

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.



Chris Ritchie
Director
Industry Assessments

Sydney 9 MARCH

2017

SCHEDULE 1

Application No.:	DA 8062
Applicant:	Port of Newcastle Operations Pty Limited Pty as trustee for the Port of Newcastle Trust
Consent Authority:	Minister for Planning
Land:	Lot 93 DP 1193181, Dyke Point, Carrington Precinct, Port of Newcastle
Development:	Use the existing Dyke Point Shed as port facilities for the storage of freight, including the loading and unloading of freight to and from the Dyke Point Shed

DEFINITIONS

Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure
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
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation 2000	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Freight	Has the same meaning as the defined term in <i>State Environmental Planning Policy (Three Ports) 2013</i>
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
Operation	The use of the Dyke Point shed as port facilities for the storage of freight, including the loading and unloading of freight to and from the Dyke Point Shed
Port Facilities	Has the same meaning as the defined term in <i>State Environmental Planning Policy (Three Ports) 2013</i>
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.
RTS	Response to Submissions letter, prepared by Port of Newcastle, dated 20 December 2016
Secretary	Secretary of the Department, or nominee
SEE	Statement of Environmental Effects titled <i>Proposed Storage Facility Dyke Point Shed</i> and prepared by Barr Property and Planning, dated 21 October 2016
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 Development.

Terms of Consent

- A2. The Applicant shall carry out the development in accordance with:
- a) Development Application DA 8062;
 - b) the SEE; and
 - c) the RTS.
- A3. If there is any inconsistency between the documents listed in Condition A2, 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 use of any land, building or work the subject of this consent is actually commenced before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A6. This consent is limited to the use of the existing Dyke Point Shed as Port Facilities as described in the SEE.

Note: *No construction works are permitted under this consent.*

Compliance

- A7. 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.
- A8. 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.

PART B – OPERATIONAL ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

Hours of Operation

- B1. The Development is permitted to operate 24 hours-a-day, seven days-a-week.

Operational Noise Limits

- B2. The Applicant shall ensure that noise generated by operation of the Development does not exceed the noise limits in Table 1.

Table 1: Noise Limits dB(A)

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(1 minute)
R1 to R3 (N1)	51	51	48	58
R4 to R6 (N2)	47	44	44	54

Note: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. Refer to the plan in **Appendix A** for the location of residential sensitive receivers.

Fire Safety

- B3. A copy of the final Fire Safety Certificate issued by Wormald and dated 26 September 2016 (together with a copy of the current fire safety schedule) shall be submitted to the Commissioner of Fire and Rescue NSW (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.
- B4. An annual Fire Safety Statement in the form described in Clause 175 of the EP&A Regulation shall be submitted to the Secretary, 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.

APPENDIX A
MAP SHOWING THE LOCATION OF NOISE SENSITIVE RESIDENTIAL RECEIVERS

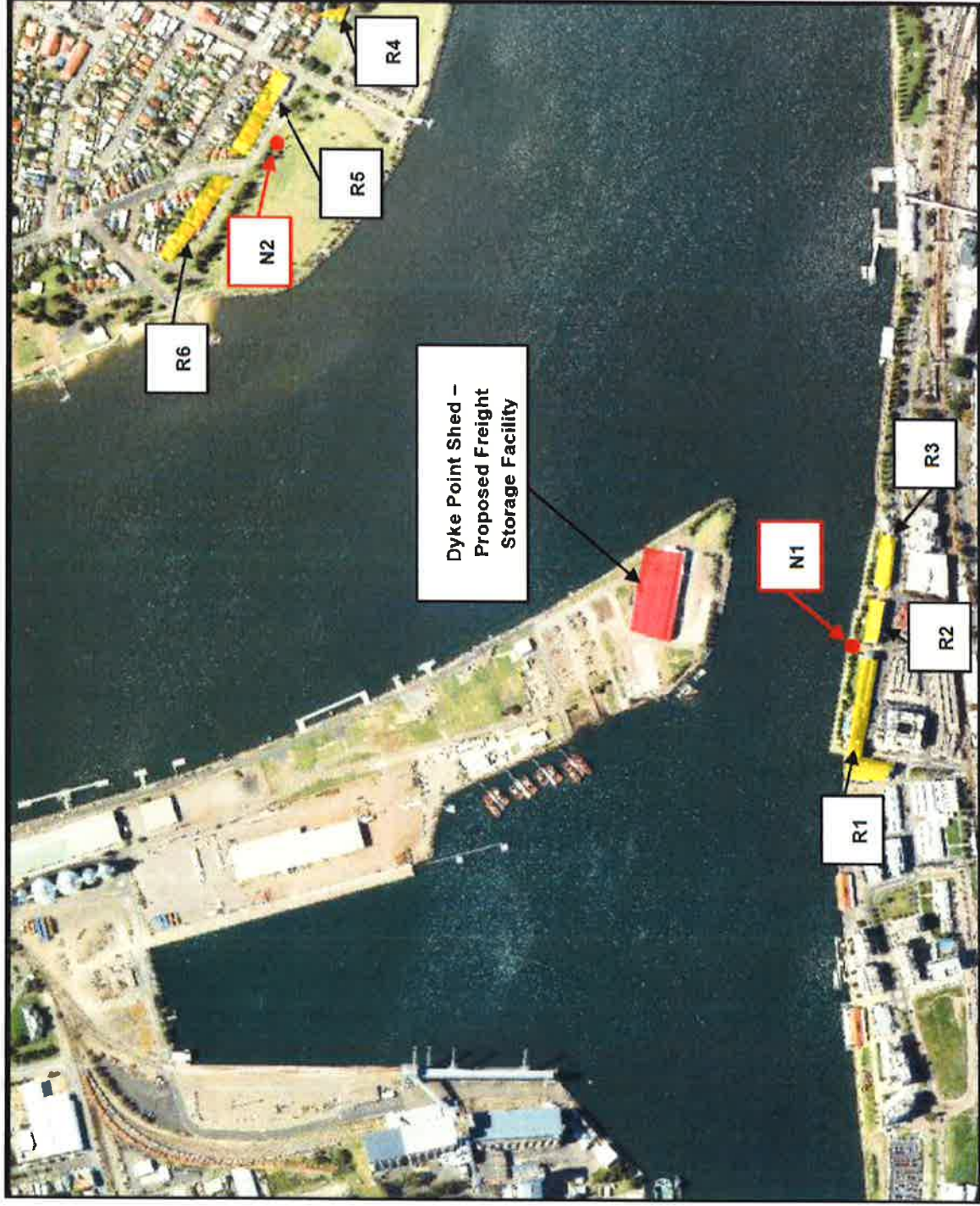


Figure 1: Site Plan