

Subject: Development Application No. DA13059 - Subdivision - Three (3) Lots into Eighty-Six (86) Lots

Development Application Information

Application No: DA13059

Applicant: Kent Boyd, Parkes Shire Council

Property: Lots 309, 310 and 313 DP750152, Park and Fisher Street, Parkes

Proposal: Subdivision - Three (3) Lots into Eighty-Six (86) Lots

Executive Summary

Development Application No. DA13059 proposes an 86 lot residential subdivision at Lots 309, 310 and 313 DP750152, Park and Fisher Street, Parkes. The application was lodged on 1 July 2013 by Kent Boyd, General Manager of Parkes Shire Council.

The application has been referred to the Joint Regional Planning Panel for determination pursuant to Section 23G(2A) Schedule 4A of the Environmental Planning and Assessment Act 1979, as the proposal is a Council development that has a capital investment value of more than \$5 million.

Recommendation

It is recommended that the application be approved subject to the conditions contained in the report.

Report

Details of Proposed Development

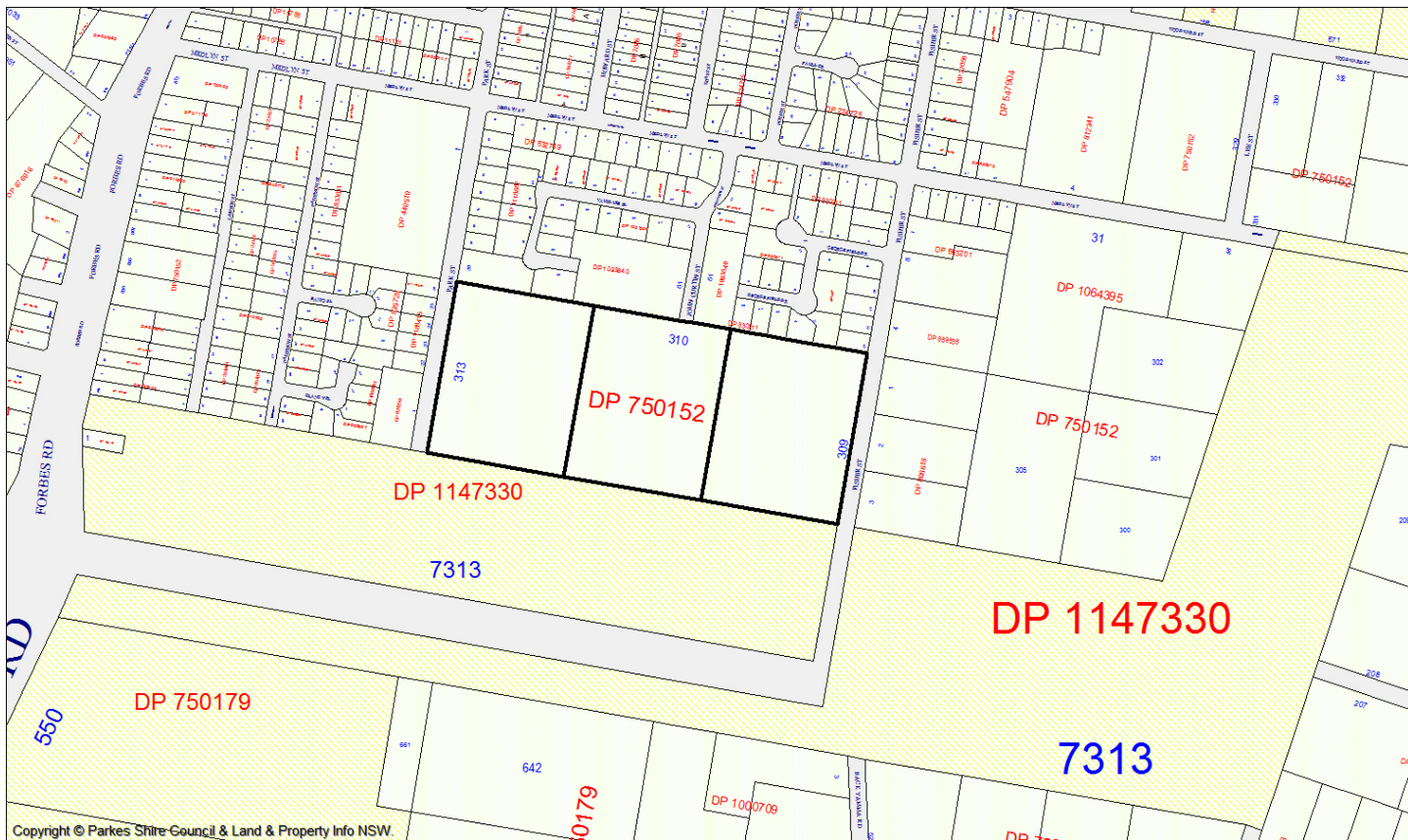
The development application seeks approval for an 86 lot residential subdivision. The proposal includes 86 lots ranging from 675m² to 1212m², the construction of internal roads, road median rain gardens, solar power street lights, a drainage reserve and stormwater retention dam.

