

Development Consent

Section 80 (1)(a) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning under delegation dated 16 February 2015, I hereby grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.

David Gainsford
A/Executive Director
Key Sites and Industry Assessments

Sydney

2015

SCHEDULE 1

Application No.:	DA 6988
Applicant:	Sovechles Development Pty Ltd
Consent Authority:	Minister for Planning
Land:	Residual Land on Part Lot 1 DP 1195449, 130 Cormorant Road, Kooragang
Approved Development:	Carwash facility, including one automatic wash bay, six self-service wash bays and four vacuum bays

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DEFINITIONS

Applicant	Sovechles Developments Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
Blue Book	<i>Managing Urban Stormwater: Soils and Construction Volumes 1 and 2</i> (Landcom 2004)
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent
Council	City of Newcastle
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the SEE and RTS
DPI Water	Department of Primary Industries – Water (formerly the NSW Office of Water)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation 2000	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
Secretary	Secretary of the Department, or nominee
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
FRNSW	Fire and Rescue NSW
Minister	Minister for Planning
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Operation	The operation of the development but does not include commissioning trials of equipment or temporary use of parts of the site during construction.
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PON	Port of Newcastle
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Residual Land	A 1,616m ² residual lot located on the eastern side of Site A (see Appendix A).
RTS	Response to Submissions report titled <i>DA 6988 – 130 Cormorant Road Kooragang (Part Lot 1 DP 1195449) Development Application for Proposed Carwash Facility</i> prepared by Sovechles Developments dated June 2015 and drawings prepared by RJ Sinclair and numbered 14-056-A-00 DA-4; 14-056 A-01 DA-4; 14-056-A-02 DA-3; 14-056-A-03 DA-3; 14-056-A-10 DA-2; 14-056-A-11 DA-2; 14-056-A-13 DA-2; 14-056-A-14 DA-2; 14-056-A-15 DA-2; 14-056 CMP-01 DA-1; 14-056 CMP-02 DA-1; 14-056-L-01 DA-3; 14-056 PC-01 DA-1; 14-056-ST-01 DA-3; 14-056 ST-02 DA-1 and 14-056-TS-01 DA-3.
RMS	Roads and Maritime Services
SEE	Statement of Environmental Effects titled <i>Carwash Facility – 130 Cormorant Road, Kooragang</i> prepared by RJ Sinclair Pty Ltd dated March 2015
Site	Land referred to in Schedule 1

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the Development.

Terms of Consent

- A2. The Applicant shall carry out the Development in accordance with the:
- a) Development Application DA 6988;
 - b) SEE;
 - c) RTS; and
 - d) the plans and drawings described in Appendix A and B.
- A3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- A4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- a) any reports, plans, strategies, programs, studies or correspondence that are submitted in accordance with this consent;
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs, studies or correspondence submitted by the Applicant; and
 - c) any complaints submitted by the public in regard to noise, emission or impacts associated with the Development.

Limits on Consent

- A5. This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A6. This consent does not approve any construction or operation works on Site A, Site B or Site C as shown in Appendix A, except for those works shown in the site plan 14-056-A-01 DA 4 included in the RTS and described in conditions B2 and D2.

Structural Adequacy

- A7. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, on the site are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.

Section 94A Development Contributions

A8. A total monetary contribution of \$8,173.00 shall be paid to Council, pursuant to Section 94A of the EP&A Act prior to the issue of a Construction Certificate.

Notes:

- *This condition is imposed in accordance with the provisions of The City of Newcastle S94A Development Contributions Plan 2009 (updated version operational from 13 January 2014). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.*
- *The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.*
- *The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.*

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approximate release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

Protection of Public Infrastructure

A9. The Applicant shall:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Development; and
- b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development.

