Development Consent

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

As delegate of the Minister of 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;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Chris Ritchie
Manager
Industry Assessments

Sydney 3 MARCH 2015

SCHEDULE 1

Application No.:	DA 6563
Applicant:	Sovechles Development Pty Ltd
Consent Authority:	Minister for Planning
Land:	Part Lot 1 DP 1195449, 130 Cormorant Road, Kooragang
Approved Development:	Service Station and Food Outlet including supporting infrastructure.

TABLE OF CONTENTS

DEFINITIONS **2**

PART A – ADMINISTRATIVE CONDITIONS 3

PART B – MATTERS TO BE ADDRESSED WITH THE CONSTRUCTION CERTIFICATE 5

PART C – PRIOR TO COMMENCEMENT OF WORKS AND DURING CONSTRUCTION 7

PART D – PRIOR TO OCCUPATION 9

PART E – POST OCCUPATION 10

DEFINITIONS

Applicant	Sovechles Developments Pty Ltd
Application	The development application and the accompanying plans and documentation described in Condition A2.
AS	Australian Standard
BCA	Building Code of Australia
Blue Book	*Managing Urban Stormwater: Soils and Construction Volumes 1 and 2* (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.
Construction Certificate	A certificate issued by an accredited private certifier or consent authority prior to the commencement of any building work.
Council	Newcastle City Council
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	*Environmental Planning and Assessment Act 1979*
EP&A Regulation 2000	*Environmental Planning and Assessment Regulation 2000*
EPA	Environment Protection Authority
Secretary	Secretary of the Department, or nominee
EIT	Equipment Integrity testing
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
LPG	Liquefied petroleum gas
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
Occupation Certificate	A certificate of occupancy issued by the principal certifying authority to verify that the building is suitable to occupy or use in terms of the requirements of the Building Code of Australia
OEH	Office of the Environment and Heritage
Operation	The operation of the development, once construction works for the project have been fully completed but does not include commissioning trials of equipment or temporary use of parts of the site during construction.
Newcastle DCP	*Newcastle Development Control Plan 2012*
PCA	Principal Certifying Authority
POEO Act	*Protection of the Environment and Operations Act 1997*
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 *Service Station and Food Offer* prepared by Sovechles Developments dated September 2014
RMS	Roads and Maritime Services
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
SEE	Statement of Environmental Effects titled *Service Station and Food Offer* prepared by DeWitt Consulting dated June 2014
Site	Land referred to in Schedule 1
UPSS Regulation 2014	*Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*
Waste Regulation 2014	*Protection of the Environment Operations (Waste) Regulation 2014*

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 generally in accordance with the:
   a) DA 6563;
   b) SEE and amended drawings submitted 18 December 2014;
   c) RTS;
   d) conditions of this consent.

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 will lapse five years from the date of consent.

A6. This consent does not approve any development activities on Site B, Site C or the Residual Land on Site A as shown in Appendix A.

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 $38,700.00 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.

Vehicle Access

A9. The Applicant shall ensure that all vehicle access to and from the development are as follows:
   a) left in only movements for light and heavy vehicles into the site from Cormorant Road. The driveway shall be signposted entry only to the satisfaction of Council and RMS;
   b) exit only movements for heavy vehicles shall be permitted from the northern driveway on Egret Street. The driveway shall be signposted exit only to the satisfaction of PON and RMS; and
   c) entry and exit movements are permitted for light vehicles from the southern driveway on Egret Street. Appropriate signposting shall be provided to the satisfaction of PON and RMS.

Notes:
- *The Applicant should consult the RMS concerning vehicle access for any future development on Site B, Site C and the Residual Land on Site A.*
- *All signs shall be constructed entirely within private property and shall not encroach or overhang into the road reserve.*

Protection of Public Infrastructure

A10. 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

A11. 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.

A12. 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

A13. 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

Car parking

B1. On-site parking accommodation shall be designed in accordance with relevant Newcastle DCP requirements. Full details are to be included in documentation for a Construction Certificate application.

