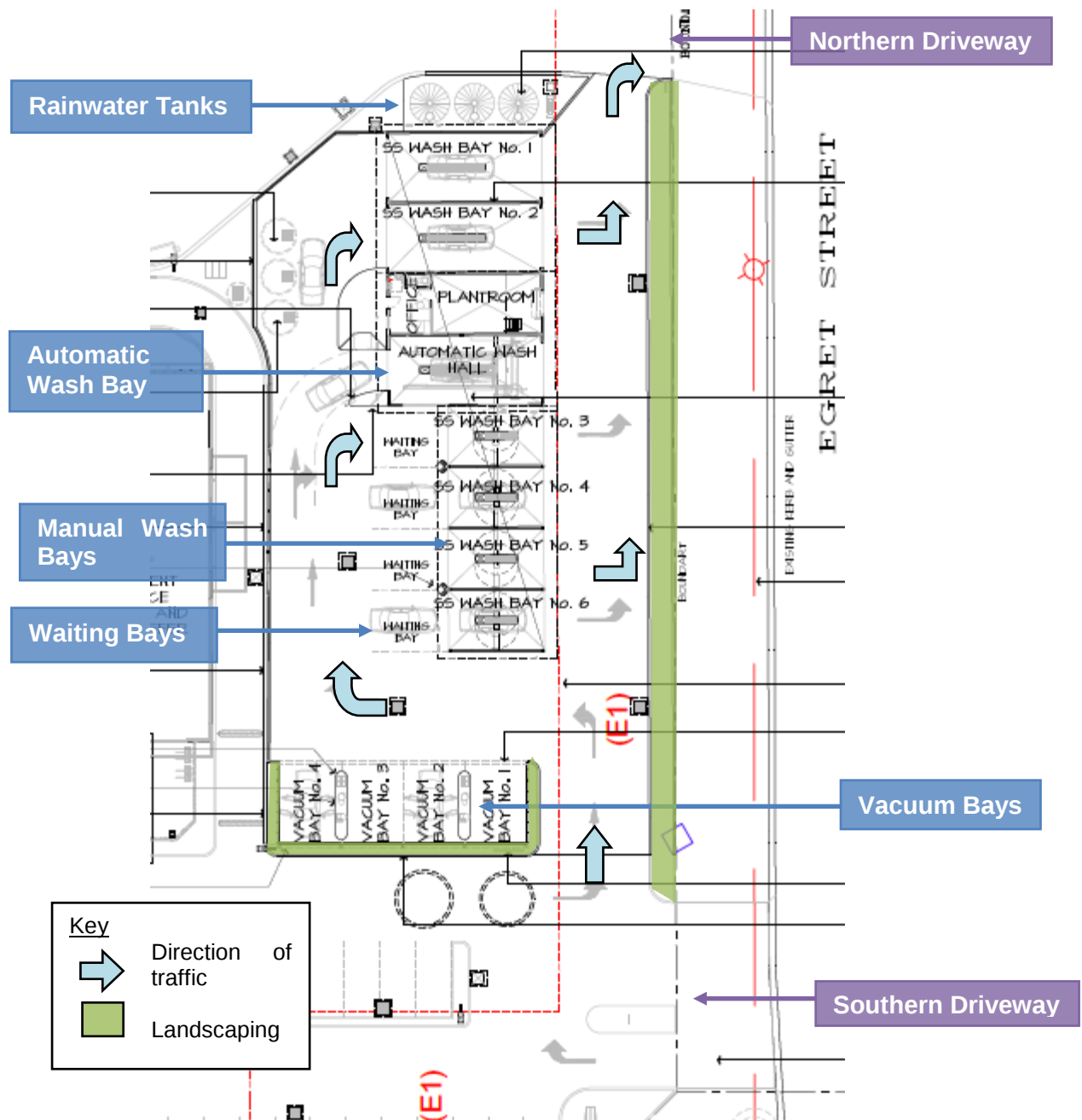


Figure 4: Proposed carwash facility layout (as described in the SEE)

3. STATUTORY CONTEXT AND STRATEGIC CONTEXT

3.1. Part 4 Development

The site is located in the Port of Newcastle Lease Area as defined in *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP).

The Three Ports SEPP was created following the Government's decision to lease the three main ports in NSW to private operators. The Three Ports SEPP provides a streamlined planning and assessment framework for state significant port infrastructure facilities in Port Botany, Port Kembla and Port of Newcastle.

The proposal is classified as a Part 4 development under the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is not considered to be State significant development or State significant infrastructure under the Three Ports SEPP. In addition, the proposal is not considered to be exempt or complying development under the Three Ports SEPP.

As such, the application is considered to be a development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

3.2. Consent Authority

Under clause 8 of the Three Ports SEPP, the Minister for Planning is the consent authority for development on land within the Lease Area or land that is unzoned under the SEPP. As the site is located in the Port of Newcastle Lease Area, the Minister for Planning is therefore the consent authority for the proposed development.

