

DA2018/0033

Contact Person: Michael Carter

10 May 2018

Pacific National (NSW) Pty Ltd  
Level 16, 15 Blue Street  
NORTH SYDNEY NSW 2060

Dear Sir/Madam

**Development Application No: DA2018/0033**

**Development: Freight Transport Facility**

**Property: Lot 360 DP 750179, Lot 98 DP 750179, Lot 99 DP 750179, Lot 6 DP 857631, Lot 1 DP 1082995, Lot 2 DP 1082995, Innisvale Brolgan Road, Parkes**

Council has undertaken a review of the development application and requests that the following further information is provided:

1. **Residential dwelling buffer plan**

The development has the potential to be designated development if the railway freight terminal is located within 500 metres of a dwelling not associated with the development.

The Council requests a plan which:

- (a) Marks the location of each of the dwellings within the locality of the proposed development (using the same numbering adopted in the Noise and Vibration Impact Assessment dated 22 March 2018);
- (b) Depicts a 500 metre buffer zone around each dwelling; and
- (c) Depicts the boundary of the proposed development and works which is the subject of the application.

2. **Updated acoustic impact assessment**

The Noise and Vibration Impact Assessment dated 22 March 2018 (**the Acoustic Assessment**) submitted to Council adopts the assessment criteria set out in the *NSW EPA – Industrial Noise Policy* (2000) (**the INP 2000**) despite this policy being replaced by the *NSW EPA Noise Policy for Industry* (2017) (**the NPI 2017**) in October 2017. Council notes that this was before the noise surveys were undertaken for the project (29 November 2017 – 18 December 2017).

The Council is of the view that the assessment of acoustic impacts ought to be undertaken in accordance with the NPI 2017 in circumstances where for the Acoustic Assessment was undertaken after the commencement of the NPI 2017. The transitional provisions in the NPI 2017 do not exempt an acoustic assessment from being undertaken with reference to the INP 2000. The Implementation and Transitional Arrangements for the Noise Policy for Industry (2017) provide that the INP “will continue to apply where it is referenced in existing statutory instruments (such as consents and licences)”. The development application is not one of these.

Council requests that an acoustic impact assessment is provided that is completed in accordance with the NPI 2017.

The Acoustic Assessment predicts acoustic levels to exceed the assessment criteria in the INP 2000 at receivers R1, R13-R15 during operation and recommends mitigation controls 'should be investigated during assessment of subsequent stages of the design'. Council requests that details of mitigation strategies are provided to ensure acoustic impacts for operations at nearby sensitive receivers will not exceed relevant criteria prior to determining the development application.

The Acoustic Assessment does not identify the acoustic impacts expected at nearby sensitive receivers during construction in the same manner as has been assessed for operational acoustic impacts. Furthermore, the Acoustic Assessment identifies that noise levels during construction will exceed the assessment criteria. Council requests further information from a suitably qualified acoustic engineer that demonstrates that acoustic impacts to nearby sensitive receivers will not exceed relevant noise criteria during construction.

3. **Lighting impacts**

Clause 4.3.8.1 of the *Parkes Development Control Plan 2013 (the DCP)* requires:

- (a) development proposals to demonstrate that lighting will not impact on surrounding land uses or users of the surrounding road network; and
- (b) details of proposed lighting including location, design and anticipated hours of use to be submitted with a development application.

Council requests that the details of the proposed lighting for the development be provided together with a light impact assessment prepared by a suitably qualified person.

4. **Variations to the DCP**

The Council notes that elements of the DA do not comply with the development controls in the DCP. The non-compliances include, but are not limited to:

- (a) The proposed width of internal roadways (cl. 4.3.5.6);
- (b) No landscaping plan is provided with the DA (cl. 4.3.10);
- (c) No waste management plan is provided with the DA stage (4.3.11.1);
- (d) The development will not be connected to the Council's reticulated water supply (cl. 4.3.1.3);
- (e) Direct vehicle access to the development site is to be provided from Brolgan Road (cl. 4.3.5.12).

Clause 1.5 of the DCP specifies that Council may consider a variation to the requirements of the DCP only when a written statement specifying the grounds for non-compliance is submitted to the Council for consideration.

Council requests that a written statement is provided which addresses *all* elements of the DA that do not comply with the DCP. The statement should address how the relevant objectives of the development control(s) and particular standard are achieved notwithstanding the non-compliance.

5. **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

Before determining an application for consent to carry out development that would involve a change of use of land previously known to be used for agriculture, clauses 7(2)&(4) of SEPP 55 require the consent authority to consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. No such report has been submitted with the development application.

Council requests that a report is provided which specifies the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Council requests that this further information is provided within 28 days of this the date of this letter (or such longer period as the Council may in writing agree).

Yours faithfully

Kent Boyd  
**GENERAL MANAGER**

per:  
Steven Campbell  
**DIRECTOR PLANNING & ENVIRONMENT**

DA2018/0033

Contact Person: Michael Carter

26 April 2018

Pacific National (NSW) Pty Ltd  
Level 16, 15 Blue Street  
NORTH SYDNEY NSW 2060

Dear Sir/Madam

**Development Application No: DA2018/0033**  
**Development: Freight Transport Facility**  
**Property: Lot 360 DP 750179, Lots 98 & 99 DP 750179, Lot 6 DP 857631, Lot 1 DP 1082995, Lot 2 DP 1082995, Brolgan Road, Parkes**

Reference is made to the above application which was advertised and notified to adjoining landowners in accordance with the Parkes Shire Development Control Plan 2013.

As a result of the notification Council has received eight (8) submissions with respect to the proposed development. Council would like to provide you an opportunity to respond to the enclosed submissions and provide information about how you propose to address the issues raised in the submissions.

Could you please provide any information about your dealings with Essential Energy in relation to the proposed removal / relocation of overhead power lines as part of the proposed development.

Could you also please confirm how you propose to commit to offsetting the impacts of the proposed development on native vegetation / ecological community in accordance with the Biodiversity Conservation Act 2016.

Please provide the additional information within 21 days of this notice or contact Council's Manager Planning Services, Michael Carter on (02) 6861 2373 should you wish to discuss this matter further.

Yours faithfully

Kent Boyd  
**GENERAL MANAGER**

per:  
Steven Campbell  
**DIRECTOR PLANNING & ENVIRONMENT**