

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA 2019/0096

Development: Subdivision of Lots 205, 484, 485, 486 and 487 DP 750152 and Lot 1 DP 820910 into 34 residential lots and 1 lot comprising a public drainage reserve.

Site: Lots 205, 484, 485, 486 and 487 DP 750152 and Lot 1 DP 820910 (cnr Coleman Road and Harwood Street, Parkes)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 24 November 2021.

Date from which consent takes effect: 24 November 2021.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lots 205, 484, 485, 486 and 487 DP 750152 and Lot 1 DP 820910 (cnr Coleman Road and Harwood Street, Parkes)

The conditions of consent are as follows:

CONDITIONS OF CONSENT

Approved Plans and Documentation

1. The development shall be carried out in accordance with:

- i. The stamped Information in Support of a Development Application (Statement of Environmental Effects) prepared by Casey Surveying and Design Pty Ltd dated October 2019;
- ii. The stamped Proposed Lot Layout prepared by Casey Surveying and Design dated 28 October 2019.
- iii. The amended sewer and stormwater plan prepared by Casey Surveying and Design dated 26 October 2021.

Except where amended in red or by any of the following conditions of consent.

Prior to issue of Subdivision Works Certificate

The following conditions must be complied with prior to the issue of a Subdivision Works Certificate:

Further contamination investigation and amended Remediation Action Plan

2. Further contamination investigation works are to be undertaken and documented in a detailed site investigation (DSI) report prepared in accordance with the NSW EPA Consultants Reporting on Contaminated Land: Contaminated Land Guidelines (2020) and are to address (without limiting the requirement to comply with the guidelines):

- i. further investigations to determine the precise depth, area and location of the part of the site described as the as the former quarry area in the Remediation Action Plan prepared by Foundation Earth Sciences and dated August 2021 Revision Number 0 issued on 9 August 2021 (the RAP);
- ii. the carrying out of additional sampling as required to meet the requisite sampling density in accordance with the NSW EPA "Sampling Design Guidelines";
- iii. the carrying out of the additional investigations described at Part 7.0 and at page 54 of the RAP;
- iv. investigation of the presence of ground gasses associated with uncontrolled filling in accordance with the NSW EPA (2020b) Contaminated Land Guidelines: Assessment and Management of Hazardous Ground Gases;
- v. investigation of the presence of landfill leachate.

3. Following the preparation of the DSI report identified at condition 2 above, the RAP is to be amended as follows:

- i. the hotspot remediation strategy identified for the area described as a former quarry area in the RAP (or, if that area changes based on the DSI Report, as shown in the RAP as amended) is to be amended such that the remediation of the soil in that area is to be dealt with as a whole, rather than by the remediation of only those areas identified as "hotspots".

- ii. the remediation strategy is to be amended to address any additional contamination identified during the DSI required in condition 2 above.
4. The DSI report and the amended RAP identified at condition 3 (**Amended RAP**) is to be assessed by a site auditor accredited under the *Contaminated Land Management Act 1997*. The site auditor is to certify that:
 - i. the DSI report meets the requirements of the NSW EPA (2020a) Contaminated Land Guidelines: Consultants Reporting on Contaminated Land, has adequately investigated the contamination status of the site, and meets the requirements of condition 2 above; and
 - ii. the implementation of Amended RAP will render the site suitable for the residential use of the land contemplated by this development consent.
5. The site auditor's certification, in accordance with condition 4, is to be submitted with the DSI report and the Amended RAP to Parkes Shire Council's Director, Planning and Community for approval. Written notice of the approval is to be obtained prior to the issue of the subdivision works certificate. The approval required by this condition is unable to be provided by a private certifier under clause 161 of the Environmental Planning and Assessment Regulation 2000 as neither a detailed site investigation nor a remediation action plan prepared for the purposes of the remediation of contaminated land is a matter listed in cl 161(1) as being capable being satisfied by a certifier pursuant to cl 161(2) of the Regulation.