Lots 1 - 9 and Lots 77 - 86 will adjoin and be directly accessed from Fisher Street and Park Street. John Curtin Street will be extended to the south and will intersect with two new roads which provide access to the other allotments.

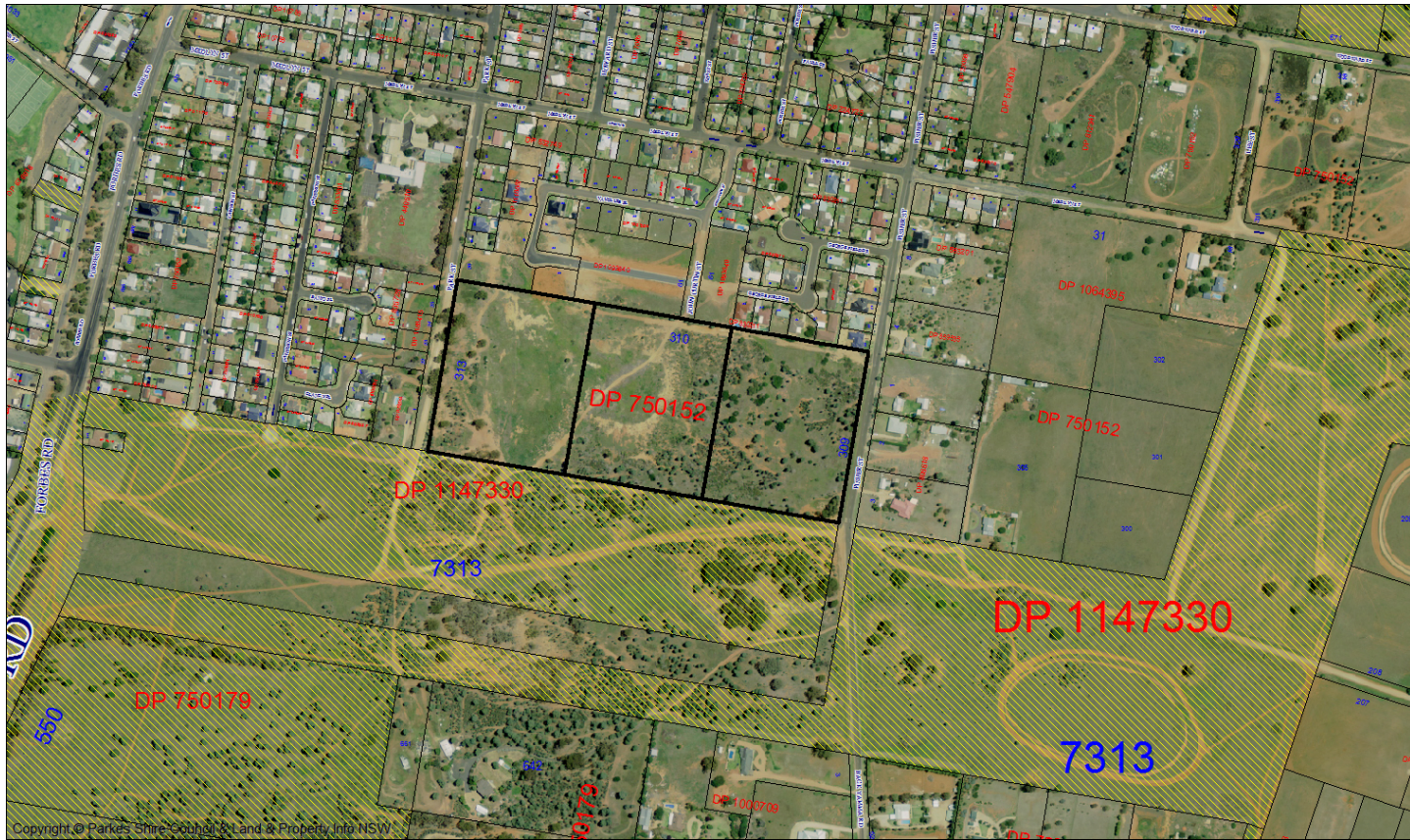
The proposal incorporates 'green' features such as water sensitive gardens used to capture, filter and drain stormwater generated by the development, solar powered street lighting, native gardens, interpretive signage and artistic features.

It is proposed that the development will be constructed in successive stages, based on utilisation of existing roads, utility services and demand.

Location Map



Aerial Imagery



Engineering Assessment

As the proposed subdivision layout was prepared internally by Council's Engineering Services Department, an external engineering assessment was undertaken by Heath Consulting Engineers.

The assessment confirmed that the proposal, at concept stage, generally satisfies the engineering requirements of Parkes Shire Council. The assessment also included recommended conditions of consent which have been incorporated into the recommended conditions of consent. A copy of the assessment is included in an attachment to this report.