Compliance

A10. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

A11. The Applicant shall be responsible for any environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

Operation of Plant and Equipment

A12. The Applicant shall ensure that all plant and equipment used for the Development is:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

PART B – MATTERS TO BE ADDRESSED WITH THE CONSTRUCTION CERTIFICATE

Vehicle Access

- B1. The Applicant shall ensure that all vehicles:
- a) entering the Development is from the southern entry point only;
 - b) exiting the Development is from the northern exit point only and shall be directed to the northern driveway on Egret Street; and
 - c) exiting the Development must give way to vehicles already on the northern driveway.
- B2. The Applicant shall construct the Development as depicted on the site plan 14-056-A-01 DA-4 included in the RTS and incorporating the following:
- a) 1.2m wide concrete central median for the entry to the Egret Street southern driveway;
 - b) regulatory signage and associated pavement line marking comprising 'Stop', 'Give Way', 'No Exit' and 'Keep Left' signs to give effect to the requirements of condition B1. All signs shall be constructed within the site and shall not encroach or overhang into the road reserve; and
 - c) directional pavement arrows to give effect to the requirements of condition B1. All pavement markings shall be installed within the site and shall not encroach into the road reserve.

Details are to be included in the application for a Construction Certificate.

Construction Traffic Management Plan

- B3. The Applicant shall prepare a Construction Traffic Management Plan, addressing the traffic control measures to be utilised on the approved driveways for the service station and food outlet. Details are to be included in the application for a Construction Certificate.

Stormwater Drainage and Management

- B4. The Applicant shall ensure that stormwater runoff that is not recaptured for reuse in the Development is directed into the existing stormwater drainage system. Details are to be included in the application for a Construction Certificate.
- B5. All stormwater runoff from the Development shall be managed in accordance with Council's requirements, the latest issue of AS 3500.3 as applicable and the stormwater concept plan 14-056 ST-01 DA-3 included in the RTS. Details are to be included in the application for a Construction Certificate.
- B6. The Applicant shall ensure that all onsite stormwater detention or water quality treatment systems are individually identified and sign-posted in accordance with Council's 'Stormwater and Water Efficiency for Development Technical Manual'. Details are to be included in the application for a Construction Certificate.
- B7. The Applicant shall design the carwash recycled water treatment system in accordance with the plan 14-056 PC-01 DA-1 included in the RTS. Details are to be included in the application for a Construction Certificate.

Water Supply and Sewerage

- B8. The Applicant shall comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services. A copy of the compliance certificate (refer to section 50 of the *Hunter Water Act 1991*) should be included in the application for a Construction Certificate.

Waste

- B9. The Applicant must demonstrate that it has adequate facilities for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and make arrangements for regular removal and disposal. Details are to be included in the application for a Construction Certificate.

Fire Safety

- B10. The Applicant shall include a list of fire safety measures proposed to be installed on the site of the Development and include a separate list of any fire safety measures that already exist at other existing Developments on Site A. The lists shall describe the extent, capability and basis of design of each of the measures. Details are to be included in the application for a Construction Certificate.

Erosion and Sediment Control

- B11. A soil erosion and sediment control plan shall be prepared in accordance with the document '*Managing Urban Stormwater – Soils & Construction Volume 1 (2004)*' by Landcom. Details are to be included in the application for a Construction Certificate.

Landscaping

- B12. In consultation with Council, the Applicant shall update the landscape plan 14-056 L-01 DA-3 included in the RTS to incorporate the use of locally native species. Details are to be included in the application for a Construction Certificate.

PART C – PRIOR TO COMMENCEMENT OF WORKS AND DURING CONSTRUCTION

Notice of commencement of works

- C1. The Applicant shall notify the Council, PON and the PCA at least 48 hours prior to the commencement of construction of the Development.

Hours of Work

- C2. The hours of construction for the Development, including the delivery of materials to and from the site, shall be restricted to the hours outlined in **Table 1**:

Table 1: Construction hours

Activity	Day	Hours
Construction	Monday – Friday	7:00am to 6:00pm
	Saturdays	8:00am to 1:00pm
	Sundays and Public Holidays	Nil

- C3. Construction of the Development may be undertaken outside the hours outlined in condition C2 above where:
- a) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - c) a variation is approved in advance in writing by the Secretary.

Site Security

- C4. The Applicant shall ensure that the site is secured by a perimeter fence and security gates for the duration of construction of the Development.

Signage

- C5. Prior to the commencement of construction, a sign must be erected in a prominent position on site where construction is being carried out:
- a) showing the name, address and telephone number of the PCA for the work;
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
 - c) stating that unauthorised entry to the work site is prohibited; and
 - d) any such sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed.