Prior to Commencement of Works

6. Prior to construction of the approved development it is necessary for the Applicant to obtain a Subdivision Works Certificate. A Subdivision Works Certificate may be issued either by Parkes Shire Council or an Accredited Certifying Authority.
7. Prior to any work commencing within a public road reserve located within the Parkes Shire the Applicant shall submit for the approval by Parkes Shire Council's Director Engineering Services, as part of an Application to Occupy Roads and Footpath under Section 138 of the Roads Act 1993, detailed engineering design drawings of intended works. The drawings are to be accompanied by associated sediment control plans, environmental management plans, work method statements and traffic control plans.
8. Prior to the commencement of any works, the Applicant shall pay to the Council a bond for the protection of kerb and gutter and other Council owned utility services. The amount of the bond is prescribed in Parkes Shire Council's adopted Fees and Charges Schedule. Photograph(s) indicating the current state of the footpath adjoining the development shall be submitted prior to the commencement of any works.

Note: The security deposit is taken to cover the cost of any damage to Council's assets (e.g. drainage systems, footpaths, kerb and guttering, etc.) arising from private development work. The deposit will be refunded should no damage be caused to Council's assets adjacent to the development site, as a result of the construction works.
9. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
10. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as

directed by Council Officers. These requirements shall be in accordance with latest publication of *Managing Urban Stormwater – Soils and Construction* produced by Landcom.

During Work

- 11 No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
- 12 Construction work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 13 Throughout the course of construction operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 14 Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on a public footpath or roadway.
- 15 Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction.

Note: The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

- 16 Introduce and effectively maintain measures to suppress and control dust at all times during the construction of the subdivision. Details of the proposed dust control measures, including procedures for the implementation of such measures, shall be submitted to Council for approval prior to commencement of construction works.
- 17 All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container for disposal at an approved Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

Note: No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note: The waste container shall be regularly cleaned to ensure proper containment of the waste generated on the site

- 18 The release of the lots within the subdivision may be staged; however, all conditions relevant to a stage are to be complied with prior to the release of the Subdivision Certificate. Any construction of roads which would create a dead end shall include the provision of a temporary turning head, with the design and construction methods shown on the relevant Subdivision Works Certificate.

Site Remediation

- 19 The site is to be remediated and validated in accordance with the Amended RAP approved by the Director, Planning and Community pursuant to Condition 5. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*. Any new information which comes to light during remediation or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Director Planning and

Community, the Site Auditor and the Principal Certifier. Any variations to the approved Amended RAP are to be submitted to the Council for approval.

Classification Of Waste

- 20 Prior to the exportation of any waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW DECC EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014). Advice should be sought from the EPA where relevant.

Site Audit Statement

- 21 On completion of the approved remediation works and prior to the issue of a subdivision certificate, a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Director Planning and Community. The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Amended RAP and that:
- i. the 34 residential lots are suitable for residential use;
 - ii. the drainage reserve lot is suitable for use as a drainage reserve;
 - iii. the road reserve within the subject site is suitable for use as a public road.
- 22 In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with this consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of the Council (such as via a s. 4.55 or s.4.56 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*). No subdivision certificate for the approved development can be issued unless a Section A Site Audit Statement has been submitted to the Council in accordance with this condition. Should the site require a long-term environmental management plan (EMP) the site auditor approved EMP is to be submitted to the Council.

Utilities

- 23 Provide an underground electricity supply to all new residential allotments, including the provision of street lighting columns and luminaries, to comply with Essential Energy's Networks Division Customer Connection Policy.
- 24 Advise the relevant telecommunications authority of the proposed subdivision and prior to the issue of a subdivision certificate for any stage provide Parkes Shire Council with written evidence that suitable arrangements have been made for the provision of underground plant to the subdivision.
- 25 All underground utility services shall be provided in a shared trench in accordance with the attached 'Shared Trench Agreement - Country Region of NSW'.