B2. The car park shall be designed to comply with AS/NZS 2890.1:2004 – *'Parking facilities - Off-street car parking'* and AS/NZS 2890.6:2009 – *'Parking facilities - Off-street parking for people with disabilities'*. Full details are to be included in documentation for a Construction Certificate application.

Access for People with Disabilities

B3. The development shall be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the *Commonwealth Disability (Access to Premises – Buildings) Standards 2010*. Full details are to be included in documentation for a Construction Certificate application.

Vehicle Crossing

B4. A vehicular crossing shall be constructed across the road reserve on Egret Street and Cormorant Road in accordance with the requirements of PON and Council.

Works within the Road Reserve

B5. A permit must be obtained from the relevant roads authority under Section 138 of the *Roads Act 1993* for any works within the road reserve on Cormorant Road and Egret Street.

Stormwater Drainage and Management

B6. All stormwater runoff from the proposed development shall be managed in accordance with the relevant provisions of the Newcastle DCP, the associated Technical Manual and the latest issue of AS 3500.3 as applicable and the stormwater management concept plan prepared by R.J Sinclair (Drg. No. 13-065 SD-01, dated 17 April 2014). Full details are to be included in documentation for a Construction Certificate application.

B7. All onsite stormwater detention or water quality treatment systems shall be individually identified and sign posted in accordance with Council's *'Stormwater and Water Efficiency for Development Technical Manual'*. Full details are to be included in documentation for a Construction Certificate application.

B8. The proposed forecourt area and on-site stormwater drainage system shall be designed and installed in accordance with the EPA guidelines: *'Environmental Action for Service Stations'* (October 2008) to ensure that no contaminated water leaves the forecourt and enters the stormwater system. Full details are to be included in documentation for a Construction Certificate application.

B9. Fuel delivery points shall be located within the covered forecourt containment area or other appropriate area with separate bunding in accordance with the EPA guideline: *'Environmental Action for Service Stations'* (October 2008). Full details are to be included in documentation for a Construction Certificate application.

Underground Petroleum Storage System

B10. The UPSS and required groundwater monitoring wells shall be designed and installed in accordance with the UPSS Regulation 2014 and AS 4897: 2008 *'Design, installation and operation of underground petroleum storage systems'*. Full details are to be included in documentation for a Construction Certificate application.

Landscaping

B11. The Applicant shall submit a detailed landscape design plan to the satisfaction of the PCA. The plan must:
a) be prepared by a qualified landscape designer;
b) satisfy the relevant provisions of the Newcastle DCP; and
c) include details of the quantity and type of proposed plantings; treatment of external surfaces and retaining walls, drainage and appropriate maintenance periods.

Water Supply and Sewerage

B12. 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 section 50 of the *Hunter Water Act 1991*) should be included in the application for a Construction Certificate.

Trade Waste

B13. The Applicant must provide 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. Full details are to be included in documentation for a Construction Certificate application.

Food Outlet

B14. The proposed development shall be designed and constructed in accordance with the relevant requirements of AS 4674:2004 – *'Design, Construction and Fit-Out of Food Premises'*. Full details are to be included in the documentation for the Construction Certificate application.

Fire Safety

B15. The Applicant shall include a list of fire safety measures proposed to be installed in the premises and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures. Full details are to be included in documentation for a Construction Certificate application.

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 building works on the Site.

Hours of Work

C2. The hours of construction, 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

Note: Works may be undertaken outside these hours where:

i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;

ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;

iii) a variation is approved in advance in writing by the Secretary or nominee.

Traffic Management Plan

C3. Prior to commencement of site works, the Applicant shall prepare a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase to the satisfaction of Council and PON.

Utility Services

C4. Prior to the commencement of work, the Applicant shall negotiate, with the relevant public utilities in regard to relocation and/or adjustment of the services affected by the construction of the underground structure.