Environmental Assessment

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 79C matters for consideration for Development Application No. DA13059:

79(C)(1)(a)(i) Any Environmental Planning Instrument

Parkes Local Environmental Plan 2012

The subject land is zoned R1 Residential under the Parkes Local Environmental Plan (LEP) 2012.

Clause 2.6 Subdivision - Consent Requirements

Consent is required for the proposed subdivision under the provisions of this clause.

Land Use Table

The subject land is zoned R1 General Residential under the LEP 2012. The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide attractive, affordable, well located and market-responsive residential land.*
- *To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.*
- *To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.*

The proposed development is considered to be consistent with the objectives of the zone as it will provide for the housing needs of the community that is attractive, affordable, well located and market responsive. The subject land is located in a relatively close proximity to the Parkes CBD and the proposed new Parkes hospital.

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 sets out the minimum subdivision lot size resulting from a subdivision of land. The objectives of Clause 4.1 are:

- (a) *to maintain farm sizes that will protect the productive capacity of agricultural land,*
- (b) *to ensure that rural residential development does not prejudice future urban development or agricultural production,*

- (c) *to ensure that subdivision has a minimal impact on the natural and environmental values of the area,*
- (d) *to prevent the fragmentation of natural areas,*
- (e) *to ensure that lots to be created, and any subsequent developments on such lots, do not have the effect of creating a demand for the uneconomic provision of services by the Council,*
- (f) *to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,*
- (g) *to ensure that lot sizes and dimensions are able to accommodate development that is consistent with relevant development controls.*

The proposed development is consistent with the objectives of this Clause as it will not have a significant impact on the natural and environmental values of the area, will not result in the uneconomic provision of services by Council and the proposed subdivision pattern reflects the lot sizes and patterns in the surrounding locality.

Clause 4.1(3) states that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The Lot Size Map for the subject land notes that the minimum lot size for the subject land is 600m². The proposed development is consistent with this requirement.

Clause 5.9 Preservation of trees or vegetation

This clause does not apply as Council does not have a DCP which restricts the removal of vegetation.

Clause 6.1 Earthworks

Clause 6.1(2)(b) states that development consent is required for earthworks that are ancillary to development for which development consent has been given. It is considered that the earthworks are ancillary to the proposed subdivision.

Clause 6.1(3) states that before granting consent for development involving ancillary earthworks, the following matters must be considered:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

An on-site detention basin has been included to ensure the effective management stormwater from the subdivision. While some of the existing drainage patterns may be disrupted, there will be no long term detrimental effects on the drainage patterns and soil stability in the locality of the development due to the proposed on-site detention infrastructure. A condition of consent will also require erosion and sediment control to be implemented during the construction period.

Initial soil contamination investigations has revealed that the site contains contaminated material and therefore the excavated material will need to be tested and if it is contaminated, the fill will need to be disposed of at Councils waste facility. Any fill brought to the site will be clean virgin excavated material.

The adjoining land to the north contains contaminated fill which has been pushed onto Council's land. This fill will need to be removed and therefore Council will need to liaise with the property owner to find a suitable solution such as ensuring that the final landform is battered and not have an adverse impact on soil stability.

Given the highly disturbed nature of the land, it is unlikely that any relics will be discovered during construction. A condition of consent has been included which requires work to cease immediately if any relics are discovered and appropriate agencies are notified immediately.

The subject land is not located within a drinking water catchment or an environmentally sensitive area and therefore not expected to have any adverse impacts.

Clause 6.2 Terrestrial Biodiversity

This Clause applies to land identified as 'biodiversity' on the Terrestrial Biodiversity Map. The map below shows the subject allotments and the area which is identified as 'biodiversity'.



In order to determine the condition, ecological value and significance of the biodiversity on the site, a Biodiversity Assessment was carried out by OzArk Environmental and Heritage Management on behalf of Parkes Shire Council.

The Biodiversity Assessment confirmed that 8.5 hectares of the subject site was identified as regrowth native vegetation, comprising of white cypress pine woodland, inland grey box and fuzzy grey box. It also noted that inland grey box and fuzzy grey box are endangered ecological communities listed under the Threatened Species Conservation Act 1995, however, no trees to be affected have hollows and all were assessed as having NIL or low habitat values.

The Biodiversity Assessment also confirmed that the proposal is:

- unlikely to significantly affect any of the listed threatened species, fauna populations or communities;
- unlikely to augment or significantly contribute to any of the National or State listed Key Threatening Processes, if the appropriate safeguards regarding the control of potential vertebrate pests are effectively applied;
- unlikely to significantly affect any Ramsar wetland or any CAMBA or JAMBA listed species;
- unlikely to significantly affect local hydrology; and
- consistent with ESD principles with regard to fauna, would not adversely affect the local biodiversity and no issue of inter-generational or value added matters are relevant in this instance.