Water

- 26 The Applicant shall submit to Parkes Shire Council the design and construction of a reticulated water network to service the proposed development. The design and construction of the water network shall be completed in accordance with AUS-SPEC#1/Parkes Shire Council and WSA-03 Water Code of Australia. The detailed design shall be approved by the Director of Engineering Services prior to the issue of a Subdivision Works Certificate.
- 27 Provide a minimum 20mm water service and water meter to each new allotment in accordance with AUS-SPEC#1/Parkes Shire Council and to the satisfaction of Council's Director of Infrastructure.

- 28 The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council, certifying that all works, fees and charges required in connection with the provision of water supply to the subdivision have been undertaken and complied with in full. The Certificate of Compliance shall include all relevant works verified by appropriate Compliance Certificates, fees and charges that are currently being applied at the time of the release of the final survey plan by Parkes Shire Council.

Note: Water reticulation mains and services must be physically provided to all new residential allotments in accordance with Council's Residential Code and AUS-SPEC#1/Parkes Shire Council. Council will not issue the Subdivision Certificate until a Compliance Certificate has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.

Note: All monetary contributions in relation to the augmentation of reticulated water supply must be paid in full before Parkes Shire Council will issue a Certificate of Compliance.

Note: A scaled "works as executed plan" showing the layout of water reticulation works that have been carried out in relation to the subdivision is required to be submitted to Parkes Shire Council for approval by Council's Director of Infrastructure prior to the issue of a Certificate of Compliance.

Sewerage

- 29 The Applicant shall submit to Parkes Shire Council a detailed design of the sewerage network for the proposed development. The detailed design shall include a sewer investigation study and construction drawings including detailed calculations, plans, long sections and pit details to enable construction of the sewerage network. The detailed design shall be submitted for approval with the Subdivision Works Certificate for each stage of the development. The design and construction of the sewerage network for the proposed development shall be completed in accordance with AUS-SPEC#1/Parkes Shire Council and WSA-02 Sewerage Code of Australia

- 30 Provide a single sewerage connection of minimum 150mm diameter to each new allotment in accordance with AUS-SPEC#1/Parkes Shire Council and to the satisfaction of Council's Director Infrastructure.

- 31 The Applicant is required to obtain a Certificate of Compliance from Parkes Shire Council, certifying that all works, fees and charges required in connection with the provision of sewerage to the subdivision have been undertaken and complied with in full. The Certificate of Compliance shall include all relevant works verified by appropriate Compliance Certificates, fees and charges that are currently being applied at the time of the release of the final survey plan by Parkes Shire Council.

Note: Reticulated sewer mains and services must be physically provided to all new residential lots in accordance with Council's Residential Code and AUS-SPEC#1/Parkes Shire Council. Council will not issue the Subdivision Certificate until a Compliance Certificate has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.

Note: All monetary contributions in relation to the augmentation of reticulated sewerage must be paid in full before Parkes Shire Council will issue a Certificate of Compliance.

Note: A scaled "works as executed plan" showing the layout of sewerage works that have been carried out in relation to the subdivision is required to be submitted to Parkes Shire Council for approval by Council's Director of Infrastructure prior to the issue of a Certificate of Compliance.

- 32 The sewerage line servicing lots 15-21 shall be located within the allotment boundaries with an easement for drainage of sewage.

