

Conditions Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental 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



Tristan Kell

Director

Precinct Planning and Assessments

Parkes Special Activation Precinct

19 December 2023

SCHEDULE 1

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| Application Number: | DA 23/13429 |
| Applicant: | Pet Care Distributors Pty Ltd |
| Consent Authority: | Planning Secretary |
| Site: | Lot 1 DP 1251595 339 Brolgan Road |
| Development: | Two (2) lot Torrens title subdivision including works to provide access to lot 11 |

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DEFINITIONS

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| Applicant | Pet Care Distributors Pty Ltd, or any person carrying out any development to which this consent applies |
| BCA | Building Code of Australia |
| BC Act | <i>Biodiversity Conservation Act 2016</i> |
| Certifying Authority | A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates |
| Conditions of this consent | Conditions contained in Schedule 2 of this document |
| Construction | All physical work to enable operation. |
| Council | Parkes Shire Council |
| Day | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays |
| Demolition | The deconstruction and removal of buildings, sheds and other structures on the site |
| Department | NSW Department of Planning and Environment |
| Development | The development described in the SEE and Response to Submissions, including the works and activities comprising two (2) lot Torrens title subdivision. |
| Environment | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings |
| EPA | NSW Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| EPL | Environment Protection Licence under the POEO Act |
| Feasible | Means what is possible and practical in the circumstances |
| Incident | An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent |
| Land | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act |
| Material harm | Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) |
| Minister | NSW Minister for Planning (or delegate) |
| Non-compliance | An occurrence, set of circumstances or development that is a breach of this consent |
| Operation | The carrying out of the approved purpose of the development upon completion of construction. |
| PA | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act. |

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| Planning Secretary | Planning Secretary under the EP&A Act, or nominee |
| Rehabilitation | The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting. |

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the approved reports/plans in the table below:

| Ref No. | Report / Plan | Title/Description | Author / Prepared by | Dated |
|---------|--------------------------|--|----------------------|----------|
| 1 | SEE | Statement of Environmental Effects - 2 Lot Subdivision - Lot 1 DP 1251595, 339 Brolgan Road Parkes | Currajong Pty Ltd | 04/09/23 |
| 2 | Plan of Subdivision | Plan Showing Proposed Subdivision of Lot 1 DP 1251595 | Arndell Surveyors | 12/04/23 |
| 3 | Concept Design Statement | Concept Design Statement - Subdivision of Lot 1 DP 1251595 into 2 Lots | Currajong Pty Ltd | 21/04/23 |

SUBDIVISION CERTIFICATE

- A3. Obtain a subdivision certificate issued under section 6.15 of the *Environmental Planning and Assessment Act 1979*.

INCONSISTENCY BETWEEN DOCUMENTS

- A4. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

LAPSING OF CONSENT

- A5. This development consent will lapse five years from the date of consent.

AUSTRALIAN STANDARDS

- A6. All works shall be carried out in accordance with current Australian Standards.

LEGAL NOTICES

- A7. Any advice or notice to the consent authority shall be served on the Secretary.

APPLICABILITY OF GUIDELINES

- A8. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

- A9. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

DRIVEWAY / VEHICLE ACCESS

- A10. An all weather vehicle access shall be constructed for each individual lot to the satisfaction of Council, from the road pavement edge of seal to the property boundary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A11. The Department must be notified via the Major projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A12. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A13. The Department must be notified via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A14. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A15. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

PART B PRIOR TO THE ISSUE OF A SUBVISION WORKS CERTIFICATE

NOTIFICATION OF COMMENCEMENT

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

COMPLIANCE

- B3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

SUBDIVISION WORKS CERTIFICATE

- B4. No works shall commence on site until such time as a Subdivision Works Certificate has been issued for the subdivision works.
- Note:** A Subdivision Works Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

EROSION AND SEDIMENT CONTROL PLAN

- B5. Before the issue of a subdivision works certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to :
- (a) The Parkes Delivery Plan,
 - (b) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
 - (c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

LONG SERVICE LEVY

- B6. Before the issue of a subdivision works certificate, the long service levy of , as calculated at the date of this consent, must be paid to the Long Service Corporation or Council under the Building and Construction industry *Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to Council of the Certifier .