Site Security

C5. The Applicant shall ensure that the site is secured by a perimeter fence and security gates for the duration of construction works.

Lighting

C6. 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.

Signage

C7. A sign must be erected in a prominent position on any site on which the building work 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.

Surface Water and Runoff

C8. 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

C9. 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 the PCA.

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'*.

Dust minimisation

C11. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the development.

Underground Petroleum Storage System

C12. Prior to issue of an Occupation Certificate, the UPSS shall be installed and commissioned in accordance with the following requirements of the UPSS Regulation 2014:
a) the installation must be appropriately designed, installed and commissioned by a duly qualified person;
b) the installation must have minimum mandatory pollution protection equipment;
c) the installation must have a certificate showing that Equipment Integrity Testing (EIT) has been undertaken; and
d) the system can only be commissioned if all the above requirements have been met.

C13. The installation and commissioning of the proposed UPSS and groundwater monitoring wells must be carried out by a duly qualified person in accordance with the UPSS Regulation 2014 and AS 4897: 2008 *'Design, installation and operation of underground petroleum storage systems'*. A report prepared by a duly qualified person containing, but not limited to, installation specifications of the UPSS and groundwater monitoring wells and current 'as built' drawings of the system shall be submitted to PCA prior to the issue of an Occupation Certificate.

C14. Prior to the commissioning of the proposed UPSS and groundwater monitoring wells, a duly qualified person is required to carry out an EIT on all components of the system in accordance with the UPSS Regulation 2014. Written certification from the duly qualified person confirming the EIT has been carried out in accordance with this regulation is required to be submitted to the PCA prior to the issue of an Occupation Certificate.

LPG Tanks

C15. The Applicant shall ensure that the installation of the LPG tanks is compliant with *AS 1596:2008 LP Gas – Storage and Handling Code*.

Fire Safety

C16. 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 NSW Fire and Rescue and a further copy of the Certificate (together with a copy of the current fire safety schedule) should be prominently displayed in the premises.

C17. An annual Fire Safety Statement in the form described in Clause 175 of the EP&A Regulation shall be submitted to the Department and Council, and a copy (together with a copy of the current fire safety schedule) must be given to the Commissioner of NSW Fire and Rescue. A further copy of the Statement (together with a copy of the current fire safety schedule) should be prominently displayed in the building.

Approved Plans to be On-Site

C18. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

Heritage

C19. If during the course of construction, the Applicant becomes aware of any previously unidentified Aboriginal objects (s), all work likely to affect the object(s) shall cease immediately and the OEH is 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 OCCUPATION

Vehicle Crossing

D1. All works within the road reserve on Egret Street and Cormorant Road required by this consent shall be completed prior to the issue of a Final Occupation Certificate.

D2. Any temporary or redundant existing vehicular crossings are to be removed at no cost to the Council and PON. The road reserve and kerb is to be restored to the satisfaction of Council and PON to match the existing infrastructure. Works are to be completed prior to the issue of a Final Occupation Certificate.

Landscaping

D3. A Landscape Practical Completion Report shall be submitted to the PCA prior to the issue of the Final Occupation Certificate. The report shall include verification that all landscape works have been carried out in accordance with the comprehensive landscape design plan.

Stormwater management

D4. A Maintenance Manual for all water quality devices shall be prepared in accordance with Council's *publication 'Stormwater and Water Efficiency for Development Technical Manual'* (Updated 2013).

D5. A copy of the stormwater drainage design plans approved with the Construction Certificate shall be submitted to the PCA and to Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

Environment Protection Plan

D6. Prior to the issue of an Occupation Certificate, the Applicant shall submit to the PCA an Environment Protection Plan prepared by a duly qualified person in accordance with the UPSS Regulation 2014. The Environment Protection Plan shall be maintained on-site and made available to authorised officers upon request.

Food Outlet

D7. The Applicant shall obtain a certificate from a suitably qualified person, certifying that the kitchen, food storage, preparation and service areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises*. The Applicant shall provide evidence of receipt of the certificate to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.