Stormwater

- 33 The Applicant shall submit to Parkes Shire Council a Stormwater Management Plan for the proposed development. The Stormwater Management Plan shall include detailed calculations, plans, long sections, pit details, detention basin details and a report explaining the overall approach to both the minor and major drainage systems adopted in AUS-SPEC#1/Parkes Shire Council. Where computer modelling is used, the Applicant is to submit as part of the Stormwater Management Plan a modelling report summarising the input parameters and results of the model. The Stormwater Management Plan shall be submitted to and approved by Council's Director of Engineering Services prior to the issue of the Subdivision Works Certificate.
- 34 Provide inter-allotment drainage for those lots that cannot drain all or part of their overland flows directly to a street frontage or drainage easement. Inter-allotment drainage shall be designed and constructed in accordance with AUS-SPEC#1/Parkes Shire Council.
- 35 Stormwater drainage infrastructure required as part of the drainage reserve is required to be constructed prior to the Issue of a Subdivision Certificate. The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council or an Accredited Certifying Authority, certifying that the required infrastructure specified in the Stormwater Management Plan required under Condition 33, has been constructed and completed in accordance with AUS-SPEC#1/Parkes Shire Council.
- 36 Prior to the issue of a Subdivision Certificate the Applicant is required to obtain a Certificate of Compliance from Parkes Shire Council, certifying that all works, fees and charges required in connection with the provision of stormwater to the subdivision have been undertaken and complied with in full.
- Note: Inter-allotment drainage in accordance with AUS-SPEC#1/Parkes Shire Council must be provided all lots that cannot drain all or part of their overland flows directly to a street frontage or drainage easement. Council will not issue the Subdivision Certificate until a Compliance Certificate has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.
- Note: A scaled "works as executed plan" showing the layout of stormwater works that have been carried out in relation to the subdivision is required to be submitted to Parkes Shire Council for approval by Council's Director of Infrastructure prior to the issue of a Certificate of Compliance.
- 37 Any stormwater overflow from the on-site detention basin is to be connected to the existing underground stormwater infrastructure in Ken Payne Place. Should the existing stormwater infrastructure be required to be upgraded this will be at the applicant's expense.

38 Deleted

Roads and Traffic

- 39 All roads associated with the development shall be sealed and provided with kerb and gutter. In this regard the developer shall submit full engineering details for roads and road drainage for approval by Council's Director of Engineering Services prior to the issue of the Subdivision Works Certificate. The design and construction of roads and drainage are to be in accordance with AUS-SPEC#1/Parkes Shire Council

40 The Applicant shall construct full width pavement from the existing pavement to the western boundary of the subject lot for the Coleman Road Street frontage and from the existing pavement to the northern boundary of the subject lot for the Harwood Street frontage. Kerb and gutter shall be incorporated into the pavement design and constructed in conjunction with roadworks in accordance with AUS-SPEC#1/Parkes Shire Council.

41 A temporary turning head shall be provided within the road reserve until such time as the further development and extension of the road occurs to completion. The temporary turning head must be maintained to an unsealed Council approved compacted gravel standard.

Note: The unsealed turning head is not Council's asset and any damage to the turning head or unsealed section of pavement shall be the responsibility of Developer, and any damages that may or could occur as a result of the public use will not be assumed by council, whole or in part.

42 Approval of road names for the subdivision must be made under separate application to Parkes Shire Council in accordance with the Council's list of chosen street names.

Note: The required application for road naming must be lodged and determined by Parkes Shire Council prior to the issue of the Subdivision Certificate.

Note: All fees and charges associated with the lodgement of the application to name a road shall be borne by the developer.

43 The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council or an Accredited Certifying Authority, certifying that all road-works, including drainage infrastructure, has been constructed and completed in accordance with AUS-SPEC#1/Parkes Shire Council. For the purposes of obtaining the Compliance Certificate, the road works must be inspected by Council or an Accredited Certifying Authority at the times specified below:

- a) Earthworks: Prior to any road works and when all sediment controls have been placed in position.
- b) Road Drainage: When all drainage work and structures are installed and prior to backfilling.
- c) Kerb and Gutter: When the road-base is properly formed and levels for the top of the kerb are in place and prior to pouring of concrete.
- d) Road Pavement: When the road-base is properly formed and compacted and prior to sealing.
- e) Completion: When all road works are completed, including sealing, directional signage, street lighting and street furniture.

Note: The above Compliance Certificate(s) are required irrespective of whether the work has been inspected by a structural engineer, a lending authority or any other person.