3.3. Delegated Authority

On 16 February 2015, the Minister for Planning delegated responsibility for determination of applications under section 80 of the EP&A Act to Executive Directors who report to the Deputy Secretary, Planning Services where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objection.

The City of Newcastle (Council) did not object to the proposal and no political disclosure statement was made for this application or any previous related application, and no reportable political donation disclosures were made by any persons who have lodged a submission. However, one public submission was made in the nature of objection.

Accordingly, the application is able to be determined by the Acting Executive Director, Key Sites and Industry Assessments, under delegation.

3.4. Permissibility

The site is zoned SP1 (Special Activities) under the Three Ports SEPP.

The proposed development involves the construction and operation of a carwash facility. The development is characterised as a service station being for 'the cleaning of motor vehicles' and under the Three Ports SEPP, service stations are permissible with consent in the SP1 (Special Activities) zone.

3.5. Exhibition and Notification

The application was exhibited in accordance with the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

After accepting the DA and Statement of Environmental Effects (SEE) for the proposal, the Department:

- made it publicly available from Friday 24 April 2015 until Monday 25 May 2015;
 - on the Department's website;
 - at the Department's Information Centre (Bridge Street, Sydney);
 - at the City of Newcastle chambers.
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Council by letter; and
- advertised the exhibition in the Newcastle Herald.

3.6. Considerations under section 79C of the EP&A Act

Under section 79C of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by section 79C.

The Department's detailed consideration of the proposed development against the provisions of section 79C of the EP&A Act is contained in Section 5 and within Appendix B of this report.

3.7. Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI), draft EPI (that has been subject to public consultation and notified under the EP&A Act) and development control plan/s (DCP) that apply to the proposal.

The Department has also assessed the proposal against the relevant provisions of the EPIs that apply to the site, and is satisfied that, subject to the implementation of the recommended conditions of consent, the proposal is generally consistent with the aims, objectives and provisions of these instruments (see **Appendix C**).

3.8. Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 5 of the EP&A Act, and include:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application.

The Department considers that the proposal is generally consistent with the objects of the EP&A Act particularly as the proposal will enable the site to support the surrounding industrial and port related uses while also providing additional employment opportunities for the surrounding area. The Department's assessment in Section 5 of this report demonstrates that with the implementation of recommended conditions of consent, the impacts of the proposal can be mitigated and/or managed to ensure the environment is protected.

3.9. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the proposal have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in section 5 of this report, the proposed development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. As such, the Department considers that the proposed development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

3.10. Strategic Context

Lower Hunter Regional Strategy 2006-31

The *Lower Hunter Regional Strategy 2006-31* (LHRS) is a land use planning document which outlines the provisions for ensuring that sufficient, appropriately placed housing and employment land is available to cater for the region's estimated population growth projections over the next two decades. It is the NSW Government's current key strategic planning document for the Lower Hunter region.

The site is located on land identified as employment land in the LHRS. The proposed development is consistent with the strategy as it is a complementary service to the approved service station and food outlet and would employ around 6-10 people during construction and 2 people during operation in the Newcastle area.

Newcastle Employment Lands Strategy 2013

The Newcastle Employment Lands Strategy was prepared by Hill PDA on behalf of the City of Newcastle. The strategy seeks to identify employment lands in strategic areas in the Newcastle LGA in order to meet the Lower Hunter Regional Hunter Strategy.

The site is located on Kooragang Island which has been identified as strategic industrial land in the strategy. The proposed development is consistent with the strategy as it would provide additional employment opportunities for people in the Newcastle area while also providing complementary services to existing port related activities on Kooragang Island.

4. CONSULTATION AND SUBMISSIONS

4.1. Submissions

During the exhibition period (see Section 3.5), the Department received a total of five (5) submissions, three from government authorities, one submission from the general public and one submission from a private organisation. A summary of the issues raised in submissions is provided below.

One **public submission** was received in the nature of an objection. The public submission raised concerns about potential biodiversity impacts to significant vegetation communities on or near the site.

Port of Newcastle (PON) did not object to the proposed development and noted that it would complement the approved service station and food outlet.

City of Newcastle (Council) did not object to the proposed development but commented on a number of issues including stormwater and sewage requirements of the development and vehicle entry and exit arrangements from the development.

Roads and Maritime Services (RMS) did not object to the proposed development and provided recommendations relating to vehicle access from Cormorant Road to the proposed development and the discharge of stormwater.

Department of Primary Industries - Water (DPI Water) did not object to the proposed development and commented on potential impacts of the development to groundwater resources.

4.2. Response to Submissions

On 16 July 2015, the Applicant provided a response to the issues raised in the submissions (see **Appendix D**). This response has been made publicly available on the Department's website. The Response to Submissions (RTS) report addressed the issues raised by Council, other agencies and the public submission identified in Section 4.1 above.