D8. Prior to issue of an Occupation Certificate, the food business must notify the relevant enforcement agencies, under the *Food Act 2003* (NSW) and (for licensed food businesses) under the Food Regulation 2010 (NSW). Notification is to be provided to Council and the NSW Food Authority.

Note: To arrange notification of the food business with Council go to www.newcastle.gov.au and download a copy of the 'Council Food Business Notification Form' or contact Council's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority go to www.foodnotify.nsw.gov.au and follow the instructions.

Road Safety Audit

D9. A road safety audit of the development shall be undertaken by an accredited auditor and a report prepared and submitted, for concurrence, to the RMS, PON and Council at the completion of construction. The concurrence of RMS, Council and PON shall be obtained prior to the issue of an Occupation Certificate.

Note: If any disputes arise between parties refer to condition A4.

PART E – POST OCCUPATION

Hours of Operation

E1. The development is permitted to operate 24 hours, seven days a week unless otherwise specified in writing by the Secretary

Vehicle Access and Parking

E2. Any vehicle or plant owned or operated by the occupants of the development in connection with the conduct of their business shall be parked within the confines of the site in spaces designated on the submitted plans, or otherwise provided in accordance with the conditions of this consent.

E3. All vehicular movement to and from the site shall be in a forward direction.

E4. Proposed parking areas, vehicle bays, driveways and turning areas shall be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively.

Loading and Unloading

E5. All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Site at all times.

Stormwater management

E6. Onsite stormwater treatment systems shall be regularly maintained and serviced by appropriate waste contractors as required to ensure proper function.

Noise

E7. The use and occupation of the development, including all plant and equipment installed thereon, shall not give rise to any offensive noise, as defined under the POEO Act.

Odour

E8. The Applicant shall ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Signage and advertising

E9. No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature is to be installed or displayed on the exterior of the premises.