Clause 6.7 Essential Services

Clause 6.7 Essential Services requires that development consent must not be granted unless the consent authority is satisfied that the following services that are essential for the development are available:

- The supply of water - the subject land has an existing connection to Council's reticulated water service. All the lots will be serviced by the reticulated network.
- The supply of electricity - The proposed lots will all be connected to a low voltage electricity supply.
- The disposal and management of sewage - the subject land has an existing connection to Council's reticulated sewage system. All the lots will be serviced by the reticulated network.
- Stormwater drainage or on-site conservation - the proposal includes a stormwater detention basin in the south-eastern corner of the proposed subdivision. Stormwater reticulation within the site shall comprise inter-allotment drainage networks.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The State Environmental Planning Policy No. 44 - Koala Habitat Protection applies to all land in the Parkes Shire in which a development application has been made and that has an area of more than 1 hectare.

Before Council can grant consent, it must satisfy itself whether or not the land is a potential koala habitat. The SEPP defines a potential koala habitat as an area of native vegetation where the trees listed in Schedule 2 (of the SEPP) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component on the property.

The species listed in Schedule 2 of the SEPP include:

<u>Scientific Name</u>	<u>Common Name</u>
Eucalyptus tereticornis	Forest red gum
Eucalyptus microcorys	Tallowwood
Eucalyptus punctata	Grey Gum
Eucalyptus viminalis	Ribbon or manna gum
Eucalyptus camaldulensis	River red gum
Eucalyptus haemastoma	Broad leaved scribbly gum
Eucalyptus signata	Scribbly gum
Eucalyptus albens	White box
Eucalyptus populnea	Bimble box or poplar box
Eucalyptus robusta	Swamp mahogany

The biodiversity assessment submitted with the development application revealed that the site is not a core koala habitat as there was no evidence of a resident population of koalas, and no recent sightings or historical records of a population located at the site.

State Environmental Planning Policy No. 55 - Remediation of Land

Although the subject land has never been formally developed, historical records indicate that there was a gravel pit located on the land, which has since been filled in. The land has also been subject to illegal dumping of household rubbish and soil and gravel stockpiles.

The adjoining land to the north contains a partially developed residential subdivision that has been illegally filled with non virgin excavated material and contained fragments of asbestos. As a result of the earthworks

carried out on the adjoining site, some of the material has been pushed onto the subject land (Lot 313 DP750172).

In 2005, Council commissioned a preliminary contamination investigation and a compaction investigation for the subject land. The findings revealed that parts of the site contained elevated levels of total petroleum hydrocarbons and arsenic. The drilling indicated that the quarry area contained well compacted material to a depth of around 2.5 metres over an area of approximately 1.5 hectares.

Clause 7 of the SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

As noted above, the subject in its current state is considered to be contaminated and further remediation works will need to be carried out prior to the land being suitable for its intended residential use. A deferred commencement condition of consent has been included which will require the land to be remediated and validated for residential use prior to any further development being carried out on site. A condition of consent has also been included which requires the site to be fenced to ensure no further unauthorised access and illegal dumping is carried out on site.

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies to the proposed development as it is Council related development with a capital investment value over \$5 million. Accordingly the proposal is being reported to the JRPP for determination.

S79(C)(1)(a)(ii) Any draft environmental Planning instrument

There are no draft environmental planning instruments relevant to the proposal.

S79(c)(1)(a)(iii) Any Development Control Plan (DCP)

Residential Development Control Plan 1998

The objectives of the Residential Development Control Plan 1998 are to:

- Ensure development complies with the Building Code of Australia and other policies that are relevant to residential development.
- Enable the continuation of traditional forms of residential land use and occupation.
- Involve key stakeholders in the preparation of new residential strategies and designs that are relevant and cost effective in the Parkes Shire context.
- Achieve a high level of residential development and encourage more sustainable residential environments.
- Ensure that the type and intensity of development is appropriate in relation to the characteristics of the land, surrounding environment, and the costs of providing public services and amenities.

It is considered that the proposed development meets, or is not antipathetic to the objectives of the Development Control Plan. The proposed development will achieve a high level of residential development and encourage more sustainable residential environments by incorporating the proposed measures such as water sensitive urban design.

The following sections of the DCP are applicable to the proposal:

Section 3 Subdivisions

Section 3.2 Site Layout

The subdivision layout will integrate into the surrounding urban area and existing residential subdivision pattern. The subject land is surrounded by existing residential allotments to the north, east and west and has links to surrounding parklands and scenic views.

Techniques have been incorporated to build a road hierarchy creating specific access areas for the subdivision; a mixture of small local streets connecting to larger main roads.

Measures have also been taken to ensure the effective drainage of stormwater; natural topography incorporated with drainage reserves have been implemented to achieve satisfactory storm water drainage. The proposal also demonstrates a high level of aesthetics including rain gardens and accessible open green spaces.

As per the requirement of the DCP, a condition of consent has been included which requires consistent fencing along the rear boundary of proposed allotments 66 to 51, which adjoin a crown land reserve.