During the assessment of the proposal, the Applicant redesigned the entry and exit arrangements for the proposed development following additional issues raised by Council and RMS relating to vehicle access. Revised plans were provided to the Department on 12 November 2015. This issue is discussed further in section 5.1.

5. ASSESSMENT

The Department has considered the relevant matters for consideration under section 79C of the EP&A Act, the SEE, issues raised in submissions, and the Applicant's response to these issues in its assessment of the proposal.

The Department considers the key issues associated with the development to be vehicle access and water management which are addressed below. All other issues are considered to be minor and are addressed in **Table 2**.

5.1. Vehicle Access

Issue

Vehicles entering and leaving the site must be appropriately managed to minimise conflicts with other users of the site and to ensure safety along Egret Street and Cormorant Road.

Consideration

The site is located on the corner of Cormorant Road and Egret Street (See **Figure 2**). The proposed development is co-located on the same site as the approved service station and food outlet which is currently under construction and due to commence operation in December 2015.

Cormorant Road is a four lane, two-way divided State road located on the southern boundary of the site. Around 33,000 vehicles travel along Cormorant daily to access Kooragang Island, Nelson Bay and Newcastle Airport. Egret Street is a two lane, two-way divided road located east of the site and is privately managed by PON (see **Figures 5 and 6**).

The proposed development would operate in a one way direction with vehicles entering the development from the south and exiting via the north (see **Figure 4**). It has been designed this way to minimise the potential for traffic conflicts between users accessing the proposed development and vehicles entering and exiting the southern driveway to access the service station and food outlet.

It is anticipated that the majority of vehicles will access the proposed development after visiting the service station and food outlet. Vehicles specifically accessing the proposed development would still be required to use one of the two shared driveways that were approved for the service station and food outlet (see **Figure 3**).

Six waiting bays would also be available within the proposed development to minimise traffic conflicts with the adjoining service station and food outlet. However, in the event that all waiting bays are in use, the SEE indicated that surplus parking spots from the service station and food outlet would be available for vehicles waiting to access the proposed development.

During the assessment of the service station and food outlet DA, Council initially raised concerns about the location of the southern driveway on Egret Street and its proximity to Cormorant Road. The Department held discussions with Council, RMS and Port of Newcastle and agreed that if the southern driveway on Egret Street was moved further north, it could potentially sterilise the use of the residual land on Site A. As such, the current location of the driveway was deemed acceptable as the service station and food outlet was considered to be a low traffic generating development with around 950 vehicles per day predicted to access the service station. RMS and Council both accepted the current location of the southern driveway. Notwithstanding, any future developments within the site would have to be assessed on its merits.

The SEE stated that the proposed carwash development would not add a significant volume of traffic to the site with a maximum of 100 vehicles expected to access the carwash per day (refer to **Table 2** for traffic generation). The SEE also stated that it would be acceptable for vehicles to access the development via the two driveways on Cormorant Road and Egret Street.

RMS and Council did not object to the proposal. However, both raised concerns about the original location of the carwash entry on the south-eastern end of the proposed development (shown in **Figure 7**). In particular, RMS noted that vehicles wishing to access the proposed development from Egret Street may queue onto Egret Street due to cumulative traffic movements from the service station and food outlet. The Department held a meeting with RMS and Council to determine an appropriate solution. It was agreed that to reduce the potential for queuing on Egret Street, the carwash entry should be moved to the south-western end of the proposed development and away from the southern driveway (see **Figure 7**). Furthermore, it was agreed that a physical barrier and associated directional signage should be installed on the southern driveway to improve traffic safety on-site and minimise the potential for conflict.