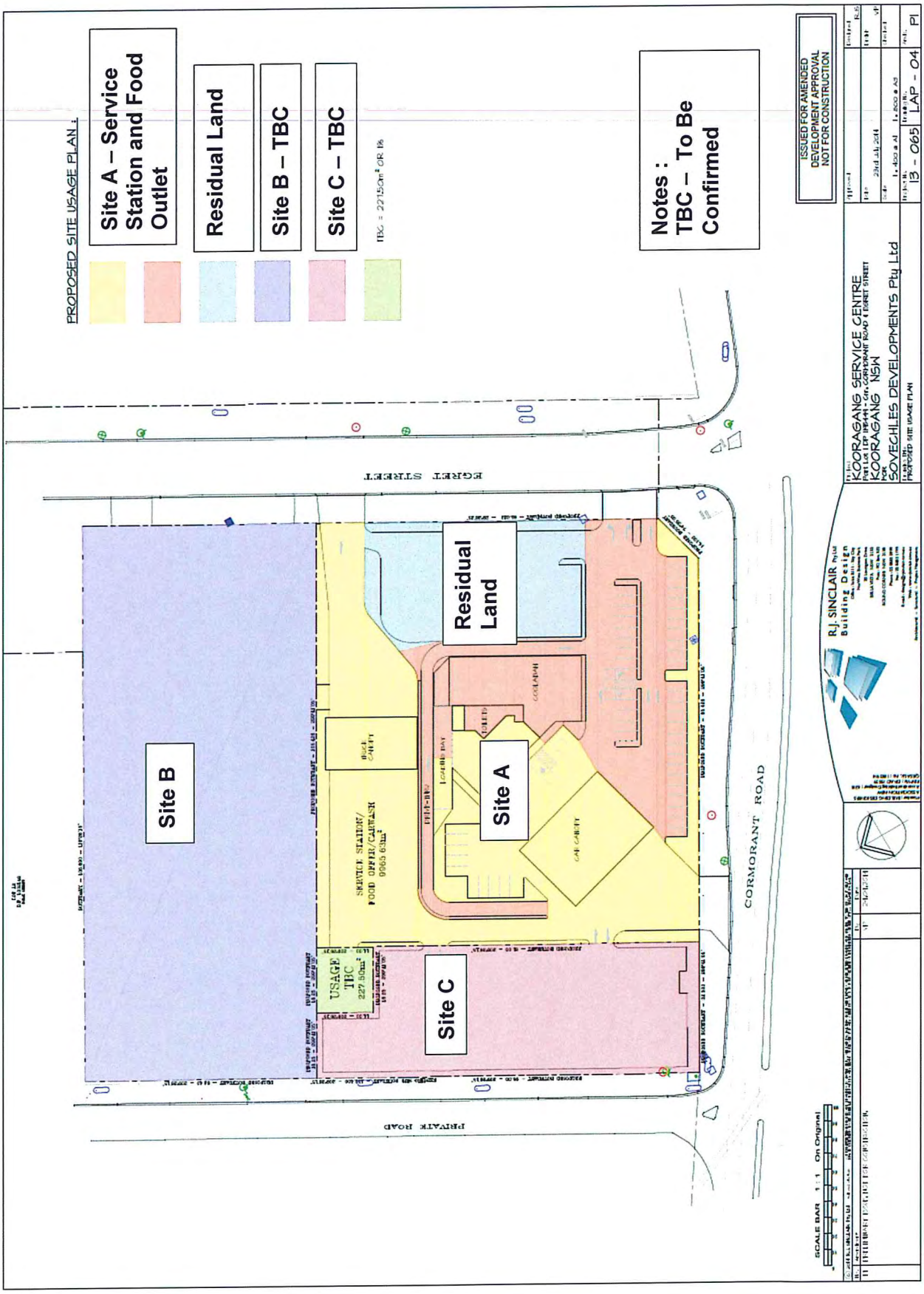
E10. Any flags, bunting or other promotional material of a like nature shall be arranged and properly maintained in a manner which does not detract from the appearance of the premises or the streetscape and which does not represent a hazard to the public.