Section 3.3 Road Design

The proposed road design is consistent with the carriageway widths outlined in the DCP. The cul-de-sacs will also feature a central grassed section to reduce pavement area and continue the garden streetscape.

Section 3.4 Lot Design

Each proposed lot has an area greater than 600m², have a minimum frontage of 18 metres and depth of 30 metres. The allotments provide opportunity for the orientation of buildings with greater solar efficiency.

Section 3.5 Services

The lots will be serviced by Council's reticulated water and sewer service, as well as electricity and telecommunications. It is noted that gas is available in the vicinity of the development.

Section 3.6 Drainage

Stormwater will be managed via the construction of water sensitive gardens/swales and supplemented by an on-site detention basin.

Section 3.7 Street Trees

A condition of consent will require street trees to be provided to each allotment. A condition of consent will also require mature trees to be retained where possible.

Parkes Urban Area Development Control Plan 1998

The subject land is located in the area defined in the DCP as 'unreserved land'. The DCP states that the objective of the land is to accommodate large scale medium density residential developments. The proposal is consistent with this objective.

S79(C)(1)(a)(iii)a Any planning agreement

There is no planning agreement that has been entered into under Section 93F of the Environmental Planning and Assessment Act 1979 by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

S79(C)(1)(a)(iv)a The EP&A Regulations

Section 79C(1)(a)(iv) of the Act requires the Council to also consider Clauses 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation. The following provides an assessment of the relevant clauses of the Regulation:

- Clause 92 – The Government Coastal Policy does not apply to the Parkes Shire and therefore Clause 92(1)(a) and (b) are not applicable to this development proposal. The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 92(2).
- Clause 93 – The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 93 is unnecessary.
- Clause 94 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment. The proposed new buildings are separate from the existing facilities that are intended to remain. Therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia is not appropriate on this occasion.
- Clause 94A – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

There are no relevant prescribed matters relating to the proposed development and the subject land.

S79(C)(1)(b) the likely impacts of the development

Context and Setting

The subject land is located approximately 1.5 kilometres south of the centre of Parkes and contains no buildings or structures. The land has a south-easterly aspect and contains a mixture of native and non-native vegetation of which the majority is located on Lots 310 and 309.

Residential development surrounds the site to the north, east and west. The proposed subdivision is consistent with the existing subdivision pattern to the north and west.

The future residential development of this land will be compatible with the neighbouring land uses. The proposed development will not create any adverse impacts on the surrounding land use in terms of solar access, visual and acoustic privacy or interrupt any important views or vistas.

Access Transport and Traffic

Fisher Street and Park Street will be used to access for proposed Lots 1-9 and Lots 77-86. A new road will be constructed to connect with John Curtin Street to service the other proposed allotments.

The Statement of Environmental Effects submitted with the application states that based on the proposed lot yield and an average of six vehicle trips per day per lot, it is estimated that approximately 60 vehicle trips per day on Park Street, 54 on Fisher Street and 402 split between John Curtin and Fisher Street. The expected traffic is unlikely to negatively impact on the Level of Service of the existing road network.

The public reserve located on the western side of the site provides pedestrian linkages from the development to an existing park and primary school.

The land to the south of the site is Crown Land. The land contains a series of unformed tracks that provide non-formal access between Fisher Street and the Newell Highway. In order to mitigate any possible illegal access to proposed Lots 9, 51 to 66 and 86 a condition of consent has been included which requires an easement to be registered on the title which restrict access gates on the southern boundary of proposed Lots 9, 61 to 76 and 86.

Public Domain

The proposed subdivision includes two (2) public reserves which create pedestrian and cyclist linkages between the development and other surrounding public areas and the Middleton Public School.

Utilities

The proposed lots will be connected to Council's reticulated sewer and water services. There is capacity within the network to support the proposed development. A condition of consent will also require the allotment to be connected to telecommunication and electricity services. There is gas available in the vicinity of the development.

Heritage

The subject land is not included as an item of environmental heritage in the Parkes Local Environmental Plan 2012. There are no known items of Aboriginal Heritage located on the subject land.

A condition of consent has been included that advises that should a relic (within the meaning of the Heritage Act) or an aboriginal relic or place be discovered on site, work is to cease, the site or relic is to be secured/protected and the Heritage Council or the National Parks and Wildlife Service be notified.

Other Land Resources

The proposal will not have any adverse impacts on productive agricultural land, mineral and extractive resources or water supply catchments. The proposed development is located on land that has been zoned for residential purposes in accordance with the Parkes Local Environmental Plan 2012.

Soils

An investigation into the previous land uses of the site has revealed that part of the land was used for a gravel quarry.

Drilling was carried out on site in 2005 which confirmed that the quarry area contained well compacted material to a depth of around 2.5 metres over an area of approximately 1.5 hectares.

In order to confirm that the site is suitable for future residential use, a condition of consent has been included which will require a geotechnical investigation to be carried out to ensure that the soil is compacted and suitable for the proposed use.