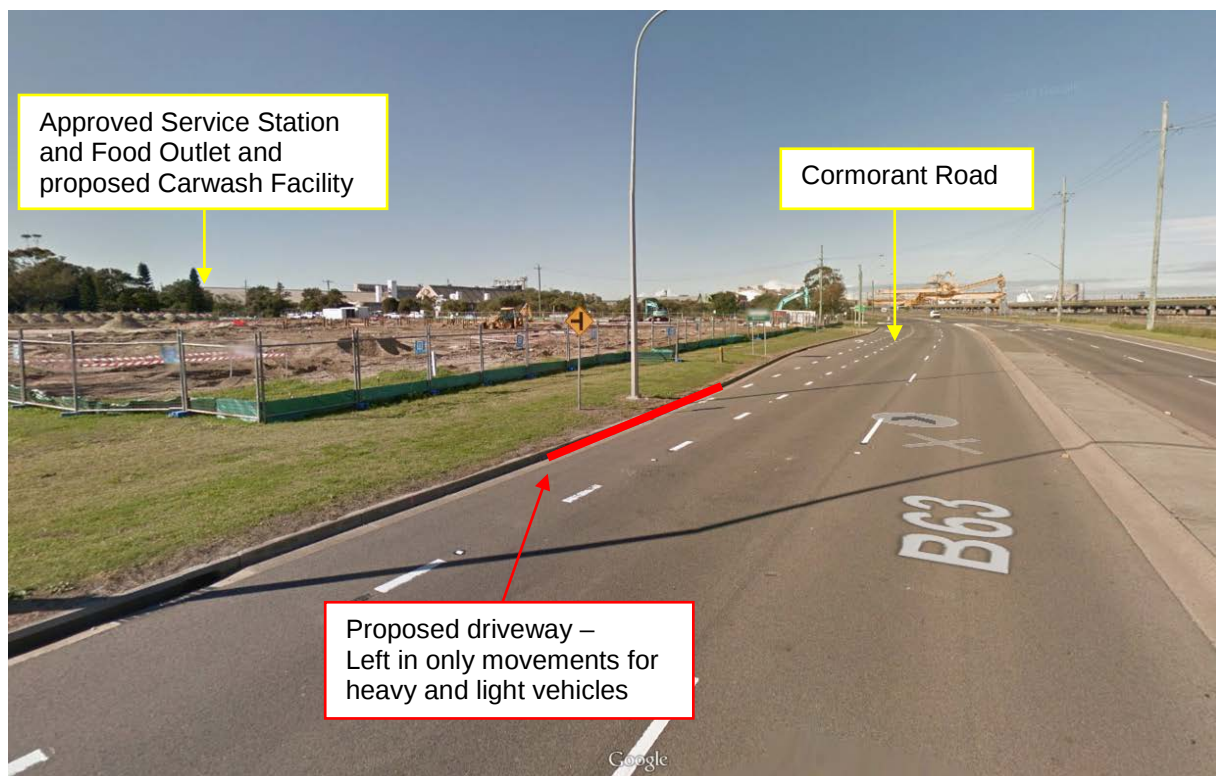


Figure 5: Access arrangements on Cormorant Road for vehicles travelling westbound (Source: Google maps)

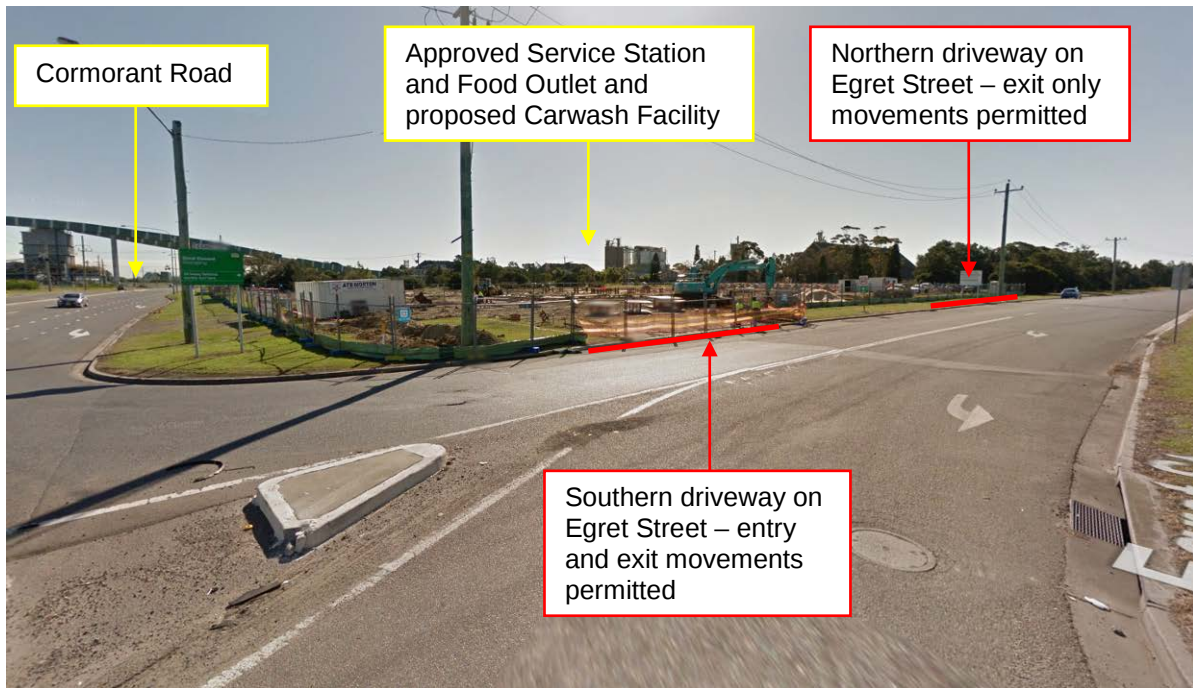


Figure 6: Access arrangements on Egret Street looking north (Source: Google maps)

The Applicant agreed to the movement of the carwash entry and redesign of the southern driveway to include a concrete median strip to separate opposing traffic. The Applicant also committed to installing directional signage on the driveway including two 'give way' signs to be located adjacent to the carwash entry for traffic exiting the site, a 'keep left' sign on the concrete median strip and a 'no exit' sign at the entry point off Egret Street. RMS and Council were both satisfied with this approach.

