

4 February 2019



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The General Manager
Cumberland Council
PO Box 42
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Dear Sir/Madam,

Re: s4.55(1A) Application for the Modification of Delivery Hours to Development Consent No. 2018/9/1 - Additional Information

Our Ref: 17355.1

1 Introduction

KDC Pty Ltd (KDC) have prepared this statement on behalf of Greystanes Service Centre Pty Ltd to confirm the intent and further refine the s4.55 application lodged with Council on 7 December 2018.

Development Consent No. 2019/9/1 was granted by Council on 12 September 2018 for the *Demolition of existing structures and construction of a single storey service station with attached kiosk and underground fuel storage tanks, a detached single storey food and drink premises, and associated signage.*

As part of this determination, 24-hour trade was approved for all uses on the site however deliveries were restricted to 7am to 10pm.

Following submission received by Council as part of the notification process this letter confirms that the primary intent of the s4.55 application is to enable the operator of the Service Station to receive deliveries for consumables for the Convenience Store only 24 hours 7 days a week. All other deliveries to the site, being for fuel and waste collection, will be carried out as per the existing conditions of consent.

This modification will enable the Service Station Operator to service the needs of the community, particularly via the provision of fresh produce, in the peak morning trade hours, which would otherwise be restricted as currently conditioned.

No changes are proposed to the delivery hours for the approved kiosk and take-away food and drink premise.

2 Proposal

The proposed *amended* modification seeks to amend Condition 162 of Development Consent No. 2018/9/1 to extend the delivery hours to 24 hours, 7 days a week for truck consumable deliveries only to the Service Station.

The Condition currently states:

162. Deliveries are to be carried out between 7 am and 10 pm.

The Proposed *Amended Modified Condition*:

162. Deliveries will be carried out in accordance with the following:

a) Service Station

Deliveries for the purposes of fuel and waste collection are to be carried out between 7 am and 10 pm, 7 days a week.

Deliveries for the purposes of consumables may be carried out 24 hours, 7 days a week.

b) Kiosk

Deliveries are to be carried out between 7 am and 10 pm, 7 days a week.

c) Take Away Food and Drink Premises

Deliveries are to be carried out between 7 am and 10 pm, 7 days a week.

3 Discussion

Notwithstanding the above amendment it is confirmed that the Noise Assessment prepared by Muller Acoustic for both the original DA and the modification application supports 24/7 deliveries to this site. Therefore, no variation to the technical justification of this proposal is required.

Enclosed with this letter is an amended Plan of Management (POM) for the Service Station. This amended POM places further restriction on the deliveries of consumables to the service station by stating that deliveries for consumables made between 10pm and 7am must be carried out via a maximum 12.5m delivery truck.

It is noted that Condition 2 of the consent states that the development must be carried out in accordance with the listed endorsed plans and documents. This currently includes the 'Plan of Management for the proposed 7-Eleven Service Station, dated December 2017'. It is considered Council will update this condition to reference the POM provided under the same heading, except dated February 2019, thereby providing Council certainty that this additional restriction must be complied with.

In order to provide a quality food offering within the approved uses at the site, fresh food consumables are required to be made overnight/ very early morning each day. Currently, the restricted delivery hours will not allow the premises to effectively operate, hence the need for extended delivery hours at the site.

It is noted no changes to any other aspect of the approved development is proposed under this application.

4 Legislative Assessment

Compliance with all legislative requirements under various Legislation, Environmental Planning Instruments (EPI's) and Council policies remains unaffected by this application. The proposed amendment does not change the overall design, function or off-site impacts of the development (as approved).

The following legislation, Environmental Planning Instrument (EPI) and Development Control Plan (DCP) are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979;
- Holroyd Local Environmental Plan 2013; and
- Holroyd Development Control Plan 2013.

5 Conclusion


The proposed amendment is minor in nature and will not change the overall design or function of the approved development. As established in the Noise Assessment, emissions from the project will satisfy the relevant Project Noise Trigger Levels (PNTL) at all assessed receivers for all assessment periods (ie day, evening and night). 24 hour deliveries are therefore considered acceptable at the site.

Notwithstanding this application has been further refined to address both community concerns and operator requirements.

Due to the merits of the proposal and absence of any significant adverse environmental impacts, this s4.55(1A) is considered to be in the public interest and recommended for Council's support.

Should you have any questions please do not hesitate to contact me on (02) 4940 0442.

Regards,



Rachel McNeil
Associate
KDC Pty Ltd

Enclosure A – Service Station Plan of Management - February 2019