Flora and Fauna

Please refer to comments under clause 6.2 Terrestrial Biodiversity.

Noise and Vibration

There is some potential for some noise and vibration during the construction phase of the development; however, this impact is likely to be for a short period of time in a controlled manner.

Natural Hazards

The site is not identified on the Parkes Bush Fire Prone Land Map and is not flood prone.

Technological Hazards

Council is aware that some contamination exists on site. Please refer to the assessment of this matter under SEPP55.

Safety, Security and Crime Prevention

The proposal has been assessed in accordance with the Crime Prevention Through Environmental Design principles. The proposed development includes design features that minimise the opportunity for crime including:

- The proposed subdivision has wide open streets and clear surveillance lines through the open reserves preventing concealment within these areas.
- The incorporation of street lighting will have a positive impact on safety.

The development application was referred to the NSW Local Lachlan Area Command who advised that no comment could be provided in relation to the proposal as there were no buildings or structures proposed.

Social and Economic Impact on the locality

The proposed development will have a positive social and economic impact on the locality.

Site Design and Internal Design

It is assessed that the development design is sensitive to environmental conditions and site attributes. The proposed design has been based on the topography of the land as well as the servicing requirements of the development.

Construction

The subdivision will be constructed in logical stages to ensure the most financially viable provision of services.

Cumulative Impacts

The development is not expected to create any cumulative impacts.

S79(C)(1)(c) The suitability of the site for the development

It is considered that the site of the proposed development is suitable. The proposal is consistent and compatible with the surrounding development. The development will be connected to Council's reticulated sewer and water, as well as telecommunication, gas and electricity services. The development incorporates reserves for public open space.

The subject land is not affected by any natural hazards and does not contain any critical habitats or threatened species. The development will not have any impact on prime agricultural land and will not prejudice future agricultural production.

The site has been identified as contaminated land, however, no development will be able to be carried out until such time as the site has been remediated and validated for the proposed residential use.

S79(C)(1)(d) Any Submissions Received

Public Consultation

The development application was notified to adjoining land owners and advertised in the Parkes Champion Post from the 10 July 2013 to 30 July 2013. Council received no public submissions in relation to the proposal.

Public Authority Consultation

NSW Lachlan Local Area Command

The development application was referred to the NSW Police for comment in related to Crime Prevention Through Environmental Design (CPTED). Advice was provided that no comment would be made as there wasn't anything to comment on without building or structure.

S79(C)(1)(d) the public interest

The public interest includes broader community costs and benefits as well as site specific impacts on nearby development. It is concluded that the development is in the public interest provided it is appropriately managed by way of conditions.

Conclusion

The development application proposes an 86 lot subdivision at Lot 309, 310 and 313 DP 750152, Park Street and Fisher Street, Parkes. The development application has been lodged by Kent Boyd on behalf of Parkes Shire Council. The property is owned by Parkes Shire Council.

The application was supported by a Statement of Environmental Effects, Biodiversity Assessment and development plans which provide sufficient information to allow assessment of the proposal.

The proposed development has been assessed to be consistent with the requirements of the Parkes Local Environmental Plan 2012 relating to development in the zone and is consistent with existing land-use of the site.

Council received no public submissions from the public notification period and one submission from a public authority. The public authority does not oppose the development.

Having considered the documentation supplied by the applicant and the findings of site inspections, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that the Panel should not refuse the development application. Accordingly, conditional approval is listed in the recommendation.

Conditions

Conditions imposed by Parkes Shire Council

Prior to this Consent Becoming Active

1. The subject land is to be remediated and a validation report is to be provided by a suitably qualified person that confirms that the subject land is suitable for residential use.
- . A notice of proposed work form must be given to Council in accordance with State Environmental Planning Policy No. 55 – Remediation of Land, Clause 16. At least thirty (30) days notice is required.

Clause 16 of State Environmental Planning Policy No. 55 – Remediation of Land, requires that the notice must:

- a) Be in writing.
- b) Provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given.
- c) Briefly describe the remediation work.
- d) Show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1).
- e) Specify, by reference to its property description and street address (if any), the land on which the work is to be carried out.
- f) Provide a map of the location of the land.
- g) Provide estimates of the dates for the commencement and completion of the work.

The following additional information must be submitted with the notice to Council:

- h) Copies of any preliminary investigation, detailed investigation and remediation action plan for the site.
 - i) Contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.
2. The subject land is to be fenced to ensure that the site is no longer used for illegal dumping once remediation work has been carried out and no further unauthorised access occurs.
 3. A certificate prepared by a qualified geotechnical engineer must be provided to certify that the material located within the gravel extraction area is of suitable compaction for future residential development.
 4. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2011*.
 5. The applicant must obtain a copy of a signed contract with such a person carrying out the asbestos removal work prior to any asbestos removal work commencing on site. The signed contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
 6. If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, a copy of a receipt from the operator of the landfill site is to be provided stating that all the asbestos material referred to in the contract has been received by the operator.