The Department reviewed the Applicant's updated site layout and access plan and is satisfied that the new carwash entry, type of physical barrier and directional signage addresses the potential traffic safety issues and conflicts on the southern driveway, particularly queuing onto Egret Street. As such, the Department has included a condition to reflect these vehicle access requirements and to require these physical works and signs to be installed prior to the commencement of operation.

Council also identified a potential safety issue regarding vehicles exiting the proposed development onto the northern driveway. The northern driveway is to be used by heavy vehicles leaving the service station. Council noted that the rainwater tanks positioned at the northern end of the carwash building could obstruct the driver's view of heavy vehicles already on the northern driveway. In response, the Applicant agreed to move the exit 3m northward, although it would reduce the width of the northern driveway from 10m to 7m wide (See **Figure 7**). However, this would not alter the width or operation of the northern driveway approach onto Egret Street. The Applicant also confirmed that it would install a 'Stop' sign and pavement markings at the carwash exit to ensure vehicles exiting the proposed carwash development give way to other vehicles already on the northern driveway. Council was satisfied and did not raise any other issues.

The Department considers that moving the carwash exit further north does not impact on the operation of the northern driveway for heavy vehicles and addresses the safety issues raised by Council by improving the driver's line of sight when exiting the development. The Department has included a condition for the Applicant to install a 'stop sign' and associated pavement markings at the carwash exit.