Landscaping

- C6. The Applicant shall carry out appropriate landscaping treatment on the eastern boundary of the Development on Egret Street in accordance with the Landscape Plan required under condition B12.

Surface Water and Runoff

- C7. The Applicant shall ensure there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the Development.

Soil and Erosion

- C8. During the construction of the Development, the Applicant shall implement suitable erosion and sediment controls, in accordance with the relevant requirements of the Blue Book and condition B11.

Dewatering Activities

- C9. In the event that groundwater is intercepted during construction, the Applicant shall obtain the necessary water licences or approvals from DPI Water.

Acid Sulfate Soils

- C10. If acid sulfate soils are identified in the area of excavation works, the Applicant is required to treat the soil in accordance with the NSW Acid Sulfate Soil Management Advisory Committee's *'Acid Sulfate Soil Manual (1998)'*.

Dust minimisation

- C11. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by construction activities associated with the Development.

Approved Plans to be On-Site

- C12. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on site throughout the life of the Development and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Heritage

- C13. If during the course of construction, the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEH informed, in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Relevant works shall not recommence until written authorisation from the OEH is received by the Applicant.

PART D – PRIOR TO AND DURING OPERATION

General

- D1. The Applicant shall ensure that the vacuum bays, wash bays, driving and turning areas are maintained clear of obstruction and are to be used exclusively for the purposes of cleaning and washing light vehicles, and vehicle access, respectively.

Vehicle Access

- D2. Prior to the issue of an Occupation Certificate, the Applicant shall demonstrate that vehicle access arrangements to and from the Development have been constructed in accordance with conditions B1 and B2. Details are to be submitted to the Secretary and included in the application for an occupation certificate.

Hours of Operation

- D3. The Development is permitted to operate 24 hours, seven days a week.

Stormwater Drainage

- D4. Prior to the commencement of operation, the Applicant shall prepare a Maintenance Manual for all water quality devices in accordance with Council requirements. The Maintenance Manual shall address maintenance issues concerning the water quality treatment devices including routine monitoring and regular maintenance and be kept on site at all times.
- D5. Prior to the issue of an Occupation Certificate, the Applicant shall submit to the PCA and Council, a copy of the stormwater drainage designs approved with the Construction Certificate with 'work as executed' levels indicated. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor.
- D6. On-site stormwater treatment systems shall be regularly maintained and serviced by appropriate waste contractors as required to ensure proper function throughout the life of the Development.

Sewerage

- D7. The Applicant shall demonstrate that the Development is connected to Hunter Water sewerage network. Details are to be included in the application for an occupation certificate.

Noise

- D8. The Applicant shall ensure that the use and operation of the Development does not give rise to any offensive noise (as defined in the POEO Act).

Lighting

D9. The Applicant shall ensure that the lighting associated with the Development:

- a) complies with the latest version of *AS 4282(INT) – Control of Obtrusive Effects of Outdoor Lighting*; and
- b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Fire Safety

D10. A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) shall be submitted to the Commissioner of FRNSW and a further copy of the Certificate (together with a copy of the current fire safety schedule) should be prominently displayed at the site.

D11. An annual Fire Safety Statement in the form described in Clause 175 of the EP&A Regulation shall be submitted to the Secretary and Council, and a copy (together with a copy of the current fire safety schedule) must be given to the Commissioner of FRNSW. A further copy of the Statement (together with a copy of the current fire safety schedule) should be prominently displayed at the site.

Traffic Management Plan

D12. Prior to the commencement of operation, the Applicant shall prepare a Traffic Management Plan for the Development to the satisfaction of the Secretary. The plan shall:

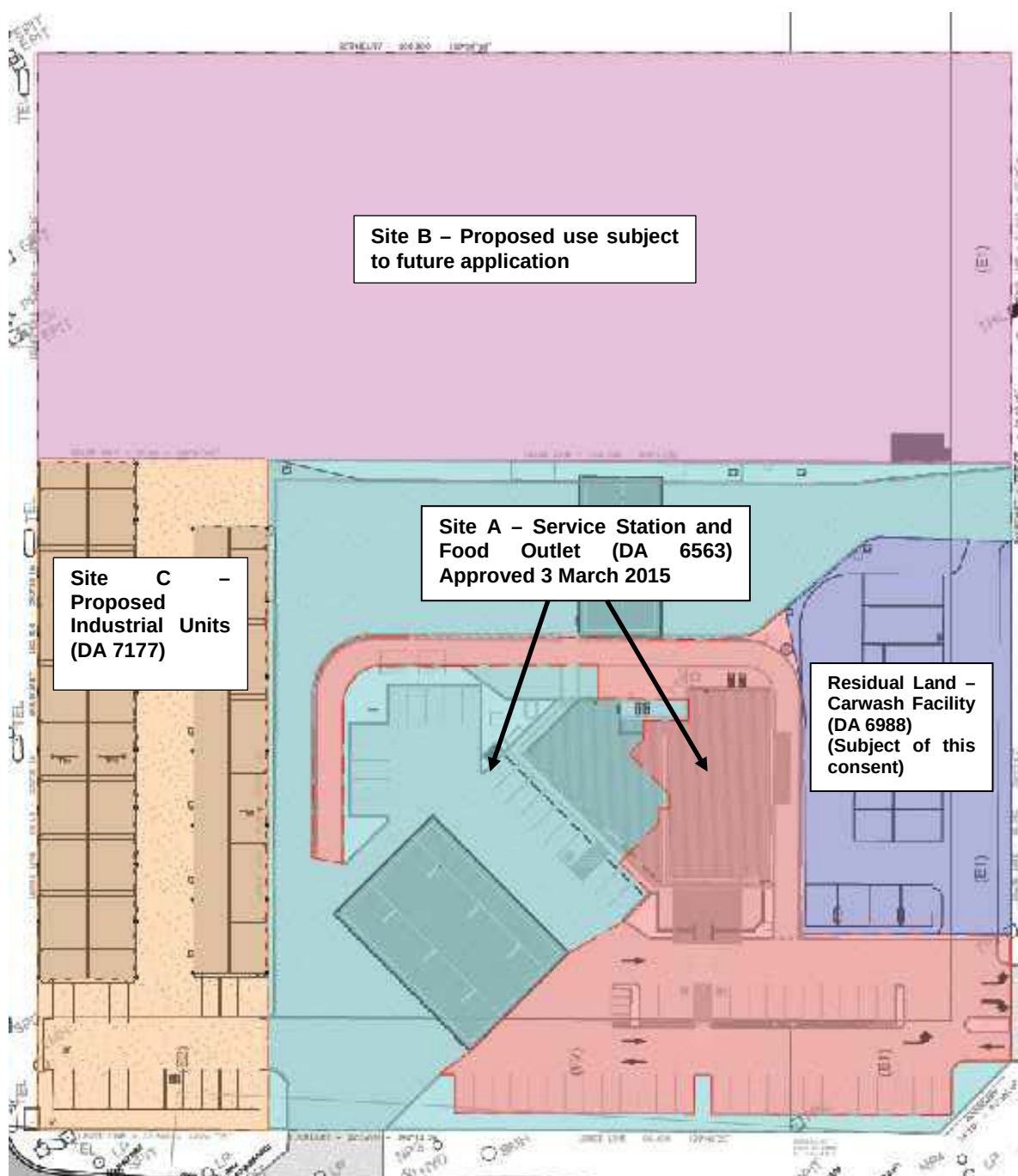
- a) be prepared in consultation with Council;
- b) be submitted to and approved by the Secretary prior to the commencement of operation of the Development;
- c) detail the measures that would be implemented to ensure road and traffic safety during operation of the Development including but not limited to:
 - i. details of the proposed traffic control measures during peak periods to minimise the queuing of vehicles within the service station and food outlet car park at the southern end of Egret Street;
 - ii. details of the proposed traffic measures to ensure safe operation of the northern and southern access points to the Development; and
 - iii. details of the pedestrian/vehicle interaction and its management.

D13. The Applicant shall implement the Traffic Management Plan as required under condition D12.

Landscaping

D14. Prior to the issue of an Occupation Certificate, the Applicant shall submit a Landscape Practical Completion Report to the PCA. The report shall include verification that all landscape works have been carried out in accordance with the landscape plan outlined in condition B12 and shall be maintained throughout the life of the Development.

APPENDIX A SITE USAGE PLAN



Proposed Site layout