Approved Plans and Documentation

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

- (a) the approved plan(s) numbered DA13059 and stamped by Parkes Shire Council
- (b) Statement of Environmental Effects

Except where amended by any of the following conditions of consent.

General

- 8. 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.
- 9. All references to standards, codes or guidelines are to the version current when detailed designs pertaining to this Development Approval are submitted to Parkes Shire Council.
- 10. The construction of the subdivision may be staged. If this occurs, each approved construction stage is to be fully self-contained. All conditions relevant to a stage are to be complied with as part of the construction of that stage and prior to the release of the Subdivision Certificate for that stage. 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 Construction Certificate.
- 11. 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.

- 12. 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.
- 13. The stormwater drainage network shall be designed and constructed in accordance with AUS-SPEC#1/Parkes Shire Council. The stormwater drainage network shall cater for a 1 in 5 year ARI 'minor' storm event and a 1 in 100 year ARI 'major' storm event.
- 14. All drainage reserves shall be designed and constructed in accordance with AUS-SPEC#1/Parkes Shire Council. Drainage reserves shall have a low flow pipe to convey as a minimum the 1 year design ARI, have a maximum slope of 1:4 to allow for maintenance and shall be irrigated to maintain adequate grass cover and prevent scour.
- 15. All stormwater overland flow paths are to be contained within easements or land expressly dedicated for that purpose.
- 16. The applicant shall submit to Council the site classification of proposed Lot 9 in accordance with AS2870: 2011 Residential Slabs and Footings-Construction.
- 17. A plan shall be submitted to Council's Director Engineering Services for the consideration of the Local Area Traffic Committee. This plan will detail the location of all regulatory signage, and set the priority for all road intersections.

Prior to the Commencement of Works

18. Prior to construction work commencing on site a Subdivision Construction Certificate is to be obtained.
19. Prior to any clearing or earthworks being commenced on the land in relation to this subdivision the developer is required to submit to an Accredited Certifying Authority detailed design plans for the road and drainage layout, sewer layout sedimentation control and traffic control plans for approval by Parkes Shire Council's Director of Engineering Services.

Note: Traffic Control plans are to be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites" Version 4.0. All required road name signs, road signs, guide-posts and other road-side furniture (of a standard pattern) shall be provided and erected by the developer at no cost to Parkes Shire Council prior to the issue of the Subdivision Certificate.

Prior to the issue of a Subdivision Construction Certificate

20. A landscape plan prepared by a suitably qualified person is to be provided showing the proposed species list for the various open spaces and central medians. The plan will provide a framework for the provision of public art, interpretative signage and paths.
21. 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 Construction Certificate. The design and construction of roads and drainage are to be in accordance with AUS-SPEC#1/Parkes Shire Council
22. The construction detail of the proposed central median rain garden shall be submitted to and approved by Parkes Shire Council prior to the issue of a Subdivision Construction Certificate.
23. 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 to and approved by Parkes Shire Council prior to the issue of a Subdivision Construction Certificate for each stage.
24. The Applicant shall engage Parkes Shire Council to undertake 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 Construction Certificate.
25. The Applicant shall submit to Parkes Shire Council a Stormwater Management Plan for the proposed development. The Stormwater Management Plan shall include a report and drawings including detailed calculations, plans, long sections and pit details for both the minor and major drainage systems to enable construction of the stormwater network. The Stormwater Management Plan shall be submitted to and approved by Parkes Shire Council prior to the issue of a Subdivision Construction Certificate for each stage.
26. The size of the proposed stormwater detention basin shall be determined by assessing the peak storm duration for the 1 in 5 year ARI storm event and calculations are to be submitted to Parkes Shire Council's Director of Engineering Services as part of the Stormwater Management Plan for assessment.

Note 1: 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.

27. Prior to the issue of a Subdivision Construction Certificate, a plan shall be submitted to Council's Director Engineering Services for approval showing the turning paths of the garbage truck that will service the development. These turning paths will show that the garbage truck can negotiate each intersection, turning in any direction, without tracking over the central median rain gardens or kerb and guttering.
28. Submit for approval by Council's Director Planning and Environment an Erosion and Sediment Control Plan (ESCP) prior to any site works associated with the development being commenced on the site in accordance with Parkes Shire Council's Soil Erosion and Sediment Control Plan 2002. Such plan shall give all details for erosion, sediment and pollution controls and shall be site specific and not a generalisation of erosion control philosophy.

During Construction

29. All excavation and backfilling shall be executed in a safe manner in accordance with the appropriate professional standards.
30. 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.
31. Throughout the course of construction operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. 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. Each toilet provided must be installed as follows:
 - (a) In an area serviced by reticulated sewerage, connect the temporary builder's service to Parkes Shire Council's sewerage system in accordance with the requirements of Council's Director of Engineering Services.
 - (b) Where the connection of the builder's toilet to Parkes Shire Council's sewerage system is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for processing.
32. 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.
33. 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.