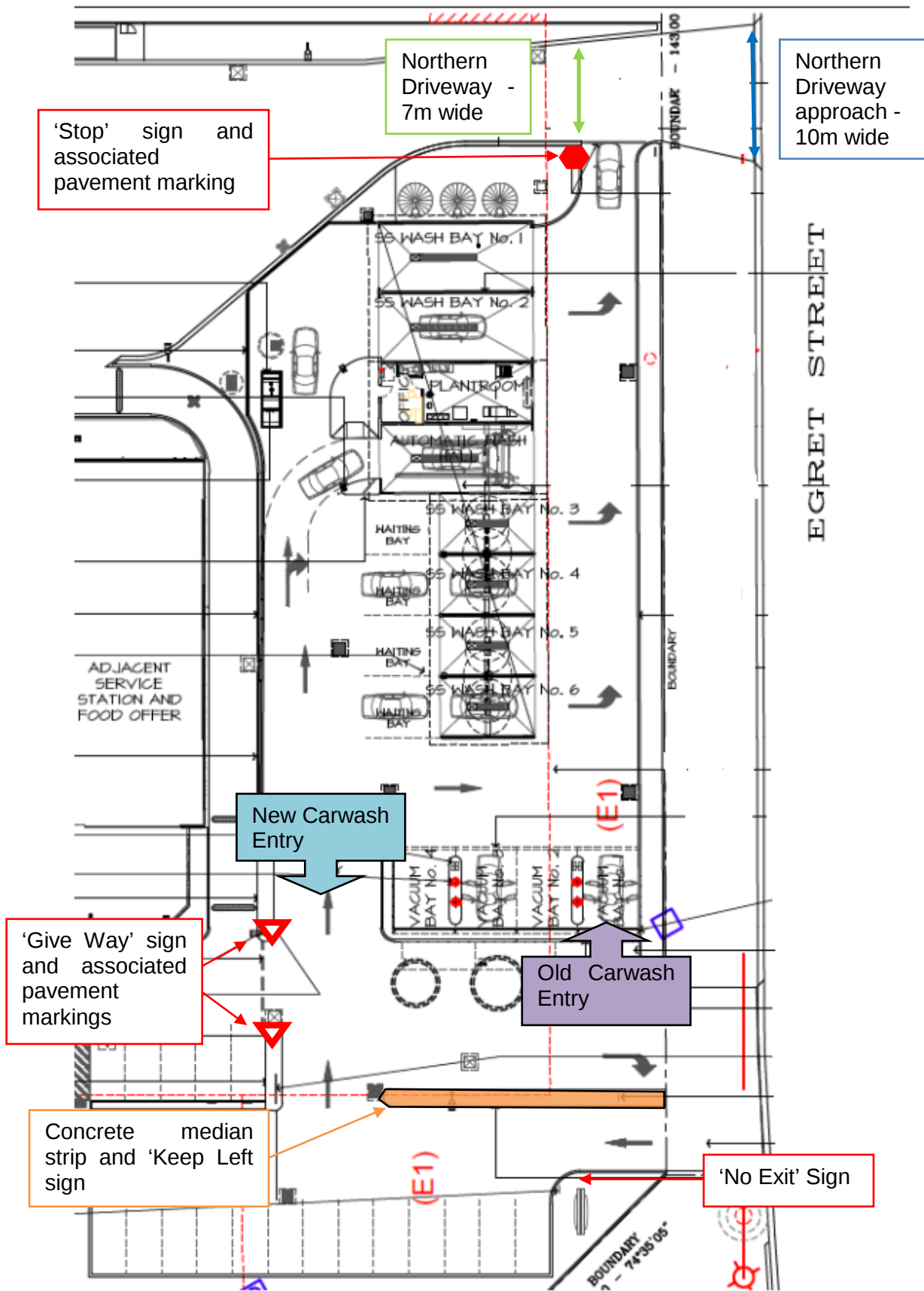


Figure 7: Amended carwash facility layout

The Department's assessment concludes that subject to the recommended conditions, vehicle access arrangements to and from the proposed development would not significantly impact on the access arrangements already approved for the service station and food outlet. In addition, the proposed development is not expected to generate a significant amount of traffic and the one-way direction of the development would ensure that there would be minimal traffic conflicts with the adjoining service station and food outlet. As such, the Department has included conditions to ensure that:

- vehicles move through the development in a one-way direction with clear exit and entry signs to be installed at each access point;
- all traffic exiting the development must give way to vehicles already on the northern driveway;
- vehicles accessing the development shall not queue onto Egret Street;
- a concrete median strip and directional signage is installed on the southern driveway to improve traffic safety on-site; and
- a 'stop sign' and pavement markings is installed at the northern exit.

5.2. Water Management

Issue

The proposed development could result in a number of water quality issues that may potentially affect nearby surface and groundwater resources.

Consideration

Water Balance

As described in section 2.1 of this report, the proposed development would be designed to recycle around 75% of water for re-use within the facility. The facility would include rainwater harvesting tanks and three underground water storage tanks (comprised of a settlement tank, recycling tank and discharge to sewer tank) which would treat and manage wastewater from the automatic and manual carwash bays.

The SEE estimates the facility would need to use around 6,050 litres of water per day when all wash bays are in use over a 24 hour period. Water would primarily be sourced from harvested rainwater and any additional water would be sourced from potable water when required. The wastewater from the manual and automatic carwash bays would then be directed into the underground water recycling system for reuse in the facility. Occasionally the facility may generate excess water from the recycling system which would need to be treated and discharged into the sewer system. The Applicant has confirmed that it would have a trade waste agreement in place with Hunter Water to ensure that any wastewater is treated to an appropriate level before being discharged into the sewer system.

Council, DPI Water and Hunter Water did not raise any issues in relation to the on-site water recycling system.

The Department is satisfied that the proposed development has been designed to reduce water consumption and notes that the Applicant will install high quality water treatment equipment as part of the carwash operations. The Department has recommended as part of the conditions that the Applicant:

- ensure that a trade waste agreement with Hunter Water Corporation for the proposed development is in place; and
- include detailed designs of the proposed water recycling system as part of an application for a construction certificate for the proposed development.

Stormwater Management

The Applicant has committed to minimising the amount of stormwater runoff that would be discharged offsite by designing a portion of the carwash roofed areas to have downpipes that

are connected to the rainwater harvesting tanks for reuse. However, stormwater runoff that cannot be captured for reuse would be directed into the site's stormwater drainage system that was designed and approved as part of the adjoining service station and food outlet. In particular, stormwater runoff from the proposed development would be directed into detention basins located around the site and further treated to remove any contaminants and fine suspended solids before being discharged offsite.

Council did not raise any concerns about the site's stormwater drainage system and noted that it was consistent with Council's requirements. Council recommended a number of conditions relating to the signposting and identification of all on-site water detention or water quality systems and for the Applicant to prepare and implement a maintenance manual for all water quality devices on-site. In addition, a submission from the public sought assurance, that no carwash wastewater would be discharged into the Hunter River.

The Department agrees with Council and considers that the site's stormwater drainage system would adequately manage any potential stormwater impacts from the development. The Department also notes that untreated carwash wastewater would not be directly discharged into the Hunter River as wastewater would be treated on-site prior to being either recycled for reuse or discharged into Hunter Water's collection system.

The Department's assessment concludes that stormwater impacts from the development would be minimal and has included Council's recommendations as part of the recommended conditions of consent.

Sewage Management

Council's submission highlighted that Kooragang Island is not currently connected to any existing sewerage system. Council stressed that the availability of a reticulated sewerage system is a critical aspect of the proposed development. The Applicant clarified that the site is already connected to the nearest sewer network as part of the development of the adjoining service station and food outlet. The proposed development would connect into this system. As such, Council was satisfied with this response.