Note: Any additional Council inspection that is needed to verify the compliance of any work and that is beyond the scope of any Compliance Certificate package listed above will be charged at the individual inspection rate nominated in Parkes Shire Council's Fees and Charges Schedule.

Note: The "works as executed plan" must include pavement thickness as constructed, road centreline and kerb levels at all TPs, Crests, sags, end of construction and at 50m intervals on straight segments. Site regrading details must be shown, with finished surface levels at front and rear boundaries, and contour plans of cut and fill plans with depths in 0.25m increments shaded or hatched. Footway widths must be provided for all TPs, centre of kerbs and each end of the construction. Locations of kerb laybacks and vehicular driveways must be shown as well as any departures from approved plans and/or any additional works. Additionally, plans must also show the location and level of any permanent survey marks.

- 44 A vehicle access plan is to be provided demonstrating layback crossovers can be installed for Lots 6, 7, 14 and 31 in accordance with Australian Standard AS2890.1:2004 prior to the Issue of a Subdivision Works Certificate.
- 45 The applicant is to install vehicle laybacks for Lots 6, 7, 14 and 31 to Council's engineering standards, prior to the Issue of a Subdivision Certificate in accordance with Condition No 44. The applicant is to obtain a compliance certificate confirming all works are completed.
- 46 The applicant is to construct a new layback and driveway at the nominated location in accordance with approved site plan, driveway long section and the following Parkes Shire Council minimum standards:
- a) Driveway 3-6 metres wide
 - b) Concrete slab shall be 150mm thick, 32MPa GP concrete,
 - c) Concrete slab must be constructed on a firm compacted gravel foundation with a minimum nominal thickness of 75mm.
 - d) Concrete slab shall be dowelled into the existing kerb and gutter using R12 Galvanised dowels (250 grade) spaced at 300mm centres, 400mm long and centrally placed.

All works must be completed prior to the issue of a Subdivision Certificate.

- 47 The primary vehicular access to proposed lots 31 and 14 is to be provided from Coleman Road. An application for a subdivision certificate for proposed lots 31 and 14 must be accompanied with an 88b Instrument with a restriction on owner that primary vehicular access is to be provided from Coleman Road.

Street Trees

- 48 Prior to the issue of a Subdivision Certificate for each stage of the development, provide street trees to the subdivision in accordance with the performance standards of Parkes Shire Council's Development Control Plan 2013. A plan will be submitted for approval by Council's Director Engineering Services showing the proposed location, species, and size of street trees to be planted.

Contributions

- 49 The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council, pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, certifying that all charges associated with Section 64 of the Local Government Act 1993 have been paid in full for both water and sewer for each stage of the development. This compliance certificate is to be issued prior to the release of the Subdivision Certificate.

Note: Water ET's for the development have been calculated to be 27.8

Note: Sewer ET's for the development have been calculated to be 29

Note: \$12,985.00 is the current Section 64 water developer charge per ET set out in Council's published fees and charges for 2020/21. This charge is reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

Note: \$4,848.00 is the current Section 64 sewer developer charge per ET set out in Council's published fees and charges for 2020/21. These charges are reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

Prior to the Issue of a Subdivision Certificate

- 50 The Applicant is to obtain from Parkes Shire Council a Subdivision Certificate prior to its lodgement with NSW Land Registry Services.
- 51 The final survey plan shall show easements over all utility services. Easements for water and sewer shall be in favour of Parkes Shire Council.
- 52 The final survey plan shall show inter-allotment drainage for those lots that cannot drain all or part of their overland flows directly to the street frontage or natural watercourse.
- 53 The final survey plan shall show the dedication of any new roads servicing the subdivision as public roads.
- 54 The final survey plan shall dedicate the drainage reserve to Parkes Shire Council.
- 55 The final survey plan shall show splayed corners on those allotments adjoining an intersection or corner for traffic safety reasons.

Prescribed Conditions

- 56 The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- 57 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - 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, and
 - c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 58 Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.