34. 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.
35. Advise the relevant telecommunications authority of the proposed subdivision and prior to the commencement of any development provide Parkes Shire Council with written evidence that suitable arrangements have been made for the provision of underground plant to the subdivision.
36. All underground utility services shall be provided in a shared trench in accordance with the attached 'Shared Trench Agreement - Country Region of NSW'.

37. Provide a single 100 mm sewerage connection to each new allotment in accordance with Parkes Shire Council's Residential Code 1998, AUS-SPEC#1/Parkes Shire Council and to the satisfaction of Council's Director Engineering Services.
38. 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.
39. Provide a water service and minimum 20 mm water meter to each new allotment in accordance with Parkes Shire Council's Residential Code 1998, AUS-SPEC#1/Parkes Shire Council and to the satisfaction of Council's Director of Infrastructure.
40. 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.
41. 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 1: No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site

Prior to the Issue of a Subdivision Certificate

42. The Applicant is to obtain from Parkes Shire Council a Subdivision Certificate prior to its lodgement with Land and Property Information Services NSW. The final survey plan and ten paper copies are to be submitted to Parkes Shire Council along with the application for the Subdivision Certificate.
43. The southern boundary fences of proposed Lots 9, 61 to 76 and 86 shall be constructed of consistent dimensions, colour and materials for the full length of the fence-line. In this regard the final survey plan and associated 88B instrument shall include an appropriate restriction as to user against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act, 1919.
44. The final survey plan and associated 88B instrument shall include an appropriate restriction as to user against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act, 1919 which states that no gate is to be provided on the southern boundary fences of proposed Lots 9, 61 to 76 and 86.
45. The final survey plan shall show easements over all utility services, including water, sewer, and stormwater drainage facilities in favour of Parkes Shire Council.
46. 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.
47. The final survey plan shall show splayed corners on those allotments adjoining an intersection or corner for traffic safety reasons.
48. The final survey plan shall show the dedication of any new roads servicing the subdivision as public roads.

49. An assessment of water pressure shall be submitted for approval by the Director of Engineering Services to ensure that adequate fire flow is available to the water directorate fire flow design guidelines prior to the issue of a Subdivision Certificate.
50. Extend the existing kerb and gutter on the eastern side of Park Street to provide kerb and gutter for the full frontage of the development prior to the issue of a Subdivision Certificate for proposed lots 77 to 86. Reconstruct the road where required in accordance with AUS-SPEC #1/Parkes Shire Council.
51. Extend the existing kerb and gutter on the western side of Fisher Street to provide kerb and gutter for the full frontage of the development prior to the issue of a Subdivision Certificate for proposed lots 1 to 9. Reconstruct the road where required in accordance with AUS-SPEC #1/Parkes Shire Council.
52. The extension of John Curtain Street providing access to the development adjacent to proposed lots 16 & 67 shall be formed, sealed and provided with kerb and gutter over the full extent of the existing road reserve and made to join with the existing seal adjacent to Lot 38 DP1061684. These works shall be completed prior to the issue of a subdivision certificate for proposed lots 22 to 26, & 29 to 76.
53. 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 Residential DCP 1998. 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.
54. The Applicant is required to obtain written evidence 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.

Note 1: 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 written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.

Note 2: 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 Engineering Services prior to the issue of a Subdivision Certificate.

55. Prior to the issue of a Subdivision Certificate for each stage of the development, the proponent is required to obtain written evidence 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.

Note 1: Sewer 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 written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.

Note 2: A scaled "works as executed plan" showing the layout of sewer 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 Engineering Services prior to the issue of a Subdivision Certificate.

56. Prior to the issue of a Subdivision Certificate for each stage of the development, the Applicant is required to obtain written evidence 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 1: 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 written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.

Note 2: 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 Engineering Services prior to the issue of a Subdivision Certificate.

57. 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 1: 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 2: 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.

58. 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 1: 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 2: 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 3: 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.

59. 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 1: 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 2: 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 3: 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.

60. 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. For the purposes of obtaining the Compliance Certificate, stormwater drainage works must be inspected by Council or an Accredited Certifying Authority at the times specified below:

- (a) Stormwater Pipes: When all trenches have been dug and materials are on-site prior to installation; and when drainage pipes and structures are installed and prior to backfilling.
- (b) Completion: When all stormwater drainage is completed, including pits, pipes, headwalls and other stormwater drainage structures.

Note 1: 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 2: 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.

61. 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. This compliance certificate is to be issued prior to the release of the Subdivision Certificate.

Note 1: Each new allotment is considered to be 1 ET.

Note 2: The subject land is assessed to have an existing credit of 3 ET's

Note 3: \$10,960.00 is the current Section 64 water developer charge per ET set out in Council's published fees and charges for 2013/14. This charge is reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

Note 4: \$3,245.00 is the current Section 64 sewer developer charge per ET set out in Council's

published fees and charges for 2013/14. These charges are reviewed each financial year. The current contribution rate is to be confirmed prior to payment.