The Department notes that sewerage requirements for the whole site was assessed as part of the adjoining service station and food outlet DA and is satisfied that any sewage generated by the proposed development can be directed to and accommodated by the sewerage network that has been constructed for the service station and food outlet DA. The Department has recommended that the Applicant:

- continue to comply with the requirements of Hunter Water regarding the connection of sewage services to the site; and
- must demonstrate that the proposed development is connected to the sewerage network prior to the issue of an occupation certificate.

Dewatering Activities

The proposed development has the potential to intercept groundwater during excavation works associated with the installation of the underground water storage tanks. The SEE indicated that excavation works would be completed in one day and if groundwater is encountered, it would be pumped and discharged across the surface of the site to enable it to filter back into the soil. DPI Water did not raise any concerns and advised that the Applicant may be required to obtain relevant licences relating to the use of water if any dewatering takes place.

The Department notes that the potential impacts to groundwater would be temporary given the short term nature of the excavation works. However, the Department acknowledges that a licence may be required from DPI Water. A condition to this effect is included in the recommended conditions.

5.3. Other issues

The Department's assessment of other issues is provided in **Table 2**.

Table 2: Assessment of other issues

Assessment	Recommendation
Traffic Generation	
- The proposed development would occupy the residual land adjacent to the approved service station and food outlet. - During construction, the number of construction workers on site is expected to be around 6-10 people, equating to around 20 traffic movements per day. The number of truck movements is expected to be around 4 movements per day but may increase up to 10 movements over a period of two weeks during the pouring of concrete on-site. - As construction is likely to overlap with the operation of the service station, the Applicant has committed to preparing a construction traffic management plan for managing the interaction of construction vehicles with other users on the site. The Department has included a condition to this effect. - During operation, the SEE indicated that the proposed development would be a low traffic generating development with the majority of users likely to be visiting the site for food and fuel. - The SEE carried out a conservative assessment of daily traffic demand in which a maximum of 100 light vehicles would use the facility per day with around 20% of those users, making a specific trip to use the facility. The SEE also states that the greatest volume of traffic would be generated during peak morning and afternoon periods. - The SEE concluded that the projected traffic volume on the site would be managed through traffic management measures such as staff assisting with vehicle queuing during peak times. - RMS did not object to the proposed development and commented that the proposed development would not result in a significant impact on the classified state road network. - Council did not raise any concerns in relation to traffic generation. - The Department's assessment concludes that the development is likely to generate a low amount of additional traffic as the majority of users are likely to be passing through the area and would already be accessing the site to use the service station and food outlet. - However, to ensure that traffic volume on site is adequately managed during peak hours, the Department has recommended that the Applicant prepare a traffic management plan that would outline the traffic management measures to be implemented during construction and operation of the development.	Require the Applicant to: - prepare and implement a traffic management plan, details of which are to be included in an application for a construction certificate; and - prepare and implement a traffic management plan during operation to the satisfaction of the Secretary.
Acid Sulfate Soils	
- The site is located within an area of high probability for the presence of acid sulfate soils within 1m of the surface. - Council commented that the proposed development may have the potential to generate the disturbance of acid sulfate soils during the excavation works for the underground water recycling and storage tanks. - The Applicant indicated that a full environmental site assessment of the site was undertaken as part of the service station and food outlet DA and confirmed that acid sulfate soils were not identified on the site. Further, the Applicant has committed to managing acid sulfate soils if found on site. - The Department is satisfied that acid sulfate soils can be adequately managed by the Applicant if found on site given the excavation works are temporary in nature. - As such, the Department has included a condition requiring the Applicant to manage any acid sulfate soils in accordance with the Acid Sulfate Soils Manual.	Require the Applicant to: ensure that any acid sulfate soils are managed in accordance with the NSW Acid Sulfate Soil Management Advisory Committee's 'Acid Sulfate Soil Manual'
Landscaping	
- The SEE outlined that landscaping would be carried out along the eastern boundary of the Egret Street frontage. - The Applicant has committed to using locally native species. - Council did not raise any concerns in relation to the landscaping requirements. - The Department's assessment concludes that landscaping requirements have been adequately addressed. As such, the Department has included a condition which requires the Applicant to carry out landscaping along the eastern boundary along Egret Street to the satisfaction of Council prior to obtaining an occupation certificate.	Require the Applicant to: ensure that landscaping is carried out along the eastern boundary on Egret Street using locally native plant species where possible, to the satisfaction of Council prior to obtaining an occupation certificate.