WASTE MANAGEMENT PLAN REQUIREMENTS

- B7. Before the issue of a subdivision works certificate or before site work commences, a waste management plan for the development must be prepared and provided to . The plan must be prepared
- (a) in accordance with
 - i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
 - ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and
 - (b) include the following information —
 - i. the contact details of the person removing waste,
 - ii. an estimate of the type and quantity of waste,
 - iii. whether waste is expected to be reused, recycled or sent to landfill,
 - iv. the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out

UTILITIES AND SERVICES

- B8. Before the issue of a subdivision works certificate, written evidence of the following service provider requirements must be provided to the principal certifier OR council:
- (a) a letter from demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
 - (b) a response from as to whether would affect any infrastructure, and whether further requirements need to be met
 - (c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

PART C PRIOR TO COMMENCEMENT OF SUBDIVISION WORKS

DILAPIDATION REPORT

- C1. Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

EROSION AND SEDIMENT CONTROLS IN PLACE

- C2. Before any site work commences, < insert the principal certifier OR council (where a principal certifier is not required)>, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

PART D DURING SUBDIVISION WORK

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

- D2. A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority, Structural Engineer and contact details, including contact phone number.
- D3. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A 1) with any text on the notice to be a minimum of 30 point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

CONSTRUCTION HOURS

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

CONSTRUCTION NOISE MANAGEMENT

- D7. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).
- D8. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.

CONSTRUCTION DUST MANAGEMENT

- D9. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (a) all materials shall be stored or stockpiled at the best locations.
 - (b) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs.
 - (c) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials.
 - (d) cleaning of footpaths and roadways shall be carried out regularly.
 - (e) rumble grids being installed at access points to the site.

SAFE WORK NSW REQUIREMENTS

D10. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Safe Work NSW requirements.

NO OBSTRUCTION OF PUBLIC WAY

D11. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

IMPORTED FILL

D12. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

DISCOVERY OF ABORIGINAL HERITAGE

D13. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

DISCOVERY OF EUROPEAN HERITAGE

D14. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary within 2 business days;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) Works may only recommence with the written approval of the Planning Secretary.

UNEXPECTED FINDS PROTOCOL – BURIALS

D15. In the event that a burial or skeletal remains are uncovered during work, then:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and

- (d) works may only recommence with the written approval of Heritage NSW.

WASTE STORAGE AND PROCESSING

- D16. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D17. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D18. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D19. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D20. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

- D21. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

EXCAVATION

- D22. Where excavation works are to take place on the site, control measures in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be undertaken to prevent erosion of soil

LOADING AND UNLOADING OF CONSTRUCTION VEHICLES

- D23. All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved and these conditions.

PART E PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

POST-CONSTRUCTION DILAPIDATION REPORT

- E2. a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the the principal certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 - (b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and
 - (c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).

REMOVAL OF WASTE UPON COMPLETION

- E3. Before the issue of a subdivision certificate:
- (a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and
 - (b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier .

GENERAL

- E4. Prior to the issue of a Subdivision Certificate, the person acting with this consent shall provide documentary evidence (e.g. a letter from a registered surveyor or relevant supply authority) certifying that all services (e.g. Drainage stormwater, water, gas, electricity etc.) as constructed are contained within each lot or the relevant easement to accommodate such services.

WORKS-AS-EXECUTED PLANS

- E5. Before the issue of the relevant subdivision certificate works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:
- (a) All stormwater drainage systems and storage systems, and
 - (b) The following matters that council requires to be documented
 - (c) A copy of the plans must be provided to council with the .

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be notified to the Department via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

- (d) identify the development and application number;
- (e) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- (f) identify how the incident was detected;
- (g) identify when the Applicant became aware of the incident;
- (h) identify any actual or potential non-compliance with conditions of consent;
- (i) describe what immediate steps were taken in relation to the incident;
- (j) identify further action(s) that will be taken in relation to the incident; and
- (k) identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- (a) a summary of the incident;
- (b) outcomes of an incident investigation, including identification of the cause of the incident;
- (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- (d) details of any communication with other stakeholders regarding the incident.