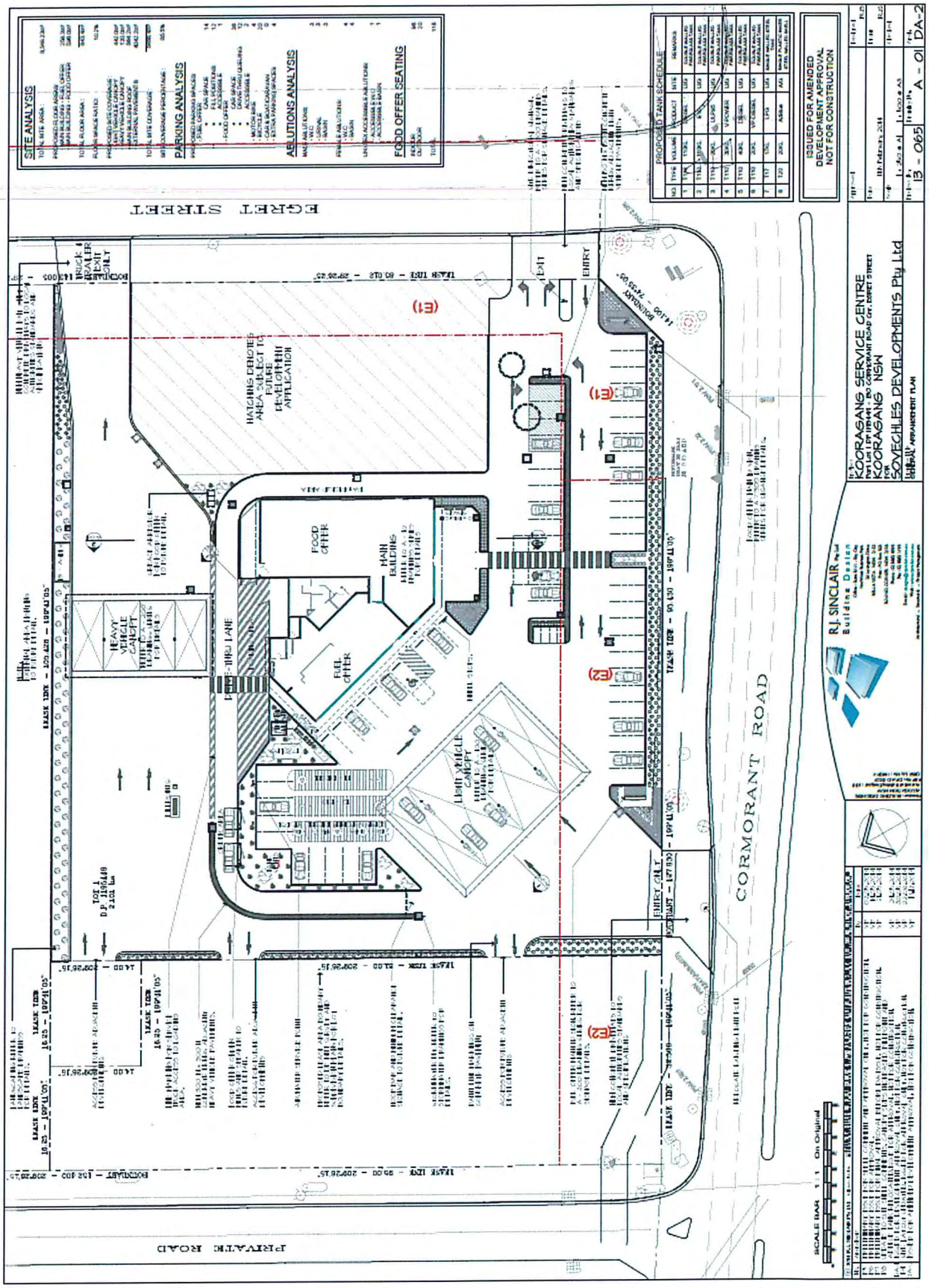
E11. No goods or advertising signs shall be displayed or allowed to stand on the public footpath or street.

External Lighting

E12. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.*

APPENDIX A


PROPOSED SITE USAGE PLAN
Site A – Service Station and Food Outlet
Residual Land
Site B – TBC
Site C – TBC
Notes :
TBC – To Be Confirmed
ISSUED FOR AMENDED DEVELOPMENT APPROVAL NOT FOR CONSTRUCTION
KOORAGANG SERVICE CENTRE
KOORAGANG NSW
SOVECHILES DEVELOPMENTS Pty Ltd
13 - 065 LAP - 04
Site A
Site B
Site C
Residual Land
CORMORANT ROAD
PRIVATE ROAD
EGRET STREET
SCALE BAR 1:1 On Original


SITE ANALYSIS
PARKING ANALYSIS
ABLUTIONS ANALYSIS
FOOD OFFER SEATING
PROPOSED TANK SCHEDULE
ISSUED FOR AMENDED DEVELOPMENT APPROVAL NOT FOR CONSTRUCTION
EGRET STREET
CORMORANT ROAD
PRIVATE ROAD
HATCHING DENOTES AREA SUBJECT TO DEVELOPMENT APPLICATION
FOOD OFFER
MAIN BUILDING
FUEL OFFER
HEAVY VEHICLE CANOPY
LIGHT VEHICLE CANOPY
TRUCK / TRAILER EXIT ONLY
ENTRY
EXIT
(E1)
(E2)
KOORAGANG SERVICE CENTRE
Part Lot 1 DP 1191141 - 210 CORMORAN ROAD Cnr. EGRET STREET
KOORAGANG NSW
FOR
SOVECHLES DEVELOPMENTS Pty Ltd
SITE PLAN
R.J. SINCLAIR
Building Design
13 - 065
A - 01
DA-2