Assessment	Recommendation
Biodiversity	
- The proposed development would be located on residual land adjoining the service station and food outlet (See Figure 3). Prior to works being undertaken to develop the service station, the site was primarily vacant and characterised by exotic shrubs and grasses surrounded by industrial developments. - Council did not raise any issues regarding potential impacts to biodiversity, however, a submission from the general public raised concerns about the potential for significant endangered ecological communities (EEC) such as the 'Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions' to be present on site. - The Applicant reviewed the vegetation mapping available for the area in its RTS and confirmed that the site does not fall within any sensitive areas that would preclude development. - The Department reviewed the submission from the public and the SEE and considers that the proposed development would not have a significant impact on any EECs given the site is largely disturbed and characterised by exotic grasses and shrubs. The Department notes in its previous assessment of the adjoining service station and food outlet that no submissions were received on this issue. - As part of the landscaping requirements addressed in the landscaping section above, the Department has recommended that native plants locally sourced from the area be used in landscaping the proposed development. - The Department's assessment concludes that the proposed development is not likely to impact on any significant vegetation communities.	No conditions are required.
Visual Amenity	
- The SEE indicated that the proposed development is in keeping with the character of the surrounding area. - The proposed development is located within a port/industrial area and would be constructed using building materials that are low reflective in nature. Landscaping would be carried out along the eastern perimeter of the Egret Street boundary to improve visual amenity for passing vehicles. - The proposed development would be situated at a distance of 9.5m from the boundary with Egret Street which satisfies Council's requirements of a minimum 5m setback from the front property boundary. - Signage would be placed on the facility and on the monolith pylon sign previously approved for the adjoining service station and food outlet. The signage meets Council's requirements. - The Department considers that as surrounding environment is industrial in nature and no sensitive receivers are located close to the site, the impacts to visual amenity to the nearest sensitive receivers would be minimal. - No additional conditions are required.	No conditions are required.

6. CONCLUSION

The development application has been assessed in accordance with the matters for consideration under Part 4 and section 79C of the EP&A Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items.

The proposed development would be a complementary service to the recently approved service station and food outlet. The proposed development is a low traffic generating activity and would primarily attract users who are also accessing the service station and food outlet and passing through the area. The Department's assessment concluded that the impacts of the proposed development can be adequately managed through the recommended conditions.

It is recommended that the development application is in the public interest and should be approved, subject to conditions, as recommended by the Department.

7. RECOMMENDATION

It is recommended that the Acting Executive Director, Key Sites and Industry Assessments:

- a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, including the findings and recommendations of this report; and
- b) **approve** the development application, subject to conditions, under section 80(1)(a) of the EP&A Act and sign the instrument of consent.

Pamela Morales
Planning Officer

Endorsed:



Chris Ritchie 26/11/15.
Director
Industry Assessments

David Gainsford
A/Executive Director
Key Sites and Industry Assessments

**APPENDIX A
INSTRUMENT OF CONSENT**

APPENDIX B CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a) the provisions of: (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,	Consideration of the provisions of all environmental planning instruments (including draft instruments subject of public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report. The Applicant has not entered into any planning agreement under section 93F. The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report. The Department is not aware of any coastal zone management plan that applies to the proposed development and in any case, is satisfied that the proposal would have a negligible impact on the coastal zone.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	Sections 1 to 3.10 and Appendix C of the Department's Assessment Report provide details on the suitability of the site for the proposed development. The site is located within the lease area of the Newcastle Port, is zoned for special activities and is permissible with development consent.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in these submissions have been summarised in Section 4 of the Department's Assessment Report and given due consideration as part of the assessment of the proposed development (see Section 5 of this report).
(e) the public interest.	The recommended conditions of consent impose a range of controls, which the Department considers will mitigate any potential environmental impacts of the proposed development. Port of Newcastle is considered to be a significant resource that provides substantial direct and indirect economic benefits to the State of NSW.

	The proposed development would therefore make a positive contribution to the NSW economy by allowing the greater utilisation, orderly and economic use of land in Port of Newcastle. As such the proposal is considered to be in the public interest, subject to the imposition of appropriate conditions.
--	--

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Three Ports) 2013

The subject site is located in the Port of Newcastle Lease Area and the Three Ports SEPP therefore applies to the proposed development.

The proposal is consistent with key aims of the Three Ports SEPP which are to allow the efficient development, re-development and protection of land at Port for port purposes and to ensure that land around the Lease Area is maintained for port-related and industrial uses.

The site is zoned SP1 (special activities) under the Three Ports SEPP and the proposed development would be permissible with consent on the subject site. The proposed development would be consistent with key aims of this zone which include (but are not limited to):

- to provide for special land uses that are not provided for in other zones; and
- to provide for development that support the operations of the Port of Newcastle.

The proposal would facilitate the ongoing efficient movement of freight to and from the port area by providing a service opportunity for heavy vehicles already operating around the port, without generating a significant number of increased heavy vehicle trips. Port of Newcastle is considered to be a significant resource that provides substantial direct and indirect economic benefits to the State of NSW. The proposed development would therefore make a positive contribution to the NSW economy by supporting the existing port related activities in the area.

The Department is satisfied that the proposed development is consistent with relevant provisions of the Three Ports SEPP.